

SENATE BILL No. 340

DIGEST OF INTRODUCED BILL

Citations Affected: IC 20-26; IC 20-33-5; IC 20-40; IC 20-41; IC 20-42-3-10.

Synopsis: State payments for school textbook costs. Requires public schools to provide curricular materials to students at no cost to a student. Establishes the curricular materials fund for the purpose of providing state reimbursements for costs incurred by public schools to provide curricular material to students at no cost. Provides that the department of education shall administer the fund. Appropriates money in the fund. Makes corresponding changes.

Effective: July 1, 2015; January 1, 2016.

Rogers

January 8, 2015, read first time and referred to Committee on Education & Career Development.



First Regular Session 119th General Assembly (2015)

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

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

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

SENATE BILL No. 340



A BILL FOR AN ACT to amend the Indiana Code concerning education and to make an appropriation.

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

1 SECTION 1. IC 20-26-5-4, AS AMENDED BY P.L.2-2014,
2 SECTION 83, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2015]: Sec. 4. (a) In carrying out the school purposes of a
4 school corporation, the governing body acting on the school
5 corporation's behalf has the following specific powers:
6 (1) In the name of the school corporation, to sue and be sued and
7 to enter into contracts in matters permitted by applicable law.
8 However, a governing body may not use funds received from the
9 state to bring or join in an action against the state, unless the
10 governing body is challenging an adverse decision by a state
11 agency, board, or commission.
12 (2) To take charge of, manage, and conduct the educational affairs
13 of the school corporation and to establish, locate, and provide the
14 necessary schools, school libraries, other libraries where
15 permitted by law, other buildings, facilities, property, and
16 equipment.



1 (3) To appropriate from the school corporation's general fund an
2 amount, not to exceed the greater of three thousand dollars
3 (\$3,000) per budget year or one dollar (\$1) per pupil, not to
4 exceed twelve thousand five hundred dollars (\$12,500), based on
5 the school corporation's ADM of the previous year (as defined in
6 IC 20-43-1-7) to promote the best interests of the school
7 corporation through:

8 (A) the purchase of meals, decorations, memorabilia, or
9 awards;

10 (B) provision for expenses incurred in interviewing job
11 applicants; or

12 (C) developing relations with other governmental units.

13 (4) To do the following:

14 (A) Acquire, construct, erect, maintain, hold, and contract for
15 construction, erection, or maintenance of real estate, real estate
16 improvements, or an interest in real estate or real estate
17 improvements, as the governing body considers necessary for
18 school purposes, including buildings, parts of buildings,
19 additions to buildings, rooms, gymnasiums, auditoriums,
20 playgrounds, playing and athletic fields, facilities for physical
21 training, buildings for administrative, office, warehouse, repair
22 activities, or housing school owned buses, landscaping, walks,
23 drives, parking areas, roadways, easements and facilities for
24 power, sewer, water, roadway, access, storm and surface
25 water, drinking water, gas, electricity, other utilities and
26 similar purposes, by purchase, either outright for cash (or
27 under conditional sales or purchase money contracts providing
28 for a retention of a security interest by the seller until payment
29 is made or by notes where the contract, security retention, or
30 note is permitted by applicable law), by exchange, by gift, by
31 devise, by eminent domain, by lease with or without option to
32 purchase, or by lease under IC 20-47-2, IC 20-47-3, or
33 IC 20-47-5.

34 (B) Repair, remodel, remove, or demolish, or to contract for
35 the repair, remodeling, removal, or demolition of the real
36 estate, real estate improvements, or interest in the real estate
37 or real estate improvements, as the governing body considers
38 necessary for school purposes.

39 (C) Provide for conservation measures through utility
40 efficiency programs or under a guaranteed savings contract as
41 described in IC 36-1-12.5.

42 (5) To acquire personal property or an interest in personal



1 property as the governing body considers necessary for school
2 purposes, including buses, motor vehicles, equipment, apparatus,
3 appliances, books, furniture, and supplies, either by cash purchase
4 or under conditional sales or purchase money contracts providing
5 for a security interest by the seller until payment is made or by
6 notes where the contract, security, retention, or note is permitted
7 by applicable law, by gift, by devise, by loan, or by lease with or
8 without option to purchase and to repair, remodel, remove,
9 relocate, and demolish the personal property. All purchases and
10 contracts specified under the powers authorized under subdivision
11 (4) and this subdivision are subject solely to applicable law
12 relating to purchases and contracting by municipal corporations
13 in general and to the supervisory control of state agencies as
14 provided in section 6 of this chapter.

