

HOUSE BILL No. 1072

DIGEST OF INTRODUCED BILL

Citations Affected: IC 5-11-1-31; IC 6-1.1-17-3; IC 20-24-7; IC 20-29; IC 20-40; IC 20-46.

Synopsis: School referendum levies. Provides that a school corporation must distribute a portion of revenue received from a school operating referendum tax levy or school safety referendum levy to each charter school in which students who reside within the attendance area of the school corporation attend. Makes conforming amendments.

Effective: July 1, 2022.

Behning

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



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. 1072

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

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

1 SECTION 1. IC 5-11-1-31, AS ADDED BY P.L.136-2021,
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2022]: Sec. 31. An examination of a school corporation
4 conducted under section 24.4, 25(d), or 30 of this chapter and a
5 financial report prepared in accordance with IC 5-1-11.5-3 must
6 include an examination of:
7 (1) any revenue spending plans adopted under IC 20-46-1-8 or
8 IC 20-46-9-6 for:
9 (A) an operating referendum tax levy approved by the voters
10 of the school corporation under IC 20-46-1; or
11 (B) a school safety referendum tax levy approved by the voters
12 of the school corporation under IC 20-46-9; and
13 (2) the operating referendum tax levy fund or school safety
14 referendum tax levy fund of the school corporation, whichever is
15 applicable, **including distributions to charter schools made**
16 **under IC 20-40-3-6 or IC 20-40-20-7;**
17 to determine whether the school corporation is using the revenue



1 collected from the operating referendum tax levy or school safety
2 referendum tax levy in the amounts and for the purposes established in
3 the applicable revenue spending plan.

4 SECTION 2. IC 6-1.1-17-3, AS AMENDED BY P.L.220-2021,
5 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
6 JULY 1, 2022]: Sec. 3. (a) The proper officers of a political subdivision
7 shall formulate its estimated budget and its proposed tax rate and tax
8 levy on the form prescribed by the department of local government
9 finance and approved by the state board of accounts. In formulating a
10 political subdivision's estimated budget under this section, the proper
11 officers of the political subdivision must consider the net property tax
12 revenue that will be collected by the political subdivision during the
13 ensuing year, after taking into account the estimate by the department
14 of local government finance under IC 6-1.1-20.6-11.1 of the amount by
15 which the political subdivision's distribution of property taxes will be
16 reduced by credits under IC 6-1.1-20.6-9.5 in the ensuing year, after
17 taking into account the estimate by the department of local government
18 finance under section 0.7 of this chapter of the maximum amount of net
19 property tax revenue and miscellaneous revenue that the political
20 subdivision will receive in the ensuing year, and after taking into
21 account all payments for debt service obligations that are to be made
22 by the political subdivision during the ensuing year. The political
23 subdivision or appropriate fiscal body, if the political subdivision is
24 subject to section 20 of this chapter, shall submit the following
25 information to the department's computer gateway:

- 26 (1) The estimated budget.
- 27 (2) The estimated maximum permissible levy, as provided by the
28 department under IC 6-1.1-18.5-24.
- 29 (3) The current and proposed tax levies of each fund.
- 30 (4) The percentage change between the current and proposed tax
31 levies of each fund.
- 32 (5) The amount by which the political subdivision's distribution
33 of property taxes may be reduced by credits granted under
34 IC 6-1.1-20.6, as estimated by the department of local government
35 finance under IC 6-1.1-20.6-11.1.
- 36 (6) The amounts of excessive levy appeals to be requested.
- 37 (7) The time and place at which the political subdivision or
38 appropriate fiscal body will hold a public hearing on the items
39 described in subdivisions (1) through (6).
- 40 (8) The time and place at which the political subdivision or
41 appropriate fiscal body will meet to fix the budget, tax rate, and
42 levy under section 5 of this chapter.



1 (9) The date, time, and place of the final adoption of the budget,
2 tax rate, and levy under section 5 of this chapter.

3 Except as provided in section 5.6(b) of this chapter, the political
4 subdivision or appropriate fiscal body shall submit this information to
5 the department's computer gateway at least ten (10) days before the
6 public hearing required by this subsection in the manner prescribed by
7 the department. If the date, time, or place of the final adoption
8 subsequently changes, the political subdivision shall update the
9 information submitted to the department's computer gateway. The
10 department shall make this information available to taxpayers, at least
11 ten (10) days before the public hearing, through its computer gateway
12 and provide a telephone number through which taxpayers may request
13 mailed copies of a political subdivision's information under this
14 subsection. The department's computer gateway must allow a taxpayer
15 to search for the information under this subsection by the taxpayer's
16 address. The department shall review only the submission to the
17 department's computer gateway for compliance with this section.

18 (b) The board of directors of a solid waste management district
19 established under IC 13-21 or IC 13-9.5-2 (before its repeal) may
20 conduct the public hearing required under subsection (a):

- 21 (1) in any county of the solid waste management district; and
22 (2) in accordance with the annual notice of meetings published
23 under IC 13-21-5-2.

