



January 18, 2024

HOUSE BILL No. 1380

DIGEST OF HB 1380 (Updated January 18, 2024 2:31 pm - DI 92)

Citations Affected: IC 4-21.5; IC 20-19; IC 20-24; IC 20-25.7; IC 20-26; IC 20-32; IC 20-35; IC 20-46; IC 20-51; IC 20-51.4; IC 20-52.

Synopsis: Various education matters. Requires the secretary of education to prepare and submit to the general assembly the following: (1) A plan to establish a pilot program concerning the use, operation, and management of school facilities to promote student learning and outcomes. (2) A plan to establish a pilot program concerning student transportation. Makes various changes to innovation network school and participating innovation network charter school provisions regarding the following: (1) The terms that must be included in an agreement entered into between: (A) an innovation network team and the governing body of a school corporation; and (B) an organizer and the governing body of a school corporation. (2) Restrictions on altering an agreement. (3) Restrictions on a school corporation charging an innovation network school or participating innovation network charter school for goods and services. (4) Required distribution of state tuition support. (5) Restrictions regarding altering the use of a facility
(Continued next page)

Effective: Upon passage; July 1, 2024.

Behning, Davis, McGuire

January 10, 2024, read first time and referred to Committee on Education.
January 18, 2024, amended, reported — Do Pass.

HB 1380—LS 6956/DI 110



Digest Continued

occupied by an innovation network school or participating innovation network charter school. (6) Administrative fees. Makes changes to the student learning recovery grant program concerning the following: (1) The purpose for which the program was established with regard to disruption in education caused by the coronavirus disease pandemic and insufficient alternatives. (2) The limitation of the program to only certain state fiscal years. (3) Allowing the department of education (department) to require matching grant amounts. Provides that a student's Indiana enrichment scholarship account terminates under conditions established by the department (instead of October 1, 2024). Includes charter school corporations in certain provisions concerning the distribution of state tuition support to an organizer. Provides that when a parent agrees to participate in a: (1) mediation or (2) facilitated individualized education program (IEP) meeting through the department; and subsequently initiates a due process hearing, a public agency shall have the burden of proof at the subsequent due process hearing. Provides that a public agency shall have the burden of proof, including the burden of persuasion and production, for all expedited due process hearings, regardless of whether a mediation or facilitated IEP meeting was initiated before filing for the expedited due process hearing. Provides that a public agency shall not require, as part of a resolution of a due process hearing or a dispute relating to the provision of special education services to a particular student, that a parent of a student or an emancipated student enter into a nondisclosure, nondisparagement, or confidentiality agreement or clause. Amends the date by which a student has to be a certain age to be eligible to participate in a school scholarship program and the Indiana education scholarship account program. Removes a condition with regard to requiring certain school corporations to accept transferring students who do not have legal settlement in the school corporation. Removes provisions regarding the payment of transfer tuition. Provides that a transferee corporation may not require a parent or student requesting transfer to the school corporation to pay transfer tuition or any other fee associated with the transfer of the student. Removes a provision that requires use of certain federal funds under the Indiana student enrichment grant program. Repeals the following provisions regarding the student learning recovery grant program: (1) The appropriation in the 2021 fiscal year. (2) The expiration of the program. Repeals provisions regarding the expiration of the Indiana student enrichment grant program. Makes certain changes to the referendum time line.

HB 1380—LS 6956/DI 110



January 18, 2024

Second Regular Session of the 123rd General Assembly (2024)

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 2023 Regular Session of the General Assembly.

HOUSE BILL No. 1380

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 4-21.5-3-14, AS AMENDED BY P.L.32-2011,
2 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2024]: Sec. 14. (a) An administrative law judge conducting a
4 proceeding shall keep a record of the administrative law judge's
5 proceedings under this article.

6 (b) If a motion is based on facts not otherwise appearing in the
7 record for the proceeding, the administrative law judge may hear the
8 matter on affidavits presented by the respective parties or the
9 administrative law judge may direct that the matter be heard wholly or
10 partly on oral testimony or depositions.

11 (c) **Except as provided in IC 20-35-6-5**, at each stage of the
12 proceeding, the agency or other person requesting that an agency take
13 action or asserting an affirmative defense specified by law has the
14 burden of persuasion and the burden of going forward with the proof
15 of the request or affirmative defense. Before the hearing on which the

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1 party intends to assert it, a party shall, to the extent possible, disclose
 2 any affirmative defense specified by law on which the party intends to
 3 rely. If a prehearing conference is held in the proceeding, a party
 4 notified of the conference shall disclose the party's affirmative defense
 5 in the conference.

6 (d) The proceedings before an administrative law judge are de novo.

7 SECTION 2. IC 20-19-3-32 IS ADDED TO THE INDIANA CODE
 8 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 9 1, 2024]: **Sec. 32. (a) Not later than November 1, 2024, the secretary
 10 of education shall prepare and submit to the general assembly in
 11 an electronic format under IC 5-14-6 a plan to establish a pilot
 12 program that provides innovative approaches concerning the use,
 13 operation, and management of school facilities to promote:**

14 (1) enhanced learning environments;

15 (2) unique learning opportunities; and

16 (3) improved student academic and health outcomes.

17 SECTION 3. IC 20-19-3-33 IS ADDED TO THE INDIANA CODE
 18 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 19 1, 2024]: **Sec. 33. (a) Not later than November 1, 2024, the secretary
 20 of education shall prepare and submit to the general assembly in
 21 an electronic format under IC 5-14-6 a plan to establish a pilot
 22 program that encompasses innovative approaches for increasing
 23 transportation of students enrolled at a:**

24 (1) public school, including a charter school; or

25 (2) nonpublic school with at least one (1) employee;

26 **to travel to and from a school or other learning opportunities in a
 27 safe and efficient manner.**

28 SECTION 4. IC 20-24-1-4.5 IS ADDED TO THE INDIANA CODE
 29 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 30 1, 2024]: **Sec. 4.5. "Charter school corporation" means a collection
 31 of charter schools operated by the same organizer under a single
 32 charter and approved by the state board to receive a school
 33 corporation identification number.**

34 SECTION 5. IC 20-24-7-1, AS AMENDED BY P.L.218-2015,
 35 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 36 JULY 1, 2024]: **Sec. 1. (a) The organizer is the fiscal agent for the
 37 charter school.**

38 (b) The organizer has exclusive control of:

39 (1) funds received by the charter school; and

40 (2) financial matters of the charter school.

41 (c) The organizer shall maintain accounts of all funds received and
 42 disbursed by the organizer. The organizer shall maintain separate



1 accountings of all funds received and disbursed by each charter school
2 it holds.

3 (d) Notwithstanding IC 20-43, an organizer that operates more than
4 one (1) charter school **or charter school corporation** may file, before
5 July 1 of each year, a notice with the department that the organizer
6 desires to receive the tuition support distributions, and in the case of an
7 adult high school (as defined in IC 20-24-1-2.3), funding provided in
8 the state biennial budget for adult high schools, for all the charter
9 schools the organizer operates **or the charter school corporation as**
10 **a whole.** After the organizer's authorizer or authorizers verify to the
11 department that the organizer operates the charter schools **or charter**
12 **school corporation,** the department shall distribute the tuition support,
13 and in the case of an adult high school (as defined in IC 20-24-1-2.3),
14 funding provided in the state biennial budget for adult high schools, for
15 the verified charter schools to the organizer **or the charter school**
16 **corporation.** The organizer **or charter school corporation** may
17 distribute the tuition support distribution it receives to each charter
18 school it operates in the amounts determined by the organizer.
19 However, an organizer that receives money from the state under this
20 subsection may not use any of the money received for expenses
21 incurred outside Indiana that are not directly related to the charter
22 school the organizer operates in Indiana.

23 (e) Organizers **or charter school corporations** receiving tuition
24 support under this section may submit a consolidated audit in
25 accordance with guidelines established by the state examiner and
26 submit any required financial reporting to the department in a manner
27 prescribed by the state examiner. **A consolidated audit must include**
28 **a breakdown of the activities, financial position, and functional**
29 **expenses of the school.** The state examiner shall establish guidelines
30 and prescribe reporting requirements for organizers under this section
31 that are consistent with generally accepted accounting principles
32 (GAAP) and the needs of the department.

33 SECTION 6. IC 20-25.7-4-5, AS AMENDED BY P.L.246-2023,
34 SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
35 JULY 1, 2024]: Sec. 5. (a) The board shall enter into an agreement
36 with an innovation network team to establish an innovation network
37 school or to reconstitute an eligible school as an innovation network
38 school under section 3 or 4 of this chapter. An innovation network team
39 may consist of or include teachers, a principal, a superintendent, or any
40 combination of these individuals who were employed at the eligible
41 school before the agreement is entered.

