

# HOUSE BILL No. 1042

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 3-8-2.5; IC 20-23; IC 20-25-3-3; IC 20-26; IC 34-30-2-158.

**Synopsis:** Various school board matters. Provides that the primary voting history of each candidate for school board office for the two most recent primary elections must be indicated on the ballot and if a candidate did not vote in the most recent primary elections, that fact must also be stated. Provides a procedure to adjust the term of office of certain elected members of the governing body of a school corporation. Increases the maximum annual salary of a school board member from \$2,000 per year to \$5,000 per year. Requires the state board of education to establish a maximum per diem rate for meetings of members of the governing bodies of school corporations, including Indianapolis Public Schools. Removes a provision that provides that, if a governing body is totally comprised of appointed members, the appointive authority must approve the per diem rate before the governing body may make payments to the members. Requires the governing body of each school corporation to file with the department of education (department) a copy of the school corporation's organization plan and all amendments to the organization plan. Requires the department to publish each school corporation's organization plan on the department's Internet web site. Requires a school employer that is seeking to hire a prospective employee to contact the school employer that previously employed (or is currently employing) the prospective employee and request certain information. Requires a school employer that receives a request for certain employment information to comply with that request within 10 days. Provides that a school employer who receives a request for information must provide the prospective employee, upon request, with a copy of any information that is sent to the requesting school employer.

**Effective:** July 1, 2022.

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## Thompson

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January 4, 2022, read first time and referred to Committee on Education.

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Second Regular Session of the 122nd General Assembly (2022)

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 2021 Regular Session of the General Assembly.

# HOUSE BILL No. 1042

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

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

- 1 SECTION 1. IC 3-8-2.5-2.5, AS AMENDED BY P.L.169-2015,
- 2 SECTION 56, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 3 JULY 1, 2022]: Sec. 2.5. (a) A petition of nomination for a school
- 4 board office must state all of the following:
- 5 (1) The name of each candidate as:
- 6 (A) the candidate wants the candidate's name to appear on the
- 7 ballot; and
- 8 (B) the candidate's name is permitted to appear on the ballot
- 9 under IC 3-5-7.
- 10 (2) The address of each candidate, including the mailing address,
- 11 if different from the residence address of the candidate.
- 12 (3) The school board office that each candidate seeks.
- 13 (4) That each petitioner is a qualified registered voter and desires
- 14 to be able to vote for the candidates listed on the petition.
- 15 **(5) For each of the two (2) most recent primary elections, if**
- 16 **the candidate voted in the primary election, the name of the**
- 17 **major political party holding the primary in which the**



1 candidate voted. If the candidate did not vote in either or both  
 2 of the most recent primary elections, the petition must state  
 3 for that primary election, "did not vote in primary election".  
 4 The candidate's primary election history as stated on the  
 5 petition shall also be indicated with the candidate's name on  
 6 the general election ballot in the manner determined by the  
 7 county election board.

8 (b) The petition of nomination must be accompanied by the  
 9 following:

10 (1) The candidate's written consent to become a candidate.

11 (2) A statement that the candidate:

12 (A) is aware of the provisions of IC 3-9 regarding campaign  
 13 finance and the reporting of campaign contributions and  
 14 expenditures; and

15 (B) agrees to comply with the provisions of IC 3-9 referred to  
 16 in clause (A).

17 (3) A statement by the candidate that the candidate is aware of the  
 18 requirement to file a campaign finance statement of organization  
 19 under IC 3-9 after the first of either of the following occurs:

20 (A) The candidate receives more than five hundred dollars  
 21 (\$500) in contributions.

22 (B) The candidate makes more than five hundred dollars  
 23 (\$500) in expenditures.

24 (4) A statement indicating whether or not each candidate:

25 (A) has been a candidate for state, legislative, local, or school  
 26 board office in a previous primary, municipal, special, or  
 27 general election; and

28 (B) has filed all reports required by IC 3-9-5-10 for all  
 29 previous candidacies.

30 (5) A statement that each candidate is legally qualified to hold the  
 31 office that the candidate seeks, including any applicable residency  
 32 requirements and restrictions on service due to a criminal  
 33 conviction.

34 (6) Any statement of economic interests required under IC 3-8-9.