24 (c) The trustee of each township in the county shall estimate the
25 amount necessary to meet the cost of township assistance in the
26 township for the ensuing calendar year. The township board shall adopt
27 with the township budget a tax rate sufficient to meet the estimated cost
28 of township assistance. The taxes collected as a result of the tax rate
29 adopted under this subsection are credited to the township assistance
30 fund.

31 (d) A political subdivision for which any of the information under
32 subsection (a) is not submitted to the department's computer gateway
33 in the manner prescribed by the department shall have its most recent
34 annual appropriations and annual tax levy continued for the ensuing
35 budget year.

36 (e) If a political subdivision or appropriate fiscal body timely
37 submits the information under subsection (a) but subsequently
38 discovers the information contains an error, the political subdivision or
39 appropriate fiscal body may submit amended information to the
40 department's computer gateway. However, submission of an
41 amendment to information described in subsection (a)(1) through (a)(7)
42 must occur at least ten (10) days before the public hearing held under



1 subsection (a), and submission of an amendment to information
 2 described in subsection (a)(8) must occur at least twenty-four (24)
 3 hours before the time in which the meeting to fix the budget, tax rate,
 4 and levy was originally advertised to commence.

5 (f) Each year, the governing body of a school corporation that
 6 imposes property taxes to pay debt service on bonds or lease rentals on
 7 a lease for a controlled project under IC 6-1.1-20, property taxes under
 8 an operating referendum tax levy under IC 20-46-1, or property taxes
 9 under a school safety referendum tax levy under IC 20-46-9, shall
 10 submit the following information at least ten (10) days before the
 11 public hearing required by subsection (a) in the manner prescribed by
 12 the department:

13 (1) the purposes specified in the public question submitted to the
 14 voters or any revenue spending plans adopted under
 15 IC 6-1.1-20-13, IC 20-46-1-8, or IC 20-46-9-6 for:

16 (A) debt service on bonds or lease rentals on a lease for a
 17 controlled project under IC 6-1.1-20;

18 (B) an operating referendum tax levy approved by the voters
 19 of the school corporation under IC 20-46-1; or

20 (C) a school safety referendum tax levy approved by the voters
 21 of the school corporation under IC 20-46-9;

22 as applicable; ~~and~~

23 (2) the debt service levy fund, operating referendum tax levy
 24 fund, or school safety referendum tax levy fund of the school
 25 corporation, whichever is applicable; **and**

26 **(3) for a levy resulting from a resolution passed by the**
 27 **governing body of a school corporation under IC 20-46-1-8,**
 28 **IC 20-46-1-8.5, IC 20-46-9-6, or IC 20-46-9-7 after June 30,**
 29 **2022, the actual amount of revenue transferred to each**
 30 **applicable charter school under IC 20-40-3-6 or IC 20-46-9-7;**

31 to show whether the school corporation is using revenue collected from
 32 the referendum tax levy in the amounts and for the purposes
 33 established in the purposes specified in the public question submitted
 34 to the voters or the revenue spending plan, as applicable. The
 35 department shall make this information available to taxpayers at least
 36 ten (10) days before the public hearing.

37 SECTION 3. IC 20-24-7-6, AS AMENDED BY P.L.154-2020,
 38 SECTION 39, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 39 JULY 1, 2022]: Sec. 6. (a) With the approval of a majority of the
 40 members of the governing body, a school corporation may distribute a
 41 proportionate share of the school corporation's operations fund to a
 42 charter school. A charter school may elect to distribute a proportionate



1 share of the charter school's operations fund to the school corporation
2 in whose district the charter school is located.

3 **(b) This subsection applies to a levy resulting from a resolution**
4 **to place a referendum on the ballot adopted by the governing body**
5 **under IC 20-46-1-8 or IC 20-46-1-8.5 before July 1, 2022.** A
6 governing body may distribute money that is received as part of a tax
7 levy collected under IC 20-46-1 from the school corporation's
8 education fund to a charter school, excluding a virtual charter school,
9 in the manner provided by ~~IC 20-46-1-8(d)~~. **IC 20-46-1-8(e).**

10 **(c) This subsection applies to a levy resulting from resolution to**
11 **place a referendum on the ballot adopted by the governing body**
12 **under IC 20-46-9-6 or IC 20-46-9-7 before July 1, 2022.** A
13 governing body may distribute money from the school safety
14 referendum tax levy fund to a charter school, excluding a virtual
15 charter school, in the manner prescribed by IC 20-46-9-6(b).