42 (b) The terms of the agreement must specify the following:



- 1 (1) A statement that the innovation network school is considered
 2 to be part of the school corporation and not considered a separate
 3 local educational agency.
- 4 (2) A statement that the innovation network team authorizes the
 5 department to include the innovation network school's
 6 performance assessment results under IC 20-31-8 when
 7 calculating the school corporation's performance assessment
 8 under rules adopted by the state board.
- 9 (3) The amount of ~~state and~~ federal funding ~~including tuition~~
 10 ~~support~~, and money levied as property taxes that will be
 11 distributed by the school corporation to the innovation network
 12 school.
- 13 (4) The performance goals and accountability metrics agreed
 14 upon for the innovation network school.
- 15 (5) Grounds for termination of the agreement, including the right
 16 of termination if the innovation network team fails to:
- 17 (A) comply with the conditions or procedures established in
 18 the agreement;
- 19 (B) meet generally accepted fiscal management and
 20 government accounting principles;
- 21 (C) comply with applicable laws; or
- 22 (D) meet the educational goals set forth in the agreement
 23 between the board and the innovation network team.
- 24 ~~(6) For an agreement entered into or renewed after June 30, 2023,~~
 25 ~~the process the board is required to follow in determining whether~~
 26 ~~to renew the agreement.~~
- 27 **(6) For an agreement entered into or renewed after June 30,**
 28 **2024, and subject to section 9 of this chapter, the innovation**
 29 **network school's enrollment and discipline policies, including**
 30 **defined attendance areas and enrollment zones as established**
 31 **by the innovation network team.**
- 32 **(7) For an agreement entered into or renewed after June 30,**
 33 **2024, a provision that the board will automatically renew all**
 34 **agreements for successive five (5) year terms unless one (1)**
 35 **party to the agreement provides written notice to the other**
 36 **party not less than one hundred eighty (180) days before the**
 37 **date the agreement expires that the party will not be renewing**
 38 **the agreement.**
- 39 **(8) Subject to an administrative fee as described in subsection**
 40 **(f), for an agreement entered into or renewed after June 30,**
 41 **2024, a statement that the school corporation will distribute**
 42 **one hundred percent (100%) of state tuition support dollars**



1 **that the school corporation receives from student enrollment**
 2 **in the innovation network school in accordance with the**
 3 **school funding formula to the innovation network school.**

4 (c) If an agreement is entered into under subsection (a), the board
 5 shall notify the department that an agreement has been entered into
 6 under this section within thirty (30) days after the agreement is entered
 7 into.

8 (d) Upon receipt of the notification under subsection (c), for school
 9 years starting after the date of the agreement:

10 (1) the department shall include the innovation network school's
 11 performance assessment results under IC 20-31-8 when
 12 calculating the school corporation's performance assessment
 13 under rules adopted by the state board;

14 (2) the department shall treat the innovation network school in the
 15 same manner as a school operated by the school corporation when
 16 calculating the total amount of state and federal funding to be
 17 distributed to the school corporation; and

18 (3) if requested by an innovation network school established
 19 under IC 20-25.5-4-2(a)(2) (before its repeal) or
 20 IC 20-25.7-4-4(a)(2), the department may use student growth as
 21 the state board's exclusive means to determine the innovation
 22 network school's category or designation of school improvement
 23 under 511 IAC 6.2-10-10 for a period of three (3) years.
 24 Beginning with the 2019-2020 school year, the department may
 25 not use student growth as the state board's exclusive means to
 26 determine an innovation network school's category or designation
 27 of school improvement. This subdivision expires July 1, 2023.

28 A school corporation and an innovation network school are not entitled
 29 to any state funding in addition to the amount the school corporation
 30 and school would otherwise be eligible to receive if the innovation
 31 network school were a public school maintained by the school
 32 corporation.

33 (e) If a board or innovation network team fails to follow the renewal
 34 process described in subsection ~~(b)(6)~~; **(b)(7)**, the board or innovation
 35 network team may appeal to the state board. The state board shall hear
 36 the appeal in a public meeting and ensure that the board or innovation
 37 network team follows the renewal process specified in the agreement.
 38 The board may not terminate an agreement until the board has provided
 39 evidence to the state board that the board has complied with the
 40 renewal process specified in the agreement. The state board shall issue
 41 a decision on an appeal under this subsection not later than sixty (60)
 42 days after the date the board or innovation network team submitted the



1 appeal to the state board.

2 (f) If an administrative fee is included in an agreement entered into
3 or renewed after June 30, 2023, under this section, the fee may not
4 exceed one percent (1%) of the total amount of state tuition support
5 that is distributed to the school corporation based on the student
6 enrollment of the innovation network school.

7 **(g) An agreement entered into between the board and an**
8 **innovation network team under this section may not be altered**
9 **without approval from the innovation network team.**

10 SECTION 7. IC 20-25.7-4-6, AS AMENDED BY P.L.246-2023,
11 SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
12 JULY 1, 2024]: Sec. 6. (a) For as long as an innovation network team
13 operates an innovation network school:

14 (1) the innovation network team may use the school building, the
15 accompanying real property, and the building's contents,
16 equipment, and supplies, as provided in the agreement established
17 under section 5 of this chapter;

18 (2) the school corporation may:

19 (A) provide transportation for students attending the
20 innovation network school; and

21 (B) maintain and repair the buildings and grounds consistent
22 with the maintenance and repair to the school corporation's
23 other buildings and grounds; ~~and~~

24 (3) the innovation network team and the school corporation may
25 enter into an agreement to transfer the ownership of a school
26 corporation facility to the innovation network team; **and**

27 **(4) the school corporation may not alter the use of the facility**
28 **occupied by the innovation network school without agreement**
29 **from the innovation network team.**

30 (b) If an innovation network team contracts with a school
31 corporation for goods or services, the school corporation may not
32 charge the innovation network team more for the goods or services than
33 the school corporation pays for the goods or services. A school
34 corporation may not require an innovation network team to contract for
35 specific goods or services provided by the school corporation or any
36 other entity.

37 (c) A school corporation and an innovation network team may
38 negotiate to require specific services with regard to an innovation
39 network school during the term of an agreement. However, subject to
40 subsection (d), an innovation network team must be able to select the
41 service provider for the services.

42 (d) A school corporation may require an innovation network school



1 to:

- 2 (1) use the school corporation's student information system; and
 3 (2) comply with the school corporation's networking,
 4 cybersecurity, and device standards.

5 However, nothing in this subsection may be construed to allow a school
 6 corporation to alter an innovation network team's autonomy to
 7 determine the academic programming of the innovation network team's
 8 school.

9 (e) For as long as an innovation network team operates an
 10 innovation network school, the school corporation may distribute
 11 money levied as property taxes to the innovation network team.
 12 Property taxes distributed to an innovation network team must be used
 13 only for a purpose for which the property taxes could have been used
 14 by the school corporation. Property taxes distributed under this
 15 subsection may supplement services and property provided under
 16 subsection (a) or (b). The parties may jointly modify an agreement
 17 described in section 5 of this chapter to implement this subsection.

18 (f) An agreement concerning the transfer of ownership of a school
 19 corporation facility to an innovation network team described in
 20 subsection (a) is not subject to IC 20-26-7.1.

21 **(g) A school corporation may not charge an innovation network**
 22 **team for goods and services for which funds from the school**
 23 **corporation's property tax levy (IC 20-46-8) are paid for the school**
 24 **corporation unless:**

- 25 **(1) the innovation network team is receiving a pro rata share**
 26 **of funds from any operations fund property tax levy paid to**
 27 **the school corporation under IC 20-46-8 in which the**
 28 **innovation network school is located; and**
 29 **(2) the school corporation transfers a pro rata share from the**
 30 **school corporation's operating referendum tax levy fund**
 31 **under IC 20-40-3 to the innovation network school.**

32 SECTION 8. IC 20-25.7-4-12 IS ADDED TO THE INDIANA
 33 CODE AS A NEW SECTION TO READ AS FOLLOWS
 34 [EFFECTIVE JULY 1, 2024]: **Sec. 12. (a) Subject to an**
 35 **administrative fee as described in section 5(f) of this chapter, a**
 36 **school corporation that enters into an agreement with an**
 37 **innovation network team under this chapter shall distribute one**
 38 **hundred percent (100%) of state tuition support dollars that the**
 39 **school corporation receives from student enrollment in the**
 40 **innovation network school in accordance with the school funding**
 41 **formula to the innovation network school.**

42 **(b) Unless an agreement entered into before July 1, 2024,**



1 **between a board and an innovation network team provides**
 2 **otherwise, all innovation network schools operating under existing**
 3 **agreements with boards as of July 1, 2024, will receive funds as**
 4 **required under subsection (a).**

5 SECTION 9. IC 20-25.7-5-2, AS AMENDED BY P.L.201-2023,
 6 SECTION 159, AND AS AMENDED BY P.L.246-2023, SECTION
 7 31, AND AS AMENDED BY THE TECHNICAL CORRECTIONS
 8 BILL OF THE 2024 GENERAL ASSEMBLY, IS CORRECTED AND
 9 AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]:
 10 Sec. 2. (a) The board may enter into an agreement with an organizer to
 11 reconstitute an eligible school as a participating innovation network
 12 charter school or to establish a participating innovation network charter
 13 school at a location selected by the board within the boundary of the
 14 school corporation. Notwithstanding IC 20-26-7.1, a participating
 15 innovation network charter school may be established within a vacant
 16 school building.