35 SECTION 2. IC 3-8-2.5-9 IS ADDED TO THE INDIANA CODE  
 36 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
 37 1, 2022]: **Sec. 9. (a) This section applies to the term of office of an  
 38 elected member of the governing body of a school corporation,  
 39 notwithstanding any other statute or provision of a school  
 40 corporation's organization plan.**

41 **(b) As used in this section, "least elected member" refers to  
 42 either of the following:**



- 1           **(1) A candidate to whom all of the following apply:**  
 2           **(A) The candidate was elected in the most recent major**  
 3           **election cycle.**  
 4           **(B) The candidate received the least number of votes**  
 5           **among all the candidates who were elected to the**  
 6           **governing body at that particular election.**  
 7           **If two (2) or more candidates receive the same number of**  
 8           **votes that is the least number of votes among all the**  
 9           **candidates elected to the governing body, each of those**  
 10           **candidates is considered a least elected member.**  
 11           **(2) An individual who is appointed to fill a vacancy in an**  
 12           **elected school board office.**  
 13           **(c) As used in this section, "major election" refers to a general**  
 14           **election at which a majority of the elected members of the**  
 15           **governing body of a school corporation are normally elected. A**  
 16           **general election before the 2022 general election is not considered**  
 17           **a major election for purposes of this section.**  
 18           **(d) As used in this section, "minor election" refers to a general**  
 19           **election at which a minority of the elected members of the**  
 20           **governing body of a school corporation are normally elected. A**  
 21           **minor election does not become a major election if a least elected**  
 22           **member's position is placed on the ballot at that election under this**  
 23           **section. A general election before the 2022 general election is not**  
 24           **considered a minor election for purposes of this section.**  
 25           **(e) The term of office of an elected member of the governing**  
 26           **body of a school corporation is as follows:**  
 27           **(1) An elected member of the governing body of a school**  
 28           **corporation who is not a least elected member serves a term**  
 29           **of four (4) years, beginning on the date set forth in the school**  
 30           **corporation's plan for members of the governing body to take**  
 31           **office.**  
 32           **(2) Subject to subsection (h), a member of the governing body**  
 33           **who is a least elected member serves a term of two (2) years,**  
 34           **beginning on the date set forth in the school corporation's**  
 35           **plan for members of the governing body to take office.**  
 36           **(f) The voters of a school corporation may file a petition**  
 37           **requesting that an office on the governing body held by a least**  
 38           **elected member be placed on the ballot at the next minor election.**  
 39           **A petition under this subsection must satisfy the following**  
 40           **requirements:**  
 41           **(1) The petition must be signed only by registered voters of**  
 42           **the election district that the least elected member represents.**



1           **(2) The number of voters required to sign a petition under this**  
 2           **subsection is the lesser of the following:**

3               **(A) Five hundred (500).**

4               **(B) Five percent (5%) of the voters in the election district**  
 5               **of the office to be placed on the ballot.**

6           **(3) The provisions of section 2(d) of this chapter apply to a**  
 7           **petition under this subsection.**

8           **(4) A petition under this subsection must be filed not earlier**  
 9           **than June 15 before the next minor election and before the**  
 10           **first day a petition of nomination for that school board office**  
 11           **may be filed under section 4 of this chapter.**

12           **The election division shall prescribe the form of the petition**  
 13           **required under this chapter.**

14           **(g) If a petition is filed under subsection (f) with respect to a**  
 15           **least elected member, the following apply:**

16               **(1) If the least elected member wants to continue to hold the**  
 17               **office, the least elected member must file a petition of**  
 18               **nomination as provided under section 2 of this chapter to be**  
 19               **placed on the ballot at the next minor election.**

20               **(2) If the least elected member does not file a petition of**  
 21               **nomination under section 2 of this chapter by the deadline**  
 22               **described in section 4 of this chapter, the term of office of the**  
 23               **least elected member ends as described in subsection (e).**

24               **(3) Other individuals may file as candidates to be elected to**  
 25               **the office that the least elected member holds.**

26           **(h) If a petition is not filed with respect to the office held by a**  
 27           **least elected member as provided in subsection (f), notwithstanding**  
 28           **subsection (e), the term of office of the least elected member ends**  
 29           **after two (2) additional years, beginning on the date set forth in the**  
 30           **school corporation's plan for members of the governing body to**  
 31           **take office after the election.**

32           **(i) If:**

33               **(1) a petition is filed with respect to the office of a least elected**  
 34               **member as provided in subsection (f); and**

35               **(2) the least elected member is reelected at the next election;**  
 36           **the term of office of the least elected member is two (2) years,**  
 37           **beginning on the date set forth in the school corporation's plan for**  
 38           **members of the governing body to take office after the election.**

39           SECTION 3. IC 20-23-4-12, AS AMENDED BY P.L.43-2021,  
 40           SECTION 58, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 41           JULY 1, 2022]: Sec. 12. (a) In formulating a preliminary reorganization  
 42           plan and with respect to each of the community school corporations