16 SECTION 4. IC 20-24-7-6.1 IS ADDED TO THE INDIANA CODE
17 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
18 1, 2022]: **Sec. 6.1. (a) This section applies to a levy resulting from**
19 **a resolution to place a referendum on the ballot adopted by the**
20 **governing body under IC 20-46-1-8, IC 20-46-1-8.5, IC 20-46-9-6,**
21 **or IC 20-46-9-7 after June 30, 2022.**

22 **(b) A governing body shall distribute money that is received as**
23 **part of a tax levy collected under IC 20-46-1 from the school**
24 **corporation's operating referendum tax levy fund to a charter**
25 **school, excluding a virtual charter school, in the manner provided**
26 **by IC 20-40-3-6.**

27 **(c) A governing body shall distribute money from the school**
28 **safety referendum tax levy fund to a charter school, excluding a**
29 **virtual charter school, in the manner prescribed by IC 20-40-20-7.**

30 SECTION 5. IC 20-29-2-6, AS AMENDED BY P.L.272-2019,
31 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
32 JULY 1, 2022]: Sec. 6. "Deficit financing" for a budget year:

33 (1) means, except as provided in subdivision (2), actual
34 expenditures exceeding the employer's current year actual
35 education fund revenue and, for a school employer for which the
36 voters have passed an operating referendum tax levy under
37 IC 20-46-1 or a school safety referendum tax levy under
38 IC 20-46-9, the amount of revenue certified by the department of
39 local government finance, **excluding money distributed to a**
40 **charter school from a levy resulting from a resolution to place**
41 **a referendum on the ballot that is adopted by the governing**
42 **body under IC 20-46-1-8, IC 20-46-1-8.5, IC 20-46-9-6, or**



1 **IC 20-46-9-7 after June 30, 2022;** or

2 (2) means, in the case of any distressed school corporation, the
 3 Gary Community School Corporation, or the Muncie Community
 4 school corporation, actual expenditures plus additional payments
 5 against any outstanding debt obligations exceeding the employer's
 6 current year actual education fund revenue, and, for a school
 7 employer for which the voters have passed an operating
 8 referendum tax levy under IC 20-46-1 or a school safety
 9 referendum tax levy under IC 20-46-9, **excluding money**
 10 **distributed to a charter school from a levy resulting from a**
 11 **resolution to place a referendum on the ballot that is adopted**
 12 **by the governing body under IC 20-46-1-8, IC 20-46-1-8.5,**
 13 **IC 20-46-9-6, or IC 20-46-9-7 after June 30, 2022,** the amount
 14 of revenue certified by the department of local government
 15 finance.

16 Except as provided in IC 20-29-6-3(c), revenue does not include money
 17 estimated to be or actually transferred from the school corporation's
 18 operations fund to its education fund.

19 SECTION 6. IC 20-29-8-7, AS AMENDED BY P.L.272-2019,
 20 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 21 JULY 1, 2022]: Sec. 7. (a) When a factfinder is requested or required
 22 under IC 20-29-6, the board shall appoint a factfinder.

23 (b) The factfinder shall make an investigation and hold hearings as
 24 the factfinder considers necessary in connection with a dispute.

25 (c) The factfinder:

- 26 (1) may restrict the factfinder's findings to those issues that the
 27 factfinder determines significant;
 28 (2) must restrict the findings to the items listed in IC 20-29-6-4;
 29 and
 30 (3) may not impose terms beyond those proposed by the parties in
 31 their last, best offers.

32 (d) The factfinder may use evidence furnished to the factfinder by:

- 33 (1) the parties;
 34 (2) the board;
 35 (3) the board's staff; or
 36 (4) any other state agency.

37 (e) The factfinder shall conduct the factfinding hearing in public in
 38 a room or facility owned by the county or local unit of government
 39 located in the county in which the school employer is located, or if the
 40 school employer is located in more than one (1) county, in the county
 41 in which the greatest number of students who attend the school
 42 employer's schools reside. The public hearing may begin not earlier



1 than November 15 in the first year of the state budget biennium and
 2 must be concluded by February 15 of the calendar year after the start
 3 of formal collective bargaining.

4 (f) The factfinding process may not exceed thirty (30) days from
 5 beginning to end, and not more than two (2) of those days may be used
 6 for public testimony, which may be taken at the discretion of the
 7 factfinder. During the public hearing, each party shall present fully its
 8 last, best offer, including the fiscal rationale for the offer. Only
 9 education fund revenue and, for a school employer for which the voters
 10 have passed an operating referendum tax levy under IC 20-46-1 or a
 11 school safety referendum tax levy under IC 20-46-9, the amount of
 12 revenue certified by the department of local government finance,
 13 **excluding money distributed to a charter school from a levy**
 14 **resulting from a resolution to place a referendum on the ballot that**
 15 **is adopted by the governing body under IC 20-46-1-8,**
 16 **IC 20-46-1-8.5, IC 20-46-9-6, or IC 20-46-9-7 after June 30, 2022,**
 17 may be considered a source of the funding for items. Money estimated
 18 to be or actually transferred from the school corporation's operations
 19 fund to its education fund may not be considered a source of funding
 20 for items.

21 (g) The factfinder shall make a recommendation as to the settlement
 22 of the disputes over which the factfinder has jurisdiction.