17 (b) The terms of the agreement entered into between the board and
 18 an organizer must specify the following:

19 (1) A statement that the organizer authorizes the department to
 20 include the charter school's performance assessment results under
 21 IC 20-31-8 when calculating the school corporation's performance
 22 assessment under rules adopted by the state board.

23 (2) ~~The amount of state funding, including tuition support~~
 24 **Subject to an administrative fee as described in subsection (g),**
 25 **a statement that the school corporation will distribute one**
 26 **hundred percent (100%) of state tuition support dollars that**
 27 **the school corporation receives from student enrollment in the**
 28 **participating innovation network charter school in**
 29 **accordance with the school funding formula to the**
 30 **participating innovation network charter school (if the**
 31 **participating innovation network charter school is treated in the**
 32 **same manner as a school operated by the school corporation**
 33 **under subsection (d)(2)). and money levied as property taxes that**
 34 **will be distributed by the school corporation to the organizer.**

35 (3) The performance goals and accountability metrics agreed
 36 upon for the charter school in the charter agreement between the
 37 organizer and the authorizer **and, for an agreement entered into**
 38 **or renewed after June 30, 2024, a statement that the school**
 39 **corporation is prohibited from setting additional performance**
 40 **goals or accountability metrics.**

41 ~~(4) For an agreement entered into or renewed after June 30,~~
 42 ~~2023, the process the board is required to follow in determining~~



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whether to renew the agreement.

(4) The amount of money levied as property taxes that will be distributed by the school corporation to the organizer.

(5) For an agreement entered into or renewed after June 30, 2024, and subject to section 5 of this chapter, the participating innovation network charter school's enrollment and discipline policies, including defined attendance areas and enrollment zones as established by the organizer.

(6) For an agreement entered into or renewed after June 30, 2024, a provision that the board will automatically renew all agreements for successive five (5) year terms unless one (1) party to the agreement provides written notice to the other party not less than one hundred eighty (180) days before the date the agreement expires that the party will not be renewing the agreement.

(7) For an agreement entered into or renewed after June 30, 2024, a statement that the board agrees that the charter agreement between an organizer and the authorizer of a participating innovation network charter school supersedes the agreement entered into under this section.

(c) If an organizer and the board enter into an agreement under subsection (a), the organizer and the board shall notify the department that the agreement has been made under this section within thirty (30) days after the agreement is entered into.

(d) Upon receipt of the notification under subsection (c), for school years starting after the date of the agreement:

(1) the department shall include the participating innovation network charter school's performance assessment results under IC 20-31-8 when calculating the school corporation's performance assessment under rules adopted by the state board;

(2) the department shall treat the participating innovation network charter school in the same manner as a school operated by the school corporation when calculating the total amount of state funding to be distributed to the school corporation unless subsection (e) applies; and

(3) if requested by a participating innovation network charter school that reconstitutes an eligible school, the department may use student growth as the state board's exclusive means to determine the innovation network charter school's category or designation of school improvement under 511 IAC 6.2-10-10 for a period of three (3) years. Beginning with the 2019-2020 school year, the department may not use student growth as the state



1 board's exclusive means to determine an innovation network
 2 charter school's category or designation of school improvement.

3 This subdivision expires July 1, 2023.

4 (e) If a participating innovation network school was established
 5 before January 1, 2016, and for the current school year has a
 6 complexity index that is greater than the complexity index for the
 7 school corporation that the innovation network school has contracted
 8 with, the innovation network school shall be treated as a charter school
 9 for purposes of determining tuition support. This subsection expires
 10 June 30, ~~2023~~. 2025.

11 (f) *If the board or organizer fails to follow the process described in*
 12 *subsection ~~(b)(4)~~, **(b)(6)**, the board or organizer may appeal to the*
 13 *state board. The state board shall hear the appeal in a public meeting*
 14 *and ensure that the board or organizer follows the renewal process*
 15 *specified in the agreement. The board may not terminate an agreement*
 16 *until the board has provided evidence to the state board that the board*
 17 *has complied with the renewal process specified in the agreement. The*
 18 *state board shall issue a decision on an appeal under this subsection*
 19 *not later than sixty (60) days after the date the board or organizer*
 20 *submitted the appeal to the state board.*

21 (g) *If an administrative fee is included in an agreement entered into*
 22 *or renewed after June 30, 2023, under this section, the fee may not*
 23 *exceed one percent (1%) of the total amount of state tuition support*
 24 *that is distributed to the school corporation based on the participating*
 25 *innovation network charter school's student enrollment.*

26 **(h) An agreement entered into between the board and an**
 27 **organizer under this section may not be altered without approval**
 28 **from the organizer.**

29 SECTION 10. IC 20-25.7-5-3, AS AMENDED BY P.L.246-2023,
 30 SECTION 32, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 31 JULY 1, 2024]: Sec. 3. (a) For as long as a charter school remains a
 32 participating innovation network charter school: ~~the school corporation~~
 33 ~~may:~~

34 (1) **the school corporation may** provide transportation for
 35 students attending the participating innovation network charter
 36 school;

37 (2) **the school corporation may** maintain and repair the
 38 buildings and grounds used by the participating innovation
 39 network charter school consistent with the maintenance and repair
 40 to the school corporation's other buildings and grounds; ~~and~~

41 (3) **the school corporation may** enter into an agreement to
 42 transfer the ownership of a school corporation facility to the



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organizer; **and**
(4) the school corporation may not alter the use of the facility occupied by the participating innovation network charter school without agreement from the organizer.

(b) If an organizer contracts with a school corporation for goods or services, the school corporation may not charge the organizer more for the goods or services than the school corporation pays for the goods or services. A school corporation may not require an organizer to contract for specific goods or services provided by the school corporation or any other entity.

(c) A school corporation and an organizer may negotiate to require specific services with regard to a participating innovation network charter school during the term of an agreement. However, an organizer must be able to select the service provider for the services.

(d) For as long as a charter school remains a participating innovation network charter school, the school corporation may distribute money levied as property taxes to the charter school. Property taxes distributed to a charter school must be used only for a purpose for which the property taxes could have been used by the school corporation. Property taxes distributed under this subsection may supplement services and property provided under subsection (a) or (b). The parties may jointly modify an agreement described in section 2 of this chapter to implement this subsection.

(e) An agreement concerning the transfer of ownership of a school corporation facility described in subsection (a) is not subject to IC 20-26-7.1.

(f) A school corporation may not charge an organizer for goods and services for which funds from the school corporation's property tax levy (IC 20-46-8) are paid for the school corporation unless:

- (1) the organizer is receiving a pro rata share of funds from any operations fund property tax levy paid to the school corporation under IC 20-46-8 in which the participating innovation network charter school is located; and**
- (2) the school corporation transfers a pro rata share from the school corporation's operating referendum tax levy fund under IC 20-40-3 to the participating innovation network charter school.**

SECTION 11. IC 20-25.7-5-6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: **Sec. 6. (a) Subject to an administrative fee as described in section 2(g) of this chapter, a school corporation**



1 that enters into an agreement with an organizer under this chapter
 2 shall distribute one hundred percent (100%) of state tuition
 3 support dollars that the school corporation receives from student
 4 enrollment in the participating innovation network charter school
 5 in accordance with the school funding formula to the participating
 6 innovation network charter school.

7 (b) Unless an agreement entered into before July 1, 2024,
 8 between a board and an organizer provides otherwise, all
 9 participating innovation network charter schools operating under
 10 existing agreements with boards as of July 1, 2024, will receive
 11 funds as required under subsection (a).

12 SECTION 12. IC 20-26-7.1-1, AS AMENDED BY P.L.189-2023,
 13 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 14 UPON PASSAGE]: Sec. 1. (a) For purposes of this section, "charter
 15 school" does not include a virtual charter school or adult high
 16 school.

17 (b) This chapter does not apply to the following:

18 (1) A school building that since July 1, 2011, is leased or loaned
 19 by the school corporation that owns the school building to another
 20 entity, if the entity is not a building corporation or other entity that
 21 is related in any way to, or created by, the school corporation or
 22 the governing body.

23 (2) A school corporation that distributes money that is received as
 24 part of a tax levy collected under IC 20-46-1 or IC 20-46-9 to an
 25 applicable charter school.

26 (2) A school corporation in which the county auditor
 27 distributes revenue as required under IC 20-46-1-21 to each
 28 charter school described in IC 20-46-1-21(b).

29 (3) A school corporation to which the following apply:

30 (A) The school corporation approves a resolution to
 31 impose an operating referendum tax levy under IC 20-46-1
 32 that includes sharing the revenue from the referendum tax
 33 levy in the amounts described in clause (B) with each
 34 charter school that:

- 35 (i) a student who resides within the attendance area of
- 36 the school corporation attends; and
- 37 (ii) elects to participate in the referendum.

