



February 20, 2015

SENATE BILL No. 500

DIGEST OF SB 500 (Updated February 19, 2015 2:41 pm - DI 120)

Citations Affected: Numerous provisions 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; July 1, 2015.

Miller Pete, Kruse

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

February 12, 2015, amended, reported favorably — Do Pass; reassigned to Committee on Appropriations.

February 19, 2015, amended, reported favorably — Do Pass.

SB 500—LS 6972/DI 116



February 20, 2015

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

SB 500—LS 6972/DI 116



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 5-2-10.1-12, AS AMENDED BY P.L.40-2014,
19 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
20 JULY 1, 2015]: Sec. 12. (a) Each ~~school within a school corporation~~
21 ~~and each school corporation career and technical education school~~
22 ~~described in IC 20-37-1-1~~ shall establish a safe school committee. The
23 committee may be a subcommittee of the committee that develops the
24 strategic and continuous school improvement and achievement plan
25 under IC 20-31-5. **Each committee may include at least one (1)**
26 **member who is a member of the support staff of the school or**
27 **school corporation career and technical education school.**

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

33 (1) Unsafe conditions, crime prevention, school violence,
34 bullying, criminal gang activity, and other issues that prevent the
35 maintenance of a safe school.

36 (2) Professional development needs for faculty and staff to
37 implement methods that decrease problems identified under
38 subdivision (1).

39 (3) Methods to encourage:

40 (A) involvement by the community and students;

41 (B) development of relationships between students and school
42 faculty and staff; and



- 1 (C) use of problem solving teams.
- 2 (c) As a part of the plan developed under subsection (b), each safe
3 school committee shall provide a copy of the floor plans for each
4 building located on the school's property that clearly indicates each
5 exit, the interior rooms and hallways, and the location of any hazardous
6 materials located in the building to the law enforcement agency and the
7 fire department that have jurisdiction over the school.
- 8 (d) The guidelines developed under subsection (b) must include age
9 appropriate, research based information that assists school corporations
10 and safe school committees in:
- 11 (1) developing and implementing bullying prevention programs;
12 (2) establishing investigation and reporting procedures related to
13 bullying; and
14 (3) adopting discipline rules that comply with IC 20-33-8-13.5.
- 15 (e) In addition to developing guidelines under subsection (b), the
16 department of education shall establish categories of types of bullying
17 incidents to allow school corporations to use the categories in making
18 reports under IC 20-20-8-8 and IC 20-34-6-1.
- 19 SECTION 8. IC 5-10.4-1-8, AS ADDED BY P.L.2-2006, SECTION
20 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,
21 2015]: Sec. 8. "Governing body" means:
- 22 ~~(1) a township trustee and the township board; of a school~~
23 ~~township;~~
24 ~~(2) (1) a board of school commissioners;~~
25 ~~(3) (2) a metropolitan board of education;~~
26 ~~(4) (3) a board of trustees; or~~
27 ~~(5) (4) another board or commission;~~
28 charged by law with the responsibility of administering the affairs of a
29 school corporation.
- 30 SECTION 9. IC 5-10.4-1-13, AS ADDED BY P.L.2-2006,
31 SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
32 JULY 1, 2015]: Sec. 13. "School corporation" means a public school
33 corporation established by and under Indiana law. The term includes
34 any:
- 35 (1) school city;
36 (2) school town;
37 ~~(3) school township;~~
38 ~~(4) (3) consolidated school corporation;~~
39 ~~(5) (4) metropolitan school district;~~
40 ~~(6) (5) township school corporation;~~
41 ~~(7) (6) county school corporation;~~
42 ~~(8) (7) united school corporation; or~~



1 (9) (8) community school corporation.
 2 SECTION 10. IC 5-11-6-5 IS AMENDED TO READ AS
 3 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 5. (a) The provisions
 4 of this chapter shall not be construed as repealing any laws in force on
 5 March 7, 1923, but shall be construed only as conferring additional
 6 duties and powers upon the state examiner, deputy examiners, field
 7 examiners, and the attorney general of the state and providing
 8 additional remedies as to the matters set forth in those laws, and all the
 9 remedies provided in this chapter shall be additional and concurrent
 10 and not exclusive.

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

15 SECTION 11. IC 5-13-9-8, AS AMENDED BY P.L.202-2011,
 16 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 17 JULY 1, 2015]: Sec. 8. Any investing officer of a political subdivision
 18 that makes a deposit in any deposit or other account may be required
 19 to pay a service charge to the depository in which the funds are
 20 deposited, if the depository requires all customers to pay the charge for
 21 providing that service. However, the service charge imposed must be
 22 considered in the computation of the interest rate for determining
 23 which depositories are entitled to investments as prescribed by sections
 24 4 and 5 of this chapter. If the total service charge cannot be computed
 25 before the investment, the investing officer shall estimate the service
 26 charge and adjust the interest rate based on this estimate. The service
 27 charge may be paid:

- 28 (1) by direct charge to the deposit or other account; or
 29 (2) in a manner that subtracts the service charge from interest
 30 earned on the funds in the deposit or other account.

31 **If the manner described in subdivision (2) is used to pay the service**
 32 **charge, the political subdivision must report the net interest**
 33 **deposited in the political subdivision's financial records, and the**
 34 **political subdivision is not required to report the amount of the**
 35 **service charge subtracted in the political subdivision's financial**
 36 **records.**

37 SECTION 12. IC 5-14-3-2, AS AMENDED BY P.L.248-2013,
 38 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 39 UPON PASSAGE]: Sec. 2. (a) The definitions set forth in this section
 40 apply throughout this chapter.

41 (b) "Computer processing time" means the amount of time a
 42 computer takes to process a command or script to extract or copy



1 **electronically stored data that is the subject of a public records**
 2 **request.**

3 ~~(b)~~ **(c)** "Copy" includes transcribing by handwriting, photocopying,
 4 xerography, duplicating machine, duplicating electronically stored data
 5 onto a disk, tape, drum, or any other medium of electronic data storage,
 6 and reproducing by any other means.

7 ~~(c)~~ **(d)** "Criminal intelligence information" means data that has been
 8 evaluated to determine that the data is relevant to:

- 9 (1) the identification of; and
 10 (2) the criminal activity engaged in by;

11 an individual who or organization that is reasonably suspected of
 12 involvement in criminal activity.

13 ~~(d)~~ **(e)** "Direct cost" means one hundred five percent (105%) of the
 14 sum of the cost of:

- 15 (1) the initial development of a program, if any;
 16 (2) the labor required to retrieve electronically stored data; and
 17 (3) any medium used for electronic output;

18 for providing a duplicate of electronically stored data onto a disk, tape,
 19 drum, or other medium of electronic data retrieval under section 8(g)
 20 of this chapter, or for reprogramming a computer system under section
 21 6(c) of this chapter.

22 ~~(e)~~ **(f)** "Electronic map" means copyrighted data provided by a
 23 public agency from an electronic geographic information system.

24 ~~(f)~~ **(g)** "Enhanced access" means the inspection of a public record
 25 by a person other than a governmental entity and that:

- 26 (1) is by means of an electronic device other than an electronic
 27 device provided by a public agency in the office of the public
 28 agency; or
 29 (2) requires the compilation or creation of a list or report that does
 30 not result in the permanent electronic storage of the information.

31 ~~(g)~~ **(h)** "Facsimile machine" means a machine that electronically
 32 transmits exact images through connection with a telephone network.

33 ~~(h)~~ **(i)** "Inspect" includes the right to do the following:

- 34 (1) Manually transcribe and make notes, abstracts, or memoranda.
 35 (2) In the case of tape recordings or other aural public records, to
 36 listen and manually transcribe or duplicate, or make notes,
 37 abstracts, or other memoranda from them.
 38 (3) In the case of public records available:

- 39 (A) by enhanced access under section 3.5 of this chapter; or
 40 (B) to a governmental entity under section 3(c)(2) of this
 41 chapter;

42 to examine and copy the public records by use of an electronic



- 1 device.
- 2 (4) In the case of electronically stored data, to manually transcribe
- 3 and make notes, abstracts, or memoranda or to duplicate the data
- 4 onto a disk, tape, drum, or any other medium of electronic
- 5 storage.
- 6 ~~(i)~~ (j) "Investigatory record" means information compiled in the
- 7 course of the investigation of a crime.
- 8 ~~(j)~~ (k) "Offender" means a person confined in a penal institution as
- 9 the result of the conviction for a crime.
- 10 ~~(k)~~ (l) "Patient" has the meaning set out in IC 16-18-2-272(d).
- 11 ~~(l)~~ (m) "Person" means an individual, a corporation, a limited
- 12 liability company, a partnership, an unincorporated association, or a
- 13 governmental entity.
- 14 ~~(m)~~ (n) "Provider" has the meaning set out in IC 16-18-2-295(b) and
- 15 includes employees of the state department of health or local boards of
- 16 health who create patient records at the request of another provider or
- 17 who are social workers and create records concerning the family
- 18 background of children who may need assistance.
- 19 ~~(n)~~ (o) "Public agency", except as provided in section 2.1 of this
- 20 chapter, means the following:
- 21 (1) Any board, commission, department, division, bureau,
- 22 committee, agency, office, instrumentality, or authority, by
- 23 whatever name designated, exercising any part of the executive,
- 24 administrative, judicial, or legislative power of the state.
- 25 (2) Any:
- 26 (A) county, township, school corporation, city, or town, or any
- 27 board, commission, department, division, bureau, committee,
- 28 office, instrumentality, or authority of any county, township,
- 29 school corporation, city, or town;
- 30 (B) political subdivision (as defined by IC 36-1-2-13); or
- 31 (C) other entity, or any office thereof, by whatever name
- 32 designated, exercising in a limited geographical area the
- 33 executive, administrative, judicial, or legislative power of the
- 34 state or a delegated local governmental power.
- 35 (3) Any entity or office that is subject to:
- 36 (A) budget review by either the department of local
- 37 government finance or the governing body of a county, city,
- 38 town, township, or school corporation; or
- 39 (B) an audit by the state board of accounts that is required by
- 40 statute, rule, or regulation.
- 41 (4) Any building corporation of a political subdivision that issues
- 42 bonds for the purpose of constructing public facilities.



- 1 (5) Any advisory commission, committee, or body created by
 2 statute, ordinance, or executive order to advise the governing
 3 body of a public agency, except medical staffs or the committees
 4 of any such staff.
- 5 (6) Any law enforcement agency, which means an agency or a
 6 department of any level of government that engages in the
 7 investigation, apprehension, arrest, or prosecution of alleged
 8 criminal offenders, such as the state police department, the police
 9 or sheriff's department of a political subdivision, prosecuting
 10 attorneys, members of the excise police division of the alcohol
 11 and tobacco commission, conservation officers of the department
 12 of natural resources, gaming agents of the Indiana gaming
 13 commission, gaming control officers of the Indiana gaming
 14 commission, and the security division of the state lottery
 15 commission.
- 16 (7) Any license branch staffed by employees of the bureau of
 17 motor vehicles commission under IC 9-16.
- 18 (8) The state lottery commission established by IC 4-30-3-1,
 19 including any department, division, or office of the commission.
- 20 (9) The Indiana gaming commission established under IC 4-33,
 21 including any department, division, or office of the commission.
- 22 (10) The Indiana horse racing commission established by IC 4-31,
 23 including any department, division, or office of the commission.
- 24 ~~(p)~~ **(p)** "Public record" means any writing, paper, report, study, map,
 25 photograph, book, card, tape recording, or other material that is
 26 created, received, retained, maintained, or filed by or with a public
 27 agency and which is generated on paper, paper substitutes,
 28 photographic media, chemically based media, magnetic or machine
 29 readable media, electronically stored data, or any other material,
 30 regardless of form or characteristics.
- 31 ~~(q)~~ **(q)** "Standard-sized documents" includes all documents that can
 32 be mechanically reproduced (without mechanical reduction) on paper
 33 sized eight and one-half (8 1/2) inches by eleven (11) inches or eight
 34 and one-half (8 1/2) inches by fourteen (14) inches.
- 35 ~~(r)~~ **(r)** "Trade secret" has the meaning set forth in IC 24-2-3-2.
- 36 ~~(s)~~ **(s)** "Work product of an attorney" means information compiled
 37 by an attorney in reasonable anticipation of litigation. The term
 38 includes the attorney's:
- 39 (1) notes and statements taken during interviews of prospective
 40 witnesses; and
- 41 (2) legal research or records, correspondence, reports, or
 42 memoranda to the extent that each contains the attorney's



1 opinions, theories, or conclusions.