23 (h) The factfinder shall:

- 24 (1) make the investigation, hearing, and findings as expeditiously
- 25 as the circumstances permit; and
- 26 (2) deliver the findings to the parties and to the board.

27 (i) The board, after receiving the findings and recommendations,
 28 may make additional findings and recommendations to the parties
 29 based on information in:

- 30 (1) the report; or
- 31 (2) the board's own possession.

32 The board may not make any recommendations to the parties related to
 33 any items not specifically identified in IC 20-29-6-4.

34 (j) At any time within five (5) days after the findings and
 35 recommendations are delivered to the board, the board may make the
 36 findings and recommendations of the factfinder and the board's
 37 additional findings and recommendations, if any, available to the
 38 public through news media and other means the board considers
 39 effective.

40 (k) The board shall make the findings and recommendations
 41 described in subsection (j) available to the public not later than ten (10)
 42 days after the findings and recommendations are delivered to the board.



1 SECTION 7. IC 20-40-3-5, AS AMENDED BY P.L.154-2020,
 2 SECTION 40, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 3 JULY 1, 2022]: Sec. 5. (a) Money in the fund may be used for any
 4 lawful school expenses, including making a transfer to the school
 5 corporation's education fund (IC 20-40-2) or operations fund (IC
 6 20-40-18).

7 (b) **This subsection applies to a levy resulting from a resolution**
 8 **to place a referendum on the ballot adopted by the governing body**
 9 **under IC 20-46-1-8 or IC 20-46-1-8.5 before July 1, 2022.** A school
 10 corporation may distribute proceeds of a tax levy collected under
 11 IC 20-46-1 that is transferred to the school corporation's education fund
 12 to a charter school, excluding a virtual charter school, that is located
 13 within the attendance area of the school corporation.

14 (c) **This subsection applies to a levy resulting from a resolution**
 15 **to place a referendum on the ballot adopted by the governing body**
 16 **under IC 20-46-1-8 or IC 20-46-1-8.5 after June 30, 2022.** A school
 17 corporation shall distribute proceeds of a tax levy collected under
 18 IC 20-46-1 in the manner described in section 6 of this chapter.

19 SECTION 8. IC 20-40-3-6 IS ADDED TO THE INDIANA CODE
 20 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 21 1, 2022]: Sec. 6. (a) **This section applies to revenue received from**
 22 **a resolution that is approved by the governing body to impose a**
 23 **referendum levy under IC 20-46-1-8 or IC 20-46-1-8.5 after June**
 24 **30, 2022.**

25 (b) **Within thirty (30) days of the date that the county auditor**
 26 **distributes money for the fund under IC 6-1.1-22.5, the school**
 27 **corporation shall distribute an amount under subsection (d) to**
 28 **each charter school in which a student who resides within the**
 29 **attendance area of the school corporation attends. The department**
 30 **shall provide the school corporation with data and information**
 31 **necessary for the school corporation to determine:**

- 32 (1) **which charter schools are eligible to receive a distribution**
 33 **under this section; and**
 34 (2) **the number of students who reside within the attendance**
 35 **area of the school corporation who are included in the ADM**
 36 **for each charter school described in subdivision (1).**

37 (c) **The following schools are not eligible to receive a**
 38 **distribution under this section:**

- 39 (1) **A virtual charter school.**
 40 (2) **An adult high school.**

41 (d) **Except as provided in subsection (e), the amount that a**
 42 **school corporation shall distribute to a charter school under this**



1 section is the amount determined in the last STEP of the following
2 STEPS:

3 **STEP ONE: Determine, for each charter school that is eligible**
4 **to receive a distribution under this section, the number of**
5 **students who reside within the attendance area of the school**
6 **corporation who are currently included in the ADM of the**
7 **charter school.**

8 **STEP TWO: Determine the sum of:**

9 (A) the current ADM count for the school corporation;
10 plus

11 (B) the STEP ONE amount.

12 **STEP THREE: Determine the result of:**

13 (A) the STEP ONE amount; divided by

14 (B) the STEP TWO amount.

15 **STEP FOUR: Determine the result of:**

16 (A) the STEP THREE amount; multiplied by

17 (B) the amount distributed to the fund when the county
18 auditor distributes money for the fund under IC 6-1.1-22.5.

19 (e) The total amount of money distributed to applicable charter
20 schools under this section for a particular year may not exceed one
21 hundred ten percent (110%) of the total amount of money that is
22 projected to be distributed to all applicable charter schools under
23 IC 20-46-1-8(f) for that particular year. If the total amount of
24 money to be distributed to charter schools for a particular year
25 exceeds one hundred ten percent (110%) of the amount projected
26 to be distributed to all applicable charter schools under
27 IC 20-46-1-8(f), the amount that is actually distributed to each
28 charter school under subsection (d) shall be proportionately
29 reduced so that the total amount of money distributed to all
30 applicable charter schools during that particular year equals an
31 amount determined under the last STEP of the following STEPS:

32 **STEP ONE: Determine the amount projected to be**
33 **distributed to all applicable charter schools under**
34 **IC 20-46-1-8(f) for that particular year.**

35 **STEP TWO: Multiply the STEP ONE amount by ten percent**
36 **(10%).**

37 **STEP THREE: Add the STEP TWO amount to the STEP**
38 **ONE amount.**

39 SECTION 9. IC 20-40-20-6, AS AMENDED BY P.L.154-2020,
40 SECTION 41, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
41 JULY 1, 2022]: Sec. 6. (a) Subject to subsections (c) and (d), money in
42 the fund may be used only for the following purposes:



- 1 (1) To employ or compensate a school resource officer or school
 2 resource officers.
 3 (2) To establish or fund a school safety office.
 4 (3) To conduct a threat assessment of a school building.
 5 (4) To create or update a school safety plan.
 6 (5) To develop or update school emergency response systems.
 7 (6) To purchase equipment to improve the safety of a school
 8 building, school grounds, or school buses.
 9 (7) To pay capital expenses to improve the safety of a school
 10 building.
 11 (8) To establish and administer programs to address youth
 12 specific mental illness, addiction, anger management, bullying,
 13 and school violence.
 14 (9) To develop and administer professional development
 15 programs for teachers, administrators, and other school employees
 16 designed to improve school safety and reduce violence.
 17 **(10) To make distributions to a charter school in accordance**
 18 **with section 7 of this chapter.**
 19 (b) A school corporation may distribute, with the approval of the
 20 majority of members of the governing body, a portion of the proceeds
 21 of a tax levy collected under IC 20-46-9 that is deposited in the fund to
 22 a charter school, excluding a virtual charter school, that is located
 23 within the attendance area of the school corporation, to be used by the
 24 charter school for the purposes described in subsection (a).
 25 (c) Expenditures paid using money collected from the levy shall be
 26 included in a school's safety plan.
 27 (d) Local law enforcement shall participate in:
 28 (1) development of a school safety plan;
 29 (2) development or updates to school emergency response
 30 systems; and
 31 (3) determination of capital expenses that would improve the
 32 safety of a school building.
 33 (e) Money in the fund may be transferred to the school corporation's
 34 education fund (IC 20-40-2), operations fund (IC 20-40-18), or school
 35 safety referendum debt service fund (IC 20-40-21), as applicable, to
 36 pay for expenditures listed in subsection (a).
 37 SECTION 10. IC 20-40-20-7 IS ADDED TO THE INDIANA
 38 CODE AS A NEW SECTION TO READ AS FOLLOWS
 39 [EFFECTIVE JULY 1, 2022]: **Sec. 7. (a) This section applies to**
 40 **revenue received from a resolution that is approved by the**
 41 **governing body to impose a referendum levy under IC 20-46-9-6 or**
 42 **IC 20-46-9-7 after June 30, 2022.**



1 (b) Within thirty (30) days of the date that the county auditor
 2 distributes money for the fund under IC 6-1.1-22.5, the school
 3 corporation shall distribute an amount under subsection (d) to
 4 each charter school in which a student who resides within the
 5 attendance area of the school corporation attends. The department
 6 shall provide the school corporation with data and information
 7 necessary for the school corporation to determine:

8 (1) which charter schools are eligible to receive a distribution
 9 under this section; and

10 (2) the number of students who reside within the attendance
 11 area of the school corporation who are included in the ADM
 12 for each charter school described in subdivision (1).

13 (c) The following schools are not eligible to receive a
 14 distribution under this section:

15 (1) A virtual charter school.

16 (2) An adult high school.

17 (d) Except as provided in subsection (f), the amount that a
 18 school corporation shall distribute to a charter school under this
 19 section is the amount determined in the last STEP of the following
 20 STEPS:

21 **STEP ONE:** Determine, for each charter school that is eligible
 22 to receive a distribution under this section, the number of
 23 students who reside within the attendance area of the school
 24 corporation who are currently included in the ADM of the
 25 charter school.

26 **STEP TWO:** Determine the sum of:

27 (A) the current ADM count for the school corporation;
 28 plus

29 (B) the STEP ONE amount.

30 **STEP THREE:** Determine the result of:

31 (A) the STEP ONE amount; divided by

32 (B) the STEP TWO amount.

33 **STEP FOUR:** Determine the result of:

34 (A) the STEP THREE amount; multiplied by

35 (B) the amount distributed to the fund when the county
 36 auditor distributes money for the fund under IC 6-1.1-22.5.

37 (e) If a charter school receives a distribution under this section,
 38 the distribution may be used only for the purposes described in
 39 section 6(a) of this chapter.