1 that are a part of the reorganization plan, the county committee shall  
2 determine the following:

- 3 (1) The name of the community school corporation.  
4 (2) Subject to subsection (e), a general description of the  
5 boundaries of the community school corporation.  
6 (3) With respect to the board of school trustees, the following:  
7 (A) Whether the number of members is:  
8 (i) three (3);  
9 (ii) five (5); or  
10 (iii) seven (7).  
11 (B) Whether the members are elected or appointed.  
12 (C) If the members are appointed:  
13 (i) when the appointments are made; and  
14 (ii) who makes the appointments.  
15 (D) If the members are elected, that the election is at the  
16 general election at which county officials are elected.  
17 (E) Subject to sections 21 and 22 of this chapter, the manner  
18 in which members are elected or appointed.  
19 (4) The compensation, if any, of the members of the regular and  
20 interim board of school trustees, which may not exceed the  
21 amount provided in IC 20-26-4-7.  
22 (5) Subject to subsection (f), qualifications required of the  
23 members of the board of school trustees, including limitations on:  
24 (A) residence; and  
25 (B) term of office.  
26 (6) If an existing school corporation is divided in the  
27 reorganization, the disposition of assets and liabilities.  
28 (7) The disposition of school aid bonds, if any.  
29 (b) If existing school corporations are not divided in the  
30 reorganization, the:  
31 (1) assets;  
32 (2) liabilities; and  
33 (3) obligations;  
34 of the existing school corporations shall be transferred to and assumed  
35 by the new community school corporation of which they are a part,  
36 regardless of whether the plan provides for transfer and assumption.  
37 (c) The preliminary plan must be supported by a summary statement  
38 of the following:  
39 (1) The educational improvements the plan's adoption will make  
40 possible.  
41 (2) Data showing the:  
42 (A) assessed valuation;



- 1 (B) number of resident students in ADA in grades 1 through  
 2 12;  
 3 (C) assessed valuation per student referred to in clause (B);  
 4 and  
 5 (D) property tax levies;  
 6 of each existing school corporation to which the plan applies.
- 7 (3) The:
- 8 (A) assessed valuation;  
 9 (B) resident ADA; and  
 10 (C) assessed valuation per student;  
 11 data referred to in subdivision 2(A) through 2(C) that would have  
 12 applied for each proposed community school corporation if the  
 13 corporation existed in the year the preliminary plan is prepared or  
 14 notice of a hearing or hearings on the preliminary plan is given by  
 15 the county committee.
- 16 (4) Any other data or information the county committee considers  
 17 appropriate or that may be required by the state board in its rules.
- 18 (d) The county committee:
- 19 (1) shall base the assessed valuations and tax levies referred to in  
 20 subsection (c)(2) through (c)(3) on the valuations applying to  
 21 taxes collected in:  
 22 (A) the year the preliminary plan is prepared; or  
 23 (B) the year notice of a hearing or hearings on the preliminary  
 24 plan is given by the county committee;
- 25 (2) may base the resident ADA figures on the calculation of the  
 26 figures under the rules under which they are submitted to the  
 27 secretary of education by existing school corporations; and
- 28 (3) shall set out the resident ADA figures for:  
 29 (A) the school year in progress if the figures are available for  
 30 that year; or  
 31 (B) the immediately preceding school year if the figures are  
 32 not available for the school year in progress.
- 33 The county committee may obtain the data and information referred to  
 34 in this subsection from any source the committee considers reliable. If  
 35 the county committee attempts in good faith to comply with this  
 36 subsection, the summary statement referred to in subsection (c) is  
 37 sufficient regardless of whether the statement is exactly accurate.
- 38 (e) The general description referred to in subsection (a)(2) may  
 39 consist of an identification of an existing school corporation that is to  
 40 be included in its entirety in the community school corporation. If a  
 41 boundary does not follow the boundary of an existing civil unit of  
 42 government or school corporation, the description must set out the