2 This definition does not restrict the application of any exception under
3 section 4 of this chapter.

4 SECTION 13. IC 5-14-3-3, AS AMENDED BY P.L.134-2012,
5 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
6 UPON PASSAGE]: Sec. 3. (a) Any person may inspect and copy the
7 public records of any public agency during the regular business hours
8 of the agency, except as provided in section 4 of this chapter. A request
9 for inspection or copying must:

- 10 (1) identify with reasonable particularity the record being
11 requested; and
12 (2) be, at the discretion of the agency, in writing on or in a form
13 provided by the agency.

14 No request may be denied because the person making the request
15 refuses to state the purpose of the request, unless such condition is
16 required by other applicable statute.

17 (b) A public agency may not deny or interfere with the exercise of
18 the right stated in subsection (a). Within a reasonable time after the
19 request is received by the agency, the public agency shall either:

- 20 (1) provide the requested copies to the person making the request;
21 or
22 (2) allow the person to make copies:
23 (A) on the agency's equipment; or
24 (B) on the person's own equipment.

25 (c) Notwithstanding subsections (a) and (b), a public agency may or
26 may not do the following:

- 27 (1) In accordance with a contract described in section 3.5 of this
28 chapter, permit a person to inspect and copy through the use of
29 enhanced access public records containing information owned by
30 or entrusted to the public agency.
31 (2) Permit a governmental entity to use an electronic device to
32 inspect and copy public records containing information owned by
33 or entrusted to the public agency.

34 (d) Except as provided in subsection (e), a public agency that
35 maintains or contracts for the maintenance of public records in an
36 electronic data storage system shall make reasonable efforts to provide
37 to a person making a request a copy of all disclosable data contained
38 in the records on paper, disk, tape, drum, or any other method of
39 electronic retrieval if the medium requested is compatible with the
40 agency's data storage system. This subsection does not apply to an
41 electronic map.

42 (e) A state agency may adopt a rule under IC 4-22-2, and a political



1 subdivision may enact an ordinance, prescribing the conditions under
 2 which a person who receives information on disk or tape under
 3 subsection (d) may or may not use the information for commercial
 4 purposes, including to sell, advertise, or solicit the purchase of
 5 merchandise, goods, or services, or sell, loan, give away, or otherwise
 6 deliver the information obtained by the request to any other person for
 7 these purposes. Use of information received under subsection (d) in
 8 connection with the preparation or publication of news, for nonprofit
 9 activities, or for academic research is not prohibited. A person who
 10 uses information in a manner contrary to a rule or ordinance adopted
 11 under this subsection may be prohibited by the state agency or political
 12 subdivision from obtaining a copy or any further data under subsection
 13 (d).

14 (f) Notwithstanding the other provisions of this section, a public
 15 agency is not required to create or provide copies of lists of names and
 16 addresses (including electronic mail account addresses) unless the
 17 public agency is required to publish such lists and disseminate them to
 18 the public under a statute. However, if a public agency has created a
 19 list of names and addresses (excluding electronic mail account
 20 addresses) it must permit a person to inspect and make memoranda
 21 abstracts from the list unless access to the list is prohibited by law. The
 22 lists of names and addresses (including electronic mail account
 23 addresses) described in subdivisions (1) through (3) may not be
 24 disclosed by public agencies to any individual or entity for political
 25 purposes and may not be used by any individual or entity for political
 26 purposes. In addition, the lists of names and addresses (including
 27 electronic mail account addresses) described in subdivisions (1)
 28 through (3) may not be disclosed by public agencies to commercial
 29 entities for commercial purposes and may not be used by commercial
 30 entities for commercial purposes. The prohibition in this subsection
 31 against the disclosure of lists for political or commercial purposes
 32 applies to the following lists of names and addresses (including
 33 electronic mail account addresses):

34 (1) A list of employees of a public agency.

35 (2) A list of persons attending conferences or meetings at a state
 36 educational institution or of persons involved in programs or
 37 activities conducted or supervised by the state educational
 38 institution.

39 (3) A list of students who are enrolled in a public school
 40 corporation if the governing body of the public school corporation
 41 adopts a policy:

42 (A) with respect to disclosure related to a commercial purpose,



1 prohibiting the disclosure of the list to commercial entities for
 2 commercial purposes;
 3 (B) with respect to disclosure related to a commercial purpose,
 4 specifying the classes or categories of commercial entities to
 5 which the list may not be disclosed or by which the list may
 6 not be used for commercial purposes; or
 7 (C) with respect to disclosure related to a political purpose,
 8 prohibiting the disclosure of the list to individuals and entities
 9 for political purposes.

10 A policy adopted under subdivision (3)(A) or (3)(B) must be uniform
 11 and may not discriminate among similarly situated commercial entities.
 12 For purposes of this subsection, "political purposes" means influencing
 13 the election of a candidate for federal, state, legislative, local, or school
 14 board office or the outcome of a public question or attempting to solicit
 15 a contribution to influence the election of a candidate for federal, state,
 16 legislative, local, or school board office or the outcome of a public
 17 question.

18 (g) A public agency may not enter into or renew a contract or an
 19 obligation:
 20 (1) for the storage or copying of public records; or
 21 (2) that requires the public to obtain a license or pay copyright
 22 royalties for obtaining the right to inspect and copy the records
 23 unless otherwise provided by applicable statute;
 24 if the contract, obligation, license, or copyright unreasonably impairs
 25 the right of the public to inspect and copy the agency's public records.

26 (h) If this section conflicts with IC 3-7, the provisions of IC 3-7
 27 apply.

28 **(i) This subsection applies to a public record that is in an**
 29 **electronic format. This subsection does not apply to a public record**
 30 **recorded in the office of the county recorder. The public agency**
 31 **shall provide an electronic copy or a paper copy, at the option of**
 32 **the person making the request for a public record. This subsection**
 33 **does not require a public agency to change the format of a public**
 34 **record.**

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

39 (b) Except as provided in this section, a public agency may not
 40 charge any fee under this chapter **for the following:**
 41 (1) **For a person to inspect a public record. or**
 42 (2) **For a person to search for a public record.**



1 **(3) For the public agency to search for a public record, if the**
 2 **search does not exceed two (2) hours.**

3 ~~(2)~~ **(4) For the public agency to search for, examine or review a**
 4 **record to determine whether the record may be disclosed.**

5 **(5) For the public agency to transmit an electronic copy of a**
 6 **public record by electronic mail. However, a public agency**
 7 **may charge a fee for a public record transmitted by electronic**
 8 **mail if the fee for the public record is authorized under:**

9 **(A) subsection (f) or (j); or**

10 **(B) section 6(c) of this chapter.**

11 (c) The Indiana department of administration shall establish a
 12 uniform copying fee for the copying of one (1) page of a standard-sized
 13 document by state agencies. The fee may not exceed the average cost
 14 of copying records by state agencies or ten cents (\$0.10) per page,
 15 whichever is greater. A state agency may not collect more than the
 16 uniform copying fee for providing a copy of a public record. However,
 17 a state agency shall establish and collect a reasonable fee for copying
 18 nonstandard-sized documents.

19 (d) This subsection applies to a public agency that is not a state
 20 agency. The fiscal body (as defined in IC 36-1-2-6) of the public
 21 agency, or the governing body, if there is no fiscal body, shall establish
 22 a fee schedule for the certification or copying of documents. The fee for
 23 certification of documents may not exceed five dollars (\$5) per
 24 document. The fee for copying documents may not exceed the greater
 25 of:

26 (1) ten cents (\$0.10) per page for copies that are not color copies

27 or twenty-five cents (\$0.25) per page for color copies; or

28 (2) the actual cost to the agency of copying the document.

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

34 (e) If:

35 (1) a person is entitled to a copy of a public record under this
 36 chapter; and

37 (2) the public agency which is in possession of the record has
 38 reasonable access to a machine capable of reproducing the public
 39 record;

40 the public agency must provide at least one (1) copy of the public
 41 record to the person. However, if a public agency does not have
 42 reasonable access to a machine capable of reproducing the record or if



1 the person cannot reproduce the record by use of enhanced access
 2 under section 3.5 of this chapter, the person is only entitled to inspect
 3 and manually transcribe the record. A public agency may require that
 4 the payment for **search and** copying costs be made in advance.

5 (f) Notwithstanding subsection ~~(b)~~; **(b)(1), (b)(2), (b)(3)**, (c), (d),
 6 (g), (h), or (i), a public agency shall collect any certification, copying,
 7 facsimile machine transmission, or search fee that is specified by
 8 statute or is ordered by a court. **Notwithstanding subsection (b)(4), a**
 9 **public agency shall collect any certification or search fee that is**
 10 **specified by statute or is ordered by a court.**

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

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

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

21 (3) In the case of the legislative services agency, a reasonable
 22 percentage of the agency's direct cost of maintaining the system
 23 in which the information is stored. However, the amount charged
 24 by the legislative services agency under this subdivision may not
 25 exceed the sum of the amounts it may charge under subdivisions
 26 (1) and (2).

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

31 (i) This subsection applies to the fee charged by a public agency for
 32 permitting a governmental entity to inspect public records by means of
 33 an electronic device. A public agency may charge any reasonable fee
 34 for the inspection of public records under this subsection, or the public
 35 agency may waive any fee for the inspection.

36 (j) Except as provided in subsection (k), a public agency may charge
 37 a fee, uniform to all purchasers, for providing an electronic map that is
 38 based upon a reasonable percentage of the agency's direct cost of
 39 maintaining, upgrading, and enhancing the electronic map and for the
 40 direct cost of supplying the electronic map in the form requested by the
 41 purchaser. If the public agency is within a political subdivision having
 42 a fiscal body, the fee is subject to the approval of the fiscal body of the



1 political subdivision.

2 (k) The fee charged by a public agency under subsection (j) to cover
3 costs for maintaining, upgrading, and enhancing an electronic map may
4 be waived by the public agency if the electronic map for which the fee
5 is charged will be used for a noncommercial purpose, including the
6 following:

- 7 (1) Public agency program support.
- 8 (2) Nonprofit activities.
- 9 (3) Journalism.
- 10 (4) Academic research.

11 **(l) This subsection applies to a public agency that charges a fee**
12 **for the public agency to search for a public record. A public agency**
13 **may not charge a fee for the first two (2) hours required to search**
14 **for a public record. A public agency may charge a search fee for**
15 **any time that exceeds two (2) hours. If the public agency charges**
16 **a search fee, the agency shall charge an hourly fee that does not**
17 **exceed the lesser of:**

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

20 **A public agency charging an hourly fee under this subsection for**
21 **searching for a public record may charge only for time that the**
22 **person making the search actually spends in searching for the**
23 **record. A public agency may not charge for computer processing**
24 **time and may not establish a minimum fee for searching for a**
25 **public record. A public agency must make a good faith effort to**
26 **complete a search for a public record within a reasonable time in**
27 **order to minimize the amount of a search fee. The fee shall be**
28 **prorated to reflect any search time of less than two (2) hours. If a**
29 **fee is charged by a public agency under subsection (g), (h), (i), or**
30 **(j) for a public record, the public agency may not charge a fee for**
31 **searching for the record under this subsection. A search fee**
32 **collected by a department, an agency, or an office of a county, city,**
33 **town, or township shall be deposited in the general fund of the**
34 **county, city, town, or township.**

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

- 37 (1) Make and preserve records containing adequate and proper
38 documentation of the organization, functions, policies, decisions,
39 procedures, and essential transactions of the agency to protect the
40 legal and financial rights of the government and of persons
41 directly affected by the agency's activities.
- 42 (2) Cooperate fully with the commission in implementing the



- 1 provisions of this chapter.
- 2 (3) Establish and maintain an active and continuing program for
- 3 the economical and efficient management of information and
- 4 assist the commission in the conduct of information management
- 5 surveys.
- 6 (4) Implement information management procedures and
- 7 regulations issued by the commission.
- 8 (5) Submit to the oversight committee, a recommended retention
- 9 schedule for each form and record series in its custody. However,
- 10 retention schedules for forms and record series common to more
- 11 than one (1) agency may be established by the oversight
- 12 committee. Records may not be scheduled for retention any
- 13 longer than is necessary to perform required functions. Records
- 14 requiring retention for several years must be transferred to the
- 15 records center.
- 16 (6) Establish necessary safeguards against the removal, alteration,
- 17 or loss of records; safeguards shall include notification to all
- 18 officials and employees of the agency that records in the custody
- 19 of the agency may not be alienated or destroyed except in
- 20 accordance with the provisions of this chapter.
- 21 (7) Designate an agency information coordinator, who shall assist
- 22 the commission in the content requirements of the form design
- 23 process and in the development of the agency's records retention
- 24 schedules.
- 25 (8) Report to the commission before ~~December 31~~ of each year
- 26 those records which have been created or discontinued in the past
- 27 year.
- 28 SECTION 16. IC 5-15-5.1-21 IS ADDED TO THE INDIANA
- 29 CODE AS A NEW SECTION TO READ AS FOLLOWS
- 30 [EFFECTIVE UPON PASSAGE]: **Sec. 21. Before January 1, 2016,**
- 31 **the commission or its successor shall:**
- 32 **(1) revise retention requirements that apply to school**
- 33 **corporations for electronic mail messages; and**
- 34 **(2) review policies and procedures that apply to school**
- 35 **corporations for electronic mail messages.**
- 36 SECTION 17. IC 5-15-6-3 IS AMENDED TO READ AS
- 37 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 3. (a) As used in this
- 38 section, "original records" includes the optical image of a check or
- 39 deposit document when:
- 40 (1) the check or deposit document is recorded, copied, or
- 41 reproduced by an optical imaging process described in subsection
- 42 (e); and



1 (2) the drawer of the check receives an optical image of the check
 2 after the check is processed for payment or the depositor receives
 3 an optical image of the deposit document after the document has
 4 been processed for the deposit.