40 (f) The total amount of money distributed to applicable charter
 41 schools under this section for a particular year may not exceed one
 42 hundred ten percent (110%) of the total amount of money that is



1 projected to be distributed to all applicable charter schools under
 2 IC 20-46-9-6(d) for that particular year. If the total amount of
 3 money to be distributed to charter schools for a particular year
 4 exceeds one hundred ten percent (110%) of the amount projected
 5 to be distributed to all applicable charter schools under
 6 IC 20-46-9-6(d), the amount that is actually distributed to each
 7 charter school under subsection (d) shall be proportionately
 8 reduced so that the total amount of money distributed to all
 9 applicable charter schools during that particular year equals an
 10 amount determined under the last STEP of the following STEPS:

11 **STEP ONE:** Determine the amount projected to be
 12 distributed to all applicable charter schools under
 13 IC 20-46-9-6(d) for that particular year.

14 **STEP TWO:** Multiply the STEP ONE amount by ten percent
 15 (10%).

16 **STEP THREE:** Add the STEP TWO amount to the STEP
 17 ONE amount.

18 SECTION 11. IC 20-46-1-8, AS AMENDED BY P.L.136-2021,
 19 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 20 JULY 1, 2022]: Sec. 8. (a) Subject to subsections ~~(c)~~; (d), ~~and~~ (e), (f),
 21 **and (g)** and this chapter, the governing body of a school corporation
 22 may adopt a resolution to place a referendum under this chapter on the
 23 ballot for any of the following purposes:

24 (1) The governing body of the school corporation determines that
 25 it cannot, in a calendar year, carry out its public educational duty
 26 unless it imposes a referendum tax levy under this chapter.

27 (2) The governing body of the school corporation determines that
 28 a referendum tax levy under this chapter should be imposed to
 29 replace property tax revenue that the school corporation will not
 30 receive because of the application of the credit under
 31 IC 6-1.1-20.6.

32 (3) **For a resolution adopted before July 1, 2022**, the governing
 33 body makes the determination required under subdivision (1) or
 34 (2) and determines to share a portion of the referendum proceeds
 35 with a charter school, excluding a virtual charter school, in the
 36 manner prescribed in subsection ~~(d)~~; (e).

37 **(b) A resolution for a referendum passed after June 30, 2022,**
 38 **shall specify that a portion of the proposed levy will be distributed**
 39 **to applicable charter schools in the manner described under**
 40 **IC 20-40-3-6.**

41 ~~(b)~~ (c) The governing body of the school corporation shall certify a
 42 copy of the resolution to place a referendum on the ballot to the



1 following:

2 (1) The department of local government finance, including:

3 (A) the language for the question required by section 10 of this
4 chapter, or in the case of a resolution to extend a referendum
5 levy certified to the department of local government finance
6 after March 15, 2016, section 10.1 of this chapter; and

7 (B) a copy of the revenue spending plan adopted under
8 subsection ~~(e)~~: **(g)**.

9 The language of the public question must include the estimated
10 average percentage increases certified by the county auditor under
11 section 10(e) of this chapter. The governing body of the school
12 corporation shall also provide the county auditor's certification
13 described in section 10(e) of this chapter. The department of local
14 government finance shall post the values certified by the county
15 auditor to the department's Internet web site. The department shall
16 review the language for compliance with section 10 or 10.1 of this
17 chapter, whichever is applicable, and either approve or reject the
18 language. The department shall send its decision to the governing
19 body of the school corporation not more than ten (10) days after
20 the resolution is submitted to the department. If the language is
21 approved, the governing body of the school corporation shall
22 certify a copy of the resolution, including the language for the
23 question and the department's approval.

24 (2) The county fiscal body of each county in which the school
25 corporation is located (for informational purposes only).

26 (3) The circuit court clerk of each county in which the school
27 corporation is located.

28 ~~(e)~~ **(d)** If a school safety referendum tax levy under IC 20-46-9 has
29 been approved by the voters in a school corporation at any time in the
30 previous three (3) years, the school corporation may not:

31 (1) adopt a resolution to place a referendum under this chapter on
32 the ballot; or

33 (2) otherwise place a referendum under this chapter on the ballot.

34 ~~(d)~~ **(e)** **This subsection applies to a resolution described in**
35 **subsection (a) that is adopted before July 1, 2022.** The resolution
36 described in subsection (a) must indicate whether proceeds in the
37 school corporation's education fund collected from a tax levy under this
38 chapter will be used to provide a distribution to a charter school or
39 charter schools, excluding a virtual charter school, under IC 20-40-3-5
40 as well as the amount that will be distributed to the particular charter
41 school or charter schools. A school corporation may request from the
42 designated charter school or charter schools any financial



1 documentation necessary to demonstrate the financial need of the
2 charter school or charter schools.