- 1 boundary:
- 2 (1) as near as reasonably possible by:
- 3 (A) streets;
- 4 (B) rivers; and
- 5 (C) other similar boundaries;
- 6 that are known by common names; or
- 7 (2) if descriptions as described in subdivision (1) are not possible,
- 8 by section lines or other legal description.
- 9 The description is not defective if there is a good faith effort by the
- 10 county committee to comply with this subsection or if the boundary
- 11 may be ascertained with reasonable certainty by a person skilled in the
- 12 area of real estate description. The county committee may require the
- 13 services of the county surveyor in preparing a description of a boundary
- 14 line.
- 15 (f) A member of the board of school trustees:
- 16 (1) may not serve an appointive or ~~elective~~ **elected** term of more
- 17 than four (4) years; and
- 18 (2) may serve more than one (1) consecutive appointive or
- 19 ~~elective~~ **elected** term.
- 20 **The term of office of an elected member of the board is determined**
- 21 **under IC 3-8-2.5-9.**
- 22 SECTION 4. IC 20-23-6-3, AS AMENDED BY P.L.152-2021,
- 23 SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 24 JULY 1, 2022]: Sec. 3. (a) If the governing bodies of at least two (2)
- 25 school corporations desire to consolidate school corporations, the
- 26 governing bodies may meet together and adopt a joint resolution
- 27 declaring intention to consolidate school corporations. The resolution
- 28 must set out the following information concerning the proposed
- 29 consolidation:
- 30 (1) The name of the proposed new school corporation.
- 31 (2) The number of members on the governing body and the
- 32 manner in which they shall be elected or appointed.
- 33 (A) If members are to be elected, the resolution must provide
- 34 for:
- 35 (i) the manner of the nomination of members;
- 36 (ii) who shall constitute the board of election
- 37 commissioners;
- 38 (iii) who shall appoint inspectors, judges, clerks, and
- 39 sheriffs; and
- 40 (iv) any other provisions desirable in facilitating the
- 41 election.
- 42 (B) Where applicable and not in conflict with the resolution,





- 1 the election is governed by the general election laws of  
 2 Indiana, including the registration laws.
- 3 (3) Limitations on residences, term of office, and other  
 4 qualifications required of the members of the governing body. A  
 5 resolution may not provide for an appointive or ~~elective~~ **elected**  
 6 term of more than four (4) years. A member may succeed himself  
 7 or herself in office. **The term of office of an elected member of**  
 8 **the governing body is determined under IC 3-8-2.5-9.**
- 9 (4) Names of present school corporations that are to be merged  
 10 together as a consolidated school corporation.
- 11 In addition, the resolution may specify the time when the consolidated  
 12 school corporation comes into existence.
- 13 (b) The number of members on the governing body as provided in  
 14 the resolution may not be less than three (3) or more than seven (7).  
 15 However, the joint resolution may provide for a board of nine (9)  
 16 members if the proposed consolidated school corporation is formed out  
 17 of two (2) or more school corporations that:
- 18 (1) have entered into an interlocal agreement to construct and  
 19 operate a joint high school; or
- 20 (2) are operating a joint high school that has an enrollment of at  
 21 least six hundred (600) in grades 9 through 12 at the time the joint  
 22 resolution is adopted.
- 23 (c) The members of the governing body shall, after adopting a joint  
 24 resolution, give notice by publication once each week for two (2)  
 25 consecutive weeks:
- 26 (1) with each notice by publication in a newspaper of general  
 27 circulation, if any, in each of the school corporations, or, if a  
 28 newspaper is not published in the school corporation, publication  
 29 shall be made in the nearest newspaper published in the county in  
 30 which the school corporation is located; or
- 31 (2) with the first publication of notice in the newspaper or  
 32 newspapers as provided in subdivision (1) and the second  
 33 publication of notice:
- 34 (A) in accordance with IC 5-3-5; and
- 35 (B) on the official web sites of each of the school corporations.
- 36 (d) The governing bodies of school corporations shall hold a public  
 37 meeting one (1) week after the date of the appearance of the last  
 38 publication of notice of intention to consolidate.
- 39 (e) If a protest has not been filed, as provided in this chapter, the  
 40 governing bodies shall declare by joint resolution the consolidation of  
 41 the school corporations to be accomplished, to take effect as provided  
 42 in section 8 of this chapter. However, on or before the sixth day



1 following the last publication of the notice of intention to consolidate,  
 2 twenty percent (20%) of the legal voters residing in any school  
 3 corporation may petition the governing body of the school corporations  
 4 for an election to determine whether or not the majority of the voters  
 5 of the school corporation is in favor of consolidation.

6 SECTION 5. IC 20-23-8-8, AS AMENDED BY P.L.219-2013,  
 7 SECTION 81, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 8 JULY 1, 2022]: Sec. 8. (a) A plan is subject to the following  
 9 limitations:

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

15 **The term of office of an elected member of the governing body**  
 16 **is determined under IC 3-8-2.5-9.**

17 (2) The plan, if the members are:

18 (A) to be elected, shall conform with one (1) of the types of  
 19 board organization permitted by IC 20-23-4-27; or

20 (B) appointed, shall conform with one (1) of the types  
 21 permitted by IC 20-23-4-28.

