

# SENATE BILL No. 500

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** Numerous citations throughout the Indiana Code.

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

**Effective:** Upon passage; June 30, 2015; July 1, 2015.

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## Miller Pete

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January 14, 2015, read first time and referred to Committee on Education & Career Development.

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First Regular Session 119th General Assembly (2015)

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

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

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

## SENATE BILL No. 500



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

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

1 SECTION 1. IC 3-8-1-34 IS AMENDED TO READ AS FOLLOWS  
2 [EFFECTIVE JULY 1, 2015]: Sec. 34. (a) A candidate for a school  
3 board office must have resided in the school corporation for at least one  
4 (1) year before the election. ~~unless a longer period is required under~~  
5 ~~IC 20.~~  
6 (b) This subsection applies to a candidate for school board office  
7 seeking to represent an election district that consists of less than the  
8 entire school corporation. The candidate must have resided in the  
9 election district for at least one (1) year before the election. ~~unless a~~  
10 ~~longer period is required under IC 20.~~  
11 SECTION 2. IC 3-12-11-25, AS AMENDED BY P.L.225-2011,  
12 SECTION 78, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
13 JULY 1, 2015]: Sec. 25. (a) Except as provided in subsection (b),  
14 whenever the commission makes a final determination under section  
15 18 of this chapter that the candidate who is subject to a contest  
16 proceeding is not eligible to serve in the office to which the candidate



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

5 (b) This subsection applies to a contest proceeding for a state office  
 6 other than the offices of governor, lieutenant governor, justice of the  
 7 supreme court, judge of the court of appeals, and judge of the tax court.  
 8 Whenever the commission makes a final determination under section  
 9 18(b) of this chapter that the candidate who is subject to a contest  
 10 proceeding is not eligible to serve in the office to which the candidate  
 11 is elected the following apply:

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

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

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

31 (1) A city.

32 (2) A town.

33 ~~(3) A school corporation.~~

34 ~~(4)~~ **(3)** An agency of a governmental entity referred to in any of  
 35 subdivisions (1) through ~~(3)~~: **(2)**.

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

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

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

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



- 1           contendere to a felony or Class A misdemeanor.
- 2           (c) A person who is convicted under IC 3-14-2 of a felony or Class
- 3 A misdemeanor that relates to an election for an office for a
- 4 governmental entity shall not:
- 5           (1) continue employment with;
- 6           (2) obtain future employment with;
- 7           (3) contract with; or
- 8           (4) be a subcontractor under a contract with;
- 9 any governmental entity for at least twenty (20) years after the date of
- 10 conviction.
- 11          (d) For at least twenty (20) years after the person's date of
- 12 conviction, a governmental entity may not:
- 13           (1) employ;
- 14           (2) offer employment to;
- 15           (3) contract with; or
- 16           (4) maintain a contractual relationship when a subcontractor is;
- 17 a person who is convicted under IC 3-14-2 of a felony or Class A
- 18 misdemeanor that relates to an election for an office for any
- 19 governmental entity.
- 20          (e) If:
- 21           (1) a person was employed by a governmental entity;
- 22           (2) the person was convicted under IC 3-14-2 of a felony or Class
- 23 A misdemeanor relating to an election for an office for a
- 24 governmental entity;
- 25           (3) the person's employment with the governmental entity was
- 26 discontinued under subsection (c) or (d); and
- 27           (4) the person's conviction is reversed, vacated, or set aside;
- 28 the governmental entity shall reemploy the person in the same position
- 29 the person held before the person's conviction or in another position
- 30 equivalent in benefits, pay, and working conditions to the position the
- 31 person held before the person's conviction, and the person is entitled to
- 32 receive any salary or other remuneration that the person would have
- 33 received if the person's employment had not been discontinued under
- 34 subsection (c) or (d).
- 35          (f) The attorney general may petition a court with jurisdiction for an
- 36 injunction against a person who violates subsection (c) or a
- 37 governmental entity that violates subsection (d).
- 38          (g) The attorney general may petition a court with jurisdiction to
- 39 impose a civil penalty of not more than one thousand dollars (\$1,000)
- 40 on a person who violates subsection (c).
- 41          SECTION 4. IC 4-12-1-2 IS AMENDED TO READ AS FOLLOWS
- 42 [EFFECTIVE JULY 1, 2015]: Sec. 2. As used in this chapter unless a



1 different meaning appears from the context:

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

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

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

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

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

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

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

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

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

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



- 1 governing body of an issuing body.
- 2 (c) The term "law" shall mean any law, act, or statute, general,  
3 special, or local, of this state.
- 4 (d) The term "enterprise" shall mean any work or works,  
5 undertaking, utility, or project which the issuing body is authorized to  
6 construct and from which the municipality derives revenues for the  
7 refinancing, or the refinancing and improving of which enterprise,  
8 refunding bonds are issued under this chapter, and such enterprise shall  
9 include all improvements, betterments, extensions and replacements  
10 thereto, and all appurtenances, facilities, lands, rights in land, water  
11 rights, franchises, and structures in connection therewith or incidental  
12 thereto.
- 13 (e) The term "federal agency" shall include the United States of  
14 America, the President of the United States of America, or any agency,  
15 instrumentality or corporation of the United States of America,  
16 designated or created by or pursuant to any act or acts or joint  
17 resolution or joint resolutions of the Congress of the United States of  
18 America, or which may be owned or controlled, directly or indirectly,  
19 by the United States of America.
- 20 (f) The term "improving" shall mean reconstructing, replacing,  
21 extending, repairing, bettering, equipping, developing, embellishing or  
22 improving or any one (1) or more or all of the foregoing.
- 23 (g) The term "refunding bonds" shall mean notes, bonds, or other  
24 obligations of an issuing body issued pursuant to this chapter, or  
25 pursuant to any other law, as supplemented by, or in conjunction with  
26 this chapter.
- 27 (h) The term "refinancing" shall mean funding, refunding, paying,  
28 or discharging, by means of refunding bonds or the proceeds received  
29 from the sale thereof, all or any part of any notes, bonds, or other  
30 obligations issued to finance or to aid in financing the acquisition,  
31 construction or improving of an enterprise and payable solely from all  
32 or any part of the revenues thereof, including interest thereon in arrears  
33 or about to become due, whether or not represented by coupons or  
34 interest certificates.
- 35 (i) The term "revenues" shall mean all fees, tolls, rates, rentals and  
36 charges to be levied and collected in connection with and all other  
37 income and receipts of whatever kind or character derived by the  
38 issuing body from the operation of any enterprise or arising from any  
39 enterprise.
- 40 (j) The term "holder of bonds" or "bondholders" or any similar term  
41 shall mean any person who shall be the bearer of any outstanding  
42 refunding bond or refunding bonds registered to bearer or not



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

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

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

18 SECTION 7. IC 5-1-14-16 IS REPEALED [EFFECTIVE JULY 1,  
19 2015]. Sec. 16: (a) This section applies to obligations that are:

- 20 (1) issued after June 30, 2008, by a local issuing body; and  
21 (2) payable from ad valorem property taxes, special benefit taxes  
22 on property, or tax increment revenues derived from property  
23 taxes;

24 including obligations that are issued under a statute that permits the  
25 bonds to be issued without complying with any other law or otherwise  
26 expressly exempts the bonds from the requirements of this section.

27 (b) An agreement for the issuance of obligations must provide for  
28 the payment of principal and interest on the obligations in nearly equal  
29 payment amounts and at regular designated intervals over the  
30 maximum term of the obligations except to the extent that:

- 31 (1) interest for a particular repayment period has been paid from  
32 the proceeds of the obligations under section 6 of this chapter; or  
33 (2) the local issuing body authorizes a different payment schedule  
34 to:

35 (A) maintain substantially equal payments, in the aggregate, in  
36 any period in which the local issuing body pays the interest  
37 and principal on outstanding obligations;

38 (B) provide for the payment of principal on the obligations in  
39 amounts and at intervals that will produce an aggregate  
40 amount of principal payments greater than or equal to the  
41 aggregate amount that would otherwise be paid as of the same  
42 date;



1           (C) provide for level principal payments over the term of the  
2 obligations; in order to reduce total interest costs;

3           (D) with respect to obligations wholly or partially payable  
4 from tax increment revenues derived from property taxes;  
5 provide for the payment of principal and interest in varying  
6 amounts over the term of the obligations as necessary due to  
7 the variation in the amount of tax increment revenues available  
8 for those payments; or

9           (E) provide for a repayment schedule that will result in the  
10 same or a lower amount of interest being paid on obligations  
11 that would be issued using nearly equal payment amounts:

12           SECTION 8. IC 5-2-10.1-6, AS AMENDED BY P.L.40-2014,  
13 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
14 JULY 1, 2015]: Sec. 6. (a) A school corporation, school corporation  
15 career and technical education school described in IC 20-37-1-1, or  
16 charter school (as defined in IC 20-24-1-4) may receive a grant from  
17 the fund for programs, equipment, services, or activities included in a  
18 safety plan submitted with the application for funds to the institute.

19           (b) A safety plan submitted under this section must include  
20 provisions for zero (0) tolerance for alcohol; tobacco; drugs; and  
21 weapons on school property. If the institute approves the safety plan  
22 and application; the treasurer of state shall disburse from the fund to  
23 the applicant the amount of the grant certified to the treasurer of state  
24 by the institute:

25           SECTION 9. IC 5-2-10.1-12 IS REPEALED [EFFECTIVE JULY  
26 1, 2015]. Sec. 12: (a) Each school within a school corporation and each  
27 school corporation career and technical education school described in  
28 IC 20-37-1-1 shall establish a safe school committee. The committee  
29 may be a subcommittee of the committee that develops the strategic  
30 and continuous school improvement and achievement plan under  
31 IC 20-31-5:

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

37           (1) Unsafe conditions; crime prevention; school violence;  
38 bullying; criminal gang activity; and other issues that prevent the  
39 maintenance of a safe school:

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





1           (3) Methods to encourage:

2           (A) involvement by the community and students;

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

5           (C) use of problem solving teams:

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

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

15           (1) developing and implementing bullying prevention programs;

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

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

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

23          SECTION 10. IC 5-3-1-0.7 IS AMENDED TO READ AS  
24          FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 0.7. (a) As used in this  
25          chapter, "qualified publication" means:

26           (1) a publication that:

27           (1) (A) is published daily, weekly, semiweekly, or triweekly;

28           (2) (B) is of general circulation to the public;

29           (3) (C) has been published for at least three (3) consecutive  
30           years in the same city or town;

31           (4) (D) has continuity as to title and general nature of content  
32           from issue to issue;

33           (5) (E) contains news of general or community interest,  
34           community notices, or editorial commentary;

35           (6) (F) contains advertisements from unrelated advertisers in  
36           each issue;

37           (7) (G) has, in more than one-half (1/2) of its issues published  
38           during the previous twelve (12) month period, not more than  
39           seventy-five percent (75%) advertising content;

40           (8) (H) has a known office location in the county in which it  
41           is published; and

42           (9) (I) has been entered, authorized, and accepted by the



1 United States Postal Service as mailable matter of standard  
 2 mail (A) class for the time published; or  
 3 **(2) after December 31, 2015, for a school corporation or a**  
 4 **charter school, an Internet web site administered by the**  
 5 **school corporation or charter school.**

6 (b) A publication **described in subsection (a)(1)** is not a qualified  
 7 publication if any of the following apply:

8 (1) The publication is owned by, or under the control of, the  
 9 owners or lessees of a shopping center or a merchant's  
 10 association.

11 (2) The publication is owned by, or under the control of, a  
 12 business that sells property or services (other than advertising)  
 13 and the predominant advertising in the publication is advertising  
 14 for the business's sales of property or services.

15 (3) The publication is a mail order catalog or other catalog,  
 16 advertising flier, travel brochure, house organ, theater program,  
 17 telephone directory, restaurant guide, shopping center advertising  
 18 sheet, or other similar publication.

19 (4) The publication is primarily devoted to matters of specialized  
 20 interest such as a labor, fraternal, society, political, religious,  
 21 sporting, or trade news publication or journal.

22 (5) The publication is a magazine, racing form, or tip sheet.

23 SECTION 11. IC 5-3-1-1, AS AMENDED BY P.L.141-2009,  
 24 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 25 JULY 1, 2015]: Sec. 1. **(a) This section does not apply to a qualified**  
 26 **publication described in section 0.7(a)(2) of this chapter.**

27 ~~(a)~~ **(b)** The cost of all public notice advertising which any elected or  
 28 appointed public official or governmental agency is required by law to  
 29 have published, or orders published, for which the compensation to the  
 30 newspapers or qualified publications publishing such advertising is  
 31 drawn from and is the ultimate obligation of the public treasury of the  
 32 governmental unit concerned with the advertising shall be charged to  
 33 and collected from the proper fund of the public treasury and paid over  
 34 to the newspapers or qualified publications publishing such  
 35 advertising, after proof of publication and claim for payment has been  
 36 filed.

37 ~~(b)~~ **(c)** The basic charges for publishing public notice advertising  
 38 shall be by the line and shall be computed based on a square of two  
 39 hundred and fifty (250) ems at the following rates:

40 (1) Before January 1, 1996, three dollars and thirty cents (\$3.30)  
 41 per square for the first insertion in newspapers or qualified  
 42 publications plus one dollar and sixty-five cents (\$1.65) per



1 square for each additional insertion in newspapers or qualified  
2 publications.

3 (2) After December 31, 1995, and before December 31, 2005, a  
4 newspaper or qualified publication may, effective January 1 of  
5 any year, increase the basic charges by five percent (5%) more  
6 than the basic charges that were in effect during the previous year.  
7 However, the basic charges for the first insertion of a public  
8 notice in a newspaper or qualified publication may not exceed the  
9 lowest classified advertising rate charged to advertisers by the  
10 newspaper or qualified publication for comparable use of the  
11 same amount of space for other purposes.

12 (3) After December 31, 2009, a newspaper or qualified  
13 publication may, effective January 1 of any year, increase the  
14 basic charges by not more than two and three-quarters percent  
15 (2.75%) more than the basic charges that were in effect during the  
16 previous year. However, the basic charges for the first insertion  
17 of a public notice in a newspaper or qualified publication may not  
18 exceed the lowest classified advertising rate charged to  
19 advertisers by the newspaper or qualified publication for  
20 comparable use of the same amount of space for other purposes  
21 and must include all multiple insertion discounts extended to the  
22 newspaper's other advertisers.

23 An additional charge of fifty percent (50%) shall be allowed for the  
24 publication of all public notice advertising containing rule or tabular  
25 work.

26 ~~(c)~~ (d) All public notice advertisements shall be set in solid type that  
27 is at least 7 point type, without any leads or other devices for increasing  
28 space. All public notice advertisements shall be headed by not more  
29 than two (2) lines, neither of which shall total more than four (4) solid  
30 lines of the type in which the body of the advertisement is set. Public  
31 notice advertisements may be submitted by an appointed or elected  
32 official or a governmental agency to a newspaper or qualified  
33 publication in electronic form, if the newspaper or qualified publication  
34 is equipped to accept information in compatible electronic form.

35 ~~(d)~~ (e) Each newspaper or qualified publication publishing public  
36 notice advertising shall submit proof of publication and claim for  
37 payment in duplicate on each public notice advertisement published.  
38 For each additional proof of publication required by a public official,  
39 a charge of one dollar (\$1) per copy shall be allowed each newspaper  
40 or qualified publication furnishing proof of publication.

41 ~~(e)~~ (f) The circulation of a newspaper or qualified publication is  
42 determined as follows:



1 (1) For a newspaper, by the circulation stated on line 10.C. (Total  
2 Paid and/or Requested Circulation of Single Issue Published  
3 Nearest to Filing Date) of the Statement of Ownership,  
4 Management and Circulation required by 39 U.S.C. 3685 that was  
5 filed during the previous year.

6 (2) For a qualified publication, by a verified affidavit filed with  
7 each governmental agency that has public notices the qualified  
8 publication wants to publish. The affidavit must:

9 (A) be filed with the governmental agency before January 1 of  
10 each year; and

11 (B) attest to the circulation of the qualified publication for the  
12 issue published nearest to October 1 of the previous year.

13 SECTION 12. IC 5-3-1-1.5, AS ADDED BY P.L.141-2009,  
14 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
15 JULY 1, 2015]: Sec. 1.5. (a) This section applies after June 30, 2009,  
16 to a notice that must be published in accordance with this chapter.

17 (b) If a newspaper maintains an Internet web site, a notice that is  
18 published in the newspaper must also be posted on the newspaper's  
19 web site. The notice must appear on the web site on the same day the  
20 notice appears in the newspaper.

21 (c) The state board of accounts shall develop a standard form for  
22 notices posted:

- 23 (1) on a newspaper's Internet web site; or
- 24 (2) as a **qualified publication on a school corporation or**
- 25 **charter school's Internet web site.**

26 (d) A newspaper may not charge a fee for posting a notice on the  
27 newspaper's Internet web site under this section.

28 SECTION 13. IC 5-3-1-3, AS AMENDED BY P.L.1-2005,  
29 SECTION 73, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
30 JULY 1, 2015]: Sec. 3. (a) Within sixty (60) days after the expiration  
31 of each calendar year, the fiscal officer of each civil city and town in  
32 Indiana shall publish an annual report of the receipts and expenditures  
33 of the city or town during the preceding calendar year.

34 (b) Not earlier than August 1 or later than August 15 of each year,  
35 the secretary of each school corporation in Indiana shall publish an  
36 annual financial report.

37 (c) In the annual financial report the school corporation shall  
38 include the following:

39 (1) Actual receipts and expenditures by major accounts as  
40 compared to the budget advertised under IC 6-1.1-17-3 for the  
41 prior calendar year.

42 (2) The salary schedule for all certificated employees (as defined



1 in IC 20-29-2-4) as of June 30; with the number of employees at  
 2 each salary increment. However, the listing of salaries of  
 3 individual teachers is not required.

4 ~~(3)~~ The extracurricular salary schedule as of June 30:

5 ~~(4)~~ **(2)** The range of rates of pay for all noncertificated employees  
 6 by specific classification.

7 ~~(5)~~ **(3)** The number of employees who are full-time certificated,  
 8 part-time certificated, full-time noncertificated, and part-time  
 9 noncertificated.

10 ~~(6)~~ **(4)** The lowest, highest, and average salary for the  
 11 administrative staff and the number of administrators without a  
 12 listing of the names of particular administrators.

13 ~~(7)~~ The number of students enrolled at each grade level and the  
 14 total enrollment:

15 ~~(8)~~ **(5)** The assessed valuation of the school corporation for the  
 16 prior and current calendar year.

17 ~~(9)~~ The tax rate for each fund for the prior and current calendar  
 18 year:

19 ~~(10)~~ **(6)** In the general fund, capital projects fund, and  
 20 transportation fund, a report of the total payment made to each  
 21 vendor for the specific fund in excess of two thousand five  
 22 hundred dollars (\$2,500) during the prior calendar year. However,  
 23 a school corporation is not required to include more than two  
 24 hundred (200) vendors whose total payment to each vendor was  
 25 in excess of two thousand five hundred dollars (\$2,500). A school  
 26 corporation shall list the vendors in descending order from the  
 27 vendor with the highest total payment to the vendor with the  
 28 lowest total payment above the minimum listed in this  
 29 subdivision.

30 ~~(11)~~ **(7)** A statement providing that the contracts, vouchers, and  
 31 bills for all payments made by the school corporation are in its  
 32 possession and open to public inspection.

33 ~~(12)~~ **(8)** The total indebtedness as of the end of the prior calendar  
 34 year showing the total amount of notes, bonds, certificates, claims  
 35 due, total amount due from such corporation for public  
 36 improvement assessments or intersections of streets, and any and  
 37 all other evidences of indebtedness outstanding and unpaid at the  
 38 close of the prior calendar year.

39 (d) The school corporation may provide an interpretation or  
 40 explanation of the information included in the financial report.

41 (e) The department of education shall do the following:

42 (1) Develop guidelines for the preparation and form of the



1 financial report.

2 (2) Provide information to assist school corporations in the  
3 preparation of the financial report.

4 ~~(f)~~ The annual reports required by this section and IC 36-2-2-19 and  
5 the abstract required by IC 36-6-4-13 shall each be published one (1)  
6 time only, in accordance with this chapter.

7 ~~(g)~~ (f) Each school corporation shall submit to the department of  
8 education a copy of the financial report required under this section. The  
9 department of education shall make the financial reports available for  
10 public inspection.

11 SECTION 14. IC 5-3-1-4, AS AMENDED BY P.L.141-2009,  
12 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
13 JULY 1, 2015]: Sec. 4. (a) **This section does not apply to a qualified  
14 publication described in section 0.7 of this chapter.**

15 ~~(a)~~ (b) Whenever officers of a political subdivision are required to  
16 publish a notice affecting the political subdivision, they shall publish  
17 the notice in two (2) newspapers published in the political subdivision.

18 ~~(b)~~ (c) This subsection applies to notices published by county  
19 officers. If there is only one (1) newspaper published in the county,  
20 then publication in that newspaper alone is sufficient.

21 ~~(c)~~ (d) This subsection applies to notices published by city, town, or  
22 school corporation officers. If there is only one (1) newspaper  
23 published in the municipality or school corporation, then publication  
24 in that newspaper alone is sufficient. If no newspaper is published in  
25 the municipality or school corporation, then publication shall be made  
26 in a newspaper published in the county in which the municipality or  
27 school corporation is located and that circulates within the municipality  
28 or school corporation.

29 ~~(d)~~ (e) This subsection applies to notices published by officers of  
30 political subdivisions not covered by subsection ~~(a)~~ or ~~(b)~~: **(b) or (c)**.  
31 If there is only one (1) newspaper published in the political  
32 subdivision, then the notice shall be published in that newspaper. If no  
33 newspaper is published in the political subdivision, then publication  
34 shall be made in a newspaper published in the county and that  
35 circulates within the political subdivision.

36 ~~(e)~~ (f) This subsection applies to a political subdivision, including  
37 a city, town, or school corporation. Notwithstanding any other law, if  
38 a political subdivision has territory in more than one (1) county, public  
39 notices that are required by law or ordered to be published must be  
40 given as follows:

41 (1) By publication in two (2) newspapers published within the  
42 boundaries of the political subdivision.



1 (2) If only one (1) newspaper is published within the boundaries  
 2 of the political subdivision, by publication in that newspaper and  
 3 in some other newspaper:

4 (A) published in any county in which the political subdivision  
 5 extends; and

6 (B) that has a general circulation in the political subdivision.

7 (3) If no newspaper is published within the boundaries of the  
 8 political subdivision, by publication in two (2) newspapers that:

9 (A) are published in any counties into which the political  
 10 subdivision extends; and

11 (B) have a general circulation in the political subdivision.

12 (4) If only one (1) newspaper is published in any of the counties  
 13 into which the political subdivision extends, by publication in that  
 14 newspaper if it circulates within the political subdivision.

15 ~~(f)~~ (g) A political subdivision may, in its discretion, publish public  
 16 notices in a qualified publication or additional newspapers to provide  
 17 supplementary notification to the public. The cost of publishing  
 18 supplementary notification is a proper expenditure of the political  
 19 subdivision.

20 SECTION 15. IC 5-10.3-7-12.5, AS AMENDED BY P.L.165-2009,  
 21 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 22 JULY 1, 2015]: Sec. 12.5. **(a) This section does not apply to a school  
 23 corporation.**

24 ~~(a)~~ (b) An employer or department shall make the reports,  
 25 membership records, or payments required by IC 5-10.3-6 or by  
 26 sections 10 through 12 of this chapter:

27 (1) not more than thirty (30) days after the end of the calendar  
 28 quarter, if applicable;

29 (2) another due date specified in sections 10 through 12 of this  
 30 chapter; or

31 (3) an alternate due date established by the rules of the board.

32 ~~(b)~~ (c) If the employer or department does not make the reports,  
 33 records, or payments within the time specified in subsection ~~(a)~~: (b):

34 (1) the board may fine the employer or department one hundred  
 35 dollars (\$100) for each additional day that the reports, records, or  
 36 payments are late, to be withheld under IC 5-10.3-6-7; and

37 (2) if the employer or department is habitually late, as determined  
 38 by the board, the board shall report the employer or the  
 39 department to the auditor of state for additional withholding under  
 40 IC 5-10.3-6-7.

41 ~~(c)~~ (d) After December 31, 2009, an employer or department shall  
 42 submit:



1 (1) the reports and records described in subsection ~~(a)~~ **(b)** in a  
 2 uniform format through a secure connection over the Internet or  
 3 through other electronic means specified by the board in  
 4 accordance with IC 5-10.2-2-12.5; and

5 (2) both:

6 (A) employer contributions determined under IC 5-10.2-2-11;  
 7 and

8 (B) contributions paid by or on behalf of a member under  
 9 section 9 of this chapter;

10 by electronic funds transfer in accordance with IC 5-10.2-2-12.5.

11 SECTION 16. IC 5-10.4-1-8, AS ADDED BY P.L.2-2006,  
 12 SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 13 JULY 1, 2015]: Sec. 8. "Governing body" means:

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

16 ~~(2)~~ **(1)** a board of school commissioners;

17 ~~(3)~~ **(2)** a metropolitan board of education;

18 ~~(4)~~ **(3)** a board of trustees; or

19 ~~(5)~~ **(4)** another board or commission;

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

22 SECTION 17. IC 5-10.4-1-13, AS ADDED BY P.L.2-2006,  
 23 SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 24 JULY 1, 2015]: Sec. 13. "School corporation" means a public school  
 25 corporation established by and under Indiana law. The term includes  
 26 any:

27 (1) school city;

28 (2) school town;

29 ~~(3) school township;~~

30 ~~(4)~~ **(3)** consolidated school corporation;

31 ~~(5)~~ **(4)** metropolitan school district;

32 ~~(6)~~ **(5)** township school corporation;

33 ~~(7)~~ **(6)** county school corporation;

34 ~~(8)~~ **(7)** united school corporation; or

35 ~~(9)~~ **(8)** community school corporation.

36 SECTION 18. IC 5-10.4-7-6, AS AMENDED BY P.L.182-2009(ss),  
 37 SECTION 73, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 38 JULY 1, 2015]: Sec. 6. (a) As used in this section, "net contributions"  
 39 means the gross amount of a member's contributions minus any refund  
 40 paid or due a teacher.

41 (b) Not later than January 15, April 15, July 15, and October 15 of  
 42 each year or an alternate due date established by the rules of the board,





1 the treasurer of a school corporation, the township trustee, or the  
 2 appropriate officer of any other institution covered by the fund shall  
 3 ~~make an employer report as provided in section 7 of this chapter; on a~~  
 4 ~~form furnished by the board; submit~~ to the board ~~accompanied by a~~  
 5 warrant for payment of:

6 (1) the total net contributions to the fund made for or by the  
 7 members in the preceding three (3) months; and

8 (2) subject to IC 5-10.2-2-11.5, the employer contributions as  
 9 required by section 11 of this chapter.

10 ~~(e) Amendatory reports to correct errors or omissions may be~~  
 11 ~~required and made.~~

12 ~~(d) (c)~~ After December 31, 2009, the treasurer of a school  
 13 corporation, the township trustee, or the appropriate officer of any other  
 14 institution covered by the fund shall submit

15 ~~(1) the employer report described in section 7 of this chapter in a~~  
 16 ~~uniform format through a secure connection over the Internet or~~  
 17 ~~through other electronic means specified by the board in~~  
 18 ~~accordance with IC 5-10.2-2-12.5; and~~

19 ~~(2) the:~~

20 ~~(A) (1) employer contributions; and~~

21 ~~(B) (2) contributions paid by or on behalf of a member;~~

22 described in subsection (b) by electronic funds transfer in accordance  
 23 with IC 5-10.2-2-12.5.

24 SECTION 19. IC 5-10.4-7-7 IS REPEALED [EFFECTIVE JULY  
 25 1, 2015]. Sec. 7. (a) ~~Not later than January 15, April 15, July 15, and~~  
 26 ~~October 15 of each year or an alternate due date established by the~~  
 27 ~~rules of the board; the treasurer of a school corporation; the township~~  
 28 ~~trustee; or the appropriate officer of any other institution covered by the~~  
 29 ~~fund shall make a report to the board on a form furnished by the board~~  
 30 ~~and within the time set by the board. Amendatory reports to correct~~  
 31 ~~errors or omissions may be required and made.~~

32 (b) The report required by subsection (a) must include:

33 (1) the name of each member employed in the preceding reporting  
 34 period; except substitute teachers;

35 (2) the total salary and other compensation paid for personal  
 36 services to each member in the reporting period;

37 (3) the sum of contributions made for or by each member; except  
 38 for a retired member who may not make contributions during a  
 39 period of reemployment as provided under IC 5-10.2-4-8(e);

40 (4) the sum of employer contributions made by the school  
 41 corporation or other institution; except for a retired member for  
 42 whom or on whose behalf an employer may not make



1 contributions during a period of reemployment as provided under  
2 ~~IC 5-10.2-4-8(e)~~;

3 (5) the number of days each member received salary or other  
4 compensation for teaching services; and

5 (6) any other information that the board determines necessary for  
6 the effective management of the fund.

7 (e) As often as the board determines necessary, the board may  
8 review or cause to be reviewed the pertinent records of any public  
9 entity contributing to the fund under this article.

10 SECTION 20. IC 5-10.4-7-8, AS ADDED BY P.L.2-2006,  
11 SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
12 JULY 1, 2015]: Sec. 8. If the treasurer of a school corporation, the  
13 township trustee, or the appropriate officer of any other institution  
14 covered by the fund fails to make the reports and payments as required  
15 in section 6 ~~or~~ 7 of this chapter, the following apply:

16 (1) The officer has an additional thirty (30) days to make the  
17 reports and payments without a penalty.

18 (2) If the reports and payments are not made within thirty (30)  
19 days after the deadlines required by section 6 ~~or~~ 7 of this chapter,  
20 the board may fine the school corporation, township, or institution  
21 that the officer serves one hundred dollars (\$100) for each  
22 additional day that the reports and payments are late.

23 (3) If the officer is habitually late, as determined by the board, the  
24 school corporation, township, or institution that the officer serves  
25 is ineligible to receive any distribution of money from the state for  
26 school purposes until the reports and payments are received and  
27 approved by the board.

28 SECTION 21. IC 5-11-6-5 IS AMENDED TO READ AS  
29 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 5. (a) The provisions  
30 of this chapter shall not be construed as repealing any laws in force on  
31 March 7, 1923, but shall be construed only as conferring additional  
32 duties and powers upon the state examiner, deputy examiners, field  
33 examiners, and the attorney general of the state and providing  
34 additional remedies as to the matters set forth in those laws, and all the  
35 remedies provided in this chapter shall be additional and concurrent  
36 and not exclusive.

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

41 SECTION 22. IC 5-13-4-19 IS AMENDED TO READ AS  
42 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 19. (a) Except as



1 provided in subsections (b) and (c), "political subdivision" has the  
2 meaning set forth in IC 36-1-2-13.

3 (b) A hospital organized or operated under IC 16-22-1 through  
4 IC 16-22-5 or IC 16-23-1 is considered a political subdivision only for  
5 purposes of IC 5-13-12 and IC 5-13-13.

6 (c) For purposes of IC 5-13-7, ~~and IC 5-13-8~~, the term does not  
7 include a city or a town **or a school corporation.**

8 **(d) For purposes of IC 5-13-8, the term does not include a city**  
9 **or a town.**

10 SECTION 23. IC 5-13-8-1 IS AMENDED TO READ AS  
11 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 1. (a) A political  
12 subdivision may deposit public funds in a financial institution only if  
13 the financial institution:

14 (1) is a depository eligible to receive state funds; and

15 (2) has a principal office or branch that qualifies under section 9  
16 of this chapter to receive public funds of the political subdivision.

17 **This subdivision does not apply to a school corporation.**

18 (b) The state board of finance shall make available information  
19 concerning financial institutions eligible to receive state funds as may  
20 be requested by a local board of finance. A local board of finance may  
21 rely on certificates described in IC 5-13-9.5-1(d) in determining to  
22 deposit public funds or reinvest public funds in the financial institution.

23 SECTION 24. IC 5-13-8-7 IS AMENDED TO READ AS  
24 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 7. (a) As used in this  
25 section, "Indiana resident" means any of the following:

26 (1) An individual who is a resident of Indiana.

27 (2) A political subdivision (as defined in IC 36-1-2-13) in Indiana.

28 (3) A corporation, a limited liability company, a partnership, a  
29 limited partnership, a trust, an estate, or other legal entity that:

30 (A) is established under Indiana law; or

31 (B) maintains its principal office in Indiana.

32 (4) A corporation, a limited liability company, a partnership, a  
33 limited partnership, a trust, an estate, or other legal entity that:

34 (A) is established under the law of a state other than Indiana;  
35 and

36 (B) carries out substantial business activities in Indiana,  
37 including the employment of individuals who reside in  
38 Indiana.

39 (b) As used in this section, "investment in an Indiana resident"  
40 means an investment in an interest-bearing obligation of a political  
41 subdivision (as defined in IC 36-1-2-13) in Indiana.

42 (c) The local board of finance under which any depository operates



1 may at any time revoke the commission of any depository at a meeting  
 2 called for the purpose of revoking a commission, of which the  
 3 depository shall have been notified by advance written notice sent by  
 4 first class or registered mail not less than twenty (20) days before the  
 5 meeting and at which the depository has the right to be heard. Not later  
 6 than thirty (30) days after a local board of finance revokes the  
 7 commission of a depository, the local board of finance shall give  
 8 written notice of the action to the board of depositories.

9 (d) **This subdivision does not apply to a school corporation.** The  
 10 local board of finance may revoke the commission of any depository to  
 11 do business with the political subdivision:

12 (1) if the depository is unwilling or unable to perform banking  
 13 services reasonably required by the local board of finance,  
 14 considering the volume of transactions, that are:

15 (A) related to the public funds deposited in a deposit account  
 16 described in IC 5-13-9-4(a); and

17 (B) required by the political subdivision served by the local  
 18 board of finance to carry out the responsibilities of the political  
 19 subdivision, as determined by the local board of finance;

20 (2) if the depository is unwilling or unable to comply with a state  
 21 or federal statute, rule, or other regulation that governs the records  
 22 or handling of public funds of the political subdivision served by  
 23 the local board of finance, as determined by the local board of  
 24 finance;

25 (3) if the depository ceases to qualify as a depository under this  
 26 chapter, as determined by the local board of finance;

27 (4) if the depository fails to conduct lending activities in Indiana  
 28 to such an extent that, at the end of each quarter, pursuant to the  
 29 depository's certification, the sum of:

30 (A) the total principal amount of outstanding loans to Indiana  
 31 residents; plus

32 (B) the total value of investments in Indiana residents;

33 will at least equal the total amount of the public funds of the state  
 34 and political subdivisions of the state that are on deposit in the  
 35 financial institution; or

36 (5) for any cause that is adopted in the written rules of the local  
 37 board of finance and that is directly related to the safe handling of  
 38 public funds.

39 (e) Upon revocation, the depository shall immediately render an  
 40 accounting and make settlement for all public funds deposited with the  
 41 depository.

42 SECTION 25. IC 5-13-8-9 IS AMENDED TO READ AS



1       FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 9. **(a) This section**  
 2       **does not apply to a school corporation.**

3       ~~(a)~~ **(b)** All public funds of all political subdivisions shall be  
 4       deposited in the designated depositories located in the respective  
 5       territorial limits of the political subdivisions, except as provided in this  
 6       section.

7       ~~(b)~~ **(c)** Each board of finance of a political subdivision:

8           (1) that is not a city, town, or school corporation; and

9           (2) whose jurisdiction crosses one (1) or more county lines;

10       may limit its boundaries for the purpose of this section to that portion  
 11       of the political subdivision within the county where its principal office  
 12       is located.

13       ~~(c)~~ **(d)** If there is no principal office or branch of a financial  
 14       institution located in the county or political subdivision, or if no  
 15       financial institution with a principal office or branch in the county or  
 16       political subdivision will accept public funds under this chapter, the  
 17       board of finance of the county and the boards of finance of the political  
 18       subdivisions in the county shall designate one (1) or more financial  
 19       institutions with a principal office or branch outside of the county or  
 20       political subdivision, and in the state, as a depository or depositories.

21       ~~(d)~~ **(e)** The board of trustees for a hospital organized or operated  
 22       under IC 16-22-1 through IC 16-22-5 or IC 16-23-1 may invest any  
 23       money in the hospital fund anywhere in the state with any financial  
 24       institution designated by the state board of finance as depositories for  
 25       state deposits.

26       ~~(e)~~ **(f)** If only one (1) financial institution that has a branch or  
 27       principal office in a county or political subdivision is willing to accept  
 28       public funds, the board of finance for the county or political  
 29       subdivision may:

30           (1) treat the financial institution that is located within the county  
 31           or political subdivision as if the financial institution were not  
 32           located within the county or political subdivision; and

33           (2) designate one (1) or more financial institutions to receive  
 34           public funds under the requirements of subsection ~~(e)~~: **(d)**.

35       ~~(f)~~ **(g)** The investing officer shall maintain the deposits as follows:

36           (1) In one (1) or more depositories designated for the political  
 37           subdivision, if the sum of the monthly average balances of all the  
 38           transaction accounts for the political subdivision does not exceed  
 39           one hundred thousand dollars (\$100,000).

40           (2) In each depository designated for the political subdivision, if  
 41           subdivision (1) does not apply and fewer than three (3) financial  
 42           institutions are designated by the local board of finance as a



1 depository.

2 (3) In at least two (2) depositories designated for the political  
3 subdivision, if subdivision (1) does not apply and at least three (3)  
4 financial institutions are designated by the local board of finance  
5 as a depository.

6 SECTION 26. IC 5-13-8-14 IS REPEALED [EFFECTIVE JULY 1,  
7 2015]. ~~Sec. 14. A financial institution may not be designated as a~~  
8 ~~depository under this chapter if the financial institution would be~~  
9 ~~disqualified from being awarded a contract under IC 5-22-16.5.~~

10 SECTION 27. IC 5-13-9-5.7, AS AMENDED BY P.L.13-2013,  
11 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
12 JULY 1, 2015]: Sec. 5.7. **(a) This section does not apply to a school**  
13 **corporation.**

14 ~~(a)~~ **(b)** The fiscal body of a political subdivision may adopt an  
15 investment policy authorizing the investment of public funds of the  
16 political subdivision for more than two (2) years and not more than five  
17 (5) years. The policy must:

18 (1) be in writing;

19 (2) be adopted at a public meeting;

20 (3) provide for the investment of public funds with the approval  
21 of the investing officer;

22 (4) provide that the investments must be made in accordance with  
23 this article;

24 (5) limit the total investments outstanding under this section to  
25 not more than twenty-five percent (25%) of the total portfolio of  
26 public funds invested by the political subdivision, including  
27 balances in transaction accounts; and

28 (6) state a date on which the policy expires, which may not be  
29 more than four (4) years after the date on which the policy takes  
30 effect.

31 ~~(b)~~ **(c)** A policy adopted by a fiscal body under subsection ~~(a)~~ **(b)**  
32 remains in effect only through the date of expiration established in the  
33 policy, which may not be more than four (4) years after the date on  
34 which the policy takes effect.

35 ~~(c)~~ **(d)** A fiscal body that has adopted a written investment policy  
36 under subsection ~~(a)~~ **(b)** may adopt an ordinance authorizing its  
37 investing officer to make investments having a stated final maturity that  
38 is:

39 (1) more than two (2) years; but

40 (2) not more than five (5) years;

41 after the date of purchase or entry into a repurchase agreement.

42 ~~(d)~~ **(e)** An ordinance adopted by a fiscal body under subsection ~~(c)~~



1 (d) and the power to make an investment described in subsection (e)  
 2 (d) expire on the date on which the policy expires, which may not be  
 3 more than four (4) years after the date on which the policy takes effect.

4 (e) (f) After an investment of public funds of a political subdivision  
 5 is made by the investing officer under this section, the total investments  
 6 of the political subdivision outstanding under this section may not  
 7 exceed twenty-five percent (25%) of the total portfolio of public funds  
 8 invested by the political subdivision, including balances in transaction  
 9 accounts. However, an investment that complies with this section when  
 10 the investment is made remains legal even if:

- 11 (1) the investment policy has expired; or
- 12 (2) a subsequent decrease in the total portfolio of public funds  
 13 invested by the political subdivision, including balances in  
 14 transaction accounts, causes the percentage of investments  
 15 outstanding under this section to exceed twenty-five percent  
 16 (25%) of the total portfolio of public funds invested by the  
 17 political subdivision.

18 (f) (g) An investing officer may contract with a federally regulated  
 19 investment advisor or other institutional money manager to make  
 20 investments under this section.

21 SECTION 28. IC 5-14-3-8, AS AMENDED BY P.L.16-2008,  
 22 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 23 JULY 1, 2015]: Sec. 8. (a) For the purposes of this section, "state  
 24 agency" has the meaning set forth in IC 4-13-1-1.

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

- 27 (1) **For a person to inspect a public record. or**
- 28 (2) **For a person to search for a public record.**
- 29 (3) **For the public agency to search for a public record, if the**  
 30 **search does not exceed two (2) hours.**
- 31 (4) **For the public agency to search for, examine or review a**  
 32 **record to determine whether the record may be disclosed.**
- 33 (5) **For the public agency to transmit an electronic copy of a**  
 34 **public record by electronic mail. However, a public agency**  
 35 **may charge a fee for a public record transmitted by electronic**  
 36 **mail if the fee for the public record is authorized under:**

- 37 (A) subsection (f) or (j); or
- 38 (B) section 6(c) of this chapter.

39 (6) **For a person (not including a commercial entity) to use a**  
 40 **cellular telephone to copy a public record for a**  
 41 **noncommercial purpose, if the public record contains the**  
 42 **person's name.**



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

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

- 16 (1) ten cents (\$0.10) per page for copies that are not color copies
- 17 or twenty-five cents (\$0.25) per page for color copies; or
- 18 (2) the actual cost to the agency of copying the document.

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

24 (e) If:

- 25 (1) a person is entitled to a copy of a public record under this
- 26 chapter; and
- 27 (2) the public agency which is in possession of the record has
- 28 reasonable access to a machine capable of reproducing the public
- 29 record;

30 the public agency must provide at least one (1) copy of the public  
 31 record to the person. However, if a public agency does not have  
 32 reasonable access to a machine capable of reproducing the record or if  
 33 the person cannot reproduce the record by use of enhanced access  
 34 under section 3.5 of this chapter, the person is only entitled to inspect  
 35 and manually transcribe the record. A public agency may require that  
 36 the payment for **search and** copying costs be made in advance.

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





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

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

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

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

16 (1) and (2).

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

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

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

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

39 (1) Public agency program support.

40 (2) Nonprofit activities.

41 (3) Journalism.

42 (4) Academic research.



1           **(l) This subsection applies to a public agency that charges a fee**  
 2 **for the public agency to search for a public record. A public agency**  
 3 **may not charge a fee for the first two (2) hours required to search**  
 4 **for a record. A public agency may charge a search fee for any time**  
 5 **in excess of two (2) hours. If the public agency charges a search fee,**  
 6 **the agency shall charge an hourly fee that does not exceed the**  
 7 **lesser of:**

- 8           **(1) the hourly rate of the person making the search; or**  
 9           **(2) twenty dollars (\$20) per hour.**

10 **A public agency charging an hourly fee under this subsection for**  
 11 **searching for a record may charge only for time that the person**  
 12 **making the search actually spends in searching for the record. A**  
 13 **public agency may not charge for computer processing time, and**  
 14 **may not establish a minimum fee for searching for a record. A**  
 15 **public agency shall make a good faith effort to complete a search**  
 16 **for a record within a reasonable time in order to minimize the**  
 17 **amount of a search fee. The fee must be prorated to reflect any**  
 18 **search time of less than one (1) hour. If a fee is charged by a public**  
 19 **agency under subsection (g), (h), (i), or (j) for a public record, the**  
 20 **public agency may not charge a fee for searching for the record**  
 21 **under this subsection. A search fee collected by a department, an**  
 22 **agency, or an office of a county, city, town, or township shall be**  
 23 **deposited in the general fund of the county, city, town, or township.**

24           SECTION 29. IC 5-15-5.1-10 IS AMENDED TO READ AS  
 25 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 10. Each agency shall:

- 26           (1) Make and preserve records containing adequate and proper  
 27 documentation of the organization, functions, policies, decisions,  
 28 procedures, and essential transactions of the agency to protect the  
 29 legal and financial rights of the government and of persons  
 30 directly affected by the agency's activities.  
 31           (2) Cooperate fully with the commission in implementing the  
 32 provisions of this chapter.  
 33           (3) Establish and maintain an active and continuing program for  
 34 the economical and efficient management of information and  
 35 assist the commission in the conduct of information management  
 36 surveys.  
 37           (4) Implement information management procedures and  
 38 regulations issued by the commission.  
 39           (5) Submit to the oversight committee, a recommended retention  
 40 schedule for each form and record series in its custody. However,  
 41 retention schedules for forms and record series common to more  
 42 than one (1) agency may be established by the oversight



1 committee. Records may not be scheduled for retention any  
2 longer than is necessary to perform required functions. Records  
3 requiring retention for several years must be transferred to the  
4 records center.

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

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

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

17 SECTION 30. IC 5-15-6-1 IS REPEALED [EFFECTIVE JULY 1,  
18 2015]. Sec. 1: (a) A commission is hereby created in each county of the  
19 state which shall be known as the county commission of public records  
20 of \_\_\_\_\_ county:

21 (b) The county commission shall consist, ex officio, of the judge of  
22 the circuit court; the president of the board of county commissioners;  
23 the county auditor; the clerk of the circuit court; the county recorder;  
24 the superintendent of schools of the school district in which the county  
25 seat is located and the city controller of the county seat city; and if  
26 there is no city controller, then the clerk-treasurer of the county seat  
27 city or town shall be a member of such commission.

28 (c) The commission shall elect one (1) of its members to be  
29 chairman. The clerk of the circuit court or the county recorder must be  
30 secretary of the commission. The person who serves as secretary shall  
31 be determined as follows:

32 (1) By mutual agreement of the clerk of the circuit court and the  
33 county recorder.

34 (2) If a mutual agreement cannot be reached under subdivision  
35 (1), by an affirmative vote of a majority of members of the county  
36 commission.

37 The members of the county commission shall serve without  
38 compensation and shall receive no disbursement for any expense.

39 (d) The county commission shall meet at least one (1) time in each  
40 calendar year.

41 SECTION 31. IC 5-15-6-1.2 IS REPEALED [EFFECTIVE JULY  
42 1, 2015]. Sec. 1:2: As used in this chapter, "county commission" or



1 "commission" refers to the county commission of public records  
2 created by section 1 of this chapter.

3 SECTION 32. IC 5-15-6-2 IS REPEALED [EFFECTIVE JULY 1,  
4 2015]. Sec. 2: (a) It shall be the duty of the county commission to  
5 determine the following:

6 (1) Which public records, if any, are no longer of official or  
7 historical value.

8 (2) Which public records are of current official value and should  
9 be retained in the office where they are required to be filed.

10 (3) Which public records are of official value but are consulted  
11 and used so infrequently that they are no longer of appreciable  
12 value to the officer with whom they are required to be filed.

13 (4) Which public records are of no apparent official value but  
14 which do have historical value.

15 (b) The county commission may request the assistance of the  
16 commission on public records established under IC 5-15-5.1 in  
17 developing records management programs.

18 SECTION 33. IC 5-15-6-2.5, AS AMENDED BY P.L.84-2012,  
19 SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
20 JULY 1, 2015]: Sec. 2.5. (a) ~~The county commission~~ **A political**  
21 **subdivision** shall implement retention schedules for use by local  
22 government officials as part of a records management program for local  
23 government public records ~~not more than thirty (30) days after adoption~~  
24 ~~by the oversight committee on public records as established by~~  
25 ~~IC 5-15-5.1-18: before January 1, 2016.~~

26 (b) All requests to destroy, transfer, or otherwise dispose of records  
27 that are not covered by an approved retention schedule are to be  
28 submitted to the ~~county commission~~ **political subdivision** according  
29 to the procedure established under this chapter.

30 (c) Requests for exceptions to an approved retention schedule shall  
31 be submitted to the ~~county commission:~~ **political subdivision**. The  
32 ~~commission~~ **political subdivision** may not consider requests for  
33 retention of records that are shorter in duration than the approved  
34 retention schedule.

35 (d) Local government officers shall submit documentation of  
36 destruction, transfer, or other disposal of records according to an  
37 approved retention schedule to the county commission with a copy  
38 submitted to the state archives.

39 (e) Whenever a local government includes parts of more than one  
40 (1) county, the commission of the county that contains the greatest  
41 percentage of population of the local government has jurisdiction over  
42 the records of the local government for the purposes of this chapter.



1 SECTION 34. IC 5-15-6-3 IS AMENDED TO READ AS  
 2 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 3. (a) As used in this  
 3 section, "original records" includes the optical image of a check or  
 4 deposit document when:

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

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

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

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

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

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

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

34 (e) As used in this section, "public records" or "records" includes  
 35 records that have been recorded, copied, or reproduced by a  
 36 photographic, photostatic, miniature photographic, or optical imaging  
 37 process that correctly, accurately, and permanently copies, reproduces,  
 38 or forms a medium for copying or reproducing the original record on  
 39 a film or other durable material. Original records may be disposed of  
 40 in accordance with subsection (f), if the record has been copied or  
 41 reproduced as described in this subsection. The copy must be treated  
 42 as an original. Copies, recreations, or reproductions made from an



1 optical image of a public record described in this subsection shall be  
 2 received as evidence in any court in which the original record could  
 3 have been introduced, if the recreations, copies, or reproductions are  
 4 properly certified as to authenticity and accuracy by an official  
 5 custodian of the records.

6 (f) **A political subdivision may dispose of** original records ~~may be~~  
 7 ~~disposed of only with the approval of the commission~~ according to  
 8 guidelines established by the ~~commission~~ **political subdivision**.  
 9 However, the guidelines established by the ~~commission~~ **political**  
 10 **subdivision** concerning the disposal of financial records must be  
 11 approved by the state board of accounts before the guidelines become  
 12 effective.

13 SECTION 35. IC 5-15-6-5 IS AMENDED TO READ AS  
 14 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 5. Public records  
 15 having an official value but which are used infrequently by the officer  
 16 **of the political subdivision** with whom they are filed or maintained  
 17 ~~shall, on order of the commission, may~~ be removed and transferred to  
 18 the Indiana state archives **according to guidelines adopted by the**  
 19 **political subdivision**.

20 SECTION 36. IC 5-15-6-7 IS AMENDED TO READ AS  
 21 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 7. (a) When any public  
 22 records are ordered to be destroyed, removed, or transferred, the  
 23 ~~commission~~ **political subdivision** shall enter an order to that effect on  
 24 its minutes, stating the date on which the order is entered and a general  
 25 description of the public records which the ~~commission~~ **political**  
 26 **subdivision** orders to be destroyed, removed, or transferred.

27 (b) A copy of any order to destroy public records shall be delivered  
 28 to:

- 29 (1) the state archivist at the Indiana state archives;
- 30 (2) any active genealogical society of the county; and
- 31 (3) any active historical society of the county;

32 not later than sixty (60) days before the destruction date, accompanied  
 33 by a written statement that the state archivist at the Indiana state  
 34 archives or society may procure at its expense such records for its own  
 35 purposes.

36 (c) The order delivered under subsection (b) must state that the  
 37 records will be made available to the state archivist at the Indiana state  
 38 archives, the genealogical society, or the historical society subject to  
 39 the following provisions:

- 40 (1) Genealogical or historical societies of the county which have  
 41 an active organization shall have priority in the procuring of the  
 42 public records.



- 1 (2) If there is more than one (1) genealogical or historical society  
 2 of the county with an active organization, the earliest established  
 3 genealogical or historical society shall have priority in the  
 4 procuring of the public records.
- 5 (3) In order to procure all or part of the public records included in  
 6 the order, a genealogical or historical society must offer to the  
 7 Indiana state archives sufficient proof of ability to properly  
 8 preserve the records in question, or the state archives may deny  
 9 the records to the genealogical historical society and give priority  
 10 to another historical society in the county or the state archivist at  
 11 the Indiana state archives.
- 12 (4) If within thirty (30) days of the delivery of the destruction  
 13 order to the genealogical or historical society, the society has not  
 14 notified the ~~commission~~ **political subdivision** of an intent to  
 15 procure all or part of the records included in the order, the state  
 16 archivist at the Indiana state archives may upon request procure  
 17 at the archive's expense the records for the archive's own purposes  
 18 within the remaining time in the sixty (60) day period.
- 19 (5) If a county historical society that has obtained records ~~through~~  
 20 ~~the county commission~~ **from a political subdivision**  
 21 subsequently wishes to destroy, transfer, or otherwise dispose of  
 22 these records, the historical society shall submit a request to the  
 23 ~~county commission~~ **political subdivision** for authorization to  
 24 destroy the records according to the procedure set forth in this  
 25 chapter.
- 26 (6) Records obtained by a historical society under this chapter  
 27 remain public records and are subject to all applicable public  
 28 records laws.
- 29 SECTION 37. IC 5-15-6-8, AS AMENDED BY P.L.158-2013,  
 30 SECTION 79, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 31 JULY 1, 2015]: Sec. 8. A public official or other person who  
 32 recklessly, knowingly, or intentionally destroys or damages any public  
 33 record commits a Level 6 felony unless:
- 34 (1) the ~~commission~~ **appropriate political subdivision** shall have  
 35 given its approval in writing that the public records may be  
 36 destroyed;
- 37 (2) the ~~commission~~ **political subdivision** shall have entered its  
 38 approval for destruction of the public records on its own minutes;  
 39 or
- 40 (3) authority for destruction of the records is granted by an  
 41 approved retention schedule established under this chapter.
- 42 SECTION 38. IC 5-15-6-13 IS ADDED TO THE INDIANA CODE



1 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
2 1, 2015]: **Sec. 13. Notwithstanding any other provision of this**  
3 **chapter, a local government is not required to retain an electronic**  
4 **mail message for longer than three (3) years.**

5 SECTION 39. IC 5-16-12.2-5 IS AMENDED TO READ AS  
6 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 5. **(a) This section**  
7 **does not apply to a school corporation.**

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

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

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

14 SECTION 40. IC 5-22-16.5-13 IS REPEALED [EFFECTIVE JULY  
15 1, 2015]. ~~Sec. 13: (a) This section does not apply if a finding made~~  
16 ~~under section 12 of this chapter is placed in the contract file:~~

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

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

23 SECTION 41. IC 5-22-16.5-14, AS ADDED BY P.L.21-2012,  
24 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
25 JULY 1, 2015]: Sec. 14. (a) If a purchasing agency, using credible  
26 information available to the public, determines that a certification  
27 given by a person to the purchasing agency's governmental body ~~under~~  
28 ~~section 13(b) of this chapter~~ is false, the purchasing agency shall:

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

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

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

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

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

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





1 The attorney general shall determine whether to bring a civil  
2 action under this section against the person.

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

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

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

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

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

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

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

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

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

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

34 (1) bring a civil action under this section;

35 (2) file a bid protest; or

36 (3) bring any other kind of action;

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

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

41 SECTION 42. IC 5-22-17-3 IS AMENDED TO READ AS  
42 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 3. (a) This section does



1 not apply to a discounted contractual arrangement for services or  
2 supplies funded through a designated leasing entity.

3 ~~(b)~~ Subject to subsections ~~(c)~~ through ~~(e)~~ and section 5 of this  
4 chapter, a contract for supplies may be entered into for a period not to  
5 exceed four ~~(4)~~ years:

6 ~~(c)~~ ~~(b)~~ County and municipal hospitals may contract for the  
7 purchase of supplies for more than one (1) year but not more than five  
8 (5) years if the supplies are purchased under IC 5-22-7.

9 ~~(d)~~ ~~(c)~~ The contract must specify that payment and performance  
10 obligations are subject to the appropriation and availability of funds.

11 ~~(e)~~ ~~(d)~~ A political subdivision must have available a sufficient  
12 appropriation balance or an approved additional appropriation before  
13 a purchasing agent may award a contract.

14 SECTION 43. IC 6-1.1-1-16 IS AMENDED TO READ AS  
15 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 16. "School  
16 corporation" means any public school corporation established under the  
17 laws of the state of Indiana. The term includes, but is not limited to, any  
18 school city, school town, ~~school township~~, consolidated school  
19 corporation, metropolitan school district, township school corporation,  
20 county school corporation, united school corporation, and a community  
21 school corporation.

22 SECTION 44. IC 6-1.1-17-5.6, AS AMENDED BY P.L.111-2014,  
23 SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
24 JULY 1, 2015]: Sec. 5.6. (a) ~~For budget years beginning before July 1,~~  
25 ~~2011, this section applies only to a school corporation that is located in~~  
26 ~~a city having a population of more than one hundred thousand~~  
27 ~~(100,000) but less than one hundred ten thousand (110,000). For~~  
28 ~~budget years beginning after June 30, 2011, this section applies to all~~  
29 ~~school corporations. Beginning in 2011, Each school corporation may~~  
30 ~~elect to adopt a budget under this section that applies from July 1 of the~~  
31 ~~year through June 30 of the following year. In the initial budget~~  
32 ~~adopted by a school corporation under this section, the first six (6)~~  
33 ~~months of that initial budget must be consistent with the last six (6)~~  
34 ~~months of the budget adopted by the school corporation for the~~  
35 ~~calendar year in which the school corporation elects by resolution to~~  
36 ~~begin adopting budgets that correspond to the state fiscal year. A~~  
37 ~~corporation shall submit a copy of the resolution to the department of~~  
38 ~~local government finance and the department of education not more~~  
39 ~~than thirty (30) days after the date the governing body adopts the~~  
40 ~~resolution.~~

41 (b) Before April 1 of each year, the officers of the school  
42 corporation shall meet to fix the budget for the school corporation for



1 the ensuing budget year, with notice given by the same officers.  
 2 However, if a resolution adopted under subsection (d) is in effect, the  
 3 officers shall meet to fix the budget for the ensuing budget year before  
 4 November 1.

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

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

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

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

16 Each year the county auditor shall present these items to the county  
 17 board of tax adjustment at the board's first meeting under  
 18 IC 6-1.1-29-4.

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

30 (e) A resolution adopted under subsection (d) may be rescinded by  
 31 a subsequent resolution adopted by the governing body. If the  
 32 governing body of the school corporation rescinds a resolution adopted  
 33 under subsection (d) and returns to a school year budget year, the  
 34 school corporation's initial school year budget year begins on July 1  
 35 following the adoption of the rescinding resolution and ends on June  
 36 30 of the following year. The first six (6) months of the initial school  
 37 year budget for the school corporation must be consistent with the last  
 38 six (6) months of the last calendar year budget fixed by the department  
 39 of local government finance before the adoption of a rescinding  
 40 resolution under this subsection.

41 SECTION 45. IC 6-1.1-18-3, AS AMENDED BY P.L.1-2010,  
 42 SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



1 JULY 1, 2015]: Sec. 3. (a) Except as provided in subsection (b), the  
 2 sum of all tax rates for all political subdivisions imposed on tangible  
 3 property within a political subdivision may not exceed:

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

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

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

16 (1) To pay the principal or interest on a funding, refunding, or  
 17 judgment funding obligation of the political subdivision.

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

21 ~~(3)~~ (2) To pay the principal or interest upon:

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

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

29 ~~(4)~~ (3) To pay the principal or interest upon an obligation issued  
 30 in the manner provided in:

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

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

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

34 ~~(5)~~ (4) To pay a judgment rendered against the political  
 35 subdivision.

36 (c) Except as otherwise provided in IC 6-1.1-19 (before January 1,  
 37 2009), IC 6-1.1-18.5, IC 20-45 (before January 1, 2009), or IC 20-46,  
 38 a county board of tax adjustment, a county auditor, or the department  
 39 of local government finance may review the portion of a tax rate  
 40 described in subsection (b) only to determine if it exceeds the portion  
 41 actually needed to provide for one (1) of the purposes itemized in that  
 42 subsection.



1 SECTION 46. IC 6-1.1-20-1.1, AS AMENDED BY P.L.40-2014,  
 2 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 3 JULY 1, 2015]: Sec. 1.1. As used in this chapter, "controlled project"  
 4 means any project financed by bonds or a lease, except for the  
 5 following:

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

8 (A) debt service; or

9 (B) lease rentals;

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

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

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

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

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

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

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

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

36 ~~(6) A project that~~

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

38 ~~(i) a natural disaster;~~

39 ~~(ii) an accident; or~~

40 ~~(iii) an emergency;~~

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



- 1           (B) is approved by the county council of each county in which  
2           the political subdivision is located.
- 3           **(6) A project that is in response to:**  
4           **(A) a natural disaster;**  
5           **(B) an accident; or**  
6           **(C) an emergency;**  
7           **in the political subdivision that makes a building or facility**  
8           **unavailable for its intended use.**
- 9           (7) A project that was not a controlled project under this section  
10          as in effect on June 30, 2008, and for which:  
11          (A) the bonds or lease for the project were issued or entered  
12          into before July 1, 2008; or  
13          (B) the issuance of the bonds or the execution of the lease for  
14          the project was approved by the department of local  
15          government finance before July 1, 2008.
- 16          (8) A project of the Little Calumet River basin development  
17          commission for which bonds are payable from special  
18          assessments collected under IC 14-13-2-18.6.
- 19          SECTION 47. IC 6-1.1-20-7, AS AMENDED BY P.L.146-2008,  
20          SECTION 196, IS AMENDED TO READ AS FOLLOWS  
21          [EFFECTIVE JULY 1, 2015]: Sec. 7. (a) This section does not apply  
22          to bonds, notes, or warrants for which a political subdivision:  
23          (1) after June 30, 2008, makes a preliminary determination as  
24          described in section 3.1 or 3.5 of this chapter or a decision as  
25          described in section 5 of this chapter; or  
26          (2) in the case of bonds, notes, or warrants not subject to section  
27          3.1, 3.5, or 5 of this chapter, adopts a resolution or ordinance  
28          authorizing the bonds, notes, or warrants after June 30, 2008.
- 29          (b) When the proper officers of a political subdivision decide to  
30          issue any bonds, notes, or warrants which will be payable from  
31          property taxes and which will bear interest in excess of eight percent  
32          (8%) per annum, the political subdivision shall submit the matter to the  
33          department of local government finance for review. The department of  
34          local government finance may either approve or disapprove the rate of  
35          interest.
- 36          **(c) This section does not apply to a school corporation.**
- 37          SECTION 48. IC 6-1.1-33.5-7, AS ADDED BY P.L.199-2005,  
38          SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
39          JULY 1, 2015]: Sec. 7. (a) Not later than May 1 of each calendar year,  
40          the division of data analysis shall:  
41          (1) prepare a report **covering each political subdivision, other**  
42          **than a school corporation,** that includes:



- 1 (A) each political subdivision's total amount of expenditures  
 2 per person during the immediately preceding calendar year,  
 3 based on the political subdivision's population determined by  
 4 the most recent federal decennial census; and  
 5 (B) based on the information prepared for all political  
 6 subdivisions under clause (A), the highest, lowest, median,  
 7 and average amount of expenditures per person for each type  
 8 of political subdivision throughout Indiana;  
 9 (2) post the report on the web site maintained by the department  
 10 of local government finance; and  
 11 (3) file the report:  
 12 (A) with the governor; and  
 13 (B) in an electronic format under IC 5-14-6 with the general  
 14 assembly.

15 The report must be presented in a format that is understandable to the  
 16 average individual and that permits easy comparison of the information  
 17 prepared for each **covered** political subdivision under subdivision  
 18 (1)(A) to the statewide information prepared for that type of political  
 19 subdivision under subdivision (1)(B).

20 (b) The department of local government finance shall organize the  
 21 report under subsection (a) to present together the information derived  
 22 from each type of political subdivision, **other than school**  
 23 **corporations.**

24 SECTION 49. IC 6-3.1-15-12, AS AMENDED BY P.L.286-2013,  
 25 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 26 JULY 1, 2015]: Sec. 12. (a) A service center may sell qualified  
 27 computer equipment received by taxpayers under this chapter only to  
 28 the following:

- 29 (1) Public or private elementary or secondary schools.  
 30 (2) The parent or guardian of a student enrolled in grade 1  
 31 through 12 that is enrolled in a school's computer education  
 32 program.

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

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

- 39 ~~(1) The school's computer education program or planned~~  
 40 ~~computer education program.~~  
 41 ~~(2) The school's planned use of the qualified computer equipment;~~  
 42 ~~including the goals of the plan; the implementation of the plan;~~



- 1           and the number of students that will be served with the qualified  
2           computer equipment.
- 3           ~~(d)~~ (c) A school that purchases qualified computer equipment from  
4 a service center may sell the qualified computer equipment to a parent  
5 or guardian of a child who is enrolled in the school's computer  
6 education program.
- 7           ~~(e)~~ (d) Before a parent or guardian of a student may purchase  
8 qualified computer equipment from a service center, the parent or  
9 guardian must present proof, in the form approved by the service  
10 center, that:
- 11           (1) the child of the parent or guardian is a participant in a school's  
12 computer education program; and
- 13           (2) the qualified computer equipment will be used by the child for  
14 an educational purpose.
- 15           SECTION 50. IC 6-3.1-15-15, AS AMENDED BY P.L.1-2005,  
16 SECTION 98, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
17 JULY 1, 2015]: Sec. 15. Before July 1 of each year, the state  
18 department of education shall notify each school that complies with the  
19 minimum instructional ~~days~~ **time** required by IC 20-30-2-3 for the  
20 preceding school year that the program created by this chapter exists,  
21 including how the school may participate in the program.
- 22           SECTION 51. IC 9-18-31-7 IS AMENDED TO READ AS  
23 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 7. (a) If an educational  
24 foundation that is exempt from federal income taxation under Internal  
25 Revenue Code Section 501(c)(3) is established as an Indiana nonprofit  
26 corporation for the benefit of a school corporation designated to receive  
27 a fee under section 5(c) of this chapter, fees designated to go to the  
28 school corporation shall be distributed to an educational foundation  
29 that provides benefit to the designated school corporation. A school  
30 corporation that receives benefit from an educational foundation that  
31 meets the requirements of this section shall:
- 32           (1) obtain a certificate from the educational foundation that  
33 certifies to the school corporation and the county auditor that the  
34 educational foundation:
- 35           (A) is exempt from federal income taxation under Internal  
36 Revenue Code Section 501(c)(3); and
- 37           (B) is established as an Indiana nonprofit corporation to  
38 provide benefit to the school corporation; and
- 39           (2) provide a copy of the certificate described in subdivision (1)  
40 to the county auditor.
- 41           (b) If a school corporation designated to receive a fee under section  
42 5(c) of this chapter does not receive benefit from an educational





1 foundation described under subsection (a), the fees designated to go to  
 2 the school corporation shall be distributed to the school corporation  
 3 and may only be used for purposes other than salaries and related  
 4 fringe benefits.

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

11 (1) the total amount of the monthly distribution for all school  
 12 corporations in the county that were designated to receive an  
 13 education license plate fee under this chapter; and

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

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

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

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

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

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

37 SECTION 52. IC 9-21-12-19, AS ADDED BY P.L.39-2009,  
 38 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 39 JULY 1, 2015]: Sec. 19. (a) A person who operates a school bus or a  
 40 special purpose bus shall visually inspect each seat within the interior  
 41 of the school bus or special purpose bus at the end of a trip during  
 42 which students or passengers are transported to determine that no



1 student or passenger has remained on the school bus or special purpose  
2 bus.

3 (b) The visual inspection required under subsection (a) must be  
4 conducted:

5 (1) at the conclusion of each trip during which students or  
6 passengers are transported; and

7 (2) before the operator exits the school bus or special purpose bus.

8 (c) A student or passenger is considered to have been left on a  
9 school bus or special purpose bus if:

10 (1) the operator has reached the end of a trip during which  
11 students or passengers are transported and exited the school bus  
12 or special purpose bus; and

13 (2) the student or passenger remains inside the school bus or  
14 special purpose bus.

15 (d) A school bus or special purpose bus owner shall report all  
16 instances of a student or passenger being left on the school bus or  
17 special purpose bus to the superintendent or the superintendent's  
18 designee immediately after the incident occurred.

19 ~~(e) The superintendent or the superintendent's designee shall report~~  
20 ~~all instances of a student or passenger being left on the school bus or~~  
21 ~~special purpose bus to the department of education not later than five~~  
22 ~~(5) working days after the incident occurred.~~

23 SECTION 53. IC 10-13-3-36, AS AMENDED BY P.L.121-2009,  
24 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
25 JULY 1, 2015]: Sec. 36. (a) The department may not charge a fee for  
26 responding to a request for the release of a limited criminal history  
27 record if the request is made by a nonprofit organization:

28 (1) that has been in existence for at least ten (10) years; and

29 (2) that:

30 (A) has a primary purpose of providing an individual  
31 relationship for a child with an adult volunteer if the request  
32 is made as part of a background investigation of a prospective  
33 adult volunteer for the organization;

34 (B) is a home health agency licensed under IC 16-27-1;

35 (C) is a community mental retardation and other  
36 developmental disabilities center (as defined in IC 12-7-2-39);

37 (D) is a supervised group living facility licensed under  
38 IC 12-28-5;

39 (E) is an area agency on aging designated under IC 12-10-1;

40 (F) is a community action agency (as defined in  
41 IC 12-14-23-2);

42 (G) is the owner or operator of a hospice program licensed



1 under IC 16-25-3; or  
 2 (H) is a community mental health center (as defined in  
 3 IC 12-7-2-38).

4 (b) Except as provided in subsection (d), the department may not  
 5 charge a fee for responding to a request for the release of a limited  
 6 criminal history record made by the department of child services or the  
 7 division of family resources if the request is made as part of a  
 8 background investigation of an applicant for a license under IC 12-17.2  
 9 or IC 31-27.

10 (c) The department may not charge a fee for responding to a request  
 11 for the release of a limited criminal history if the request is made by a  
 12 school corporation ~~special education cooperative~~; or nonpublic school  
 13 (as defined in IC 20-18-2-12) as part of a background investigation of  
 14 a prospective or current employee or a prospective or current adult  
 15 volunteer for the school corporation ~~special education cooperative~~; or  
 16 nonpublic school.

17 (d) As used in this subsection, "state agency" means an authority, a  
 18 board, a branch, a commission, a committee, a department, a division,  
 19 or another instrumentality of state government, including the executive  
 20 and judicial branches of state government, the principal secretary of the  
 21 senate, the principal clerk of the house of representatives, the executive  
 22 director of the legislative services agency, a state elected official's  
 23 office, or a body corporate and politic, but does not include a state  
 24 educational institution. The department may not charge a fee for  
 25 responding to a request for the release of a limited criminal history if  
 26 the request is made:

27 (1) by a state agency; and  
 28 (2) through the computer gateway that is administered by the  
 29 office of technology established by IC 4-13.1-2-1.

30 (e) The department may not charge a fee for responding to a request  
 31 for the release of a limited criminal history record made by the Indiana  
 32 professional licensing agency established by IC 25-1-5-3 if the request  
 33 is:

34 (1) made through the computer gateway that is administered by  
 35 the office of technology; and  
 36 (2) part of a background investigation of a practitioner or an  
 37 individual who has applied for a license issued by a board (as  
 38 defined in IC 25-1-9-1).

39 (f) The department may not charge a church or religious society a  
 40 fee for responding to a request for the release of a limited criminal  
 41 history record if:

42 (1) the church or religious society is a religious organization



1 exempt from federal income taxation under Section 501 of the  
2 Internal Revenue Code;

3 (2) the request is made as part of a background investigation of a  
4 prospective or current employee or a prospective or current adult  
5 volunteer; and

6 (3) the employee or volunteer works in a nonprofit program or  
7 ministry of the church or religious society, including a child care  
8 ministry registered under IC 12-17.2-6.

9 (g) The department may not charge the school of education of a  
10 public or private postsecondary educational institution a fee for  
11 responding to a request for the release of a limited criminal history  
12 record if the request is made as part of a background investigation of  
13 a student before or after the student begins the student's field or  
14 classroom experience. However, the department may charge the  
15 student a fee for responding to a request for the release of a limited  
16 criminal history record.

17 SECTION 54. IC 10-13-3-39, AS AMENDED BY P.L.155-2011,  
18 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
19 JULY 1, 2015]: Sec. 39. (a) The department is designated as the  
20 authorized agency to receive requests for, process, and disseminate the  
21 results of national criminal history background checks that comply with  
22 this section and 42 U.S.C. 5119a.

23 (b) A qualified entity may contact the department to request a  
24 national criminal history background check on any of the following  
25 persons:

26 (1) A person who seeks to be or is employed with the qualified  
27 entity. A request under this subdivision must be made not later  
28 than three (3) months after the person is initially employed by the  
29 qualified entity.

30 (2) A person who seeks to volunteer or is a volunteer with the  
31 qualified entity. A request under this subdivision must be made  
32 not later than three (3) months after the person initially volunteers  
33 with the qualified entity.

34 (3) A person for whom a national criminal history background  
35 check is required under any law relating to the licensing of a  
36 home, center, or other facility for purposes of day care or  
37 residential care of children.

38 (4) A person for whom a national criminal history background  
39 check is required for purposes of placement of a child in a foster  
40 family home, a prospective adoptive home, or the home of a  
41 relative or other caretaker, or for purposes of a report concerning  
42 an adoption as required by IC 31-19-8.



1 (c) A qualified entity must submit a request under subsection (b) in  
 2 the form required by the department and provide a set of the person's  
 3 fingerprints and any required fees with the request.

4 (d) If a qualified entity makes a request in conformity with  
 5 subsection (b), the department shall submit the set of fingerprints  
 6 provided with the request to the Federal Bureau of Investigation for a  
 7 national criminal history background check. The department shall  
 8 respond to the request in conformity with:

9 (1) the requirements of 42 U.S.C. 5119a; and

10 (2) the regulations prescribed by the Attorney General of the  
 11 United States under 42 U.S.C. 5119a.

12 (e) Subsection (f):

13 (1) applies to a qualified entity that:

14 (A) is not a school corporation; ~~or a special education~~  
 15 ~~cooperative~~; or

16 (B) is a school corporation ~~or a special education cooperative~~  
 17 and seeks a national criminal history background check for a  
 18 volunteer; and

19 (2) does not apply to a qualified entity that is a:

20 (A) home health agency licensed under IC 16-27-1; or

21 (B) personal services agency licensed under IC 16-27-4.

22 (f) After receiving the results of a national criminal history  
 23 background check from the Federal Bureau of Investigation, the  
 24 department shall make a determination whether the person who is the  
 25 subject of a request has been convicted of:

26 (1) an offense described in IC 20-26-5-11;

27 (2) in the case of a foster family home, an offense described in  
 28 IC 31-27-4-13(a);

29 (3) in the case of a prospective adoptive home, an offense  
 30 described in IC 31-19-11-1(c);

31 (4) any other felony; or

32 (5) any misdemeanor;

33 and convey the determination to the requesting qualified entity.

34 (g) This subsection applies to a qualified entity that:

35 (1) is a school corporation; ~~or a special education cooperative~~;  
 36 and

37 (2) seeks a national criminal history background check to  
 38 determine whether to employ or continue the employment of a  
 39 certificated employee or a noncertificated employee of a school  
 40 corporation. ~~or an equivalent position with a special education~~  
 41 ~~cooperative.~~

42 After receiving the results of a national criminal history background



1 check from the Federal Bureau of Investigation, the department may  
 2 exchange identification records concerning convictions for offenses  
 3 described in IC 20-26-5-11 with the school corporation ~~or special~~  
 4 ~~education cooperative~~ solely for purposes of making an employment  
 5 determination. The exchange may be made only for the official use of  
 6 the officials with authority to make the employment determination. The  
 7 exchange is subject to the restrictions on dissemination imposed under  
 8 P.L.92-544, (86 Stat. 1115) (1972).

9 (h) This subsection applies to a qualified entity (as defined in  
 10 IC 10-13-3-16) that is a public agency under IC 5-14-1.5-2(a)(1). After  
 11 receiving the results of a national criminal history background check  
 12 from the Federal Bureau of Investigation, the department shall provide  
 13 a copy to the public agency. Except as permitted by federal law, the  
 14 public agency may not share the information contained in the national  
 15 criminal history background check with a private agency.

16 (i) This subsection applies to a qualified entity that is a:

- 17 (1) home health agency licensed under IC 16-27-1; or
- 18 (2) personal services agency licensed under IC 16-27-4.

19 After receiving the results of a national criminal history background  
 20 check from the Federal Bureau of Investigation, the department shall  
 21 make a determination whether the applicant has been convicted of an  
 22 offense described in IC 16-27-2-5(a) and convey the determination to  
 23 the requesting qualified entity.

24 (j) The department:

- 25 (1) may permanently retain an applicant's fingerprints submitted
- 26 under this section; and
- 27 (2) shall retain the applicant's fingerprints separately from
- 28 fingerprints collected under section 24 of this chapter.

29 SECTION 55. IC 12-9-5-4, AS AMENDED BY P.L.1-2005,  
 30 SECTION 128, IS AMENDED TO READ AS FOLLOWS  
 31 [EFFECTIVE JULY 1, 2015]: Sec. 4. IC 20-35-2 applies to the  
 32 operation of each education program for ~~children a student~~ with  
 33 ~~disabilities a disability~~ (as defined in ~~IC 20-35-1-2~~) **IC 20-35-1-8**)  
 34 conducted by a state owned and operated developmental center or  
 35 furnished under an agreement with the division.

36 SECTION 56. IC 12-21-5-3, AS AMENDED BY P.L.1-2005,  
 37 SECTION 139, IS AMENDED TO READ AS FOLLOWS  
 38 [EFFECTIVE JULY 1, 2015]: Sec. 3. IC 20-35-2 applies to the  
 39 operation of each education program for ~~children a student~~ with  
 40 ~~disabilities a disability~~ (as defined in ~~IC 20-35-1-2~~) **IC 20-35-1-8**)  
 41 conducted by a state owned and operated mental health institution or  
 42 furnished under an agreement with the division.



1 SECTION 57. IC 12-24-13-5, AS AMENDED BY P.L.146-2008,  
 2 SECTION 415, IS AMENDED TO READ AS FOLLOWS  
 3 [EFFECTIVE JULY 1, 2015]: Sec. 5. (a) Except as provided in section  
 4 6 of this chapter, whenever placement of a **child student** with a  
 5 disability (as defined in ~~IC 20-35-1-2~~) **IC 20-35-1-8**) in a state  
 6 institution is necessary for the provision of special education for that  
 7 **child, student**, the cost of the **child's student's** education program,  
 8 nonmedical care, and room and board shall be paid by the division  
 9 rather than by the **child's student's** parents, guardian, or other  
 10 responsible party.