15 (6) To sell or exchange real or personal property or interest in real
16 or personal property that, in the opinion of the governing body, is
17 not necessary for school purposes, in accordance with IC 20-26-7,
18 to demolish or otherwise dispose of the property if, in the opinion
19 of the governing body, the property is not necessary for school
20 purposes and is worthless, and to pay the expenses for the
21 demolition or disposition.

22 (7) To lease any school property, **except curricular materials**,
23 for a rental that the governing body considers reasonable or to
24 permit the free use of school property for:

25 (A) civic or public purposes; or

26 (B) the operation of a school age child care program for
27 children who are at least five (5) years of age and less than
28 fifteen (15) years of age that operates before or after the school
29 day, or both, and during periods when school is not in session;
30 if the property is not needed for school purposes. Under this
31 subdivision, the governing body may enter into a long term lease
32 with a nonprofit corporation, community service organization, or
33 other governmental entity, if the corporation, organization, or
34 other governmental entity will use the property to be leased for
35 civic or public purposes or for a school age child care program.
36 However, if payment for the property subject to a long term lease
37 is made from money in the school corporation's debt service fund,
38 all proceeds from the long term lease must be deposited in the
39 school corporation's debt service fund so long as payment for the
40 property has not been made. The governing body may, at the
41 governing body's option, use the procedure specified in
42 IC 36-1-11-10 in leasing property under this subdivision.



- 1 (8) To do the following:
- 2 (A) Employ, contract for, and discharge superintendents,
- 3 supervisors, principals, teachers, librarians, athletic coaches
- 4 (whether or not they are otherwise employed by the school
- 5 corporation and whether or not they are licensed under
- 6 IC 20-28-5), business managers, superintendents of buildings
- 7 and grounds, janitors, engineers, architects, physicians,
- 8 dentists, nurses, accountants, teacher aides performing
- 9 noninstructional duties, educational and other professional
- 10 consultants, data processing and computer service for school
- 11 purposes, including the making of schedules, the keeping and
- 12 analyzing of grades and other student data, the keeping and
- 13 preparing of warrants, payroll, and similar data where
- 14 approved by the state board of accounts as provided below,
- 15 and other personnel or services as the governing body
- 16 considers necessary for school purposes.
- 17 (B) Fix and pay the salaries and compensation of persons and
- 18 services described in this subdivision that are consistent with
- 19 IC 20-28-9-1.5.
- 20 (C) Classify persons or services described in this subdivision
- 21 and to adopt schedules of salaries or compensation that are
- 22 consistent with IC 20-28-9-1.5.
- 23 (D) Determine the number of the persons or the amount of the
- 24 services employed or contracted for as provided in this
- 25 subdivision.
- 26 (E) Determine the nature and extent of the duties of the
- 27 persons described in this subdivision.
- 28 The compensation, terms of employment, and discharge of
- 29 teachers are, however, subject to and governed by the laws
- 30 relating to employment, contracting, compensation, and discharge
- 31 of teachers. The compensation, terms of employment, and
- 32 discharge of bus drivers are subject to and governed by laws
- 33 relating to employment, contracting, compensation, and discharge
- 34 of bus drivers. The forms and procedures relating to the use of
- 35 computer and data processing equipment in handling the financial
- 36 affairs of the school corporation must be submitted to the state
- 37 board of accounts for approval so that the services are used by the
- 38 school corporation when the governing body determines that it is
- 39 in the best interest of the school corporation while at the same
- 40 time providing reasonable accountability for the funds expended.
- 41 (9) Notwithstanding the appropriation limitation in subdivision
- 42 (3), when the governing body by resolution considers a trip by an