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

27 (4) If the plan provides for electoral districts, where a member of  
 28 the governing body is elected solely by the voters of a single  
 29 district, the districts must be as near as practicable equal in  
 30 population. The districts shall be reapportioned and their  
 31 boundaries:

32 (A) changed, if necessary; or

33 (B) recertified, if changes are not necessary;

34 by resolution of the governing body not later than December 31  
 35 of the year next following the year in which a decennial census is  
 36 taken to preserve the equality of the governing body.

37 (5) The plan shall comply with the:

38 (A) Constitution of the State of Indiana; and

39 (B) Constitution of the United States;

40 including the equal protection clauses of both constitutions.

41 (6) The provisions of IC 20-23-4-26 through IC 20-23-4-33  
 42 relating to the board of trustees of a community school



1 corporation and to the community school corporation, including  
 2 provisions relating to powers of the board and corporation and  
 3 provisions relating to the mechanics of selection of the board,  
 4 where elected and where appointed, apply to a governing body set  
 5 up by a plan under this chapter and to the school corporation.

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

13 SECTION 6. IC 20-23-12-8, AS AMENDED BY P.L.213-2018(ss),  
 14 SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 15 JULY 1, 2022]: Sec. 8. (a) The term of each person elected to serve on  
 16 the advisory board is ~~four (4) years~~. **determined under IC 3-8-2.5-9.**

17 (b) The term of each person elected to serve on the advisory board  
 18 begins on the date set in the school corporation's organization plan. The  
 19 date set in the organization plan for an elected member of the advisory  
 20 board to take office may not be more than fourteen (14) months after  
 21 the date of the member's election. If the school corporation's  
 22 organization plan does not set a date for an elected member of the  
 23 advisory board to take office, the member takes office January 1 that  
 24 immediately follows the person's election.

25 SECTION 7. IC 20-23-12-9, AS AMENDED BY P.L.193-2021,  
 26 SECTION 103, IS AMENDED TO READ AS FOLLOWS  
 27 [EFFECTIVE JULY 1, 2022]: Sec. 9. The members are elected as  
 28 follows:

29 (1) Three (3) of the members elected under section 3(b) of this  
 30 chapter are elected at the general election to be held in 2020 and  
 31 every four (4) years thereafter, **subject to IC 3-8-2.5-9.**

32 (2) Three (3) of the members elected under section 3(b) of this  
 33 chapter are elected at the general election to be held in 2022 and  
 34 every four (4) years thereafter, **subject to IC 3-8-2.5-9.**

35 (3) The at-large member elected under section 3(c) of this chapter  
 36 is elected at the general election to be held in 2024 and every four

37 (4) years thereafter, **subject to IC 3-8-2.5-9.**

38 SECTION 8. IC 20-23-13-2.1, AS ADDED BY P.L.179-2011,  
 39 SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 40 JULY 1, 2022]: Sec. 2.1. (a) As used in this section, "county election  
 41 board" includes a board of elections and registration established under  
 42 IC 3-6-5.2.



1 (b) The voters of the school corporation shall elect the members of  
 2 the governing body at a general election for a term of ~~four (4) years~~  
 3 **determined under IC 3-8-2.5-9**. The members shall be elected from  
 4 the city at large without reference to district.

5 (c) Each candidate for election to the governing body must file a  
 6 petition of nomination with the county election board in each county in  
 7 which a school corporation subject to this chapter is located. The  
 8 petition of nomination must comply with IC 3-8-2.5 and the following  
 9 requirements:

10 (1) The petition must be signed by at least two hundred (200)  
 11 legal voters of the school corporation.

12 (2) Each petition may nominate only one (1) candidate.

13 (3) The number of petitions signed by a legal voter may not  
 14 exceed the number of school trustees to be elected.

15 (d) After all the petitions described in subsection (c) are filed with  
 16 the county election board, the board shall publish the names of those  
 17 nominated in accordance with IC 5-3-1 and shall certify the  
 18 nominations in the manner required by law. IC 3 governs the election  
 19 to the extent that it is not inconsistent with this chapter.

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

23 (1) in alphabetical order;

24 (2) without party designation; and

25 (3) in the form prescribed by IC 3-11-2.

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

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

31 SECTION 9. IC 20-23-14-8, AS AMENDED BY P.L.219-2013,  
 32 SECTION 84, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 33 JULY 1, 2022]: Sec. 8. (a) The term of each person elected to serve on  
 34 the governing body is ~~four (4) years~~ **determined under IC 3-8-2.5-9**.