38 (B) The amount of referendum tax levy revenue that the
 39 school corporation is required to share with each charter
 40 school under the resolution described in clause (A) is equal
 41 to the amount determined applying the formula under
 42 IC 20-46-1-21(d).



1 **(C) The referendum tax levy described in clause (A) is**
 2 **approved by the voters.**

3 **(D) The school corporation distributes the amounts**
 4 **described in clause (B) to each charter school described in**
 5 **clause (A).**

6 SECTION 13. IC 20-26-11-6, AS AMENDED BY P.L.30-2010,
 7 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 8 JULY 1, 2024]: Sec. 6. (a) A school corporation may accept a
 9 transferring student without approval of the transferor corporation
 10 under section 5 of this chapter.

11 (b) A transfer may be accepted regardless of whether, as a condition
 12 of the transfer, the transferee school requires the requesting parents or
 13 student to pay transfer tuition in an amount determined under the
 14 formula established in section 13 of this chapter for the payment of
 15 transfer tuition by a transferor school corporation. However, if the
 16 transferee school elects to charge transfer tuition, the transferee school
 17 may not offset the amounts described in section 13(b) STEP TWO (B)
 18 through section 13(b) STEP TWO (D) of this chapter from the amount
 19 charged to the requesting parents or student.

20 (c) When the transferee school elects to charge tuition to the
 21 requesting parents or student, the tuition determined under subsection
 22 (b) must be paid by the parents or the student before the end of the
 23 school year in installments as determined by the transferee corporation.

24 (d) Failure to pay a tuition installment that is agreed to by the
 25 parents or student and the transferee school corporation is a ground for
 26 exclusion from school.

27 (e) If the transferee school elects not to charge transfer tuition to the
 28 parents or student under this section, the transferee school may not
 29 charge transfer tuition or fees to the transferor school.

30 **(b) A transferee corporation may not require a parent or**
 31 **student requesting transfer to the school corporation to pay**
 32 **transfer tuition or any other fee associated with the transfer of the**
 33 **student.**

34 SECTION 14. IC 20-26-11-6.7, AS AMENDED BY P.L.92-2020,
 35 SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 36 JULY 1, 2024]: Sec. 6.7. (a) This section:

37 (1) applies to a school corporation that does not have a policy of
 38 accepting transfer students having legal settlement outside the
 39 attendance area of the transferee school corporation; and

40 (2) does not apply to a school corporation that has more than one
 41 (1) high school.

42 (b) Notwithstanding this chapter, a school corporation shall accept



1 a transferring student who resides in Indiana and who does not have
2 legal settlement in the school corporation if:

3 (1) the student attended a state accredited nonpublic elementary
4 school located in the attendance area of the transferee school
5 corporation for at least two (2) school years immediately
6 preceding the school year in which the student transfers to a high
7 school in the transferee school corporation under this section;

8 (2) the student is transferring because the state accredited
9 nonpublic school from which the student is transferring does not
10 offer grades 9 through 12; **and**

11 ~~(3) the majority of the students in the same grade as the~~
12 ~~transferring student at the state accredited nonpublic school have~~
13 ~~legal settlement in the transferee school corporation and will~~
14 ~~attend a school under the authority of the transferee school~~
15 ~~corporation; and~~

16 ~~(4) (3) the transferee school corporation has the capacity to accept~~
17 ~~students.~~

18 (c) If the number of students who request to transfer to a transferee
19 school corporation under this section causes the school corporation to
20 exceed the school corporation's maximum student capacity, the
21 governing body shall determine which students will be admitted as
22 transfer students by a random drawing in a public meeting.

23 SECTION 15. IC 20-32-8.7-5, AS AMENDED BY P.L.171-2023,
24 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
25 JULY 1, 2024]: Sec. 5. (a) The student learning recovery grant program
26 is established to provide grants to an eligible entity for the purpose of
27 providing recovery learning and remediation to students in
28 kindergarten through grade 12 who:

29 (1) have experienced learning loss;

30 (2) have fallen behind in acquiring anticipated grade level
31 academic skills and knowledge;

32 (3) have scored below academic standards or average
33 benchmarks; or

34 (4) are at risk of falling below academic standards.

35 ~~due to the disruption in student education caused by the coronavirus~~
36 ~~disease (COVID-19) pandemic and insufficient instructional~~
37 ~~alternatives.~~

38 (b) The department shall administer the program.

39 (c) The department may award grants to eligible entities under the
40 program. ~~in state fiscal year 2024 and state fiscal year 2025 from funds~~
41 ~~appropriated during the 2021 regular session of the Indiana general~~
42 ~~assembly that have not been obligated.~~



1 SECTION 16. IC 20-32-8.7-7, AS AMENDED BY P.L.171-2023,
 2 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 3 JULY 1, 2024]: Sec. 7. ~~(a)~~ To be eligible to receive a grant under this
 4 chapter, an eligible entity must do the following:

5 (1) Apply on a form and in a manner established by the
 6 department.

7 (2) Apply by a date established by the department.

8 (3) Develop and submit to the department a student learning
 9 recovery plan that meets the requirements in section 8 of this
 10 chapter and any other requirements established by the department.
 11 ~~including a requirement that a school corporation or charter~~
 12 ~~school identified in the plan provide a matching grant in an~~
 13 ~~amount determined by the department.~~

14 (4) Specify the amount requested in the student learning recovery
 15 plan submitted by the eligible entity under subdivision (3).

16 ~~(b) If a school corporation or charter school is required to provide~~
 17 ~~a matching grant as part of a student learning recovery plan, the~~
 18 ~~matching grant may only consist of federal funds received by the~~
 19 ~~school corporation or charter school.~~

20 SECTION 17. IC 20-32-8.7-8, AS AMENDED BY P.L.216-2021,
 21 SECTION 32, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 22 JULY 1, 2024]: Sec. 8. (a) To be eligible to receive a grant under this
 23 chapter, an eligible entity must develop and submit to the department
 24 a student learning recovery plan to provide recovery learning to
 25 students of the eligible entity described in section 5(a) of this chapter.

26 (b) A plan developed under subsection (a) must do the following:

27 (1) Address learning loss associated with the purpose of the
 28 program described in section 5(a) of this chapter.

29 (2) Identify metrics to measure learning recovery under the
 30 program as well as the proposed measurable and specific
 31 improvements to be made to demonstrate learning recovery.

32 (3) Provide for recovery learning to be offered in an in person
 33 setting, and may not offer recovery learning in a virtual setting.

34 ~~(4) Include requirements that if the eligible entity receives any~~
 35 ~~federal grants or money for a similar purpose in which the eligible~~
 36 ~~entity is requesting a grant under this chapter, the eligible entity~~
 37 ~~must use the federal grant or money before using any grant money~~
 38 ~~awarded by the department under section 9 of this chapter.~~

39 SECTION 18. IC 20-32-8.7-13, AS AMENDED BY P.L.171-2023,
 40 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 41 JULY 1, 2024]: Sec. 13. (a) Not later than July 1 ~~2023~~, ~~and July 1,~~
 42 ~~2024~~, of each year, the department shall prepare an annual report that



1 includes the following:

2 (1) A list of all of the eligible entities that participated in the
3 program.

4 (2) The amount of the grant awarded to each participating eligible
5 entity.

6 (3) The total amount of grants awarded under this chapter.

7 (b) The department shall submit the report described in subsection
8 (a) to the:

9 (1) governor; and

10 (2) legislative council in an electronic format under IC 5-14-6.

11 SECTION 19. IC 20-32-8.7-15 IS REPEALED [EFFECTIVE JULY
12 1, 2024]. ~~Sec. 15: There is appropriated to the fund one hundred fifty~~
13 ~~million dollars (\$150,000,000) from the state general fund for the~~
14 ~~purposes of providing grants under this chapter for the state fiscal year~~
15 ~~beginning July 1, 2020; and ending June 30, 2021. Funds appropriated~~
16 ~~under this section do not revert to the state general fund and remain~~
17 ~~available to be spent for purposes of the program.~~

18 SECTION 20. IC 20-32-8.7-16 IS REPEALED [EFFECTIVE JULY
19 1, 2024]. ~~Sec. 16: This chapter expires July 1, 2025.~~

20 SECTION 21. IC 20-35-6-5 IS ADDED TO THE INDIANA CODE
21 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
22 1, 2024]: **Sec. 5. (a) This section applies to a due process hearing (as**
23 **defined in 511 IAC 7-32-27) and expedited due process hearing (as**
24 **defined in 511 IAC 7-32-37).**

25 **(b) In the event a parent agrees to participate in a:**

26 **(1) mediation (as described in 511 IAC 7-45-2); or**

27 **(2) facilitated individualized education program (IEP)**
28 **meeting through the department;**

29 **and subsequently initiates a due process hearing (as defined in 511**
30 **IAC 7-32-27), a public agency (as defined in 511 IAC 7-32-77) shall**
31 **have the burden of proof at the subsequent due process hearing (as**
32 **defined in 511 IAC 7-32-27), including the burden of persuasion**
33 **and production. The burden must be met by a preponderance of**
34 **the evidence.**