3 **(f) This subsection applies to a resolution under subsection (a)**
4 **adopted after June 30, 2022. The resolution described in subsection**
5 **(a) shall include a projection of the amount that the school**
6 **corporation expects to distribute to a particular charter school,**
7 **excluding virtual charter schools or adult high schools, under**
8 **IC 20-40-3-6. At least sixty (60) days before the resolution**
9 **described in subsection (a) is voted on by the governing body, the**
10 **school corporation shall contact the department to determine the**
11 **number of students in kindergarten through grade 12 who reside**
12 **within the attendance area of the school corporation but attend a**
13 **charter school, excluding virtual charter schools or adult high**
14 **schools. The department shall provide the school corporation with**
15 **the number of students residing within the attendance area of the**
16 **school corporation who attend a charter school which shall be**
17 **disaggregated, for each particular charter school, excluding a**
18 **virtual charter school or adult high school, in which the students**
19 **residing within the attendance area attend. The projection may**
20 **include an expected increase in charter schools during the term the**
21 **levy is imposed. The department of local government finance shall**
22 **prescribe the manner in which the projection shall be calculated.**
23 **The governing body shall take into consideration the projection**
24 **when adopting the revenue spending plan under subsection (g).**

25 ~~(e)~~ **(g)** As part of the resolution described in subsection (a), the
26 governing body of the school corporation shall adopt a revenue
27 spending plan for the proposed referendum tax levy that includes:

- 28 (1) an estimate of the amount of annual revenue expected to be
29 collected if a levy is imposed under this chapter;
- 30 (2) the specific purposes for which the revenue collected from a
31 levy imposed under this chapter will be used; ~~and~~
- 32 (3) an estimate of the annual dollar amounts that will be expended
33 for each purpose described in subdivision (2); **and**
- 34 **(4) for a resolution for a referendum passed after June 30,**
35 **2022, the projected revenue that shall be distributed to**
36 **charter schools as provided in subsection (f). The spending**
37 **plan shall also take into consideration deviations in the**
38 **proposed revenue spending plan if the actual charter school**
39 **distributions exceed or are lower than the projected charter**
40 **school distribution described in subsection (f).**

41 ~~(f)~~ **(h)** A school corporation shall specify in its proposed budget the
42 school corporation's revenue spending plan adopted under subsection



1 ~~(e)~~ (g) and annually present the revenue spending plan at its public
 2 hearing on the proposed budget under IC 6-1.1-17-3.

3 SECTION 12. IC 20-46-1-8.5, AS ADDED BY P.L.138-2016,
 4 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 5 JULY 1, 2022]: Sec. 8.5. (a) A resolution to extend a referendum levy
 6 must be:

7 (1) adopted by the governing body of a school corporation; and

8 (2) approved in a referendum under this chapter;

9 before December 31 of the final calendar year in which the school
 10 corporation's previously approved referendum levy is imposed under
 11 this chapter.

12 **(b) For a resolution adopted under this section after June 30,**
 13 **2022, the resolution must include the projected charter school**
 14 **distribution described in section 8(f) of this chapter and indicate**
 15 **the distributions to applicable charter schools in accordance with**
 16 **IC 20-40-3-6.**

17 SECTION 13. IC 20-46-1-19.5, AS AMENDED BY P.L.272-2019,
 18 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 19 JULY 1, 2022]: Sec. 19.5. (a) Subject to section ~~8(e)~~ **8(d)** of this
 20 chapter, if a referendum is approved by the voters in a school
 21 corporation under this chapter in a calendar year, another referendum
 22 may not be placed on the ballot in the school corporation under this
 23 chapter in the following calendar year.

24 (b) Notwithstanding any other provision of this chapter and in
 25 addition to the restriction specified in subsection (a), if a school
 26 corporation imposes in a calendar year a referendum levy approved in
 27 a referendum under this chapter, the school corporation may not
 28 simultaneously impose in that calendar year more than one (1)
 29 additional referendum levy approved in a subsequent referendum under
 30 this chapter.

31 SECTION 14. IC 20-46-9-6, AS AMENDED BY P.L.136-2021,
 32 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 33 JULY 1, 2022]: Sec. 6. (a) Subject to this chapter, the governing body
 34 of a school corporation may adopt a resolution to place a referendum
 35 under this chapter on the ballot if the governing body of the school
 36 corporation determines that a referendum levy should be imposed for
 37 measures to improve school safety as described in IC 20-40-20-6(a) or
 38 IC 20-40-20-6(b).

39 (b) **This subsection applies to a resolution described in**
 40 **subsection (a) that is adopted before July 1, 2022.** A school
 41 corporation may, with the approval of the majority of members of the
 42 governing body, distribute a portion of the proceeds of a tax levy



1 collected under this chapter that is deposited in the fund to a charter
 2 school, excluding a virtual charter school, that is located within the
 3 attendance area of the school corporation, to be used by the charter
 4 school for the purposes described in IC 20-40-20-6(a).