35 (b) The term of each person elected to serve on the governing body  
 36 begins on the date set in the school corporation's organization plan. The  
 37 date set in the organization plan for an elected member of the  
 38 governing body to take office may not be more than fourteen (14)  
 39 months after the date of the member's election. If the school  
 40 corporation's organization plan does not set a date for an elected  
 41 member of the governing body to take office, the member takes office  
 42 January 1 that immediately follows the person's election.



1 SECTION 10. IC 20-23-14-9, AS AMENDED BY P.L.193-2021,  
 2 SECTION 104, IS AMENDED TO READ AS FOLLOWS  
 3 [EFFECTIVE JULY 1, 2022]: Sec. 9. The members are elected as  
 4 follows:

5 (1) Three (3) of the members are elected at the general election to  
 6 be held in 2024 and every four (4) years thereafter, **subject to**  
 7 **IC 3-8-2.5-9.**

8 (2) Two (2) of the members are elected at the general election to  
 9 be held in 2022 and every four (4) years thereafter, **subject to**  
 10 **IC 3-8-2.5-9.**

11 SECTION 11. IC 20-23-17-3, AS AMENDED BY P.L.219-2013,  
 12 SECTION 86, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 13 JULY 1, 2022]: Sec. 3. (a) The governing body of the school  
 14 corporation consists of five (5) members chosen as follows:

15 (1) Three (3) members shall be elected by the voters of the school  
 16 corporation at a general election to be held in the county and  
 17 every four (4) years thereafter, **subject to IC 3-8-2.5-9.**

18 (2) One (1) member shall be appointed by the city executive.

19 (3) One (1) member shall be appointed by the city legislative  
 20 body.

21 (b) The members elected under subsection (a)(1) shall be elected as  
 22 follows:

23 (1) On a nonpartisan basis.

24 (2) In a general election held in the county.

25 (3) By the registered voters of the entire school corporation.

26 (c) The following apply to an election of members of the governing  
 27 body of the school corporation under subsection (a)(1):

28 (1) Each candidate must file a petition of nomination with the  
 29 circuit court clerk not earlier than one hundred four (104) days  
 30 and not later than seventy-four (74) days before the election at  
 31 which members are to be elected. The petition of nomination must  
 32 include the following information:

33 (A) The name of the candidate.

34 (B) A certification that the candidate meets the qualifications  
 35 for candidacy imposed by this chapter.

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

38 SECTION 12. IC 20-23-17-4, AS AMENDED BY P.L.219-2013,  
 39 SECTION 87, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 40 JULY 1, 2022]: Sec. 4. (a) The term of each individual chosen to serve  
 41 on the governing body is ~~four (4) years~~. **determined under**  
 42 **IC 3-8-2.5-9.**



1 (b) The term of each individual chosen to serve on the governing  
 2 body begins on the date set in the school corporation's organization  
 3 plan. The date set in the organization plan for an elected member of the  
 4 governing body to take office may not be more than fourteen (14)  
 5 months after the date of the member's election. If the school  
 6 corporation's organization plan does not set a date for a member of the  
 7 governing body to take office, the member takes office January 1  
 8 immediately following the individual's election or appointment.

9 SECTION 13. IC 20-23-17-8, AS AMENDED BY P.L.193-2021,  
 10 SECTION 105, IS AMENDED TO READ AS FOLLOWS  
 11 [EFFECTIVE JULY 1, 2022]: Sec. 8. (a) This subsection applies to a  
 12 member of the governing body elected at the 2016 general election.  
 13 The successors of a member elected at the 2016 general election shall:

- 14 (1) be elected at the 2024 general election and every four (4)  
 15 years thereafter as provided in section 3(a)(1) of this chapter; and  
 16 (2) take office as provided in section 4 of this chapter.

17 (b) This subsection applies to the appointed member of the  
 18 governing body whose term expires December 31, 2017. The  
 19 successors of this member shall be appointed by the city legislative  
 20 body as provided in section 3(a)(3) of this chapter and take office as  
 21 provided in section 4 of this chapter.

22 (c) This subsection applies to the member of the governing body  
 23 elected at the 2014 general election. The successors of a member  
 24 elected at the 2014 general election shall:

- 25 (1) be elected at the 2022 general election and every four (4)  
 26 years thereafter as provided in section 3(a)(1) of this chapter; and  
 27 (2) take office as provided in section 4 of this chapter.