35 **(c) A public agency (as defined in 511 IAC 7-32-77) shall have**
36 **the burden of persuasion and production, for all expedited due**
37 **process hearings (as defined in 511 IAC 7-32-37), regardless of**
38 **whether a mediation (as described in 511 IAC 7-45-2) or facilitated**
39 **IEP meeting was initiated before filing for the expedited due**
40 **process hearing (as defined in 511 IAC 7-32-37). The burden must**
41 **be met by a preponderance of the evidence.**

42 **(d) The notice of procedural safeguards required under 511**



1 **IAC 7-37-1 shall include a description of the requirements**
 2 **established by this section.**

3 SECTION 22. IC 20-35-6-6 IS ADDED TO THE INDIANA CODE
 4 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 5 1, 2024]: Sec. 6. (a) **A public agency (as defined in 511 IAC 7-32-77)**
 6 **shall not require as part of a resolution of:**

7 **(1) a due process hearing (as defined in 511 IAC 7-32-27); or**

8 **(2) a dispute relating to the provision of special education**
 9 **services to a particular student;**

10 **that a parent of a student or an emancipated student enter into or**
 11 **agree to a nondisclosure, nondisparagement, or confidentiality**
 12 **agreement or clause.**

13 **(b) The case conference committee shall at least annually**
 14 **provide the parent of the student or the emancipated student a**
 15 **copy of this section.**

16 **(c) The department shall include the rights provided to a parent**
 17 **of a student or an emancipated student under subsection (a) on the**
 18 **department's website to be located with information describing a**
 19 **parent's or an emancipated student's due process hearing rights.**

20 SECTION 23. IC 20-46-1-8, AS AMENDED BY P.L.189-2023,
 21 SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 22 JULY 1, 2024]: Sec. 8. (a) Subject to subsections (e), (f), and (g) and
 23 this chapter, the governing body of a school corporation may adopt a
 24 resolution to place a referendum under this chapter on the ballot for any
 25 of the following purposes:

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

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

34 (3) Except for resolutions described in subsection (b), the
 35 governing body makes the determination required under
 36 subdivision (1) or (2) and determines to share a portion of the
 37 referendum proceeds with a charter school, excluding a virtual
 38 charter school, in the manner prescribed in subsection (e).

39 (b) A resolution for a referendum for a county described in section
 40 21 of this chapter that is adopted after May 10, 2023, shall specify that
 41 a portion of the proceeds collected from the proposed levy will be
 42 distributed to applicable charter schools in the manner described under



1 section 21 of this chapter.

2 (c) The governing body of the school corporation shall certify a
3 copy of the resolution to place a referendum on the ballot to the
4 following:

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

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

10 (B) a copy of the revenue spending plan adopted under
11 subsection (g).

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

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

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

32 (d) If a school safety referendum tax levy under IC 20-46-9 has been
33 approved by the voters in a school corporation at any time in the
34 previous three (3) years, the school corporation may not:

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

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

38 (e) Except as provided in section 21 of this chapter, the resolution
39 described in subsection (a) must indicate whether proceeds in the
40 school corporation's education fund collected from a tax levy under this
41 chapter will be used to provide a distribution to a charter school or
42 charter schools, excluding a virtual charter school, under IC 20-40-3-5



1 as well as the amount that will be distributed to the particular charter
2 school or charter schools. A school corporation may request from the
3 designated charter school or charter schools any financial
4 documentation necessary to demonstrate the financial need of the
5 charter school or charter schools.

6 (f) This subsection applies to a resolution described in subsection
7 (a) for a county described in section 21(a) of this chapter that is
8 adopted after May 10, 2023. The resolution described in subsection (a)
9 shall include a projection of the amount that the school corporation
10 expects to be distributed to a particular charter school, excluding
11 virtual charter schools or adult high schools, under section 21 of this
12 chapter if the charter school voluntarily elects to participate in the
13 referendum in the manner described in subsection (i). At least sixty
14 (60) days before the resolution described in subsection (a) is voted on
15 by the governing body, the school corporation shall contact the
16 department to determine the number of students in kindergarten
17 through grade 12 who have legal settlement in the school corporation
18 but attend a charter school, excluding virtual charter schools or adult
19 high schools, and who receive not more than fifty percent (50%) virtual
20 instruction. The department shall provide the school corporation with
21 the number of students with legal settlement in the school corporation
22 who attend a charter school and who receive not more than fifty percent
23 (50%) virtual instruction, which shall be disaggregated for each
24 particular charter school, excluding a virtual charter school or adult
25 high school. The projection may include an expected increase in
26 charter schools during the term the levy is imposed under this chapter.
27 The department of local government finance shall prescribe the manner
28 in which the projection shall be calculated. The governing body shall
29 take into consideration the projection when adopting the revenue
30 spending plan under subsection (g).

31 (g) As part of the resolution described in subsection (a), the
32 governing body of the school corporation shall adopt a revenue
33 spending plan for the proposed referendum tax levy that includes:

- 34 (1) an estimate of the amount of annual revenue expected to be
35 collected if a levy is imposed under this chapter;
- 36 (2) the specific purposes for which the revenue collected from a
37 levy imposed under this chapter will be used;
- 38 (3) an estimate of the annual dollar amounts that will be expended
39 for each purpose described in subdivision (2); and
- 40 (4) for a resolution for a referendum that is adopted after May 10,
41 2023, for a county described in section 21(a) of this chapter, the
42 projected revenue that shall be distributed to charter schools as



1 provided in subsections (f) and (i). The revenue spending plan
 2 shall also take into consideration deviations in the proposed
 3 revenue spending plan if the actual charter school distributions
 4 exceed or are lower than the projected charter school distributions
 5 described in subsection (f). The resolution shall include for each
 6 charter school that elects to participate under subsection (i)
 7 information described in subdivisions (1) through (3).

8 (h) A school corporation shall specify in its proposed budget the
 9 school corporation's revenue spending plan adopted under subsection
 10 (g) and annually present the revenue spending plan at its public hearing
 11 on the proposed budget under IC 6-1.1-17-3.

12 (i) This subsection applies to a resolution described in subsection
 13 (a) for a county described in section 21(a) of this chapter that is
 14 adopted after May 10, 2023. At least forty-five (45) days before the
 15 resolution described in subsection (a) is voted on by the governing
 16 body, the school corporation shall contact each charter school,
 17 excluding virtual charter schools or adult high schools, disclosed by the
 18 department to the school corporation under subsection (f) to determine
 19 whether the charter school will participate in the referendum. **The**
 20 **notice must include the total amount of the school corporation's**
 21 **expected need, the corresponding estimate for that amount divided**
 22 **by the number of students enrolled in the school corporation, and**
 23 **the date on which the governing body of the school corporation will**
 24 **vote on the resolution.** The charter school must respond in writing to
 25 the school corporation, **which may be by electronic mail addressed**
 26 **to the superintendent of the school corporation,** at least fifteen (15)
 27 days prior to the date that the resolution described in subsection (a) is
 28 to be voted on by the governing body. If the charter school elects to not
 29 participate in the referendum, the school corporation may exclude
 30 distributions to the charter school under section 21 of this chapter and
 31 from the projection described in subsection (f). If the charter school
 32 elects to participate in the referendum, the charter school may receive
 33 distributions under section 21 of this chapter and must be included in
 34 the projection described in subsection (f). In addition, a charter school
 35 that elects to participate in the referendum under this subsection shall
 36 contribute a proportionate share of the cost to conduct the referendum
 37 based on the total combined ADM of the school corporation and any
 38 participating charter schools.

39 (j) This subsection applies to a resolution described in subsection
 40 (a) for a county described in section 21(a) of this chapter that is
 41 adopted after May 10, 2023. At least thirty (30) days before the
 42 resolution described in subsection (a) **referendum submitted to the**



1 **voters under this chapter** is voted on by the ~~governing body~~, **public**
 2 **in a primary or general election**, the school corporation that is
 3 pursuing the ~~resolution referendum~~ and any charter school that has
 4 elected to participate under subsection (i), shall post a referendum
 5 disclosure statement on each school's respective website that contains
 6 the following information:

7 (1) The salaries of ~~all employees employed~~ by **position within** the
 8 school corporation or charter school listed from highest salary to
 9 lowest salary **and a link to Gateway Indiana for access to**
 10 **individual salaries.**

11 (2) An acknowledgment that the school corporation or charter
 12 school is not committing any crime described in IC 35-44.1-1.

13 (3) A link to the school corporation's or charter school's most
 14 recent state board of accounts audit on the state board of accounts'
 15 website.

16 (4) The current enrollment of the school corporation or charter
 17 school disaggregated by student group and race.

18 (5) The school corporation's or charter school's high school
 19 graduation rate.

20 (6) The school corporation's or charter school's annual retention
 21 rate for teachers for the previous five (5) years.

22 SECTION 24. IC 20-46-9-6, AS AMENDED BY P.L.189-2023,
 23 SECTION 35, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 24 JULY 1, 2024]: Sec. 6. (a) Subject to this chapter, the governing body
 25 of a school corporation may adopt a resolution to place a referendum
 26 under this chapter on the ballot if the governing body of the school
 27 corporation determines that a referendum levy should be imposed for
 28 measures to improve school safety as described in IC 20-40-20-6(a) or
 29 IC 20-40-20-6(b).