- 1 employee of the school corporation or by a member of the
2 governing body to be in the interest of the school corporation,
3 including attending meetings, conferences, or examining
4 equipment, buildings, and installation in other areas, to permit the
5 employee to be absent in connection with the trip without any loss
6 in pay and to reimburse the employee or the member the
7 employee's or member's reasonable lodging and meal expenses
8 and necessary transportation expenses. To pay teaching personnel
9 for time spent in sponsoring and working with school related trips
10 or activities.
- 11 (10) Subject to IC 20-27-13, to transport children to and from
12 school, when in the opinion of the governing body the
13 transportation is necessary, including considerations for the safety
14 of the children and without regard to the distance the children live
15 from the school. The transportation must be otherwise in
16 accordance with applicable law.
- 17 (11) To provide a lunch program for a part or all of the students
18 attending the schools of the school corporation, including the
19 establishment of kitchens, kitchen facilities, kitchen equipment,
20 lunch rooms, the hiring of the necessary personnel to operate the
21 lunch program, and the purchase of material and supplies for the
22 lunch program, charging students for the operational costs of the
23 lunch program, fixing the price per meal or per food item. To
24 operate the lunch program as an extracurricular activity, subject
25 to the supervision of the governing body. To participate in a
26 surplus commodity or lunch aid program.
- 27 (12) To purchase curricular materials, to furnish curricular
28 materials without cost ~~or to rent curricular materials~~ to students,
29 to participate in a curricular materials aid program, all in
30 accordance with applicable law.
- 31 (13) To accept students transferred from other school corporations
32 and to transfer students to other school corporations in accordance
33 with applicable law.
- 34 (14) To make budgets, to appropriate funds, and to disburse the
35 money of the school corporation in accordance with applicable
36 law. To borrow money against current tax collections and
37 otherwise to borrow money, in accordance with IC 20-48-1.
- 38 (15) To purchase insurance or to establish and maintain a
39 program of self-insurance relating to the liability of the school
40 corporation or the school corporation's employees in connection
41 with motor vehicles or property and for additional coverage to the
42 extent permitted and in accordance with IC 34-13-3-20. To



1 purchase additional insurance or to establish and maintain a
 2 program of self-insurance protecting the school corporation and
 3 members of the governing body, employees, contractors, or agents
 4 of the school corporation from liability, risk, accident, or loss
 5 related to school property, school contract, school or school
 6 related activity, including the purchase of insurance or the
 7 establishment and maintenance of a self-insurance program
 8 protecting persons described in this subdivision against false
 9 imprisonment, false arrest, libel, or slander for acts committed in
 10 the course of the persons' employment, protecting the school
 11 corporation for fire and extended coverage and other casualty
 12 risks to the extent of replacement cost, loss of use, and other
 13 insurable risks relating to property owned, leased, or held by the
 14 school corporation. In accordance with IC 20-26-17, to:

15 (A) participate in a state employee health plan under
 16 IC 5-10-8-6.6 or IC 5-10-8-6.7;

17 (B) purchase insurance; or

18 (C) establish and maintain a program of self-insurance;

19 to benefit school corporation employees, including accident,
 20 sickness, health, or dental coverage, provided that a plan of
 21 self-insurance must include an aggregate stop-loss provision.

22 (16) To make all applications, to enter into all contracts, and to
 23 sign all documents necessary for the receipt of aid, money, or
 24 property from the state, the federal government, or from any other
 25 source.

26 (17) To defend a member of the governing body or any employee
 27 of the school corporation in any suit arising out of the
 28 performance of the member's or employee's duties for or
 29 employment with, the school corporation, if the governing body
 30 by resolution determined that the action was taken in good faith.
 31 To save any member or employee harmless from any liability,
 32 cost, or damage in connection with the performance, including the
 33 payment of legal fees, except where the liability, cost, or damage
 34 is predicated on or arises out of the bad faith of the member or
 35 employee, or is a claim or judgment based on the member's or
 36 employee's malfeasance in office or employment.

37 (18) To prepare, make, enforce, amend, or repeal rules,
 38 regulations, and procedures:

39 (A) for the government and management of the schools,
 40 property, facilities, and activities of the school corporation, the
 41 school corporation's agents, employees, and pupils and for the
 42 operation of the governing body; and



- 1 (B) that may be designated by an appropriate title such as
 2 "policy handbook", "bylaws", or "rules and regulations".
- 3 (19) To ratify and approve any action taken by a member of the
 4 governing body, an officer of the governing body, or an employee
 5 of the school corporation after the action is taken, if the action
 6 could have been approved in advance, and in connection with the
 7 action to pay the expense or compensation permitted under
 8 IC 20-26-1 through IC 20-26-5, IC 20-26-7, IC 20-40-12, and
 9 IC 20-48-1 or any other law.
- 10 (20) To exercise any other power and make any expenditure in
 11 carrying out the governing body's general powers and purposes
 12 provided in this chapter or in carrying out the powers delineated
 13 in this section which is reasonable from a business or educational
 14 standpoint in carrying out school purposes of the school
 15 corporation, including the acquisition of property or the
 16 employment or contracting for services, even though the power or
 17 expenditure is not specifically set out in this chapter. The specific
 18 powers set out in this section do not limit the general grant of
 19 powers provided in this chapter except where a limitation is set
 20 out in IC 20-26-1 through IC 20-26-5, IC 20-26-7, **IC 20-26-12-1**,
 21 IC 20-40-12, and IC 20-48-1 by specific language or by reference
 22 to other law.
- 23 (b) A superintendent hired under subsection (a)(8):
- 24 (1) is not required to hold a teacher's license under IC 20-28-5;
 25 and
- 26 (2) is required to have obtained at least a master's degree from an
 27 accredited postsecondary educational institution.
- 28 SECTION 2. IC 20-26-11-22, AS AMENDED BY P.L.2-2014,
 29 SECTION 84, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 30 JULY 1, 2015]: Sec. 22. (a) The transferee corporation is entitled to
 31 receive from the transferor corporation transfer tuition for each
 32 transferred student for each school year calculated in two (2) parts as
 33 follows:
- 34 (1) Operating cost.
 35 (2) Capital cost.
- 36 These costs must be allocated on a per student basis separately for each
 37 class of school.
- 38 (b) The operating cost for each class of school must be based on the
 39 total expenditures of the transferee corporation for the class from its
 40 general fund expenditures as set out on the classified budget forms
 41 prescribed by the state board of accounts, excluding from the
 42 calculation capital outlay, debt service, costs of transportation, salaries



