February 20, 2015

SENATE BILL No. 500

DIGEST OF SB 500 (Updated February 19, 2015 2:41 pm - DI 120)

Citations Affected: Numerous provisions throughout the Indiana Code.

Synopsis: Education deregulation. Makes comprehensive revisions to the Indiana Code relating to all aspects of the administration of schools and school corporations and the education of students from pre-kindergarten through grade 12. Repeals various obsolete provisions and provisions that limit local control of schools. Establishes a school reporting oversight committee to review all reporting requirements by the state for schools. Authorizes public agencies to charge a search and detection fee of $20 per hour for certain public information requests. Expands the list of items for which a state agency may not impose a fee under the public records law, and further regulates the public records fees that state agencies may charge. Repeals a provision allowing the commissioner of the department of labor to adopt rules to require certain employers to make and maintain records of and make reports on work related deaths, injuries, and illnesses. Removes a requirement that a local government authority awarding a public work contract to a bidder other than the lowest bidder must state in the authority's minutes or memoranda the factors used to determine the bidder awarded the contract. Provides that school accreditation is optional for schools. Makes conforming and technical amendments.

Effective: Upon passage; July 1, 2015.

Miller Pete, Kruse

January 14, 2015, read first time and referred to Committee on Education & Career Development.
February 12, 2015, amended, reported favorably — Do Pass; reassigned to Committee on Appropriations.
February 19, 2015, amended, reported favorably — Do Pass.

February 20, 2015

First Regular Session 119th General Assembly (2015)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type.~~

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~*this style type*~~ reconciles conflicts between statutes enacted by the 2014 Regular Session and 2014 Second Regular Technical Session of the General Assembly.

SENATE BILL No. 500

A BILL FOR AN ACT to amend the Indiana Code concerning education.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 3-8-1-34 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 34. (a) A candidate for a school board office must have resided in the school corporation for at least one (1) year before the election. ~~unless a longer period is required under IC 20.~~

(b) This subsection applies to a candidate for school board office seeking to represent an election district that consists of less than the entire school corporation. The candidate must have resided in the election district for at least one (1) year before the election. ~~unless a longer period is required under IC 20.~~

SECTION 2. IC 3-12-11-25, AS AMENDED BY P.L.225-2011, SECTION 78, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 25. (a) Except as provided in subsection (b), whenever the commission makes a final determination under section 18 of this chapter that the candidate who is subject to a contest proceeding is not eligible to serve in the office to which the candidate

is nominated or elected, the candidate who received the second highest number of votes for the office is entitled to a certificate of nomination or certificate of election even though a certificate may have been issued to another candidate upon the tabulation of the votes.

(b) This subsection applies to a contest proceeding for a state office other than the offices of governor, lieutenant governor, justice of the supreme court, judge of the court of appeals, and judge of the tax court. Whenever the commission makes a final determination under section 18(b) of this chapter that the candidate who is subject to a contest proceeding is not eligible to serve in the office to which the candidate is elected the following apply:

(1) This subdivision does not apply to the filling of a state office following a contest proceeding or court action that resulted from an election held before January 1, 2011. The office is considered vacant, and the governor shall fill the vacancy as provided in IC 3-13-4-3(e) by the appointment of a person of the same political party as the candidate who is not eligible to serve.

(2) The commission's determination that the candidate is not eligible to serve in the office does not affect the votes cast for the candidate for purposes of determining the number or percentage of votes cast for purposes of other statutes, including IC 3-5-2-30, IC 3-6-2-1, IC 3-6-4.1-6, IC 3-6-5.2-7, IC 3-6-6-8, IC 3-6-7-1, IC 3-6-8-1, IC 3-8-4, IC 3-8-6, IC 3-10-1-2, IC 3-10-2-15, IC 3-10-4-2, IC 3-10-6, IC 3-10-7-26, IC 3-11-2-6, IC 3-11-13-11, IC 3-11-14-3.5, IC 3-13-9-4.5, IC 6-9-2-3, ~~IC 20-23-7-12,~~ and IC 36-4-1.5-2.

SECTION 3. IC 3-14-5-8, AS ADDED BY P.L.164-2006, SECTION 134, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 8. (a) As used in this section, "governmental entity" refers to any of the following:

(1) A city.

(2) A town.

~~(3) A school corporation.~~

~~(4)~~ **(3)** An agency of a governmental entity referred to in any of subdivisions (1) through ~~(3).~~ **(2).**

(b) As used in this section, "date of conviction" refers to the date when:

(1) in a jury trial, a jury publicly announces a verdict against a person for a felony or Class A misdemeanor;

(2) in a bench trial, the court publicly announces a verdict against a person for a felony or Class A misdemeanor; or

(3) in a guilty plea hearing, a person pleads guilty or nolo

contendere to a felony or Class A misdemeanor.

(c) A person who is convicted under IC 3-14-2 of a felony or Class A misdemeanor that relates to an election for an office for a governmental entity shall not:

(1) continue employment with;

(2) obtain future employment with;

(3) contract with; or

(4) be a subcontractor under a contract with;

any governmental entity for at least twenty (20) years after the date of conviction.

(d) For at least twenty (20) years after the person's date of conviction, a governmental entity may not:

(1) employ;

(2) offer employment to;

(3) contract with; or

(4) maintain a contractual relationship when a subcontractor is;

a person who is convicted under IC 3-14-2 of a felony or Class A misdemeanor that relates to an election for an office for any governmental entity.

(e) If:

(1) a person was employed by a governmental entity;

(2) the person was convicted under IC 3-14-2 of a felony or Class A misdemeanor relating to an election for an office for a governmental entity;

(3) the person's employment with the governmental entity was discontinued under subsection (c) or (d); and

(4) the person's conviction is reversed, vacated, or set aside;

the governmental entity shall reemploy the person in the same position the person held before the person's conviction or in another position equivalent in benefits, pay, and working conditions to the position the person held before the person's conviction, and the person is entitled to receive any salary or other remuneration that the person would have received if the person's employment had not been discontinued under subsection (c) or (d).

(f) The attorney general may petition a court with jurisdiction for an injunction against a person who violates subsection (c) or a governmental entity that violates subsection (d).

(g) The attorney general may petition a court with jurisdiction to impose a civil penalty of not more than one thousand dollars ($1,000) on a person who violates subsection (c).

SECTION 4. IC 4-12-1-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 2. As used in this chapter unless a

different meaning appears from the context:

(a) The word "committee" means the budget committee.

(b) The word "director" or the term "budget director" means the person who is director of the budget agency.

(c) The term "appointing authority" means the head of an agency of the state.

(d) The terms "agency of the state" or "agencies of the state" or "state agency" or "state agencies" mean and include every office, officer, board, commission, department, division, bureau, committee, fund, agency, and, without limitation by reason of any enumeration herein, every other instrumentality of the state of Indiana, now existing or which may be created hereafter; every hospital, every penal institution and every other institutional enterprise and activity of the state of Indiana, wherever located; the universities and colleges supported in whole or in part by state funds; the judicial department of the state of Indiana; and all non-governmental organizations receiving financial support or assistance from the state of Indiana; but shall not mean nor include cities, towns, townships, school cities, school towns, ~~school townships,~~ school districts, nor other municipal corporations or political subdivisions of the state.

(e) The terms "budget bill," or "budget bills," shall mean a bill for an act, or two (2) or more such bills, prepared as authorized in this chapter, by which substantially all of the appropriations are made that are necessary and required to carry on state government for the budget period, if and when such bill is, or such bills are, enacted into law.

(f) The term "budget report" shall mean a written explanation of the budget bill or bills, and a general statement of the reasons for the appropriations therein and of the sources and extent of state income to meet such appropriations, together with such further parts as are required by law.

(g) The term "budget period" means that period of time for which appropriations are made in the budget bill or budget bills.

SECTION 5. IC 5-1-6-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 2. The following terms wherever used or referred to in this chapter shall have the following meanings, unless a different meaning appears from the context:

(a) The term "issuing body" shall mean counties, cities, towns, townships, school cities, school towns, ~~school townships,~~ districts, political or civil subdivisions, or other public corporate bodies of this state.

(b) The term "governing body" shall mean the council, commission, board, or other body, officer, or officers which constitutes the

governing body of an issuing body.

(c) The term "law" shall mean any law, act, or statute, general, special, or local, of this state.

(d) The term "enterprise" shall mean any work or works, undertaking, utility, or project which the issuing body is authorized to construct and from which the municipality derives revenues for the refinancing, or the refinancing and improving of which enterprise, refunding bonds are issued under this chapter, and such enterprise shall include all improvements, betterments, extensions and replacements thereto, and all appurtenances, facilities, lands, rights in land, water rights, franchises, and structures in connection therewith or incidental thereto.

(e) The term "federal agency" shall include the United States of America, the President of the United States of America, or any agency, instrumentality or corporation of the United States of America, designated or created by or pursuant to any act or acts or joint resolution or joint resolutions of the Congress of the United States of America, or which may be owned or controlled, directly or indirectly, by the United States of America.

(f) The term "improving" shall mean reconstructing, replacing, extending, repairing, bettering, equipping, developing, embellishing or improving or any one (1) or more or all of the foregoing.

(g) The term "refunding bonds" shall mean notes, bonds, or other obligations of an issuing body issued pursuant to this chapter, or pursuant to any other law, as supplemented by, or in conjunction with this chapter.

(h) The term "refinancing" shall mean funding, refunding, paying, or discharging, by means of refunding bonds or the proceeds received from the sale thereof, all or any part of any notes, bonds, or other obligations issued to finance or to aid in financing the acquisition, construction or improving of an enterprise and payable solely from all or any part of the revenues thereof, including interest thereon in arrears or about to become due, whether or not represented by coupons or interest certificates.

(i) The term "revenues" shall mean all fees, tolls, rates, rentals and charges to be levied and collected in connection with and all other income and receipts of whatever kind or character derived by the issuing body from the operation of any enterprise or arising from any enterprise.

(j) The term "holder of bonds" or "bondholders" or any similar term shall mean any person who shall be the bearer of any outstanding refunding bond or refunding bonds registered to bearer or not

registered, or the registered owner of any such outstanding bond or bonds which shall at the time be registered other than to bearer.

(k) Words importing the singular number shall include the plural number in each case and vice versa, and words importing persons shall include firms, limited liability companies, and corporations.

SECTION 6. IC 5-1-10-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 1. Any civil ~~or school~~ township in the state whose indebtedness is evidenced by bonds, notes, judgments, or other obligations issued or negotiated by such township, or rendered against such township, may for the purpose of funding or refunding such indebtedness, or any part thereof, reducing the rate of interest thereon, extending the time of payment and canceling so much thereof as may be or become due, by the vote of two-thirds (2/3) of the members of the township board, and with the approval of the township trustee, issue its bonds, with interest coupons attached, for an amount not exceeding in the aggregate the whole amount of the indebtedness of such township.

SECTION 7. IC 5-2-10.1-12, AS AMENDED BY P.L.40-2014, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 12. (a) Each ~~school within a~~ school corporation ~~and each school corporation career and technical education school described in IC 20-37-1-1~~ shall establish a safe school committee. The committee may be a subcommittee of the committee that develops the strategic and continuous school improvement and achievement plan under IC 20-31-5. **Each committee may include at least one (1) member who is a member of the support staff of the school or school corporation career and technical education school.**

(b) The department of education, the school corporation's school safety specialist, and, upon request, a school resource officer (as described in IC 20-26-18.2-1) shall provide materials and guidelines to assist a safe school committee in developing a plan and policy for the school that addresses the following issues:

(1) Unsafe conditions, crime prevention, school violence, bullying, criminal gang activity, and other issues that prevent the maintenance of a safe school.

(2) Professional development needs for faculty and staff to implement methods that decrease problems identified under subdivision (1).

(3) Methods to encourage:

(A) involvement by the community and students;

(B) development of relationships between students and school faculty and staff; and

(C) use of problem solving teams.

(c) As a part of the plan developed under subsection (b), each safe school committee shall provide a copy of the floor plans for each building located on the school's property that clearly indicates each exit, the interior rooms and hallways, and the location of any hazardous materials located in the building to the law enforcement agency and the fire department that have jurisdiction over the school.

(d) The guidelines developed under subsection (b) must include age appropriate, research based information that assists school corporations and safe school committees in:

(1) developing and implementing bullying prevention programs;

(2) establishing investigation and reporting procedures related to bullying; and

(3) adopting discipline rules that comply with IC 20-33-8-13.5.

(e) In addition to developing guidelines under subsection (b), the department of education shall establish categories of types of bullying incidents to allow school corporations to use the categories in making reports under IC 20-20-8-8 and IC 20-34-6-1.

SECTION 8. IC 5-10.4-1-8, AS ADDED BY P.L.2-2006, SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 8. "Governing body" means:

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

~~(2)~~ **(1)** a board of school commissioners;

~~(3)~~ **(2)** a metropolitan board of education;

~~(4)~~ **(3)** a board of trustees; or

~~(5)~~ **(4)** another board or commission;

charged by law with the responsibility of administering the affairs of a school corporation.

SECTION 9. IC 5-10.4-1-13, AS ADDED BY P.L.2-2006, SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 13. "School corporation" means a public school corporation established by and under Indiana law. The term includes any:

(1) school city;

(2) school town;

~~(3) school township;~~

~~(4)~~ **(3)** consolidated school corporation;

~~(5)~~ **(4)** metropolitan school district;

~~(6)~~ **(5)** township school corporation;

~~(7)~~ **(6)** county school corporation;

~~(8)~~ **(7)** united school corporation; or

~~(9)~~ **(8)** community school corporation.

SECTION 10. IC 5-11-6-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 5. (a) The provisions of this chapter shall not be construed as repealing any laws in force on March 7, 1923, but shall be construed only as conferring additional duties and powers upon the state examiner, deputy examiners, field examiners, and the attorney general of the state and providing additional remedies as to the matters set forth in those laws, and all the remedies provided in this chapter shall be additional and concurrent and not exclusive.

(b) The term "municipality", as used in this chapter, shall be construed to extend to and include any county, township, city, town, school town, ~~school township,~~ school city, or board of park commissioners in this state.

SECTION 11. IC 5-13-9-8, AS AMENDED BY P.L.202-2011, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 8. Any investing officer of a political subdivision that makes a deposit in any deposit or other account may be required to pay a service charge to the depository in which the funds are deposited, if the depository requires all customers to pay the charge for providing that service. However, the service charge imposed must be considered in the computation of the interest rate for determining which depositories are entitled to investments as prescribed by sections 4 and 5 of this chapter. If the total service charge cannot be computed before the investment, the investing officer shall estimate the service charge and adjust the interest rate based on this estimate. The service charge may be paid:

(1) by direct charge to the deposit or other account; or

(2) in a manner that subtracts the service charge from interest earned on the funds in the deposit or other account.

If the manner described in subdivision (2) is used to pay the service charge, the political subdivision must report the net interest deposited in the political subdivision's financial records, and the political subdivision is not required to report the amount of the service charge subtracted in the political subdivision's financial records.

SECTION 12. IC 5-14-3-2, AS AMENDED BY P.L.248-2013, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) The definitions set forth in this section apply throughout this chapter.

(b) "Computer processing time" means the amount of time a computer takes to process a command or script to extract or copy

electronically stored data that is the subject of a public records request.

~~(b)~~ **(c)** "Copy" includes transcribing by handwriting, photocopying, xerography, duplicating machine, duplicating electronically stored data onto a disk, tape, drum, or any other medium of electronic data storage, and reproducing by any other means.

~~(c)~~ **(d)** "Criminal intelligence information" means data that has been evaluated to determine that the data is relevant to:

(1) the identification of; and

(2) the criminal activity engaged in by;

an individual who or organization that is reasonably suspected of involvement in criminal activity.

~~(d)~~ **(e)** "Direct cost" means one hundred five percent (105%) of the sum of the cost of:

(1) the initial development of a program, if any;

(2) the labor required to retrieve electronically stored data; and

(3) any medium used for electronic output;

for providing a duplicate of electronically stored data onto a disk, tape, drum, or other medium of electronic data retrieval under section 8(g) of this chapter, or for reprogramming a computer system under section 6(c) of this chapter.

~~(e)~~ **(f)** "Electronic map" means copyrighted data provided by a public agency from an electronic geographic information system.

~~(f)~~ **(g)** "Enhanced access" means the inspection of a public record by a person other than a governmental entity and that:

(1) is by means of an electronic device other than an electronic device provided by a public agency in the office of the public agency; or

(2) requires the compilation or creation of a list or report that does not result in the permanent electronic storage of the information.

~~(g)~~ **(h)** "Facsimile machine" means a machine that electronically transmits exact images through connection with a telephone network.

~~(h)~~ **(i)** "Inspect" includes the right to do the following:

(1) Manually transcribe and make notes, abstracts, or memoranda.

(2) In the case of tape recordings or other aural public records, to listen and manually transcribe or duplicate, or make notes, abstracts, or other memoranda from them.

(3) In the case of public records available:

(A) by enhanced access under section 3.5 of this chapter; or

(B) to a governmental entity under section 3(c)(2) of this chapter;

to examine and copy the public records by use of an electronic

device.

(4) In the case of electronically stored data, to manually transcribe and make notes, abstracts, or memoranda or to duplicate the data onto a disk, tape, drum, or any other medium of electronic storage.

~~(i)~~ **(j)** "Investigatory record" means information compiled in the course of the investigation of a crime.

~~(j)~~ **(k)** "Offender" means a person confined in a penal institution as the result of the conviction for a crime.

~~(k)~~ **(l)** "Patient" has the meaning set out in IC 16-18-2-272(d).

~~(l)~~ **(m)** "Person" means an individual, a corporation, a limited liability company, a partnership, an unincorporated association, or a governmental entity.

~~(m)~~ **(n)** "Provider" has the meaning set out in IC 16-18-2-295(b) and includes employees of the state department of health or local boards of health who create patient records at the request of another provider or who are social workers and create records concerning the family background of children who may need assistance.

~~(n)~~ **(o)** "Public agency", except as provided in section 2.1 of this chapter, means the following:

(1) Any board, commission, department, division, bureau, committee, agency, office, instrumentality, or authority, by whatever name designated, exercising any part of the executive, administrative, judicial, or legislative power of the state.

(2) Any:

(A) county, township, school corporation, city, or town, or any board, commission, department, division, bureau, committee, office, instrumentality, or authority of any county, township, school corporation, city, or town;

(B) political subdivision (as defined by IC 36-1-2-13); or

(C) other entity, or any office thereof, by whatever name designated, exercising in a limited geographical area the executive, administrative, judicial, or legislative power of the state or a delegated local governmental power.

(3) Any entity or office that is subject to:

(A) budget review by either the department of local government finance or the governing body of a county, city, town, township, or school corporation; or

(B) an audit by the state board of accounts that is required by statute, rule, or regulation.

(4) Any building corporation of a political subdivision that issues bonds for the purpose of constructing public facilities.

(5) Any advisory commission, committee, or body created by statute, ordinance, or executive order to advise the governing body of a public agency, except medical staffs or the committees of any such staff.

(6) Any law enforcement agency, which means an agency or a department of any level of government that engages in the investigation, apprehension, arrest, or prosecution of alleged criminal offenders, such as the state police department, the police or sheriff's department of a political subdivision, prosecuting attorneys, members of the excise police division of the alcohol and tobacco commission, conservation officers of the department of natural resources, gaming agents of the Indiana gaming commission, gaming control officers of the Indiana gaming commission, and the security division of the state lottery commission.

(7) Any license branch staffed by employees of the bureau of motor vehicles commission under IC 9-16.

(8) The state lottery commission established by IC 4-30-3-1, including any department, division, or office of the commission.

(9) The Indiana gaming commission established under IC 4-33, including any department, division, or office of the commission.

(10) The Indiana horse racing commission established by IC 4-31, including any department, division, or office of the commission.

~~(o)~~ **(p)** "Public record" means any writing, paper, report, study, map, photograph, book, card, tape recording, or other material that is created, received, retained, maintained, or filed by or with a public agency and which is generated on paper, paper substitutes, photographic media, chemically based media, magnetic or machine readable media, electronically stored data, or any other material, regardless of form or characteristics.

~~(p)~~ **(q)** "Standard-sized documents" includes all documents that can be mechanically reproduced (without mechanical reduction) on paper sized eight and one-half (8 1/2) inches by eleven (11) inches or eight and one-half (8 1/2) inches by fourteen (14) inches.

~~(q)~~ **(r)** "Trade secret" has the meaning set forth in IC 24-2-3-2.

~~(r)~~ **(s)** "Work product of an attorney" means information compiled by an attorney in reasonable anticipation of litigation. The term includes the attorney's:

(1) notes and statements taken during interviews of prospective witnesses; and

(2) legal research or records, correspondence, reports, or memoranda to the extent that each contains the attorney's

opinions, theories, or conclusions.

This definition does not restrict the application of any exception under section 4 of this chapter.

SECTION 13. IC 5-14-3-3, AS AMENDED BY P.L.134-2012, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) Any person may inspect and copy the public records of any public agency during the regular business hours of the agency, except as provided in section 4 of this chapter. A request for inspection or copying must:

(1) identify with reasonable particularity the record being requested; and

(2) be, at the discretion of the agency, in writing on or in a form provided by the agency.

No request may be denied because the person making the request refuses to state the purpose of the request, unless such condition is required by other applicable statute.

(b) A public agency may not deny or interfere with the exercise of the right stated in subsection (a). Within a reasonable time after the request is received by the agency, the public agency shall either:

(1) provide the requested copies to the person making the request; or

(2) allow the person to make copies:

(A) on the agency's equipment; or

(B) on the person's own equipment.

(c) Notwithstanding subsections (a) and (b), a public agency may or may not do the following:

(1) In accordance with a contract described in section 3.5 of this chapter, permit a person to inspect and copy through the use of enhanced access public records containing information owned by or entrusted to the public agency.

(2) Permit a governmental entity to use an electronic device to inspect and copy public records containing information owned by or entrusted to the public agency.

(d) Except as provided in subsection (e), a public agency that maintains or contracts for the maintenance of public records in an electronic data storage system shall make reasonable efforts to provide to a person making a request a copy of all disclosable data contained in the records on paper, disk, tape, drum, or any other method of electronic retrieval if the medium requested is compatible with the agency's data storage system. This subsection does not apply to an electronic map.

(e) A state agency may adopt a rule under IC 4-22-2, and a political

subdivision may enact an ordinance, prescribing the conditions under which a person who receives information on disk or tape under subsection (d) may or may not use the information for commercial purposes, including to sell, advertise, or solicit the purchase of merchandise, goods, or services, or sell, loan, give away, or otherwise deliver the information obtained by the request to any other person for these purposes. Use of information received under subsection (d) in connection with the preparation or publication of news, for nonprofit activities, or for academic research is not prohibited. A person who uses information in a manner contrary to a rule or ordinance adopted under this subsection may be prohibited by the state agency or political subdivision from obtaining a copy or any further data under subsection (d).

(f) Notwithstanding the other provisions of this section, a public agency is not required to create or provide copies of lists of names and addresses (including electronic mail account addresses) unless the public agency is required to publish such lists and disseminate them to the public under a statute. However, if a public agency has created a list of names and addresses (excluding electronic mail account addresses) it must permit a person to inspect and make memoranda abstracts from the list unless access to the list is prohibited by law. The lists of names and addresses (including electronic mail account addresses) described in subdivisions (1) through (3) may not be disclosed by public agencies to any individual or entity for political purposes and may not be used by any individual or entity for political purposes. In addition, the lists of names and addresses (including electronic mail account addresses) described in subdivisions (1) through (3) may not be disclosed by public agencies to commercial entities for commercial purposes and may not be used by commercial entities for commercial purposes. The prohibition in this subsection against the disclosure of lists for political or commercial purposes applies to the following lists of names and addresses (including electronic mail account addresses):

(1) A list of employees of a public agency.

(2) A list of persons attending conferences or meetings at a state educational institution or of persons involved in programs or activities conducted or supervised by the state educational institution.

(3) A list of students who are enrolled in a public school corporation if the governing body of the public school corporation adopts a policy:

(A) with respect to disclosure related to a commercial purpose,

prohibiting the disclosure of the list to commercial entities for commercial purposes;

(B) with respect to disclosure related to a commercial purpose, specifying the classes or categories of commercial entities to which the list may not be disclosed or by which the list may not be used for commercial purposes; or

(C) with respect to disclosure related to a political purpose, prohibiting the disclosure of the list to individuals and entities for political purposes.

A policy adopted under subdivision (3)(A) or (3)(B) must be uniform and may not discriminate among similarly situated commercial entities. For purposes of this subsection, "political purposes" means influencing the election of a candidate for federal, state, legislative, local, or school board office or the outcome of a public question or attempting to solicit a contribution to influence the election of a candidate for federal, state, legislative, local, or school board office or the outcome of a public question.

(g) A public agency may not enter into or renew a contract or an obligation:

(1) for the storage or copying of public records; or

(2) that requires the public to obtain a license or pay copyright royalties for obtaining the right to inspect and copy the records unless otherwise provided by applicable statute;

if the contract, obligation, license, or copyright unreasonably impairs the right of the public to inspect and copy the agency's public records.

(h) If this section conflicts with IC 3-7, the provisions of IC 3-7 apply.

(i) This subsection applies to a public record that is in an electronic format. This subsection does not apply to a public record recorded in the office of the county recorder. The public agency shall provide an electronic copy or a paper copy, at the option of the person making the request for a public record. This subsection does not require a public agency to change the format of a public record.

SECTION 14. IC 5-14-3-8, AS AMENDED BY P.L.16-2008, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 8. (a) For the purposes of this section, "state agency" has the meaning set forth in IC 4-13-1-1.

(b) Except as provided in this section, a public agency may not charge any fee under this chapter **for the following:**

(1) **For a person** to inspect a public record. ~~or~~

(2) For a person to search for a public record.

(3) For the public agency to search for a public record, if the search does not exceed two (2) hours.

~~(2)~~ **(4) For the public agency** to ~~search for,~~ examine or review a record to determine whether the record may be disclosed.

(5) For the public agency to transmit an electronic copy of a public record by electronic mail. However, a public agency may charge a fee for a public record transmitted by electronic mail if the fee for the public record is authorized under:

(A) subsection (f) or (j); or

(B) section 6(c) of this chapter.

(c) The Indiana department of administration shall establish a uniform copying fee for the copying of one (1) page of a standard-sized document by state agencies. The fee may not exceed the average cost of copying records by state agencies or ten cents ($0.10) per page, whichever is greater. A state agency may not collect more than the uniform copying fee for providing a copy of a public record. However, a state agency shall establish and collect a reasonable fee for copying nonstandard-sized documents.

(d) This subsection applies to a public agency that is not a state agency. The fiscal body (as defined in IC 36-1-2-6) of the public agency, or the governing body, if there is no fiscal body, shall establish a fee schedule for the certification or copying of documents. The fee for certification of documents may not exceed five dollars ($5) per document. The fee for copying documents may not exceed the greater of:

(1) ten cents ($0.10) per page for copies that are not color copies or twenty-five cents ($0.25) per page for color copies; or

(2) the actual cost to the agency of copying the document.

As used in this subsection, "actual cost" means the cost of paper and the per-page cost for use of copying or facsimile equipment and does not include labor costs or overhead costs. A fee established under this subsection must be uniform throughout the public agency and uniform to all purchasers.

(e) If:

(1) a person is entitled to a copy of a public record under this chapter; and

(2) the public agency which is in possession of the record has reasonable access to a machine capable of reproducing the public record;

the public agency must provide at least one (1) copy of the public record to the person. However, if a public agency does not have reasonable access to a machine capable of reproducing the record or if

the person cannot reproduce the record by use of enhanced access under section 3.5 of this chapter, the person is only entitled to inspect and manually transcribe the record. A public agency may require that the payment for **search and** copying costs be made in advance.

(f) Notwithstanding subsection ~~(b),~~ **(b)(1), (b)(2), (b)(3),** (c), (d), (g), (h), or (i), a public agency shall collect any certification, copying, facsimile machine transmission, or search fee that is specified by statute or is ordered by a court. **Notwithstanding subsection (b)(4), a public agency shall collect any certification or search fee that is specified by statute or is ordered by a court.**

(g) Except as provided by subsection (h), for providing a duplicate of a computer tape, computer disc, microfilm, or similar or analogous record system containing information owned by the public agency or entrusted to it, a public agency may charge a fee, uniform to all purchasers, that does not exceed the sum of the following:

(1) The agency's direct cost of supplying the information in that form.

(2) The standard cost for selling the same information to the public in the form of a publication if the agency has published the information and made the publication available for sale.

(3) In the case of the legislative services agency, a reasonable percentage of the agency's direct cost of maintaining the system in which the information is stored. However, the amount charged by the legislative services agency under this subdivision may not exceed the sum of the amounts it may charge under subdivisions (1) and (2).

(h) This subsection applies to the fee charged by a public agency for providing enhanced access to a public record. A public agency may charge any reasonable fee agreed on in the contract under section 3.5 of this chapter for providing enhanced access to public records.

(i) This subsection applies to the fee charged by a public agency for permitting a governmental entity to inspect public records by means of an electronic device. A public agency may charge any reasonable fee for the inspection of public records under this subsection, or the public agency may waive any fee for the inspection.

(j) Except as provided in subsection (k), a public agency may charge a fee, uniform to all purchasers, for providing an electronic map that is based upon a reasonable percentage of the agency's direct cost of maintaining, upgrading, and enhancing the electronic map and for the direct cost of supplying the electronic map in the form requested by the purchaser. If the public agency is within a political subdivision having a fiscal body, the fee is subject to the approval of the fiscal body of the

political subdivision.

(k) The fee charged by a public agency under subsection (j) to cover costs for maintaining, upgrading, and enhancing an electronic map may be waived by the public agency if the electronic map for which the fee is charged will be used for a noncommercial purpose, including the following:

(1) Public agency program support.

(2) Nonprofit activities.

(3) Journalism.

(4) Academic research.

(l) This subsection applies to a public agency that charges a fee for the public agency to search for a public record. A public agency may not charge a fee for the first two (2) hours required to search for a public record. A public agency may charge a search fee for any time that exceeds two (2) hours. If the public agency charges a search fee, the agency shall charge an hourly fee that does not exceed the lesser of:

(1) the hourly rate of the person making the search; or

(2) twenty dollars ($20) per hour.

A public agency charging an hourly fee under this subsection for searching for a public record may charge only for time that the person making the search actually spends in searching for the record. A public agency may not charge for computer processing time and may not establish a minimum fee for searching for a public record. A public agency must make a good faith effort to complete a search for a public record within a reasonable time in order to minimize the amount of a search fee. The fee shall be prorated to reflect any search time of less than two (2) hours. If a fee is charged by a public agency under subsection (g), (h), (i), or (j) for a public record, the public agency may not charge a fee for searching for the record under this subsection. A search fee collected by a department, an agency, or an office of a county, city, town, or township shall be deposited in the general fund of the county, city, town, or township.

SECTION 15. IC 5-15-5.1-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 10. Each agency shall:

(1) Make and preserve records containing adequate and proper documentation of the organization, functions, policies, decisions, procedures, and essential transactions of the agency to protect the legal and financial rights of the government and of persons directly affected by the agency's activities.

(2) Cooperate fully with the commission in implementing the

provisions of this chapter.

(3) Establish and maintain an active and continuing program for the economical and efficient management of information and assist the commission in the conduct of information management surveys.

(4) Implement information management procedures and regulations issued by the commission.

(5) Submit to the oversight committee, a recommended retention schedule for each form and record series in its custody. However, retention schedules for forms and record series common to more than one (1) agency may be established by the oversight committee. Records may not be scheduled for retention any longer than is necessary to perform required functions. Records requiring retention for several years must be transferred to the records center.

(6) Establish necessary safeguards against the removal, alteration, or loss of records; safeguards shall include notification to all officials and employees of the agency that records in the custody of the agency may not be alienated or destroyed except in accordance with the provisions of this chapter.

(7) Designate an agency information coordinator, who shall assist the commission in the content requirements of the form design process and in the development of the agency's records retention schedules.

~~(8) Report to the commission before December 31 of each year those records which have been created or discontinued in the past year.~~

SECTION 16. IC 5-15-5.1-21 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 21. Before January 1, 2016, the commission or its successor shall:**

(1) revise retention requirements that apply to school corporations for electronic mail messages; and

(2) review polices and procedures that apply to school corporations for electronic mail messages.

SECTION 17. IC 5-15-6-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 3. (a) As used in this section, "original records" includes the optical image of a check or deposit document when:

(1) the check or deposit document is recorded, copied, or reproduced by an optical imaging process described in subsection (e); and

(2) the drawer of the check receives an optical image of the check after the check is processed for payment or the depositor receives an optical image of the deposit document after the document has been processed for the deposit.

(b) All public records which, in the judgment of the commission, have no official or historical value, and which occupy space to no purpose in the offices and storerooms of the local government of a county, shall be destroyed or otherwise disposed of ~~Except as provided in this section, such records shall not be destroyed until a period of~~ **if** at least three (3) years ~~shall~~ have elapsed from the time when the records were originally filed. ~~and no public records shall~~ **However, a public record may not** be destroyed **under this subsection** within a period of three (3) years **after the original filing date** if the law ~~provides that they shall~~ **requires the record to** be kept for a longer period of time, or if the law prohibits ~~their~~ **the** destruction **of the record.**

(c) Subject to this section, records may be destroyed before three (3) years elapse after the date when the records were originally filed if the destruction is according to an approved retention schedule.

(d) No financial records or records relating thereto shall be destroyed until the earlier of the following actions:

(1) The audit of the records by the state board of accounts has been completed, report filed, and any exceptions set out in the report satisfied.

(2) The financial record or records have been copied or reproduced as described in subsection (e).

(e) As used in this section, "public records" or "records" includes records that have been recorded, copied, or reproduced by a photographic, photostatic, miniature photographic, or optical imaging process that correctly, accurately, and permanently copies, reproduces, or forms a medium for copying or reproducing the original record on a film or other durable material. Original records may be disposed of in accordance with subsection (f), if the record has been copied or reproduced as described in this subsection. The copy must be treated as an original. Copies, recreations, or reproductions made from an optical image of a public record described in this subsection shall be received as evidence in any court in which the original record could have been introduced, if the recreations, copies, or reproductions are properly certified as to authenticity and accuracy by an official custodian of the records.

(f) Original records may be disposed of only with the approval of the commission according to guidelines established by the commission.

However, the guidelines established by the commission concerning the disposal of financial records must be approved by the state board of accounts before the guidelines become effective.

SECTION 18. IC 5-16-12.2-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 5. **(a) This section does not apply to a school corporation.**

(b) The contracting agency shall keep a record of the following in the public works contract file:

(1) The contacts the contracting agency makes with persons that provide energy efficient technology to implement this chapter.

(2) An analysis of the feasibility of using energy efficient technology in the public works project.

SECTION 19. IC 5-22-16.5-13 IS REPEALED [EFFECTIVE JULY 1, 2015]. ~~Sec. 13. (a) This section does not apply if a finding made under section 12 of this chapter is placed in the contract file.~~

~~(b) At the time a contract is awarded or renewed, the person that is being awarded or has the contract must certify in writing to the governmental body awarding or renewing the contract that the person is not engaged in investment activities in Iran.~~

~~(c) The certification required by this section shall be placed in the contract file.~~

SECTION 20. IC 5-22-16.5-14, AS ADDED BY P.L.21-2012, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 14. (a) If a purchasing agency, using credible information available to the public, determines that a certification given by a person to the purchasing agency's governmental body ~~under section 13(b) of this chapter~~ is false, the purchasing agency shall:

(1) notify the person in writing of the purchasing agency's determination that the certification is false; and

(2) give the person ninety (90) days within which to respond to the written notice.

(b) If the person fails to demonstrate to the purchasing agency that the person has ceased the person's investment activities in Iran within ninety (90) days after the notice is given to the person under subsection (a), the following apply:

(1) The purchasing agency shall report to the attorney general the following:

(A) The name of the person that the purchasing agency has determined to have submitted a false certification.

(B) The information upon which the purchasing agency has made its determination.

The attorney general shall determine whether to bring a civil

action under this section against the person.

(2) If the purchasing agency is a political subdivision, the purchasing agency may also provide the information described in subdivision (1) to an attorney representing the political subdivision. An attorney representing the political subdivision may bring a civil action under this section against the person if the attorney general declines to bring a civil action against the person under this chapter.

(3) If it is determined in a civil action under this section that the person submitted a false certification, the following apply:

(A) The court may impose on the person a civil penalty of two hundred fifty thousand dollars ($250,000).

(B) The person shall pay all reasonable costs incurred in the action, including the following:

(i) Costs incurred by the governmental body in the investigations that led to the purchasing agency's finding that the person filed a false certification.

(ii) Reasonable attorney's fees and other litigation costs incurred by the governmental body.

(C) The purchasing agency may terminate the contract with the governmental body with respect to which the false certification was made.

(D) The purchasing agency may consider the person nonresponsible for purposes of the awarding of any contracts by the governmental body for not more than three (3) years after the date of the purchasing agency's determination under subsection (a).

(c) A civil action brought under this section must be filed not later than three (3) years after the purchasing agency makes the determination under subsection (a).

(d) A person other than the governmental body, including an unsuccessful offeror, may not:

(1) bring a civil action under this section;

(2) file a bid protest; or

(3) bring any other kind of action;

based on the purchasing agency's determination of a false certification under subsection (a).

(e) This section does not create a private right of action for the imposition of the penalties provided for in this section.

SECTION 21. IC 6-1.1-1-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 16. "School corporation" means any public school corporation established under the

laws of the state of Indiana. The term includes, but is not limited to, any school city, school town, ~~school township,~~ consolidated school corporation, metropolitan school district, township school corporation, county school corporation, united school corporation, and a community school corporation.

SECTION 22. IC 6-1.1-17-5.6, AS AMENDED BY P.L.111-2014, SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 5.6. (a) ~~For budget years beginning before July 1, 2011, this section applies only to a school corporation that is located in a city having a population of more than one hundred thousand (100,000) but less than one hundred ten thousand (110,000). For budget years beginning after June 30, 2011, this section applies to all school corporations. Beginning in 2011,~~ Each school corporation may elect to adopt a budget under this section that applies from July 1 of the year through June 30 of the following year. In the initial budget adopted by a school corporation under this section, the first six (6) months of that initial budget must be consistent with the last six (6) months of the budget adopted by the school corporation for the calendar year in which the school corporation elects by resolution to begin adopting budgets that correspond to the state fiscal year. A corporation shall submit a copy of the resolution to the department of local government finance and the department of education not more than thirty (30) days after the date the governing body adopts the resolution.

(b) Before April 1 of each year, the officers of the school corporation shall meet to fix the budget for the school corporation for the ensuing budget year, with notice given by the same officers. However, if a resolution adopted under subsection (d) is in effect, the officers shall meet to fix the budget for the ensuing budget year before November 1.

(c) Each year, at least two (2) days before the first meeting of the county board of tax adjustment held under IC 6-1.1-29-4, the school corporation shall file with the county auditor:

(1) a statement of the tax rate and tax levy fixed by the school corporation for the ensuing budget year;

(2) two (2) copies of the budget adopted by the school corporation for the ensuing budget year; and

(3) any written notification from the department of local government finance under section 16(i) of this chapter that specifies a proposed revision, reduction, or increase in the budget adopted by the school corporation for the ensuing budget year.

Each year the county auditor shall present these items to the county

board of tax adjustment at the board's first meeting under IC 6-1.1-29-4.

(d) The governing body of the school corporation may adopt a resolution to cease using a school year budget year and return to using a calendar year budget year. A resolution adopted under this subsection must be adopted after January 1 and before July 1. The school corporation's initial calendar year budget year following the adoption of a resolution under this subsection begins on January 1 of the year following the year the resolution is adopted. The first six (6) months of the initial calendar year budget for the school corporation must be consistent with the last six (6) months of the final school year budget fixed by the department of local government finance before the adoption of a resolution under this subsection.

(e) A resolution adopted under subsection (d) may be rescinded by a subsequent resolution adopted by the governing body. If the governing body of the school corporation rescinds a resolution adopted under subsection (d) and returns to a school year budget year, the school corporation's initial school year budget year begins on July 1 following the adoption of the rescinding resolution and ends on June 30 of the following year. The first six (6) months of the initial school year budget for the school corporation must be consistent with the last six (6) months of the last calendar year budget fixed by the department of local government finance before the adoption of a rescinding resolution under this subsection.

SECTION 23. IC 6-1.1-18-3, AS AMENDED BY P.L.1-2010, SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 3. (a) Except as provided in subsection (b), the sum of all tax rates for all political subdivisions imposed on tangible property within a political subdivision may not exceed:

(1) forty-one and sixty-seven hundredths cents ($0.4167) on each one hundred dollars ($100) of assessed valuation in territory outside the corporate limits of a city or town; or

(2) sixty-six and sixty-seven hundredths cents ($0.6667) on each one hundred dollars ($100) of assessed valuation in territory inside the corporate limits of a city or town.

(b) The proper officers of a political subdivision shall fix tax rates which are sufficient to provide funds for the purposes itemized in this subsection. The portion of a tax rate fixed by a political subdivision shall not be considered in computing the tax rate limits prescribed in subsection (a) if that portion is to be used for one (1) of the following purposes:

(1) To pay the principal or interest on a funding, refunding, or

judgment funding obligation of the political subdivision.

~~(2) To pay the principal or interest on an outstanding obligation issued by the political subdivision if notice of the sale of the obligation was published before March 9, 1937.~~

~~(3)~~ **(2)** To pay the principal or interest upon:

(A) an obligation issued by the political subdivision to meet an emergency which results from a flood, fire, pestilence, war, or any other major disaster; or

(B) a note issued under IC 36-2-6-18, IC 36-3-4-22, IC 36-4-6-20, or IC 36-5-2-11 to enable a city, town, or county to acquire necessary equipment or facilities for municipal or county government.

~~(4)~~ **(3)** To pay the principal or interest upon an obligation issued in the manner provided in:

(A) IC 6-1.1-20-3 (before its repeal);

(B) IC 6-1.1-20-3.1 through IC 6-1.1-20-3.2; or

(C) IC 6-1.1-20-3.5 through IC 6-1.1-20-3.6.

~~(5)~~ **(4)** To pay a judgment rendered against the political subdivision.

(c) Except as otherwise provided in IC 6-1.1-19 (before January 1, 2009), IC 6-1.1-18.5, IC 20-45 (before January 1, 2009), or IC 20-46, a county board of tax adjustment, a county auditor, or the department of local government finance may review the portion of a tax rate described in subsection (b) only to determine if it exceeds the portion actually needed to provide for one (1) of the purposes itemized in that subsection.

SECTION 24. IC 6-1.1-20-1.1, AS AMENDED BY P.L.40-2014, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 1.1. As used in this chapter, "controlled project" means any project financed by bonds or a lease, except for the following:

(1) A project for which the political subdivision reasonably expects to pay:

(A) debt service; or

(B) lease rentals;

from funds other than property taxes that are exempt from the levy limitations of IC 6-1.1-18.5 or (before January 1, 2009) IC 20-45-3. A project is not a controlled project even though the political subdivision has pledged to levy property taxes to pay the debt service or lease rentals if those other funds are insufficient.

(2) A project that will not cost the political subdivision more than the lesser of the following:

(A) Two million dollars ($2,000,000).

(B) An amount equal to one percent (1%) of the total gross assessed value of property within the political subdivision on the last assessment date, if that amount is at least one million dollars ($1,000,000).

For purposes of this chapter, the cost of a project by a school corporation career and technical education school described in IC 20-37-1-1 that is funded through an advance from the common school fund under IC 20-49 shall be allocated among the organizing school corporations in the same manner as the advance is allocated under IC 20-49-4.

(3) A project that is being refinanced for the purpose of providing gross or net present value savings to taxpayers.

(4) A project for which bonds were issued or leases were entered into before January 1, 1996, or where the state board of tax commissioners has approved the issuance of bonds or the execution of leases before January 1, 1996.

(5) A project that is required by a court order holding that a federal law mandates the project.

~~(6) A project that~~

~~(A) is in response to:~~

~~(i) a natural disaster;~~

~~(ii) an accident; or~~

~~(iii) an emergency;~~

~~in the political subdivision that makes a building or facility unavailable for its intended use; and~~

~~(B) is approved by the county council of each county in which the political subdivision is located.~~

(6) A project that is in response to:

(A) a natural disaster;

(B) an accident; or

(C) an emergency;

in the political subdivision that makes a building or facility unavailable for its intended use.

(7) A project that was not a controlled project under this section as in effect on June 30, 2008, and for which:

(A) the bonds or lease for the project were issued or entered into before July 1, 2008; or

(B) the issuance of the bonds or the execution of the lease for the project was approved by the department of local government finance before July 1, 2008.

(8) A project of the Little Calumet River basin development

commission for which bonds are payable from special assessments collected under IC 14-13-2-18.6.

SECTION 25. IC 6-1.1-20-7, AS AMENDED BY P.L.146-2008, SECTION 196, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 7. (a) This section does not apply to bonds, notes, or warrants for which a political subdivision:

(1) after June 30, 2008, makes a preliminary determination as described in section 3.1 or 3.5 of this chapter or a decision as described in section 5 of this chapter; or

(2) in the case of bonds, notes, or warrants not subject to section 3.1, 3.5, or 5 of this chapter, adopts a resolution or ordinance authorizing the bonds, notes, or warrants after June 30, 2008.

(b) When the proper officers of a political subdivision decide to issue any bonds, notes, or warrants which will be payable from property taxes and which will bear interest in excess of eight percent (8%) per annum, the political subdivision shall submit the matter to the department of local government finance for review. The department of local government finance may either approve or disapprove the rate of interest.

(c) This section does not apply to a school corporation.

SECTION 26. IC 6-3.1-15-12, AS AMENDED BY P.L.286-2013, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 12. (a) A service center may sell qualified computer equipment received by taxpayers under this chapter only to the following:

(1) Public or private elementary or secondary schools.

(2) The parent or guardian of a student enrolled in grade 1 through 12 that is enrolled in a school's computer education program.

(b) A service center may sell qualified computer equipment under this chapter to schools, parents, or guardians located outside the service center's normal service area, but not outside Indiana.

~~(c) Before a public or private elementary school may purchase qualified computer equipment from a service center, the school must submit a statement to the service center detailing the following:~~

~~(1) The school's computer education program or planned computer education program.~~

~~(2) The school's planned use of the qualified computer equipment, including the goals of the plan, the implementation of the plan, and the number of students that will be served with the qualified computer equipment.~~

~~(d)~~ **(c)** A school that purchases qualified computer equipment from

a service center may sell the qualified computer equipment to a parent or guardian of a child who is enrolled in the school's computer education program.

~~(c) Before a parent or guardian of a student may purchase qualified computer equipment from a service center, the parent or guardian must present proof, in the form approved by the service center, that:~~

~~(1) the child of the parent or guardian is a participant in a school's computer education program; and~~

~~(2) the qualified computer equipment will be used by the child for an educational purpose.~~

SECTION 27. IC 9-18-31-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 7. (a) If an educational foundation that is exempt from federal income taxation under Internal Revenue Code Section 501(c)(3) is established as an Indiana nonprofit corporation for the benefit of a school corporation designated to receive a fee under section 5(c) of this chapter, fees designated to go to the school corporation shall be distributed to an educational foundation that provides benefit to the designated school corporation. A school corporation that receives benefit from an educational foundation that meets the requirements of this section shall:

(1) obtain a certificate from the educational foundation that certifies to the school corporation and the county auditor that the educational foundation:

(A) is exempt from federal income taxation under Internal Revenue Code Section 501(c)(3); and

(B) is established as an Indiana nonprofit corporation to provide benefit to the school corporation; and

(2) provide a copy of the certificate described in subdivision (1) to the county auditor.

(b) If a school corporation designated to receive a fee under section 5(c) of this chapter does not receive benefit from an educational foundation described under subsection (a), the fees designated to go to the school corporation shall be distributed to the school corporation and may only be used for purposes other than salaries and related fringe benefits.

(c) Before the twentieth day of the calendar month following the calendar month in which a fee was collected, the bureau shall distribute the fees collected under this chapter to the county auditor of the county in which the designated school corporation's administration office is located. Each monthly distribution under this subsection shall be accompanied by a report to the auditor that shows:

(1) the total amount of the monthly distribution for all school

corporations in the county that were designated to receive an education license plate fee under this chapter; and

(2) the amount of the fees that are to be distributed to each designated school corporation in the county.

(d) Within thirty (30) days of receipt of a distribution from the bureau under subsection (c), the county auditor shall distribute the fees received to:

(1) an educational foundation under subsection (a), if the school corporation has provided a copy of the certificate described in subsection (a); or

(2) the school corporation under subsection (b);

whichever subsection is applicable. The county auditor shall designate which school corporation is to receive benefit in connection with a distribution to an educational foundation under this subsection. If the school corporation receives benefit from more than one (1) educational foundation, the superintendent of the benefitted school corporation shall determine, and inform the auditor in writing, how fees received are to be distributed to the educational foundations. The county auditor shall, simultaneous with a distribution to an educational foundation, send the school corporation to receive benefit a notice of the distribution that identifies the recipient educational foundation and the date and the amount of the distribution.

(e) Funds received by an educational foundation under this chapter must be used to provide benefit to the designated school corporation. ~~within one (1) year of receipt from the county auditor.~~

SECTION 28. IC 12-9-5-4, AS AMENDED BY P.L.1-2005, SECTION 128, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 4. IC 20-35-2 applies to the operation of each education program for ~~children~~ **a student** with ~~disabilities~~ **a disability** (as defined in ~~IC 20-35-1-2)~~ **IC 20-35-1-8)** conducted by a state owned and operated developmental center or furnished under an agreement with the division.

SECTION 29. IC 12-21-5-3, AS AMENDED BY P.L.1-2005, SECTION 139, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 3. IC 20-35-2 applies to the operation of each education program for ~~children~~ **a student** with ~~disabilities~~ **a disability** (as defined in ~~IC 20-35-1-2)~~ **IC 20-35-1-8)** conducted by a state owned and operated mental health institution or furnished under an agreement with the division.

SECTION 30. IC 12-24-13-5, AS AMENDED BY P.L.146-2008, SECTION 415, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 5. (a) Except as provided in section

6 of this chapter, whenever placement of a ~~child~~ **student** with a disability (as defined in ~~IC 20-35-1-2)~~ **IC 20-35-1-8)** in a state institution is necessary for the provision of special education for that ~~child,~~ **student,** the cost of the ~~child's~~ **student's** education program, nonmedical care, and room and board shall be paid by the division rather than by the ~~child's~~ **student's** parents, guardian, or other responsible party.

(b) The ~~child's~~ **student's** parents, guardian, or other responsible party shall pay the cost of any transportation not required by the ~~child's~~ **student's** individualized education program (as defined in IC 20-18-2-9). The school corporation in which the ~~child~~ **student** has legal settlement (as determined under IC 20-26-11) shall pay the cost of transportation required by the student's individualized education program under IC 20-35-8-2. However, this section does not relieve an insurer or other third party from an otherwise valid obligation to provide or pay for the services provided to the ~~child.~~ **student.**

(c) The Indiana state board of education and the divisions shall jointly establish a procedure and standards for determining when placement in a state institution is necessary for the provision of special education for a ~~child.~~ **student.**

SECTION 31. IC 13-18-3-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 10. The department may call upon:

(1) any state officer, board, department, ~~school, university,~~ or other state institution; and

(2) the officers or employees of an individual entity described in subdivision (1);

for any assistance necessary to carry out the water pollution control laws.

SECTION 32. IC 14-22-12-1.8, AS ADDED BY P.L.204-2014, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 1.8. (a) As used in this section, "individual with special circumstances" means an individual who:

(1) has a developmental disability (as defined by IC 12-7-2-61);

(2) is determined to be a ~~child~~ **student** with a disability (as defined ~~by IC 20-35-1-2);~~ **in IC 20-35-1-8);** or

(3) has a permanent disability as determined by rules adopted by the department.

(b) As used in this section, "special circumstances hunter" means an individual with special circumstances who hunts under a special circumstances hunting safety card issued under this section.

(c) As used in this section, "special circumstances hunting safety

card" refers to the card issued to a special circumstances hunter.

(d) The department may issue a special circumstances hunting safety card to a resident or nonresident who qualifies under the rules adopted by the department as authorized under this section.

(e) The commission shall establish the criteria for determining qualifications for a special circumstances hunting safety card.

(f) A special circumstances hunter may hunt in Indiana if the special circumstances hunter attends the course of instruction in hunter education offered by the department or the department's agent under IC 14-22-35.

(g) A special circumstances hunter must:

(1) comply with the requirements under this article, including obtaining a valid hunting license issued under IC 14-22-11, and the rules adopted by the department; and

(2) while hunting, be accompanied by an individual who:

(A) is at least eighteen (18) years of age; and

(B) holds a valid hunting license issued under IC 14-22-11.

(h) An individual described in subsection (g)(2) who accompanies a special circumstances hunter:

(1) must be in close enough proximity to monitor the special circumstances hunter's activities and communicate with the special circumstances hunter at all times; and

(2) may not accompany more than two (2) holders of a special circumstances hunting safety card at one (1) time.

(i) The department shall adopt rules under IC 4-22-2 to carry out this section.

SECTION 33. IC 16-32-3-2, AS AMENDED BY P.L.109-2012, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 2. (a) As used in this section, "public accommodation" means an establishment that caters or offers services, facilities, or goods to the general public. ~~The term includes the following educational facilities:~~

~~(1) A nursery school.~~

~~(2) An elementary school.~~

~~(3) A secondary school.~~

~~(4) An undergraduate or postgraduate public or private institution.~~

~~(5) Other places of education.~~

(b) A person who:

(1) is totally or partially blind;

(2) is deaf or hard of hearing; or

(3) has a physical or mental disability;

is entitled to be accompanied by a service animal, especially trained for

the purpose, in any public accommodation without being required to pay an extra charge for the service animal. However, the person is liable for any damage done to the accommodation by the service animal.