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

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

24 SECTION 58. IC 13-18-3-10 IS AMENDED TO READ AS  
 25 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 10. The department  
 26 may call upon:

- 27 (1) any state officer, board, department, ~~school; university;~~ or  
 28 other state institution; and
- 29 (2) the officers or employees of an individual entity described in  
 30 subdivision (1);

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

33 SECTION 59. IC 14-22-12-1.8, AS ADDED BY P.L.204-2014,  
 34 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 35 JULY 1, 2015]: Sec. 1.8. (a) As used in this section, "individual with  
 36 special circumstances" means an individual who:

- 37 (1) has a developmental disability (as defined by IC 12-7-2-61);
- 38 (2) is determined to be a **child student** with a disability (as  
 39 defined by ~~IC 20-35-1-2~~); **in IC 20-35-1-8**); or
- 40 (3) has a permanent disability as determined by rules adopted by  
 41 the department.

42 (b) As used in this section, "special circumstances hunter" means an



1 individual with special circumstances who hunts under a special  
2 circumstances hunting safety card issued under this section.

3 (c) As used in this section, "special circumstances hunting safety  
4 card" refers to the card issued to a special circumstances hunter.

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

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

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

14 (g) A special circumstances hunter must:

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

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

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

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

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

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

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

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

30 SECTION 60. IC 16-32-3-2, AS AMENDED BY P.L.109-2012,  
31 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
32 JULY 1, 2015]: Sec. 2. (a) As used in this section, "public  
33 accommodation" means an establishment that caters or offers services,  
34 facilities, or goods to the general public. ~~The term includes the~~  
35 ~~following educational facilities:~~

36 ~~(1) A nursery school.~~

37 ~~(2) An elementary school.~~

38 ~~(3) A secondary school.~~

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

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

41 (b) A person who:

42 (1) is totally or partially blind;





1 (2) is deaf or hard of hearing; or  
 2 (3) has a physical or mental disability;  
 3 is entitled to be accompanied by a service animal, especially trained for  
 4 the purpose, in any public accommodation without being required to  
 5 pay an extra charge for the service animal. However, the person is  
 6 liable for any damage done to the accommodation by the service  
 7 animal.

8 (c) A person who:  
 9 (1) refuses access to a public accommodation; or  
 10 (2) charges a fee for access to a public accommodation;  
 11 to a person who is totally or partially blind, who is deaf or hard of  
 12 hearing, or who has a physical or mental disability, because that person  
 13 is accompanied by a service animal commits a Class C infraction.

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

17 SECTION 61. IC 16-39-2-6, AS AMENDED BY P.L.134-2013,  
 18 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 19 JULY 1, 2015]: Sec. 6. (a) Without the consent of the patient, the  
 20 patient's mental health record may only be disclosed as follows:

21 (1) To individuals who meet the following conditions:  
 22 (A) Are employed by:  
 23 (i) the provider at the same facility or agency;  
 24 (ii) a managed care provider (as defined in IC 12-7-2-127);  
 25 or  
 26 (iii) a health care provider or mental health care provider, if  
 27 the mental health records are needed to provide health care  
 28 or mental health services to the patient.  
 29 (B) Are involved in the planning, provision, and monitoring of  
 30 services.  
 31 (2) To the extent necessary to obtain payment for services  
 32 rendered or other benefits to which the patient may be entitled, as  
 33 provided in IC 16-39-5-3.  
 34 (3) To the patient's court appointed counsel and to the Indiana  
 35 protection and advocacy services commission.  
 36 (4) For research conducted in accordance with IC 16-39-5-3 and  
 37 the rules of the division of mental health and addiction, the rules  
 38 of the division of disability and rehabilitative services, or the rules  
 39 of the provider.  
 40 (5) To the division of mental health and addiction for the purpose  
 41 of data collection, research, and monitoring managed care  
 42 providers (as defined in IC 12-7-2-127) who are operating under



- 1 a contract with the division of mental health and addiction.  
 2 (6) To the extent necessary to make reports or give testimony  
 3 required by the statutes pertaining to admissions, transfers,  
 4 discharges, and guardianship proceedings.  
 5 (7) To a law enforcement agency if any of the following  
 6 conditions are met:  
 7 (A) A patient escapes from a facility to which the patient is  
 8 committed under IC 12-26.  
 9 (B) The superintendent of the facility determines that failure  
 10 to provide the information may result in bodily harm to the  
 11 patient or another individual.  
 12 (C) A patient commits or threatens to commit a crime on  
 13 facility premises or against facility personnel.  
 14 (D) A patient is in the custody of a law enforcement officer or  
 15 agency for any reason and:  
 16 (i) the information to be released is limited to medications  
 17 currently prescribed for the patient or to the patient's history  
 18 of adverse medication reactions; and  
 19 (ii) the provider determines that the release of the  
 20 medication information will assist in protecting the health,  
 21 safety, or welfare of the patient.  
 22 Mental health records released under this clause must be  
 23 maintained in confidence by the law enforcement agency  
 24 receiving them.  
 25 (8) To a coroner or medical examiner, in the performance of the  
 26 individual's duties.  
 27 (9) To a school in which the patient is enrolled if the  
 28 superintendent of the facility determines that the information will  
 29 assist the school in meeting educational needs of a ~~person with a~~  
 30 ~~disability under 20 U.S.C. 1400 et seq.~~ **the patient.**  
 31 (10) To the extent necessary to satisfy reporting requirements  
 32 under the following statutes:  
 33 (A) IC 12-10-3-10.  
 34 (B) IC 12-24-17-5.  
 35 (C) IC 16-41-2-3.  
 36 (D) IC 31-25-3-2.  
 37 (E) IC 31-33-5-4.  
 38 (F) IC 34-30-16-2.  
 39 (G) IC 35-46-1-13.  
 40 (11) To the extent necessary to satisfy release of information  
 41 requirements under the following statutes:  
 42 (A) IC 12-24-11-2.



- 1 (B) IC 12-24-12-3, IC 12-24-12-4, and IC 12-24-12-6.  
 2 (C) IC 12-26-11.  
 3 (12) To another health care provider in a health care emergency.  
 4 (13) For legitimate business purposes as described in  
 5 IC 16-39-5-3.  
 6 (14) Under a court order under IC 16-39-3.  
 7 (15) With respect to records from a mental health or  
 8 developmental disability facility, to the United States Secret  
 9 Service if the following conditions are met:  
 10 (A) The request does not apply to alcohol or drug abuse  
 11 records described in 42 U.S.C. 290dd-2 unless authorized by  
 12 a court order under 42 U.S.C. 290dd-2(b)(2)(c).  
 13 (B) The request relates to the United States Secret Service's  
 14 protective responsibility and investigative authority under 18  
 15 U.S.C. 3056, 18 U.S.C. 871, or 18 U.S.C. 879.  
 16 (C) The request specifies an individual patient.  
 17 (D) The director or superintendent of the facility determines  
 18 that disclosure of the mental health record may be necessary  
 19 to protect a person under the protection of the United States  
 20 Secret Service from serious bodily injury or death.  
 21 (E) The United States Secret Service agrees to only use the  
 22 mental health record information for investigative purposes  
 23 and not disclose the information publicly.  
 24 (F) The mental health record information disclosed to the  
 25 United States Secret Service includes only:  
 26 (i) the patient's name, age, and address;  
 27 (ii) the date of the patient's admission to or discharge from  
 28 the facility; and  
 29 (iii) any information that indicates whether or not the patient  
 30 has a history of violence or presents a danger to the person  
 31 under protection.  
 32 (16) To the statewide waiver ombudsman established under  
 33 IC 12-11-13, in the performance of the ombudsman's duties.  
 34 (b) After information is disclosed under subsection (a)(15) and if the  
 35 patient is evaluated to be dangerous, the records shall be interpreted in  
 36 consultation with a licensed mental health professional on the staff of  
 37 the United States Secret Service.  
 38 (c) A person who discloses information under subsection (a)(7) or  
 39 (a)(15) in good faith is immune from civil and criminal liability.  
 40 SECTION 62. IC 20-18-2-5, AS ADDED BY P.L.1-2005,  
 41 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 42 JULY 1, 2015]: Sec. 5. "Governing body" means:



- 1           (†) a township trustee and the township board; of a school  
2 township;  
3           (2) a county board of education;  
4           (3) (1) a board of school commissioners;  
5           (4) (2) a metropolitan board of education;  
6           (5) (3) a board of trustees; or  
7           (6) (4) any other board or commission charged by law with the  
8 responsibility of administering the affairs of a school corporation.  
9           SECTION 63. IC 20-18-2-16, AS AMENDED BY P.L.190-2013,  
10 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
11 JULY 1, 2015]: Sec. 16. (a) "School corporation", for purposes of this  
12 title (except IC 20-20-33, IC 20-26-1 through IC 20-26-5, IC 20-26-7,  
13 IC 20-28-11.5, IC 20-30-8, and IC 20-43), means a public school  
14 corporation established by Indiana law. The term includes a:  
15           (1) school city;  
16           (2) school town;  
17           (3) school township;  
18           (4) (3) consolidated school corporation;  
19           (5) (4) metropolitan school district;  
20           (6) (5) township school corporation;  
21           (7) (6) county school corporation;  
22           (8) (7) united school corporation; or  
23           (9) (8) community school corporation.  
24           (b) "School corporation", for purposes of IC 20-26-1 through  
25 IC 20-26-5 and IC 20-26-7, has the meaning set forth in IC 20-26-2-4.  
26           (c) "School corporation", for purposes of IC 20-20-33 ~~IC 20-26-18,~~  
27 and IC 20-30-8, includes a charter school (as defined in IC 20-24-1-4).  
28           (d) "School corporation", for purposes of IC 20-43, has the meaning  
29 set forth in IC 20-43-1-23.  
30           (e) "School corporation", for purposes of IC 20-28-11.5, has the  
31 meaning set forth in IC 20-28-11.5-3.  
32           **(f) "School corporation", for purposes of IC 20-35, has the**  
33 **meaning set forth in IC 20-35-1-6.**  
34           SECTION 64. IC 20-18-2-21, AS ADDED BY P.L.1-2005,  
35 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
36 JULY 1, 2015]: Sec. 21. "Superintendent" means  
37           (†) the chief administrative officer of a school corporation. ~~or~~  
38           (2) ~~in the case of a township school, the county superintendent of~~  
39 ~~schools.~~  
40           SECTION 65. IC 20-19-2-8, AS AMENDED BY P.L.286-2013,  
41 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
42 JULY 1, 2015]: Sec. 8. (a) In addition to any other powers and duties



1 prescribed by law, the state board shall adopt rules under IC 4-22-2  
 2 concerning, but not limited to, the following matters:

3 (1) The designation and employment of the employees and  
 4 consultants necessary for the department. The state board shall fix  
 5 the compensation of employees of the department, subject to the  
 6 approval of the budget committee and the governor under  
 7 IC 4-12-2.

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

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

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

23 (A) IC 20-31-4;

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

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

26 (D) IC 20-28-11.5; and

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

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

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

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

40 (7) A separate system for recognizing nonpublic schools under  
 41 IC 20-19-2-10. Recognition of nonpublic schools under this  
 42 subdivision constitutes the system of regulatory standards that



1 apply to nonpublic schools that seek to qualify for the system of  
2 recognition.

3 (8) The establishment and enforcement of standards and  
4 guidelines concerning the safety of students participating in  
5 cheerleading activities.

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

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

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

15 SECTION 66. IC 20-19-2-11 IS REPEALED [EFFECTIVE JULY  
16 1, 2015]. Sec. 11: (a) As used in this section, "plan" refers to a strategic  
17 and continuous school improvement and achievement plan developed  
18 under IC 20-31-5.

19 (b) A plan must:

20 (1) conform to the requirements of IC 20-31-5; and

21 (2) include a professional development program that conforms to  
22 IC 20-20-31.

23 (c) The governing body may do the following for a school that  
24 participates in a plan:

25 (1) Invoke a waiver of a rule adopted by the state board under  
26 IC 20-31-5-5(b);

27 (2) Develop a plan for the admission of students who do not  
28 reside in the school's attendance area but have legal settlement in  
29 the school corporation:

30 (d) In approving a school corporation's actions under this section;  
31 the state board shall consider whether the governing body has done the  
32 following:

33 (1) Approved a school's plan.

34 (2) Demonstrated the support of the exclusive representative only  
35 for the professional development program component of the plan.

36 (e) The state board may waive any statute or rule relating to  
37 curriculum in accordance with IC 20-31-5-5.

38 (f) As part of the plan, the governing body may develop and  
39 implement a policy to do the following:

40 (1) Allow the transfer of a student who resides in the school's  
41 attendance area but whose parent requests that the student attend  
42 another school in the school corporation of legal settlement.



1 (2) Inform parents of their rights under this section:

2 (g) The state board shall adopt rules under IC 4-22-2 to implement  
3 this section:

4 SECTION 67. IC 20-19-2-12, AS AMENDED BY P.L.218-2014,  
5 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
6 JULY 1, 2015]: Sec. 12. (a) The state board shall, in the manner  
7 provided by IC 4-22-2, adopt rules setting forth nonbinding guidelines  
8 for the selection of school sites and the construction, alteration, and  
9 repair of school buildings, athletic facilities, and other categories of  
10 facilities related to the operation and administration of school  
11 corporations. The nonbinding guidelines must include:

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

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

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

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

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

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

32 (2) rules of the:

33 (A) fire prevention and building safety commission; and

34 (B) state department of health;

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

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



1 school corporation shall do the following:

2 (1) Submit the proposed plans and specifications to the  
3 department. Within thirty (30) days after the department receives  
4 the plans and specifications; the department shall:

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

8 (B) provide written recommendations concerning the plans  
9 and specifications to the school corporation, which must  
10 include findings as to any material differences between the  
11 plans and specifications and the guidelines adopted under  
12 subsection (a):

13 (2) After the earlier of:

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

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

19 issue a public document that describes the recommendations; if  
20 any; and any material differences between the plans and  
21 specifications prepared by the school corporation and the  
22 guidelines adopted under subsection (a); as determined under the  
23 guidelines adopted by the state board:

24 (3) After publishing a notice of the public hearing under IC 5-3-1;  
25 conduct a public hearing to receive public comment concerning  
26 the school corporation's plans and specifications:

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

34 SECTION 68. IC 20-19-2-13 IS REPEALED [EFFECTIVE JULY  
35 1, 2015]. Sec. 13: The state board may not approve or disapprove plans  
36 and specifications for the construction, alteration, or repair of school  
37 buildings, except as necessary under the following:

38 (1) The terms of a federal grant or a federal law:

39 (2) IC 20-35-4-2 concerning the authorization of a special school  
40 for children with disabilities:

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





1 SECTION 69. IC 20-19-2-21 IS ADDED TO THE INDIANA  
 2 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 3 [EFFECTIVE JULY 1, 2015]: **Sec. 21. (a) A school corporation,  
 4 charter school, or accredited nonpublic school may request a  
 5 waiver of applicability of a rule or statute to a school.**

6 **(b) Except as provided in subsection (c), upon request of the  
 7 governing body and under a plan, the state board may waive for a  
 8 school or a school corporation, charter school, or accredited  
 9 nonpublic school, any statute or rule.**

10 **(c) The governing body may request a waiver of any rule  
 11 adopted by the state board for which a waiver is requested, except  
 12 for a rule that would bring the school into noncompliance with  
 13 federal statutes or regulations.**

14 SECTION 70. IC 20-19-3-4, AS ADDED BY P.L.242-2005,  
 15 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 16 JULY 1, 2015]: Sec. 4. (a) The department shall:

- 17 (1) perform the duties required by statute;
- 18 (2) implement the policies and procedures established by the state  
 19 board;
- 20 (3) conduct analytical research to assist the state board in  
 21 determining the state's educational policy; **and**
- 22 ~~(4) compile statistics concerning the ethnicity, gender, and  
 23 disability status of students in Indiana schools; including statistics  
 24 for all information that the department receives from school  
 25 corporations on enrollment, number of suspensions, and number  
 26 of expulsions; and~~
- 27 ~~(5)~~ **(4)** provide technical assistance to school corporations.

28 **(b) In compiling statistics by gender, ethnicity, and disability status  
 29 under subsection (a)(4), the department shall also categorize  
 30 suspensions and expulsions by cause as follows:**

- 31 ~~(1) Alcohol.~~
- 32 ~~(2) Drugs.~~
- 33 ~~(3) Deadly weapons (other than firearms).~~
- 34 ~~(4) Handguns.~~
- 35 ~~(5) Rifles or shotguns.~~
- 36 ~~(6) Other firearms.~~
- 37 ~~(7) Tobacco.~~
- 38 ~~(8) Attendance.~~
- 39 ~~(9) Destruction of property.~~
- 40 ~~(10) Legal settlement (under IC 20-33-8-17).~~
- 41 ~~(11) Fighting (incident does not rise to the level of battery).~~
- 42 ~~(12) Battery (IC 35-42-2-1).~~



1           ~~(13) Intimidation (IC 35-45-2-1):~~

2           ~~(14) Verbal aggression or profanity:~~

3           ~~(15) Defiance:~~

4           ~~(16) Other:~~

5           ~~(c)~~ **(b)** The department shall develop guidelines necessary to  
6 implement this section.

7           SECTION 71. IC 20-19-3-8, AS AMENDED BY P.L.146-2008,  
8 SECTION 453, IS AMENDED TO READ AS FOLLOWS  
9 [EFFECTIVE JULY 1, 2015]: Sec. 8. (a) The department may not  
10 approve or disapprove plans and specifications for the construction,  
11 alteration, or repair of school buildings, except as necessary under the  
12 following:

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

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

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

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

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

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

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

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

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

40           SECTION 72. IC 20-19-3-12, AS ADDED BY P.L.190-2013,  
41 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
42 JULY 1, 2015]: Sec. 12. (a) The department, in collaboration with the



1 Indiana criminal justice institute, the department of child services, the  
 2 center for evaluation and education policy at Indiana University, the  
 3 state police department, and any organization that has expertise in  
 4 providing criminal gang education, prevention, or intervention that the  
 5 department determines to be appropriate, shall:

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

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

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

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

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

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

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

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

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

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

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

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

31 (4) model procedures for:

32 (A) reporting suspected criminal gang activity; and

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

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

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

41 SECTION 73. IC 20-19-3-12.2, AS ADDED BY P.L.246-2013,  
 42 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



1 JULY 1, 2015]: Sec. 12.2. (a) The department shall make reduction of  
 2 absenteeism in schools a policy priority and ~~direct~~ **provide assistance**  
 3 **and guidance to** school corporations and schools ~~to~~ **in:**

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

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

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

13 SECTION 74. IC 20-19-3-14, AS ADDED BY P.L.36-2014,  
 14 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 15 JULY 1, 2015]: Sec. 14. (a) As used in this section, "division" refers to  
 16 the division of school building physical security and safety established  
 17 by subsection (c).

18 (b) As used in this section, "physical security" refers to security  
 19 measures that are designed to deny unauthorized access to a building  
 20 or facility, including equipment and resources, and to protect  
 21 individuals and property from damage or harm.

22 (c) The division of school building physical security and safety is  
 23 established within the department.

24 (d) The division shall:

25 (1) establish and maintain guidelines for using professional  
 26 architectural and engineering services to integrate physical  
 27 security improvements and safety practices in the construction,  
 28 renovation, repair, or alteration of a school facility;

29 (2) carry out the department's responsibilities with regards to the  
 30 school safety specialist training and certification program  
 31 established in IC 5-2-10.1-11;

32 (3) establish and maintain guidelines for establishing emergency  
 33 response protocols in cooperation with other state agencies;

34 ~~(4) carry out the department's responsibilities under~~  
 35 ~~IC 5-2-10.1-12;~~

36 ~~(5)~~ **(4)** coordinate the department's response and recovery  
 37 assistance to a school in the event of a manmade or natural  
 38 disaster;

39 ~~(6)~~ **(5)** provide information and guidance to assist school  
 40 corporations or schools to establish mutual aid disaster assistance  
 41 agreements with other schools or school corporations; and

42 ~~(7)~~ **(6)** study and collect information to integrate lessons learned



1 from previous school disasters throughout the country into the  
 2 curriculum of the school safety specialist training and certification  
 3 program established in IC 5-2-10.1-11 and guidelines established  
 4 by the division under this subsection.

5 (e) The division may, upon request by a school corporation:

- 6 (1) review a school safety plan;
- 7 (2) provide an onsite safety review for a school; and
- 8 (3) provide guidance or assistance relating to school safety  
 9 matters to the school corporation.

10 (f) The division shall maintain a secure Internet web site to provide  
 11 school officials and public safety officials access to information that is  
 12 considered classified under IC 5-14-3-4(b)(1), IC 5-14-3-4(b)(18), and  
 13 IC 5-14-3-4(b)(19) or other sensitive information that may assist school  
 14 officials and public safety officials in improving school safety or  
 15 responding to a manmade or natural disaster.

16 (g) The division shall maintain a public Internet web site that  
 17 contains:

- 18 (1) the guidelines established by the division under subsection  
 19 (d);
- 20 (2) best practices pertaining to school safety; and
- 21 (3) any other information the division determines may be  
 22 necessary to carry out the division's duties or responsibilities  
 23 under this section.

24 SECTION 75. IC 20-19-3.5 IS ADDED TO THE INDIANA CODE  
 25 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
 26 UPON PASSAGE]:

27 **Chapter 3.5. School Data Reporting**

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

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

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

41 **(b) The committee consists of the following members:**

- 42 **(1) The state superintendent or the state superintendent's**



- 1           designee.
- 2           (2) One (1) member who is a member of the state board
- 3           selected by the state board.
- 4           (3) One (1) member who is a current school corporation
- 5           administrator selected by the Indiana Association of Public
- 6           School Superintendents.
- 7           (4) One (1) member who is a representative of school boards
- 8           selected by the Indiana School Boards Association.
- 9           (5) One (1) member who is a representative of school business
- 10          officials who is selected by the Indiana Association of School
- 11          Business Officials.
- 12          (c) Each member appointed under subsection (b) shall serve at
- 13          the will and pleasure of the member's respective appointing
- 14          authority. Vacancies in the appointments to the committee shall be
- 15          filled in like manner as if appointment to such vacant offices were
- 16          being made originally.
- 17          (d) A quorum consists of three (3) members of the committee.
- 18          (e) The members of the committee shall elect annually a
- 19          chairperson for the committee.
- 20          (f) Notwithstanding subsection (e), the member described in
- 21          subsection (b)(1) shall serve as the initial chairperson of the
- 22          committee at the first meeting of the committee after June 30,
- 23          2015, at which the members shall elect a chairperson under
- 24          subsection (e). This subsection expires January 1, 2016.
- 25          (g) The state board shall designate staff and administrative
- 26          support for the committee.
- 27          Sec. 4. (a) Each member of the committee who is not a state
- 28          employee is entitled to the minimum salary per diem provided by
- 29          IC 4-10-11-2.1(b) and reimbursement for traveling expenses as
- 30          provided under IC 4-13-1-4 and other expenses actually incurred
- 31          in connection with the member's duties as provided in the state
- 32          policies and procedures established by the Indiana department of
- 33          administration and approved by the budget agency.
- 34          (b) Each member of the committee who is a state employee is
- 35          entitled to reimbursement for traveling expenses as provided under
- 36          IC 4-13-1-4 and other expenses actually incurred in connection
- 37          with the member's duties as provided in the state policies and
- 38          procedures established by the Indiana department of
- 39          administration and approved by the budget agency.
- 40          Sec. 5. The committee shall meet at least once every six (6)
- 41          months and at the call of the chairperson. A member of the
- 42          committee may participate in a committee meeting using an



1 electronic communication in the manner prescribed in  
2 IC 5-14-1.5-3.6.

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

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

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

21 (1) qualified data from public schools; and

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

24 Based on the committee's review, the committee shall make  
25 recommendations to the state board whether to continue the  
26 qualified data collection and ways or methods to streamline  
27 qualified data collection and data collection by another public  
28 agency of state from schools. After submitting the committee's  
29 initial recommendations regarding current qualified data and data  
30 collections to the state board, the committee shall review qualified  
31 data collection requests made by the department and the state  
32 board after July 1, 2015, and make recommendations to the state  
33 board as to whether the qualified data collection is necessary or  
34 ways to streamline the qualified data collection.

35 (d) The committee shall submit its recommendations under  
36 subsection (c) to the state board. Upon receipt of the committee's  
37 recommendations, the state board shall vote to either approve or  
38 disapprove the qualified data request. The decision of the state  
39 board is final. The state board shall consider a committee's  
40 recommendations at the next state board's meeting after receiving  
41 the committee's recommendations under subsection (c).

42 (e) The committee may recommend the collection of qualified



1 data under subsection (c) and the state board may approve the  
2 recommendation under subsection (d) only if the:

- 3 (1) qualified data is not available to the public agency from  
4 any other source; and  
5 (2) benefit from the collection of the qualified data is greater  
6 than the overall administrative cost of collecting the qualified  
7 data.

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

- 16 (1) A detailed description of actions that will be taken by the  
17 state board and the department to reduce the amount of  
18 information schools or school corporations must report to the  
19 state.  
20 (2) A detailed summary describing the actions taken by the  
21 department and the state board to combine, streamline, or  
22 eliminate duplicative data or information requests from  
23 schools and school corporations.  
24 (3) A detailed description how the state board is working with  
25 other public agencies of the state to minimize or streamline  
26 data collection by those agencies.  
27 (4) Specific legislative recommendations to the general  
28 assembly necessary to eliminate duplicative data reporting  
29 and any recommended legislative changes that would make  
30 school data reporting to various public agencies of the state  
31 more efficient and cost effective.

32 (b) Before December 1, 2016, the state board shall submit an  
33 updated report to the governor and, in an electronic format under  
34 IC 5-14-6, to the general assembly containing the progress of the  
35 state board and the department to eliminate duplicative data  
36 reporting and information requests to schools of any additional  
37 recommended legislative changes that would streamline school  
38 data reporting to the state that was not included in the state  
39 board's report submitted under subsection (a).

40 Sec. 8. (a) After June 30, 2015, all reports required to be  
41 submitted to a public agency (as defined in IC 5-14-1.5-2) of the  
42 state by public schools must be collected electronically and must be





1 collected through one (1) regularly scheduled consolidated report  
 2 that is collected no more frequently than on a quarterly basis  
 3 through an electronic database administered by the department  
 4 established by rule under IC 4-22-2.

5 (b) This section does not apply to:

- 6 (1) any collection of data if the office of management and  
 7 budget has approved a waiver of the application of this  
 8 section;  
 9 (2) tax reporting;  
 10 (3) an investigation authorized by federal or state statute or  
 11 regulation; or  
 12 (4) testing material.

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

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

16 SECTION 76. IC 20-20-1-10 IS REPEALED [EFFECTIVE JULY  
 17 1, 2015]. ~~Sec. 10: (a) The state board shall provide for the selection of~~  
 18 ~~an advisory council to each board. The state board shall provide for the~~  
 19 ~~representation of:~~

- 20 (1) teachers;  
 21 (2) elementary principals;  
 22 (3) secondary principals;  
 23 (4) members of the governing body; and  
 24 (5) parents of students;

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

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

29 SECTION 77. IC 20-20-8-3, AS AMENDED BY P.L.43-2014,  
 30 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 31 JULY 1, 2015]: Sec. 3. (a) ~~Not earlier than March 15 or later than~~  
 32 ~~March 31 of each year,~~ The governing body of a school corporation  
 33 ~~shall~~ **may** publish an annual performance report of the school  
 34 corporation, in compliance with the procedures identified in section 7  
 35 of this chapter. The report must be published one (1) time annually  
 36 under IC 5-3-1.

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



1 school corporation's report available on the school corporation's  
2 Internet web site.

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

6 SECTION 78. IC 20-20-8-8, AS AMENDED BY P.L.246-2013,  
7 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
8 JULY 1, 2015]: Sec. 8. The report must include the following  
9 information:

- 10 (1) Student enrollment.  
11 (2) Graduation rate (as defined in IC 20-26-13-6).  
12 (3) Attendance rate.  
13 (4) The following test scores, including the number and  
14 percentage of students meeting academic standards:  
15 (A) ISTEP program test scores.  
16 (B) Scores for assessments under IC 20-32-5-21, if  
17 appropriate.  
18 (C) For a freeway school, scores on a locally adopted  
19 assessment program, if appropriate.  
20 (5) Average class size.  
21 (6) The number and percentage of students in the following  
22 groups or programs:  
23 (A) Alternative education, if offered.  
24 (B) Career and technical education.  
25 (C) Special education.  
26 (D) High ability.  
27 (E) Remediation.  
28 (F) Limited English language proficiency.  
29 (G) Students receiving free or reduced price lunch under the  
30 national school lunch program.  
31 (H) School flex program, if offered.  
32 (7) Advanced placement, including the following:  
33 (A) For advanced placement tests, the percentage of students:  
34 (i) scoring three (3), four (4), and five (5); and  
35 (ii) taking the test.  
36 (B) For the Scholastic Aptitude Test:  
37 (i) test scores for all students taking the test;  
38 (ii) test scores for students completing the academic honors  
39 diploma program; and  
40 (iii) the percentage of students taking the test.  
41 (8) Course completion, including the number and percentage of  
42 students completing the following programs:



- 1 (A) Academic honors diploma.  
 2 (B) Core 40 curriculum.  
 3 (C) Career and technical programs.  
 4 ~~(9)~~ The percentage of grade 8 students enrolled in algebra I.  
 5 ~~(10)~~ (9) The percentage of graduates who pursue higher  
 6 education.  
 7 ~~(11)~~ (10) School safety, including:  
 8 (A) the number of students receiving suspension or expulsion  
 9 for the possession of alcohol, drugs, or weapons;  
 10 (B) the number of incidents reported under IC 20-33-9; and  
 11 ~~(C)~~ The number of bullying incidents reported under  
 12 IC 20-34-6 by category.  
 13 ~~(12)~~ (11) Financial information and various school cost factors,  
 14 including the following:  
 15 (A) Expenditures per pupil.  
 16 (B) Average teacher salary.  
 17 (C) Remediation funding.  
 18 ~~(13)~~ Technology accessibility and use of technology in  
 19 instruction.  
 20 ~~(14)~~ (12) Interdistrict and intradistrict student mobility rates, if  
 21 that information is available.  
 22 ~~(15)~~ The number and percentage of each of the following within  
 23 the school corporation:  
 24 (A) Teachers who are certificated employees (as defined in  
 25 IC 20-29-2-4).  
 26 (B) Teachers who teach the subject area for which the teacher  
 27 is certified and holds a license.  
 28 ~~(C)~~ Teachers with national board certification.  
 29 ~~(16)~~ (13) The percentage of grade 3 students reading at grade 3  
 30 level.  
 31 ~~(17)~~ (14) The number of students expelled, including the number  
 32 participating in other recognized education programs during their  
 33 expulsion.  
 34 ~~(18)~~ (15) Chronic absenteeism, which includes the number of  
 35 students who have been absent from school for ten percent (10%)  
 36 or more of a school year for any reason.  
 37 ~~(19)~~ (16) Habitual truancy, which includes the number of students  
 38 who have been absent ten (10) days or more from school within  
 39 a school year without being excused or without being absent  
 40 under a parental request that has been filed with the school.  
 41 ~~(20)~~ (17) The number of students who have dropped out of  
 42 school, including the reasons for dropping out.



1           (21) **(18)** The number of student work permits revoked.

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

3           (23) **(19)** The number of students who have not advanced to grade  
4           10 due to a lack of completed credits.

5           (24) **(20)** The number of students suspended for any reason.

6           (25) **(21)** The number of students receiving an international  
7           baccalaureate diploma.

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

10          SECTION 79. IC 20-20-28-4 IS REPEALED [EFFECTIVE JULY  
11          1, 2015]. Sec. 4. (a) ~~The department shall establish pilot programs  
12          targeting at risk students in the following areas:~~

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

14               (2) ~~Latch key programs.~~

15               (3) ~~Preschool programs.~~

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

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

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

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

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

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

30          SECTION 80. IC 20-20-28-5, AS ADDED BY P.L.1-2005,  
31          SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
32          JULY 1, 2015]: Sec. 5. (a) ~~The department:~~

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

35               (2) ~~may select school corporations that have a pilot program as  
36               described in section 4 of this chapter in existence on June 30,  
37               1990.~~

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



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

3 (2) may not be religiously affiliated.

4 SECTION 81. IC 20-20-28-7 IS REPEALED [EFFECTIVE JULY  
5 1, 2015]. ~~Sec. 7: Each school corporation that participates in a pilot  
6 program under this chapter shall prepare a written report detailing all  
7 of the pertinent information concerning the implementation of the pilot  
8 program, including any recommendations made and conclusions drawn  
9 from the pilot program. The school corporation shall submit the report  
10 to the department.~~

11 SECTION 82. IC 20-20-31 IS REPEALED [EFFECTIVE JULY 1,  
12 2015]. (Professional Development Program).

13 SECTION 83. IC 20-20-35 IS REPEALED [EFFECTIVE JULY 1,  
14 2015]. (Prekindergarten Grant Pilot Program).

15 SECTION 84. IC 20-20-40 IS REPEALED [EFFECTIVE JULY 1,  
16 2015]. (Restraint and Seclusion Commission).

17 SECTION 85. IC 20-21-1-3, AS ADDED BY P.L.1-2005,  
18 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
19 JULY 1, 2015]: Sec. 3. "Case conference" refers to the activities of a  
20 case conference committee ~~as described in IC 20-35-7-2.~~ **as defined in  
21 511 IAC 7-32-12.**

22 SECTION 86. IC 20-22-1-3, AS ADDED BY P.L.1-2005,  
23 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
24 JULY 1, 2015]: Sec. 3. "Case conference" refers to the activities of a  
25 case conference committee ~~(as defined in IC 20-35-7-2).~~ **(as defined  
26 in 511 IAC 7-32-12).**

27 SECTION 87. IC 20-23-1 IS REPEALED [EFFECTIVE JULY 1,  
28 2015]. (County Boards of Education).

29 SECTION 88. IC 20-23-2 IS REPEALED [EFFECTIVE JULY 1,  
30 2015]. (County Superintendent of Schools).

31 SECTION 89. IC 20-23-3 IS REPEALED [EFFECTIVE JULY 1,  
32 2015]. (School Townships).

33 SECTION 90. IC 20-23-4-5 IS REPEALED [EFFECTIVE JULY 1,  
34 2015]. ~~Sec. 5: As used in this chapter, "county superintendent" means  
35 the county superintendent of schools.~~

36 SECTION 91. IC 20-23-4-10 IS REPEALED [EFFECTIVE JULY  
37 1, 2015]. ~~Sec. 10: State and county officers shall make available to:~~

38 (1) the county committees; and

39 (2) the state board;

40 information from public records in the officers' possession that is  
41 essential to the performance by the county committees and the state  
42 board of duties set forth in this chapter and IC 20-23-16-1 through



1 ~~IC 20-23-16-11:~~

2 SECTION 92. IC 20-23-4-11, AS ADDED BY P.L.1-2005,  
3 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
4 JULY 1, 2015]: Sec. 11. (a) A county committee for the reorganization  
5 of school corporations consists of nine (9) members. ~~In a county that~~  
6 ~~has a county superintendent:~~

7 ~~(1) the superintendent is an ex officio member of the committee;~~  
8 ~~and~~

9 ~~(2) the remaining members of the committee are appointed by the~~  
10 ~~judge of the circuit court of the county:~~

11 ~~In a county that does not have a county superintendent,~~ All the  
12 members of the committee are appointed by the judge of the circuit  
13 court of the county. Appointments under this subsection are subject to  
14 subsections (f) through (h).

15 (b) Before the time specified in this section, the judge of the circuit  
16 court shall call into a county convention each of the township trustees  
17 of the county and the members of each local board of school trustees  
18 or board of school commissioners in the county to advise the judge in  
19 the selection of the members of the county committee. Except as  
20 provided in subsection (c), the judge must give at least ten (10) days  
21 notice of the convention by publication in:

22 (1) one (1) newspaper of general circulation published in the  
23 affected area; or

24 (2) if a newspaper is not published in the affected area, in a  
25 newspaper having a general circulation in the affected area.

26 (c) In a county having a population of more than four hundred  
27 thousand (400,000) but less than seven hundred thousand (700,000),  
28 the judge of the circuit court shall publish the notice referred to in  
29 subsection (b) in two (2) newspapers of general circulation published  
30 in the affected area or having a general circulation in the affected area.

31 The notice must specify:

32 (1) the date, time, place, and purpose of the county convention;  
33 and

34 (2) that the county convention is open to all residents of the  
35 county.

36 (d) At the county convention, the judge of the circuit court shall:

37 (1) explain or have explained; and

38 (2) afford an opportunity for attendees to discuss;

39 the provisions of this chapter.

40 (e) Not later than ten (10) days after the date of the county  
41 convention, the judge of the circuit court shall select the appointive  
42 members of the county committee.



1           ~~(f)~~ In a county that has a county board of education, one ~~(1)~~ member  
 2 of the county committee must be a township trustee recommended by  
 3 the county board of education.

4           ~~(g)~~ **(f)** In a county in which there is a board of school trustees or a  
 5 board of school commissioners; One (1) member of the county  
 6 committee:

7           (1) must be a member of:

8           (A) the board of school trustees **if the county has a board of**  
 9 **school trustees;** or

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

12           (2) may not be a township trustee.

13           ~~(h)~~ **(g)** One (1) member of the county committee must be:

14           (1) a superintendent of schools;

15           (2) a principal of:

16           (A) a school city;

17           (B) a school town; or

18           (C) a consolidated school or corporation; or

19           (3) a superintendent of a community school corporation.

20           ~~(i)~~ **(h)** The members of the county committee not referred to in  
 21 subsections ~~(f)~~ through ~~(h)~~: **(g)**:

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

23           (A) a board of school trustees; or

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

25           ~~(2)~~ **(1)** may not be members of or employed by a

26           ~~(A)~~ local; or

27           ~~(B)~~ county;

28           board of education; **governing body;**

29           ~~(3)~~ **(2)** may not be:

30           (A) township trustees; or

31           (B) employees of township trustees; and

32           ~~(4)~~ **(3)** are appointed without regard to political affiliation.

33           ~~(j)~~ **(i)** The judge of the circuit court shall give written notice  
 34 immediately to each person selected for appointment to the county  
 35 committee. Each person selected shall notify the judge of the circuit  
 36 court in writing not later than ten (10) days after receipt of the notice  
 37 whether the person accepts the appointment. If a person:

38           (1) refuses an appointment; or

39           (2) fails to notify the judge of the circuit court of the person's  
 40 acceptance or refusal of an appointment;

41 the judge shall select a qualified replacement for appointment to the  
 42 county committee.



1           ~~(k)~~ **(j)** Not later than thirty (30) days after the date of the county  
2 convention, the county committee shall meet to organize and to elect  
3 from its membership:

- 4           (1) a chairperson;  
5           (2) a treasurer; and  
6           (3) a secretary.

7 The secretary may be the county superintendent or the superintendent  
8 of one (1) of the school corporations in the county.

9           ~~(l)~~ **(k)** The chairperson and the members of the county committee  
10 serve without compensation. Subject to approval by the state board, the  
11 chairperson of the county committee shall:

- 12           (1) secure necessary office space and equipment;  
13           (2) engage necessary clerical help; and  
14           (3) receive reimbursement for any necessary expenses incurred by  
15 the chairperson with respect to duties in connection with the  
16 county committee.

17           ~~(m)~~ **(l)** Members of the county committee hold office for terms of  
18 four (4) years until the reorganization program in the county is  
19 completed, subject to replacement as prescribed in this chapter. An  
20 appointed member who ceases to be a resident of the county may not  
21 continue to serve on a county committee.

22           ~~(n)~~ **(m)** An individual appointed member of a county committee or  
23 the appointed members as a group are not disqualified from serving on  
24 a county committee because they fail at any time to meet the  
25 qualifications for appointment by the judge of the circuit court, other  
26 than county residence, if they met the qualifications at the time of their  
27 appointments.

28           ~~(o)~~ **(n)** Vacancies shall be filled by the remaining members of the  
29 committee without regard for the qualifications for appointment by the  
30 judge of the circuit court.

31           ~~(p)~~ **(o)** Meetings of the county committee shall be held:

- 32           (1) upon call of the chairperson; or  
33           (2) by a petition to hold a meeting signed by a majority of the  
34 members of the committee.

35           ~~(q)~~ **(p)** A majority of the committee constitutes a quorum.

36 SECTION 93. IC 20-23-4-14 IS REPEALED [EFFECTIVE JULY  
37 1, 2015]. ~~Sec. 14. (a) The county committee shall consider any~~  
38 ~~suggestions made in the public hearing and shall make any revisions or~~  
39 ~~modifications in its written plans as it considers necessary and shall~~  
40 ~~thereupon without any further hearing adopt its final comprehensive~~  
41 ~~reorganization plan; and, within ten (10) days after such adoption, but~~  
42 ~~not later than January 14, 1964, shall submit at least three (3) copies of~~





1 its comprehensive plan to the state board. However, if a county  
 2 committee encounters any difficulties in formulating and adopting  
 3 either its preliminary or comprehensive plan for the reorganization of  
 4 school corporations, through no lack of diligence upon the part of the  
 5 committee so that it is unable to submit its plans to the state board  
 6 within the period specified, the county committee may apply to the  
 7 state board for an extension of time in which to complete and adopt its  
 8 preliminary or comprehensive plan. The application may be made  
 9 during or after the original or any extended period for which an  
 10 extension is asked:

11 (b) The state board may, if the facts and circumstances warrant,  
 12 grant such extension or extensions as it may see fit.

13 SECTION 94. IC 20-23-4-18, AS ADDED BY P.L.1-2005,  
 14 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 15 JULY 1, 2015]: Sec. 18. (a) The state board shall:

16 (1) aid the county committees, as required by subsection (b), in  
 17 carrying out:

18 (A) the powers conferred; and

19 (B) the duties imposed;

20 on the committees by this chapter;

21 (2) receive and examine each plan for the reorganization of a  
 22 school corporation submitted to the state board by a county  
 23 committee and approve each plan that meets the standards of the  
 24 state board;

25 (3) adopt a set of minimum standards, in furtherance of the policy  
 26 expressed in section 1 of this chapter, which all proposed  
 27 community school corporations must meet, insofar as feasible;

28 (4) not later than ninety (90) days after receipt of a reorganization  
 29 plan, hold a public hearing in the county to which the plan mainly  
 30 applies to allow residents of the affected territory to testify;

31 (5) not later than sixty (60) days after the public hearing:

32 (A) approve or disapprove in writing all or part of the plan;  
 33 and

34 (B) notify in writing the county committee concerned;

35 (6) assist any county committee whose plan does not meet  
 36 minimum standards in revising the plan and permit the committee  
 37 to resubmit the plan not later than ninety (90) days after receipt of  
 38 notice of nonapproval; and

39 (7) adopt rules under IC 4-22-2 for:

40 (A) the conduct of its own business; and

41 (B) the guidance and direction of county committees;

42 to carry out this chapter and IC 20-23-16-1 through



1 ~~IC 20-23-16-11.~~ **IC 20-23-16-5.**

2 (b) The minimum standards for community school corporations  
3 proposed under this chapter or IC 20-23-16-1 through ~~IC 20-23-16-11~~  
4 **IC 20-23-16-5** must provide for the inclusion of all the area of a county  
5 in:

- 6 (1) a school corporation; or  
7 (2) school corporations;

8 to furnish efficient and adequate educational opportunity for all  
9 students in grades 1 through 12.

10 (c) Before the adoption of a preliminary written plan, the county  
11 committee and the state board may meet to consider problems  
12 encountered by the county committee in formulating a plan. Following  
13 the meeting, the state board may waive in writing any specified  
14 minimum standard for a designated geographic area on the ground that  
15 meeting the standard is not feasible.

16 (d) The state board is not required to hold a public hearing on a plan  
17 that does not meet the minimum standards required by the state board  
18 unless the state board waives the attainment of a minimum standard.

19 SECTION 95. IC 20-23-4-19, AS AMENDED BY P.L.2-2006,  
20 SECTION 93, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
21 JULY 1, 2015]: Sec. 19. (a) If the creation of a community school  
22 corporation out of an existing corporation:

- 23 (1) would not involve a change in its territorial boundaries or in  
24 its board of school trustees or other governing body, other than a  
25 change in the time of election or appointment or the time the  
26 board members take office; and  
27 (2) is consistent with the standards set up under this chapter and  
28 the standards set out in this section;

29 the state board may on its own motion or on petition of the governing  
30 body of the existing school corporation at any time with hearing in the  
31 county where the school corporation is located, after notice by  
32 publication at least once in one (1) newspaper of general circulation  
33 published in the county where the school corporation is located, at least  
34 ten (10) but not more than thirty (30) days before the date of a hearing,  
35 and without action of the county committee declare the existing school  
36 corporation to be a community school corporation by adopting a  
37 resolution to this effect. The existing school corporation qualifies as to  
38 size and financial resources if it has an ADA of at least two hundred  
39 seventy (270) students in grades 9 through 12 or at least one thousand  
40 (1,000) students in grades 1 through 12, and has an assessed valuation  
41 per student of at least five thousand dollars (\$5,000).

42 (b) For purposes of this section, the following terms have the



- 1 following meanings:
- 2 (1) "County tax" means a property tax:
- 3 (A) that is levied at an equal rate in the entire county in which
- 4 any school corporation is located, other than a tax qualifying
- 5 as a countywide tax within the meaning of Acts 1959, c.328,
- 6 s.2, or any similar statute; and
- 7 (B) for which the net proceeds of which are distributed to
- 8 school corporations in the county.
- 9 (2) "Assessed valuation" of any school corporation means the net
- 10 assessed value of its real and personal property as of March 1,
- 11 1964, adjusted in the same manner as the assessed valuation is
- 12 adjusted for each county by the department of local government
- 13 finance under Acts 1949, c.247, s.5, as amended, unless that
- 14 statute has been repealed or no longer provides for an adjustment.
- 15 If a county has a county tax, the assessed valuation of each school
- 16 corporation in the county shall be increased by the amount of
- 17 assessed valuation, if any, that would be required to raise an
- 18 amount of money, equal to the excess of the amount distributed
- 19 to any school corporation from the county tax over the amount
- 20 collected from the county tax in the school corporation, using
- 21 total taxes levied by the school corporation in terms of rate:
- 22 (A) excluding the countywide tax under Acts 1959, c.328, s.2,
- 23 or any similar statute; and
- 24 (B) including all other taxes levied by or for the school
- 25 corporation.
- 26 The increased valuation shall be based on the excess distributed
- 27 to the school corporation from the county tax levied for the year
- 28 1964 and the total taxes levied for the year, or if the county tax is
- 29 first applied or is raised for years after 1964, then the excess
- 30 distributions and total taxes levied for the year in which the tax is
- 31 first applied or raised. If the excess distribution and total taxes
- 32 levied cannot be determined accurately on or before the adoption
- 33 of the resolution provided in this section, excess distribution and
- 34 taxes levied shall be estimated by the department of local
- 35 government finance using the last preceding assessed valuations
- 36 and tax rates or such other information as that department
- 37 determines, certifying the increased assessment to the state board
- 38 before such time. In all cases, the excess distribution shall be
- 39 determined upon the assumption that the county tax is one
- 40 hundred percent (100%) collected and all collections are
- 41 distributed.
- 42 (3) "Assessed valuation per student" of any school corporation



1 means the assessed valuation of any school corporation divided  
2 by its ADA in grades 1 through 12.

3 (4) "ADA" in any school corporation means the average daily  
4 attendance of students who are residents in the school corporation  
5 and in the particular grades to which the term refers for the school  
6 year 1964-1965 in accordance with the applicable regulations of  
7 the state superintendent, used in determining average daily  
8 attendance in the distribution of the tuition funds by the state to  
9 its various school corporations where funds are distributed on  
10 such basis and irrespective of whether the figures are the actual  
11 resident daily attendance of the school for the school year.

12 (c) The community school corporation automatically comes into  
13 being on either July 1 or January 1 following the date of approval,  
14 whichever is earlier. The state board shall mail by certified mail, return  
15 receipt requested, a copy of the resolution certified by the county  
16 committee's chairperson or secretary to:

17 (1) the recorder of the county from which the county committee  
18 having jurisdiction of the existing school corporation was  
19 appointed; and

20 (2) the county committee.

21 The resolution may change the time of election or appointment of the  
22 board of trustees of the school corporation or the time the trustees take  
23 office. The recorder shall without cost record the certified resolution in  
24 the miscellaneous records of the county. The recording constitutes a  
25 permanent record of the action of the state board and may be relied on  
26 by any person. Unless the resolution provides that an interim member  
27 of the board of trustees shall not be appointed, the board of trustees in  
28 office on the date of the action continues to constitute the board of  
29 trustees of the school corporation until their successors are qualified,  
30 and the terms of their respective office and board membership remain  
31 unchanged except to the extent the resolution otherwise provides. For  
32 purposes of this chapter and IC 20-23-16-1 through ~~IC 20-23-16-11~~,  
33 **IC 20-23-16-5**, a community school corporation shall be regarded as  
34 a school corporation created under section 16 of this chapter.

35 SECTION 96. IC 20-23-4-24, AS ADDED BY P.L.1-2005,  
36 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
37 JULY 1, 2015]: Sec. 24. (a) Except as provided in subsection (b), if a  
38 public official fails to perform a duty required under this chapter or  
39 IC 20-23-16-1 through ~~IC 20-23-16-11~~ **IC 20-23-16-5** within the time  
40 prescribed in this chapter or IC 20-23-16-1 through ~~IC 20-23-16-11~~,  
41 **IC 20-23-16-5**, the omission does not invalidate any proceedings taken  
42 by the official.



1 (b) This section:

2 (1) does not apply to the time within which a county committee  
3 must accept jurisdiction of all or part of a school corporation from  
4 another county committee following a petition under  
5 IC 20-23-16-1; and

6 (2) may not be construed to extend the time within which  
7 petitions may be filed by registered voters under this chapter or  
8 IC 20-23-16-1 through ~~IC 20-23-16-11~~. **IC 20-23-16-5.**

9 SECTION 97. IC 20-23-4-25, AS ADDED BY P.L.1-2005,  
10 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
11 JULY 1, 2015]: Sec. 25. (a) A party aggrieved by the decision of the  
12 county committee after the hearing provided for under section 13 of  
13 this chapter may:

14 (1) appear before the state board when the state board holds  
15 public hearings on the reorganization plan involved; and

16 (2) state the grievance.

17 (b) A party aggrieved by the decision of the state board after the  
18 hearing provided for in section 13 of this chapter may appeal within  
19 thirty (30) days from the decision to the court in the county on any  
20 question of adjustment of:

21 (1) property;

22 (2) debts; and

23 (3) liabilities;

24 among the school corporations involved. Notice of the appeal shall be  
25 given to the chairperson or secretary of the county committee ten (10)  
26 days before the appeal is filed with the court.

27 (c) The court may:

28 (1) determine the constitutionality and the equity of the  
29 adjustment or adjustments proposed; and

30 (2) direct the county committee to alter the adjustment or  
31 adjustments found by the court to be inequitable or violative of  
32 any provision of the Constitution of the State of Indiana or of the  
33 United States.

34 An appeal may be taken to the supreme court or the court of appeals in  
35 accordance with the rules of civil procedure of the state.

36 (d) A determination by the court with respect to the adjustment of:

37 (1) property;

38 (2) debts; and

39 (3) liabilities;

40 among the school corporations or areas involved does not otherwise  
41 affect the validity of the reorganization or creation of a school  
42 corporation or corporations under this chapter or IC 20-23-16-1



1 through ~~IC 20-23-16-11~~; **IC 20-23-16-5**.

2 SECTION 98. IC 20-23-4-26, AS ADDED BY P.L.1-2005,  
3 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
4 JULY 1, 2015]: Sec. 26. (a) This section applies to each community  
5 school corporation.

6 (b) A community school corporation established under this chapter  
7 or IC 20-23-16-1 through ~~IC 20-23-16-11~~; **IC 20-23-16-5**, is a body  
8 corporate and politic. The corporation may:

9 (1) sue and be sued; and

10 (2) acquire, hold, and convey real and personal property necessary  
11 to the community school corporation's establishment and  
12 operation.

13 (c) A corporation has:

14 (1) all the powers, rights, duties, and obligations of the school  
15 cities of any class in which the school corporation would fall if it  
16 were organized as a school city; and

17 (2) the additional powers granted school corporations:

18 (A) in general; or

19 (B) school corporations in the population or other  
20 classifications in which the school corporation falls.

21 (d) The officers of the governing body are a:

22 (1) president;

23 (2) secretary;

24 (3) treasurer; and

25 (4) vice president, if the board of trustees consists of more than  
26 three (3) members.

27 SECTION 99. IC 20-23-4-38, AS AMENDED BY P.L.1-2007,  
28 SECTION 142, IS AMENDED TO READ AS FOLLOWS  
29 [EFFECTIVE JULY 1, 2015]: Sec. 38. (a) Whenever an entire county  
30 has been reorganized under this chapter or IC 20-23-16-1 through  
31 ~~IC 20-23-16-11~~; **IC 20-23-16-5**, by the creation of a community school  
32 corporation or corporations for the entire county, the county committee  
33 shall be dissolved. Where the term of any member of a county  
34 committee expires before the time of dissolution of the county  
35 committee, the judge shall fill a vacancy by replacement or  
36 reappointment for a term of four (4) years in accordance with sections  
37 11 through 15 of this chapter. In the event the membership of an entire  
38 county committee shall at any time be vacant by resignation or  
39 otherwise, the judge shall appoint a new county committee in  
40 accordance with sections 11 through 15 of this chapter.

41 (b) After a county committee has been dissolved, if the local  
42 governing body or the state superintendent considers further



1 reorganization necessary to improve educational opportunities for the  
 2 students in the county, the local school trustees or the state  
 3 superintendent shall submit proposed changes to the state board. If the  
 4 changes proposed by the local governing body or the state  
 5 superintendent are approved by the state board, the proposal becomes  
 6 effective under the procedure specified in sections 20 through 24 of  
 7 this chapter so far as the same are applicable.

8 SECTION 100. IC 20-23-4-42, AS AMENDED BY P.L.146-2008,  
 9 SECTION 459, IS AMENDED TO READ AS FOLLOWS  
 10 [EFFECTIVE JULY 1, 2015]: Sec. 42. ~~(a) The procedures set forth in~~  
 11 ~~IC 20-19-2-12 concerning the review of, and public hearings~~  
 12 ~~concerning, plans and specifications for the construction of, addition~~  
 13 ~~to, or remodeling of school facilities apply equally to facilities to be~~  
 14 ~~used or leased by both community school corporations and school~~  
 15 ~~corporations that are not community school corporations.~~

16 ~~(b) An action to enjoin school construction or the performance of~~  
 17 ~~any of the terms and conditions of a lease or the execution, sale, or~~  
 18 ~~delivery of bonds, on the ground that any approval should not have~~  
 19 ~~been granted, may not be instituted at any time later than fifteen (15)~~  
 20 ~~days after approval has been granted.~~

21 SECTION 101. IC 20-23-6-7, AS ADDED BY P.L.1-2005,  
 22 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 23 JULY 1, 2015]: Sec. 7. (a) Each school of the consolidated schools is  
 24 under the control and management of the original governing body until  
 25 the consolidated school corporation comes into existence at the time  
 26 provided in section 8 of this chapter. When the consolidated school  
 27 corporation comes into existence, the term of office of each of the  
 28 original members of the governing body expires.

29 (b) The term of any township trustee does not expire. ~~However, the~~  
 30 ~~duties and powers of the trustee as a school township trustee may be~~  
 31 ~~altered or changed by any resolution and the consolidation provided for~~  
 32 ~~in this chapter.~~

33 SECTION 102. IC 20-23-6-12, AS ADDED BY P.L.231-2005,  
 34 SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 35 JULY 1, 2015]: Sec. 12. (a) This section provides an alternative  
 36 method for a school corporation to be reorganized as a community  
 37 school corporation.

38 (b) The following may petition directly to the state board to be  
 39 reorganized as a community school corporation:

- 40 (1) A consolidated school corporation organized under section 3
- 41 of this chapter.
- 42 (2) A metropolitan school district organized under IC 20-23-7-2.



1           ~~or IC 20-23-7-12.~~

2           (c) The following apply to a school corporation that petitions  
3 directly to the state board under subsection (b):

4           (1) The school corporation is not required to do the following:

5           (A) Seek approval of a county committee established by  
6 IC 20-23-4-11.

7           (B) Pursue a joint meeting of a county committee and the state  
8 board under IC 20-23-4-18.

9           (2) The state board may waive the attainment of any standard  
10 required for reorganization as a community school corporation  
11 under this chapter.

12           SECTION 103. IC 20-23-6-16, AS ADDED BY P.L.1-2005,  
13 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
14 JULY 1, 2015]: Sec. 16. It is the policy of the state that whenever a  
15 community school corporation (as defined in IC 20-23-4-3) seeks to:

16           (1) reorganize into a community school corporation under  
17 IC 20-23-4 or IC 20-23-16-1 through ~~IC 20-23-16-11;~~  
18 **IC 20-23-16-5;**

19           (2) enter into a territorial annexation under IC 20-23-5 either as  
20 an acquiring school corporation or a losing school corporation (as  
21 defined in IC 20-23-5-4);

22           (3) consolidate with another school corporation under IC 20-23-6;  
23 or

24           (4) consolidate with another school corporation into one (1)  
25 metropolitan school district under IC 20-23-7;

26 the school corporation shall give consideration to the educational  
27 opportunities for students, local community interest, the effect on the  
28 community as a whole, and the economic interests of the community  
29 relative to establishing the boundaries of the school corporation that is  
30 involved in the school corporation reorganization, consolidation, or  
31 annexation attempt.

32           SECTION 104. IC 20-23-6-18 IS REPEALED [EFFECTIVE JULY  
33 1, 2015]. Sec. 18: (a) ~~Before January 1, 2011, Prairie Township School~~  
34 ~~Corporation shall reorganize by consolidating with an adjacent school~~  
35 ~~corporation under this chapter:~~

36           **(b) If the governing body of Prairie Township School Corporation**  
37 **does not comply with this section before January 1, 2011, the state**  
38 **board shall, after December 31, 2010, develop a reorganization plan for**  
39 **the school corporation and require the governing body to implement**  
40 **the plan.**

41           SECTION 105. IC 20-23-7-2, AS ADDED BY P.L.1-2005,  
42 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE





JULY 1, 2015]: Sec. 2. (a) In any county or adjoining counties at least two (2) school corporations, including ~~school townships~~, school towns, school cities, consolidated school corporations, joint schools, metropolitan school districts, township school districts, or community school corporations, regardless of whether the consolidating school corporations are of the same or of a different character, may consolidate into one (1) metropolitan school district. Subject to subsection (h), the consolidation must be initiated by following either of the following procedures:

(1) The township trustee, board of school trustees, board of education, or other governing body (the trustee, board, or other governing body is referred to elsewhere in this section as the "governing body") of each school corporation to be consolidated shall:

(A) adopt substantially identical resolutions providing for the consolidation; and

(B) publish a notice setting out the text of the resolution one (1) time under IC 5-3-1.

The resolution must set forth any provision for staggering the terms of the board members of the metropolitan school district elected under this chapter. If, not more than thirty (30) days after publication of the resolution, a petition of protest, signed by at least twenty percent (20%) of the registered voters residing in the school corporation is filed with the clerk of the circuit court of each county where the voters who are eligible to sign the petition reside, a referendum election shall be held as provided in subsection (c).

(2) Instead of the adoption of substantially identical resolutions in each of the proposed consolidating school corporations under subdivision (1), a referendum election under subsection (c) shall be held on the occurrence of all of the following:

(A) At least twenty percent (20%) of the registered voters residing in a particular school corporation sign a petition requesting that the school corporation consolidate with another school corporation (referred to in this subsection as "the responding school corporation").

(B) The petition described in clause (A) is filed with the clerk of the circuit court of each county where the voters who are eligible to sign the petition reside.

(C) Not more than thirty (30) days after the service of the petition by the clerk of the circuit court to the governing body of the responding school corporation under subsection (b) and



1 the certification of signatures on the petition occurs under  
 2 subsection (b), the governing body of the responding school  
 3 corporation adopts a resolution approving the petition and  
 4 providing for the consolidation.

5 (D) An approving resolution has the same effect as the  
 6 substantially identical resolutions adopted by the governing  
 7 bodies under subdivision (1), and the governing bodies shall  
 8 publish the notice provided under subdivision (1) not more  
 9 than fifteen (15) days after the approving resolution is adopted.  
 10 However, if a governing body that is a party to the  
 11 consolidation fails to publish notice within the required fifteen  
 12 (15) day time period, a referendum election still must be held  
 13 as provided in subsection (c).

14 If the governing body of the responding school corporation does  
 15 not act on the petition within the thirty (30) day period described  
 16 in clause (C), the governing body's inaction constitutes a  
 17 disapproval of the petition request. If the governing body of the  
 18 responding school corporation adopts a resolution disapproving  
 19 the petition or fails to act within the thirty (30) day period, a  
 20 referendum election as described in subsection (c) may not be  
 21 held and the petition requesting the consolidation is defeated.

22 (b) Any petition of protest under subsection (a)(1) or a petition  
 23 requesting consolidation under subsection (a)(2) must show in the  
 24 petition the date on which each person has signed the petition and the  
 25 person's residence on that date. The petition may be executed in several  
 26 counterparts, the total of which constitutes the petition. Each  
 27 counterpart must contain the names of voters residing within a single  
 28 county and shall be filed with the clerk of the circuit court of the  
 29 county. Each counterpart must have attached to it the affidavit of the  
 30 person circulating the counterpart that each signature appearing on the  
 31 counterpart was affixed in that person's presence and is the true and  
 32 lawful signature of each person who made the signature. Any signer  
 33 may file the petition or any counterpart of the petition. Each signer on  
 34 the petition may before and may not after the filing with the clerk  
 35 withdraw the signer's name from the petition. A name may not be  
 36 added to the petition after the petition has been filed with the clerk.  
 37 After the receipt of any counterpart of the petition, each circuit court  
 38 clerk shall certify:

- 39 (1) the number of persons signing the counterpart;  
 40 (2) the number of persons who are registered voters residing  
 41 within that part of the school corporation located within the  
 42 clerk's county, as disclosed by the voter registration records in the



1 office of the clerk or the board of registration of the county, or  
2 wherever registration records may be kept;

3 (3) the total number of registered voters residing within the  
4 boundaries of that part of the school corporation located within  
5 the county, as disclosed in the voter registration records; and

6 (4) the date of the filing of the petition.

7 Certification shall be made by each clerk of the circuit court not more  
8 than thirty (30) days after the filing of the petition, excluding from the  
9 calculation of the period any time during which the registration records  
10 are unavailable to the clerk, or within any additional time as is  
11 reasonably necessary to permit the clerk to make the certification. In  
12 certifying the number of registered voters, the clerk of the circuit court  
13 shall disregard any signature on the petition not made within the ninety  
14 (90) days immediately before the filing of the petition with the clerk as  
15 shown by the dates set out in the petition. The clerk of the circuit court  
16 shall establish a record of the certification in the clerk's office and shall  
17 serve the original petition and a copy of the certification on the county  
18 election board under IC 3-10-9-3 and the governing bodies of each  
19 affected school corporation. Service shall be made by mail or manual  
20 delivery to the governing bodies, to any officer of the governing bodies,  
21 or to the administrative office of the governing bodies, if any, and shall  
22 be made for all purposes of this section on the day of the mailing or the  
23 date of the manual delivery.

24 (c) The county election board in each county where the proposed  
25 metropolitan school district is located, acting jointly where the  
26 proposed metropolitan school district is created and where it is located  
27 in more than one (1) county, shall cause any referendum election  
28 required under either subsection (a)(1) or (a)(2) to be held in the entire  
29 proposed metropolitan district at a special election. The special election  
30 shall be not less than sixty (60) days and not more than ninety (90) days  
31 after the service of the petition of protest and certification by each clerk  
32 of the circuit court under subsection (a)(1) or (a)(2) or after the  
33 occurrence of the first action requiring a referendum under subsection  
34 (a)(2). However, if a primary or general election at which county  
35 officials are to be nominated or elected, or at which city or town  
36 officials are to be elected in those areas of the proposed metropolitan  
37 school district that are within the city or town, is to be held after the  
38 sixty (60) days and not more than six (6) months after the service or the  
39 occurrence of the first action, each election board may hold the  
40 referendum election with the primary or general election.

41 (d) Notice of the special election shall be given by each election  
42 board by publication under IC 5-3-1.



1 (e) Except where it conflicts with this section or cannot be  
 2 practicably applied, IC 3 applies to the conduct of the referendum  
 3 election. If the referendum election is not conducted at a primary or  
 4 general election, the cost of conducting the election shall be charged to  
 5 each component school corporation included in the proposed  
 6 metropolitan school district in the same proportion as its assessed  
 7 valuation bears to the total assessed valuation of the proposed  
 8 metropolitan school district and shall be paid from any current  
 9 operating fund of each component school corporation not otherwise  
 10 appropriated, without appropriation.

11 (f) The question in the referendum election shall be placed on the  
 12 ballot in the form prescribed by IC 3-10-9-4 and must state "Shall the  
 13 school corporations of \_\_\_\_\_ be formed into one (1) metropolitan  
 14 school district under IC 20-23-7?" (in which blanks the respective  
 15 name of the school districts concerned will be inserted).

16 (g) If:

17 (1) a protest petition with the required signatures is not filed after  
 18 the adoption of substantially identical resolutions of the governing  
 19 bodies providing for or approving the consolidation as described  
 20 in subsection (a)(1); or

21 (2) a referendum election occurs in the entire proposed  
 22 metropolitan district and a majority of the voters in each proposed  
 23 consolidating school corporation vote in the affirmative;

24 a metropolitan school district is created and comes into existence in the  
 25 territory subject to the provisions and under the conditions described  
 26 in this chapter. The boundaries include all of the territory within the  
 27 school corporations, and it shall be known as "Metropolitan School  
 28 District of \_\_\_\_\_, Indiana" (the name of the district concerned will  
 29 be inserted in the blank). The name of the district shall be decided by  
 30 a majority vote of the metropolitan governing board of the metropolitan  
 31 school district at the first meeting. The metropolitan governing board  
 32 of the new metropolitan school district shall be composed and elected  
 33 under this chapter. The failure of any public official or body to perform  
 34 any duty within the time provided in this chapter does not invalidate  
 35 any proceedings taken by that official or body, but this provision shall  
 36 not be construed to authorize a delay in the holding of a referendum  
 37 election under this chapter.

38 (h) If the governing body of a school corporation is involved in a  
 39 consolidation proposal under subsection (a)(1) or (a)(2) that fails to  
 40 result in a consolidation, the:

41 (1) governing body of the school corporation may not initiate a  
 42 subsequent consolidation with another school corporation under



1 subsection (a)(1); and

2 (2) residents of the school corporation may not file a petition  
3 requesting a consolidation with another school corporation under  
4 subsection (a)(2);

5 for one (1) year after the date on which the prior consolidation proposal  
6 failed.

7 SECTION 106. IC 20-23-7-6, AS AMENDED BY P.L.179-2011,  
8 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
9 JULY 1, 2015]: Sec. 6. (a) The first metropolitan board of education  
10 shall be composed of the:

11 (1) trustees; and

12 (2) members of school boards;

13 of the school corporations forming the metropolitan board of education.

14 (b) The members of the metropolitan board of education shall serve  
15 ex officio as members subject to the laws concerning length of terms,  
16 powers of election, or appointment and filling vacancies applicable to  
17 their respective offices.

18 (c) If a metropolitan school district is comprised of only two (2)  
19 board members, the two (2) members shall appoint a third board  
20 member not more than ten (10) days after the creation of the  
21 metropolitan school district. If the two (2) members are unable to agree  
22 on or do not make the appointment of a third board member within the  
23 ten (10) day period after the creation of the metropolitan school district,  
24 the third member shall be appointed not more than twenty (20) days  
25 after the creation of the metropolitan school district by the judge of the  
26 circuit court of the county in which the metropolitan school district is  
27 located. If the metropolitan school district is located in two (2) or more  
28 counties, the judge of the circuit court of the county containing that part  
29 of the metropolitan school district having more students than the part  
30 or parts located in another county or counties shall appoint the third  
31 member. The members of the metropolitan board of education serve  
32 until their successors are elected or appointed and qualified.

33 (d) The first meeting of the first metropolitan board of education  
34 shall be held not more than one (1) month after the creation of the  
35 metropolitan school district. The first meeting shall be called by the  
36 superintendent of schools ~~or township trustee of a school township~~, of  
37 the school corporation in the district having the largest number of  
38 students. At the first meeting, the board shall organize, and each year  
39 during the first ten (10) days after the board members that are elected  
40 or appointed to a new term take office, the board shall reorganize, by  
41 electing a president, a vice president, a secretary, and a treasurer.

42 (e) The secretary of the board shall keep an accurate record of the



1 minutes of the metropolitan board of education, and the minutes shall  
 2 be kept in the superintendent's office. When a metropolitan school  
 3 district is formed, the metropolitan superintendent shall act as  
 4 administrator of the board and shall carry out the acts and duties as  
 5 designated by the board. A quorum consists of a majority of the  
 6 members of the board. A quorum is required for the transaction of  
 7 business. The vote of a majority of those present is required for a:

- 8 (1) motion;
- 9 (2) ordinance; or
- 10 (3) resolution;

11 to pass.

12 (f) The board shall conduct its affairs in the manner described in this  
 13 section. Except in unusual cases, the board shall hold its meetings at  
 14 the office of the metropolitan superintendent or at a place mutually  
 15 designated by the board and the superintendent. Board records are to  
 16 be maintained and board business is to be conducted from the office of  
 17 the metropolitan superintendent or a place designated by the board and  
 18 the superintendent.

19 (g) The metropolitan board of education shall have the power to pay  
 20 to a member of the board:

- 21 (1) a reasonable per diem for service on the board not to exceed  
 22 one hundred twenty-five dollars (\$125) per year; and
- 23 (2) for travel to and from a member's home to the place of the  
 24 meeting within the district, a sum for mileage equal to the amount  
 25 per mile paid to state officers and employees. The rate per mile  
 26 shall change when the state government changes its rate per mile.

27 SECTION 107. IC 20-23-7-10, AS AMENDED BY P.L.167-2013,  
 28 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 29 JULY 1, 2015]: Sec. 10. (a) The metropolitan board of education shall  
 30 appoint a metropolitan superintendent of schools who shall serve under  
 31 contract in the same manner and under the same laws that govern the  
 32 employment and service of other licensed school personnel. However,  
 33 the metropolitan superintendent of schools is not required to hold a  
 34 license under IC 20-28-5. The metropolitan superintendent of schools'  
 35 salary and expense allowance is fixed by the metropolitan board of  
 36 education. The metropolitan superintendent of schools' original  
 37 contract:

- 38 (1) must be for a period of one (1) to five (5) years; and
- 39 (2) may be changed or extended by mutual agreement.

40 (b) Appointments to fill a vacancy for a metropolitan superintendent  
 41 of schools shall be made under this chapter.

42 (c) The board shall:



- 1 (1) act upon the recommendations of the metropolitan  
 2 superintendent of schools; and  
 3 (2) make other decisions and perform other duties as required by  
 4 law.  
 5 (d) A:  
 6 ~~(1) county superintendent;~~  
 7 ~~(2) (1) city school superintendent; or~~  
 8 ~~(3) (2) town superintendent;~~  
 9 in a metropolitan school district shall continue in the superintendents'  
 10 respective employment at the same salary, paid in the same manner and  
 11 according to the same terms as agreed to before the formation of the  
 12 metropolitan school district.  
 13 (e) A metropolitan board of education shall:  
 14 (1) assign administrative duties; and  
 15 (2) designate:  
 16 (A) one (1) of the superintendents in the metropolitan school  
 17 district; or  
 18 (B) a competent and qualified person as determined by the  
 19 board;  
 20 to perform the duties of the metropolitan superintendent of the  
 21 metropolitan school district as set forth in this chapter.  
 22 (f) A metropolitan board of education shall appoint a superintendent  
 23 of the metropolitan school district and other administrative supervisory  
 24 officers as provided in this chapter if:  
 25 (1) the previous superintendent's term expired;  
 26 (2) the previous superintendent's contract of employment ended;  
 27 or  
 28 (3) the previous superintendent:  
 29 (A) died; or  
 30 (B) resigned.  
 31 (g) The appointment and salary of the metropolitan superintendent  
 32 of schools appointed under subsection (f) shall be made, set, and paid  
 33 as provided in this chapter.  
 34 SECTION 108. IC 20-23-7-12 IS REPEALED [EFFECTIVE JULY  
 35 1, 2015]. Sec. 12: (a) As used in this section, "county" means the  
 36 county in which the school township is located.  
 37 (b) As used in this section, "school township" means a school  
 38 township in Indiana that:  
 39 ~~(1) for the last full school semester immediately preceding:~~  
 40 ~~(A) the adoption of a preliminary resolution by the township~~  
 41 ~~trustee and the township board under subsection (f); or~~  
 42 ~~(B) the adoption of a resolution of disapproval by the township~~



1 trustee and the township board under subsection (g);  
 2 had a current ADM of at least six hundred (600) students in  
 3 kindergarten through grade 12 in the public schools of the school  
 4 township; or

5 (2) is part of a township in which there were more votes cast for  
 6 township trustee outside the school township than inside the  
 7 school township in the general election at which the trustee was  
 8 elected and that preceded the adoption of the preliminary or  
 9 disapproving resolution.

10 (c) As used in this section, "township board" means the township  
 11 board of a township in which the school township is located.

12 (d) As used in this section, "township trustee" means the township  
 13 trustee of the township in which the school township is located.

14 (e) In a school township, a metropolitan school district may be  
 15 created by complying with this section. A metropolitan school district  
 16 created under this section shall have the same boundaries as the school  
 17 township. After a district has been created under this section, the  
 18 school township that preceded the metropolitan school district is  
 19 abolished. The procedures or provisions governing the creation of a  
 20 metropolitan school district under another section of this chapter do not  
 21 apply to the creation of a district under this section. After a  
 22 metropolitan school district is created under this section, the district  
 23 shall, except as otherwise provided in this section, be governed by and  
 24 operate in accordance with this chapter governing the operation of a  
 25 metropolitan school district as established under section 2 of this  
 26 chapter.

27 (f) Except as provided in subsection (g), a metropolitan school  
 28 district provided for in subsection (e) may be created in the following  
 29 manner:

30 (1) The township trustee shall call a meeting of the township  
 31 board. At the meeting, the township trustee and a majority of the  
 32 township board shall adopt a resolution that a metropolitan school  
 33 district shall be created in the school township. The township  
 34 trustee shall then give notice:

35 (A) by two (2) publications one (1) week apart in a newspaper  
 36 of general circulation published in the school township; or

37 (B) if there is no newspaper as described in clause (A), in a  
 38 newspaper of general circulation in the county;

39 of the adoption of the resolution setting forth the text of the  
 40 resolution.

41 (2) On the thirtieth day after the date of the last publication of the  
 42 notice under subdivision (1) and if a protest has not been filed, the





1 township trustee and a majority of the township board shall  
 2 confirm their preliminary resolution. If, however, on or before the  
 3 twenty-ninth day after the date of the last publication of the  
 4 notice, a number of registered voters of the school township,  
 5 equal to five percent (5%) or more of the number of votes cast in  
 6 the school township for secretary of state at the last preceding  
 7 general election for that office, sign and file with the township  
 8 trustee a petition requesting an election in the school township to  
 9 determine whether or not a metropolitan school district must be  
 10 created in the township in accordance with the preliminary  
 11 resolution; then an election must be held as provided in  
 12 subsection (h). The preliminary resolution and confirming  
 13 resolution provided in this subsection shall both be adopted at a  
 14 meeting of the township trustee and township board in which the  
 15 township trustee and each member of the township board received  
 16 or waived a written notice of the date, time, place, and purpose of  
 17 the meeting. The resolution and the proof of service or waiver of  
 18 the notice shall be made a part of the records of the township  
 19 board.

20 (g) Except as provided in subsection (f), a metropolitan school  
 21 district may also be created in the following manner:

22 (1) A number of registered voters of the school township, equal  
 23 to five percent (5%) or more of the votes cast in the school  
 24 township for secretary of state at the last general election for that  
 25 office, shall sign and file with the township trustee a petition  
 26 requesting the creation of a metropolitan school district under this  
 27 section.

28 (2) The township trustee and a majority of the township board  
 29 shall, not more than ten (10) days after the filing of a petition:

30 (A) adopt a preliminary resolution that a metropolitan school  
 31 district shall be created in the school township and proceed as  
 32 provided in subsection (f); or

33 (B) adopt a resolution disapproving the creation of the district.

34 (3) If either the township trustee or a majority of township board  
 35 members vote in favor of disapproving the resolution, an election  
 36 must be held to determine whether or not a metropolitan school  
 37 district shall be created in the school township in the same  
 38 manner as is provided in subsection (f) if an election is requested  
 39 by petition.

40 (h) An election required under subsection (f) or (g) may, at the  
 41 option of the township trustee, be held either as a special election or in  
 42 conjunction with a primary or general election to be held not more than



1 one hundred twenty (120) days after the filing of a petition under  
 2 subsection (f) or the adoption of the disapproving resolution under  
 3 subsection (g). The township trustee shall certify the question to the  
 4 county election board under IC 3-10-9-3 and give notice of an election:

5 (1) by two (2) publications one (1) week apart in a newspaper of  
 6 general circulation in the school township; or

7 (2) if a newspaper described in subdivision (1) does not exist, in  
 8 a newspaper of general circulation published in the county.

9 The notice must provide that on a day and time named in the notice, the  
 10 polls shall be opened at the usual voting places in the various precincts  
 11 in the school township for the purpose of taking the vote of the  
 12 registered voters of the school township regarding whether a  
 13 metropolitan school district shall be created in the township. The  
 14 election shall be held not less than twenty (20) days and not more than  
 15 thirty (30) days after the last publication of the notice unless a primary  
 16 or general election will be conducted not more than six (6) months after  
 17 the publication. In that case, the county election board shall place the  
 18 public question on the ballot at the primary or general election. If the  
 19 election is to be a special election, the township trustee shall give  
 20 notice not more than thirty (30) days after the filing of the petition or  
 21 the adoption of the disapproving resolution:

22 (i) On the day and time named in the notice, the polls shall be  
 23 opened and the votes of the voters shall be taken regarding whether a  
 24 metropolitan school district shall be created in the school township.  
 25 IC 3 governs the election except as otherwise provided in this chapter.  
 26 The county election board shall conduct the election. The public  
 27 question shall be placed on the ballot in the form prescribed by  
 28 IC 3-10-9-4 and must state, "Shall a metropolitan school district under  
 29 IC 20-23-7 be formed in the \_\_\_\_\_ School Township of  
 30 \_\_\_\_\_ County, Indiana?": The name of the school township  
 31 shall be inserted in the blanks.