1 of board members, contracted service for legal expenses, and any
 2 expenditure that is made out of the general fund from extracurricular
 3 account receipts, for the school year.

4 (c) The capital cost for each class of school must consist of the
 5 lesser of the following alternatives:

6 (1) The capital cost must be based on an amount equal to five
 7 percent (5%) of the cost of transferee corporation's physical plant,
 8 equipment, and all items connected to the physical plant or
 9 equipment, including:

10 (A) buildings, additions, and remodeling to the buildings,
 11 excluding ordinary maintenance; and

12 (B) on-site and off-site improvements such as walks, sewers,
 13 waterlines, drives, and playgrounds;

14 that have been paid or are obligated to be paid in the future out of
 15 the general fund, capital projects fund, or debt service fund,
 16 including principal and interest, lease rental payments, and funds
 17 that were legal predecessors to these funds. If an item of the
 18 physical plant, equipment, appurtenances, or part of the item is
 19 more than twenty (20) years old at the beginning of the school
 20 year, the capital cost of the item shall be disregarded in making
 21 the capital cost computation.

22 (2) The capital cost must be based on the amount budgeted from
 23 the general fund for capital outlay for physical plant, equipment,
 24 and appurtenances and the amounts levied for the debt service
 25 fund and the capital projects fund for the calendar year in which
 26 the school year ends.

27 (d) If an item of expense or cost cannot be allocated to a class of
 28 school, the item shall be prorated to all classes of schools on the basis
 29 of the ADM of each class in the transferee corporation, as determined
 30 in the fall count of ADM in the school year, compared to the total
 31 current ADM therein, as determined in the fall count of ADM in the
 32 school year.

33 (e) The transfer tuition for each student transferred for each school
 34 year shall be calculated by dividing the transferee school corporation's
 35 total operating costs and the total capital costs for the class of school
 36 in which the student is enrolled by the ADM of students therein, as
 37 determined in the fall count of ADM in the school year. If a transferred
 38 student is enrolled in a transferee corporation for less than the full
 39 school year, the transfer tuition shall be calculated by the proportion of
 40 such school year for which the transferred student is enrolled. A school
 41 year for this purpose consists of the number of days school is in session
 42 for student attendance. A student shall be enrolled in a transferee



1 school, whether or not the student is in attendance, unless the:

- 2 (1) student's residence is outside the area of students transferred
 3 to the transferee corporation;
 4 (2) student has been excluded or expelled from school; or
 5 (3) student has been confirmed as a school dropout.

6 The transferor and transferee corporations may enter into written
 7 agreements concerning the amount of transfer tuition. If an agreement
 8 cannot be reached, the amount shall be determined by the state
 9 superintendent, with costs to be established, where in dispute, by the
 10 state board of accounts.

11 ~~(f) The transferor corporation shall pay the transferee corporation;
 12 when billed; the amount of curricular material rental due from
 13 transferred students who are unable to pay the curricular material rental
 14 amount. The transferor corporation is entitled to collect the amount of
 15 the curricular material rental from the appropriate township trustee;
 16 from its own funds; or from any other source; in the amounts and
 17 manner provided by law.~~

18 SECTION 3. IC 20-26-12-1, AS AMENDED BY P.L.286-2013,
 19 SECTION 60, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 20 JULY 1, 2015]: Sec. 1. (a) Except as provided in subsections (b) and
 21 (c) and notwithstanding any other law, each governing body shall
 22 purchase from a publisher, either individually or through a purchasing
 23 cooperative of school corporations, the curricular materials selected by
 24 the proper local officials, and shall **rent provide at no cost** the
 25 curricular materials to each student enrolled in a public school that is:

- 26 (1) in compliance with the minimum certification standards of the
 27 state board; and
 28 (2) located within the attendance unit served by the governing
 29 body.