30 (b) Except as provided in section 22 of this chapter, a school
 31 corporation may, with the approval of the majority of members of the
 32 governing body, distribute a portion of the proceeds of a tax levy
 33 collected under this chapter that is deposited in the fund to a charter
 34 school, excluding a virtual charter school, that is located within the
 35 attendance area of the school corporation, to be used by the charter
 36 school for the purposes described in IC 20-40-20-6(a).

37 (c) This subsection applies to a resolution described in subsection
 38 (a) that is adopted after May 10, 2023, in a county described in section
 39 22(a) of this chapter. A resolution shall specify that a portion of the
 40 proceeds of the proposed levy will be distributed to applicable charter
 41 schools in the manner described under section 22 of this chapter if the
 42 charter school voluntarily elects to participate in the referendum in the



1 manner described in subsection (i).

2 (d) This subsection applies to a resolution described in subsection
3 (a) that is adopted after May 10, 2023, in a county described in section
4 22(a) of this chapter. The resolution described in subsection (a) shall
5 include a projection of the amount that the school corporation expects
6 to be distributed to a particular charter school, excluding virtual charter
7 schools or adult high schools, under section 22 of this chapter that
8 elects to participate in the referendum under subsection (i). At least
9 sixty (60) days before the resolution described in subsection (a) is
10 voted on by the governing body, the school corporation shall contact
11 the department to determine the number of students in kindergarten
12 through grade 12 who have legal settlement in the school corporation
13 but attend a charter school, excluding virtual charter schools or adult
14 high schools, and who receive not more than fifty percent (50%) virtual
15 instruction. The department shall provide the school corporation with
16 the number of students with legal settlement in the school corporation
17 who attend a charter school, which shall be disaggregated for each
18 particular charter school, excluding a virtual charter school or adult
19 high school. The projection may include an expected increase in
20 charter schools during the term the levy is imposed. The department of
21 local government finance shall prescribe the manner in which the
22 projection shall be calculated. The governing body shall take into
23 consideration the projection when adopting the revenue spending plan
24 under subsection (g).

25 (e) The governing body of the school corporation shall certify a
26 copy of the resolution to the following:

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

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

32 (B) a copy of the revenue spending plan adopted under
33 subsection (g).

34 The language of the public question must include the estimated
35 average percentage increases certified by the county auditor under
36 section 9(d) or 10(f) of this chapter, as applicable. The governing
37 body of the school corporation shall also provide the county
38 auditor's certification described in section 9(d) or 10(f) of this
39 chapter, as applicable. The department of local government
40 finance shall post the values certified by the county auditor to the
41 department's website. The department shall review the language
42 for compliance with section 9 or 10 of this chapter, whichever is



1 applicable, and either approve or reject the language. The
 2 department shall send its decision to the governing body of the
 3 school corporation not more than ten (10) days after the resolution
 4 is submitted to the department. If the language is approved, the
 5 governing body of the school corporation shall certify a copy of
 6 the resolution, including the language for the question and the
 7 department's approval.

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

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

12 (f) Except as provided in section 22 of this chapter, the resolution
 13 described in subsection (a) must indicate whether proceeds in the
 14 school corporation's fund collected from a tax levy under this chapter
 15 will be used to provide a distribution to a charter school or charter
 16 schools, excluding a virtual charter school, under IC 20-40-20-6(b) as
 17 well as the amount that will be distributed to the particular charter
 18 school or charter schools. A school corporation may request from the
 19 designated charter school or charter schools any financial
 20 documentation necessary to demonstrate the financial need of the
 21 charter school or charter schools.

22 (g) As part of the resolution described in subsection (a), the
 23 governing body of the school corporation shall adopt a revenue
 24 spending plan for the proposed referendum tax levy that includes:

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

27 (2) the specific purposes described in IC 20-40-20-6 for which the
 28 revenue collected from a levy imposed under this chapter will be
 29 used;

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

32 (4) for a resolution for a referendum that is adopted after May 10,
 33 2023, for a county described in section 22(a) of this chapter, the
 34 projected revenue that shall be distributed to charter schools as
 35 provided in subsection (d). The revenue spending plan shall also
 36 take into consideration deviations in the proposed revenue
 37 spending plan if the actual charter school distributions exceed or
 38 are lower than the projected charter school distributions described
 39 in subsection (d). The resolution shall include for each charter
 40 school that elects to participate under subsection (i) information
 41 described in subdivisions (1) through (3).

42 (h) A school corporation shall specify in its proposed budget the



1 school corporation's revenue spending plan adopted under subsection
 2 (g) and annually present the revenue spending plan at its public hearing
 3 on the proposed budget under IC 6-1.1-17-3.

4 (i) This subsection applies to a resolution described in subsection
 5 (a) for a county described in section 22(a) of this chapter that is
 6 adopted after May 10, 2023. At least forty-five (45) days before the
 7 resolution described in subsection (a) is voted on by the governing
 8 body, the school corporation shall contact each charter school,
 9 excluding virtual charter schools or adult high schools, disclosed by the
 10 department to the school corporation under subsection (f) to determine
 11 whether the charter school will participate in the referendum. **The**
 12 **notice must include the total amount of the school corporation's**
 13 **expected need, the corresponding estimate of that amount divided**
 14 **by the number of students enrolled in the school corporation, and**
 15 **the date on which the governing body of the school corporation will**
 16 **vote on the resolution.** The charter school must respond in writing to
 17 the school corporation, **which may be by electronic mail addressed**
 18 **to the superintendent of the school corporation,** at least fifteen (15)
 19 days prior to the date that the resolution described in subsection (a) is
 20 to be voted on by the governing body. If the charter school elects to not
 21 participate in the referendum, the school corporation may exclude
 22 distributions to the charter school under section 22 of this chapter and
 23 from the projection described in subsection (d). If the charter school
 24 elects to participate in the referendum, the charter school may receive
 25 distributions under section 22 of this chapter and must be included in
 26 the projection described in subsection (d). In addition, a charter school
 27 that elects to participate in the referendum under this subsection shall
 28 contribute a proportionate share of the cost to conduct the referendum
 29 based on the total combined ADM of the school corporation and any
 30 participating charter schools.

31 (j) This subsection applies to a resolution described in subsection
 32 (a) for a county described in section 22(a) of this chapter that is
 33 adopted after May 10, 2023. At least thirty (30) days before the
 34 ~~resolution described in subsection (a)~~ **referendum submitted to the**
 35 **voters under this chapter** is voted on by the ~~governing body,~~ **public**
 36 **in a primary or general election,** the school corporation that is
 37 pursuing the ~~resolution referendum~~ and any charter school that has
 38 elected to participate under subsection (i), shall post a referendum
 39 disclosure statement on each school's respective website that contains
 40 the following information:

- 41 (1) The salaries of all employees employed by **position within the**
 42 school corporation or charter school listed from highest salary to



- 1 lowest salary **and a link to Gateway Indiana for access to**
 2 **individual salaries.**
 3 (2) An acknowledgment that the school corporation or charter
 4 school is not committing any crime described in IC 35-44.1-1.
 5 (3) A link to the school corporation's or charter school's most
 6 recent state board of accounts audit on the state board of accounts'
 7 website.
 8 (4) The current enrollment of the school corporation or charter
 9 school disaggregated by student group and race.
 10 (5) The school corporation's or charter school's high school
 11 graduation rate.
 12 (6) The school corporation's or charter school's annual retention
 13 rate for teachers for the previous five (5) years.
- 14 SECTION 25. IC 20-51-1-5, AS AMENDED BY P.L.201-2023,
 15 SECTION 216, IS AMENDED TO READ AS FOLLOWS
 16 [EFFECTIVE JULY 1, 2024]: Sec. 5. "Eligible student" refers to an
 17 individual who:
 18 (1) has legal settlement in Indiana;
 19 (2) is at least four (4) years of age and less than twenty-two (22)
 20 years of age ~~on the date in the school year specified in~~
 21 ~~IC 20-33-2-7;~~ **on October 1 of the applicable school year;**
 22 (3) either has been or is currently enrolled in a participating
 23 school; and
 24 (4) is a member of a household with an annual income of not
 25 more than four hundred percent (400%) of the amount required
 26 for the individual to qualify for the federal free or reduced price
 27 lunch program.
- 28 SECTION 26. IC 20-51.4-2-4, AS ADDED BY P.L.165-2021,
 29 SECTION 180, IS AMENDED TO READ AS FOLLOWS
 30 [EFFECTIVE JULY 1, 2024]: Sec. 4. "Eligible student" refers to an
 31 individual who:
 32 (1) has legal settlement in Indiana;
 33 (2) is at least five (5) years of age and less than twenty-two (22)
 34 years of age ~~on the date in the school year specified in~~
 35 ~~IC 20-33-2-7;~~ **on October 1 of the applicable school year;**
 36 (3) is a student with a disability at the time the account is
 37 established who requires special education and for whom:
 38 (A) an individualized education program;
 39 (B) a service plan developed under 511 IAC 7-34; or
 40 (C) a choice special education plan developed under 511
 41 IAC 7-49;
 42 has been developed; and



1 (4) meets the annual income qualification requirement for a
2 choice scholarship student under IC 20-51-1.