32 (j) The votes cast in the election shall be canvassed at a place in the  
 33 school township determined by the county election board. The  
 34 certificate of the votes cast for and against the creation of a  
 35 metropolitan school district shall be filed in the records of the township  
 36 board and recorded with the county recorder. If the special election is  
 37 not conducted at a primary or general election, the school township  
 38 shall pay the expense of holding the election out of the school general  
 39 fund that is appropriated for this purpose.

40 (k) A metropolitan school district shall, subject to section 7 of this  
 41 chapter, be created on the thirtieth day after the date of the adoption of  
 42 the confirming resolution under subsection (f) or an election held under



1 subsection (h): If a public official fails to do the official's duty within  
 2 the time prescribed in this section, the failure does not invalidate the  
 3 proceedings taken under this section. An action to contest the validity  
 4 of the creation of a metropolitan school district under this section or to  
 5 enjoin the operation of a metropolitan school district may not be  
 6 instituted later than the thirtieth day following the date of the adoption  
 7 of the confirming resolution under subsection (f) or of the election held  
 8 under subsection (h). Except as provided in this section, an election  
 9 under this subsection may not be held sooner than twelve (12) months  
 10 after another election held under subsection (h).

11 (f) A metropolitan school district is known as "The Metropolitan  
 12 School District of \_\_\_\_\_ Township, \_\_\_\_\_ County,  
 13 Indiana". The first metropolitan board of education in a metropolitan  
 14 school district created under this section consists of five (5) members.  
 15 The township trustee and the township board members are ex officio  
 16 members of the first board, subject to the laws concerning length of  
 17 their respective terms of office, manner of election or appointment, and  
 18 the filling of vacancies applicable to their respective offices. The ex  
 19 officio members serve without compensation or reimbursement for  
 20 expenses, other than that which they may receive from their respective  
 21 offices. The township board shall, by a resolution recorded in its  
 22 records, appoint the fifth member of the metropolitan board of  
 23 education. The fifth member shall meet the qualifications of a member  
 24 of a metropolitan board of education under this chapter, with the  
 25 exception of the board member district requirements provided in  
 26 sections 4, 5, and 8.1 of this chapter.

27 (m) A fifth board member shall be appointed not more than fifteen  
 28 (15) days after the date of the adoption of the confirming resolution  
 29 under subsection (f)(2) or an election held under subsection (h). The  
 30 first board shall hold its first meeting not more than fifteen (15) days  
 31 after the date when the fifth board member is appointed or elected, on  
 32 a date established by the township board in the resolution in which it  
 33 appoints the fifth board member. The first board shall serve until  
 34 January 1 following the election of a metropolitan school board at the  
 35 first general election held more than sixty (60) days following the  
 36 creation of the metropolitan school district.

37 (n) After the creation of a metropolitan school district under this  
 38 section, the president of the metropolitan school board of the district  
 39 shall serve as a member of the county board of education and perform  
 40 the duties on the county board of education that were previously  
 41 performed by the township trustee. The metropolitan school board and  
 42 superintendent of the district may call upon the assistance of and use



1 the services provided by the county superintendent of schools. This  
 2 subsection does not limit or take away the powers, rights, privileges, or  
 3 duties of the metropolitan school district or the board or superintendent  
 4 of the district provided in this chapter.

5 SECTION 109. IC 20-23-7-13, AS ADDED BY P.L.231-2005,  
 6 SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 7 JULY 1, 2015]: Sec. 13. In the resolution creating a county school  
 8 corporation or metropolitan school district or in the petitions requesting  
 9 the creation of or requesting a referendum on the question of creating  
 10 a corporation or district under section 2 ~~or 12~~ of this chapter, the  
 11 resolutions or petitions may specify when a school corporation or  
 12 school district shall be created and the corporation or district shall then  
 13 be created at the time provided in the resolutions or petitions.

14 SECTION 110. IC 20-23-8-5, AS AMENDED BY P.L.179-2011,  
 15 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 16 JULY 1, 2015]: Sec. 5. As used in this chapter, "school corporation"  
 17 means a local public school corporation established under the laws of  
 18 Indiana. The term does not include a ~~school township~~ or a school  
 19 corporation covered by IC 20-23-12, IC 20-23-17, or IC 20-23-17.2.

20 SECTION 111. IC 20-23-8-23 IS REPEALED [EFFECTIVE JULY  
 21 1, 2015]. Sec: ~~23~~: (a) The failure of a public official or body to perform  
 22 the duties specified in this chapter within the time limits prescribed  
 23 does not invalidate any proceedings taken by the official or board.

24 (b) If a public official or body refuses to perform duties within the  
 25 time limits provided in this chapter, the official or body may be  
 26 mandated to perform the duties in an action filed in the circuit or  
 27 superior court by a voter or by the governing body.

28 (c) The court shall award reasonable attorney's fees to a voter who  
 29 brings an action under this section against a governing body or public  
 30 official and prevails. The governing body or employer of a public  
 31 official shall pay costs and fees incurred by or on behalf of an  
 32 employee in defense of a claim or suit for a loss occurring because of  
 33 acts or omissions within the scope of the employee's employment,  
 34 regardless of whether the employee can or cannot be held personally  
 35 liable for the loss.

36 SECTION 112. IC 20-23-10-2, AS ADDED BY P.L.1-2005,  
 37 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 38 JULY 1, 2015]: Sec. 2. As used in this chapter, "governing body"  
 39 means the board or commission charged by law with the responsibility  
 40 of administering the affairs of a school corporation, including a board  
 41 of school commissioners, metropolitan board of education, board of  
 42 school trustees, or board of trustees. ~~In the case of a school township;~~



1 the term means the trustees and township board acting jointly.

2 SECTION 113. IC 20-23-10-8, AS AMENDED BY P.L.179-2011,  
3 SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
4 JULY 1, 2015]: Sec. 8. (a) The board members of a merged school  
5 corporation shall be elected at the first general election following the  
6 merged school corporation's creation, and vacancies shall be filled in  
7 accordance with IC 20-23-4-30.

8 (b) Until the first election under subsection (a), the board of trustees  
9 of the merged school corporation consists of

10 (1) the members of the governing body of a school corporation in  
11 the county. ~~other than a school township; and~~

12 (2) ~~the township trustee of a school township in the county.~~

13 (c) The first board of trustees shall select the name of the merged  
14 school corporation by a majority vote. The name may be changed by  
15 unanimous vote of the governing body of the merged school  
16 corporation.

17 SECTION 114. IC 20-23-16-11 IS REPEALED [EFFECTIVE JULY  
18 1, 2015]. ~~Sec. 11. (a) In a county having a population of more than one  
19 hundred seventy-five thousand (175,000) but less than one hundred  
20 eighty-five thousand (185,000); if, after April 17, 1963:~~

21 (1) ~~proceedings have been undertaken in good faith to form a  
22 community school corporation by the consolidation of two (2) or  
23 more prior established school corporations;~~

24 (2) ~~the community school corporation is held; by a final order and  
25 decision of a court, to be invalidly formed and nonexistent; and~~

26 (3) ~~the order and decision are not subject to further judicial  
27 review;~~

28 any bonds issued (before the final order and decision of the court) in  
29 the name of the community school corporation to provide funds to be  
30 applied on the cost of construction and equipment of a school building  
31 are not invalid by reason of the final order and decision of the court but  
32 constitute the valid and binding obligation of the prior established  
33 school corporation in the territory where the school building was or is  
34 being constructed; the same as if the bonds had been validly issued in  
35 the name of the prior established school corporation.

36 (b) This section applies only if the bonds at the time of their  
37 issuance would have been within the limitation of indebtedness  
38 imposed by the Constitution of the State of Indiana on the prior  
39 established school corporation.

40 SECTION 115. IC 20-23-16-25 IS REPEALED [EFFECTIVE JULY  
41 1, 2015]. ~~Sec. 25. A metropolitan superintendent of schools shall:~~

42 (1) ~~act as the general administrator of the metropolitan school~~



- 1 district; and  
 2 (2) make recommendations to the board concerning:  
 3 (A) the conduct of the schools;  
 4 (B) the employment and dismissal of personnel;  
 5 (C) the purchase of supplies;  
 6 (D) the construction of buildings; and  
 7 (E) other matters pertaining to the conduct of the school within  
 8 the framework of the school laws of this state;  
 9 (3) attend meetings of the board except when the superintendent's  
 10 reappointment is under consideration;  
 11 (4) carry out the orders of the board; and  
 12 (5) make other decisions and perform other duties that are  
 13 prescribed by law.

14 SECTION 116. IC 20-23-16-26, AS AMENDED BY P.L.2-2006,  
 15 SECTION 102, IS AMENDED TO READ AS FOLLOWS  
 16 [EFFECTIVE JULY 1, 2015]: Sec. 26. (a) A metropolitan board of  
 17 education shall:

- 18 (1) make decisions pertaining to the general conduct of the  
 19 schools, and these decisions shall be enforced and entered into the  
 20 minutes recorded by the secretary of the board; and  
 21 (2) exercise powers previously exercised under the law, by or  
 22 through:  
 23 (A) township trustees; **and**  
 24 (B) meetings or petitions of the township trustees of the  
 25 county. **and**  
 26 (C) ~~county boards of education previously existing.~~

27 The offices of township trustee ~~or county board or county boards of~~  
 28 ~~education~~ as far as the conduct of public schools is concerned are  
 29 abolished as of noon on the day the metropolitan school district is  
 30 created and comes into existence.

31 (b) The metropolitan superintendent of schools and other persons  
 32 employed for administrative or supervisory duties may be considered  
 33 to be supervisors of instruction and are eligible, subject to the rules  
 34 adopted by the state board, to qualify for teaching units in accordance  
 35 with law.

36 (c) The government of the common schools of a district is vested in  
 37 the board. The board shall function with the authority, powers,  
 38 privileges, duties, and obligations previously granted to or required of  
 39 school cities and their governing boards regarding the:

- 40 (1) purchase of supplies;  
 41 (2) purchase and sale of:  
 42 (A) buildings;



- 1 (B) grounds; and
- 2 (C) equipment;
- 3 (3) erection of buildings;
- 4 (4) employment and dismissal of school personnel;
- 5 (5) insuring property and employees;
- 6 (6) making and executing of a budget;
- 7 (7) borrowing money; and
- 8 (8) paying the salaries and expenses of the
- 9 ~~(A) county superintendent; and~~
- 10 ~~(B) employees;~~
- 11 as approved by the board.
- 12 (d) A board is a body corporate and politic by the name and style of
- 13 "The Metropolitan School District of \_\_\_\_\_, Indiana" with the right
- 14 to prosecute and defend suits and shall act as necessary to the proper
- 15 administration of the common schools of the county.
- 16 (e) The school district shall:
- 17 (1) be vested with rights, titles, and interests of the district's
- 18 predecessor township or town school corporations;
- 19 (2) assume, pay, and be liable for the:
- 20 (A) indebtedness;
- 21 (B) obligations;
- 22 (C) liabilities; and
- 23 (D) duties;
- 24 of the predecessor corporations from whatever source derived;
- 25 and
- 26 (3) institute and defend suits arising out of the school district's:
- 27 (A) liabilities;
- 28 (B) obligations;
- 29 (C) duties; and
- 30 (D) rights;
- 31 assumed by a metropolitan school district.
- 32 (f) The treasurer, before entering upon the duties of the office, shall
- 33 execute a bond to the acceptance of the county auditor. The bond may
- 34 not be greater than the largest sum of money that will be in the
- 35 possession of the treasurer at any one (1) time. The board of education
- 36 may purchase the bond from a reliable surety company and pay for it
- 37 out of the special school revenue of the metropolitan district.
- 38 (g) The powers set forth in this section shall not be considered as or
- 39 construed to:
- 40 (1) limit the power and authority of a school board; or
- 41 (2) restrict or modify powers or authority granted by another law
- 42 not in conflict with the provisions of this section.



1 SECTION 117. IC 20-23-16-41, AS ADDED BY P.L.1-2005,  
 2 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 3 JULY 1, 2015]: Sec. 41. (a) School boards, boards of school trustees,  
 4 **and** boards of school commissioners ~~and school township trustees~~ may  
 5 hire and fix the salaries for clerical personnel as necessary to assist  
 6 principals of schools in which at least twelve (12) teachers are  
 7 employed.

8 (b) The board or trustees that hire personnel under subsection (a)  
 9 may pay the salaries of the personnel out of the special school funds  
 10 belonging to their respective school corporations in the manner  
 11 provided by law for the payment of other school expenses.

12 SECTION 118. IC 20-24-2.1-3, AS ADDED BY P.L.91-2011,  
 13 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 14 JULY 1, 2015]: Sec. 3. The department shall provide staff to carry out  
 15 the duties of the charter board under this chapter until the time when  
 16 the charter board begins receiving administrative fees pursuant to  
 17 ~~IC 20-24-7-4(c)~~. **IC 20-24-7-4(d)**. At that time, the charter board may  
 18 hire staff to carry out the duties of the charter board under this chapter.

19 SECTION 119. IC 20-24-2.2-5, AS ADDED BY P.L.280-2013,  
 20 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 21 JULY 1, 2015]: Sec. 5. (a) The purpose of this section is to establish a  
 22 cooperative relationship:

- 23 (1) between the department and an authorizer; and
- 24 (2) that fosters improved decision making related to charter  
 25 schools authorized by the authorizer.

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

- 27 (1) Education records (as defined in 20 U.S.C. 1232g(a)(4), as in  
 28 effect January 1, 2013) of students who enrolled in a charter  
 29 school authorized by an authorizer that are in the possession of  
 30 the department or the state board.
- 31 (2) Records in the possession of the department or the state board  
 32 that relate to the evaluation of the performance of a charter school  
 33 authorized by an authorizer or students who are enrolled in a  
 34 charter school authorized by an authorizer.
- 35 (3) Records in the possession of the department or the state board  
 36 that relate to the evaluation of the performance of certified  
 37 employees employed by a charter school authorized by an  
 38 authorizer.
- 39 (4) Records in the possession of the department or the state board  
 40 related to the evaluation of the performance of an authorizer.

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





- 1 (1) electronic access to; or  
 2 (2) written copies of;  
 3 covered records, as requested by the authorizer, that relate to a charter  
 4 school authorized by the authorizer or to the students or certified  
 5 employees of the charter school. The department shall provide the  
 6 covered records on a schedule determined by the authorizer.
- 7 (d) The department shall provide, without charge, an authorizer with  
 8 a summary of the covered records that relate to a charter school  
 9 authorized by the authorizer or to the students or certified employees  
 10 of the charter school. The department shall provide the summary  
 11 described in this subsection to the authorizer at least once each month.  
 12 The authorizer may receive either paper copies of the summary or  
 13 copies of the summary transmitted electronically, at the option of the  
 14 authorizer. The summary must be sufficiently detailed to identify each  
 15 category or collection of covered records. The department and the  
 16 authorizer shall consult one another as necessary to carry out this  
 17 section.
- 18 ~~(c) An authorizer may use covered records received under this~~  
 19 ~~section only to:~~
- 20 ~~(1) administer a charter authorization program;~~  
 21 ~~(2) monitor and evaluate compliance with state standards;~~  
 22 ~~(3) identify educational weaknesses in charter school programs;~~  
 23 ~~or~~  
 24 ~~(4) improve charter school performance.~~
- 25 ~~(e) (e) An authorizer shall protect covered records received by the~~  
 26 ~~authorizer in a manner that will not permit the personal identification~~  
 27 ~~of students and their parents by persons other than officials of the~~  
 28 ~~authorizer who are directly involved in the authorization program or~~  
 29 ~~involved with studies related to charter schools authorized by the~~  
 30 ~~authorizer. An authorizer shall destroy personally identifiable data~~  
 31 ~~when the information is no longer needed for purposes of audit,~~  
 32 ~~evaluation, and enforcement of state and federal requirements related~~  
 33 ~~to the charter schools authorized by the authorizer.~~
- 34 SECTION 120. IC 20-24-3-11, AS AMENDED BY P.L.280-2013,  
 35 SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 36 JULY 1, 2015]: Sec. 11. If an authorizer rejects a charter school  
 37 proposal, the organizer may:
- 38 (1) amend the charter school proposal and resubmit the proposal  
 39 to the same authorizer; ~~or~~  
 40 (2) submit a charter school proposal to another authorizer. ~~or~~  
 41 ~~(3) appeal the decision to the charter school review panel~~  
 42 ~~established by section 12 of this chapter.~~



1 SECTION 121. IC 20-24-3-12 IS REPEALED [EFFECTIVE JULY  
2 1, 2015]. See: 12: (a) This section applies if the authorizer rejects a  
3 proposal:

4 (b) The organizer may appeal the decision of the authorizer to the  
5 charter school review panel established by subsection (c):

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

8 (1) The governor or the governor's designee:

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

10 (3) A member of the state board appointed by the state  
11 superintendent:

12 (4) A person with financial management experience appointed by  
13 the governor:

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

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

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

20 (e) Upon the request of an organizer, the panel shall meet to  
21 consider the organizer's proposal and the authorizer's reasons for  
22 rejecting the proposal. The panel must allow the organizer and  
23 authorizer to participate in the meeting:

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

27 (1) A finding that supports the authorizer's rejection of the  
28 proposal:

29 (2) A finding that:

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

31 (B) specifies the changes to be made in the proposal if the  
32 organizer elects to amend the proposal:

33 (3) A finding that approves the proposal:

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

36 (g) If the panel makes a finding described in subsection (f)(1); the  
37 finding is final:

38 (h) If the panel makes a finding described in subsection (f)(2); the  
39 organizer may amend the proposal according to the panel's  
40 recommendations and resubmit the proposal directly to the panel:

41 (i) If the panel makes a finding described in subsection (f)(3); the  
42 proposal is considered conditionally approved. The approval shall be



1 considered final upon delivery to the panel of written notice from the  
 2 organizer and an eligible authorizer that the authorizer has agreed to  
 3 serve as an authorizer for the proposal approved by the panel:

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

6 SECTION 122. IC 20-24-6-10 IS REPEALED [EFFECTIVE JULY  
 7 1, 2015]. Sec. 10: (a) The governing body:

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

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

11 to a teacher of a noncharter school in the school corporation who  
 12 wishes to teach and has been accepted to teach at a nonconversion  
 13 charter school:

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

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

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

22 SECTION 123. IC 20-24-7-4, AS AMENDED BY P.L.47-2014,  
 23 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 24 JULY 1, 2015]: Sec. 4. (a) Services that a school corporation provides  
 25 to a charter school, including transportation, may be provided at not  
 26 more than one hundred three percent (103%) of the actual cost of the  
 27 services:

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

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



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

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

14           ~~(f)~~ **(e)** This subsection applies to an adult high school. An authorizer  
 15 described in subsections ~~(b)~~ **(a)** through ~~(e)~~ **(d)** may collect an  
 16 administrative fee equal to not more than three percent (3%) of the total  
 17 state appropriation to the adult high school for a state fiscal year under  
 18 section 13.5 of this chapter.

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

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

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

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



1 department. The requesting party shall pay the costs of the review.

2 SECTION 124. IC 20-24-8-9, AS ADDED BY P.L.38-2014,  
3 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
4 JULY 1, 2015]: Sec. 9. (a) Before July 1 of any year, a charter school  
5 and the governing body of the school corporation ~~whose attendance~~  
6 ~~area includes the charter school~~ may enter into a compact in which the:

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

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

14 **A school corporation and a charter school may agree to provide**  
15 **goods, facilities, services, or other consideration to the other party**  
16 **under this section through an interlocal agreement in which both**  
17 **that charter school and the school corporation participate.**

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

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

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

30 (1) employment contract; or

31 (2) collective bargaining agreement;

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

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

39 SECTION 125. IC 20-24-9-2, AS AMENDED BY P.L.33-2014,  
40 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
41 JULY 1, 2015]: Sec. 2. An annual report under this chapter must  
42 contain the following information:



- 1 (1) Results of ~~all standardized testing, including~~ ISTEP program  
 2 testing **and** end of course assessments. ~~and any other assessments~~  
 3 ~~used for each authorized school.~~
- 4 (2) Student growth and improvement data for each authorized  
 5 school.
- 6 (3) Attendance rates for each authorized school.
- 7 (4) Graduation rates (if appropriate), including attainment of Core  
 8 40 and academic honors diplomas for each authorized school.
- 9 (5) Student enrollment data for each authorized school, including  
 10 the following:
- 11 (A) The number of students enrolled.
- 12 (B) The number of students expelled.
- 13 (6) Status of the authorizer's charter schools, identifying each of  
 14 the authorizer's charter schools that are in the following  
 15 categories:
- 16 (A) Approved but not yet open.
- 17 (B) Open and operating.
- 18 (C) Closed or having a charter that was not renewed,  
 19 including:
- 20 (i) the year closed or not renewed; and
- 21 (ii) the reason for the closure or nonrenewal.
- 22 (7) Names of the authorizer's board members or ultimate decision  
 23 making body.
- 24 (8) Evidence that the authorizer is in compliance with  
 25 IC 20-24-2.2-1.5.
- 26 (9) A report summarizing the total amount of administrative fees  
 27 collected by the authorizer and how the fees were expended, if  
 28 applicable.
- 29 (10) Total amount of other fees or funds not included in the report  
 30 under subdivision (9) received by the authorizer from a charter  
 31 school and how the fees or funds were expended.
- 32 (11) The most recent audits for each authorized school submitted  
 33 to the authorizer under IC 5-11-1-9.
- 34 SECTION 126. IC 20-24.2-3-1, AS ADDED BY P.L.201-2013,  
 35 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 36 JULY 1, 2015]: Sec. 1. (a) ~~Before July 31, 2013,~~ The state board, with  
 37 advice from the education roundtable established by IC 20-19-4-2,  
 38 shall establish stringent criteria to be used to determine whether a high  
 39 school that does not meet the requirements under IC 20-24.2-2-2(b)  
 40 may receive a waiver to ~~provide instructional days in the manner~~  
 41 ~~described in IC 20-24.2-4-2~~ and be exempt from any or all of the  
 42 statutes and rules listed in IC 20-24.2-4-3. The state board's criteria to



1 approve a high school's waiver request must be based on a method or  
 2 methods of measuring academic standards of the high school, as  
 3 approved by the state board. The criteria must require the curriculum  
 4 and instruction of a high school to create academic performance at a  
 5 high level through which students are college or career ready and  
 6 globally competitive upon graduation from high school.

7 ~~(b) Not later than November 1, 2013, the state board shall submit~~  
 8 ~~the criteria developed by the state board to grant a waiver under~~  
 9 ~~subsection (a) to the general assembly in an electronic format under~~  
 10 ~~IC 5-14-6. During the 2014 session of the general assembly, the general~~  
 11 ~~assembly may reject, modify, or codify the criteria developed by the~~  
 12 ~~state board under subsection (a).~~

13 SECTION 127. IC 20-24.2-3-3, AS ADDED BY P.L.201-2013,  
 14 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 15 JULY 1, 2015]: Sec. 3. (a) If a high school provides a waiver request  
 16 that meets the requirements of section 2 of this chapter, the state board  
 17 may grant the high school's waiver request and certify the high school  
 18 as a qualified high school. If the state board grants the high school's  
 19 waiver request, the high school is considered to be certified as a  
 20 qualified high school and ~~may provide student instructional days in the~~  
 21 ~~manner described in IC 20-24.2-4-2 and is exempt from any or all of~~  
 22 ~~the statutes and rules listed in IC 20-24.2-4-3. The certification is~~  
 23 ~~effective beginning with the school year following the school year in~~  
 24 ~~which the high school is certified.~~

25 (b) The state board must act upon a high school's waiver request not  
 26 later than sixty (60) days after the waiver request is submitted to the  
 27 state board.

28 SECTION 128. IC 20-24.2-4-2, AS AMENDED BY P.L.46-2014,  
 29 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 30 JULY 1, 2015]: Sec. 2. ~~(a) During each school year, a qualified district~~  
 31 ~~or qualified high school shall provide at least sixty-four thousand eight~~  
 32 ~~hundred (64,800) minutes of instruction and learning for grades 9~~  
 33 ~~through 12.~~

34 (b) A qualified district or qualified high school is not required to  
 35 provide at least one hundred eighty (180) student instructional days.  
 36 However, the total number of minutes of instruction provided in a  
 37 school year under subsection (a) may not be less than the greatest total  
 38 number of minutes provided during any one (1) school year of the five  
 39 (5) school years immediately preceding the school year.

40 (c) Student activities that:

- 41 (1) are organized by the qualified district or qualified high school;
- 42 (2) occur outside the traditional classroom; and



1 (3) are designed to provide instruction, academic enrichment, or  
 2 college and career readiness training;  
 3 are included as student instructional time. ~~under subsection (a).~~

4 SECTION 129. IC 20-24.2-4-3, AS ADDED BY P.L.201-2013,  
 5 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 6 JULY 1, 2015]: Sec. 3. (a) Except as specifically provided in this  
 7 article and section 4 of this chapter, the following provisions of this  
 8 title and a rule or guideline adopted by the state board under one (1) of  
 9 the following provisions of this title do not apply to a qualified district  
 10 or qualified high school:

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

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

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

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

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

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

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

39 (b) Notwithstanding any other law, a school corporation may not  
 40 receive a decrease in state funding based upon the school corporation's  
 41 status as a qualified district or the status of a high school within the  
 42 school corporation as a qualified high school, or because of the





1 implementation of a waiver of a statute or rule that is allowed to be  
2 waived by a qualified district or qualified high school.

3 SECTION 130. IC 20-24.2-4-4, AS ADDED BY P.L.201-2013,  
4 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
5 JULY 1, 2015]: Sec. 4. The following provisions of this title and rules  
6 and guidelines adopted under the following provisions of this title  
7 apply to a qualified district or qualified high school:

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

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

10 IC 20-23 (organization of school corporations).

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

12 IC 20-27 (school transportation).

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

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

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

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

21 IC 20-28-6 (teacher contracts).

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

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

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

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

26 IC 20-28-11.5 (staff performance evaluations).

27 IC 20-29 (collective bargaining for teachers).

28 IC 20-30-3-2 and IC 20-30-3-4 (patriotic commemorative  
29 observances).

30 IC 20-30-5-13 (human sexuality instructional requirements).

31 ~~IC 20-30-5-17 (access to materials relating to personal analysis;  
32 evaluation; or survey of students; consent for participation).~~

33 IC 20-30-5-19 (personal financial responsibility instruction).

34 IC 20-31 (accountability for school performance and  
35 improvement).

36 IC 20-32-4, IC 20-32-5, and IC 20-32-8 (accreditation,  
37 assessment, and remediation), or any other statute, rule, or  
38 guideline related to standardized assessments.

39 IC 20-33 (students: general provisions).

40 IC 20-34-3 (health and safety measures).

41 IC 20-35 (special education).

42 IC 20-39 (accounting and financial reporting procedures).



- 1 IC 20-40 (government funds and accounts).  
 2 IC 20-41 (extracurricular funds and accounts).  
 3 IC 20-42.5 (allocation of expenditures to student instruction).  
 4 IC 20-43 (state tuition support).  
 5 IC 20-44 (property tax levies).  
 6 IC 20-45 (general fund levies).  
 7 IC 20-46 (levies other than general fund levies).  
 8 IC 20-47 (related entities; holding companies; lease agreements).  
 9 IC 20-48 (borrowing and bonds).  
 10 IC 20-49 (state management of common school funds; state  
 11 advances and loans).  
 12 IC 20-50 (homeless children and foster care children).

13 SECTION 131. IC 20-24.5-1-2, AS ADDED BY P.L.2-2007,  
 14 SECTION 209, IS AMENDED TO READ AS FOLLOWS  
 15 [EFFECTIVE JULY 1, 2015]: Sec. 2. This chapter applies only to the  
 16 following school corporations:

- 17 ~~(1) School townships.~~  
 18 ~~(2) (1) School cities.~~  
 19 ~~(3) (2) School towns.~~  
 20 ~~(4) (3) Community school corporations.~~  
 21 ~~(5) (4) Metropolitan school districts.~~  
 22 ~~(6) (5) County school corporations.~~

23 SECTION 132. IC 20-24.5-2-7, AS ADDED BY P.L.2-2007,  
 24 SECTION 209, IS AMENDED TO READ AS FOLLOWS  
 25 [EFFECTIVE JULY 1, 2015]: Sec. 7. Each special education program  
 26 conducted by a laboratory school is subject to ~~IC 20-35-4-1.~~ **IC 20-35.**

27 SECTION 133. IC 20-25-5-7, AS ADDED BY P.L.1-2005,  
 28 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 29 JULY 1, 2015]: Sec. 7. As used in this chapter, "resolution" of

- 30 ~~(1) a school township means a resolution adopted by the trustee~~  
 31 ~~and a majority of the township board; and~~  
 32 ~~(2) any other school corporation means a resolution duly adopted~~  
 33 ~~by the school corporation's governing body.~~

34 SECTION 134. IC 20-25-5-13, AS ADDED BY P.L.1-2005,  
 35 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 36 JULY 1, 2015]: Sec. 13. (a) The notice by publication required by  
 37 sections 11 and 12 of this chapter shall be made two (2) times a week  
 38 apart in two (2) daily newspapers of general circulation in the acquiring  
 39 school corporation and the losing school corporation. The two (2) daily  
 40 newspapers must be published in the English language. If there is only  
 41 one (1) daily newspaper or if there are not any daily newspapers in  
 42 either school corporation, a weekly newspaper may be used to provide



1 notice. If there is only one (1) daily or weekly newspaper, publication  
 2 in that newspaper is sufficient. If a newspaper is of general circulation  
 3 in both school corporations, the publication of notice in the newspaper  
 4 qualifies as one (1) of the required publications in each of the school  
 5 corporations. Publication may be made jointly by the losing school  
 6 corporation and the acquiring school corporation. The remonstrance  
 7 period runs from the second publication.

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

- 12 (1) governing body of the losing school corporation at the
- 13 governing body's established business office; **or**
- 14 ~~(2) township trustee in the case of a school township; or~~
- 15 ~~(3)~~ **(2)** superintendent of schools or any officer of the governing
- 16 body of any other school corporation.

17 SECTION 135. IC 20-25-10-5, AS AMENDED BY P.L.1-2006,  
 18 SECTION 324, IS AMENDED TO READ AS FOLLOWS  
 19 [EFFECTIVE JULY 1, 2015]: Sec. 5. (a) The board shall annually  
 20 assess and evaluate educational programs offered by the school city to  
 21 determine:

- 22 (1) the relationship of the programs to improved student
- 23 achievement; and
- 24 (2) the educational value of the programs in relation to cost.
- 25 (b) The board may obtain information from:
- 26 (1) educators in the schools offering a program;
- 27 (2) students participating in a program; and
- 28 (3) the parents of students participating in a program;

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

34 SECTION 136. IC 20-25-11-1, AS AMENDED BY P.L.1-2006,  
 35 SECTION 325, IS AMENDED TO READ AS FOLLOWS  
 36 [EFFECTIVE JULY 1, 2015]: Sec. 1. The board shall establish annual  
 37 student performance improvement levels for each school that are not  
 38 less rigorous than the student performance improvement levels under  
 39 IC 20-31-1, ~~IC 20-31-5~~, IC 20-31-6, IC 20-31-7, IC 20-31-8,  
 40 IC 20-31-9, and IC 20-31-10, including the following:

- 41 (1) For students:
- 42 (A) improvement in results on assessment tests and assessment



- 1 programs;  
 2 (B) improvement in attendance rates; and  
 3 (C) improvement in progress toward graduation.  
 4 (2) For teachers:  
 5 (A) improvement in student results on assessment tests and  
 6 assessment programs;  
 7 (B) improvement in the number and percentage of students  
 8 achieving:  
 9 (i) state achievement standards; and  
 10 (ii) if applicable, performance levels set by the board;  
 11 on assessment tests;  
 12 (C) improvement in student progress toward graduation;  
 13 (D) improvement in student attendance rates for the school  
 14 year;  
 15 (E) improvement in individual teacher attendance rates;  
 16 (F) improvement in:  
 17 (i) communication with parents; and  
 18 (ii) parental involvement in classroom and extracurricular  
 19 activities; and  
 20 (G) other objectives developed by the board.  
 21 (3) For the school and school administrators:  
 22 (A) improvement in student results on assessment tests, totaled  
 23 by class and grade;  
 24 (B) improvement in the number and percentage of students  
 25 achieving:  
 26 (i) state achievement standards; and  
 27 (ii) if applicable, performance levels set by the board;  
 28 on assessment tests, totaled by class and grade;  
 29 (C) improvement in:  
 30 (i) student graduation rates; and  
 31 (ii) progress toward graduation;  
 32 (D) improvement in student attendance rates;  
 33 (E) management of:  
 34 (i) general fund expenditures; and  
 35 (ii) total expenditures;  
 36 per student;  
 37 (F) improvement in teacher attendance rates; and  
 38 (G) other objectives developed by the board.

39 SECTION 137. IC 20-25-13-7, AS AMENDED BY P.L.1-2006,  
 40 SECTION 326, IS AMENDED TO READ AS FOLLOWS  
 41 [EFFECTIVE JULY 1, 2015]: Sec. 7. ~~IC 20-28-6-4 and IC 20-28-6-5~~  
 42 ~~apply to certificated employees in the school city.~~ A teacher's students'



1 performance improvement levels under the assessment tests and  
 2 programs of IC 20-31-1, ~~IC 20-31-5~~, IC 20-31-6, IC 20-31-7,  
 3 IC 20-31-8, IC 20-31-9, and IC 20-31-10 may be used as a factor, but  
 4 not the only factor, to evaluate the performance of a teacher in the  
 5 school city.

6 SECTION 138. IC 20-26-2-4, AS ADDED BY P.L.1-2005,  
 7 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 8 JULY 1, 2015]: Sec. 4. "School corporation" means a local public  
 9 school corporation established under Indiana law, including a:

- 10 (1) school city;
- 11 (2) school town;
- 12 (3) metropolitan school district;
- 13 (4) consolidated school corporation;
- 14 (5) county school corporation;
- 15 (6) community school corporation; and
- 16 (7) united school corporation.

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

18 SECTION 139. IC 20-26-4-1, AS AMENDED BY P.L.35-2012,  
 19 SECTION 102, IS AMENDED TO READ AS FOLLOWS  
 20 [EFFECTIVE JULY 1, 2015]: Sec. 1. (a) As used in this section,  
 21 "electronic funds transfer" means a transfer of funds, other than a  
 22 transaction originated by check, draft, or similar paper instrument, that  
 23 is initiated through an electronic terminal, telephone, or computer or  
 24 magnetic tape to order, instruct, or authorize a financial institution to  
 25 debit or credit an account.

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

- 28 (1) a president;
- 29 (2) a vice president; and
- 30 (3) a secretary;

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

34 (c) A governing body shall, at the time that officers are elected  
 35 under subsection (b), appoint a treasurer of the governing body and of  
 36 the school corporation who is a person, other than the superintendent  
 37 of schools, who is not a member of the governing body. The treasurer  
 38 may, with the approval of the governing body, appoint a deputy who  
 39 must be a person, other than the superintendent of schools, who is not  
 40 a member of the governing body and who has the same powers and  
 41 duties as the treasurer, or lesser duties as provided by the governing  
 42 body by rule.



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

- 4 (1) issue a receipt for money received by the treasurer;  
 5 (2) deposit money described in subdivision (1) in accordance with  
 6 the laws governing the deposit of public funds; and  
 7 (3) issue all warrants in payment of expenses lawfully incurred on  
 8 behalf of the school corporation. However, except as otherwise  
 9 provided by law, warrants described in this subdivision must be  
 10 issued only after proper allowance or approval by the governing  
 11 body. The governing body may not require an allowance or  
 12 approval for amounts lawfully due in payment of indebtedness or  
 13 payments due the state, the United States government, or agencies  
 14 and instrumentalities of the state or the United States government.

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

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

- 28 (1) the Indiana state teachers' retirement fund; or  
 29 (2) the public employees' retirement fund;

30 from participating employers.

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

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

- 37 (1) must be an employee of the school corporation;  
 38 (2) may not be a member of the governing body; and  
 39 (3) must be appointed by the governing body upon the  
 40 recommendation of the superintendent of the school corporation.

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



1 the board.

2 SECTION 140. IC 20-26-4-3, AS ADDED BY P.L.1-2005,  
3 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
4 JULY 1, 2015]: Sec. 3. (a) Regular meetings must be held by each  
5 governing body at a time and place established by resolution of the  
6 board or may be incorporated in the rules provided in IC 20-26-5-4. A  
7 notice need not be given a member for holding or taking any action at  
8 a regular meeting.

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

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

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

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

- 29 (1) The member's presence at the meeting.  
30 (2) The member's execution of a written notice waiving the date,  
31 time, and place of the meeting, executed either before or after the  
32 meeting. ~~However, if notice is executed after the meeting, the~~  
33 ~~waiver must also state in general terms the purpose of the~~  
34 ~~meeting.~~ If a waiver specifies that the waiver was executed before  
35 the meeting, third persons are entitled to rely on the statement.

36 (f) At a meeting of the governing body, a majority of the members  
37 constitutes a quorum. Action may not be taken unless a quorum is  
38 present. Except where a larger vote is required by statute or rule with  
39 respect to any matter, a majority of the members present may adopt a  
40 resolution or take any action.

41 (g) All meetings of the governing body for the conduct of business  
42 must be held within the school corporation, except as follows:



1 (1) Meetings may be held at the administrative offices of the  
 2 school corporation if the offices are outside the geographic limits  
 3 of the school corporation but are within a county where all or a  
 4 part of the school corporation is located.

5 (2) Meetings may be held at a place where the statute or rule  
 6 according to which a statutory meeting is held permits meeting  
 7 outside the school corporation, as may occur when the meeting is  
 8 held jointly with another governing body.

9 **(h) Notwithstanding IC 5-14-1.5, a governing body may hold up**  
 10 **to two (2) training sessions each year outside the school**  
 11 **corporation. No official action (as defined in IC 5-14-1.5-2) may**  
 12 **take place at the session and the session is not considered a public**  
 13 **meeting for purposes of IC 5-14-1.5.**

14 SECTION 141. IC 20-26-4-4, AS AMENDED BY P.L.219-2013,  
 15 SECTION 91, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 16 JULY 1, 2015]: Sec. 4. (a) This section does not apply to a school city  
 17 of the first class or to a school corporation succeeding to all or the  
 18 major part in area of a school city of the first class.

19 (b) The commencement and termination of terms of members of a  
 20 governing body are as follows:

21 (1) Except as provided in subdivisions (2) and (3), the governing  
 22 body of each school corporation shall determine whether the term  
 23 of office for the governing body's members extends from January  
 24 1 to December 31 or from July 1 to June 30. A governing body  
 25 that makes a change in the commencement date of the governing  
 26 body's members' terms shall report the change to the state board  
 27 before August 1 preceding the year in which the change takes  
 28 place. An ex officio member of a governing body shall take office  
 29 at the time the ex officio member takes the oath of the office by  
 30 virtue of which the ex officio member is entitled to become an ex  
 31 officio member.

32 (2) Except as provided in subdivision (3), in a county having a  
 33 population of more than four hundred thousand (400,000); the  
 34 terms of office for the members of a governing body who are  
 35 appointed commence on July 1 of the year in which the members  
 36 are to take office under the plan, resolution, or law under which  
 37 the school corporation is established; and terminate on the June  
 38 30 of the final year of the term for which the members are to serve  
 39 under the plan, resolution, or law.

40 (3) An elected member of a governing body takes office on the  
 41 date set in the school corporation's organization plan. The date set  
 42 in the organization plan for an elected member of the governing





1 body to take office may not be more than fourteen (14) months  
 2 after the date of the member's election. If the school corporation's  
 3 organization plan does not set a date for an elected member of the  
 4 governing body to take office, the member takes office January 1  
 5 immediately after the member's election.

6 (c) If a vacancy in the membership of a governing body occurs for  
 7 any reason (including the failure of a sufficient number of petitions for  
 8 candidates for governing body membership being filed for an election  
 9 and whether the vacancy was of an elected or appointed member), the  
 10 remaining members of the governing body shall by majority vote fill  
 11 the vacancy by appointing a person from within the boundaries of the  
 12 school corporation, with the residence and other qualifications  
 13 provided for a regularly elected or appointed board member filling the  
 14 membership, to serve for the term or the balance of the term. However,  
 15 this subsection does not apply to a vacancy:

16 (1) of a member who serves on a governing body in an ex officio  
 17 capacity; or

18 (2) a vacancy in an appointed board membership if a plan,  
 19 resolution, or law under which the school corporation operates  
 20 specifically provides for filling vacancies by the appointing  
 21 authority.

22 SECTION 142. IC 20-26-4-4.5, AS ADDED BY P.L.119-2005,  
 23 SECTION 33, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 24 JULY 1, 2015]: Sec. 4.5. (a) This section applies to a school  
 25 corporation subject to section 4 of this chapter:

26 (b) (a) The definitions in IC 3-5-2 apply to this section.

27 (c) (b) If a vacancy in a school board office exists because of the  
 28 death of a school board member, the remaining members of the  
 29 governing body shall meet and select an individual to fill the vacancy  
 30 after the secretary of the governing body receives notice of the death  
 31 under IC 5-8-6 and in accordance with section 4 of this chapter.

32 SECTION 143. IC 20-26-5-0.3 IS REPEALED [EFFECTIVE JULY  
 33 1, 2015]. Sec. 0.3: A donation of proceeds of riverboat gaming to a  
 34 public school endowment corporation that:

35 (1) was made by a political subdivision before July 1, 2000; and

36 (2) would have been permitted by IC 20-5-6-9 (as added by  
 37 P.L.17-2000 and before its repeal; later codified at section 21 of  
 38 this chapter; before its repeal) if IC 20-5-6-9 had been in effect  
 39 before July 1, 2000;

40 is legalized and validated:

41 SECTION 144. IC 20-26-5-1, AS ADDED BY P.L.1-2005,  
 42 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



- 1 JULY 1, 2015]: Sec. 1. (a) A school corporation shall  
 2 ~~(1)~~ conduct an educational program for all children who reside  
 3 within the school corporation in kindergarten and in grades 1  
 4 through 12. ~~and~~  
 5 ~~(2) provide each preschool child with a disability with an~~  
 6 ~~appropriate special education as required under IC 20-35-4-9 only~~  
 7 ~~if the general assembly appropriates state funds for preschool~~  
 8 ~~special education.~~  
 9 (b) A school corporation may:  
 10 (1) conduct an educational program for adults and children at  
 11 least fourteen (14) years of age who do not attend a program  
 12 described in subsection (a);  
 13 (2) provide instruction in vocational, industrial, or manual  
 14 training;  
 15 (3) provide libraries for the schools of the school corporation;  
 16 (4) provide public libraries open and free for the use and benefit  
 17 of the residents and taxpayers of the school corporation where  
 18 permitted by law;  
 19 (5) provide vacation school and recreational programs;  
 20 (6) conduct other educational or other activities as are permitted  
 21 or required to be performed by law by any school corporation; and  
 22 (7) provide a school age child care program that operates during  
 23 periods when school is in session for students who are enrolled in  
 24 a half-day kindergarten program.  
 25 (c) A school corporation shall develop a written policy that provides  
 26 for:  
 27 (1) the implementation of a school age child care program for  
 28 children who attend kindergarten through grade 6 that, at a  
 29 minimum, operates after the school day and may include periods  
 30 before school is in session or periods when school is not  
 31 otherwise in session (commonly referred to as a latch key  
 32 program) and is offered by the school corporation; or  
 33 (2) the availability of the school corporation's buildings or parts  
 34 of the school corporation's buildings to conduct the type of  
 35 program described in subdivision (1) by a nonprofit organization  
 36 or a for-profit organization.  
 37 (d) The written policy required under subsection (c) must address  
 38 compliance with certain standards of reasonable care for children  
 39 served by a child care program offered under subsection (c), including:  
 40 (1) requiring the offering entity to acquire a particular amount of  
 41 liability insurance; and  
 42 (2) establishing maximum adult to child ratios governing the



1 overall supervision of the children served.

2 If a school corporation implements a child care program as described  
 3 in subsection (c)(1) or enters into a contract with an entity described in  
 4 subsection (c)(2) to provide a child care program, the school  
 5 corporation may not assess a fee for the use of the building, and the  
 6 contract between the school corporation and the entity providing the  
 7 program must be in writing. However, the school corporation may  
 8 assess a fee to reimburse the school corporation for providing security,  
 9 maintenance, utilities, school personnel, or other costs directly  
 10 attributable to the use of the building for the program. In addition, if a  
 11 school corporation offers a child care program as described in  
 12 subsection (c)(1), the school corporation may assess a fee to cover  
 13 costs attributable to implementing the program.

14 (e) The powers under this section are purposes as well as powers.

15 SECTION 145. IC 20-26-5-4, AS AMENDED BY P.L.2-2014,  
 16 SECTION 83, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 17 JULY 1, 2015]: Sec. 4. (a) In carrying out the school purposes of a  
 18 school corporation, the governing body acting on the school  
 19 corporation's behalf has the following specific powers:

20 (1) In the name of the school corporation, to sue and be sued and  
 21 to enter into contracts in matters permitted by applicable law.  
 22 However, a governing body may not use funds received from the  
 23 state to bring or join in an action against the state, unless the  
 24 governing body is challenging an adverse decision by a state  
 25 agency, board, or commission.

26 (2) To take charge of, manage, and conduct the educational affairs  
 27 of the school corporation and to establish, locate, and provide the  
 28 necessary schools, school libraries, other libraries where  
 29 permitted by law, other buildings, facilities, property, and  
 30 equipment.

31 (3) To appropriate from the school corporation's general fund an  
 32 amount, not to exceed the greater of three thousand dollars  
 33 (\$3,000) per budget year or one dollar (\$1) per pupil, not to  
 34 exceed twelve thousand five hundred dollars (\$12,500), based on  
 35 the school corporation's ADM of the previous year (as defined in  
 36 IC 20-43-1-7) to promote the best interests of the school  
 37 corporation through:

38 (A) the purchase of meals, decorations, memorabilia, or  
 39 awards;

40 (B) provision for expenses incurred in interviewing job  
 41 applicants; or

42 (C) developing relations with other governmental units.



- 1           (4) To do the following:
- 2           (A) Acquire; construct, erect, maintain, hold; and contract for
- 3           construction; erection, or maintenance of real estate; real estate
- 4           improvements; or an interest in real estate or real estate
- 5           improvements; as the governing body considers necessary for
- 6           school purposes; including buildings; parts of buildings;
- 7           additions to buildings; rooms; gymnasiums; auditoriums;
- 8           playgrounds; playing and athletic fields; facilities for physical
- 9           training; buildings for administrative, office, warehouse, repair
- 10          activities; or housing school owned buses; landscaping; walks;
- 11          drives; parking areas; roadways; easements and facilities for
- 12          power; sewer; water; roadway; access; storm and surface
- 13          water; drinking water; gas; electricity; other utilities and
- 14          similar purposes; by purchase; either outright for cash (or
- 15          under conditional sales or purchase money contracts providing
- 16          for a retention of a security interest by the seller until payment
- 17          is made or by notes where the contract, security retention; or
- 18          note is permitted by applicable law); by exchange; by gift; by
- 19          devise; by eminent domain; by lease with or without option to
- 20          purchase; or by lease under IC 20-47-2; IC 20-47-3; or
- 21          IC 20-47-5.
- 22          (B) Repair; remodel; remove; or demolish; or to contract for
- 23          the repair; remodeling; removal; or demolition of the real
- 24          estate; real estate improvements; or interest in the real estate
- 25          or real estate improvements; as the governing body considers
- 26          necessary for school purposes.
- 27          (C) Provide for conservation measures through utility
- 28          efficiency programs or under a guaranteed savings contract as
- 29          described in IC 36-1-12.5.
- 30          (5) (4) To acquire personal property or an interest in personal
- 31          property as the governing body considers necessary for school
- 32          purposes, including buses, motor vehicles, equipment, apparatus,
- 33          appliances, books, furniture, and supplies, either by cash purchase
- 34          or under conditional sales or purchase money contracts providing
- 35          for a security interest by the seller until payment is made or by
- 36          notes where the contract, security, retention, or note is permitted
- 37          by applicable law, by gift, by devise, by loan, or by lease with or
- 38          without option to purchase and to repair, remodel, remove,
- 39          relocate, and demolish the personal property. All purchases and
- 40          contracts specified under the powers authorized under ~~subdivision~~
- 41          (4) and this subdivision are subject solely to applicable law
- 42          relating to purchases and contracting by municipal corporations



1 in general and to the supervisory control of state agencies as  
 2 provided in section 6 of this chapter.

3 ~~(6)~~ (5) To sell or exchange real or personal property or interest in  
 4 real or personal property that, in the opinion of the governing  
 5 body, is not necessary for school purposes, in accordance with  
 6 IC 20-26-7, to demolish or otherwise dispose of the property if, in  
 7 the opinion of the governing body, the property is not necessary  
 8 for school purposes and is worthless, and to pay the expenses for  
 9 the demolition or disposition.

10 ~~(7)~~ (6) To lease any school property for a rental that the governing  
 11 body considers reasonable or to permit the free use of school  
 12 property for:

13 (A) civic or public purposes; or

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

31 ~~(8)~~ (7) To do the following:

32 (A) Employ, contract for, and discharge superintendents,  
 33 supervisors, principals, teachers, librarians, athletic coaches  
 34 (whether or not they are otherwise employed by the school  
 35 corporation and whether or not they are licensed under  
 36 IC 20-28-5), business managers, superintendents of buildings  
 37 and grounds, janitors, engineers, architects, physicians,  
 38 dentists, nurses, accountants, teacher aides performing  
 39 noninstructional duties, educational and other professional  
 40 consultants, data processing and computer service for school  
 41 purposes, including the making of schedules, the keeping and  
 42 analyzing of grades and other student data, the keeping and



1 preparing of warrants, payroll, and similar data where  
 2 approved by the state board of accounts as provided below,  
 3 and other personnel or services as the governing body  
 4 considers necessary for school purposes.  
 5 (B) Fix and pay the salaries and compensation of persons and  
 6 services described in this subdivision that are consistent with  
 7 IC 20-28-9-1.5.  
 8 (C) Classify persons or services described in this subdivision  
 9 and to adopt schedules of salaries or compensation that are  
 10 consistent with IC 20-28-9-1.5.  
 11 (D) Determine the number of the persons or the amount of the  
 12 services employed or contracted for as provided in this  
 13 subdivision.  
 14 (E) Determine the nature and extent of the duties of the  
 15 persons described in this subdivision.  
 16 The compensation, terms of employment, and discharge of  
 17 teachers are, however, subject to and governed by the laws  
 18 relating to employment, contracting, compensation, and discharge  
 19 of teachers. The compensation, terms of employment, and  
 20 discharge of bus drivers are subject to and governed by laws  
 21 relating to employment, contracting, compensation, and discharge  
 22 of bus drivers. ~~The forms and procedures relating to the use of~~  
 23 ~~computer and data processing equipment in handling the financial~~  
 24 ~~affairs of the school corporation must be submitted to the state~~  
 25 ~~board of accounts for approval so that the services are used by the~~  
 26 ~~school corporation when the governing body determines that it is~~  
 27 ~~in the best interest of the school corporation while at the same~~  
 28 ~~time providing reasonable accountability for the funds expended.~~  
 29 ~~(9)~~ (8) Notwithstanding the appropriation limitation in  
 30 subdivision (3), when the governing body by resolution considers  
 31 a trip by an employee of the school corporation or by a member  
 32 of the governing body to be in the interest of the school  
 33 corporation, including attending meetings, conferences, or  
 34 examining equipment, buildings, and installation in other areas,  
 35 to permit the employee to be absent in connection with the trip  
 36 without any loss in pay and to reimburse the employee or the  
 37 member the employee's or member's reasonable lodging and meal  
 38 expenses and necessary transportation expenses. To pay teaching  
 39 personnel for time spent in sponsoring and working with school  
 40 related trips or activities.  
 41 ~~(10)~~ (9) Subject to IC 20-27-13, to transport children to and from  
 42 school, when in the opinion of the governing body the



- 1 transportation is necessary, including considerations for the safety  
 2 of the children. ~~and without regard to the distance the children~~  
 3 ~~live from the school.~~ The transportation must be otherwise in  
 4 accordance with applicable law.
- 5 ~~(+1)~~ **(10)** To provide a lunch program for a part or all of the  
 6 students attending the schools of the school corporation, including  
 7 the establishment of kitchens, kitchen facilities, kitchen  
 8 equipment, lunch rooms, the hiring of the necessary personnel to  
 9 operate the lunch program, and the purchase of material and  
 10 supplies for the lunch program, charging students for the  
 11 operational costs of the lunch program, fixing the price per meal  
 12 or per food item. To operate the lunch program as an  
 13 extracurricular activity, subject to the supervision of the  
 14 governing body. To participate in a surplus commodity or lunch  
 15 aid program.
- 16 ~~(+2)~~ **(11)** To purchase curricular materials, to furnish curricular  
 17 materials without cost or to rent curricular materials to students,  
 18 to participate in a curricular materials aid program, all in  
 19 accordance with applicable law.
- 20 ~~(+3)~~ **(12)** To accept students transferred from other school  
 21 corporations and to transfer students to other school corporations  
 22 in accordance with applicable law.
- 23 ~~(+4)~~ **(13)** To make budgets, to appropriate funds, and to disburse  
 24 the money of the school corporation in accordance with  
 25 applicable law. To borrow money against current tax collections  
 26 and otherwise to borrow money, in accordance with IC 20-48-1.
- 27 ~~(+5)~~ **(14)** To purchase insurance or to establish and maintain a  
 28 program of self-insurance relating to the liability of the school  
 29 corporation or the school corporation's employees in connection  
 30 with motor vehicles or property and for additional coverage to the  
 31 extent permitted and in accordance with IC 34-13-3-20. To  
 32 purchase additional insurance or to establish and maintain a  
 33 program of self-insurance protecting the school corporation and  
 34 members of the governing body, employees, contractors, or agents  
 35 of the school corporation from liability, risk, accident, or loss  
 36 related to school property, school contract, school or school  
 37 related activity, including the purchase of insurance or the  
 38 establishment and maintenance of a self-insurance program  
 39 protecting persons described in this subdivision against false  
 40 imprisonment, false arrest, libel, or slander for acts committed in  
 41 the course of the persons' employment, protecting the school  
 42 corporation for fire and extended coverage and other casualty



1 risks to the extent of replacement cost, loss of use, and other  
 2 insurable risks relating to property owned, leased, or held by the  
 3 school corporation. In accordance with IC 20-26-17, to:

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

6 (B) purchase insurance; or

7 (C) establish and maintain a program of self-insurance;  
 8 to benefit school corporation employees, including accident,  
 9 sickness, health, or dental coverage, provided that a plan of  
 10 self-insurance must include an aggregate stop-loss provision.

11 ~~(16)~~ **(15)** To make all applications, to enter into all contracts, and  
 12 to sign all documents necessary for the receipt of aid, money, or  
 13 property from the state, the federal government, or from any other  
 14 source.

15 ~~(17)~~ **(16)** To defend a member of the governing body or any  
 16 employee of the school corporation in any suit arising out of the  
 17 performance of the member's or employee's duties for or  
 18 employment with, the school corporation, if the governing body  
 19 by resolution determined that the action was taken in good faith.  
 20 To save any member or employee harmless from any liability,  
 21 cost, or damage in connection with the performance, including the  
 22 payment of legal fees, except where the liability, cost, or damage  
 23 is predicated on or arises out of the bad faith of the member or  
 24 employee, or is a claim or judgment based on the member's or  
 25 employee's malfeasance in office or employment.

26 ~~(18)~~ **(17)** To prepare, make, enforce, amend, or repeal rules,  
 27 regulations, and procedures:

28 (A) for the government and management of the schools,  
 29 property, facilities, and activities of the school corporation, the  
 30 school corporation's agents, employees, and pupils and for the  
 31 operation of the governing body; and

32 (B) that may be designated by an appropriate title such as  
 33 "policy handbook", "bylaws", or "rules and regulations".

34 ~~(19)~~ **(18)** To ratify and approve any action taken by a member of  
 35 the governing body, an officer of the governing body, or an  
 36 employee of the school corporation after the action is taken, if the  
 37 action could have been approved in advance, and in connection  
 38 with the action to pay the expense or compensation permitted  
 39 under IC 20-26-1 through IC 20-26-5, IC 20-26-7, IC 20-40-12,  
 40 and IC 20-48-1 or any other law.

41 ~~(20)~~ **(19)** To exercise any other power and make any expenditure  
 42 in carrying out the governing body's general powers and purposes





1 provided in this chapter or in carrying out the powers delineated  
 2 in this section which is reasonable from a business or educational  
 3 standpoint in carrying out school purposes of the school  
 4 corporation, including the acquisition of property or the  
 5 employment or contracting for services, even though the power or  
 6 expenditure is not specifically set out in this chapter. The specific  
 7 powers set out in this section do not limit the general grant of  
 8 powers provided in this chapter except where a limitation is set  
 9 out in IC 20-26-1 through IC 20-26-5, IC 20-26-7, IC 20-40-12,  
 10 and IC 20-48-1 by specific language or by reference to other law.

11 (b) A superintendent hired under subsection ~~(a)(8)~~: **(a)(7)**:

12 (1) is not required to hold a teacher's license under IC 20-28-5;  
 13 and

14 (2) is required to have obtained at least a master's degree from an  
 15 accredited postsecondary educational institution.

16 SECTION 146. IC 20-26-5-4.5, AS ADDED BY P.L.90-2011,  
 17 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 18 JULY 1, 2015]: Sec. 4.5. (a) The superintendent is responsible for  
 19 selecting and discharging principals, central office administrators,  
 20 business managers, superintendents of building and grounds, janitors,  
 21 physicians, dentists, nurses, athletic coaches (whether or not they are  
 22 otherwise employed by the school corporation and whether or not they  
 23 are licensed under IC 20-28-5), and any other employees necessary to  
 24 the operation of the school corporation, subject to the approval of the  
 25 governing body.

26 (b) Subject to IC 20-28-7.5, The superintendent and principal are  
 27 responsible for selecting and discharging teachers, teachers aides,  
 28 assistant principals, building administrative staff, librarians, and any  
 29 other employees necessary to the operation of the school, subject to the  
 30 approval of the governing body.

31 SECTION 147. IC 20-26-5-5 IS REPEALED [EFFECTIVE JULY  
 32 1, 2015]. ~~Sec. 5. A governing body of a school corporation may  
 33 establish a policy regarding the allocation of tickets to the school  
 34 corporation's interscholastic athletic events or other school related  
 35 programs and activities at no charge or at a reduced rate to groups or  
 36 individuals designated by the governing body.~~

37 SECTION 148. IC 20-26-5-11, AS AMENDED BY P.L.158-2013,  
 38 SECTION 249, IS AMENDED TO READ AS FOLLOWS  
 39 [EFFECTIVE JULY 1, 2015]: Sec. 11. (a) This section applies to:

40 (1) a school corporation; ~~and~~

41 **(2) a charter school; and**

42 ~~(2)~~ **(3)** an entity:



- 1 (A) with which the school corporation contracts for services;  
 2 and  
 3 (B) that has employees who are likely to have direct, ongoing  
 4 contact with children within the scope of the employees'  
 5 employment.
- 6 (b) A school corporation, **charter school**, or entity may use  
 7 information obtained under section 10 of this chapter concerning an  
 8 individual's conviction for one (1) of the following offenses as grounds  
 9 to not employ or contract with the individual:
- 10 (1) Murder (IC 35-42-1-1).
  - 11 (2) Causing suicide (IC 35-42-1-2).
  - 12 (3) Assisting suicide (IC 35-42-1-2.5).
  - 13 (4) Voluntary manslaughter (IC 35-42-1-3).
  - 14 (5) Reckless homicide (IC 35-42-1-5).
  - 15 (6) Battery (IC 35-42-2-1) unless ten (10) years have elapsed from  
 16 the date the individual was discharged from probation,  
 17 imprisonment, or parole, whichever is later.
  - 18 (7) Aggravated battery (IC 35-42-2-1.5).
  - 19 (8) Kidnapping (IC 35-42-3-2).
  - 20 (9) Criminal confinement (IC 35-42-3-3).
  - 21 (10) A sex offense under IC 35-42-4.
  - 22 (11) Carjacking (IC 35-42-5-2) (repealed).
  - 23 (12) Arson (IC 35-43-1-1), unless ten (10) years have elapsed  
 24 from the date the individual was discharged from probation,  
 25 imprisonment, or parole, whichever is later.
  - 26 (13) Incest (IC 35-46-1-3).
  - 27 (14) Neglect of a dependent as a Class B felony (for a crime  
 28 committed before July 1, 2014) or a Level 1 felony or Level 3  
 29 felony (for a crime committed after June 30, 2014)  
 30 (IC 35-46-1-4(b)(2)), unless ten (10) years have elapsed from the  
 31 date the individual was discharged from probation, imprisonment,  
 32 or parole, whichever is later.
  - 33 (15) Child selling (IC 35-46-1-4(d)).
  - 34 (16) Contributing to the delinquency of a minor (IC 35-46-1-8),  
 35 unless ten (10) years have elapsed from the date the individual  
 36 was discharged from probation, imprisonment, or parole,  
 37 whichever is later.
  - 38 (17) An offense involving a weapon under IC 35-47 or  
 39 IC 35-47.5, unless ten (10) years have elapsed from the date the  
 40 individual was discharged from probation, imprisonment, or  
 41 parole, whichever is later.
  - 42 (18) An offense relating to controlled substances under



1 IC 35-48-4, unless ten (10) years have elapsed from the date the  
 2 individual was discharged from probation, imprisonment, or  
 3 parole, whichever is later.

4 (19) An offense relating to material or a performance that is  
 5 harmful to minors or obscene under IC 35-49-3, unless ten (10)  
 6 years have elapsed from the date the individual was discharged  
 7 from probation, imprisonment, or parole, whichever is later.

8 (20) An offense relating to operating a motor vehicle while  
 9 intoxicated under IC 9-30-5, unless five (5) years have elapsed  
 10 from the date the individual was discharged from probation,  
 11 imprisonment, or parole, whichever is later.

12 (21) An offense that is substantially equivalent to any of the  
 13 offenses listed in this subsection in which the judgment of  
 14 conviction was entered under the law of any other jurisdiction.

15 (c) An individual employed by a school corporation, **charter**  
 16 **school**, or an entity described in subsection (a) shall notify the  
 17 governing body of the school corporation, if during the course of the  
 18 individual's employment, the individual is convicted in Indiana or  
 19 another jurisdiction of an offense described in subsection (b).

20 SECTION 149. IC 20-26-5-18, AS ADDED BY P.L.1-2005,  
 21 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 22 JULY 1, 2015]: Sec. 18. For purposes of IC 20-26-5-1 and under the  
 23 powers of ~~IC 20-26-5-4(20)~~, **IC 20-26-5-4(a)(19)**, the governing body  
 24 of any school corporation may join and associate with groups of other  
 25 school corporations within Indiana in regional school study councils to  
 26 examine common school problems and exchange educational  
 27 information of mutual benefit, and dues to the study councils shall be  
 28 paid by the school corporation from the general fund.

29 SECTION 150. IC 20-26-5-19, AS ADDED BY P.L.1-2005,  
 30 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 31 JULY 1, 2015]: Sec. 19. A governing body under its powers to fix and  
 32 pay the salaries and compensation of employees of the school  
 33 corporation and to contract for services under ~~IC 20-26-5-4(8)~~  
 34 **IC 20-26-5-4(a)(7)** may distribute payroll based on contractual and  
 35 salary schedule commitments instead of payroll estimates approved in  
 36 advance by the governing body.

37 SECTION 151. IC 20-26-5-24, AS AMENDED BY P.L.2-2007,  
 38 SECTION 211, IS AMENDED TO READ AS FOLLOWS  
 39 [EFFECTIVE JULY 1, 2015]: Sec. 24. (a) An agreement under section  
 40 23 of this chapter must set out the responsibilities and rights of the  
 41 public school corporations, the institutions, and the students or persons  
 42 who supervise the students and who are working jointly for a school



1 corporation and an institution.  
2 (b) An agreement must contain:  
3 (1) a provision for the payment of an honorarium for consulting  
4 services by the postsecondary educational institution directly to  
5 the supervisor; and  
6 (2) a provision that, if the sum paid by the institution to the  
7 supervisor should ever be lawfully determined to be a wage rather  
8 than an honorarium by an instrumentality of the United States,  
9 then the postsecondary educational institution shall be considered  
10 under the agreement to be the supervisor's part-time employer.  
11 (c) The provisions required by subsection (b) must be included in  
12 an agreement entered into or renewed under this chapter after June 30,  
13 1981. Public school corporations and postsecondary educational  
14 institutions shall revise agreements in effect on July 1, 1981, to include  
15 the provisions required by subsection (b).  
16 SECTION 152. IC 20-26-5-34 IS REPEALED [EFFECTIVE JULY  
17 1, 2015]. Sec. 34: (a) This section applies to a school corporation that,  
18 after June 30, 2013, establishes, amends, renews, or modifies a  
19 retirement, savings, or severance plan described under Section 401(a);  
20 Section 403(b); or another applicable section of the Internal Revenue  
21 Code that requires or permits an individual employed by the school  
22 corporation to:  
23 (1) contribute amounts; or  
24 (2) have amounts contributed by the school corporation on the  
25 employee's behalf;  
26 that are credited and allocated to an account for each employee.  
27 (b) As used in this section, "Internal Revenue Code" has the  
28 meaning set forth in IC 6-3-1-11.  
29 (c) To the extent permitted by federal law, whenever a school  
30 corporation closes a retirement, savings, or investment plan to future  
31 contributions, a participant in the plan, without regard to the  
32 participant's age or employment status, may elect to rollover the  
33 balance invested in the closed plan to:  
34 (1) another eligible retirement, savings, or investment plan  
35 offered by the school corporation; or  
36 (2) an individual retirement account or annuity described under  
37 Section 408(a) or Section 408(b) of the Internal Revenue Code.  
38 (d) This section does not apply to or abrogate a written or oral  
39 contract or agreement in effect on July 1, 2013.  
40 SECTION 153. IC 20-26-5-35 IS REPEALED [EFFECTIVE JULY  
41 1, 2015]. Sec. 35: A school corporation shall annually compile class  
42 size data for kindergarten through grade 3 and report the data to the



1 department by a date established by the department:

2 SECTION 154. IC 20-26-7-1, AS AMENDED BY THE  
3 TECHNICAL CORRECTIONS BILL OF THE 2015 GENERAL  
4 ASSEMBLY, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
5 JULY 1, 2015]: Sec. 1. (a) As used in this section, "charter school" has  
6 the meaning set forth in IC 20-24-1-4 and includes a group or entity  
7 seeking approval from a ~~sponsor~~ **an authorizer** to operate a charter  
8 school under IC 20-24-3.

9 (b) Except as otherwise provided in this section, if a governing body  
10 of a school corporation determines that any real or personal property:

11 (1) is no longer needed for school purposes; or

12 (2) should, in the interests of the school corporation, be  
13 exchanged for other property;

14 the governing body may sell or exchange the property in accordance  
15 with IC 36-1-11.

16 (c) Money derived from the sale or exchange of property under this  
17 section shall be placed in any school fund:

18 (1) established under applicable law; and

19 (2) that the governing body considers appropriate.

20 (d) A governing body may not make a covenant that prohibits the  
21 sale of real property to another educational institution.

22 ~~(e) This subsection does not apply to a school building that on July~~  
23 ~~1, 2011, is leased or loaned by the school corporation that owns the~~  
24 ~~school building to another entity; if the entity is not a building~~  
25 ~~corporation or other entity that is related in any way to, or created by,~~  
26 ~~the school corporation or the governing body. Except as provided in~~  
27 ~~subsections (k) through (n), a governing body shall make available for~~  
28 ~~lease or purchase to any charter school any school building owned by~~  
29 ~~the school corporation or any other entity that is related in any way to,~~  
30 ~~or created by, the school corporation or the governing body, including~~  
31 ~~but not limited to a building corporation; that:~~

32 ~~(1) either:~~

33 ~~(A) is not used in whole or in part for classroom instruction at~~  
34 ~~the time the charter school seeks to lease the building; or~~

35 ~~(B) appears on the list compiled by the department under~~  
36 ~~subsection (f); and~~

37 ~~(2) was previously used for classroom instruction;~~

38 ~~in order for the charter school to conduct classroom instruction:~~

39 ~~(f) (e) Not later than August 1 each calendar year, each governing~~  
40 ~~body shall inform the department if a school building that was~~  
41 ~~previously used for classroom instruction is closed, unused, or~~  
42 ~~unoccupied. The department shall maintain a list of closed, unused, or~~



1 unoccupied school buildings and make the list available on the  
 2 department's Internet web site. Each school corporation shall provide  
 3 a list of closed, unused, or unoccupied buildings to the department by  
 4 the date set by the department. The department must update the list not  
 5 later than fifteen (15) days after being notified of a closed, unused, or  
 6 unoccupied building.

7 (g) A school building that appears for the first time on the  
 8 department's list under subsection (f) shall be designated as  
 9 "Unavailable until (a date two (2) years after the school building first  
 10 appears on the list)" if the governing body of the school corporation  
 11 that owns the school building indicates to the department, on a form  
 12 prescribed by the department, that the school building may be  
 13 reclaimed during that period for classroom instruction. If a governing  
 14 body does not indicate that a school building may be reclaimed, the  
 15 governing body shall designate the school building as "Available" on  
 16 the department's list. The governing body may change the designation  
 17 of a building from unavailable to available at any time. If a school  
 18 building that is designated as unavailable on the department's list  
 19 remains unused for classroom instruction one (1) year after being  
 20 reclaimed under this subsection, the governing body shall designate the  
 21 school building as "Available" on the department's list. A governing  
 22 body may reclaim a school building only one (1) time under this  
 23 subsection.

24 (h) (f) If a charter school wishes to use a school building on the list  
 25 created under subsection (f); (e), the charter school shall send a letter  
 26 of intent to the department. Within thirty (30) days after receiving a  
 27 letter from a charter school, the department shall notify the school  
 28 corporation of the charter school's intent, and, within thirty (30) days  
 29 after receiving notification from the department, the school corporation  
 30 that owns the school building shall lease the school building to the  
 31 charter school for ~~one dollar (\$1)~~ **market rates** per year for as long as  
 32 the charter school uses the school building for classroom instruction or  
 33 for a term at the charter school's discretion, or sell the school building  
 34 to the charter school for ~~one dollar (\$1)~~ **market value**. The charter  
 35 school must begin to use the school building for classroom instruction  
 36 not later than two (2) years after acquiring the school building. If the  
 37 school building is not used for classroom instruction within two (2)  
 38 years after acquiring the school building, the school building shall be  
 39 placed on the department's list under subsection (f). If during the term  
 40 of the lease the charter school closes or ceases using the school  
 41 building for classroom instruction, the school building shall be placed  
 42 on the department's list under subsection (f). If a school building is sold



1 to a charter school under this subsection and the charter school or any  
 2 entity related to the charter school subsequently sells or transfers the  
 3 school building to a third party, the charter school or related entity must  
 4 transfer an amount equal to the gain in the property minus the adjusted  
 5 basis (including costs of improvements to the school building) to the  
 6 school corporation that initially sold the vacant school building to the  
 7 charter school. Gain and adjusted basis shall be determined in the  
 8 manner prescribed by the Internal Revenue Code and the applicable  
 9 Internal Revenue Service regulations and guidelines.

10 (i) During the term of a lease under subsection (h), the charter  
 11 school is responsible for the direct expenses related to the school  
 12 building leased, including utilities, insurance, maintenance, repairs,  
 13 and remodeling. The school corporation is responsible for any debt  
 14 incurred for or liens that attached to the school building before the  
 15 charter school leased the school building.

16 (j) Notwithstanding anything to the contrary in this section, and with  
 17 the sole exception of a waiver provided in subsection (n), when a  
 18 school building is designated as "Available" under subsection (g), the  
 19 school building must remain designated as "Available" and may not be  
 20 sold or otherwise disposed of for at least two (2) years. When the two  
 21 (2) year period has elapsed, the school corporation may sell or  
 22 otherwise dispose of the school building in accordance with  
 23 IC 36-1-11.

24 (k) Notwithstanding subsection (e), a governing body may request  
 25 a waiver from the department from the requirements of subsection (e).  
 26 In order for a governing body to receive a waiver under subsection (n),  
 27 the governing body must apply to the department, on a form prescribed  
 28 by the department, for the waiver. The application must include a  
 29 statement that the governing body believes that a charter school would  
 30 not be interested in leasing or purchasing the vacant or unused school  
 31 building.

32 (l) If the department receives a waiver request under subsection (k),  
 33 the department, within five (5) days after receiving the waiver request  
 34 under subsection (k), shall notify each charter school sponsor and  
 35 statewide organization representing charter schools in Indiana by  
 36 certified mail of the waiver request received under subsection (k). The  
 37 notice must include a copy of the governing body's waiver request.

38 (m) Not later than thirty (30) days after a charter school sponsor or  
 39 statewide organization representing charter schools in Indiana receives  
 40 a notice described in subsection (l), the charter school sponsor or a  
 41 statewide organization representing charter schools may submit a  
 42 qualified objection to the governing body's request for a waiver under



1 subsection (k): The qualified objection must be submitted to the  
 2 department in writing. In order for an objection to be considered a  
 3 qualified objection by the department, the objection must include:

- 4 (1) the name of the charter school that is interested in leasing or  
 5 purchasing the vacant or unused school building; and  
 6 (2) a time frame, which may not exceed one (1) year from the date  
 7 of the objection, in which the charter school intends to begin  
 8 providing classroom instruction in the vacant or unused school  
 9 building.

10 (n) If the department receives a qualified objection under subsection  
 11 (m), the vacant or unused school building shall remain on the  
 12 department's list under subsection (f) with the designation with which  
 13 the building is listed under subsection (g) at the time the department  
 14 receives the waiver request. If the department does not receive a  
 15 qualified objection, the department shall grant the governing body's  
 16 request for a waiver. A governing body that receives a waiver under  
 17 this subsection may sell or otherwise dispose of the unused or vacant  
 18 school building in accordance with IC 36-1-11.

19 SECTION 155. IC 20-26-7-3 IS REPEALED [EFFECTIVE JULY  
 20 1, 2015]. Sec. 3: Any building or other property owned by a civil  
 21 township may be conveyed to the corresponding school township: in  
 22 the manner prescribed in section 4 of this chapter.

23 SECTION 156. IC 20-26-7-4 IS REPEALED [EFFECTIVE JULY  
 24 1, 2015]. Sec. 4: (a) To transfer or convey a building or other property  
 25 from a civil township to the corresponding school township, a petition  
 26 may be filed with the board of commissioners of the county in which  
 27 the civil township is located that:

- 28 (1) asks for the conveyance or transfer of the building or other  
 29 property;  
 30 (2) describes the nature of the building or other property to be  
 31 conveyed or transferred; and  
 32 (3) contains the reasons for the conveyance or transfer.

33 (b) A petition must be:

- 34 (1) signed by a majority of the legal voters residing in the civil  
 35 township; and  
 36 (2) filed in the office of the county auditor.

37 When the petition is filed, the petitioners shall give a bond, with good  
 38 and sufficient freehold sureties, that is payable to the state, approved  
 39 by the board of county commissioners, and conditioned to pay all  
 40 expenses if the board of county commissioners does not authorize the  
 41 proposed conveyance or transfer.

42 (c) After a petition is filed, the county auditor shall give notice of





1 the filing of the petition by publication once a week for two (2)  
 2 consecutive weeks in one (1) newspaper printed and published in the  
 3 county and of general circulation in the county in which the civil  
 4 township is located.

5 (d) The board of commissioners shall:

6 (1) hear the petition at the next regular meeting and on the day  
 7 designated in the notice; and

8 (2) determine all matters concerning the petition.

9 If the board is satisfied as to the propriety of granting the petitioners'  
 10 request, the board shall make a finding to that effect and the trustee of  
 11 the civil township shall convey the building or other property belonging  
 12 to the civil township to the corresponding school township. The school  
 13 township shall hold, control, and manage the building or other  
 14 property. Expenses incurred in the conveyance of the property, if the  
 15 conveyance is authorized, shall be paid out of the general funds of the  
 16 civil township.

17 SECTION 157. IC 20-26-7-5, AS ADDED BY P.L.1-2005,  
 18 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 19 JULY 1, 2015]: Sec. 5. A school corporation (as defined in  
 20 IC 36-1-2-17) may convey property owned by the school corporation  
 21 to a civil city or other political subdivision for civic purposes if:

22 (1) the governing body adopts a resolution recommending the  
 23 transfer and conveyance of the school property;

24 (2) the civil city or political subdivision agrees to accept the  
 25 school property; **and**

26 (3) the governing body executes a deed for the school property.  
 27 **and**

28 ~~(4) the conveyance is not for payment or other consideration.~~

29 SECTION 158. IC 20-26-7-7, AS ADDED BY P.L.1-2005,  
 30 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 31 JULY 1, 2015]: Sec. 7. ~~(a)~~ If a common school corporation has  
 32 acquired or acquires any personal property or real estate by gift, devise,  
 33 or bequest concerning which the donor or testator, at the time of  
 34 making the gift, bequest, or devise, does not include conditions or  
 35 directions concerning the gift, bequest, or devise inconsistent with this  
 36 section, the principal of the gifts, devises, and bequests is inviolate, but  
 37 the interest, rents, incomes, issues, and profits thereof may be expended  
 38 by the school corporation. ~~The interest, rent, incomes, issues, and~~  
 39 ~~profits may not be devoted:~~

40 ~~(1) to the payment of any obligation of the corporation incurred~~  
 41 ~~before the property was acquired;~~

42 ~~(2) to the payment of the salaries or wages of:~~



- 1 (A) teachers of the branches commonly and generally taught  
 2 in the public schools; or  
 3 (B) school or library officers or employees; or  
 4 (3) to purchase ordinary school furniture or supplies of the  
 5 character required by the corporation to be paid for from the  
 6 current income or revenue coming to it from taxes or by operation  
 7 of law.

8 However, the interest, rents, incomes, issues, and profits may be  
 9 devoted to any public educational or public library or similar purpose  
 10 for which the managing board or trustee of the corporation believes  
 11 adequate financial provision has not been made by law.

- 12 (b) If:  
 13 (1) the board or trustee desires to invest the principal of the gift,  
 14 devise, or bequest in the erection or equipping, or both, of a  
 15 building to be devoted to a special use of a public educational or  
 16 library character; and  
 17 (2) the expressed will of the donor or testator will not be violated;  
 18 the principal may be used for that purpose, notwithstanding any other  
 19 provision of this chapter. This subsection may not be construed to  
 20 permit its use for the building or equipping of buildings for ordinary  
 21 graded or high schools.