30 (b) This section does not prohibit the purchase of curricular
 31 materials at the option of a student. ~~or the providing of free curricular
 32 materials by the governing body under sections 6 through 21 of this
 33 chapter.~~

34 (c) This section does not prohibit a governing body from suspending
 35 the operation of this section under a contract entered into under
 36 IC 20-26-15.

37 SECTION 4. IC 20-26-12-2, AS AMENDED BY P.L.286-2013,
 38 SECTION 61, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 39 JULY 1, 2015]: Sec. 2. (a) A governing body may purchase from a
 40 publisher any curricular material selected by the proper local officials.
 41 The governing body may **not charge rent for** the curricular materials
 42 to students enrolled in any public or nonpublic school. ~~that is:~~



1 (1) in compliance with the minimum certification standards of the
2 state board; and

3 (2) located within the attendance unit served by the governing
4 body.

5 The annual rental rate may not exceed twenty-five percent (25%) of the
6 retail price of the curricular materials:

7 (b) Notwithstanding subsection (a), the governing body may not
8 assess a rental fee of more than fifteen percent (15%) of the retail price
9 of curricular materials that have been:

10 (1) extended for usage by students under section 24(e) of this
11 chapter; and

12 (2) paid for through rental fees previously collected.

13 (c) (b) This section does not limit other laws.

14 SECTION 5. IC 20-26-12-15, AS AMENDED BY P.L.286-2013,
15 SECTION 70, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
16 JANUARY 1, 2016]: Sec. 15. (a) A governing body shall purchase the
17 necessary curricular materials from publishers. The publisher shall ship
18 the curricular materials to the governing body not more than ninety
19 (90) days after the requisition. On receipt of the curricular materials,
20 the governing body's school corporation has custody of the curricular
21 materials. The governing body shall provide a receipt to the contracting
22 publisher and reimburse the contracting publisher the amount owed by
23 the school corporation from the school corporation's general fund.

24 (b) A governing body shall purchase curricular materials:

25 (1) from a resident student who presents the curricular materials
26 for sale on or before the beginning of the school term in which the
27 curricular materials are to be used;

28 (2) with money from the school corporation's general fund; and

29 (3) at a price based on the original price to the school corporation
30 minus a reasonable reduction for damage from usage.

31 SECTION 6. IC 20-26-12-17, AS AMENDED BY P.L.286-2013,
32 SECTION 72, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
33 JULY 1, 2015]: Sec. 17. (a) If a student transfers to a school
34 corporation other than the one in which the student resides under
35 IC 20-26-11, the governing body of the school corporation to which the
36 student transfers shall purchase a sufficient supply of curricular
37 materials for the transferred student.

38 (b) In the annual settlement between the school corporations for
39 tuition of transferred students, the amounts must include rental of the
40 curricular materials furnished to the transferred students. The state
41 board shall determine the rental rate.

42 SECTION 7. IC 20-26-12-18 IS REPEALED [EFFECTIVE JULY



1 1, 2015]. Sec. 18. A governing body may provide a sufficient amount
 2 of curricular materials for sale to resident students at the price
 3 stipulated in the contracts under which the curricular materials are
 4 supplied to the governing body's school corporation. Proceeds from
 5 sales under this section must be paid into the school corporation's
 6 general fund.

7 SECTION 8. IC 20-26-12-22, AS AMENDED BY P.L.286-2013,
 8 SECTION 77, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 9 JULY 1, 2015]: Sec. 22. If a school corporation purchases curricular
 10 materials on a time basis,

11 ~~(1) the schedule for payments shall coincide with student~~
 12 ~~payments to the school corporation for curricular material rental;~~
 13 ~~and~~

14 ~~(2) the schedule must not require the school corporation to~~
 15 ~~assume a greater burden than payment of twenty-five percent~~
 16 ~~(25%) within thirty (30) days after the beginning of the school~~
 17 ~~year immediately following delivery by the contracting publisher~~
 18 ~~with the school corporation's promissory note evidencing the~~
 19 ~~unpaid balance.~~