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

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

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

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

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

27 (e) As used in this section, "public records" or "records" includes
 28 records that have been recorded, copied, or reproduced by a
 29 photographic, photostatic, miniature photographic, or optical imaging
 30 process that correctly, accurately, and permanently copies, reproduces,
 31 or forms a medium for copying or reproducing the original record on
 32 a film or other durable material. Original records may be disposed of
 33 in accordance with subsection (f), if the record has been copied or
 34 reproduced as described in this subsection. The copy must be treated
 35 as an original. Copies, recreations, or reproductions made from an
 36 optical image of a public record described in this subsection shall be
 37 received as evidence in any court in which the original record could
 38 have been introduced, if the recreations, copies, or reproductions are
 39 properly certified as to authenticity and accuracy by an official
 40 custodian of the records.

41 (f) Original records may be disposed of only with the approval of
 42 the commission according to guidelines established by the commission.



1 However, the guidelines established by the commission concerning the
2 disposal of financial records must be approved by the state board of
3 accounts before the guidelines become effective.

4 SECTION 18. IC 5-16-12.2-5 IS AMENDED TO READ AS
5 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 5. **(a) This section
6 does not apply to a school corporation.**

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

9 (1) The contacts the contracting agency makes with persons that
10 provide 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 19. IC 5-22-16.5-13 IS REPEALED [EFFECTIVE JULY
14 1, 2015]. ~~Sec. 13: (a) This section does not apply if a finding made
15 under section 12 of this chapter is placed in the contract file:~~

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

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

22 SECTION 20. IC 5-22-16.5-14, AS ADDED BY P.L.21-2012,
23 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
24 JULY 1, 2015]: Sec. 14. (a) If a purchasing agency, using credible
25 information available to the public, determines that a certification
26 given by a person to the purchasing agency's governmental body ~~under
27 section 13(b) of this chapter~~ is false, the purchasing agency shall:

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

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

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

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

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

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

42 The attorney general shall determine whether to bring a civil



1 action under this section against the person.

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

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

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

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

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

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

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

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

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

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

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

34 (2) file a bid protest; or

35 (3) bring any other kind of action;

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

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

40 SECTION 21. IC 6-1.1-1-16 IS AMENDED TO READ AS
41 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 16. "School
42 corporation" means any public school corporation established under the



1 laws of the state of Indiana. The term includes, but is not limited to, any
 2 school city, school town, ~~school township~~, consolidated school
 3 corporation, metropolitan school district, township school corporation,
 4 county school corporation, united school corporation, and a community
 5 school corporation.

6 SECTION 22. IC 6-1.1-17-5.6, AS AMENDED BY P.L.111-2014,
 7 SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 8 JULY 1, 2015]: Sec. 5.6. (a) ~~For budget years beginning before July 1,~~
 9 ~~2011, this section applies only to a school corporation that is located in~~
 10 ~~a city having a population of more than one hundred thousand~~
 11 ~~(100,000) but less than one hundred ten thousand (110,000). For~~
 12 ~~budget years beginning after June 30, 2011, this section applies to all~~
 13 ~~school corporations. Beginning in 2011, Each school corporation may~~
 14 elect to adopt a budget under this section that applies from July 1 of the
 15 year through June 30 of the following year. In the initial budget
 16 adopted by a school corporation under this section, the first six (6)
 17 months of that initial budget must be consistent with the last six (6)
 18 months of the budget adopted by the school corporation for the
 19 calendar year in which the school corporation elects by resolution to
 20 begin adopting budgets that correspond to the state fiscal year. A
 21 corporation shall submit a copy of the resolution to the department of
 22 local government finance and the department of education not more
 23 than thirty (30) days after the date the governing body adopts the
 24 resolution.

25 (b) Before April 1 of each year, the officers of the school
 26 corporation shall meet to fix the budget for the school corporation for
 27 the ensuing budget year, with notice given by the same officers.
 28 However, if a resolution adopted under subsection (d) is in effect, the
 29 officers shall meet to fix the budget for the ensuing budget year before
 30 November 1.

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

- 34 (1) a statement of the tax rate and tax levy fixed by the school
 35 corporation for the ensuing budget year;
- 36 (2) two (2) copies of the budget adopted by the school corporation
 37 for the ensuing budget year; and
- 38 (3) any written notification from the department of local
 39 government finance under section 16(i) of this chapter that
 40 specifies a proposed revision, reduction, or increase in the budget
 41 adopted by the school corporation for the ensuing budget year.

42 Each year the county auditor shall present these items to the county



1 board of tax adjustment at the board's first meeting under
2 IC 6-1.1-29-4.

3 (d) The governing body of the school corporation may adopt a
4 resolution to cease using a school year budget year and return to using
5 a calendar year budget year. A resolution adopted under this subsection
6 must be adopted after January 1 and before July 1. The school
7 corporation's initial calendar year budget year following the adoption
8 of a resolution under this subsection begins on January 1 of the year
9 following the year the resolution is adopted. The first six (6) months of
10 the initial calendar year budget for the school corporation must be
11 consistent with the last six (6) months of the final school year budget
12 fixed by the department of local government finance before the
13 adoption of a resolution under this subsection.

14 (e) A resolution adopted under subsection (d) may be rescinded by
15 a subsequent resolution adopted by the governing body. If the
16 governing body of the school corporation rescinds a resolution adopted
17 under subsection (d) and returns to a school year budget year, the
18 school corporation's initial school year budget year begins on July 1
19 following the adoption of the rescinding resolution and ends on June
20 30 of the following year. The first six (6) months of the initial school
21 year budget for the school corporation must be consistent with the last
22 six (6) months of the last calendar year budget fixed by the department
23 of local government finance before the adoption of a rescinding
24 resolution under this subsection.

25 SECTION 23. IC 6-1.1-18-3, AS AMENDED BY P.L.1-2010,
26 SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
27 JULY 1, 2015]: Sec. 3. (a) Except as provided in subsection (b), the
28 sum of all tax rates for all political subdivisions imposed on tangible
29 property within a political subdivision may not exceed:

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

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

36 (b) The proper officers of a political subdivision shall fix tax rates
37 which are sufficient to provide funds for the purposes itemized in this
38 subsection. The portion of a tax rate fixed by a political subdivision
39 shall not be considered in computing the tax rate limits prescribed in
40 subsection (a) if that portion is to be used for one (1) of the following
41 purposes:

42 (1) To pay the principal or interest on a funding, refunding, or



1 judgment funding obligation of the political subdivision.

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

5 ~~(3) (2) To pay the principal or interest upon:~~

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

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

13 ~~(4) (3) To pay the principal or interest upon an obligation issued~~
 14 ~~in the manner provided in:~~

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

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

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

18 ~~(5) (4) To pay a judgment rendered against the political~~
 19 ~~subdivision.~~

20 (c) Except as otherwise provided in IC 6-1.1-19 (before January 1,
 21 2009), IC 6-1.1-18.5, IC 20-45 (before January 1, 2009), or IC 20-46,
 22 a county board of tax adjustment, a county auditor, or the department
 23 of local government finance may review the portion of a tax rate
 24 described in subsection (b) only to determine if it exceeds the portion
 25 actually needed to provide for one (1) of the purposes itemized in that
 26 subsection.

27 SECTION 24. IC 6-1.1-20-1.1, AS AMENDED BY P.L.40-2014,
 28 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 29 JULY 1, 2015]: Sec. 1.1. As used in this chapter, "controlled project"
 30 means any project financed by bonds or a lease, except for the
 31 following:

32 (1) A project for which the political subdivision reasonably
 33 expects to pay:

34 (A) debt service; or

35 (B) lease rentals;

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

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



- 1 (A) Two million dollars (\$2,000,000).
- 2 (B) An amount equal to one percent (1%) of the total gross
- 3 assessed value of property within the political subdivision on
- 4 the last assessment date, if that amount is at least one million
- 5 dollars (\$1,000,000).
- 6 For purposes of this chapter, the cost of a project by a school
- 7 corporation career and technical education school described in
- 8 IC 20-37-1-1 that is funded through an advance from the common
- 9 school fund under IC 20-49 shall be allocated among the
- 10 organizing school corporations in the same manner as the advance
- 11 is allocated under IC 20-49-4.
- 12 (3) A project that is being refinanced for the purpose of providing
- 13 gross or net present value savings to taxpayers.
- 14 (4) A project for which bonds were issued or leases were entered
- 15 into before January 1, 1996, or where the state board of tax
- 16 commissioners has approved the issuance of bonds or the
- 17 execution of leases before January 1, 1996.
- 18 (5) A project that is required by a court order holding that a
- 19 federal law mandates the project.
- 20 ~~(6) A project that~~
- 21 ~~(A) is in response to:~~
- 22 ~~(i) a natural disaster;~~
- 23 ~~(ii) an accident; or~~
- 24 ~~(iii) an emergency;~~
- 25 ~~in the political subdivision that makes a building or facility~~
- 26 ~~unavailable for its intended use; and~~
- 27 ~~(B) is approved by the county council of each county in which~~
- 28 ~~the political subdivision is located.~~
- 29 **(6) A project that is in response to:**
- 30 **(A) a natural disaster;**
- 31 **(B) an accident; or**
- 32 **(C) an emergency;**
- 33 **in the political subdivision that makes a building or facility**
- 34 **unavailable for its intended use.**
- 35 (7) A project that was not a controlled project under this section
- 36 as in effect on June 30, 2008, and for which:
- 37 (A) the bonds or lease for the project were issued or entered
- 38 into before July 1, 2008; or
- 39 (B) the issuance of the bonds or the execution of the lease for
- 40 the project was approved by the department of local
- 41 government finance before July 1, 2008.
- 42 (8) A project of the Little Calumet River basin development



- 1 commission for which bonds are payable from special
2 assessments collected under IC 14-13-2-18.6.
- 3 SECTION 25. IC 6-1.1-20-7, AS AMENDED BY P.L.146-2008,
4 SECTION 196, IS AMENDED TO READ AS FOLLOWS
5 [EFFECTIVE JULY 1, 2015]: Sec. 7. (a) This section does not apply
6 to bonds, notes, or warrants for which a political subdivision:
7 (1) after June 30, 2008, makes a preliminary determination as
8 described in section 3.1 or 3.5 of this chapter or a decision as
9 described in section 5 of this chapter; or
10 (2) in the case of bonds, notes, or warrants not subject to section
11 3.1, 3.5, or 5 of this chapter, adopts a resolution or ordinance
12 authorizing the bonds, notes, or warrants after June 30, 2008.
- 13 (b) When the proper officers of a political subdivision decide to
14 issue any bonds, notes, or warrants which will be payable from
15 property taxes and which will bear interest in excess of eight percent
16 (8%) per annum, the political subdivision shall submit the matter to the
17 department of local government finance for review. The department of
18 local government finance may either approve or disapprove the rate of
19 interest.
- 20 **(c) This section does not apply to a school corporation.**
- 21 SECTION 26. IC 6-3.1-15-12, AS AMENDED BY P.L.286-2013,
22 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
23 JULY 1, 2015]: Sec. 12. (a) A service center may sell qualified
24 computer equipment received by taxpayers under this chapter only to
25 the following:
26 (1) Public or private elementary or secondary schools.
27 (2) The parent or guardian of a student enrolled in grade 1
28 through 12 that is enrolled in a school's computer education
29 program.
- 30 (b) A service center may sell qualified computer equipment under
31 this chapter to schools, parents, or guardians located outside the service
32 center's normal service area, but not outside Indiana.
- 33 ~~(c) Before a public or private elementary school may purchase
34 qualified computer equipment from a service center, the school must
35 submit a statement to the service center detailing the following:~~
36 ~~(1) The school's computer education program or planned
37 computer education program.~~
38 ~~(2) The school's planned use of the qualified computer equipment,
39 including the goals of the plan, the implementation of the plan,
40 and the number of students that will be served with the qualified
41 computer equipment.~~
- 42 ~~(d) (c) A school that purchases qualified computer equipment from~~



1 a service center may sell the qualified computer equipment to a parent
 2 or guardian of a child who is enrolled in the school's computer
 3 education program.