22 SECTION 159. IC 20-26-7-10 IS REPEALED [EFFECTIVE JULY  
 23 1, 2015]. Sec. 10. (a) If a person gives or bequeaths to trustees an  
 24 amount of money that exceeds five thousand dollars (\$5,000) to erect  
 25 a public school building or seminary in any unincorporated town; and  
 26 upon the express or implied condition contained in the gift or bequest  
 27 that an equal amount shall be raised by the citizens of the town or  
 28 township for a like purpose; the township trustee of the township in  
 29 which the town is located shall, upon the petition of a majority of the  
 30 legal voters of the township; prepare, issue, and sell the bonds of the  
 31 township to secure a loan of not more than fifteen thousand dollars  
 32 (\$15,000); in anticipation of the revenue for special school purposes;  
 33 to comply with the condition attached to the gift or devise. The bonds  
 34 must bear a rate of interest of not more than seven percent (7%) per  
 35 annum; payable at such time; within seven (7) years after the date; as  
 36 the trustee determines.

- 37 (b) Notwithstanding subsection (a); until all the bonds of any one (1)  
 38 issue have been redeemed:  
 39 (1) the township trustee may not make another issue; and  
 40 (2) bonds may not be sold at a less rate than ninety-five cents  
 41 (\$0.95) on the dollar.

42 SECTION 160. IC 20-26-7-11 IS REPEALED [EFFECTIVE JULY



1 1, 2015]. Sec. 11: The whole number of votes cast for candidates for  
 2 Congress at the last preceding congressional election in the township  
 3 is considered to be the whole number of legal voters of the township.  
 4 A majority of the names of these legal voters must be signed to the  
 5 petition presented to the township trustee; to which petition shall be  
 6 attached the affidavit or affidavits; as the trustee considers necessary;  
 7 of a competent and credible person or persons that the signatures of all  
 8 the names to the petition are genuine and that the persons who signed  
 9 the petition are, as the trustee believes, legal voters of the township.

10 SECTION 161. IC 20-26-7-12 IS REPEALED [EFFECTIVE JULY  
 11 1, 2015]. Sec. 12: (a) The township trustee shall:

12 (1) record the petition and the attached names in the record book  
 13 of the township; and

14 (2) file and preserve the petition; entering into the record the date  
 15 and time the petition was filed.

16 (b) If the township trustee is satisfied that the petition contains the  
 17 names of a majority of the legal voters of the township, the township  
 18 trustee shall prepare, issue, and sell bonds of the amount listed in the  
 19 petition, as provided in section 10 of this chapter.

20 (c) The township trustee shall accurately keep a record of all  
 21 proceedings concerning:

22 (1) the issue and sale of the bonds;

23 (2) to whom and for what amount the bonds are sold;

24 (3) the rate of interest; and

25 (4) the time when the bonds become due.

26 SECTION 162. IC 20-26-7-15, AS ADDED BY P.L.1-2005,  
 27 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 28 JULY 1, 2015]: Sec. 15. (a) Before making the appraisalment and  
 29 assessment, the appraisers shall take an oath before the clerk of the  
 30 court to make a fair, true, and honest appraisalment of the real estate.

31 (b) After taking the oath under subsection (a), the appraisers shall  
 32 examine the real estate, hear evidence they consider necessary, and  
 33 make a report of their appraisalment to the court not more than five (5)  
 34 days after their appointment.

35 (c) After the examination under subsection (b), the township trustee  
 36 or school trustees of the school corporation, or a majority of them, may  
 37 pay to the clerk of the court, for the use of the owner or owners of the  
 38 real estate, the amount assessed.

39 (d) When the payment is made under subsection (c) and the  
 40 payment is shown to the court hearing the cause:

41 (1) the title to the real estate vests immediately in the school  
 42 corporation or school township for school purposes;



1 (2) the court shall cause the real estate to be conveyed to the  
2 school corporation ~~or school township~~ by a commissioner  
3 appointed for that purpose; and  
4 (3) the school corporation ~~or school township~~ may immediately  
5 take possession of the real estate for the purpose.  
6 (e) When the report of the appraisers is filed, any party to the action,  
7 not later than ten (10) days, may except to the amount of the  
8 appraisal and valuation of the real estate and a trial may be had on  
9 the exception before the court as other civil causes are tried. The court  
10 shall fix the amount of the appraisal and assessment, and any party  
11 to the action may appeal the judgment of the court as other civil cases  
12 are appealed.  
13 (f) If the township trustee or school trustees, or a majority of them,  
14 except to the amount of the appraisal and assessment:  
15 (1) the court shall convey the real estate to the school corporation;  
16 ~~or school township;~~  
17 (2) the title to the real estate vests immediately in the school  
18 corporation ~~or school township~~ for the purposes; and  
19 (3) subsequent proceedings upon the exceptions affect only the  
20 amount of the appraisal and assessments.  
21 SECTION 163. IC 20-26-7-17, AS AMENDED BY P.L.146-2008,  
22 SECTION 466, IS AMENDED TO READ AS FOLLOWS  
23 [EFFECTIVE JULY 1, 2015]: Sec. 17. (a) A school corporation may:  
24 (1) purchase buildings or lands, or both, for school purposes; and  
25 (2) improve the buildings or lands, or both.  
26 (b) ~~An existing building, other than a building obtained under~~  
27 ~~IC 5-17-2 (before its repeal) or IC 4-13-1.7, permitting the purchase of~~  
28 ~~suitable surplus government buildings, may not be purchased for use~~  
29 ~~as a school building unless the building was originally constructed for~~  
30 ~~use by the school corporation and used for that purpose for at least five~~  
31 ~~(5) years preceding the acquisition as provided in this section through~~  
32 ~~section 19 of this chapter.~~  
33 (c) ~~(b)~~ Notwithstanding this section through section ~~19~~ 18 of this  
34 chapter limiting the purchase of school buildings, a school corporation  
35 may:  
36 (1) purchase suitable buildings or lands, or both, adjacent to  
37 school property for school purposes; and  
38 (2) improve the buildings or lands, or both, after giving notice to  
39 the taxpayers of the intention of the school corporation to  
40 purchase.  
41 The taxpayers of the school corporation have the same right of appeal  
42 under the same procedure as provided for in IC 6-1.1-20-5 through



1 IC 6-1.1-20-6.  
 2 SECTION 164. IC 20-26-7-18, AS AMENDED BY P.L.146-2008,  
 3 SECTION 467, IS AMENDED TO READ AS FOLLOWS  
 4 [EFFECTIVE JULY 1, 2015]: Sec. 18. A school corporation may issue  
 5 and sell bonds under the general statutes governing the issuance of  
 6 bonds to purchase and improve buildings or lands, or both. All laws  
 7 relating to approval (if required) in a local public question under  
 8 IC 6-1.1-20, the filing of petitions remonstrances, and objecting  
 9 petitions, giving notices of the filing of petitions, the determination to  
 10 issue bonds, and the appropriation of the proceeds of the bonds are  
 11 applicable to the issuance of bonds under ~~sections~~ **section 17 through**  
 12 ~~19~~ of this chapter.  
 13 SECTION 165. IC 20-26-7-19 IS REPEALED [EFFECTIVE JULY  
 14 1, 2015]. ~~Sec. 19:~~ (a) ~~ff:~~  
 15 (1) a school township whose boundaries are coterminous with the  
 16 boundaries of the corresponding civil township has occupied as  
 17 lessee for at least five (5) years a building constructed for its use  
 18 as a school building;  
 19 (2) the township board finds that it would be in the best interests  
 20 of the school township and its taxpayers for the school township  
 21 to purchase the building; and  
 22 (3) the entire amount required to pay the cost of acquisition  
 23 cannot be provided by the school township on account of the  
 24 constitutional debt limitation;  
 25 the township board, with the approval of the township trustee, may  
 26 authorize the issuance of bonds by each of the school township and the  
 27 civil township to provide funds to pay the cost of acquisition of the  
 28 building.  
 29 (b) The amount of the civil township bonds may not exceed the  
 30 amount required to pay the cost of acquisition over and above the  
 31 amount that can validly be financed by the school township for that  
 32 purpose. The issuance of bonds must be authorized by separate  
 33 resolutions specifying the amount, terms, and conditions of the bonds  
 34 to be issued by each of the corporations. The bonds issued are the  
 35 separate obligations of the corporations, respectively. The bonds must  
 36 be payable at times and in amounts not later than twenty (20) years  
 37 after the date of issuance as the township board may determine and  
 38 shall otherwise be authorized, issued, and sold in accordance with the  
 39 applicable general laws.  
 40 (c) As used in this section, "building" includes the land occupied by  
 41 the school township for school purposes.  
 42 SECTION 166. IC 20-26-7-20 IS REPEALED [EFFECTIVE JULY



1 1, 2015]. Sec. 20: (a) It is the policy of the state to promote the  
2 acquisition, construction, and erection of school facilities by the off-site  
3 construction method so school corporations might obtain needed school  
4 facilities that, in many cases, would be denied by the higher cost of  
5 conventional construction:

6 (b) As used in this section through section 26 of this chapter;  
7 "off-site construction" means the fabrication and assembly of the  
8 component parts of various materials at a point other than the  
9 construction site where the parts are normally fabricated or assembled:

10 SECTION 167. IC 20-26-7-21 IS REPEALED [EFFECTIVE JULY  
11 1, 2015]. Sec. 21: (a) If the governing body or officer of a school  
12 corporation determines to erect or build a school building or buildings  
13 in which off-site construction techniques are to be used; the governing  
14 body or officer shall advertise for plans and specifications and for bids  
15 covering the plans and specifications:

16 (b) A bidder must file the bidder's plans or specifications with its  
17 bid:

18 (c) The advertisement shall be published once each week for two (2)  
19 consecutive weeks in two (2) newspapers published in the school  
20 corporation. If only one (1) newspaper is published in the boundaries  
21 of the school corporation; the advertisement shall be published in that  
22 newspaper and in a newspaper of general circulation published in the  
23 county where the school corporation is located. If a newspaper is not  
24 published in the boundaries of the school corporation; the  
25 advertisement shall be published in any two (2) newspapers of general  
26 circulation published in the county where the school corporation is  
27 located. If only one (1) newspaper is published in the county where the  
28 school corporation is located; publication in one (1) newspaper is  
29 sufficient:

30 (d) The advertisement:  
31 (1) must contain a description of the building or buildings to be  
32 erected and the estimated cost; and  
33 (2) may not require plans and specifications or bids to be filed for  
34 at least four (4) weeks after the date of the last publication of the  
35 advertisement:

36 (e) Subject to other applicable provisions of sections 20 through 25  
37 of this chapter; the school corporation may accept the bid of the lowest  
38 bidder submitting plans and specifications considered satisfactory by  
39 the school corporation for a building or buildings:

40 SECTION 168. IC 20-26-7-22 IS REPEALED [EFFECTIVE JULY  
41 1, 2015]. Sec. 22: A school corporation may issue and sell bonds to  
42 construct a building or buildings under the general statutes governing



1 the issuance and sale of bonds by school corporations if not in conflict  
2 with sections 20 through 25 of this chapter.

3 SECTION 169. IC 20-26-7-23 IS REPEALED [EFFECTIVE JULY  
4 1, 2015]. Sec. 23: (a) Before the execution of a contract under sections  
5 20 through 25 of this chapter, the plans and specifications for a  
6 building or buildings, which must be prepared by an architect or  
7 engineer registered to practice in Indiana, must be submitted to:

8 (1) the state department of health;

9 (2) the division of fire and building safety; and

10 (3) any other agencies designated by law to pass on plans and  
11 specifications for school buildings.

12 (b) The plans and specifications must be approved by each agency  
13 in writing before the execution of the contract.

14 SECTION 170. IC 20-26-7-24 IS REPEALED [EFFECTIVE JULY  
15 1, 2015]. Sec. 24: (a) After the completion of a school building or  
16 buildings erected or constructed under this chapter and before  
17 acceptance by the school corporation, the division of fire and building  
18 safety shall examine and inspect the building or buildings to determine  
19 if the requirements of the contract and the plans and specifications  
20 have been met.

21 (b) The division of fire and building safety shall immediately report  
22 to the school corporation any deviation from any requirements.

23 (c) Before final payment and settlement is made, the division of fire  
24 and building safety must file with the governing body or officer an  
25 affidavit that all requirements of the contract and of the plans and  
26 specifications have been fully and faithfully met.

27 SECTION 171. IC 20-26-7-25 IS REPEALED [EFFECTIVE JULY  
28 1, 2015]. Sec. 25: Sections 20 through 24 of this chapter may not be  
29 considered to alter, amend, or repeal any other Indiana statute.  
30 However, the provisions of any other statute may not apply to  
31 proceedings under sections 20 through 24 of this chapter to the extent  
32 that the statute is inconsistent with sections 20 through 24 of this  
33 chapter.

34 SECTION 172. IC 20-26-7-29 IS REPEALED [EFFECTIVE JULY  
35 1, 2015]. Sec. 29: A school building may not be condemned and  
36 declared unfit for use for school purposes except as provided in  
37 sections 30 through 34 of this chapter.

38 SECTION 173. IC 20-26-7-30 IS REPEALED [EFFECTIVE JULY  
39 1, 2015]. Sec. 30: A petition signed by:

40 (1) the state department of health;

41 (2) the state fire marshal; or

42 (3) at least twenty-five (25) legal residents of the school



1 corporation in which a school building is located; at least fifteen  
 2 (15) of whom are resident freeholders;  
 3 may be filed with the auditor of the county in which the school  
 4 corporation is located; alleging that the school building designated in  
 5 the petition is insanitary or otherwise unfit for use for school purposes  
 6 and should be condemned:

7 SECTION 174. IC 20-26-7-31 IS REPEALED [EFFECTIVE JULY  
 8 1, 2015]. Sec. 31. If a petition is filed under section 30 of this chapter;  
 9 the auditor of the county shall do the following:

10 (1) Mail one (1) copy of the petition to:

11 (A) the county superintendent of schools; and

12 (B) the township trustee or the president of the board of school  
 13 trustees or board of school commissioners of the school  
 14 corporation in which the school building is located:

15 (2) Give notice by one (1) publication in each of two (2)  
 16 newspapers circulating in the school corporation in which the  
 17 school building is located that a hearing will be held:

18 (A) at a place and at a time designated in the notice;

19 (B) not less than ten (10) days after the date on which the  
 20 notice is published;

21 (C) before the board of county commissioners and the county  
 22 council of the county, acting jointly; and

23 (D) at which an interested person may appear in person or by  
 24 attorney and be heard:

25 SECTION 175. IC 20-26-7-32 IS REPEALED [EFFECTIVE JULY  
 26 1, 2015]. Sec. 32. (a) The auditor shall call a special session of the  
 27 board of county commissioners and the county council to:

28 (1) conduct the hearing described in section 31 of this chapter;  
 29 and

30 (2) determine the matter submitted:

31 (b) The chairman of the county council shall preside at the hearing.

32 SECTION 176. IC 20-26-7-33 IS REPEALED [EFFECTIVE JULY  
 33 1, 2015]. Sec. 33. (a) The hearing described in section 31 of this  
 34 chapter may be adjourned from day to day:

35 (b) When the hearing has concluded; the board of county  
 36 commissioners and county council, acting jointly, shall determine from:

37 (1) the evidence submitted;

38 (2) an inspection of the building; or

39 (3) both the evidence and an inspection;

40 if the building should be condemned:

41 (c) If the board of county commissioners and county council, acting  
 42 jointly, determine that the building should be condemned; the board





1 and council shall fix a date when the order of the board and council  
 2 becomes effective. An appeal from the finding and determination of the  
 3 board of county commissioners may be made to the circuit or superior  
 4 court of the county in the same manner as appeals are taken from the  
 5 board of county commissioners.

6 SECTION 177. IC 20-26-7-34 IS REPEALED [EFFECTIVE JULY  
 7 1, 2015]. Sec. 34: (a) The state board may not:

- 8 (1) revoke the commission of a high school; or
- 9 (2) refuse to grant a commission to a high school when properly  
 10 applied for;

11 because of the physical condition of any of the buildings in which the  
 12 high school is conducted or maintained:

13 (b) The credits or the academic standing of a person who is a pupil  
 14 in or a graduate of a high school may not be affected or determined by  
 15 the physical condition of the building in which the pupil attended high  
 16 school:

17 SECTION 178. IC 20-26-7-35 IS REPEALED [EFFECTIVE JULY  
 18 1, 2015]. Sec. 35: (a) A decision of the state department of health to  
 19 build, change, or condemn a school building may be appealed by:

- 20 (1) a township trustee;
- 21 (2) a board of school trustees or board of school commissioners;
- 22 (3) a member of a township board; or
- 23 (4) at least ten (10) residents and taxpayers;

24 of a township, town, or city in which the matter involving the building;  
 25 changing, or condemnation of a school building occurred. The appeal  
 26 may be made to a circuit or superior court of the county in which the  
 27 township is located. A final appeal may be made to any court of last  
 28 resort in Indiana:

29 (b) The appeal must:

- 30 (1) be made in the name of the person making the appeal or in the  
 31 name of the officer making the appeal; and
- 32 (2) be perfected by filing a complaint or petition:
  - 33 (A) in the office of the clerk of the court to which the appeal  
 34 is taken;
  - 35 (B) not more than thirty (30) days after the date of final  
 36 decision by the state department of health that ordered the  
 37 changing, condemnation, or building of the school building  
 38 was made; and
  - 39 (C) that sets forth the facts being appealed.

40 (c) The:

- 41 (1) state department of health; and
- 42 (2) township trustee, board of school commissioners, or board of



1 school trustees if the appeal is made by the residents and  
 2 taxpayers or by a member of the township board;  
 3 shall be named as defendants in the cause of action:

4 (d) Notice of the filing and pendency of the appeal shall be made by  
 5 serving a summons, regularly issued by the court where cause of action  
 6 is pending; on the state health commissioner at least ten (10) days  
 7 before the hearing of the cause:

8 (e) The appeal shall be tried as other civil causes are tried in  
 9 Indiana. If the appeal is made by private citizens, bond approved by the  
 10 court shall be given to cover costs and reasonable attorney's fees if the  
 11 appeal is not sustained:

12 SECTION 179. IC 20-26-7-43 IS REPEALED [EFFECTIVE JULY  
 13 1, 2015]. Sec. 43: (a) This section applies to school corporations  
 14 organized and formed through reorganization under IC 20-23-4,  
 15 IC 20-23-6, or IC 20-23-7 and school townships under IC 20-23-3:

16 (b) This section applies only when a school corporation or school  
 17 township sustains loss by fire, wind, cyclone, or other disaster of all or  
 18 a major part of its school building or school buildings:

19 (c) A school corporation or school township seeking to exercise its  
 20 right of eminent domain under IC 32-24 to obtain land for use in  
 21 reconstructing or replacing the school building or school buildings may  
 22 not condemn more than twice the acreage established by the state board  
 23 as the minimum acreage requirement for the type of school building  
 24 damaged or destroyed and being reconstructed or replaced. In  
 25 determining the acreage, land already owned by the school corporation  
 26 or school township that adjoins any part of the land out of which  
 27 additional land is sought to be condemned shall be used in computing  
 28 the total acreage for the reconstruction or replacement of the school  
 29 building or school buildings under this section. The need for the  
 30 additional land is subject to judicial review in the court where the  
 31 condemnation action is filed and may, at the request of either party, be  
 32 tried either by the court or a jury before appraisers are appointed with  
 33 full rights of appeal; by either party, from the interlocutory findings:

34 SECTION 180. IC 20-26-7-44 IS REPEALED [EFFECTIVE JULY  
 35 1, 2015]. Sec. 44: (a) If:

36 (1) a school township has acquired or acquires any personal  
 37 property or money by gift, devise, or bequest;

38 (2) the donor or testator, at the time of making the gift, devise, or  
 39 bequest does not or did not attach any conditions or directions  
 40 concerning the way or manner in which the gift, devise, or  
 41 bequest may or shall be used or expended for the benefit of the  
 42 public schools of the school township; and



1           (3) a petition is signed by at least fifty (50) resident freeholders of  
 2           the school township and filed before August 2 with the trustee of  
 3           the school township; requesting the township board to appropriate  
 4           and transfer all of the gift, devise, or bequest to a capital projects  
 5           fund or debt service fund to be used for the erection of a new  
 6           school building or buildings;  
 7           the trustee shall give notice to the taxpayers of the school township; by  
 8           publication; that on the same day on which the township board meets  
 9           to establish the tax levy for the ensuing year; all persons interested in  
 10          the proposed petition may appear and be heard:

11          (b) If the township board grants the petition after the hearing; the  
 12          township board shall appropriate and transfer all the money of the gift;  
 13          devise; or bequest to a capital projects fund or debt service fund for the  
 14          erection of a new school building or buildings:

15          (c) If any gift, devise; or bequest subject to this section consists of  
 16          stocks, bonds; or other personal property; the township trustee; with the  
 17          consent and approval of the township board; may sell the stocks, bonds;  
 18          or other personal property for not less than the market value of the  
 19          property on the day on which the property is sold:

20          SECTION 181. IC 20-26-8 IS REPEALED [EFFECTIVE JULY 1,  
 21          2015]. (Community Use of School Property).

22          SECTION 182. IC 20-26-9-2, AS AMENDED BY P.L.54-2006,  
 23          SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 24          JULY 1, 2015]: Sec. 2. (a) This subsection applies before July 1, 2007.  
 25          As used in this chapter; "qualifying school building" refers to a public  
 26          school building in which:

27               (1) at least twenty-five percent (25%) of the students who were  
 28               enrolled at that school building during the prior school year  
 29               qualified for free or reduced price lunches under guidelines  
 30               established under 42 U.S.C. 1758(b); and

31               (2) lunches are served to students:

32          (b) This subsection applies after June 30, 2007. As used in this  
 33          chapter; "qualifying school building" refers to a public school building  
 34          in which:

35               (1) at least fifteen percent (15%) of the students who were  
 36               enrolled at that school building during the prior school year  
 37               qualified for free or reduced price lunches under guidelines  
 38               established under 42 U.S.C. 1758(b); and

39               (2) lunches are served to students.

40          SECTION 183. IC 20-26-9-12, AS AMENDED BY P.L.146-2008,  
 41          SECTION 468, IS AMENDED TO READ AS FOLLOWS  
 42          [EFFECTIVE JULY 1, 2015]: Sec. 12. (a) School cities, school



1 townships, school towns, and joint districts may:

- 2 (1) establish, equip, operate, and maintain school kitchens and  
 3 school lunchrooms for the improvement of the health of students  
 4 and for the advancement of the educational work of their  
 5 respective schools;  
 6 (2) employ all necessary directors, assistants, and agents; and  
 7 (3) appropriate funds for the school lunch program.

8 Participation in a school lunch program under this chapter is  
 9 discretionary with the governing board of a school corporation.

10 (b) If federal funds are not available to operate a school lunch  
 11 program:

- 12 (1) the state may not participate in a school lunch program; and  
 13 (2) money appropriated by the state for that purpose and not  
 14 expended shall immediately revert to the state general fund.

15 (c) Failure on the part of the state to participate in the school lunch  
 16 program does not invalidate any appropriation made or school lunch  
 17 program carried on by a school corporation by means of gifts or money  
 18 appropriated from state tuition support distributions received by the  
 19 school corporation.

20 SECTION 184. IC 20-26-9-18 IS REPEALED [EFFECTIVE JULY  
 21 1, 2015]. Sec. 18: (a) Before July 1, 2007, each school board shall  
 22 establish a coordinated school health advisory council (referred to as  
 23 the "advisory council" in this section). The advisory council may  
 24 review the corporation's wellness policies on a yearly basis and suggest  
 25 to the school board for approval changes to the policies that comply  
 26 with the requirements of federal Public Law 108-265 and  
 27 IC 5-22-15-24(c) before July 1 of each year. The advisory council must  
 28 hold at least one (1) hearing at which public testimony about the local  
 29 wellness policy being developed is allowed:

30 (b) The school board shall appoint the members of the advisory  
 31 council, which must include the following:

- 32 (1) Parents;  
 33 (2) Food service directors and staff;  
 34 (3) Students;  
 35 (4) Nutritionists or certified dietitians;  
 36 (5) Health care professionals;  
 37 (6) School board members;  
 38 (7) A school administrator;  
 39 (8) Representatives of interested community organizations.

40 (c) The school board shall adopt a school district policy on child  
 41 nutrition and physical activity that takes into consideration  
 42 recommendations made by the advisory council.



1 (d) The department shall, in consultation with the state department  
 2 of health, provide technical assistance to the advisory councils;  
 3 including providing information on health, nutrition, and physical  
 4 activity, through educational materials and professional development  
 5 opportunities. The department shall provide the information given to  
 6 an advisory council under this subsection to a school or parent upon  
 7 request.

8 SECTION 185. IC 20-26-9-19 IS REPEALED [EFFECTIVE JULY  
 9 1, 2015]. Sec. 19: (a) This section does not apply to a food or beverage  
 10 item that is:

- 11 (1) part of a school lunch program or school breakfast program;
- 12 (2) sold in an area that is not accessible to students;
- 13 (3) sold after normal school hours; or
- 14 (4) sold or distributed as part of a fundraiser conducted by  
 15 students, teachers, school groups, or parent groups, if the food or  
 16 beverage is not intended for student consumption during the  
 17 school day.

18 However, this section applies to a food or beverage item that is sold in  
 19 the a la carte line of a school cafeteria and is not part of the federal  
 20 school lunch program or federal school breakfast program.

21 (b) A vending machine at an elementary school that dispenses food  
 22 or beverage items may not be accessible to students.

23 (c) At least fifty percent (50%) of the food items available for sale  
 24 at a school or on school grounds must qualify as better choice foods  
 25 and at least fifty percent (50%) of the beverage items available for sale  
 26 at a school or on school grounds must qualify as better choice  
 27 beverages. Food and beverage items are subject to the following for  
 28 purposes of this subsection:

- 29 (1) The following do not qualify as better choice beverages:
  - 30 (A) Soft drinks, punch, iced tea, and coffee.
  - 31 (B) Fruit or vegetable based drinks that contain less than fifty  
 32 percent (50%) real fruit or vegetable juice or that contain  
 33 additional caloric sweeteners.
  - 34 (C) Except for low fat and fat free chocolate milk, drinks that  
 35 contain caffeine.
- 36 (2) The following qualify as better choice beverages:
  - 37 (A) Fruit or vegetable based drinks that:
    - 38 (i) contain at least fifty percent (50%) real fruit or vegetable  
 39 juice; and
    - 40 (ii) do not contain additional caloric sweeteners.
  - 41 (B) Water and seltzer water that do not contain additional  
 42 caloric sweeteners.



- 1 (C) Low fat and fat free milk, including chocolate milk, soy  
 2 milk, rice milk, and other similar dairy and nondairy calcium  
 3 fortified milks.  
 4 (D) Isotonic beverages.
- 5 (3) Food items that meet all the following standards are  
 6 considered better choice foods:  
 7 (A) Not more than thirty percent (30%) of their total calories  
 8 are from fat.  
 9 (B) Not more than ten percent (10%) of their total calories are  
 10 from saturated and trans fat.  
 11 (C) Not more than thirty-five percent (35%) of their weight is  
 12 from sugars that do not occur naturally in fruits, vegetables, or  
 13 dairy products.
- 14 (d) A food item available for sale at a school or on school grounds  
 15 may not exceed the following portion limits if the food item contains  
 16 more than two hundred ten (210) calories:  
 17 (1) In the case of potato chips, crackers, popcorn, cereal, trail  
 18 mixes, nuts, seeds, dried fruit, and jerky, one and seventy-five  
 19 hundredths (1.75) ounces.  
 20 (2) In the case of cookies and cereal bars, two (2) ounces.  
 21 (3) In the case of bakery items, including pastries, muffins, and  
 22 donuts, three (3) ounces.  
 23 (4) In the case of frozen desserts, including ice cream, three (3)  
 24 fluid ounces.  
 25 (5) In the case of nonfrozen yogurt, eight (8) ounces.  
 26 (6) In the case of entree items and side dish items, including  
 27 french fries and onion rings, the food item available for sale may  
 28 not exceed the portion of the same entree item or side dish item  
 29 that is served as part of the school lunch program or school  
 30 breakfast program.
- 31 (e) A beverage item available for sale at a school or on school  
 32 grounds may not exceed twenty (20) ounces.
- 33 SECTION 186. IC 20-26-10-10 IS REPEALED [EFFECTIVE JULY  
 34 1, 2015]. Sec. 10: Two (2) or more school corporations within a county  
 35 may through their respective school trustees and boards engage in any  
 36 of the following:  
 37 (1) Joint employment of professional personnel.  
 38 (2) Joint purchases of necessary supplies, equipment, and other  
 39 materials that the participating school officers consider proper to  
 40 the operation of their respective schools.  
 41 The cost of these services and purchases to participating corporations  
 42 shall be determined by their proportionate use in the schools of



1 participating corporations. The county superintendent of schools is the  
2 administrator of these joint activities.

3 SECTION 187. IC 20-26-10-11 IS REPEALED [EFFECTIVE JULY  
4 1, 2015]. Sec. ~~11~~. (a) A county board of education may authorize the  
5 county superintendent of schools to establish a joint service and supply  
6 fund; into which fund the participating school corporations shall pay  
7 their proportionate share under an agreement for the joint services and  
8 supplies in which the school corporations are interested. The county  
9 superintendent of schools may disburse from the service and supply  
10 fund proper expenditures to pay salaries of jointly employed personnel  
11 and other joint service expenditures.

12 (b) The county superintendent of schools shall keep a complete  
13 written accounting of all receipts and disbursements related to the joint  
14 service and supply fund in a form approved by the state board of  
15 accounts. The accounting shall be audited by the state board of  
16 accounts. The county superintendent of schools shall make a complete  
17 and detailed financial report of all receipts and disbursements in the  
18 joint service and supply fund at the end of each fiscal year and shall  
19 furnish copies of the report to all participating school corporations.

20 SECTION 188. IC 20-26-11-11.5, AS ADDED BY P.L.129-2013,  
21 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
22 JULY 1, 2015]: Sec. 11.5. (a) The following definitions apply to this  
23 section:

24 (1) "ADM" means average daily membership (as defined in  
25 IC 20-18-2-2).

26 (2) "Facility" means a secure private facility described in  
27 IC 31-9-2-115(a)(1).

28 (3) "School corporation" means the Indiana school or charter  
29 school that is receiving state tuition support for the student at the  
30 time of the student's admission to the facility.

31 (4) "Student" means an individual who:

32 (A) is more than five (5) years of age and less than  
33 twenty-three (23) years of age;

34 (B) has been admitted to a facility; and

35 (C) was enrolled in a school corporation during the school year  
36 immediately preceding the student's admission to the facility.

37 (b) This section applies to a student if:

38 (1) the student is placed in a facility under the written order of a  
39 physician licensed under IC 25-22.5;

40 (2) the written order of the physician licensed under IC 25-22.5  
41 is based on medical necessity, as determined by a physician  
42 licensed under IC 25-22.5; and



- 1 (3) the student receives educational services provided by the  
2 facility.
- 3 (c) A facility shall provide written notice to the school corporation  
4 not later than five (5) business days (excluding weekends and holidays)  
5 after a student described in subsection (b) is admitted to the facility.  
6 The written notice must include the following:
- 7 (1) The student's name, address, and date of birth.
  - 8 (2) The date on which the student was admitted to the facility.
  - 9 (3) A copy of the physician's written order.
  - 10 (4) A statement that the student has opted out of attending school  
11 under IC 20-26-11-8.
  - 12 (5) A statement that the facility will provide all educational  
13 services to the student during the student's admission in the  
14 facility.
- 15 (d) The school corporation shall pay the facility a daily per diem as  
16 determined under subsection (e) for the educational services provided  
17 by the facility to the student during the student's admission in the  
18 facility. The school corporation may not be required to pay for any  
19 educational services provided to the student by the facility exceeding  
20 ~~one hundred eighty (180) the required~~ instructional ~~days time~~ or an  
21 amount exceeding the student's proportionate share of state  
22 distributions paid to the school corporation, as determined under  
23 subsection (e).
- 24 (e) A school corporation shall pay to the facility an amount, prorated  
25 according to the ~~number amount~~ of instructional ~~days time~~ for which  
26 the student receives the educational services, equal to:
- 27 (1) the student's proportionate share (as compared to the school  
28 corporation's total ADM) of basic tuition support (as determined  
29 under IC 20-43-6-3(b)) distributions that are made to the school  
30 corporation for the school year; and
  - 31 (2) any special education grants received by the school  
32 corporation for the student under IC 20-43-7.
- 33 Upon request of a facility, the department shall verify the amounts  
34 described in this subsection for a student admitted to the facility.
- 35 (f) A school corporation responsible for making a per diem payment  
36 under this section shall pay the facility not later than sixty (60) days  
37 after receiving an invoice from the facility. The school corporation and  
38 the facility are entitled to the same remedies for disagreements over  
39 amounts or nonpayment of an amount due as are provided under the  
40 laws governing transfer tuition.
- 41 (g) For each student admitted to a facility, the facility shall provide  
42 the following in accordance with rules adopted by the state board:





- 1 (1) An educational opportunity, including special education and
- 2 related services, that is comparable to that of a student attending
- 3 a school in the school corporation.
- 4 (2) A level of educational services from the facility that is
- 5 comparable to that of a student attending a school in the school
- 6 corporation.
- 7 (3) Unless otherwise provided in a student's individualized
- 8 education program (as defined in IC 20-18-2-9), educational
- 9 services that include at least the following:
  - 10 ~~(A)~~ **(A)** An instructional day that meets the requirements of
  - 11 ~~IC 20-30-2-2.~~
  - 12 ~~(B)~~ **(A)** A school year with at least ~~one hundred eighty (180)~~
  - 13 ~~student the instructional days time as provided required~~
  - 14 ~~under IC 20-30-2-3.~~
  - 15 ~~(C)~~ **(B)** Educationally appropriate textbooks and other
  - 16 materials.
  - 17 ~~(D)~~ **(C)** Educational services provided by licensed teachers.
- 18 (h) The state board shall adopt a rule that addresses the
- 19 responsibilities of the school corporation and the facility with regard to
- 20 a student with an individualized education program.
- 21 (i) This section does not limit a student's right to attend a school as
- 22 provided in IC 20-26-11-8.
- 23 (j) The state board shall adopt rules under IC 4-22-2 as necessary to
- 24 implement this section.
- 25 (k) The state board may adopt emergency rules in the manner
- 26 provided in IC 4-22-2-37.1 to implement this section.
- 27 SECTION 189. IC 20-26-11-19 IS REPEALED [EFFECTIVE JULY
- 28 1, 2015]. ~~Sec. 19: (a) This section through section 29 of this chapter~~
- 29 ~~concern the transfer of students for education from one (1) school~~
- 30 ~~corporation (transferor corporation) to another school corporation~~
- 31 ~~(transferee corporation) in compliance with a court order as described~~
- 32 ~~in this section. This chapter applies solely in a situation where a court~~
- 33 ~~of the United States or of Indiana in a suit to which the transferor or~~
- 34 ~~transferee corporation or corporations are parties has found the~~
- 35 ~~following:~~
  - 36 ~~(1) A transferor corporation has violated the equal protection~~
  - 37 ~~clause of the Fourteenth Amendment to the Constitution of the~~
  - 38 ~~United States by practicing de jure racial segregation of the~~
  - 39 ~~students within its borders:~~
  - 40 ~~(2) A unitary school system within the meaning of the Fourteenth~~
  - 41 ~~Amendment cannot be implemented within the boundaries of the~~
  - 42 ~~transferor corporation.~~



1 (3) The Fourteenth Amendment compels the court to order a  
 2 transferor corporation to transfer its students for education to one  
 3 (1) or more transferee corporations to effect a plan of  
 4 desegregation in the transferor corporation that is acceptable  
 5 within the meaning of the Fourteenth Amendment.

6 (b) This chapter does not apply until all appeals from the order;  
 7 whether taken by the transferor corporation, any transferee corporation  
 8 or any party to the action, have been exhausted or the time for taking  
 9 the appeals has expired, except where all stays of a transfer order  
 10 pending appeal or further court action have been denied:

11 SECTION 190. IC 20-26-11-20 IS REPEALED [EFFECTIVE JULY  
 12 1, 2015]. Sec. 20: (a) As used in sections 19 through 29 of this chapter,  
 13 "class of school" refers to a classification of each school in the  
 14 transferee corporation by the grades taught therein (generally  
 15 denominated as elementary schools; middle schools or junior high  
 16 schools; high schools; and special schools such as schools for special  
 17 education; career and technical education; or career education).  
 18 Elementary schools include schools containing kindergarten, but for  
 19 purposes of this chapter; a kindergarten student shall be counted as  
 20 one-half (1/2) student.

21 (b) As used in sections 19 through 29 of this chapter, "transferee  
 22 corporation" means the school corporation receiving students under a  
 23 court order described in section 19 of this chapter.

24 (c) As used in sections 19 through 29 of this chapter, "transferor  
 25 corporation" means the school corporation transferring students under  
 26 a court order described in section 19 of this chapter.

27 (d) As used in sections 19 through 29 of this chapter, "transferred  
 28 student" means any student transferred under a court order described  
 29 in section 19 of this chapter.

30 SECTION 191. IC 20-26-11-21 IS REPEALED [EFFECTIVE JULY  
 31 1, 2015]. Sec. 21: (a) The governing body of a transferee corporation  
 32 may add two (2) members; one (1) of whom must be a resident of the  
 33 contributing geographic area within the transferor corporation from  
 34 which students are being bused; to the transferee corporation's  
 35 governing body for each transferor corporation that the transferee  
 36 corporation serves. These members are in addition to the number of  
 37 members of the governing body who are residents of the transferee  
 38 corporation.

39 (b) Each member who is a resident of a contributing transferor  
 40 corporation added to the governing body of a transferee corporation by  
 41 this section:

42 (1) shall be elected by a majority of all registered and eligible



1 voters who vote in each applicable school board election in the  
2 school corporation;

3 (2) must have the same qualifications, other than residency or  
4 property ownership, that are required for a member of the  
5 governing body who is a resident of the transferee corporation;  
6 and

7 (3) serves for the same number of years as members of the  
8 governing body who are residents of the transferee corporation.

9 (c) The members of the governing body of the transferee corporation  
10 shall appoint by majority vote the first additional members of a  
11 governing body under this section. The members appointed under this  
12 subsection serve until replacement members are elected under  
13 subsections (d) and (e).

14 (d) The first elected members of a governing body from a transferor  
15 corporation shall be elected at the first election after the members are  
16 added under subsection (a):

17 (1) that occurs in the transferor corporation; and

18 (2) where one (1) or more members of the governing body of the  
19 transferor corporation are elected.

20 The election shall be conducted in the manner required by law for the  
21 conduct of elections of governing bodies of school corporations.

22 (e) This subsection applies to an additional member of a governing  
23 body appointed under subsection (c) to whom subsection (d) does not  
24 apply. The first additional elected member of a governing body must  
25 be elected at the first election after the members are added under  
26 subsection (a) where one (1) or more members of the governing body  
27 of the transferee corporation are elected. The election must be  
28 conducted in the manner required by law for the conduct of elections  
29 of governing bodies of school corporations.

30 SECTION 192. IC 20-26-11-22 IS REPEALED [EFFECTIVE JULY  
31 1, 2015]. Sec. 22: (a) The transferee corporation is entitled to receive  
32 from the transferor corporation transfer tuition for each transferred  
33 student for each school year calculated in two (2) parts as 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 193. IC 20-26-11-23 IS REPEALED [EFFECTIVE JULY  
19 1, 2015]. Sec. 23: (a) If a transfer is ordered to commence in a school  
20 year, where the transferor corporation has net additional costs over  
21 savings (on account of any transfer ordered) allocable to the state fiscal  
22 year in which the school year begins, and where the transferee  
23 corporation does not have budgeted funds for the net additional costs;  
24 the net additional costs may be recovered by one (1) or more of the  
25 following methods in addition to any other methods provided by  
26 applicable law:

- 27 (1) An emergency loan made under IC 20-48-1-7 to be paid, out  
28 of the debt service levy and fund; or a loan from any state fund  
29 made available for the net additional costs.  
30 (2) An advance in the state fiscal year of state funds; which would  
31 otherwise become payable to the transferee corporation after such  
32 state fiscal year under law.  
33 (3) A grant or grants in the calendar year from any funds of the  
34 state made available for the net additional costs.

35 (b) The net additional costs must be certified by the department of  
36 local government finance. Repayment of any advance or loan from the  
37 state shall be made from state tuition support distributions or other  
38 money available to the school corporation.

39 SECTION 194. IC 20-26-11-24 IS REPEALED [EFFECTIVE JULY  
40 1, 2015]. Sec. 24: Transfer tuition for each school year shall be paid by  
41 the transferor corporation during the term of the year and following the  
42 end of term in four (4) installments within ten (10) days after the first



1 day of November, February, May and August, respectively. The first  
 2 three (3) payments shall be calculated on the basis of estimates based  
 3 on the previous year's cost per student and the enrollment for the day  
 4 schools are open in the transferee corporation next preceding the  
 5 applicable payment date.

6 SECTION 195. IC 20-26-11-25 IS REPEALED [EFFECTIVE JULY  
 7 1, 2015]. Sec. 25: (a) Payment of the operating cost must be paid from  
 8 and received to the respective general funds of the transferor and  
 9 transferee corporations.

10 (b) Payment of capital costs must be made by the transferor  
 11 corporation; at its discretion; from any fund or source and be received  
 12 by the transferee corporation; at its discretion; either to the capital  
 13 projects fund or to the debt service fund.

14 SECTION 196. IC 20-26-11-26 IS REPEALED [EFFECTIVE JULY  
 15 1, 2015]. Sec. 26: The transferor corporation shall provide each  
 16 transferred student transportation to and from the school in the  
 17 transferee corporation to which the student is assigned. However, the  
 18 transferor corporation may require the transferred student to walk a  
 19 reasonable distance from the student's home to school or to a  
 20 transportation pickup point.

21 SECTION 197. IC 20-26-11-27 IS REPEALED [EFFECTIVE JULY  
 22 1, 2015]. Sec. 27: Transportation must be provided by the transferor  
 23 corporation to each transferred student under IC 20-27. However, the  
 24 transferor corporation may contract with the transferee corporation to  
 25 provide transportation to the transferred students at the expense of the  
 26 transferor corporation; and that the transferor corporation; in addition  
 27 to the other means of financing the purchase of transportation  
 28 equipment; may make the purchases out of its capital projects fund.

29 SECTION 198. IC 20-26-11-29 IS REPEALED [EFFECTIVE JULY  
 30 1, 2015]. Sec. 29: (a) The provisions of sections 19 through 29 of this  
 31 chapter concerning the calculation of transfer tuition; the credits for  
 32 state distribution; state reimbursement of transportation costs; or other  
 33 state reimbursement may be implemented by rules adopted by the state  
 34 board.

35 (b) The state board shall adopt rules for the enforcement of the  
 36 payment of transfer tuition. The payment enforcement may include the  
 37 withholding of state support from the transferor corporation for the  
 38 benefit of the transferee corporation.

39 (c) A transferor or the transferee corporation may dispute the  
 40 amount of transfer tuition or state reimbursement by petitioning the  
 41 state superintendent. Any dispute in the amount of transfer tuition or  
 42 state reimbursement shall be determined by the state superintendent.



1 SECTION 199. IC 20-26-11-32 IS REPEALED [EFFECTIVE JULY  
2 1, 2015]. Sec. 32: (a) This section does not apply to a school  
3 corporation if the governing body has adopted a policy of not accepting  
4 the transfer of any student who does not have legal settlement within  
5 the school corporation:

6 (b) The governing body of a school corporation shall annually  
7 establish:

8 (1) except as provided in subsection (m), the number of transfer  
9 students the school corporation has the capacity to accept in each  
10 grade level; and

11 (2) the date by which requests to transfer into the school  
12 corporation must be received by the governing body:

13 (c) After establishing the date under subsection (b)(2), the  
14 governing body shall:

15 (1) publish the date on the school corporation's Internet web site;  
16 and

17 (2) report the date to the department:

18 (d) The department shall publish the dates received from school  
19 corporations under subsection (c)(2) on the department's Internet web  
20 site:

21 (e) A student to whom this section applies may not request to  
22 transfer under this section primarily for athletic reasons to a school  
23 corporation in which the student does not have legal settlement:

24 (f) If the number of requests to transfer into a school corporation  
25 received by the date established for the school corporation under  
26 subsection (b)(2) exceeds the capacity established for the school  
27 corporation under subsection (b)(1), each timely request must be given  
28 an equal chance to be accepted; with the exception that a student  
29 described in subsection (h) shall be given priority: The governing body  
30 must determine which students will be admitted as transfer students to  
31 each school building and each grade level within the school corporation  
32 by a random drawing in a public meeting:

33 (g) Except as provided in subsections (i), (j), (k), and (m), the  
34 governing body of a school corporation may not deny a request for a  
35 student to transfer into the school corporation based upon the student's  
36 academic record, scores on ISTEP tests, disciplinary record, or  
37 disability; or upon any other factor not related to the school  
38 corporation's capacity:

39 (h) Except as provided in subsections (i), (j), and (k), the governing  
40 body of a school corporation may not deny a request for a student to  
41 transfer into the school corporation if the student requesting to transfer:

42 (1) is a member of a household in which any other member of the



1 household is a student in the transferee school; or

2 (2) has a parent who is an employee of the school corporation:

3 (i) A governing body of a school corporation may limit the number  
4 of new transfers to a school building or grade level in the school  
5 corporation:

6 (1) to ensure that a student who attends a school within the school  
7 corporation as a transfer student during a school year may  
8 continue to attend the school in subsequent school years; and

9 (2) to allow a student described in subsection (h) to attend a  
10 school within the school corporation:

11 (j) Notwithstanding subsections (g) and (h), a governing body of a  
12 school corporation may deny a request for a student to transfer to the  
13 school corporation; or establish terms or conditions for enrollment that  
14 prevent a student from enrolling in a school; if the student has been  
15 suspended (as defined in IC 20-33-8-7) or expelled (as defined in  
16 IC 20-33-8-3) during the twelve (12) months preceding the student's  
17 request to transfer under this section:

18 (1) for ten (10) or more school days;

19 (2) for a violation under IC 20-33-8-16;

20 (3) for causing physical injury to a student, a school employee; or  
21 a visitor to the school; or

22 (4) for a violation of a school corporation's drug or alcohol rules.

23 For purposes of subdivision (1), student discipline received under  
24 IC 20-33-8-25(b)(7) for a violation described in subdivisions (2)  
25 through (4) shall be included in the calculation of the number of school  
26 days that a student has been suspended.

27 (k) The governing body of a school corporation with a school  
28 building that offers a special curriculum may require a student who  
29 transfers to the school building to meet the same eligibility criteria  
30 required of all students who attend the school building that offers the  
31 special curriculum.

32 (l) The parent of a student for whom a request to transfer is made is  
33 responsible for providing the school corporation to which the request  
34 is made with records or information necessary for the school  
35 corporation to determine whether the request to transfer may be denied  
36 under subsection (j):

37 (m) Notwithstanding this section, the governing body of a school  
38 corporation may authorize the school corporation to enter into an  
39 agreement with an accredited nonpublic school or charter school to  
40 allow students of the accredited nonpublic school or charter school to  
41 transfer to a school within the school corporation:

42 (n) A school corporation that has adopted a policy to not accept





1 student transfers after June 30, 2013; is not prohibited from enrolling  
 2 at:

- 3 (1) transfer student who attended a school within the school
- 4 corporation during the 2012-2013 school year; or
- 5 (2) member of a household in which any other member of the
- 6 household was a transfer student who attended a school within the
- 7 school corporation during the 2012-2013 school year.

8 However, if a school corporation enrolls a student described in  
 9 subdivision (1) or (2), the school corporation shall also allow a student  
 10 or member of the same household of a student who attended an  
 11 accredited nonpublic school within the attendance area of the school  
 12 corporation during the 2012-2013 school year to enroll in a school  
 13 within the school corporation.

14 SECTION 200. IC 20-26-12-1, AS AMENDED BY P.L.286-2013,  
 15 SECTION 60, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 16 JULY 1, 2015]: Sec. 1. (a) Except as provided in ~~subsections~~  
 17 **subsection** (b) and (c) and notwithstanding any other law, each  
 18 governing body shall purchase from a publisher, either individually or  
 19 through a purchasing cooperative of school corporations, the curricular  
 20 materials selected by the proper local officials, and shall rent the  
 21 curricular materials to each student enrolled in a public school that is:

- 22 (1) in compliance with the minimum certification standards of the
- 23 state board; and
- 24 (2) located within the attendance unit served by the governing
- 25 body.

26 (b) This section does not prohibit the purchase of curricular  
 27 materials at the option of a student or the providing of free curricular  
 28 materials by the governing body under sections 6 through 21 of this  
 29 chapter.

30 (c) (b) This section does not prohibit a governing body from  
 31 suspending the operation of this section under a contract entered into  
 32 under IC 20-26-15.

33 SECTION 201. IC 20-26-12-2, AS AMENDED BY P.L.286-2013,  
 34 SECTION 61, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 35 JULY 1, 2015]: Sec. 2. (a) A governing body may purchase from a  
 36 publisher any curricular material selected by the proper local officials.  
 37 The governing body may rent the curricular materials to students  
 38 enrolled in any public or nonpublic school that is:

- 39 (1) in compliance with the minimum certification standards of the
- 40 state board; and
- 41 (2) located within the attendance unit served by the governing
- 42 body.



1 The annual rental rate may not exceed twenty-five percent (25%) of the  
2 retail price of the curricular materials.

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

6 (1) extended for usage by students under section 24(c) of this  
7 chapter; and

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

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

10 SECTION 202. IC 20-26-12-3 IS REPEALED [EFFECTIVE JULY  
11 1, 2015]. Sec. 3: (a) Upon a written determination by the governing  
12 body of a school corporation that curricular materials are no longer  
13 scheduled for use in the school corporation, the governing body may  
14 sell, exchange, transfer, or otherwise convey the curricular materials.  
15 However, before a governing body may mutilate or otherwise destroy  
16 curricular materials, the governing body must first comply with the  
17 following provisions:

18 (1) Subsection (b).

19 (2) Subsection (c).

20 (3) Section 4 of this chapter.

21 (4) Section 5 of this chapter.

22 (b) Before a governing body may mutilate or otherwise destroy  
23 curricular materials, the governing body shall provide at no cost and  
24 subject to availability one (1) copy of any curricular material that is no  
25 longer scheduled for use in the school corporation to:

26 (1) the parent of each student who is enrolled in the school  
27 corporation and who wishes to receive a copy of the curricular  
28 material; and

29 (2) if any curricular materials remain after distribution under  
30 subdivision (1), to any resident of the school corporation who  
31 wishes to receive a copy of the curricular material.

32 (c) If a governing body does not sell, exchange, transfer, or  
33 otherwise convey unused curricular materials under subsection (a) or  
34 (b), each public elementary and secondary school in the governing  
35 body's school corporation shall provide storage for at least three (3)  
36 months for the curricular materials in the school corporation. A school  
37 corporation may sell or otherwise convey the curricular materials to  
38 another school corporation at any time during the period of storage.

39 SECTION 203. IC 20-26-12-4 IS REPEALED [EFFECTIVE JULY  
40 1, 2015]. Sec. 4: (a) A school corporation shall compile a list of  
41 curricular materials in storage under section 3 of this chapter. The list  
42 must include the names of the publishers and the number of volumes



1 being stored. The list must be mailed to the department. The  
 2 department shall maintain a master list of all curricular materials being  
 3 stored by school corporations:

4 (b) Upon request, the state superintendent shall mail to a nonprofit  
 5 corporation or institution located in Indiana a list of curricular  
 6 materials available for access. A nonprofit corporation or institution  
 7 may acquire the curricular materials from the appropriate school  
 8 corporation by paying only the cost of shipping and mailing:

9 SECTION 204. IC 20-26-12-5 IS REPEALED [EFFECTIVE JULY  
 10 1, 2015]. Sec. 5: Curricular materials stored for at least three (3)  
 11 months under section 3 of this chapter may not be mutilated or  
 12 destroyed and must be maintained and stored according to regulations  
 13 prescribed by local and state health authorities. Curricular materials  
 14 that have not been requested after at least three (3) months may be  
 15 mutilated, destroyed, or otherwise disposed of by the school  
 16 corporation:

17 SECTION 205. IC 20-26-12-6 IS REPEALED [EFFECTIVE JULY  
 18 1, 2015]. Sec. 6: (a) Sections 7 through 21 of this chapter apply to  
 19 school libraries that contain free curricular materials. The curricular  
 20 materials must be selected by the proper local officials:

21 (b) As used in sections 7 through 21 of this chapter, "resident  
 22 student" means a student enrolled in any of the grades in any school  
 23 located in a school corporation, whether the student resides there or is  
 24 transferred there for school purposes:

25 SECTION 206. IC 20-26-12-7 IS REPEALED [EFFECTIVE JULY  
 26 1, 2015]. Sec. 7: (a) If a petition requesting the establishment of an  
 27 elementary school library is filed with a governing body, the governing  
 28 body shall provide a library containing curricular materials in sufficient  
 29 numbers to meet the needs of every resident student in each of the eight  
 30 (8) grades of each elementary school. The petition must be signed by  
 31 at least fifty-one percent (51%) of the registered voters of the governing  
 32 body's school corporation:

33 (b) This subsection applies to a governing body that has established  
 34 an elementary school library under subsection (a). If a petition  
 35 requesting establishment of a high school library is filed with the  
 36 governing body, the governing body shall provide a library containing  
 37 curricular materials in sufficient numbers to meet the needs of every  
 38 resident student in each of the four (4) grades of each high school. The  
 39 petition must be signed by at least twenty percent (20%) of the voters  
 40 of the school corporation as determined by the total vote cast at the last  
 41 general election for the trustee of the township, clerk of the town, or  
 42 mayor of the city:



1 SECTION 207. IC 20-26-12-8 IS REPEALED [EFFECTIVE JULY  
2 1, 2015]. Sec. 8: A petition for an elementary or a high school library  
3 under section 7 of this chapter must be in substantially the following  
4 form:

5 To the governing body of the school corporation of \_\_\_\_\_  
6 We, the undersigned voters of the school corporation of \_\_\_\_\_  
7 respectfully petition the governing body of the school corporation of  
8 \_\_\_\_\_ to establish an elementary school (or high school, as  
9 appropriate) library and to lend its school curricular materials free of  
10 charge to the resident students of the school corporation of  
11 \_\_\_\_\_, under IC 20-26-12:

12 NAME ADDRESS DATE  
13 \_\_\_\_\_  
14 \_\_\_\_\_  
15 STATE OF INDIANA )  
16 ) SS:  
17 \_\_\_\_\_ COUNTY )

18 \_\_\_\_\_ being duly sworn, deposes and says that he or she is  
19 the circulator of this petition paper and that the appended signatures  
20 were made in his or her presence and are the genuine signatures of the  
21 persons whose names they purport to be. Signed \_\_\_\_\_  
22 Subscribed and sworn to before me this \_\_\_\_ day of \_\_\_\_\_,  
23 20 \_\_. \_\_\_\_\_ Notary Public

24 SECTION 208. IC 20-26-12-9 IS REPEALED [EFFECTIVE JULY  
25 1, 2015]. Sec. 9: The signatures to each petition may be appended to  
26 one (1) petition paper. An affidavit of the circulator must be attached  
27 to each petition paper. The affidavit must state that each signature was  
28 made in the circulator's presence and is the genuine signature of the  
29 person whose name it purports to be. Each signature must be made in  
30 ink or indelible pencil. Each signer shall state the signer's name, the  
31 signer's residence by street and number, or any other description  
32 sufficient to identify the place and the date of the signing:

33 SECTION 209. IC 20-26-12-10 IS REPEALED [EFFECTIVE JULY  
34 1, 2015]. Sec. 10: A person who signs a petition under this chapter  
35 must be registered to vote in the precinct in which the person resides  
36 to be qualified to sign and to have the signature count.

37 SECTION 210. IC 20-26-12-11 IS REPEALED [EFFECTIVE JULY  
38 1, 2015]. Sec. 11: All petition papers requesting the establishment of  
39 a library under this chapter must be assembled and filed as one (1)  
40 instrument before July 2.

41 SECTION 211. IC 20-26-12-12 IS REPEALED [EFFECTIVE JULY  
42 1, 2015]. Sec. 12: (a) A governing body shall examine petition papers



1 filed under section 11 of this chapter and shall have the names checked  
 2 against the voter registration records in the county in which the  
 3 governing body's school corporation is located.

4 (b) A governing body may employ clerks to check voter registration  
 5 records under this section. The governing body may pay these expenses  
 6 from the school corporation's general fund without a specific  
 7 appropriation.

8 (c) A clerk employed under subsection (b) shall take an oath to  
 9 perform honestly and faithfully. The clerk is entitled to daily  
 10 compensation of not more than three dollars (\$3) for this work.

11 SECTION 212. IC 20-26-12-13 IS REPEALED [EFFECTIVE JULY  
 12 1, 2015]. Sec. 13: If a sufficient petition is filed under section 11 of this  
 13 chapter, a governing body shall note on the records of the governing  
 14 body's school corporation that by filing the petition the school  
 15 corporation must maintain:

16 (1) an elementary school library containing curricular materials  
 17 in sufficient numbers to meet the needs of every resident student  
 18 in each of the first eight (8) grades of each elementary school  
 19 located within the school corporation; or

20 (2) a high school library containing curricular materials in  
 21 sufficient numbers to meet the needs of every resident student in  
 22 each of the four (4) grades of each high school located within the  
 23 school corporation;

24 as applicable.

25 SECTION 213. IC 20-26-12-14 IS REPEALED [EFFECTIVE JULY  
 26 1, 2015]. Sec. 14: (a) This subsection applies to a school corporation  
 27 described in section 13(1) of this chapter. The governing body shall  
 28 make the first appropriation from the school corporation's general fund  
 29 in August following the petition's filing. Not later than the school term  
 30 following the first appropriation, the library must be established and  
 31 curricular materials must be loaned to resident students enrolled in the  
 32 first five (5) grades of the elementary school. Not later than the second  
 33 school term following the first appropriation, curricular materials must  
 34 be procured and loaned to resident students enrolled in the eight (8)  
 35 grades of the elementary school.

36 (b) This subsection applies to a school corporation described in  
 37 section 13(2) of this chapter. The governing body shall make the first  
 38 appropriation from the school corporation's general fund in September  
 39 following the petition's filing. Not later than the second school term  
 40 following the first appropriation, the library must be established and  
 41 curricular materials of the library must be loaned to resident students  
 42 enrolled in grade nine of the high school. During each following school



1 term, curricular materials must be procured and loaned to resident  
 2 students for an additional high school grade, in addition to the earlier  
 3 high school grades.

4 SECTION 214. IC 20-26-12-15 IS REPEALED [EFFECTIVE JULY  
 5 1, 2015]. Sec. 15: (a) A governing body shall purchase the necessary  
 6 curricular materials from publishers. The publisher shall ship the  
 7 curricular materials to the governing body not more than ninety (90)  
 8 days after the requisition. On receipt of the curricular materials, the  
 9 governing body's school corporation has custody of the curricular  
 10 materials. The governing body shall provide a receipt to the contracting  
 11 publisher and reimburse the contracting publisher the amount owed by  
 12 the school corporation from the school corporation's general fund.

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

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

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

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

20 SECTION 215. IC 20-26-12-16 IS REPEALED [EFFECTIVE JULY  
 21 1, 2015]. Sec. 16: Upon receipt of the curricular materials, a governing  
 22 body shall loan the curricular materials at no charge to each resident  
 23 student. Library curricular materials are available to each resident  
 24 student under this chapter and under regulations prescribed by the  
 25 superintendent and governing body of the school corporation.

26 SECTION 216. IC 20-26-12-17 IS REPEALED [EFFECTIVE JULY  
 27 1, 2015]. Sec. 17: (a) If a student transfers to a school corporation other  
 28 than the one in which the student resides under IC 20-26-11, the  
 29 governing body of the school corporation to which the student transfers  
 30 shall purchase a sufficient supply of curricular materials for the  
 31 transferred student.

32 (b) In the annual settlement between the school corporations for  
 33 tuition of transferred students, the amounts must include rental of the  
 34 curricular materials furnished to the transferred students. The state  
 35 board shall determine the rental rate.

36 SECTION 217. IC 20-26-12-18 IS REPEALED [EFFECTIVE JULY  
 37 1, 2015]. Sec. 18: A governing body may provide a sufficient amount  
 38 of curricular materials for sale to resident students at the price  
 39 stipulated in the contracts under which the curricular materials are  
 40 supplied to the governing body's school corporation. Proceeds from  
 41 sales under this section must be paid into the school corporation's  
 42 general fund.



1 SECTION 218. IC 20-26-12-19 IS REPEALED [EFFECTIVE JULY  
2 1, 2015]. Sec. 19: A governing body shall provide sufficient library  
3 facilities for the curricular materials to best accommodate the resident  
4 students.

5 SECTION 219. IC 20-26-12-20 IS REPEALED [EFFECTIVE JULY  
6 1, 2015]. Sec. 20: A governing body shall prescribe reasonable rules  
7 and regulations for the care, custody, and return of library curricular  
8 materials: A resident student using library curricular materials is  
9 responsible for the loss, mutilation, or defacement of the library  
10 curricular materials; other than reasonable wear.

11 SECTION 220. IC 20-26-12-21 IS REPEALED [EFFECTIVE JULY  
12 1, 2015]. Sec. 21: A governing body shall provide for the fumigation  
13 or destruction of library curricular materials at the times and under  
14 regulations prescribed by local and state health authorities. Before a  
15 governing body may mutilate or otherwise destroy curricular materials;  
16 the governing body shall provide at no cost and subject to availability  
17 one (1) copy of any curricular material that is no longer scheduled for  
18 use in the school corporation to:

- 19 (1) the parent of each child who is enrolled in the school  
20 corporation and who wishes to receive a copy of the curricular  
21 material; and
- 22 (2) if any curricular materials remain after distribution under  
23 subdivision (1); to any resident of the school corporation who  
24 wishes to receive a copy of the curricular material.

25 SECTION 221. IC 20-26-12-22 IS REPEALED [EFFECTIVE JULY  
26 1, 2015]. Sec. 22: If a school corporation purchases curricular materials  
27 on a time basis:

- 28 (1) the schedule for payments shall coincide with student  
29 payments to the school corporation for curricular material rental;  
30 and
- 31 (2) the schedule must not require the school corporation to  
32 assume a greater burden than payment of twenty-five percent  
33 (25%) within thirty (30) days after the beginning of the school  
34 year immediately following delivery by the contracting publisher  
35 with the school corporation's promissory note evidencing the  
36 unpaid balance.

37 SECTION 222. IC 20-26-12-23, AS AMENDED BY P.L.286-2013,  
38 SECTION 78, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
39 JULY 1, 2015]: Sec. 23. (a) A school corporation may:

- 40 (1) borrow money to buy curricular materials; and
- 41 (2) issue notes, maturing serially in not more than six (6) years  
42 and payable from its general fund, to secure the loan.



1 However, when an adoption is made by the proper local officials for  
 2 less than six (6) years, the period for which the notes may be issued is  
 3 limited to the period for which that adoption is effective.

4 ~~(b) Notwithstanding subsection (a), a school township may not~~  
 5 ~~borrow money to purchase curricular materials unless a petition~~  
 6 ~~requesting such an action and bearing the signatures of twenty-five~~  
 7 ~~percent (25%) of the resident taxpayers of the school township has~~  
 8 ~~been presented to and approved by the township trustee and township~~  
 9 ~~board.~~

10 SECTION 223. IC 20-26-12-24, AS AMENDED BY P.L.286-2013,  
 11 SECTION 79, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 12 JULY 1, 2015]: Sec. 24. (a) The superintendent shall establish  
 13 procedures for adoption of curricular materials.

14 (b) The governing body, upon receiving these recommendations  
 15 from the superintendent, shall adopt curricular materials for use in  
 16 teaching each subject in the school corporation.

17 (c) A special committee of teachers and parents may also be  
 18 appointed to review books, magazines, and audiovisual material used  
 19 or proposed for use in the classroom to supplement state adopted  
 20 curricular materials and may make recommendations to the  
 21 superintendent and the governing body concerning the use of these  
 22 materials.

23 ~~(d) Curricular materials selected shall be used for the lesser of:~~

24 ~~(1) six (6) years; or~~

25 ~~(2) the effective period of the academic standards adopted by the~~  
 26 ~~state board to which the curricular materials are aligned.~~

27 ~~(e) A selection may be extended beyond that period for up to six (6)~~  
 28 ~~years:~~

29 ~~(f) (d) The governing body may, if the governing body considers it~~  
 30 ~~appropriate, retain curricular materials adopted under this section and~~  
 31 ~~authorize the purchase of supplemental materials to ensure continued~~  
 32 ~~alignment with academic standards adopted by the state board.~~

33 ~~(g) (e) The superintendent, advisory committee, and governing body~~  
 34 ~~may consider using the list of curricular materials provided by the~~  
 35 ~~department under IC 20-20-5.5.~~

36 ~~(h) Notwithstanding subsection (g) and this chapter, the~~  
 37 ~~superintendent, advisory committee, and governing body shall adopt~~  
 38 ~~reading curricular materials from the list of recommended curricular~~  
 39 ~~materials provided by the department under IC 20-20-5.5.~~

40 ~~(i) (f) A governing body may not purchase curricular materials from~~  
 41 ~~a publisher unless the publisher agrees, in accordance with Sections~~  
 42 ~~612(a)(23)(A) and 674(e)(4) of the Individuals with Disabilities~~





1 Education Improvement Act 2004 (20 U.S.C. 1400 et seq.), to provide  
 2 or grant a license to the school corporation to allow for the  
 3 reproduction of adopted curricular materials in:

- 4 (1) large type;
- 5 (2) Braille; and
- 6 (3) audio format.

7 SECTION 224. IC 20-26-13-10, AS AMENDED BY P.L.268-2013,  
 8 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 9 JULY 1, 2015]: Sec. 10. Except as provided in section 11 of this  
 10 chapter, the four (4) year graduation rate for a cohort in a high school  
 11 is the percentage determined under STEP FIVE of the following  
 12 formula:

13 STEP ONE: Determine the grade 9 enrollment at the beginning of  
 14 the reporting year three (3) years before the reporting year for  
 15 which the graduation rate is being determined.

16 STEP TWO: Add:

- 17 (A) the number determined under STEP ONE; and
- 18 (B) the number of students who:
  - 19 (i) have enrolled in the high school after the date on which
  - 20 the number determined under STEP ONE was determined;
  - 21 and
  - 22 (ii) have the same expected graduation year as the cohort.

23 STEP THREE: Subtract from the sum determined under STEP  
 24 TWO the number of students who have left the cohort for any of  
 25 the following reasons:

- 26 (A) Transfer to another public or nonpublic school.
- 27 (B) ~~Except as provided in IC 20-33-2-28.6,~~ Removal by the  
 28 student's parents under IC 20-33-2-28 to provide instruction  
 29 equivalent to that given in the public schools.
- 30 (C) Withdrawal because of a long term medical condition or  
 31 death.
- 32 (D) Detention by a law enforcement agency or the department  
 33 of correction.
- 34 (E) Placement by a court order or the department of child  
 35 services.
- 36 (F) Enrollment in a virtual school.
- 37 (G) Leaving school, if the student attended school in Indiana  
 38 for less than one (1) school year and the location of the student  
 39 cannot be determined.
- 40 (H) Leaving school, if the location of the student cannot be  
 41 determined and the student has been reported to the Indiana  
 42 clearinghouse for information on missing children and missing



1           endangered adults.

2           (I) Withdrawing from school before graduation, if the student

3           is a high ability student (as defined in IC 20-36-1-3) who is a

4           full-time student at an accredited institution of higher

5           education during the semester in which the cohort graduates.

6           STEP FOUR: Determine the total number of students determined

7           under STEP TWO who have graduated during the current

8           reporting year or a previous reporting year.

9           STEP FIVE: Divide:

10           (A) the number determined under STEP FOUR; by

11           (B) the remainder determined under STEP THREE.

12           SECTION 225. IC 20-26-17-4, AS ADDED BY P.L.200-2011,

13           SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

14           JULY 1, 2015]: Sec. 4. If a school corporation for any twelve (12)

15           month period beginning on the first health plan issue or renewal date

16           that occurs after December 31, 2011, spends in excess of the amount

17           specified in section 3 of this chapter, the school corporation shall do

18           the following:

19           (1) Not more than forty-five (45) days after the renewal date on

20           which the school corporation is determined to be noncompliant

21           with section 3 of this chapter, submit to the state personnel

22           department a plan to achieve compliance. ~~The plan may include~~

23           ~~health plan benefit changes and implementation of best practices~~

24           ~~described in section 6 of this chapter.~~

25           (2) Twelve (12) months after the date a plan is submitted under

26           subdivision (1), certify to the state personnel department the

27           school corporation's compliance with section 3 of this chapter.

28           (3) If the school corporation fails to file the certification described

29           in subdivision (2), beginning on the first renewal or expiration

30           date of the school corporation's health plan after the twelve (12)

31           month period described in subdivision (2) expires, elect to

32           participate in the state employee health plan as provided in

33           IC 5-10-8-6.7. to provide any school corporation employee health

34           coverage.

35           A school corporation shall provide additional information, data, and

36           documentation that is requested by the state personnel department to

37           substantiate compliance with this section.

38           SECTION 226. IC 20-26-17-5, AS ADDED BY P.L.200-2011,

39           SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

40           JULY 1, 2015]: Sec. 5. The following apply with respect to a school

41           corporation's employee health coverage program:

42           (1) If the school corporation pays a commission, a bonus, an



1 override, a contingency fee, or any other compensation to an  
 2 insurance producer or other adviser in connection with the health  
 3 coverage, the school corporation shall:

4 (A) specify the commission, bonus, override, contingency fee,  
 5 or other compensation in the school corporation's annual  
 6 budget fixed under IC 6-1.1-17; and

7 (B) make the information specified under clause (A) available  
 8 to the public upon request.

9 ~~(2) The school corporation shall perform audits once each five (5)~~  
 10 ~~years to ensure that covered dependents of school corporation~~  
 11 ~~employees are entitled to coverage under the school corporation's~~  
 12 ~~employee health coverage program.~~

13 ~~(3) (2)~~ The school corporation may allow:

14 (A) members of the school corporation's governing body; or

15 (B) an attorney of the school corporation's governing body;  
 16 to be covered under the school corporation's employee health  
 17 coverage program.

18 ~~(4) (3)~~ All individuals insured under the school corporation's  
 19 employee health coverage program:

20 (A) are eligible for the same coverage as all other individuals  
 21 insured under the program; and

22 (B) to the extent allowed by federal law, may pay different  
 23 amounts for the coverage.

24 SECTION 227. IC 20-26-17-6 IS REPEALED [EFFECTIVE JULY  
 25 1, 2015]. Sec. 6: A school corporation may consider the following best  
 26 practices with respect to the school corporation's employee health  
 27 coverage program:

28 ~~(1) Obtaining more than one (1) estimate for the coverage;~~  
 29 ~~including use of health care service discounts and medical~~  
 30 ~~management; to obtain the most cost savings in the program.~~

31 ~~(2) Requiring employer contributions of at least fifty percent~~  
 32 ~~(50%) and not more than eighty-five percent (85%) of the cost of~~  
 33 ~~the coverage.~~

34 ~~(3) Offering at least one (1) of each of the following; in~~  
 35 ~~accordance with the requirements of the Internal Revenue Code;~~  
 36 ~~as an option for the school corporation's employees:~~

37 ~~(A) A high deductible health plan with a health savings~~  
 38 ~~account.~~

39 ~~(B) A health reimbursement arrangement.~~

40 ~~(4) Offering wellness programs to the school corporation's~~  
 41 ~~employees.~~

42 ~~(5) Either:~~



- 1 (A) joining a consortium or trust of school corporations; or
- 2 (B) electing to participate in the state employee health plan as
- 3 provided in IC 5-10-8-6.7;
- 4 to provide school corporation employee health coverage to all
- 5 school corporation employees:
- 6 (6) Providing medical clinics on the property of the school
- 7 corporation for individuals insured under the school corporation
- 8 employee health coverage program:

9 SECTION 228. IC 20-26-17-7 IS REPEALED [EFFECTIVE JULY  
 10 1, 2015]. Sec. 7: A consortium or trust of school corporations referred  
 11 to in this chapter shall accept any school corporation for participation  
 12 in the consortium or trust if the school corporation agrees to participate  
 13 in the consortium's or trust's best practice requirements.

14 SECTION 229. IC 20-26-17-8 IS REPEALED [EFFECTIVE JULY  
 15 1, 2015]. Sec. 8: (a) This chapter does not require a school corporation  
 16 employee to participate in a school corporation's employee health  
 17 coverage program:

18 (b) With respect to a collective bargaining agreement that is in  
 19 effect on July 1, 2011, this chapter does not:

- 20 (1) give a party to the collective bargaining agreement any greater
- 21 rights under the collective bargaining agreement than the party
- 22 had before July 1, 2011; or
- 23 (2) annul, modify, or limit the collective bargaining agreement.

24 SECTION 230. IC 20-26-17-9 IS REPEALED [EFFECTIVE JULY  
 25 1, 2015]. Sec. 9: Not later than December 31 in each calendar year, a  
 26 school corporation shall report the following information for the school  
 27 year ending in the calendar year to the legislative council in an  
 28 electronic format under IC 5-14-6 and the state personnel department:

- 29 (1) The employer's share of the cost of coverage of the state
- 30 employee health plan used by the school corporation, in total and
- 31 separated out to show the amount payable per covered individual
- 32 by type of family or single coverage plan;
- 33 (2) The covered individual's share of the cost of coverage of the
- 34 state employee health plan used by the school corporation, in total
- 35 and separated out to show the amount payable per covered
- 36 individual by type of family or single coverage plan;
- 37 (3) The total cost of coverage incurred by the individual's covered
- 38 by the health plan and the school corporation:

39 A school corporation shall provide additional information, data, and  
 40 documentation that is requested by the state personnel department to  
 41 substantiate compliance with this section.

42 SECTION 231. IC 20-26-18 IS REPEALED [EFFECTIVE JULY 1,



1 2015]. (Criminal Gang Measures).

2 SECTION 232. IC 20-26-18.2-3, AS ADDED BY P.L.172-2013,  
3 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
4 JULY 1, 2015]: Sec. 3. ~~(a)~~ A school resource officer may:

- 5 (1) make an arrest;  
6 (2) conduct a search or a seizure of a person or property using the  
7 reasonable suspicion standard;  
8 (3) carry a firearm on or off school property; and  
9 (4) exercise other police powers with respect to the enforcement  
10 of Indiana laws.

11 ~~(b) A school resource officer has jurisdiction in every county where  
12 the school corporation or charter school engaging the officer operates  
13 a school or where the school corporation or charter school's students  
14 reside. This subsection does not restrict the jurisdiction that a school  
15 resource officer may possess due to the officer's employment by a law  
16 enforcement agency.~~

17 SECTION 233. IC 20-27-3-5.5 IS ADDED TO THE INDIANA  
18 CODE AS A NEW SECTION TO READ AS FOLLOWS  
19 [EFFECTIVE JULY 1, 2015]: **Sec. 5.5. (a) The committee shall adopt  
20 and enforce rules under IC 4-22-2 that allow for the display of paid  
21 advertisements on a school bus operated by or on behalf of school  
22 corporations.**

23 **(b) The rules adopted under subsection (a) must provide that  
24 any advertisement displayed on a school bus may not be placed in  
25 a manner that:**

- 26 **(1) obstructs the school bus driver's vision through the  
27 windshield or any other window;**  
28 **(2) impedes the school bus driver's operation of any  
29 equipment;**  
30 **(3) distracts the attention of other motorists from the school  
31 bus's warning lamps or stop signal arm when the school bus  
32 is loading or unloading students; or**  
33 **(4) obscures the number or name of the school corporation.**

34 **(c) The rules adopted under subsection (a) must provide that  
35 any advertisement displayed on a school bus must be:**

- 36 **(1) advertising of a commercial venture;**  
37 **(2) painted or affixed by decal;**  
38 **(3) consistent with community standards; and**  
39 **(4) age and developmentally appropriate for students.**

40 **(d) The rules adopted under subsection (a) must provide that  
41 any advertisement displayed on a school bus may not:**

- 42 **(1) promote any substance or activity that is illegal for**



1 minors, such as alcohol, tobacco, drugs, or gambling;  
 2 (2) promote any political party, candidate, or issue; or  
 3 (3) contain sexual material.  
 4 (e) A commercial advertiser that contracts with a school  
 5 corporation for the use of space for an advertisement shall pay:  
 6 (1) the cost of placing the advertisement on a school bus; and  
 7 (2) for the removal of the advertisement after the term of the  
 8 contract has expired.  
 9 (f) The school corporation shall deposit the revenue from the  
 10 sale of advertising space on a school bus in the school corporation's  
 11 transportation fund.  
 12 SECTION 234. IC 20-27-3-6 IS REPEALED [EFFECTIVE JULY  
 13 1, 2015]. Sec. 6: The committee shall adopt and enforce rules under  
 14 IC 4-22-2 that allow the display of the United States flag on a school  
 15 bus operated by or on behalf of a school corporation. The rules must  
 16 provide that a flag displayed on a school bus may not be placed in a  
 17 manner that:  
 18 (1) obstructs the school bus driver's vision through the windshield  
 19 or any other window;  
 20 (2) impedes the school bus driver's operation of any equipment;  
 21 or  
 22 (3) distracts the attention of other motorists from the school bus's  
 23 warning lamps or stop signal arm when the school bus is loading  
 24 or unloading students.  
 25 SECTION 235. IC 20-27-4-2 IS REPEALED [EFFECTIVE JULY  
 26 1, 2015]. Sec. 2: A security agreement under this chapter may not run  
 27 for more than six (6) years. The agreement must be amortized in equal  
 28 or approximately equal installments, payable on the first day of January  
 29 and July each year. The first installment of principal and interest must  
 30 be due and payable on the first day of July next following the collection  
 31 of a tax that was levied after execution of the security agreement.  
 32 SECTION 236. IC 20-27-4-5, AS ADDED BY P.L.1-2005,  
 33 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 34 JULY 1, 2015]: Sec. 5. (a) If a school corporation requires funds to  
 35 purchase a school bus for cash, the school corporation may, instead of  
 36 issuing general obligation bonds, negotiate for and borrow funds or  
 37 purchase the school bus on an installment conditional sales contract or  
 38 a promissory note secured by the school bus.  
 39 (b) To effect a loan, the school corporation shall execute a  
 40 negotiable note or notes to the lender. The notes may not extend for  
 41 more than six (6) years and are payable at the same times and in the  
 42 same manner as provided for security agreements in section 2 of this



1 chapter.