20 SECTION 9. IC 20-26-12-26, AS AMENDED BY P.L.286-2013,
 21 SECTION 81, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 22 JULY 1, 2015]: Sec. 26. If a family moves during the school term from
 23 one (1) school corporation to another within the state, the corporation
 24 from which they move shall

25 ~~(1) evaluate the affected children's curricular materials. and~~
 26 ~~(2) offer to purchase the curricular materials at a reasonable price~~
 27 ~~for resale to any family that moves into that corporation during a~~
 28 ~~school term.~~

29 SECTION 10. IC 20-26-15-5, AS AMENDED BY P.L.286-2013,
 30 SECTION 83, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 31 JULY 1, 2015]: Sec. 5. Notwithstanding any other law, the operation
 32 of the following is suspended for a freeway school corporation or a
 33 freeway school if the governing body of the school corporation elects
 34 to have the specific statute or rule suspended in the contract:

35 (1) The following statutes and rules concerning curriculum and
 36 instructional time:

37 IC 20-30-2-7.

38 IC 20-30-5-8.

39 IC 20-30-5-9.

40 IC 20-30-5-11.

41 511 IAC 6-7-6.

42 511 IAC 6.1-5-0.5.



- 1 511 IAC 6.1-5-1.
 2 511 IAC 6.1-5-2.5.
 3 511 IAC 6.1-5-3.5.
 4 511 IAC 6.1-5-4.
 5 (2) The following rule concerning pupil/teacher ratios:
 6 511 IAC 6.1-4-1.
 7 (3) The following statutes and rules concerning curricular
 8 materials:
 9 IC 20-26-12-24.
 10 IC 20-26-12-26.
 11 IC 20-26-12-1, **except for the provision of curricular**
 12 **materials at no cost to a student.**
 13 IC 20-26-12-2.
 14 511 IAC 6.1-5-5.
 15 (4) 511 IAC 6-7, concerning graduation requirements.
 16 (5) IC 20-31-4, concerning the performance based accreditation
 17 system.
 18 (6) IC 20-32-5, concerning the ISTEP program established under
 19 IC 20-32-5-15, if an alternative locally adopted assessment
 20 program is adopted under section 6(7) of this chapter.
 21 SECTION 11. IC 20-33-5-3, AS AMENDED BY P.L.286-2013,
 22 SECTION 112, IS AMENDED TO READ AS FOLLOWS
 23 [EFFECTIVE JULY 1, 2015]: Sec. 3. (a) If a parent of a child or an
 24 emancipated minor who is enrolled in a public school, in kindergarten
 25 or grades 1 through 12, meets the financial eligibility standard under
 26 section 2 of this chapter, the parent or the emancipated minor may not
 27 be required to pay the fees for curricular materials, supplies, or other
 28 required class fees. The fees shall be paid by the school corporation
 29 that the child attends.
 30 (b) The school corporation may apply for a reimbursement under
 31 section 7 of this chapter from the department of the costs incurred
 32 under subsection (a).
 33 (c) ~~To the extent the reimbursement received by the school~~
 34 ~~corporation is less than the rental fee assessed for curricular materials,~~
 35 ~~the school corporation may request that the parent or emancipated~~
 36 ~~minor pay the balance of this amount.~~
 37 SECTION 12. IC 20-33-5-5, AS ADDED BY P.L.1-2005,
 38 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 39 JULY 1, 2015]: Sec. 5. All school corporations must give notice in
 40 nontechnical language and in a manner that can be reasonably expected
 41 to reach parents of students, before the collection **at the beginning of**
 42 **the school year** of any **class fees or fees** for ~~schoolbooks and~~ supplies



1 **that are not curricular materials.** This notice must inform the parents
2 of the following:

- 3 (1) The availability of assistance.
- 4 (2) The eligibility standards.
- 5 (3) The procedure for obtaining assistance, including the right and
6 method of appeal.
- 7 (4) The availability of application forms at a designated school
8 office.

9 SECTION 13. IC 20-40-9-7, AS AMENDED BY P.L.286-2013,
10 SECTION 118, IS AMENDED TO READ AS FOLLOWS
11 [EFFECTIVE JULY 1, 2015]: Sec. 7. (a) Money in the fund may be
12 used for payment of all unreimbursed costs of curricular materials for
13 the school corporation's students. ~~who were eligible for free or reduced~~
14 ~~lunches in the previous school year.~~

15 (b) The governing body may transfer the amount levied to cover
16 unreimbursed costs of curricular materials under this section to the
17 curricular materials ~~rental~~ fund or extracurricular account.