4 (e) Before a parent or guardian of a student may purchase qualified
 5 computer equipment from a service center, the parent or guardian must
 6 present proof, in the form approved by the service center, that:

7 (1) the child of the parent or guardian is a participant in a school's
 8 computer education program; and

9 (2) the qualified computer equipment will be used by the child for
 10 an educational purpose.

11 SECTION 27. IC 9-18-31-7 IS AMENDED TO READ AS
 12 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 7. (a) If an educational
 13 foundation that is exempt from federal income taxation under Internal
 14 Revenue Code Section 501(c)(3) is established as an Indiana nonprofit
 15 corporation for the benefit of a school corporation designated to receive
 16 a fee under section 5(c) of this chapter, fees designated to go to the
 17 school corporation shall be distributed to an educational foundation
 18 that provides benefit to the designated school corporation. A school
 19 corporation that receives benefit from an educational foundation that
 20 meets the requirements of this section shall:

21 (1) obtain a certificate from the educational foundation that
 22 certifies to the school corporation and the county auditor that the
 23 educational foundation:

24 (A) is exempt from federal income taxation under Internal
 25 Revenue Code Section 501(c)(3); and

26 (B) is established as an Indiana nonprofit corporation to
 27 provide benefit to the school corporation; and

28 (2) provide a copy of the certificate described in subdivision (1)
 29 to the county auditor.

30 (b) If a school corporation designated to receive a fee under section
 31 5(c) of this chapter does not receive benefit from an educational
 32 foundation described under subsection (a), the fees designated to go to
 33 the school corporation shall be distributed to the school corporation
 34 and may only be used for purposes other than salaries and related
 35 fringe benefits.

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

42 (1) the total amount of the monthly distribution for all school



1 corporations in the county that were designated to receive an
 2 education license plate fee under this chapter; and
 3 (2) the amount of the fees that are to be distributed to each
 4 designated school corporation in the county.
 5 (d) Within thirty (30) days of receipt of a distribution from the
 6 bureau under subsection (c), the county auditor shall distribute the fees
 7 received to:
 8 (1) an educational foundation under subsection (a), if the school
 9 corporation has provided a copy of the certificate described in
 10 subsection (a); or
 11 (2) the school corporation under subsection (b);
 12 whichever subsection is applicable. The county auditor shall designate
 13 which school corporation is to receive benefit in connection with a
 14 distribution to an educational foundation under this subsection. If the
 15 school corporation receives benefit from more than one (1) educational
 16 foundation, the superintendent of the benefitted school corporation
 17 shall determine, and inform the auditor in writing, how fees received
 18 are to be distributed to the educational foundations. The county auditor
 19 shall, simultaneous with a distribution to an educational foundation,
 20 send the school corporation to receive benefit a notice of the
 21 distribution that identifies the recipient educational foundation and the
 22 date and the amount of the distribution.
 23 (e) Funds received by an educational foundation under this chapter
 24 must be used to provide benefit to the designated school corporation.
 25 ~~within one (1) year of receipt from the county auditor:~~
 26 SECTION 28. IC 12-9-5-4, AS AMENDED BY P.L.1-2005,
 27 SECTION 128, IS AMENDED TO READ AS FOLLOWS
 28 [EFFECTIVE JULY 1, 2015]: Sec. 4. IC 20-35-2 applies to the
 29 operation of each education program for ~~children a student~~ with
 30 ~~disabilities a disability~~ (as defined in ~~IC 20-35-1-2~~) **IC 20-35-1-8**)
 31 conducted by a state owned and operated developmental center or
 32 furnished under an agreement with the division.
 33 SECTION 29. IC 12-21-5-3, AS AMENDED BY P.L.1-2005,
 34 SECTION 139, IS AMENDED TO READ AS FOLLOWS
 35 [EFFECTIVE JULY 1, 2015]: Sec. 3. IC 20-35-2 applies to the
 36 operation of each education program for ~~children a student~~ with
 37 ~~disabilities a disability~~ (as defined in ~~IC 20-35-1-2~~) **IC 20-35-1-8**)
 38 conducted by a state owned and operated mental health institution or
 39 furnished under an agreement with the division.
 40 SECTION 30. IC 12-24-13-5, AS AMENDED BY P.L.146-2008,
 41 SECTION 415, IS AMENDED TO READ AS FOLLOWS
 42 [EFFECTIVE JULY 1, 2015]: Sec. 5. (a) Except as provided in section



1 6 of this chapter, whenever placement of a ~~child student~~ with a
 2 disability (as defined in ~~IC 20-35-1-2~~) **IC 20-35-1-8**) in a state
 3 institution is necessary for the provision of special education for that
 4 ~~child, student~~, the cost of the ~~child's student's~~ education program,
 5 nonmedical care, and room and board shall be paid by the division
 6 rather than by the ~~child's student's~~ parents, guardian, or other
 7 responsible party.

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

17 (c) The Indiana state board of education and the divisions shall
 18 jointly establish a procedure and standards for determining when
 19 placement in a state institution is necessary for the provision of special
 20 education for a ~~child student~~.

21 SECTION 31. IC 13-18-3-10 IS AMENDED TO READ AS
 22 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 10. The department
 23 may call upon:

24 (1) any state officer, board, department, ~~school, university,~~ or
 25 other state institution; and

26 (2) the officers or employees of an individual entity described in
 27 subdivision (1);

28 for any assistance necessary to carry out the water pollution control
 29 laws.

30 SECTION 32. IC 14-22-12-1.8, AS ADDED BY P.L.204-2014,
 31 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 32 JULY 1, 2015]: Sec. 1.8. (a) As used in this section, "individual with
 33 special circumstances" means an individual who:

34 (1) has a developmental disability (as defined by IC 12-7-2-61);

35 (2) is determined to be a ~~child student~~ with a disability (as
 36 defined by ~~IC 20-35-1-2~~); **in IC 20-35-1-8**); or

37 (3) has a permanent disability as determined by rules adopted by
 38 the department.

39 (b) As used in this section, "special circumstances hunter" means an
 40 individual with special circumstances who hunts under a special
 41 circumstances hunting safety card issued under this section.

42 (c) As used in this section, "special circumstances hunting safety



1 card" refers to the card issued to a special circumstances hunter.

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

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

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

11 (g) A special circumstances hunter must:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

38 (b) A person who:

39 (1) is totally or partially blind;

40 (2) is deaf or hard of hearing; or

41 (3) has a physical or mental disability;

42 is entitled to be accompanied by a service animal, especially trained for



1 the purpose, in any public accommodation without being required to
 2 pay an extra charge for the service animal. However, the person is
 3 liable for any damage done to the accommodation by the service
 4 animal.

5 (c) A person who:

6 (1) refuses access to a public accommodation; or

7 (2) charges a fee for access to a public accommodation;

8 to a person who is totally or partially blind, who is deaf or hard of
 9 hearing, or who has a physical or mental disability, because that person
 10 is accompanied by a service animal commits a Class C infraction.

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

14 SECTION 34. IC 16-39-2-6, AS AMENDED BY P.L.134-2013,
 15 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 16 JULY 1, 2015]: Sec. 6. (a) Without the consent of the patient, the
 17 patient's mental health record may only be disclosed as follows:

18 (1) To individuals who meet the following conditions:

19 (A) Are employed by:

20 (i) the provider at the same facility or agency;

21 (ii) a managed care provider (as defined in IC 12-7-2-127);
 22 or

23 (iii) a health care provider or mental health care provider, if
 24 the mental health records are needed to provide health care
 25 or mental health services to the patient.

26 (B) Are involved in the planning, provision, and monitoring of
 27 services.

28 (2) To the extent necessary to obtain payment for services
 29 rendered or other benefits to which the patient may be entitled, as
 30 provided in IC 16-39-5-3.

31 (3) To the patient's court appointed counsel and to the Indiana
 32 protection and advocacy services commission.

33 (4) For research conducted in accordance with IC 16-39-5-3 and
 34 the rules of the division of mental health and addiction, the rules
 35 of the division of disability and rehabilitative services, or the rules
 36 of the provider.

37 (5) To the division of mental health and addiction for the purpose
 38 of data collection, research, and monitoring managed care
 39 providers (as defined in IC 12-7-2-127) who are operating under
 40 a contract with the division of mental health and addiction.

41 (6) To the extent necessary to make reports or give testimony
 42 required by the statutes pertaining to admissions, transfers,



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



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



- 1 ~~(3)~~ **(1)** a board of school commissioners;
- 2 ~~(4)~~ **(2)** a metropolitan board of education;
- 3 ~~(5)~~ **(3)** a board of trustees; or
- 4 ~~(6)~~ **(4)** any other board or commission charged by law with the
- 5 responsibility of administering the affairs of a school corporation.
- 6 SECTION 36. IC 20-18-2-16, AS AMENDED BY P.L.190-2013,
- 7 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 8 JULY 1, 2015]: Sec. 16. (a) "School corporation", for purposes of this
- 9 title (except IC 20-20-33, IC 20-26-1 through IC 20-26-5, IC 20-26-7,
- 10 IC 20-28-11.5, IC 20-30-8, and IC 20-43), means a public school
- 11 corporation established by Indiana law. The term includes a:
- 12 (1) school city;
- 13 (2) school town;
- 14 ~~(3) school township;~~
- 15 ~~(4)~~ **(3)** consolidated school corporation;
- 16 ~~(5)~~ **(4)** metropolitan school district;
- 17 ~~(6)~~ **(5)** township school corporation;
- 18 ~~(7)~~ **(6)** county school corporation;
- 19 ~~(8)~~ **(7)** united school corporation; or
- 20 ~~(9)~~ **(8)** community school corporation.
- 21 (b) "School corporation", for purposes of IC 20-26-1 through
- 22 IC 20-26-5 and IC 20-26-7, has the meaning set forth in IC 20-26-2-4.
- 23 (c) "School corporation", for purposes of IC 20-20-33 ~~IC 20-26-18;~~
- 24 and IC 20-30-8, includes a charter school (as defined in IC 20-24-1-4).
- 25 (d) "School corporation", for purposes of IC 20-43, has the meaning
- 26 set forth in IC 20-43-1-23.
- 27 (e) "School corporation", for purposes of IC 20-28-11.5, has the
- 28 meaning set forth in IC 20-28-11.5-3.
- 29 **(f) "School corporation", for purposes of IC 20-35, has the**
- 30 **meaning set forth in IC 20-35-1-6.**
- 31 SECTION 37. IC 20-18-2-21, AS ADDED BY P.L.1-2005,
- 32 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 33 JULY 1, 2015]: Sec. 21. "Superintendent" means
- 34 ~~(1)~~ the chief administrative officer of a school corporation. ~~or~~
- 35 ~~(2) in the case of a township school, the county superintendent of~~
- 36 ~~schools.~~
- 37 SECTION 38. IC 20-19-2-8, AS AMENDED BY P.L.286-2013,
- 38 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 39 JULY 1, 2015]: Sec. 8. (a) In addition to any other powers and duties
- 40 prescribed by law, the state board shall adopt rules under IC 4-22-2
- 41 concerning, but not limited to, the following matters:
- 42 (1) The designation and employment of the employees and