2 (c) Before a note described in this section is executed, an  
3 appropriation for the amount of the purchase price of the school bus  
4 and any incidental expenses connected with the purchase or the loan,  
5 must be made in the same manner as other appropriations are made,  
6 except that the amount of the appropriation is not limited by the  
7 amount of funds available at the time of the loan or purchase or by the  
8 amount of funds to be raised by a tax levy effective at the time of the  
9 loan.

10 (d) A petition to borrow, a notice to taxpayers, or other formality is  
11 not necessary to borrow funds under this section except as specifically  
12 provided in this chapter.

13 SECTION 237. IC 20-27-4-6, AS ADDED BY P.L.1-2005,  
14 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
15 JULY 1, 2015]: Sec. 6. (a) The purchase of a school bus shall be made  
16 in the same manner as provided by law for the purchase of school  
17 supplies by a school corporation.

18 (b) If a school bus is purchased under a security agreement, the  
19 required notice to bidders or solicitation of bids must set:

- 20 (1) the length of time the security agreement shall run; and  
21 (2) the terms of the security agreement, including the security  
22 agreement price and interest rate.

23 (c) The low bid for a security agreement shall be determined by  
24 adding to each bidding price the net interest cost and then comparing  
25 the totals of the price and interest on each bid. ~~Any difference between~~  
26 ~~the cash and the security agreement prices may not be considered a~~  
27 ~~charge under section 2 of this chapter. Instead,~~ A separate statement of  
28 each price shall be made to enable the governing body to determine the  
29 advisability of purchasing a school bus under a security agreement.

30 SECTION 238. IC 20-27-4-9 IS REPEALED [EFFECTIVE JULY  
31 1, 2015]. Sec. 9: (a) ~~This section does not apply to the purchase of a~~  
32 ~~special purpose bus.~~

33 (b) ~~Before a school corporation may purchase a school bus that is~~  
34 ~~equipped with safety belts, the governing body must conduct a public~~  
35 ~~hearing to explain why the governing body is purchasing the school bus~~  
36 ~~equipped with safety belts rather than using the purchase money for~~  
37 ~~other student safety measures in the school corporation.~~

38 SECTION 239. IC 20-27-5-4, AS ADDED BY P.L.1-2005,  
39 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
40 JULY 1, 2015]: Sec. 4. (a) If a school corporation owns the school bus  
41 equipment in its entirety, the school corporation may employ a school  
42 bus driver on a school year basis in the same manner as other



1 noninstructional employees are employed.  
 2 (b) If a school corporation employs a school bus driver under  
 3 subsection (a), the employment contract between the school  
 4 corporation and the school bus driver must be in writing.  
 5 (c) A school corporation that hires a school bus driver under this  
 6 section shall purchase and carry public liability and property damage  
 7 insurance covering the operation of school bus equipment in  
 8 compliance with IC 9-25.  
 9 (d) Sections 5 through 32 of this chapter do not apply to the  
 10 employment of a school bus driver hired under this section.  
 11 SECTION 240. IC 20-27-5-5, AS ADDED BY P.L.1-2005,  
 12 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 13 JULY 1, 2015]: Sec. 5. (a) If a school bus driver is required to furnish  
 14 the school bus body or the school bus chassis, or both, the governing  
 15 body of the school corporation shall ~~may~~ enter into a written  
 16 transportation contract with the school bus driver **under IC 5-22**.  
 17 (b) The transportation contract may include a provision allowing the  
 18 school bus driver to be eligible for the life and health insurance  
 19 benefits and other fringe benefits available to other school personnel.  
 20 SECTION 241. IC 20-27-5-6, AS ADDED BY P.L.1-2005,  
 21 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 22 JULY 1, 2015]: Sec. 6. (a) ~~When a fleet contractor is required to~~  
 23 ~~provide two (2) or more school buses and school bus drivers,~~ The  
 24 governing body of the school corporation shall ~~may~~ enter into a written  
 25 fleet contract with the fleet contractor **under IC 5-22**.  
 26 (b) The fleet contract may include a provision allowing the school  
 27 bus drivers to be eligible for the life and health insurance benefits and  
 28 other fringe benefits available to other school personnel.  
 29 SECTION 242. IC 20-27-5-7, AS ADDED BY P.L.1-2005,  
 30 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 31 JULY 1, 2015]: Sec. 7. Transportation ~~or and~~ fleet contracts ~~may either~~  
 32 **entered into by a school corporation shall be entered into under**  
 33 **IC 5-22**.  
 34 (1) negotiated and let after receiving bids on the basis of  
 35 specifications, as provided for in section 10 of this chapter; or  
 36 (2) negotiated on the basis of proposals by a bidder in which the  
 37 bidder suggests additional or altered specifications.  
 38 A school corporation negotiating and executing a transportation  
 39 contract shall comply with section 5 and sections 9 through 16 of this  
 40 chapter. A school corporation negotiating and executing a fleet contract  
 41 shall comply with sections 8 through 16 of this chapter.  
 42 SECTION 243. IC 20-27-5-8 IS REPEALED [EFFECTIVE JULY





1 1, 2015]. Sec. 8: (a) The governing body of a school corporation shall  
2 adopt specifications for transportation and fleet contracts before  
3 entering into a transportation or fleet contract under section 5 or 6 of  
4 this chapter.

5 (b) The specifications shall be prepared and placed on file in the  
6 office of the governing body at least fifteen (15) days before the  
7 advertised date for beginning negotiations or receiving proposals or  
8 bids. However, if a school corporation is under the jurisdiction of a  
9 county superintendent of schools, the specifications shall be placed on  
10 file in the office of the county superintendent.

11 (c) All specifications are public records and are open, during regular  
12 office hours, for inspection by the public.

13 SECTION 244. IC 20-27-5-9 IS REPEALED [EFFECTIVE JULY  
14 1, 2015]. Sec. 9: The specifications for contracts adopted under section  
15 8 of this chapter must include the following:

16 (1) A description of the route for which the contract is to be let.

17 (2) The approximate number of students to be transported on the  
18 route.

19 (3) The approximate number of miles to be traveled each school  
20 day on the route.

21 (4) The type of school bus equipment required to be furnished by  
22 the school bus driver or fleet contractor, including the seating  
23 capacity of the equipment required.

24 (5) The amount of public liability and property damage insurance  
25 coverage, if any, required to be furnished by the school bus driver  
26 or fleet contractor. If a school corporation owns either the chassis  
27 or the body of the school bus equipment, the specifications must  
28 recite the amount and kind of insurance coverage required to be  
29 furnished by a bidding school bus driver. In addition to the  
30 amount and kind of insurance set forth in the specifications, the  
31 governing body, the school bus driver, or the fleet contractor may,  
32 at their own election and at their own expense, carry additional  
33 insurance, including health, accident, and medical payments  
34 insurance.

35 (6) The amount of surety bond required to be furnished by the  
36 school bus driver.

37 (7) The length of the term for which the contract may be let.  
38 However, a township trustee may not enter into a school bus  
39 contract that has a term extending beyond the June 30 following  
40 the expiration date of the trustee's term of office.

41 (8) Any other relevant information necessary to advise a  
42 prospective bidder of the terms and conditions of the



1           ~~transportation contract or fleet contract.~~  
2           SECTION 245. IC 20-27-5-10, AS ADDED BY P.L.1-2005,  
3 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
4 JULY 1, 2015]: Sec. 10. (a) The governing body shall give notice to the  
5 public at least ten (10) days before beginning negotiations or receiving  
6 proposals or bids for transportation or fleet contracts. Notice shall be  
7 given in the manner provided by IC 5-3-1. The notice must include the  
8 following information:  
9           (1) That the governing body will negotiate, receive proposals, or  
10 receive bids for transportation contracts and fleet contracts on a  
11 specified date.  
12           (2) That the governing body will execute contracts for the school  
13 bus routes of the school corporation.  
14           (3) That the specifications for the routes and related information  
15 are on file in the office of the governing body. ~~or in the office of~~  
16 ~~the county superintendent.~~  
17           (b) A transportation or fleet contract may not be negotiated until  
18 notice has been given under this section.  
19           SECTION 246. IC 20-27-5-11 IS REPEALED [EFFECTIVE JULY  
20 1, 2015]. Sec. ~~11~~. (a) Except as provided in subsection (b), if the  
21 duration of a transportation or fleet contract is for more than one (1)  
22 full school year, the contract must be let before the May 1 preceding  
23 the beginning of the first school year covered by the contract.  
24           (b) A contract described in subsection (a) that is let after the May 1  
25 preceding the beginning of the first school year covered by the contract  
26 is valid if the contract was let after May 1 due to an emergency  
27 situation.  
28           SECTION 247. IC 20-27-5-12 IS REPEALED [EFFECTIVE JULY  
29 1, 2015]. Sec. ~~12~~. (a) If a transportation or fleet contract is let under  
30 sections 5 through 11 of this chapter, or let after renegotiation under  
31 section 16 of this chapter, the contract shall be awarded to the lowest  
32 responsible bidder, subject to the limitations in this section and in  
33 sections 14 and 15 of this chapter.  
34           (b) The governing body may refuse to award the bid to the lowest  
35 responsible bidder if the amount of the bid is not satisfactory to the  
36 school corporation.  
37           SECTION 248. IC 20-27-5-14 IS REPEALED [EFFECTIVE JULY  
38 1, 2015]. Sec. ~~14~~. A governing body may reject any or all bids. If a bid  
39 is not received for a specified route, the governing body may either  
40 readvertise for bids or negotiate a contract for the route without further  
41 advertising.  
42           SECTION 249. IC 20-27-5-15 IS REPEALED [EFFECTIVE JULY



1 1, 2015]. Sec. 15: The governing body may alter a school bus route at  
 2 any time. If the altered route is longer than the route in the original  
 3 contract, the school bus driver or fleet contractor shall be paid  
 4 additional compensation for each additional mile or fraction of a mile.  
 5 The additional compensation shall be based on the average rate per  
 6 mile in the original contract.

7 SECTION 250. IC 20-27-5-16 IS REPEALED [EFFECTIVE JULY  
 8 1, 2015]. Sec. 16: The governing body may require the school bus  
 9 driver or fleet contractor to furnish equipment with greater seating  
 10 capacity at any time. When a school bus driver or fleet contractor is  
 11 required to furnish different equipment during the term of the contract,  
 12 the contracting parties may mutually agree to the cancellation of the  
 13 existing contract and renegotiate a new contract for the balance of the  
 14 term of the original contract. Action taken by a governing body under  
 15 section 15 of this chapter does not preclude simultaneous action under  
 16 this section.

17 SECTION 251. IC 20-27-5-17 IS REPEALED [EFFECTIVE JULY  
 18 1, 2015]. Sec. 17: Notwithstanding any other provision in this chapter,  
 19 the governing body may, with the consent of the other party or parties  
 20 to the contract, amend an existing transportation or fleet contract to  
 21 make any necessary adjustments caused by a fluctuation in the cost of  
 22 fuel that occurs during the term of the contract.

23 SECTION 252. IC 20-27-5-18 IS REPEALED [EFFECTIVE JULY  
 24 1, 2015]. Sec. 18: If highway or road conditions require a school bus  
 25 driver to drive a greater distance than provided by the contract,  
 26 additional compensation shall be paid to the school bus driver or fleet  
 27 contractor. The additional compensation shall be computed as if the  
 28 governing body had lengthened the route under section 15 of this  
 29 chapter.

30 SECTION 253. IC 20-27-5-20 IS REPEALED [EFFECTIVE JULY  
 31 1, 2015]. Sec. 20: After notice to the governing body or its authorized  
 32 agent, a school bus driver may provide a substitute driver for any of the  
 33 following reasons:

- 34 (1) Illness of the school bus driver.
- 35 (2) Illness or death of a member of the school bus driver's family.
- 36 (3) Compulsory absence of a school bus driver because of jury  
 37 duty.
- 38 (4) Performance of services and duties related to the Indiana State  
 39 Association of School Bus Drivers, Inc.
- 40 (5) Performance of services and duties required by service in the  
 41 general assembly.
- 42 (6) Attendance at meetings of the committee.



1 (7) Management by a school bus driver of the school bus driver's  
2 personal business affairs. However, a school bus driver may not  
3 be absent for management of personal business affairs for more  
4 than ten (10) days in any one (1) school year without the approval  
5 of the governing body:

6 SECTION 254. IC 20-27-5-22 IS REPEALED [EFFECTIVE JULY  
7 1, 2015]. Sec. 22: (a) A school bus driver's transportation contract may  
8 be terminated for:

- 9 (1) incompetency;
- 10 (2) physical disability;
- 11 (3) negligence; or
- 12 (4) failure to faithfully perform the school bus driver's duties  
13 under the contract;

14 only after the school bus driver has received notice and a hearing:

15 (b) Notice under subsection (a) must:

- 16 (1) be in writing; and
- 17 (2) allow a reasonable time before the hearing:

18 (c) The school bus driver may appear at a hearing under subsection  
19 (a) either in person or by counsel:

20 SECTION 255. IC 20-27-5-24 IS REPEALED [EFFECTIVE JULY  
21 1, 2015]. Sec. 24: When a physical examination reveals that a school  
22 bus driver is physically unfit to perform the transportation contract, the  
23 school bus driver shall:

- 24 (1) furnish a substitute school bus driver who is qualified under  
25 section 21 of this chapter; or
- 26 (2) assign the school bus driver's transportation contract, if the  
27 governing body approves, to a person qualified under this chapter:

28 SECTION 256. IC 20-27-5-25 IS REPEALED [EFFECTIVE JULY  
29 1, 2015]. Sec. 25: (a) If a school bus driver is found physically unfit  
30 and fails to perform the duty required by section 24 of this chapter, the  
31 governing body may terminate the school bus driver's contract after the  
32 school bus driver has been given notice and an opportunity for a  
33 hearing:

34 (b) Notice under subsection (a) must:

- 35 (1) be in writing; and
- 36 (2) allow a reasonable time before the hearing:

37 (c) The school bus driver may appear at a hearing under subsection  
38 (a) either in person or by counsel:

39 SECTION 257. IC 20-27-5-26, AS ADDED BY P.L.1-2005,  
40 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
41 JULY 1, 2015]: Sec. 26. (a) A fleet contract entered into under this  
42 chapter must provide the following:



- 1 (1) The fleet contractor is responsible for the employment;
- 2 physical condition, and conduct of every school bus driver
- 3 employed by the fleet contractor.
- 4 (2) The fleet contractor shall submit to the governing body a list
- 5 of the names; addresses; telephone numbers; and route
- 6 assignments of all regular and substitute school bus drivers
- 7 employed by the fleet contractor.
- 8 (3) All school bus drivers employed by the fleet contractor must
- 9 meet the physical, moral, and license standards prescribed in
- 10 IC 20-27-8.

11 (b) (4) School bus drivers employed by a fleet contractor shall  
 12 attend the annual safety meeting for school bus drivers sponsored by  
 13 the committee and the state police department in accordance with  
 14 IC 20-27-8-9.

15 (5) Failure to employ school bus drivers who meet and maintain  
 16 the physical, moral, and license standards of IC 20-27-8; or failure  
 17 to compel attendance of a school bus driver at the annual safety  
 18 meeting; is a breach of contract and may result in termination of  
 19 the fleet contract and in forfeiture of the surety bond.

20 SECTION 258. IC 20-27-8-13, AS ADDED BY P.L.1-2005,  
 21 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 22 JULY 1, 2015]: Sec. 13. (a) The committee shall provide a uniform  
 23 system for the registration of school bus drivers who are required to  
 24 attend the annual safety meetings or workshops. This registration  
 25 system must do the following:

- 26 (1) Accurately reflect the attendance of each school bus driver at
- 27 each session of the annual meeting or workshop.
- 28 (2) Provide a registration form indicating the school bus driver's
- 29 name and legal address, and the name of the school the school bus
- 30 driver represents.

31 (b) The state superintendent shall supervise registration of school  
 32 bus drivers at the annual safety meetings or workshops.

33 (c) The principal of each school shall prepare and collect the  
 34 attendance records of school bus drivers who attend any safety meeting  
 35 or workshops and shall make a written report of the attendance records  
 36 to the state superintendent not more than ten (10) days after the  
 37 meeting or workshop.

38 (d) Records of attendance shall be filed in the office of the state  
 39 superintendent and maintained there as public records for at least three  
 40 (3) years.

41 SECTION 259. IC 20-27-9-6, AS ADDED BY P.L.1-2005,  
 42 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



1 JULY 1, 2015]: Sec. 6. (a) In addition to the exemptions granted in this  
 2 chapter and notwithstanding section 16 of this chapter, a school  
 3 corporation may allow a school bus operated under a fleet or  
 4 transportation contract and not owned in whole or in part by a public  
 5 agency to be used for the transportation of a group or an organization  
 6 for any distance, if that group or organization agrees to maintain the  
 7 condition of the school bus and to maintain order on the school bus  
 8 while in use.

9 (b) When authorizing transportation described in subsection (a), the  
 10 school corporation shall require the owner of the school bus to:

- 11 (1) obtain written authorization of the superintendent of the
- 12 contracting school corporation;
- 13 (2) clearly identify the school bus with the name of the sponsoring
- 14 group; and
- 15 (3) provide proof to the superintendent and the sponsoring group
- 16 of financial responsibility, as required by IC 9-25 ~~and~~
- 17 ~~IC 20-27-5-9~~ for the transportation.

18 (c) The governing body of a school corporation may allow, by  
 19 written authorization, the use of a school bus owned in whole or in part  
 20 by the school corporation for the transportation needs of a fair or  
 21 festival operated by or affiliated with a nonprofit organization exempt  
 22 from federal taxation under Section 501(c)(3) through 501(c)(7) of the  
 23 Internal Revenue Code.

24 SECTION 260. IC 20-27-13-5, AS ADDED BY P.L.145-2012,  
 25 SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 26 JULY 1, 2015]: Sec. 5. Transportation provided under a transportation  
 27 program required under section 3 of this chapter may be limited by the  
 28 school corporation's governing body to providing transportation to  
 29 school immediately before the beginning of an instructional day (as  
 30 described in ~~IC 20-30-2-2~~) and from school immediately after the end  
 31 of an instructional day (as described in ~~IC 20-30-2-2~~) without  
 32 additional accommodations for participation in extracurricular  
 33 activities.

34 SECTION 261. IC 20-28-4-11, AS AMENDED BY P.L.205-2013,  
 35 SECTION 252, IS AMENDED TO READ AS FOLLOWS  
 36 [EFFECTIVE JULY 1, 2015]: Sec. 11. (a) A program participant who  
 37 is employed under this section is eligible to receive a transition to  
 38 teaching license. The transition to teaching license is valid for three (3)  
 39 years, and may not be renewed.

40 (b) A program participant who is employed under this section:

- 41 (1) shall enter into either:
- 42 (A) a regular teacher's contract; ~~under IC 20-28-6-5;~~ or



- 1 (B) a temporary teacher's contract, ~~under IC 20-28-6-6~~, if
- 2 replacing a teacher on a leave of absence;
- 3 (2) is eligible to participate in a mentor teacher program; and
- 4 (3) satisfies the field or classroom experience component of the
- 5 program under section 4(3) of this chapter.
- 6 SECTION 262. IC 20-28-5-3 IS REPEALED [EFFECTIVE JULY
- 7 1, 2015]. Sec. 3: (a) The department shall designate the grade point
- 8 average required for each type of license:
- 9 (b) The department shall determine details of licensing not provided
- 10 in this chapter, including requirements regarding the following:
- 11 (1) The conversion of one (1) type of license into another:
- 12 (2) The accreditation of teacher education schools and
- 13 departments:
- 14 (3) The exchange and renewal of licenses:
- 15 (4) The endorsement of another state's license:
- 16 (5) The acceptance of credentials from teacher education
- 17 institutions of another state:
- 18 (6) The academic and professional preparation for each type of
- 19 license:
- 20 (7) The granting of permission to teach a high school subject area
- 21 related to the subject area for which the teacher holds a license:
- 22 (8) The issuance of licenses on credentials:
- 23 (9) The type of license required for each school position:
- 24 (10) The size requirements for an elementary school requiring a
- 25 licensed principal:
- 26 (11) Any other related matters:
- 27 The department shall establish at least one (1) system for renewing a
- 28 teaching license that does not require a graduate degree:
- 29 (c) This subsection does not apply to an applicant for a substitute
- 30 teacher license. After June 30, 2011, the department may not issue an
- 31 initial practitioner license at any grade level to an applicant for an
- 32 initial practitioner license unless the applicant shows evidence that the
- 33 applicant:
- 34 (1) has successfully completed training approved by the
- 35 department in:
- 36 (A) cardiopulmonary resuscitation that includes a test
- 37 demonstration on a mannequin;
- 38 (B) removing a foreign body causing an obstruction in an
- 39 airway;
- 40 (C) the Heimlich maneuver; and
- 41 (D) the use of an automated external defibrillator;
- 42 (2) holds a valid certification in each of the procedures described



1 in subdivision (1) issued by:

2 (A) the American Red Cross;

3 (B) the American Heart Association; or

4 (C) a comparable organization or institution approved by the  
5 advisory board; or

6 (3) has physical limitations that make it impracticable for the  
7 applicant to complete a course or certification described in  
8 subdivision (1) or (2):

9 The training in this subsection applies to a teacher (as defined in  
10 IC 20-18-2-22(b)):

11 (d) This subsection does not apply to an applicant for a substitute  
12 teacher license. After June 30, 2013, the department may not issue an  
13 initial teaching license at any grade level to an applicant for an initial  
14 teaching license unless the applicant shows evidence that the applicant  
15 has successfully completed education and training on the prevention of  
16 child suicide and the recognition of signs that a student may be  
17 considering suicide:

18 (e) This subsection does not apply to an applicant for a substitute  
19 teacher license. After June 30, 2012, the department may not issue a  
20 teaching license renewal at any grade level to an applicant unless the  
21 applicant shows evidence that the applicant:

22 (1) has successfully completed training approved by the  
23 department in:

24 (A) cardiopulmonary resuscitation that includes a test  
25 demonstration on a mannequin;

26 (B) removing a foreign body causing an obstruction in an  
27 airway;

28 (C) the Heimlich maneuver; and

29 (D) the use of an automated external defibrillator;

30 (2) holds a valid certification in each of the procedures described  
31 in subdivision (1) issued by:

32 (A) the American Red Cross;

33 (B) the American Heart Association; or

34 (C) a comparable organization or institution approved by the  
35 advisory board; or

36 (3) has physical limitations that make it impracticable for the  
37 applicant to complete a course or certification described in  
38 subdivision (1) or (2):

39 (f) The department shall periodically publish bulletins regarding:

40 (1) the details described in subsection (b);

41 (2) information on the types of licenses issued;

42 (3) the rules governing the issuance of each type of license; and





- 1           ~~(4) other similar matters.~~
- 2           SECTION 263. IC 20-28-5-15, AS AMENDED BY P.L.121-2009,
- 3           SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 4           JULY 1, 2015]: Sec. 15. (a) ~~Notwithstanding section 3(b)(6) of this~~
- 5           ~~chapter~~; The department shall grant an initial practitioner's license in
- 6           a specific subject area to an applicant who:
- 7           (1) has earned a postgraduate degree from a regionally accredited
- 8           postsecondary educational institution in the subject area in which
- 9           the applicant seeks to be licensed;
- 10          (2) has at least one (1) academic year of experience teaching
- 11          students in a middle school, high school, or college classroom
- 12          setting; and
- 13          (3) complies with sections 4 and 12 of this chapter.
- 14          (b) An individual who receives an initial practitioner's license under
- 15          this section may teach in the specific subject for which the individual
- 16          is licensed only in:
- 17          (1) high school; or
- 18          (2) middle school;
- 19          if the subject area is designated by the state board as having an
- 20          insufficient supply of licensed teachers.
- 21          (c) After receiving an initial practitioner's license under this section,
- 22          an applicant who seeks to renew the applicant's initial practitioner's
- 23          license or obtain a proficient practitioner's license must:
- 24          (1) demonstrate that the applicant has:
- 25                (A) participated in cultural competency professional
- 26                development activities; **and**
- 27                (B) obtained training and information from a special education
- 28                teacher concerning exceptional learners; and
- 29                ~~(C) received:~~
- 30                    (i) ~~training or certification that complies; or~~
- 31                    (ii) ~~an exemption from compliance;~~
- 32                with the standards set forth in section 3(c) of this chapter; and
- 33          (2) meet the same requirements as other candidates.
- 34          SECTION 264. IC 20-28-6-2, AS AMENDED BY P.L.6-2012,
- 35          SECTION 137, IS AMENDED TO READ AS FOLLOWS
- 36          [EFFECTIVE JULY 1, 2015]: Sec. 2. (a) A contract entered into by a
- 37          teacher and a school corporation must:
- 38          (1) be in writing;
- 39          (2) be signed by both parties; and
- 40          (3) contain the:
- 41                (A) beginning date of the school term as determined annually
- 42                by the school corporation;



1 (B) number of days in the school term as determined annually  
 2 by the school corporation;  
 3 (C) total salary to be paid to the teacher during the school year;  
 4 (D) number of salary payments to be made to the teacher  
 5 during the school year; and  
 6 (E) number of hours per day the teacher is expected to work,  
 7 as discussed pursuant to IC 20-29-6-7.  
 8 (b) The contract may provide for the annual determination of the  
 9 teacher's annual compensation ~~by a local salary schedule, which is part~~  
 10 ~~of the contract. under IC 20-29-6.~~ The salary schedule may be  
 11 changed by **subsequent adoption of salary changes under the**  
 12 **collective bargaining process.** ~~the school corporation on or before~~  
 13 ~~May 1 of a year, with the changes effective the next school year. A~~  
 14 ~~teacher affected by the changes shall be furnished with printed copies~~  
 15 ~~of the changed schedule not later than thirty (30) days after the~~  
 16 ~~schedule's adoption.~~  
 17 (c) A contract under this section is also governed by the following  
 18 statutes:  
 19 (1) IC 20-28-9-5 through IC 20-28-9-6.  
 20 (2) IC 20-28-9-9 through IC 20-28-9-11.  
 21 (3) IC 20-28-9-13.  
 22 (4) IC 20-28-9-14.  
 23 (d) A governing body shall provide the blank contract forms  
 24 ~~carefully worded by the state superintendent, prescribed by the~~  
 25 **governing body** and have them signed. The contracts are public  
 26 records open to inspection by the residents of each school corporation.  
 27 (e) An action may be brought on a contract that conforms with  
 28 subsections (a)(1), (a)(2), and (d).  
 29 SECTION 265. IC 20-28-6-3 IS REPEALED [EFFECTIVE JULY  
 30 1, 2015]. ~~Sec. 3: The state superintendent shall do the following:~~  
 31 ~~(1) Prescribe the following forms:~~  
 32 ~~(A) The uniform teacher's contract in the following alternate~~  
 33 ~~forms:~~  
 34 ~~(i) The regular teacher's contract.~~  
 35 ~~(ii) The temporary teacher's contract.~~  
 36 ~~(B) The supplemental service teacher's contract.~~  
 37 ~~(2) Furnish each school corporation with the forms.~~  
 38 ~~(3) Require each school corporation to include in the school~~  
 39 ~~corporation's semiannual report on ADA a statement that the~~  
 40 ~~school corporation is in compliance with IC 20-28-5-2, sections~~  
 41 ~~4 through 7 of this chapter, IC 20-28-9-7, and IC 20-28-9-8.~~  
 42 SECTION 266. IC 20-28-6-4 IS REPEALED [EFFECTIVE JULY



- 1 1, 2015]. Sec. 4: (a) This section does not apply to a teacher employed
- 2 as a substitute teacher.
- 3 (b) A teacher employed in a public school must be employed on a
- 4 uniform teacher's contract or a supplemental service teacher's contract.
- 5 SECTION 267. IC 20-28-6-5 IS REPEALED [EFFECTIVE JULY
- 6 1, 2015]. Sec. 5: The regular teacher's contract must be used statewide
- 7 without amendment and must contain, in addition to the items in
- 8 section 2(a)(3) of this chapter:
- 9 (1) the manner of salary payment; and
- 10 (2) any provisions relating to the government of the school that
- 11 the state superintendent includes:
- 12 SECTION 268. IC 20-28-6-6 IS REPEALED [EFFECTIVE JULY
- 13 1, 2015]. Sec. 6: (a) A temporary teacher's contract shall be used only
- 14 for employing:
- 15 (1) a teacher to serve in the absence of a teacher who has been
- 16 granted a leave of absence by the school corporation for:
- 17 (A) engaging in defense service or in service auxiliary to
- 18 defense service;
- 19 (B) professional study or advancement;
- 20 (C) exchange teaching;
- 21 (D) extended disability to which a licensed physician has
- 22 attested; or
- 23 (E) serving in the general assembly; or
- 24 (2) a new teacher for a position:
- 25 (A) that is funded by a grant outside the school funding
- 26 formula for which funding is available only for a specified
- 27 period or purpose; or
- 28 (B) vacated by a teacher who is under a regular contract and
- 29 who temporarily accepts a teacher position that is funded by a
- 30 grant outside the school funding formula for which funding is
- 31 available only for a specified period or purpose.
- 32 (b) The temporary teacher's contract must contain:
- 33 (1) the provisions of the regular teacher's contract except those
- 34 providing for continued tenure of position;
- 35 (2) a blank space for the name of the teacher granted the leave;
- 36 which may not be used on another temporary teacher's contract
- 37 for the same leave of absence; and
- 38 (3) an expiration date that:
- 39 (A) is the date of the return of the teacher on leave; and
- 40 (B) is not later than the end of the school year.
- 41 (c) If a teacher is employed on the temporary teacher's contract for
- 42 at least sixty (60) days in a school year, the teacher may, on request;



1 receive the service credit that the teacher would otherwise receive with  
2 regard to the Indiana state teachers' retirement fund:

3 SECTION 269. IC 20-28-6-7, AS AMENDED BY P.L.90-2011,  
4 SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
5 JULY 1, 2015]: Sec. 7. (a) As used in this section, "teacher" includes  
6 an individual who:

- 7 (1) holds a substitute teacher's license; and
- 8 (2) provides instruction in a joint summer school program under  
9 IC 20-30-7-5.

10 (b) The supplemental service teacher's contract shall be used when  
11 a teacher provides professional service in evening school or summer  
12 school employment, except when a teacher or other individual is  
13 employed to supervise or conduct noncredit courses or activities.

14 (c) If a teacher serves more than one hundred twenty (120) days on  
15 a supplemental service teacher's contract in a school year, the following  
16 apply:

- 17 (1) Sections 1, 2, 3, and 8 of this chapter.
- 18 (2) ~~IC 20-28-10-1 through IC 20-28-10-5.~~

19 (d) (c) The salary of a teacher on a supplemental service contract  
20 shall be determined by the superintendent. The superintendent may, but  
21 is not required to, base the salary on the regular salary schedule for the  
22 school corporation.

23 SECTION 270. IC 20-28-7.5-1, AS AMENDED BY P.L.286-2013,  
24 SECTION 87, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
25 JULY 1, 2015]: Sec. 1. (a) This chapter applies to a teacher in a school  
26 corporation (as defined in IC 20-18-2-16(a)).

27 (b) A principal may decline to continue a probationary teacher's  
28 contract under sections 2 through 4 of this chapter if the probationary  
29 teacher:

- 30 (1) receives an ineffective designation on a performance  
31 evaluation under IC 20-28-11.5;
- 32 (2) receives two (2) consecutive improvement necessary ratings  
33 on a performance evaluation under IC 20-28-11.5; or
- 34 (3) is subject to a justifiable decrease in the number of teaching  
35 positions or any reason relevant to the school corporation's  
36 interest.

37 (c) Except as provided in subsection (c); a principal may not decline  
38 to continue a professional or established teacher's contract unless the  
39 teacher is subject to a justifiable decrease in the number of teaching  
40 positions:

41 (b) A contract with a teacher may be canceled immediately in  
42 the manner set forth in sections 2 through 4 of this chapter for any



1 of the following reasons:

2 (1) Immorality.

3 (2) Insubordination, which means a willful refusal to obey the  
4 state school laws or reasonable rules adopted for the  
5 governance of the school building or the school corporation.

6 (3) A justifiable decrease in the number of teaching positions,  
7 which must be determined on the basis of performance rather  
8 than seniority. In cases where teachers are placed in the same  
9 performance category, any of the items in IC 20-28-9-1.5(b)  
10 may be considered.

11 (4) Incompetence, including:

12 (A) for probationary teachers, receiving an ineffective  
13 designation on a performance evaluation or receiving two

14 (2) consecutive improvement necessary ratings on a  
15 performance evaluation under IC 20-28-11.5; or

16 (B) for any teacher, receiving an ineffective designation on  
17 two (2) consecutive performance evaluations or an  
18 ineffective designation or improvement necessary rating  
19 under IC 20-28-11.5 for three (3) years of any five (5) year  
20 period.

21 (5) Neglect of duty.

22 (6) A conviction of an offense listed in IC 20-28-5-8(c).

23 (7) Other good or just cause.

24 (c) In addition to the requirements set forth in subsection (b), a  
25 probationary teacher's contract may be canceled for any reason  
26 relevant to the school corporation's interest.

27 (d) After June 30, 2012, The cancellation of a teacher's contracts  
28 contract due to a justifiable decrease in the number of teaching  
29 positions shall be determined on the basis of performance rather than  
30 seniority. In cases where teachers are placed in the same performance  
31 category, any of the items in IC 20-28-9-1.5(b) may be considered.

32 (e) A contract with a teacher may be canceled immediately in the  
33 manner set forth in sections 2 through 4 of this chapter for any of the  
34 following reasons:

35 (1) Immorality:

36 (2) Insubordination, which means a willful refusal to obey the  
37 state school laws or reasonable rules adopted for the governance  
38 of the school building or the school corporation:

39 (3) Justifiable decrease in the number of teaching positions:

40 (4) Incompetence, including receiving:

41 (A) an ineffective designation on two (2) consecutive  
42 performance evaluations under IC 20-28-11.5; or



- 1           (B) an ineffective designation or improvement necessary  
2           rating in three (3) years of any five (5) year period:  
3           (5) Neglect of duty.  
4           (6) A conviction for an offense listed in IC 20-28-5-8(c).  
5           (7) Other good or just cause.
- 6           SECTION 271. IC 20-28-7.5-2, AS ADDED BY P.L.90-2011,  
7           SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
8           JULY 1, 2015]: Sec. 2. (a) Before a teacher is refused continuation of  
9           the teacher's contract, ~~teacher's contract is canceled~~, the teacher has  
10          the following rights:
- 11          (1) The principal shall notify the teacher of the principal's  
12          preliminary decision. The notification must be:  
13          (A) in writing; and  
14          (B) delivered in person or mailed by registered or certified  
15          mail to the teacher at the teacher's last known address.  
16          (2) The notice in subdivision (1) must include a written statement,  
17          subject to IC 5-14-3-4, giving the reasons for the preliminary  
18          decision.  
19          (3) ~~Notification due to a reduction in force must be delivered~~  
20          ~~between May 1 and July 1.~~
- 21          (b) For a cancellation of a teacher's contract for a reason other than  
22          a reduction in force, the notice required under subsection (a)(1) must  
23          inform the teacher that, not later than five (5) days after the teacher's  
24          receipt of the notice, the teacher may request a private conference with  
25          the superintendent. The superintendent must set the requested meeting  
26          not later than ten (10) days after the request.
- 27          (c) At the conference between the superintendent and the teacher,  
28          the teacher may be accompanied by a representative.
- 29          (d) After the conference between the superintendent and the teacher,  
30          the superintendent shall make a written recommendation to the  
31          governing body of the school corporation regarding the cancellation of  
32          the teacher's contract.
- 33          (e) If the teacher does not request a conference under subsection (b),  
34          the principal's preliminary decision is considered final.
- 35          (f) ~~For items listed in section (1)(e)(3), (1)(e)(4), or (1)(e)(6) of this~~  
36          ~~chapter, if the teacher files a request with the governing body for an~~  
37          ~~additional private conference not later than five (5) days after the initial~~  
38          ~~private conference with the superintendent, the teacher is entitled to an~~  
39          ~~additional private conference with the governing body before the~~  
40          ~~governing body makes a final decision, which must be in writing,~~  
41          ~~concerning the cancellation of the teacher's contract.~~
- 42          (g) (f) For items listed in section (1)(e)(1), (1)(e)(2), (1)(e)(5), or



1 ~~(1)(c)(7)~~ of this chapter, if, not later than five (5) days after the initial  
 2 private conference with the superintendent, the **If a professional or**  
 3 **established** teacher files a request with the governing body for an  
 4 additional private conference **not later than five (5) days after the**  
 5 **initial private conference with the superintendent**, the teacher is  
 6 entitled to an additional private conference with the governing body  
 7 before the governing body makes a final decision. The final decision  
 8 must be in writing and must be made not more than thirty (30) days  
 9 after the governing body receives the teacher's request for the  
 10 additional private conference. At the private conference the governing  
 11 body shall do the following:

12 (1) Allow the teacher to present evidence to refute the reason or  
 13 reasons for contract cancellation and supporting evidence  
 14 provided by the school corporation. Any evidence presented at the  
 15 private conference must have been exchanged by the parties at  
 16 least seven (7) days before the private conference.

17 (2) Consider whether a preponderance of the evidence supports  
 18 the cancellation of the teacher's contract.

19 SECTION 272. IC 20-28-7.5-6 IS REPEALED [EFFECTIVE JULY  
 20 1, 2015]. Sec. 6: A contract entered into by a teacher and a school  
 21 employer continues in force on the same terms and for the same wages,  
 22 unless increased under IC 20-28-9-1.5, for the next school term  
 23 following the date of the contract's termination unless one (1) of the  
 24 following occurs:

25 ~~(1) The school corporation refuses continuation of the contract~~  
 26 ~~under this chapter.~~

27 ~~(2) The teacher delivers in person or by registered or certified~~  
 28 ~~mail to the school corporation the teacher's written resignation.~~

29 ~~(3) The contract is replaced by another contract agreed to by the~~  
 30 ~~parties.~~

31 SECTION 273. IC 20-28-7.5-7, AS ADDED BY P.L.90-2011,  
 32 SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 33 JULY 1, 2015]: Sec. 7. (a) This chapter shall be construed to:

34 (1) limit the provisions of a collective bargaining agreement  
 35 negotiated under IC 20-29; and

36 (2) prohibit the negotiation of contracts that violate the  
 37 requirements of this chapter and IC 20-28-9-21 through  
 38 ~~IC 20-28-9-23. IC 20-28-9-22.~~

39 (b) This chapter prohibits a school employer and an exclusive  
 40 representative (as defined in IC 20-29-2-9) from collectively bargaining  
 41 contracts that alter the requirements of this chapter and IC 20-28-9-21  
 42 through ~~IC 20-28-9-23. IC 20-28-9-22.~~



1 (c) This chapter shall be construed to prohibit a school employer  
2 and an exclusive representative from mutually agreeing to binding  
3 arbitration concerning teacher dismissals.

4 SECTION 274. IC 20-28-7.5-8, AS AMENDED BY P.L.43-2014,  
5 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
6 JULY 1, 2015]: Sec. 8. (a) This section does not apply to an individual  
7 who works at a conversion charter school (as defined in IC 20-24-1-5)  
8 for purposes of the individual's employment with the school  
9 corporation that sponsored the conversion charter school.

10 (b) A contract entered into less than fourteen (14) days before the  
11 day on which teachers must report for work between a school  
12 corporation and a teacher is void if the teacher, at the time of signing  
13 the contract, is bound by a previous contract to teach in a public school.  
14 However, another contract may be signed by the teacher that will be  
15 effective if the teacher:

16 (1) furnishes the principal a release by the ~~employer under the~~  
17 ~~previous contract;~~ **first employer;** or

18 (2) shows proof that thirty (30) days written notice was delivered  
19 by the teacher to the first employer.

20 (c) A principal may request from a teacher, at the time of  
21 contracting, a written statement as to whether the teacher has signed  
22 another teaching contract. However, the teacher's failure to provide the  
23 statement is not a cause for subsequently voiding the contract.

24 SECTION 275. IC 20-28-8-2, AS ADDED BY P.L.1-2005,  
25 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
26 JULY 1, 2015]: Sec. 2. A contract of employment shall be entered into  
27 between the governing body of the school corporation and a principal  
28 or assistant principal subject to the following conditions:

29 ~~(1) The basic contract must be the regular teacher's contract as~~  
30 ~~prescribed by the state superintendent.~~

31 ~~(2) (1)~~ (1) The term of the initial contract must be the equivalent of  
32 at least two (2) school years.

33 ~~(3) (2)~~ (2) The contract may be altered, modified, or rescinded in  
34 favor of a new contract at any time by mutual consent of the  
35 governing body of the school corporation and the principal or  
36 assistant principal, if the contract, when reduced to writing, is  
37 consistent with this chapter.

38 SECTION 276. IC 20-28-8-3, AS AMENDED BY P.L.253-2013,  
39 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
40 JULY 1, 2015]: Sec. 3. (a) Before March 1 of the year during which the  
41 contract of an assistant superintendent, a principal, or an assistant  
42 principal is due to expire, the governing body of the school corporation,





1 or an employee at the direction of the governing body, shall give  
2 written notice of renewal or refusal to renew the individual's contract  
3 for the ensuing school year.

4 ~~(b)~~ If notice is not given before March 1 of the year during which  
5 the contract is due to expire, the contract then in force shall be  
6 reinstated only for the ensuing school year.

7 ~~(c)~~ **(b)** This section does not prevent the modification or termination  
8 of a contract by mutual agreement of the assistant superintendent, the  
9 principal, or the assistant principal and the governing body.

10 SECTION 277. IC 20-28-8-6, AS AMENDED BY P.L.167-2013,  
11 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
12 JULY 1, 2015]: Sec. 6. A contract entered into by a governing body  
13 and its superintendent is subject to the following conditions:

14 ~~(1)~~ If the superintendent holds a license under IC 20-28-5, the  
15 basic contract must be in the form of the regular teacher's  
16 contract.

17 ~~(2)~~ **(1)** The contract must be for a term of at least thirty-six (36)  
18 months.

19 ~~(3)~~ **(2)** The contract may be altered or rescinded for a new one at  
20 any time by mutual consent of the governing body and the  
21 superintendent. The consent of both parties must be in writing and  
22 must be expressed in a manner consistent with this section and  
23 sections ~~section 7 through 8~~ of this chapter.

24 ~~(4)~~ **(3)** If the superintendent holds a license under IC 20-28-5, the  
25 rights of a superintendent as a teacher under any other law are not  
26 affected by the contract.

27 SECTION 278. IC 20-28-8-8 IS REPEALED [EFFECTIVE JULY  
28 1, 2015]. Sec. 8. ~~If the governing body fails to give a termination notice~~  
29 ~~under section 7(3) of this chapter, the superintendent's contract is~~  
30 ~~extended for twelve (12) months following the expiration date of the~~  
31 ~~contract.~~

32 SECTION 279. IC 20-28-8-10, AS ADDED BY P.L.1-2005,  
33 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
34 JULY 1, 2015]: Sec. 10. A contract of employment shall be entered  
35 into between the managing body and a local director subject to the  
36 following conditions:

37 ~~(1)~~ The basic contract must be the regular teacher's contract as  
38 prescribed by the state superintendent.

39 ~~(2)~~ **(1)** The minimum term of the initial contract must be the  
40 equivalent of two (2) school years.

41 ~~(3)~~ **(2)** The contract may be altered, modified, or rescinded in  
42 favor of a new contract at any time by mutual consent of the



1 managing body and the local director if the written contract is  
2 consistent with this chapter.

3 SECTION 280. IC 20-28-8-11, AS ADDED BY P.L.1-2005,  
4 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
5 JULY 1, 2015]: Sec. 11. (a) Before February 1 of the year during which  
6 the contract of a local director is due to expire, the managing body, or  
7 an employee at the direction of the managing body, shall give written  
8 notice of renewal or refusal to renew the local director's contract for the  
9 ensuing school year.

10 ~~(b) If notice is not given before February 1 of the year during which~~  
11 ~~the contract is due to expire, the contract then in force is reinstated only~~  
12 ~~for the ensuing school year.~~

13 ~~(c)~~ (b) This section does not prevent the modification or termination  
14 of a contract by mutual agreement of the local director and the  
15 managing body.

16 SECTION 281. IC 20-28-9-1.5, AS ADDED BY P.L.286-2013,  
17 SECTION 90, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
18 JULY 1, 2015]: Sec. 1.5. (a) This subsection applies to a contract in  
19 effect July 1, 2012, or upon the expiration of a contract in existence on  
20 July 1, 2011, whichever is earlier, and governs salary increases for a  
21 teacher employed by a school corporation on or after the date this  
22 subsection takes effect. Compensation attributable to additional  
23 degrees or graduate credits earned before the effective date of the local  
24 salary schedule created under this chapter shall continue.  
25 Compensation attributable to additional degrees for which a teacher has  
26 started course work before July 1, 2011, and completed course work  
27 before September 2, 2014, shall also continue.

28 (b) Increases or increments in a local salary scale must be based  
29 upon a combination of the following factors:

30 ~~(1) A combination of the following factors taken together~~ **The**  
31 **number of years of a teacher's experience** may account for not  
32 more than thirty-three percent (33%) of the calculation used to  
33 determine a teacher's increase or increment.

34 ~~(A) The number of years of a teacher's experience.~~

35 ~~(B) The attainment of either:~~

36 ~~(i) additional content area degrees beyond the requirements~~  
37 ~~for employment; or~~

38 ~~(ii) additional content area degrees and credit hours beyond~~  
39 ~~the requirements for employment, if required under an~~  
40 ~~agreement bargained under IC 20-29.~~

41 (2) The results of an evaluation conducted under IC 20-28-11.5.

42 (3) The assignment of instructional leadership roles, including the



1 responsibility for conducting evaluations under IC 20-28-11.5.

2 (4) The academic needs of students in the school corporation.

3 **(5) The attainment of either:**

4 **(A) additional content area degrees beyond the**  
 5 **requirements for employment; or**

6 **(B) additional content area degrees and credit hours**  
 7 **beyond the requirements for employment, if required**  
 8 **under an agreement bargained under IC 20-29.**

9 (c) A teacher rated ineffective or improvement necessary under  
 10 IC 20-28-11.5 may not receive any raise or increment for the following  
 11 year if the teacher's employment contract is continued. The amount that  
 12 would otherwise have been allocated for the salary increase of teachers  
 13 rated ineffective or improvement necessary shall be allocated for  
 14 compensation of all teachers rated effective and highly effective based  
 15 on the criteria in subsection (b).

16 (d) A teacher who does not receive a raise or increment under  
 17 subsection (c) may file a request with the superintendent or  
 18 superintendent's designee not later than five (5) days after receiving  
 19 notice that the teacher received a rating of ineffective. The teacher is  
 20 entitled to a private conference with the superintendent or  
 21 superintendent's designee.

22 (e) Not later than January 31, 2012, the department shall publish a  
 23 model salary schedule that a school corporation may adopt.

24 (f) Each school corporation shall submit its local salary schedule to  
 25 the department. The department shall publish the local salary schedules  
 26 on the department's Internet web site.

27 (g) The department shall report any noncompliance with this section  
 28 to the state board.

29 (h) The state board shall take appropriate action to ensure  
 30 compliance with this section.

31 (i) This chapter may not be construed to require or allow a school  
 32 corporation to decrease the salary of any teacher below the salary the  
 33 teacher was earning on or before July 1, 2012, if that decrease would  
 34 be made solely to conform to the new salary scale.

35 (j) After June 30, 2011, all rights, duties, or obligations established  
 36 under IC 20-28-9-1 before its repeal are considered rights, duties, or  
 37 obligations under this section.

38 SECTION 282. IC 20-28-9-15, AS ADDED BY P.L.1-2005,  
 39 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 40 JULY 1, 2015]: Sec. 15. If during the term of the teacher's contract:

41 (1) the school is closed by order of the:

42 (A) school corporation; or



1 (B) health authorities; or  
 2 (2) school cannot be conducted through no fault of the teacher;  
 3 the teacher shall receive regular payments during that time. If a  
 4 canceled student instructional day (as defined in IC 20-30-2-2) time is  
 5 rescheduled to comply with IC 20-30-2, each teacher and  
 6 (notwithstanding IC 20-27-8-7) each school bus driver shall work ~~on~~  
 7 **during** that rescheduled ~~day~~ **instructional time** without additional  
 8 compensation.

9 SECTION 283. IC 20-28-9-21, AS AMENDED BY P.L.90-2011,  
 10 SECTION 33, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 11 JULY 1, 2015]: Sec. 21. (a) This section and ~~sections~~ **section 22**  
 12 ~~through 23~~ of this chapter apply to the suspension of a teacher without  
 13 pay. ~~when the procedure for the cancellation of the teacher's contract~~  
 14 ~~under IC 20-28-7.5 does not apply.~~

15 (b) A teacher may be suspended from duty without pay only for the  
 16 following reasons:

- 17 (1) Immorality.
- 18 (2) Insubordination, which means the willful refusal to obey the
- 19 state school laws or reasonable rules prescribed for the
- 20 government of the school corporation.
- 21 (3) Neglect of duty.
- 22 (4) Substantial inability to perform teaching duties.
- 23 (5) Good and just cause.

24 SECTION 284. IC 20-28-9-22, AS ADDED BY P.L.1-2005,  
 25 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 26 JULY 1, 2015]: Sec. 22. A teacher may be suspended without pay only  
 27 under the following procedure:

- 28 (1) ~~The teacher must be notified in writing not more than forty~~  
 29 ~~(40) days and not less than thirty (30) days before the date of the~~  
 30 ~~consideration of the date, time, and place for the consideration by~~  
 31 ~~the school corporation of the suspension of the teacher without~~  
 32 ~~pay.~~
- 33 (2) The teacher shall be furnished, not later than five (5) days  
 34 after a written request, a written statement of the reasons for the  
 35 consideration.
- 36 (3) The teacher may file a written request for a hearing not later  
 37 than fifteen (15) days after receipt of the notice of this  
 38 consideration.
- 39 (4) If a request for a hearing is filed, the teacher must be given a  
 40 hearing before the governing body on a day not earlier than five  
 41 (5) days after filing the request.
- 42 (5) The teacher must be given at least five (5) days notice of the



- 1 date, time, and place of the hearing.  
 2 (6) At the hearing, the teacher is entitled:  
 3 (A) to a full statement of the reasons for the proposed  
 4 suspension without pay; and  
 5 (B) to be heard and to present the testimony of witnesses and  
 6 other evidence bearing on the reasons for the proposed  
 7 suspension without pay.  
 8 (7) A teacher may not be suspended without pay until:  
 9 (A) the date is set for consideration of the suspension without  
 10 pay;  
 11 (B) after a hearing is held; if a hearing is requested by the  
 12 teacher; and  
 13 (C) except on the suspension of a superintendent's contract, the  
 14 superintendent has given recommendations on the suspension  
 15 not later than five (5) days after the school corporation makes  
 16 the request for recommendations.  
 17 (8) After complying with this section, the governing body of the  
 18 school corporation may suspend a teacher without pay for a  
 19 reasonable time by a majority vote evidenced by a signed  
 20 statement in the minutes of the board.  
 21 **(1) The principal shall notify the teacher of the principal's**  
 22 **decision to suspend the teacher. The notification must be:**  
 23 **(A) in writing; and**  
 24 **(B) delivered in person or mailed by registered or certified**  
 25 **mail to the teacher at the teacher's last known address.**  
 26 **(2) The notice in subdivision (1) must include a written**  
 27 **statement, subject to IC 5-14-3-4, giving the reasons for the**  
 28 **preliminary decision.**  
 29 **(3) The notice required under subdivision (2) must inform the**  
 30 **teacher that, not later than five (5) days after the teacher's**  
 31 **receipt of the notice, the teacher may request a conference**  
 32 **with the superintendent. The superintendent must set the**  
 33 **requested conference not later than ten (10) days after the**  
 34 **request.**  
 35 **(4) At the conference between the superintendent and the**  
 36 **teacher, the teacher may be accompanied by a representative.**  
 37 **(5) After the conference between the superintendent and the**  
 38 **teacher, the superintendent shall provide a written report to**  
 39 **the principal, the teacher, and the governing body of the**  
 40 **school corporation regarding the suspension of the teacher.**  
 41 **(6) If the teacher does not request a conference under**  
 42 **subdivision (3), the principal's preliminary decision is**



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- considered final.
- (7) The periods set out in this section shall be extended for a reasonable period:
  - (A) when a teacher or school official is ill or absent from the school corporation; or
  - (B) for other reasonable cause.

The vote to suspend a teacher without pay described in subdivision (8) must be taken by the governing body on the date and at the time and place specified in subdivision (1).

SECTION 285. IC 20-28-9-23 IS REPEALED [EFFECTIVE JULY 1, 2015]. Sec. 23: The governing body may appoint an agent (who is not an employee of the school corporation but who may be a member of the governing body or an attorney retained to administer the hearing proceedings under this section) to issue subpoenas for the attendance of witnesses for either party at the hearing under section 22 of this chapter. A subpoena issued under this section shall be:

- (1) served by the party who seeks to compel the attendance of a witness; and
- (2) upon application to the court by the party, enforced in the manner provided by law for the service and enforcement of subpoenas in a civil action.

SECTION 286. IC 20-28-10-1, AS AMENDED BY P.L.90-2011, SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 1. (a) A school corporation may grant a teacher a leave of absence not to exceed one (1) year for:

- (1) a sabbatical;
- (2) a disability leave; or
- (3) a sick leave.

(b) The school corporation may grant consecutive leaves to a teacher.

(c) A school corporation may grant partial compensation for a leave in an amount the school corporation determines. However, if a teacher on a sabbatical serves an employer that agrees to reimburse the school corporation in whole or in part of the amount of the teacher's regular salary, the school corporation may grant full or partial compensation.

(d) A teacher who is pregnant shall be granted a leave of absence for the period provided in and subject to section 5 of this chapter.

(e) Except where a contract is not required under IC 20-28-7.5 in a situation that occurs before or after the commencement of leave, the teacher and the school corporation shall execute a regular teacher's contract for each school year in which any part of the teacher's leave is granted.



1           (†) (e) The teacher has the right to return to a teaching position for  
2 which the teacher is certified or otherwise qualified under the rules of  
3 the state board.

4           SECTION 287. IC 20-28-10-6 IS REPEALED [EFFECTIVE JULY  
5 1, 2015]. Sec. 6: (a) This section and sections 7 through 11 of this  
6 chapter apply to a teacher who through:

7           (1) volunteering; or

8           (2) statutory selection;

9 enters defense service on a full-time basis:

10          (b) Because the United States Congress has decreed that it is  
11 imperative to increase and train United States armed forces personnel;  
12 this section and sections 7 through 11 of this chapter:

13          (1) provide protection for teachers who have been called to leave  
14 their positions to defend the nation due to the necessity of war or  
15 a state of emergency;

16          (2) preserve the status and contract rights under the laws to any  
17 teacher who enters the defense service; and

18          (3) place those teachers in a position that the defense service does  
19 not operate as an interruption of teaching service because the  
20 contract rights that each teacher had when entering the defense  
21 service are preserved during that service the same as if the teacher  
22 had not entered the service.

23          SECTION 288. IC 20-28-10-7 IS REPEALED [EFFECTIVE JULY  
24 1, 2015]. Sec. 7: A professional or established teacher:

25          (1) with an indefinite contract under IC 20-28-6-8; and

26          (2) who is described in section 6(a) of this chapter;

27 is granted a leave of absence during the defense service.

28          SECTION 289. IC 20-28-10-8 IS REPEALED [EFFECTIVE JULY  
29 1, 2015]. Sec. 8: (a) If a probationary teacher who is described in

30 section 6(a) of this chapter enters the defense service, the teacher's  
31 contract as a teacher and the teacher's rights to probationary successive  
32 years under contract are preserved with the school corporation as the  
33 teacher had them when entering the defense service.

34          (b) The period of probationary successive years of service under a  
35 teacher's contract that is a condition precedent to becoming a  
36 professional or established teacher under IC 20-28-6-8 is considered  
37 uninterrupted for a teacher to whom this section applies. However, this  
38 probationary period may not include the time spent in defense service.  
39 The teacher is granted a leave of absence during the defense service.

40          SECTION 290. IC 20-28-10-9 IS REPEALED [EFFECTIVE JULY  
41 1, 2015]. Sec. 9: On reinstatement, the status of the teacher described  
42 in section 6(a) of this chapter is the same as when the teacher entered



1 the defense service. All rights to changes of salary or position, except  
 2 as specified in section 8 of this chapter, accrue to the teacher as if no  
 3 interruption had occurred.

4 SECTION 291. IC 20-28-10-10 IS REPEALED [EFFECTIVE JULY  
 5 1, 2015]. Sec. 10: (a) A teacher described in section 6(a) of this chapter  
 6 retains the teacher's contractual rights in the Indiana state teachers'  
 7 retirement fund.

8 (b) Contributions and payments into the retirement fund shall be  
 9 made in the same manner as they are made for a member of the fund  
 10 who is granted a leave of absence under the law pertaining to that fund.

11 (c) The teacher is granted a leave of absence during the defense  
 12 service.

13 SECTION 292. IC 20-28-10-11 IS REPEALED [EFFECTIVE JULY  
 14 1, 2015]. Sec. 11: (a) Not later than sixty (60) days after:

15 (1) an honorable or medical discharge; or

16 (2) release from active participation in the defense service;

17 a teacher who has received a leave of absence for defense service shall  
 18 return to the school corporation for reinstatement. The school  
 19 corporation shall then reinstate the teacher.

20 (b) If the teacher is unable to return for reinstatement within the  
 21 sixty (60) day period for any reason arising from mental or physical  
 22 disability, the teacher has sixty (60) days after the date of removal of  
 23 the disability to apply for reinstatement.

24 (c) On reinstatement or on written resignation submitted to the  
 25 school corporation, the teacher's leave of absence and defense service  
 26 is considered terminated.

27 SECTION 293. IC 20-29-2-10, AS ADDED BY P.L.1-2005,  
 28 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 29 JULY 1, 2015]: Sec. 10. "Governing body" means:

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

32 (2) a county board of education;

33 (3) (1) a board of school commissioners;

34 (4) (2) a metropolitan board of education;

35 (5) (3) a board of trustees;

36 (6) (4) any other board or commission charged by law with the  
 37 responsibility of administering the affairs of a school corporation;  
 38 or

39 (7) (5) the body that administers a charter school established  
 40 under IC 20-24.

41 SECTION 294. IC 20-29-2-12, AS AMENDED BY P.L.234-2007,  
 42 SECTION 109, IS AMENDED TO READ AS FOLLOWS





1 [EFFECTIVE JULY 1, 2015]: Sec. 12. "School corporation" means a  
 2 local public school corporation established under Indiana law. The term  
 3 includes any:  
 4 (1) school city;  
 5 (2) school town;  
 6 ~~(3) school township;~~  
 7 ~~(4) (3) consolidated school corporation;~~  
 8 ~~(5) (4) metropolitan school district;~~  
 9 ~~(6) (5) township school corporation;~~  
 10 ~~(7) (6) county school corporation;~~  
 11 ~~(8) (7) united school corporation;~~  
 12 ~~(9) (8) community school corporation; and~~  
 13 ~~(10) (9) public career and technical education center or school or~~  
 14 ~~school for children with disabilities established or maintained by~~  
 15 ~~two (2) or more school corporations.~~  
 16 SECTION 295. IC 20-29-6-12 IS REPEALED [EFFECTIVE JULY  
 17 1, 2015]. Sec. 12. Formal collective bargaining between a school  
 18 corporation and the exclusive representative shall not begin before:  
 19 (1) August 1 in the first year of the state budget biennium; or  
 20 (2) August 1 in the second year of the state budget biennium if the  
 21 parties agreed to a one (1) year contract during the first year of the  
 22 state budget biennium or the contract provides for renegotiating  
 23 certain financial items the second year of a two (2) year contract.  
 24 Informal negotiations may be held before August 1.  
 25 SECTION 296. IC 20-29-6-13, AS AMENDED BY P.L.6-2012,  
 26 SECTION 139, IS AMENDED TO READ AS FOLLOWS  
 27 [EFFECTIVE JULY 1, 2015]: Sec. 13. (a) If, at any time after at least  
 28 sixty ~~(60)~~ days following the beginning of formal bargaining  
 29 collectively between the parties, an impasse is declared, the board shall  
 30 appoint a mediator from the board's staff or an ad hoc panel.  
 31 (b) The mediator shall begin mediation within fifteen (15) days after  
 32 the board receives notice of impasse.  
 33 (c) The mediation must consist of not more than three (3) mediation  
 34 sessions and must result in one (1) of the following:  
 35 (1) An agreement between the parties on the items permitted to be  
 36 bargained under section 4 of this chapter.  
 37 (2) Each party's last best offer, including fiscal rationale, related  
 38 to items permitted to be bargained under section 4 of this chapter.  
 39 (d) Costs for the mediator shall be borne equally by the parties.  
 40 (e) Mediation shall be completed within thirty (30) days.  
 41 SECTION 297. IC 20-29-6-16, AS AMENDED BY P.L.229-2011,  
 42 SECTION 182, IS AMENDED TO READ AS FOLLOWS



1 [EFFECTIVE JULY 1, 2015]: Sec. 16. (a) If an agreement has not been  
 2 reached on the items to be bargained collectively by November 1, as  
 3 provided in IC 6-1.1-17-5, the parties shall continue the terms of the  
 4 current contract that is in effect, and the school employer may issue  
 5 tentative individual contracts and prepare its budget on that basis.  
 6 During this period, in order to allow the successful resolution of the  
 7 dispute, the school employer may not unilaterally change the terms or  
 8 conditions of employment that are issues in dispute.

9 (b) (a) Upon the expiration of the current contract that is in effect,  
 10 the school employer shall continue under the terms of the current  
 11 contract that is in effect, with no increase or increment in salary, wages,  
 12 or benefits for any bargaining unit employee until a new contract is  
 13 executed, unless continuation would put the school employer in a  
 14 position of deficit financing due to a reduction in the employer's actual  
 15 general fund revenue or an increase in an employer's expenditures  
 16 when the expenditures exceed the current year actual general fund  
 17 revenue.

18 (c) (b) The only parts of the contract that must continue under this  
 19 section are the items contained in the contract and listed in section 4 of  
 20 this chapter.

21 (d) (c) This section may not be construed as relieving the school  
 22 employer or the school employee organization from the duty to bargain  
 23 collectively until a mutual agreement has been reached and a contract  
 24 entered as called for in this chapter.

25 SECTION 298. IC 20-30-2-2 IS REPEALED [EFFECTIVE JULY  
 26 1, 2015]. Sec. 2: (a) A student instructional day in grades 1 through 6  
 27 consists of at least five (5) hours of instructional time. Except as  
 28 provided in subsection (b); (c); or (d); a student instructional day in  
 29 grades 7 through 12 consists of at least six (6) hours of instructional  
 30 time.

31 (b) Except as provided in subsection (c), an instructional day for a  
 32 school flex program under section 2:2 of this chapter consists of a  
 33 minimum of three (3) hours of instructional time.

34 (c) A student instructional day for a qualified high school (as  
 35 defined in IC 20-24.2-1-3) consists of any amount of instructional time.

36 (d) A high school student who is enrolled in at least twelve (12)  
 37 credit hours of on-campus dual credit courses (as described in  
 38 IC 21-43-1-2.5) is not required to comply with subsection (a) during  
 39 the semester in which the student is enrolled in at least twelve (12)  
 40 credit hours.

41 SECTION 299. IC 20-30-2-2.2, AS AMENDED BY P.L.246-2013,  
 42 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



1 JULY 1, 2015]: Sec. 2.2. (a) As used in this section, "eligible student"  
2 means a student in grade 11 or 12 who has:

- 3 (1) failed the ISTEP+ graduation exam at least twice;  
4 (2) been determined to be chronically absent, by missing ten  
5 percent (10%) or more of a school year for any reason;  
6 (3) been determined to be a habitual truant, as identified under  
7 IC 20-33-2-11;  
8 (4) been significantly behind in credits for graduation, as  
9 identified by an individual's school principal;  
10 (5) previously undergone at least a second suspension from school  
11 for the school year under IC 20-33-8-14 or IC 20-33-8-15;  
12 (6) previously undergone an expulsion from school under  
13 IC 20-33-8-14, IC 20-33-8-15, or IC 20-33-8-16; or  
14 (7) been determined by the individual's principal and the  
15 individual's parent or guardian to benefit by participating in the  
16 school flex program.

17 (b) An eligible student who participates in a school flex program  
18 must:

- 19 (1) attend school for at least three (3) hours of instructional time  
20 per school day;  
21 (2) pursue a timely graduation;  
22 (3) provide evidence of college or technical career education  
23 enrollment and attendance or proof of employment and labor that  
24 is aligned with the student's career academic sequence under rules  
25 established by the Indiana bureau of child labor;  
26 (4) not be suspended or expelled while participating in a school  
27 flex program;  
28 (5) pursue course and credit requirements for a general diploma;  
29 and  
30 (6) maintain a ninety-five percent (95%) attendance rate.

31 (c) A school may allow an eligible student in grade 11 or 12 to  
32 complete an instructional day that consists of three (3) hours of  
33 instructional time if the student participates in the school flex program.

34 ~~(d) If one (1) or more students participate in a school flex program;~~  
35 ~~the principal shall, on forms provided by the department, submit a~~  
36 ~~yearly report to the department of student participation and graduation~~  
37 ~~rates of students who participate in the school flex program.~~

38 SECTION 300. IC 20-30-2-3, AS ADDED BY P.L.1-2005,  
39 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
40 JULY 1, 2015]: Sec. 3. For each school year, a school corporation shall  
41 conduct at least: ~~one hundred eighty (180) student instructional days.~~

- 42 **(1) fifty-four thousand (54,000) minutes of instructional time**



1           **for grades 1 through 6; and**  
2           **(2) sixty-four thousand eight hundred (64,800) minutes of**  
3           **instructional time for grades 7 through 12.**  
4       Not later than June 15 of each school year, the superintendent of each  
5       school corporation shall certify to the department the ~~number amount~~  
6       of ~~student instructional days time~~ conducted during that school year.  
7       SECTION 301. IC 20-30-2-4, AS ADDED BY P.L.1-2005,  
8       SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
9       JULY 1, 2015]: Sec. 4. **(a)** If a school corporation fails to conduct the  
10      minimum ~~number amount~~ of ~~student instructional days time for~~  
11      **grades 1 through 6** during a school year as required under section 3  
12      of this chapter, the department shall reduce the August tuition support  
13      distribution to that school corporation for a school year by an amount  
14      determined as follows:  
15           **STEP ONE: ~~Determine the remainder of:~~ Divide:**  
16            (A) the amount of the total tuition support allocated to the  
17            school corporation for the particular school year; ~~minus by~~  
18            ~~(B) that part of the total tuition support allocated to the school~~  
19            ~~corporation for that school year with respect to student~~  
20            ~~instructional days one hundred seventy-six (176) through one~~  
21            ~~hundred eighty (180).~~  
22            **(B) the current ADM (as defined in IC 20-43-1-10) for the**  
23            **school corporation.**  
24           **STEP TWO: Multiply:**  
25            (A) the STEP ONE amount; by  
26            **(B) the number of students included in the school**  
27            **corporation's current ADM who are in grades 1 through**  
28            **6.**  
29           **STEP THREE: Divide:**  
30            (A) the STEP TWO amount; by  
31            **(B) fifty-four thousand (54,000).**  
32           ~~STEP TWO: FOUR:~~ Subtract the ~~number amount~~ of ~~student~~  
33           ~~instructional days time, expressed in minutes,~~ that the school  
34           ~~corporation conducted from one hundred eighty (180):~~ **fifty-four**  
35           **thousand (54,000).**  
36           ~~STEP THREE: Determine the lesser of five (5) or the remainder~~  
37           ~~determined under STEP TWO.~~  
38           ~~STEP FOUR: Divide the amount subtracted under STEP ONE(B)~~  
39           ~~by five (5).~~  
40           ~~STEP FIVE: Multiply the quotient determined under STEP FOUR~~  
41           ~~THREE by the number determined under STEP THREE.~~ **FOUR.**  
42           ~~STEP SIX: Subtract the number determined under STEP THREE~~



1 from the remainder determined under STEP TWO:

2 STEP SEVEN: Divide the remainder determined under STEP  
3 ONE by one hundred seventy-five (175):

4 STEP EIGHT: Multiply the quotient determined under STEP  
5 SEVEN by the remainder determined under STEP SIX:

6 STEP NINE: Add the product determined under STEP FIVE to  
7 the product determined under STEP EIGHT:

8 **(b) If a school corporation fails to conduct the minimum amount**  
9 **of instructional time for grades 7 through 12 during a school year**  
10 **as required under section 3 of this chapter, the department shall**  
11 **reduce the August tuition support distribution to that school**  
12 **corporation for a school year by an amount determined as follows:**

13 **STEP ONE: Divide:**

14 **(A) the amount of the total tuition support allocated to the**  
15 **school corporation for the particular school year; by**

16 **(B) the current ADM (as defined in IC 20-43-1-10) for the**  
17 **school corporation.**

18 **STEP TWO: Multiply:**

19 **(A) the STEP ONE amount; by**

20 **(B) the number of students included in the school**  
21 **corporation's current ADM who are in grades 7 through**  
22 **12.**

23 **STEP THREE: Divide:**

24 **(A) the STEP TWO amount; by**

25 **(B) sixty-four thousand eight hundred (64,800) minutes.**

26 **STEP FOUR: Subtract the amount of instructional time,**  
27 **expressed in minutes, that the school corporation conducted**  
28 **from sixty-four thousand eight hundred (64,800) minutes.**

29 **STEP FIVE: Multiply the quotient determined under STEP**  
30 **THREE by the number determined under STEP FOUR.**

31 SECTION 302. IC 20-30-2-5, AS ADDED BY P.L.1-2005,  
32 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
33 JULY 1, 2015]: Sec. 5. The department may grant a waiver of the  
34 penalty imposed under section 4 of this chapter for a particular ~~number~~  
35 ~~amount~~ of canceled ~~student~~ instructional ~~days~~ ~~time~~ if:

36 (1) the school corporation applies to the department for a waiver  
37 of the penalty imposed under section 4 of this chapter for a  
38 specific ~~number amount~~ of canceled ~~student~~ instructional ~~days~~;  
39 ~~time~~; and

40 (2) ~~each of~~ the particular ~~number amount~~ of ~~student~~ instructional  
41 ~~days time~~ requested to be waived under this section was canceled  
42 due to extraordinary circumstances.



1 SECTION 303. IC 20-30-3-1 IS REPEALED [EFFECTIVE JULY  
2 1, 2015]. Sec. 1: (a) The last Friday of April is designated for general  
3 observance as Arbor Day to encourage the planting of shade and forest  
4 trees, shrubs, and vines:

5 (b) Each year the governor shall proclaim Arbor Day at least thirty  
6 (30) days before it occurs:

7 (c) Appropriate exercises giving due honor to:

8 (1) the conservators of forestry;

9 (2) the founders of the study and conservation of Indiana forestry;  
10 and

11 (3) a leading spirit of Indiana forestry conservation; Charles  
12 Warren Fairbanks;

13 may be prepared by each superintendent and conducted in each school  
14 and by communities throughout Indiana:

15 SECTION 304. IC 20-30-4-2, AS AMENDED BY P.L.140-2008,  
16 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
17 JULY 1, 2015]: Sec. 2. In consultation with the student's **guidance**  
18 **school** counselor, after seeking consultation with each student's  
19 parents, and not later than the date on which the student completes  
20 grade 9, each student shall further develop the graduation plan  
21 developed in grade 6 under section 1.5 of this chapter to also include  
22 the following:

23 (1) The subject and skill areas of interest to the student.

24 (2) A program of study under the college/technology preparation  
25 curriculum adopted by the state board under IC 20-30-10-2 for  
26 grades 10, 11, and 12 that meets the interests and aptitude of the  
27 student.

28 (3) Assurances that, upon satisfactory fulfillment of the plan, the  
29 student:

30 (A) is entitled to graduate; and

31 (B) will have taken at least the minimum variety and number  
32 of courses necessary to gain admittance to a state educational  
33 institution.

34 (4) An indication of assessments (other than ISTEP and the  
35 graduation examination) that the student plans to take voluntarily  
36 during grade 10 through grade 12, and which may include any of  
37 the following:

38 (A) The SAT Reasoning Test.

39 (B) The ACT test.

40 (C) Advanced placement exams.

41 (D) College readiness exams approved by the department.

42 (E) Workforce readiness exams approved by the department of



1 workforce development established under IC 22-4.1-2.  
 2 SECTION 305. IC 20-30-4-3, AS ADDED BY P.L.1-2005,  
 3 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 4 JULY 1, 2015]: Sec. 3. Any decisions regarding the requirements under  
 5 this chapter for a student who is a **child student** with a disability under  
 6 IC 20-35 shall be made in accordance with the individualized  
 7 education program for that student and federal law.

8 SECTION 306. IC 20-30-4-6, AS AMENDED BY P.L.268-2013,  
 9 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 10 JULY 1, 2015]: Sec. 6. (a) A student's **guidance school** counselor shall,  
 11 in consultation with the student and the student's parent, review  
 12 annually a student's graduation plan that was developed in grade 9  
 13 under section 2 of this chapter to determine if the student is progressing  
 14 toward fulfillment of the graduation plan.

15 (b) If a student is not progressing toward fulfillment of the  
 16 graduation plan, the school counselor shall provide counseling services  
 17 for the purpose of advising the student of credit recovery options and  
 18 services available to help the student progress toward graduation.

19 (c) If a student is not progressing toward fulfillment of the  
 20 graduation plan due to not achieving a passing score on the graduation  
 21 examination, the school counselor shall meet with the:

- 22 (1) teacher assigned to the student for remediation in each subject  
 23 area in which the student has not achieved a passing score on the  
 24 graduation examination;  
 25 (2) parents of the student; and  
 26 (3) student;

27 to discuss available remediation and to plan to meet the requirements  
 28 under IC 20-32-4.

29 SECTION 307. IC 20-30-5-1 IS REPEALED [EFFECTIVE JULY  
 30 1, 2015]. Sec. 1. (a) ~~In each of grades 6 through 12, every public and  
 31 nonpublic school shall provide instruction on the constitutions of:~~

- 32 ~~(1) Indiana; and~~  
 33 ~~(2) the United States.~~

34 ~~(b) In public elementary schools, instruction on the constitutions~~  
 35 ~~shall be included as a part of American history. In public high schools,~~  
 36 ~~instruction on the constitutions shall be included as a part of civics or~~  
 37 ~~another course, as the state board may require by rules. Failure of any~~  
 38 ~~public school teacher or principal to comply with this requirement~~  
 39 ~~constitutes misconduct in office under IC 20-28-5-7.~~

40 ~~(c) Each nonpublic elementary school and high school shall provide~~  
 41 ~~instruction under this section as required by the state board.~~

42 SECTION 308. IC 20-30-5-12, AS ADDED BY P.L.1-2005,



1 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
2 JULY 1, 2015]: Sec. 12. (a) Each school corporation shall:

3 (1) include in the school corporation's curriculum instruction  
4 concerning the disease acquired immune deficiency syndrome  
5 (AIDS); and

6 (2) integrate this effort to the extent possible with instruction on  
7 other dangerous communicable diseases.

8 (b) A school corporation shall consider the recommendations of the  
9 AIDS advisory council established under IC 20-34-1 concerning  
10 community standards on the:

11 (1) content of the instruction;

12 (2) manner in which the information is presented; and

13 (3) grades in which the information is taught.

14 (c) Literature that is distributed to school children and young adults  
15 under this section must include information required by IC 20-34-3-17.

16 (d) The department, in consultation with the state department of  
17 health, shall develop AIDS educational materials. The department shall  
18 make the materials developed under this section available to school  
19 corporations.

20 SECTION 309. IC 20-30-5-15 IS REPEALED [EFFECTIVE JULY  
21 1, 2015]. Sec. 15. (a) Each school corporation shall include in the  
22 school corporation's high school health education curriculum  
23 instruction regarding breast cancer and testicular cancer as adopted by  
24 the state board; including the significance of early detection of these  
25 diseases through:

26 (1) monthly self-examinations; and

27 (2) regularly scheduled mammographies in the case of breast  
28 cancer.

29 (b) The department shall, in consultation with the state department  
30 of health, develop breast cancer and testicular cancer educational  
31 materials to be made available to school corporations to assist teachers  
32 assigned to teach the material described in this section:

33 (c) The:

34 (1) department shall develop guidelines; and

35 (2) state board shall adopt rules under IC 4-22-2;

36 concerning the instruction required under this section to assist teachers  
37 assigned to teach the material described in this section:

38 SECTION 310. IC 20-30-5-16 IS REPEALED [EFFECTIVE JULY  
39 1, 2015]. Sec. 16. (a) Each school corporation shall include in the  
40 school corporation's high school health education curriculum  
41 instruction regarding the human organ donor program and blood donor  
42 program as adopted by the state board; including:





1 (1) the purpose of the human organ donor program and blood  
2 donor program;

3 (2) the statewide and nationwide need for human organ and blood  
4 donations; and

5 (3) the procedure for participation in the human organ donor  
6 program and blood donor program.

7 (b) The department shall, in consultation with the state department  
8 of health or any other appropriate organization, develop human organ  
9 donor program and blood donor program educational materials to be  
10 made available to school corporations to assist teachers assigned to  
11 teach the material described in this section.

12 (c) The:

13 (1) department shall develop guidelines; and

14 (2) state board shall adopt rules under IC 4-22-2;

15 concerning the instruction required under this section to assist teachers  
16 assigned to teach the material described in this section.

17 SECTION 311. IC 20-30-5-17 IS REPEALED [EFFECTIVE JULY  
18 1, 2015]. See: 17: (a) A school corporation shall make available for  
19 inspection by the parent of a student any instructional materials;  
20 including:

21 (1) teachers' manuals;

22 (2) curricular materials;

23 (3) films or other video materials;

24 (4) tapes; and

25 (5) other materials;

26 used in connection with a personal analysis, an evaluation, or a survey  
27 described in subsection (b):

28 (b) A student shall not be required to participate in a personal  
29 analysis, an evaluation, or a survey that is not directly related to  
30 academic instruction and that reveals or attempts to affect the student's  
31 attitudes, habits, traits, opinions, beliefs, or feelings concerning:

32 (1) political affiliations;

33 (2) religious beliefs or practices;

34 (3) mental or psychological conditions that may embarrass the  
35 student or the student's family;

36 (4) sexual behavior or attitudes;

37 (5) illegal, antisocial, self-incriminating, or demeaning behavior;

38 (6) critical appraisals of other individuals with whom the student  
39 has a close family relationship;

40 (7) legally recognized privileged or confidential relationships;  
41 including a relationship with a lawyer, minister, or physician; or

42 (8) income (except as required by law to determine eligibility for



1 participation in a program or for receiving financial assistance  
 2 under a program);  
 3 without the prior consent of the student if the student is an adult or an  
 4 emancipated minor or the prior written consent of the student's parent  
 5 if the student is an unemancipated minor. A parental consent form for  
 6 a personal analysis, an evaluation, or a survey described in this section  
 7 shall accurately reflect the contents and nature of the personal analysis,  
 8 evaluation, or survey.