28 (d) This subsection applies to the appointed member of the  
 29 governing body whose term expires December 31, 2018. The  
 30 successors of this member shall be appointed by the city executive as  
 31 provided in section 3(a)(2) of this chapter and take office as provided  
 32 in section 4 of this chapter.

33 **(e) The term of office of an elected member of the governing**  
 34 **body is subject to IC 3-8-2.5-9.**

35 **(f) This section expires January 1, 2025.**

36 SECTION 14. IC 20-23-17.2-3.1, AS AMENDED BY  
 37 P.L.193-2021, SECTION 106, IS AMENDED TO READ AS  
 38 FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 3.1. (a) The governing  
 39 body of the school corporation consists of five (5) members, elected as  
 40 provided in this chapter.

41 (b) Three (3) members shall be elected as follows:

- 42 (1) From districts established as provided in section 4.1 of this



- 1 chapter.
- 2 (2) On a nonpartisan basis.
- 3 (3) At the general election held in the county in 2022 and every
- 4 four (4) years thereafter.
- 5 (c) Two (2) members shall be elected as follows:
- 6 (1) At large by all the voters of the school corporation.
- 7 (2) On a nonpartisan basis.
- 8 (3) At the general election held in the county in 2024 and every
- 9 four (4) years thereafter.
- 10 (d) The term of office of a member of the governing body:
- 11 (1) is ~~four (4) years~~; **determined under IC 3-8-2.5-9**; and
- 12 (2) begins January 1 after the election of members of the
- 13 governing body.
- 14 (e) Upon assuming office and in conducting the business of the
- 15 governing body, a member shall represent the interests of the entire
- 16 school corporation.
- 17 SECTION 15. IC 20-23-17.2-3.3, AS ADDED BY P.L.127-2016,
- 18 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 19 JULY 1, 2022]: Sec. 3.3. (a) Notwithstanding section 3.1 of this
- 20 chapter, as in effect on July 1, 2016, the members of the governing
- 21 body described in section 3.1(b) of this chapter shall:
- 22 (1) be elected at the general election held in the county in 2016;
- 23 and
- 24 (2) serve a term of two (2) years.
- 25 (b) The successors of the members of the governing body described
- 26 in subsection (a) shall:
- 27 (1) be elected at the general election held in the county in 2018;
- 28 and
- 29 (2) serve a term of ~~four (4) years~~; **determined under**
- 30 **IC 3-8-2.5-9**.
- 31 (c) This section expires January 1, 2023.
- 32 SECTION 16. IC 20-25-3-3, AS AMENDED BY P.L.126-2012,
- 33 SECTION 37, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 34 JULY 1, 2022]: Sec. 3. (a) A member of the board must:
- 35 (1) be a resident voter of the school city; and
- 36 (2) have been a resident of the school city for at least one (1) year
- 37 immediately preceding the member's election.
- 38 (b) A board member may not:
- 39 (1) serve in an elective or appointive office under the board or
- 40 under the government of the civil city while serving on the board;
- 41 or
- 42 (2) knowingly have a pecuniary interest as described in



1 IC 35-44.1-1-4 in a contract or purchase with the school city in  
2 which the member is elected.

3 If, at any time after a member is elected to the board, the board member  
4 knowingly acquires a pecuniary interest in a contract or purchase with  
5 the school city, the member is disqualified to continue as a member of  
6 the board, and a vacancy in the office is created.

7 (c) Each member of the board shall, before assuming the duties of  
8 office, take an oath, before a person qualified to administer oaths, that:

9 (1) the member possesses all the qualifications required by this  
10 chapter for membership on the board;

11 (2) the member will honestly and faithfully discharge the duties  
12 of office;

13 (3) the member will not, while serving as a member of the board,  
14 become interested, directly or indirectly, in any contract with or  
15 claim against the school city, except as authorized by law;

16 (4) in the performance of official duties as a member of the board,  
17 including the selection of the board's officers, agents, and  
18 employees, the member will not be influenced by any  
19 consideration of politics or religion; and

20 (5) the member will be controlled in the selection of officers,  
21 agents, and employees only by considerations of merit, fitness,  
22 and qualification.

23 (d) Board members are entitled to receive compensation not to  
24 exceed the amount ~~allowed~~ **provided** under IC 20-26-4-7, ~~and~~  
25 **including** a per diem not to exceed the rate ~~approved for members of~~  
26 ~~the city-county council established under IC 36-3-4 for attendance~~  
27 **established by the state board under IC 20-26-4-7** at each regular  
28 and committee meeting as determined by the board.