- 1 consultants necessary for the department. The state board shall fix
 2 the compensation of employees of the department, subject to the
 3 approval of the budget committee and the governor under
 4 IC 4-12-2.
- 5 (2) The establishment and maintenance of standards and
 6 guidelines for media centers, libraries, instructional materials
 7 centers, or any other area or system of areas in a school where a
 8 full range of information sources, associated equipment, and
 9 services from professional media staff are accessible to the school
 10 community. With regard to library automation systems, the state
 11 board may only adopt rules that meet the standards established by
 12 the state library board for library automation systems under
 13 IC 4-23-7.1-11(b).
- 14 (3) The establishment and maintenance of standards for student
 15 personnel and guidance services.
- 16 (4) The inspection of all public schools in Indiana to determine
 17 the condition of the schools. The state board shall establish
 18 standards governing the **voluntary** accreditation of public schools
 19 **that elect to be accredited**. Observance of:
 20 (A) IC 20-31-4;
 21 (B) IC 20-28-5-2;
 22 (C) IC 20-28-6-3 ~~through~~ and IC 20-28-6-7;
 23 (D) IC 20-28-11.5; and
 24 (E) IC 20-31-3, IC 20-32-4, IC 20-32-5, and IC 20-32-8;
 25 **is may be** a prerequisite to the accreditation of a school. Local
 26 public school officials **that elect to be accredited** shall make the
 27 reports required of them and otherwise cooperate with the state
 28 board regarding required inspections. Nonpublic schools may also
 29 request the inspection for classification purposes. Compliance
 30 with the building and site guidelines adopted by the state board is
 31 not a prerequisite of accreditation.
- 32 (5) The distribution of funds and revenues appropriated for the
 33 support of schools in the state.
- 34 (6) The state board may not establish ~~an~~ a **voluntary**
 35 accreditation system for nonpublic schools that is less stringent
 36 than the **voluntary** accreditation system for public schools.
- 37 (7) A separate system for recognizing nonpublic schools under
 38 IC 20-19-2-10. Recognition of nonpublic schools under this
 39 subdivision constitutes the system of regulatory standards that
 40 apply to nonpublic schools that seek to qualify for the system of
 41 recognition.
- 42 (8) The establishment and enforcement of standards and



1 guidelines concerning the safety of students participating in
2 cheerleading activities.

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

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

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

12 SECTION 39. IC 20-19-2-12, AS AMENDED BY P.L.218-2014,
13 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
14 JULY 1, 2015]: Sec. 12. (a) The state board shall, in the manner
15 provided by IC 4-22-2, adopt rules setting forth nonbinding guidelines
16 for the selection of school sites and the construction, alteration, and
17 repair of school buildings, athletic facilities, and other categories of
18 facilities related to the operation and administration of school
19 corporations. The nonbinding guidelines must include:

20 (1) preferred location and building practices for school
21 corporations, including standards for enhancing health, student
22 safety, accessibility, energy efficiency, operating efficiency, and
23 instructional efficacy;

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

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

33 The state building commissioner, the office of management and budget,
34 and the department of local government finance shall, upon request of
35 the board, provide technical assistance as necessary for the
36 development of the guidelines.

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

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

40 (2) rules of the:

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

42 (B) state department of health;



1 that govern site selection and the construction, alteration, and repair of
2 school buildings.

3 (c) A school corporation shall consider the guidelines adopted under
4 subsection (a) when developing plans and specifications for a facility
5 described in subsection (a). Before submitting completed written plans
6 and specifications for the selection of a school building site or the
7 construction or alteration of a school building to the division of fire and
8 building safety for issuance of a design release under IC 22-15-3, a
9 school corporation shall do the following:

10 (1) Submit the proposed plans and specifications to the
11 department. Within thirty (30) days after the department receives
12 the plans and specifications, the department shall:

13 (A) review the plans and specifications to determine whether
14 they comply with the guidelines adopted under subsection (a);
15 and

16 (B) provide written recommendations concerning the plans
17 and specifications to the school corporation, which must
18 include findings as to any material differences between the
19 plans and specifications and the guidelines adopted under
20 subsection (a):

21 (2) After the earlier of:

22 (A) receipt of the recommendations provided under
23 subdivision (1)(B); or

24 (B) the date that is thirty (30) days after the date the
25 department received the plans and specifications under
26 subdivision (1)(A);

27 issue a public document that describes the recommendations, if
28 any; and any material differences between the plans and
29 specifications prepared by the school corporation and the
30 guidelines adopted under subsection (a); as determined under the
31 guidelines adopted by the state board.

32 (3) After publishing a notice of the public hearing under IC 5-3-1,
33 conduct a public hearing to receive public comment concerning
34 the school corporation's plans and specifications.

35 After the public hearing and without conducting another public hearing
36 under this subsection, the governing body may revise the plans and
37 specifications or submit the plans and specifications to the division of
38 fire and building safety without making changes. The school
39 corporation shall revise the public document described in subdivision
40 (2) to identify any changes in the plans and specifications after the
41 public document's initial preparation.

42 SECTION 40. IC 20-19-2-13 IS REPEALED [EFFECTIVE JULY



1 1, 2015]. Sec. 13. The state board may not approve or disapprove plans
 2 and specifications for the construction, alteration, or repair of school
 3 buildings, except as necessary under the following:

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

5 (2) ~~IC 20-35-4-2 concerning the authorization of a special school~~
 6 ~~for children with disabilities.~~

7 However, the state board shall adopt guidelines concerning plans and
 8 specifications as required by section 12 of this chapter.

9 SECTION 41. IC 20-19-3-8, AS AMENDED BY P.L.146-2008,
 10 SECTION 453, IS AMENDED TO READ AS FOLLOWS
 11 [EFFECTIVE JULY 1, 2015]: Sec. 8. (a) The department may not
 12 approve or disapprove plans and specifications for the construction,
 13 alteration, or repair of school buildings, except as necessary under the
 14 following:

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

16 (2) ~~IC 20-35-4-2 concerning the authorization of a special school~~
 17 ~~for children with disabilities.~~

18 (b) Notwithstanding subsection (a), the department shall ~~do the~~
 19 following:

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

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

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

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

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

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

42 SECTION 42. IC 20-19-3-12, AS ADDED BY P.L.190-2013,



1 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
2 JULY 1, 2015]: Sec. 12. (a) The department, in collaboration with the
3 Indiana criminal justice institute, the department of child services, the
4 center for evaluation and education policy at Indiana University, the
5 state police department, and any organization that has expertise in
6 providing criminal gang education, prevention, or intervention that the
7 department determines to be appropriate, shall:

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

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

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

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

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

21 (2) regarding the negative societal impact that criminal gangs
22 have on the community;

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

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

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

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

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

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

33 (4) model procedures for:

34 (A) reporting suspected criminal gang activity; and

35 (B) the prompt investigation of suspected criminal gang
36 activity;

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

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



1 SECTION 43. IC 20-19-3-12.2, AS ADDED BY P.L.246-2013,
 2 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 3 JULY 1, 2015]: Sec. 12.2. (a) The department shall make reduction of
 4 absenteeism in schools a policy priority and ~~direct~~ **provide assistance**
 5 **and guidance to** school corporations and schools ~~to~~ **in:**

- 6 (1) ~~identify~~ **identifying** contributing factors of absenteeism; and
 7 (2) ~~develop~~ **developing** chronic absence reduction plans ~~to that~~
 8 **school corporations may elect to** include as a component of the
 9 school improvement plans required under IC 20-31-5.

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

15 SECTION 44. IC 20-19-3.5 IS ADDED TO THE INDIANA CODE
 16 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 17 UPON PASSAGE]:

18 **Chapter 3.5. School Data Reporting**

19 **Sec. 1. As used in this chapter, "committee" refers to the**
 20 **committee on school data reporting established in section 3 of this**
 21 **chapter.**

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

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

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

- 33 (1) The state superintendent or the state superintendent's
 34 designee.
 35 (2) One (1) member who is a member of the state board
 36 selected by the state board.
 37 (3) One (1) member who is a current school corporation
 38 administrator selected by the Indiana Association of Public
 39 School Superintendents.
 40 (4) One (1) member who is a representative of school boards
 41 selected by the Indiana School Boards Association.
 42 (5) One (1) member who is a representative of school business



1 officials who is selected by the Indiana Association of School
2 Business Officials.

3 (6) One (1) member who is a representative of accredited
4 nonpublic schools who is selected by the Indiana Non-Public
5 Education Association.

6 (7) One (1) member who is a representative of charter schools
7 selected by an organization representing charter schools.

8 (8) One (1) member who is a teacher selected by the state
9 superintendent.

10 (c) Each member appointed under subsection (b) shall serve at
11 the will and pleasure of the member's respective appointing
12 authority. Vacancies in the appointments to the committee shall be
13 filled in like manner as if appointment to such vacant offices were
14 being made originally.

15 (d) A quorum consists of five (5) members of the committee.

16 (e) The members of the committee shall elect annually a
17 chairperson for the committee.

18 (f) Notwithstanding subsection (e), the member described in
19 subsection (b)(1) shall serve as the initial chairperson of the
20 committee at the first meeting of the committee after June 30,
21 2015, at which the members shall elect a chairperson under
22 subsection (e). This subsection expires January 1, 2016.

23 (g) The state board shall designate staff and administrative
24 support for the committee.

25 Sec. 4. (a) Each member of the committee who is not a state
26 employee is entitled to the minimum salary per diem provided by
27 IC 4-10-11-2.1(b) and reimbursement for traveling expenses as
28 provided under IC 4-13-1-4 and other expenses actually incurred
29 in connection with the member's duties as provided in the state
30 policies and procedures established by the Indiana department of
31 administration and approved by the budget agency.

32 (b) Each member of the committee who is a state employee is
33 entitled to reimbursement for traveling expenses as provided under
34 IC 4-13-1-4 and other expenses actually incurred in connection
35 with the member's duties as provided in the state policies and
36 procedures established by the Indiana department of
37 administration and approved by the budget agency.

38 Sec. 5. The committee shall meet at least once every six (6)
39 months and at the call of the chairperson. A member of the
40 committee may participate in a committee meeting using an
41 electronic communication in the manner prescribed in
42 IC 5-14-1.5-3.6.



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

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

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

19 **(1) qualified data from public schools; and**

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

22 **Based on the committee's review, the committee shall make**
23 **recommendations to the state board whether to continue the**
24 **qualified data collection and ways or methods to streamline**
25 **qualified data collection and data collection by another public**
26 **agency of state from schools. After submitting the committee's**
27 **initial recommendations regarding current qualified data and data**
28 **collections to the state board, the committee shall review qualified**
29 **data collection requests made by the department and the state**
30 **board after July 1, 2015, and make recommendations to the state**
31 **board as to whether the qualified data collection is necessary or**
32 **ways to streamline the qualified data collection. In addition, the**
33 **committee shall review and make recommendations to the state**
34 **board under subsection (d) regarding methods to streamline school**
35 **safety and discipline reporting requirements as well as establishing**
36 **a streamlined method to uniformly and consistently report**
37 **instances of bullying throughout Indiana. The committee may not**
38 **change the data reporting requirements for data used by the state**
39 **board to place each school in a category or designation of school**
40 **performance under IC 20-31-8-4.**

41 **(d) The committee shall submit its recommendations under**
42 **subsection (c) to the state board. Upon receipt of the committee's**



1 recommendations, the state board shall vote to either approve or
 2 disapprove the qualified data request. The decision of the state
 3 board is final. The state board shall consider a committee's
 4 recommendations at the next state board's meeting after receiving
 5 the committee's recommendations under subsection (c).

6 (e) The committee may recommend the collection of qualified
 7 data under subsection (c) and the state board may approve the
 8 recommendation under subsection (d) only if the:

9 (1) qualified data is not available to the public agency from
 10 any other source; and

11 (2) benefit from the collection of the qualified data is greater
 12 than the overall administrative cost of collecting the qualified
 13 data.

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

22 (1) A detailed description of actions that will be taken by the
 23 state board and the department to reduce the amount of
 24 information schools or school corporations must report to the
 25 state.