9 (c) The department and the governing body shall give parents and  
 10 students notice of their rights under this section.

11 (d) The governing body shall enforce this section.

12 SECTION 312. IC 20-30-5-18 IS REPEALED [EFFECTIVE JULY  
 13 1, 2015]. Sec. 18. (a) The chief administrative officer of each:

14 (1) public school (including a charter school as defined in  
 15 IC 20-24-1-4); and

16 (2) nonpublic school;

17 shall ensure that information concerning meningococcal disease and its  
 18 vaccines is provided to students and parents or guardians of students  
 19 at the beginning of each school year.

20 (b) The information provided under subsection (a) must include  
 21 information concerning the:

22 (1) causes;

23 (2) symptoms; and

24 (3) spread;

25 of meningococcal disease and the places where parents and guardians  
 26 of students may obtain additional information and vaccinations for their  
 27 children.

28 (c) The chief administrative officers and the department shall, in  
 29 consultation with the state department of health or any other  
 30 appropriate entity, develop materials to be made available to schools  
 31 to assist schools in providing the information described in this section.

32 (d) The department shall enforce this section.

33 SECTION 313. IC 20-30-5-20, AS ADDED BY P.L.139-2014,  
 34 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 35 JULY 1, 2015]: Sec. 20. (a) As used in this section, "psychomotor  
 36 skills" means skills using hands on practice to support cognitive  
 37 learning.

38 (b) Except as provided in subsection (c), Each school corporation  
 39 and accredited nonpublic school shall **may** include in the school  
 40 corporation's or accredited nonpublic school's high school health  
 41 education curriculum instruction in cardiopulmonary resuscitation and  
 42 use of an automated external defibrillator for its students. **If included**



1 **in the health education curriculum and whenever feasible**, the  
 2 instruction must incorporate the psychomotor skills necessary to  
 3 perform cardiopulmonary resuscitation and use an automated external  
 4 defibrillator and must include either of the following:

5 (1) An instructional program developed by the American Heart  
 6 Association or the American Red Cross.

7 (2) An instructional program that is nationally recognized and is  
 8 based on the most current national evidence based emergency  
 9 cardiovascular care guidelines for cardiopulmonary resuscitation  
 10 and the use of an automated external defibrillator.

11 (c) A school corporation or an accredited nonpublic school may  
 12 offer the instruction required in subsection (b) or may arrange for the  
 13 instruction to be provided by available community based providers.  
 14 The instruction is not required to be provided by a teacher. If  
 15 instruction is provided by a teacher, the teacher is not required to be a  
 16 certified trainer of cardiopulmonary resuscitation.

17 (d) This section shall not be construed to require a student to  
 18 become certified in cardiopulmonary resuscitation and the use of an  
 19 automated external defibrillator. However, if a school corporation or  
 20 accredited nonpublic school chooses to offer a course that results in  
 21 certification being earned, the course must be taught by an instructor  
 22 authorized to provide the instruction by the American Heart  
 23 Association, the American Red Cross, or a similar nationally  
 24 recognized association.

25 (e) A school administrator may waive the requirement that a student  
 26 receive instruction under subsection (b) if the student has a disability  
 27 or is physically unable to perform the psychomotor skill component of  
 28 the instruction required under subsection (b).

29 (f) If a school is unable to comply with the psychomotor skill  
 30 component of the instruction required under subsection (b), the  
 31 governing body may submit a request to the state superintendent to  
 32 waive the psychomotor skill component. The state superintendent shall  
 33 take action on the waiver request within thirty (30) days of receiving  
 34 the request for a waiver. A waiver request must:

35 (1) be in writing;

36 (2) include the reason or reasons that necessitated the waiver  
 37 request;

38 (3) indicate the extent to which the school attempted to comply  
 39 with the requirements under subsection (b); and

40 (4) be submitted each year for the school year the school requests  
 41 the waiver.

42 SECTION 314. IC 20-30-5.5 IS REPEALED [EFFECTIVE JULY



- 1, 2015]. (Internet Safety).
- 2 SECTION 315. IC 20-30-6 IS REPEALED [EFFECTIVE JULY 1,  
3 2015]. (Optional Curriculum).
- 4 SECTION 316. IC 20-30-7-4, AS ADDED BY P.L.1-2005,  
5 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
6 JULY 1, 2015]: Sec. 4. ~~(a) An educational~~ **A school corporation shall**  
7 **determine the contents and curriculum of a voluntary summer**  
8 **school enrichment** program described in section 3 of this chapter.  
9 consists of ~~one-half (1/2)~~ day sessions in which students may:
- 10 (1) receive remediation on a voluntary basis;  
11 (2) develop further in areas first covered during the school year;  
12 or  
13 (3) experience specific educational programs that are not  
14 regularly provided as part of the established curriculum during the  
15 school year:
- 16 (b) The board shall adopt rules under IC 4-22-2 to implement this  
17 section and section 3 of this chapter, including rules governing the  
18 distribution of state funds for this purpose.
- 19 SECTION 317. IC 20-30-8-7, AS AMENDED BY P.L.286-2013,  
20 SECTION 96, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
21 JULY 1, 2015]: Sec. 7. The program organizer may request the  
22 approval from the department for the following:
- 23 (1) To receive the grant for alternative education programs under  
24 IC 20-20-33.
- 25 (2) To be granted waivers from rules adopted by the state board  
26 that may otherwise interfere with the objectives of the alternative  
27 education program, including waivers of:
- 28 (A) certain high school graduation requirements;  
29 (B) the ~~length amount~~ of the student instructional ~~day time~~ as  
30 set forth in ~~IC 20-30-2-2~~; **IC 20-30-2-3**;  
31 (C) required curriculum and curricular materials;  
32 (D) teacher certification requirements; and  
33 (E) physical facility requirements.
- 34 SECTION 318. IC 20-30-9-10 IS REPEALED [EFFECTIVE JULY  
35 1, 2015]. Sec. ~~10~~: (a) ~~Before June 1 of each year, the principal of each~~  
36 ~~school operating a bilingual-bicultural program shall appoint a local~~  
37 ~~advisory committee composed of:~~
- 38 (1) ~~teachers of bilingual-bicultural instruction who are proficient~~  
39 ~~in both English and a non-English language and certified to teach~~  
40 ~~a subject, including the history and culture of both the United~~  
41 ~~States and the homeland of the non-English language;~~  
42 (2) counselors;



1 (3) community members; and

2 (4) parents of students enrolled or eligible for enrollment in the  
3 bilingual-bicultural program.

4 A majority of the committee members must be parents of students  
5 enrolled or eligible for enrollment in the bilingual-bicultural program.

6 (b) Before July 1 of each year, the governing body of each school  
7 corporation operating a bilingual-bicultural program shall select at least  
8 one (1) representative from each local advisory committee to serve on  
9 a corporation advisory committee. A majority of the committee  
10 members must be parents of students enrolled or eligible for enrollment  
11 in the program.

12 (c) A member of a local and corporation advisory committee holds  
13 the position for one (1) year.

14 (d) The local and corporation advisory committees shall participate  
15 in planning, implementing, and evaluating the bilingual-bicultural  
16 programs. All bilingual-bicultural programs must be approved by the  
17 appropriate local advisory committee before implementation. If the  
18 advisory committee refuses to approve a program, the division shall  
19 arbitrate the dispute.

20 (e) All school corporations wishing to implement a  
21 bilingual-bicultural program shall apply to the state superintendent.

22 (f) All bilingual-bicultural programs must be approved by the state  
23 board to qualify for the distribution of state funds to school  
24 corporations for the bilingual-bicultural programs.

25 SECTION 319. IC 20-31-2-6, AS ADDED BY P.L.1-2005,  
26 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
27 JULY 1, 2015]: Sec. 6. "Exceptional learner" refers to the following:

28 (1) A **child student** with a disability (as defined in ~~IC 20-35-1-2~~;  
29 **IC 20-35-1-8**).

30 (2) A high ability student (as defined in IC 20-36-1-3).

31 SECTION 320. IC 20-31-4-2, AS ADDED BY P.L.1-2005,  
32 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
33 JULY 1, 2015]: Sec. 2. (a) A school in Indiana **that elects to be**  
34 **accredited**, may be accredited:

35 (1) under the performance based accreditation system established  
36 by this chapter; or

37 (2) by implementing a quality focused approach to school  
38 improvement such as the criteria for the Malcolm Baldrige  
39 National Quality Award for Education or for a national or regional  
40 accreditation agency that is recommended by the education  
41 roundtable and approved by the state board.

42 (b) The state board shall establish the following:



- 1 (1) A performance based accreditation system for accrediting  
2 schools in Indiana under this chapter.
- 3 (2) A procedure for determining whether a school is making  
4 progress toward meeting the criteria for the Malcolm Baldrige  
5 National Quality Award for Education or a national or regional  
6 accreditation agency.
- 7 (c) The department shall establish a schedule for accrediting schools  
8 **that elect to be accredited** under this chapter.
- 9 (d) **A school that elects to be accredited or to retain the school's**  
10 **accreditation under the performance based accreditation system**  
11 **shall comply with this chapter.**
- 12 SECTION 321. IC 20-31-4-7, AS ADDED BY P.L.1-2005,  
13 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
14 JULY 1, 2015]: Sec. 7. (a) If the department determines that:  
15 (1) a school has complied with all the legal standards under  
16 section 6 of this chapter; and  
17 (2) the school's performance has met the expectations for that  
18 school in the areas described in section 5 of this chapter;  
19 the state board shall make a determination that the school has acquired  
20 full accreditation status.
- 21 (b) The department shall conduct the next review under this chapter  
22 of a school described under subsection (a) not later than five (5) years  
23 after the state board's determination of full accreditation **if the school**  
24 **elects to retain accreditation.**
- 25 SECTION 322. IC 20-31-4-8, AS ADDED BY P.L.1-2005,  
26 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
27 JULY 1, 2015]: Sec. 8. (a) If the department verifies that:  
28 (1) a school **seeking accreditation** has not complied with all the  
29 legal standards under section 6 of this chapter; or  
30 (2) the school's performance has not met the expectations for that  
31 school in the areas described in section 5 of this chapter;  
32 a review panel of at least three (3) members shall conduct an onsite  
33 evaluation of that school to make a recommendation to the state board  
34 as to the accreditation status of that school.
- 35 (b) The department may not publish or otherwise make available for  
36 public inspection any information concerning a school's compliance  
37 with legal standards under section 6 of this chapter, the meeting of  
38 performance expectations under section 5 of this chapter, the  
39 assignment of an onsite review panel under this section, or the  
40 recommended accreditation status of the school until all onsite reviews  
41 have taken place and recommendations to the state board concerning  
42 the accreditation status of the school have been made.



1 SECTION 323. IC 20-31-4-12, AS ADDED BY P.L.1-2005,  
 2 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 3 JULY 1, 2015]: Sec. 12. (a) Upon receipt of a review panel's  
 4 recommendation, the state board shall make one (1) of the following  
 5 determinations as to the accreditation status of the school:

6 (1) Full accreditation status with the next review being conducted  
 7 five (5) years after the state board's determination of full  
 8 accreditation **if the school elects to retain accreditation.**

9 (2) Full accreditation status with the next review being conducted  
 10 earlier than five (5) years after the state board's determination of  
 11 full accreditation **if the school elects to retain accreditation.**

12 (3) Probationary accreditation with the next review being  
 13 conducted one (1) year after the state board's determination of  
 14 probationary accreditation **if the school elects to retain**  
 15 **accreditation.**

16 (b) A school that does not comply with all the legal standards may  
 17 not be determined to have acquired full accreditation status.

18 SECTION 324. IC 20-31-4-13, AS ADDED BY P.L.1-2005,  
 19 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 20 JULY 1, 2015]: Sec. 13. If a school is assigned probationary  
 21 accreditation status, **and the school elects to achieve full**  
 22 **accreditation status**, the governing body of the school corporation  
 23 shall:

24 (1) develop a plan, within one (1) year after the school is assigned  
 25 probationary status, to raise the school's level of accreditation;  
 26 and

27 (2) raise the school's level of accreditation within three (3) years  
 28 after the school is assigned probationary status.

29 SECTION 325. IC 20-31-4-14, AS ADDED BY P.L.1-2005,  
 30 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 31 JULY 1, 2015]: Sec. 14. (a) If a school having probationary status:

32 (1) fails to make progress; or

33 (2) at the end of three (3) years has not achieved full accreditation  
 34 status;

35 the state board shall assign probationary accreditation status to the  
 36 school corporation in which the school is located.

37 (b) A school corporation on probationary accreditation status **that**  
 38 **elects to achieve full accreditation status** shall direct its efforts  
 39 toward raising the level of accreditation of each of its schools that are  
 40 on probationary accreditation status to full accreditation status within  
 41 one (1) year after the school corporation is assigned probationary  
 42 accreditation status.



1 SECTION 326. IC 20-31-4-15 IS REPEALED [EFFECTIVE JULY  
2 1, 2015]. Sec. 15: If a school corporation on probationary accreditation  
3 status does not raise the level of accreditation of each of its schools that  
4 are on probationary accreditation status to full accreditation status  
5 within one (1) year after the school corporation was assigned  
6 probationary accreditation status; the department shall submit to the  
7 general assembly recommendations concerning the operation and  
8 administration of the school corporation and the schools within that  
9 school corporation.

10 SECTION 327. IC 20-31-5-4, AS AMENDED BY P.L.246-2013,  
11 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
12 JULY 1, 2015]: Sec. 4. (a) A plan must:

- 13 (1) state objectives for a three (3) year period **that the school**  
14 **wants to achieve;** and  
15 (2) be annually reviewed and revised to accomplish the  
16 achievement objectives of the school.

17 (b) A ~~plan must~~ **school shall** establish objectives for **that** the school  
18 **wants to achieve in the plan. A school shall determine the form and**  
19 **content of the plan.**

20 (c) This subsection does not apply to a school that is designated in  
21 the top category or designation of school improvement under  
22 IC 20-31-8-4 in the year immediately preceding the year in which the  
23 school's initial plan is implemented. These achievement objectives  
24 must be consistent with academic standards and include improvement  
25 in at least the following areas:

- 26 (1) Attendance rate; as set forth in the plan developed under  
27 IC 20-19-3-12.2.  
28 (2) The educational needs of students who have been identified to  
29 be chronically absent or habitually truant from school.  
30 (3) The percentage of students meeting academic standards under  
31 the ISTEP program (IC 20-31-3 and IC 20-32-5).  
32 (4) For a secondary school; graduation rate.

33 (d) A plan must address the learning needs of all students; including  
34 programs and services for exceptional learners.

35 (e) A plan must specify how and to what extent the school expects  
36 to make continuous improvement in all areas of the education system  
37 where results are measured by setting benchmarks for progress on an  
38 individual school basis.

39 (f) A plan must note specific areas where improvement is needed  
40 immediately.

41 SECTION 328. IC 20-31-5-6 IS REPEALED [EFFECTIVE JULY  
42 1, 2015]. Sec. 6: (a) This section does not apply to a school that is





1 designated in the top category or designation of school improvement  
 2 under IC 20-31-8-4 in the year immediately preceding the year in  
 3 which the school's initial plan is implemented. A plan must contain the  
 4 following components for the school:

5 (1) A list of the statutes and rules that the school wishes to have  
 6 suspended from operation for the school:

7 (2) A description of the curriculum and information concerning  
 8 the location of a copy of the curriculum that is available for  
 9 inspection by members of the public:

10 (3) A description and name of the assessments that will be used  
 11 in the school in addition to ISTEP program assessments:

12 (4) A plan to be submitted to the governing body and made  
 13 available to all interested members of the public in an easily  
 14 understood format:

15 (5) A provision to maximize parental participation in the school;  
 16 which may include providing parents with:

17 (A) access to learning aids to assist students with school work  
 18 at home;

19 (B) information on home study techniques; and

20 (C) access to school resources:

21 (6) For a secondary school, a provision to do the following:

22 (A) Offer courses that allow all students to become eligible to  
 23 receive an academic honors diploma:

24 (B) Encourage all students to earn an academic honors  
 25 diploma or complete the Core 40 curriculum:

26 (C) Reduce the number of graduation exam waivers granted to  
 27 graduates:

28 (7) A provision to maintain a safe and disciplined learning  
 29 environment for students and teachers that complies with the  
 30 governing body's plan for improving student behavior and  
 31 discipline developed under IC 20-26-5-32:

32 (8) A provision for the coordination of technology initiatives and  
 33 ongoing professional development activities:

34 (b) If, for a purpose other than a plan under this chapter, a school  
 35 has developed materials that are substantially similar to a component  
 36 listed in subsection (a); the school may substitute those materials for  
 37 the component listed in subsection (a):

38 SECTION 329. IC 20-31-9.5-8 IS REPEALED [EFFECTIVE JULY  
 39 1, 2015]. Sec. 8: (a) If the state board, upon remand of the Marion  
 40 County Circuit Court case of Board of School Commissioners of the  
 41 City of Indianapolis v. Indiana State Board of Education and Indiana  
 42 Department of Education (cause number 49D03-1206-MI-023257);



1 determines that the Indianapolis public school corporation or any other  
 2 school corporation is entitled to a distribution to correct the amount  
 3 that was withheld under IC 20-31-9.5 during July through December  
 4 2012 from state tuition support and federal funds otherwise to be  
 5 distributed to the school corporation; the following apply:

6 (1) The state board shall make distributions to the following:

7 (A) The Indianapolis public school corporation:

8 (B) Any other school corporation affected by a redetermination  
 9 of the amount that was withheld under IC 20-31-9.5 during  
 10 July through December 2012:

11 (2) Before making a distribution to a school corporation under  
 12 this section; the state board must obtain from the recipient school  
 13 corporation an agreement that the school corporation will dismiss  
 14 and not pursue any claims against the state or any state officer or  
 15 entity; the special management team; or the turnaround academy  
 16 with regard to distributions received by the special management  
 17 team or turnaround academy under IC 20-31-9.5 during July  
 18 through December 2012.

19 (b) There is appropriated from the state general fund to the state  
 20 board for the 2012-2013 state fiscal year; seven million four hundred  
 21 five thousand eight hundred ninety-two dollars (\$7,405,892) to make  
 22 distributions as provided in subsection (a):

23 SECTION 330. IC 20-31-11-6, AS AMENDED BY P.L.146-2008,  
 24 SECTION 474, IS AMENDED TO READ AS FOLLOWS  
 25 [EFFECTIVE JULY 1, 2015]: Sec. 6. (a) A public school that receives  
 26 a monetary award under this chapter may expend that award for any  
 27 educational purpose for that school. **except:**

28 (1) athletics;

29 (2) salaries for school personnel; or

30 (3) salary bonuses for school personnel:

31 (b) A monetary award may not be used to determine the state tuition  
 32 support under IC 20-43 of the school corporation in which the school  
 33 receiving the monetary award is located.

34 SECTION 331. IC 20-32-3-2, AS ADDED BY P.L.1-2005,  
 35 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 36 JULY 1, 2015]: Sec. 2. As used in this chapter, "student" refers to a  
 37 student who meets the following conditions:

38 (1) Is enrolled in a public school, an accredited nonpublic school,  
 39 or a nonpublic school that has requested and received from the  
 40 state board specific approval for the school's education program.

41 (2) Is in at least grade 9.

42 (3) If the student is a **child student** with a disability (as defined in



1 ~~IC 20-35-1-2~~; **IC 20-35-1-8**), would benefit from the  
 2 participation under this chapter as determined by the  
 3 individualized education program for the student.

4 SECTION 332. IC 20-32-4-5, AS AMENDED BY P.L.268-2013,  
 5 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 6 JULY 1, 2015]: Sec. 5. (a) This section applies to a student who is a  
 7 **child student** with a disability (as defined in ~~IC 20-35-1-2~~;  
 8 **IC 20-35-1-8**).

9 (b) If the student does not achieve a passing score on the graduation  
 10 examination, the student's case conference committee may determine  
 11 that the student is eligible to graduate if the case conference committee  
 12 finds the following:

13 (1) The student's teacher of record, in consultation with a teacher  
 14 of the student in each subject area in which the student has not  
 15 achieved a passing score, makes a written recommendation to the  
 16 case conference committee. The recommendation must:

- 17 (A) be aligned with the governing body's relevant policy;  
 18 (B) be concurred in by the principal of the student's school;  
 19 and  
 20 (C) be supported by documentation that the student has  
 21 attained the academic standard in the subject area based on:  
 22 (i) tests other than the graduation examination; or  
 23 (ii) classroom work.

24 (2) The student meets all the following requirements:  
 25 (A) Retakes the graduation examination in each subject area  
 26 in which the student did not achieve a passing score as often  
 27 as required by the student's individualized education program.  
 28 (B) Completes remediation opportunities provided to the  
 29 student by the student's school to the extent required by the  
 30 student's individualized education program.  
 31 (C) Maintains a school attendance rate of at least ninety-five  
 32 percent (95%) to the extent required by the student's  
 33 individualized education program with excused absences not  
 34 counting against the student's attendance.  
 35 (D) Maintains at least a "C" average or the equivalent in the  
 36 courses comprising the credits specifically required for  
 37 graduation by rule of the state board.  
 38 (E) Otherwise satisfies all state and local graduation  
 39 requirements.

40 SECTION 333. IC 20-32-4-6, AS ADDED BY P.L.105-2005,  
 41 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 42 JULY 1, 2015]: Sec. 6. A decision with regard to whether a student



1 who is a **child student** with a disability (as defined in ~~IC 20-35-1-2~~)  
 2 **IC 20-35-1-8**) is subject to the requirements of section 1(b)(2) of this  
 3 chapter shall be made in accordance with the student's individualized  
 4 education program and federal law.

5 SECTION 334. IC 20-32-5-5, AS AMENDED BY P.L.73-2011,  
 6 SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 7 JULY 1, 2015]: Sec. 5. The department shall make general language  
 8 arts essay scoring rubrics available to the public at least four (4)  
 9 months before the administration of a test. An essay question, a scoring  
 10 rubric, or an anchor paper used in the ISTEP program must not seek or  
 11 compile information about a ~~student's~~ **student that is prohibited**  
 12 **under 20 U.S.C. 1232(h).**

13 (1) ~~personal attitudes;~~

14 (2) ~~political views;~~

15 (3) ~~religious beliefs;~~

16 (4) ~~family relationships; or~~

17 (5) ~~other matters listed in IC 20-30-5-17(b).~~

18 The ISTEP program citizens' review committee shall determine  
 19 whether an essay question or a scoring rubric complies with this  
 20 section.

21 SECTION 335. IC 20-32-5-16, AS ADDED BY P.L.1-2005,  
 22 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 23 JULY 1, 2015]: Sec. 16. (a) A student who is a **child student** with a  
 24 disability (as defined in ~~IC 20-35-1-2~~) **IC 20-35-1-8**) shall be tested  
 25 under this chapter with appropriate accommodations in testing  
 26 materials and procedures unless the individuals who develop the ~~child's~~  
 27 **student's** individualized education program determine that testing or  
 28 a part of the testing under this chapter is not appropriate for the student  
 29 and that an alternate assessment will be used to test the student's  
 30 achievement.

31 (b) Any decision concerning a student who is a **child student** with  
 32 a disability (as defined in ~~IC 20-35-1-2~~) **IC 20-35-1-8**) regarding the  
 33 student's:

34 (1) participation in testing under this chapter;

35 (2) receiving accommodations in testing materials and  
 36 procedures;

37 (3) participation in remediation under IC 20-32-8; or

38 (4) retention at the same grade level for consecutive school years;

39 shall be made in accordance with the student's individualized education  
 40 program in compliance with the ISTEP program manual and federal  
 41 law.

42 SECTION 336. IC 20-32-7-1, AS AMENDED BY P.L.99-2007,



1 SECTION 177, IS AMENDED TO READ AS FOLLOWS  
 2 [EFFECTIVE JULY 1, 2015]: Sec. 1. A decision requiring a student  
 3 who is a **child student** with a disability (as defined in ~~IC 20-35-1-2~~)  
 4 **IC 20-35-1-8**) to undergo a student diagnostic assessment under this  
 5 chapter or be retained at a particular grade level shall be made in  
 6 accordance with the student's individualized education program and  
 7 federal law.

8 SECTION 337. IC 20-32-7-6 IS REPEALED [EFFECTIVE JULY  
 9 1, 2015]. ~~Sec. 6. Upon the written consent of:~~

10 ~~(1) the student; or~~

11 ~~(2) if the student is not emancipated, the student's parent;~~  
 12 ~~the contents of the student's portfolio may be disclosed to a student's~~  
 13 ~~prospective employer.~~

14 SECTION 338. IC 20-32-8-11, AS ADDED BY P.L.1-2005,  
 15 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 16 JULY 1, 2015]: Sec. 11. Notwithstanding the requirements of this  
 17 chapter, any decisions made with regard to:

18 (1) attendance in a remediation program;

19 (2) ISTEP program testing; and

20 (3) the grade level placement;

21 for a student who is a **child student** with a disability (as defined in  
 22 ~~IC 20-35-1-2~~) **IC 20-35-1-8**) shall be made in accordance with the  
 23 individualized education program, state law, and federal law.

24 SECTION 339. IC 20-33-2-7, AS ADDED BY P.L.246-2005,  
 25 SECTION 177, IS AMENDED TO READ AS FOLLOWS  
 26 [EFFECTIVE JULY 1, 2015]: Sec. 7. (a) In addition to the  
 27 requirements of sections 4 through 6 of this chapter, a student must be  
 28 at least five (5) years of age on:

29 (1) July 1 of the 2005-2006 school year; or

30 (2) August 1 of the 2006-2007 school year or any subsequent  
 31 school year;

32 to officially enroll in a kindergarten program offered by a school  
 33 corporation. However, subject to subsection (c), the governing body of  
 34 the school corporation ~~shall~~ **may** adopt a procedure affording a parent  
 35 of a student who does not meet the minimum age requirement set forth  
 36 in this subsection the right to appeal to the superintendent for  
 37 enrollment of the student in kindergarten at an age earlier than the age  
 38 set forth in this subsection.

39 (b) In addition to the requirements of sections 4 through 6 of this  
 40 chapter and subsection (a), and subject to subsection (c), if a student  
 41 enrolls in school as allowed under section 6 of this chapter and has not  
 42 attended kindergarten, the superintendent shall make a determination



1 as to whether the student shall enroll in kindergarten or grade 1 based  
 2 on the particular model assessment adopted by the governing body  
 3 under subsection (c).

4 (c) To assist the principal and governing bodies, the department  
 5 shall do the following:

6 (1) Establish guidelines to assist each governing body ~~in~~  
 7 ~~establishing that decides to adopt~~ a procedure for making  
 8 appeals to the superintendent under subsection (a).

9 (2) Establish criteria by which a governing body may adopt a  
 10 model assessment that may be used in making the determination  
 11 under subsection (b).

12 SECTION 340. IC 20-33-2-9, AS AMENDED BY P.L.1-2010,  
 13 SECTION 80, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 14 JULY 1, 2015]: Sec. 9. (a) The governing body of each school  
 15 corporation shall designate the appropriate ~~employees of the school~~  
 16 ~~corporation to conduct~~ **individuals to attend** the exit interviews for  
 17 students described in section 6(3) of this chapter. ~~Each exit interview~~  
 18 ~~must be personally attended by:~~

19 ~~(1) the student's parent;~~

20 ~~(2) the student;~~

21 ~~(3) each designated appropriate school employee; and~~

22 ~~(4) the student's principal.~~

23 (b) A student who is at least sixteen (16) years of age but less than  
 24 eighteen (18) years of age is bound by the requirements of compulsory  
 25 school attendance and may not withdraw from school before graduation  
 26 unless:

27 (1) the student, the student's parent, and the principal agree to the  
 28 withdrawal;

29 (2) ~~at the exit interview;~~ the student provides written  
 30 acknowledgment of the withdrawal that meets the requirements  
 31 of subsection (c) and the:

32 (A) student's parent; and

33 (B) school principal;

34 each provide written consent for the student to withdraw from  
 35 school; and

36 (3) the withdrawal is due to:

37 (A) financial hardship and the individual must be employed to  
 38 support the individual's family or a dependent;

39 (B) illness; or

40 (C) an order by a court that has jurisdiction over the student.

41 (c) A written acknowledgment of withdrawal under subsection (b)  
 42 must include a statement that the student and the student's parent



1 understand that withdrawing from school is likely to:

- 2 (1) reduce the student's future earnings; and  
 3 (2) increase the student's likelihood of being unemployed in the  
 4 future.

5 SECTION 341. IC 20-33-2-11, AS ADDED BY P.L.242-2005,  
 6 SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 7 JULY 1, 2015]: Sec. 11. (a) Notwithstanding IC 9-24 concerning the  
 8 minimum requirements for qualifying for the issuance of an operator's  
 9 license or a learner's permit, and subject to subsections (c) through (e),  
 10 an individual who is:

- 11 (1) at least thirteen (13) years of age but less than fifteen (15)  
 12 years of age;  
 13 (2) a habitual truant under the definition of habitual truant  
 14 established under subsection (b); and  
 15 (3) identified in the information submitted to the bureau of motor  
 16 vehicles under subsection (f);

17 may not be issued an operator's license or a learner's permit to drive a  
 18 motor vehicle under IC 9-24 until the individual is at least eighteen  
 19 (18) years of age.

20 (b) Each governing body ~~shall~~ **may** establish and include as part of  
 21 the written copy of its discipline rules described in IC 20-33-8-12:

- 22 (1) a definition of a child who is designated as a habitual truant,  
 23 which must, at a minimum, define the term as a student who is  
 24 chronically absent, by having unexcused absences from school for  
 25 more than ten (10) days of school in one (1) school year; **and**  
 26 ~~(2) the procedures under which subsection (a) will be~~  
 27 ~~administered; and~~  
 28 ~~(3) (2) all other pertinent matters related to this action.~~

29 (c) An individual described in subsection (a) is entitled to the  
 30 procedure described in IC 20-33-8-19.

31 (d) An individual described in subsection (a) who is at least thirteen  
 32 (13) years of age and less than eighteen (18) years of age is entitled to  
 33 a periodic review of the individual's attendance record in school to  
 34 determine whether the prohibition described in subsection (a) shall  
 35 continue. The periodic reviews may not be conducted less than one (1)  
 36 time each school year.

37 (e) Upon review, the governing body may determine that the  
 38 individual's attendance record has improved to the degree that the  
 39 individual may become eligible to be issued an operator's license or a  
 40 learner's permit.

- 41 (f) ~~Before:~~  
 42 ~~(1) February 1; and~~



1           (2) ~~October 1;~~  
 2 ~~of each year~~ The governing body of the school corporation ~~shall~~ **may**  
 3 submit to the bureau of motor vehicles the pertinent information  
 4 concerning an individual's ineligibility under subsection (a) to be  
 5 issued an operator's license or a learner's permit.  
 6           (g) The department shall develop guidelines concerning criteria  
 7 used in defining a habitual truant that may be considered by a  
 8 governing body in complying with subsection (b).  
 9           SECTION 342. IC 20-33-2-17.7, AS ADDED BY P.L.32-2014,  
 10 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 11 JULY 1, 2015]: Sec. 17.7. (a) Except as provided in subsection (b), the  
 12 governing body of a school corporation or the chief administrative  
 13 officer of a nonpublic school system shall authorize the absence and  
 14 excuse of each school student if the student or a member of the  
 15 student's household participates or exhibits in the Indiana state fair for  
 16 educational purposes, as evidenced in writing by the student's parent  
 17 and as approved in writing by the student's school principal. The  
 18 number of excused absences a student may receive under this section  
 19 may not exceed: ~~five (5) instructional days~~  
 20           **(1) for a student in grades 1 through 6, twenty-five (25) hours**  
 21 **of instructional time; or**  
 22 **(2) for a student in grades 7 through 12, thirty (30) hours of**  
 23 **instructional time;**  
 24 in a school year. A student excused from school attendance under this  
 25 section may not be recorded as being absent on any date for which the  
 26 excuse is operative and may not be penalized by the school in any  
 27 manner.  
 28           (b) In order for a student to receive an excused absence under  
 29 subsection (a), the student must be in good academic standing, as  
 30 determined by the school corporation.  
 31           SECTION 343. IC 20-33-2-21, AS ADDED BY P.L.1-2005,  
 32 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 33 JULY 1, 2015]: Sec. 21. ~~(a) Each principal and teacher in a public~~  
 34 ~~school that is attended by a student subject to the compulsory school~~  
 35 ~~attendance law under this chapter shall furnish, on request of the~~  
 36 ~~superintendent of the school corporation in which they are employed,~~  
 37 ~~a list of:~~  
 38           (1) names;  
 39           (2) addresses; and  
 40           (3) ages;  
 41 ~~of all minors attending the school. When a student withdraws from~~  
 42 ~~school, the principal and teacher shall immediately report to the~~





1 superintendent the student's name and address and the date of the  
2 student's withdrawal:

3 (b) (a) Each principal or school administrator in a nonpublic school  
4 that is attended by a student who is subject to the compulsory school  
5 attendance law under this chapter shall furnish, on request of the state  
6 superintendent, the number of students by grade level attending the  
7 school.

8 (c) (b) If:

9 (1) a student withdraws from a nonpublic school; and

10 (2) no public or other nonpublic school has requested the student's  
11 educational records within fifteen (15) school days after the date  
12 the student withdrew from school;

13 the nonpublic school shall report to the state superintendent or the  
14 superintendent of the school corporation in which the nonpublic school  
15 is located, the name and address of the student and the date the student  
16 withdrew from school.

17 SECTION 344. IC 20-33-2-31, AS AMENDED BY P.L.2-2006,  
18 SECTION 151, IS AMENDED TO READ AS FOLLOWS  
19 [EFFECTIVE JULY 1, 2015]: Sec. 31. (a) In a county that has been  
20 completely reorganized into one (1) or more school corporations under  
21 IC 20-23-4, the governing body of each school corporation with at least  
22 one thousand five hundred (1,500) students in ADA shall appoint an  
23 attendance officer. The governing body of each school corporation that  
24 has fewer than one thousand five hundred (1,500) students in ADA  
25 may appoint or the governing bodies of two (2) or more school  
26 corporations jointly may appoint:

27 (1) an one (1) attendance officer; and

28 (2) one (1) additional attendance officer for every seven  
29 thousand five hundred (7,500) students in ADA in the school  
30 corporation or school corporations.

31 The county council shall appropriate, and the board of county  
32 commissioners shall allow, the funds necessary to pay the salary  
33 and expenses of attendance officers appointed in accordance with  
34 this section.

35 (b) If the governing body of a school corporation that has discretion  
36 in whether to appoint an attendance officer declines to make an  
37 appointment, the superintendent of the school corporation shall serve  
38 as ex officio attendance officer under section 35 of this chapter.

39 (b) Whenever the governing body of a school corporation makes an  
40 appointment under this section, it shall appoint an individual  
41 nominated by the superintendent. However, the governing body may  
42 decline to appoint any nominee and require another nomination. The



1 salary of each attendance officer appointed under this section shall be  
 2 fixed by the governing body. In addition to salary, the attendance  
 3 officer is entitled to receive reimbursement for actual expenses  
 4 necessary to properly perform the officer's duties. The salary and  
 5 expenses of an attendance officer appointed under this section shall be  
 6 paid by the treasurer of the school corporation:

7 SECTION 345. IC 20-33-2-32 IS REPEALED [EFFECTIVE JULY  
 8 1, 2015]. Sec. 32: (a) In a county that has not been completely  
 9 reorganized under IC 20-23-4, the governing body of each school  
 10 corporation that constitutes a separate attendance district under section  
 11 30 of this chapter shall appoint an attendance officer. One (1)  
 12 additional attendance officer may be appointed for every seven  
 13 thousand five hundred (7,500) students in ADA in the corporation:

14 (b) Whenever the governing body of a school corporation makes an  
 15 appointment under this section, it shall appoint an individual  
 16 nominated by the superintendent. However, the governing body may  
 17 decline to appoint any nominee and require another nomination. The  
 18 salary of each attendance officer appointed under this section shall be  
 19 fixed by the governing body. In addition to salary, the officer is entitled  
 20 to receive reimbursement for actual expenses necessary to properly  
 21 perform the officer's duties. The salary and expenses of an attendance  
 22 officer appointed under this section shall be paid by the treasurer of the  
 23 county in which the officer serves, on a warrant signed by the county  
 24 auditor. The county council shall appropriate, and the board of county  
 25 commissioners shall allow, the funds necessary to make these  
 26 payments. However, a warrant shall not be issued to an attendance  
 27 officer until the attendance officer has filed an itemized statement with  
 28 the county auditor. This statement shall show the time employed and  
 29 expenses incurred. The superintendent shall approve the statement and  
 30 certify that it is correct:

31 SECTION 346. IC 20-33-2-33 IS REPEALED [EFFECTIVE JULY  
 32 1, 2015]. Sec. 33: (a) In a county that has not been completely  
 33 reorganized under IC 20-23-4, all school corporations that do not  
 34 individually constitute separate attendance districts under section 30 of  
 35 this chapter together constitute a remainder attendance district. The  
 36 governing bodies of each remainder attendance district with at least  
 37 one thousand five hundred (1,500) students in ADA shall appoint an  
 38 attendance officer. One (1) additional attendance officer may be  
 39 appointed for every seven thousand five hundred (7,500) students in  
 40 ADA in the district. The governing bodies of a remainder attendance  
 41 district with less than one thousand five hundred (1,500) students in  
 42 ADA may appoint an attendance officer. If the governing bodies have



1 discretion in whether to appoint an attendance officer and decline to  
 2 make an appointment, the superintendent or superintendents involved  
 3 shall serve as ex officio attendance officers under section 35 of this  
 4 chapter.

5 (b) The governing bodies of the school corporations involved shall  
 6 together form an appointing authority for attendance officers with the  
 7 governing body of each school corporation having one (1) vote. This  
 8 appointing authority shall appoint an individual nominated by the  
 9 superintendent. However, the appointing authority may reject any  
 10 nominee and require another nomination. The salary of each attendance  
 11 officer appointed under this section shall be fixed by the appointing  
 12 authority. In addition to salary, the officer is entitled to receive  
 13 reimbursement for actual expenses necessary to properly perform the  
 14 officer's duties. The salary and expenses of an attendance officer  
 15 appointed under this section shall be paid by the treasurer of the county  
 16 in which the officer serves, on a warrant signed by the county auditor.  
 17 The county council shall appropriate, and the board of county  
 18 commissioners shall allow, the funds necessary to make these  
 19 payments. However, a warrant may not be issued to an attendance  
 20 officer until the officer has filed an itemized statement with the county  
 21 auditor. This statement must show the time employed and expenses  
 22 incurred. The appropriate superintendent shall approve the statement  
 23 and certify that it is correct.

24 SECTION 347. IC 20-33-2-34 IS REPEALED [EFFECTIVE JULY  
 25 1, 2015]. Sec. 34. (a) This section applies to a county having a  
 26 population of:

27 (1) more than twenty-five thousand eight hundred (25,800) but  
 28 less than twenty-six thousand (26,000); or

29 (2) more than one hundred fifty thousand (150,000) but less than  
 30 one hundred seventy thousand (170,000).

31 (b) Notwithstanding sections 32 and 33 of this chapter, in a county  
 32 that has not been completely reorganized under IC 20-23-4, the  
 33 governing body of each school corporation constituting a separate  
 34 attendance district under section 30 of this chapter shall appoint an  
 35 attendance officer. One (1) additional attendance officer may be  
 36 appointed for every seven thousand five hundred (7,500) students in  
 37 ADA in the school corporation. The governing body of each school  
 38 corporation that does not individually constitute a separate attendance  
 39 district may appoint an attendance officer.

40 (c) If the governing body of the school corporation makes an  
 41 appointment under this section, it shall appoint an individual who is  
 42 nominated by the superintendent of the school corporation. However;



1 the governing body may decline to appoint a nominee and may require  
 2 another nomination to be made by the superintendent. If the governing  
 3 body has discretion in whether to appoint an attendance officer under  
 4 subsection (b) and declines to make an appointment, the superintendent  
 5 of the school corporation involved shall serve as ex officio attendance  
 6 officer under section 35 of this chapter.

7 (d) The salary, including fringe benefits, of each attendance officer  
 8 appointed under this section shall be fixed by the governing body of the  
 9 school corporation and shall be paid by the treasurer of the school  
 10 corporation.

11 (e) Each attendance officer appointed under this section is entitled  
 12 to receive reimbursement from the school corporation for the actual  
 13 and necessary expenses incurred by the attendance officer in the proper  
 14 performance of the attendance officer's duties.

15 SECTION 348. IC 20-33-2-35, AS AMENDED BY P.L.90-2011,  
 16 SECTION 45, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 17 JULY 1, 2015]: Sec. 35. If the governing body of a school corporation  
 18 elects not to appoint an attendance officer under section 31 of this  
 19 chapter, or an appointing authority elects not to appoint an attendance  
 20 officer under section 33 of this chapter, the superintendent shall serve  
 21 as an ex officio attendance officer. A superintendent acting in this  
 22 capacity may designate one (1) or more school employees as assistant  
 23 attendance officers. These assistant attendance officers shall act under  
 24 the superintendent's direction and perform the duties the superintendent  
 25 assigns. Ex officio attendance officers and assistant attendance officers  
 26 appointed under this section shall receive no additional compensation  
 27 for performing attendance services.

28 SECTION 349. IC 20-33-2-36 IS REPEALED [EFFECTIVE JULY  
 29 1, 2015]. Sec. 36: The governing bodies of two (2) or more school  
 30 corporations may enter into a voluntary mutual agreement for the joint  
 31 employment of an attendance officer. The agreement must stipulate the  
 32 manner in which the joint attendance officer is appointed, paid, and  
 33 supervised. The attendance officer may then be appointed, paid, and  
 34 supervised under the terms of the agreement. However, compensation  
 35 for any attendance officer employed under this section shall be paid  
 36 entirely by the school corporations involved with no assistance from  
 37 the civil government.

38 SECTION 350. IC 20-33-2-37 IS REPEALED [EFFECTIVE JULY  
 39 1, 2015]. Sec. 37: The governing body of a school corporation that has  
 40 fewer than one thousand five hundred (1,500) students in ADA may  
 41 organize the school corporation as a separate attendance district and  
 42 appoint an attendance officer. The governing body, in making the



1 appointment, shall appoint an individual nominated by the  
 2 superintendent. However, it may decline to appoint any nominee and  
 3 require another nomination. All compensation for an attendance officer  
 4 appointed under this section shall be paid by the treasurer of the school  
 5 corporation in which the officer is employed.

6 SECTION 351. IC 20-33-2-38, AS ADDED BY P.L.1-2005,  
 7 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 8 JULY 1, 2015]: Sec. 38. Any school corporation ~~attendance district, or~~  
 9 ~~remainder attendance district or school corporations~~ may appoint  
 10 more attendance officers than are specifically authorized ~~or required~~  
 11 under **section 31** of this chapter. However, these additional attendance  
 12 officers shall be appointed in the same manner as required by law for  
 13 other attendance officers. Compensation for additional attendance  
 14 officers appointed under this section shall be paid entirely by the  
 15 school corporation or school corporations involved.

16 SECTION 352. IC 20-33-2-40, AS ADDED BY P.L.1-2005,  
 17 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 18 JULY 1, 2015]: Sec. 40. (a) Each attendance officer may serve original  
 19 and other process in cases arising under this chapter.

20 (b) An attendance officer may enter any place where a child is  
 21 employed to determine whether violations of this chapter ~~or of~~  
 22 ~~IC 20-33-3~~ have occurred. When an attendance officer or a school  
 23 official is exercising the power granted under this subsection, any  
 24 officer, manager, director, employee or other person who refuses to  
 25 permit the attendance officer's or the school official's entry into a place  
 26 of business or interferes with ~~his~~ **the officer's or official's**  
 27 investigation in any way commits a violation of this chapter.

28 SECTION 353. IC 20-33-3-1.5 IS ADDED TO THE INDIANA  
 29 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
 30 [EFFECTIVE JULY 1, 2015]: **Sec. 1.5. As used in this chapter,**  
 31 **"issuing officer" means the officer or employee of the department**  
 32 **of labor that issues employment certificates under this chapter.**

33 SECTION 354. IC 20-33-3-7, AS ADDED BY P.L.1-2005,  
 34 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 35 JULY 1, 2015]: Sec. 7. (a) This chapter applies to a child less than  
 36 eighteen (18) years of age who is employed or is seeking employment  
 37 in Indiana.

38 (b) A child less than eighteen (18) years of age who is a resident of  
 39 Indiana and who requires an employment certificate shall obtain the  
 40 employment certificate from the issuing officer of the **department of**  
 41 **labor.**

42 (1) ~~accredited school (as described in IC 20-19-2-8(a)(5)) that the~~



1 child attends; or

2 (2) school corporation in which the child resides.

3 (c) A child less than eighteen (18) years of age who is not a resident  
4 of Indiana and who requires an employment certificate to work in  
5 Indiana shall obtain the certificate from the issuing officer of the school  
6 corporation in which the child is:

7 (1) employed; or

8 (2) seeking employment.

9 (c) The judge of a court with juvenile jurisdiction may suspend the  
10 application of this chapter in cases involving juvenile delinquents or  
11 incorrigibles whenever, in the opinion of the judge, the welfare of a  
12 child warrants this action.

13 SECTION 355. IC 20-33-3-8 IS REPEALED [EFFECTIVE JULY  
14 1, 2015]. Sec. 8: (a) The issuing officer in each accredited school (as  
15 described in IC 20-19-2-8(a)(5)) shall be an individual who is:

16 (1) a guidance counselor;

17 (2) a school social worker; or

18 (3) an attendance officer for the school corporation and a teacher  
19 licensed by the division of professional standards of the  
20 department under IC 20-28-4 or IC 20-28-5;

21 and designated in writing by the principal:

22 (b) During the times in which the individual described in subsection  
23 (a) is not employed by the school or when school is not in session, there  
24 shall be an issuing officer available:

25 (1) who is a teacher licensed by the division of professional  
26 standards of the department under IC 20-28-4 or IC 20-28-5; and

27 (2) whose identity and hours of work shall be determined by the  
28 principal:

29 SECTION 356. IC 20-33-3-10, AS ADDED BY P.L.1-2005,  
30 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
31 JULY 1, 2015]: Sec. 10. (a) An issuing officer may issue an  
32 employment certificate only to a child whose employment is necessary  
33 and only after receipt of the following two (2) documents:

34 (1) Proof of age as set forth under section 11 of this chapter.

35 (2) Proof of prospective employment as set forth under section 12  
36 of this chapter.

37 (b) A child seeking an employment certificate from a school the  
38 child does not attend must also present to the issuing officer a written  
39 statement that:

40 (1) is from the school the child does attend; and

41 (2) attests to the child's acceptable academic performance and  
42 attendance.



1 SECTION 357. IC 20-33-3-13, AS AMENDED BY P.L.182-2006,  
 2 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 3 JULY 1, 2015]: Sec. 13. (a) Upon presentation to the issuing officer of  
 4 the documents required by section 10 of this chapter, an employment  
 5 certificate shall be issued immediately to the child. The employment  
 6 certificate shall state the maximum number of hours that the child may  
 7 be employed by the employer. However, an issuing officer may deny  
 8 a certificate to a child:

9 (1) whose attendance is not in good standing; or

10 (2) whose academic performance does not meet the school  
 11 corporation's standard.

12 (b) ~~Not more than five (5) days after issuing an employment~~  
 13 ~~certificate, the issuing officer shall send a copy of the employment~~  
 14 ~~certificate to the department of labor.~~ The issuing officer shall keep a  
 15 record in the issuing officer's office of each employment certificate  
 16 issued. The issuing officer shall keep for each ~~student child~~ who has  
 17 been issued more than one (1) employment certificate a record of the  
 18 maximum number of hours that the ~~student child~~ may work each week  
 19 for all employers.

20 (c) ~~A student may appeal the denial of a certificate under subsection~~  
 21 ~~(a) to the principal.~~

22 SECTION 358. IC 20-33-3-14, AS ADDED BY P.L.1-2005,  
 23 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 24 JULY 1, 2015]: Sec. 14. (a) The ~~(1) state board; or (2)~~ department of  
 25 labor may revoke an employment certificate at any time, if, in the  
 26 judgment of the ~~state board or the~~ department of labor, the certificate  
 27 was improperly issued or if the ~~state board or~~ department of labor has  
 28 knowledge that the child is or was illegally employed.

29 (b) To determine when a child is illegally employed, the ~~state board~~  
 30 ~~and the~~ department of labor and agents of the ~~state board or~~ department  
 31 of labor may:

32 (1) investigate the age of a child who is employed;

33 (2) subpoena witnesses;

34 (3) hear evidence; and

35 (4) require the production of relevant books or documents.

36 (c) If the ~~state board or~~ department of labor revokes an employment  
 37 certificate under this section, the issuing officer and the child's  
 38 employer shall be notified in writing. This notice may be delivered in  
 39 person or by registered mail. Immediately after receiving notice of  
 40 revocation, the employer shall return the certificate to the issuing  
 41 officer.

42 (d) A child whose employment certificate has been revoked may not



1 be employed or allowed to work until the child legally has obtained a  
2 new employment certificate.

3 SECTION 359. IC 20-33-3-16, AS AMENDED BY P.L.121-2014,  
4 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
5 JULY 1, 2015]: Sec. 16. All blank forms necessary to carry out this  
6 chapter shall be prepared by the department of labor. ~~and supplied to~~  
7 ~~issuing officers by means of electronic or printed publication.~~

8 SECTION 360. IC 20-33-3-19, AS ADDED BY P.L.1-2005,  
9 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
10 JULY 1, 2015]: Sec. 19. (a) If:

11 (1) a child fails to submit to a medical examination as required  
12 under section 18 of this chapter; or

13 (2) on examination, the medical inspector finds the child to be  
14 physically unfit to be employed in the work in which the child is  
15 engaged and files a report to that effect;

16 the department of labor shall revoke the child's employment certificate.  
17 A report of physical incapacity shall be kept at the office of the  
18 department of labor.

19 (b) Written notice of a revocation under this section shall be served  
20 on ~~the issuing officer and~~ the child's employer in person or by  
21 registered mail. Immediately after receiving notice of a revocation, the  
22 employer shall deliver the revoked certificate to the department of  
23 labor. A child whose certificate has been revoked under this section  
24 may obtain a new certificate if the child is found, after physical  
25 examination, to be physically fit for the new occupation in which the  
26 child proposes to engage.

27 SECTION 361. IC 20-33-3-38.5, AS AMENDED BY P.L.1-2007,  
28 SECTION 148, IS AMENDED TO READ AS FOLLOWS  
29 [EFFECTIVE JULY 1, 2015]: Sec. 38.5. (a) For an hour violation  
30 under sections 22 through 28 of this chapter or a violation of section  
31 23(3) or 24(3) of this chapter committed by a child, the civil penalties  
32 are as follows:

33 (1) A warning letter for a first violation.

34 (2) Revocation of the employment certificate or certificates held  
35 by the child for thirty (30) calendar days.

36 (b) The department of labor shall assess the civil penalties set forth  
37 in subsection (a).

38 (c) If the department of labor revokes an employment certificate  
39 under this section, ~~the issuing officer and~~ the child's employer shall be  
40 notified in writing. This notice may be delivered in person or by  
41 registered mail. Immediately after receiving notice of revocation, the  
42 employer shall return the certificate to the issuing officer.





1 (d) A child whose employment certificate or certificates have been  
 2 revoked may not be employed or allowed to work until the child legally  
 3 has obtained a new employment certificate.

4 SECTION 362. IC 20-33-5-7.5 IS REPEALED [EFFECTIVE JULY  
 5 1, 2015]. ~~Sec. 7.5: (a) If a school corporation does not request~~  
 6 ~~reimbursement under this chapter before April 1 of a particular school~~  
 7 ~~year, the school corporation shall, before the following June 1 of that~~  
 8 ~~year, estimate and report to the department the percentage of the school~~  
 9 ~~corporation's students who are enrolled in the school corporation and~~  
 10 ~~are eligible for assistance under this chapter.~~

11 (b) ~~The state board may adopt emergency rules in the manner~~  
 12 ~~provided in IC 4-22-2-37.1 to implement this section.~~

13 SECTION 363. IC 20-33-6 IS REPEALED [EFFECTIVE JULY 1,  
 14 2015]. (Parental Participation in a Student's Education).

15 SECTION 364. IC 20-33-8-12, AS AMENDED BY P.L.66-2009,  
 16 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 17 JULY 1, 2015]: Sec. 12. (a) Except as provided under IC 20-33-8-16,  
 18 the governing body of a school corporation must do the following:

19 (1) Establish written discipline rules, which must include a  
 20 graduated system of discipline and may include:

21 (A) appropriate dress codes; and

22 (B) if applicable, an agreement for court assisted resolution of  
 23 school suspension and expulsion cases;

24 for the school corporation.

25 (2) Give general publicity to the discipline rules within a school  
 26 where the discipline rules apply by actions such as:

27 (A) making a copy of the discipline rules available to students  
 28 and students' parents; or

29 (B) delivering a copy of the discipline rules to students or the  
 30 parents of students.

31 This publicity requirement may not be construed technically and  
 32 is satisfied if the school corporation makes a good faith effort to  
 33 disseminate to students or parents generally the text or substance  
 34 of a discipline rule.

35 (b) The:

36 (1) superintendent of a school corporation; and

37 (2) principals of each school in a school corporation;

38 may adopt regulations establishing lines of responsibility and related  
 39 guidelines in compliance with the discipline policies of the governing  
 40 body.

41 (c) The governing body of a school corporation may delegate:

42 (1) rulemaking;



1 (2) disciplinary; and  
 2 (3) other authority;  
 3 as reasonably necessary to carry out the school purposes of the school  
 4 corporation.

5 (d) Subsection (a) does not apply to rules or directions concerning  
 6 the following:

- 7 (1) Movement of students.
- 8 (2) Movement or parking of vehicles.
- 9 (3) Day to day instructions concerning the operation of a  
 10 classroom or teaching station.
- 11 (4) Time for commencement of school.
- 12 (5) Other standards or regulations relating to the manner in which  
 13 an educational function must be administered.

14 However, this subsection does not prohibit the governing body from  
 15 regulating the areas listed in this subsection.

16 **(e) In addition to establishing written discipline rules under  
 17 subsection (a), the governing body of a school corporation shall:**

- 18 **(1) establish a written policy or plan concerning the use of**  
 19 **seclusion and restraint of students; and**
- 20 **(2) give general publicity to the policy or plan.**

21 SECTION 365. IC 20-33-8-13.5, AS AMENDED BY P.L.285-2013,  
 22 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 23 JULY 1, 2015]: Sec. 13.5. (a) Discipline rules adopted by the  
 24 governing body of a school corporation under section 12 of this chapter  
 25 must

- 26 ~~(1)~~ prohibit bullying, and
- 27 ~~(2)~~ **The discipline rules must include provisions and**  
 28 **procedures that the school corporation determines are**  
 29 **appropriate.**

30 ~~(A)~~ provisions concerning education; parental involvement;  
 31 and intervention;

32 ~~(B)~~ a detailed procedure for the expedited investigation of  
 33 incidents of bullying that includes:

- 34 (i) appropriate responses to bullying behaviors; wherever the  
 35 behaviors occur;
- 36 (ii) provisions for anonymous and personal reporting of  
 37 bullying to a teacher or other school staff;
- 38 (iii) timetables for reporting of bullying incidents to the  
 39 parents of both the targeted student and the bully, in an  
 40 expedited manner;
- 41 (iv) timetables for reporting of bullying incidents to school  
 42 counselors; school administrators; the superintendent; or law



- 1 enforcement, if it is determined that reporting the bullying  
 2 incident to law enforcement is necessary;
- 3 (v) discipline provisions for teachers, school staff, or school  
 4 administrators who fail to initiate or conduct an  
 5 investigation of a bullying incident; and
- 6 (vi) discipline provisions for false reporting of bullying; and
- 7 (C) a detailed procedure outlining the use of follow-up  
 8 services that includes:
- 9 (i) support services for the victim; and  
 10 (ii) bullying education for the bully.
- 11 (b) The discipline rules described in subsection (a) may be applied  
 12 regardless of the physical location in which the bullying behavior  
 13 occurred, whenever:
- 14 (1) the individual committing the bullying behavior and any of the  
 15 intended targets of the bullying behavior are students attending a  
 16 school within a school corporation; and
- 17 (2) disciplinary action is reasonably necessary to avoid substantial  
 18 interference with school discipline or prevent an unreasonable  
 19 threat to the rights of others to a safe and peaceful learning  
 20 environment.
- 21 (c) The discipline rules described in subsection (a) must prohibit  
 22 bullying through the use of data or computer software that is accessed  
 23 through a:
- 24 (1) computer;
- 25 (2) computer system; or
- 26 (3) computer network.
- 27 (d) (b) This section may not be construed to give rise to a cause of  
 28 action against a person or school corporation based on an allegation of  
 29 noncompliance with this section. Noncompliance with this section may  
 30 not be used as evidence against a school corporation in a cause of  
 31 action.
- 32 (e) (c) A record made of an investigation, a disciplinary action, or  
 33 a follow-up action performed under rules adopted under this section is  
 34 not a public record under IC 5-14-3.
- 35 (f) (d) The department shall periodically review each policy adopted  
 36 under this section to ensure the policy's compliance with this section.
- 37 SECTION 366. IC 20-33-8-16, AS AMENDED BY P.L.114-2012,  
 38 SECTION 42, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 39 JULY 1, 2015]: Sec. 16. (a) As used in this section, "firearm" has the  
 40 meaning set forth in IC 35-47-1-5.
- 41 (b) As used in this section, "deadly weapon" has the meaning set  
 42 forth in IC 35-31.5-2-86. The term does not include a firearm or



- 1 destructive device.
- 2 (c) As used in this section, "destructive device" has the meaning set  
3 forth in IC 35-47.5-2-4.
- 4 (d) Notwithstanding section 20 of this chapter, a student who is:  
5 (1) identified as bringing a firearm or destructive device to school  
6 or on school property; or  
7 (2) in possession of a firearm or destructive device on school  
8 property;  
9 must be expelled for at least one (1) calendar year, with the return of  
10 the student to be at the beginning of the first school semester after the  
11 end of the one (1) year period.
- 12 (e) The superintendent may, on a case by case basis, modify the  
13 period of expulsion under subsection (d) for a student who is expelled  
14 under this section.
- 15 (f) Notwithstanding section 20 of this chapter, a student who is:  
16 (1) identified as bringing a deadly weapon to school or on school  
17 property; or  
18 (2) in possession of a deadly weapon on school property;  
19 may be expelled for not more than one (1) calendar year.
- 20 (g) A superintendent or the superintendent's designee shall  
21 immediately notify the appropriate law enforcement agency having  
22 jurisdiction over the property where the school is located if a student  
23 engages in a behavior described in subsection (d). The superintendent  
24 may give similar notice if the student engages in a behavior described  
25 in subsection (f). Upon receiving notification under this subsection, the  
26 law enforcement agency shall begin an investigation and take  
27 appropriate action.
- 28 (h) A student with ~~disabilities~~ **a disability** (as defined in  
29 ~~IC 20-35-7-7~~ **IC 20-35-1-8**) who possesses a firearm on school  
30 property is subject to procedural safeguards under 20 U.S.C. 1415.
- 31 SECTION 367. IC 20-33-8-25, AS AMENDED BY P.L.66-2009,  
32 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
33 JULY 1, 2015]: Sec. 25. (a) This section applies to an individual who:  
34 (1) is a member of the administrative staff, a teacher, or other  
35 school staff member; and  
36 (2) has students under the individual's charge.
- 37 (b) An individual may take disciplinary action instead of or in  
38 addition to suspension and expulsion that is necessary to ensure a safe,  
39 orderly, and effective educational environment. Disciplinary action  
40 under this section may include the following:  
41 (1) Counseling with a student or group of students.  
42 (2) Conferences with a parent or group of parents.



- 1 (3) Assigning additional work.  
 2 (4) Rearranging class schedules.  
 3 (5) Requiring a student to remain in school after regular school  
 4 hours:  
 5 (A) to do additional school work; or  
 6 (B) for counseling.  
 7 (6) Restricting extracurricular activities.  
 8 (7) Removal of a student by a teacher from that teacher's class for  
 9 a period not to exceed:  
 10 (A) five (5) class periods for middle, junior high, or high  
 11 school students; or  
 12 (B) one (1) school day for elementary school students;  
 13 if the student is assigned regular or additional school work to  
 14 complete in another school setting.  
 15 (8) Assignment by the principal of:  
 16 (A) a special course of study;  
 17 (B) an alternative educational program; or  
 18 (C) an alternative school.  
 19 (9) Assignment by the principal of the school where the recipient  
 20 of the disciplinary action is enrolled of not more than one hundred  
 21 twenty (120) hours of service with a nonprofit organization  
 22 operating in or near the community where the school is located or  
 23 where the student resides. The following apply to service assigned  
 24 under this subdivision:  
 25 (A) A principal may not assign a student under this  
 26 subdivision unless the student's parent approves:  
 27 (i) the nonprofit organization where the student is assigned;  
 28 and  
 29 (ii) the plan described in clause (B)(i).  
 30 A student's parent may request or suggest that the principal  
 31 assign the student under this subdivision.  
 32 (B) The principal shall make arrangements for the student's  
 33 service with the nonprofit organization. Arrangements must  
 34 include the following:  
 35 (i) A plan for the service that the student is expected to  
 36 perform.  
 37 (ii) A description of the obligations of the nonprofit  
 38 organization to the student, the student's parents, and the  
 39 school corporation where the student is enrolled.  
 40 (iii) Monitoring of the student's performance of service by  
 41 the principal or the principal's designee.  
 42 (iv) Periodic reports from the nonprofit organization to the



- 1 principal and the student's parent or guardian of the student's  
 2 performance of the service.
- 3 (C) The nonprofit organization must obtain liability insurance  
 4 in the amount and of the type specified by the school  
 5 corporation where the student is enrolled that is sufficient to  
 6 cover liabilities that may be incurred by a student who  
 7 performs service under this subdivision.
- 8 (D) Assignment of service under this subdivision suspends the  
 9 implementation of a student's suspension or expulsion. A  
 10 student's completion of service assigned under this subdivision  
 11 to the satisfaction of the principal and the nonprofit  
 12 organization terminates the student's suspension or expulsion.
- 13 (10) Removal of a student from school sponsored transportation.
- 14 (11) Referral to the juvenile court having jurisdiction over the  
 15 student.
- 16 (c) As used in this subsection, "physical assault" means the knowing  
 17 or intentional touching of another person in a rude, insolent, or angry  
 18 manner. When a student physically assaults a person having authority  
 19 over the student, the principal of the school where the student is  
 20 enrolled shall refer the student to the juvenile court having jurisdiction  
 21 over the student. However, a student with ~~disabilities a disability~~ (as  
 22 defined in ~~IC 20-35-7-7~~ **IC 20-35-1-8**) who physically assaults a  
 23 person having authority over the student is subject to procedural  
 24 safeguards under 20 U.S.C. 1415.
- 25 SECTION 368. IC 20-33-8-30 IS REPEALED [EFFECTIVE JULY  
 26 1, 2015]. Sec. 30: (a) This section applies to the following:
- 27 (1) A student who:
- 28 (A) is expelled from a school corporation or charter school  
 29 under this chapter; or
- 30 (B) withdraws from a school corporation or charter school to  
 31 avoid expulsion.
- 32 (2) A student who:
- 33 (A) is required to separate for disciplinary reasons from a  
 34 nonpublic school or a school in a state other than Indiana by  
 35 the administrative authority of the school; or
- 36 (B) withdraws from a nonpublic school or a school in a state  
 37 other than Indiana in order to avoid being required to separate  
 38 from the school for disciplinary reasons by the administrative  
 39 authority of the school.
- 40 (b) The student referred to in subsection (a) may enroll in another  
 41 school corporation or charter school during the period of the actual or  
 42 proposed expulsion or separation if:



- 1 (1) the student's parent informs the school corporation in which  
 2 the student seeks to enroll and also:  
 3 (A) in the case of a student withdrawing from a charter school  
 4 that is not a conversion charter school to avoid expulsion; the  
 5 conversion charter school; or  
 6 (B) in the case of a student withdrawing from a conversion  
 7 charter school to avoid expulsion:  
 8 (i) the conversion charter school; and  
 9 (ii) the school corporation that sponsored the conversion  
 10 charter school;  
 11 of the student's expulsion; separation; or withdrawal to avoid  
 12 expulsion or separation;  
 13 (2) the school corporation (and, in the case of a student  
 14 withdrawal described in subdivision (1)(A) or (1)(B); the charter  
 15 school) consents to the student's enrollment; and  
 16 (3) the student agrees to the terms and conditions of enrollment  
 17 established by the school corporation (or, in the case of a student  
 18 withdrawal described in subdivision (1)(A) or (1)(B); the charter  
 19 school or conversion charter school):  
 20 (c) If:  
 21 (1) a student's parent fails to inform the school corporation of the  
 22 expulsion or separation or withdrawal to avoid expulsion or  
 23 separation; or  
 24 (2) a student fails to follow the terms and conditions of enrollment  
 25 under subsection (b)(3);  
 26 the school corporation or charter school may withdraw consent and  
 27 prohibit the student's enrollment during the period of the actual or  
 28 proposed expulsion or separation:  
 29 (d) Before a consent is withdrawn under subsection (c) the student  
 30 must have an opportunity for an informal meeting before the principal  
 31 of the student's proposed school. At the informal meeting, the student  
 32 is entitled to:  
 33 (1) a written or an oral statement of the reasons for the withdrawal  
 34 of the consent;  
 35 (2) a summary of the evidence against the student; and  
 36 (3) an opportunity to explain the student's conduct.  
 37 (e) This section does not apply to a student who is expelled under  
 38 section 17 of this chapter.  
 39 SECTION 369. IC 20-33-8-33, AS AMENDED BY P.L.125-2012,  
 40 SECTION 402, IS AMENDED TO READ AS FOLLOWS  
 41 [EFFECTIVE JULY 1, 2015]: Sec. 33. Before February 1 and before  
 42 October 1 of each year, except when a hearing has been requested to



1 determine financial hardship under IC 9-24-2-1(a)(4), a principal ~~shall~~  
 2 **may** submit to the bureau of motor vehicles the pertinent information  
 3 concerning an individual's ineligibility under IC 9-24-2-1 to be issued  
 4 a driver's license or learner's permit, or concerning the suspension of  
 5 driving privileges under IC 9-24-2-4.

6 SECTION 370. IC 20-33-8-34, AS ADDED BY P.L.1-2005,  
 7 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 8 JULY 1, 2015]: Sec. 34. (a) Notwithstanding any other law, a  
 9 suspension, an expulsion, or another disciplinary action against a  
 10 student who is a ~~child~~ **student** with a disability (as defined in  
 11 ~~IC 20-35-1-2~~) **IC 20-35-1-8**) is subject to the:

- 12 (1) procedural requirements of 20 U.S.C. 1415; and
- 13 (2) rules adopted by the state board.

14 (b) The division of special education shall propose rules under  
 15 IC 20-35-2-1(b)(5) to the state board for adoption under IC 4-22-2  
 16 governing suspensions, expulsions, and other disciplinary action for a  
 17 student who is a ~~child~~ **student** with a disability (as defined in  
 18 ~~IC 20-35-1-2~~) **IC 20-35-1-8**).

19 SECTION 371. IC 20-33-8.5-11, AS ADDED BY P.L.242-2005,  
 20 SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 21 JULY 1, 2015]: Sec. 11. Notwithstanding the terms of the agreement,  
 22 a suspension, an expulsion, or a referral of a student who is a ~~child~~  
 23 **student** with a disability (as defined in ~~IC 20-1-6-1~~) **IC 20-35-1-8**) is  
 24 subject to the:

- 25 (1) procedural requirements of 20 U.S.C. 1415; and
- 26 (2) rules adopted by the Indiana state board of education.

27 SECTION 372. IC 20-33-9-1, AS ADDED BY P.L.1-2005,  
 28 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 29 JULY 1, 2015]: Sec. 1. Sections 5 through ~~9~~ **8** of this chapter apply to  
 30 the following:

- 31 (1) A violation under IC 7.1-5-7 (concerning minors and alcoholic  
 32 beverages).
- 33 (2) A violation under IC 35-48-4 (offenses related to controlled  
 34 substances).

35 SECTION 373. IC 20-33-9-5, AS ADDED BY P.L.1-2005,  
 36 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 37 JULY 1, 2015]: Sec. 5. **Except as provided in section 7 of this**  
 38 **chapter**, if a person other than a member of the administrative staff  
 39 who is an employee of a school corporation has personally observed:

- 40 (1) a violation described in section 1 of this chapter; or
- 41 (2) a delinquent act that would be a violation under section 1 of  
 42 this chapter if the violator were an adult;





1 in, on, or within one thousand (1,000) feet of the school property of the  
 2 school corporation employing the person, the person shall immediately  
 3 report the violation in writing to a member of the administrative staff  
 4 of the school corporation employing the person.

5 SECTION 374. IC 20-33-9-6, AS ADDED BY P.L.1-2005,  
 6 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 7 JULY 1, 2015]: Sec. 6. **Except as provided in section 7 of this**  
 8 **chapter**, a member of the administrative staff who, based on personal  
 9 knowledge or on the report of another employee of the school  
 10 corporation, believes that a person has committed a violation described  
 11 in section 1 of this chapter or a delinquent act that would be a violation  
 12 described in section 1 of this chapter if the violator were an adult in,  
 13 on, or within one thousand (1,000) feet of the school property of the  
 14 school corporation employing the member, ~~shall immediately~~ **may**  
 15 report:

- 16 (1) a general description of the violation;
- 17 (2) the name or a general description of each violator known to  
 18 the member;
- 19 (3) the date, time, and and place of the violation;
- 20 (4) the name or a general description of each person who the  
 21 member knows witnessed any part of the violation; and
- 22 (5) a general description and the location of any property that the  
 23 member knows was involved in the violation;

24 in writing to a law enforcement officer.

25 SECTION 375. IC 20-33-9-7, AS ADDED BY P.L.1-2005,  
 26 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 27 JULY 1, 2015]: Sec. 7. A report is ~~not required~~ **may not be made**  
 28 under sections 5 through 6 of this chapter if:

- 29 (1) a federal statute or regulation;
- 30 (2) IC 20-28-10-17, IC 25-33-1-17, IC 34-46-3-1, or another state  
 31 statute; or
- 32 (3) a rule adopted by a state agency;

33 imposes a duty on the employee of the school corporation or member  
 34 of the administrative staff not to disclose privileged or confidential  
 35 information that otherwise would have been the basis of a report.

36 SECTION 376. IC 20-33-9-9 IS REPEALED [EFFECTIVE JULY  
 37 1, 2015]. Sec. 9: ~~The law enforcement agencies and the school~~  
 38 ~~corporations in each county shall develop and administer a program to~~  
 39 ~~efficiently implement this chapter.~~

40 SECTION 377. IC 20-33-9-10, AS AMENDED BY P.L.72-2006,  
 41 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 42 JULY 1, 2015]: Sec. 10. ~~In addition to any other duty to report arising~~



1 ~~under this article~~, An individual who has reason to believe that a school  
2 employee:

- 3 (1) has received a threat;  
4 (2) is the victim of intimidation;  
5 (3) is the victim of battery; or  
6 (4) is the victim of harassment;

7 ~~shall~~ **may** report that information as ~~required by~~ **set forth in** this  
8 chapter.

9 SECTION 378. IC 20-33-9-10.5, AS ADDED BY P.L.190-2013,  
10 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
11 JULY 1, 2015]: Sec. 10.5. (a) This section does not apply to a charter  
12 school or an accredited nonpublic school.

13 (b) A school employee ~~shall~~ **may** report any incidence of suspected  
14 criminal gang activity, criminal gang intimidation, or criminal gang  
15 recruitment to the principal and the school safety specialist.

16 (c) The principal and the school safety specialist may take  
17 appropriate action to maintain a safe and secure school environment,  
18 including providing appropriate intervention services.

19 SECTION 379. IC 20-33-9-11, AS AMENDED BY P.L.72-2006,  
20 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
21 JULY 1, 2015]: Sec. 11. (a) If an individual who ~~is required to~~ **may**  
22 make a report under this chapter is a member of the staff of a school,  
23 the individual shall make the report by immediately notifying the  
24 principal of the school that a school employee may have received a  
25 threat or may be the victim of intimidation, battery, or harassment.

26 (b) An individual who receives a report under subsection (a) ~~shall~~  
27 ~~immediately~~ **may** make a report or cause a report to be made under  
28 section 13 of this chapter.

29 SECTION 380. IC 20-33-9-12 IS REPEALED [EFFECTIVE JULY  
30 1, 2015]. ~~Sec. 12: This chapter does not relieve an individual of the~~  
31 ~~obligation to report a threat, intimidation, a battery, or harassment on~~  
32 ~~the individual's own behalf, unless a report has already been made to~~  
33 ~~the best of the individual's belief.~~

34 SECTION 381. IC 20-33-9-13, AS AMENDED BY P.L.72-2006,  
35 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
36 JULY 1, 2015]: Sec. 13. An individual who ~~has a duty~~ **may** under  
37 sections 10 ~~through 12~~ **and 11** of this chapter ~~to~~ report that a school  
38 employee may have received a threat or may be the victim of  
39 intimidation, battery, or harassment, ~~shall~~ **immediately may** make an  
40 oral report to the local law enforcement agency.

41 SECTION 382. IC 20-33-10 IS REPEALED [EFFECTIVE JULY 1,  
42 2015]. (Access to High School Student Information by Military



- 1 Organizations).
- 2 SECTION 383. IC 20-33-11 IS REPEALED [EFFECTIVE JULY 1,  
3 2015]. (Interrogation of a Student).
- 4 SECTION 384. IC 20-34-1 IS REPEALED [EFFECTIVE JULY 1,  
5 2015]. (Acquired Immune Deficiency Syndrome Advisory Council).
- 6 SECTION 385. IC 20-34-2 IS REPEALED [EFFECTIVE JULY 1,  
7 2015]. (Drug-Free Schools Committee).
- 8 SECTION 386. IC 20-34-3-12, AS AMENDED BY P.L.89-2013,  
9 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
10 JULY 1, 2015]: Sec. 12. (a) For purposes of this section, "modified  
11 clinical technique" means a battery of vision tests that includes:  
12 (1) a visual acuity test to determine an individual's ability to see  
13 at various distances;  
14 (2) a refractive error test to determine the focusing power of the  
15 eye;  
16 (3) an ocular health test to determine any external or internal  
17 abnormalities of the eye; and  
18 (4) a binocular coordination test to determine if the eyes are  
19 working together properly.
- 20 (b) For purposes of this section, "vision screening" means the testing  
21 of visual acuity to determine an individual's ability to see at various  
22 distances using:  
23 (1) the Snellen chart;  
24 (2) Sloan letters;  
25 (3) HOTV; or  
26 (4) LEA symbol optotypes;  
27 at a distance of either ten (10) or twenty (20) feet for distance vision,  
28 depending on the calibration of the chart being used, and a distance of  
29 fourteen (14) inches for near vision.
- 30 (c) The modified clinical technique shall be performed by an  
31 ophthalmologist licensed as a physician under IC 25-22.5 or an  
32 optometrist licensed under IC 25-24.
- 33 (d) The governing body of each school corporation shall conduct a  
34 vision test for each student enrolling in or transferring into:  
35 (1) either kindergarten or grade 1;  
36 (2) grade 3;  
37 (3) grade 5; and  
38 (4) grade 8;  
39 and for each student suspected of having a visual defect.
- 40 (e) The vision test for students in kindergarten and grade 1 shall be  
41 conducted using the modified clinical technique unless a waiver is  
42 granted under section 13 of this chapter. If a waiver is granted for a



1 school corporation, the governing body shall conduct a vision screening  
2 upon each student's enrollment in kindergarten or grade 1.

3 (f) Each student described in subsection (d)(2), (d)(3), and (d)(4),  
4 and each student suspected of having a visual defect shall be tested  
5 using a vision screening of the student's visual acuity.

6 (g) The following standards apply for a vision screening under  
7 subsections (e) and (f):

8 (1) A student in kindergarten or grade 1 who is unable to read  
9 with each eye the 20/30 line of the Snellen chart or the 20/32 line  
10 of the Sloan letters, HOTV, or LEA symbol optotypes shall be  
11 recommended for further examination based upon the  
12 recommendation of the individual performing the screening.

13 (2) A student:

14 (A) in grade 3, grade 5, or grade 8; or

15 (B) suspected of having a visual defect;

16 who is unable to read with each eye the 20/30 line of the Snellen  
17 chart or the 20/32 line of the Sloan letters shall be recommended  
18 for further examination based upon the recommendation of the  
19 individual performing the screening.

20 (h) Records of all tests shall be made and continuously maintained  
21 by the school corporation to provide information useful in protecting,  
22 promoting, and maintaining the health of students. The state  
23 department of health and the state board shall adopt joint rules  
24 concerning vision testing equipment, qualifications of vision testing  
25 personnel, visual screening procedures, and criteria for failure and  
26 referral in the screening tests based on accepted medical practice and  
27 standards.

28 (i) The school corporation's governing body and the superintendent  
29 shall receive annually the following information concerning the tests  
30 conducted under this section:

31 (1) The number of students tested by grade.

32 (2) The number of students by grade who were tested using the  
33 modified clinical technique.

34 (3) The number of students by grade who were tested using a  
35 vision screening.

36 (4) The number of students by grade who passed a test.

37 (5) The number of students by grade who failed a test or were  
38 referred for further testing.

39 (6) The name of the individual or department that supervised the  
40 testing.

41 ~~(j) Each school corporation shall annually provide to the~~  
42 ~~department, for each school within the school corporation, the~~



1 following information concerning the tests conducted under this  
2 section:

- 3 (1) the number of students tested by grade;
- 4 (2) the number of students by grade who were tested using the  
5 modified clinical technique;
- 6 (3) the number of students by grade who were tested using a  
7 vision screening;
- 8 (4) the number of students who passed a test by grade; and
- 9 (5) the number of students who failed a test or who were referred  
10 for further testing.

11 ~~(k)~~ (j) Not later than October 1 each year, the department shall  
12 report for the previous school year:

- 13 (1) a compilation of the information received from school  
14 corporations under subsection (j);
- 15 (2) (1) information received under section 13 of this chapter,  
16 including:
  - 17 (A) the number of school corporations that applied for a  
18 waiver;
  - 19 (B) the number of waivers approved;
  - 20 (C) the number of waivers denied;
  - 21 (D) the name of each school corporation that applied for a  
22 waiver and whether the waiver was approved or denied; and
  - 23 (E) the reason for the approval or denial;
- 24 (3) (2) the total number of students eligible for testing; and
- 25 (4) (3) the total number of students tested;

26 to the legislative council in electronic format under IC 5-14-6.