(c) A person who:

(1) refuses access to a public accommodation; or

(2) charges a fee for access to a public accommodation;

to a person who is totally or partially blind, who is deaf or hard of hearing, or who has a physical or mental disability, because that person is accompanied by a service animal commits a Class C infraction.

(d) A service animal trainer, while engaged in the training process of a service animal, is entitled to access to any public accommodation granted by this section.

SECTION 34. IC 16-39-2-6, AS AMENDED BY P.L.134-2013, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 6. (a) Without the consent of the patient, the patient's mental health record may only be disclosed as follows:

(1) To individuals who meet the following conditions:

(A) Are employed by:

(i) the provider at the same facility or agency;

(ii) a managed care provider (as defined in IC 12-7-2-127); or

(iii) a health care provider or mental health care provider, if the mental health records are needed to provide health care or mental health services to the patient.

(B) Are involved in the planning, provision, and monitoring of services.

(2) To the extent necessary to obtain payment for services rendered or other benefits to which the patient may be entitled, as provided in IC 16-39-5-3.

(3) To the patient's court appointed counsel and to the Indiana protection and advocacy services commission.

(4) For research conducted in accordance with IC 16-39-5-3 and the rules of the division of mental health and addiction, the rules of the division of disability and rehabilitative services, or the rules of the provider.

(5) To the division of mental health and addiction for the purpose of data collection, research, and monitoring managed care providers (as defined in IC 12-7-2-127) who are operating under a contract with the division of mental health and addiction.

(6) To the extent necessary to make reports or give testimony required by the statutes pertaining to admissions, transfers,

discharges, and guardianship proceedings.

(7) To a law enforcement agency if any of the following conditions are met:

(A) A patient escapes from a facility to which the patient is committed under IC 12-26.

(B) The superintendent of the facility determines that failure to provide the information may result in bodily harm to the patient or another individual.

(C) A patient commits or threatens to commit a crime on facility premises or against facility personnel.

(D) A patient is in the custody of a law enforcement officer or agency for any reason and:

(i) the information to be released is limited to medications currently prescribed for the patient or to the patient's history of adverse medication reactions; and

(ii) the provider determines that the release of the medication information will assist in protecting the health, safety, or welfare of the patient.

Mental health records released under this clause must be maintained in confidence by the law enforcement agency receiving them.

(8) To a coroner or medical examiner, in the performance of the individual's duties.

(9) To a school in which the patient is enrolled if the superintendent of the facility determines that the information will assist the school in meeting educational needs of ~~a person with a disability under 20 U.S.C. 1400 et seq.~~ **the patient.**

(10) To the extent necessary to satisfy reporting requirements under the following statutes:

(A) IC 12-10-3-10.

(B) IC 12-24-17-5.

(C) IC 16-41-2-3.

(D) IC 31-25-3-2.

(E) IC 31-33-5-4.

(F) IC 34-30-16-2.

(G) IC 35-46-1-13.

(11) To the extent necessary to satisfy release of information requirements under the following statutes:

(A) IC 12-24-11-2.

(B) IC 12-24-12-3, IC 12-24-12-4, and IC 12-24-12-6.

(C) IC 12-26-11.

(12) To another health care provider in a health care emergency.

(13) For legitimate business purposes as described in IC 16-39-5-3.

(14) Under a court order under IC 16-39-3.

(15) With respect to records from a mental health or developmental disability facility, to the United States Secret Service if the following conditions are met:

(A) The request does not apply to alcohol or drug abuse records described in 42 U.S.C. 290dd-2 unless authorized by a court order under 42 U.S.C. 290dd-2(b)(2)(c).

(B) The request relates to the United States Secret Service's protective responsibility and investigative authority under 18 U.S.C. 3056, 18 U.S.C. 871, or 18 U.S.C. 879.

(C) The request specifies an individual patient.

(D) The director or superintendent of the facility determines that disclosure of the mental health record may be necessary to protect a person under the protection of the United States Secret Service from serious bodily injury or death.

(E) The United States Secret Service agrees to only use the mental health record information for investigative purposes and not disclose the information publicly.

(F) The mental health record information disclosed to the United States Secret Service includes only:

(i) the patient's name, age, and address;

(ii) the date of the patient's admission to or discharge from the facility; and

(iii) any information that indicates whether or not the patient has a history of violence or presents a danger to the person under protection.

(16) To the statewide waiver ombudsman established under IC 12-11-13, in the performance of the ombudsman's duties.

(b) After information is disclosed under subsection (a)(15) and if the patient is evaluated to be dangerous, the records shall be interpreted in consultation with a licensed mental health professional on the staff of the United States Secret Service.

(c) A person who discloses information under subsection (a)(7) or (a)(15) in good faith is immune from civil and criminal liability.

SECTION 35. IC 20-18-2-5, AS ADDED BY P.L.1-2005, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 5. "Governing body" means:

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

~~(2) a county board of education;~~

~~(3)~~ **(1)** a board of school commissioners;
~~(4)~~ **(2)** a metropolitan board of education;
~~(5)~~ **(3)** a board of trustees; or
~~(6)~~ **(4)** any other board or commission charged by law with the responsibility of administering the affairs of a school corporation.

SECTION 36. IC 20-18-2-16, AS AMENDED BY P.L.190-2013, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 16. (a) "School corporation", for purposes of this title (except IC 20-20-33, IC 20-26-1 through IC 20-26-5, IC 20-26-7, IC 20-28-11.5, IC 20-30-8, and IC 20-43), means a public school corporation established by Indiana law. The term includes a:

(1) school city;
(2) school town;
~~(3) school township;~~
~~(4)~~ **(3)** consolidated school corporation;
~~(5)~~ **(4)** metropolitan school district;
~~(6)~~ **(5)** township school corporation;
~~(7)~~ **(6)** county school corporation;
~~(8)~~ **(7)** united school corporation; or
~~(9)~~ **(8)** community school corporation.

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

(c) "School corporation", for purposes of IC 20-20-33 ~~IC 20-26-18,~~ and IC 20-30-8, includes a charter school (as defined in IC 20-24-1-4).

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

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

(f) "School corporation", for purposes of IC 20-35, has the meaning set forth in IC 20-35-1-6.

SECTION 37. IC 20-18-2-21, AS ADDED BY P.L.1-2005, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 21. "Superintendent" means

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

SECTION 38. IC 20-19-2-8, AS AMENDED BY P.L.286-2013, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 8. (a) In addition to any other powers and duties prescribed by law, the state board shall adopt rules under IC 4-22-2 concerning, but not limited to, the following matters:

(1) The designation and employment of the employees and

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

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

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

(4) The inspection of all public schools in Indiana to determine the condition of the schools. The state board shall establish standards governing the **voluntary** accreditation of public schools **that elect to be accredited.** Observance of:

(A) IC 20-31-4;

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

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

(D) IC 20-28-11.5; and

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

~~is~~ **may be** a prerequisite to the accreditation of a school. Local public school officials **that elect to be accredited** shall make the reports required of them and otherwise cooperate with the state board regarding required inspections. Nonpublic schools may also request the inspection for classification purposes. Compliance with the building and site guidelines adopted by the state board is not a prerequisite of accreditation.

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

(6) The state board may not establish ~~an~~ **a voluntary** accreditation system for nonpublic schools that is less stringent than the **voluntary** accreditation system for public schools.

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

(8) The establishment and enforcement of standards and

guidelines concerning the safety of students participating in cheerleading activities.

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

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

(c) Before January 1, 2017, the state board shall adopt rules to transform the school accreditation system into a voluntary system available to the governing body of a school corporation or a nonpublic school at the discretion of the governing body.

SECTION 39. IC 20-19-2-12, AS AMENDED BY P.L.218-2014, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 12. (a) The state board shall, in the manner provided by IC 4-22-2, adopt rules setting forth nonbinding guidelines for the selection of school sites and the construction, alteration, and repair of school buildings, athletic facilities, and other categories of facilities related to the operation and administration of school corporations. The nonbinding guidelines must include:

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

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

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

The state building commissioner, the office of management and budget, and the department of local government finance shall, upon request of the board, provide technical assistance as necessary for the development of the guidelines.

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

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

(2) rules of the:

(A) fire prevention and building safety commission; and

(B) state department of health;

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

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

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

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

~~(B) provide written recommendations concerning the plans and specifications to the school corporation, which must include findings as to any material differences between the plans and specifications and the guidelines adopted under subsection (a).~~

~~(2) After the earlier of:~~

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

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

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

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

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

SECTION 40. IC 20-19-2-13 IS REPEALED [EFFECTIVE JULY

1, 2015]. ~~Sec. 13. The state board may not approve or disapprove plans and specifications for the construction, alteration, or repair of school buildings, except as necessary under the following:~~

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

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

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

SECTION 41. IC 20-19-3-8, AS AMENDED BY P.L.146-2008, SECTION 453, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 8. (a) The department may not approve or disapprove plans and specifications for the construction, alteration, or repair of school buildings, except as necessary under the ~~following:~~

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

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

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

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

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

~~(A)~~ **(1)** The original architect of record or engineer of record retains ownership of and liability for a prototype design.

~~(B)~~ **(2)** A school corporation or other person may not use a prototype design without the site-specific, written permission of the original architect of record or engineer of record.

~~(C)~~ **(3)** An architect's or engineer's liability under ~~clause (A)~~ **subdivision (1)** is subject to the requirements of ~~clause (B).~~ **subdivision (2).**

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

SECTION 42. IC 20-19-3-12, AS ADDED BY P.L.190-2013,

SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 12. (a) The department, in collaboration with the Indiana criminal justice institute, the department of child services, the center for evaluation and education policy at Indiana University, the state police department, and any organization that has expertise in providing criminal gang education, prevention, or intervention that the department determines to be appropriate, shall:

(1) identify or develop evidence based model educational materials on criminal gang activity; and

(2) develop and maintain a model policy to address criminal gangs and criminal gang activity in schools.

(b) Not later than July 1, 2015, the department shall make the model policy developed under subsection (a)(2) available to assist schools in the development and implementation of a criminal gang policy. ~~for the schools' school corporations under IC 20-26-18.~~

(c) The model educational materials on criminal gang activity identified or developed under subsection (a)(1) must include information:

(1) to educate students and parents on the extent to which criminal gang activity exists;

(2) regarding the negative societal impact that criminal gangs have on the community;

(3) on methods to discourage participation in criminal gangs; and

(4) on methods of providing intervention to a child suspected of participating in criminal gang activity.

(d) The model criminal gang policy developed under subsection (a)(2) must include:

(1) a statement prohibiting criminal gang activity in schools;

(2) a statement prohibiting reprisal or retaliation against an individual who reports suspected criminal gang activity;

(3) definitions of "criminal gang" as set forth in IC 35-45-9-1 and "criminal gang activity";

(4) model procedures for:

(A) reporting suspected criminal gang activity; and

(B) the prompt investigation of suspected criminal gang activity;

(5) information about the types of support services, including family support services, available for a student suspected of participating in criminal gang activity; and

(6) recommendations concerning criminal gang prevention and intervention services and programs for students that maximize community participation and the use of federal funding.

SECTION 43. IC 20-19-3-12.2, AS ADDED BY P.L.246-2013, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 12.2. (a) The department shall make reduction of absenteeism in schools a policy priority and ~~direct~~ **provide assistance and guidance to** school corporations and schools ~~to.~~ **in:**

(1) ~~identify~~ **identifying** contributing factors of absenteeism; and

(2) ~~develop~~ **developing** chronic absence reduction plans ~~to~~ **that school corporations may elect to** include as a component of the school improvement plans required under IC 20-31-5.

(b) The department shall provide resources and guidance to school corporations concerning evidence based practices and effective strategies that reduce absenteeism in schools. **However, the department may not mandate a particular policy within a chronic absence reduction plan adopted by a school corporation or school.**

SECTION 44. IC 20-19-3.5 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 3.5. School Data Reporting

Sec. 1. As used in this chapter, "committee" refers to the committee on school data reporting established in section 3 of this chapter.

Sec. 2. As used in this chapter, "qualified data" means any data collection, report, survey, or other method used by a state agency to collect data regarding assessments, performance, course enrollment, demographics, or any other information from schools or school corporations that is not specifically authorized by statute to be collected by the department or the state board.

Sec. 3. (a) The committee on school data reporting is established to review all regulations or forms required or proposed by any state agency that seek to require a school to report data to a state agency or to the public.

(b) The committee consists of the following members:

(1) The state superintendent or the state superintendent's designee.

(2) One (1) member who is a member of the state board selected by the state board.

(3) One (1) member who is a current school corporation administrator selected by the Indiana Association of Public School Superintendents.

(4) One (1) member who is a representative of school boards selected by the Indiana School Boards Association.

(5) One (1) member who is a representative of school business

officials who is selected by the Indiana Association of School Business Officials.

(6) One (1) member who is a representative of accredited nonpublic schools who is selected by the Indiana Non-Public Education Association.

(7) One (1) member who is a representative of charter schools selected by an organization representing charter schools.

(8) One (1) member who is a teacher selected by the state superintendent.

(c) Each member appointed under subsection (b) shall serve at the will and pleasure of the member's respective appointing authority. Vacancies in the appointments to the committee shall be filled in like manner as if appointment to such vacant offices were being made originally.

(d) A quorum consists of five (5) members of the committee.

(e) The members of the committee shall elect annually a chairperson for the committee.

(f) Notwithstanding subsection (e), the member described in subsection (b)(1) shall serve as the initial chairperson of the committee at the first meeting of the committee after June 30, 2015, at which the members shall elect a chairperson under subsection (e). This subsection expires January 1, 2016.

(g) The state board shall designate staff and administrative support for the committee.

Sec. 4. (a) Each member of the committee who is not a state employee is entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b) and reimbursement for traveling expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

(b) Each member of the committee who is a state employee is entitled to reimbursement for traveling expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

Sec. 5. The committee shall meet at least once every six (6) months and at the call of the chairperson. A member of the committee may participate in a committee meeting using an electronic communication in the manner prescribed in IC 5-14-1.5-3.6.

Sec. 6. After June 30, 2015, all qualified data collections must be expressly approved by the state board after it is has been reviewed by the committee under subsection (c) before schools and school corporations are required to submit the information to the state board or the department. The department may not require schools or school corporations to submit any qualified data collection unless the qualified data collection is approved by the state board under this subsection. The department shall maintain on its Internet web site a list of all qualified data collections approved by the state board and the deadline by which each school or school corporation shall submit the information.

(b) After June 30, 2015, the state board and the department may not sanction, penalize, or in any way hold a school or school corporation accountable for failing to submit a qualified data collection report if the qualified data collection was not approved by the state board under subsection (a).

(c) Not later than August 1, 2015, the committee, in consultation with the department, shall review current collection of:

(1) qualified data from public schools; and

(2) data collection by another public agency (as defined in IC 5-14-1.5-2) of the state from public schools.

Based on the committee's review, the committee shall make recommendations to the state board whether to continue the qualified data collection and ways or methods to streamline qualified data collection and data collection by another public agency of state from schools. After submitting the committee's initial recommendations regarding current qualified data and data collections to the state board, the committee shall review qualified data collection requests made by the department and the state board after July 1, 2015, and make recommendations to the state board as to whether the qualified data collection is necessary or ways to streamline the qualified data collection. In addition, the committee shall review and make recommendations to the state board under subsection (d) regarding methods to streamline school safety and discipline reporting requirements as well as establishing a streamlined method to uniformly and consistently report instances of bullying throughout Indiana. The committee may not change the data reporting requirements for data used by the state board to place each school in a category or designation of school performance under IC 20-31-8-4.

(d) The committee shall submit its recommendations under subsection (c) to the state board. Upon receipt of the committee's

recommendations, the state board shall vote to either approve or disapprove the qualified data request. The decision of the state board is final. The state board shall consider a committee's recommendations at the next state board's meeting after receiving the committee's recommendations under subsection (c).

(e) The committee may recommend the collection of qualified data under subsection (c) and the state board may approve the recommendation under subsection (d) only if the:

(1) qualified data is not available to the public agency from any other source; and

(2) benefit from the collection of the qualified data is greater than the overall administrative cost of collecting the qualified data.

Sec. 7. (a) Before December 1, 2015, the state board, in consultation with the department and based upon recommendations by the committee, shall review all statutory reporting requirements and qualified data collection and data collection by various public agencies (as defined in IC 5-14-1.5-2) of the state and shall submit a report to the governor and, in an electronic format under IC 5-14-6, to the general assembly. The report must include the following:

(1) A detailed description of actions that will be taken by the state board and the department to reduce the amount of information schools or school corporations must report to the state.

(2) A detailed summary describing the actions taken by the department and the state board to combine, streamline, or eliminate duplicative data or information requests from schools and school corporations.

(3) A detailed description how the state board is working with other public agencies of the state to minimize or streamline data collection by those agencies.

(4) Specific legislative recommendations to the general assembly necessary to eliminate duplicative data reporting and any recommended legislative changes that would make school data reporting to various public agencies of the state more efficient and cost effective.

(b) Before December 1, 2016, the state board shall submit an updated report to the governor and, in an electronic format under IC 5-14-6, to the general assembly containing the progress of the state board and the department to eliminate duplicative data reporting and information requests to schools of any additional

recommended legislative changes that would streamline school data reporting to the state that was not included in the state board's report submitted under subsection (a).

Sec. 8. (a) After June 30, 2015, all reports required to be submitted to a public agency (as defined in IC 5-14-1.5-2) of the state by public schools must be collected electronically and must be collected through one (1) regularly scheduled consolidated report that is collected no more frequently than on a quarterly basis through an electronic database administered by the department established by rule under IC 4-22-2.

(b) This section does not apply to:

(1) any collection of data if the office of management and budget has approved a waiver of the application of this section;

(2) tax reporting;

(3) an investigation authorized by federal or state statute or regulation; or

(4) testing material.

Sec. 9. The state board shall establish rules under IC 4-22-2 necessary to administer this chapter.

Sec. 10. This chapter expires July 1, 2017.

SECTION 45. IC 20-20-1-10 IS REPEALED [EFFECTIVE JULY 1, 2015]. ~~Sec. 10. (a) The state board shall provide for the selection of an advisory council to each board. The state board shall provide for the representation of:~~

~~(1) teachers;~~

~~(2) elementary principals;~~

~~(3) secondary principals;~~

~~(4) members of the governing body; and~~

~~(5) parents of students;~~

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

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

SECTION 46. IC 20-20-8-3, AS AMENDED BY P.L.43-2014, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 3. (a) Not earlier than March 15 or later than March 31 of each year, the governing body of a school corporation shall publish an annual performance report of the school corporation, in compliance with the procedures identified in section 7 of this chapter. The report must be published one (1) time annually under IC 5-3-1.

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

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

SECTION 47. IC 20-20-8-8, AS AMENDED BY P.L.246-2013, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 8. The report must include the following information:

(1) Student enrollment.

(2) Graduation rate (as defined in IC 20-26-13-6) **and the graduation rate excluding students that receive a graduation waiver under IC 20-32-4-4. The information must be provided disaggregated by percentage of students by race, grade, gender, socioeconomic status, and eligibility for special education.**

(3) Attendance rate. **The information must be provided disaggregated by percentage of students by race, grade, gender, socioeconomic status, and eligibility for special education.**

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

(A) ISTEP program test scores, **including end of course assessment scores.**

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

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

The information must be provided disaggregated by percentage of students by race, grade, gender, socioeconomic status, and eligibility for special education.

(5) School's performance category or designation of school improvement assigned under IC 20-31-8.

~~(5)~~ **(6)** Average class size.

~~(6)~~ **(7)** The number and percentage of students in the following groups or programs:

(A) Alternative education, if offered.
(B) Career and technical education.
(C) Special education, **including the number of special education proceedings in which a school has been found to have committed a due process violation.**
(D) High ability.
(E) Remediation.
(F) Limited English language proficiency.
(G) Students receiving free or reduced price lunch under the national school lunch program.
(H) School flex program, if offered.

~~(7)~~ **(8)** Advanced placement, including the following:
(A) For advanced placement tests, the percentage of students:
(i) scoring three (3), four (4), and five (5); and
(ii) taking the test.
(B) For the Scholastic Aptitude Test:
(i) test scores for all students taking the test;
(ii) test scores for students completing the academic honors diploma program; and
(iii) the percentage of students taking the test.

~~(8)~~ **(9)** Course completion, including the number and percentage of students completing the following programs:
(A) Academic honors diploma.
(B) Core 40 curriculum.
(C) Career and technical programs.

~~(9)~~ **(10)** The percentage of grade 8 students enrolled in algebra I.

(11) The percentage of graduates considered college and career ready in a manner prescribed by the state board.

~~(10)~~ **(12)** The percentage of graduates who pursue higher education.

~~(11)~~ **(13)** School safety, including:
(A) the number of students receiving suspension or expulsion for the possession of alcohol, drugs, or weapons;
(B) the number of incidents reported under IC 20-33-9; and
(C) the number of bullying incidents reported under IC 20-34-6 by category.

~~(12)~~ **(14)** Financial information and various school cost factors, including the following:
(A) Expenditures per pupil.
(B) Average teacher salary.
(C) Remediation funding.
(D) Building utilization information, including the

following:

(i) The number of students that can be served by each building owned by the school corporation.

(ii) The number of students being served in each building owned by the school corporation.

(iii) The utilization percentage of each building owned by each school corporation, calculated by dividing the number under item (ii) by the number under item (i).

(E) The annual cost of utilities for each building the school corporation owns divided by the square feet of the building.

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

~~(14)~~ **(15)** Interdistrict and intradistrict student mobility rates, if that information is available.

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

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

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

~~(C) Teachers with national board certification.~~

(16) The percentage of grade 3 students reading at grade 3 level. **The information must be provided disaggregated by percentage of students by race, grade, gender, socioeconomic status, and eligibility for special education.**

(17) The number of students expelled, including the number participating in other recognized education programs during their expulsion, **including the percentage of students expelled by race and the percentage of students expelled who are eligible for free or reduced price lunch.**

(18) Chronic absenteeism, which includes the number of students who have been absent from school for ten percent (10%) or more of a school year for any reason.

(19) Habitual truancy, which includes the number of students who have been absent ten (10) days or more from school within a school year without being excused or without being absent under a parental request that has been filed with the school.

(20) The number of students who have dropped out of school, including the reasons for dropping out, **including the percentage of students who dropped out of school by race or who are eligible for free or reduced price lunch.**

(21) The number of out-of-school suspensions assigned, including the percentage of students suspended by race and the percentage of students expelled who are eligible for free or reduced price lunch.

(22) The number of in-school suspensions assigned, including the percentage of students who received in-school suspensions by race and the percentage of students who received in-school suspensions who are eligible for free or reduced price lunch.

~~(21)~~ **(23)** The number of student work permits revoked.

~~(22) The number of student driver's licenses revoked.~~

~~(23)~~ **(24)** The number of students who have not advanced to grade 10 due to a lack of completed credits.

~~(24)~~ **(25)** The number of students suspended for any reason.

~~(25)~~ **(26)** The number of students receiving an international baccalaureate diploma.

~~(26) Other indicators of performance as recommended by the education roundtable under IC 20-19-4.~~

SECTION 48. IC 20-20-28-4 IS REPEALED [EFFECTIVE JULY 1, 2015]. ~~Sec. 4. (a) The department shall establish pilot programs targeting at risk students in the following areas:~~

~~(1) Early childhood parental information programs.~~

~~(2) Latch key programs.~~

~~(3) Preschool programs.~~

~~(b) In establishing the pilot programs under this chapter, the department shall focus on implementing programs that enable the local school corporation and appropriate community agencies to cooperate with each other.~~

~~(c) The department shall address the following in establishing the programs:~~

~~(1) Screening for physical health problems that can inhibit school success.~~

~~(2) Screening for learning disabilities.~~

~~(3) Parental orientation and participation.~~

~~(d) In addition, the department shall employ an early childhood specialist and support staff personnel to identify and determine ways to coordinate the educational programs offered by local youth serving organizations.~~

SECTION 49. IC 20-20-28-5, AS ADDED BY P.L.1-2005, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 5. ~~(a) The department:~~

~~(1) shall select certain school corporations to participate in the respective pilot programs listed in section 4 of this chapter; and~~

~~(2) may select school corporations that have a pilot program as described in section 4 of this chapter in existence on June 30, 1990.~~

~~(b)~~ A school corporation may enter into an agreement with a nonprofit corporation to provide early childhood education **programs,** preschool ~~education,~~ **programs,** or latch key programs. However, if a school corporation enters into a contract for **a** preschool ~~education,~~ **program,** the nonprofit corporation:

(1) must operate a federally approved preschool ~~education~~ program; and

(2) may not be religiously affiliated.

SECTION 50. IC 20-20-28-7 IS REPEALED [EFFECTIVE JULY 1, 2015]. ~~Sec. 7. Each school corporation that participates in a pilot program under this chapter shall prepare a written report detailing all of the pertinent information concerning the implementation of the pilot program, including any recommendations made and conclusions drawn from the pilot program. The school corporation shall submit the report to the department.~~

SECTION 51. IC 20-20-31 IS REPEALED [EFFECTIVE JULY 1, 2015]. (Professional Development Program).

SECTION 52. IC 20-20-35 IS REPEALED [EFFECTIVE JULY 1, 2015]. (Prekindergarten Grant Pilot Program).

SECTION 53. IC 20-21-1-3, AS ADDED BY P.L.1-2005, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 3. "Case conference" refers to the ~~activities of~~ **actions taken by** a case conference committee ~~as described in IC 20-35-7-2.~~ **composed of public agency personnel, parents, the student, if appropriate, and others at the discretion of the public agency or the parent to do any of the following:**

(1) Determine a student's eligibility for special education and related services.

(2) Develop, review, or revise a student's individualized education program.

(3) Determine an appropriate educational placement for the student.

SECTION 54. IC 20-22-1-3, AS ADDED BY P.L.1-2005, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 3. "Case conference" refers to the ~~activities of~~ **actions taken by** a case conference committee ~~(as defined in IC 20-35-7-2).~~ **composed of public agency personnel, parents, the student, if appropriate, and others at the discretion of the public agency or the parent to do any of the following:**

(1) Determine a student's eligibility for special education and related services.

(2) Develop, review, or revise a student's individualized education program.

(3) Determine an appropriate educational placement for the student.

SECTION 55. IC 20-23-1 IS REPEALED [EFFECTIVE JULY 1, 2015]. (County Boards of Education).

SECTION 56. IC 20-23-2 IS REPEALED [EFFECTIVE JULY 1, 2015]. (County Superintendent of Schools).

SECTION 57. IC 20-23-3 IS REPEALED [EFFECTIVE JULY 1, 2015]. (School Townships).

SECTION 58. IC 20-23-4-5 IS REPEALED [EFFECTIVE JULY 1, 2015]. ~~Sec. 5. As used in this chapter, "county superintendent" means the county superintendent of schools.~~

SECTION 59. IC 20-23-4-10 IS REPEALED [EFFECTIVE JULY 1, 2015]. ~~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.~~

SECTION 60. IC 20-23-4-11, AS ADDED BY P.L.1-2005, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: 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)~~ **(f)** ~~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 **if the county has a board of school trustees;** or

(B) the board of school commissioners **if the county has a board of school commissioners;** and

(2) may not be a township trustee.

~~(h)~~ **(g)** 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)~~ **(h)** The members of the county committee not referred to in

subsections (f) through ~~(h):~~ **(g):**

~~(1) may not be members of or employed by:~~

~~(A) a board of school trustees; or~~

~~(B) a board of school commissioners;~~

~~(2)~~ **(1)** may not be members of or employed by a

~~(A) local; or~~

~~(B) county;~~

~~board of education;~~ **governing body;**

~~(3)~~ **(2)** may not be:

(A) township trustees; or

(B) employees of township trustees; and

~~(4)~~ **(3)** are appointed without regard to political affiliation.

~~(j)~~ **(i)** 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)~~ **(j)** 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)~~ **(k)** 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)~~ **(l)** 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)~~ **(m)** 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)~~ **(n)** 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)~~ **(o)** 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)~~ **(p)** A majority of the committee constitutes a quorum.

SECTION 61. IC 20-23-4-14 IS REPEALED [EFFECTIVE JULY 1, 2015]. ~~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.~~

SECTION 62. IC 20-23-4-18, AS ADDED BY P.L.1-2005, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: 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.~~ **IC 20-23-16-5.**

(b) The minimum standards for community school corporations proposed under this chapter or IC 20-23-16-1 through ~~IC 20-23-16-11~~ **IC 20-23-16-5** 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.

SECTION 63. IC 20-23-4-19, AS AMENDED BY P.L.2-2006, SECTION 93, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

JULY 1, 2015]: 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,~~ **IC 20-23-16-5,** a community school corporation shall be regarded as a school corporation created under section 16 of this chapter.

SECTION 64. IC 20-23-4-24, AS ADDED BY P.L.1-2005, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: 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~~ **IC 20-23-16-5** within the time prescribed in this chapter or IC 20-23-16-1 through ~~IC 20-23-16-11,~~ **IC 20-23-16-5,** 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 20-23-16-5.**

SECTION 65. IC 20-23-4-25, AS ADDED BY P.L.1-2005, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: 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 20-23-16-5.**

SECTION 66. IC 20-23-4-26, AS ADDED BY P.L.1-2005, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: 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,~~ **IC 20-23-16-5,** 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.

SECTION 67. IC 20-23-4-38, AS AMENDED BY P.L.1-2007, SECTION 142, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: 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,~~ **IC 20-23-16-5,** 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.

SECTION 68. IC 20-23-4-42, AS AMENDED BY P.L.146-2008, SECTION 459, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: 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.

SECTION 69. IC 20-23-6-7, AS ADDED BY P.L.1-2005, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: 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.~~

SECTION 70. IC 20-23-6-12, AS ADDED BY P.L.231-2005, SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: 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.

SECTION 71. IC 20-23-6-16, AS ADDED BY P.L.1-2005, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: 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;~~ **IC 20-23-16-5;**

(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.

SECTION 72. IC 20-23-6-18 IS REPEALED [EFFECTIVE JULY 1, 2015]. ~~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.~~

SECTION 73. IC 20-23-7-2, AS ADDED BY P.L.1-2005, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: 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.

SECTION 74. IC 20-23-7-6, AS AMENDED BY P.L.179-2011, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: 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.

SECTION 75. IC 20-23-7-10, AS AMENDED BY P.L.167-2013, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: 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)~~ **(1)** city school superintendent; or

~~(3)~~ **(2)** 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.

SECTION 76. IC 20-23-7-12 IS REPEALED [EFFECTIVE JULY 1, 2015]. ~~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.~~

SECTION 77. IC 20-23-7-13, AS ADDED BY P.L.231-2005, SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: 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.

SECTION 78. IC 20-23-8-5, AS AMENDED BY P.L.179-2011, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: 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.

SECTION 79. IC 20-23-8-23 IS REPEALED [EFFECTIVE JULY

1, 2015]. ~~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.~~

SECTION 80. IC 20-23-10-2, AS ADDED BY P.L.1-2005, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: 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.~~

SECTION 81. IC 20-23-10-8, AS AMENDED BY P.L.179-2011, SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: 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.

SECTION 82. IC 20-23-16-11 IS REPEALED [EFFECTIVE JULY 1, 2015]. ~~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.~~

SECTION 83. IC 20-23-16-25 IS REPEALED [EFFECTIVE JULY 1, 2015]. ~~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.~~

SECTION 84. IC 20-23-16-26, AS AMENDED BY P.L.2-2006, SECTION 102, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: 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; **and**

(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.

SECTION 85. IC 20-23-16-41, AS ADDED BY P.L.1-2005, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 41. (a) School boards, boards of school trustees, **and** 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.

SECTION 86. IC 20-24-2.1-3, AS ADDED BY P.L.91-2011, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 3. The department shall provide staff to carry out the duties of the charter board under this chapter until the time when the charter board begins receiving administrative fees pursuant to ~~IC 20-24-7-4(c).~~ **IC 20-24-7-4(d).** At that time, the charter board may hire staff to carry out the duties of the charter board under this chapter.

SECTION 87. IC 20-24-2.2-5, AS ADDED BY P.L.280-2013, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

JULY 1, 2015]: Sec. 5. (a) The purpose of this section is to establish a cooperative relationship:

(1) between the department and an authorizer; and

(2) that fosters improved decision making related to charter schools authorized by the authorizer.

(b) As used in this section, "covered records" refers to the following:

(1) Education records (as defined in 20 U.S.C. 1232g(a)(4), as in effect January 1, 2013) of students who enrolled in a charter school authorized by an authorizer that are in the possession of the department or the state board.

(2) Records in the possession of the department or the state board that relate to the evaluation of the performance of a charter school authorized by an authorizer or students who are enrolled in a charter school authorized by an authorizer.

(3) Records in the possession of the department or the state board that relate to the evaluation of the performance of certified employees employed by a charter school authorized by an authorizer.

(4) Records in the possession of the department or the state board related to the evaluation of the performance of an authorizer.

(c) Notwithstanding IC 5-14-3 or any other law, the department shall provide, without charge, an authorizer with either:

(1) electronic access to; or

(2) written copies of;

covered records, as requested by the authorizer, that relate to a charter school authorized by the authorizer or to the students or certified employees of the charter school. The department shall provide the covered records on a schedule determined by the authorizer.

(d) The department shall provide, without charge, an authorizer with a summary of the covered records that relate to a charter school authorized by the authorizer or to the students or certified employees of the charter school. The department shall provide the summary described in this subsection to the authorizer at least once each month. The authorizer may receive either paper copies of the summary or copies of the summary transmitted electronically, at the option of the authorizer. The summary must be sufficiently detailed to identify each category or collection of covered records. The department and the authorizer shall consult one another as necessary to carry out this section.

~~(e) An authorizer may use covered records received under this section only to:~~

~~(1) administer a charter authorization program;~~

~~(2) monitor and evaluate compliance with state standards;~~

~~(3) identify educational weaknesses in charter school programs; or~~

~~(4) improve charter school performance.~~

~~(f)~~ **(e)** An authorizer shall protect covered records received by the authorizer in a manner that will not permit the personal identification of students and their parents by persons other than officials of the authorizer who are directly involved in the authorization program or involved with studies related to charter schools authorized by the authorizer. An authorizer shall destroy personally identifiable data when the information is no longer needed for purposes of audit, evaluation, and enforcement of state and federal requirements related to the charter schools authorized by the authorizer.

SECTION 88. IC 20-24-3-11, AS AMENDED BY P.L.280-2013, SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 11. If an authorizer rejects a charter school proposal, the organizer may

~~(1)~~ amend the charter school proposal and resubmit the proposal to the same authorizer.

~~(2) submit a charter school proposal to another authorizer. or~~

~~(3) appeal the decision to the charter school review panel established by section 12 of this chapter.~~

SECTION 89. IC 20-24-3-12, AS AMENDED BY P.L.280-2013, SECTION 32, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 12. (a) This section applies if the authorizer rejects a proposal.

(b) The organizer may ~~appeal the decision of the authorizer to~~ **request** the charter school review panel established by subsection (c) **to grant approval for the organizer to submit a charter school proposal to another authorizer.**

(c) The charter school review panel is established. The members of the panel are as follows:

(1) The governor or the governor's designee.

(2) The state superintendent, who shall chair the panel.

(3) A member of the state board appointed by the state superintendent.

(4) A person with financial management experience appointed by the governor.

(5) A community leader with knowledge of charter school issues appointed jointly by the governor and the state superintendent.

A member shall serve a two (2) year term and may be reappointed to the panel upon expiration of the member's term.

(d) All decisions of the panel shall be determined by a majority vote of the panel's members.

(e) Upon the request of an organizer, the panel shall meet to consider the organizer's ~~proposal and the authorizer's reasons for rejecting the proposal.~~ **request for approval for the organizer to submit a charter school proposal to another authorizer.** The panel must allow the organizer and authorizer to participate in the meeting.

(f) After the panel meets under subsection (e), the panel shall make one (1) of the following findings and issue the finding to the organizer and the authorizer:

(1) A finding that ~~supports the authorizer's rejection of the proposal.~~ **grants approval for the organizer to submit a charter school proposal to another authorizer.**

(2) A finding that **denies approval for the organizer to submit a charter school proposal to another authorizer.**

~~(A) recommends that the organizer amend the proposal; and~~

~~(B) specifies the changes to be made in the proposal if the organizer elects to amend the proposal.~~

~~(3) A finding that approves the proposal.~~

The panel shall issue the finding not later than forty-five (45) days after the panel receives the request for review.

(g) ~~If the panel makes a finding described in subsection (f)(1),~~ The finding **of the panel** is final.

~~(h) If the panel makes a finding described in subsection (f)(2), the organizer may amend the proposal according to the panel's recommendations and resubmit the proposal directly to the panel.~~

~~(i) If the panel makes a finding described in subsection (f)(3), the proposal is considered conditionally approved. The approval shall be considered final upon delivery to the panel of written notice from the organizer and an eligible authorizer that the authorizer has agreed to serve as an authorizer for the proposal approved by the panel.~~

~~(j) Proposals approved under this section shall not be counted under any numerical limits placed upon an authorizer or set of authorizers.~~

SECTION 90. IC 20-24-6-10 IS REPEALED [EFFECTIVE JULY 1, 2015]. ~~Sec. 10. (a) The governing body:~~

~~(1) must grant a transfer of not more than two (2) years; and~~

~~(2) may grant a transfer for a period in addition to the period required in subdivision (1);~~

~~to a teacher of a noncharter school in the school corporation who wishes to teach and has been accepted to teach at a nonconversion charter school.~~

~~(b) During the term of the transfer under subsection (a):~~

~~(1) the teacher's seniority status under law continues as if the teacher were an employee of a noncharter school in the school corporation; and~~

~~(2) the teacher's years as a charter school employee shall not be considered for purposes of permanent or semipermanent status with the school corporation under IC 20-28-6, IC 20-28-7.5, or IC 20-28-8.~~

SECTION 91. IC 20-24-7-4, AS AMENDED BY P.L.47-2014, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 4. ~~(a) Services that a school corporation provides to a charter school, including transportation, may be provided at not more than one hundred three percent (103%) of the actual cost of the services.~~

~~(b)~~ **(a)** This subsection applies to an authorizer that is a state educational institution described in IC 20-24-1-2.5(2). Except as provided in subsection ~~(f),~~ **(e),** in a state fiscal year, a state educational institution may receive from the organizer of a charter school authorized by the state educational institution an administrative fee equal to not more than three percent (3%) of the total amount the organizer receives during the state fiscal year from basic tuition support (as defined in IC 20-43-1-8).

~~(c)~~ **(b)** This subsection applies to the executive of a consolidated city that authorizes a charter school. Except as provided in subsection ~~(f),~~ **(e),** in a state fiscal year, the executive may collect from the organizer of a charter school authorized by the executive an administrative fee equal to not more than three percent (3%) of the total amount the organizer receives during the state fiscal year for basic tuition support.

~~(d)~~ **(c)** This subsection applies to an authorizer that is a nonprofit college or university that is approved by the state board of education. Except as provided in subsection ~~(f),~~ **(e),** in a state fiscal year, a private college or university may collect from the organizer of a charter school authorized by the private college or university an administrative fee equal to not more than three percent (3%) of the total amount the organizer receives during the state fiscal year for basic tuition support.

~~(e)~~ **(d)** This subsection applies to the charter board. Except as provided in subsection ~~(f),~~ **(e),** in a state fiscal year, the charter school board may collect from the organizer of a charter school authorized by the charter board an administrative fee equal to not more than three percent (3%) of the total amount the organizer receives during the state fiscal year for basic tuition support.

~~(f)~~ **(e)** This subsection applies to an adult high school. An authorizer

described in subsections ~~(b)~~ **(a)** through ~~(e)~~ **(d)** may collect an administrative fee equal to not more than three percent (3%) of the total state appropriation to the adult high school for a state fiscal year under section 13.5 of this chapter.

~~(g)~~ **(f)** An authorizer's administrative fee may not include any costs incurred in delivering services that a charter school may purchase at its discretion from the authorizer. The authorizer shall use its funding provided under this section exclusively for the purpose of fulfilling authorizing obligations.

~~(h)~~ **(g)** Except for oversight services, a charter school may not be required to purchase services from its authorizer as a condition of charter approval or of executing a charter contract, nor may any such condition be implied.

~~(i)~~ **(h)** A charter school may choose to purchase services from its authorizer. In that event, the charter school and authorizer shall execute an annual service contract, separate from the charter contract, stating the parties' mutual agreement concerning the services to be provided by the authorizer and any service fees to be charged to the charter school. An authorizer may not charge more than market rates for services provided to a charter school.

~~(j)~~ **(i)** Not later than ninety (90) days after the end of each fiscal year, each authorizer shall provide to each charter school it authorizes an itemized accounting of the actual costs of services purchased by the charter school from the authorizer. Any difference between the amount initially charged to the charter school and the actual cost shall be reconciled and paid to the owed party. If either party disputes the itemized accounting, any charges included in the accounting, or charges to either party, either party may request a review by the department. The requesting party shall pay the costs of the review.

SECTION 92. IC 20-24-8-9, AS ADDED BY P.L.38-2014, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 9. (a) Before July 1 of any year, a charter school and the governing body of the school corporation ~~whose attendance area includes the charter school~~ may enter into a compact in which the:

(1) school corporation or charter school agrees to provide goods, facilities, services, or other consideration to the other party to the compact; and

(2) charter school authorizes the school corporation to include the charter school's performance assessment results under IC 20-31-8 when calculating the school corporation's performance assessment.

A school corporation and a charter school may agree to provide

goods, facilities, services, or other consideration to the other party under this section through an interlocal agreement in which both that charter school and the school corporation participate.

(b) If a charter school and a governing body enter into a compact under subsection (a), the charter school and the governing body shall notify the department that a compact has been executed under this section within thirty (30) days after the compact is executed.

(c) Upon receipt of the notification under subsection (b), the department shall, for school years starting with the school year beginning in the calendar year in which the compact was executed, include the charter school's performance assessment results under IC 20-31-8 when calculating the school corporation's performance assessment.

(d) A compact entered into under this section may not change the rights, duties, or responsibilities of an existing:

(1) employment contract; or

(2) collective bargaining agreement;

between a school employee and a school corporation or a charter school. An employee of a school corporation who provides services to a charter school remains an employee of the school corporation.

(e) This section may not be construed to prohibit any other agreement between a charter school and the governing body of the school corporation ~~whose attendance area includes the charter school~~ for goods, facilities, services, or other consideration.

SECTION 93. IC 20-24-9-2, AS AMENDED BY P.L.33-2014, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 2. An annual report under this chapter must contain the following information:

(1) Results of ~~all standardized testing, including ISTEP program testing~~ **statewide standardized tests and** end of course assessments. ~~and any other assessments used for each authorized school.~~

(2) Student growth and improvement data for each authorized school.

(3) Attendance rates for each authorized school.

(4) Graduation rates (if appropriate), including attainment of Core 40 and academic honors diplomas for each authorized school.

(5) Student enrollment data for each authorized school, including the following:

(A) The number of students enrolled.

(B) The number of students expelled.

(6) Status of the authorizer's charter schools, identifying each of

the authorizer's charter schools that are in the following categories:

(A) Approved but not yet open.

(B) Open and operating.

(C) Closed or having a charter that was not renewed, including:

(i) the year closed or not renewed; and

(ii) the reason for the closure or nonrenewal.

(7) Names of the authorizer's board members or ultimate decision making body.

(8) Evidence that the authorizer is in compliance with IC 20-24-2.2-1.5.

(9) A report summarizing the total amount of administrative fees collected by the authorizer and how the fees were expended, if applicable.

(10) Total amount of other fees or funds not included in the report under subdivision (9) received by the authorizer from a charter school and how the fees or funds were expended.

(11) The most recent audits for each authorized school submitted to the authorizer under IC 5-11-1-9.

SECTION 94. IC 20-24.2-4-3, AS ADDED BY P.L.201-2013, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 3. (a) Except as specifically provided in this article and section 4 of this chapter, the following provisions of this title and a rule or guideline adopted by the state board under one (1) of the following provisions of this title do not apply to a qualified district or qualified high school:

(1) Provisions that do not apply to school corporations in general.

(2) IC 20-20 (programs administered by the state), except for IC 20-20-1 (educational service centers) and IC 20-20-8 (school corporation annual performance report).

(3) IC 20-28 (school teachers), except for IC 20-28-3-4 (teacher continuing education), IC 20-28-4-8 (hiring of transition to teaching participants; restrictions), IC 20-28-4-11 (transition to teaching participants; school corporation or subject area; transition to teaching permit), IC 20-28-5-8 (conviction of certain felonies; notice and hearing; permanent revocation of license; data base of school employees who have been reported), IC 20-28-6 (teacher contracts), IC 20-28-7.5 (cancellation of teacher contracts), IC 20-28-8 (contracts with school administrators), IC 20-28-9 (teacher salary and related payments), IC 20-28-10 (conditions of employment), and IC 20-28-11.5 (staff

performance evaluations).

(4) IC 20-30 (curriculum), except for IC 20-30-3-2 and IC 20-30-3-4 (patriotic commemorative observances), IC 20-30-5-13 (human sexuality instructional requirements), ~~IC 20-30-5-17 (access to materials relating to personal analysis, evaluation, or survey of students; consent for participation),~~ and IC 20-30-5-19 (personal financial responsibility instruction).

(5) IC 20-32 (student standards, assessments, and performance), except for IC 20-32-4 (graduation requirements), IC 20-32-5 (Indiana statewide testing for educational progress), and IC 20-32-8 (remediation).

(6) IC 20-36 (high ability students).

(7) IC 20-37 (career and technical education).

(b) Notwithstanding any other law, a school corporation may not receive a decrease in state funding based upon the school corporation's status as a qualified district or the status of a high school within the school corporation as a qualified high school, or because of the implementation of a waiver of a statute or rule that is allowed to be waived by a qualified district or qualified high school.

SECTION 95. IC 20-24.2-4-4, AS ADDED BY P.L.201-2013, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 4. The following provisions of this title and rules and guidelines adopted under the following provisions of this title apply to a qualified district or qualified high school:

IC 20-20-1 (educational service centers).

IC 20-20-8 (school corporation annual performance report).

IC 20-23 (organization of school corporations).

IC 20-26 (school corporation general administrative provisions).

IC 20-27 (school transportation).

IC 20-28-3-4 (teacher continuing education).

IC 20-28-4-8 (hiring of transition to teaching participants; restrictions).

IC 20-28-4-11 (transition to teaching participants; school corporation or subject area; transition to teaching permit).

IC 20-28-5-8 (conviction of certain felonies; notice and hearing; permanent revocation of license; data base of school employees who have been reported).

IC 20-28-6 (teacher contracts).

IC 20-28-7.5 (cancellation of teacher contracts).

IC 20-28-8 (contracts with school administrators).

IC 20-28-9 (teacher salary and related payments).

IC 20-28-10 (conditions of employment).

IC 20-28-11.5 (staff performance evaluations).
IC 20-29 (collective bargaining for teachers).
IC 20-30-3-2 and IC 20-30-3-4 (patriotic commemorative observances).
IC 20-30-5-13 (human sexuality instructional requirements).
~~IC 20-30-5-17 (access to materials relating to personal analysis, evaluation, or survey of students; consent for participation).~~
IC 20-30-5-19 (personal financial responsibility instruction).
IC 20-31 (accountability for school performance and improvement).
IC 20-32-4, IC 20-32-5, and IC 20-32-8 (accreditation, assessment, and remediation), or any other statute, rule, or guideline related to standardized assessments.
IC 20-33 (students: general provisions).
IC 20-34-3 (health and safety measures).
IC 20-35 (special education).
IC 20-39 (accounting and financial reporting procedures).
IC 20-40 (government funds and accounts).
IC 20-41 (extracurricular funds and accounts).
IC 20-42.5 (allocation of expenditures to student instruction).
IC 20-43 (state tuition support).
IC 20-44 (property tax levies).
IC 20-45 (general fund levies).
IC 20-46 (levies other than general fund levies).
IC 20-47 (related entities; holding companies; lease agreements).
IC 20-48 (borrowing and bonds).
IC 20-49 (state management of common school funds; state advances and loans).
IC 20-50 (homeless children and foster care children).

SECTION 96. IC 20-24.5-1-2, AS ADDED BY P.L.2-2007, SECTION 209, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 2. This chapter applies only to the following school corporations:

~~(1) School townships.~~
~~(2)~~ **(1)** School cities.
~~(3)~~ **(2)** School towns.
~~(4)~~ **(3)** Community school corporations.
~~(5)~~ **(4)** Metropolitan school districts.
~~(6)~~ **(5)** County school corporations.

SECTION 97. IC 20-24.5-2-7, AS ADDED BY P.L.2-2007, SECTION 209, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 7. Each special education program

conducted by a laboratory school is subject to ~~IC 20-35-4-1.~~ **IC 20-35.**

SECTION 98. IC 20-25-5-7, AS ADDED BY P.L.1-2005, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 7. As used in this chapter, "resolution" of

~~(1) a school township means a resolution adopted by the trustee and a majority of the township board; and~~

~~(2)~~ any other school corporation means a resolution duly adopted by the school corporation's governing body.

SECTION 99. IC 20-25-5-13, AS ADDED BY P.L.1-2005, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 13. (a) The notice by publication required by sections 11 and 12 of this chapter shall be made two (2) times a week apart in two (2) daily newspapers of general circulation in the acquiring school corporation and the losing school corporation. The two (2) daily newspapers must be published in the English language. If there is only one (1) daily newspaper or if there are not any daily newspapers in either school corporation, a weekly newspaper may be used to provide notice. If there is only one (1) daily or weekly newspaper, publication in that newspaper is sufficient. If a newspaper is of general circulation in both school corporations, the publication of notice in the newspaper qualifies as one (1) of the required publications in each of the school corporations. Publication may be made jointly by the losing school corporation and the acquiring school corporation. The remonstrance period runs from the second publication.

(b) If notice is required to be given by an acquiring school corporation to a losing school corporation, it may be made by registered or certified United States mail, return receipt requested, addressed to the:

(1) governing body of the losing school corporation at the governing body's established business office; **or**

~~(2) township trustee in the case of a school township; or~~

~~(3)~~ **(2)** superintendent of schools or any officer of the governing body of any other school corporation.

SECTION 100. IC 20-25-10-5, AS AMENDED BY P.L.1-2006, SECTION 324, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 5. (a) The board shall annually assess and evaluate educational programs offered by the school city to determine:

(1) the relationship of the programs to improved student achievement; and

(2) the educational value of the programs in relation to cost.

(b) The board may obtain information from:

(1) educators in the schools offering a program;
(2) students participating in a program; and
(3) the parents of students participating in a program;

in preparing an assessment and evaluation under this section. The assessment must include the performance of the school's students in achieving student performance improvement levels under IC 20-31-1, ~~IC 20-31-5,~~ IC 20-31-6, IC 20-31-7, IC 20-31-8, IC 20-31-9, IC 20-31-10, and IC 20-25-11.

SECTION 101. IC 20-25-11-1, AS AMENDED BY P.L.1-2006, SECTION 325, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 1. The board shall establish annual student performance improvement levels for each school that are not less rigorous than the student performance improvement levels under IC 20-31-1, ~~IC 20-31-5,~~ IC 20-31-6, IC 20-31-7, IC 20-31-8, IC 20-31-9, and IC 20-31-10, including the following:

(1) For students:
(A) improvement in results on assessment tests and assessment programs;
(B) improvement in attendance rates; and
(C) improvement in progress toward graduation.

(2) For teachers:
(A) improvement in student results on assessment tests and assessment programs;
(B) improvement in the number and percentage of students achieving:
(i) state achievement standards; and
(ii) if applicable, performance levels set by the board;
on assessment tests;
(C) improvement in student progress toward graduation;
(D) improvement in student attendance rates for the school year;
(E) improvement in individual teacher attendance rates;
(F) improvement in:
(i) communication with parents; and
(ii) parental involvement in classroom and extracurricular activities; and
(G) other objectives developed by the board.

(3) For the school and school administrators:
(A) improvement in student results on assessment tests, totaled by class and grade;
(B) improvement in the number and percentage of students achieving:

(i) state achievement standards; and
(ii) if applicable, performance levels set by the board;
on assessment tests, totaled by class and grade;
(C) improvement in:
(i) student graduation rates; and
(ii) progress toward graduation;
(D) improvement in student attendance rates;
(E) management of:
(i) general fund expenditures; and
(ii) total expenditures;
per student;
(F) improvement in teacher attendance rates; and
(G) other objectives developed by the board.

SECTION 102. IC 20-26-2-4, AS ADDED BY P.L.1-2005, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 4. "School corporation" means a local public school corporation established under Indiana law, including a:

(1) school city;
(2) school town;
(3) metropolitan school district;
(4) consolidated school corporation;
(5) county school corporation;
(6) community school corporation; and
(7) united school corporation.

~~The term does not include a school township.~~

SECTION 103. IC 20-26-4-1, AS AMENDED BY P.L.35-2012, SECTION 102, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 1. (a) As used in this section, "electronic funds transfer" means a transfer of funds, other than a transaction originated by check, draft, or similar paper instrument, that is initiated through an electronic terminal, telephone, or computer or magnetic tape to order, instruct, or authorize a financial institution to debit or credit an account.