3 SECTION 27. IC 20-52-3-3, AS ADDED BY P.L.168-2022,
4 SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
5 JULY 1, 2024]: Sec. 3. (a) To be considered an enrichment student, the
6 student must at a minimum:

- 7 (1) have experienced learning loss;
8 (2) have fallen behind in acquiring anticipated grade level
9 academic skills and knowledge;
10 (3) have scored below academic standards or average
11 benchmarks; or
12 (4) be at risk of falling below academic standards.

13 However, the department may establish more stringent criteria for
14 determining eligibility for a grant under this article.

15 (b) For each school year, the department shall determine, based on
16 the amount of funds available for the program, the number of grants
17 that the department will award under the program. The number of
18 applications approved and the number of grants awarded under this
19 article by the department for the school year may not exceed the
20 number determined by the department under this section.

21 ~~(c) Only federal funds may be used to award grants under this
22 article. A grant may not be made under this article after funds received
23 by the department from the Elementary and Secondary School
24 Emergency Relief Fund (ESSER fund) are exhausted.~~

25 SECTION 28. IC 20-52-4-2, AS AMENDED BY P.L.171-2023,
26 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
27 JULY 1, 2024]: Sec. 2. (a) An enrichment student who currently
28 maintains an account is entitled to a grant amount, the amount of which
29 shall be subject to available funding and determined by the department.
30 The department shall deposit the enrichment grant amount under this
31 section into an enrichment student's account in a manner established by
32 the department.

33 ~~(b) Except as provided in Subject to~~ subsection (c), at the end of the
34 year in which an account is established, the parent of an enrichment
35 student may roll over for use in a subsequent year the amount available
36 in the enrichment student's account.

37 ~~(c) The department shall determine the conditions under which~~
38 ~~an enrichment student's account shall terminate October 1, 2024.~~
39 **terminates.**

40 SECTION 29. IC 20-52-7 IS REPEALED [EFFECTIVE JULY 1,
41 2024]. (Expiration).

42 SECTION 30. **An emergency is declared for this act.**



COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred House Bill 1380, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, line 11, delete "an Indiana" and insert **"a pilot program that provides innovative approaches concerning the use, operation, and management of school facilities to promote:**

- (1) enhanced learning environments;**
- (2) unique learning opportunities; and**
- (3) improved student academic and health outcomes."**

Page 2, delete lines 12 through 19.

Page 2, line 24, delete "the" and insert **"a pilot program that encompasses innovative approaches for increasing transportation of students enrolled at a:**

- (1) public school, including a charter school; or**
 - (2) nonpublic school with at least one (1) employee;**
- to travel to and from a school or other learning opportunities in a safe and efficient manner."**

Page 2, delete lines 25 through 32.

Page 3, line 5, delete "Except in the case of a charter school".

Page 3, line 6, delete "corporation,".

Page 3, line 6, delete "the" and insert "The".

Page 3, line 32, after "examiner." insert **"A consolidated audit must include a breakdown of the activities, financial position, and functional expenses of the school."**

Page 3, delete lines 36 through 42.

Page 4, delete lines 1 through 24.

Page 5, line 31, delete "For" and insert **"Subject to an administrative fee as described in subsection (f), for"**.

Page 6, reset in roman lines 35 through 39.

Page 6, line 40, delete "(f)" and insert "(g)".

Page 8, line 13, after "services" insert **"for which funds from the school corporation's property tax levy (IC 20-46-8) are paid for the school corporation"**.

Page 8, line 15, delete "operating" and insert **"operations"**.

Page 8, line 16, delete "IC 20-46-1" and insert **"IC 20-46-8"**.

Page 8, line 18, after "transfers" delete "the" and insert **"a"**.

Page 8, line 19, delete "described in subdivision (1)".

Page 8, line 20, after "fund" insert **"under IC 20-40-3"**.

Page 8, line 24, delete "A" and insert **"Subject to an administrative**



fee as described in section 5(f) of this chapter, a".

Page 9, line 11, delete "A" and insert "**Subject to an administrative fee as described in subsection (g), a".**

Page 11, reset in roman lines 8 through 12.

Page 11, line 13, delete "(g)" and insert "(h)".

Page 12, line 15, after "services" insert "**for which funds from the school corporation's property tax levy (IC 20-46-8) are paid for the school corporation".**

Page 12, line 17, delete "operating" and insert "**operations".**

Page 12, line 18, delete "IC 20-46-1" and insert "**IC 20-46-8".**

Page 12, line 20, after "transfers" delete "the" and insert "**a".**

Page 12, line 21, delete "described in subdivision (1)".

Page 12, line 22, after "fund" insert "**under IC 20-40-3".**

Page 12, line 26, delete "A" and insert "**Subject to an administrative fee as described in section 2(g) of this chapter, a".**

Page 13, line 34, reset in roman "(a)".

Page 14, between lines 13 and 14, begin a new paragraph and insert:

"(b) A transferee corporation may not require a parent or student requesting transfer to the school corporation to pay transfer tuition or any other fee associated with the transfer of the student."

Page 17, delete line 42.

Delete pages 18 through 27.

Page 28, delete lines 1 through 26, begin a new paragraph and insert:

"SECTION 23. IC 20-46-1-8, AS AMENDED BY P.L.189-2023, SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 8. (a) Subject to subsections (e), (f), and (g) and this chapter, the governing body of a school corporation may adopt a resolution to place a referendum under this chapter on the ballot for any of the following purposes:

- (1) The governing body of the school corporation determines that it cannot, in a calendar year, carry out its public educational duty unless it imposes a referendum tax levy under this chapter.
- (2) The governing body of the school corporation determines that a referendum tax levy under this chapter should be imposed to replace property tax revenue that the school corporation will not receive because of the application of the credit under IC 6-1.1-20.6.
- (3) Except for resolutions described in subsection (b), the governing body makes the determination required under subdivision (1) or (2) and determines to share a portion of the



referendum proceeds with a charter school, excluding a virtual charter school, in the manner prescribed in subsection (e).

(b) A resolution for a referendum for a county described in section 21 of this chapter that is adopted after May 10, 2023, shall specify that a portion of the proceeds collected from the proposed levy will be distributed to applicable charter schools in the manner described under section 21 of this chapter.

(c) The governing body of the school corporation shall certify a copy of the resolution to place a referendum on the ballot to the following:

- (1) The department of local government finance, including:
 - (A) the language for the question required by section 10 of this chapter, or in the case of a resolution to extend a referendum levy certified to the department of local government finance after March 15, 2016, section 10.1 of this chapter; and
 - (B) a copy of the revenue spending plan adopted under subsection (g).

The language of the public question must include the estimated average percentage increases certified by the county auditor under section 10(e) or 10.1(f) of this chapter, as applicable. The governing body of the school corporation shall also provide the county auditor's certification described in section 10(e) or 10.1(f) of this chapter, as applicable. The department of local government finance shall post the values certified by the county auditor to the department's website. The department shall review the language for compliance with section 10 or 10.1 of this chapter, whichever is applicable, and either approve or reject the language. The department shall send its decision to the governing body of the school corporation not more than ten (10) days after the resolution is submitted to the department. If the language is approved, the governing body of the school corporation shall certify a copy of the resolution, including the language for the question and the department's approval.

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

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

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

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



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

(e) Except as provided in section 21 of this chapter, the resolution described in subsection (a) must indicate whether proceeds in the school corporation's education fund collected from a tax levy under this chapter will be used to provide a distribution to a charter school or charter schools, excluding a virtual charter school, under IC 20-40-3-5 as well as the amount that will be distributed to the particular charter school or charter schools. A school corporation may request from the designated charter school or charter schools any financial documentation necessary to demonstrate the financial need of the charter school or charter schools.

(f) This subsection applies to a resolution described in subsection (a) for a county described in section 21(a) of this chapter that is adopted after May 10, 2023. The resolution described in subsection (a) shall include a projection of the amount that the school corporation expects to be distributed to a particular charter school, excluding virtual charter schools or adult high schools, under section 21 of this chapter if the charter school voluntarily elects to participate in the referendum in the manner described in subsection (i). At least sixty (60) days before the resolution described in subsection (a) is voted on by the governing body, the school corporation shall contact the department to determine the number of students in kindergarten through grade 12 who have legal settlement in the school corporation but attend a charter school, excluding virtual charter schools or adult high schools, and who receive not more than fifty percent (50%) virtual instruction. The department shall provide the school corporation with the number of students with legal settlement in the school corporation who attend a charter school and who receive not more than fifty percent (50%) virtual instruction, which shall be disaggregated for each particular charter school, excluding a virtual charter school or adult high school. The projection may include an expected increase in charter schools during the term the levy is imposed under this chapter. The department of local government finance shall prescribe the manner in which the projection shall be calculated. The governing body shall take into consideration the projection when adopting the revenue spending plan under subsection (g).