27 SECTION 387. IC 20-34-3-15 IS REPEALED [EFFECTIVE JULY  
28 1, 2015]. Sec. 15: (a) Whenever the test required under section 14 of  
29 this chapter discloses that the hearing of a student is impaired and the  
30 student cannot be taught advantageously in regular classes, the  
31 governing body of the school corporation shall provide appropriate  
32 remedial measures and correctional devices. The governing body shall  
33 advise the student's parent of the proper medical care, attention, and  
34 treatment needed. The governing body shall provide approved  
35 mechanical auditory devices and prescribe courses in lip reading by  
36 qualified, competent, and approved instructors. The state  
37 superintendent and the director of the rehabilitation services bureau of  
38 the division of disability and rehabilitative services shall:

- 39 (1) cooperate with school corporations to provide assistance under  
40 this section; and
- 41 (2) provide advice and information to assist school corporations  
42 in complying with this section.



1 The governing body may adopt rules for the administration of this  
2 section:

3 (b) Each school corporation may receive and accept bequests and  
4 donations for immediate use or as trusts or endowments to assist in  
5 meeting costs and expenses incurred in complying with this section:  
6 When funds for the full payment of the expenses are not otherwise  
7 available in a school corporation, an unexpended balance in the state  
8 treasury that is available for the use of local schools and is otherwise  
9 unappropriated may be loaned to the school corporation for that  
10 purpose by the governor. A loan made by the governor under this  
11 section shall be repaid to the fund in the state treasury from which the  
12 loan came not more than two (2) years after the date it was advanced:  
13 Loans under this section shall be repaid through the levying of taxes in  
14 the borrowing school corporation:

15 SECTION 388. IC 20-34-3-17 IS REPEALED [EFFECTIVE JULY  
16 1, 2015]. Sec. 17: (a) The state board shall provide information  
17 stressing the moral aspects of abstinence from sexual activity in any  
18 literature that it distributes to students and young adults concerning  
19 available methods for the prevention of acquired immune deficiency  
20 syndrome (AIDS): The literature must state that the best way to avoid  
21 AIDS is for young people to refrain from sexual activity until they are  
22 ready as adults to establish, in the context of marriage, a mutually  
23 faithful monogamous relationship:

24 (b) The state board may not distribute AIDS literature described in  
25 subsection (a) to students without the consent of the governing body of  
26 the school corporation the students attend:

27 SECTION 389. IC 20-34-3-20, AS AMENDED BY P.L.132-2007,  
28 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
29 JULY 1, 2015]: Sec. 20. (a) The governing body of a school  
30 corporation shall require each school in the governing body's  
31 jurisdiction to conduct periodic fire drills during the school year in  
32 compliance with rules adopted under IC 4-22-2 by the state board. **A**  
33 **rule adopted under this subsection may not require more than one**  
34 **(1) fire drill during each semester.**

35 (b) Each school and attendance center shall conduct at least:

- 36 (1) one (1) tornado preparedness drill; and  
37 (2) one (1) manmade occurrence disaster drill;

38 during each semester.

39 (c) The governing body of a school corporation shall require each  
40 principal to file a certified statement that all drills have been conducted  
41 as required under this section.

42 SECTION 390. IC 20-34-5 IS REPEALED [EFFECTIVE JULY 1,



1 2015]. (Care of Students With Diabetes).

2 SECTION 391. IC 20-34-6 IS REPEALED [EFFECTIVE JULY 1,  
3 2015]. (Student Safety Reporting).

4 SECTION 392. IC 20-35-1-2 IS REPEALED [EFFECTIVE JULY  
5 1, 2015]. Sec. 2: "Child with a disability" means a child who:

6 (1) is at least three (3) years of age but less than twenty-two (22)  
7 years of age; and

8 (2) because of physical or mental disability is incapable of being  
9 educated properly and efficiently through normal classroom  
10 instruction; but who, with the advantage of a special educational  
11 program, may be expected to benefit from instruction in  
12 surroundings designed to further the educational, social, or  
13 economic status of the child.

14 SECTION 393. IC 20-35-1-5 IS REPEALED [EFFECTIVE JULY  
15 1, 2015]. Sec. 5: "Preschool child with a disability" refers to a child  
16 with a disability who is at least three (3) years of age by June 1 of the  
17 school year.

18 SECTION 394. IC 20-35-1-7, AS ADDED BY P.L.1-2005,  
19 SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
20 JULY 1, 2015]: Sec. 7. "Special education" means instruction specially  
21 designed to meet the unique needs of a child with a disability. The term  
22 includes transportation, developmental, corrective, and other support  
23 services and training only when required to assist a child with a  
24 disability to benefit from the instruction itself. **has the meaning set  
25 forth in 511 IAC 7-32-86.**

26 SECTION 395. IC 20-35-1-8 IS ADDED TO THE INDIANA  
27 CODE AS A NEW SECTION TO READ AS FOLLOWS  
28 [EFFECTIVE JULY 1, 2015]: Sec. 8. "Student with a disability"  
29 means an individual who:

30 (1) is at least three (3) years of age but less than twenty-two  
31 (22) years of age; and

32 (2) because of physical or mental disability is incapable of  
33 being educated properly and efficiently through normal  
34 classroom instruction, but who, with the advantage of a  
35 special educational program, may be expected to benefit from  
36 instruction in surroundings designed to further the  
37 educational, social, or economic status of the student.

38 SECTION 396. IC 20-35-2-1, AS AMENDED BY P.L.234-2007,  
39 SECTION 121, IS AMENDED TO READ AS FOLLOWS  
40 [EFFECTIVE JULY 1, 2015]: Sec. 1. (a) There is established under the  
41 state board a division of special education. The division shall exercise  
42 all the power and duties set out in this chapter, IC 20-35-3 through



1 IC 20-35-6, and IC 20-35-8.

2 (b) The governor shall appoint, upon the recommendation of the  
3 state superintendent, a director of special education who serves at the  
4 pleasure of the governor. The amount of compensation of the director  
5 shall be determined by the budget agency with the approval of the  
6 governor. The director has the following duties:

7 (1) To do the following:

8 (A) Have general supervision of all programs, classes, and  
9 schools for ~~children with disabilities; students with a~~  
10 **disability**, including those conducted by public schools, the  
11 Indiana School for the Blind and Visually Impaired, the  
12 Indiana School for the Deaf, the department of correction, the  
13 state department of health, the division of disability and  
14 rehabilitative services, and the division of mental health and  
15 addiction.

16 (B) Coordinate the work of schools ~~described in clause (A):~~  
17 **that receive state or federal funding for special education**  
18 **or programs.**

19 For programs for preschool children with disabilities as required  
20 under ~~IC 20-35-4-9~~; have general supervision over programs;  
21 classes; and schools; including those conducted by the schools or  
22 other state or local service providers as contracted for under  
23 ~~IC 20-35-4-9~~. However, general supervision does not include the  
24 determination of admission standards for the state departments;  
25 boards; or agencies authorized to provide programs or classes  
26 under this chapter.

27 ~~To adopt, with the approval of the state board, rules governing~~  
28 ~~the curriculum and instruction, including licensing of personnel~~  
29 ~~in the field of education, as provided by law.~~

30 ~~To inspect and rate all schools, programs, or classes for~~  
31 ~~children with disabilities to maintain proper standards of~~  
32 ~~personnel, equipment, and supplies.~~

33 ~~(4) (2) With the consent of the state superintendent and the~~  
34 ~~budget agency, to appoint and determine salaries for any~~  
35 ~~assistants and other personnel needed to enable the director to~~  
36 ~~accomplish the duties of the director's office.~~

37 ~~To adopt, with the approval of the state board, the following:~~

38 ~~(A) Rules governing the identification and evaluation of~~  
39 ~~children with disabilities and their placement under an~~  
40 ~~individualized education program in a special education~~  
41 ~~program.~~

42 ~~(B) Rules protecting the rights of a child with a disability and~~





- 1           the parents of the child with a disability in the identification;  
2           evaluation, and placement process.
- 3           ~~(6)~~ **(3)** To make recommendations to the state board concerning  
4           standards and case load ranges for related services to assist each  
5           teacher in meeting the individual needs of each child according  
6           to that child's individualized education program. The  
7           recommendations may include the following:
- 8           (A) The number of teacher aides recommended for each  
9           exceptionality included within the class size ranges.
- 10           ~~(B)~~ **(A)** The role of the teacher aide.
- 11           ~~(C)~~ **(B)** Minimum training recommendations for teacher aides  
12           and recommended procedures for the supervision of teacher  
13           aides.
- 14           ~~(7)~~ To cooperate with the interagency coordinating council  
15           established by IC 12-12.7-2-7 to ensure that the preschool special  
16           education programs required by IC 20-35-4-9 are consistent with  
17           the early intervention services program described in IC 12-12.7-2.
- 18           (c) The director or the state board may exercise authority over career  
19           and technical education programs for children with disabilities through  
20           a letter of agreement with the department of workforce development.
- 21           SECTION 397. IC 20-35-4-1 IS REPEALED [EFFECTIVE JULY  
22           1, 2015]. Sec. 1: (a) A school corporation acting individually or in a  
23           joint school services program with other corporations may establish  
24           and maintain instructional facilities for the instruction of children with  
25           disabilities:
- 26           (b) A school corporation may provide transfer and transportation of  
27           children with disabilities residing in the geographical limits of the  
28           corporation to facilities for the instruction of children with disabilities  
29           that are not maintained by the school corporation.
- 30           (c) A school corporation acting individually or in a joint school  
31           services program with other corporations may convert, build, or lease  
32           the necessary school buildings or use existing buildings to establish  
33           and maintain classes of one (1) or more pupils who are:
- 34           (1) residents of Indiana; and  
35           (2) children with disabilities.
- 36           (d) A school corporation may provide for instruction of any child  
37           with a disability who is not able to attend a special class or school for  
38           children with disabilities. Special personnel may be employed in  
39           connection with these classes of schools; and any expenditures for  
40           these classes of schools are lawful expenditures for maintaining the  
41           education of children with disabilities.
- 42           (e) All nurses, therapists, doctors, psychologists, and related



- 1 specialists employed under this chapter:
- 2 (1) must be registered and authorized to practice under Indiana  
3 law; and
- 4 (2) are subject to any additional requirements of the division.
- 5 (f) A school corporation acting individually or in a joint school  
6 services program with other corporations may purchase special  
7 equipment needed in a class or school for children with disabilities; and  
8 any expenditures made for this special equipment are lawful  
9 expenditures for maintaining the education of children with disabilities.
- 10 (g) Children with disabilities shall receive credit for schoolwork  
11 accomplished on the same basis as children without disabilities who do  
12 similar work.
- 13 (h) A school corporation constructing or operating a school under  
14 this chapter:
- 15 (1) shall pay the operating expense for each student attending;  
16 and
- 17 (2) is entitled to receive state aid for these students under the  
18 applicable laws.
- 19 Other school corporations sending children with disabilities as students  
20 of the school shall pay tuition in accordance with IC 20-35-8-1 through  
21 IC 20-35-8-2.
- 22 (i) If the state receives funds from the federal government to aid in  
23 the operation of any school for children with disabilities; the division  
24 shall distribute among these schools the grant of federal funds that are  
25 appropriated. The federal funds shall be expended for the purposes for  
26 which the funds are granted.
- 27 (j) Except as provided in section 9 of this chapter with regard to  
28 preschool children with disabilities; schools or classes for children with  
29 disabilities shall be operated by the school corporation establishing the  
30 schools or classes under:
- 31 (1) Indiana laws applying to the operation of public schools; and  
32 (2) the supervision of the division.
- 33 (k) Teachers in classes and schools for children with disabilities:
- 34 (1) shall be appointed in the same manner as other public school  
35 teachers; and
- 36 (2) must possess:
- 37 (A) the usual qualifications required of teachers in the public  
38 schools; and
- 39 (B) any special training that the state board requires.
- 40 (l) The state board shall adopt rules under IC 4-22-2 governing the  
41 qualifications required of preschool teachers under contractual  
42 agreements entered into under section 9 of this chapter.



1 (m) Qualifications of paraprofessional personnel to be employed  
 2 under this chapter are subject to a determination by the department.  
 3 Before any type of special class organized or to be organized under this  
 4 chapter is established in any school corporation or through any  
 5 contractual agreement, the special class must be submitted to and  
 6 approved by the state board.

7 (n) The state board shall adopt rules under IC 4-22-2 necessary for  
 8 the proper administration of this chapter.

9 SECTION 398. IC 20-35-4-1.5 IS ADDED TO THE INDIANA  
 10 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 11 [EFFECTIVE JULY 1, 2015]: **Sec. 1.5. (a) A school corporation has  
 12 a duty to educate a student with a disability.**

13 **(b) The state board shall adopt rules governing special  
 14 education that comply with federal law.**

15 SECTION 399. IC 20-35-4-2 IS REPEALED [EFFECTIVE JULY  
 16 1, 2015]. **Sec. 2: (a) The division may, upon application by the  
 17 governing body of a school corporation, together with proof of need,  
 18 authorize the school corporation to purchase, convert, remodel, or  
 19 construct rooms or buildings for special schools for children with  
 20 disabilities in an effort to have the schools located near the homes of  
 21 the children with disabilities the schools will serve.**

22 **(b) The school corporation:**

23 **(1) shall pay the cost of purchase, conversion, remodeling, and  
 24 construction and the cost of building equipment of any such  
 25 school; and**

26 **(2) may finance such conversion, remodeling, and construction as  
 27 other school buildings are financed.**

28 **(c) The school corporation establishing any such school may send  
 29 all its children with disabilities to the school and shall admit, if  
 30 facilities permit, any other children with disabilities in Indiana who:**

31 **(1) are eligible under this chapter; and**

32 **(2) are not provided with an opportunity to attend an adequate  
 33 school in their own school corporation.**

34 SECTION 400. IC 20-35-4-3 IS REPEALED [EFFECTIVE JULY  
 35 1, 2015]. **Sec. 3: (a) The medical care of a child with a disability is the  
 36 responsibility of the physician chosen by the parent to attend the child.  
 37 However, a child with a disability is not excused from attending school  
 38 unless the local health officer, upon a statement of the attending  
 39 physician, certifies that attendance would be injurious to the child. The  
 40 educational and recreational program may not alter in any way the  
 41 medical care prescribed by the proper medical authority. Eligibility for  
 42 all special education classes and programs must be determined by**



1 appropriate specialists:

2 (b) All nurses and special therapists in physical therapy;  
3 occupational therapy, and related medical fields must be:

4 (1) graduates of fully accredited training schools; and

5 (2) registered by their respective examining boards or by their  
6 respective professional associations:

7 (c) The medical care of needy children with disabilities is the  
8 responsibility of the state department of health and its program for  
9 children with special health care needs; to the extent provided by law:

10 (d) The personnel and facilities under the program for children with  
11 special health care needs shall be used at all times for the following:

12 (1) The determination of policies related to the medical care of  
13 children with disabilities:

14 (2) The professional supervision of all special therapists:

15 (3) Individual casework as available:

16 SECTION 401. IC 20-35-4-8 IS REPEALED [EFFECTIVE JULY  
17 1, 2015]. Sec. 8: (a) The school corporation in which a child with a  
18 disability resides is primarily responsible for providing the child with  
19 an appropriate special education program. The governing body of each  
20 school corporation shall establish and maintain the special educational  
21 facilities that are needed for:

22 (1) children with disabilities residing in the school corporation;  
23 and

24 (2) other children as authorized by this chapter:

25 However, under rules adopted by the state board, a child with a  
26 disability may be placed in a special education program that is not  
27 established or maintained by the school corporation:

28 (b) Notwithstanding subsection (a); a school corporation may  
29 establish special educational facilities for children with disabilities who  
30 are:

31 (1) at least nineteen (19) years of age; or

32 (2) less than six (6) years of age:

33 SECTION 402. IC 20-35-4-9 IS REPEALED [EFFECTIVE JULY  
34 1, 2015]. Sec. 9: (a) The budget agency and the division shall develop  
35 a funding mechanism to provide preschool special education. Each  
36 school corporation shall provide each preschool child with a disability  
37 with an appropriate special education. However, this subsection is  
38 applicable only if the general assembly appropriates state funds for  
39 preschool special education:

40 (b) A school corporation may act:

41 (1) individually;

42 (2) in a joint school services program with other school



corporations as described in section 1 of this chapter; or  
 (3) upon approval by the division, through contractual agreements entered into between a school corporation and a qualified public or private agency that serves preschool children with disabilities.

(c) The state board shall adopt rules under IC 4-22-2 governing the following:

(1) The extent to which a school corporation may contract with another service provider as permitted under subsection (b);

(2) The nature of the contracts;

(3) The approval procedure required of the school corporation under subsection (b);

(4) Other pertinent matters concerning these agreements;

SECTION 403. IC 20-35-4-10 IS REPEALED [EFFECTIVE JULY 1, 2015]. Sec. 10. (a) For purposes of this section, "comprehensive plan" means a plan for educating the following:

(1) All children with disabilities that a school corporation is required to educate under sections 8 through 9 of this chapter;

(2) The additional children with disabilities that the school corporation elects to educate.

(b) For purposes of this section, "school corporation" includes the following:

(1) The Indiana School for the Blind and Visually Impaired board;

(2) The Indiana School for the Deaf board;

(c) The state board shall adopt rules under IC 4-22-2 detailing the contents of the comprehensive plan. Each school corporation shall complete and submit to the state superintendent a comprehensive plan. School corporations operating cooperative or joint special education services may submit a single comprehensive plan. In addition, if a school corporation enters into a contractual agreement as permitted under section 9 of this chapter, the school corporation shall collaborate with the service provider in formulating the comprehensive plan.

(d) Notwithstanding the age limits set out in IC 20-35-1-2, the state board may:

(1) conduct a program for the early identification of children with disabilities, between the ages of birth and less than twenty-two

(22) years of age not served by the public schools or through a contractual agreement under section 9 of this chapter; and

(2) use agencies that serve children with disabilities other than the public schools;

(e) The state board shall adopt rules under IC 4-22-2 requiring the:

(1) department of correction;

(2) state department of health;



- 1 (3) division of disability and rehabilitative services;
- 2 (4) Indiana School for the Blind and Visually Impaired board;
- 3 (5) Indiana School for the Deaf board; and
- 4 (6) division of mental health and addiction;

5 to submit to the state superintendent a plan for the provision of special  
6 education for children in programs administered by each respective  
7 agency who are entitled to a special education:

8 (f) The state superintendent shall furnish professional consultant  
9 services to school corporations and the entities listed in subsection (e)  
10 to aid them in fulfilling the requirements of this section:

11 SECTION 404. IC 20-35-4-11, AS ADDED BY P.L.1-2005,  
12 SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
13 JULY 1, 2015]: Sec. 11. (a) The governing bodies of one (1) or more  
14 school corporations establishing and maintaining educational facilities  
15 and services for students with disabilities, as described in this chapter,  
16 shall, in connection with establishing and maintaining the facilities and  
17 services, exercise similar powers and duties as are prescribed by law  
18 for the establishment, maintenance, and management of other  
19 recognized educational facilities and services.

20 (b) The governing bodies shall:

- 21 (1) include only eligible children in the program; and
- 22 (2) comply with all the requirements of:
  - 23 (A) this chapter; and
  - 24 (B) all rules established by the state superintendent and the
  - 25 state board.

26 (c) A school corporation may issue diplomas or certificates of  
27 graduation to pupils with disabilities completing special educational  
28 programs approved by the state superintendent and the state board:

29 SECTION 405. IC 20-35-4-12 IS REPEALED [EFFECTIVE JULY  
30 1, 2015]. Sec. 12: Public schools may operate special education  
31 programs for deaf and hard of hearing children at least six (6) months  
32 of age on an experimental basis upon the approval of the state  
33 superintendent and the state board:

34 SECTION 406. IC 20-35-5-1, AS AMENDED BY P.L.38-2014,  
35 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
36 JULY 1, 2015]: Sec. 1. The definitions in this section apply throughout  
37 this chapter.

38 (1) "Agreement" means an:

- 39 (A) identical resolution adopted by the governing body of each
- 40 participating school corporation or the governing board of a
- 41 participating charter school; or
- 42 (B) agreement approved by the governing body of each



- 1 participating school corporation or the governing board of a
- 2 participating charter school;
- 3 providing for a special education cooperative.
- 4 (2) "Assessed valuation" of a participating school corporation for
- 5 a school year means the net assessed valuation of the school
- 6 corporation for the immediately preceding March 1, adjusted in
- 7 the same manner as any adjustment is made in determining the
- 8 amount of state distribution for school support.
- 9 (3) "Board of managers" means the board or commission charged
- 10 with the responsibility of administering the affairs of a special
- 11 education cooperative.
- 12 (4) "Governing body" of a participating school corporation or
- 13 charter school means the board or commission charged by law
- 14 with the responsibility of administering the affairs of the school
- 15 corporation or charter school. ~~In the case of a school township;~~
- 16 ~~the term means the township trustee and township board.~~
- 17 (5) "Participating school corporation" means a local public school
- 18 corporation that:
- 19 (A) is established under Indiana law; and
- 20 (B) cooperates with other school corporations or charter
- 21 schools in a special education cooperative.
- 22 (6) "Participating charter school" means a charter school that is
- 23 established under Indiana law and cooperates with other school
- 24 corporations or charter schools in a special education cooperative.
- 25 (7) "Percentage share" of a participating school corporation is the
- 26 percent that its assessed valuation bears to the total assessed
- 27 valuation of all the participating school corporations joining in an
- 28 agreement.
- 29 (8) "Special education cooperative" means a department, school,
- 30 charter school, or school corporation established, maintained, and
- 31 supervised for the education of ~~children with disabilities~~ **students**
- 32 **with a disability** in accordance with this section.
- 33 SECTION 407. IC 20-35-7 IS REPEALED [EFFECTIVE JULY 1,
- 34 2015]. (Individualized Education Program; Case Conferences for
- 35 Students With Disabilities; Transitional Services).
- 36 SECTION 408. IC 20-35-9-3, AS ADDED BY P.L.1-2005,
- 37 SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 38 JULY 1, 2015]: Sec. 3. As used in this chapter, "case conference
- 39 committee" means the group of individuals described in IC 20-18-2-9
- 40 who develop the individualized education program for each ~~child~~
- 41 **student** with a disability (as defined in ~~IC 20-35-1-2~~; **IC 20-35-1-8**).
- 42 SECTION 409. IC 20-35-10 IS REPEALED [EFFECTIVE JULY 1,



1 2015]. (Inclusion School Pilot Program).

2 SECTION 410. IC 20-36-2-2, AS AMENDED BY P.L.173-2009,  
3 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
4 JULY 1, 2015]: Sec. 2. A governing body shall develop and  
5 periodically update a local plan to provide appropriate educational  
6 experiences to high ability students in the school corporation in  
7 kindergarten through grade 12. The plan must include the following  
8 components:

9 (1) The establishment of a broad based planning committee that  
10 meets periodically to review the local education authority's plan  
11 for high ability students. The committee must have  
12 representatives from diverse groups representing the school and  
13 community.

14 (2) Student assessments that identify high ability students using  
15 multifaceted assessments to ensure that students not identified by  
16 traditional assessments because of economic disadvantage,  
17 cultural background, underachievement, or disabilities are  
18 included. The assessments must identify students with high  
19 abilities in the general intellectual domain and specific academic  
20 domains. The results of an assessment under this subdivision  
21 must be recorded with the student test number assigned to a  
22 student.

23 (3) Professional development.

24 (4) Development and implementation of local services for high  
25 ability students, including appropriately differentiated curriculum  
26 and instruction in the core academic areas designated by the state  
27 board for each grade consistent with federal, state, local, and  
28 private funding sources.

29 (5) Evaluation of the local program for high ability students.

30 (6) Best practices to increase the number of participants in high  
31 ability student programs who are from racial and ethnic groups  
32 that have been underrepresented in those programs.

33 SECTION 411. IC 20-40-1-5, AS ADDED BY P.L.2-2006,  
34 SECTION 163, IS AMENDED TO READ AS FOLLOWS  
35 [EFFECTIVE JULY 1, 2015]: Sec. 5. Statutes outside this article that  
36 permit or require the establishment of joint funds include the following:

37 (1) IC 20-26-10-3 (joint fund for a joint program).

38 (2) IC 20-26-10-8 (joint services, leasing, construction, and  
39 supply fund).

40 (3) IC 20-26-10-9 (joint investment fund).

41 (4) ~~IC 20-26-10-11~~ (joint service and supply fund to pay for a  
42 joint program):





1           ~~(5) IC 20-30-6-5 (joint fund to conduct educational television~~  
 2           ~~instruction and contract with a commercial television station for~~  
 3           ~~the use of the station's facilities and staff).~~

4           SECTION 412. IC 20-40-5 IS REPEALED [EFFECTIVE JULY 1,  
 5           2015]. (Racial Balance Fund).

6           SECTION 413. IC 20-40-12-5, AS ADDED BY P.L.2-2006,  
 7           SECTION 163, IS AMENDED TO READ AS FOLLOWS  
 8           [EFFECTIVE JULY 1, 2015]: Sec. 5. The fund may be used to provide  
 9           money for the following purposes:

10           (1) The payment of a judgment rendered against the school  
 11           corporation, or rendered against an officer or employee of the  
 12           school corporation for which the school corporation is liable  
 13           under IC 34-13-2, IC 34-13-3, or IC 34-13-4 (or IC 34-4-16.5,  
 14           IC 34-4-16.6, or IC 34-4-16.7 before their repeal).

15           (2) The payment of a claim or settlement for which the school  
 16           corporation is liable under IC 34-13-2, IC 34-13-3, or IC 34-13-4  
 17           (or IC 34-4-16.5, IC 34-4-16.6, or IC 34-4-16.7 before their  
 18           repeal).

19           (3) The payment of a premium, management fee, claim, or  
 20           settlement for which the school corporation is liable under a  
 21           federal or state statute, including IC 22-3 and IC 22-4.

22           (4) The payment of a settlement or claim for which insurance  
 23           coverage is permitted under ~~IC 20-26-5-4(15):~~  
 24           **IC 20-26-5-4(a)(14).**

25           SECTION 414. IC 20-40-12-8, AS ADDED BY P.L.2-2006,  
 26           SECTION 163, IS AMENDED TO READ AS FOLLOWS  
 27           [EFFECTIVE JULY 1, 2015]: Sec. 8. Subject to ~~IC 20-26-5-4(15)~~  
 28           **IC 20-26-5-4(a)(14)** and this chapter and notwithstanding any other  
 29           law, a self-insurance program must comply with this chapter.

30           SECTION 415. IC 20-40-13 IS REPEALED [EFFECTIVE JULY 1,  
 31           2015]. (Petty Cash Fund).

32           SECTION 416. IC 20-40-15-6 IS REPEALED [EFFECTIVE JULY  
 33           1, 2015]. Sec. 6: (a) Before February 15 of each year, each school  
 34           corporation shall file a report with the state superintendent's special  
 35           assistant for technology:

36           (b) A report filed under this section must:

37           (1) be prepared in the form prescribed by the special assistant for  
 38           technology; and

39           (2) include a list of expenditures made by the school corporation  
 40           during the preceding calendar year from the school corporation's:

41           (A) fund for purposes described in this chapter;

42           (B) capital projects fund for purposes described in



1 ~~IC 20-40-8-13; and~~

2 ~~(C) debt service fund to provide financing for any equipment~~  
 3 ~~or facilities used to provide educational technology programs.~~

4 ~~(c) Before April 1 of each year, the special assistant for technology~~  
 5 ~~shall compile the information contained in the reports filed under this~~  
 6 ~~section.~~

7 SECTION 417. IC 20-41-1-9, AS ADDED BY P.L.2-2006,  
 8 SECTION 164, IS AMENDED TO READ AS FOLLOWS  
 9 [EFFECTIVE JULY 1, 2015]: Sec. 9. (a) The treasurer shall deposit all  
 10 receipts in one (1) bank account. The receipts shall be deposited  
 11 without unreasonable delay. The account is known as the school  
 12 extracurricular account. The records of each organization, class, or  
 13 activity shall be kept separate so that the balance in each fund may be  
 14 known at all times.

15 (b) The money in the school extracurricular account may be  
 16 invested under the conditions specified in IC 5-13-10 and IC 5-13-10.5  
 17 for investment of state money. However, investments under this section  
 18 are at the discretion of the principal. The interest earned from any  
 19 investment may be credited to the school extracurricular account and  
 20 need not be credited proportionately to each separate extracurricular  
 21 fund. The interest earned from the investment may be used for any of  
 22 the following:

23 (1) A school purpose approved by the principal.

24 (2) An extracurricular purpose approved by the principal.

25 (c) Amounts expended under this section for the purposes described  
 26 in this section are in addition to the appropriation under  
 27 ~~IC 20-26-5-4(3)~~. **IC 20-26-5-4(a)(3)**.

28 SECTION 418. IC 20-41-2-4, AS ADDED BY P.L.2-2006,  
 29 SECTION 164, IS AMENDED TO READ AS FOLLOWS  
 30 [EFFECTIVE JULY 1, 2015]: Sec. 4. A governing body in operating  
 31 a school lunch program under ~~IC 20-26-5-4(11)~~ **IC 20-26-5-4(a)(10)**  
 32 may use either of the following accounting methods:

33 (1) It may supervise and control the program through the school  
 34 corporation account, establishing a school lunch fund.

35 (2) It may cause the program to be operated by the individual  
 36 schools of the school corporation through the school corporation's  
 37 extracurricular account or accounts in accordance with  
 38 IC 20-41-1.

39 SECTION 419. IC 20-41-2-5, AS AMENDED BY P.L.286-2013,  
 40 SECTION 122, IS AMENDED TO READ AS FOLLOWS  
 41 [EFFECTIVE JULY 1, 2015]: Sec. 5. (a) A governing body in  
 42 operating a curricular materials rental program under ~~IC 20-26-5-4(12)~~



1 **IC 20-26-5-4(a)(11)** may use either of the following accounting  
2 methods:

3 (1) The governing body may supervise and control the program  
4 through the school corporation account, establishing a curricular  
5 materials rental fund.

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

12 (b) If the governing body determines that a hardship exists due to  
13 the inability of a student's family to purchase or rent curricular  
14 materials, taking into consideration the income of the family and the  
15 demands on the family, the governing body may furnish curricular  
16 materials to the student without charge, without reference to the  
17 application of any other statute or rule except IC 20-26-1 through  
18 IC 20-26-5, IC 20-26-7, IC 20-40-12, and IC 20-48-1.

19 SECTION 420. IC 20-42.5-3 IS REPEALED [EFFECTIVE JULY  
20 1, 2015]. (State Board Action).

21 SECTION 421. IC 20-43-1-1, AS AMENDED BY P.L.205-2013,  
22 SECTION 259, IS AMENDED TO READ AS FOLLOWS  
23 [EFFECTIVE JUNE 30, 2015]: Sec. 1. This article expires ~~July 1,~~  
24 ~~2015.~~ **July 1, 2017.**

25 SECTION 422. IC 20-43-1-14 IS REPEALED [EFFECTIVE JULY  
26 1, 2015]. ~~Sec. 14. "Full-time equivalency" refers to the amount~~  
27 ~~determined under IC 20-43-4-6.~~

28 SECTION 423. IC 20-43-4-2, AS AMENDED BY P.L.205-2013,  
29 SECTION 275, IS AMENDED TO READ AS FOLLOWS  
30 [EFFECTIVE JULY 1, 2015]: Sec. 2. ~~(a)~~ A school corporation's ADM  
31 is the number of eligible pupils enrolled in:

32 (1) the school corporation; or

33 (2) a transferee corporation;

34 on the days fixed in September and in February by the state board for  
35 a count of students under section 3 of this chapter and as subsequently  
36 adjusted not later than the date specified under the rules adopted by the  
37 state board. The state board may adjust the school's count of eligible  
38 pupils if the state board determines that the count is unrepresentative  
39 of the school corporation's enrollment. In addition, a school corporation  
40 may petition the state board to make an adjusted count of students  
41 enrolled in the school ~~corporation~~ **corporation** if the corporation has  
42 reason to believe that the count is unrepresentative of the school



1 corporation's enrollment.

2 (b) Each school corporation shall in June of 2013 and in May of  
3 each year thereafter provide to the department an estimate of the school  
4 corporation's ADM that will result from the count of eligible pupils in  
5 the following September. The department may update and adjust the  
6 estimate as determined appropriate by the department.

7 SECTION 424. IC 20-43-4-6 IS REPEALED [EFFECTIVE JULY  
8 1, 2015]. Sec. 6: (a) In determining ADM, each pupil enrolled in a  
9 public school and a nonpublic school is to be counted on a full-time  
10 equivalency basis if the pupil:

- 11 (1) is enrolled in a public school and a nonpublic school;
- 12 (2) has legal settlement in a school corporation; and
- 13 (3) receives instructional services from the school corporation.

14 (b) For purposes of this section, full-time equivalency is calculated  
15 as follows:

16 STEP ONE: Determine the result of:

17 (A) the number of days instructional services will be provided  
18 to the pupil, not to exceed one hundred eighty (180); divided  
19 by

20 (B) one hundred eighty (180):

21 STEP TWO: Determine the result of:

22 (A) the pupil's public school instructional time (as defined in  
23 IC 20-30-2-1); divided by

24 (B) the actual public school regular instructional day (as  
25 defined in IC 20-30-2-2):

26 STEP THREE: Determine the result of:

27 (A) the STEP ONE result; multiplied by  
28 (B) the STEP TWO result:

29 STEP FOUR: Determine the lesser of one (1) or the result of:

30 (A) the STEP THREE result; multiplied by  
31 (B) one and five hundredths (1.05):

32 However, the state board may, by rules adopted under IC 4-22-2,  
33 specify an equivalent formula if the state board determines that the  
34 equivalent formula would more accurately reflect the instructional  
35 services provided by a school corporation during a period that a  
36 particular ADM count is in effect for the school corporation.

37 SECTION 425. IC 20-43-7-7, AS ADDED BY P.L.2-2006,  
38 SECTION 166, IS AMENDED TO READ AS FOLLOWS  
39 [EFFECTIVE JULY 1, 2015]: Sec. 7. Participation in a program is not  
40 required to the extent of full-time equivalency. The state board shall  
41 adopt rules that define the:

- 42 (1) nature and extent of participation; and



1 (2) type of program qualifying for approval.

2 A count may not be made on any program that has not been approved  
3 by the state board or to the extent that a pupil is not participating to the  
4 extent required by any rule of the state board.

5 SECTION 426. IC 20-43-8-3, AS ADDED BY P.L.2-2006,  
6 SECTION 166, IS AMENDED TO READ AS FOLLOWS  
7 [EFFECTIVE JULY 1, 2015]: Sec. 3. ~~(a) Participation in a program is~~  
8 ~~not required to the extent of full-time equivalency.~~

9 ~~(b) (a)~~ The state board shall adopt rules that further define the  
10 nature and extent of participation and the type of program qualifying  
11 for approval.

12 ~~(c) (b)~~ A count may not be made on any program that has not been  
13 approved by the state board or to the extent that a pupil is not  
14 participating to the extent required by any rule of the state board.

15 SECTION 427. IC 20-43-13-3, AS AMENDED BY THE  
16 TECHNICAL CORRECTIONS BILL OF THE 2015 GENERAL  
17 ASSEMBLY, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
18 JULY 1, 2015]: Sec. 3. The total amount to be distributed under this  
19 chapter to a school corporation or charter school for the state fiscal year  
20 beginning July 1, 2014, is the amount determined in STEP FOUR or  
21 STEP SIX (whichever is applicable) of the following formula:

22 STEP ONE: Determine the greater of zero (0) or the result  
23 determined under clause (B) after making the following  
24 determinations:

25 (A) Determine the percentage of the school corporation's  
26 students who were receiving financial assistance under  
27 IC 20-33-5 ~~(or, in the case of a school corporation described~~  
28 ~~in IC 20-33-5-7.5(a); the percentage of the school corporation's~~  
29 ~~students who were eligible to receive financial assistance~~  
30 ~~under IC 20-33-5; as estimated and reported under~~  
31 ~~IC 20-33-5-7.5(a))~~ in the school year ending in the later of:

32 (i) 2014; or

33 (ii) the first year of operation of the school corporation.

34 For a conversion charter school, the percentage determined  
35 under this clause is the percentage of the ~~sponsor authorizer~~  
36 school corporation.

37 (B) Determine the quotient of:

38 (i) the percentage determined under clause (A); divided by

39 (ii) two (2).

40 STEP TWO: This STEP applies if the result determined under  
41 clause (B) of STEP ONE is greater than thirty-five hundredths  
42 (0.35). Determine the result of the following:



- 1 (A) Subtract thirty-five hundredths (0.35) from the result  
 2 determined under clause (B) of STEP ONE.  
 3 (B) Determine the sum of:  
 4 (i) the result determined under clause (B) of STEP ONE;  
 5 plus  
 6 (ii) the clause (A) result.
- 7 STEP THREE: This STEP applies if STEP TWO applies.  
 8 Determine the product of:  
 9 (A) the STEP TWO result; multiplied by  
 10 (B) the school corporation's foundation amount for the state  
 11 fiscal year.
- 12 STEP FOUR: This STEP applies if STEP TWO applies.  
 13 Determine the product of:  
 14 (A) the STEP THREE result; multiplied by  
 15 (B) the school corporation's current ADM.
- 16 STEP FIVE: This STEP applies if the result determined under  
 17 clause (B) of STEP ONE is less than or equal to thirty-five  
 18 hundredths (0.35). Determine the product of:  
 19 (A) the result determined under clause (B) of STEP ONE;  
 20 multiplied by  
 21 (B) the school corporation's foundation amount for the state  
 22 fiscal year.
- 23 STEP SIX: This STEP applies if STEP FIVE applies. Determine  
 24 the product of:  
 25 (A) the STEP FIVE result; multiplied by  
 26 (B) the school corporation's current ADM.
- 27 SECTION 428. IC 20-44-3-8 IS REPEALED [EFFECTIVE JULY  
 28 1, 2015]. *Sec. 8: Subject to the limitations imposed by this chapter, a  
 29 school corporation may use money in its fund for any lawful purpose  
 30 for which money in any of its other funds may be used.*
- 31 SECTION 429. IC 20-45-8-19, AS ADDED BY P.L.2-2006,  
 32 SECTION 168, IS AMENDED TO READ AS FOLLOWS  
 33 [EFFECTIVE JULY 1, 2015]: *Sec. 19. The receipts from the tax are  
 34 available to a qualified school corporation for any purpose or purposes  
 35 for which school expenditures are authorized by law. The purpose or  
 36 purposes for which the receipts from the tax are used rests within the  
 37 discretion of the administrative officer or governing board of each  
 38 qualified school corporation. The budgets of the qualified school  
 39 corporations must reflect the anticipated receipts from the tax.  
 40 Appropriations shall be made of the receipts from the tax as other  
 41 appropriations are made.*
- 42 SECTION 430. IC 20-46-1-11, AS ADDED BY P.L.2-2006,



1 SECTION 169, IS AMENDED TO READ AS FOLLOWS  
 2 [EFFECTIVE JULY 1, 2015]: Sec. 11. ~~The voters in a referendum may~~  
 3 ~~not approve a levy that is imposed for more than seven (7) years.~~  
 4 ~~However,~~ A levy may be reimposed or extended under this chapter.

5 SECTION 431. IC 20-46-1-19, AS AMENDED BY P.L.155-2014,  
 6 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 7 JULY 1, 2015]: Sec. 19. If a majority of the persons who voted in the  
 8 referendum did not vote "yes" on the referendum question,

9 (1) ~~the school corporation may not make any levy for its~~  
 10 ~~referendum tax levy fund. and~~

11 (2) ~~another referendum under this section may not be held earlier~~  
 12 ~~than three hundred fifty (350) days after the date of the~~  
 13 ~~referendum.~~

14 SECTION 432. IC 20-46-1-19.5 IS REPEALED [EFFECTIVE  
 15 JULY 1, 2015]. Sec. ~~19.5~~: (a) If a referendum is approved by the voters  
 16 in a school corporation under this chapter in a calendar year, another  
 17 referendum may not be placed on the ballot in the school corporation  
 18 under this chapter in the following calendar year.

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

26 SECTION 433. IC 20-46-3 IS REPEALED [EFFECTIVE JULY 1,  
 27 2015]. (Racial Balance Levy).

28 SECTION 434. IC 20-46-4-10, AS ADDED BY P.L.2-2006,  
 29 SECTION 169, IS AMENDED TO READ AS FOLLOWS  
 30 [EFFECTIVE JULY 1, 2015]: Sec. 10. (a) A school corporation may  
 31 appeal to the department of local government finance under  
 32 IC 6-1.1-19 to increase the maximum levy permitted for the school  
 33 corporation's fund. ~~To be granted an increase by the department of~~  
 34 ~~local government finance, the school corporation must establish that~~  
 35 ~~the increase is necessary because of a transportation operating cost~~  
 36 ~~increase of at least ten percent (10%) over the preceding year as a~~  
 37 ~~result of at least one (1) of the following:~~

38 (1) ~~A fuel expense increase.~~

39 (2) ~~A significant increase in the number of students enrolled in~~  
 40 ~~the school corporation that need transportation or a significant~~  
 41 ~~increase in the mileage traveled by the school corporation's buses~~  
 42 ~~compared with the previous year.~~



1 (3) A significant increase in the number of students enrolled in  
 2 special education who need transportation or a significant  
 3 increase in the mileage traveled by the school corporation's buses  
 4 due to students enrolled in special education as compared with the  
 5 previous year:

6 (4) Increased transportation operating costs due to compliance  
 7 with a court ordered desegregation plan:

8 (5) The closure of a school building within the school corporation  
 9 that results in a significant increase in the distances that students  
 10 must be transported to attend another school building:

11 In addition, before the department of local government finance may  
 12 grant a maximum levy increase, the school corporation must establish  
 13 that the school corporation will be unable to provide transportation  
 14 services without an increase. The department of local government  
 15 finance may grant a maximum operating costs levy increase that is less  
 16 than the increase requested by the school corporation.

17 (b) If the department of local government finance determines that  
 18 a permanent increase in the maximum permissible levy is necessary,  
 19 the maximum levy after the increase granted under this section  
 20 becomes the school corporation's maximum permissible levy under this  
 21 chapter.

22 SECTION 435. IC 20-46-5-4, AS AMENDED BY P.L.145-2012,  
 23 SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 24 JULY 1, 2015]: Sec. 4. (a) Each school corporation may levy for a  
 25 calendar year a property tax for the fund in accordance with the school  
 26 bus acquisition plan adopted under this chapter. ~~The levy imposed for~~  
 27 ~~the March 1, 2011, and January 15, 2012, assessment dates may not~~  
 28 ~~exceed the amount approved by the department of local government~~  
 29 ~~finance under section 5 of this chapter and IC 6-1.1-17. In setting the~~  
 30 ~~levy for the March 1, 2011, and January 15, 2012, assessment dates, the~~  
 31 ~~department of local government finance shall evaluate whether the levy~~  
 32 ~~proposed by a school corporation exceeds the reasonable needs of the~~  
 33 ~~school corporation to carry out the purposes of the fund and approve a~~  
 34 ~~levy that does not exceed the reasonable needs of the school~~  
 35 ~~corporation to carry out the purposes of this chapter. In making its~~  
 36 ~~determination, the department of local government finance may~~  
 37 ~~consider whether a school corporation has in a previous year~~  
 38 ~~transferred money from the fund to the school corporation's rainy day~~  
 39 ~~fund or a fund other than the school bus replacement fund. Except as~~  
 40 ~~provided in subsection (b), a levy imposed for an assessment date after~~  
 41 ~~January 15, 2012, may not exceed an amount determined by~~  
 42 ~~multiplying:~~





1 (1) the school corporation's maximum permissible levy  
 2 determined under this section for the previous year; after  
 3 eliminating the effects of temporary excessive levy appeals and  
 4 any other temporary adjustments made to the levy for the calendar  
 5 year (regardless of whether the school corporation imposed the  
 6 entire amount of the maximum permissible levy in the  
 7 immediately preceding year); by

8 (2) the assessed value growth quotient determined under  
 9 IC 6-1.1-18.5-2.

10 (b) The department of local government finance may, upon petition  
 11 by a school corporation, adjust the school corporation's levy for the  
 12 fund to reflect the school corporation's plan adopted or amended under  
 13 this chapter.

14 SECTION 436. IC 20-46-5-6.1 IS REPEALED [EFFECTIVE JULY  
 15 1, 2015]. Sec. 6.1: (a) This section does not apply to a school  
 16 corporation that elects to adopt a budget under IC 6-1.1-17-5.6; unless  
 17 a resolution adopted under IC 6-1.1-17-5.6(d) by the governing body  
 18 of the school corporation is in effect.

19 (b) Before a governing body may collect property taxes for the fund  
 20 in a particular calendar year; the governing body must, after January 1  
 21 and not later than November 1 of the immediately preceding year:

22 (1) conduct a public hearing on; and

23 (2) pass a resolution to adopt;

24 a plan.

25 SECTION 437. IC 20-46-5-7 IS REPEALED [EFFECTIVE JULY  
 26 1, 2015]. Sec. 7: (a) This section applies only to a school corporation  
 27 that elects to adopt a budget under IC 6-1.1-17-5.6.

28 (b) This section does not apply to the school corporation if a  
 29 resolution adopted under IC 6-1.1-17-5.6(d) by the governing body of  
 30 the school corporation is in effect.

31 (c) Before the governing body of the school corporation may collect  
 32 property taxes for the fund in a particular calendar year; the governing  
 33 body must, after January 1 and on or before February 1 of the  
 34 immediately preceding year:

35 (1) conduct a public hearing on; and

36 (2) pass a resolution to adopt;

37 a plan.

38 SECTION 438. IC 20-46-5-10, AS AMENDED BY  
 39 P.L.182-2009(ss), SECTION 352, IS AMENDED TO READ AS  
 40 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 10. (a) A governing  
 41 body may amend a plan. When an amendment to a plan is required, the  
 42 governing body must:



- 1 (1) declare the nature of and the need for the amendment; and  
 2 (2) show cause as to why the original plan no longer meets the  
 3 needs of the school corporation.  
 4 (b) The governing body must then conduct a public hearing on and  
 5 pass a resolution to adopt the amendment to the plan.  
 6 (c) The plan, as proposed to be amended, must comply with the  
 7 requirements for a plan under section 8 of this chapter.  
 8 (d) ~~An amendment to the plan is not subject to the deadlines for~~  
 9 ~~adoption described in section 6.1 or 7 of this chapter. However,~~ The  
 10 amendment to the plan must be submitted to the department of local  
 11 government finance for its consideration and is subject to approval,  
 12 disapproval, or modification in accordance with the procedures for  
 13 adopting a plan set forth in this chapter.  
 14 SECTION 439. IC 20-46-7-10, AS AMENDED BY P.L.146-2008,  
 15 SECTION 512, IS AMENDED TO READ AS FOLLOWS  
 16 [EFFECTIVE JULY 1, 2015]: Sec. 10. (a) This section applies only to  
 17 an obligation described in section 8 of this chapter. This section does  
 18 not apply to bonded indebtedness or lease rental agreements for which  
 19 the school corporation:  
 20 (1) after June 30, 2008, makes a preliminary determination as  
 21 described in IC 6-1.1-20-3.1 or IC 6-1.1-20-3.5 or a decision as  
 22 described in IC 6-1.1-20-5; or  
 23 (2) in the case of bonds or lease rental agreements not subject to  
 24 IC 6-1.1-20-3.1, IC 6-1.1-20-3.5, or IC 6-1.1-20-5, adopts a  
 25 resolution or ordinance authorizing the bonds or lease rental  
 26 agreement after June 30, 2008.  
 27 (b) The department of local government finance may not approve a  
 28 school corporation's proposed lease rental agreement or bond issue to  
 29 finance the construction of additional classrooms unless the school  
 30 corporation first:  
 31 (1) establishes that additional classroom space is necessary; and  
 32 (2) ~~conducts a feasibility study~~; holds public hearings and hears  
 33 public testimony on using a twelve (12) month school term  
 34 (instead of the nine (9) month school term (as defined in  
 35 IC 20-30-2-7)) rather than expanding classroom space.  
 36 (c) A taxpayer may petition for judicial review of the final  
 37 determination of the department of local government finance under this  
 38 section. The petition must be filed in the tax court not more than thirty  
 39 (30) days after the department of local government finance enters its  
 40 order under this section.  
 41 SECTION 440. IC 20-47-2-5, AS ADDED BY P.L.2-2006,  
 42 SECTION 170, IS AMENDED TO READ AS FOLLOWS



1 [EFFECTIVE JULY 1, 2015]: Sec. 5. (a) ~~Subject to subsection (b)~~; A  
 2 school corporation may lease a school building or buildings for the use  
 3 of:

4 (1) the school corporation; or

5 (2) a joint or consolidated school district of which the school  
 6 corporation is a part or to which it contributes;

7 for a term not to exceed thirty (30) years.

8 (b) A school corporation may not enter into a lease under this  
 9 section unless

10 ~~(1) a petition for the lease signed by at least fifty (50) patrons of~~  
 11 ~~the school corporation has been filed with the governing body of~~  
 12 ~~the school corporation; and~~

13 ~~(2) the governing body, after investigation, determines that a need~~  
 14 ~~exists for the school building and that the school corporation~~  
 15 ~~cannot provide the necessary funds to pay the cost or its~~  
 16 ~~proportionate share of the cost of the school building or buildings~~  
 17 ~~required to meet the present needs.~~

18 (c) If two (2) or more school corporations propose to jointly enter  
 19 into a lease under this section, joint meetings of the governing bodies  
 20 of the school corporations may be held, but action taken at a joint  
 21 meeting is not binding on any of those school corporations unless  
 22 approved by a majority of the governing body of those school  
 23 corporations. A lease executed by two (2) or more school corporations  
 24 as joint lessees must:

25 (1) set out the amount of the total lease rental to be paid by each  
 26 lessee, which may be as agreed upon; and

27 (2) provide that:

28 (A) there is no right of occupancy by any lessee unless the  
 29 total rental is paid as stipulated in the lease; and

30 (B) all rights of joint lessees under the lease are in proportion  
 31 to the amount of lease rental paid by each lessee.

32 SECTION 441. IC 20-47-3-3, AS ADDED BY P.L.2-2006,  
 33 SECTION 170, IS AMENDED TO READ AS FOLLOWS  
 34 [EFFECTIVE JULY 1, 2015]: Sec. 3. (a) ~~Subject to subsection (b)~~; A

35 school corporation may lease a school building or buildings for the use  
 36 of:

37 (1) the school corporation; or

38 (2) a joint or consolidated school district of which the school  
 39 corporation is a part or to which it contributes;

40 for a term not to exceed fifty (50) years.

41 (b) A school corporation may not enter into a lease under this  
 42 section unless



1           (1) a petition for the lease signed by at least fifty (50) patrons of  
 2           the school corporation has been filed with the governing body of  
 3           the school corporation; and  
 4           (2) the governing body, after investigation, determines that a need  
 5           exists for the school building.

6           (c) If two (2) or more school corporations propose to jointly enter  
 7           into a lease under this section, joint meetings of the governing bodies  
 8           of the school corporations may be held, but action taken at a joint  
 9           meeting is not binding on any of those school corporations unless  
 10          approved by a majority of the governing body of each of those school  
 11          corporations. A lease executed by two (2) or more school corporations  
 12          as joint lessees must:

13           (1) set out the amount of the total lease rental to be paid by each  
 14           lessee, which may be as agreed upon; and

15           (2) provide that:

16           (A) there is no right of occupancy by any lessee unless the  
 17           total rental is paid as stipulated in the lease; and

18           (B) all rights of joint lessees under the lease are in proportion  
 19           to the amount of lease rental paid by each lessee.

20          SECTION 442. IC 20-48-4-9, AS ADDED BY P.L.2-2006,  
 21          SECTION 171, IS AMENDED TO READ AS FOLLOWS  
 22          [EFFECTIVE JULY 1, 2015]: Sec. 9. In carrying out sections 6 through  
 23          8 of this chapter, the township trustee may join with the ~~school~~  
 24          township or district in the alteration, construction, or addition,  
 25          contracting together and joining in the employment of an engineer or  
 26          architect.

27          SECTION 443. IC 20-49-2-11, AS ADDED BY P.L.2-2006,  
 28          SECTION 172, IS AMENDED TO READ AS FOLLOWS  
 29          [EFFECTIVE JULY 1, 2015]: Sec. 11. (a) The state board may make  
 30          a disaster loan to a school corporation that has suffered loss by fire,  
 31          flood, windstorm, or other disaster that makes all or part of the school  
 32          building or buildings unfit for school purposes. ~~as described in~~  
 33          ~~IC 20-26-7-29 through IC 20-26-7-34.~~

34           (b) A loan made under this section may not exceed three million  
 35           dollars (\$3,000,000). The school corporation shall repay the loan  
 36           within twenty (20) years at an annual interest rate of one percent (1%)  
 37           of the unpaid balance.

38           (c) The amounts repaid by school corporations under subsection (b)  
 39           shall be deposited in a fund to be known as the school disaster loan  
 40           fund. The money remaining in the school disaster loan fund at the end  
 41           of a state fiscal year does not revert to the state general fund. The state  
 42           board may use the money in the school disaster loan fund only to make



1 disaster loans to school corporations under this section.

2 (d) Sections 13, 14, and 15 of this chapter do not apply to loans  
3 made under this section.

4 SECTION 444. IC 20-49-2-13, AS ADDED BY P.L.2-2006,  
5 SECTION 172, IS AMENDED TO READ AS FOLLOWS  
6 [EFFECTIVE JULY 1, 2015]: Sec. 13. (a) The state board shall  
7 compute and assign to the applicant school corporation a school  
8 building index that is the ratio of the school building need, in terms of  
9 money, to the school corporation's tax ability, in terms of money.

10 (b) For purposes of this section, the school building need, in terms  
11 of money, of a school corporation is the amount determined under  
12 STEP FOUR of the following formula:

13 STEP ONE: Add the ADA of students in grades 1 through 12 of  
14 the school corporation during the current school year in which  
15 application for an advancement is made and twice the ADA  
16 increase of the school corporation for the preceding three (3)  
17 years. However, the state board may make adjustments to reflect  
18 the effect of changes of boundary lines, loss of transfer students,  
19 or loss of resident students to private, parochial, or cooperative  
20 program schools within the three (3) year period.

21 STEP TWO: Divide the STEP ONE amount by twenty-five (25)  
22 to determine the number of classrooms needed to house the  
23 estimated enrollment increase.

24 STEP THREE: Subtract from the STEP TWO amount the number  
25 of classrooms that:

- 26 (A) are owned, under a lease-rental arrangement, or under  
27 construction in the school corporation; and  
28 (B) were constructed for and normally used for classroom  
29 purposes at the time of making application for an  
30 advancement.

31 However, there shall not be subtracted classrooms in a building  
32 or buildings found to be inadequate for the proper education of  
33 students under standards and procedures prescribed by the state  
34 board or that have been condemned ~~under IC 20-26-7-29 through~~  
35 ~~IC 20-26-7-34~~ and that are to be replaced by funds applied for.

36 STEP FOUR: Multiply the STEP THREE amount by twenty  
37 thousand dollars (\$20,000).

38 (c) For purposes of this section, the school corporation's tax ability,  
39 in terms of money, is the amount determined under STEP TWO of the  
40 following formula:

41 STEP ONE: Determine six and one-half percent (6 1/2%) of the  
42 adjusted value of taxable property in a school corporation as



1 determined under IC 36-1-15-4 for state and county taxes  
2 immediately preceding the date of application.

3 STEP TWO: Subtract from the STEP ONE amount the sum of the  
4 following:

5 (A) The principal amount of any outstanding general  
6 obligation bonds of the school corporation.

7 (B) The principal amount of outstanding obligations of any  
8 corporation or holding company that has entered into a  
9 lease-rental agreement with the applicant school corporation.

10 (C) The principal amount of outstanding civil township, town,  
11 or city school building bonds.

12 If the school corporation's tax ability is less than one hundred dollars  
13 (\$100), the school corporation's tax ability is considered for purposes  
14 of this section as being one hundred dollars (\$100).

15 SECTION 445. IC 20-49-3-8, AS AMENDED BY P.L.40-2014,  
16 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
17 JULY 1, 2015]: Sec. 8. The fund may be used to make advances:

18 (1) to school corporations, including ~~school townships and~~ school  
19 corporation career and technical education schools described in  
20 IC 20-37-1-1, under IC 20-49-4 and IC 20-49-5; and

21 (2) under IC 20-49-6.

22 Unless the context clearly requires otherwise, a reference to a school  
23 corporation in this chapter includes a school corporation career and  
24 technical education school described in IC 20-37-1-1. However, an  
25 advance to a school corporation career and technical education school  
26 described in IC 20-37-1-1 is not considered an advance to a school  
27 corporation for purposes of determining if the school corporation career  
28 and technical education school described in IC 20-37-1-1 qualifies for  
29 an advance.

30 SECTION 446. IC 20-49-4-0.3 IS REPEALED [EFFECTIVE JULY  
31 1, 2015]. ~~Sec. 0.3. All agreements that are:~~

32 ~~(1) executed by or on behalf of school corporations or school~~  
33 ~~townships before February 28, 1992; and~~

34 ~~(2) for advances from the Indiana common school fund under~~  
35 ~~IC 21-1-5 (before its repeal; now codified in this chapter);~~

36 ~~are validated and legalized.~~

37 SECTION 447. IC 20-49-4-0.4 IS REPEALED [EFFECTIVE JULY  
38 1, 2015]. ~~Sec. 0.4. All agreements that are:~~

39 ~~(1) executed by or on behalf of school corporations or school~~  
40 ~~townships before March 10, 1996; and~~

41 ~~(2) for advances from the common school fund under IC 21-1-5~~  
42 ~~(before its repeal; now codified in this chapter);~~



1 are validated and legalized:

2 SECTION 448. IC 20-49-4-1, AS AMENDED BY P.L.40-2014,  
3 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
4 JULY 1, 2015]: Sec. 1. This chapter applies to school corporations  
5 organized and formed through reorganization under IC 20-23-4,  
6 IC 20-23-6, or IC 20-23-7 ~~school townships under IC 20-23-3~~; and  
7 school corporation career and technical education schools described in  
8 IC 20-37-1-1. Unless the context clearly requires otherwise, a reference  
9 to a school corporation in this chapter includes a school corporation  
10 career and technical education school described in IC 20-37-1-1.

11 SECTION 449. IC 20-51-1-4.3, AS ADDED BY P.L.205-2013,  
12 SECTION 310, IS AMENDED TO READ AS FOLLOWS  
13 [EFFECTIVE JULY 1, 2015]: Sec. 4.3. "Eligible choice scholarship  
14 student" refers to an individual who:

- 15 (1) has legal settlement in Indiana;  
16 (2) is at least five (5) years of age and less than twenty-two (22)  
17 years of age on the date in the school year specified in  
18 IC 20-33-2-7; and

19 (3) meets at least one (1) of the following conditions:

20 (A) The individual is:

21 (i) a ~~child~~ **student** with a disability who requires special  
22 education and for whom an individualized education  
23 program has been developed under IC 20-35 or a service  
24 plan developed under 511 IAC 7-34; and

25 (ii) a member of a household with an annual income of not  
26 more than two hundred percent (200%) of the amount  
27 required for the individual to qualify for the federal free or  
28 reduced price lunch program.

29 (B) The individual is:

30 (i) an individual who, because of the school corporation's  
31 residency requirement, would be required to attend a  
32 specific public school within a school corporation that has  
33 been placed in the lowest category or designation of school  
34 improvement under IC 20-31-8-4 (has been assigned an "F"  
35 grade); and

36 (ii) except as provided in IC 20-51-4-2.5, is a member of a  
37 household with an annual income of not more than one  
38 hundred fifty percent (150%) of the amount required for the  
39 individual to qualify for the federal free or reduced price  
40 lunch program.

41 An individual to whom this clause applies is not required to  
42 attend the public school before becoming eligible for a choice



1 scholarship, and may not be required to return to the public  
 2 school if the public school is placed in a higher category or  
 3 designation under IC 20-31-8-4.

4 (C) Except as provided in IC 20-51-4-2.5, the individual is a  
 5 member of a household with an annual income of not more  
 6 than one hundred fifty percent (150%) of the amount required  
 7 for the individual to qualify for the federal free or reduced  
 8 price lunch program and the individual was enrolled in  
 9 kindergarten through grade 12, in a public school, including a  
 10 charter school, in Indiana for at least two (2) semesters  
 11 immediately preceding the first semester for which the  
 12 individual receives a choice scholarship under IC 20-51-4.

13 (D) The individual or a sibling of the individual who, except  
 14 as provided in IC 20-51-4-2.5, is a member of a household  
 15 with an annual income of not more than one hundred fifty  
 16 percent (150%) of the amount required for the individual to  
 17 qualify for the federal free or reduced price lunch program and  
 18 satisfies either of the following:

19 (i) The individual or a sibling of the individual received  
 20 before July 1, 2013, a scholarship from a scholarship  
 21 granting organization under IC 20-51-3 or a choice  
 22 scholarship under IC 20-51-4 in a preceding school year,  
 23 including a school year that does not immediately precede  
 24 a school year in which the individual receives a scholarship  
 25 from a scholarship granting organization under IC 20-51-3  
 26 or a choice scholarship under IC 20-51-4.

27 (ii) The individual or a sibling of the individual receives for  
 28 the first time after June 30, 2013, a scholarship of at least  
 29 five hundred dollars (\$500) from a scholarship granting  
 30 organization under IC 20-51-3 or a choice scholarship under  
 31 IC 20-51-4 in a preceding school year, including a school  
 32 year that does not immediately precede a school year in  
 33 which the individual receives a scholarship from a  
 34 scholarship granting organization under IC 20-51-3 or a  
 35 choice scholarship under IC 20-51-4.

36 SECTION 450. IC 21-43-4-6, AS AMENDED BY P.L.125-2013,  
 37 SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 38 JULY 1, 2015]: Sec. 6. Before February 1 each year, ~~each~~ a school  
 39 corporation ~~shall~~ **may** provide ~~each~~ a student in grades 8, 9, 10, and 11  
 40 with information concerning postsecondary enrollment opportunities,  
 41 **if:**

42 **(1) the information is requested by the student; and**





1           **(2) the school corporation believes that providing the**  
 2           **information would practically benefit the student.**

3           SECTION 451. IC 21-43-4-16 IS REPEALED [EFFECTIVE JULY  
 4           1, 2015]. Sec. 16: At the end of each school year, each school  
 5           corporation shall submit to the department of education the following:

6           (1) A list of the students in the school corporation who are  
 7           enrolled in postsecondary enrollment opportunities:

8           (2) A list of the courses successfully completed by each student  
 9           who is enrolled in postsecondary enrollment opportunities:

10          SECTION 452. IC 21-43-4-17 IS REPEALED [EFFECTIVE JULY  
 11          1, 2015]. Sec. 17: (a) A school corporation shall make and maintain, for  
 12          each student enrolled in a postsecondary enrollment opportunity,  
 13          records of the following:

14          (1) The courses and credit hours in which the student enrolls:

15          (2) The courses that the student successfully completes and fails  
 16          to complete:

17          (3) The secondary credit granted to the student:

18          (4) Other information requested by the department of education:

19          (b) The department of education is entitled to have access to the  
 20          records made and maintained under subsection (a):

21          SECTION 453. IC 22-3-2-5 IS AMENDED TO READ AS  
 22          FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 5. (a) Every employer  
 23          who is bound by the compensation provisions of IC 22-3-2 through  
 24          IC 22-3-6, except the state, counties, townships, cities, towns, school  
 25          cities, school towns, ~~school townships~~, other municipal corporations,  
 26          state institutions, state boards, state commissions, banks, trust  
 27          companies, and building and loan associations, shall insure the  
 28          payment of compensation to the employer's employees and their  
 29          dependents in the manner provided in IC 22-3-3, or procure from the  
 30          worker's compensation board a certificate authorizing the employer to  
 31          carry such risk without insurance. While such insurance or such  
 32          certificate remains in force, the employer or those conducting the  
 33          employer's business and the employer's worker's compensation  
 34          insurance carrier shall be liable to any employee and the employee's  
 35          dependents for personal injury or death by accident arising out of and  
 36          in the course of employment only to the extent and in the manner  
 37          specified in IC 22-3-2 through IC 22-3-6.

38          (b) The state may not purchase worker's compensation insurance.  
 39          The state may establish a program of self-insurance to cover its liability  
 40          under this article. The state may administer its program of  
 41          self-insurance or may contract with any private agency, business firm,  
 42          limited liability company, or corporation to administer any part of the



1 program. The state department of insurance may, in the manner  
 2 prescribed by IC 4-22-2, adopt the rules necessary to implement the  
 3 state's program of self-insurance.

4 SECTION 454. IC 22-3-7-34, AS AMENDED BY P.L.1-2006,  
 5 SECTION 343, IS AMENDED TO READ AS FOLLOWS  
 6 [EFFECTIVE JULY 1, 2015]: Sec. 34. (a) As used in this section,  
 7 "person" does not include:

8 (1) an owner who contracts for performance of work on the  
 9 owner's owner occupied residential property; or

10 (2) a nonprofit corporation that is recognized as tax exempt under  
 11 Section 501(c)(3) of the Internal Revenue Code (as defined in  
 12 IC 6-3-1-11(a)) to the extent the corporation enters into an  
 13 independent contractor agreement with a person for the  
 14 performance of youth coaching services on a part-time basis.

15 (b) Every employer bound by the compensation provisions of this  
 16 chapter, except the state, counties, townships, cities, towns, school  
 17 cities, school towns, ~~school townships~~, other municipal corporations,  
 18 state institutions, state boards, and state commissions, shall insure the  
 19 payment of compensation to the employer's employees and their  
 20 dependents in the manner provided in this chapter, or procure from the  
 21 worker's compensation board a certificate authorizing the employer to  
 22 carry such risk without insurance. While that insurance or certificate  
 23 remains in force, the employer, or those conducting the employer's  
 24 business, and the employer's occupational disease insurance carrier  
 25 shall be liable to any employee and the employee's dependents for  
 26 disablement or death from occupational disease arising out of and in  
 27 the course of employment only to the extent and in the manner  
 28 specified in this chapter.

29 (c) Every employer who, by election, is bound by the compensation  
 30 provisions of this chapter, except those exempted from the provisions  
 31 by subsection (b), shall:

32 (1) insure and keep insured the employer's liability under this  
 33 chapter in some corporation, association, or organization  
 34 authorized to transact the business of worker's compensation  
 35 insurance in this state; or

36 (2) furnish to the worker's compensation board satisfactory proof  
 37 of the employer's financial ability to pay the compensation in the  
 38 amount and manner and when due as provided for in this chapter.

39 In the latter case the board may require the deposit of an acceptable  
 40 security, indemnity, or bond to secure the payment of compensation  
 41 liabilities as they are incurred.

42 (d) Every employer required to carry insurance under this section



1 shall file with the worker's compensation board in the form prescribed  
2 by it, within ten (10) days after the termination of the employer's  
3 insurance by expiration or cancellation, evidence of the employer's  
4 compliance with subsection (c) and other provisions relating to the  
5 insurance under this chapter. The venue of all criminal actions under  
6 this section lies in the county in which the employee was last exposed  
7 to the occupational disease causing disablement. The prosecuting  
8 attorney of the county shall prosecute all violations upon written  
9 request of the board. The violations shall be prosecuted in the name of  
10 the state.

11 (e) Whenever an employer has complied with subsection (c) relating  
12 to self-insurance, the worker's compensation board shall issue to the  
13 employer a certificate which shall remain in force for a period fixed by  
14 the board, but the board may, upon at least thirty (30) days notice, and  
15 a hearing to the employer, revoke the certificate, upon presentation of  
16 satisfactory evidence for the revocation. After the revocation, the board  
17 may grant a new certificate to the employer upon the employer's  
18 petition, and satisfactory proof of the employer's financial ability.

19 (f)(1) Subject to the approval of the worker's compensation board,  
20 any employer may enter into or continue any agreement with the  
21 employer's employees to provide a system of compensation, benefit, or  
22 insurance in lieu of the compensation and insurance provided by this  
23 chapter. A substitute system may not be approved unless it confers  
24 benefits upon employees and their dependents at least equivalent to the  
25 benefits provided by this chapter. It may not be approved if it requires  
26 contributions from the employees unless it confers benefits in addition  
27 to those provided under this chapter, which are at least commensurate  
28 with such contributions.

29 (f)(2) The substitute system may be terminated by the worker's  
30 compensation board on reasonable notice and hearing to the interested  
31 parties, if it appears that the same is not fairly administered or if its  
32 operation shall disclose latent defects threatening its solvency, or if for  
33 any substantial reason it fails to accomplish the purpose of this chapter.  
34 On termination, the board shall determine the proper distribution of all  
35 remaining assets, if any, subject to the right of any party in interest to  
36 take an appeal to the court of appeals.

37 (g)(1) No insurer shall enter into or issue any policy of insurance  
38 under this chapter until its policy form has been submitted to and  
39 approved by the worker's compensation board. The board shall not  
40 approve the policy form of any insurance company until the company  
41 shall file with it the certificate of the insurance commissioner showing  
42 that the company is authorized to transact the business of worker's



1 compensation insurance in Indiana. The filing of a policy form by any  
2 insurance company or reciprocal insurance association with the board  
3 for approval constitutes on the part of the company or association a  
4 conclusive and unqualified acceptance of each of the compensation  
5 provisions of this chapter, and an agreement by it to be bound by the  
6 compensation provisions of this chapter.

7 (g)(2) All policies of insurance companies and of reciprocal  
8 insurance associations, insuring the payment of compensation under  
9 this chapter, shall be conclusively presumed to cover all the employees  
10 and the entire compensation liability of the insured under this chapter  
11 in all cases in which the last day of the exposure rendering the  
12 employer liable is within the effective period of such policy.

13 (g)(3) Any provision in any such policy attempting to limit or  
14 modify the liability of the company or association insuring the same  
15 shall be wholly void.

16 (g)(4) Every policy of any company or association shall be deemed  
17 to include the following provisions:

18 "(A) The insurer assumes in full all the obligations to pay  
19 physician's fees, nurse's charges, hospital supplies, burial  
20 expenses, compensation or death benefits imposed upon or  
21 accepted by the insured under this chapter.

22 (B) This policy is subject to the provisions of this chapter relative  
23 to the liability of the insured to pay physician's fees, nurse's  
24 charges, hospital services, hospital supplies, burial expenses,  
25 compensation or death benefits to and for such employees, the  
26 acceptance of such liability by the insured, the adjustment, trial  
27 and adjudication of claims for such physician's fees, nurse's  
28 charges, hospital services, hospital supplies, burial expenses,  
29 compensation, or death benefits.

30 (C) Between this insurer and the employee, notice to or  
31 knowledge of the occurrence of the disablement on the part of the  
32 insured (the employer) shall be notice or knowledge thereof, on  
33 the part of the insurer. The jurisdiction of the insured (the  
34 employer) for the purpose of this chapter is the jurisdiction of this  
35 insurer, and this insurer shall in all things be bound by and shall  
36 be subject to the awards, judgments and decrees rendered against  
37 the insured (the employer) under this chapter.

38 (D) This insurer will promptly pay to the person entitled to the  
39 same all benefits conferred by this chapter, including all  
40 physician's fees, nurse's charges, hospital services, hospital  
41 supplies, burial expenses, and all installments of compensation or  
42 death benefits that may be awarded or agreed upon under this



1 chapter. The obligation of this insurer shall not be affected by any  
 2 default of the insured (the employer) after disablement or by any  
 3 default in giving of any notice required by this policy, or  
 4 otherwise. This policy is a direct promise by this insurer to the  
 5 person entitled to physician's fees, nurse's charges, fees for  
 6 hospital services, charges for hospital services, charges for  
 7 hospital supplies, charges for burial, compensation, or death  
 8 benefits, and shall be enforceable in the name of the person.

9 (E) Any termination of this policy by cancellation shall not be  
 10 effective as to employees of the insured covered hereby unless at  
 11 least thirty (30) days prior to the taking effect of such  
 12 cancellation, a written notice giving the date upon which such  
 13 termination is to become effective has been received by the  
 14 worker's compensation board of Indiana at its office in  
 15 Indianapolis, Indiana.

16 (F) This policy shall automatically expire one (1) year from the  
 17 effective date of the policy, unless the policy covers a period of  
 18 three (3) years, in which event, it shall automatically expire three  
 19 (3) years from the effective date of the policy. The termination  
 20 either of a one (1) year or a three (3) year policy, is effective as to  
 21 the employees of the insured covered by the policy."

22 (g)(5) All claims for compensation, nurse's charges, hospital  
 23 services, hospital supplies, physician's fees, or burial expenses may be  
 24 made directly against either the employer or the insurer or both, and the  
 25 award of the worker's compensation board may be made against either  
 26 the employer or the insurer or both.

27 (g)(6) If any insurer shall fail to pay any final award or judgment  
 28 (except during the pendency of an appeal) rendered against it, or its  
 29 insured, or, if it shall fail to comply with this chapter, the worker's  
 30 compensation board shall revoke the approval of its policy forms, and  
 31 shall not accept any further proofs of insurance from it until it shall  
 32 have paid the award or judgment or complied with this chapter, and  
 33 shall have resubmitted its policy form and received the approval of the  
 34 policy by the worker's compensation board.

35 (h) No policy of insurance covering the liability of an employer for  
 36 worker's compensation shall be construed to cover the liability of the  
 37 employer under this chapter for any occupational disease unless the  
 38 liability is expressly accepted by the insurance carrier issuing the  
 39 policy and is endorsed in that policy. The insurance or security in force  
 40 to cover compensation liability under this chapter shall be separate  
 41 from the insurance or security under IC 22-3-2 through IC 22-3-6. Any  
 42 insurance contract covering liability under either part of this article



1 need not cover any liability under the other.

2 (i) For the purpose of complying with subsection (c), groups of  
3 employers are authorized to form mutual insurance associations or  
4 reciprocal or interinsurance exchanges subject to any reasonable  
5 conditions and restrictions fixed by the department of insurance. This  
6 subsection does not apply to mutual insurance associations and  
7 reciprocal or interinsurance exchanges formed and operating on or  
8 before January 1, 1991, which shall continue to operate subject to the  
9 provisions of this chapter and to such reasonable conditions and  
10 restrictions as may be fixed by the worker's compensation board.

11 (j) Membership in a mutual insurance association or a reciprocal or  
12 interinsurance exchange so proved, together with evidence of the  
13 payment of premiums due, is evidence of compliance with subsection  
14 (c).

15 (k) Any person bound under the compensation provisions of this  
16 chapter, contracting for the performance of any work exceeding one  
17 thousand dollars (\$1,000) in value, in which the hazard of an  
18 occupational disease exists, by a contractor subject to the compensation  
19 provisions of this chapter without exacting from the contractor a  
20 certificate from the worker's compensation board showing that the  
21 contractor has complied with subsections (b), (c), and (d), shall be  
22 liable to the same extent as the contractor for compensation, physician's  
23 fees, hospital fees, nurse's charges, and burial expenses on account of  
24 the injury or death of any employee of such contractor, due to  
25 occupational disease arising out of and in the course of the  
26 performance of the work covered by such contract.

27 (l) Any contractor who sublets any contract for the performance of  
28 any work to a subcontractor subject to the compensation provisions of  
29 this chapter, without obtaining a certificate from the worker's  
30 compensation board showing that the subcontractor has complied with  
31 subsections (b), (c), and (d), is liable to the same extent as the  
32 subcontractor for the payment of compensation, physician's fees,  
33 hospital fees, nurse's charges, and burial expense on account of the  
34 injury or death of any employee of the subcontractor due to  
35 occupational disease arising out of and in the course of the  
36 performance of the work covered by the subcontract.

37 (m) A person paying compensation, physician's fees, hospital fees,  
38 nurse's charges, or burial expenses, under subsection (k) or (l), may  
39 recover the amount paid or to be paid from any person who would  
40 otherwise have been liable for the payment thereof and may, in  
41 addition, recover the litigation expenses and attorney's fees incurred in  
42 the action before the worker's compensation board as well as the



1 litigation expenses and attorney's fees incurred in an action to collect  
2 the compensation, medical expenses, and burial expenses.

3 (n) Every claim filed with the worker's compensation board under  
4 this section shall be instituted against all parties liable for payment.  
5 The worker's compensation board, in an award under subsection (k),  
6 shall fix the order in which such parties shall be exhausted, beginning  
7 with the immediate employer and, in an award under subsection (l),  
8 shall determine whether the subcontractor has the financial ability to  
9 pay the compensation and medical expenses when due and, if not, shall  
10 order the contractor to pay the compensation and medical expenses.

11 SECTION 455. IC 21-12-10-3, AS AMENDED BY P.L.281-2013,  
12 SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
13 JULY 1, 2015]: Sec. 3. An individual is eligible for a Mitch Daniels  
14 early graduation scholarship if the individual:

- 15 (1) is a resident of Indiana, as defined by the commission;
- 16 (2) attended a publicly supported school on a full-time  
17 equivalency basis (~~as defined in IC 20-43-1-14~~) for at least the  
18 last two (2) semesters before the individual graduated from high  
19 school;
- 20 (3) had legal settlement (as defined in IC 20-18-2-11) in Indiana  
21 for at least the last two (2) semesters before the individual  
22 graduated from high school;
- 23 (4) met at least the minimum requirements set by the Indiana state  
24 board of education for granting a high school diploma by the end  
25 of grade 11 (including any summer school courses completed  
26 before July 1 of a year) and was awarded after December 31,  
27 2010, a high school diploma by the publicly supported school that  
28 the individual last attended for course credits earned before the  
29 end of grade 11;
- 30 (5) was not enrolled in a publicly supported school for any part of  
31 grade 12;
- 32 (6) applies to the commission for a Mitch Daniels early  
33 graduation scholarship in the manner specified by the  
34 commission; and
- 35 (7) within five (5) months after graduating from high school:
  - 36 (A) becomes a student in good standing at an approved  
37 postsecondary educational institution whose students are  
38 eligible to receive, before September 1, 2014, a higher  
39 education award (IC 21-12-3-11) or a freedom of choice grant  
40 (IC 21-12-4-4), or, after August 31, 2014, a higher education  
41 award or freedom of choice grant published under  
42 IC 21-12-1.7-3; and



1 (B) is engaged in a program that will lead to an approved  
2 postsecondary degree or credential.