(b) The governing body of each school corporation shall organize by electing:

(1) a president;
(2) a vice president; and
(3) a secretary;

each of whom is a different member, not more than fifteen (15) days after the commencement date of the members' terms of office. ~~as provided in section 4 of this chapter.~~

(c) A governing body shall, at the time that officers are elected

under subsection (b), appoint a treasurer of the governing body and of the school corporation who is a person, other than the superintendent of schools, who is not a member of the governing body. The treasurer may, with the approval of the governing body, appoint a deputy who must be a person, other than the superintendent of schools, who is not a member of the governing body and who has the same powers and duties as the treasurer, or lesser duties as provided by the governing body by rule.

(d) The treasurer is the official custodian of all funds of the school corporation and is responsible for the proper safeguarding and accounting for the funds. The treasurer shall:

(1) issue a receipt for money received by the treasurer;

(2) deposit money described in subdivision (1) in accordance with the laws governing the deposit of public funds; and

(3) issue all warrants in payment of expenses lawfully incurred on behalf of the school corporation. However, except as otherwise provided by law, warrants described in this subdivision must be issued only after proper allowance or approval by the governing body. The governing body may not require an allowance or approval for amounts lawfully due in payment of indebtedness or payments due the state, the United States government, or agencies and instrumentalities of the state or the United States government.

A verification, other than a properly itemized invoice, may not be required for any claim. ~~of one hundred dollars ($100) or less.~~ A claim ~~that exceeds one hundred dollars ($100)~~ is sufficient as to form if the bill or statement for the claim has printed or stamped on the face of the bill or statement a verification of the bill or statement in language approved by the state board of accounts.

(e) Notwithstanding subsection (d), a treasurer may transact school corporation financial business with a financial institution or a public retirement fund through the use of electronic funds transfer. The treasurer must provide adequate documentation to the governing body of transfers made under this subsection. This subsection applies only to agreements for joint investment of money under IC 5-13-9 and to payments to the Indiana public retirement system for:

(1) the Indiana state teachers' retirement fund; or

(2) the public employees' retirement fund;

from participating employers.

(f) A treasurer is not personally liable for an act or omission occurring in connection with the performance of the duties set forth in this section, unless the act or omission constitutes gross negligence or an intentional disregard of the treasurer's duties.

(g) A governing body may establish the position of executive secretary to the governing body. The executive secretary:

(1) must be an employee of the school corporation;

(2) may not be a member of the governing body; and

(3) must be appointed by the governing body upon the recommendation of the superintendent of the school corporation.

The governing body shall determine the duties of the executive secretary, which may include all or part of the duties of the secretary of the board.

SECTION 104. IC 20-26-4-3, AS ADDED BY P.L.1-2005, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 3. (a) Regular meetings must be held by each governing body at a time and place established by resolution of the board or may be incorporated in the rules provided in IC 20-26-5-4. A notice need not be given a member for holding or taking any action at a regular meeting.

(b) If a meeting is held according to a procedure set forth by statute or rule and if publication of notice of the meeting is required, notice of the meeting is not required and need not be given a member for holding or taking any action at the meeting contemplated by the notice. The meeting must be held at the time and place specified in the published notice.

(c) Special meetings of a governing body must be held on call by the governing body's president or by the superintendent of the school corporation. The call must be evidenced by a written notice specifying the date, time, and place of the meeting, delivered to each member personally or sent by mail or telegram so that each member has at least seventy-two (72) hours notice of the special meeting. Special meetings must be held at the regular meeting place of the board.

(d) All meetings of a governing body must be open to the public to the extent required by IC 5-14-1.5. The governing body shall comply with IC 5-14-1.5.

(e) If notice of a meeting is required and each member of a governing body has waived notice of the meeting, as provided in this subsection, notice of the meeting is not necessary. Waiver of notice of a meeting by a member consists of the following:

(1) The member's presence at the meeting.

(2) The member's execution of a written notice waiving the date, time, and place of the meeting, executed either before or after the meeting. ~~However, if notice is executed after the meeting, the waiver must also state in general terms the purpose of the meeting.~~ If a waiver specifies that the waiver was executed before

the meeting, third persons are entitled to rely on the statement.

(f) At a meeting of the governing body, a majority of the members constitutes a quorum. Action may not be taken unless a quorum is present. Except where a larger vote is required by statute or rule with respect to any matter, a majority of the members present may adopt a resolution or take any action.

(g) All meetings of the governing body for the conduct of business must be held within the school corporation, except as follows:

(1) Meetings may be held at the administrative offices of the school corporation if the offices are outside the geographic limits of the school corporation but are within a county where all or a part of the school corporation is located.

(2) Meetings may be held at a place where the statute or rule according to which a statutory meeting is held permits meeting outside the school corporation, as may occur when the meeting is held jointly with another governing body.

(h) Notwithstanding IC 5-14-1.5, a governing body may hold up to two (2) training sessions each year outside the school corporation. No final action (as defined in IC 5-14-1.5-2) may take place at the session and the session is not considered a public meeting for purposes of IC 5-14-1.5.

SECTION 105. IC 20-26-4-4, AS AMENDED BY P.L.219-2013, SECTION 91, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 4. ~~(a) This section does not apply to a school city of the first class or to a school corporation succeeding to all or the major part in area of a school city of the first class.~~

~~(b) The commencement and termination of terms of members of a governing body are as follows:~~

~~(1) Except as provided in subdivisions (2) and (3), the governing body of each school corporation shall determine whether the term of office for the governing body's members extends from January 1 to December 31 or from July 1 to June 30. A governing body that makes a change in the commencement date of the governing body's members' terms shall report the change to the state board before August 1 preceding the year in which the change takes place. An ex officio member of a governing body shall take office at the time the ex officio member takes the oath of the office by virtue of which the ex officio member is entitled to become an ex officio member.~~

~~(2) Except as provided in subdivision (3), in a county having a population of more than four hundred thousand (400,000), the terms of office for the members of a governing body who are~~

~~appointed commence on July 1 of the year in which the members are to take office under the plan, resolution, or law under which the school corporation is established, and terminate on the June 30 of the final year of the term for which the members are to serve under the plan, resolution, or law.~~

~~(3) An elected member of a governing body takes office on the date set in the school corporation's organization plan. The date set in the organization plan for an elected member of the governing body to take office may not be more than fourteen (14) months after the date of the member's election. If the school corporation's organization plan does not set a date for an elected member of the governing body to take office, the member takes office January 1 immediately after the member's election.~~

~~(c)~~ If a vacancy in the membership of a governing body occurs for any reason (including the failure of a sufficient number of petitions for candidates for governing body membership being filed for an election and whether the vacancy was of an elected or appointed member), the remaining members of the governing body shall by majority vote fill the vacancy by appointing a person from within the boundaries of the school corporation, with the residence and other qualifications provided for a regularly elected or appointed board member filling the membership, to serve for the term or the balance of the term. However, this subsection does not apply to a vacancy:

(1) of a member who serves on a governing body in an ex officio capacity; or

(2) a vacancy in an appointed board membership if a plan, resolution, or law under which the school corporation operates specifically provides for filling vacancies by the appointing authority.

SECTION 106. IC 20-26-4-4.5, AS ADDED BY P.L.119-2005, SECTION 33, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 4.5. ~~(a) This section applies to a school corporation subject to section 4 of this chapter.~~

~~(b)~~ **(a)** The definitions in IC 3-5-2 apply to this section.

~~(c)~~ **(b)** If a vacancy in a school board office exists because of the death of a school board member, the remaining members of the governing body shall meet and select an individual to fill the vacancy after the secretary of the governing body receives notice of the death under IC 5-8-6 and in accordance with section 4 of this chapter.

SECTION 107. IC 20-26-5-0.3 IS REPEALED [EFFECTIVE JULY 1, 2015]. ~~Sec. 0.3. A donation of proceeds of riverboat gaming to a public school endowment corporation that:~~

~~(1) was made by a political subdivision before July 1, 2000; and~~
~~(2) would have been permitted by IC 20-5-6-9 (as added by P.L.17-2000 and before its repeal, later codified at section 21 of this chapter, before its repeal) if IC 20-5-6-9 had been in effect before July 1, 2000;~~

~~is legalized and validated.~~

SECTION 108. IC 20-26-5-1, AS ADDED BY P.L.1-2005, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 1. (a) A school corporation shall

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

~~(2) provide each preschool child with a disability with an appropriate special education as required under IC 20-35-4-9 only if the general assembly appropriates state funds for preschool special education.~~

(b) A school corporation may:

(1) conduct an educational program for adults and children at least fourteen (14) years of age who do not attend a program described in subsection (a);

(2) provide instruction in vocational, industrial, or manual training;

(3) provide libraries for the schools of the school corporation;

(4) provide public libraries open and free for the use and benefit of the residents and taxpayers of the school corporation where permitted by law;

(5) provide vacation school and recreational programs;

(6) conduct other educational or other activities as are permitted or required to be performed by law by any school corporation; and

(7) provide a school age child care program that operates during periods when school is in session for students who are enrolled in a half-day kindergarten program.

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

(1) the implementation of a school age child care program for children who attend kindergarten through grade 6 that, at a minimum, operates after the school day and may include periods before school is in session or periods when school is not otherwise in session (commonly referred to as a latch key program) and is offered by the school corporation; or

(2) the availability of the school corporation's buildings or parts of the school corporation's buildings to conduct the type of

program described in subdivision (1) by a nonprofit organization or a for-profit organization.

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

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

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

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

(e) The powers under this section are purposes as well as powers.

SECTION 109. IC 20-26-5-4, AS AMENDED BY P.L.2-2014, SECTION 83, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 4. (a) In carrying out the school purposes of a school corporation, the governing body acting on the school corporation's behalf has the following specific powers:

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

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

(3) To appropriate from the school corporation's general fund an amount, not to exceed the greater of three thousand dollars ($3,000) per budget year or one dollar ($1) per pupil, not to exceed twelve thousand five hundred dollars ($12,500), based on

the school corporation's ADM of the previous year (as defined in IC 20-43-1-7) to promote the best interests of the school corporation through:

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

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

(C) developing relations with other governmental units.

~~(4) To do the following:~~

~~(A) Acquire, construct, erect, maintain, hold, and contract for construction, erection, or maintenance of real estate, real estate improvements, or an interest in real estate or real estate improvements, as the governing body considers necessary for school purposes, including buildings, parts of buildings, additions to buildings, rooms, gymnasiums, auditoriums, playgrounds, playing and athletic fields, facilities for physical training, buildings for administrative, office, warehouse, repair activities, or housing school owned buses, landscaping, walks, drives, parking areas, roadways, easements and facilities for power, sewer, water, roadway, access, storm and surface water, drinking water, gas, electricity, other utilities and similar purposes, by purchase, either outright for cash (or under conditional sales or purchase money contracts providing for a retention of a security interest by the seller until payment is made or by notes where the contract, security retention, or note is permitted by applicable law), by exchange, by gift, by devise, by eminent domain, by lease with or without option to purchase, or by lease under IC 20-47-2, IC 20-47-3, or IC 20-47-5.~~

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

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

~~(5)~~ **(4)** To acquire personal property or an interest in personal property as the governing body considers necessary for school purposes, including buses, motor vehicles, equipment, apparatus, appliances, books, furniture, and supplies, either by cash purchase or under conditional sales or purchase money contracts providing

for a security interest by the seller until payment is made or by notes where the contract, security, retention, or note is permitted by applicable law, by gift, by devise, by loan, or by lease with or without option to purchase and to repair, remodel, remove, relocate, and demolish the personal property. All purchases and contracts specified under the powers authorized under ~~subdivision (4) and~~ this subdivision are subject solely to applicable law relating to purchases and contracting by municipal corporations in general and to the supervisory control of state agencies as provided in section 6 of this chapter.

~~(6)~~ **(5)** To sell or exchange real or personal property or interest in real or personal property that, in the opinion of the governing body, is not necessary for school purposes, in accordance with IC 20-26-7, to demolish or otherwise dispose of the property if, in the opinion of the governing body, the property is not necessary for school purposes and is worthless, and to pay the expenses for the demolition or disposition.

~~(7)~~ **(6)** To lease any school property for a rental that the governing body considers reasonable or to permit the free use of school property for:

(A) civic or public purposes; or

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

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

~~(8)~~ **(7)** To do the following:

(A) Employ, contract for, and discharge superintendents, supervisors, principals, teachers, librarians, athletic coaches (whether or not they are otherwise employed by the school

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

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

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

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

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

The compensation, terms of employment, and discharge of teachers are, however, subject to and governed by the laws relating to employment, contracting, compensation, and discharge of teachers. The compensation, terms of employment, and discharge of bus drivers are subject to and governed by laws relating to employment, contracting, compensation, and discharge of bus drivers. ~~The forms and procedures relating to the use of computer and data processing equipment in handling the financial affairs of the school corporation must be submitted to the state board of accounts for approval so that the services are used by the school corporation when the governing body determines that it is in the best interest of the school corporation while at the same time providing reasonable accountability for the funds expended. (9)~~ **(8)** Notwithstanding the appropriation limitation in subdivision (3), when the governing body by resolution considers a trip by an employee of the school corporation or by a member of the governing body to be in the interest of the school corporation, including attending meetings, conferences, or examining equipment, buildings, and installation in other areas,

to permit the employee to be absent in connection with the trip without any loss in pay and to reimburse the employee or the member the employee's or member's reasonable lodging and meal expenses and necessary transportation expenses. To pay teaching personnel for time spent in sponsoring and working with school related trips or activities.

~~(10)~~ **(9)** Subject to IC 20-27-13, to transport children to and from school, when in the opinion of the governing body the transportation is necessary, including considerations for the safety of the children. ~~and without regard to the distance the children live from the school.~~ The transportation must be otherwise in accordance with applicable law.

~~(11)~~ **(10)** To provide a lunch program for a part or all of the students attending the schools of the school corporation, including the establishment of kitchens, kitchen facilities, kitchen equipment, lunch rooms, the hiring of the necessary personnel to operate the lunch program, and the purchase of material and supplies for the lunch program, charging students for the operational costs of the lunch program, fixing the price per meal or per food item. To operate the lunch program as an extracurricular activity, subject to the supervision of the governing body. To participate in a surplus commodity or lunch aid program.

~~(12)~~ **(11)** To purchase curricular materials, to furnish curricular materials without cost or to rent curricular materials to students, to participate in a curricular materials aid program, all in accordance with applicable law.

~~(13)~~ **(12)** To accept students transferred from other school corporations and to transfer students to other school corporations in accordance with applicable law.

~~(14)~~ **(13)** To make budgets, to appropriate funds, and to disburse the money of the school corporation in accordance with applicable law. To borrow money against current tax collections and otherwise to borrow money, in accordance with IC 20-48-1.

~~(15)~~ **(14)** To purchase insurance or to establish and maintain a program of self-insurance relating to the liability of the school corporation or the school corporation's employees in connection with motor vehicles or property and for additional coverage to the extent permitted and in accordance with IC 34-13-3-20. To purchase additional insurance or to establish and maintain a program of self-insurance protecting the school corporation and members of the governing body, employees, contractors, or agents

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

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

(B) purchase insurance; or

(C) establish and maintain a program of self-insurance;

to benefit school corporation employees, including accident, sickness, health, or dental coverage, provided that a plan of self-insurance must include an aggregate stop-loss provision.

~~(16)~~ **(15)** To make all applications, to enter into all contracts, and to sign all documents necessary for the receipt of aid, money, or property from the state, the federal government, or from any other source.

~~(17)~~ **(16)** To defend a member of the governing body or any employee of the school corporation in any suit arising out of the performance of the member's or employee's duties for or employment with, the school corporation, if the governing body by resolution determined that the action was taken in good faith. To save any member or employee harmless from any liability, cost, or damage in connection with the performance, including the payment of legal fees, except where the liability, cost, or damage is predicated on or arises out of the bad faith of the member or employee, or is a claim or judgment based on the member's or employee's malfeasance in office or employment.

~~(18)~~ **(17)** To prepare, make, enforce, amend, or repeal rules, regulations, and procedures:

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

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

~~(19)~~ **(18)** To ratify and approve any action taken by a member of

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

~~(20)~~ **(19)** To exercise any other power and make any expenditure in carrying out the governing body's general powers and purposes provided in this chapter or in carrying out the powers delineated in this section which is reasonable from a business or educational standpoint in carrying out school purposes of the school corporation, including the acquisition of property or the employment or contracting for services, even though the power or expenditure is not specifically set out in this chapter. The specific powers set out in this section do not limit the general grant of powers provided in this chapter except where a limitation is set out in IC 20-26-1 through IC 20-26-5, IC 20-26-7, IC 20-40-12, and IC 20-48-1 by specific language or by reference to other law.

(b) A superintendent hired under subsection ~~(a)(8).~~ **(a)(7):**

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

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

SECTION 110. IC 20-26-5-5 IS REPEALED [EFFECTIVE JULY 1, 2015]. ~~Sec. 5. A governing body of a school corporation may establish a policy regarding the allocation of tickets to the school corporation's interscholastic athletic events or other school related programs and activities at no charge or at a reduced rate to groups or individuals designated by the governing body.~~

SECTION 111. IC 20-26-5-11, AS AMENDED BY P.L.158-2013, SECTION 249, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 11. (a) This section applies to:

(1) a school corporation; ~~and~~

(2) a charter school; and

~~(2)~~ **(3)** an entity:

(A) with which the school corporation contracts for services; and

(B) that has employees who are likely to have direct, ongoing contact with children within the scope of the employees' employment.

(b) A school corporation, **charter school,** or entity may use information obtained under section 10 of this chapter concerning an

individual's conviction for one (1) of the following offenses as grounds to not employ or contract with the individual:

(1) Murder (IC 35-42-1-1).
(2) Causing suicide (IC 35-42-1-2).
(3) Assisting suicide (IC 35-42-1-2.5).
(4) Voluntary manslaughter (IC 35-42-1-3).
(5) Reckless homicide (IC 35-42-1-5).
(6) Battery (IC 35-42-2-1) unless ten (10) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is later.
(7) Aggravated battery (IC 35-42-2-1.5).
(8) Kidnapping (IC 35-42-3-2).
(9) Criminal confinement (IC 35-42-3-3).
(10) A sex offense under IC 35-42-4.
(11) Carjacking (IC 35-42-5-2) (repealed).
(12) Arson (IC 35-43-1-1), unless ten (10) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is later.
(13) Incest (IC 35-46-1-3).
(14) Neglect of a dependent as a Class B felony (for a crime committed before July 1, 2014) or a Level 1 felony or Level 3 felony (for a crime committed after June 30, 2014) (IC 35-46-1-4(b)(2)), unless ten (10) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is later.
(15) Child selling (IC 35-46-1-4(d)).
(16) Contributing to the delinquency of a minor (IC 35-46-1-8), unless ten (10) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is later.
(17) An offense involving a weapon under IC 35-47 or IC 35-47.5, unless ten (10) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is later.
(18) An offense relating to controlled substances under IC 35-48-4, unless ten (10) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is later.
(19) An offense relating to material or a performance that is harmful to minors or obscene under IC 35-49-3, unless ten (10) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is later.

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

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

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

SECTION 112. IC 20-26-5-18, AS ADDED BY P.L.1-2005, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 18. For purposes of IC 20-26-5-1 and under the powers of ~~IC 20-26-5-4(20),~~ **IC 20-26-5-4(a)(19),** the governing body of any school corporation may join and associate with groups of other school corporations within Indiana in regional school study councils to examine common school problems and exchange educational information of mutual benefit, and dues to the study councils shall be paid by the school corporation from the general fund.

SECTION 113. IC 20-26-5-19, AS ADDED BY P.L.1-2005, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 19. A governing body under its powers to fix and pay the salaries and compensation of employees of the school corporation and to contract for services under ~~IC 20-26-5-4(8)~~ **IC 20-26-5-4(a)(7)** may distribute payroll based on contractual and salary schedule commitments instead of payroll estimates approved in advance by the governing body.

SECTION 114. IC 20-26-5-24, AS AMENDED BY P.L.2-2007, SECTION 211, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 24. (a) An agreement under section 23 of this chapter must set out the responsibilities and rights of the public school corporations, the institutions, and the students or persons who supervise the students and who are working jointly for a school corporation and an institution.

(b) An agreement must contain:

(1) a provision for the payment of an honorarium for consulting services by the postsecondary educational institution directly to the supervisor; and

(2) a provision that, if the sum paid by the institution to the supervisor should ever be lawfully determined to be a wage rather

than an honorarium by an instrumentality of the United States, then the postsecondary educational institution shall be considered under the agreement to be the supervisor's part-time employer.

~~(c) The provisions required by subsection (b) must be included in an agreement entered into or renewed under this chapter after June 30, 1981. Public school corporations and postsecondary educational institutions shall revise agreements in effect on July 1, 1981, to include the provisions required by subsection (b).~~

SECTION 115. IC 20-26-5-34 IS REPEALED [EFFECTIVE JULY 1, 2015]. ~~Sec. 34. (a) This section applies to a school corporation that, after June 30, 2013, establishes, amends, renews, or modifies a retirement, savings, or severance plan described under Section 401(a), Section 403(b), or another applicable section of the Internal Revenue Code that requires or permits an individual employed by the school corporation to:~~

~~(1) contribute amounts; or~~

~~(2) have amounts contributed by the school corporation on the employee's behalf;~~

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

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

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

~~(1) another eligible retirement, savings, or investment plan offered by the school corporation; or~~

~~(2) an individual retirement account or annuity described under Section 408(a) or Section 408(b) of the Internal Revenue Code.~~

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

SECTION 116. IC 20-26-5-35 IS REPEALED [EFFECTIVE JULY 1, 2015]. ~~Sec. 35. A school corporation shall annually compile class size data for kindergarten through grade 3 and report the data to the department by a date established by the department.~~

SECTION 117. IC 20-26-7-1, AS AMENDED BY THE TECHNICAL CORRECTIONS BILL OF THE 2015 GENERAL ASSEMBLY, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 1. (a) As used in this section, "charter school" has the meaning set forth in IC 20-24-1-4 and includes a group or entity seeking approval from ~~a sponsor~~ **an authorizer** to operate a charter

school under IC 20-24-3.

(b) Except as otherwise provided in this section, if a governing body of a school corporation determines that any real or personal property:

(1) is no longer needed for school purposes; or

(2) should, in the interests of the school corporation, be exchanged for other property;

the governing body may sell or exchange the property in accordance with IC 36-1-11.

(c) Money derived from the sale or exchange of property under this section shall be placed in any school fund:

(1) established under applicable law; and

(2) that the governing body considers appropriate.

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

~~(e) This subsection does not apply to a school building that on July 1, 2011, is leased or loaned by the school corporation that owns the school building to another entity, if the entity is not a building corporation or other entity that is related in any way to, or created by, the school corporation or the governing body. Except as provided in subsections (k) through (n), a governing body shall make available for lease or purchase to any charter school any school building owned by the school corporation or any other entity that is related in any way to, or created by, the school corporation or the governing body, including but not limited to a building corporation, that:~~

~~(1) either:~~

~~(A) is not used in whole or in part for classroom instruction at the time the charter school seeks to lease the building; or~~

~~(B) appears on the list compiled by the department under subsection (f); and~~

~~(2) was previously used for classroom instruction;~~

~~in order for the charter school to conduct classroom instruction.~~

~~(f)~~ **(e)** Not later than August 1 each calendar year, each governing body shall inform the department if a school building that was previously used for classroom instruction is closed, unused, or unoccupied. **Each governing body shall also report to the department the building utilization information required to be reported under IC 20-20-8-8(14)(D).** The department shall maintain a list of closed, unused, or unoccupied school buildings and make the list available on the department's Internet web site. Each school corporation shall provide a list of closed, unused, or unoccupied buildings to the department by the date set by the department. The department must update the list not later than fifteen (15) days after

being notified of a closed, unused, or unoccupied building.

~~(g) A school building that appears for the first time on the department's list under subsection (f) shall be designated as "Unavailable until (a date two (2) years after the school building first appears on the list)" if the governing body of the school corporation that owns the school building indicates to the department, on a form prescribed by the department, that the school building may be reclaimed during that period for classroom instruction. If a governing body does not indicate that a school building may be reclaimed, the governing body shall designate the school building as "Available" on the department's list. The governing body may change the designation of a building from unavailable to available at any time. If a school building that is designated as unavailable on the department's list remains unused for classroom instruction one (1) year after being reclaimed under this subsection, the governing body shall designate the school building as "Available" on the department's list. A governing body may reclaim a school building only one (1) time under this subsection.~~

~~(h)~~ **(f)** If a charter school wishes to use a school building on the list created under subsection ~~(f),~~ **(e),** the charter school shall send a letter of intent to the department. Within thirty (30) days after receiving a letter from a charter school, the department shall notify the school corporation of the charter school's intent, and, within thirty (30) days after receiving notification from the department, the school corporation that owns the school building shall lease the school building to the charter school for one dollar ($1) per year for as long as the charter school uses the school building for classroom instruction or for a term at the charter school's discretion, or sell the school building to the charter school for one dollar ($1). ~~The charter school must begin to use the school building for classroom instruction not later than two (2) years after acquiring the school building. If the school building is not used for classroom instruction within two (2) years after acquiring the school building, the school building shall be placed on the department's list under subsection (f). If during the term of the lease the charter school closes or ceases using the school building for classroom instruction, the school building shall be placed on the department's list under subsection (f). If a school building is sold to a charter school under this subsection and the charter school or any entity related to the charter school subsequently sells or transfers the school building to a third party, the charter school or related entity must transfer an amount equal to the gain in the property minus the adjusted basis (including costs of improvements to the school building) to the school corporation~~

~~that initially sold the vacant school building to the charter school. Gain and adjusted basis shall be determined in the manner prescribed by the Internal Revenue Code and the applicable Internal Revenue Service regulations and guidelines.~~

~~(i) During the term of a lease under subsection (h), the charter school is responsible for the direct expenses related to the school building leased, including utilities, insurance, maintenance, repairs, and remodeling. The school corporation is responsible for any debt incurred for or liens that attached to the school building before the charter school leased the school building.~~

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

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

~~(l) If the department receives a waiver request under subsection (k), the department, within five (5) days after receiving the waiver request under subsection (k), shall notify each charter school sponsor and statewide organization representing charter schools in Indiana by certified mail of the waiver request received under subsection (k). The notice must include a copy of the governing body's waiver request.~~

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

~~(1) the name of the charter school that is interested in leasing or purchasing the vacant or unused school building; and~~

~~(2) a time frame, which may not exceed one (1) year from the date of the objection, in which the charter school intends to begin providing classroom instruction in the vacant or unused school building.~~

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

SECTION 118. IC 20-26-7-3 IS REPEALED [EFFECTIVE JULY 1, 2015]. ~~Sec. 3. Any building or other property owned by a civil township may be conveyed to the corresponding school township. in the manner prescribed in section 4 of this chapter.~~

SECTION 119. IC 20-26-7-4 IS REPEALED [EFFECTIVE JULY 1, 2015]. ~~Sec. 4. (a) To transfer or convey a building or other property from a civil township to the corresponding school township, a petition may be filed with the board of commissioners of the county in which the civil township is located that:~~

~~(1) asks for the conveyance or transfer of the building or other property;~~

~~(2) describes the nature of the building or other property to be conveyed or transferred; and~~

~~(3) contains the reasons for the conveyance or transfer.~~

~~(b) A petition must be:~~

~~(1) signed by a majority of the legal voters residing in the civil township; and~~

~~(2) filed in the office of the county auditor.~~

~~When the petition is filed, the petitioners shall give a bond, with good and sufficient freehold sureties, that is payable to the state, approved by the board of county commissioners, and conditioned to pay all expenses if the board of county commissioners does not authorize the proposed conveyance or transfer.~~

~~(c) After a petition is filed, the county auditor shall give notice of the filing of the petition by publication once a week for two (2) consecutive weeks in one (1) newspaper printed and published in the county and of general circulation in the county in which the civil township is located.~~

~~(d) The board of commissioners shall:~~

~~(1) hear the petition at the next regular meeting and on the day designated in the notice; and~~

~~(2) determine all matters concerning the petition.~~

~~If the board is satisfied as to the propriety of granting the petitioners' request, the board shall make a finding to that effect and the trustee of the civil township shall convey the building or other property belonging to the civil township to the corresponding school township. The school township shall hold, control, and manage the building or other property. Expenses incurred in the conveyance of the property, if the conveyance is authorized, shall be paid out of the general funds of the civil township.~~

SECTION 120. IC 20-26-7-5, AS ADDED BY P.L.1-2005, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 5. A school corporation (as defined in IC 36-1-2-17) may convey property owned by the school corporation to a civil city or other political subdivision for civic purposes if:

(1) the governing body adopts a resolution recommending the transfer and conveyance of the school property;

(2) the civil city or political subdivision agrees to accept the school property; **and**

(3) the governing body executes a deed for the school property. ~~and~~

~~(4) the conveyance is not for payment or other consideration.~~

SECTION 121. IC 20-26-7-7, AS ADDED BY P.L.1-2005, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 7. ~~(a)~~ If a common school corporation has acquired or acquires any personal property or real estate by gift, devise, or bequest concerning which the donor or testator, at the time of making the gift, bequest, or devise, does not include conditions or directions concerning the gift, bequest, or devise inconsistent with this section, the principal of the gifts, devises, and bequests is inviolate, but the interest, rents, incomes, issues, and profits thereof may be expended by the school corporation. ~~The interest, rent, incomes, issues, and profits may not be devoted:~~

~~(1) to the payment of any obligation of the corporation incurred before the property was acquired;~~

~~(2) to the payment of the salaries or wages of:~~

~~(A) teachers of the branches commonly and generally taught in the public schools; or~~

~~(B) school or library officers or employees; or~~

~~(3) to purchase ordinary school furniture or supplies of the character required by the corporation to be paid for from the~~

~~current income or revenue coming to it from taxes or by operation of law.~~

~~However, the interest, rents, incomes, issues, and profits may be devoted to any public educational or public library or similar purpose for which the managing board or trustee of the corporation believes adequate financial provision has not been made by law.~~

~~(b) If:~~

~~(1) the board or trustee desires to invest the principal of the gift, devise, or bequest in the erection or equipping, or both, of a building to be devoted to a special use of a public educational or library character; and~~

~~(2) the expressed will of the donor or testator will not be violated; the principal may be used for that purpose, notwithstanding any other provision of this chapter. This subsection may not be construed to permit its use for the building or equipping of buildings for ordinary graded or high schools.~~

SECTION 122. IC 20-26-7-10 IS REPEALED [EFFECTIVE JULY 1, 2015]. ~~Sec. 10. (a) If a person gives or bequeaths to trustees an amount of money that exceeds five thousand dollars ($5,000) to erect a public school building or seminary in any unincorporated town, and upon the express or implied condition contained in the gift or bequest that an equal amount shall be raised by the citizens of the town or township for a like purpose, the township trustee of the township in which the town is located shall, upon the petition of a majority of the legal voters of the township, prepare, issue, and sell the bonds of the township to secure a loan of not more than fifteen thousand dollars ($15,000), in anticipation of the revenue for special school purposes, to comply with the condition attached to the gift or devise. The bonds must bear a rate of interest of not more than seven percent (7%) per annum, payable at such time, within seven (7) years after the date, as the trustee determines.~~

~~(b) Notwithstanding subsection (a), until all the bonds of any one (1) issue have been redeemed:~~

~~(1) the township trustee may not make another issue; and~~

~~(2) bonds may not be sold at a less rate than ninety-five cents ($0.95) on the dollar.~~

SECTION 123. IC 20-26-7-11 IS REPEALED [EFFECTIVE JULY 1, 2015]. ~~Sec. 11. The whole number of votes cast for candidates for Congress at the last preceding congressional election in the township is considered to be the whole number of legal voters of the township. A majority of the names of these legal voters must be signed to the petition presented to the township trustee, to which petition shall be~~

~~attached the affidavit or affidavits, as the trustee considers necessary, of a competent and credible person or persons that the signatures of all the names to the petition are genuine and that the persons who signed the petition are, as the trustee believes, legal voters of the township.~~

SECTION 124. IC 20-26-7-12 IS REPEALED [EFFECTIVE JULY 1, 2015]. ~~Sec. 12. (a) The township trustee shall:~~

~~(1) record the petition and the attached names in the record book of the township; and~~

~~(2) file and preserve the petition, entering into the record the date and time the petition was filed.~~

~~(b) If the township trustee is satisfied that the petition contains the names of a majority of the legal voters of the township, the township trustee shall prepare, issue, and sell bonds of the amount listed in the petition, as provided in section 10 of this chapter.~~

~~(c) The township trustee shall accurately keep a record of all proceedings concerning:~~

~~(1) the issue and sale of the bonds;~~

~~(2) to whom and for what amount the bonds are sold;~~

~~(3) the rate of interest; and~~

~~(4) the time when the bonds become due.~~

SECTION 125. IC 20-26-7-15, AS ADDED BY P.L.1-2005, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 15. (a) Before making the appraisement and assessment, the appraisers shall take an oath before the clerk of the court to make a fair, true, and honest appraisement of the real estate.

(b) After taking the oath under subsection (a), the appraisers shall examine the real estate, hear evidence they consider necessary, and make a report of their appraisement to the court not more than five (5) days after their appointment.

(c) After the examination under subsection (b), the township trustee or school trustees of the school corporation, or a majority of them, may pay to the clerk of the court, for the use of the owner or owners of the real estate, the amount assessed.

(d) When the payment is made under subsection (c) and the payment is shown to the court hearing the cause:

(1) the title to the real estate vests immediately in the school corporation ~~or school township~~ for school purposes;

(2) the court shall cause the real estate to be conveyed to the school corporation ~~or school township~~ by a commissioner appointed for that purpose; and

(3) the school corporation ~~or school township~~ may immediately take possession of the real estate for the purpose.

(e) When the report of the appraisers is filed, any party to the action, not later than ten (10) days, may except to the amount of the appraisement and valuation of the real estate and a trial may be had on the exception before the court as other civil causes are tried. The court shall fix the amount of the appraisement and assessment, and any party to the action may appeal the judgment of the court as other civil cases are appealed.

(f) If the township trustee or school trustees, or a majority of them, except to the amount of the appraisement and assessment:

(1) the court shall convey the real estate to the school corporation; ~~or school township;~~

(2) the title to the real estate vests immediately in the school corporation ~~or school township~~ for the purposes; and

(3) subsequent proceedings upon the exceptions affect only the amount of the appraisement and assessments.

SECTION 126. IC 20-26-7-17, AS AMENDED BY P.L.146-2008, SECTION 466, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 17. (a) A school corporation may:

(1) purchase buildings or lands, or both, for school purposes; and

(2) improve the buildings or lands, or both.

~~(b) An existing building, other than a building obtained under IC 5-17-2 (before its repeal) or IC 4-13-1.7, permitting the purchase of suitable surplus government buildings, may not be purchased for use as a school building unless the building was originally constructed for use by the school corporation and used for that purpose for at least five (5) years preceding the acquisition as provided in this section through section 19 of this chapter.~~

~~(c)~~ **(b)** Notwithstanding this section through section ~~19~~ **18** of this chapter limiting the purchase of school buildings, a school corporation may:

(1) purchase suitable buildings or lands, or both, adjacent to school property for school purposes; and

(2) improve the buildings or lands, or both, after giving notice to the taxpayers of the intention of the school corporation to purchase.

The taxpayers of the school corporation have the same right of appeal under the same procedure as provided for in IC 6-1.1-20-5 through IC 6-1.1-20-6.

SECTION 127. IC 20-26-7-18, AS AMENDED BY P.L.146-2008, SECTION 467, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 18. A school corporation may issue and sell bonds under the general statutes governing the issuance of

bonds to purchase and improve buildings or lands, or both. All laws relating to approval (if required) in a local public question under IC 6-1.1-20, the filing of petitions, remonstrances, and objecting petitions, giving notices of the filing of petitions, the determination to issue bonds, and the appropriation of the proceeds of the bonds are applicable to the issuance of bonds under ~~sections~~ **section** 17 ~~through 19~~ of this chapter.

SECTION 128. IC 20-26-7-19 IS REPEALED [EFFECTIVE JULY 1, 2015]. ~~Sec. 19. (a) If:~~

~~(1) a school township whose boundaries are coterminous with the boundaries of the corresponding civil township has occupied as lessee for at least five (5) years a building constructed for its use as a school building;~~

~~(2) the township board finds that it would be in the best interests of the school township and its taxpayers for the school township to purchase the building; and~~

~~(3) the entire amount required to pay the cost of acquisition cannot be provided by the school township on account of the constitutional debt limitation;~~

~~the township board, with the approval of the township trustee, may authorize the issuance of bonds by each of the school township and the civil township to provide funds to pay the cost of acquisition of the building.~~

~~(b) The amount of the civil township bonds may not exceed the amount required to pay the cost of acquisition over and above the amount that can validly be financed by the school township for that purpose. The issuance of bonds must be authorized by separate resolutions specifying the amount, terms, and conditions of the bonds to be issued by each of the corporations. The bonds issued are the separate obligations of the corporations, respectively. The bonds must be payable at times and in amounts not later than twenty (20) years after the date of issuance as the township board may determine and shall otherwise be authorized, issued, and sold in accordance with the applicable general laws.~~

~~(c) As used in this section, "building" includes the land occupied by the school township for school purposes.~~

SECTION 129. IC 20-26-7-20 IS REPEALED [EFFECTIVE JULY 1, 2015]. ~~Sec. 20. (a) It is the policy of the state to promote the acquisition, construction, and erection of school facilities by the off-site construction method so school corporations might obtain needed school facilities that, in many cases, would be denied by the higher cost of conventional construction.~~

~~(b) As used in this section through section 26 of this chapter, "off-site construction" means the fabrication and assembly of the component parts of various materials at a point other than the construction site where the parts are normally fabricated or assembled.~~

SECTION 130. IC 20-26-7-21 IS REPEALED [EFFECTIVE JULY 1, 2015]. ~~Sec. 21. (a) If the governing body or officer of a school corporation determines to erect or build a school building or buildings in which off-site construction techniques are to be used, the governing body or officer shall advertise for plans and specifications and for bids covering the plans and specifications.~~

~~(b) A bidder must file the bidder's plans or specifications with its bid.~~

~~(c) The advertisement shall be published once each week for two (2) consecutive weeks in two (2) newspapers published in the school corporation. If only one (1) newspaper is published in the boundaries of the school corporation, the advertisement shall be published in that newspaper and in a newspaper of general circulation published in the county where the school corporation is located. If a newspaper is not published in the boundaries of the school corporation, the advertisement shall be published in any two (2) newspapers of general circulation published in the county where the school corporation is located. If only one (1) newspaper is published in the county where the school corporation is located, publication in one (1) newspaper is sufficient.~~

~~(d) The advertisement:~~

~~(1) must contain a description of the building or buildings to be erected and the estimated cost; and~~

~~(2) may not require plans and specifications or bids to be filed for at least four (4) weeks after the date of the last publication of the advertisement.~~

~~(e) Subject to other applicable provisions of sections 20 through 25 of this chapter, the school corporation may accept the bid of the lowest bidder submitting plans and specifications considered satisfactory by the school corporation for a building or buildings.~~

SECTION 131. IC 20-26-7-22 IS REPEALED [EFFECTIVE JULY 1, 2015]. ~~Sec. 22. A school corporation may issue and sell bonds to construct a building or buildings under the general statutes governing the issuance and sale of bonds by school corporations if not in conflict with sections 20 through 25 of this chapter.~~

SECTION 132. IC 20-26-7-23 IS REPEALED [EFFECTIVE JULY 1, 2015]. ~~Sec. 23. (a) Before the execution of a contract under sections 20 through 25 of this chapter, the plans and specifications for a~~

~~building or buildings, which must be prepared by an architect or engineer registered to practice in Indiana, must be submitted to:~~

~~(1) the state department of health;~~

~~(2) the division of fire and building safety; and~~

~~(3) any other agencies designated by law to pass on plans and specifications for school buildings.~~

~~(b) The plans and specifications must be approved by each agency in writing before the execution of the contract.~~

SECTION 133. IC 20-26-7-24 IS REPEALED [EFFECTIVE JULY 1, 2015]. ~~Sec. 24. (a) After the completion of a school building or buildings erected or constructed under this chapter and before acceptance by the school corporation, the division of fire and building safety shall examine and inspect the building or buildings to determine if the requirements of the contract and the plans and specifications have been met.~~

~~(b) The division of fire and building safety shall immediately report to the school corporation any deviation from any requirements.~~

~~(c) Before final payment and settlement is made, the division of fire and building safety must file with the governing body or officer an affidavit that all requirements of the contract and of the plans and specifications have been fully and faithfully met.~~

SECTION 134. IC 20-26-7-25 IS REPEALED [EFFECTIVE JULY 1, 2015]. ~~Sec. 25. Sections 20 through 24 of this chapter may not be considered to alter, amend, or repeal any other Indiana statute. However, the provisions of any other statute may not apply to proceedings under sections 20 through 24 of this chapter to the extent that the statute is inconsistent with sections 20 through 24 of this chapter.~~

SECTION 135. IC 20-26-7-29 IS REPEALED [EFFECTIVE JULY 1, 2015]. ~~Sec. 29. A school building may not be condemned and declared unfit for use for school purposes except as provided in sections 30 through 34 of this chapter.~~

SECTION 136. IC 20-26-7-30 IS REPEALED [EFFECTIVE JULY 1, 2015]. ~~Sec. 30. A petition signed by:~~

~~(1) the state department of health;~~

~~(2) the state fire marshal; or~~

~~(3) at least twenty-five (25) legal residents of the school corporation in which a school building is located, at least fifteen (15) of whom are resident freeholders;~~

~~may be filed with the auditor of the county in which the school corporation is located, alleging that the school building designated in the petition is insanitary or otherwise unfit for use for school purposes~~

~~and should be condemned.~~

SECTION 137. IC 20-26-7-31 IS REPEALED [EFFECTIVE JULY 1, 2015]. ~~Sec. 31. If a petition is filed under section 30 of this chapter, the auditor of the county shall do the following:~~

~~(1) Mail one (1) copy of the petition to:~~

~~(A) the county superintendent of schools; and~~

~~(B) the township trustee or the president of the board of school trustees or board of school commissioners of the school corporation in which the school building is located.~~

~~(2) Give notice by one (1) publication in each of two (2) newspapers circulating in the school corporation in which the school building is located that a hearing will be held:~~

~~(A) at a place and at a time designated in the notice;~~

~~(B) not less than ten (10) days after the date on which the notice is published;~~

~~(C) before the board of county commissioners and the county council of the county, acting jointly; and~~

~~(D) at which an interested person may appear in person or by attorney and be heard.~~

SECTION 138. IC 20-26-7-32 IS REPEALED [EFFECTIVE JULY 1, 2015]. ~~Sec. 32. (a) The auditor shall call a special session of the board of county commissioners and the county council to:~~

~~(1) conduct the hearing described in section 31 of this chapter; and~~

~~(2) determine the matter submitted.~~

~~(b) The chairman of the county council shall preside at the hearing.~~

SECTION 139. IC 20-26-7-33 IS REPEALED [EFFECTIVE JULY 1, 2015]. ~~Sec. 33. (a) The hearing described in section 31 of this chapter may be adjourned from day to day.~~

~~(b) When the hearing has concluded, the board of county commissioners and county council, acting jointly, shall determine from:~~

~~(1) the evidence submitted;~~

~~(2) an inspection of the building; or~~

~~(3) both the evidence and an inspection;~~

~~if the building should be condemned.~~

~~(c) If the board of county commissioners and county council, acting jointly, determine that the building should be condemned, the board and council shall fix a date when the order of the board and council becomes effective. An appeal from the finding and determination of the board of county commissioners may be made to the circuit or superior court of the county in the same manner as appeals are taken from the board of county commissioners.~~

SECTION 140. IC 20-26-7-34 IS REPEALED [EFFECTIVE JULY 1, 2015]. ~~Sec. 34. (a) The state board may not:~~

~~(1) revoke the commission of a high school; or~~

~~(2) refuse to grant a commission to a high school when properly applied for;~~

~~because of the physical condition of any of the buildings in which the high school is conducted or maintained.~~

~~(b) The credits or the academic standing of a person who is a pupil in or a graduate of a high school may not be affected or determined by the physical condition of the building in which the pupil attended high school.~~

SECTION 141. IC 20-26-7-35 IS REPEALED [EFFECTIVE JULY 1, 2015]. ~~Sec. 35. (a) A decision of the state department of health to build, change, or condemn a school building may be appealed by:~~

~~(1) a township trustee;~~

~~(2) a board of school trustees or board of school commissioners;~~

~~(3) a member of a township board; or~~

~~(4) at least ten (10) residents and taxpayers;~~

~~of a township, town, or city in which the matter involving the building, changing, or condemnation of a school building occurred. The appeal may be made to a circuit or superior court of the county in which the township is located. A final appeal may be made to any court of last resort in Indiana.~~

~~(b) The appeal must:~~

~~(1) be made in the name of the person making the appeal or in the name of the officer making the appeal; and~~

~~(2) be perfected by filing a complaint or petition:~~

~~(A) in the office of the clerk of the court to which the appeal is taken;~~

~~(B) not more than thirty (30) days after the date of final decision by the state department of health that ordered the changing, condemnation, or building of the school building was made; and~~

~~(C) that sets forth the facts being appealed.~~

~~(c) The:~~

~~(1) state department of health; and~~

~~(2) township trustee, board of school commissioners, or board of school trustees if the appeal is made by the residents and taxpayers or by a member of the township board;~~

~~shall be named as defendants in the cause of action.~~

~~(d) Notice of the filing and pendency of the appeal shall be made by serving a summons, regularly issued by the court where cause of action~~

~~is pending, on the state health commissioner at least ten (10) days before the hearing of the cause.~~

~~(c) The appeal shall be tried as other civil causes are tried in Indiana. If the appeal is made by private citizens, bond approved by the court shall be given to cover costs and reasonable attorney's fees if the appeal is not sustained.~~

SECTION 142. IC 20-26-7-43 IS REPEALED [EFFECTIVE JULY 1, 2015]. ~~Sec. 43. (a) This section applies to school corporations organized and formed through reorganization under IC 20-23-4, IC 20-23-6, or IC 20-23-7 and school townships under IC 20-23-3.~~

~~(b) This section applies only when a school corporation or school township sustains loss by fire, wind, cyclone, or other disaster of all or a major part of its school building or school buildings.~~

~~(c) A school corporation or school township seeking to exercise its right of eminent domain under IC 32-24 to obtain land for use in reconstructing or replacing the school building or school buildings may not condemn more than twice the acreage established by the state board as the minimum acreage requirement for the type of school building damaged or destroyed and being reconstructed or replaced. In determining the acreage, land already owned by the school corporation or school township that adjoins any part of the land out of which additional land is sought to be condemned shall be used in computing the total acreage for the reconstruction or replacement of the school building or school buildings under this section. The need for the additional land is subject to judicial review in the court where the condemnation action is filed and may, at the request of either party, be tried either by the court or a jury before appraisers are appointed with full rights of appeal, by either party, from the interlocutory findings.~~

SECTION 143. IC 20-26-7-44 IS REPEALED [EFFECTIVE JULY 1, 2015]. ~~Sec. 44. (a) If:~~

~~(1) a school township has acquired or acquires any personal property or money by gift, devise, or bequest;~~

~~(2) the donor or testator, at the time of making the gift, devise, or bequest does not or did not attach any conditions or directions concerning the way or manner in which the gift, devise, or bequest may or shall be used or expended for the benefit of the public schools of the school township; and~~

~~(3) a petition is signed by at least fifty (50) resident freeholders of the school township and filed before August 2 with the trustee of the school township, requesting the township board to appropriate and transfer all of the gift, devise, or bequest to a capital projects fund or debt service fund to be used for the erection of a new~~

~~school building or buildings;~~

~~the trustee shall give notice to the taxpayers of the school township, by publication, that on the same day on which the township board meets to establish the tax levy for the ensuing year, all persons interested in the proposed petition may appear and be heard.~~

~~(b) If the township board grants the petition after the hearing, the township board shall appropriate and transfer all the money of the gift, devise, or bequest to a capital projects fund or debt service fund for the erection of a new school building or buildings.~~

~~(c) If any gift, devise, or bequest subject to this section consists of stocks, bonds, or other personal property, the township trustee, with the consent and approval of the township board, may sell the stocks, bonds, or other personal property for not less than the market value of the property on the day on which the property is sold.~~

SECTION 144. IC 20-26-8 IS REPEALED [EFFECTIVE JULY 1, 2015]. (Community Use of School Property).

SECTION 145. IC 20-26-9-2, AS AMENDED BY P.L.54-2006, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 2. ~~(a) This subsection applies before July 1, 2007. As used in this chapter, "qualifying school building" refers to a public school building in which:~~

~~(1) at least twenty-five percent (25%) of the students who were enrolled at that school building during the prior school year qualified for free or reduced price lunches under guidelines established under 42 U.S.C. 1758(b); and~~

~~(2) lunches are served to students.~~

~~(b) This subsection applies after June 30, 2007.~~ As used in this chapter, "qualifying school building" refers to a public school building in which:

(1) at least fifteen percent (15%) of the students who were enrolled at that school building during the prior school year qualified for free or reduced price lunches under guidelines established under 42 U.S.C. 1758(b); and

(2) lunches are served to students.

SECTION 146. IC 20-26-9-12, AS AMENDED BY P.L.146-2008, SECTION 468, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 12. (a) School cities, ~~school townships,~~ school towns, and joint districts may:

(1) establish, equip, operate, and maintain school kitchens and school lunchrooms for the improvement of the health of students and for the advancement of the educational work of their respective schools;

(2) employ all necessary directors, assistants, and agents; and

(3) appropriate funds for the school lunch program.

Participation in a school lunch program under this chapter is discretionary with the governing board of a school corporation.

(b) If federal funds are not available to operate a school lunch program:

(1) the state may not participate in a school lunch program; and

(2) money appropriated by the state for that purpose and not expended shall immediately revert to the state general fund.

(c) Failure on the part of the state to participate in the school lunch program does not invalidate any appropriation made or school lunch program carried on by a school corporation by means of gifts or money appropriated from state tuition support distributions received by the school corporation.