18 SECTION 14. IC 20-40-16.1 IS ADDED TO THE INDIANA
19 CODE AS A NEW CHAPTER TO READ AS FOLLOWS
20 [EFFECTIVE JULY 1, 2015]:

21 **Chapter 16.1. Curricular Materials Fund**

22 **Sec. 1. As used in this chapter, "fund" refers to the curricular**
23 **materials fund established under section 2 of this chapter.**

24 **Sec. 2. (a) The curricular materials fund is established. The**
25 **purpose of the fund is to provide funding for state reimbursements**
26 **of costs incurred by public schools to provide curricular materials**
27 **to each student at no charge as required under this title. The fund**
28 **shall be administered by the department.**

29 **(b) The fund consists of the following:**

- 30 **(1) Appropriations by the general assembly.**
- 31 **(2) Donations.**
- 32 **(3) Federal grants or other federal appropriations.**
- 33 **(4) Interest and other earnings derived from investment of**
34 **money in the fund.**

35 **(c) Money in the fund at the end of the state fiscal year does not**
36 **revert to the state general fund.**

37 **(d) Money in the fund is continually appropriated for the**
38 **purposes of this chapter.**

39 **(e) Money in the fund may not be used for the costs of**
40 **administering this chapter.**

41 **Sec. 3. Money in the fund may be used only for the:**

- 42 **(1) advancement of costs; or**



1 **(2) reimbursement of expenditures;**
 2 **incurred by public schools to pay for the costs of curricular**
 3 **materials that are provided to each student at no charge as**
 4 **required under this article.**

5 **Sec. 4. Before July 1 of each year, the department shall**
 6 **determine a cost amount per student for curricular materials that**
 7 **shall be used to determine the distribution amounts to public**
 8 **schools under this chapter. The amount determined by the**
 9 **department under this section must be identical for all public**
 10 **schools.**

11 **Sec. 5. The department shall determine the total amount that**
 12 **may be distributed from the fund in a state fiscal year. If the total**
 13 **amount that may be distributed from the fund is greater than the**
 14 **amount needed to pay the cost of all curricular materials provided**
 15 **to each student at all public schools, then the department shall**
 16 **make distributions from the fund to each public school before July**
 17 **15 of each year based on the cost of curricular materials per**
 18 **student as determined under section 4 of this chapter.**

19 **Sec. 6. (a) A public school that receives a distribution of money**
 20 **from the fund under this chapter shall deposit the distributed**
 21 **amount in a separate fund established for the purpose of receiving**
 22 **state reimbursements and advancements as provided under this**
 23 **chapter.**

24 **(b) Money in the fund may be used for the purposes of this**
 25 **chapter.**

26 **(c) Money in the fund at the end of a school year or fiscal year**
 27 **does not revert to a school general fund or any other fund and**
 28 **remains available for the purposes of this chapter.**

29 SECTION 15. IC 20-41-1-2, AS AMENDED BY P.L.286-2013,
 30 SECTION 119, IS AMENDED TO READ AS FOLLOWS
 31 [EFFECTIVE JULY 1, 2015]: Sec. 2. Any self-supporting programs
 32 maintained by a school corporation, including:

33 (1) school lunch; and

34 (2) ~~rental or sale~~ of curricular materials;

35 may be established as separate funds, separate and apart from the
 36 general fund, if no local tax rate is established for the programs.

37 SECTION 16. IC 20-41-2-2, AS AMENDED BY P.L.286-2013,
 38 SECTION 120, IS AMENDED TO READ AS FOLLOWS
 39 [EFFECTIVE JULY 1, 2015]: Sec. 2. Each township trustee in
 40 operating a curricular materials ~~rental~~ program may use either of the
 41 following accounting methods:

42 (1) The township trustee may supervise and control the program



1 through its school corporation account by establishing a curricular
2 materials ~~rental~~ fund.

3 (2) If curricular materials have not been purchased and financial
4 commitments or guarantees for the purchases have not been made
5 by the school corporation, the township trustee may have the
6 program operated by the individual schools of the school
7 corporation through the school corporation's extracurricular
8 account or accounts under IC 20-41-1.

9 SECTION 17. IC 20-41-2-3, AS AMENDED BY P.L.286-2013,
10 SECTION 121, IS AMENDED TO READ AS FOLLOWS
11 [EFFECTIVE JULY 1, 2015]: Sec. 3. (a) If a school lunch fund is
12 established under section 1 of this chapter, or a curricular materials
13 ~~rental~~ fund is established under section 2 of this chapter, the receipts
14 and expenditures for each program shall be made to and from the
15 proper fund without appropriation or the application of other laws
16 relating to the budgets of local governmental units.