26 (2) A detailed summary describing the actions taken by the
 27 department and the state board to combine, streamline, or
 28 eliminate duplicative data or information requests from
 29 schools and school corporations.

30 (3) A detailed description how the state board is working with
 31 other public agencies of the state to minimize or streamline
 32 data collection by those agencies.

33 (4) Specific legislative recommendations to the general
 34 assembly necessary to eliminate duplicative data reporting
 35 and any recommended legislative changes that would make
 36 school data reporting to various public agencies of the state
 37 more efficient and cost effective.

38 (b) Before December 1, 2016, the state board shall submit an
 39 updated report to the governor and, in an electronic format under
 40 IC 5-14-6, to the general assembly containing the progress of the
 41 state board and the department to eliminate duplicative data
 42 reporting and information requests to schools of any additional



1 recommended legislative changes that would streamline school
 2 data reporting to the state that was not included in the state
 3 board's report submitted under subsection (a).

4 **Sec. 8. (a) After June 30, 2015, all reports required to be**
 5 **submitted to a public agency (as defined in IC 5-14-1.5-2) of the**
 6 **state by public schools must be collected electronically and must be**
 7 **collected through one (1) regularly scheduled consolidated report**
 8 **that is collected no more frequently than on a quarterly basis**
 9 **through an electronic database administered by the department**
 10 **established by rule under IC 4-22-2.**

11 **(b) This section does not apply to:**

- 12 **(1) any collection of data if the office of management and**
- 13 **budget has approved a waiver of the application of this**
- 14 **section;**
- 15 **(2) tax reporting;**
- 16 **(3) an investigation authorized by federal or state statute or**
- 17 **regulation; or**
- 18 **(4) testing material.**

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

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

22 SECTION 45. IC 20-20-1-10 IS REPEALED [EFFECTIVE JULY
 23 1, 2015]. ~~Sec. 10. (a) The state board shall provide for the selection of~~
 24 ~~an advisory council to each board. The state board shall provide for the~~
 25 ~~representation of:~~

- 26 ~~(1) teachers;~~
- 27 ~~(2) elementary principals;~~
- 28 ~~(3) secondary principals;~~
- 29 ~~(4) members of the governing body; and~~
- 30 ~~(5) parents of students;~~

31 ~~of the school corporations that are within the geographic area served by~~
 32 ~~the educational service center.~~

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

35 SECTION 46. IC 20-20-8-3, AS AMENDED BY P.L.43-2014,
 36 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 37 JULY 1, 2015]: Sec. 3. (a) Not earlier than March 15 or later than
 38 March 31 of each year, the governing body of a school corporation
 39 shall publish an annual performance report of the school corporation,
 40 in compliance with the procedures identified in section 7 of this
 41 chapter. The report must be published one (1) time annually under
 42 IC 5-3-1.



1 (b) The department shall make each school corporation's report
 2 available on the department's Internet web site. The annual
 3 performance report published on the Internet for a school corporation,
 4 including a charter school, must include any additional information
 5 submitted by the school corporation under section 6(3)(A) of this
 6 chapter. The governing body of a school corporation ~~may~~ **shall** make
 7 the school corporation's report available on ~~the~~ **a prominent page of**
 8 **a school corporation's Internet web site.**

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

12 SECTION 47. IC 20-20-8-8, AS AMENDED BY P.L.246-2013,
 13 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 14 JULY 1, 2015]: Sec. 8. The report must include the following
 15 information:

16 (1) Student enrollment.

17 (2) Graduation rate (as defined in IC 20-26-13-6) **and the**
 18 **graduation rate excluding students that receive a graduation**
 19 **waiver under IC 20-32-4-4. The information must be provided**
 20 **disaggregated by percentage of students by race, grade,**
 21 **gender, socioeconomic status, and eligibility for special**
 22 **education.**

23 (3) Attendance rate. **The information must be provided**
 24 **disaggregated by percentage of students by race, grade,**
 25 **gender, socioeconomic status, and eligibility for special**
 26 **education.**

27 (4) The following test scores, including the number and
 28 percentage of students meeting academic standards:

29 (A) ISTEP program test scores, **including end of course**
 30 **assessment scores.**

31 (B) Scores for assessments under IC 20-32-5-21, if
 32 appropriate.

33 (C) For a freeway school, scores on a locally adopted
 34 assessment program, if appropriate.

35 **The information must be provided disaggregated by**
 36 **percentage of students by race, grade, gender, socioeconomic**
 37 **status, and eligibility for special education.**

38 **(5) School's performance category or designation of school**
 39 **improvement assigned under IC 20-31-8.**

40 ~~(6)~~ (6) Average class size.

41 ~~(7)~~ (7) The number and percentage of students in the following
 42 groups or programs:



- 1 (A) Alternative education, if offered.
 2 (B) Career and technical education.
 3 (C) Special education, **including the number of special**
 4 **education proceedings in which a school has been found to**
 5 **have committed a due process violation.**
 6 (D) High ability.
 7 (E) Remediation.
 8 (F) Limited English language proficiency.
 9 (G) Students receiving free or reduced price lunch under the
 10 national school lunch program.
 11 (H) School flex program, if offered.
 12 ~~(7)~~ **(8)** Advanced placement, including the following:
 13 (A) For advanced placement tests, the percentage of students:
 14 (i) scoring three (3), four (4), and five (5); and
 15 (ii) taking the test.
 16 (B) For the Scholastic Aptitude Test:
 17 (i) test scores for all students taking the test;
 18 (ii) test scores for students completing the academic honors
 19 diploma program; and
 20 (iii) the percentage of students taking the test.
 21 ~~(8)~~ **(9)** Course completion, including the number and percentage
 22 of students completing the following programs:
 23 (A) Academic honors diploma.
 24 (B) Core 40 curriculum.
 25 (C) Career and technical programs.
 26 ~~(9)~~ **(10)** The percentage of grade 8 students enrolled in algebra I.
 27 **(11) The percentage of graduates considered college and**
 28 **career ready in a manner prescribed by the state board.**
 29 ~~(10)~~ **(12)** The percentage of graduates who pursue higher
 30 education.
 31 ~~(11)~~ **(13)** School safety, including:
 32 (A) the number of students receiving suspension or expulsion
 33 for the possession of alcohol, drugs, or weapons;
 34 (B) the number of incidents reported under IC 20-33-9; and
 35 (C) the number of bullying incidents reported under
 36 IC 20-34-6 by category.
 37 ~~(12)~~ **(14)** Financial information and various school cost factors,
 38 including the following:
 39 (A) Expenditures per pupil.
 40 (B) Average teacher salary.
 41 (C) Remediation funding.
 42 (D) **Building utilization information, including the**



- 1 following:
- 2 (i) The number of students that can be served by each
- 3 building owned by the school corporation.
- 4 (ii) The number of students being served in each building
- 5 owned by the school corporation.
- 6 (iii) The utilization percentage of each building owned by
- 7 each school corporation, calculated by dividing the
- 8 number under item (ii) by the number under item (i).
- 9 (E) The annual cost of utilities for each building the school
- 10 corporation owns divided by the square feet of the
- 11 building.
- 12 (13) Technology accessibility and use of technology in
- 13 instruction.
- 14 (14) (15) Interdistrict and intradistrict student mobility rates, if
- 15 that information is available.
- 16 (15) The number and percentage of each of the following within
- 17 the school corporation:
- 18 (A) Teachers who are certificated employees (as defined in
- 19 IC 20-29-2-4).
- 20 (B) Teachers who teach the subject area for which the teacher
- 21 is certified and holds a license.
- 22 (C) Teachers with national board certification.
- 23 (16) The percentage of grade 3 students reading at grade 3 level.
- 24 **The information must be provided disaggregated by**
- 25 **percentage of students by race, grade, gender, socioeconomic**
- 26 **status, and eligibility for special education.**
- 27 (17) The number of students expelled, including the number
- 28 participating in other recognized education programs during their
- 29 expulsion, **including the percentage of students expelled by**
- 30 **race and the percentage of students expelled who are eligible**
- 31 **for free or reduced price lunch.**
- 32 (18) Chronic absenteeism, which includes the number of students
- 33 who have been absent from school for ten percent (10%) or more
- 34 of a school year for any reason.
- 35 (19) Habitual truancy, which includes the number of students who
- 36 have been absent ten (10) days or more from school within a
- 37 school year without being excused or without being absent under
- 38 a parental request that has been filed with the school.
- 39 (20) The number of students who have dropped out of school,
- 40 including the reasons for dropping out, **including the percentage**
- 41 **of students who dropped out of school by race or who are**
- 42 **eligible for free or reduced price lunch.**



1 **(21) The number of out-of-school suspensions assigned,**
 2 **including the percentage of students suspended by race and**
 3 **the percentage of students expelled who are eligible for free or**
 4 **reduced price lunch.**

5 **(22) The number of in-school suspensions assigned, including**
 6 **the percentage of students who received in-school suspensions**
 7 **by race and the percentage of students who received in-school**
 8 **suspensions who are eligible for free or reduced price lunch.**

9 ~~(21)~~ **(23) The number of student work permits revoked.**

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

11 ~~(23)~~ **(24) The number of students who have not advanced to grade**
 12 **10 due to a lack of completed credits.**

13 ~~(24)~~ **(25) The number of students suspended for any reason.**

14 ~~(25)~~ **(26) The number of students receiving an international**
 15 **baccalaureate diploma.**

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

18 SECTION 48. IC 20-20-28-4 IS REPEALED [EFFECTIVE JULY
 19 1, 2015]. Sec. 4: (a) The department shall establish pilot programs
 20 targeting at risk students in the following areas:

21 (1) Early childhood parental information programs.

22 (2) Latch key programs.

23 (3) Preschool programs.

24 (b) In establishing the pilot programs under this chapter, the
 25 department shall focus on implementing programs that enable the local
 26 school corporation and appropriate community agencies to cooperate
 27 with each other.

28 (c) The department shall address the following in establishing the
 29 programs:

30 (1) Screening for physical health problems that can inhibit school
 31 success.

32 (2) Screening for learning disabilities.

33 (3) Parental orientation and participation.

34 (d) In addition, the department shall employ an early childhood
 35 specialist and support staff personnel to identify and determine ways
 36 to coordinate the educational programs offered by local youth serving
 37 organizations.

38 SECTION 49. IC 20-20-28-5, AS ADDED BY P.L.1-2005,
 39 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 40 JULY 1, 2015]: Sec. 5. (a) The department:

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



1 (2) may select school corporations that have a pilot program as
2 described in section 4 of this chapter in existence on June 30,
3 1990.

4 (b) A school corporation may enter into an agreement with a
5 nonprofit corporation to provide early childhood education **programs**,
6 preschool ~~education~~, **programs**, or latch key programs. However, if a
7 school corporation enters into a contract for a preschool ~~education~~,
8 **program**, the nonprofit corporation:

9 (1) must operate a federally approved preschool ~~education~~
10 program; and

11 (2) may not be religiously affiliated.