29 SECTION 17. IC 20-26-4-7, AS ADDED BY P.L.1-2005,  
30 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
31 JULY 1, 2022]: Sec. 7. (a) ~~Except as provided in IC 20-25-3-3,~~ The  
32 governing body of a school corporation by resolution has the power to  
33 pay each member of the governing body a reasonable amount for  
34 service as a member, not to exceed **both of the following:**

35 (1) ~~two~~ **Five** thousand dollars (~~\$2,000~~) (**\$5,000**) per year. ~~and~~

36 (2) A per diem not to exceed the rate ~~approved for members of the~~  
37 ~~board of school commissioners under IC 20-25-3-3(d).~~

38 (b) ~~If the members of the governing body are totally comprised of~~  
39 ~~appointed members, the appointive authority under IC 20-23-4-28(e)~~  
40 ~~shall approve the per diem rate allowable under subsection (a)(2)~~  
41 ~~before the governing body may make the payments.~~

42 (c) ~~To make a valid approval under subsection (b), the appointive~~





1 authority must approve the per diem rate with the same endorsement  
 2 required under IC 20-23-4-28(f) to make the appointment of the  
 3 member established annually by the state board under subsection  
 4 (b).

5 (b) The state board shall annually establish the following:

6 (1) A maximum per diem rate for each day of attendance by  
 7 a member of a governing body at a regular meeting held by a  
 8 governing body in accordance with section 3(a) of this  
 9 chapter.

10 (2) A maximum per diem rate for each day of attendance by  
 11 a member of a governing body at a special meeting held by a  
 12 governing body in accordance with section 3(c) of this  
 13 chapter.

14 (3) A maximum per diem rate for each day of attendance by  
 15 a member of a governing body at a committee meeting  
 16 approved by a governing body.

17 (c) The state board may adopt:

18 (1) rules under IC 4-22-2 to implement this section; and

19 (2) emergency rules in the manner provided in IC 4-22-2-37.1  
 20 to implement this section.

21 SECTION 18. IC 20-26-4-12 IS ADDED TO THE INDIANA  
 22 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 23 [EFFECTIVE JULY 1, 2022]: **Sec. 12. (a) The governing body of**  
 24 **each school corporation shall file a current copy of the school**  
 25 **corporation's organization plan with the department.**

26 (b) The governing body of a school corporation shall file a copy  
 27 of any amendments to the school corporation's organization plan  
 28 not later than thirty (30) days after the amendment becomes  
 29 effective.

30 (c) The department shall publish each school corporation's  
 31 organization plan and all amendments of each school corporation's  
 32 organization plan on the department's Internet web site.

33 SECTION 19. IC 20-26-5-10.1 IS ADDED TO THE INDIANA  
 34 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 35 [EFFECTIVE JULY 1, 2022]: **Sec. 10.1. (a) This section applies to a:**

36 (1) school corporation;

37 (2) charter school; or

38 (3) nonpublic school that employs one (1) or more employees.

39 (b) Subject to subsection (d), before hiring a prospective  
 40 employee, a school corporation, a charter school, or a nonpublic  
 41 school that employs one (1) or more employees, shall contact the  
 42 prospective employee's previous (or current) school employer and



1 request that the prospective employee's previous (or current)  
2 school employer provide the hiring school employer:

3 (1) a complete and unredacted copy of all disciplinary actions  
4 or internal investigations involving the prospective employee;  
5 and

6 (2) a copy of the prospective employee's entire employment  
7 file, except for any medical record or information.

8 (c) A school employer that receives a request under subsection  
9 (b) shall:

10 (1) comply with the request not later than ten (10) business  
11 days from receipt of the request; and

12 (2) upon request of the prospective employee, provide the  
13 prospective employee with a copy of the information provided  
14 to the hiring school employer.

15 (d) A school employer is relieved of the obligation in subsection  
16 (b) if the prospective employee is not currently and has not  
17 previously been employed by a school corporation, a charter  
18 school, or a nonpublic school that employs one (1) or more  
19 employees.

20 (e) Notwithstanding IC 22-5-3-1, no covenant, promise, or  
21 agreement to refrain from disclosure of the information described  
22 in subsection (b) prevents compliance with the requirements  
23 imposed by this section. A school employer acting in good faith is  
24 immune from civil and criminal liability for complying with this  
25 subsection.

26 SECTION 20. IC 34-30-2-158 IS ADDED TO THE INDIANA  
27 CODE AS A NEW SECTION TO READ AS FOLLOWS  
28 [EFFECTIVE JULY 1, 2022]: **Sec. 158. IC 20-26-5-10.1 (Concerning**  
29 **the disclosure of school employee employment records).**