5 **(c) This subsection applies to a resolution described in**
 6 **subsection (a) that is adopted after June 30, 2022. A resolution**
 7 **shall specify that a portion of the proposed levy will be distributed**
 8 **to applicable charter schools in the manner described under**
 9 **IC 20-40-20-7.**

10 **(d) This subsection applies to a resolution described in**
 11 **subsection (a) that is adopted after June 30, 2022. The resolution**
 12 **described in subsection (a) shall include a projection of the amount**
 13 **that the school corporation expects to distribute to a particular**
 14 **charter school, excluding virtual charter schools or adult high**
 15 **schools, under IC 20-40-20-7. At least sixty (60) days before the**
 16 **resolution described in subsection (a) is voted on by the governing**
 17 **body, the school corporation shall contact the department to**
 18 **determine the number of students in kindergarten through grade**
 19 **12 who reside within the attendance area of the school corporation**
 20 **but attend a charter school, excluding virtual charter schools or**
 21 **adult high schools. The department shall provide the school**
 22 **corporation with the number of students residing within the**
 23 **attendance area of the school corporation who attend a charter**
 24 **school which shall be disaggregated, for each particular charter**
 25 **school, excluding a virtual charter school or adult high school, in**
 26 **which the students residing within the attendance area attend. The**
 27 **projection may include an expected increase in charter schools**
 28 **during the term the levy is imposed. The department of local**
 29 **government finance shall prescribe the manner in which the**
 30 **projection shall be calculated. The governing body shall take into**
 31 **consideration the projection when adopting the revenue spending**
 32 **plan under subsection (g).**

33 ~~(e)~~ **(e)** The governing body of the school corporation shall certify a
 34 copy of the resolution to the following:

35 (1) The department of local government finance, including:

36 (A) the language for the question required by section 9 of this
 37 chapter, or in the case of a resolution to extend a referendum
 38 levy certified to the department of local government finance,
 39 section 10 of this chapter; and

40 (B) a copy of the revenue spending plan adopted under
 41 subsection ~~(e)~~: **(g)**.

42 The language of the public question must include the estimated



1 average percentage increases certified by the county auditor under
 2 section 9(d) of this chapter. The governing body of the school
 3 corporation shall also provide the county auditor's certification
 4 described in section 9(d) of this chapter. The department of local
 5 government finance shall post the values certified by the county
 6 auditor to the department's Internet web site. The department shall
 7 review the language for compliance with section 9 or 10 of this
 8 chapter, whichever is applicable, and either approve or reject the
 9 language. The department shall send its decision to the governing
 10 body of the school corporation not more than ten (10) days after
 11 the resolution is submitted to the department. If the language is
 12 approved, the governing body of the school corporation shall
 13 certify a copy of the resolution, including the language for the
 14 question and the department's approval.

15 (2) The county fiscal body of each county in which the school
 16 corporation is located (for informational purposes only).

17 (3) The circuit court clerk of each county in which the school
 18 corporation is located.

19 ~~(d)~~ (f) The resolution described in subsection (a) must indicate
 20 whether proceeds in the school corporation's fund collected from a tax
 21 levy under this chapter will be used to provide a distribution to a
 22 charter school or charter schools, excluding a virtual charter school,
 23 under IC 20-40-20-6(b) as well as the amount that will be distributed
 24 to the particular charter school or charter schools. A school corporation
 25 may request from the designated charter school or charter schools any
 26 financial documentation necessary to demonstrate the financial need of
 27 the charter school or charter schools.

28 ~~(e)~~ (g) As part of the resolution described in subsection (a), the
 29 governing body of the school corporation shall adopt a revenue
 30 spending plan for the proposed referendum tax levy that includes:

31 (1) an estimate of the amount of annual revenue expected to be
 32 collected if a levy is imposed under this chapter;

33 (2) the specific purposes described in IC 20-40-20-6 for which the
 34 revenue collected from a levy imposed under this chapter will be
 35 used; ~~and~~

36 (3) an estimate of the annual dollar amounts that will be expended
 37 for each purpose described in subdivision (2); ~~and~~

38 **(4) for a resolution for a referendum passed after June 30,**
 39 **2022, the projected revenue that shall be distributed to**
 40 **charter schools as provided in subsection (d). The spending**
 41 **plan shall also take into consideration deviations in the**
 42 **proposed revenue spending plan if the actual charter school**



1 **distributions exceed or are lower than the projected charter**
 2 **school distribution described in subsection (d).**

3 ~~(f)~~ **(h)** A school corporation shall specify in its proposed budget the
 4 school corporation's revenue spending plan adopted under subsection
 5 ~~(e)~~ **(g)** and annually present the revenue spending plan at its public
 6 hearing on the proposed budget under IC 6-1.1-17-3.

7 SECTION 15. IC 20-46-9-7, AS ADDED BY P.L.272-2019,
 8 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 9 JULY 1, 2022]: Sec. 7. **(a)** A resolution to extend a referendum levy
 10 must be:

11 (1) adopted by the governing body of a school corporation; and
 12 (2) approved in a referendum under this chapter;
 13 before December 31 of the final calendar year in which the school
 14 corporation's previously approved referendum levy is imposed under
 15 this chapter.

16 **(b) For a resolution adopted under this section after June 30,**
 17 **2022, the resolution must include the projected charter school**
 18 **distribution described in section 6(d) of this chapter and indicate**
 19 **the distributions to applicable charter schools in accordance with**
 20 **IC 20-40-20-7.**