SECTION 147. IC 20-26-9-18 IS REPEALED [EFFECTIVE JULY 1, 2015]. ~~Sec. 18. (a) Before July 1, 2007, each school board shall establish a coordinated school health advisory council (referred to as the "advisory council" in this section). The advisory council may review the corporation's wellness policies on a yearly basis and suggest to the school board for approval changes to the policies that comply with the requirements of federal Public Law 108-265 and IC 5-22-15-24(c) before July 1 of each year. The advisory council must hold at least one (1) hearing at which public testimony about the local wellness policy being developed is allowed.~~

~~(b) The school board shall appoint the members of the advisory council, which must include the following:~~

~~(1) Parents.~~

~~(2) Food service directors and staff.~~

~~(3) Students.~~

~~(4) Nutritionists or certified dietitians.~~

~~(5) Health care professionals.~~

~~(6) School board members.~~

~~(7) A school administrator.~~

~~(8) Representatives of interested community organizations.~~

~~(c) The school board shall adopt a school district policy on child nutrition and physical activity that takes into consideration recommendations made by the advisory council.~~

~~(d) The department shall, in consultation with the state department of health, provide technical assistance to the advisory councils, including providing information on health, nutrition, and physical activity, through educational materials and professional development opportunities. The department shall provide the information given to~~

~~an advisory council under this subsection to a school or parent upon request.~~

SECTION 148. IC 20-26-9-19 IS REPEALED [EFFECTIVE JULY 1, 2015]. ~~Sec. 19. (a) This section does not apply to a food or beverage item that is:~~

~~(1) part of a school lunch program or school breakfast program;~~

~~(2) sold in an area that is not accessible to students;~~

~~(3) sold after normal school hours; or~~

~~(4) sold or distributed as part of a fundraiser conducted by students, teachers, school groups, or parent groups, if the food or beverage is not intended for student consumption during the school day.~~

~~However, this section applies to a food or beverage item that is sold in the a la carte line of a school cafeteria and is not part of the federal school lunch program or federal school breakfast program.~~

~~(b) A vending machine at an elementary school that dispenses food or beverage items may not be accessible to students.~~

~~(c) At least fifty percent (50%) of the food items available for sale at a school or on school grounds must qualify as better choice foods and at least fifty percent (50%) of the beverage items available for sale at a school or on school grounds must qualify as better choice beverages. Food and beverage items are subject to the following for purposes of this subsection:~~

~~(1) The following do not qualify as better choice beverages:~~

~~(A) Soft drinks, punch, iced tea, and coffee.~~

~~(B) Fruit or vegetable based drinks that contain less than fifty percent (50%) real fruit or vegetable juice or that contain additional caloric sweeteners.~~

~~(C) Except for low fat and fat free chocolate milk, drinks that contain caffeine.~~

~~(2) The following qualify as better choice beverages:~~

~~(A) Fruit or vegetable based drinks that:~~

~~(i) contain at least fifty percent (50%) real fruit or vegetable juice; and~~

~~(ii) do not contain additional caloric sweeteners.~~

~~(B) Water and seltzer water that do not contain additional caloric sweeteners.~~

~~(C) Low fat and fat free milk, including chocolate milk, soy milk, rice milk, and other similar dairy and nondairy calcium fortified milks.~~

~~(D) Isotonic beverages.~~

~~(3) Food items that meet all the following standards are~~

~~considered better choice foods:~~

~~(A) Not more than thirty percent (30%) of their total calories are from fat.~~

~~(B) Not more than ten percent (10%) of their total calories are from saturated and trans fat.~~

~~(C) Not more than thirty-five percent (35%) of their weight is from sugars that do not occur naturally in fruits, vegetables, or dairy products.~~

~~(d) A food item available for sale at a school or on school grounds may not exceed the following portion limits if the food item contains more than two hundred ten (210) calories:~~

~~(1) In the case of potato chips, crackers, popcorn, cereal, trail mixes, nuts, seeds, dried fruit, and jerky, one and seventy-five hundredths (1.75) ounces.~~

~~(2) In the case of cookies and cereal bars, two (2) ounces.~~

~~(3) In the case of bakery items, including pastries, muffins, and donuts, three (3) ounces.~~

~~(4) In the case of frozen desserts, including ice cream, three (3) fluid ounces.~~

~~(5) In the case of nonfrozen yogurt, eight (8) ounces.~~

~~(6) In the case of entree items and side dish items, including french fries and onion rings, the food item available for sale may not exceed the portion of the same entree item or side dish item that is served as part of the school lunch program or school breakfast program.~~

~~(e) A beverage item available for sale at a school or on school grounds may not exceed twenty (20) ounces.~~

SECTION 149. IC 20-26-10-10 IS REPEALED [EFFECTIVE JULY 1, 2015]. ~~Sec. 10. Two (2) or more school corporations within a county may through their respective school trustees and boards engage in any of the following:~~

~~(1) Joint employment of professional personnel.~~

~~(2) Joint purchases of necessary supplies, equipment, and other materials that the participating school officers consider proper to the operation of their respective schools.~~

~~The cost of these services and purchases to participating corporations shall be determined by their proportionate use in the schools of participating corporations. The county superintendent of schools is the administrator of these joint activities.~~

SECTION 150. IC 20-26-10-11 IS REPEALED [EFFECTIVE JULY 1, 2015]. ~~Sec. 11. (a) A county board of education may authorize the county superintendent of schools to establish a joint service and supply~~

~~fund, into which fund the participating school corporations shall pay their proportionate share under an agreement for the joint services and supplies in which the school corporations are interested. The county superintendent of schools may disburse from the service and supply fund proper expenditures to pay salaries of jointly employed personnel and other joint service expenditures.~~

~~(b) The county superintendent of schools shall keep a complete written accounting of all receipts and disbursements related to the joint service and supply fund in a form approved by the state board of accounts. The accounting shall be audited by the state board of accounts. The county superintendent of schools shall make a complete and detailed financial report of all receipts and disbursements in the joint service and supply fund at the end of each fiscal year and shall furnish copies of the report to all participating school corporations.~~

SECTION 151. IC 20-26-11-19 IS REPEALED [EFFECTIVE JULY 1, 2015]. ~~Sec. 19. (a) This section through section 29 of this chapter concern the transfer of students for education from one (1) school corporation (transferor corporation) to another school corporation (transferee corporation) in compliance with a court order as described in this section. This chapter applies solely in a situation where a court of the United States or of Indiana in a suit to which the transferor or transferee corporation or corporations are parties has found the following:~~

~~(1) A transferor corporation has violated the equal protection clause of the Fourteenth Amendment to the Constitution of the United States by practicing de jure racial segregation of the students within its borders.~~

~~(2) A unitary school system within the meaning of the Fourteenth Amendment cannot be implemented within the boundaries of the transferor corporation.~~

~~(3) The Fourteenth Amendment compels the court to order a transferor corporation to transfer its students for education to one (1) or more transferee corporations to effect a plan of desegregation in the transferor corporation that is acceptable within the meaning of the Fourteenth Amendment.~~

~~(b) This chapter does not apply until all appeals from the order, whether taken by the transferor corporation, any transferee corporation or any party to the action, have been exhausted or the time for taking the appeals has expired, except where all stays of a transfer order pending appeal or further court action have been denied.~~

SECTION 152. IC 20-26-11-20 IS REPEALED [EFFECTIVE JULY 1, 2015]. ~~Sec. 20. (a) As used in sections 19 through 29 of this chapter,~~

~~"class of school" refers to a classification of each school in the transferee corporation by the grades taught therein (generally denominated as elementary schools, middle schools or junior high schools, high schools, and special schools such as schools for special education, career and technical education, or career education). Elementary schools include schools containing kindergarten, but for purposes of this chapter, a kindergarten student shall be counted as one-half (1/2) student.~~

~~(b) As used in sections 19 through 29 of this chapter, "transferee corporation" means the school corporation receiving students under a court order described in section 19 of this chapter.~~

~~(c) As used in sections 19 through 29 of this chapter, "transferor corporation" means the school corporation transferring students under a court order described in section 19 of this chapter.~~

~~(d) As used in sections 19 through 29 of this chapter, "transferred student" means any student transferred under a court order described in section 19 of this chapter.~~

SECTION 153. IC 20-26-11-21 IS REPEALED [EFFECTIVE JULY 1, 2015]. ~~Sec. 21. (a) The governing body of a transferee corporation may add two (2) members, one (1) of whom must be a resident of the contributing geographic area within the transferor corporation from which students are being bused, to the transferee corporation's governing body for each transferor corporation that the transferee corporation serves. These members are in addition to the number of members of the governing body who are residents of the transferee corporation.~~

~~(b) Each member who is a resident of a contributing transferor corporation added to the governing body of a transferee corporation by this section:~~

~~(1) shall be elected by a majority of all registered and eligible voters who vote in each applicable school board election in the school corporation;~~

~~(2) must have the same qualifications, other than residency or property ownership, that are required for a member of the governing body who is a resident of the transferee corporation; and~~

~~(3) serves for the same number of years as members of the governing body who are residents of the transferee corporation.~~

~~(c) The members of the governing body of the transferee corporation shall appoint by majority vote the first additional members of a governing body under this section. The members appointed under this subsection serve until replacement members are elected under~~

~~subsections (d) and (e).~~

~~(d) The first elected members of a governing body from a transferor corporation shall be elected at the first election after the members are added under subsection (a):~~

~~(1) that occurs in the transferor corporation; and~~

~~(2) where one (1) or more members of the governing body of the transferor corporation are elected.~~

~~The election shall be conducted in the manner required by law for the conduct of elections of governing bodies of school corporations.~~

~~(e) This subsection applies to an additional member of a governing body appointed under subsection (c) to whom subsection (d) does not apply. The first additional elected member of a governing body must be elected at the first election after the members are added under subsection (a) where one (1) or more members of the governing body of the transferee corporation are elected. The election must be conducted in the manner required by law for the conduct of elections of governing bodies of school corporations.~~

SECTION 154. IC 20-26-11-22 IS REPEALED [EFFECTIVE JULY 1, 2015]. ~~Sec. 22. (a) The transferee corporation is entitled to receive from the transferor corporation transfer tuition for each transferred student for each school year calculated in two (2) parts as follows:~~

~~(1) Operating cost.~~

~~(2) Capital cost.~~

~~These costs must be allocated on a per student basis separately for each class of school.~~

~~(b) The operating cost for each class of school must be based on the total expenditures of the transferee corporation for the class from its general fund expenditures as set out on the classified budget forms prescribed by the state board of accounts, excluding from the calculation capital outlay, debt service, costs of transportation, salaries of board members, contracted service for legal expenses, and any expenditure that is made out of the general fund from extracurricular account receipts, for the school year.~~

~~(c) The capital cost for each class of school must consist of the lesser of the following alternatives:~~

~~(1) The capital cost must be based on an amount equal to five percent (5%) of the cost of transferee corporation's physical plant, equipment, and all items connected to the physical plant or equipment, including:~~

~~(A) buildings, additions, and remodeling to the buildings, excluding ordinary maintenance; and~~

~~(B) on-site and off-site improvements such as walks, sewers,~~

~~waterlines, drives, and playgrounds;~~

~~that have been paid or are obligated to be paid in the future out of the general fund, capital projects fund, or debt service fund, including principal and interest, lease rental payments, and funds that were legal predecessors to these funds. If an item of the physical plant, equipment, appurtenances, or part of the item is more than twenty (20) years old at the beginning of the school year, the capital cost of the item shall be disregarded in making the capital cost computation.~~

~~(2) The capital cost must be based on the amount budgeted from the general fund for capital outlay for physical plant, equipment, and appurtenances and the amounts levied for the debt service fund and the capital projects fund for the calendar year in which the school year ends.~~

~~(d) If an item of expense or cost cannot be allocated to a class of school, the item shall be prorated to all classes of schools on the basis of the ADM of each class in the transferee corporation, as determined in the fall count of ADM in the school year, compared to the total current ADM therein, as determined in the fall count of ADM in the school year.~~

~~(e) The transfer tuition for each student transferred for each school year shall be calculated by dividing the transferee school corporation's total operating costs and the total capital costs for the class of school in which the student is enrolled by the ADM of students therein, as determined in the fall count of ADM in the school year. If a transferred student is enrolled in a transferee corporation for less than the full school year, the transfer tuition shall be calculated by the proportion of such school year for which the transferred student is enrolled. A school year for this purpose consists of the number of days school is in session for student attendance. A student shall be enrolled in a transferee school, whether or not the student is in attendance, unless the:~~

~~(1) student's residence is outside the area of students transferred to the transferee corporation;~~

~~(2) student has been excluded or expelled from school; or~~

~~(3) student has been confirmed as a school dropout.~~

~~The transferor and transferee corporations may enter into written agreements concerning the amount of transfer tuition. If an agreement cannot be reached, the amount shall be determined by the state superintendent, with costs to be established, where in dispute, by the state board of accounts.~~

~~(f) The transferor corporation shall pay the transferee corporation, when billed, the amount of curricular material rental due from~~

~~transferred students who are unable to pay the curricular material rental amount. The transferor corporation is entitled to collect the amount of the curricular material rental from the appropriate township trustee, from its own funds, or from any other source, in the amounts and manner provided by law.~~

SECTION 155. IC 20-26-11-23 IS REPEALED [EFFECTIVE JULY 1, 2015]. ~~Sec. 23. (a) If a transfer is ordered to commence in a school year, where the transferor corporation has net additional costs over savings (on account of any transfer ordered) allocable to the state fiscal year in which the school year begins, and where the transferee corporation does not have budgeted funds for the net additional costs, the net additional costs may be recovered by one (1) or more of the following methods in addition to any other methods provided by applicable law:~~

~~(1) An emergency loan made under IC 20-48-1-7 to be paid, out of the debt service levy and fund, or a loan from any state fund made available for the net additional costs.~~

~~(2) An advance in the state fiscal year of state funds, which would otherwise become payable to the transferee corporation after such state fiscal year under law.~~

~~(3) A grant or grants in the calendar year from any funds of the state made available for the net additional costs.~~

~~(b) The net additional costs must be certified by the department of local government finance. Repayment of any advance or loan from the state shall be made from state tuition support distributions or other money available to the school corporation.~~

SECTION 156. IC 20-26-11-24 IS REPEALED [EFFECTIVE JULY 1, 2015]. ~~Sec. 24. Transfer tuition for each school year shall be paid by the transferor corporation during the term of the year and following the end of term in four (4) installments within ten (10) days after the first day of November, February, May and August, respectively. The first three (3) payments shall be calculated on the basis of estimates based on the previous year's cost per student and the enrollment for the day schools are open in the transferee corporation next preceding the applicable payment date.~~

SECTION 157. IC 20-26-11-25 IS REPEALED [EFFECTIVE JULY 1, 2015]. ~~Sec. 25. (a) Payment of the operating cost must be paid from and receipted to the respective general funds of the transferor and transferee corporations.~~

~~(b) Payment of capital costs must be made by the transferor corporation, at its discretion, from any fund or source and be receipted by the transferee corporation, at its discretion, either to the capital~~

~~projects fund or to the debt service fund.~~

SECTION 158. IC 20-26-11-26 IS REPEALED [EFFECTIVE JULY 1, 2015]. ~~Sec. 26. The transferor corporation shall provide each transferred student transportation to and from the school in the transferee corporation to which the student is assigned. However, the transferor corporation may require the transferred student to walk a reasonable distance from the student's home to school or to a transportation pickup point.~~

SECTION 159. IC 20-26-11-27 IS REPEALED [EFFECTIVE JULY 1, 2015]. ~~Sec. 27. Transportation must be provided by the transferor corporation to each transferred student under IC 20-27. However, the transferor corporation may contract with the transferee corporation to provide transportation to the transferred students at the expense of the transferor corporation, and that the transferor corporation, in addition to the other means of financing the purchase of transportation equipment, may make the purchases out of its capital projects fund.~~

SECTION 160. IC 20-26-11-29 IS REPEALED [EFFECTIVE JULY 1, 2015]. ~~Sec. 29. (a) The provisions of sections 19 through 29 of this chapter concerning the calculation of transfer tuition, the credits for state distribution, state reimbursement of transportation costs, or other state reimbursement may be implemented by rules adopted by the state board.~~

~~(b) The state board shall adopt rules for the enforcement of the payment of transfer tuition. The payment enforcement may include the withholding of state support from the transferor corporation for the benefit of the transferee corporation.~~

~~(c) A transferor or the transferee corporation may dispute the amount of transfer tuition or state reimbursement by petitioning the state superintendent. Any dispute in the amount of transfer tuition or state reimbursement shall be determined by the state superintendent.~~

SECTION 161. IC 20-26-12-1, AS AMENDED BY P.L.286-2013, SECTION 60, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 1. (a) Except as provided in ~~subsections~~ **subsection** (b) ~~and (c)~~ and notwithstanding any other law, each governing body shall purchase from a publisher, either individually or through a purchasing cooperative of school corporations, the curricular materials selected by the proper local officials, and shall rent the curricular materials to each student enrolled in a public school that is:

(1) in compliance with the minimum certification standards of the state board; and

(2) located within the attendance unit served by the governing body.

~~(b) This section does not prohibit the purchase of curricular materials at the option of a student or the providing of free curricular materials by the governing body under sections 6 through 21 of this chapter.~~

~~(c)~~ **(b)** This section does not prohibit a governing body from suspending the operation of this section under a contract entered into under IC 20-26-15.

SECTION 162. IC 20-26-12-2, AS AMENDED BY P.L.286-2013, SECTION 61, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 2. (a) A governing body may purchase from a publisher any curricular material selected by the proper local officials. The governing body may rent the curricular materials to students enrolled in any public or nonpublic school that is:

(1) in compliance with the minimum certification standards of the state board; and

(2) located within the attendance unit served by the governing body.

The annual rental rate may not exceed twenty-five percent (25%) of the retail price of the curricular materials.

(b) Notwithstanding subsection (a), the governing body may not assess a rental fee of more than ~~fifteen~~ **twenty-five** percent ~~(15%)~~ **(25%)** of the retail price of curricular materials that have been:

(1) extended for usage by students under section 24(e) of this chapter; and

(2) paid for through rental fees previously collected.

(c) This section does not limit other laws.

SECTION 163. IC 20-26-12-3 IS REPEALED [EFFECTIVE JULY 1, 2015]. ~~Sec. 3. (a) Upon a written determination by the governing body of a school corporation that curricular materials are no longer scheduled for use in the school corporation, the governing body may sell, exchange, transfer, or otherwise convey the curricular materials. However, before a governing body may mutilate or otherwise destroy curricular materials, the governing body must first comply with the following provisions:~~

~~(1) Subsection (b).~~

~~(2) Subsection (c).~~

~~(3) Section 4 of this chapter.~~

~~(4) Section 5 of this chapter.~~

~~(b) Before a governing body may mutilate or otherwise destroy curricular materials, the governing body shall provide at no cost and subject to availability one (1) copy of any curricular material that is no longer scheduled for use in the school corporation to:~~

~~(1) the parent of each student who is enrolled in the school corporation and who wishes to receive a copy of the curricular material; and~~

~~(2) if any curricular materials remain after distribution under subdivision (1), to any resident of the school corporation who wishes to receive a copy of the curricular material.~~

~~(c) If a governing body does not sell, exchange, transfer, or otherwise convey unused curricular materials under subsection (a) or (b), each public elementary and secondary school in the governing body's school corporation shall provide storage for at least three (3) months for the curricular materials in the school corporation. A school corporation may sell or otherwise convey the curricular materials to another school corporation at any time during the period of storage.~~

SECTION 164. IC 20-26-12-4 IS REPEALED [EFFECTIVE JULY 1, 2015]. ~~Sec. 4. (a) A school corporation shall compile a list of curricular materials in storage under section 3 of this chapter. The list must include the names of the publishers and the number of volumes being stored. The list must be mailed to the department. The department shall maintain a master list of all curricular materials being stored by school corporations.~~

~~(b) Upon request, the state superintendent shall mail to a nonprofit corporation or institution located in Indiana a list of curricular materials available for access. A nonprofit corporation or institution may acquire the curricular materials from the appropriate school corporation by paying only the cost of shipping and mailing.~~

SECTION 165. IC 20-26-12-5 IS REPEALED [EFFECTIVE JULY 1, 2015]. ~~Sec. 5. Curricular materials stored for at least three (3) months under section 3 of this chapter may not be mutilated or destroyed and must be maintained and stored according to regulations prescribed by local and state health authorities. Curricular materials that have not been requested after at least three (3) months may be mutilated, destroyed, or otherwise disposed of by the school corporation.~~

SECTION 166. IC 20-26-12-6 IS REPEALED [EFFECTIVE JULY 1, 2015]. ~~Sec. 6. (a) Sections 7 through 21 of this chapter apply to school libraries that contain free curricular materials. The curricular materials must be selected by the proper local officials.~~

~~(b) As used in sections 7 through 21 of this chapter, "resident student" means a student enrolled in any of the grades in any school located in a school corporation, whether the student resides there or is transferred there for school purposes.~~

SECTION 167. IC 20-26-12-7 IS REPEALED [EFFECTIVE JULY

1, 2015]. ~~Sec. 7. (a) If a petition requesting the establishment of an elementary school library is filed with a governing body, the governing body shall provide a library containing curricular materials in sufficient numbers to meet the needs of every resident student in each of the eight (8) grades of each elementary school. The petition must be signed by at least fifty-one percent (51%) of the registered voters of the governing body's school corporation.~~

~~(b) This subsection applies to a governing body that has established an elementary school library under subsection (a). If a petition requesting establishment of a high school library is filed with the governing body, the governing body shall provide a library containing curricular materials in sufficient numbers to meet the needs of every resident student in each of the four (4) grades of each high school. The petition must be signed by at least twenty percent (20%) of the voters of the school corporation as determined by the total vote cast at the last general election for the trustee of the township, clerk of the town, or mayor of the city.~~

SECTION 168. IC 20-26-12-8 IS REPEALED [EFFECTIVE JULY 1, 2015]. ~~Sec. 8. A petition for an elementary or a high school library under section 7 of this chapter must be in substantially the following form:~~

~~To the governing body of the school corporation of _____~~

~~We, the undersigned voters of the school corporation of _____ respectfully petition the governing body of the school corporation of _____ to establish an elementary school (or high school, as appropriate) library and to lend its school curricular materials free of charge to the resident students of the school corporation of _____, under IC 20-26-12.~~

~~NAME~~	~~ADDRESS~~	~~DATE~~
_____	_____	_____
_____	_____	_____
_____	_____	_____

~~STATE OF INDIANA)~~
~~) SS:~~
~~_____ COUNTY)~~

~~_____ being duly sworn, deposes and says that he or she is the circulator of this petition paper and that the appended signatures were made in his or her presence and are the genuine signatures of the persons whose names they purport to be. Signed _____~~

~~Subscribed and sworn to before me this ____ day of _____, 20 __. _____Notary Public~~

SECTION 169. IC 20-26-12-9 IS REPEALED [EFFECTIVE JULY 1, 2015]. ~~Sec. 9. The signatures to each petition may be appended to~~

~~one (1) petition paper. An affidavit of the circulator must be attached to each petition paper. The affidavit must state that each signature was made in the circulator's presence and is the genuine signature of the person whose name it purports to be. Each signature must be made in ink or indelible pencil. Each signer shall state the signer's name, the signer's residence by street and number, or any other description sufficient to identify the place and the date of the signing.~~

SECTION 170. IC 20-26-12-10 IS REPEALED [EFFECTIVE JULY 1, 2015]. ~~Sec. 10. A person who signs a petition under this chapter must be registered to vote in the precinct in which the person resides to be qualified to sign and to have the signature count.~~

SECTION 171. IC 20-26-12-11 IS REPEALED [EFFECTIVE JULY 1, 2015]. ~~Sec. 11. All petition papers requesting the establishment of a library under this chapter must be assembled and filed as one (1) instrument before July 2.~~

SECTION 172. IC 20-26-12-12 IS REPEALED [EFFECTIVE JULY 1, 2015]. ~~Sec. 12. (a) A governing body shall examine petition papers filed under section 11 of this chapter and shall have the names checked against the voter registration records in the county in which the governing body's school corporation is located.~~

~~(b) A governing body may employ clerks to check voter registration records under this section. The governing body may pay these expenses from the school corporation's general fund without a specific appropriation.~~

~~(c) A clerk employed under subsection (b) shall take an oath to perform honestly and faithfully. The clerk is entitled to daily compensation of not more than three dollars ($3) for this work.~~

SECTION 173. IC 20-26-12-13 IS REPEALED [EFFECTIVE JULY 1, 2015]. ~~Sec. 13. If a sufficient petition is filed under section 11 of this chapter, a governing body shall note on the records of the governing body's school corporation that by filing the petition the school corporation must maintain:~~

~~(1) an elementary school library containing curricular materials in sufficient numbers to meet the needs of every resident student in each of the first eight (8) grades of each elementary school located within the school corporation; or~~

~~(2) a high school library containing curricular materials in sufficient numbers to meet the needs of every resident student in each of the four (4) grades of each high school located within the school corporation;~~

~~as applicable.~~

SECTION 174. IC 20-26-12-14 IS REPEALED [EFFECTIVE JULY

1, 2015]. ~~Sec. 14. (a) This subsection applies to a school corporation described in section 13(1) of this chapter. The governing body shall make the first appropriation from the school corporation's general fund in August following the petition's filing. Not later than the school term following the first appropriation, the library must be established and curricular materials must be loaned to resident students enrolled in the first five (5) grades of the elementary school. Not later than the second school term following the first appropriation, curricular materials must be procured and loaned to resident students enrolled in the eight (8) grades of the elementary school.~~

~~(b) This subsection applies to a school corporation described in section 13(2) of this chapter. The governing body shall make the first appropriation from the school corporation's general fund in September following the petition's filing. Not later than the second school term following the first appropriation, the library must be established and curricular materials of the library must be loaned to resident students enrolled in grade nine of the high school. During each following school term, curricular materials must be procured and loaned to resident students for an additional high school grade, in addition to the earlier high school grades.~~

SECTION 175. IC 20-26-12-15 IS REPEALED [EFFECTIVE JULY 1, 2015]. ~~Sec. 15. (a) A governing body shall purchase the necessary curricular materials from publishers. The publisher shall ship the curricular materials to the governing body not more than ninety (90) days after the requisition. On receipt of the curricular materials, the governing body's school corporation has custody of the curricular materials. The governing body shall provide a receipt to the contracting publisher and reimburse the contracting publisher the amount owed by the school corporation from the school corporation's general fund.~~

~~(b) A governing body shall purchase curricular materials:~~

~~(1) from a resident student who presents the curricular materials for sale on or before the beginning of the school term in which the curricular materials are to be used;~~

~~(2) with money from the school corporation's general fund; and~~

~~(3) at a price based on the original price to the school corporation minus a reasonable reduction for damage from usage.~~

SECTION 176. IC 20-26-12-16 IS REPEALED [EFFECTIVE JULY 1, 2015]. ~~Sec. 16. Upon receipt of the curricular materials, a governing body shall loan the curricular materials at no charge to each resident student. Library curricular materials are available to each resident student under this chapter and under regulations prescribed by the superintendent and governing body of the school corporation.~~

SECTION 177. IC 20-26-12-17 IS REPEALED [EFFECTIVE JULY 1, 2015]. ~~Sec. 17. (a) If a student transfers to a school corporation other than the one in which the student resides under IC 20-26-11, the governing body of the school corporation to which the student transfers shall purchase a sufficient supply of curricular materials for the transferred student.~~

~~(b) In the annual settlement between the school corporations for tuition of transferred students, the amounts must include rental of the curricular materials furnished to the transferred students. The state board shall determine the rental rate.~~

SECTION 178. IC 20-26-12-18 IS REPEALED [EFFECTIVE JULY 1, 2015]. ~~Sec. 18. A governing body may provide a sufficient amount of curricular materials for sale to resident students at the price stipulated in the contracts under which the curricular materials are supplied to the governing body's school corporation. Proceeds from sales under this section must be paid into the school corporation's general fund.~~

SECTION 179. IC 20-26-12-19 IS REPEALED [EFFECTIVE JULY 1, 2015]. ~~Sec. 19. A governing body shall provide sufficient library facilities for the curricular materials to best accommodate the resident students.~~

SECTION 180. IC 20-26-12-20 IS REPEALED [EFFECTIVE JULY 1, 2015]. ~~Sec. 20. A governing body shall prescribe reasonable rules and regulations for the care, custody, and return of library curricular materials. A resident student using library curricular materials is responsible for the loss, mutilation, or defacement of the library curricular materials, other than reasonable wear.~~

SECTION 181. IC 20-26-12-21 IS REPEALED [EFFECTIVE JULY 1, 2015]. ~~Sec. 21. A governing body shall provide for the fumigation or destruction of library curricular materials at the times and under regulations prescribed by local and state health authorities. Before a governing body may mutilate or otherwise destroy curricular materials, the governing body shall provide at no cost and subject to availability one (1) copy of any curricular material that is no longer scheduled for use in the school corporation to:~~

~~(1) the parent of each child who is enrolled in the school corporation and who wishes to receive a copy of the curricular material; and~~

~~(2) if any curricular materials remain after distribution under subdivision (1), to any resident of the school corporation who wishes to receive a copy of the curricular material.~~

SECTION 182. IC 20-26-12-22 IS REPEALED [EFFECTIVE JULY

1, 2015]. ~~Sec. 22. If a school corporation purchases curricular materials on a time basis:~~

~~(1) the schedule for payments shall coincide with student payments to the school corporation for curricular material rental; and~~

~~(2) the schedule must not require the school corporation to assume a greater burden than payment of twenty-five percent (25%) within thirty (30) days after the beginning of the school year immediately following delivery by the contracting publisher with the school corporation's promissory note evidencing the unpaid balance.~~

SECTION 183. IC 20-26-12-23, AS AMENDED BY P.L.286-2013, SECTION 78, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 23. ~~(a)~~ A school corporation may:

(1) borrow money to buy curricular materials; and

(2) issue notes, maturing serially in not more than ~~six (6)~~ **three (3)** years and payable from its general fund, to secure the loan.

~~However, when an adoption is made by the proper local officials for less than six (6) years, the period for which the notes may be issued is limited to the period for which that adoption is effective.~~

~~(b) Notwithstanding subsection (a), a school township may not borrow money to purchase curricular materials unless a petition requesting such an action and bearing the signatures of twenty-five percent (25%) of the resident taxpayers of the school township has been presented to and approved by the township trustee and township board.~~

SECTION 184. IC 20-26-12-24, AS AMENDED BY P.L.286-2013, SECTION 79, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 24. (a) The superintendent shall establish procedures for adoption of curricular materials.

(b) The governing body, upon receiving these recommendations from the superintendent, shall adopt curricular materials for use in teaching each subject in the school corporation.

(c) A special committee of teachers and parents may also be appointed to review books, magazines, and audiovisual material used or proposed for use in the classroom to supplement state adopted curricular materials and may make recommendations to the superintendent and the governing body concerning the use of these materials.

~~(d) Curricular materials selected shall be used for the lesser of:~~

~~(1) six (6) years; or~~

~~(2) the effective period of the academic standards adopted by the~~

~~state board to which the curricular materials are aligned.~~

~~(e) A selection may be extended beyond that period for up to six (6) years.~~

~~(f)~~ **(d)** The governing body may, if the governing body considers it appropriate, retain curricular materials adopted under this section and authorize the purchase of supplemental materials to ensure continued alignment with academic standards adopted by the state board.

~~(g)~~ **(e)** The superintendent, advisory committee, and governing body may consider using the list of curricular materials provided by the department under IC 20-20-5.5.

~~(h) Notwithstanding subsection (g) and this chapter, the superintendent, advisory committee, and governing body shall adopt reading curricular materials from the list of recommended curricular materials provided by the department under IC 20-20-5.5.~~

~~(i)~~ **(f)** A governing body may not purchase curricular materials from a publisher unless the publisher agrees, in accordance with Sections 612(a)(23)(A) and 674(e)(4) of the Individuals with Disabilities Education Improvement Act 2004 (20 U.S.C. 1400 et seq.), to provide or grant a license to the school corporation to allow for the reproduction of adopted curricular materials in:

(1) large type;

(2) Braille; and

(3) audio format.

SECTION 185. IC 20-26-17-4, AS ADDED BY P.L.200-2011, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 4. If a school corporation for any twelve (12) month period beginning on the first health plan issue or renewal date that occurs after December 31, 2011, spends in excess of the amount specified in section 3 of this chapter, the school corporation shall do the following:

(1) Not more than forty-five (45) days after the renewal date on which the school corporation is determined to be noncompliant with section 3 of this chapter, submit to the state personnel department a plan to achieve compliance. ~~The plan may include health plan benefit changes and implementation of best practices described in section 6 of this chapter.~~

(2) Twelve (12) months after the date a plan is submitted under subdivision (1), certify to the state personnel department the school corporation's compliance with section 3 of this chapter.

(3) If the school corporation fails to file the certification described in subdivision (2), beginning on the first renewal or expiration date of the school corporation's health plan after the twelve (12)

month period described in subdivision (2) expires, elect to participate in the state employee health plan as provided in IC 5-10-8-6.7. to provide any school corporation employee health coverage.

A school corporation shall provide additional information, data, and documentation that is requested by the state personnel department to substantiate compliance with this section.

SECTION 186. IC 20-26-17-5, AS ADDED BY P.L.200-2011, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 5. The following apply with respect to a school corporation's employee health coverage program:

(1) If the school corporation pays a commission, a bonus, an override, a contingency fee, or any other compensation to an insurance producer or other adviser in connection with the health coverage, the school corporation shall:

(A) specify the commission, bonus, override, contingency fee, or other compensation in the school corporation's annual budget fixed under IC 6-1.1-17; and

(B) make the information specified under clause (A) available to the public upon request.

~~(2) The school corporation shall perform audits once each five (5) years to ensure that covered dependents of school corporation employees are entitled to coverage under the school corporation's employee health coverage program.~~

~~(3)~~ **(2)** The school corporation may allow:

(A) members of the school corporation's governing body; or

(B) an attorney of the school corporation's governing body;

to be covered under the school corporation's employee health coverage program.

~~(4)~~ **(3)** All individuals insured under the school corporation's employee health coverage program:

(A) are eligible for the same coverage as all other individuals insured under the program; and

(B) to the extent allowed by federal law, may pay different amounts for the coverage.

SECTION 187. IC 20-26-17-6 IS REPEALED [EFFECTIVE JULY 1, 2015]. ~~Sec. 6. A school corporation may consider the following best practices with respect to the school corporation's employee health coverage program:~~

~~(1) Obtaining more than one (1) estimate for the coverage, including use of health care service discounts and medical management, to obtain the most cost savings in the program.~~

~~(2) Requiring employer contributions of at least fifty percent (50%) and not more than eighty-five percent (85%) of the cost of the coverage.~~

~~(3) Offering at least one (1) of each of the following, in accordance with the requirements of the Internal Revenue Code, as an option for the school corporation's employees:~~

~~(A) A high deductible health plan with a health savings account.~~

~~(B) A health reimbursement arrangement.~~

~~(4) Offering wellness programs to the school corporation's employees.~~

~~(5) Either:~~

~~(A) joining a consortium or trust of school corporations; or~~

~~(B) electing to participate in the state employee health plan as provided in IC 5-10-8-6.7;~~

~~to provide school corporation employee health coverage to all school corporation employees.~~

~~(6) Providing medical clinics on the property of the school corporation for individuals insured under the school corporation employee health coverage program.~~

SECTION 188. IC 20-26-17-7 IS REPEALED [EFFECTIVE JULY 1, 2015]. ~~Sec. 7. A consortium or trust of school corporations referred to in this chapter shall accept any school corporation for participation in the consortium or trust if the school corporation agrees to participate in the consortium's or trust's best practice requirements.~~

SECTION 189. IC 20-26-17-8 IS REPEALED [EFFECTIVE JULY 1, 2015]. ~~Sec. 8. (a) This chapter does not require a school corporation employee to participate in a school corporation's employee health coverage program.~~

~~(b) With respect to a collective bargaining agreement that is in effect on July 1, 2011, this chapter does not:~~

~~(1) give a party to the collective bargaining agreement any greater rights under the collective bargaining agreement than the party had before July 1, 2011; or~~

~~(2) annul, modify, or limit the collective bargaining agreement.~~

SECTION 190. IC 20-26-17-9 IS REPEALED [EFFECTIVE JULY 1, 2015]. ~~Sec. 9. Not later than December 31 in each calendar year, a school corporation shall report the following information for the school year ending in the calendar year to the legislative council in an electronic format under IC 5-14-6 and the state personnel department:~~

~~(1) The employer's share of the cost of coverage of the state employee health plan used by the school corporation, in total and~~

~~separated out to show the amount payable per covered individual by type of family or single coverage plan.~~

~~(2) The covered individual's share of the cost of coverage of the state employee health plan used by the school corporation, in total and separated out to show the amount payable per covered individual by type of family or single coverage plan.~~

~~(3) The total cost of coverage incurred by the individual's covered by the health plan and the school corporation.~~

~~A school corporation shall provide additional information, data, and documentation that is requested by the state personnel department to substantiate compliance with this section.~~

SECTION 191. IC 20-27-4-2 IS REPEALED [EFFECTIVE JULY 1, 2015]. ~~Sec. 2. A security agreement under this chapter may not run for more than six (6) years. The agreement must be amortized in equal or approximately equal installments, payable on the first day of January and July each year. The first installment of principal and interest must be due and payable on the first day of July next following the collection of a tax that was levied after execution of the security agreement.~~

SECTION 192. IC 20-27-4-6, AS ADDED BY P.L.1-2005, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 6. (a) The purchase of a school bus shall be made in the same manner as provided by law for the purchase of school supplies by a school corporation.

(b) If a school bus is purchased under a security agreement, the required notice to bidders or solicitation of bids must set:

(1) the length of time the security agreement shall run; and

(2) the terms of the security agreement, including the security agreement price and interest rate.

(c) The low bid for a security agreement shall be determined by adding to each bidding price the net interest cost and then comparing the totals of the price and interest on each bid. ~~Any difference between the cash and the security agreement prices may not be considered a charge under section 2 of this chapter. Instead,~~ A separate statement of each price shall be made to enable the governing body to determine the advisability of purchasing a school bus under a security agreement.

SECTION 193. IC 20-27-4-9 IS REPEALED [EFFECTIVE JULY 1, 2015]. ~~Sec. 9. (a) This section does not apply to the purchase of a special purpose bus.~~

~~(b) Before a school corporation may purchase a school bus that is equipped with safety belts, the governing body must conduct a public hearing to explain why the governing body is purchasing the school bus equipped with safety belts rather than using the purchase money for~~

~~other student safety measures in the school corporation.~~

SECTION 194. IC 20-27-5-4, AS ADDED BY P.L.1-2005, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 4. (a) If a school corporation owns the school bus equipment in its entirety, the school corporation may employ a school bus driver on a school year basis in the same manner as other noninstructional employees are employed.

~~(b) If a school corporation employs a school bus driver under subsection (a), the employment contract between the school corporation and the school bus driver must be in writing.~~

~~(c)~~ **(b)** A school corporation that hires a school bus driver under this section shall purchase and carry public liability and property damage insurance covering the operation of school bus equipment in compliance with IC 9-25.

~~(d)~~ **(c)** Sections 5 through 32 of this chapter do not apply to the employment of a school bus driver hired under this section.

SECTION 195. IC 20-27-5-5, AS ADDED BY P.L.1-2005, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 5. (a) If a school bus driver is required to furnish the school bus body or the school bus chassis, or both, the governing body of the school corporation ~~shall~~ **may** enter into a ~~written~~ transportation contract with the school bus driver **under IC 5-22.**

(b) The transportation contract may include a provision allowing the school bus driver to be eligible for the life and health insurance benefits and other fringe benefits available to other school personnel.

SECTION 196. IC 20-27-5-6, AS ADDED BY P.L.1-2005, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 6. (a) ~~When a fleet contractor is required to provide two (2) or more school buses and school bus drivers,~~ The governing body of the school corporation ~~shall~~ **may** enter into a ~~written~~ fleet contract with the fleet contractor **under IC 5-22.**

(b) The fleet contract may include a provision allowing the school bus drivers to be eligible for the life and health insurance benefits and other fringe benefits available to other school personnel.

SECTION 197. IC 20-27-5-7, AS ADDED BY P.L.1-2005, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 7. Transportation ~~or~~ **and** fleet contracts ~~may either~~ **entered into by a school corporation shall** be **entered into under IC 5-22.**

~~(1) negotiated and let after receiving bids on the basis of specifications, as provided for in section 10 of this chapter; or~~

~~(2) negotiated on the basis of proposals by a bidder in which the~~

~~bidder suggests additional or altered specifications.~~
~~A school corporation negotiating and executing a transportation contract shall comply with section 5 and sections 9 through 16 of this chapter. A school corporation negotiating and executing a fleet contract shall comply with sections 8 through 16 of this chapter.~~

SECTION 198. IC 20-27-5-8 IS REPEALED [EFFECTIVE JULY 1, 2015]. ~~Sec. 8. (a) The governing body of a school corporation shall adopt specifications for transportation and fleet contracts before entering into a transportation or fleet contract under section 5 or 6 of this chapter.~~

~~(b) The specifications shall be prepared and placed on file in the office of the governing body at least fifteen (15) days before the advertised date for beginning negotiations or receiving proposals or bids. However, if a school corporation is under the jurisdiction of a county superintendent of schools, the specifications shall be placed on file in the office of the county superintendent.~~

~~(c) All specifications are public records and are open, during regular office hours, for inspection by the public.~~

SECTION 199. IC 20-27-5-9 IS REPEALED [EFFECTIVE JULY 1, 2015]. ~~Sec. 9. The specifications for contracts adopted under section 8 of this chapter must include the following:~~

~~(1) A description of the route for which the contract is to be let.~~

~~(2) The approximate number of students to be transported on the route.~~

~~(3) The approximate number of miles to be traveled each school day on the route.~~

~~(4) The type of school bus equipment required to be furnished by the school bus driver or fleet contractor, including the seating capacity of the equipment required.~~

~~(5) The amount of public liability and property damage insurance coverage, if any, required to be furnished by the school bus driver or fleet contractor. If a school corporation owns either the chassis or the body of the school bus equipment, the specifications must recite the amount and kind of insurance coverage required to be furnished by a bidding school bus driver. In addition to the amount and kind of insurance set forth in the specifications, the governing body, the school bus driver, or the fleet contractor may, at their own election and at their own expense, carry additional insurance, including health, accident, and medical payments insurance.~~

~~(6) The amount of surety bond required to be furnished by the school bus driver.~~

~~(7) The length of the term for which the contract may be let. However, a township trustee may not enter into a school bus contract that has a term extending beyond the June 30 following the expiration date of the trustee's term of office.~~

~~(8) Any other relevant information necessary to advise a prospective bidder of the terms and conditions of the transportation contract or fleet contract.~~

SECTION 200. IC 20-27-5-10, AS ADDED BY P.L.1-2005, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 10. (a) The governing body shall give notice to the public at least ten (10) days before beginning negotiations or receiving proposals or bids for transportation or fleet contracts. Notice shall be given in the manner provided by IC 5-3-1. The notice must include the following information:

(1) That the governing body will negotiate, receive proposals, or receive bids for transportation contracts and fleet contracts on a specified date.

(2) That the governing body will execute contracts for the school bus routes of the school corporation.

(3) That the specifications for the routes and related information are on file in the office of the governing body. ~~or in the office of the county superintendent.~~

(b) A transportation or fleet contract may not be negotiated until notice has been given under this section.

SECTION 201. IC 20-27-5-11 IS REPEALED [EFFECTIVE JULY 1, 2015]. ~~Sec. 11. (a) Except as provided in subsection (b), if the duration of a transportation or fleet contract is for more than one (1) full school year, the contract must be let before the May 1 preceding the beginning of the first school year covered by the contract.~~

~~(b) A contract described in subsection (a) that is let after the May 1 preceding the beginning of the first school year covered by the contract is valid if the contract was let after May 1 due to an emergency situation.~~

SECTION 202. IC 20-27-5-12 IS REPEALED [EFFECTIVE JULY 1, 2015]. ~~Sec. 12. (a) If a transportation or fleet contract is let under sections 5 through 11 of this chapter, or let after renegotiation under section 16 of this chapter, the contract shall be awarded to the lowest responsible bidder, subject to the limitations in this section and in sections 14 and 15 of this chapter.~~

~~(b) The governing body may refuse to award the bid to the lowest responsible bidder if the amount of the bid is not satisfactory to the school corporation.~~

SECTION 203. IC 20-27-5-14 IS REPEALED [EFFECTIVE JULY 1, 2015]. ~~Sec. 14. A governing body may reject any or all bids. If a bid is not received for a specified route, the governing body may either readvertise for bids or negotiate a contract for the route without further advertising.~~

SECTION 204. IC 20-27-5-15 IS REPEALED [EFFECTIVE JULY 1, 2015]. ~~Sec. 15. The governing body may alter a school bus route at any time. If the altered route is longer than the route in the original contract, the school bus driver or fleet contractor shall be paid additional compensation for each additional mile or fraction of a mile. The additional compensation shall be based on the average rate per mile in the original contract.~~

SECTION 205. IC 20-27-5-16 IS REPEALED [EFFECTIVE JULY 1, 2015]. ~~Sec. 16. The governing body may require the school bus driver or fleet contractor to furnish equipment with greater seating capacity at any time. When a school bus driver or fleet contractor is required to furnish different equipment during the term of the contract, the contracting parties may mutually agree to the cancellation of the existing contract and renegotiate a new contract for the balance of the term of the original contract. Action taken by a governing body under section 15 of this chapter does not preclude simultaneous action under this section.~~

SECTION 206. IC 20-27-5-17 IS REPEALED [EFFECTIVE JULY 1, 2015]. ~~Sec. 17. Notwithstanding any other provision in this chapter, the governing body may, with the consent of the other party or parties to the contract, amend an existing transportation or fleet contract to make any necessary adjustments caused by a fluctuation in the cost of fuel that occurs during the term of the contract.~~

SECTION 207. IC 20-27-5-18 IS REPEALED [EFFECTIVE JULY 1, 2015]. ~~Sec. 18. If highway or road conditions require a school bus driver to drive a greater distance than provided by the contract, additional compensation shall be paid to the school bus driver or fleet contractor. The additional compensation shall be computed as if the governing body had lengthened the route under section 15 of this chapter.~~

SECTION 208. IC 20-27-5-20 IS REPEALED [EFFECTIVE JULY 1, 2015]. ~~Sec. 20. After notice to the governing body or its authorized agent, a school bus driver may provide a substitute driver for any of the following reasons:~~

~~(1) Illness of the school bus driver.~~

~~(2) Illness or death of a member of the school bus driver's family.~~

~~(3) Compulsory absence of a school bus driver because of jury~~

~~duty.~~

~~(4) Performance of services and duties related to the Indiana State Association of School Bus Drivers, Inc.~~

~~(5) Performance of services and duties required by service in the general assembly.~~

~~(6) Attendance at meetings of the committee.~~

~~(7) Management by a school bus driver of the school bus driver's personal business affairs. However, a school bus driver may not be absent for management of personal business affairs for more than ten (10) days in any one (1) school year without the approval of the governing body.~~

SECTION 209. IC 20-27-5-22 IS REPEALED [EFFECTIVE JULY 1, 2015]. ~~Sec. 22. (a) A school bus driver's transportation contract may be terminated for:~~

~~(1) incompetency;~~

~~(2) physical disability;~~

~~(3) negligence; or~~

~~(4) failure to faithfully perform the school bus driver's duties under the contract;~~

~~only after the school bus driver has received notice and a hearing.~~

~~(b) Notice under subsection (a) must:~~

~~(1) be in writing; and~~

~~(2) allow a reasonable time before the hearing.~~

~~(c) The school bus driver may appear at a hearing under subsection (a) either in person or by counsel.~~

SECTION 210. IC 20-27-5-24 IS REPEALED [EFFECTIVE JULY 1, 2015]. ~~Sec. 24. When a physical examination reveals that a school bus driver is physically unfit to perform the transportation contract, the school bus driver shall:~~

~~(1) furnish a substitute school bus driver who is qualified under section 21 of this chapter; or~~

~~(2) assign the school bus driver's transportation contract, if the governing body approves, to a person qualified under this chapter.~~

SECTION 211. IC 20-27-5-25 IS REPEALED [EFFECTIVE JULY 1, 2015]. ~~Sec. 25. (a) If a school bus driver is found physically unfit and fails to perform the duty required by section 24 of this chapter, the governing body may terminate the school bus driver's contract after the school bus driver has been given notice and an opportunity for a hearing.~~

~~(b) Notice under subsection (a) must:~~

~~(1) be in writing; and~~

~~(2) allow a reasonable time before the hearing.~~

~~(c) The school bus driver may appear at a hearing under subsection (a) either in person or by counsel.~~

SECTION 212. IC 20-27-5-26, AS ADDED BY P.L.1-2005, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 26. **(a)** ~~A fleet contract entered into under this chapter must provide the following:~~

~~(1) The fleet contractor is responsible for the employment, physical condition, and conduct of every school bus driver employed by the fleet contractor.~~

~~(2) The fleet contractor shall submit to the governing body a list of the names, addresses, telephone numbers, and route assignments of all regular and substitute school bus drivers employed by the fleet contractor.~~

~~(3)~~ All school bus drivers employed by the fleet contractor must meet the physical, moral, and license standards prescribed in IC 20-27-8.

(b) ~~(4)~~ School bus drivers employed by a fleet contractor shall attend the annual safety meeting for school bus drivers sponsored by the committee and the state police department in accordance with IC 20-27-8-9.

~~(5) Failure to employ school bus drivers who meet and maintain the physical, moral, and license standards of IC 20-27-8, or failure to compel attendance of a school bus driver at the annual safety meeting, is a breach of contract and may result in termination of the fleet contract and in forfeiture of the surety bond.~~

SECTION 213. IC 20-27-8-13, AS ADDED BY P.L.1-2005, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 13. (a) The committee shall provide a uniform system for the registration of school bus drivers who are required to attend the annual safety meetings or workshops. This registration system must do the following:

(1) Accurately reflect the attendance of each school bus driver at each session of the annual meeting or workshop.

(2) Provide a registration form indicating the school bus driver's name and legal address, and the name of the school the school bus driver represents.

(b) The state superintendent shall supervise registration of school bus drivers at the annual safety meetings or workshops.

~~(c) The principal of each school shall prepare and collect the attendance records of school bus drivers who attend any safety meeting or workshops and shall make a written report of the attendance records to the state superintendent not more than ten (10) days after the~~

~~meeting or workshop.~~

~~(d) Records of attendance shall be filed in the office of the state superintendent and maintained there as public records for at least three (3) years.~~

SECTION 214. IC 20-27-9-6, AS ADDED BY P.L.1-2005, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 6. (a) In addition to the exemptions granted in this chapter and notwithstanding section 16 of this chapter, a school corporation may allow a school bus operated under a fleet or transportation contract and not owned in whole or in part by a public agency to be used for the transportation of a group or an organization for any distance, if that group or organization agrees to maintain the condition of the school bus and to maintain order on the school bus while in use.

(b) When authorizing transportation described in subsection (a), the school corporation shall require the owner of the school bus to:

(1) obtain written authorization of the superintendent of the contracting school corporation;

(2) clearly identify the school bus with the name of the sponsoring group; and

(3) provide proof to the superintendent and the sponsoring group of financial responsibility, as required by IC 9-25 ~~and IC 20-27-5-9~~ for the transportation.

(c) The governing body of a school corporation may allow, by written authorization, the use of a school bus owned in whole or in part by the school corporation for the transportation needs of a fair or festival operated by or affiliated with a nonprofit organization exempt from federal taxation under Section 501(c)(3) through 501(c)(7) of the Internal Revenue Code.

SECTION 215. IC 20-28-6-2, AS AMENDED BY P.L.6-2012, SECTION 137, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 2. (a) A contract entered into by a teacher and a school corporation must:

(1) be in writing;

(2) be signed by both parties; and

(3) contain the:

(A) beginning date of the school term as determined annually by the school corporation;

(B) number of days in the school term as determined annually by the school corporation;

(C) total salary to be paid to the teacher during the school year;

(D) number of salary payments to be made to the teacher

during the school year; and

(E) number of hours per day the teacher is expected to work, as discussed pursuant to IC 20-29-6-7.

(b) The contract may provide for the annual determination of the teacher's annual compensation ~~by a local salary schedule, which is part of the contract.~~ **under IC 20-29-6.** The salary ~~schedule~~ may be changed by **subsequent adoption of salary changes under the collective bargaining process.** ~~the school corporation on or before May 1 of a year, with the changes effective the next school year. A teacher affected by the changes shall be furnished with printed copies of the changed schedule not later than thirty (30) days after the schedule's adoption.~~

(c) A contract under this section is also governed by the following statutes:

(1) IC 20-28-9-5 through IC 20-28-9-6.

(2) IC 20-28-9-9 through IC 20-28-9-11.

(3) IC 20-28-9-13.

(4) IC 20-28-9-14.

(d) A governing body shall provide the blank contract forms carefully worded by the state superintendent, and have them signed. The contracts are public records open to inspection by the residents of each school corporation.

(e) An action may be brought on a contract that conforms with subsections (a)(1), (a)(2), and (d).

SECTION 216. IC 20-28-6-6 IS REPEALED [EFFECTIVE JULY 1, 2015]. ~~Sec. 6. (a) A temporary teacher's contract shall be used only for employing:~~

~~(1) a teacher to serve in the absence of a teacher who has been granted a leave of absence by the school corporation for:~~

~~(A) engaging in defense service or in service auxiliary to defense service;~~

~~(B) professional study or advancement;~~

~~(C) exchange teaching;~~

~~(D) extended disability to which a licensed physician has attested; or~~

~~(E) serving in the general assembly; or~~

~~(2) a new teacher for a position:~~

~~(A) that is funded by a grant outside the school funding formula for which funding is available only for a specified period or purpose; or~~

~~(B) vacated by a teacher who is under a regular contract and who temporarily accepts a teacher position that is funded by a~~

~~grant outside the school funding formula for which funding is available only for a specified period or purpose.~~

~~(b) The temporary teacher's contract must contain:~~

~~(1) the provisions of the regular teacher's contract except those providing for continued tenure of position;~~

~~(2) a blank space for the name of the teacher granted the leave, which may not be used on another temporary teacher's contract for the same leave of absence; and~~

~~(3) an expiration date that:~~

~~(A) is the date of the return of the teacher on leave; and~~

~~(B) is not later than the end of the school year.~~

~~(c) If a teacher is employed on the temporary teacher's contract for at least sixty (60) days in a school year, the teacher may, on request, receive the service credit that the teacher would otherwise receive with regard to the Indiana state teachers' retirement fund.~~

SECTION 217. IC 20-28-6-7, AS AMENDED BY P.L.90-2011, SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 7. (a) As used in this section, "teacher" includes an individual who:

(1) holds a substitute teacher's license; and

(2) provides instruction in a joint summer school program under IC 20-30-7-5.

(b) The supplemental service teacher's contract shall be used when a teacher provides professional service in evening school or summer school employment, except when a teacher or other individual is employed to supervise or conduct noncredit courses or activities.

~~(c) If a teacher serves more than one hundred twenty (120) days on a supplemental service teacher's contract in a school year, the following apply:~~

~~(1) Sections 1, 2, 3, and 8 of this chapter.~~

~~(2) IC 20-28-10-1 through IC 20-28-10-5.~~

~~(d)~~ **(c)** The salary of a teacher on a supplemental service contract shall be determined by the superintendent. The superintendent may, but is not required to, base the salary on the regular salary schedule for the school corporation.

SECTION 218. IC 20-28-7.5-1, AS AMENDED BY P.L.286-2013, SECTION 87, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 1. (a) This chapter applies to a teacher in a school corporation (as defined in IC 20-18-2-16(a)).

~~(b) A principal may decline to continue a probationary teacher's contract under sections 2 through 4 of this chapter if the probationary teacher:~~

~~(1) receives an ineffective designation on a performance evaluation under IC 20-28-11.5;~~

~~(2) receives two (2) consecutive improvement necessary ratings on a performance evaluation under IC 20-28-11.5; or~~

~~(3) is subject to a justifiable decrease in the number of teaching positions or any reason relevant to the school corporation's interest.~~

~~(c) Except as provided in subsection (e), a principal may not decline to continue a professional or established teacher's contract unless the teacher is subject to a justifiable decrease in the number of teaching positions.~~

(b) A contract with a teacher may be canceled immediately in the manner set forth in sections 2 through 4 of this chapter for any of the following reasons:

(1) Immorality.

(2) Insubordination, which means a willful refusal to obey the state school laws or reasonable rules adopted for the governance of the school building or the school corporation.

(3) A justifiable decrease in the number of teaching positions, which must be determined on the basis of performance rather than seniority. In cases where teachers are placed in the same performance category, any of the items in IC 20-28-9-1.5(b) may be considered.

(4) Incompetence, including:

(A) for probationary teachers, receiving an ineffective designation on a performance evaluation or receiving two (2) consecutive improvement necessary ratings on a performance evaluation under IC 20-28-11.5; or

(B) for any teacher, receiving an ineffective designation on two (2) consecutive performance evaluations or an ineffective designation or improvement necessary rating under IC 20-28-11.5 for three (3) years of any five (5) year period.

(5) Neglect of duty.

(6) A conviction of an offense listed in IC 20-28-5-8(c).