12 SECTION 50. IC 20-20-28-7 IS REPEALED [EFFECTIVE JULY
13 1, 2015]. ~~Sec. 7. Each school corporation that participates in a pilot~~
14 ~~program under this chapter shall prepare a written report detailing all~~
15 ~~of the pertinent information concerning the implementation of the pilot~~
16 ~~program, including any recommendations made and conclusions drawn~~
17 ~~from the pilot program. The school corporation shall submit the report~~
18 ~~to the department.~~

19 SECTION 51. IC 20-20-31 IS REPEALED [EFFECTIVE JULY 1,
20 2015]. (Professional Development Program).

21 SECTION 52. IC 20-20-35 IS REPEALED [EFFECTIVE JULY 1,
22 2015]. (Prekindergarten Grant Pilot Program).

23 SECTION 53. IC 20-21-1-3, AS ADDED BY P.L.1-2005,
24 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
25 JULY 1, 2015]: Sec. 3. "Case conference" refers to the ~~activities of~~
26 **actions taken by** a case conference committee ~~as described in~~
27 ~~IC 20-35-7-2. composed of public agency personnel, parents, the~~
28 ~~student, if appropriate, and others at the discretion of the public~~
29 ~~agency or the parent to do any of the following:~~

30 (1) **Determine a student's eligibility for special education and**
31 **related services.**

32 (2) **Develop, review, or revise a student's individualized**
33 **education program.**

34 (3) **Determine an appropriate educational placement for the**
35 **student.**

36 SECTION 54. IC 20-22-1-3, AS ADDED BY P.L.1-2005,
37 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
38 JULY 1, 2015]: Sec. 3. "Case conference" refers to the ~~activities of~~
39 **actions taken by** a case conference committee ~~(as defined in~~
40 ~~IC 20-35-7-2). composed of public agency personnel, parents, the~~
41 ~~student, if appropriate, and others at the discretion of the public~~
42 ~~agency or the parent to do any of the following:~~



1 **(1) Determine a student's eligibility for special education and**
 2 **related services.**

3 **(2) Develop, review, or revise a student's individualized**
 4 **education program.**

5 **(3) Determine an appropriate educational placement for the**
 6 **student.**

7 SECTION 55. IC 20-23-1 IS REPEALED [EFFECTIVE JULY 1,
 8 2015]. (County Boards of Education).

9 SECTION 56. IC 20-23-2 IS REPEALED [EFFECTIVE JULY 1,
 10 2015]. (County Superintendent of Schools).

11 SECTION 57. IC 20-23-3 IS REPEALED [EFFECTIVE JULY 1,
 12 2015]. (School Townships).

13 SECTION 58. IC 20-23-4-5 IS REPEALED [EFFECTIVE JULY 1,
 14 2015]. ~~Sec. 5: As used in this chapter, "county superintendent" means~~
 15 ~~the county superintendent of schools:~~

16 SECTION 59. IC 20-23-4-10 IS REPEALED [EFFECTIVE JULY
 17 1, 2015]. ~~Sec. 10: State and county officers shall make available to:~~

18 ~~(1) the county committees; and~~

19 ~~(2) the state board;~~

20 ~~information from public records in the officers' possession that is~~
 21 ~~essential to the performance by the county committees and the state~~
 22 ~~board of duties set forth in this chapter and IC 20-23-16-1 through~~
 23 ~~IC 20-23-16-11.~~

24 SECTION 60. IC 20-23-4-11, AS ADDED BY P.L.1-2005,
 25 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 26 JULY 1, 2015]: Sec. 11. (a) A county committee for the reorganization
 27 of school corporations consists of nine (9) members. ~~In a county that~~
 28 ~~has a county superintendent:~~

29 ~~(1) the superintendent is an ex officio member of the committee;~~
 30 ~~and~~

31 ~~(2) the remaining members of the committee are appointed by the~~
 32 ~~judge of the circuit court of the county.~~

33 ~~In a county that does not have a county superintendent; All the~~
 34 ~~members of the committee are appointed by the judge of the circuit~~
 35 ~~court of the county. Appointments under this subsection are subject to~~
 36 ~~subsections (f) through (h).~~

37 (b) Before the time specified in this section, the judge of the circuit
 38 court shall call into a county convention each of the township trustees
 39 of the county and the members of each local board of school trustees
 40 or board of school commissioners in the county to advise the judge in
 41 the selection of the members of the county committee. Except as
 42 provided in subsection (c), the judge must give at least ten (10) days



- 1 notice of the convention by publication in:
- 2 (1) one (1) newspaper of general circulation published in the
- 3 affected area; or
- 4 (2) if a newspaper is not published in the affected area, in a
- 5 newspaper having a general circulation in the affected area.
- 6 (c) In a county having a population of more than four hundred
- 7 thousand (400,000) but less than seven hundred thousand (700,000),
- 8 the judge of the circuit court shall publish the notice referred to in
- 9 subsection (b) in two (2) newspapers of general circulation published
- 10 in the affected area or having a general circulation in the affected area.
- 11 The notice must specify:
- 12 (1) the date, time, place, and purpose of the county convention;
- 13 and
- 14 (2) that the county convention is open to all residents of the
- 15 county.
- 16 (d) At the county convention, the judge of the circuit court shall:
- 17 (1) explain or have explained; and
- 18 (2) afford an opportunity for attendees to discuss;
- 19 the provisions of this chapter.
- 20 (e) Not later than ten (10) days after the date of the county
- 21 convention, the judge of the circuit court shall select the appointive
- 22 members of the county committee.
- 23 ~~(f)~~ **(f)** In a county that has a county board of education, one (1) member
- 24 of the county committee must be a township trustee recommended by
- 25 the county board of education.
- 26 ~~(g)~~ **(f)** In a county in which there is a board of school trustees or a
- 27 board of school commissioners, One (1) member of the county
- 28 committee:
- 29 (1) must be a member of:
- 30 (A) the board of school trustees **if the county has a board of**
- 31 **school trustees;** or
- 32 (B) the board of school commissioners **if the county has a**
- 33 **board of school commissioners;** and
- 34 (2) may not be a township trustee.
- 35 ~~(h)~~ **(g)** One (1) member of the county committee must be:
- 36 (1) a superintendent of schools;
- 37 (2) a principal of:
- 38 (A) a school city;
- 39 (B) a school town; or
- 40 (C) a consolidated school or corporation; or
- 41 (3) a superintendent of a community school corporation.
- 42 ~~(i)~~ **(h)** The members of the county committee not referred to in



- 1 subsections (f) through ~~(h)~~: **(g)**:
- 2 ~~(1)~~ may not be members of or employed by:
- 3 ~~(A)~~ a board of school trustees; or
- 4 ~~(B)~~ a board of school commissioners;
- 5 ~~(2)~~ **(1)** may not be members of or employed by a
- 6 ~~(A)~~ local; or
- 7 ~~(B)~~ county;
- 8 **board of education; governing body;**
- 9 ~~(3)~~ **(2)** may not be:
- 10 (A) township trustees; or
- 11 (B) employees of township trustees; and
- 12 ~~(4)~~ **(3)** are appointed without regard to political affiliation.
- 13 ~~(j)~~ **(i)** The judge of the circuit court shall give written notice
- 14 immediately to each person selected for appointment to the county
- 15 committee. Each person selected shall notify the judge of the circuit
- 16 court in writing not later than ten (10) days after receipt of the notice
- 17 whether the person accepts the appointment. If a person:
- 18 (1) refuses an appointment; or
- 19 (2) fails to notify the judge of the circuit court of the person's
- 20 acceptance or refusal of an appointment;
- 21 the judge shall select a qualified replacement for appointment to the
- 22 county committee.
- 23 ~~(k)~~ **(j)** Not later than thirty (30) days after the date of the county
- 24 convention, the county committee shall meet to organize and to elect
- 25 from its membership:
- 26 (1) a chairperson;
- 27 (2) a treasurer; and
- 28 (3) a secretary.
- 29 The secretary may be the county superintendent or the superintendent
- 30 of one (1) of the school corporations in the county.
- 31 ~~(l)~~ **(k)** The chairperson and the members of the county committee
- 32 serve without compensation. Subject to approval by the state board, the
- 33 chairperson of the county committee shall:
- 34 (1) secure necessary office space and equipment;
- 35 (2) engage necessary clerical help; and
- 36 (3) receive reimbursement for any necessary expenses incurred by
- 37 the chairperson with respect to duties in connection with the
- 38 county committee.
- 39 ~~(m)~~ **(l)** Members of the county committee hold office for terms of
- 40 four (4) years until the reorganization program in the county is
- 41 completed, subject to replacement as prescribed in this chapter. An
- 42 appointed member who ceases to be a resident of the county may not



1 continue to serve on a county committee.

2 ~~(m)~~ **(m)** An individual appointed member of a county committee or
3 the appointed members as a group are not disqualified from serving on
4 a county committee because they fail at any time to meet the
5 qualifications for appointment by the judge of the circuit court, other
6 than county residence, if they met the qualifications at the time of their
7 appointments.

8 ~~(n)~~ **(n)** Vacancies shall be filled by the remaining members of the
9 committee without regard for the qualifications for appointment by the
10 judge of the circuit court.

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

12 (1) upon call of the chairperson; or

13 (2) by a petition to hold a meeting signed by a majority of the
14 members of the committee.

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

16 SECTION 61. IC 20-23-4-14 IS REPEALED [EFFECTIVE JULY
17 1, 2015]. ~~Sec. 14. (a) The county committee shall consider any~~
18 ~~suggestions made in the public hearing and shall make any revisions or~~
19 ~~modifications in its written plans as it considers necessary and shall~~
20 ~~thereupon without any further hearing adopt its final comprehensive~~
21 ~~reorganization plan; and, within ten (10) days after such adoption, but~~
22 ~~not later than January 14, 1964, shall submit at least three (3) copies of~~
23 ~~its comprehensive plan to the state board. However, if a county~~
24 ~~committee encounters any difficulties in formulating and adopting~~
25 ~~either its preliminary or comprehensive plan for the reorganization of~~
26 ~~school corporations, through no lack of diligence upon the part of the~~
27 ~~committee so that it is unable to submit its plans to the state board~~
28 ~~within the period specified, the county committee may apply to the~~
29 ~~state board for an extension of time in which to complete and adopt its~~
30 ~~preliminary or comprehensive plan. The application may be made~~
31 ~~during or after the original or any extended period for which an~~
32 ~~extension is asked.~~

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

35 SECTION 62. IC 20-23-4-18, AS ADDED BY P.L.1-2005,
36 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
37 JULY 1, 2015]: Sec. 18. (a) The state board shall:

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

40 (A) the powers conferred; and

41 (B) the duties imposed;

42 on the committees by this chapter;



- 1 (2) receive and examine each plan for the reorganization of a
 2 school corporation submitted to the state board by a county
 3 committee and approve each plan that meets the standards of the
 4 state board;
- 5 (3) adopt a set of minimum standards, in furtherance of the policy
 6 expressed in section 1 of this chapter, which all proposed
 7 community school corporations must meet, insofar as feasible;
- 8 (4) not later than ninety (90) days after receipt of a reorganization
 9 plan, hold a public hearing in the county to which the plan mainly
 10 applies to allow residents of the affected territory to testify;
- 11 (5) not later than sixty (60) days after the public hearing:
- 12 (A) approve or disapprove in writing all or part of the plan;
- 13 and
- 14 (B) notify in writing the county committee concerned;
- 15 (6) assist any county committee whose plan does not meet
 16 minimum standards in revising the plan and permit the committee
 17 to resubmit the plan not later than ninety (90) days after receipt of
 18 notice of nonapproval; and
- 19 (7) adopt rules under IC 4-22-2 for:
- 20 (A) the conduct of its own business; and
- 21 (B) the guidance and direction of county committees;
- 22 to carry out this chapter and IC 20-23-16-1 through ~~IC 20-23-16-11~~
 23 **IC 20-23-16-5**.
- 24 (b) The minimum standards for community school corporations
 25 proposed under this chapter or IC 20-23-16-1 through ~~IC 20-23-16-11~~
 26 **IC 20-23-16-5** must provide for the inclusion of all the area of a county
 27 in:
- 28 (1) a school corporation; or
- 29 (2) school corporations;
- 30 to furnish efficient and adequate educational opportunity for all
 31 students in grades 1 through 12.
- 32 (c) Before the adoption of a preliminary written plan, the county
 33 committee and the state board may meet to consider problems
 34 encountered by the county committee in formulating a plan. Following
 35 the meeting, the state board may waive in writing any specified
 36 minimum standard for a designated geographic area on the ground that
 37 meeting the standard is not feasible.
- 38 (d) The state board is not required to hold a public hearing on a plan
 39 that does not meet the minimum standards required by the state board
 40 unless the state board waives the attainment of a minimum standard.
- 41 SECTION 63. IC 20-23-4-19, AS AMENDED BY P.L.2-2006,
 42 SECTION 93, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



1 JULY 1, 2015]: Sec. 19. (a) If the creation of a community school
2 corporation out of an existing corporation:

3 (1) would not involve a change in its territorial boundaries or in
4 its board of school trustees or other governing body, other than a
5 change in the time of election or appointment or the time the
6 board members take office; and

7 (2) is consistent with the standards set up under this chapter and
8 the standards set out in this section;

9 the state board may on its own motion or on petition of the governing
10 body of the existing school corporation at any time with hearing in the
11 county where the school corporation is located, after notice by
12 publication at least once in one (1) newspaper of general circulation
13 published in the county where the school corporation is located, at least
14 ten (10) but not more than thirty (30) days before the date of a hearing,
15 and without action of the county committee declare the existing school
16 corporation to be a community school corporation by adopting a
17 resolution to this effect. The existing school corporation qualifies as to
18 size and financial resources if it has an ADA of at least two hundred
19 seventy (270) students in grades 9 through 12 or at least one thousand
20 (1,000) students in grades 1 through 12, and has an assessed valuation
21 per student of at least five thousand dollars (\$5,000).