17 (b) If either a **school lunch** program or both programs under
18 sections 1 and 2 of this chapter are operated through the extracurricular
19 account, the township trustee shall approve the amount of the bond of
20 the treasurer of the extracurricular account in an amount the township
21 trustee considers necessary to protect the account for all funds coming
22 into the hands of the treasurer.

23 SECTION 18. IC 20-41-2-5, AS AMENDED BY P.L.286-2013,
24 SECTION 122, IS AMENDED TO READ AS FOLLOWS
25 [EFFECTIVE JULY 1, 2015]: Sec. 5. ~~(a)~~ A governing body in
26 operating a curricular materials ~~rental~~ program under ~~IC 20-26-5-4(12)~~
27 **IC 20-26-5-4(a)(12)** may use either of the following accounting
28 methods:

29 (1) The governing body may supervise and control the program
30 through the school corporation account, establishing a curricular
31 materials ~~rental~~ fund.

32 (2) If curricular materials have not been purchased and financial
33 commitments or guarantees for the purchases have not been made
34 by the school corporation, the governing body may cause the
35 program to be operated by the individual schools of the school
36 corporation through the school corporation's extracurricular
37 account or accounts in accordance with IC 20-41-1.

38 (b) ~~If the governing body determines that a hardship exists due to~~
39 ~~the inability of a student's family to purchase or rent curricular~~
40 ~~materials; taking into consideration the income of the family and the~~
41 ~~demands on the family; the governing body may furnish curricular~~
42 ~~materials to the student without charge; without reference to the~~



1 application of any other statute or rule except IC 20-26-1 through
 2 IC 20-26-5, IC 20-26-7, IC 20-40-12, and IC 20-48-1.

3 SECTION 19. IC 20-41-2-6, AS AMENDED BY P.L.286-2013,
 4 SECTION 123, IS AMENDED TO READ AS FOLLOWS
 5 [EFFECTIVE JULY 1, 2015]: Sec. 6. (a) If a school lunch fund is
 6 established under section 4 of this chapter, and a curricular materials
 7 ~~rental~~ fund is established under section 5 of this chapter, the receipts
 8 and expenditures from a fund for the program to which the fund relates
 9 shall be made to and from the fund without appropriation or the
 10 application of other statutes and rules relating to the budgets of
 11 municipal corporations.

12 (b) If either the lunch program or the curricular materials ~~rental~~
 13 program is handled through the extracurricular account, the governing
 14 body of the school corporation shall approve the amount of the bond of
 15 the treasurer of the extracurricular account in an amount the governing
 16 body considers sufficient to protect the account for all funds coming
 17 into the hands of the treasurer of the account.

18 SECTION 20. IC 20-42-3-10, AS AMENDED BY P.L.286-2013,
 19 SECTION 124, IS AMENDED TO READ AS FOLLOWS
 20 [EFFECTIVE JULY 1, 2015]: Sec. 10. The trustee, with the advice and
 21 consent of the township board, shall use the account for the following
 22 educational purposes:

23 (1) Each year the trustee shall pay, to the parent or legal guardian
 24 of any child whose residence is within the township, the initial
 25 cost for the rental of curricular materials used in any elementary
 26 or secondary school that has been accredited by the state. The
 27 reimbursement for the rental of curricular materials shall be for
 28 the initial yearly rental charge only. Curricular materials
 29 subsequently lost or destroyed may not be paid for from this
 30 account.

31 (2) (1) Students who are residents of the township for the last two
 32 (2) years of their secondary education and who still reside within
 33 the township are entitled to receive financial assistance in an
 34 amount not to exceed an amount determined by the trustee and
 35 the township board during an annual review of postsecondary
 36 education fees and tuition costs of education at any accredited
 37 postsecondary educational institution. Amounts to be paid to each
 38 eligible student shall be set annually after this review. The
 39 amount paid each year must be:

- 40 (A) equitable for every eligible student without regard to race,
 41 religion, creed, sex, disability, or national origin; and
 42 (B) based on the number of students and the amount of funds



1 available each year.
2 ~~(3)~~ **(2)** A person who has been a permanent resident of the
3 township continuously for at least two (2) years and who needs
4 educational assistance for job training or retraining may apply to
5 the trustee of the township for financial assistance. The trustee
6 and the township board shall review each application and make
7 assistance available according to the need of each applicant and
8 the availability of funds.
9 ~~(4)~~ **(3)** If all the available funds are not used in any one (1) year,
10 the unused funds shall be retained in the account by the trustee for
11 use in succeeding years.