3 SECTION 456. IC 21-18.5-4-8.5, AS ADDED BY P.L.268-2013,  
4 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
5 JULY 1, 2015]: Sec. 8.5. (a) This section does not apply to a student  
6 who:

7 (1) receives a graduation waiver under IC 20-32-4-4; and  
8 (2) receives a general diploma by satisfying the conditions set  
9 forth in IC 20-32-4-4, including, with respect to IC 20-32-4-4(6),  
10 the condition set forth in IC 20-32-4-4(6)(B);

11 if the student has an individualized education program. ~~under~~  
12 ~~IC 20-35-7.~~

13 (b) Except as provided in subsection (a), this section applies to a  
14 student who receives a graduation waiver under IC 20-32-4-4 after  
15 June 30, 2014.

16 (c) Notwithstanding any other law, and except as provided in  
17 subsection (e), a student who:

18 (1) receives a graduation waiver under IC 20-32-4-4; and  
19 (2) receives a general diploma by satisfying the conditions set  
20 forth in IC 20-32-4-4, including, with respect to IC 20-32-4-4(6),  
21 the condition set forth in IC 20-32-4-4(6)(B);

22 is disqualified from receiving state scholarships, grants, or assistance  
23 administered by the commission unless the student passes a college and  
24 career readiness exam described in IC 20-32-9-3.

25 (d) The college and career readiness exam taken by a student under  
26 subsection (c) shall be administered by the secondary school that  
27 granted the student the graduation waiver. The cost of the exam shall  
28 be paid by the department.

29 (e) A student described in subsection (c) is not disqualified from  
30 receiving state scholarships, grants, or assistance administered by the  
31 commission for credit bearing degree seeking courses, as mutually  
32 defined by the commission and the postsecondary educational  
33 institution offering the course.

34 SECTION 457. IC 22-4.1-14-5 IS REPEALED [EFFECTIVE JULY  
35 1, 2015]. Sec. 5: Notwithstanding any other law and after an institution  
36 is required to enter into a workforce partnership plan under this  
37 chapter, an institution's workforce partnership plan must be approved  
38 by the Indiana commission for career and technical education of the  
39 department for the institution to:

40 (1) be eligible to receive federal and state funds for the  
41 institution's career and technical education program at the  
42 secondary level and postsecondary level;





1 (2) receive career and technical education program approval by:

2 (A) the Indiana state board of education for secondary level  
3 programs; and

4 (B) the commission for higher education for postsecondary  
5 level programs;

6 for any career and technical education programs requiring  
7 approval; and

8 (3) be eligible to complete the program review process by the  
9 commission for higher education for postsecondary level career  
10 and technical education programs.

11 SECTION 458. IC 22-4.1-20-5, AS ADDED BY P.L.7-2011,  
12 SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
13 JULY 1, 2015]: Sec. 5. An eligible provider shall provide a ~~child~~  
14 **student** with a disability (as defined in ~~IC 20-35-1-2~~): **IC 20-35-1-8**:

15 (1) who is at least eighteen (18) years of age; and

16 (2) whom the eligible provider elects to educate;

17 with an appropriate special educational program.

18 SECTION 459. IC 22-8-1.1-43, AS AMENDED BY P.L.32-2008,  
19 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
20 JULY 1, 2015]: Sec. 43. **(a) This section does not apply to a school  
21 corporation (as defined in IC 36-1-2-17).**

22 ~~(a)~~ **(b)** To insure the availability of accurate, timely statistical data  
23 concerning occupational health and safety, all employers having one  
24 (1) or more employees simultaneously employed shall submit annual  
25 reports to INSafe (on a form and in a manner prescribed by the  
26 director) of all disabling work injuries.

27 ~~(b)~~ **(c)** INSafe may exempt from the requirement of subsection (a)  
28 those classes of employers for whose operations adequate records of  
29 safety experience are already available. INSafe may also exempt any  
30 employer when, in the judgment of the director, the submission of  
31 annual reports by the employer is not necessary to carry out the  
32 purposes of this chapter and would be an undue burden upon the  
33 employer because of size, the nature of its operation or other special  
34 circumstances.

35 SECTION 460. IC 22-8-1.1-43.1 IS REPEALED [EFFECTIVE  
36 JULY 1, 2015]. ~~Sec. 43.1. (a) The commissioner may adopt rules  
37 requiring all employers having eleven (11) or more employees  
38 employed to make and retain records of, and to make reports on, all  
39 work related deaths, injuries, and illnesses.~~

40 ~~(b) Deaths and disasters shall be reported directly to the  
41 commissioner within eight (8) hours. "Disaster" is any incident which  
42 results in the hospitalization of three (3) or more persons.~~



1 SECTION 461. IC 22-8-1.1-51, AS AMENDED BY P.L.1-2009,  
 2 SECTION 128, IS AMENDED TO READ AS FOLLOWS  
 3 [EFFECTIVE JULY 1, 2015]: Sec. 51. (a) This section does not affect  
 4 the ability or duty of the commissioner or the commissioner's designee  
 5 to conduct investigations in the following circumstances:

6 (1) if an employee requests an inspection under section 24.1 of  
 7 this chapter.

8 (2) ~~The commissioner receives a report of a death under section~~  
 9 ~~43.1 of this chapter.~~

10 (3) ~~The commissioner receives a report of a disaster under section~~  
 11 ~~43.1 of this chapter.~~

12 (b) If:

13 (1) INSafe conducts an onsite consultation for an employer; and

14 (2) the employer complied in good faith with an act of the  
 15 abatement of the particular alleged violation recommended by  
 16 INSafe;

17 the commissioner may not assess a penalty against the employer under  
 18 section 25.1 of this chapter for an alleged violation of a condition or  
 19 practice that INSafe specifically examined.

20 (c) Subsection (b) applies only on a first inspection by the  
 21 commissioner following an onsite consultation with INSafe. This  
 22 section does not relieve an employer of any obligation to stay in  
 23 compliance with any safety or health standard or law which changes  
 24 following an onsite consultation with INSafe.

25 SECTION 462. IC 23-13-5-8, AS AMENDED BY P.L.2-2007,  
 26 SECTION 316, IS AMENDED TO READ AS FOLLOWS  
 27 [EFFECTIVE JULY 1, 2015]: Sec. 8. (a) Should for any cause any  
 28 action of the board of directors or trustees of a corporation be invalid  
 29 or ineffective in whole or in part as and for a cancellation or retirement  
 30 of capital stock as provided in this chapter, then the entire act of  
 31 cancellation or retirement as to all other stock shall be held null and  
 32 void. If at any time after the transfer of any stock to the corporation or  
 33 to the trustees or directors it becomes no longer possible for the  
 34 corporation to operate the postsecondary educational institution as a  
 35 postsecondary educational institution, and the fact is found to exist by  
 36 the board of trustees or directors, the property and assets of the  
 37 corporation vest in and belong absolutely to the local public school  
 38 corporation within whose territorial limits the postsecondary  
 39 educational institution is situated unless the local public school  
 40 corporation elects to refuse to accept the property and assets in writing  
 41 served upon the board of trustees or an officer thereof within one  
 42 hundred twenty (120) days. If the local public school corporation elects



1 to refuse to accept the property and assets, then the property and assets  
 2 of the corporation vest in and belong absolutely to the county within  
 3 whose territorial limits the postsecondary educational institution is  
 4 situated unless the county, acting by its legislative body, elects to  
 5 refuse to accept the property and assets in writing served upon the  
 6 board of trustees or an officer within one hundred twenty (120) days.  
 7 If the county refuses to accept the property and assets, the property and  
 8 assets vest in and belong absolutely to the state general fund. ~~If the~~  
 9 ~~postsecondary educational institution is situated in a school township,~~  
 10 ~~the election shall be made by the township executive with the approval~~  
 11 ~~of the township legislative body.~~ If situated in a school city or town  
 12 corporation, the election shall be made by the school board of the  
 13 municipality.

14 (b) The local school corporation receiving the property or assets is  
 15 responsible for the payment of the lawful debts and liabilities of the  
 16 corporation. For the purpose of raising funds to pay the debts and  
 17 liabilities, the township executive, with the concurrence and sanction  
 18 of the township legislative body, or the city or town school board, as  
 19 the case may be, is authorized and empowered to issue and sell bonds  
 20 of the ~~school township~~, school city or school town. The debt created by  
 21 the bonds, together with all other indebtedness of the school  
 22 corporation, may not exceed two percent (2%) of the adjusted value of  
 23 the taxable property within the school corporation as determined under  
 24 IC 36-1-15. If the building or property of the corporation vested in the  
 25 school corporation is suitable for instructing students of the township  
 26 in the arts of agriculture, domestic science, or physical or practical  
 27 mental culture, and in which to hold school or civic entertainments or  
 28 be used for township, town, or city purposes, then the township  
 29 executive, with the concurrence and sanction of the township, city, or  
 30 town legislative body, as the case may be, is authorized and empowered  
 31 to issue and sell bonds of the civil township, city, or town, as the case  
 32 may be, and apply the proceeds to the payment of the debts and  
 33 liabilities of the corporation. The proceeds of the bonds, together with  
 34 all other indebtedness of the civil township, city, or town, may not  
 35 exceed two percent (2%) of the adjusted value of the taxable property  
 36 within the civil township, city, or town, as determined under  
 37 IC 36-1-15. If the county receives the property, it is authorized to issue  
 38 its general obligation bonds to pay the debts and liabilities as general  
 39 obligation bonds of counties are issued under the general law. Unless  
 40 the ~~school and civil townships~~ **township** and school and civil cities and  
 41 towns can liquidate the debts and liabilities without violating Article  
 42 13, Section 1 of the Constitution of the State of Indiana and IC 36-1-15,



1 they shall elect to refuse to accept the property. Unless the county can  
 2 liquidate the debts and liabilities without violating the constitutional  
 3 provision, it shall elect to refuse the property. If a civil township, city,  
 4 or town uses its funds or the proceeds of the sale of its bonds to  
 5 liquidate the debts and liabilities, it shall have an interest in the  
 6 property in the proportion the funds expended by it bear to the funds  
 7 expended by the ~~school township~~, school city, or school town.

8 (c) Any bonds issued under this chapter shall be payable in not more  
 9 than twenty (20) years after the date of their issuance. The municipal  
 10 corporation issuing the bonds shall annually levy a tax on all of the  
 11 taxable property within the municipal corporation in an amount  
 12 sufficient to pay the interest on and the principal of such bonds as they  
 13 mature. The bonds may mature and be payable either semiannually or  
 14 annually. Notice of sale of the bonds shall be published once each week  
 15 for two (2) weeks in a newspaper published in the municipal  
 16 corporation issuing the bonds, or in a newspaper published in the  
 17 county seat of the county in which the municipal corporation is located.  
 18 Additional notices may be published.

19 (d) If the corporation ceases to exist or winds up its affairs without  
 20 its board of trustees or directors finding that it is no longer possible for  
 21 the corporation to operate the university, college, or institution of  
 22 learning as a postsecondary educational institution, this shall have the  
 23 same effect as such a finding.

24 SECTION 463. IC 25-31-1-19, AS AMENDED BY P.L.57-2013,  
 25 SECTION 85, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 26 JULY 1, 2015]: Sec. 19. (a) A county, city, town, township, ~~school~~  
 27 ~~corporation~~, or other political subdivision of this state may not engage  
 28 in the construction or maintenance of any public work involving the  
 29 practice of engineering for which plans, specifications, and estimates  
 30 have not been prepared, certified, and sealed by, and the construction  
 31 and maintenance executed under the direct supervision of, a  
 32 professional engineer. Any contract executed in violation of this  
 33 section is void.

34 (b) An official of this state, or of any city, town, county, **or**  
 35 township, ~~or school corporation~~, charged with the enforcement of any  
 36 law, ordinance, or rule relating to the design, construction, or alteration  
 37 of buildings or structures may not use or accept or approve any plans  
 38 or specifications that have not been prepared by, or under the  
 39 supervision of and certified by, a registered professional engineer. This  
 40 subsection does not apply:

41 (1) to plans or specifications prepared by, or under the  
 42 supervision of and certified by, an architect who is registered



1 under IC 25-4-1;  
 2 (2) to structures and construction listed in IC 22-15-3-3(a); or  
 3 (3) to plans or specifications contained in a registration, license,  
 4 or permit application, including an application for an initial  
 5 permit, the renewal of a permit, the modification of a permit, or  
 6 a variance from a permit submitted to the commissioner of the  
 7 department of environmental management under IC 13, unless the  
 8 permit is for the approval of plans or specifications for  
 9 construction for which a professional engineer's seal is required  
 10 by operation of either state or federal law, rule, or regulation. This  
 11 subsection does not require a professional engineer's seal for an  
 12 application for an air quality construction permit under 326  
 13 IAC 2-1-3.

14 This section shall not be construed as to abridge or otherwise affect the  
 15 powers of any state board or department to issue rules governing the  
 16 safety of buildings or structures.

17 (c) All maps required to show the underground workings of any  
 18 mine in Indiana must be prepared, certified, and sealed by a  
 19 professional engineer or professional surveyor.

20 SECTION 464. IC 31-9-2-113.5, AS AMENDED BY P.L.146-2006,  
 21 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 22 JULY 1, 2015]: Sec. 113.5. "School", for purposes of section 31 of this  
 23 chapter and IC 31-39-2-13.8, means a:

24 (1) public school (including a charter school as defined in  
 25 IC 20-24-1-4); or

26 (2) nonpublic school (as defined in IC 20-18-2-12).

27 ~~that must comply with the education records privacy provisions of the~~  
 28 ~~federal Family Educational Rights and Privacy Act (20 U.S.C. 1232g)~~  
 29 ~~to be eligible to receive designated federal education funding.~~

30 SECTION 465. IC 31-37-4-3, AS AMENDED BY P.L.168-2014,  
 31 SECTION 44, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 32 JULY 1, 2015]: Sec. 3. (a) This section applies if a child is arrested or  
 33 taken into custody for allegedly committing an act that would be any of  
 34 the following crimes if committed by an adult:

35 (1) Murder (IC 35-42-1-1).

36 (2) Attempted murder (IC 35-41-5-1).

37 (3) Voluntary manslaughter (IC 35-42-1-3).

38 (4) Involuntary manslaughter (IC 35-42-1-4).

39 (5) Reckless homicide (IC 35-42-1-5).

40 (6) Aggravated battery (IC 35-42-2-1.5).

41 (7) Battery (IC 35-42-2-1).

42 (8) Kidnapping (IC 35-42-3-2).



- 1 (9) A sex crime listed in IC 35-42-4-1 through IC 35-42-4-8.  
 2 (10) Sexual misconduct with a minor (IC 35-42-4-9).  
 3 (11) Incest (IC 35-46-1-3).  
 4 (12) Robbery as a Level 2 felony or a Level 3 felony  
 5 (IC 35-42-5-1).  
 6 (13) Burglary as a Level 1 felony, Level 2 felony, Level 3 felony,  
 7 or Level 4 felony (IC 35-43-2-1).  
 8 (14) Assisting a criminal as a Level 5 felony (IC 35-44.1-2-5).  
 9 (15) Escape (IC 35-44.1-3-4) as a Level 4 felony or Level 5  
 10 felony.  
 11 (16) Trafficking with an inmate as a Level 5 felony  
 12 (IC 35-44.1-3-5).  
 13 (17) Causing death when operating a vehicle (IC 9-30-5-5).  
 14 (18) Criminal confinement (IC 35-42-3-3) as a Level 2 or Level  
 15 3 felony.  
 16 (19) Arson (IC 35-43-1-1) as a Level 2 felony, Level 3 felony, or  
 17 Level 4 felony.  
 18 (20) Possession, use, or manufacture of a weapon of mass  
 19 destruction (IC 35-47-12-1).  
 20 (21) Terroristic mischief (IC 35-47-12-3) as a Level 2 or Level 3  
 21 felony.  
 22 (22) Hijacking or disrupting an aircraft (IC 35-47-6-1.6).  
 23 (23) A violation of IC 35-47.5 (controlled explosives) as a Level  
 24 2 felony, Level 3 felony, or Level 4 felony.  
 25 (24) A controlled substances offense under IC 35-48.  
 26 (25) A criminal gang offense under IC 35-45-9.  
 27 **(26) An alcohol related offense (IC 7.1-5; IC 9-30-5;**  
 28 **IC 9-30-10-4, IC 9-30-15, or IC 35-46-9-6).**  
 29 (b) If a child is taken into custody under this chapter for a crime or  
 30 act listed in subsection (a) or a situation to which IC 12-26-4-1 applies,  
 31 the law enforcement agency that employs the law enforcement officer  
 32 who takes the child into custody shall notify the chief administrative  
 33 officer of the primary or secondary school, including a public or  
 34 nonpublic school, in which the child is enrolled or, if the child is  
 35 enrolled in a public school, the superintendent of the school district in  
 36 which the child is enrolled:  
 37 (1) that the child was taken into custody; and  
 38 (2) of the reason why the child was taken into custody.  
 39 (c) The notification under subsection (b) must occur within  
 40 forty-eight (48) hours after the child is taken into custody.  
 41 (d) A law enforcement agency may not disclose information that is  
 42 confidential under state or federal law to a school or school district



1 under this section.

2 (e) A law enforcement agency shall include in its training for law  
3 enforcement officers training concerning the notification requirements  
4 under subsection (b).

5 SECTION 466. IC 31-39-2-13.8, AS AMENDED BY P.L.67-2007,  
6 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
7 JULY 1, 2015]: Sec. 13.8. (a) The juvenile court ~~may~~ **shall** grant a  
8 school access to all or a portion of the juvenile court records of a child  
9 who is a student at the school if:

- 10 (1) the superintendent, or the superintendent's designee;  
11 (2) the chief administrative officer of a nonpublic school, or the  
12 chief administrative officer's designee; or  
13 (3) the individual with administrative control within a charter  
14 school, or the individual's designee;

15 submits a written request. ~~that meets the requirements of subsection~~  
16 ~~(b):~~

17 ~~(b) A written request must establish that the juvenile court records~~  
18 ~~described in subsection (a) are necessary for the school to:~~

- 19 ~~(1) serve the educational needs of the child whose records are~~  
20 ~~being released; or~~  
21 ~~(2) protect the safety or health of a student, an employee, or a~~  
22 ~~volunteer at the school.~~

23 ~~(c) (b) A juvenile court that releases juvenile court records under~~  
24 ~~this section shall provide notice to the child and to the child's parent,~~  
25 ~~guardian, or custodian that the child's juvenile records have been~~  
26 ~~disclosed to the school.~~

27 ~~(d) (c) A juvenile court that releases juvenile court records under~~  
28 ~~this section shall issue an order requiring the school to keep the~~  
29 ~~juvenile court records confidential. A confidentiality order issued under~~  
30 ~~this subsection does not prohibit a school that receives juvenile court~~  
31 ~~records from forwarding the juvenile records to:~~

- 32 (1) another school;  
33 (2) a person if a parent, guardian, or custodian of the child  
34 consents to the release of the juvenile court records to the person;  
35 or  
36 (3) an entity listed in IC 31-39-9-1.

37 A school or a person that receives juvenile court records under this  
38 subsection must keep the juvenile court records confidential.

39 SECTION 467. IC 34-13-3-3, AS AMENDED BY P.L.220-2013,  
40 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
41 JULY 1, 2015]: Sec. 3. A governmental entity or an employee acting  
42 within the scope of the employee's employment is not liable if a loss



- 1 results from the following:
- 2 (1) The natural condition of unimproved property.
- 3 (2) The condition of a reservoir, dam, canal, conduit, drain, or
- 4 similar structure when used by a person for a purpose that is not
- 5 foreseeable.
- 6 (3) The temporary condition of a public thoroughfare or extreme
- 7 sport area that results from weather.
- 8 (4) The condition of an unpaved road, trail, or footpath, the
- 9 purpose of which is to provide access to a recreation or scenic
- 10 area.
- 11 (5) The design, construction, control, operation, or normal
- 12 condition of an extreme sport area, if all entrances to the extreme
- 13 sport area are marked with:
- 14 (A) a set of rules governing the use of the extreme sport area;
- 15 (B) a warning concerning the hazards and dangers associated
- 16 with the use of the extreme sport area; and
- 17 (C) a statement that the extreme sport area may be used only
- 18 by persons operating extreme sport equipment.
- 19 This subdivision shall not be construed to relieve a governmental
- 20 entity from liability for the continuing duty to maintain extreme
- 21 sports areas in a reasonably safe condition.
- 22 (6) The initiation of a judicial or an administrative proceeding.
- 23 (7) The performance of a discretionary function; however, the
- 24 provision of medical or optical care as provided in IC 34-6-2-38
- 25 shall be considered as a ministerial act.
- 26 (8) The adoption and enforcement of or failure to adopt or
- 27 enforce:
- 28 (A) a law (including rules and regulations); or
- 29 (B) in the case of a public school or charter school, a policy;
- 30 unless the act of enforcement constitutes false arrest or false
- 31 imprisonment.
- 32 (9) An act or omission performed in good faith and without
- 33 malice under the apparent authority of a statute which is invalid
- 34 if the employee would not have been liable had the statute been
- 35 valid.
- 36 (10) The act or omission of anyone other than the governmental
- 37 entity or the governmental entity's employee.
- 38 (11) The issuance, denial, suspension, or revocation of, or failure
- 39 or refusal to issue, deny, suspend, or revoke any permit, license,
- 40 certificate, approval, order, or similar authorization, where the
- 41 authority is discretionary under the law.
- 42 (12) Failure to make an inspection, or making an inadequate or





- 1 negligent inspection, of any property, other than the property of  
 2 a governmental entity, to determine whether the property  
 3 complied with or violates any law or contains a hazard to health  
 4 or safety.
- 5 (13) Entry upon any property where the entry is expressly or  
 6 impliedly authorized by law.
- 7 (14) Misrepresentation if unintentional.
- 8 (15) Theft by another person of money in the employee's official  
 9 custody, unless the loss was sustained because of the employee's  
 10 own negligent or wrongful act or omission.
- 11 (16) Injury to the property of a person under the jurisdiction and  
 12 control of the department of correction if the person has not  
 13 exhausted the administrative remedies and procedures provided  
 14 by section 7 of this chapter.
- 15 (17) Injury to the person or property of a person under supervision  
 16 of a governmental entity and who is:
- 17 (A) on probation; or
- 18 (B) assigned to an alcohol and drug services program under  
 19 IC 12-23, a minimum security release program under  
 20 IC 11-10-8, a pretrial conditional release program under  
 21 IC 35-33-8, or a community corrections program under  
 22 IC 11-12.
- 23 (18) Design of a highway (as defined in IC 9-13-2-73), toll road  
 24 project (as defined in IC 8-15-2-4(4)), tollway (as defined in  
 25 IC 8-15-3-7), or project (as defined in IC 8-15.7-2-14) if the  
 26 claimed loss occurs at least twenty (20) years after the public  
 27 highway, toll road project, tollway, or project was designed or  
 28 substantially redesigned; except that this subdivision shall not be  
 29 construed to relieve a responsible governmental entity from the  
 30 continuing duty to provide and maintain public highways in a  
 31 reasonably safe condition.
- 32 (19) Development, adoption, implementation, operation,  
 33 maintenance, or use of an enhanced emergency communication  
 34 system.
- 35 (20) Injury to a student or a student's property by an employee of  
 36 a school corporation if the employee is acting reasonably under a  
 37 ~~(A) discipline policy or a restraint and seclusion policy or plan~~  
 38 ~~adopted under IC 20-33-8-12. or~~  
 39 ~~(B) restraint and seclusion plan adopted under IC 20-20-40-14.~~
- 40 (21) An act or omission performed in good faith under the  
 41 apparent authority of a court order described in IC 35-46-1-15.1  
 42 that is invalid, including an arrest or imprisonment related to the



1 enforcement of the court order, if the governmental entity or  
 2 employee would not have been liable had the court order been  
 3 valid.

4 (22) An act taken to investigate or remediate hazardous  
 5 substances, petroleum, or other pollutants associated with a  
 6 brownfield (as defined in IC 13-11-2-19.3) unless:

- 7 (A) the loss is a result of reckless conduct; or
- 8 (B) the governmental entity was responsible for the initial  
 9 placement of the hazardous substances, petroleum, or other  
 10 pollutants on the brownfield.

11 (23) The operation of an off-road vehicle (as defined in  
 12 IC 14-8-2-185) by a nongovernmental employee, or by a  
 13 governmental employee not acting within the scope of the  
 14 employment of the employee, on a public highway in a county  
 15 road system outside the corporate limits of a city or town, unless  
 16 the loss is the result of an act or omission amounting to:

- 17 (A) gross negligence;
- 18 (B) willful or wanton misconduct; or
- 19 (C) intentional misconduct.

20 This subdivision shall not be construed to relieve a governmental  
 21 entity from liability for the continuing duty to maintain highways  
 22 in a reasonably safe condition for the operation of motor vehicles  
 23 licensed by the bureau of motor vehicles for operation on public  
 24 highways.

25 (24) Any act or omission rendered in connection with a request,  
 26 investigation, assessment, or opinion provided under  
 27 IC 36-9-28.7.

28 SECTION 468. IC 34-30-14-7, AS AMENDED BY P.L.146-2011,  
 29 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 30 JULY 1, 2015]: Sec. 7. A teacher

- 31 ~~(1)~~ who meets the requirement of IC 20-28-5-3(c); and
- 32 ~~(2)~~ who:
  - 33 ~~(A)~~ (1) performs cardiopulmonary resuscitation on;
  - 34 ~~(B)~~ (2) performs the Heimlich maneuver on;
  - 35 ~~(C)~~ (3) removes a foreign body that is obstructing an airway of; or
  - 36 ~~(D)~~ (4) uses an automated external defibrillator on;

37 another person, in the course of employment as a teacher is not liable  
 38 in a civil action for damages resulting from an act or omission  
 39 occurring during the provision of emergency assistance under this  
 40 section, unless the act or omission constitutes gross negligence or  
 41 willful and wanton misconduct.

42 SECTION 469. IC 35-42-4-7, AS AMENDED BY



1 P.L.226-2014(ts), SECTION 5, IS AMENDED TO READ AS  
 2 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 7. (a) As used in this  
 3 section, "adoptive parent" has the meaning set forth in IC 31-9-2-6.

4 (b) As used in this section, "adoptive grandparent" means the parent  
 5 of an adoptive parent.

6 (c) As used in this section, "charter school" has the meaning set  
 7 forth in IC 20-18-2-2.5.

8 (d) As used in this section, "child care worker" means a person who:

9 (1) provides care, supervision, or instruction to a child within the  
 10 scope of the person's employment in a shelter care facility;

11 (2) is employed by a:

12 (A) school corporation;

13 (B) charter school;

14 (C) nonpublic school; or

15 (D) special education cooperative;

16 attended by a child who is the victim of a crime under this  
 17 chapter; or

18 (3) is:

19 (A) affiliated with a:

20 (i) school corporation;

21 (ii) charter school;

22 (iii) nonpublic school; or

23 (iv) special education cooperative;

24 attended by a child who is the victim of a crime under this  
 25 chapter, regardless of how or whether the person is  
 26 compensated;

27 (B) in a position of trust in relation to a child who attends the  
 28 school; or cooperative;

29 (C) engaged in the provision of care or supervision to a child  
 30 who attends the school; or cooperative; and

31 (D) at least four (4) years older than the child who is the  
 32 victim of a crime under this chapter.

33 The term does not include a student who attends the school. or  
 34 cooperative.

35 (e) As used in this section, "custodian" means any person who  
 36 resides with a child and is responsible for the child's welfare.

37 (f) As used in this section, "mental health professional" means:

38 (1) a mental health counselor licensed under IC 25-23.6-8.5;

39 (2) a psychologist; or

40 (3) a psychiatrist.

41 (g) As used in this section, "military recruiter" means a member of:  
 42 the armed forces of the United States (as defined in IC 20-33-10-2) or



1 the Indiana National Guard

2 (1) the United States Air Force;

3 (2) the United States Army;

4 (3) the United States Coast Guard;

5 (4) the United States Marine Corps;

6 (5) the United States Navy;

7 (6) any reserve components of the military forces listed in  
8 subdivisions (1) through (5); or

9 (7) the Indiana National Guard;

10 whose primary job function, classification, or specialty is recruiting  
11 individuals to enlist with the armed forces of the United States or the  
12 Indiana National Guard: an entity listed in subdivisions (1) through  
13 (7).

14 (h) As used in this section, "nonpublic school" has the meaning set  
15 forth in IC 20-18-2-12.

16 (i) For purposes of this section, a person has a "professional  
17 relationship" with a child if:

18 (1) the person:

19 (A) has a license issued by the state or a political subdivision  
20 on the basis of the person's training and experience that  
21 authorizes the person to carry out a particular occupation; or

22 (B) is employed in a position in which counseling, supervising,  
23 instructing, or recruiting children forms a significant part of  
24 the employment; and

25 (2) the person has a relationship with a child that is based on the  
26 person's employment or licensed status as described in  
27 subdivision (1).

28 The term includes a relationship between a child and a mental health  
29 professional or military recruiter. The term does not include a coworker  
30 relationship between a child and a person described in subdivision  
31 (1)(B).

32 (j) As used in this section, "school corporation" has the meaning set  
33 forth in IC 20-18-2-16.

34 (k) As used in this section, "special education cooperative" has the  
35 meaning set forth in IC 20-35-5-1.

36 (l) As used in this section, "stepparent" means an individual who is  
37 married to a child's custodial or noncustodial parent and is not the  
38 child's adoptive parent.

39 (m) If a person who:

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

41 (2) is the:

42 (A) guardian, adoptive parent, adoptive grandparent,



- 1                   custodian, or stepparent of; or  
 2                   (B) child care worker for;  
 3                   a child at least sixteen (16) years of age but less than eighteen  
 4                   (18) years of age;  
 5                   engages with the child in sexual intercourse, other sexual conduct (as  
 6                   defined in IC 35-31.5-2-221.5), or any fondling or touching with the  
 7                   intent to arouse or satisfy the sexual desires of either the child or the  
 8                   adult, the person commits child seduction.  
 9                   (n) A person who:  
 10                   (1) has or had a professional relationship with a child at least  
 11                   sixteen (16) years of age but less than eighteen (18) years of age  
 12                   whom the person knows to be at least sixteen (16) years of age but  
 13                   less than eighteen (18) years of age;  
 14                   (2) may exert undue influence on the child because of the person's  
 15                   current or previous professional relationship with the child; and  
 16                   (3) uses or exerts the person's professional relationship to engage  
 17                   in sexual intercourse, other sexual conduct (as defined in  
 18                   IC 35-31.5-2-221.5), or any fondling or touching with the child  
 19                   with the intent to arouse or satisfy the sexual desires of the child  
 20                   or the person;  
 21                   commits child seduction.  
 22                   (o) A law enforcement officer who:  
 23                   (1) is at least five (5) years older than a child who is:  
 24                   (A) at least sixteen (16) years of age; and  
 25                   (B) less than eighteen (18) years of age;  
 26                   (2) has contact with the child while acting within the scope of the  
 27                   law enforcement officer's official duties with respect to the child;  
 28                   and  
 29                   (3) uses or exerts the law enforcement officer's professional  
 30                   relationship with the child to engage with the child in:  
 31                   (A) sexual intercourse;  
 32                   (B) other sexual conduct (as defined in IC 35-31.5-2-221.5);  
 33                   or  
 34                   (C) any fondling or touching with the child with the intent to  
 35                   arouse or satisfy the sexual desires of the child or the law  
 36                   enforcement officer;  
 37                   commits child seduction.  
 38                   (p) In determining whether a person used or exerted the person's  
 39                   professional relationship with the child to engage in sexual intercourse,  
 40                   other sexual conduct (as defined in IC 35-31.5-2-221.5), or any  
 41                   fondling or touching with the intent to arouse or satisfy the sexual  
 42                   desires of the child or the person under this section, the trier of fact



- 1 may consider one (1) or more of the following:
- 2 (1) The age difference between the person and the child.
- 3 (2) Whether the person was in a position of trust with respect to
- 4 the child.
- 5 (3) Whether the person's conduct with the child violated any
- 6 ethical obligations of the person's profession or occupation.
- 7 (4) The authority that the person had over the child.
- 8 (5) Whether the person exploited any particular vulnerability of
- 9 the child.
- 10 (6) Any other evidence relevant to the person's ability to exert
- 11 undue influence over the child.
- 12 (q) Child seduction under this section is:
- 13 (1) a Level 6 felony if the person or law enforcement officer
- 14 engaged in any fondling or touching with the intent to arouse or
- 15 satisfy the sexual desires of:
- 16 (A) the child; or
- 17 (B) the person or law enforcement officer; and
- 18 (2) a Level 5 felony if the person or law enforcement officer
- 19 engaged in sexual intercourse or other sexual conduct (as defined
- 20 in IC 35-31.5-2-221.5) with the child.
- 21 SECTION 470. IC 36-1-2-17 IS AMENDED TO READ AS
- 22 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 17. "School
- 23 corporation" means a local public school corporation established under
- 24 state law. The term includes a school city, school town, ~~school~~
- 25 ~~township~~, metropolitan school district, consolidated school corporation,
- 26 county school corporation, township school corporation, community
- 27 school corporation, or united school corporation.
- 28 SECTION 471. IC 36-1-2-22 IS AMENDED TO READ AS
- 29 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 22. "Township" refers
- 30 to a civil township, unless the reference is to a congressional township.
- 31 ~~or school township.~~
- 32 SECTION 472. IC 36-1-7-4, AS AMENDED BY P.L.221-2007,
- 33 SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 34 JULY 1, 2015]: Sec. 4. (a) If an agreement under section 3 of this
- 35 chapter:
- 36 (1) involves as parties:
- 37 (A) only Indiana political subdivisions; or
- 38 (B) an Indiana political subdivision and:
- 39 (i) a public instrumentality; or
- 40 (ii) a public corporate body;
- 41 created by state law;
- 42 (2) is approved by the fiscal body of each party that is an Indiana



1 political subdivision either before or after the agreement is  
 2 entered into by the executive of the party; and  
 3 (3) delegates to the treasurer or disbursing officer of one (1) of the  
 4 parties that is an Indiana political subdivision the duty to receive,  
 5 disburse, and account for all monies of the joint undertaking;  
 6 then the approval of the attorney general is not required.

7 (b) **This subsection does not apply to a public school.** If  
 8 subsection (a) does not apply, an agreement under section 3 of this  
 9 chapter must be submitted to the attorney general for the attorney  
 10 general's approval. The attorney general shall approve the agreement  
 11 unless the attorney general finds that it does not comply with the  
 12 statutes, in which case the attorney general shall detail in writing for  
 13 the parties the specific respects in which the agreement does not  
 14 comply. If the attorney general fails to disapprove the agreement within  
 15 sixty (60) days after it is submitted to the attorney general, it is  
 16 considered approved.

17 SECTION 473. IC 36-1-8-5, AS AMENDED BY P.L.1-2007,  
 18 SECTION 238, IS AMENDED TO READ AS FOLLOWS  
 19 [EFFECTIVE JULY 1, 2015]: Sec. 5. (a) This section applies to all  
 20 funds raised by a general or special tax levy on all the taxable property  
 21 of a political subdivision.

22 (b) Whenever the purposes of a tax levy have been fulfilled and an  
 23 unused and unencumbered balance remains in the fund, the fiscal body  
 24 of the political subdivision shall order the balance of that fund to be  
 25 transferred as follows, unless a statute provides that it be transferred  
 26 otherwise:

27 (1) Funds of a county, to the general fund or rainy day fund of the  
 28 county, as provided in section 5.1 of this chapter.

29 (2) Funds of a municipality, to the general fund or rainy day fund  
 30 of the municipality, as provided in section 5.1 of this chapter.

31 (3) Funds of a township for redemption of township assistance  
 32 obligations, to the township assistance fund of the township or  
 33 rainy day fund of the township, as provided in section 5.1 of this  
 34 chapter.

35 (4) Funds of any other political subdivision, to the general fund or  
 36 rainy day fund of the political subdivision, as provided in section  
 37 5.1 of this chapter. However, if the political subdivision is  
 38 dissolved or does not have a general fund or rainy day fund, then  
 39 to the general fund of each of the units located in the political  
 40 subdivision in the same proportion that the assessed valuation of  
 41 the unit bears to the total assessed valuation of the political  
 42 subdivision.



1 (c) Whenever an unused and unencumbered balance remains in the  
 2 civil township fund of a township and a current tax levy for the fund is  
 3 not needed, the township fiscal body may order any part of the balance  
 4 of that fund transferred to the debt service fund of the school  
 5 corporation located in or partly in the township. However, if more than  
 6 one (1) school corporation is located in or partly in the township, then  
 7 any sum transferred shall be transferred to the debt service fund of each  
 8 of those school corporations in the same proportion that the part of the  
 9 assessed valuation of the school corporation in the township bears to  
 10 the total assessed valuation of the township.

11 (d) If there is:

12 (1) an unexpended balance in the debt service fund of any school  
 13 township; and

14 (2) no outstanding bonded or other indebtedness of the school  
 15 township to the payment of which the unexpended balance or any  
 16 part of the unexpended balance can be legally applied;

17 the township trustee of the township, with the approval of the township  
 18 board, may transfer the unexpended balance in the debt service fund to  
 19 the school general fund of the school township.

20 (e) (d) Whenever any township has collected any fund for the  
 21 special or specific purpose of erecting or constructing a school building  
 22 and the township trustee of the township decides to abandon the  
 23 proposed work of erecting or constructing the school building, the  
 24 township trustee of the township shall transfer the fund collected for  
 25 the special or specific purpose to the township fund of the township,  
 26 upon the order of the township board to make the transfer. It is lawful  
 27 thereafter to use the funds for any purpose for which the township  
 28 funds of the township may be used.

29 (f) (e) Transfers to a political subdivision's rainy day fund may be  
 30 made at any time during the political subdivision's fiscal year.

31 SECTION 474. IC 36-1-8-17.5, AS AMENDED BY P.L.183-2014,  
 32 SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 33 JULY 1, 2015]: Sec. 17.5. **This section does not apply to a school  
 34 corporation.** A political subdivision must report, in the manner  
 35 specified by the department of local government finance, information  
 36 and data on its retiree benefits and expenditures by March 1 of each  
 37 year.

38 SECTION 475. IC 36-1-10-5 IS AMENDED TO READ AS  
 39 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 5. Notwithstanding  
 40 sections 6, 12, 16, and 17 of this chapter, the following procedure shall  
 41 be followed whenever a lease does not contain an option to purchase:

42 (1) The term of the lease may not be longer than ten (10) years;





1           however, a lease may be for a longer term if the lease is approved  
2           by the department of local government finance **or a school**  
3           **corporation is entering into the lease.**

4           (2) The lease must provide that the lease is subject to annual  
5           appropriation by the appropriate fiscal body.

6           (3) The leasing agent must have a copy of the lease filed and kept  
7           in a place available for public inspection.

8           A leasing agent may lease part of a structure.

9           SECTION 476. IC 36-1-10-7 IS AMENDED TO READ AS  
10          FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 7. **(a) Except as**  
11          **provided in subsection (b),** a leasing agent may not lease a structure,  
12          transportation project, or system unless:

13               (1) the leasing agent receives a petition signed by fifty (50) or  
14               more taxpayers of the political subdivision or agency; and

15               (2) the fiscal body of the political subdivision determines, after  
16               investigation, that the structure, transportation project, or system  
17               is needed.

18          **(b) This subsection applies only to a school corporation. A**  
19          **leasing agent may not lease a structure, transportation project, or**  
20          **system unless the governing body of the school corporation**  
21          **determines, after investigation, that the structure, transportation**  
22          **project, or system is needed.**

23          SECTION 477. IC 36-1-11-4, AS AMENDED BY P.L.257-2013,  
24          SECTION 41, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
25          JULY 1, 2015]: Sec. 4. (a) A disposing agent who wants to sell or  
26          transfer real property must comply with this section, except as  
27          permitted by section 4.1, 4.2, 5, 5.5, 5.7, 5.9, 8, 14, 15, or 18 of this  
28          chapter.

29          (b) The disposing agent shall first have the property appraised by  
30          two (2) appraisers. The appraisers must be:

31               (1) professionally engaged in making appraisals;

32               (2) licensed under IC 25-34.1; or

33               (3) employees of the political subdivision familiar with the value  
34               of the property.

35          (c) After the property is appraised, the disposing agent shall publish  
36          a notice in accordance with IC 5-3-1 setting forth the terms and  
37          conditions of the sale and, when subsection (e) is employed, may  
38          engage an auctioneer licensed under IC 25-6.1 to advertise the sale and  
39          to conduct a public auction. The advertising conducted by the  
40          auctioneer is in addition to any other notice required by law and shall  
41          include a detailed description of the property to be sold stating the key  
42          numbers, if any, of the tracts within that property. If the disposing agent



1 determines that the best sale of the property can be made by letting the  
 2 bidders determine certain conditions of the sale (such as required  
 3 zoning or soil or drainage conditions) as a prerequisite to purchasing  
 4 the property, the disposing agent may permit the bidders to specify  
 5 those conditions. The notice must state the following:

- 6 (1) Bids will be received beginning on a specific date.  
 7 (2) The sale will continue from day to day for a period determined  
 8 by the disposing agent of not more than sixty (60) days.  
 9 (3) The property may not be sold to a person who is ineligible  
 10 under section 16 of this chapter.  
 11 (4) A bid submitted by a trust (as defined in IC 30-4-1-1(a)) must  
 12 identify each:

- 13 (A) beneficiary of the trust; and  
 14 (B) settlor empowered to revoke or modify the trust.

15 (d) A bid must be open to public inspection. A bidder may raise the  
 16 bidder's bid, and subject to subsection (e), that raise takes effect after  
 17 the board has given written notice of that raise to the other bidders.

18 (e) The disposing agent may also engage an auctioneer licensed  
 19 under IC 25-6.1 to conduct a sale by public auction. The auction may  
 20 be conducted either at the time for beginning the sale in accordance  
 21 with the public notice or after the beginning of the sale. The disposing  
 22 agent shall give each bidder who has submitted a bid written notice of  
 23 the time and place of the auction.

24 (f) The disposing agent may, before expiration of the time set out in  
 25 the notice, sell the property to the highest and best bidder. The highest  
 26 and best bidder must have complied with any requirement under  
 27 subsection (c)(4). However, the disposing agent may sell the property  
 28 for less than ninety percent (90%) of the average of the two (2)  
 29 appraisals of the tracts only after an additional notice stating the  
 30 amount of the bid to be accepted is published in accordance with  
 31 IC 5-3-1. The disposing agent may reject all bids. If the disposing agent  
 32 rejects all bids, the disposing agent must make a written determination  
 33 to reject all bids explaining why all bids were rejected.

34 (g) If the disposing agent determines that, in the exercise of good  
 35 business judgment, the disposing agent should hire a broker or  
 36 auctioneer to sell the property, the disposing agent may do so and pay  
 37 the broker or auctioneer a reasonable compensation out of the gross  
 38 proceeds of the sale. A disposing agent may hire a broker to sell real  
 39 property directly rather than using the bid process under subsections (c)  
 40 through (f) if:

- 41 **(1) in the case of a political subdivision other than a school**  
 42 **corporation:**



- 1           (†) (A) the disposing agent publishes a notice of the
- 2           determination to hire the broker in accordance with IC 5-3-1;
- 3           and
- 4           (‡) (B) the property has been up for bid for at least sixty (60)
- 5           days before the broker is hired, and either no bids were
- 6           received or the disposing agent has rejected all bids that were
- 7           received; or
- 8           **(2) in the case of a school corporation, the disposing agent**
- 9           **publishes a notice of the determination to hire the broker in**
- 10          **accordance with IC 5-3-1.**

11          The disposing agent may hire one (1) of the appraisers as the broker or  
 12          auctioneer.

- 13          (h) The following apply if a broker is hired under subsection (g):
- 14            (1) The property may not be sold to a person who is ineligible
- 15            under section 16 of this chapter.
- 16            (2) If the property is sold to a trust (as defined in IC 30-4-1-1(a)),
- 17            the following information must be placed in the public record
- 18            relating to the sale:
- 19              (A) Each beneficiary of the trust.
- 20              (B) Each settlor empowered to revoke or modify the trust.

21          SECTION 478. IC 36-1-12-4, AS AMENDED BY P.L.67-2012,  
 22          SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 23          JULY 1, 2015]: Sec. 4. (a) This section applies whenever the cost of a  
 24          public work project will be:

- 25            (1) except as provided in subdivision (2), at least one hundred
- 26            fifty thousand dollars (\$150,000); or
- 27            (2) in the case of a board of aviation commissioners or an airport
- 28            authority board, at least one hundred thousand dollars (\$100,000).
- 29          (b) The board must comply with the following procedure:
- 30            (1) The board shall prepare general plans and specifications
- 31            describing the kind of public work required, but shall avoid
- 32            specifications which might unduly limit competition. If the
- 33            project involves the resurfacing (as defined by IC 8-14-2-1) of a
- 34            road, street, or bridge, the specifications must show how the
- 35            weight or volume of the materials will be accurately measured
- 36            and verified.
- 37            (2) The board shall file the plans and specifications in a place
- 38            reasonably accessible to the public, which shall be specified in the
- 39            notice required by subdivision (3).
- 40            (3) Upon the filing of the plans and specifications, the board shall
- 41            publish notice in accordance with IC 5-3-1 calling for sealed
- 42            proposals for the public work needed.



- 1 (4) The notice must specify the place where the plans and  
 2 specifications are on file and the date fixed for receiving bids.  
 3 (5) The period of time between the date of the first publication  
 4 and the date of receiving bids shall be governed by the size of the  
 5 contemplated project in the discretion of the board. The period of  
 6 time between the date of the first publication and receiving bids  
 7 may not be more than:  
 8 (A) six (6) weeks if the estimated cost of the public works  
 9 project is less than twenty-five million dollars (\$25,000,000);  
 10 and  
 11 (B) ten (10) weeks if the estimated cost of the public works  
 12 project is at least twenty-five million dollars (\$25,000,000).  
 13 (6) The board shall require the bidder to submit a financial  
 14 statement, a statement of experience, a proposed plan or plans for  
 15 performing the public work, and the equipment that the bidder has  
 16 available for the performance of the public work. The statement  
 17 shall be submitted on forms prescribed by the state board of  
 18 accounts.  
 19 (7) The board may not require a bidder to submit a bid before the  
 20 meeting at which bids are to be received. The meeting for  
 21 receiving bids must be open to the public. All bids received shall  
 22 be opened publicly and read aloud at the time and place  
 23 designated and not before. Notwithstanding any other law, bids  
 24 may be opened after the time designated if both of the following  
 25 apply:  
 26 (A) The board makes a written determination that it is in the  
 27 best interest of the board to delay the opening.  
 28 (B) The day, time, and place of the rescheduled opening are  
 29 announced at the day, time, and place of the originally  
 30 scheduled opening.  
 31 (8) Except as provided in subsection (c), the board shall:  
 32 (A) award the contract for public work or improvements to the  
 33 lowest responsible and responsive bidder; or  
 34 (B) reject all bids submitted.  
 35 ~~(9) If the board awards the contract to a bidder other than the~~  
 36 ~~lowest bidder, the board must state in the minutes or memoranda,~~  
 37 ~~at the time the award is made, the factors used to determine which~~  
 38 ~~bidder is the lowest responsible and responsive bidder and to~~  
 39 ~~justify the award. The board shall keep a copy of the minutes or~~  
 40 ~~memoranda available for public inspection.~~  
 41 ~~(10)~~ (9) In determining whether a bidder is responsive, the board  
 42 may consider the following factors:



- 1 (A) Whether the bidder has submitted a bid or quote that  
 2 conforms in all material respects to the specifications.  
 3 (B) Whether the bidder has submitted a bid that complies  
 4 specifically with the invitation to bid and the instructions to  
 5 bidders.  
 6 (C) Whether the bidder has complied with all applicable  
 7 statutes, ordinances, resolutions, or rules pertaining to the  
 8 award of a public contract.  
 9 ~~(H)~~ **(10)** In determining whether a bidder is a responsible bidder,  
 10 the board may consider the following factors:  
 11 (A) The ability and capacity of the bidder to perform the work.  
 12 (B) The integrity, character, and reputation of the bidder.  
 13 (C) The competence and experience of the bidder.  
 14 ~~(I2)~~ **(11)** The board shall require the bidder to submit an affidavit:  
 15 (A) that the bidder has not entered into a combination or  
 16 agreement:  
 17 (i) relative to the price to be bid by a person;  
 18 (ii) to prevent a person from bidding; or  
 19 (iii) to induce a person to refrain from bidding; and  
 20 (B) that the bidder's bid is made without reference to any other  
 21 bid.  
 22 (c) Notwithstanding subsection (b)(8), a county may award sand,  
 23 gravel, asphalt paving materials, or crushed stone contracts to more  
 24 than one (1) responsible and responsive bidder if the specifications  
 25 allow for bids to be based upon service to specific geographic areas and  
 26 the contracts are awarded by geographic area. The geographic areas do  
 27 not need to be described in the specifications.  
 28 SECTION 479. IC 36-1-12.5-10 IS REPEALED [EFFECTIVE  
 29 JULY 1, 2015]. ~~Sec. 40:~~ The governing body shall:  
 30 ~~(1)~~ provide to the lieutenant governor not more than sixty ~~(60)~~  
 31 days after the date of execution of the guaranteed savings  
 32 contract:  
 33 ~~(A)~~ a copy of the executed guaranteed savings contract;  
 34 ~~(B)~~ the:  
 35 (i) energy or water consumption costs;  
 36 (ii) wastewater usage costs; and  
 37 (iii) billable revenues; if any;  
 38 before the date of execution of the guaranteed savings  
 39 contract; and  
 40 ~~(C)~~ the documentation using industry engineering standards  
 41 for:  
 42 (i) stipulated savings; and



- 1 (ii) related capital expenditures; and  
 2 (2) annually report to the lieutenant governor, in accordance with  
 3 procedures established by the lieutenant governor, the savings  
 4 resulting in the previous year from the guaranteed savings  
 5 contract or utility efficiency program.

6 SECTION 480. IC 36-1-12.7-5 IS REPEALED [EFFECTIVE JULY  
 7 1, 2015]. Sec. 5: The board shall keep a record of the following in the  
 8 public works contract file:

- 9 (1) The contacts the board makes with persons that provide  
 10 energy efficient technology to implement this chapter.  
 11 (2) An analysis of the feasibility of using energy efficient  
 12 technology in the public works project.

13 SECTION 481. IC 36-1.5-4-5, AS AMENDED BY P.L.202-2013,  
 14 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 15 JULY 1, 2015]: Sec. 5. (a) Except as provided in subsection (b), a  
 16 reorganization approved under this chapter takes effect when all of the  
 17 following have occurred:

- 18 (1) The later of:  
 19 (A) the date that a copy of a joint certification from the county  
 20 election board in each county in which reorganizing political  
 21 subdivisions are located that indicates that:  
 22 (i) the reorganization has been approved by the voters of  
 23 each reorganizing political subdivision; or  
 24 (ii) in the case of a reorganization described in section  
 25 1(a)(7) or 1(a)(9) of this chapter, the reorganization has been  
 26 approved as set forth in section 32(b) or 32(c) of this  
 27 chapter;  
 28 is recorded as required by section 31 of this chapter; or  
 29 (B) the date specified in the finally adopted plan of  
 30 reorganization.  
 31 (2) The appointed or elected officers of the reorganized political  
 32 subdivision are elected (as prescribed by section 36 of this  
 33 chapter) or appointed and qualified, if:  
 34 (A) the reorganized political subdivision is a new political  
 35 subdivision and reorganizing political subdivisions are not  
 36 being consolidated into one (1) of the reorganizing political  
 37 subdivisions;  
 38 (B) the reorganized political subdivision will have different  
 39 boundaries than any of the reorganizing political subdivisions;  
 40 (C) the reorganized political subdivision will have different  
 41 appointment or election districts than any of the reorganizing  
 42 political subdivisions; or



- 1 (D) the finally adopted plan of reorganization requires new  
 2 appointed or elected officers before the reorganization  
 3 becomes effective.
- 4 (b) A reorganization approved under this chapter may not take effect  
 5 during the year preceding a year in which a federal decennial census is  
 6 conducted. A consolidation that would otherwise take effect during the  
 7 year preceding a year in which a federal decennial census is conducted  
 8 takes effect January 1 of the year in which a federal decennial census  
 9 is conducted.
- 10 (c) ~~Notwithstanding subsection (b) as that subsection existed on~~  
 11 ~~December 31, 2009; a reorganization that took effect January 2, 2010;~~  
 12 ~~because of the application of subsection (b); as that subsection existed~~  
 13 ~~on December 31, 2009; is instead considered to take effect January 1,~~  
 14 ~~2010; without the adoption of an amended reorganization plan.~~
- 15 SECTION 482. IC 36-1.5-4-18, AS AMENDED BY P.L.202-2013,  
 16 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 17 JULY 1, 2015]: Sec. 18. (a) A reorganization committee (before  
 18 January 1, 2014) or the legislative bodies of the reorganizing political  
 19 subdivisions (after December 31, 2013) shall prepare a comprehensive  
 20 plan of reorganization for the reorganizing political subdivisions. The  
 21 plan of reorganization governs the actions, duties, and powers of the  
 22 reorganized political subdivision that are not specified by law.
- 23 (b) The plan of reorganization must include at least the following:  
 24 (1) The name and a description of the reorganized political  
 25 subdivision that will succeed the reorganizing political  
 26 subdivisions.  
 27 (2) A description of the boundaries of the reorganized political  
 28 subdivision.  
 29 (3) Subject to section 40 of this chapter, a description of the  
 30 taxing areas in which taxes to retire obligations of the  
 31 reorganizing political subdivisions will be imposed.  
 32 (4) A description of the membership of the legislative body, fiscal  
 33 body, and executive of the reorganized political subdivision, a  
 34 description of the election districts or appointment districts from  
 35 which officers will be elected or appointed, and the manner in  
 36 which the membership of each elected or appointed office will be  
 37 elected or appointed.  
 38 (5) A description of the services to be offered by the reorganized  
 39 political subdivision and the service areas in which the services  
 40 will be offered.  
 41 (6) The disposition of the personnel, the agreements, the assets,  
 42 and, subject to section 40 of this chapter, the liabilities of the



1 reorganizing political subdivisions, including the terms and  
2 conditions upon which the transfer of property and personnel will  
3 be achieved.

4 (7) Any other matter that the:

5 (A) reorganization committee (before January 1, 2014)  
6 determines or the legislative bodies of the reorganizing  
7 political subdivisions (after December 31, 2013) determine to  
8 be necessary or appropriate; or

9 (B) legislative bodies of the reorganizing political subdivisions  
10 require the reorganization committee (before January 1, 2014);  
11 to include in the plan of reorganization.

12 (8) This subdivision applies only to a reorganization described in  
13 section 1(a)(7) of this chapter that is voted on by voters after  
14 December 31, 2013, regardless of when the plan of reorganization  
15 is adopted. The reorganization committee (before January 1,  
16 2014) or the legislative bodies of the reorganizing political  
17 subdivisions (after December 31, 2013) shall include in the  
18 reorganization plan an approval threshold, specified as a  
19 percentage, that applies for purposes of section 32(b) of this  
20 chapter. The approval threshold must be the same for each  
21 municipality that is a party to the proposed reorganization and to  
22 each township that is a party to the proposed reorganization. The  
23 approval threshold must be greater than fifty percent (50%), but  
24 not more than fifty-five percent (55%).

25 (9) This subdivision applies only to a reorganization described in  
26 section 1(a)(7) of this chapter that is voted on by voters after  
27 December 31, 2013, regardless of when the plan of reorganization  
28 is adopted. The reorganization committee (before January 1,  
29 2014) or the legislative bodies of the reorganizing political  
30 subdivisions (after December 31, 2013) shall determine and  
31 include in the reorganization plan the percentage of voters in both  
32 the municipality and the township voting on the public question  
33 regarding the proposed reorganization who must vote in favor of  
34 the proposed reorganization for the public question to be  
35 approved. This percentage is referred to in this chapter as the  
36 "municipality-township vote approval percentage". The  
37 municipality-township vote approval percentage must be greater  
38 than fifty percent (50%).

39 (10) In the case of a reorganization described in section 1(a)(9) of  
40 this chapter, the reorganization committee (before January 1,  
41 2014) or the legislative bodies of the reorganizing political  
42 subdivisions (after December 31, 2013) shall include in the





1 reorganization plan an approval threshold, specified as a  
 2 percentage, that applies for purposes of section 32(c) of this  
 3 chapter. The approval threshold must be the same for each  
 4 municipality that is a party to the proposed reorganization and to  
 5 the county that is a party to the proposed reorganization. The  
 6 approval threshold must be greater than fifty percent (50%), but  
 7 not more than fifty-five percent (55%).

8 (11) In the case of a reorganization described in section 1(a)(9) of  
 9 this chapter, the reorganization committee (before January 1,  
 10 2014) or the legislative bodies of the reorganizing political  
 11 subdivisions (after December 31, 2013) shall determine and  
 12 include in the reorganization plan the percentage of voters voting  
 13 on the public question regarding the proposed reorganization who  
 14 must vote, on a countywide basis, in favor of the proposed  
 15 reorganization for the public question to be approved. This  
 16 percentage is referred to in this chapter as the "countywide vote  
 17 approval percentage". The countywide vote approval percentage  
 18 must be greater than fifty percent (50%).

19 (12) The fiscal impact analysis required by subsection (d).

20 (c) In the case of a plan of reorganization submitted to a political  
 21 subdivision by a reorganization committee after June 30, 2010, and  
 22 before January 1, 2014, or prepared by the legislative bodies of the  
 23 reorganizing political subdivisions after December 31, 2013, the  
 24 political subdivision shall post a copy of the plan of reorganization on  
 25 an Internet web site maintained or authorized by the political  
 26 subdivision not more than thirty (30) days after receiving the plan of  
 27 reorganization from the reorganization committee (before January 1,  
 28 2014) or (after December 31, 2013) not more than thirty (30) days after  
 29 the plan of reorganization is prepared by the legislative bodies of the  
 30 reorganizing political subdivisions. If the plan of reorganization is  
 31 amended, the political subdivision shall post the amended plan on the  
 32 Internet web site maintained or authorized by the political subdivision  
 33 within seven (7) days after the amended plan is adopted.  
 34 **Notwithstanding this section, a school corporation is not required**  
 35 **to post the plan of reorganization or any amended plan of**  
 36 **reorganization on an Internet web site.**

37 (d) The legislative bodies of the reorganizing political subdivisions  
 38 preparing a reorganization plan after December 31, 2013, must include  
 39 in the plan of reorganization a fiscal impact analysis of the proposed  
 40 reorganization. The fiscal impact analysis must include at least the  
 41 following:

42 (1) The estimated effect of the proposed reorganization on



1 taxpayers in each of the political subdivisions to which the  
 2 proposed reorganization applies, including the expected tax rates,  
 3 tax levies, expenditure levels, service levels, and annual debt  
 4 service payments in those political subdivisions.

5 (2) A description of the planned services to be provided in the  
 6 reorganized political subdivision and the method or methods of  
 7 financing the planned services. The fiscal impact analysis must:

8 (A) present itemized estimated costs for each department or  
 9 agency of the reorganized political subdivision; and

10 (B) explain how specific and detailed expenses will be funded  
 11 from taxes, fees, grants, and other funding.

12 (3) A description of the capital improvements to be provided in  
 13 the reorganized political subdivision and the method or methods  
 14 of financing those capital improvements.

15 (4) Any estimated effects on political subdivisions in the county  
 16 that are not participating in the reorganization and on taxpayers  
 17 located in those political subdivisions.

18 (e) The legislative bodies of the reorganizing political subdivisions  
 19 preparing a plan of reorganization after December 31, 2013, must  
 20 submit the fiscal impact analysis described in subsection (d) to the  
 21 department of local government finance at least ~~six (6)~~ **three (3)**  
 22 months before the election in which the public question will be on the  
 23 ballot. A legislative body of a reorganizing political subdivision may  
 24 not adopt a plan of reorganization unless the legislative bodies of the  
 25 reorganizing political subdivisions have submitted the fiscal impact  
 26 analysis to the department of local government finance as required by  
 27 this subsection. The department of local government finance must do  
 28 the following within a reasonable time, but not later than thirty (30)  
 29 days before the date of the election in which the public question will be  
 30 on the ballot:

31 (1) Review the fiscal impact analysis.

32 (2) Make any comments concerning the fiscal impact analysis that  
 33 the department considers appropriate.

34 (3) Provide the department's comments under subdivision (2) to  
 35 the legislative body of the reorganizing political subdivisions.

36 (4) Post the department's comments under subdivision (2) on the  
 37 department's Internet web site.

38 The department of local government finance shall certify to the  
 39 legislative bodies of the reorganizing political subdivisions the total  
 40 amount of expense incurred by the department in carrying out the  
 41 department's review and preparing the department's comments. Upon  
 42 receipt of the department's certification of the expenses, the



1 reorganizing political subdivisions shall immediately pay to the  
 2 treasurer of state the amount charged. The share of the cost to be paid  
 3 by each reorganizing political subdivision shall be determined by the  
 4 legislative bodies of the reorganizing political subdivisions. Money  
 5 paid by a reorganizing political subdivision under this subsection shall  
 6 be deposited in the state general fund.

7 SECTION 483. IC 36-2-2-24 IS AMENDED TO READ AS  
 8 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 24. (a) The executive  
 9 shall establish and maintain a county courthouse, county jail, and  
 10 public offices for the county clerk, the county auditor, the county  
 11 recorder, the county treasurer, the county sheriff, **and** the county  
 12 surveyor. ~~and the county superintendent of schools.~~

13 (b) Offices for the surveyor ~~and superintendent of schools~~ must be  
 14 in the courthouse or at the county seat.

15 (c) Offices for the sheriff may be located:

16 (1) in the courthouse;

17 (2) inside the corporate limits of the county seat; or

18 (3) outside the corporate limits of the county seat but within the  
 19 limits of the county.

20 SECTION 484. IC 36-2-16-4, AS AMENDED BY P.L.174-2006,  
 21 SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 22 JULY 1, 2015]: Sec. 4. Each of the following county officers is entitled  
 23 to appoint one (1) first or chief deputy, and also may appoint the  
 24 number of other full-time or part-time deputies and employees  
 25 authorized by the county fiscal body:

26 (1) The county auditor.

27 (2) The county treasurer.

28 (3) The county recorder.

29 ~~(4) The county superintendent of schools.~~

30 ~~(5)~~ (4) The county sheriff.

31 SECTION 485. IC 36-2-17-2 IS AMENDED TO READ AS  
 32 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 2. (a) The county  
 33 auditor, county treasurer, county surveyor, **and** county sheriff ~~and~~  
 34 ~~county superintendent of schools~~ shall keep in their offices all records  
 35 that they are required to make and shall deliver them to their  
 36 successors.

37 (b) The clerk of the circuit court, county auditor, and county  
 38 recorder shall use permanent jet-black, nonfading ink when preparing  
 39 official records in longhand. A person who violates this subsection  
 40 commits a Class C infraction.

41 SECTION 486. IC 36-7-4-208, AS AMENDED BY P.L.126-2011,  
 42 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



1 JULY 1, 2015]: Sec. 208. (a) ADVISORY. The county plan  
2 commission consists of nine (9) members, as follows:

3 (1) One (1) member appointed by the county executive from its  
4 membership.

5 (2) One (1) member appointed by the county fiscal body from its  
6 membership.

7 (3) The county surveyor or the county surveyor's designee.

8 (4) The county agricultural extension educator. However, if the  
9 county does not have a county agricultural extension educator, the  
10 county extension board shall select a resident of the county who  
11 is a property owner with agricultural interest to serve on the  
12 commission under this subdivision for a period not to exceed one  
13 (1) year.

14 (5) Five (5) members appointed in accordance with one (1) of the  
15 following:

16 (A) Four (4) citizen members, of whom no more than two (2)  
17 may be of the same political party. Each of the four (4)  
18 members must be:

19 (i) a resident of an unincorporated area of the county; or

20 (ii) a resident of the county who is also an owner of real  
21 property located in whole or in part in an unincorporated  
22 area of the county;

23 appointed by the county executive. However, at least two (2)  
24 of the citizen members must be residents of the unincorporated  
25 area of the county. Also one (1) township trustee, who must be  
26 a resident of an unincorporated area of the county appointed  
27 by the county executive upon the recommendation of the  
28 township trustees whose townships are within the jurisdiction  
29 of the county plan commission.

30 (B) Five (5) citizen members, of whom not more than three (3)  
31 may be of the same political party. Each of the five (5)  
32 members must be:

33 (i) a resident of an unincorporated area of the county; or

34 (ii) a resident of the county who is also an owner of real  
35 property located in whole or in part in an unincorporated  
36 area of the county;

37 appointed by the county executive. However at least three (3)  
38 members must be residents of the unincorporated area of the  
39 county.

40 If a county executive changes the plan commission from having  
41 members described in clause (B) to having members described in  
42 clause (A), the county executive shall appoint a township trustee



1 to replace the first citizen member whose term expires and who  
 2 belongs to the same political party as the township trustee. Each  
 3 member appointed to the commission is entitled to receive  
 4 compensation for mileage at the same rate and the same  
 5 compensation for services as a member of a county executive, a  
 6 member of a county fiscal body, a county surveyor, or an  
 7 appointee of a county surveyor receives for serving on the  
 8 commission, as set forth in section 222.5 of this chapter.

9 (b) ADVISORY. The metropolitan plan commission consists of nine  
 10 (9) members, as follows:

11 (1) One (1) member appointed by the county legislative body  
 12 from its membership.

13 (2) One (1) member appointed by the second class city legislative  
 14 body from its membership.

15 (3) Three (3) citizen members who:

16 (A) reside in an unincorporated area of the county; or

17 (B) reside in the county and also own real property located in  
 18 whole or in part in an unincorporated area of the county;

19 of whom no more than two (2) may be of the same political party,  
 20 appointed by the county legislative body. One (1) of these  
 21 members must be actively engaged in farming.

22 (4) Four (4) citizen members, of whom no more than two (2) may  
 23 be of the same political party, appointed by the second class city  
 24 executive. One (1) of these members must be from the  
 25 metropolitan school authority or community school corporation  
 26 and a resident of that school district, and the other three (3)  
 27 members must be residents of the second class city.

28 (c) AREA. When there are six (6) county representatives, they are  
 29 as follows:

30 (1) One (1) member appointed by the county executive from its  
 31 membership.

32 (2) One (1) member appointed by the county fiscal body from its  
 33 membership.

34 ~~The county superintendent of schools, or if that office does not~~  
 35 ~~exist,~~ A representative appointed by the school corporation  
 36 superintendents within the jurisdiction of the area plan  
 37 commission.

38 (4) One (1) of the following appointed by the county executive:

39 (A) The county agricultural extension educator.

40 (B) The county surveyor or the county surveyor's designee.

41 (5) One (1) citizen member who is:

42 (A) a resident of the unincorporated area of the county; or



- 1 (B) a resident of the county who is also an owner of real  
 2 property located in whole or in part in the unincorporated area  
 3 of the county;  
 4 appointed by the county executive.  
 5 (6) One (1) citizen member who is:  
 6 (A) a resident of the unincorporated area of the county; or  
 7 (B) a resident of the county who is also an owner of real  
 8 property located in whole or in part in the unincorporated area  
 9 of the county;  
 10 appointed by the county fiscal body.  
 11 (d) AREA. When there are five (5) county representatives, they are  
 12 the representatives listed or appointed under subsection (c)(3), (c)(4),  
 13 (c)(5), and (c)(6) and:  
 14 (1) the county surveyor or the county surveyor's designee if the  
 15 county executive appoints the county agricultural extension  
 16 educator under subsection (c)(4); or  
 17 (2) the county agricultural extension educator if the county  
 18 executive appoints the county surveyor under subsection (c)(4).  
 19 SECTION 487. IC 36-9-13-2, AS AMENDED BY P.L.77-2014,  
 20 SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 21 JULY 1, 2015]: Sec. 2. For purposes of this chapter, the following are  
 22 considered the governing bodies of their respective eligible entities:  
 23 (1) Board of commissioners, for a county not subject to  
 24 IC 36-2-2.5, IC 36-2-3.5, or IC 36-3-1.  
 25 (2) County council, for a county subject to IC 36-2-2.5 or  
 26 IC 36-2-3.5.  
 27 (3) City-county council, for a consolidated city or county having  
 28 a consolidated city.  
 29 (4) Common council, for a city other than a consolidated city.  
 30 (5) Town council, for a town.  
 31 (6) Trustee and township board, for a civil ~~or school~~ township.  
 32 (7) Board of school trustees, board of school commissioners, or  
 33 school board, for a school corporation.  
 34 (8) Board of trustees, for a health and hospital corporation.  
 35 SECTION 488. IC 36-10-12-4 IS REPEALED [EFFECTIVE JULY  
 36 1, 2015]. Sec. 4: As used in this chapter, "township" means a school  
 37 township that is located in a county containing a consolidated city.  
 38 SECTION 489. IC 36-10-12-5 IS REPEALED [EFFECTIVE JULY  
 39 1, 2015]. Sec. 5: As used in this chapter, "township board" means the  
 40 township board of a township.  
 41 SECTION 490. IC 36-10-12-6 IS REPEALED [EFFECTIVE JULY  
 42 1, 2015]. Sec. 6: As used in this chapter, "township trustee" means the



1     duly elected trustee of the civil township in which a school township  
2     is located.

3     SECTION 491. IC 36-10-12-7 IS REPEALED [EFFECTIVE JULY  
4     1, 2015]. Sec. 7. (a) With the consent of the township board, the  
5     township trustee may provide financial assistance to a children's  
6     museum. The assistance shall be:

- 7         (1) paid from the funds of the school township;  
8         (2) budgeted and appropriated as provided by law; and  
9         (3) in an amount each year not to exceed the product of  
10        twenty-five cents (\$0.25) multiplied by the ADA (as defined in  
11        IC 20-18-2-1.5(a)) of children enrolled in grades 1 through 8 in  
12        the public schools of the township as reported in the last  
13        preceding annual report to the state superintendent of public  
14        instruction.

15       (b) The assistance under subsection (a) is payable annually. The  
16       trustee and the township board may continue the assistance annually if  
17       the board of trustees or other governing body of the children's museum  
18       has accepted by resolution the provisions of this chapter and has filed  
19       a certified copy of the resolution with the township trustee of the  
20       township before the date of the first payment.

21     SECTION 492. IC 36-10-12-9, AS ADDED BY P.L.1-2005,  
22     SECTION 47, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
23     JULY 1, 2015]: Sec. 9. (a) A children's museum is not entitled to  
24     receive financial assistance under ~~sections 7 and section 8~~ of this  
25     chapter until the ~~board of trustees or other governing body~~ of the  
26     museum agrees with the ~~township trustee or board of school trustees~~,  
27     by proper resolution, to do the following:

- 28       (1) ~~To allow the county superintendent of schools of the county~~  
29       ~~to attend all meetings of the board of trustees or other governing~~  
30       ~~body of the children's museum so that the superintendent is~~  
31       ~~advised as to the work done and proposed to be done by the~~  
32       ~~children's museum.~~  
33       (2) (1) To allow the township trustees of a township or board of  
34       school trustees of a town furnishing financial assistance to the  
35       children's museum to nominate individuals eligible for  
36       membership on the board of trustees or other governing body of  
37       the museum. The children's museum must elect one (1) member  
38       from the list or lists of individuals nominated as a member of the  
39       board of trustees or other governing body of the children's  
40       museum. The member elected under this subdivision represents  
41       all townships and towns.  
42       (3) (2) To grant free admission to the children's museum and



1 galleries to all students and teachers of a ~~township or town~~ that  
 2 furnishes financial assistance to the children's museum.

3 ~~(4)~~ (3) To allow the use, at reasonable times and in reasonable  
 4 ways, of the plant, equipment, and facilities of the children's  
 5 museum to educate the students of the ~~township or town~~.

6 ~~(5)~~ (4) To allow the use of the services of the personnel of the  
 7 children's museum, at reasonable times and in reasonable ways,  
 8 under the direction of the children's museum, if the services are  
 9 consistent with the regular established duties of the personnel.

10 ~~(6)~~ (5) To allow the loan of suitable and available objects and  
 11 items from the children's museum's collection to a school of the  
 12 ~~township or town~~ to aid and supplement the curriculum of the  
 13 school.

14 (b) A copy of the resolution must be filed in the office of the  
 15 ~~township trustee or with the~~ secretary of the board of school trustees  
 16 before the children's museum receives financial assistance under this  
 17 chapter.

18 SECTION 493. IC 36-10-12-10, AS ADDED BY P.L.1-2005,  
 19 SECTION 47, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 20 JULY 1, 2015]: Sec. 10. After a children's museum qualifies to receive  
 21 financial assistance from a ~~township or town~~ under this chapter, the  
 22 board of trustees or the governing body of the children's museum is not  
 23 required to adopt new resolutions each year. Each original resolution  
 24 continues and remains in full force and effect until the original  
 25 resolution is revoked or rescinded by another resolution that is certified  
 26 and filed under this chapter.

27 SECTION 494. IC 36-12-2-17, AS ADDED BY P.L.1-2005,  
 28 SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 29 JULY 1, 2015]: Sec. 17. The four (4) additional members of a county  
 30 contractual library board required by IC 36-12-6-2 shall be appointed  
 31 as follows:

32 (1) Two (2) members appointed by the executive of the county in  
 33 which the county contractual library district is located.

34 (2) Two (2) members appointed by the ~~county superintendent of~~  
 35 ~~schools; or if there is no county superintendent of schools; by the~~  
 36 county auditor of the county in which the library district is  
 37 located.

38 SECTION 495. IC 36-12-7-7, AS ADDED BY P.L.1-2005,  
 39 SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 40 JULY 1, 2015]: Sec. 7. (a) The library board of a library established as  
 41 an 1899 township library consists of the school township trustee in the  
 42 township where the library is located and two (2) residents of the





1 township who are appointed by the board of commissioners of the  
2 county where the library is located. Appointments are for a term of four  
3 (4) years. Members of the library board serve without compensation.

4 (b) The library board:

5 (1) shall control the purchase of books and the management of the  
6 library;

7 (2) shall possess and retain custody of any books remaining in the  
8 old township library in the township where the library is located;

9 (3) may receive donations, bequests, and legacies on behalf of the  
10 library; and

11 (4) may receive copies of all documents of the state available for  
12 distribution from the director of the state library.

13 (c) The 1899 township library is the property of the ~~school~~  
14 township. The ~~school~~ township trustee is responsible for the safe  
15 preservation of the township library.

16 (d) Two (2) or more adjacent townships may unite to maintain a  
17 township library. The library is controlled by either:

18 (1) a combined library board, which consists of each of the  
19 uniting township boards appointed under subsection (a); or

20 (2) the one (1) township library board appointed under subsection  
21 (a) of the uniting townships that receives funding for the  
22 operation of the uniting township library.

23 (e) The legislative body of any township that contains a library  
24 established as an 1899 township library may levy a tax annually of not  
25 more than three and thirty-three hundredths cents (\$0.0333) on each  
26 one hundred dollars (\$100) of taxable property assessed for taxation in  
27 the township. If the legislative body does not levy the tax, a petition  
28 signed by at least the number of registered voters required under  
29 IC 3-8-6-3 to place a candidate on the ballot may be filed with the  
30 circuit court clerk, who:

31 (1) shall determine if an adequate number of voters have signed  
32 the petition; and

33 (2) if an adequate number of voters have signed the petition, shall  
34 certify the public question to the county election board under  
35 IC 3-10-9-3. The county election board shall then cause to be  
36 printed on the ballot for the township the following question in  
37 the form prescribed by IC 3-10-9-4: "Shall a township library tax  
38 be levied?".

39 If a majority of the votes cast on the question in subdivision (2) are in  
40 the affirmative, the township trustee shall annually levy a tax of not less  
41 than one and sixty-seven hundredths cents (\$0.0167) and not more than  
42 three and thirty-three hundredths cents (\$0.0333) on each one hundred



1 dollars (\$100) of taxable property in the township for the establishment  
 2 and support of a township library. The township tax shall be levied,  
 3 assessed, collected, and paid according to the procedure outlined in  
 4 IC 6-1.1.

5 (f) The tax levy under subsection (e) shall be discontinued when the  
 6 question of discontinuing the levy has been submitted to a vote  
 7 according to the procedure provided in subsection (e) and the majority  
 8 of the votes cast on the question is in the negative.

9 (g) If a public library that is open for the use of all the residents of  
 10 the township is located in the township, the proceeds of the tax  
 11 collected under subsection (e) shall be paid to that public library.

12 (h) In a township outside a city that contains a library:

13 (1) established by private donations of the value of at least ten  
 14 thousand dollars (\$10,000), including the real estate and buildings  
 15 used for the library; and

16 (2) used for the benefit of all the inhabitants of the township;  
 17 the township trustee of the township shall annually levy and collect not  
 18 more than two cents (\$0.02) on each one hundred dollars (\$100) upon  
 19 the taxable property within the limits of the township. The money shall  
 20 be paid to the trustees of the library, to be applied by the trustees for  
 21 the purchase of books and the payment of the maintenance costs for the  
 22 library. When it becomes necessary to purchase additional ground for  
 23 the extension or protection of library buildings already established by  
 24 private donation, the trustee, with the consent of the county legislative  
 25 body, may annually levy and collect not more than one and sixty-seven  
 26 hundredths cents (\$0.0167) on each one hundred dollars (\$100) of  
 27 taxable property of the township for not more than three (3) years  
 28 successively, to be expended by the trustees for the purchase of  
 29 property and the construction and enlargement of library buildings.

30 (i) The 1899 township library is free to all the residents of the  
 31 township.

32 SECTION 496. [EFFECTIVE JULY 1, 2015] (a) **The legislative**  
 33 **services agency shall prepare legislation for introduction in the**  
 34 **2016 regular session of the general assembly to organize and**  
 35 **correct statutes affected by this act.**

36 (b) **This SECTION expires December 31, 2015.**

37 SECTION 497. [EFFECTIVE JULY 1, 2015] (a) **As used in this**  
 38 **SECTION, "committee" refers to the education study committee**  
 39 **established by IC 2-5-1.3-4.**

40 (b) **The general assembly urges the legislative council to assign**  
 41 **to the committee the task of studying:**

42 (1) **Whether definitions used to reference all school entities**



1           **throughout IC 20 should be revised or redefined.**  
2           **(2) Whether changes are necessary relating to public meeting**  
3           **requirements contained in IC 20 in order to comply with**  
4           **public meeting requirements in IC 5-14-1.5 or to the unique**  
5           **functions necessary for the effective operation of a school**  
6           **corporation.**  
7           **(c) The committee shall issue to the legislative council a final**  
8           **report containing the committee's findings and recommendations,**  
9           **including any recommended legislation concerning the topic, in an**  
10          **electronic format under IC 5-14-6 not later than November 1, 2015.**  
11          **(d) This SECTION expires January 1, 2016.**  
12          **SECTION 498. An emergency is declared for this act.**