(7) Other good or just cause.

~~(d)~~ **(c)** ~~After June 30, 2012,~~ The cancellation of **a** teacher's ~~contracts~~ **contract** due to a justifiable decrease in the number of teaching positions shall be determined on the basis of performance rather than seniority. In cases where teachers are placed in the same performance category, any of the items in IC 20-28-9-1.5(b) may be considered.

~~(e) A contract with a teacher may be canceled immediately in the~~

~~manner set forth in sections 2 through 4 of this chapter for any of the following reasons:~~

~~(1) Immorality.~~

~~(2) Insubordination, which means a willful refusal to obey the state school laws or reasonable rules adopted for the governance of the school building or the school corporation.~~

~~(3) Justifiable decrease in the number of teaching positions.~~

~~(4) Incompetence, including receiving:~~

~~(A) an ineffective designation on two (2) consecutive performance evaluations under IC 20-28-11.5; or~~

~~(B) an ineffective designation or improvement necessary rating in three (3) years of any five (5) year period.~~

~~(5) Neglect of duty.~~

~~(6) A conviction for an offense listed in IC 20-28-5-8(c).~~

~~(7) Other good or just cause.~~

SECTION 219. IC 20-28-7.5-2, AS ADDED BY P.L.90-2011, SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 2. (a) Before a ~~teacher is refused continuation of the teacher's contract,~~ **teacher's contract is canceled,** the teacher has the following rights:

(1) The principal shall notify the teacher of the principal's preliminary decision. The notification must be:

(A) in writing; and

(B) delivered in person or mailed by registered or certified mail to the teacher at the teacher's last known address.

(2) The notice in subdivision (1) must include a written statement, subject to IC 5-14-3-4, giving the reasons for the preliminary decision.

~~(3) Notification due to a reduction in force must be delivered between May 1 and July 1.~~

(b) For a cancellation of a teacher's contract for a reason other than a reduction in force, the notice required under subsection (a)(1) must inform the teacher that, not later than five (5) days after the teacher's receipt of the notice, the teacher may request a private conference with the superintendent. The superintendent must set the requested meeting not later than ten (10) days after the request.

(c) At the conference between the superintendent and the teacher, the teacher may be accompanied by a representative.

(d) After the conference between the superintendent and the teacher, the superintendent shall make a written recommendation to the governing body of the school corporation regarding the cancellation of the teacher's contract.

(e) If the teacher does not request a conference under subsection (b), the principal's preliminary decision is considered final.

~~(f) For items listed in section (1)(e)(3), (1)(e)(4), or (1)(e)(6) of this chapter, if the teacher files a request with the governing body for an additional private conference not later than five (5) days after the initial private conference with the superintendent, the teacher is entitled to an additional private conference with the governing body before the governing body makes a final decision, which must be in writing, concerning the cancellation of the teacher's contract.~~

~~(g)~~ **(f)** ~~For items listed in section (1)(e)(1), (1)(e)(2), (1)(e)(5), or (1)(e)(7) of this chapter, if, not later than five (5) days after the initial private conference with the superintendent, the~~ **If a professional or established** teacher files a request with the governing body for an additional private conference **not later than five (5) days after the initial private conference with the superintendent,** the teacher is entitled to an additional private conference with the governing body before the governing body makes a final decision. The final decision must be in writing and must be made not more than thirty (30) days after the governing body receives the teacher's request for the additional private conference. At the private conference the governing body shall do the following:

(1) Allow the teacher to present evidence to refute the reason or reasons for contract cancellation and supporting evidence provided by the school corporation. Any evidence presented at the private conference must have been exchanged by the parties at least seven (7) days before the private conference.

(2) Consider whether a preponderance of the evidence supports the cancellation of the teacher's contract.

SECTION 220. IC 20-28-7.5-6 IS REPEALED [EFFECTIVE JULY 1, 2015]. ~~Sec. 6. A contract entered into by a teacher and a school employer continues in force on the same terms and for the same wages, unless increased under IC 20-28-9-1.5, for the next school term following the date of the contract's termination unless one (1) of the following occurs:~~

~~(1) The school corporation refuses continuation of the contract under this chapter.~~

~~(2) The teacher delivers in person or by registered or certified mail to the school corporation the teacher's written resignation.~~

~~(3) The contract is replaced by another contract agreed to by the parties.~~

SECTION 221. IC 20-28-7.5-7, AS ADDED BY P.L.90-2011, SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

JULY 1, 2015]: Sec. 7. (a) This chapter shall be construed to:

(1) limit the provisions of a collective bargaining agreement negotiated under IC 20-29; and

(2) prohibit the negotiation of contracts that violate the requirements of this chapter and IC 20-28-9-21 through ~~IC 20-28-9-23.~~ **IC 20-28-9-22.**

(b) This chapter prohibits a school employer and an exclusive representative (as defined in IC 20-29-2-9) from collectively bargaining contracts that alter the requirements of this chapter and IC 20-28-9-21 through ~~IC 20-28-9-23.~~ **IC 20-28-9-22.**

(c) This chapter shall be construed to prohibit a school employer and an exclusive representative from mutually agreeing to binding arbitration concerning teacher dismissals.

SECTION 222. IC 20-28-7.5-8, AS AMENDED BY P.L.43-2014, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 8. (a) This section does not apply to an individual who works at a conversion charter school (as defined in IC 20-24-1-5) for purposes of the individual's employment with the school corporation that sponsored the conversion charter school.

(b) A contract entered into less than fourteen (14) days before the day on which teachers must report for work between a school corporation and a teacher is void if the teacher, at the time of signing the contract, is bound by a previous contract to teach in a public school. However, another contract may be signed by the teacher that will be effective if the teacher:

(1) furnishes the principal a release by the ~~employer under the previous contract;~~ **first employer;** or

(2) shows proof that thirty (30) days written notice was delivered by the teacher to the first employer.

(c) A principal may request from a teacher, at the time of contracting, a written statement as to whether the teacher has signed another teaching contract. However, the teacher's failure to provide the statement is not a cause for subsequently voiding the contract.

SECTION 223. IC 20-28-8-3, AS AMENDED BY P.L.253-2013, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 3. (a) Before March 1 of the year during which the contract of an assistant superintendent, a principal, or an assistant principal is due to expire, the governing body of the school corporation, or an employee at the direction of the governing body, shall give written notice of renewal or refusal to renew the individual's contract for the ensuing school year.

~~(b) If notice is not given before March 1 of the year during which~~

~~the contract is due to expire, the contract then in force shall be reinstated only for the ensuing school year.~~

~~(c)~~ **(b)** This section does not prevent the modification or termination of a contract by mutual agreement of the assistant superintendent, the principal, or the assistant principal and the governing body.

SECTION 224. IC 20-28-8-6, AS AMENDED BY P.L.167-2013, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 6. A contract entered into by a governing body and its superintendent is subject to the following conditions:

(1) If the superintendent holds a license under IC 20-28-5, the basic contract must be in the form of the regular teacher's contract.

(2) The contract must be for a term of at least thirty-six (36) months.

(3) The contract may be altered or rescinded for a new one at any time by mutual consent of the governing body and the superintendent. The consent of both parties must be in writing and must be expressed in a manner consistent with this section and ~~sections~~ **section** 7 ~~through~~ ~~8~~ of this chapter.

(4) If the superintendent holds a license under IC 20-28-5, the rights of a superintendent as a teacher under any other law are not affected by the contract.

SECTION 225. IC 20-28-8-8 IS REPEALED [EFFECTIVE JULY 1, 2015]. ~~Sec. 8. If the governing body fails to give a termination notice under section 7(3) of this chapter, the superintendent's contract is extended for twelve (12) months following the expiration date of the contract.~~

SECTION 226. IC 20-28-8-11, AS ADDED BY P.L.1-2005, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 11. (a) Before February 1 of the year during which the contract of a local director is due to expire, the managing body, or an employee at the direction of the managing body, shall give written notice of renewal or refusal to renew the local director's contract for the ensuing school year.

~~(b) If notice is not given before February 1 of the year during which the contract is due to expire, the contract then in force is reinstated only for the ensuing school year.~~

~~(c)~~ **(b)** This section does not prevent the modification or termination of a contract by mutual agreement of the local director and the managing body.

SECTION 227. IC 20-28-9-1.5, AS ADDED BY P.L.286-2013, SECTION 90, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

JULY 1, 2015]: Sec. 1.5. (a) This subsection applies to a contract in effect July 1, 2012, or upon the expiration of a contract in existence on July 1, 2011, whichever is earlier, and governs salary increases for a teacher employed by a school corporation on or after the date this subsection takes effect. Compensation attributable to additional degrees or graduate credits earned before the effective date of the local salary schedule created under this chapter shall continue. Compensation attributable to additional degrees for which a teacher has started course work before July 1, 2011, and completed course work before September 2, 2014, shall also continue.

(b) Increases or increments in a local salary scale must be based upon a combination of the following factors:

(1) ~~A combination of the following factors taken together~~ **The number of years of a teacher's experience** may account for not more than thirty-three percent (33%) of the calculation used to determine a teacher's increase or increment.

~~(A) The number of years of a teacher's experience.~~

~~(B) The attainment of either:~~

~~(i) additional content area degrees beyond the requirements for employment; or~~

~~(ii) additional content area degrees and credit hours beyond the requirements for employment, if required under an agreement bargained under IC 20-29.~~

(2) The results of an evaluation conducted under IC 20-28-11.5.

(3) The assignment of instructional leadership roles, including the responsibility for conducting evaluations under IC 20-28-11.5.

(4) The academic needs of students in the school corporation.

(5) The attainment of either:

(A) additional content area degrees beyond the requirements for employment; or

(B) additional content area degrees and credit hours beyond the requirements for employment, if required under an agreement bargained under IC 20-29.

(c) A teacher rated ineffective or improvement necessary under IC 20-28-11.5 may not receive any raise or increment for the following year if the teacher's employment contract is continued. The amount that would otherwise have been allocated for the salary increase of teachers rated ineffective or improvement necessary shall be allocated for compensation of all teachers rated effective and highly effective based on the criteria in subsection (b).

(d) A teacher who does not receive a raise or increment under subsection (c) may file a request with the superintendent or

superintendent's designee not later than five (5) days after receiving notice that the teacher received a rating of ineffective. The teacher is entitled to a private conference with the superintendent or superintendent's designee.

(e) Not later than January 31, 2012, the department shall publish a model salary schedule that a school corporation may adopt.

(f) Each school corporation shall submit its local salary schedule to the department. The department shall publish the local salary schedules on the department's Internet web site.

(g) The department shall report any noncompliance with this section to the state board.

(h) The state board shall take appropriate action to ensure compliance with this section.

(i) This chapter may not be construed to require or allow a school corporation to decrease the salary of any teacher below the salary the teacher was earning on or before July 1, 2012, if that decrease would be made solely to conform to the new salary scale.

(j) After June 30, 2011, all rights, duties, or obligations established under IC 20-28-9-1 before its repeal are considered rights, duties, or obligations under this section.

SECTION 228. IC 20-28-9-21, AS AMENDED BY P.L.90-2011, SECTION 33, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 21. (a) This section and ~~sections~~ **section** 22 ~~through 23~~ of this chapter apply to the suspension of a teacher without pay. ~~when the procedure for the cancellation of the teacher's contract under IC 20-28-7.5 does not apply.~~

(b) A teacher may be suspended from duty without pay only for the following reasons:

(1) Immorality.

(2) Insubordination, which means the willful refusal to obey the state school laws or reasonable rules prescribed for the government of the school corporation.

(3) Neglect of duty.

(4) Substantial inability to perform teaching duties.

(5) Good and just cause.

SECTION 229. IC 20-28-9-22, AS ADDED BY P.L.1-2005, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 22. **(a)** A teacher may be suspended without pay only under the following procedure **set forth in this section:**

~~(1) The teacher must be notified in writing not more than forty (40) days and not less than thirty (30) days before the date of the consideration of the date, time, and place for the consideration by~~

~~the school corporation of the suspension of the teacher without pay.~~

~~(2) The teacher shall be furnished, not later than five (5) days after a written request, a written statement of the reasons for the consideration.~~

~~(3) The teacher may file a written request for a hearing not later than fifteen (15) days after receipt of the notice of this consideration.~~

~~(4) If a request for a hearing is filed, the teacher must be given a hearing before the governing body on a day not earlier than five (5) days after filing the request.~~

~~(5) The teacher must be given at least five (5) days notice of the date, time, and place of the hearing.~~

~~(6) At the hearing, the teacher is entitled:~~

~~(A) to a full statement of the reasons for the proposed suspension without pay; and~~

~~(B) to be heard and to present the testimony of witnesses and other evidence bearing on the reasons for the proposed suspension without pay.~~

~~(7) A teacher may not be suspended without pay until:~~

~~(A) the date is set for consideration of the suspension without pay;~~

~~(B) after a hearing is held, if a hearing is requested by the teacher; and~~

~~(C) except on the suspension of a superintendent's contract, the superintendent has given recommendations on the suspension not later than five (5) days after the school corporation makes the request for recommendations.~~

~~(8) After complying with this section, the governing body of the school corporation may suspend a teacher without pay for a reasonable time by a majority vote evidenced by a signed statement in the minutes of the board.~~

~~The vote to suspend a teacher without pay described in subdivision (8) must be taken by the governing body on the date and at the time and place specified in subdivision (1).~~

(1) The principal shall notify the teacher of the principal's preliminary decision. The notification must be:

(A) in writing; and

(B) delivered in person or mailed by registered or certified mail to the teacher at the teacher's last known address.

(2) The notice in subdivision (1) must include a written statement, subject to IC 5-14-3-4, giving the reasons for the

preliminary decision.

(b) The notice required under subsection (a) must inform the teacher that, not later than five (5) days after the teacher's receipt of the notice, the teacher may request a private conference with the superintendent. The superintendent must set the requested meeting not later than ten (10) days after the request.

(c) At the conference between the superintendent and the teacher, the teacher may be accompanied by a representative.

(d) This subsection does not apply to the suspension of a superintendent. After the conference between the superintendent and the teacher, the superintendent shall make a written recommendation to the governing body of the school corporation regarding the teacher's suspension without pay.

(e) If the teacher does not request a conference under subsection (b), the principal's preliminary decision is considered final.

(f) If, not later than five (5) days after the initial private conference with the superintendent, the teacher files a request with the governing body for an additional private conference, the teacher is entitled to an additional private conference with the governing body before the governing body makes a final decision. The final decision must be in writing and must be made not more than thirty (30) days after the governing body receives the teacher's request for the additional private conference. At the private conference, the governing body shall do the following:

(1) Allow the teacher to present evidence to refute the reason or reasons for suspension without pay and supporting evidence provided by the school corporation. Any evidence presented at the private conference must have been exchanged by the parties at least seven (7) days before the private conference.

(2) Consider whether a preponderance of the evidence supports the teacher's suspension without pay.

(g) At the first public meeting following a private conference with:

(1) the governing body under subsection (f); or

(2) the superintendent under subsection (b), if no conference with the governing body is requested;

the governing body may suspend a teacher without pay for a reasonable time by a majority vote evidenced by a signed statement in the minutes of the board. The decision of the governing body is final.

(h) The time periods set out in this section shall be extended for

a reasonable period:

(1) when a teacher or school official is ill or absent from the school corporation; or

(2) for other reasonable cause.

SECTION 230. IC 20-28-9-23 IS REPEALED [EFFECTIVE JULY 1, 2015]. ~~Sec. 23. The governing body may appoint an agent (who is not an employee of the school corporation but who may be a member of the governing body or an attorney retained to administer the hearing proceedings under this section) to issue subpoenas for the attendance of witnesses for either party at the hearing under section 22 of this chapter. A subpoena issued under this section shall be:~~

~~(1) served by the party who seeks to compel the attendance of a witness; and~~

~~(2) upon application to the court by the party, enforced in the manner provided by law for the service and enforcement of subpoenas in a civil action.~~

SECTION 231. IC 20-28-10-1, AS AMENDED BY P.L.90-2011, SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 1. (a) A school corporation may grant a teacher a leave of absence not to exceed one (1) year for:

(1) a sabbatical;

(2) a disability leave; or

(3) a sick leave.

(b) The school corporation may grant consecutive leaves to a teacher.

(c) A school corporation may grant partial compensation for a leave in an amount the school corporation determines. However, if a teacher on a sabbatical serves an employer that agrees to reimburse the school corporation in whole or in part of the amount of the teacher's regular salary, the school corporation may grant full or partial compensation.

(d) A teacher who is pregnant shall be granted a leave of absence for the period provided in and subject to section 5 of this chapter.

~~(e) Except where a contract is not required under IC 20-28-7.5 in a situation that occurs before or after the commencement of leave, the teacher and the school corporation shall execute a regular teacher's contract for each school year in which any part of the teacher's leave is granted.~~

~~(f)~~ **(e)** The teacher has the right to return to a teaching position for which the teacher is certified or otherwise qualified under the rules of the state board.

SECTION 232. IC 20-28-10-6 IS REPEALED [EFFECTIVE JULY 1, 2015]. ~~Sec. 6. (a) This section and sections 7 through 11 of this~~

~~chapter apply to a teacher who through:~~

~~(1) volunteering; or~~

~~(2) statutory selection;~~

~~enters defense service on a full-time basis.~~

~~(b) Because the United States Congress has decreed that it is imperative to increase and train United States armed forces personnel, this section and sections 7 through 11 of this chapter:~~

~~(1) provide protection for teachers who have been called to leave their positions to defend the nation due to the necessity of war or a state of emergency;~~

~~(2) preserve the status and contract rights under the laws to any teacher who enters the defense service; and~~

~~(3) place those teachers in a position that the defense service does not operate as an interruption of teaching service because the contract rights that each teacher had when entering the defense service are preserved during that service the same as if the teacher had not entered the service.~~

SECTION 233. IC 20-28-10-7 IS REPEALED [EFFECTIVE JULY 1, 2015]. ~~Sec. 7. A professional or established teacher:~~

~~(1) with an indefinite contract under IC 20-28-6-8; and~~

~~(2) who is described in section 6(a) of this chapter;~~

~~is granted a leave of absence during the defense service.~~

SECTION 234. IC 20-28-10-8 IS REPEALED [EFFECTIVE JULY 1, 2015]. ~~Sec. 8. (a) If a probationary teacher who is described in section 6(a) of this chapter enters the defense service, the teacher's contract as a teacher and the teacher's rights to probationary successive years under contract are preserved with the school corporation as the teacher had them when entering the defense service.~~

~~(b) The period of probationary successive years of service under a teacher's contract that is a condition precedent to becoming a professional or established teacher under IC 20-28-6-8 is considered uninterrupted for a teacher to whom this section applies. However, this probationary period may not include the time spent in defense service. The teacher is granted a leave of absence during the defense service.~~

SECTION 235. IC 20-28-10-9 IS REPEALED [EFFECTIVE JULY 1, 2015]. ~~Sec. 9. On reinstatement, the status of the teacher described in section 6(a) of this chapter is the same as when the teacher entered the defense service. All rights to changes of salary or position, except as specified in section 8 of this chapter, accrue to the teacher as if no interruption had occurred.~~

SECTION 236. IC 20-28-10-10 IS REPEALED [EFFECTIVE JULY 1, 2015]. ~~Sec. 10. (a) A teacher described in section 6(a) of this chapter~~

~~retains the teacher's contractual rights in the Indiana state teachers' retirement fund.~~

~~(b) Contributions and payments into the retirement fund shall be made in the same manner as they are made for a member of the fund who is granted a leave of absence under the law pertaining to that fund.~~

~~(c) The teacher is granted a leave of absence during the defense service.~~

SECTION 237. IC 20-28-10-11 IS REPEALED [EFFECTIVE JULY 1, 2015]. ~~Sec. 11. (a) Not later than sixty (60) days after:~~

~~(1) an honorable or medical discharge; or~~

~~(2) release from active participation in the defense service;~~

~~a teacher who has received a leave of absence for defense service shall return to the school corporation for reinstatement. The school corporation shall then reinstate the teacher.~~

~~(b) If the teacher is unable to return for reinstatement within the sixty (60) day period for any reason arising from mental or physical disability, the teacher has sixty (60) days after the date of removal of the disability to apply for reinstatement.~~

~~(c) On reinstatement or on written resignation submitted to the school corporation, the teacher's leave of absence and defense service is considered terminated.~~

SECTION 238. IC 20-29-2-10, AS ADDED BY P.L.1-2005, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 10. "Governing body" means:

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

~~(2) a county board of education;~~

~~(3)~~ **(1)** a board of school commissioners;

~~(4)~~ **(2)** a metropolitan board of education;

~~(5)~~ **(3)** a board of trustees;

~~(6)~~ **(4)** any other board or commission charged by law with the responsibility of administering the affairs of a school corporation; or

~~(7)~~ **(5)** the body that administers a charter school established under IC 20-24.

SECTION 239. IC 20-29-2-12, AS AMENDED BY P.L.234-2007, SECTION 109, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 12. "School corporation" means a local public school corporation established under Indiana law. The term includes any:

(1) school city;

(2) school town;

~~(3) school township;~~
~~(4)~~ **(3)** consolidated school corporation;
~~(5)~~ **(4)** metropolitan school district;
~~(6)~~ **(5)** township school corporation;
~~(7)~~ **(6)** county school corporation;
~~(8)~~ **(7)** united school corporation;
~~(9)~~ **(8)** community school corporation; and
~~(10)~~ **(9)** public career and technical education center or school or school for children with disabilities established or maintained by two (2) or more school corporations.

SECTION 240. IC 20-30-2-2.2, AS AMENDED BY P.L.246-2013, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 2.2. (a) As used in this section, "eligible student" means a student in grade 11 or 12 who has:

(1) failed the ISTEP+ graduation exam at least twice;
(2) been determined to be chronically absent, by missing ten percent (10%) or more of a school year for any reason;
(3) been determined to be a habitual truant, as identified under IC 20-33-2-11;
(4) been significantly behind in credits for graduation, as identified by an individual's school principal;
(5) previously undergone at least a second suspension from school for the school year under IC 20-33-8-14 or IC 20-33-8-15;
(6) previously undergone an expulsion from school under IC 20-33-8-14, IC 20-33-8-15, or IC 20-33-8-16; or
(7) been determined by the individual's principal and the individual's parent or guardian to benefit by participating in the school flex program.

(b) An eligible student who participates in a school flex program must:

(1) attend school for at least three (3) hours of instructional time per school day;
(2) pursue a timely graduation;
(3) provide evidence of college or technical career education enrollment and attendance or proof of employment and labor that is aligned with the student's career academic sequence under rules established by the Indiana bureau of child labor;
(4) not be suspended or expelled while participating in a school flex program;
(5) pursue course and credit requirements for a general diploma; and
(6) maintain a ninety-five percent (95%) attendance rate.

(c) A school may allow an eligible student in grade 11 or 12 to complete an instructional day that consists of three (3) hours of instructional time if the student participates in the school flex program.

~~(d) If one (1) or more students participate in a school flex program, the principal shall, on forms provided by the department, submit a yearly report to the department of student participation and graduation rates of students who participate in the school flex program.~~

SECTION 241. IC 20-30-3-1 IS REPEALED [EFFECTIVE JULY 1, 2015]. ~~Sec. 1. (a) The last Friday of April is designated for general observance as Arbor Day to encourage the planting of shade and forest trees, shrubs, and vines.~~

~~(b) Each year the governor shall proclaim Arbor Day at least thirty (30) days before it occurs.~~

~~(c) Appropriate exercises giving due honor to:~~

~~(1) the conservators of forestry;~~

~~(2) the founders of the study and conservation of Indiana forestry; and~~

~~(3) a leading spirit of Indiana forestry conservation, Charles Warren Fairbanks;~~

~~may be prepared by each superintendent and conducted in each school and by communities throughout Indiana.~~

SECTION 242. IC 20-30-4-2, AS AMENDED BY P.L.140-2008, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 2. In consultation with the student's ~~guidance~~ **school** counselor, after seeking consultation with each student's parents, and not later than the date on which the student completes grade 9, each student shall further develop the graduation plan developed in grade 6 under section 1.5 of this chapter to also include the following:

(1) The subject and skill areas of interest to the student.

(2) A program of study under the college/technology preparation curriculum adopted by the state board under IC 20-30-10-2 for grades 10, 11, and 12 that meets the interests and aptitude of the student.

(3) Assurances that, upon satisfactory fulfillment of the plan, the student:

(A) is entitled to graduate; and

(B) will have taken at least the minimum variety and number of courses necessary to gain admittance to a state educational institution.

(4) An indication of assessments (other than ISTEP and the graduation examination) that the student plans to take voluntarily

during grade 10 through grade 12, and which may include any of the following:

(A) The SAT Reasoning Test.

(B) The ACT test.

(C) Advanced placement exams.

(D) College readiness exams approved by the department.

(E) Workforce readiness exams approved by the department of workforce development established under IC 22-4.1-2.

SECTION 243. IC 20-30-4-3, AS ADDED BY P.L.1-2005, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 3. Any decisions regarding the requirements under this chapter for a student who is a ~~child~~ **student** with a disability under IC 20-35 shall be made in accordance with the individualized education program for that student and federal law.

SECTION 244. IC 20-30-4-6, AS AMENDED BY P.L.268-2013, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 6. (a) A student's ~~guidance~~ **school** counselor shall, in consultation with the student and the student's parent, review annually a student's graduation plan that was developed in grade 9 under section 2 of this chapter to determine if the student is progressing toward fulfillment of the graduation plan.

(b) If a student is not progressing toward fulfillment of the graduation plan, the school counselor shall provide counseling services for the purpose of advising the student of credit recovery options and services available to help the student progress toward graduation.

(c) If a student is not progressing toward fulfillment of the graduation plan due to not achieving a passing score on the graduation examination, the school counselor shall meet with the:

(1) teacher assigned to the student for remediation in each subject area in which the student has not achieved a passing score on the graduation examination;

(2) parents of the student; and

(3) student;

to discuss available remediation and to plan to meet the requirements under IC 20-32-4.

SECTION 245. IC 20-30-5-12, AS ADDED BY P.L.1-2005, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 12. (a) Each school corporation shall:

(1) include in the school corporation's curriculum instruction concerning the disease acquired immune deficiency syndrome (AIDS); and

(2) integrate this effort to the extent possible with instruction on

other dangerous communicable diseases.

~~(b) A school corporation shall consider the recommendations of the AIDS advisory council established under IC 20-34-1 concerning community standards on the:~~

~~(1) content of the instruction;~~

~~(2) manner in which the information is presented; and~~

~~(3) grades in which the information is taught.~~

~~(c)~~ **(b)** Literature that is distributed to school children and young adults under this section must include information required by IC 20-34-3-17.

~~(d)~~ **(c)** The department, in consultation with the state department of health, shall develop AIDS educational materials. The department shall make the materials developed under this section available to school corporations.

SECTION 246. IC 20-30-5.5 IS REPEALED [EFFECTIVE JULY 1, 2015]. (Internet Safety).

SECTION 247. IC 20-30-6 IS REPEALED [EFFECTIVE JULY 1, 2015]. (Optional Curriculum).

SECTION 248. IC 20-30-7-4, AS ADDED BY P.L.1-2005, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 4. ~~(a) An educational~~ **A school corporation shall determine the contents and curriculum of a voluntary summer school enrichment** program described in section 3 of this chapter. ~~consists of one-half (1/2) day sessions in which students may:~~

~~(1) receive remediation on a voluntary basis;~~

~~(2) develop further in areas first covered during the school year; or~~

~~(3) experience specific educational programs that are not regularly provided as part of the established curriculum during the school year.~~

~~(b) The board shall adopt rules under IC 4-22-2 to implement this section and section 3 of this chapter, including rules governing the distribution of state funds for this purpose.~~

SECTION 249. IC 20-30-9-10 IS REPEALED [EFFECTIVE JULY 1, 2015]. ~~Sec. 10. (a) Before June 1 of each year, the principal of each school operating a bilingual-bicultural program shall appoint a local advisory committee composed of:~~

~~(1) teachers of bilingual-bicultural instruction who are proficient in both English and a non-English language and certified to teach a subject, including the history and culture of both the United States and the homeland of the non-English language;~~

~~(2) counselors;~~

~~(3) community members; and~~

~~(4) parents of students enrolled or eligible for enrollment in the bilingual-bicultural program.~~

~~A majority of the committee members must be parents of students enrolled or eligible for enrollment in the bilingual-bicultural program.~~

~~(b) Before July 1 of each year, the governing body of each school corporation operating a bilingual-bicultural program shall select at least one (1) representative from each local advisory committee to serve on a corporation advisory committee. A majority of the committee members must be parents of students enrolled or eligible for enrollment in the program.~~

~~(c) A member of a local and corporation advisory committee holds the position for one (1) year.~~

~~(d) The local and corporation advisory committees shall participate in planning, implementing, and evaluating the bilingual-bicultural programs. All bilingual-bicultural programs must be approved by the appropriate local advisory committee before implementation. If the advisory committee refuses to approve a program, the division shall arbitrate the dispute.~~

~~(e) All school corporations wishing to implement a bilingual-bicultural program shall apply to the state superintendent.~~

~~(f) All bilingual-bicultural programs must be approved by the state board to qualify for the distribution of state funds to school corporations for the bilingual-bicultural programs.~~

SECTION 250. IC 20-31-2-6, AS ADDED BY P.L.1-2005, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 6. "Exceptional learner" refers to the following:

(1) A ~~child~~ **student** with a disability (as defined in ~~IC 20-35-1-2).~~ **IC 20-35-1-8).**

(2) A high ability student (as defined in IC 20-36-1-3).

SECTION 251. IC 20-31-4-2, AS ADDED BY P.L.1-2005, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 2. (a) A school in Indiana **that elects to be accredited,** may be accredited:

(1) under the performance based accreditation system established by this chapter; or

(2) by implementing a quality focused approach to school improvement such as the criteria for the Malcolm Baldrige National Quality Award for Education or for a national or regional accreditation agency that is recommended by the education roundtable and approved by the state board.

(b) The state board shall establish the following:

(1) A performance based accreditation system for accrediting schools in Indiana under this chapter.

(2) A procedure for determining whether a school is making progress toward meeting the criteria for the Malcolm Baldrige National Quality Award for Education or a national or regional accreditation agency.

(c) The department shall establish a schedule for accrediting schools **that elect to be accredited** under this chapter.

(d) A school that elects to be accredited or to retain the school's accreditation under the performance based accreditation system shall comply with this chapter.

SECTION 252. IC 20-31-4-7, AS ADDED BY P.L.1-2005, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 7. (a) If the department determines that:

(1) a school has complied with all the legal standards under section 6 of this chapter; and

(2) the school's performance has met the expectations for that school in the areas described in section 5 of this chapter;

the state board shall make a determination that the school has acquired full accreditation status.

(b) The department shall conduct the next review under this chapter of a school described under subsection (a) not later than five (5) years after the state board's determination of full accreditation **if the school elects to retain accreditation.**

SECTION 253. IC 20-31-4-8, AS ADDED BY P.L.1-2005, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 8. (a) If the department verifies that:

(1) a school **seeking accreditation** has not complied with all the legal standards under section 6 of this chapter; or

(2) the school's performance has not met the expectations for that school in the areas described in section 5 of this chapter;

a review panel of at least three (3) members shall conduct an onsite evaluation of that school to make a recommendation to the state board as to the accreditation status of that school.

(b) The department may not publish or otherwise make available for public inspection any information concerning a school's compliance with legal standards under section 6 of this chapter, the meeting of performance expectations under section 5 of this chapter, the assignment of an onsite review panel under this section, or the recommended accreditation status of the school until all onsite reviews have taken place and recommendations to the state board concerning the accreditation status of the school have been made.

SECTION 254. IC 20-31-4-12, AS ADDED BY P.L.1-2005, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 12. (a) Upon receipt of a review panel's recommendation, the state board shall make one (1) of the following determinations as to the accreditation status of the school:

(1) Full accreditation status with the next review being conducted five (5) years after the state board's determination of full accreditation **if the school elects to retain accreditation.**

(2) Full accreditation status with the next review being conducted earlier than five (5) years after the state board's determination of full accreditation **if the school elects to retain accreditation.**

(3) Probationary accreditation with the next review being conducted one (1) year after the state board's determination of probationary accreditation **if the school elects to retain accreditation.**

(b) A school that does not comply with all the legal standards may not be determined to have acquired full accreditation status.

SECTION 255. IC 20-31-4-13, AS ADDED BY P.L.1-2005, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 13. If a school is assigned probationary accreditation status, **and the school elects to achieve full accreditation status,** the governing body of the school corporation shall:

(1) develop a plan, within one (1) year after the school is assigned probationary status, to raise the school's level of accreditation; and

(2) raise the school's level of accreditation within three (3) years after the school is assigned probationary status.

SECTION 256. IC 20-31-4-14, AS ADDED BY P.L.1-2005, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 14. (a) If a school having probationary status:

(1) fails to make progress; or

(2) at the end of three (3) years has not achieved full accreditation status;

the state board shall assign probationary accreditation status to the school corporation in which the school is located.

(b) A school corporation on probationary accreditation status **that elects to achieve full accreditation status** shall direct its efforts toward raising the level of accreditation of each of its schools that are on probationary accreditation status to full accreditation status within one (1) year after the school corporation is assigned probationary accreditation status.

SECTION 257. IC 20-31-4-15 IS REPEALED [EFFECTIVE JULY 1, 2015]. ~~Sec. 15. If a school corporation on probationary accreditation status does not raise the level of accreditation of each of its schools that are on probationary accreditation status to full accreditation status within one (1) year after the school corporation was assigned probationary accreditation status, the department shall submit to the general assembly recommendations concerning the operation and administration of the school corporation and the schools within that school corporation.~~

SECTION 258. IC 20-31-5-7, AS ADDED BY P.L.1-2005, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 7. The department shall ~~act as a clearinghouse for plans and shall~~ make effective plans available to school corporations as models to use in developing and carrying out plans.

SECTION 259. IC 20-31-9.5-8 IS REPEALED [EFFECTIVE JULY 1, 2015]. ~~Sec. 8. (a) If the state board, upon remand of the Marion County Circuit Court case of Board of School Commissioners of the City of Indianapolis v. Indiana State Board of Education and Indiana Department of Education (cause number 49D03-1206-MI-023257), determines that the Indianapolis public school corporation or any other school corporation is entitled to a distribution to correct the amount that was withheld under IC 20-31-9.5 during July through December 2012 from state tuition support and federal funds otherwise to be distributed to the school corporation, the following apply:~~

~~(1) The state board shall make distributions to the following:~~

~~(A) The Indianapolis public school corporation.~~

~~(B) Any other school corporation affected by a redetermination of the amount that was withheld under IC 20-31-9.5 during July through December 2012.~~

~~(2) Before making a distribution to a school corporation under this section, the state board must obtain from the recipient school corporation an agreement that the school corporation will dismiss and not pursue any claims against the state or any state officer or entity, the special management team, or the turnaround academy with regard to distributions received by the special management team or turnaround academy under IC 20-31-9.5 during July through December 2012.~~

~~(b) There is appropriated from the state general fund to the state board for the 2012-2013 state fiscal year, seven million four hundred five thousand eight hundred ninety-two dollars ($7,405,892) to make distributions as provided in subsection (a).~~

SECTION 260. IC 20-31-11-6, AS AMENDED BY P.L.146-2008,

SECTION 474, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 6. (a) A public school that receives a monetary award under this chapter may expend that award for any ~~educational~~ purpose for that school, except **athletics.**

~~(1) athletics;~~

~~(2) salaries for school personnel; or~~

~~(3) salary bonuses for school personnel.~~

(b) A monetary award may not be used to determine the state tuition support under IC 20-43 of the school corporation in which the school receiving the monetary award is located.

SECTION 261. IC 20-32-3-2, AS ADDED BY P.L.1-2005, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 2. As used in this chapter, "student" refers to a student who meets the following conditions:

(1) Is enrolled in a public school, an accredited nonpublic school, or a nonpublic school that has requested and received from the state board specific approval for the school's education program.

(2) Is in at least grade 9.

(3) If the student is a ~~child~~ **student** with a disability (as defined in ~~IC 20-35-1-2),~~ **IC 20-35-1-8),** would benefit from the participation under this chapter as determined by the individualized education program for the student.

SECTION 262. IC 20-32-4-5, AS AMENDED BY P.L.268-2013, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 5. (a) This section applies to a student who is a ~~child~~ **student** with a disability (as defined in ~~IC 20-35-1-2).~~ **IC 20-35-1-8).**

(b) If the student does not achieve a passing score on the graduation examination, the student's case conference committee may determine that the student is eligible to graduate if the case conference committee finds the following:

(1) The student's teacher of record, in consultation with a teacher of the student in each subject area in which the student has not achieved a passing score, makes a written recommendation to the case conference committee. The recommendation must:

(A) be aligned with the governing body's relevant policy;

(B) be concurred in by the principal of the student's school; and

(C) be supported by documentation that the student has attained the academic standard in the subject area based on:

(i) tests other than the graduation examination; or

(ii) classroom work.

(2) The student meets all the following requirements:

(A) Retakes the graduation examination in each subject area in which the student did not achieve a passing score as often as required by the student's individualized education program.

(B) Completes remediation opportunities provided to the student by the student's school to the extent required by the student's individualized education program.

(C) Maintains a school attendance rate of at least ninety-five percent (95%) to the extent required by the student's individualized education program with excused absences not counting against the student's attendance.

(D) Maintains at least a "C" average or the equivalent in the courses comprising the credits specifically required for graduation by rule of the state board.

(E) Otherwise satisfies all state and local graduation requirements.

SECTION 263. IC 20-32-4-6, AS ADDED BY P.L.105-2005, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 6. A decision with regard to whether a student who is a ~~child~~ **student** with a disability (as defined in ~~IC 20-35-1-2)~~ **IC 20-35-1-8)** is subject to the requirements of section 1(b)(2) of this chapter shall be made in accordance with the student's individualized education program and federal law.

SECTION 264. IC 20-32-5-5, AS AMENDED BY P.L.73-2011, SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 5. The department shall make general language arts essay scoring rubrics available to the public at least four (4) months before the administration of a test. An essay question, a scoring rubric, or an anchor paper used in the ISTEP program must not seek or compile information about a ~~student's:~~ **student that is prohibited under 20 U.S.C. 1232(h).**

~~(1) personal attitudes;~~

~~(2) political views;~~

~~(3) religious beliefs;~~

~~(4) family relationships; or~~

~~(5) other matters listed in IC 20-30-5-17(b).~~

The ISTEP program citizens' review committee shall determine whether an essay question or a scoring rubric complies with this section.

SECTION 265. IC 20-32-5-16, AS ADDED BY P.L.1-2005, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 16. (a) A student who is a ~~child~~ **student** with a

disability (as defined in ~~IC 20-35-1-2)~~ **IC 20-35-1-8)** shall be tested under this chapter with appropriate accommodations in testing materials and procedures unless the individuals who develop the ~~child's~~ **student's** individualized education program determine that testing or a part of the testing under this chapter is not appropriate for the student and that an alternate assessment will be used to test the student's achievement.

(b) Any decision concerning a student who is a ~~child~~ **student** with a disability (as defined in ~~IC 20-35-1-2)~~ **IC 20-35-1-8)** regarding the student's:

(1) participation in testing under this chapter;

(2) receiving accommodations in testing materials and procedures;

(3) participation in remediation under IC 20-32-8; or

(4) retention at the same grade level for consecutive school years;

shall be made in accordance with the student's individualized education program in compliance with the ISTEP program manual and federal law.

SECTION 266. IC 20-32-7-1, AS AMENDED BY P.L.99-2007, SECTION 177, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 1. A decision requiring a student who is a ~~child~~ **student** with a disability (as defined in ~~IC 20-35-1-2)~~ **IC 20-35-1-8)** to undergo a student diagnostic assessment under this chapter or be retained at a particular grade level shall be made in accordance with the student's individualized education program and federal law.

SECTION 267. IC 20-32-7-6 IS REPEALED [EFFECTIVE JULY 1, 2015]. ~~Sec. 6. Upon the written consent of:~~

~~(1) the student; or~~

~~(2) if the student is not emancipated, the student's parent;~~

~~the contents of the student's portfolio may be disclosed to a student's prospective employer.~~

SECTION 268. IC 20-32-8-11, AS ADDED BY P.L.1-2005, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 11. Notwithstanding the requirements of this chapter, any decisions made with regard to:

(1) attendance in a remediation program;

(2) ISTEP program testing; and

(3) the grade level placement;

for a student who is a ~~child~~ **student** with a disability (as defined in ~~IC 20-35-1-2)~~ **IC 20-35-1-8)** shall be made in accordance with the individualized education program, state law, and federal law.

SECTION 269. IC 20-33-2-7, AS ADDED BY P.L.246-2005, SECTION 177, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 7. (a) In addition to the requirements of sections 4 through 6 of this chapter, a student must be at least five (5) years of age on **August 1 of the school year**

~~(1) July 1 of the 2005-2006 school year; or~~

~~(2) August 1 of the 2006-2007 school year or any subsequent school year;~~

to officially enroll in a kindergarten program offered by a school corporation. However, subject to subsection (c), the governing body of the school corporation ~~shall~~ **may** adopt a procedure affording a parent of a student who does not meet the minimum age requirement set forth in this subsection the right to appeal to the superintendent for enrollment of the student in kindergarten at an age earlier than the age set forth in this subsection.

(b) In addition to the requirements of sections 4 through 6 of this chapter and subsection (a), and subject to subsection (c), if a student enrolls in school as allowed under section 6 of this chapter and has not attended kindergarten, the superintendent shall make a determination as to whether the student shall enroll in kindergarten or grade 1 based on the particular model assessment adopted by the governing body under subsection (c).

(c) To assist the principal and governing bodies, the department shall do the following:

(1) Establish guidelines to assist each governing body ~~in establishing~~ **that decides to adopt** a procedure for making appeals to the superintendent under subsection (a).

(2) Establish criteria by which a governing body may adopt a model assessment that may be used in making the determination under subsection (b).

SECTION 270. IC 20-33-2-9, AS AMENDED BY P.L.1-2010, SECTION 80, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 9. (a) The governing body of each school corporation shall designate the appropriate ~~employees of the school corporation to conduct~~ **individuals to attend** the exit interviews for students described in section 6(3) of this chapter. ~~Each exit interview must be personally attended by:~~

~~(1) the student's parent;~~

~~(2) the student;~~

~~(3) each designated appropriate school employee; and~~

~~(4) the student's principal.~~

(b) A student who is at least sixteen (16) years of age but less than

eighteen (18) years of age is bound by the requirements of compulsory school attendance and may not withdraw from school before graduation unless:

(1) the student, the student's parent, and the principal agree to the withdrawal;

(2) ~~at the exit interview,~~ the student provides written acknowledgment of the withdrawal that meets the requirements of subsection (c) and the:

(A) student's parent; and

(B) school principal;

each provide written consent for the student to withdraw from school; and

(3) the withdrawal is due to:

(A) financial hardship and the individual must be employed to support the individual's family or a dependent;

(B) illness; or

(C) an order by a court that has jurisdiction over the student.

(c) A written acknowledgment of withdrawal under subsection (b) must include a statement that the student and the student's parent understand that withdrawing from school is likely to:

(1) reduce the student's future earnings; and

(2) increase the student's likelihood of being unemployed in the future.

SECTION 271. IC 20-33-2-11, AS ADDED BY P.L.242-2005, SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 11. (a) Notwithstanding IC 9-24 concerning the minimum requirements for qualifying for the issuance of an operator's license or a learner's permit, and subject to subsections (c) through (e), an individual who is:

(1) at least thirteen (13) years of age but less than fifteen (15) years of age;

(2) a habitual truant under the definition of habitual truant established under subsection (b); and

(3) identified in the information submitted to the bureau of motor vehicles under subsection (f);

may not be issued an operator's license or a learner's permit to drive a motor vehicle under IC 9-24 until the individual is at least eighteen (18) years of age.

(b) Each governing body ~~shall~~ **may** establish and include as part of the written copy of its discipline rules described in IC 20-33-8-12:

(1) a definition of a child who is designated as a habitual truant, which must, at a minimum, define the term as a student who is

chronically absent, by having unexcused absences from school for more than ten (10) days of school in one (1) school year; **and**

~~(2) the procedures under which subsection (a) will be administered; and~~

~~(3)~~ **(2)** all other pertinent matters related to this action.

(c) An individual described in subsection (a) is entitled to the procedure described in IC 20-33-8-19.

(d) An individual described in subsection (a) who is at least thirteen (13) years of age and less than eighteen (18) years of age is entitled to a periodic review of the individual's attendance record in school to determine whether the prohibition described in subsection (a) shall continue. The periodic reviews may not be conducted less than one (1) time each school year.

(e) Upon review, the governing body may determine that the individual's attendance record has improved to the degree that the individual may become eligible to be issued an operator's license or a learner's permit.

(f) ~~Before:~~

~~(1) February 1; and~~

~~(2) October 1;~~

~~of each year~~ The governing body of the school corporation ~~shall~~ **may** submit to the bureau of motor vehicles the pertinent information concerning an individual's ineligibility under subsection (a) to be issued an operator's license or a learner's permit.

(g) The department shall develop guidelines concerning criteria used in defining a habitual truant that may be considered by a governing body in complying with subsection (b).

SECTION 272. IC 20-33-2-17.7, AS ADDED BY P.L.32-2014, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 17.7. (a) Except as provided in subsection (b), the governing body of a school corporation or the chief administrative officer of a nonpublic school system shall authorize the absence and excuse of each school student if the student or a member of the student's household participates or exhibits in the Indiana state fair for educational purposes, as evidenced in writing by the student's parent and as approved in writing by the student's school principal. The number of excused absences a student may receive under this section may not exceed: ~~five (5) instructional days~~

(1) for a student in grades 1 through 6, twenty-five (25) hours of instructional time; or

(2) for a student in grades 7 through 12, thirty (30) hours of instructional time;

in a school year. A student excused from school attendance under this section may not be recorded as being absent on any date for which the excuse is operative and may not be penalized by the school in any manner.

(b) In order for a student to receive an excused absence under subsection (a), the student must be in good academic standing, as determined by the school corporation.

SECTION 273. IC 20-33-2-21, AS ADDED BY P.L.1-2005, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 21. ~~(a) Each principal and teacher in a public school that is attended by a student subject to the compulsory school attendance law under this chapter shall furnish, on request of the superintendent of the school corporation in which they are employed, a list of:~~

~~(1) names;~~

~~(2) addresses; and~~

~~(3) ages;~~

~~of all minors attending the school. When a student withdraws from school, the principal and teacher shall immediately report to the superintendent the student's name and address and the date of the student's withdrawal.~~

~~(b)~~ **(a)** Each principal or school administrator in a nonpublic school that is attended by a student who is subject to the compulsory school attendance law under this chapter shall furnish, on request of the state superintendent, the number of students by grade level attending the school.

~~(c)~~ **(b)** If:

(1) a student withdraws from a nonpublic school; and

(2) no public or other nonpublic school has requested the student's educational records within fifteen (15) school days after the date the student withdrew from school;

the nonpublic school shall report to the state superintendent or the superintendent of the school corporation in which the nonpublic school is located, the name and address of the student and the date the student withdrew from school.

SECTION 274. IC 20-33-2-31, AS AMENDED BY P.L.2-2006, SECTION 151, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 31. (a) ~~In a county that has been completely reorganized into one (1) or more school corporations under IC 20-23-4, the governing body of each school corporation with at least one thousand five hundred (1,500) students in ADA shall appoint an attendance officer.~~ The governing body of each school corporation ~~that~~

~~has fewer than one thousand five hundred (1,500) students in ADA~~ may appoint **or the governing bodies of two (2) or more school corporations jointly may appoint:**

(1) ~~an~~ **one (1)** attendance officer; **and**

(2) one (1) additional attendance officer for every seven thousand five hundred (7,500) students in ADA in the school corporation or school corporations.

The county council shall appropriate, and the board of county commissioners shall allow, the funds necessary to pay the salary and expenses of attendance officers appointed in accordance with this section.

(b) If the governing body of a school corporation ~~that has discretion in whether to appoint an attendance officer~~ declines to make an appointment, the superintendent of the school corporation shall serve as ex officio attendance officer under section 35 of this chapter.

~~(b) Whenever the governing body of a school corporation makes an appointment under this section, it shall appoint an individual nominated by the superintendent. However, the governing body may decline to appoint any nominee and require another nomination. The salary of each attendance officer appointed under this section shall be fixed by the governing body. In addition to salary, the attendance officer is entitled to receive reimbursement for actual expenses necessary to properly perform the officer's duties. The salary and expenses of an attendance officer appointed under this section shall be paid by the treasurer of the school corporation.~~

SECTION 275. IC 20-33-2-32 IS REPEALED [EFFECTIVE JULY 1, 2015]. ~~Sec. 32. (a) In a county that has not been completely reorganized under IC 20-23-4, the governing body of each school corporation that constitutes a separate attendance district under section 30 of this chapter shall appoint an attendance officer. One (1) additional attendance officer may be appointed for every seven thousand five hundred (7,500) students in ADA in the corporation.~~

~~(b) Whenever the governing body of a school corporation makes an appointment under this section, it shall appoint an individual nominated by the superintendent. However, the governing body may decline to appoint any nominee and require another nomination. The salary of each attendance officer appointed under this section shall be fixed by the governing body. In addition to salary, the officer is entitled to receive reimbursement for actual expenses necessary to properly perform the officer's duties. The salary and expenses of an attendance officer appointed under this section shall be paid by the treasurer of the county in which the officer serves, on a warrant signed by the county~~

~~auditor. The county council shall appropriate, and the board of county commissioners shall allow, the funds necessary to make these payments. However, a warrant shall not be issued to an attendance officer until the attendance officer has filed an itemized statement with the county auditor. This statement shall show the time employed and expenses incurred. The superintendent shall approve the statement and certify that it is correct.~~

SECTION 276. IC 20-33-2-33 IS REPEALED [EFFECTIVE JULY 1, 2015]. ~~Sec. 33. (a) In a county that has not been completely reorganized under IC 20-23-4, all school corporations that do not individually constitute separate attendance districts under section 30 of this chapter together constitute a remainder attendance district. The governing bodies of each remainder attendance district with at least one thousand five hundred (1,500) students in ADA shall appoint an attendance officer. One (1) additional attendance officer may be appointed for every seven thousand five hundred (7,500) students in ADA in the district. The governing bodies of a remainder attendance district with less than one thousand five hundred (1,500) students in ADA may appoint an attendance officer. If the governing bodies have discretion in whether to appoint an attendance officer and decline to make an appointment, the superintendent or superintendents involved shall serve as ex officio attendance officers under section 35 of this chapter.~~

~~(b) The governing bodies of the school corporations involved shall together form an appointing authority for attendance officers with the governing body of each school corporation having one (1) vote. This appointing authority shall appoint an individual nominated by the superintendent. However, the appointing authority may reject any nominee and require another nomination. The salary of each attendance officer appointed under this section shall be fixed by the appointing authority. In addition to salary, the officer is entitled to receive reimbursement for actual expenses necessary to properly perform the officer's duties. The salary and expenses of an attendance officer appointed under this section shall be paid by the treasurer of the county in which the officer serves, on a warrant signed by the county auditor. The county council shall appropriate, and the board of county commissioners shall allow, the funds necessary to make these payments. However, a warrant may not be issued to an attendance officer until the officer has filed an itemized statement with the county auditor. This statement must show the time employed and expenses incurred. The appropriate superintendent shall approve the statement and certify that it is correct.~~

SECTION 277. IC 20-33-2-34 IS REPEALED [EFFECTIVE JULY 1, 2015]. ~~Sec. 34. (a) This section applies to a county having a population of:~~

~~(1) more than twenty-five thousand eight hundred (25,800) but less than twenty-six thousand (26,000); or~~

~~(2) more than one hundred fifty thousand (150,000) but less than one hundred seventy thousand (170,000).~~

~~(b) Notwithstanding sections 32 and 33 of this chapter, in a county that has not been completely reorganized under IC 20-23-4, the governing body of each school corporation constituting a separate attendance district under section 30 of this chapter shall appoint an attendance officer. One (1) additional attendance officer may be appointed for every seven thousand five hundred (7,500) students in ADA in the school corporation. The governing body of each school corporation that does not individually constitute a separate attendance district may appoint an attendance officer.~~

~~(c) If the governing body of the school corporation makes an appointment under this section, it shall appoint an individual who is nominated by the superintendent of the school corporation. However, the governing body may decline to appoint a nominee and may require another nomination to be made by the superintendent. If the governing body has discretion in whether to appoint an attendance officer under subsection (b) and declines to make an appointment, the superintendent of the school corporation involved shall serve as ex officio attendance officer under section 35 of this chapter.~~

~~(d) The salary, including fringe benefits, of each attendance officer appointed under this section shall be fixed by the governing body of the school corporation and shall be paid by the treasurer of the school corporation.~~

~~(e) Each attendance officer appointed under this section is entitled to receive reimbursement from the school corporation for the actual and necessary expenses incurred by the attendance officer in the proper performance of the attendance officer's duties.~~

SECTION 278. IC 20-33-2-35, AS AMENDED BY P.L.90-2011, SECTION 45, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 35. If the governing body of a school corporation elects not to appoint an attendance officer under section 31 of this chapter, ~~or an appointing authority elects not to appoint an attendance officer under section 33 of this chapter,~~ the superintendent shall serve as an ex officio attendance officer. A superintendent acting in this capacity may designate one (1) or more school employees as assistant attendance officers. These assistant attendance officers shall act under

the superintendent's direction and perform the duties the superintendent assigns. Ex officio attendance officers and assistant attendance officers appointed under this section shall receive no additional compensation for performing attendance services.