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

- (1) an estimate of the amount of annual revenue expected to be collected if a levy is imposed under this chapter;
- (2) the specific purposes for which the revenue collected from a



levy imposed under this chapter will be used;

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

(4) for a resolution for a referendum that is adopted after May 10, 2023, for a county described in section 21(a) of this chapter, the projected revenue that shall be distributed to charter schools as provided in subsections (f) and (i). The revenue spending plan shall also take into consideration deviations in the proposed revenue spending plan if the actual charter school distributions exceed or are lower than the projected charter school distributions described in subsection (f). The resolution shall include for each charter school that elects to participate under subsection (i) information described in subdivisions (1) through (3).

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

(i) This subsection applies to a resolution described in subsection (a) for a county described in section 21(a) of this chapter that is adopted after May 10, 2023. At least forty-five (45) days before the resolution described in subsection (a) is voted on by the governing body, the school corporation shall contact each charter school, excluding virtual charter schools or adult high schools, disclosed by the department to the school corporation under subsection (f) to determine whether the charter school will participate in the referendum. **The notice must include the total amount of the school corporation's expected need, the corresponding estimate for that amount divided by the number of students enrolled in the school corporation, and the date on which the governing body of the school corporation will vote on the resolution.** The charter school must respond in writing to the school corporation, **which may be by electronic mail addressed to the superintendent of the school corporation,** at least fifteen (15) days prior to the date that the resolution described in subsection (a) is to be voted on by the governing body. If the charter school elects to not participate in the referendum, the school corporation may exclude distributions to the charter school under section 21 of this chapter and from the projection described in subsection (f). If the charter school elects to participate in the referendum, the charter school may receive distributions under section 21 of this chapter and must be included in the projection described in subsection (f). In addition, a charter school that elects to participate in the referendum under this subsection shall contribute a proportionate share of the cost to conduct the referendum



based on the total combined ADM of the school corporation and any participating charter schools.

(j) This subsection applies to a resolution described in subsection (a) for a county described in section 21(a) of this chapter that is adopted after May 10, 2023. At least thirty (30) days before the ~~resolution described in subsection (a)~~ **referendum submitted to the voters under this chapter** is voted on by the ~~governing body~~, **public in a primary or general election**, the school corporation that is pursuing the ~~resolution referendum~~ and any charter school that has elected to participate under subsection (i), shall post a referendum disclosure statement on each school's respective website that contains the following information:

(1) The salaries ~~of all employees employed~~ by **position within** the school corporation or charter school listed from highest salary to lowest salary **and a link to Gateway Indiana for access to individual salaries.**

(2) An acknowledgment that the school corporation or charter school is not committing any crime described in IC 35-44.1-1.

(3) A link to the school corporation's or charter school's most recent state board of accounts audit on the state board of accounts' website.

(4) The current enrollment of the school corporation or charter school disaggregated by student group and race.

(5) The school corporation's or charter school's high school graduation rate.

(6) The school corporation's or charter school's annual retention rate for teachers for the previous five (5) years.

SECTION 24. IC 20-46-9-6, AS AMENDED BY P.L.189-2023, SECTION 35, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 6. (a) Subject to this chapter, the governing body of a school corporation may adopt a resolution to place a referendum under this chapter on the ballot if the governing body of the school corporation determines that a referendum levy should be imposed for measures to improve school safety as described in IC 20-40-20-6(a) or IC 20-40-20-6(b).

(b) Except as provided in section 22 of this chapter, a school corporation may, with the approval of the majority of members of the governing body, distribute a portion of the proceeds of a tax levy collected under this chapter that is deposited in the fund to a charter school, excluding a virtual charter school, that is located within the attendance area of the school corporation, to be used by the charter school for the purposes described in IC 20-40-20-6(a).



(c) This subsection applies to a resolution described in subsection (a) that is adopted after May 10, 2023, in a county described in section 22(a) of this chapter. A resolution shall specify that a portion of the proceeds of the proposed levy will be distributed to applicable charter schools in the manner described under section 22 of this chapter if the charter school voluntarily elects to participate in the referendum in the manner described in subsection (i).

(d) This subsection applies to a resolution described in subsection (a) that is adopted after May 10, 2023, in a county described in section 22(a) of this chapter. The resolution described in subsection (a) shall include a projection of the amount that the school corporation expects to be distributed to a particular charter school, excluding virtual charter schools or adult high schools, under section 22 of this chapter that elects to participate in the referendum under subsection (i). At least sixty (60) days before the resolution described in subsection (a) is voted on by the governing body, the school corporation shall contact the department to determine the number of students in kindergarten through grade 12 who have legal settlement in the school corporation but attend a charter school, excluding virtual charter schools or adult high schools, and who receive not more than fifty percent (50%) virtual instruction. The department shall provide the school corporation with the number of students with legal settlement in the school corporation who attend a charter school, which shall be disaggregated for each particular charter school, excluding a virtual charter school or adult high school. The projection may include an expected increase in charter schools during the term the levy is imposed. The department of local government finance shall prescribe the manner in which the projection shall be calculated. The governing body shall take into consideration the projection when adopting the revenue spending plan under subsection (g).

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

- (1) The department of local government finance, including:
 - (A) the language for the question required by section 9 of this chapter, or in the case of a resolution to extend a referendum levy certified to the department of local government finance, section 10 of this chapter; and
 - (B) a copy of the revenue spending plan adopted under subsection (g).

The language of the public question must include the estimated average percentage increases certified by the county auditor under section 9(d) or 10(f) of this chapter, as applicable. The governing



body of the school corporation shall also provide the county auditor's certification described in section 9(d) or 10(f) of this chapter, as applicable. The department of local government finance shall post the values certified by the county auditor to the department's website. The department shall review the language for compliance with section 9 or 10 of this chapter, whichever is applicable, and either approve or reject the language. The department shall send its decision to the governing body of the school corporation not more than ten (10) days after the resolution is submitted to the department. If the language is approved, the governing body of the school corporation shall certify a copy of the resolution, including the language for the question and the department's approval.

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

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

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

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

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

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

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

(4) for a resolution for a referendum that is adopted after May 10, 2023, for a county described in section 22(a) of this chapter, the projected revenue that shall be distributed to charter schools as provided in subsection (d). The revenue spending plan shall also take into consideration deviations in the proposed revenue



spending plan if the actual charter school distributions exceed or are lower than the projected charter school distributions described in subsection (d). The resolution shall include for each charter school that elects to participate under subsection (i) information described in subdivisions (1) through (3).

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

(i) This subsection applies to a resolution described in subsection (a) for a county described in section 22(a) of this chapter that is adopted after May 10, 2023. At least forty-five (45) days before the resolution described in subsection (a) is voted on by the governing body, the school corporation shall contact each charter school, excluding virtual charter schools or adult high schools, disclosed by the department to the school corporation under subsection (f) to determine whether the charter school will participate in the referendum. **The notice must include the total amount of the school corporation's expected need, the corresponding estimate of that amount divided by the number of students enrolled in the school corporation, and the date on which the governing body of the school corporation will vote on the resolution.** The charter school must respond in writing to the school corporation, **which may be by electronic mail addressed to the superintendent of the school corporation,** at least fifteen (15) days prior to the date that the resolution described in subsection (a) is to be voted on by the governing body. If the charter school elects to not participate in the referendum, the school corporation may exclude distributions to the charter school under section 22 of this chapter and from the projection described in subsection (d). If the charter school elects to participate in the referendum, the charter school may receive distributions under section 22 of this chapter and must be included in the projection described in subsection (d). In addition, a charter school that elects to participate in the referendum under this subsection shall contribute a proportionate share of the cost to conduct the referendum based on the total combined ADM of the school corporation and any participating charter schools.

(j) This subsection applies to a resolution described in subsection (a) for a county described in section 22(a) of this chapter that is adopted after May 10, 2023. At least thirty (30) days before the ~~resolution described in subsection (a)~~ **referendum submitted to the voters under this chapter** is voted on by the ~~governing body~~, **public in a primary or general election**, the school corporation that is



pursuing the ~~resolution~~ **referendum** and any charter school that has elected to participate under subsection (i), shall post a referendum disclosure statement on each school's respective website that contains the following information:

- (1) The salaries ~~of all employees employed~~ by **position within** the school corporation or charter school listed from highest salary to lowest salary **and a link to Gateway Indiana for access to individual salaries.**
- (2) An acknowledgment that the school corporation or charter school is not committing any crime described in IC 35-44.1-1.
- (3) A link to the school corporation's or charter school's most recent state board of accounts audit on the state board of accounts' website.
- (4) The current enrollment of the school corporation or charter school disaggregated by student group and race.
- (5) The school corporation's or charter school's high school graduation rate.
- (6) The school corporation's or charter school's annual retention rate for teachers for the previous five (5) years."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1380 as introduced.)

BEHNING

Committee Vote: yeas 7, nays 4.