SECTION 279. IC 20-33-2-36 IS REPEALED [EFFECTIVE JULY 1, 2015]. ~~Sec. 36. The governing bodies of two (2) or more school corporations may enter into a voluntary mutual agreement for the joint employment of an attendance officer. The agreement must stipulate the manner in which the joint attendance officer is appointed, paid, and supervised. The attendance officer may then be appointed, paid, and supervised under the terms of the agreement. However, compensation for any attendance officer employed under this section shall be paid entirely by the school corporations involved with no assistance from the civil government.~~

SECTION 280. IC 20-33-2-37 IS REPEALED [EFFECTIVE JULY 1, 2015]. ~~Sec. 37. The governing body of a school corporation that has fewer than one thousand five hundred (1,500) students in ADA may organize the school corporation as a separate attendance district and appoint an attendance officer. The governing body, in making the appointment, shall appoint an individual nominated by the superintendent. However, it may decline to appoint any nominee and require another nomination. All compensation for an attendance officer appointed under this section shall be paid by the treasurer of the school corporation in which the officer is employed.~~

SECTION 281. IC 20-33-2-38, AS ADDED BY P.L.1-2005, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 38. Any school corporation ~~attendance district, or remainder attendance district~~ **or school corporations** may appoint more attendance officers than are specifically authorized ~~or required~~ under **section 31 of** this chapter. However, these additional attendance officers shall be appointed in the same manner as required by law for other attendance officers. Compensation for additional attendance officers appointed under this section shall be paid entirely by the school corporation or school corporations involved.

SECTION 282. IC 20-33-2-40, AS ADDED BY P.L.1-2005, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 40. (a) Each attendance officer may serve original and other process in cases arising under this chapter.

(b) An attendance officer may enter any place where a child is employed to determine whether violations of this chapter ~~or of IC 20-33-3~~ have occurred. When an attendance officer or a school official is exercising the power granted under this subsection, any

officer, manager, director, employee or other person who refuses to permit the attendance officer's or the school official's entry into a place of business or interferes with ~~his~~ **the officer's or official's** investigation in any way commits a violation of this chapter.

SECTION 283. IC 20-33-5-7.5 IS REPEALED [EFFECTIVE JULY 1, 2015]. ~~Sec. 7.5. (a) If a school corporation does not request reimbursement under this chapter before April 1 of a particular school year, the school corporation shall, before the following June 1 of that year, estimate and report to the department the percentage of the school corporation's students who are enrolled in the school corporation and are eligible for assistance under this chapter.~~

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

SECTION 284. IC 20-33-6 IS REPEALED [EFFECTIVE JULY 1, 2015]. (Parental Participation in a Student's Education).

SECTION 285. IC 20-33-8-16, AS AMENDED BY P.L.114-2012, SECTION 42, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 16. (a) As used in this section, "firearm" has the meaning set forth in IC 35-47-1-5.

(b) As used in this section, "deadly weapon" has the meaning set forth in IC 35-31.5-2-86. The term does not include a firearm or destructive device.

(c) As used in this section, "destructive device" has the meaning set forth in IC 35-47.5-2-4.

(d) Notwithstanding section 20 of this chapter, a student who is:

(1) identified as bringing a firearm or destructive device to school or on school property; or

(2) in possession of a firearm or destructive device on school property;

must be expelled for at least one (1) calendar year, with the return of the student to be at the beginning of the first school semester after the end of the one (1) year period.

(e) The superintendent may, on a case by case basis, modify the period of expulsion under subsection (d) for a student who is expelled under this section.

(f) Notwithstanding section 20 of this chapter, a student who is:

(1) identified as bringing a deadly weapon to school or on school property; or

(2) in possession of a deadly weapon on school property;

may be expelled for not more than one (1) calendar year.

(g) A superintendent or the superintendent's designee shall immediately notify the appropriate law enforcement agency having

jurisdiction over the property where the school is located if a student engages in a behavior described in subsection (d). The superintendent may give similar notice if the student engages in a behavior described in subsection (f). Upon receiving notification under this subsection, the law enforcement agency shall begin an investigation and take appropriate action.

(h) A student with ~~disabilities~~ **a disability** (as defined in ~~IC 20-35-7-7)~~ **IC 20-35-1-8)** who possesses a firearm on school property is subject to procedural safeguards under 20 U.S.C. 1415.

SECTION 286. IC 20-33-8-25, AS AMENDED BY P.L.66-2009, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 25. (a) This section applies to an individual who:

(1) is a member of the administrative staff, a teacher, or other school staff member; and

(2) has students under the individual's charge.

(b) An individual may take disciplinary action instead of or in addition to suspension and expulsion that is necessary to ensure a safe, orderly, and effective educational environment. Disciplinary action under this section may include the following:

(1) Counseling with a student or group of students.

(2) Conferences with a parent or group of parents.

(3) Assigning additional work.

(4) Rearranging class schedules.

(5) Requiring a student to remain in school after regular school hours:

(A) to do additional school work; or

(B) for counseling.

(6) Restricting extracurricular activities.

(7) Removal of a student by a teacher from that teacher's class for a period not to exceed:

(A) five (5) class periods for middle, junior high, or high school students; or

(B) one (1) school day for elementary school students;

if the student is assigned regular or additional school work to complete in another school setting.

(8) Assignment by the principal of:

(A) a special course of study;

(B) an alternative educational program; or

(C) an alternative school.

(9) Assignment by the principal of the school where the recipient of the disciplinary action is enrolled of not more than one hundred twenty (120) hours of service with a nonprofit organization

operating in or near the community where the school is located or where the student resides. The following apply to service assigned under this subdivision:

(A) A principal may not assign a student under this subdivision unless the student's parent approves:

(i) the nonprofit organization where the student is assigned; and

(ii) the plan described in clause (B)(i).

A student's parent may request or suggest that the principal assign the student under this subdivision.

(B) The principal shall make arrangements for the student's service with the nonprofit organization. Arrangements must include the following:

(i) A plan for the service that the student is expected to perform.

(ii) A description of the obligations of the nonprofit organization to the student, the student's parents, and the school corporation where the student is enrolled.

(iii) Monitoring of the student's performance of service by the principal or the principal's designee.

(iv) Periodic reports from the nonprofit organization to the principal and the student's parent or guardian of the student's performance of the service.

(C) The nonprofit organization must obtain liability insurance in the amount and of the type specified by the school corporation where the student is enrolled that is sufficient to cover liabilities that may be incurred by a student who performs service under this subdivision.

(D) Assignment of service under this subdivision suspends the implementation of a student's suspension or expulsion. A student's completion of service assigned under this subdivision to the satisfaction of the principal and the nonprofit organization terminates the student's suspension or expulsion.

(10) Removal of a student from school sponsored transportation.

(11) Referral to the juvenile court having jurisdiction over the student.

(c) As used in this subsection, "physical assault" means the knowing or intentional touching of another person in a rude, insolent, or angry manner. When a student physically assaults a person having authority over the student, the principal of the school where the student is enrolled shall refer the student to the juvenile court having jurisdiction over the student. However, a student with ~~disabilities~~ **a disability** (as

defined in ~~IC 20-35-7-7)~~ **IC 20-35-1-8)** who physically assaults a person having authority over the student is subject to procedural safeguards under 20 U.S.C. 1415.

SECTION 287. IC 20-33-8-30 IS REPEALED [EFFECTIVE JULY 1, 2015]. ~~Sec. 30. (a) This section applies to the following:~~

~~(1) A student who:~~

~~(A) is expelled from a school corporation or charter school under this chapter; or~~

~~(B) withdraws from a school corporation or charter school to avoid expulsion.~~

~~(2) A student who:~~

~~(A) is required to separate for disciplinary reasons from a nonpublic school or a school in a state other than Indiana by the administrative authority of the school; or~~

~~(B) withdraws from a nonpublic school or a school in a state other than Indiana in order to avoid being required to separate from the school for disciplinary reasons by the administrative authority of the school.~~

~~(b) The student referred to in subsection (a) may enroll in another school corporation or charter school during the period of the actual or proposed expulsion or separation if:~~

~~(1) the student's parent informs the school corporation in which the student seeks to enroll and also:~~

~~(A) in the case of a student withdrawing from a charter school that is not a conversion charter school to avoid expulsion, the conversion charter school; or~~

~~(B) in the case of a student withdrawing from a conversion charter school to avoid expulsion:~~

~~(i) the conversion charter school; and~~

~~(ii) the school corporation that sponsored the conversion charter school;~~

~~of the student's expulsion, separation, or withdrawal to avoid expulsion or separation;~~

~~(2) the school corporation (and, in the case of a student withdrawal described in subdivision (1)(A) or (1)(B), the charter school) consents to the student's enrollment; and~~

~~(3) the student agrees to the terms and conditions of enrollment established by the school corporation (or, in the case of a student withdrawal described in subdivision (1)(A) or (1)(B), the charter school or conversion charter school).~~

~~(c) If:~~

~~(1) a student's parent fails to inform the school corporation of the~~

~~expulsion or separation or withdrawal to avoid expulsion or separation; or~~

~~(2) a student fails to follow the terms and conditions of enrollment under subsection (b)(3);~~

~~the school corporation or charter school may withdraw consent and prohibit the student's enrollment during the period of the actual or proposed expulsion or separation.~~

~~(d) Before a consent is withdrawn under subsection (c) the student must have an opportunity for an informal meeting before the principal of the student's proposed school. At the informal meeting, the student is entitled to:~~

~~(1) a written or an oral statement of the reasons for the withdrawal of the consent;~~

~~(2) a summary of the evidence against the student; and~~

~~(3) an opportunity to explain the student's conduct.~~

~~(e) This section does not apply to a student who is expelled under section 17 of this chapter.~~

SECTION 288. IC 20-33-8-33, AS AMENDED BY P.L.125-2012, SECTION 402, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 33. Before February 1 and before October 1 of each year, except when a hearing has been requested to determine financial hardship under IC 9-24-2-1(a)(4), a principal ~~shall~~ **may** submit to the bureau of motor vehicles the pertinent information concerning an individual's ineligibility under IC 9-24-2-1 to be issued a driver's license or learner's permit, or concerning the suspension of driving privileges under IC 9-24-2-4.

SECTION 289. IC 20-33-8-34, AS ADDED BY P.L.1-2005, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 34. (a) Notwithstanding any other law, a suspension, an expulsion, or another disciplinary action against a student who is a ~~child~~ **student** with a disability (as defined in ~~IC 20-35-1-2)~~ **IC 20-35-1-8)** is subject to the:

(1) procedural requirements of 20 U.S.C. 1415; and

(2) rules adopted by the state board.

(b) The division of special education shall propose rules under IC 20-35-2-1(b)(5) to the state board for adoption under IC 4-22-2 governing suspensions, expulsions, and other disciplinary action for a student who is a ~~child~~ **student** with a disability (as defined in ~~IC 20-35-1-2).~~ **IC 20-35-1-8).**

SECTION 290. IC 20-33-8.5-11, AS ADDED BY P.L.242-2005, SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 11. Notwithstanding the terms of the agreement,

a suspension, an expulsion, or a referral of a student who is a ~~child~~ **student** with a disability (as defined in ~~IC 20-1-6-1)~~ **IC 20-35-1-8)** is subject to the:

(1) procedural requirements of 20 U.S.C. 1415; and

(2) rules adopted by the Indiana state board of education.

SECTION 291. IC 20-33-9-1, AS ADDED BY P.L.1-2005, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 1. Sections 5 through ~~9~~ **8** of this chapter apply to the following:

(1) A violation under IC 7.1-5-7 (concerning minors and alcoholic beverages).

(2) A violation under IC 35-48-4 (offenses related to controlled substances).

SECTION 292. IC 20-33-9-5, AS ADDED BY P.L.1-2005, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 5. **Except as provided in section 7 of this chapter,** if a person other than a member of the administrative staff who is an employee of a school corporation has personally observed:

(1) a violation described in section 1 of this chapter; or

(2) a delinquent act that would be a violation under section 1 of this chapter if the violator were an adult;

in, on, or within one thousand (1,000) feet of the school property of the school corporation employing the person, the person shall immediately report the violation in writing to a member of the administrative staff of the school corporation employing the person.

SECTION 293. IC 20-33-9-6, AS ADDED BY P.L.1-2005, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 6. **Except as provided in section 7 of this chapter,** a member of the administrative staff who, based on personal knowledge or on the report of another employee of the school corporation, believes that a person has committed a violation described in section 1 of this chapter or a delinquent act that would be a violation described in section 1 of this chapter if the violator were an adult in, on, or within one thousand (1,000) feet of the school property of the school corporation employing the member, ~~shall immediately~~ **may** report:

(1) a general description of the violation;

(2) the name or a general description of each violator known to the member;

(3) the date, time, and and place of the violation;

(4) the name or a general description of each person who the member knows witnessed any part of the violation; and

(5) a general description and the location of any property that the member knows was involved in the violation;

in writing to a law enforcement officer.

SECTION 294. IC 20-33-9-7, AS ADDED BY P.L.1-2005, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 7. A report ~~is not required~~ **may not be made** under sections 5 through 6 of this chapter if:

(1) a federal statute or regulation;

(2) IC 20-28-10-17, IC 25-33-1-17, IC 34-46-3-1, or another state statute; or

(3) a rule adopted by a state agency;

imposes a duty on the employee of the school corporation or member of the administrative staff not to disclose privileged or confidential information that otherwise would have been the basis of a report.

SECTION 295. IC 20-33-9-9 IS REPEALED [EFFECTIVE JULY 1, 2015]. ~~Sec. 9. The law enforcement agencies and the school corporations in each county shall develop and administer a program to efficiently implement this chapter.~~

SECTION 296. IC 20-33-9-10, AS AMENDED BY P.L.72-2006, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 10. ~~In addition to any other duty to report arising under this article,~~ An individual who has reason to believe that a school employee:

(1) has received a threat;

(2) is the victim of intimidation;

(3) is the victim of battery; or

(4) is the victim of harassment;

~~shall~~ **may** report that information as ~~required by~~ **set forth in** this chapter.

SECTION 297. IC 20-33-9-10.5, AS ADDED BY P.L.190-2013, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 10.5. (a) This section does not apply to a charter school or an accredited nonpublic school.

(b) A school employee ~~shall~~ **may** report any incidence of suspected criminal gang activity, criminal gang intimidation, or criminal gang recruitment to the principal and the school safety specialist.

(c) The principal and the school safety specialist may take appropriate action to maintain a safe and secure school environment, including providing appropriate intervention services.

SECTION 298. IC 20-33-9-11, AS AMENDED BY P.L.72-2006, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 11. (a) If an individual who ~~is required to~~ **may**

make a report under this chapter is a member of the staff of a school, the individual shall make the report by immediately notifying the principal of the school that a school employee may have received a threat or may be the victim of intimidation, battery, or harassment.

(b) An individual who receives a report under subsection (a) ~~shall immediately~~ **may** make a report or cause a report to be made under section 13 of this chapter.

SECTION 299. IC 20-33-9-12 IS REPEALED [EFFECTIVE JULY 1, 2015]. ~~Sec. 12. This chapter does not relieve an individual of the obligation to report a threat, intimidation, a battery, or harassment on the individual's own behalf, unless a report has already been made to the best of the individual's belief.~~

SECTION 300. IC 20-33-9-13, AS AMENDED BY P.L.72-2006, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 13. An individual who ~~has a duty~~ **may** under sections 10 ~~through 12~~ **and 11** of this chapter ~~to~~ report that a school employee may have received a threat or may be the victim of intimidation, battery, or harassment, ~~shall immediately~~ **may** make an oral report to the local law enforcement agency.

SECTION 301. IC 20-33-10 IS REPEALED [EFFECTIVE JULY 1, 2015]. (Access to High School Student Information by Military Organizations).

SECTION 302. IC 20-33-11 IS REPEALED [EFFECTIVE JULY 1, 2015]. (Interrogation of a Student).

SECTION 303. IC 20-34-1 IS REPEALED [EFFECTIVE JULY 1, 2015]. (Acquired Immune Deficiency Syndrome Advisory Council).

SECTION 304. IC 20-34-2 IS REPEALED [EFFECTIVE JULY 1, 2015]. (Drug-Free Schools Committee).

SECTION 305. IC 20-34-3-15 IS REPEALED [EFFECTIVE JULY 1, 2015]. ~~Sec. 15. (a) Whenever the test required under section 14 of this chapter discloses that the hearing of a student is impaired and the student cannot be taught advantageously in regular classes, the governing body of the school corporation shall provide appropriate remedial measures and correctional devices. The governing body shall advise the student's parent of the proper medical care, attention, and treatment needed. The governing body shall provide approved mechanical auditory devices and prescribe courses in lip reading by qualified, competent, and approved instructors. The state superintendent and the director of the rehabilitation services bureau of the division of disability and rehabilitative services shall:~~

~~(1) cooperate with school corporations to provide assistance under this section; and~~

~~(2) provide advice and information to assist school corporations in complying with this section.~~

~~The governing body may adopt rules for the administration of this section.~~

~~(b) Each school corporation may receive and accept bequests and donations for immediate use or as trusts or endowments to assist in meeting costs and expenses incurred in complying with this section. When funds for the full payment of the expenses are not otherwise available in a school corporation, an unexpended balance in the state treasury that is available for the use of local schools and is otherwise unappropriated may be loaned to the school corporation for that purpose by the governor. A loan made by the governor under this section shall be repaid to the fund in the state treasury from which the loan came not more than two (2) years after the date it was advanced. Loans under this section shall be repaid through the levying of taxes in the borrowing school corporation.~~

SECTION 306. IC 20-34-3-20, AS AMENDED BY P.L.132-2007, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 20. (a) The governing body of a school corporation shall require each school in the governing body's jurisdiction to conduct periodic fire drills during the school year in compliance with rules adopted under IC 4-22-2 by the state board. **A rule adopted under this subsection may not require more than one (1) fire drill during each semester.**

(b) Each school and attendance center shall conduct at least:

(1) one (1) tornado preparedness drill; and

(2) one (1) manmade occurrence disaster drill;

during each semester.

(c) The governing body of a school corporation shall require each principal to file a certified statement that all drills have been conducted as required under this section.

SECTION 307. IC 20-35-1-2 IS REPEALED [EFFECTIVE JULY 1, 2015]. ~~Sec. 2. "Child with a disability" means a child who:~~

~~(1) is at least three (3) years of age but less than twenty-two (22) years of age; and~~

~~(2) because of physical or mental disability is incapable of being educated properly and efficiently through normal classroom instruction, but who, with the advantage of a special educational program, may be expected to benefit from instruction in surroundings designed to further the educational, social, or economic status of the child.~~

SECTION 308. IC 20-35-1-5 IS REPEALED [EFFECTIVE JULY

1, 2015]. ~~Sec. 5. "Preschool child with a disability" refers to a child with a disability who is at least three (3) years of age by June 1 of the school year.~~

SECTION 309. IC 20-35-1-8 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 8. "Student with a disability" means an individual who:**

(1) is at least three (3) years of age but less than twenty-two (22) years of age; and

(2) because of physical or mental disability is incapable of being educated properly and efficiently through normal classroom instruction, but who, with the advantage of a special educational program, may be expected to benefit from instruction in surroundings designed to further the educational, social, or economic status of the student.

SECTION 310. IC 20-35-2-1, AS AMENDED BY P.L.234-2007, SECTION 121, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 1. (a) There is established under the state board a division of special education. The division shall exercise all the power and duties set out in this chapter, IC 20-35-3 through IC 20-35-6, and IC 20-35-8.

(b) The governor shall appoint, upon the recommendation of the state superintendent, a director of special education who serves at the pleasure of the governor. The amount of compensation of the director shall be determined by the budget agency with the approval of the governor. The director has the following duties:

(1) To do the following:

(A) Have general supervision of all programs, classes, and schools for ~~children with disabilities,~~ **students with a disability,** including those conducted by public schools, the Indiana School for the Blind and Visually Impaired, the Indiana School for the Deaf, the department of correction, the state department of health, the division of disability and rehabilitative services, and the division of mental health and addiction.

(B) Coordinate the work of schools ~~described in clause (A).~~ **that receive state or federal funding for special education or programs.**

~~For programs for preschool children with disabilities as required under IC 20-35-4-9, have general supervision over programs, classes, and schools, including those conducted by the schools or other state or local service providers as contracted for under~~

~~IC 20-35-4-9. However, general supervision does not include the determination of admission standards for the state departments, boards, or agencies authorized to provide programs or classes under this chapter.~~

~~(2) To adopt, with the approval of the state board, rules governing the curriculum and instruction, including licensing of personnel in the field of education, as provided by law.~~

~~(3) To inspect and rate all schools, programs, or classes for children with disabilities to maintain proper standards of personnel, equipment, and supplies.~~

~~(4)~~ **(2)** With the consent of the state superintendent and the budget agency, to appoint and determine salaries for any assistants and other personnel needed to enable the director to accomplish the duties of the director's office.

~~(5) To adopt, with the approval of the state board, the following:~~

~~(A) Rules governing the identification and evaluation of children with disabilities and their placement under an individualized education program in a special education program.~~

~~(B) Rules protecting the rights of a child with a disability and the parents of the child with a disability in the identification, evaluation, and placement process.~~

~~(6)~~ **(3)** To make recommendations to the state board concerning standards and case load ranges for related services to assist each teacher in meeting the individual needs of each child according to that child's individualized education program. The recommendations may include the following:

~~(A) The number of teacher aides recommended for each exceptionality included within the class size ranges.~~

~~(B)~~ **(A)** The role of the teacher aide.

~~(C)~~ **(B)** Minimum training recommendations for teacher aides and recommended procedures for the supervision of teacher aides.

~~(7) To cooperate with the interagency coordinating council established by IC 12-12.7-2-7 to ensure that the preschool special education programs required by IC 20-35-4-9 are consistent with the early intervention services program described in IC 12-12.7-2.~~

~~(c) The director or the state board may exercise authority over career and technical education programs for children with disabilities through a letter of agreement with the department of workforce development.~~

SECTION 311. IC 20-35-4-1 IS REPEALED [EFFECTIVE JULY 1, 2015]. ~~Sec. 1. (a) A school corporation acting individually or in a~~

~~joint school services program with other corporations may establish and maintain instructional facilities for the instruction of children with disabilities.~~

~~(b) A school corporation may provide transfer and transportation of children with disabilities residing in the geographical limits of the corporation to facilities for the instruction of children with disabilities that are not maintained by the school corporation.~~

~~(c) A school corporation acting individually or in a joint school services program with other corporations may convert, build, or lease the necessary school buildings or use existing buildings to establish and maintain classes of one (1) or more pupils who are:~~

~~(1) residents of Indiana; and~~

~~(2) children with disabilities.~~

~~(d) A school corporation may provide for instruction of any child with a disability who is not able to attend a special class or school for children with disabilities. Special personnel may be employed in connection with these classes of schools, and any expenditures for these classes of schools are lawful expenditures for maintaining the education of children with disabilities.~~

~~(e) All nurses, therapists, doctors, psychologists, and related specialists employed under this chapter:~~

~~(1) must be registered and authorized to practice under Indiana law; and~~

~~(2) are subject to any additional requirements of the division.~~

~~(f) A school corporation acting individually or in a joint school services program with other corporations may purchase special equipment needed in a class or school for children with disabilities, and any expenditures made for this special equipment are lawful expenditures for maintaining the education of children with disabilities.~~

~~(g) Children with disabilities shall receive credit for schoolwork accomplished on the same basis as children without disabilities who do similar work.~~

~~(h) A school corporation constructing or operating a school under this chapter:~~

~~(1) shall pay the operating expense for each student attending; and~~

~~(2) is entitled to receive state aid for these students under the applicable laws.~~

~~Other school corporations sending children with disabilities as students of the school shall pay tuition in accordance with IC 20-35-8-1 through IC 20-35-8-2.~~

~~(i) If the state receives funds from the federal government to aid in~~

~~the operation of any school for children with disabilities, the division shall distribute among these schools the grant of federal funds that are appropriated. The federal funds shall be expended for the purposes for which the funds are granted.~~

~~(j) Except as provided in section 9 of this chapter with regard to preschool children with disabilities, schools or classes for children with disabilities shall be operated by the school corporation establishing the schools or classes under:~~

~~(1) Indiana laws applying to the operation of public schools; and~~

~~(2) the supervision of the division.~~

~~(k) Teachers in classes and schools for children with disabilities:~~

~~(1) shall be appointed in the same manner as other public school teachers; and~~

~~(2) must possess:~~

~~(A) the usual qualifications required of teachers in the public schools; and~~

~~(B) any special training that the state board requires.~~

~~(l) The state board shall adopt rules under IC 4-22-2 governing the qualifications required of preschool teachers under contractual agreements entered into under section 9 of this chapter.~~

~~(m) Qualifications of paraprofessional personnel to be employed under this chapter are subject to a determination by the department. Before any type of special class organized or to be organized under this chapter is established in any school corporation or through any contractual agreement, the special class must be submitted to and approved by the state board.~~

~~(n) The state board shall adopt rules under IC 4-22-2 necessary for the proper administration of this chapter.~~

SECTION 312. IC 20-35-4-1.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 1.5. (a) A school corporation has a duty to educate a student with a disability. However, the duty does not abrogate the right of a parent to act under IC 20-33-2-8.**

(b) The state board shall adopt rules governing special education that comply with federal law.

SECTION 313. IC 20-35-4-2 IS REPEALED [EFFECTIVE JULY 1, 2015]. ~~Sec. 2. (a) The division may, upon application by the governing body of a school corporation, together with proof of need, authorize the school corporation to purchase, convert, remodel, or construct rooms or buildings for special schools for children with disabilities in an effort to have the schools located near the homes of the children with disabilities the schools will serve.~~

~~(b) The school corporation:~~

~~(1) shall pay the cost of purchase, conversion, remodeling, and construction and the cost of building equipment of any such school; and~~

~~(2) may finance such conversion, remodeling, and construction as other school buildings are financed.~~

~~(c) The school corporation establishing any such school may send all its children with disabilities to the school and shall admit, if facilities permit, any other children with disabilities in Indiana who:~~

~~(1) are eligible under this chapter; and~~

~~(2) are not provided with an opportunity to attend an adequate school in their own school corporation.~~

SECTION 314. IC 20-35-4-3 IS REPEALED [EFFECTIVE JULY 1, 2015]. ~~Sec. 3. (a) The medical care of a child with a disability is the responsibility of the physician chosen by the parent to attend the child. However, a child with a disability is not excused from attending school unless the local health officer, upon a statement of the attending physician, certifies that attendance would be injurious to the child. The educational and recreational program may not alter in any way the medical care prescribed by the proper medical authority. Eligibility for all special education classes and programs must be determined by appropriate specialists.~~

~~(b) All nurses and special therapists in physical therapy, occupational therapy, and related medical fields must be:~~

~~(1) graduates of fully accredited training schools; and~~

~~(2) registered by their respective examining boards or by their respective professional associations.~~

~~(c) The medical care of needy children with disabilities is the responsibility of the state department of health and its program for children with special health care needs, to the extent provided by law.~~

~~(d) The personnel and facilities under the program for children with special health care needs shall be used at all times for the following:~~

~~(1) The determination of policies related to the medical care of children with disabilities.~~

~~(2) The professional supervision of all special therapists.~~

~~(3) Individual casework as available.~~

SECTION 315. IC 20-35-4-8 IS REPEALED [EFFECTIVE JULY 1, 2015]. ~~Sec. 8. (a) The school corporation in which a child with a disability resides is primarily responsible for providing the child with an appropriate special education program. The governing body of each school corporation shall establish and maintain the special educational facilities that are needed for:~~

~~(1) children with disabilities residing in the school corporation; and~~

~~(2) other children as authorized by this chapter.~~

~~However, under rules adopted by the state board, a child with a disability may be placed in a special education program that is not established or maintained by the school corporation.~~

~~(b) Notwithstanding subsection (a), a school corporation may establish special educational facilities for children with disabilities who are:~~

~~(1) at least nineteen (19) years of age; or~~

~~(2) less than six (6) years of age.~~

SECTION 316. IC 20-35-4-9 IS REPEALED [EFFECTIVE JULY 1, 2015]. ~~Sec. 9. (a) The budget agency and the division shall develop a funding mechanism to provide preschool special education. Each school corporation shall provide each preschool child with a disability with an appropriate special education. However, this subsection is applicable only if the general assembly appropriates state funds for preschool special education.~~

~~(b) A school corporation may act:~~

~~(1) individually;~~

~~(2) in a joint school services program with other school corporations as described in section 1 of this chapter; or~~

~~(3) upon approval by the division, through contractual agreements entered into between a school corporation and a qualified public or private agency that serves preschool children with disabilities.~~

~~(c) The state board shall adopt rules under IC 4-22-2 governing the following:~~

~~(1) The extent to which a school corporation may contract with another service provider as permitted under subsection (b).~~

~~(2) The nature of the contracts.~~

~~(3) The approval procedure required of the school corporation under subsection (b).~~

~~(4) Other pertinent matters concerning these agreements.~~

SECTION 317. IC 20-35-4-10 IS REPEALED [EFFECTIVE JULY 1, 2015]. ~~Sec. 10. (a) For purposes of this section, "comprehensive plan" means a plan for educating the following:~~

~~(1) All children with disabilities that a school corporation is required to educate under sections 8 through 9 of this chapter.~~

~~(2) The additional children with disabilities that the school corporation elects to educate.~~

~~(b) For purposes of this section, "school corporation" includes the following:~~

~~(1) The Indiana School for the Blind and Visually Impaired board.~~
~~(2) The Indiana School for the Deaf board.~~

~~(c) The state board shall adopt rules under IC 4-22-2 detailing the contents of the comprehensive plan. Each school corporation shall complete and submit to the state superintendent a comprehensive plan. School corporations operating cooperative or joint special education services may submit a single comprehensive plan. In addition, if a school corporation enters into a contractual agreement as permitted under section 9 of this chapter, the school corporation shall collaborate with the service provider in formulating the comprehensive plan.~~

~~(d) Notwithstanding the age limits set out in IC 20-35-1-2, the state board may:~~

~~(1) conduct a program for the early identification of children with disabilities, between the ages of birth and less than twenty-two (22) years of age not served by the public schools or through a contractual agreement under section 9 of this chapter; and~~
~~(2) use agencies that serve children with disabilities other than the public schools.~~

~~(e) The state board shall adopt rules under IC 4-22-2 requiring the:~~
~~(1) department of correction;~~
~~(2) state department of health;~~
~~(3) division of disability and rehabilitative services;~~
~~(4) Indiana School for the Blind and Visually Impaired board;~~
~~(5) Indiana School for the Deaf board; and~~
~~(6) division of mental health and addiction;~~

~~to submit to the state superintendent a plan for the provision of special education for children in programs administered by each respective agency who are entitled to a special education.~~

~~(f) The state superintendent shall furnish professional consultant services to school corporations and the entities listed in subsection (e) to aid them in fulfilling the requirements of this section.~~

SECTION 318. IC 20-35-4-11, AS ADDED BY P.L.1-2005, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 11. (a) The governing bodies of one (1) or more school corporations establishing and maintaining educational facilities and services for students with disabilities, as described in this chapter, shall, in connection with establishing and maintaining the facilities and services, exercise similar powers and duties as are prescribed by law for the establishment, maintenance, and management of other recognized educational facilities and services.

(b) The governing bodies shall:

(1) include only eligible children in the program; and

(2) comply with all the requirements of:

(A) this chapter; and

(B) all rules established by the state superintendent and the state board.

~~(c) A school corporation may issue diplomas or certificates of graduation to pupils with disabilities completing special educational programs approved by the state superintendent and the state board.~~

SECTION 319. IC 20-35-4-12 IS REPEALED [EFFECTIVE JULY 1, 2015]. ~~Sec. 12. Public schools may operate special education programs for deaf and hard of hearing children at least six (6) months of age on an experimental basis upon the approval of the state superintendent and the state board.~~

SECTION 320. IC 20-35-5-1, AS AMENDED BY P.L.38-2014, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 1. The definitions in this section apply throughout this chapter.

(1) "Agreement" means an:

(A) identical resolution adopted by the governing body of each participating school corporation or the governing board of a participating charter school; or

(B) agreement approved by the governing body of each participating school corporation or the governing board of a participating charter school;

providing for a special education cooperative.

(2) "Assessed valuation" of a participating school corporation for a school year means the net assessed valuation of the school corporation for the immediately preceding March 1, adjusted in the same manner as any adjustment is made in determining the amount of state distribution for school support.

(3) "Board of managers" means the board or commission charged with the responsibility of administering the affairs of a special education cooperative.

(4) "Governing body" of a participating school corporation or charter school means the board or commission charged by law with the responsibility of administering the affairs of the school corporation or charter school. ~~In the case of a school township, the term means the township trustee and township board.~~

(5) "Participating school corporation" means a local public school corporation that:

(A) is established under Indiana law; and

(B) cooperates with other school corporations or charter schools in a special education cooperative.

(6) "Participating charter school" means a charter school that is established under Indiana law and cooperates with other school corporations or charter schools in a special education cooperative.

(7) "Percentage share" of a participating school corporation is the percent that its assessed valuation bears to the total assessed valuation of all the participating school corporations joining in an agreement.

(8) "Special education cooperative" means a department, school, charter school, or school corporation established, maintained, and supervised for the education of ~~children with disabilities~~ **students with a disability** in accordance with this section.

SECTION 321. IC 20-35-7 IS REPEALED [EFFECTIVE JULY 1, 2015]. (Individualized Education Program; Case Conferences for Students With Disabilities; Transitional Services).

SECTION 322. IC 20-35-9-3, AS ADDED BY P.L.1-2005, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 3. As used in this chapter, "case conference committee" means the group of individuals described in IC 20-18-2-9 who develop the individualized education program for each ~~child~~ **student** with a disability (as defined in ~~IC 20-35-1-2).~~ **IC 20-35-1-8).**

SECTION 323. IC 20-35-10 IS REPEALED [EFFECTIVE JULY 1, 2015]. (Inclusion School Pilot Program).

SECTION 324. IC 20-40-1-5, AS ADDED BY P.L.2-2006, SECTION 163, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 5. Statutes outside this article that permit or require the establishment of joint funds include the following:

(1) IC 20-26-10-3 (joint fund for a joint program).

(2) IC 20-26-10-8 (joint services, leasing, construction, and supply fund).

(3) IC 20-26-10-9 (joint investment fund).

~~(4) IC 20-26-10-11 (joint service and supply fund to pay for a joint program).~~

~~(5) IC 20-30-6-5 (joint fund to conduct educational television instruction and contract with a commercial television station for the use of the station's facilities and staff).~~

SECTION 325. IC 20-40-12-5, AS ADDED BY P.L.2-2006, SECTION 163, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 5. The fund may be used to provide money for the following purposes:

(1) The payment of a judgment rendered against the school corporation, or rendered against an officer or employee of the school corporation for which the school corporation is liable

under IC 34-13-2, IC 34-13-3, or IC 34-13-4 (or IC 34-4-16.5, IC 34-4-16.6, or IC 34-4-16.7 before their repeal).

(2) The payment of a claim or settlement for which the school corporation is liable under IC 34-13-2, IC 34-13-3, or IC 34-13-4 (or IC 34-4-16.5, IC 34-4-16.6, or IC 34-4-16.7 before their repeal).

(3) The payment of a premium, management fee, claim, or settlement for which the school corporation is liable under a federal or state statute, including IC 22-3 and IC 22-4.

(4) The payment of a settlement or claim for which insurance coverage is permitted under ~~IC 20-26-5-4(15).~~ **IC 20-26-5-4(a)(14).**

SECTION 326. IC 20-40-12-8, AS ADDED BY P.L.2-2006, SECTION 163, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 8. Subject to ~~IC 20-26-5-4(15)~~ **IC 20-26-5-4(a)(14)** and this chapter and notwithstanding any other law, a self-insurance program must comply with this chapter.

SECTION 327. IC 20-40-13 IS REPEALED [EFFECTIVE JULY 1, 2015]. (Petty Cash Fund).

SECTION 328. IC 20-40-15-6 IS REPEALED [EFFECTIVE JULY 1, 2015]. ~~Sec. 6. (a) Before February 15 of each year, each school corporation shall file a report with the state superintendent's special assistant for technology.~~

~~(b) A report filed under this section must:~~

~~(1) be prepared in the form prescribed by the special assistant for technology; and~~

~~(2) include a list of expenditures made by the school corporation during the preceding calendar year from the school corporation's:~~

~~(A) fund for purposes described in this chapter;~~

~~(B) capital projects fund for purposes described in IC 20-40-8-13; and~~

~~(C) debt service fund to provide financing for any equipment or facilities used to provide educational technology programs.~~

~~(c) Before April 1 of each year, the special assistant for technology shall compile the information contained in the reports filed under this section.~~

SECTION 329. IC 20-41-1-9, AS ADDED BY P.L.2-2006, SECTION 164, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 9. (a) The treasurer shall deposit all receipts in one (1) bank account. The receipts shall be deposited without unreasonable delay. The account is known as the school extracurricular account. The records of each organization, class, or

activity shall be kept separate so that the balance in each fund may be known at all times.

(b) The money in the school extracurricular account may be invested under the conditions specified in IC 5-13-10 and IC 5-13-10.5 for investment of state money. However, investments under this section are at the discretion of the principal. The interest earned from any investment may be credited to the school extracurricular account and need not be credited proportionately to each separate extracurricular fund. The interest earned from the investment may be used for any of the following:

(1) A school purpose approved by the principal.

(2) An extracurricular purpose approved by the principal.

(c) Amounts expended under this section for the purposes described in this section are in addition to the appropriation under ~~IC 20-26-5-4(3).~~ **IC 20-26-5-4(a)(3).**

SECTION 330. IC 20-41-2-4, AS ADDED BY P.L.2-2006, SECTION 164, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 4. A governing body in operating a school lunch program under ~~IC 20-26-5-4(11)~~ **IC 20-26-5-4(a)(10)** may use either of the following accounting methods:

(1) It may supervise and control the program through the school corporation account, establishing a school lunch fund.

(2) It may cause the program to be operated by the individual schools of the school corporation through the school corporation's extracurricular account or accounts in accordance with IC 20-41-1.

SECTION 331. IC 20-41-2-5, AS AMENDED BY P.L.286-2013, SECTION 122, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 5. (a) A governing body in operating a curricular materials rental program under ~~IC 20-26-5-4(12)~~ **IC 20-26-5-4(a)(11)** may use either of the following accounting methods:

(1) The governing body may supervise and control the program through the school corporation account, establishing a curricular materials rental fund.

(2) If curricular materials have not been purchased and financial commitments or guarantees for the purchases have not been made by the school corporation, the governing body may cause the program to be operated by the individual schools of the school corporation through the school corporation's extracurricular account or accounts in accordance with IC 20-41-1.

(b) If the governing body determines that a hardship exists due to

the inability of a student's family to purchase or rent curricular materials, taking into consideration the income of the family and the demands on the family, the governing body may furnish curricular materials to the student without charge, without reference to the application of any other statute or rule except IC 20-26-1 through IC 20-26-5, IC 20-26-7, IC 20-40-12, and IC 20-48-1.

SECTION 332. IC 20-42.5-3-1 IS REPEALED [EFFECTIVE JULY 1, 2015]. ~~Sec. 1. The state board shall explore methods, including statewide purchases, to reduce the expense to school corporations for the purchase of the following:~~

~~(1) Curricular materials.~~

~~(2) Technology.~~

~~(3) School buses and other vehicles.~~

~~(4) Other areas of expenses as determined by the state board.~~

SECTION 333. IC 20-42.5-3-2 IS REPEALED [EFFECTIVE JULY 1, 2015]. ~~Sec. 2. The state board, assisted by the educational service centers, the division of finance of the department, and the office of management and budget, shall survey annually the school corporations to determine actions taken by the school corporations to allocate resources to student instruction and learning. The state board shall issue an annual report of actions taken to:~~

~~(1) each school corporation;~~

~~(2) the public; and~~

~~(3) the general assembly.~~

~~The report to the general assembly must be submitted to the executive director of the legislative services agency in an electronic format under IC 5-14-6.~~

SECTION 334. IC 20-42.5-3-3 IS REPEALED [EFFECTIVE JULY 1, 2015]. ~~Sec. 3. Not later than November 1 of each year, the state board, assisted by the office of management and budget and school corporation officials, shall submit a report to the state superintendent, the governor, and the general assembly concerning the following:~~

~~(1) Consolidated purchasing arrangements used by multiple school corporations, through educational service centers, and throughout Indiana.~~

~~(2) Shared services arrangements used by multiple school corporations, through educational service centers, and in Indiana as a whole.~~

~~(3) The efforts of school corporations to explore cooperatives, common management, or consolidations.~~

~~The report to the general assembly must be submitted to the executive director of the legislative services agency in an electronic format under~~

~~IC 5-14-6.~~

SECTION 335. IC 20-42.5-3-6 IS REPEALED [EFFECTIVE JULY 1, 2015]. ~~Sec. 6. (a) Beginning with the 2007-2008 school year, each governing body shall establish goals for each category of expenditures set forth in section 4 of this chapter that will increase the school corporation's allocation of taxpayer resources directly to student instruction and learning, in light of the unique circumstances present in the school corporation.~~

~~(b) The state board shall recognize and reward the school corporations that meet the goals described in subsection (a).~~

SECTION 336. IC 20-44-3-8 IS REPEALED [EFFECTIVE JULY 1, 2015]. ~~Sec. 8. Subject to the limitations imposed by this chapter, a school corporation may use money in its fund for any lawful purpose for which money in any of its other funds may be used.~~

SECTION 337. IC 20-45-8-19, AS ADDED BY P.L.2-2006, SECTION 168, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 19. ~~The receipts from the tax are available to a qualified school corporation for any purpose or purposes for which school expenditures are authorized by law.~~ The purpose or purposes for which the receipts from the tax are used rests within the discretion of the administrative officer or governing board of each qualified school corporation. The budgets of the qualified school corporations must reflect the anticipated receipts from the tax. Appropriations shall be made of the receipts from the tax as other appropriations are made.

SECTION 338. IC 20-47-2-5, AS ADDED BY P.L.2-2006, SECTION 170, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 5. (a) ~~Subject to subsection (b),~~ A school corporation may lease a school building or buildings for the use of:

(1) the school corporation; or

(2) a joint or consolidated school district of which the school corporation is a part or to which it contributes;

for a term not to exceed thirty (30) years.

(b) A school corporation may not enter into a lease under this section unless

~~(1) a petition for the lease signed by at least fifty (50) patrons of the school corporation has been filed with the governing body of the school corporation; and~~

~~(2)~~ the governing body, after investigation, determines that a need exists for the school building and that the school corporation cannot provide the necessary funds to pay the cost or its

proportionate share of the cost of the school building or buildings required to meet the present needs.

(c) If two (2) or more school corporations propose to jointly enter into a lease under this section, joint meetings of the governing bodies of the school corporations may be held, but action taken at a joint meeting is not binding on any of those school corporations unless approved by a majority of the governing body of those school corporations. A lease executed by two (2) or more school corporations as joint lessees must:

(1) set out the amount of the total lease rental to be paid by each lessee, which may be as agreed upon; and

(2) provide that:

(A) there is no right of occupancy by any lessee unless the total rental is paid as stipulated in the lease; and

(B) all rights of joint lessees under the lease are in proportion to the amount of lease rental paid by each lessee.

SECTION 339. IC 20-47-3-3, AS ADDED BY P.L.2-2006, SECTION 170, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 3. (a) ~~Subject to subsection (b),~~ A school corporation may lease a school building or buildings for the use of:

(1) the school corporation; or

(2) a joint or consolidated school district of which the school corporation is a part or to which it contributes;

for a term not to exceed fifty (50) years.

(b) A school corporation may not enter into a lease under this section unless

~~(1) a petition for the lease signed by at least fifty (50) patrons of the school corporation has been filed with the governing body of the school corporation; and~~

~~(2)~~ the governing body, after investigation, determines that a need exists for the school building.

(c) If two (2) or more school corporations propose to jointly enter into a lease under this section, joint meetings of the governing bodies of the school corporations may be held, but action taken at a joint meeting is not binding on any of those school corporations unless approved by a majority of the governing body of each of those school corporations. A lease executed by two (2) or more school corporations as joint lessees must:

(1) set out the amount of the total lease rental to be paid by each lessee, which may be as agreed upon; and

(2) provide that:

(A) there is no right of occupancy by any lessee unless the total rental is paid as stipulated in the lease; and

(B) all rights of joint lessees under the lease are in proportion to the amount of lease rental paid by each lessee.

SECTION 340. IC 20-48-4-9, AS ADDED BY P.L.2-2006, SECTION 171, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 9. In carrying out sections 6 through 8 of this chapter, the township trustee may join with the ~~school township or~~ district in the alteration, construction, or addition, contracting together and joining in the employment of an engineer or architect.

SECTION 341. IC 20-49-2-11, AS ADDED BY P.L.2-2006, SECTION 172, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 11. (a) The state board may make a disaster loan to a school corporation that has suffered loss by fire, flood, windstorm, or other disaster that makes all or part of the school building or buildings unfit for school purposes. ~~as described in IC 20-26-7-29 through IC 20-26-7-34.~~

(b) A loan made under this section may not exceed three million dollars ($3,000,000). The school corporation shall repay the loan within twenty (20) years at an annual interest rate of one percent (1%) of the unpaid balance.

(c) The amounts repaid by school corporations under subsection (b) shall be deposited in a fund to be known as the school disaster loan fund. The money remaining in the school disaster loan fund at the end of a state fiscal year does not revert to the state general fund. The state board may use the money in the school disaster loan fund only to make disaster loans to school corporations under this section.

(d) Sections 13, 14, and 15 of this chapter do not apply to loans made under this section.

SECTION 342. IC 20-49-2-13, AS ADDED BY P.L.2-2006, SECTION 172, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 13. (a) The state board shall compute and assign to the applicant school corporation a school building index that is the ratio of the school building need, in terms of money, to the school corporation's tax ability, in terms of money.

(b) For purposes of this section, the school building need, in terms of money, of a school corporation is the amount determined under STEP FOUR of the following formula:

STEP ONE: Add the ADA of students in grades 1 through 12 of the school corporation during the current school year in which application for an advancement is made and twice the ADA

increase of the school corporation for the preceding three (3) years. However, the state board may make adjustments to reflect the effect of changes of boundary lines, loss of transfer students, or loss of resident students to private, parochial, or cooperative program schools within the three (3) year period.

STEP TWO: Divide the STEP ONE amount by twenty-five (25) to determine the number of classrooms needed to house the estimated enrollment increase.

STEP THREE: Subtract from the STEP TWO amount the number of classrooms that:

(A) are owned, under a lease-rental arrangement, or under construction in the school corporation; and

(B) were constructed for and normally used for classroom purposes at the time of making application for an advancement.

However, there shall not be subtracted classrooms in a building or buildings found to be inadequate for the proper education of students under standards and procedures prescribed by the state board or that have been condemned ~~under IC 20-26-7-29 through IC 20-26-7-34~~ and that are to be replaced by funds applied for.

STEP FOUR: Multiply the STEP THREE amount by twenty thousand dollars ($20,000).

(c) For purposes of this section, the school corporation's tax ability, in terms of money, is the amount determined under STEP TWO of the following formula:

STEP ONE: Determine six and one-half percent (6 1/2%) of the adjusted value of taxable property in a school corporation as determined under IC 36-1-15-4 for state and county taxes immediately preceding the date of application.

STEP TWO: Subtract from the STEP ONE amount the sum of the following:

(A) The principal amount of any outstanding general obligation bonds of the school corporation.

(B) The principal amount of outstanding obligations of any corporation or holding company that has entered into a lease-rental agreement with the applicant school corporation.

(C) The principal amount of outstanding civil township, town, or city school building bonds.

If the school corporation's tax ability is less than one hundred dollars ($100), the school corporation's tax ability is considered for purposes of this section as being one hundred dollars ($100).

SECTION 343. IC 20-49-3-8, AS AMENDED BY P.L.40-2014,

SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 8. The fund may be used to make advances:

(1) to school corporations, including ~~school townships and~~ school corporation career and technical education schools described in IC 20-37-1-1, under IC 20-49-4 and IC 20-49-5; and

(2) under IC 20-49-6.

Unless the context clearly requires otherwise, a reference to a school corporation in this chapter includes a school corporation career and technical education school described in IC 20-37-1-1. However, an advance to a school corporation career and technical education school described in IC 20-37-1-1 is not considered an advance to a school corporation for purposes of determining if the school corporation career and technical education school described in IC 20-37-1-1 qualifies for an advance.

SECTION 344. IC 20-49-4-0.3 IS REPEALED [EFFECTIVE JULY 1, 2015]. ~~Sec. 0.3. All agreements that are:~~

~~(1) executed by or on behalf of school corporations or school townships before February 28, 1992; and~~

~~(2) for advances from the Indiana common school fund under IC 21-1-5 (before its repeal, now codified in this chapter);~~

~~are validated and legalized.~~

SECTION 345. IC 20-49-4-0.4 IS REPEALED [EFFECTIVE JULY 1, 2015]. ~~Sec. 0.4. All agreements that are:~~

~~(1) executed by or on behalf of school corporations or school townships before March 10, 1996; and~~

~~(2) for advances from the common school fund under IC 21-1-5 (before its repeal, now codified in this chapter);~~

~~are validated and legalized.~~

SECTION 346. IC 20-49-4-1, AS AMENDED BY P.L.40-2014, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 1. This chapter applies to school corporations organized and formed through reorganization under IC 20-23-4, IC 20-23-6, or IC 20-23-7 ~~school townships under IC 20-23-3,~~ and school corporation career and technical education schools described in IC 20-37-1-1. Unless the context clearly requires otherwise, a reference to a school corporation in this chapter includes a school corporation career and technical education school described in IC 20-37-1-1.

SECTION 347. IC 20-51-1-4.3, AS ADDED BY P.L.205-2013, SECTION 310, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 4.3. "Eligible choice scholarship student" refers to an individual who:

(1) has legal settlement in Indiana;

(2) is at least five (5) years of age and less than twenty-two (22) years of age on the date in the school year specified in IC 20-33-2-7; and

(3) meets at least one (1) of the following conditions:

(A) The individual is:

(i) a ~~child~~ **student** with a disability who requires special education and for whom an individualized education program has been developed under IC 20-35 or a service plan developed under 511 IAC 7-34; and

(ii) a member of a household with an annual income of not more than two hundred percent (200%) of the amount required for the individual to qualify for the federal free or reduced price lunch program.

(B) The individual is:

(i) an individual who, because of the school corporation's residency requirement, would be required to attend a specific public school within a school corporation that has been placed in the lowest category or designation of school improvement under IC 20-31-8-4 (has been assigned an "F" grade); and

(ii) except as provided in IC 20-51-4-2.5, is a member of a household with an annual income of not more than one hundred fifty percent (150%) of the amount required for the individual to qualify for the federal free or reduced price lunch program.

An individual to whom this clause applies is not required to attend the public school before becoming eligible for a choice scholarship, and may not be required to return to the public school if the public school is placed in a higher category or designation under IC 20-31-8-4.

(C) Except as provided in IC 20-51-4-2.5, the individual is a member of a household with an annual income of not more than one hundred fifty percent (150%) of the amount required for the individual to qualify for the federal free or reduced price lunch program and the individual was enrolled in kindergarten through grade 12, in a public school, including a charter school, in Indiana for at least two (2) semesters immediately preceding the first semester for which the individual receives a choice scholarship under IC 20-51-4.

(D) The individual or a sibling of the individual who, except as provided in IC 20-51-4-2.5, is a member of a household with an annual income of not more than one hundred fifty

percent (150%) of the amount required for the individual to qualify for the federal free or reduced price lunch program and satisfies either of the following:

(i) The individual or a sibling of the individual received before July 1, 2013, a scholarship from a scholarship granting organization under IC 20-51-3 or a choice scholarship under IC 20-51-4 in a preceding school year, including a school year that does not immediately precede a school year in which the individual receives a scholarship from a scholarship granting organization under IC 20-51-3 or a choice scholarship under IC 20-51-4.

(ii) The individual or a sibling of the individual receives for the first time after June 30, 2013, a scholarship of at least five hundred dollars ($500) from a scholarship granting organization under IC 20-51-3 or a choice scholarship under IC 20-51-4 in a preceding school year, including a school year that does not immediately precede a school year in which the individual receives a scholarship from a scholarship granting organization under IC 20-51-3 or a choice scholarship under IC 20-51-4.

SECTION 348. IC 21-43-4-6, AS AMENDED BY P.L.125-2013, SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 6. Before February 1 each year, ~~each~~ **a** school corporation ~~shall~~ **may** provide ~~each~~ **a** student in grades 8, 9, 10, and 11 with information concerning postsecondary enrollment opportunities, **if:**

(1) the information is requested by the student; or

(2) the school corporation believes that providing the information would benefit the student.

SECTION 349. IC 21-43-4-16 IS REPEALED [EFFECTIVE JULY 1, 2015]. ~~Sec. 16. At the end of each school year, each school corporation shall submit to the department of education the following:~~

~~(1) A list of the students in the school corporation who are enrolled in postsecondary enrollment opportunities.~~

~~(2) A list of the courses successfully completed by each student who is enrolled in postsecondary enrollment opportunities.~~

SECTION 350. IC 21-43-4-17 IS REPEALED [EFFECTIVE JULY 1, 2015]. ~~Sec. 17. (a) A school corporation shall make and maintain, for each student enrolled in a postsecondary enrollment opportunity, records of the following:~~

~~(1) The courses and credit hours in which the student enrolls.~~

~~(2) The courses that the student successfully completes and fails~~

~~to complete.~~

~~(3) The secondary credit granted to the student.~~

~~(4) Other information requested by the department of education.~~

~~(b) The department of education is entitled to have access to the records made and maintained under subsection (a).~~

SECTION 351. IC 22-3-2-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 5. (a) Every employer who is bound by the compensation provisions of IC 22-3-2 through IC 22-3-6, except the state, counties, townships, cities, towns, school cities, school towns, ~~school townships,~~ other municipal corporations, state institutions, state boards, state commissions, banks, trust companies, and building and loan associations, shall insure the payment of compensation to the employer's employees and their dependents in the manner provided in IC 22-3-3, or procure from the worker's compensation board a certificate authorizing the employer to carry such risk without insurance. While such insurance or such certificate remains in force, the employer or those conducting the employer's business and the employer's worker's compensation insurance carrier shall be liable to any employee and the employee's dependents for personal injury or death by accident arising out of and in the course of employment only to the extent and in the manner specified in IC 22-3-2 through IC 22-3-6.

(b) The state may not purchase worker's compensation insurance. The state may establish a program of self-insurance to cover its liability under this article. The state may administer its program of self-insurance or may contract with any private agency, business firm, limited liability company, or corporation to administer any part of the program. The state department of insurance may, in the manner prescribed by IC 4-22-2, adopt the rules necessary to implement the state's program of self-insurance.

SECTION 352. IC 22-3-7-34, AS AMENDED BY P.L.1-2006, SECTION 343, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 34. (a) As used in this section, "person" does not include:

(1) an owner who contracts for performance of work on the owner's owner occupied residential property; or

(2) a nonprofit corporation that is recognized as tax exempt under Section 501(c)(3) of the Internal Revenue Code (as defined in IC 6-3-1-11(a)) to the extent the corporation enters into an independent contractor agreement with a person for the performance of youth coaching services on a part-time basis.

(b) Every employer bound by the compensation provisions of this

chapter, except the state, counties, townships, cities, towns, school cities, school towns, ~~school townships,~~ other municipal corporations, state institutions, state boards, and state commissions, shall insure the payment of compensation to the employer's employees and their dependents in the manner provided in this chapter, or procure from the worker's compensation board a certificate authorizing the employer to carry such risk without insurance. While that insurance or certificate remains in force, the employer, or those conducting the employer's business, and the employer's occupational disease insurance carrier shall be liable to any employee and the employee's dependents for disablement or death from occupational disease arising out of and in the course of employment only to the extent and in the manner specified in this chapter.

(c) Every employer who, by election, is bound by the compensation provisions of this chapter, except those exempted from the provisions by subsection (b), shall:

(1) insure and keep insured the employer's liability under this chapter in some corporation, association, or organization authorized to transact the business of worker's compensation insurance in this state; or

(2) furnish to the worker's compensation board satisfactory proof of the employer's financial ability to pay the compensation in the amount and manner and when due as provided for in this chapter.

In the latter case the board may require the deposit of an acceptable security, indemnity, or bond to secure the payment of compensation liabilities as they are incurred.

(d) Every employer required to carry insurance under this section shall file with the worker's compensation board in the form prescribed by it, within ten (10) days after the termination of the employer's insurance by expiration or cancellation, evidence of the employer's compliance with subsection (c) and other provisions relating to the insurance under this chapter. The venue of all criminal actions under this section lies in the county in which the employee was last exposed to the occupational disease causing disablement. The prosecuting attorney of the county shall prosecute all violations upon written request of the board. The violations shall be prosecuted in the name of the state.

(e) Whenever an employer has complied with subsection (c) relating to self-insurance, the worker's compensation board shall issue to the employer a certificate which shall remain in force for a period fixed by the board, but the board may, upon at least thirty (30) days notice, and a hearing to the employer, revoke the certificate, upon presentation of

satisfactory evidence for the revocation. After the revocation, the board may grant a new certificate to the employer upon the employer's petition, and satisfactory proof of the employer's financial ability.

(f)(1) Subject to the approval of the worker's compensation board, any employer may enter into or continue any agreement with the employer's employees to provide a system of compensation, benefit, or insurance in lieu of the compensation and insurance provided by this chapter. A substitute system may not be approved unless it confers benefits upon employees and their dependents at least equivalent to the benefits provided by this chapter. It may not be approved if it requires contributions from the employees unless it confers benefits in addition to those provided under this chapter, which are at least commensurate with such contributions.

(f)(2) The substitute system may be terminated by the worker's compensation board on reasonable notice and hearing to the interested parties, if it appears that the same is not fairly administered or if its operation shall disclose latent defects threatening its solvency, or if for any substantial reason it fails to accomplish the purpose of this chapter. On termination, the board shall determine the proper distribution of all remaining assets, if any, subject to the right of any party in interest to take an appeal to the court of appeals.

(g)(1) No insurer shall enter into or issue any policy of insurance under this chapter until its policy form has been submitted to and approved by the worker's compensation board. The board shall not approve the policy form of any insurance company until the company shall file with it the certificate of the insurance commissioner showing that the company is authorized to transact the business of worker's compensation insurance in Indiana. The filing of a policy form by any insurance company or reciprocal insurance association with the board for approval constitutes on the part of the company or association a conclusive and unqualified acceptance of each of the compensation provisions of this chapter, and an agreement by it to be bound by the compensation provisions of this chapter.

(g)(2) All policies of insurance companies and of reciprocal insurance associations, insuring the payment of compensation under this chapter, shall be conclusively presumed to cover all the employees and the entire compensation liability of the insured under this chapter in all cases in which the last day of the exposure rendering the employer liable is within the effective period of such policy.

(g)(3) Any provision in any such policy attempting to limit or modify the liability of the company or association insuring the same shall be wholly void.

(g)(4) Every policy of any company or association shall be deemed to include the following provisions:

"(A) The insurer assumes in full all the obligations to pay physician's fees, nurse's charges, hospital supplies, burial expenses, compensation or death benefits imposed upon or accepted by the insured under this chapter.

(B) This policy is subject to the provisions of this chapter relative to the liability of the insured to pay physician's fees, nurse's charges, hospital services, hospital supplies, burial expenses, compensation or death benefits to and for such employees, the acceptance of such liability by the insured, the adjustment, trial and adjudication of claims for such physician's fees, nurse's charges, hospital services, hospital supplies, burial expenses, compensation, or death benefits.

(C) Between this insurer and the employee, notice to or knowledge of the occurrence of the disablement on the part of the insured (the employer) shall be notice or knowledge thereof, on the part of the insurer. The jurisdiction of the insured (the employer) for the purpose of this chapter is the jurisdiction of this insurer, and this insurer shall in all things be bound by and shall be subject to the awards, judgments and decrees rendered against the insured (the employer) under this chapter.

(D) This insurer will promptly pay to the person entitled to the same all benefits conferred by this chapter, including all physician's fees, nurse's charges, hospital services, hospital supplies, burial expenses, and all installments of compensation or death benefits that may be awarded or agreed upon under this chapter. The obligation of this insurer shall not be affected by any default of the insured (the employer) after disablement or by any default in giving of any notice required by this policy, or otherwise. This policy is a direct promise by this insurer to the person entitled to physician's fees, nurse's charges, fees for hospital services, charges for hospital services, charges for hospital supplies, charges for burial, compensation, or death benefits, and shall be enforceable in the name of the person.

(E) Any termination of this policy by cancellation shall not be effective as to employees of the insured covered hereby unless at least thirty (30) days prior to the taking effect of such cancellation, a written notice giving the date upon which such termination is to become effective has been received by the worker's compensation board of Indiana at its office in Indianapolis, Indiana.

(F) This policy shall automatically expire one (1) year from the effective date of the policy, unless the policy covers a period of three (3) years, in which event, it shall automatically expire three (3) years from the effective date of the policy. The termination either of a one (1) year or a three (3) year policy, is effective as to the employees of the insured covered by the policy.".

(g)(5) All claims for compensation, nurse's charges, hospital services, hospital supplies, physician's fees, or burial expenses may be made directly against either the employer or the insurer or both, and the award of the worker's compensation board may be made against either the employer or the insurer or both.

(g)(6) If any insurer shall fail to pay any final award or judgment (except during the pendency of an appeal) rendered against it, or its insured, or, if it shall fail to comply with this chapter, the worker's compensation board shall revoke the approval of its policy forms, and shall not accept any further proofs of insurance from it until it shall have paid the award or judgment or complied with this chapter, and shall have resubmitted its policy form and received the approval of the policy by the worker's compensation board.

(h) No policy of insurance covering the liability of an employer for worker's compensation shall be construed to cover the liability of the employer under this chapter for any occupational disease unless the liability is expressly accepted by the insurance carrier issuing the policy and is endorsed in that policy. The insurance or security in force to cover compensation liability under this chapter shall be separate from the insurance or security under IC 22-3-2 through IC 22-3-6. Any insurance contract covering liability under either part of this article need not cover any liability under the other.

(i) For the purpose of complying with subsection (c), groups of employers are authorized to form mutual insurance associations or reciprocal or interinsurance exchanges subject to any reasonable conditions and restrictions fixed by the department of insurance. This subsection does not apply to mutual insurance associations and reciprocal or interinsurance exchanges formed and operating on or before January 1, 1991, which shall continue to operate subject to the provisions of this chapter and to such reasonable conditions and restrictions as may be fixed by the worker's compensation board.

(j) Membership in a mutual insurance association or a reciprocal or interinsurance exchange so proved, together with evidence of the payment of premiums due, is evidence of compliance with subsection (c).

(k) Any person bound under the compensation provisions of this

chapter, contracting for the performance of any work exceeding one thousand dollars ($1,000) in value, in which the hazard of an occupational disease exists, by a contractor subject to the compensation provisions of this chapter without exacting from the contractor a certificate from the worker's compensation board showing that the contractor has complied with subsections (b), (c), and (d), shall be liable to the same extent as the contractor for compensation, physician's fees, hospital fees, nurse's charges, and burial expenses on account of the injury or death of any employee of such contractor, due to occupational disease arising out of and in the course of the performance of the work covered by such contract.

(l) Any contractor who sublets any contract for the performance of any work to a subcontractor subject to the compensation provisions of this chapter, without obtaining a certificate from the worker's compensation board showing that the subcontractor has complied with subsections (b), (c), and (d), is liable to the same extent as the subcontractor for the payment of compensation, physician's fees, hospital fees, nurse's charges, and burial expense on account of the injury or death of any employee of the subcontractor due to occupational disease arising out of and in the course of the performance of the work covered by the subcontract.

(m) A person paying compensation, physician's fees, hospital fees, nurse's charges, or burial expenses, under subsection (k) or (l), may recover the amount paid or to be paid from any person who would otherwise have been liable for the payment thereof and may, in addition, recover the litigation expenses and attorney's fees incurred in the action before the worker's compensation board as well as the litigation expenses and attorney's fees incurred in an action to collect the compensation, medical expenses, and burial expenses.

(n) Every claim filed with the worker's compensation board under this section shall be instituted against all parties liable for payment. The worker's compensation board, in an award under subsection (k), shall fix the order in which such parties shall be exhausted, beginning with the immediate employer and, in an award under subsection (l), shall determine whether the subcontractor has the financial ability to pay the compensation and medical expenses when due and, if not, shall order the contractor to pay the compensation and medical expenses.

SECTION 353. IC 21-12-10-3, AS AMENDED BY P.L.281-2013, SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 3. An individual is eligible for a Mitch Daniels early graduation scholarship if the individual:

(1) is a resident of Indiana, as defined by the commission;

(2) attended a publicly supported school on a full-time equivalency basis ~~(as defined in IC 20-43-1-14)~~ for at least the last two (2) semesters before the individual graduated from high school;

(3) had legal settlement (as defined in IC 20-18-2-11) in Indiana for at least the last two (2) semesters before the individual graduated from high school;

(4) met at least the minimum requirements set by the Indiana state board of education for granting a high school diploma by the end of grade 11 (including any summer school courses completed before July 1 of a year) and was awarded after December 31, 2010, a high school diploma by the publicly supported school that the individual last attended for course credits earned before the end of grade 11;

(5) was not enrolled in a publicly supported school for any part of grade 12;

(6) applies to the commission for a Mitch Daniels early graduation scholarship in the manner specified by the commission; and

(7) within five (5) months after graduating from high school:

(A) becomes a student in good standing at an approved postsecondary educational institution whose students are eligible to receive, before September 1, 2014, a higher education award (IC 21-12-3-11) or a freedom of choice grant (IC 21-12-4-4), or, after August 31, 2014, a higher education award or freedom of choice grant published under IC 21-12-1.7-3; and

(B) is engaged in a program that will lead to an approved postsecondary degree or credential.

SECTION 354. IC 21-18.5-4-8.5, AS ADDED BY P.L.268-2013, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 8.5. (a) This section does not apply to a student who:

(1) receives a graduation waiver under IC 20-32-4-4; and

(2) receives a general diploma by satisfying the conditions set forth in IC 20-32-4-4, including, with respect to IC 20-32-4-4(6), the condition set forth in IC 20-32-4-4(6)(B);

if the student has an individualized education program. ~~under IC 20-35-7.~~

(b) Except as provided in subsection (a), this section applies to a student who receives a graduation waiver under IC 20-32-4-4 after June 30, 2014.

(c) Notwithstanding any other law, and except as provided in subsection (e), a student who:

(1) receives a graduation waiver under IC 20-32-4-4; and

(2) receives a general diploma by satisfying the conditions set forth in IC 20-32-4-4, including, with respect to IC 20-32-4-4(6), the condition set forth in IC 20-32-4-4(6)(B);

is disqualified from receiving state scholarships, grants, or assistance administered by the commission unless the student passes a college and career readiness exam described in IC 20-32-9-3.

(d) The college and career readiness exam taken by a student under subsection (c) shall be administered by the secondary school that granted the student the graduation waiver. The cost of the exam shall be paid by the department.

(e) A student described in subsection (c) is not disqualified from receiving state scholarships, grants, or assistance administered by the commission for credit bearing degree seeking courses, as mutually defined by the commission and the postsecondary educational institution offering the course.

SECTION 355. IC 22-4.1-14-5 IS REPEALED [EFFECTIVE JULY 1, 2015]. ~~Sec. 5. Notwithstanding any other law and after an institution is required to enter into a workforce partnership plan under this chapter, an institution's workforce partnership plan must be approved by the Indiana commission for career and technical education of the department for the institution to:~~

~~(1) be eligible to receive federal and state funds for the institution's career and technical education program at the secondary level and postsecondary level;~~

~~(2) receive career and technical education program approval by:~~

~~(A) the Indiana state board of education for secondary level programs; and~~

~~(B) the commission for higher education for postsecondary level programs;~~

~~for any career and technical education programs requiring approval; and~~

~~(3) be eligible to complete the program review process by the commission for higher education for postsecondary level career and technical education programs.~~

SECTION 356. IC 22-4.1-20-5, AS ADDED BY P.L.7-2011, SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 5. An eligible provider shall provide a ~~child~~ **student** with a disability (as defined in ~~IC 20-35-1-2).~~ **IC 20-35-1-8):**

(1) who is at least eighteen (18) years of age; and

(2) whom the eligible provider elects to educate;
with an appropriate special educational program.

SECTION 357. IC 23-13-5-8, AS AMENDED BY P.L.2-2007, SECTION 316, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 8. (a) Should for any cause any action of the board of directors or trustees of a corporation be invalid or ineffective in whole or in part as and for a cancellation or retirement of capital stock as provided in this chapter, then the entire act of cancellation or retirement as to all other stock shall be held null and void. If at any time after the transfer of any stock to the corporation or to the trustees or directors it becomes no longer possible for the corporation to operate the postsecondary educational institution as a postsecondary educational institution, and the fact is found to exist by the board of trustees or directors, the property and assets of the corporation vest in and belong absolutely to the local public school corporation within whose territorial limits the postsecondary educational institution is situated unless the local public school corporation elects to refuse to accept the property and assets in writing served upon the board of trustees or an officer thereof within one hundred twenty (120) days. If the local public school corporation elects to refuse to accept the property and assets, then the property and assets of the corporation vest in and belong absolutely to the county within whose territorial limits the postsecondary educational institution is situated unless the county, acting by its legislative body, elects to refuse to accept the property and assets in writing served upon the board of trustees or an officer within one hundred twenty (120) days. If the county refuses to accept the property and assets, the property and assets vest in and belong absolutely to the state general fund. ~~If the postsecondary educational institution is situated in a school township, the election shall be made by the township executive with the approval of the township legislative body.~~ If situated in a school city or town corporation, the election shall be made by the school board of the municipality.

(b) The local school corporation receiving the property or assets is responsible for the payment of the lawful debts and liabilities of the corporation. For the purpose of raising funds to pay the debts and liabilities, the township executive, with the concurrence and sanction of the township legislative body, or the city or town school board, as the case may be, is authorized and empowered to issue and sell bonds of the ~~school township,~~ school city or school town. The debt created by the bonds, together with all other indebtedness of the school corporation, may not exceed two percent (2%) of the adjusted value of

the taxable property within the school corporation as determined under IC 36-1-15. If the building or property of the corporation vested in the school corporation is suitable for instructing students of the township in the arts of agriculture, domestic science, or physical or practical mental culture, and in which to hold school or civic entertainments or be used for township, town, or city purposes, then the township executive, with the concurrence and sanction of the township, city, or town legislative body, as the case may be, is authorized and empowered to issue and sell bonds of the civil township, city, or town, as the case may be, and apply the proceeds to the payment of the debts and liabilities of the corporation. The proceeds of the bonds, together with all other indebtedness of the civil township, city, or town, may not exceed two percent (2%) of the adjusted value of the taxable property within the civil township, city, or town, as determined under IC 36-1-15. If the county receives the property, it is authorized to issue its general obligation bonds to pay the debts and liabilities as general obligation bonds of counties are issued under the general law. Unless the ~~school and~~ civil ~~townships~~ **township** and school and civil cities and towns can liquidate the debts and liabilities without violating Article 13, Section 1 of the Constitution of the State of Indiana and IC 36-1-15, they shall elect to refuse to accept the property. Unless the county can liquidate the debts and liabilities without violating the constitutional provision, it shall elect to refuse the property. If a civil township, city, or town uses its funds or the proceeds of the sale of its bonds to liquidate the debts and liabilities, it shall have an interest in the property in the proportion the funds expended by it bear to the funds expended by the ~~school township,~~ school city, or school town.

(c) Any bonds issued under this chapter shall be payable in not more than twenty (20) years after the date of their issuance. The municipal corporation issuing the bonds shall annually levy a tax on all of the taxable property within the municipal corporation in an amount sufficient to pay the interest on and the principal of such bonds as they mature. The bonds may mature and be payable either semiannually or annually. Notice of sale of the bonds shall be published once each week for two (2) weeks in a newspaper published in the municipal corporation issuing the bonds, or in a newspaper published in the county seat of the county in which the municipal corporation is located. Additional notices may be published.

(d) If the corporation ceases to exist or winds up its affairs without its board of trustees or directors finding that it is no longer possible for the corporation to operate the university, college, or institution of learning as a postsecondary educational institution, this shall have the

same effect as such a finding.

SECTION 358. IC 31-9-2-113.5, AS AMENDED BY P.L.146-2006, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 113.5. "School", for purposes of section 31 of this chapter and IC 31-39-2-13.8, means a:

(1) public school (including a charter school as defined in IC 20-24-1-4); or

(2) nonpublic school (as defined in IC 20-18-2-12).

~~that must comply with the education records privacy provisions of the federal Family Educational Rights and Privacy Act (20 U.S.C. 1232g) to be eligible to receive designated federal education funding.~~

SECTION 359. IC 35-42-4-7, AS AMENDED BY P.L.226-2014(ts), SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 7. (a) As used in this section, "adoptive parent" has the meaning set forth in IC 31-9-2-6.

(b) As used in this section, "adoptive grandparent" means the parent of an adoptive parent.

(c) As used in this section, "charter school" has the meaning set forth in IC 20-18-2-2.5.

(d) As used in this section, "child care worker" means a person who:

(1) provides care, supervision, or instruction to a child within the scope of the person's employment in a shelter care facility;

(2) is employed by a:

(A) school corporation;

(B) charter school;

(C) nonpublic school; or

(D) special education cooperative;

attended by a child who is the victim of a crime under this chapter; or

(3) is:

(A) affiliated with a:

(i) school corporation;

(ii) charter school;

(iii) nonpublic school; ~~or~~

(iv) special education cooperative;

attended by a child who is the victim of a crime under this chapter, regardless of how or whether the person is compensated;

(B) in a position of trust in relation to a child who attends the school; or cooperative;

(C) engaged in the provision of care or supervision to a child who attends the school; or cooperative; and

(D) at least four (4) years older than the child who is the victim of a crime under this chapter.

The term does not include a student who attends the school. or cooperative.

(e) As used in this section, "custodian" means any person who resides with a child and is responsible for the child's welfare.

(f) As used in this section, "mental health professional" means:

(1) a mental health counselor licensed under IC 25-23.6-8.5;

(2) a psychologist; or

(3) a psychiatrist.

(g) As used in this section, "military recruiter" means a member of: ~~the armed forces of the United States (as defined in IC 20-33-10-2) or the Indiana National Guard~~

(1) the United States Air Force;

(2) the United States Army;

(3) the United States Coast Guard;

(4) the United States Marine Corps;

(5) the United States Navy;

(6) any reserve components of the military forces listed in subdivisions (1) through (5); or

(7) the Indiana National Guard;

whose primary job function, classification, or specialty is recruiting individuals to enlist with ~~the armed forces of the United States or the Indiana National Guard.~~ **an entity listed in subdivisions (1) through (7).**

(h) As used in this section, "nonpublic school" has the meaning set forth in IC 20-18-2-12.

(i) For purposes of this section, a person has a "professional relationship" with a child if:

(1) the person:

(A) has a license issued by the state or a political subdivision on the basis of the person's training and experience that authorizes the person to carry out a particular occupation; or

(B) is employed in a position in which counseling, supervising, instructing, or recruiting children forms a significant part of the employment; and

(2) the person has a relationship with a child that is based on the person's employment or licensed status as described in subdivision (1).

The term includes a relationship between a child and a mental health professional or military recruiter. The term does not include a coworker relationship between a child and a person described in subdivision

(1)(B).

(j) As used in this section, "school corporation" has the meaning set forth in IC 20-18-2-16.

(k) As used in this section, "special education cooperative" has the meaning set forth in IC 20-35-5-1.

(l) As used in this section, "stepparent" means an individual who is married to a child's custodial or noncustodial parent and is not the child's adoptive parent.

(m) If a person who:

(1) is at least eighteen (18) years of age; and

(2) is the:

(A) guardian, adoptive parent, adoptive grandparent, custodian, or stepparent of; or

(B) child care worker for;

a child at least sixteen (16) years of age but less than eighteen (18) years of age;

engages with the child in sexual intercourse, other sexual conduct (as defined in IC 35-31.5-2-221.5), or any fondling or touching with the intent to arouse or satisfy the sexual desires of either the child or the adult, the person commits child seduction.

(n) A person who:

(1) has or had a professional relationship with a child at least sixteen (16) years of age but less than eighteen (18) years of age whom the person knows to be at least sixteen (16) years of age but less than eighteen (18) years of age;

(2) may exert undue influence on the child because of the person's current or previous professional relationship with the child; and

(3) uses or exerts the person's professional relationship to engage in sexual intercourse, other sexual conduct (as defined in IC 35-31.5-2-221.5), or any fondling or touching with the child with the intent to arouse or satisfy the sexual desires of the child or the person;

commits child seduction.

(o) A law enforcement officer who:

(1) is at least five (5) years older than a child who is:

(A) at least sixteen (16) years of age; and

(B) less than eighteen (18) years of age;

(2) has contact with the child while acting within the scope of the law enforcement officer's official duties with respect to the child; and

(3) uses or exerts the law enforcement officer's professional relationship with the child to engage with the child in:

(A) sexual intercourse;
(B) other sexual conduct (as defined in IC 35-31.5-2-221.5); or
(C) any fondling or touching with the child with the intent to arouse or satisfy the sexual desires of the child or the law enforcement officer;

commits child seduction.

(p) In determining whether a person used or exerted the person's professional relationship with the child to engage in sexual intercourse, other sexual conduct (as defined in IC 35-31.5-2-221.5), or any fondling or touching with the intent to arouse or satisfy the sexual desires of the child or the person under this section, the trier of fact may consider one (1) or more of the following:

(1) The age difference between the person and the child.
(2) Whether the person was in a position of trust with respect to the child.
(3) Whether the person's conduct with the child violated any ethical obligations of the person's profession or occupation.
(4) The authority that the person had over the child.
(5) Whether the person exploited any particular vulnerability of the child.
(6) Any other evidence relevant to the person's ability to exert undue influence over the child.

(q) Child seduction under this section is:

(1) a Level 6 felony if the person or law enforcement officer engaged in any fondling or touching with the intent to arouse or satisfy the sexual desires of:
(A) the child; or
(B) the person or law enforcement officer; and
(2) a Level 5 felony if the person or law enforcement officer engaged in sexual intercourse or other sexual conduct (as defined in IC 35-31.5-2-221.5) with the child.

SECTION 360. IC 36-1-2-17 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 17. "School corporation" means a local public school corporation established under state law. The term includes a school city, school town, ~~school township,~~ metropolitan school district, consolidated school corporation, county school corporation, township school corporation, community school corporation, or united school corporation.

SECTION 361. IC 36-1-2-22 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 22. "Township" refers to a civil township, unless the reference is to a congressional township.

~~or school township.~~

SECTION 362. IC 36-1-7-4, AS AMENDED BY P.L.221-2007, SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 4. (a) If an agreement under section 3 of this chapter:

(1) involves as parties:

(A) only Indiana political subdivisions; or

(B) an Indiana political subdivision and:

(i) a public instrumentality; or

(ii) a public corporate body;

created by state law;

(2) is approved by the fiscal body of each party that is an Indiana political subdivision either before or after the agreement is entered into by the executive of the party; and

(3) delegates to the treasurer or disbursing officer of one (1) of the parties that is an Indiana political subdivision the duty to receive, disburse, and account for all monies of the joint undertaking;

then the approval of the attorney general is not required.

(b) **This subsection does not apply to an agreement to which school corporations are the only parties.** If subsection (a) does not apply, an agreement under section 3 of this chapter must be submitted to the attorney general for the attorney general's approval. The attorney general shall approve the agreement unless the attorney general finds that it does not comply with the statutes, in which case the attorney general shall detail in writing for the parties the specific respects in which the agreement does not comply. If the attorney general fails to disapprove the agreement within sixty (60) days after it is submitted to the attorney general, it is considered approved.

SECTION 363. IC 36-1-8-5, AS AMENDED BY P.L.1-2007, SECTION 238, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 5. (a) This section applies to all funds raised by a general or special tax levy on all the taxable property of a political subdivision.

(b) Whenever the purposes of a tax levy have been fulfilled and an unused and unencumbered balance remains in the fund, the fiscal body of the political subdivision shall order the balance of that fund to be transferred as follows, unless a statute provides that it be transferred otherwise:

(1) Funds of a county, to the general fund or rainy day fund of the county, as provided in section 5.1 of this chapter.

(2) Funds of a municipality, to the general fund or rainy day fund of the municipality, as provided in section 5.1 of this chapter.

(3) Funds of a township for redemption of township assistance obligations, to the township assistance fund of the township or rainy day fund of the township, as provided in section 5.1 of this chapter.

(4) Funds of any other political subdivision, to the general fund or rainy day fund of the political subdivision, as provided in section 5.1 of this chapter. However, if the political subdivision is dissolved or does not have a general fund or rainy day fund, then to the general fund of each of the units located in the political subdivision in the same proportion that the assessed valuation of the unit bears to the total assessed valuation of the political subdivision.

(c) Whenever an unused and unencumbered balance remains in the civil township fund of a township and a current tax levy for the fund is not needed, the township fiscal body may order any part of the balance of that fund transferred to the debt service fund of the school corporation located in or partly in the township. However, if more than one (1) school corporation is located in or partly in the township, then any sum transferred shall be transferred to the debt service fund of each of those school corporations in the same proportion that the part of the assessed valuation of the school corporation in the township bears to the total assessed valuation of the township.

~~(d) If there is:~~

~~(1) an unexpended balance in the debt service fund of any school township; and~~

~~(2) no outstanding bonded or other indebtedness of the school township to the payment of which the unexpended balance or any part of the unexpended balance can be legally applied;~~

~~the township trustee of the township, with the approval of the township board, may transfer the unexpended balance in the debt service fund to the school general fund of the school township.~~

~~(e)~~ **(d)** Whenever any township has collected any fund for the special or specific purpose of erecting or constructing a school building and the township trustee of the township decides to abandon the proposed work of erecting or constructing the school building, the township trustee of the township shall transfer the fund collected for the special or specific purpose to the township fund of the township, upon the order of the township board to make the transfer. It is lawful thereafter to use the funds for any purpose for which the township funds of the township may be used.

~~(f)~~ **(e)** Transfers to a political subdivision's rainy day fund may be made at any time during the political subdivision's fiscal year.

SECTION 364. IC 36-1-10-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 7. **(a) Except as provided in subsection (b),** a leasing agent may not lease a structure, transportation project, or system unless:

(1) the leasing agent receives a petition signed by fifty (50) or more taxpayers of the political subdivision or agency; and

(2) the fiscal body of the political subdivision determines, after investigation, that the structure, transportation project, or system is needed.

(b) This subsection applies only to a school corporation. A leasing agent may not lease a structure, transportation project, or system unless the governing body of the school corporation determines, after investigation, that the structure, transportation project, or system is needed.

SECTION 365. IC 36-1-11-4, AS AMENDED BY P.L.257-2013, SECTION 41, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 4. (a) A disposing agent who wants to sell or transfer real property must comply with this section, except as permitted by section 4.1, 4.2, 5, 5.5, 5.7, 5.9, 8, 14, 15, or 18 of this chapter.

(b) The disposing agent shall first have the property appraised by two (2) appraisers. The appraisers must be:

(1) professionally engaged in making appraisals;

(2) licensed under IC 25-34.1; or

(3) employees of the political subdivision familiar with the value of the property.

(c) After the property is appraised, the disposing agent shall publish a notice in accordance with IC 5-3-1 setting forth the terms and conditions of the sale and, when subsection (e) is employed, may engage an auctioneer licensed under IC 25-6.1 to advertise the sale and to conduct a public auction. The advertising conducted by the auctioneer is in addition to any other notice required by law and shall include a detailed description of the property to be sold stating the key numbers, if any, of the tracts within that property. If the disposing agent determines that the best sale of the property can be made by letting the bidders determine certain conditions of the sale (such as required zoning or soil or drainage conditions) as a prerequisite to purchasing the property, the disposing agent may permit the bidders to specify those conditions. The notice must state the following:

(1) Bids will be received beginning on a specific date.

(2) The sale will continue from day to day for a period determined by the disposing agent of not more than sixty (60) days.

(3) The property may not be sold to a person who is ineligible under section 16 of this chapter.

(4) A bid submitted by a trust (as defined in IC 30-4-1-1(a)) must identify each:

(A) beneficiary of the trust; and

(B) settlor empowered to revoke or modify the trust.

(d) A bid must be open to public inspection. A bidder may raise the bidder's bid, and subject to subsection (e), that raise takes effect after the board has given written notice of that raise to the other bidders.

(e) The disposing agent may also engage an auctioneer licensed under IC 25-6.1 to conduct a sale by public auction. The auction may be conducted either at the time for beginning the sale in accordance with the public notice or after the beginning of the sale. The disposing agent shall give each bidder who has submitted a bid written notice of the time and place of the auction.

(f) The disposing agent may, before expiration of the time set out in the notice, sell the property to the highest and best bidder. The highest and best bidder must have complied with any requirement under subsection (c)(4). However, the disposing agent may sell the property for less than ninety percent (90%) of the average of the two (2) appraisals of the tracts only after an additional notice stating the amount of the bid to be accepted is published in accordance with IC 5-3-1. The disposing agent may reject all bids. If the disposing agent rejects all bids, the disposing agent must make a written determination to reject all bids explaining why all bids were rejected.

(g) If the disposing agent determines that, in the exercise of good business judgment, the disposing agent should hire a broker or auctioneer to sell the property, the disposing agent may do so and pay the broker or auctioneer a reasonable compensation out of the gross proceeds of the sale. A disposing agent may hire a broker to sell real property directly rather than using the bid process under subsections (c) through (f) if:

(1) in the case of a political subdivision other than a school corporation:

~~(1)~~ **(A)** the disposing agent publishes a notice of the determination to hire the broker in accordance with IC 5-3-1; and

~~(2)~~ **(B)** the property has been up for bid for at least sixty (60) days before the broker is hired, and either no bids were received or the disposing agent has rejected all bids that were received; **or**

(2) in the case of a school corporation, the disposing agent

publishes a notice of the determination to hire the broker in accordance with IC 5-3-1.

The disposing agent may hire one (1) of the appraisers as the broker or auctioneer.

(h) The following apply if a broker is hired under subsection (g):

(1) The property may not be sold to a person who is ineligible under section 16 of this chapter.

(2) If the property is sold to a trust (as defined in IC 30-4-1-1(a)), the following information must be placed in the public record relating to the sale:

(A) Each beneficiary of the trust.

(B) Each settlor empowered to revoke or modify the trust.

SECTION 366. IC 36-1-12.5-10, AS AMENDED BY P.L.168-2006, SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 10. The governing body shall:

(1) provide to the ~~lieutenant governor~~ **department of local government finance** not more than sixty (60) days after the date of execution of the guaranteed savings contract:

(A) a copy of the executed guaranteed savings contract;

(B) the:

(i) energy or water consumption costs;

(ii) wastewater usage costs; and

(iii) billable revenues, if any;

before the date of execution of the guaranteed savings contract; and

(C) the documentation using industry engineering standards for:

(i) stipulated savings; and

(ii) related capital expenditures; and

(2) annually report to the ~~lieutenant governor,~~ **department of local government finance,** in accordance with procedures established by the ~~lieutenant governor,~~ **department,** the savings resulting in the previous year from the guaranteed savings contract or utility efficiency program.

SECTION 367. IC 36-1-12.5-12, AS AMENDED BY P.L.168-2006, SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 12. (a) An improvement that is not causally connected to a conservation measure may be included in a guaranteed savings contract if:

(1) the total value of the improvement does not exceed fifteen percent (15%) of the total value of the guaranteed savings contract; and

(2) either:

(A) the improvement is necessary to conform to a law, a rule, or an ordinance; or

(B) an analysis within the guaranteed savings contract demonstrates that:

(i) there is an economic advantage to the political subdivision in implementing an improvement as part of the guaranteed savings contract; and

(ii) the savings justification for the improvement is documented by industry engineering standards.

(b) The information required under subsection (a) must be reported to the ~~lieutenant governor.~~ **department of local government finance.**

SECTION 368. IC 36-1-12.7-5 IS REPEALED [EFFECTIVE JULY 1, 2015]. ~~Sec. 5. The board shall keep a record of the following in the public works contract file:~~

~~(1) The contacts the board makes with persons that provide energy efficient technology to implement this chapter.~~

~~(2) An analysis of the feasibility of using energy efficient technology in the public works project.~~

SECTION 369. IC 36-1.5-4-5, AS AMENDED BY P.L.202-2013, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 5. (a) Except as provided in subsection (b), a reorganization approved under this chapter takes effect when all of the following have occurred:

(1) The later of:

(A) the date that a copy of a joint certification from the county election board in each county in which reorganizing political subdivisions are located that indicates that:

(i) the reorganization has been approved by the voters of each reorganizing political subdivision; or

(ii) in the case of a reorganization described in section 1(a)(7) or 1(a)(9) of this chapter, the reorganization has been approved as set forth in section 32(b) or 32(c) of this chapter;

is recorded as required by section 31 of this chapter; or

(B) the date specified in the finally adopted plan of reorganization.

(2) The appointed or elected officers of the reorganized political subdivision are elected (as prescribed by section 36 of this chapter) or appointed and qualified, if:

(A) the reorganized political subdivision is a new political subdivision and reorganizing political subdivisions are not

being consolidated into one (1) of the reorganizing political subdivisions;

(B) the reorganized political subdivision will have different boundaries than any of the reorganizing political subdivisions;

(C) the reorganized political subdivision will have different appointment or election districts than any of the reorganizing political subdivisions; or

(D) the finally adopted plan of reorganization requires new appointed or elected officers before the reorganization becomes effective.

(b) A reorganization approved under this chapter may not take effect during the year preceding a year in which a federal decennial census is conducted. A consolidation that would otherwise take effect during the year preceding a year in which a federal decennial census is conducted takes effect January 1 of the year in which a federal decennial census is conducted.

~~(c) Notwithstanding subsection (b) as that subsection existed on December 31, 2009, a reorganization that took effect January 2, 2010, because of the application of subsection (b), as that subsection existed on December 31, 2009, is instead considered to take effect January 1, 2010, without the adoption of an amended reorganization plan.~~

SECTION 370. IC 36-1.5-4-18, AS AMENDED BY P.L.202-2013, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 18. (a) A reorganization committee (before January 1, 2014) or the legislative bodies of the reorganizing political subdivisions (after December 31, 2013) shall prepare a comprehensive plan of reorganization for the reorganizing political subdivisions. The plan of reorganization governs the actions, duties, and powers of the reorganized political subdivision that are not specified by law.

(b) The plan of reorganization must include at least the following:

(1) The name and a description of the reorganized political subdivision that will succeed the reorganizing political subdivisions.

(2) A description of the boundaries of the reorganized political subdivision.

(3) Subject to section 40 of this chapter, a description of the taxing areas in which taxes to retire obligations of the reorganizing political subdivisions will be imposed.

(4) A description of the membership of the legislative body, fiscal body, and executive of the reorganized political subdivision, a description of the election districts or appointment districts from which officers will be elected or appointed, and the manner in

which the membership of each elected or appointed office will be elected or appointed.

(5) A description of the services to be offered by the reorganized political subdivision and the service areas in which the services will be offered.

(6) The disposition of the personnel, the agreements, the assets, and, subject to section 40 of this chapter, the liabilities of the reorganizing political subdivisions, including the terms and conditions upon which the transfer of property and personnel will be achieved.

(7) Any other matter that the:

(A) reorganization committee (before January 1, 2014) determines or the legislative bodies of the reorganizing political subdivisions (after December 31, 2013) determine to be necessary or appropriate; or

(B) legislative bodies of the reorganizing political subdivisions require the reorganization committee (before January 1, 2014);

to include in the plan of reorganization.

(8) This subdivision applies only to a reorganization described in section 1(a)(7) of this chapter that is voted on by voters after December 31, 2013, regardless of when the plan of reorganization is adopted. The reorganization committee (before January 1, 2014) or the legislative bodies of the reorganizing political subdivisions (after December 31, 2013) shall include in the reorganization plan an approval threshold, specified as a percentage, that applies for purposes of section 32(b) of this chapter. The approval threshold must be the same for each municipality that is a party to the proposed reorganization and to each township that is a party to the proposed reorganization. The approval threshold must be greater than fifty percent (50%), but not more than fifty-five percent (55%).

(9) This subdivision applies only to a reorganization described in section 1(a)(7) of this chapter that is voted on by voters after December 31, 2013, regardless of when the plan of reorganization is adopted. The reorganization committee (before January 1, 2014) or the legislative bodies of the reorganizing political subdivisions (after December 31, 2013) shall determine and include in the reorganization plan the percentage of voters in both the municipality and the township voting on the public question regarding the proposed reorganization who must vote in favor of the proposed reorganization for the public question to be approved. This percentage is referred to in this chapter as the

"municipality-township vote approval percentage". The municipality-township vote approval percentage must be greater than fifty percent (50%).

(10) In the case of a reorganization described in section 1(a)(9) of this chapter, the reorganization committee (before January 1, 2014) or the legislative bodies of the reorganizing political subdivisions (after December 31, 2013) shall include in the reorganization plan an approval threshold, specified as a percentage, that applies for purposes of section 32(c) of this chapter. The approval threshold must be the same for each municipality that is a party to the proposed reorganization and to the county that is a party to the proposed reorganization. The approval threshold must be greater than fifty percent (50%), but not more than fifty-five percent (55%).

(11) In the case of a reorganization described in section 1(a)(9) of this chapter, the reorganization committee (before January 1, 2014) or the legislative bodies of the reorganizing political subdivisions (after December 31, 2013) shall determine and include in the reorganization plan the percentage of voters voting on the public question regarding the proposed reorganization who must vote, on a countywide basis, in favor of the proposed reorganization for the public question to be approved. This percentage is referred to in this chapter as the "countywide vote approval percentage". The countywide vote approval percentage must be greater than fifty percent (50%).

(12) The fiscal impact analysis required by subsection (d).

(c) In the case of a plan of reorganization submitted to a political subdivision by a reorganization committee after June 30, 2010, and before January 1, 2014, or prepared by the legislative bodies of the reorganizing political subdivisions after December 31, 2013, the political subdivision shall post a copy of the plan of reorganization on an Internet web site maintained or authorized by the political subdivision not more than thirty (30) days after receiving the plan of reorganization from the reorganization committee (before January 1, 2014) or (after December 31, 2013) not more than thirty (30) days after the plan of reorganization is prepared by the legislative bodies of the reorganizing political subdivisions. If the plan of reorganization is amended, the political subdivision shall post the amended plan on the Internet web site maintained or authorized by the political subdivision within seven (7) days after the amended plan is adopted.

(d) The legislative bodies of the reorganizing political subdivisions preparing a reorganization plan after December 31, 2013, must include

in the plan of reorganization a fiscal impact analysis of the proposed reorganization. The fiscal impact analysis must include at least the following:

(1) The estimated effect of the proposed reorganization on taxpayers in each of the political subdivisions to which the proposed reorganization applies, including the expected tax rates, tax levies, expenditure levels, service levels, and annual debt service payments in those political subdivisions.

(2) A description of the planned services to be provided in the reorganized political subdivision and the method or methods of financing the planned services. The fiscal impact analysis must:

(A) present itemized estimated costs for each department or agency of the reorganized political subdivision; and

(B) explain how specific and detailed expenses will be funded from taxes, fees, grants, and other funding.

(3) A description of the capital improvements to be provided in the reorganized political subdivision and the method or methods of financing those capital improvements.

(4) Any estimated effects on political subdivisions in the county that are not participating in the reorganization and on taxpayers located in those political subdivisions.

(e) The legislative bodies of the reorganizing political subdivisions preparing a plan of reorganization after December 31, 2013, must submit the fiscal impact analysis described in subsection (d) to the department of local government finance at least ~~six (6)~~ **three (3)** months before the election in which the public question will be on the ballot. A legislative body of a reorganizing political subdivision may not adopt a plan of reorganization unless the legislative bodies of the reorganizing political subdivisions have submitted the fiscal impact analysis to the department of local government finance as required by this subsection. The department of local government finance must do the following within a reasonable time, but not later than thirty (30) days before the date of the election in which the public question will be on the ballot:

(1) Review the fiscal impact analysis.

(2) Make any comments concerning the fiscal impact analysis that the department considers appropriate.

(3) Provide the department's comments under subdivision (2) to the legislative body of the reorganizing political subdivisions.

(4) Post the department's comments under subdivision (2) on the department's Internet web site.

The department of local government finance shall certify to the

legislative bodies of the reorganizing political subdivisions the total amount of expense incurred by the department in carrying out the department's review and preparing the department's comments. Upon receipt of the department's certification of the expenses, the reorganizing political subdivisions shall immediately pay to the treasurer of state the amount charged. The share of the cost to be paid by each reorganizing political subdivision shall be determined by the legislative bodies of the reorganizing political subdivisions. Money paid by a reorganizing political subdivision under this subsection shall be deposited in the state general fund.

SECTION 371. IC 36-2-2-24 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 24. (a) The executive shall establish and maintain a county courthouse, county jail, and public offices for the county clerk, the county auditor, the county recorder, the county treasurer, the county sheriff, **and** the county surveyor. ~~and the county superintendent of schools.~~

(b) Offices for the surveyor ~~and superintendent of schools~~ must be in the courthouse or at the county seat.

(c) Offices for the sheriff may be located:

(1) in the courthouse;

(2) inside the corporate limits of the county seat; or

(3) outside the corporate limits of the county seat but within the limits of the county.

SECTION 372. IC 36-2-16-4, AS AMENDED BY P.L.174-2006, SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 4. Each of the following county officers is entitled to appoint one (1) first or chief deputy, and also may appoint the number of other full-time or part-time deputies and employees authorized by the county fiscal body:

(1) The county auditor.

(2) The county treasurer.

(3) The county recorder.

~~(4) The county superintendent of schools.~~

~~(5)~~ **(4)** The county sheriff.

SECTION 373. IC 36-2-17-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 2. (a) The county auditor, county treasurer, county surveyor, **and** county sheriff ~~and county superintendent of schools~~ shall keep in their offices all records that they are required to make and shall deliver them to their successors.

(b) The clerk of the circuit court, county auditor, and county recorder shall use permanent jet-black, nonfading ink when preparing

official records in longhand. A person who violates this subsection commits a Class C infraction.

SECTION 374. IC 36-7-4-208, AS AMENDED BY P.L.126-2011, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 208. (a) ADVISORY. The county plan commission consists of nine (9) members, as follows:

(1) One (1) member appointed by the county executive from its membership.

(2) One (1) member appointed by the county fiscal body from its membership.

(3) The county surveyor or the county surveyor's designee.

(4) The county agricultural extension educator. However, if the county does not have a county agricultural extension educator, the county extension board shall select a resident of the county who is a property owner with agricultural interest to serve on the commission under this subdivision for a period not to exceed one (1) year.

(5) Five (5) members appointed in accordance with one (1) of the following:

(A) Four (4) citizen members, of whom no more than two (2) may be of the same political party. Each of the four (4) members must be:

(i) a resident of an unincorporated area of the county; or

(ii) a resident of the county who is also an owner of real property located in whole or in part in an unincorporated area of the county;

appointed by the county executive. However, at least two (2) of the citizen members must be residents of the unincorporated area of the county. Also one (1) township trustee, who must be a resident of an unincorporated area of the county appointed by the county executive upon the recommendation of the township trustees whose townships are within the jurisdiction of the county plan commission.

(B) Five (5) citizen members, of whom not more than three (3) may be of the same political party. Each of the five (5) members must be:

(i) a resident of an unincorporated area of the county; or

(ii) a resident of the county who is also an owner of real property located in whole or in part in an unincorporated area of the county;

appointed by the county executive. However at least three (3) members must be residents of the unincorporated area of the

county.

If a county executive changes the plan commission from having members described in clause (B) to having members described in clause (A), the county executive shall appoint a township trustee to replace the first citizen member whose term expires and who belongs to the same political party as the township trustee. Each member appointed to the commission is entitled to receive compensation for mileage at the same rate and the same compensation for services as a member of a county executive, a member of a county fiscal body, a county surveyor, or an appointee of a county surveyor receives for serving on the commission, as set forth in section 222.5 of this chapter.

(b) ADVISORY. The metropolitan plan commission consists of nine (9) members, as follows:

(1) One (1) member appointed by the county legislative body from its membership.

(2) One (1) member appointed by the second class city legislative body from its membership.

(3) Three (3) citizen members who:

(A) reside in an unincorporated area of the county; or

(B) reside in the county and also own real property located in whole or in part in an unincorporated area of the county;

of whom no more than two (2) may be of the same political party, appointed by the county legislative body. One (1) of these members must be actively engaged in farming.

(4) Four (4) citizen members, of whom no more than two (2) may be of the same political party, appointed by the second class city executive. One (1) of these members must be from the metropolitan school authority or community school corporation and a resident of that school district, and the other three (3) members must be residents of the second class city.

(c) AREA. When there are six (6) county representatives, they are as follows:

(1) One (1) member appointed by the county executive from its membership.

(2) One (1) member appointed by the county fiscal body from its membership.

(3) ~~The county superintendent of schools, or if that office does not exist,~~ A representative appointed by the school corporation superintendents within the jurisdiction of the area plan commission.

(4) One (1) of the following appointed by the county executive:

(A) The county agricultural extension educator.
(B) The county surveyor or the county surveyor's designee.
(5) One (1) citizen member who is:
(A) a resident of the unincorporated area of the county; or
(B) a resident of the county who is also an owner of real property located in whole or in part in the unincorporated area of the county;
appointed by the county executive.
(6) One (1) citizen member who is:
(A) a resident of the unincorporated area of the county; or
(B) a resident of the county who is also an owner of real property located in whole or in part in the unincorporated area of the county;
appointed by the county fiscal body.

(d) AREA. When there are five (5) county representatives, they are the representatives listed or appointed under subsection (c)(3), (c)(4), (c)(5), and (c)(6) and:

(1) the county surveyor or the county surveyor's designee if the county executive appoints the county agricultural extension educator under subsection (c)(4); or
(2) the county agricultural extension educator if the county executive appoints the county surveyor under subsection (c)(4).

SECTION 375. IC 36-9-13-2, AS AMENDED BY P.L.77-2014, SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 2. For purposes of this chapter, the following are considered the governing bodies of their respective eligible entities:

(1) Board of commissioners, for a county not subject to IC 36-2-2.5, IC 36-2-3.5, or IC 36-3-1.
(2) County council, for a county subject to IC 36-2-2.5 or IC 36-2-3.5.
(3) City-county council, for a consolidated city or county having a consolidated city.
(4) Common council, for a city other than a consolidated city.
(5) Town council, for a town.
(6) Trustee and township board, for a civil ~~or school~~ township.
(7) Board of school trustees, board of school commissioners, or school board, for a school corporation.
(8) Board of trustees, for a health and hospital corporation.

SECTION 376. IC 36-10-12-4 IS REPEALED [EFFECTIVE JULY 1, 2015]. ~~Sec. 4. As used in this chapter, "township" means a school township that is located in a county containing a consolidated city.~~

SECTION 377. IC 36-10-12-5 IS REPEALED [EFFECTIVE JULY

1, 2015]. ~~Sec. 5. As used in this chapter, "township board" means the township board of a township.~~

SECTION 378. IC 36-10-12-6 IS REPEALED [EFFECTIVE JULY 1, 2015]. ~~Sec. 6. As used in this chapter, "township trustee" means the duly elected trustee of the civil township in which a school township is located.~~

SECTION 379. IC 36-10-12-7 IS REPEALED [EFFECTIVE JULY 1, 2015]. ~~Sec. 7. (a) With the consent of the township board, the township trustee may provide financial assistance to a children's museum. The assistance shall be:~~

~~(1) paid from the funds of the school township;~~

~~(2) budgeted and appropriated as provided by law; and~~

~~(3) in an amount each year not to exceed the product of twenty-five cents ($0.25) multiplied by the ADA (as defined in IC 20-18-2-1.5(a)) of children enrolled in grades 1 through 8 in the public schools of the township as reported in the last preceding annual report to the state superintendent of public instruction.~~

~~(b) The assistance under subsection (a) is payable annually. The trustee and the township board may continue the assistance annually if the board of trustees or other governing body of the children's museum has accepted by resolution the provisions of this chapter and has filed a certified copy of the resolution with the township trustee of the township before the date of the first payment.~~

SECTION 380. IC 36-10-12-9, AS ADDED BY P.L.1-2005, SECTION 47, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 9. (a) A children's museum is not entitled to receive financial assistance under ~~sections 7 and~~ **section** 8 of this chapter until the ~~board of trustees or other~~ governing body of the museum agrees with the ~~township trustee or~~ board of school trustees, by proper resolution, to do the following:

~~(1) To allow the county superintendent of schools of the county to attend all meetings of the board of trustees or other governing body of the children's museum so that the superintendent is advised as to the work done and proposed to be done by the children's museum.~~

~~(2)~~ **(1)** To allow the ~~township trustees of a township or~~ board of school trustees of a town furnishing financial assistance to the children's museum to nominate individuals eligible for membership on the board of trustees or other governing body of the museum. The children's museum must elect one (1) member from the list or lists of individuals nominated as a member of the

board of trustees or other governing body of the children's museum. The member elected under this subdivision represents all ~~townships and~~ towns.

~~(3)~~ **(2)** To grant free admission to the children's museum and galleries to all students and teachers of a ~~township or~~ town that furnishes financial assistance to the children's museum.

~~(4)~~ **(3)** To allow the use, at reasonable times and in reasonable ways, of the plant, equipment, and facilities of the children's museum to educate the students of the ~~township or~~ town.

~~(5)~~ **(4)** To allow the use of the services of the personnel of the children's museum, at reasonable times and in reasonable ways, under the direction of the children's museum, if the services are consistent with the regular established duties of the personnel.

~~(6)~~ **(5)** To allow the loan of suitable and available objects and items from the children's museum's collection to a school of the ~~township or~~ town to aid and supplement the curriculum of the school.

(b) A copy of the resolution must be filed in the office of the ~~township trustee or with the~~ secretary of the board of school trustees before the children's museum receives financial assistance under this chapter.

SECTION 381. IC 36-10-12-10, AS ADDED BY P.L.1-2005, SECTION 47, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 10. After a children's museum qualifies to receive financial assistance from a ~~township or~~ town under this chapter, the board of trustees or the governing body of the children's museum is not required to adopt new resolutions each year. Each original resolution continues and remains in full force and effect until the original resolution is revoked or rescinded by another resolution that is certified and filed under this chapter.

SECTION 382. IC 36-12-2-17, AS ADDED BY P.L.1-2005, SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 17. The four (4) additional members of a county contractual library board required by IC 36-12-6-2 shall be appointed as follows:

(1) Two (2) members appointed by the executive of the county in which the county contractual library district is located.

(2) Two (2) members appointed by the ~~county superintendent of schools, or if there is no county superintendent of schools, by the~~ county auditor of the county in which the library district is located.

SECTION 383. IC 36-12-7-7, AS ADDED BY P.L.1-2005,

SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 7. (a) The library board of a library established as an 1899 township library consists of the school township trustee in the township where the library is located and two (2) residents of the township who are appointed by the board of commissioners of the county where the library is located. Appointments are for a term of four (4) years. Members of the library board serve without compensation.

(b) The library board:

(1) shall control the purchase of books and the management of the library;

(2) shall possess and retain custody of any books remaining in the old township library in the township where the library is located;

(3) may receive donations, bequests, and legacies on behalf of the library; and

(4) may receive copies of all documents of the state available for distribution from the director of the state library.

(c) The 1899 township library is the property of the ~~school~~ township. The ~~school~~ township trustee is responsible for the safe preservation of the township library.

(d) Two (2) or more adjacent townships may unite to maintain a township library. The library is controlled by either:

(1) a combined library board, which consists of each of the uniting township boards appointed under subsection (a); or

(2) the one (1) township library board appointed under subsection (a) of the uniting townships that receives funding for the operation of the uniting township library.

(e) The legislative body of any township that contains a library established as an 1899 township library may levy a tax annually of not more than three and thirty-three hundredths cents ($0.0333) on each one hundred dollars ($100) of taxable property assessed for taxation in the township. If the legislative body does not levy the tax, a petition signed by at least the number of registered voters required under IC 3-8-6-3 to place a candidate on the ballot may be filed with the circuit court clerk, who:

(1) shall determine if an adequate number of voters have signed the petition; and

(2) if an adequate number of voters have signed the petition, shall certify the public question to the county election board under IC 3-10-9-3. The county election board shall then cause to be printed on the ballot for the township the following question in the form prescribed by IC 3-10-9-4: "Shall a township library tax be levied?".

If a majority of the votes cast on the question in subdivision (2) are in the affirmative, the township trustee shall annually levy a tax of not less than one and sixty-seven hundredths cents ($0.0167) and not more than three and thirty-three hundredths cents ($0.0333) on each one hundred dollars ($100) of taxable property in the township for the establishment and support of a township library. The township tax shall be levied, assessed, collected, and paid according to the procedure outlined in IC 6-1.1.

(f) The tax levy under subsection (e) shall be discontinued when the question of discontinuing the levy has been submitted to a vote according to the procedure provided in subsection (e) and the majority of the votes cast on the question is in the negative.

(g) If a public library that is open for the use of all the residents of the township is located in the township, the proceeds of the tax collected under subsection (e) shall be paid to that public library.

(h) In a township outside a city that contains a library:

(1) established by private donations of the value of at least ten thousand dollars ($10,000), including the real estate and buildings used for the library; and

(2) used for the benefit of all the inhabitants of the township;

the township trustee of the township shall annually levy and collect not more than two cents ($0.02) on each one hundred dollars ($100) upon the taxable property within the limits of the township. The money shall be paid to the trustees of the library, to be applied by the trustees for the purchase of books and the payment of the maintenance costs for the library. When it becomes necessary to purchase additional ground for the extension or protection of library buildings already established by private donation, the trustee, with the consent of the county legislative body, may annually levy and collect not more than one and sixty-seven hundredths cents ($0.0167) on each one hundred dollars ($100) of taxable property of the township for not more than three (3) years successively, to be expended by the trustees for the purchase of property and the construction and enlargement of library buildings.

(i) The 1899 township library is free to all the residents of the township.

SECTION 384. [EFFECTIVE JULY 1, 2015] **(a) The legislative services agency shall prepare legislation for introduction in the 2016 regular session of the general assembly to organize and correct statutes affected by this act.**

(b) This SECTION expires December 31, 2015.

SECTION 385. [EFFECTIVE JULY 1, 2015] **(a) As used in this SECTION, "committee" refers to the education study committee**

established by IC 2-5-1.3-4.

(b) The general assembly urges the legislative council to assign to the committee the task of studying the following:

(1) Whether definitions used to reference all school entities throughout IC 20 should be revised or redefined.

(2) Whether changes are necessary relating to public meeting requirements contained in IC 20 in order to comply with public meeting requirements in IC 5-14-1.5 or to the unique functions necessary for the effective operation of a school corporation.

(3) The feasibility of establishing:

(A) a definition of "bullying" that would be uniformly applied in a consistent manner by schools for reporting requirements; and

(B) methods to streamline school discipline reporting requirements for schools.

(c) The committee shall issue to the legislative council a final report containing the committee's findings and recommendations, including any recommended legislation concerning the topic, in an electronic format under IC 5-14-6 not later than November 1, 2015.

(d) This SECTION expires January 1, 2016.

SECTION 386. **An emergency is declared for this act.**

COMMITTEE REPORT

Madam President: The Senate Committee on Education and Career Development, to which was referred Senate Bill No. 500, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 22, delete lines 21 through 42, begin a new paragraph and insert:

"SECTION 28. IC 5-14-3-2, AS AMENDED BY P.L.248-2013, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) The definitions set forth in this section apply throughout this chapter.

(b) "Computer processing time" means the amount of time a computer takes to process a command or script to extract or copy electronically stored data that is the subject of a public records request.

~~(b)~~ **(c)** "Copy" includes transcribing by handwriting, photocopying, xerography, duplicating machine, duplicating electronically stored data onto a disk, tape, drum, or any other medium of electronic data storage, and reproducing by any other means.

~~(c)~~ **(d)** "Criminal intelligence information" means data that has been evaluated to determine that the data is relevant to:

(1) the identification of; and

(2) the criminal activity engaged in by;

an individual who or organization that is reasonably suspected of involvement in criminal activity.

~~(d)~~ **(e)** "Direct cost" means one hundred five percent (105%) of the sum of the cost of:

(1) the initial development of a program, if any;

(2) the labor required to retrieve electronically stored data; and

(3) any medium used for electronic output;

for providing a duplicate of electronically stored data onto a disk, tape, drum, or other medium of electronic data retrieval under section 8(g) of this chapter, or for reprogramming a computer system under section 6(c) of this chapter.

~~(e)~~ **(f)** "Electronic map" means copyrighted data provided by a public agency from an electronic geographic information system.

~~(f)~~ **(g)** "Enhanced access" means the inspection of a public record by a person other than a governmental entity and that:

(1) is by means of an electronic device other than an electronic device provided by a public agency in the office of the public

agency; or

(2) requires the compilation or creation of a list or report that does not result in the permanent electronic storage of the information.

~~(g)~~ **(h)** "Facsimile machine" means a machine that electronically transmits exact images through connection with a telephone network.

~~(h)~~ **(i)** "Inspect" includes the right to do the following:

(1) Manually transcribe and make notes, abstracts, or memoranda.

(2) In the case of tape recordings or other aural public records, to listen and manually transcribe or duplicate, or make notes, abstracts, or other memoranda from them.

(3) In the case of public records available:

(A) by enhanced access under section 3.5 of this chapter; or

(B) to a governmental entity under section 3(c)(2) of this chapter;

to examine and copy the public records by use of an electronic device.

(4) In the case of electronically stored data, to manually transcribe and make notes, abstracts, or memoranda or to duplicate the data onto a disk, tape, drum, or any other medium of electronic storage.

~~(i)~~ **(j)** "Investigatory record" means information compiled in the course of the investigation of a crime.

~~(j)~~ **(k)** "Offender" means a person confined in a penal institution as the result of the conviction for a crime.

~~(k)~~ **(l)** "Patient" has the meaning set out in IC 16-18-2-272(d).

~~(l)~~ **(m)** "Person" means an individual, a corporation, a limited liability company, a partnership, an unincorporated association, or a governmental entity.

~~(m)~~ **(n)** "Provider" has the meaning set out in IC 16-18-2-295(b) and includes employees of the state department of health or local boards of health who create patient records at the request of another provider or who are social workers and create records concerning the family background of children who may need assistance.

~~(n)~~ **(o)** "Public agency", except as provided in section 2.1 of this chapter, means the following:

(1) Any board, commission, department, division, bureau, committee, agency, office, instrumentality, or authority, by whatever name designated, exercising any part of the executive, administrative, judicial, or legislative power of the state.

(2) Any:

(A) county, township, school corporation, city, or town, or any board, commission, department, division, bureau, committee,

office, instrumentality, or authority of any county, township, school corporation, city, or town;

(B) political subdivision (as defined by IC 36-1-2-13); or

(C) other entity, or any office thereof, by whatever name designated, exercising in a limited geographical area the executive, administrative, judicial, or legislative power of the state or a delegated local governmental power.

(3) Any entity or office that is subject to:

(A) budget review by either the department of local government finance or the governing body of a county, city, town, township, or school corporation; or

(B) an audit by the state board of accounts that is required by statute, rule, or regulation.

(4) Any building corporation of a political subdivision that issues bonds for the purpose of constructing public facilities.

(5) Any advisory commission, committee, or body created by statute, ordinance, or executive order to advise the governing body of a public agency, except medical staffs or the committees of any such staff.

(6) Any law enforcement agency, which means an agency or a department of any level of government that engages in the investigation, apprehension, arrest, or prosecution of alleged criminal offenders, such as the state police department, the police or sheriff's department of a political subdivision, prosecuting attorneys, members of the excise police division of the alcohol and tobacco commission, conservation officers of the department of natural resources, gaming agents of the Indiana gaming commission, gaming control officers of the Indiana gaming commission, and the security division of the state lottery commission.

(7) Any license branch staffed by employees of the bureau of motor vehicles commission under IC 9-16.

(8) The state lottery commission established by IC 4-30-3-1, including any department, division, or office of the commission.

(9) The Indiana gaming commission established under IC 4-33, including any department, division, or office of the commission.

(10) The Indiana horse racing commission established by IC 4-31, including any department, division, or office of the commission.

~~(o)~~ **(p)** "Public record" means any writing, paper, report, study, map, photograph, book, card, tape recording, or other material that is created, received, retained, maintained, or filed by or with a public agency and which is generated on paper, paper substitutes,

photographic media, chemically based media, magnetic or machine readable media, electronically stored data, or any other material, regardless of form or characteristics.

~~(p)~~ **(q)** "Standard-sized documents" includes all documents that can be mechanically reproduced (without mechanical reduction) on paper sized eight and one-half (8 1/2) inches by eleven (11) inches or eight and one-half (8 1/2) inches by fourteen (14) inches.

~~(q)~~ **(r)** "Trade secret" has the meaning set forth in IC 24-2-3-2.

~~(r)~~ **(s)** "Work product of an attorney" means information compiled by an attorney in reasonable anticipation of litigation. The term includes the attorney's:

(1) notes and statements taken during interviews of prospective witnesses; and

(2) legal research or records, correspondence, reports, or memoranda to the extent that each contains the attorney's opinions, theories, or conclusions.

This definition does not restrict the application of any exception under section 4 of this chapter.

SECTION 29. IC 5-14-3-3, AS AMENDED BY P.L.134-2012, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) Any person may inspect and copy the public records of any public agency during the regular business hours of the agency, except as provided in section 4 of this chapter. A request for inspection or copying must:

(1) identify with reasonable particularity the record being requested; and

(2) be, at the discretion of the agency, in writing on or in a form provided by the agency.

No request may be denied because the person making the request refuses to state the purpose of the request, unless such condition is required by other applicable statute.

(b) A public agency may not deny or interfere with the exercise of the right stated in subsection (a). Within a reasonable time after the request is received by the agency, the public agency shall either:

(1) provide the requested copies to the person making the request; or

(2) allow the person to make copies:

(A) on the agency's equipment; or

(B) on the person's own equipment.

(c) Notwithstanding subsections (a) and (b), a public agency may or may not do the following:

(1) In accordance with a contract described in section 3.5 of this

chapter, permit a person to inspect and copy through the use of enhanced access public records containing information owned by or entrusted to the public agency.

(2) Permit a governmental entity to use an electronic device to inspect and copy public records containing information owned by or entrusted to the public agency.

(d) Except as provided in subsection (e), a public agency that maintains or contracts for the maintenance of public records in an electronic data storage system shall make reasonable efforts to provide to a person making a request a copy of all disclosable data contained in the records on paper, disk, tape, drum, or any other method of electronic retrieval if the medium requested is compatible with the agency's data storage system. This subsection does not apply to an electronic map.

(e) A state agency may adopt a rule under IC 4-22-2, and a political subdivision may enact an ordinance, prescribing the conditions under which a person who receives information on disk or tape under subsection (d) may or may not use the information for commercial purposes, including to sell, advertise, or solicit the purchase of merchandise, goods, or services, or sell, loan, give away, or otherwise deliver the information obtained by the request to any other person for these purposes. Use of information received under subsection (d) in connection with the preparation or publication of news, for nonprofit activities, or for academic research is not prohibited. A person who uses information in a manner contrary to a rule or ordinance adopted under this subsection may be prohibited by the state agency or political subdivision from obtaining a copy or any further data under subsection (d).

(f) Notwithstanding the other provisions of this section, a public agency is not required to create or provide copies of lists of names and addresses (including electronic mail account addresses) unless the public agency is required to publish such lists and disseminate them to the public under a statute. However, if a public agency has created a list of names and addresses (excluding electronic mail account addresses) it must permit a person to inspect and make memoranda abstracts from the list unless access to the list is prohibited by law. The lists of names and addresses (including electronic mail account addresses) described in subdivisions (1) through (3) may not be disclosed by public agencies to any individual or entity for political purposes and may not be used by any individual or entity for political purposes. In addition, the lists of names and addresses (including electronic mail account addresses) described in subdivisions (1)

through (3) may not be disclosed by public agencies to commercial entities for commercial purposes and may not be used by commercial entities for commercial purposes. The prohibition in this subsection against the disclosure of lists for political or commercial purposes applies to the following lists of names and addresses (including electronic mail account addresses):

(1) A list of employees of a public agency.

(2) A list of persons attending conferences or meetings at a state educational institution or of persons involved in programs or activities conducted or supervised by the state educational institution.

(3) A list of students who are enrolled in a public school corporation if the governing body of the public school corporation adopts a policy:

(A) with respect to disclosure related to a commercial purpose, prohibiting the disclosure of the list to commercial entities for commercial purposes;

(B) with respect to disclosure related to a commercial purpose, specifying the classes or categories of commercial entities to which the list may not be disclosed or by which the list may not be used for commercial purposes; or

(C) with respect to disclosure related to a political purpose, prohibiting the disclosure of the list to individuals and entities for political purposes.

A policy adopted under subdivision (3)(A) or (3)(B) must be uniform and may not discriminate among similarly situated commercial entities. For purposes of this subsection, "political purposes" means influencing the election of a candidate for federal, state, legislative, local, or school board office or the outcome of a public question or attempting to solicit a contribution to influence the election of a candidate for federal, state, legislative, local, or school board office or the outcome of a public question.

(g) A public agency may not enter into or renew a contract or an obligation:

(1) for the storage or copying of public records; or

(2) that requires the public to obtain a license or pay copyright royalties for obtaining the right to inspect and copy the records unless otherwise provided by applicable statute;

if the contract, obligation, license, or copyright unreasonably impairs the right of the public to inspect and copy the agency's public records.

(h) If this section conflicts with IC 3-7, the provisions of IC 3-7 apply.

(i) This subsection applies to a public record that is in an electronic format. This subsection does not apply to a public record recorded in the office of the county recorder. The public agency shall provide an electronic copy or a paper copy, at the option of the person making the request for a public record. This subsection does not require a public agency to change the format of a public record.

SECTION 30. IC 5-14-3-8, AS AMENDED BY P.L.16-2008, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 8. (a) For the purposes of this section, "state agency" has the meaning set forth in IC 4-13-1-1.

(b) Except as provided in this section, a public agency may not charge any fee under this chapter **for the following:**

(1) **For a person** to inspect a public record. ~~or~~

(2) For a person to search for a public record.

(3) For the public agency to search for a public record, if the search does not exceed two (2) hours.

~~(2)~~ **(4) For the public agency** to ~~search for,~~ examine or review a record to determine whether the record may be disclosed.

(5) For the public agency to transmit an electronic copy of a public record by electronic mail. However, a public agency may charge a fee for a public record transmitted by electronic mail if the fee for the public record is authorized under:

(A) subsection (f) or (j); or

(B) section 6(c) of this chapter.

(c) The Indiana department of administration shall establish a uniform copying fee for the copying of one (1) page of a standard-sized document by state agencies. The fee may not exceed the average cost of copying records by state agencies or ten cents ($0.10) per page, whichever is greater. A state agency may not collect more than the uniform copying fee for providing a copy of a public record. However, a state agency shall establish and collect a reasonable fee for copying nonstandard-sized documents.

(d) This subsection applies to a public agency that is not a state agency. The fiscal body (as defined in IC 36-1-2-6) of the public agency, or the governing body, if there is no fiscal body, shall establish a fee schedule for the certification or copying of documents. The fee for certification of documents may not exceed five dollars ($5) per document. The fee for copying documents may not exceed the greater of:

(1) ten cents ($0.10) per page for copies that are not color copies or twenty-five cents ($0.25) per page for color copies; or

(2) the actual cost to the agency of copying the document.

As used in this subsection, "actual cost" means the cost of paper and the per-page cost for use of copying or facsimile equipment and does not include labor costs or overhead costs. A fee established under this subsection must be uniform throughout the public agency and uniform to all purchasers.

(e) If:

(1) a person is entitled to a copy of a public record under this chapter; and

(2) the public agency which is in possession of the record has reasonable access to a machine capable of reproducing the public record;

the public agency must provide at least one (1) copy of the public record to the person. However, if a public agency does not have reasonable access to a machine capable of reproducing the record or if the person cannot reproduce the record by use of enhanced access under section 3.5 of this chapter, the person is only entitled to inspect and manually transcribe the record. A public agency may require that the payment for **search and** copying costs be made in advance.

(f) Notwithstanding subsection ~~(b),~~ **(b)(1), (b)(2), (b)(3),** (c), (d), (g), (h), or (i), a public agency shall collect any certification, copying, facsimile machine transmission, or search fee that is specified by statute or is ordered by a court. **Notwithstanding subsection (b)(4), a public agency shall collect any certification or search fee that is specified by statute or is ordered by a court.**

(g) Except as provided by subsection (h), for providing a duplicate of a computer tape, computer disc, microfilm, or similar or analogous record system containing information owned by the public agency or entrusted to it, a public agency may charge a fee, uniform to all purchasers, that does not exceed the sum of the following:

(1) The agency's direct cost of supplying the information in that form.

(2) The standard cost for selling the same information to the public in the form of a publication if the agency has published the information and made the publication available for sale.

(3) In the case of the legislative services agency, a reasonable percentage of the agency's direct cost of maintaining the system in which the information is stored. However, the amount charged by the legislative services agency under this subdivision may not exceed the sum of the amounts it may charge under subdivisions (1) and (2).

(h) This subsection applies to the fee charged by a public agency for

providing enhanced access to a public record. A public agency may charge any reasonable fee agreed on in the contract under section 3.5 of this chapter for providing enhanced access to public records.

(i) This subsection applies to the fee charged by a public agency for permitting a governmental entity to inspect public records by means of an electronic device. A public agency may charge any reasonable fee for the inspection of public records under this subsection, or the public agency may waive any fee for the inspection.

(j) Except as provided in subsection (k), a public agency may charge a fee, uniform to all purchasers, for providing an electronic map that is based upon a reasonable percentage of the agency's direct cost of maintaining, upgrading, and enhancing the electronic map and for the direct cost of supplying the electronic map in the form requested by the purchaser. If the public agency is within a political subdivision having a fiscal body, the fee is subject to the approval of the fiscal body of the political subdivision.

(k) The fee charged by a public agency under subsection (j) to cover costs for maintaining, upgrading, and enhancing an electronic map may be waived by the public agency if the electronic map for which the fee is charged will be used for a noncommercial purpose, including the following:

(1) Public agency program support.

(2) Nonprofit activities.

(3) Journalism.

(4) Academic research.

(l) This subsection applies to a public agency that charges a fee for the public agency to search for a public record. A public agency may not charge a fee for the first two (2) hours required to search for a public record. A public agency may charge a search fee for any time that exceeds two (2) hours. If the public agency charges a search fee, the agency shall charge an hourly fee that does not exceed the lesser of:

(1) the hourly rate of the person making the search; or

(2) twenty dollars ($20) per hour.

A public agency charging an hourly fee under this subsection for searching for a public record may charge only for time that the person making the search actually spends in searching for the record. A public agency may not charge for computer processing time and may not establish a minimum fee for searching for a public record. A public agency must make a good faith effort to complete a search for a public record within a reasonable time in order to minimize the amount of a search fee. The fee shall be

prorated to reflect any search time of less than two (2) hours. If a fee is charged by a public agency under subsection (g), (h), (i), or (j) for a public record, the public agency may not charge a fee for searching for the record under this subsection. A search fee collected by a department, an agency, or an office of a county, city, town, or township shall be deposited in the general fund of the county, city, town, or township.".

Delete pages 23 through 24.

Page 25, delete lines 1 through 23.

Page 26, delete lines 17 through 42, begin a new paragraph and insert:

"SECTION 34. IC 5-15-5.1-21 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 21. Not later than July 1, 2015, the commission shall establish uniform retention requirements for school corporations for electronic mail messages.**".

Delete page 27.

Page 29, line 6, delete "A political subdivision may dispose of".

Page 29, line 6, delete "original" and insert "Original".

Page 29, line 6, reset in roman "may be".

Page 29, line 7, reset in roman "disposed of only with the approval of the commission".

Page 29, line 8, reset in roman "commission.".

Page 29, line 8, delete "political subdivision.".

Page 29, line 9, reset in roman "commission".

Page 29, line 9, delete "political".

Page 29, line 10, delete "subdivision".

Page 29, delete lines 13 through 42.

Delete page 30.

Page 31, delete lines 1 through 4.

Page 32, delete lines 41 through 42.

Page 33, delete lines 1 through 13.

Page 37, delete lines 37 through 42.

Page 38, delete lines 1 through 23.

Page 39, delete lines 15 through 21.

Page 40, delete lines 37 through 42.

Delete pages 41 through 44.

Page 45, delete lines 1 through 28.

Page 52, line 25, reset in roman "IC 20-28-6-3".

Page 52, line 25, after "through" insert "**and**".

Page 53, delete lines 15 through 42.

Page 54, delete lines 1 through 3.

Delete page 56.

Page 57, delete lines 1 through 6.

Page 59, delete lines 13 through 42.

Page 60, delete lines 1 through 23.

Page 61, between lines 11 and 12, begin a new line block indented and insert:

"**(6) One (1) member who is a representative of accredited nonpublic schools who is selected by the Indiana Non-Public Education Association.**

(7) One (1) member who is a representative of charter schools selected by an organization representing charter schools.

(8) One (1) member who is a teacher selected by the state superintendent.".

Page 61, line 17, delete "three (3)" and insert "**five (5)**".

Page 62, line 34, after "collection." insert "**In addition, the committee shall review and make recommendations to the state board under subsection (d) regarding methods to streamline school safety and discipline reporting requirements as well as establishing a streamlined method to uniformly and consistently report instances of bullying throughout Indiana.**".

Page 64, line 31, reset in roman "Not earlier than March 15 or later than".

Page 64, line 32, reset in roman "March 31 of each year,".

Page 64, line 32, delete "The" and insert "the".

Page 64, line 33, reset in roman "shall".

Page 64, line 33, delete "may".

Page 64, line 42, after "corporation" strike "may" and insert "**shall**".

Page 65, line 1, strike "the" and insert "**a prominent page of a**".

Page 65, delete lines 6 through 42, begin a new paragraph and insert:

"SECTION 78. IC 20-20-8-8, AS AMENDED BY P.L.246-2013, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 8. The report must include the following information:

(1) Student enrollment.

(2) Graduation rate (as defined in IC 20-26-13-6) **and the graduation rate excluding students that receive a graduation waiver under IC 20-32-4-4. The information must be provided disaggregated by percentage of students by race, grade, gender, socioeconomic status, and eligibility for special education.**

(3) Attendance rate. **The information must be provided disaggregated by percentage of students by race, grade, gender, socioeconomic status, and eligibility for special education.**

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

(A) ISTEP program test scores, **including end of course assessment scores.**

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

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

The information must be provided disaggregated by percentage of students by race, grade, gender, socioeconomic status, and eligibility for special education.

(5) School's performance category or designation of school improvement assigned under IC 20-31-8.

~~(5)~~ **(6)** Average class size.

~~(6)~~ **(7)** The number and percentage of students in the following groups or programs:

(A) Alternative education, if offered.

(B) Career and technical education.

(C) Special education, **including the number of special education proceedings in which a school has been found to have committed a due process violation.**

(D) High ability.

(E) Remediation.

(F) Limited English language proficiency.

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

(H) School flex program, if offered.

~~(7)~~ **(8)** Advanced placement, including the following:

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

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

(ii) taking the test.

(B) For the Scholastic Aptitude Test:

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

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

(iii) the percentage of students taking the test.

~~(8)~~ **(9)** Course completion, including the number and percentage of students completing the following programs:

(A) Academic honors diploma.
(B) Core 40 curriculum.
(C) Career and technical programs.

~~(9)~~ **(10)** The percentage of grade 8 students enrolled in algebra I.

(11) The percentage of graduates considered college and career ready in a manner prescribed by the state board.

~~(10)~~ **(12)** The percentage of graduates who pursue higher education.

~~(11)~~ **(13)** School safety, including:

(A) the number of students receiving suspension or expulsion for the possession of alcohol, drugs, or weapons;
(B) the number of incidents reported under IC 20-33-9; and
(C) the number of bullying incidents reported under IC 20-34-6 by category.

~~(12)~~ **(14)** Financial information and various school cost factors, including the following:

(A) Expenditures per pupil.
(B) Average teacher salary.
(C) Remediation funding.
(D) Building utilization information, including the following:
(i) The number of students that can be served by each building owned by the school corporation.
(ii) The number of students being served in each building owned by the school corporation.
(iii) The utilization percentage of each building owned by each school corporation, calculated by dividing the number under item (ii) by the number under item (i).
(E) The annual cost of utilities for each building the school corporation owns divided by the square feet of the building.

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

~~(14)~~ **(15)** Interdistrict and intradistrict student mobility rates, if that information is available.

~~(15) The number and percentage of each of the following within the school corporation:~~
~~(A) Teachers who are certificated employees (as defined in IC 20-29-2-4).~~
~~(B) Teachers who teach the subject area for which the teacher is certified and holds a license.~~
~~(C) Teachers with national board certification.~~

(16) The percentage of grade 3 students reading at grade 3 level. **The information must be provided disaggregated by percentage of students by race, grade, gender, socioeconomic status, and eligibility for special education.**

(17) The number of students expelled, including the number participating in other recognized education programs during their expulsion, **including the percentage of students expelled by race and the percentage of students expelled who are eligible for free or reduced price lunch.**

(18) Chronic absenteeism, which includes the number of students who have been absent from school for ten percent (10%) or more of a school year for any reason.

(19) Habitual truancy, which includes the number of students who have been absent ten (10) days or more from school within a school year without being excused or without being absent under a parental request that has been filed with the school.

(20) The number of students who have dropped out of school, including the reasons for dropping out, **including the percentage of students who dropped out of school by race or who are eligible for free or reduced price lunch.**

(21) The number of out-of-school suspensions assigned, including the percentage of students suspended by race and the percentage of students expelled who are eligible for free or reduced price lunch.

(22) The number of in-school suspensions assigned, including the percentage of students who received in-school suspensions by race and the percentage of students who received in-school suspensions who are eligible for free or reduced price lunch.

~~(21)~~ **(23)** The number of student work permits revoked.

~~(22) The number of student driver's licenses revoked.~~

~~(23)~~ **(24)** The number of students who have not advanced to grade 10 due to a lack of completed credits.

~~(24)~~ **(25)** The number of students suspended for any reason.

~~(25)~~ **(26)** The number of students receiving an international baccalaureate diploma.

~~(26) Other indicators of performance as recommended by the education roundtable under IC 20-19-4.~~".

Delete page 66.

Page 67, delete lines 1 through 9.

Page 68, delete lines 15 through 26, begin a new paragraph and insert:

"SECTION 85. IC 20-21-1-3, AS ADDED BY P.L.1-2005,

SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 3. "Case conference" refers to the ~~activities of~~ **actions taken by** a case conference committee ~~as described in IC 20-35-7-2.~~ **composed of public agency personnel, parents, the student, if appropriate, and others at the discretion of the public agency or the parent to do any of the following:**

(1) Determine a student's eligibility for special education and related services.

(2) Develop, review, or revise a student's individualized education program.

(3) Determine an appropriate educational placement for the student.

SECTION 86. IC 20-22-1-3, AS ADDED BY P.L.1-2005, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 3. "Case conference" refers to the ~~activities of~~ **actions taken by** a case conference committee ~~(as defined in IC 20-35-7-2).~~ **composed of public agency personnel, parents, the student, if appropriate, and others at the discretion of the public agency or the parent to do any of the following:**

(1) Determine a student's eligibility for special education and related services.

(2) Develop, review, or revise a student's individualized education program.

(3) Determine an appropriate educational placement for the student.".

Page 101, delete lines 34 through 42.

Delete page 102.

Page 103, delete lines 1 through 3.

Page 107, delete lines 39 through 42.

Page 108, delete lines 1 through 5.

Page 111, line 11, delete "official" and insert "**final**".

Page 120, delete lines 16 through 30.

Page 124, line 42, after "unoccupied." insert "**Each governing body shall also report to the department the building utilization information required to be reported under IC 20-20-8-8(14)(D).**".

Page 125, line 31, reset in roman "one dollar ($1)".

Page 125, line 31, delete "market rates".

Page 125, line 34, reset in roman "one dollar ($1).".

Page 125, line 34, delete "market value.".

Page 142, delete lines 20 through 42.

Delete page 143.

Page 144, delete lines 1 through 26.

Delete pages 150 through 151.
Page 152, delete lines 1 through 13.
Page 163, delete line 42.
Page 164, delete lines 1 through 16.
Page 165, delete lines 12 through 24.
Page 173, delete lines 24 through 42.
Delete pages 174 through 175.
Page 176, delete lines 1 through 33.
Page 177, line 24, reset in roman "carefully worded by the state superintendent,".
Page 177, line 24, delete " prescribed by the".
Page 177, line 25, delete "governing body".
Page 177, delete lines 29 through 42.
Page 178, delete lines 1 through 11.
Page 183, delete lines 24 through 37.
Page 184, reset in roman lines 14 through 16.
Page 184, line 17, reset in roman "(2)".
Page 184, line 17, delete "(1)".
Page 184, line 19, reset in roman "(3)".
Page 184, line 19, delete "(2)".
Page 184, line 24, reset in roman "(4)".
Page 184, line 24, delete "(3)".
Page 184, delete lines 32 through 42.
Page 185, delete lines 1 through 2.
Page 186, delete lines 38 through 42.
Page 187, delete lines 1 through 8.
Page 187, delete lines 24 through 42, begin a new paragraph and insert:

"SECTION 284. IC 20-28-9-22, AS ADDED BY P.L.1-2005, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 22. **(a)** A teacher may be suspended without pay only under the following procedure **set forth in this section:**

~~(1) The teacher must be notified in writing not more than forty (40) days and not less than thirty (30) days before the date of the consideration of the date, time, and place for the consideration by the school corporation of the suspension of the teacher without pay.~~

~~(2) The teacher shall be furnished, not later than five (5) days after a written request, a written statement of the reasons for the consideration.~~

~~(3) The teacher may file a written request for a hearing not later than fifteen (15) days after receipt of the notice of this~~

~~consideration.~~

~~(4) If a request for a hearing is filed, the teacher must be given a hearing before the governing body on a day not earlier than five (5) days after filing the request.~~

~~(5) The teacher must be given at least five (5) days notice of the date, time, and place of the hearing.~~

~~(6) At the hearing, the teacher is entitled:~~

~~(A) to a full statement of the reasons for the proposed suspension without pay; and~~

~~(B) to be heard and to present the testimony of witnesses and other evidence bearing on the reasons for the proposed suspension without pay.~~

~~(7) A teacher may not be suspended without pay until:~~

~~(A) the date is set for consideration of the suspension without pay;~~

~~(B) after a hearing is held, if a hearing is requested by the teacher; and~~

~~(C) except on the suspension of a superintendent's contract, the superintendent has given recommendations on the suspension not later than five (5) days after the school corporation makes the request for recommendations.~~

~~(8) After complying with this section, the governing body of the school corporation may suspend a teacher without pay for a reasonable time by a majority vote evidenced by a signed statement in the minutes of the board.~~

~~The vote to suspend a teacher without pay described in subdivision (8) must be taken by the governing body on the date and at the time and place specified in subdivision (1).~~

(1) The principal shall notify the teacher of the principal's preliminary decision. The notification must be:

(A) in writing; and

(B) delivered in person or mailed by registered or certified mail to the teacher at the teacher's last known address.

(2) The notice in subdivision (1) must include a written statement, subject to IC 5-14-3-4, giving the reasons for the preliminary decision.

(b) The notice required under subsection (a) must inform the teacher that, not later than five (5) days after the teacher's receipt of the notice, the teacher may request a private conference with the superintendent. The superintendent must set the requested meeting not later than ten (10) days after the request.

(c) At the conference between the superintendent and the

teacher, the teacher may be accompanied by a representative.

(d) This subsection does not apply to the suspension of a superintendent. After the conference between the superintendent and the teacher, the superintendent shall make a written recommendation to the governing body of the school corporation regarding the teacher's suspension without pay.

(e) If the teacher does not request a conference under subsection (b), the principal's preliminary decision is considered final.

(f) If, not later than five (5) days after the initial private conference with the superintendent, the teacher files a request with the governing body for an additional private conference, the teacher is entitled to an additional private conference with the governing body before the governing body makes a final decision. The final decision must be in writing and must be made not more than thirty (30) days after the governing body receives the teacher's request for the additional private conference. At the private conference, the governing body shall do the following:

(1) Allow the teacher to present evidence to refute the reason or reasons for suspension without pay and supporting evidence provided by the school corporation. Any evidence presented at the private conference must have been exchanged by the parties at least seven (7) days before the private conference.

(2) Consider whether a preponderance of the evidence supports the teacher's suspension without pay.

(g) At the first public meeting following a private conference with:

(1) the governing body under subsection (f); or

(2) the superintendent under subsection (b), if no conference with the governing body is requested;

the governing body may suspend a teacher without pay for a reasonable time by a majority vote evidenced by a signed statement in the minutes of the board. The decision of the governing body is final.

(h) The time periods set out in this section shall be extended for a reasonable period:

(1) when a teacher or school official is ill or absent from the school corporation; or

(2) for other reasonable cause.".

Delete page 188.

Page 189, delete lines 1 through 9.

Page 192, delete lines 25 through 42.

Page 193, delete lines 1 through 40.
Page 194, delete lines 38 through 42.
Delete pages 195 through 196.
Page 198, delete lines 29 through 41.
Page 200, delete lines 17 through 42.
Page 201, delete lines 1 through 11.
Page 201, delete lines 33 through 42.
Page 202, delete lines 1 through 41.
Page 203, delete lines 19 through 33.
Page 207, delete lines 10 through 42, begin a new paragraph and insert:

"SECTION 327. IC 20-31-5-3, AS ADDED BY P.L.1-2005, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 3. (a) **This section does not apply to a school that is designated with a grade of "A" through "C" under IC 20-31-8-3 in the year immediately preceding the year in which the school's initial plan is implemented.**

(b) The committee must submit a school's initial plan to the superintendent by March 1 of the school year before the year of implementation. The superintendent:

(1) shall review the plan to ensure that the plan aligns with the school corporation's objectives, goals, and expectations;

(2) may make written recommendations of modifications to the plan to ensure alignment; and

(3) shall return the plan and any recommendations to the committee by April 1 of the school year before the year of implementation.

~~(b)~~ **(c)** A committee may modify the plan to comply with recommendations made by the superintendent under subsection ~~(a).~~ **(b).**

~~(c)~~ **(d)** A committee shall submit:

(1) the plan; and

(2) the written recommendations of the superintendent;

to the governing body by May 1 of the school year before the year of implementation.

~~(d)~~ **(e)** An initial plan must be established by June 1 of the school year before the year of implementation by approval of the governing body. The governing body shall approve a plan for each school in the school corporation. When a plan is presented to the governing body, the governing body must either accept or reject the plan and may not revise the plan. A plan is established when written evidence of approval is attached to the plan.

SECTION 328. IC 20-31-5-7, AS ADDED BY P.L.1-2005, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 7. The department shall ~~act as a clearinghouse for plans and shall~~ make effective plans available to school corporations as models to use in developing and carrying out plans.".

Page 208, delete lines 1 through 37.

Page 209, line 27, delete ".".

Page 209, line 27, delete "except:" and insert "except **athletics.**".

Page 212, line 28, after "on" delete ":" and insert "**August 1 of the school year**".

Page 212, strike lines 29 through 31.

Page 220, delete lines 28 through 42.

Delete pages 221 through 223.

Page 224, delete lines 1 through 3.

Page 224, delete lines 15 through 42.

Delete page 225.

Page 226, delete lines 1 through 36.

Page 234, delete lines 8 through 42.

Delete page 235.

Page 236, delete lines 1 through 26.

Page 237, delete line 42.

Page 238, delete lines 1 through 3.

Page 238, delete lines 18 through 25.

Page 242, line 12, after "disability." insert "**However, the duty does not abrogate the right of a parent to act under IC 20-33-2-8.**".

Page 247, delete lines 2 through 32.

Page 248, delete lines 4 through 5.

Page 250, delete lines 19 through 42, begin a new paragraph and insert:

"SECTION 420. IC 20-42.5-3-1 IS REPEALED [EFFECTIVE JULY 1, 2015]. ~~Sec. 1. The state board shall explore methods, including statewide purchases, to reduce the expense to school corporations for the purchase of the following:~~

~~(1) Curricular materials.~~

~~(2) Technology.~~

~~(3) School buses and other vehicles.~~

~~(4) Other areas of expenses as determined by the state board.~~

SECTION 421. IC 20-42.5-3-2 IS REPEALED [EFFECTIVE JULY 1, 2015]. ~~Sec. 2. The state board, assisted by the educational service centers, the division of finance of the department, and the office of management and budget, shall survey annually the school corporations to determine actions taken by the school corporations to allocate~~

~~resources to student instruction and learning. The state board shall issue an annual report of actions taken to:~~

~~(1) each school corporation;~~

~~(2) the public; and~~

~~(3) the general assembly.~~

~~The report to the general assembly must be submitted to the executive director of the legislative services agency in an electronic format under IC 5-14-6.~~

SECTION 422. IC 20-42.5-3-3 IS REPEALED [EFFECTIVE JULY 1, 2015]. ~~Sec. 3. Not later than November 1 of each year, the state board, assisted by the office of management and budget and school corporation officials, shall submit a report to the state superintendent, the governor, and the general assembly concerning the following:~~

~~(1) Consolidated purchasing arrangements used by multiple school corporations, through educational service centers, and throughout Indiana.~~

~~(2) Shared services arrangements used by multiple school corporations, through educational service centers, and in Indiana as a whole.~~

~~(3) The efforts of school corporations to explore cooperatives, common management, or consolidations.~~

~~The report to the general assembly must be submitted to the executive director of the legislative services agency in an electronic format under IC 5-14-6.~~

SECTION 423. IC 20-42.5-3-6 IS REPEALED [EFFECTIVE JULY 1, 2015]. ~~Sec. 6. (a) Beginning with the 2007-2008 school year, each governing body shall establish goals for each category of expenditures set forth in section 4 of this chapter that will increase the school corporation's allocation of taxpayer resources directly to student instruction and learning, in light of the unique circumstances present in the school corporation.~~

~~(b) The state board shall recognize and reward the school corporations that meet the goals described in subsection (a).~~".

Delete pages 251 through 252.

Page 253, delete lines 1 through 26.

Page 253, delete line 42.

Delete pages 254 through 256.

Page 257, delete lines 1 through 40.

Page 263, line 42, delete "and" and insert "**or**".

Page 272, delete lines 18 through 42.

Page 273, delete lines 1 through 24.

Page 275, delete lines 24 through 42.

Page 276, delete lines 1 through 19.

Page 278, delete lines 5 through 42.

Delete pages 279 through 280.

Page 281, delete lines 1 through 41.

Page 285, delete lines 32 through 42, begin a new paragraph and insert:

"SECTION 472. IC 36-1-7-4 IS REPEALED [EFFECTIVE JULY 1, 2015]. ~~Sec. 4. (a) If an agreement under section 3 of this chapter:~~

~~(1) involves as parties:~~

~~(A) only Indiana political subdivisions; or~~

~~(B) an Indiana political subdivision and:~~

~~(i) a public instrumentality; or~~

~~(ii) a public corporate body;~~

~~created by state law;~~

~~(2) is approved by the fiscal body of each party that is an Indiana political subdivision either before or after the agreement is entered into by the executive of the party; and~~

~~(3) delegates to the treasurer or disbursing officer of one (1) of the parties that is an Indiana political subdivision the duty to receive, disburse, and account for all monies of the joint undertaking;~~

~~then the approval of the attorney general is not required.~~

~~(b) If subsection (a) does not apply, an agreement under section 3 of this chapter must be submitted to the attorney general for the attorney general's approval. The attorney general shall approve the agreement unless the attorney general finds that it does not comply with the statutes, in which case the attorney general shall detail in writing for the parties the specific respects in which the agreement does not comply. If the attorney general fails to disapprove the agreement within sixty (60) days after it is submitted to the attorney general, it is considered approved.~~".

Page 286, delete lines 1 through 16.

Page 290, delete lines 21 through 42.

Delete page 291.

Page 292, delete lines 1 through 27.

Page 305, line 41, delete "studying:" and insert "**studying the following:**".

Page 306, between lines 6 and 7, begin a new line block indented and insert:

"**(3) The feasibility of establishing:**

(A) a definition of "bullying" that would be uniformly applied in a consistent manner by schools for reporting requirements; and

(B) methods to streamline school discipline reporting requirements for schools.".

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass and be reassigned to the Senate Committee on Appropriations.

(Reference is to SB 500 as introduced.)

KRUSE, Chairperson

Committee Vote: Yeas 7, Nays 4.

COMMITTEE REPORT

Madam President: The Senate Committee on Appropriations, to which was referred Senate Bill No. 500, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 6, delete lines 18 through 42.

Page 7, delete lines 1 through 24.

Page 7, line 25, delete "IS REPEALED [EFFECTIVE JULY" and insert ", AS AMENDED BY P.L.40-2014, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 12. (a) Each ~~school within a~~ school corporation ~~and each school corporation career and technical education school described in IC 20-37-1-1~~ shall establish a safe school committee. The committee may be a subcommittee of the committee that develops the strategic and continuous school improvement and achievement plan under IC 20-31-5. **Each committee may include at least one (1) member who is a member of the support staff of the school or school corporation career and technical education school.**

(b) The department of education, the school corporation's school safety specialist, and, upon request, a school resource officer (as described in IC 20-26-18.2-1) shall provide materials and guidelines to assist a safe school committee in developing a plan and policy for the school that addresses the following issues:

(1) Unsafe conditions, crime prevention, school violence, bullying, criminal gang activity, and other issues that prevent the maintenance of a safe school.

(2) Professional development needs for faculty and staff to implement methods that decrease problems identified under

subdivision (1).

(3) Methods to encourage:

(A) involvement by the community and students;

(B) development of relationships between students and school faculty and staff; and

(C) use of problem solving teams.

(c) As a part of the plan developed under subsection (b), each safe school committee shall provide a copy of the floor plans for each building located on the school's property that clearly indicates each exit, the interior rooms and hallways, and the location of any hazardous materials located in the building to the law enforcement agency and the fire department that have jurisdiction over the school.

(d) The guidelines developed under subsection (b) must include age appropriate, research based information that assists school corporations and safe school committees in:

(1) developing and implementing bullying prevention programs;

(2) establishing investigation and reporting procedures related to bullying; and

(3) adopting discipline rules that comply with IC 20-33-8-13.5.

(e) In addition to developing guidelines under subsection (b), the department of education shall establish categories of types of bullying incidents to allow school corporations to use the categories in making reports under IC 20-20-8-8 and IC 20-34-6-1.".

Page 7, delete lines 26 through 42.

Delete pages 8 through 14.

Page 15, delete lines 1 through 10.

Page 15, delete lines 36 through 42.

Delete page 16.

Page 17, delete lines 1 through 27.

Page 17, delete lines 41 through 42, begin a new paragraph and insert:

"SECTION 28. IC 5-13-9-8, AS AMENDED BY P.L.202-2011, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 8. Any investing officer of a political subdivision that makes a deposit in any deposit or other account may be required to pay a service charge to the depository in which the funds are deposited, if the depository requires all customers to pay the charge for providing that service. However, the service charge imposed must be considered in the computation of the interest rate for determining which depositories are entitled to investments as prescribed by sections 4 and 5 of this chapter. If the total service charge cannot be computed before the investment, the investing officer shall estimate the service

charge and adjust the interest rate based on this estimate. The service charge may be paid:

(1) by direct charge to the deposit or other account; or

(2) in a manner that subtracts the service charge from interest earned on the funds in the deposit or other account.

If the manner described in subdivision (2) is used to pay the service charge, the political subdivision must report the net interest deposited in the political subdivision's financial records, and the political subdivision is not required to report the amount of the service charge subtracted in the political subdivision's financial records.".

Delete pages 18 through 21.

Page 22, delete lines 1 through 20.

Page 32, delete lines 12 through 16, begin a new paragraph and insert:

"SECTION 32. IC 5-15-5.1-21 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 21. Before January 1, 2016, the commission or its successor shall:**

(1) revise retention requirements that apply to school corporations for electronic mail messages; and

(2) review polices and procedures that apply to school corporations for electronic mail messages.".

Page 40, line 27, delete "(d)".

Page 40, line 27, strike "Before a parent or guardian of a student may purchase".

Page 40, strike lines 28 through 34.

Page 42, reset in roman lines 5 through 6.

Page 42, line 6, after "corporation" insert ".".

Page 56, line 19, after "Indiana." insert "**The committee may not change the data reporting requirements for data used by the state board to place each school in a category or designation of school performance under IC 20-31-8-4.**".

Page 91, line 38, delete ":".

Page 91, line 39, strike "(1)".

Page 91, line 40, delete "; or" and insert ".".

Page 91, line 41, strike "(2) submit a charter school proposal to another authorizer.".

Page 92, delete lines 2 through 42, begin a new paragraph and insert:

"SECTION 105. IC 20-24-3-12, AS AMENDED BY P.L.280-2013, SECTION 32, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

JULY 1, 2015]: Sec. 12. (a) This section applies if the authorizer rejects a proposal.

(b) The organizer may ~~appeal the decision of the authorizer to~~ **request** the charter school review panel established by subsection (c) **to grant approval for the organizer to submit a charter school proposal to another authorizer.**

(c) The charter school review panel is established. The members of the panel are as follows:

(1) The governor or the governor's designee.

(2) The state superintendent, who shall chair the panel.

(3) A member of the state board appointed by the state superintendent.

(4) A person with financial management experience appointed by the governor.

(5) A community leader with knowledge of charter school issues appointed jointly by the governor and the state superintendent.

A member shall serve a two (2) year term and may be reappointed to the panel upon expiration of the member's term.

(d) All decisions of the panel shall be determined by a majority vote of the panel's members.

(e) Upon the request of an organizer, the panel shall meet to consider the organizer's ~~proposal and the authorizer's reasons for rejecting the proposal.~~ **request for approval for the organizer to submit a charter school proposal to another authorizer.** The panel must allow the organizer and authorizer to participate in the meeting.

(f) After the panel meets under subsection (e), the panel shall make one (1) of the following findings and issue the finding to the organizer and the authorizer:

(1) A finding that ~~supports the authorizer's rejection of the proposal.~~ **grants approval for the organizer to submit a charter school proposal to another authorizer.**

(2) A finding that **denies approval for the organizer to submit a charter school proposal to another authorizer.**

~~(A) recommends that the organizer amend the proposal; and~~

~~(B) specifies the changes to be made in the proposal if the organizer elects to amend the proposal.~~

~~(3) A finding that approves the proposal.~~

The panel shall issue the finding not later than forty-five (45) days after the panel receives the request for review.

(g) ~~If the panel makes a finding described in subsection (f)(1),~~ The finding **of the panel** is final.

~~(h) If the panel makes a finding described in subsection (f)(2), the~~

~~organizer may amend the proposal according to the panel's recommendations and resubmit the proposal directly to the panel.~~

~~(i) If the panel makes a finding described in subsection (f)(3), the proposal is considered conditionally approved. The approval shall be considered final upon delivery to the panel of written notice from the organizer and an eligible authorizer that the authorizer has agreed to serve as an authorizer for the proposal approved by the panel.~~

~~(j) Proposals approved under this section shall not be counted under any numerical limits placed upon an authorizer or set of authorizers.~~".

Page 93, delete lines 1 through 6.

Page 96, line 2, strike "ISTEP program".

Page 96, line 3, strike "testing" and insert "**statewide standardized tests**".

Page 125, line 17, after "petitions" insert ",".

Page 141, reset in roman line 34.

Page 141, line 35, reset in roman "assess a rental fee of more than".

Page 141, line 35, after "fifteen" insert "**twenty-five**".

Page 141, line 35, reset in roman "percent".

Page 141, line 35, after "(15%)" insert "**(25%)**".

Page 141, line 35, reset in roman "of the retail price".

Page 141, reset in roman lines 36 through 39.

Page 141, line 40, reset in roman "(c)".

Page 141, line 40, delete "(b)".

Page 147, line 30, strike "six (6)" and insert "**three (3)**".

Page 147, strike lines 32 through 34.

Page 148, delete lines 38 through 42.

Delete page 149.

Page 152, delete lines 31 through 42.

Page 153, delete lines 1 through 25.

Page 153, delete lines 33 through 42.

Page 154, delete lines 1 through 13.

Page 164, delete lines 32 through 34.

Page 164, line 35, strike "(d)" and insert "**(c)**".

Page 176, delete lines 9 through 17.

Page 179, line 3, reset in roman "(a) Each school corporation shall:".

Page 179, reset in roman lines 4 through 8.

Page 179, line 15, after "(c)" insert "**(b)**".

Page 179, line 15, reset in roman "Literature that is distributed to school children and young adults".

Page 179, reset in roman line 16.

Page 179, line 17, after "(d)" insert "**(c)**".

Page 179, delete lines 21 through 42.

Page 180, delete lines 1 through 38.

Page 184, delete lines 34 through 42.

Page 185, delete lines 1 through 22.

Page 186, line 17, after "school" insert ",".

Page 205, delete lines 30 through 41.

Page 225, line 12, delete "practically".

Page 235, delete lines 37 through 42.

Delete page 236.

Page 237, delete lines 1 through 11.

Page 241, delete lines 2 through 25, begin a new paragraph and insert:

"SECTION 388. IC 36-1-7-4, AS AMENDED BY P.L.221-2007, SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 4. (a) If an agreement under section 3 of this chapter:

(1) involves as parties:

(A) only Indiana political subdivisions; or

(B) an Indiana political subdivision and:

(i) a public instrumentality; or

(ii) a public corporate body;

created by state law;

(2) is approved by the fiscal body of each party that is an Indiana political subdivision either before or after the agreement is entered into by the executive of the party; and

(3) delegates to the treasurer or disbursing officer of one (1) of the parties that is an Indiana political subdivision the duty to receive, disburse, and account for all monies of the joint undertaking;

then the approval of the attorney general is not required.

(b) **This subsection does not apply to an agreement to which school corporations are the only parties.** If subsection (a) does not apply, an agreement under section 3 of this chapter must be submitted to the attorney general for the attorney general's approval. The attorney general shall approve the agreement unless the attorney general finds that it does not comply with the statutes, in which case the attorney general shall detail in writing for the parties the specific respects in which the agreement does not comply. If the attorney general fails to disapprove the agreement within sixty (60) days after it is submitted to the attorney general, it is considered approved.".

Page 242, delete lines 40 through 42.

Page 243, delete lines 1 through 17.

Page 245, delete lines 30 through 42, begin a new paragraph and insert:

"SECTION 394. IC 36-1-12.5-10, AS AMENDED BY P.L.168-2006, SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 10. The governing body shall:

(1) provide to the ~~lieutenant governor~~ **department of local government finance** not more than sixty (60) days after the date of execution of the guaranteed savings contract:

(A) a copy of the executed guaranteed savings contract;

(B) the:

(i) energy or water consumption costs;

(ii) wastewater usage costs; and

(iii) billable revenues, if any;

before the date of execution of the guaranteed savings contract; and

(C) the documentation using industry engineering standards for:

(i) stipulated savings; and

(ii) related capital expenditures; and

(2) annually report to the ~~lieutenant governor,~~ **department of local government finance,** in accordance with procedures established by the ~~lieutenant governor,~~ **department,** the savings resulting in the previous year from the guaranteed savings contract or utility efficiency program.

SECTION 395. IC 36-1-12.5-12, AS AMENDED BY P.L.168-2006, SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 12. (a) An improvement that is not causally connected to a conservation measure may be included in a guaranteed savings contract if:

(1) the total value of the improvement does not exceed fifteen percent (15%) of the total value of the guaranteed savings contract; and

(2) either:

(A) the improvement is necessary to conform to a law, a rule, or an ordinance; or

(B) an analysis within the guaranteed savings contract demonstrates that:

(i) there is an economic advantage to the political subdivision in implementing an improvement as part of the guaranteed savings contract; and

(ii) the savings justification for the improvement is documented by industry engineering standards.

(b) The information required under subsection (a) must be reported

to the ~~lieutenant governor.~~ **department of local government finance.**".

Page 246, delete lines 1 through 7.

Page 249, delete lines 36 through 38.

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 500 as printed February 13, 2015.)

KENLEY, Chairperson

Committee Vote: Yeas 8, Nays 5.