22 (b) For purposes of this section, the following terms have the
23 following meanings:

24 (1) "County tax" means a property tax:

25 (A) that is levied at an equal rate in the entire county in which
26 any school corporation is located, other than a tax qualifying
27 as a countywide tax within the meaning of Acts 1959, c.328,
28 s.2, or any similar statute; and

29 (B) for which the net proceeds of which are distributed to
30 school corporations in the county.

31 (2) "Assessed valuation" of any school corporation means the net
32 assessed value of its real and personal property as of March 1,
33 1964, adjusted in the same manner as the assessed valuation is
34 adjusted for each county by the department of local government
35 finance under Acts 1949, c.247, s.5, as amended, unless that
36 statute has been repealed or no longer provides for an adjustment.
37 If a county has a county tax, the assessed valuation of each school
38 corporation in the county shall be increased by the amount of
39 assessed valuation, if any, that would be required to raise an
40 amount of money, equal to the excess of the amount distributed
41 to any school corporation from the county tax over the amount
42 collected from the county tax in the school corporation, using



1 total taxes levied by the school corporation in terms of rate:

2 (A) excluding the countywide tax under Acts 1959, c.328, s.2,
3 or any similar statute; and

4 (B) including all other taxes levied by or for the school
5 corporation.

6 The increased valuation shall be based on the excess distributed
7 to the school corporation from the county tax levied for the year
8 1964 and the total taxes levied for the year, or if the county tax is
9 first applied or is raised for years after 1964, then the excess
10 distributions and total taxes levied for the year in which the tax is
11 first applied or raised. If the excess distribution and total taxes
12 levied cannot be determined accurately on or before the adoption
13 of the resolution provided in this section, excess distribution and
14 taxes levied shall be estimated by the department of local
15 government finance using the last preceding assessed valuations
16 and tax rates or such other information as that department
17 determines, certifying the increased assessment to the state board
18 before such time. In all cases, the excess distribution shall be
19 determined upon the assumption that the county tax is one
20 hundred percent (100%) collected and all collections are
21 distributed.

22 (3) "Assessed valuation per student" of any school corporation
23 means the assessed valuation of any school corporation divided
24 by its ADA in grades 1 through 12.

25 (4) "ADA" in any school corporation means the average daily
26 attendance of students who are residents in the school corporation
27 and in the particular grades to which the term refers for the school
28 year 1964-1965 in accordance with the applicable regulations of
29 the state superintendent, used in determining average daily
30 attendance in the distribution of the tuition funds by the state to
31 its various school corporations where funds are distributed on
32 such basis and irrespective of whether the figures are the actual
33 resident daily attendance of the school for the school year.

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

39 (1) the recorder of the county from which the county committee
40 having jurisdiction of the existing school corporation was
41 appointed; and

42 (2) the county committee.



1 The resolution may change the time of election or appointment of the
 2 board of trustees of the school corporation or the time the trustees take
 3 office. The recorder shall without cost record the certified resolution in
 4 the miscellaneous records of the county. The recording constitutes a
 5 permanent record of the action of the state board and may be relied on
 6 by any person. Unless the resolution provides that an interim member
 7 of the board of trustees shall not be appointed, the board of trustees in
 8 office on the date of the action continues to constitute the board of
 9 trustees of the school corporation until their successors are qualified,
 10 and the terms of their respective office and board membership remain
 11 unchanged except to the extent the resolution otherwise provides. For
 12 purposes of this chapter and IC 20-23-16-1 through ~~IC 20-23-16-11~~,
 13 **IC 20-23-16-5**, a community school corporation shall be regarded as
 14 a school corporation created under section 16 of this chapter.

15 SECTION 64. IC 20-23-4-24, AS ADDED BY P.L.1-2005,
 16 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 17 JULY 1, 2015]: Sec. 24. (a) Except as provided in subsection (b), if a
 18 public official fails to perform a duty required under this chapter or
 19 IC 20-23-16-1 through ~~IC 20-23-16-11~~ **IC 20-23-16-5** within the time
 20 prescribed in this chapter or IC 20-23-16-1 through ~~IC 20-23-16-11~~,
 21 **IC 20-23-16-5**, the omission does not invalidate any proceedings taken
 22 by the official.

23 (b) This section:

- 24 (1) does not apply to the time within which a county committee
 25 must accept jurisdiction of all or part of a school corporation from
 26 another county committee following a petition under
 27 IC 20-23-16-1; and
 28 (2) may not be construed to extend the time within which
 29 petitions may be filed by registered voters under this chapter or
 30 IC 20-23-16-1 through ~~IC 20-23-16-11~~ **IC 20-23-16-5**.

31 SECTION 65. IC 20-23-4-25, AS ADDED BY P.L.1-2005,
 32 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 33 JULY 1, 2015]: Sec. 25. (a) A party aggrieved by the decision of the
 34 county committee after the hearing provided for under section 13 of
 35 this chapter may:

- 36 (1) appear before the state board when the state board holds
 37 public hearings on the reorganization plan involved; and
 38 (2) state the grievance.

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



- 1 (1) property;
 2 (2) debts; and
 3 (3) liabilities;
 4 among the school corporations involved. Notice of the appeal shall be
 5 given to the chairperson or secretary of the county committee ten (10)
 6 days before the appeal is filed with the court.
- 7 (c) The court may:
 8 (1) determine the constitutionality and the equity of the
 9 adjustment or adjustments proposed; and
 10 (2) direct the county committee to alter the adjustment or
 11 adjustments found by the court to be inequitable or violative of
 12 any provision of the Constitution of the State of Indiana or of the
 13 United States.
- 14 An appeal may be taken to the supreme court or the court of appeals in
 15 accordance with the rules of civil procedure of the state.
- 16 (d) A determination by the court with respect to the adjustment of:
 17 (1) property;
 18 (2) debts; and
 19 (3) liabilities;
 20 among the school corporations or areas involved does not otherwise
 21 affect the validity of the reorganization or creation of a school
 22 corporation or corporations under this chapter or IC 20-23-16-1
 23 through ~~IC 20-23-16-11~~. **IC 20-23-16-5.**
- 24 SECTION 66. IC 20-23-4-26, AS ADDED BY P.L.1-2005,
 25 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 26 JULY 1, 2015]: Sec. 26. (a) This section applies to each community
 27 school corporation.
- 28 (b) A community school corporation established under this chapter
 29 or IC 20-23-16-1 through ~~IC 20-23-16-11~~, **IC 20-23-16-5**, is a body
 30 corporate and politic. The corporation may:
 31 (1) sue and be sued; and
 32 (2) acquire, hold, and convey real and personal property necessary
 33 to the community school corporation's establishment and
 34 operation.
- 35 (c) A corporation has:
 36 (1) all the powers, rights, duties, and obligations of the school
 37 cities of any class in which the school corporation would fall if it
 38 were organized as a school city; and
 39 (2) the additional powers granted school corporations:
 40 (A) in general; or
 41 (B) school corporations in the population or other
 42 classifications in which the school corporation falls.



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

2 (1) president;

3 (2) secretary;

4 (3) treasurer; and

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

7 SECTION 67. IC 20-23-4-38, AS AMENDED BY P.L.1-2007,
8 SECTION 142, IS AMENDED TO READ AS FOLLOWS
9 [EFFECTIVE JULY 1, 2015]: Sec. 38. (a) Whenever an entire county
10 has been reorganized under this chapter or IC 20-23-16-1 through
11 ~~IC 20-23-16-11~~, **IC 20-23-16-5**, by the creation of a community school
12 corporation or corporations for the entire county, the county committee
13 shall be dissolved. Where the term of any member of a county
14 committee expires before the time of dissolution of the county
15 committee, the judge shall fill a vacancy by replacement or
16 reappointment for a term of four (4) years in accordance with sections
17 11 through 15 of this chapter. In the event the membership of an entire
18 county committee shall at any time be vacant by resignation or
19 otherwise, the judge shall appoint a new county committee in
20 accordance with sections 11 through 15 of this chapter.

21 (b) After a county committee has been dissolved, if the local
22 governing body or the state superintendent considers further
23 reorganization necessary to improve educational opportunities for the
24 students in the county, the local school trustees or the state
25 superintendent shall submit proposed changes to the state board. If the
26 changes proposed by the local governing body or the state
27 superintendent are approved by the state board, the proposal becomes
28 effective under the procedure specified in sections 20 through 24 of
29 this chapter so far as the same are applicable.

30 SECTION 68. IC 20-23-4-42, AS AMENDED BY P.L.146-2008,
31 SECTION 459, IS AMENDED TO READ AS FOLLOWS
32 [EFFECTIVE JULY 1, 2015]: Sec. 42. ~~(a) The procedures set forth in~~
33 ~~IC 20-19-2-12 concerning the review of; and public hearings~~
34 ~~concerning; plans and specifications for the construction of; addition~~
35 ~~to; or remodeling of school facilities apply equally to facilities to be~~
36 ~~used or leased by both community school corporations and school~~
37 ~~corporations that are not community school corporations.~~

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



1 SECTION 69. IC 20-23-6-7, AS ADDED BY P.L.1-2005,
 2 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 3 JULY 1, 2015]: Sec. 7. (a) Each school of the consolidated schools is
 4 under the control and management of the original governing body until
 5 the consolidated school corporation comes into existence at the time
 6 provided in section 8 of this chapter. When the consolidated school
 7 corporation comes into existence, the term of office of each of the
 8 original members of the governing body expires.

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

13 SECTION 70. IC 20-23-6-12, AS ADDED BY P.L.231-2005,
 14 SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 15 JULY 1, 2015]: Sec. 12. (a) This section provides an alternative
 16 method for a school corporation to be reorganized as a community
 17 school corporation.

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

- 20 (1) A consolidated school corporation organized under section 3
 21 of this chapter.
 22 (2) A metropolitan school district organized under IC 20-23-7-2.
 23 ~~or IC 20-23-7-12.~~

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

- 26 (1) The school corporation is not required to do the following:
 27 (A) Seek approval of a county committee established by
 28 IC 20-23-4-11.
 29 (B) Pursue a joint meeting of a county committee and the state
 30 board under IC 20-23-4-18.
 31 (2) The state board may waive the attainment of any standard
 32 required for reorganization as a community school corporation
 33 under this chapter.

34 SECTION 71. IC 20-23-6-16, AS ADDED BY P.L.1-2005,
 35 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 36 JULY 1, 2015]: Sec. 16. It is the policy of the state that whenever a
 37 community school corporation (as defined in IC 20-23-4-3) seeks to:

- 38 (1) reorganize into a community school corporation under
 39 IC 20-23-4 or IC 20-23-16-1 through ~~IC 20-23-16-11;~~
 40 **IC 20-23-16-5;**
 41 (2) enter into a territorial annexation under IC 20-23-5 either as
 42 an acquiring school corporation or a losing school corporation (as



1 defined in IC 20-23-5-4);

2 (3) consolidate with another school corporation under IC 20-23-6;

3 or

4 (4) consolidate with another school corporation into one (1)

5 metropolitan school district under IC 20-23-7;

6 the school corporation shall give consideration to the educational
7 opportunities for students, local community interest, the effect on the
8 community as a whole, and the economic interests of the community
9 relative to establishing the boundaries of the school corporation that is
10 involved in the school corporation reorganization, consolidation, or
11 annexation attempt.

12 SECTION 72. IC 20-23-6-18 IS REPEALED [EFFECTIVE JULY
13 1, 2015]. Sec. 18: (a) Before January 1, 2011, Prairie Township School
14 Corporation shall reorganize by consolidating with an adjacent school
15 corporation under this chapter:

16 (b) If the governing body of Prairie Township School Corporation
17 does not comply with this section before January 1, 2011, the state
18 board shall, after December 31, 2010, develop a reorganization plan for
19 the school corporation and require the governing body to implement
20 the plan:

21 SECTION 73. IC 20-23-7-2, AS ADDED BY P.L.1-2005,
22 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
23 JULY 1, 2015]: Sec. 2. (a) In any county or adjoining counties at least
24 two (2) school corporations, including ~~school townships~~, school towns,
25 school cities, consolidated school corporations, joint schools,
26 metropolitan school districts, township school districts, or community
27 school corporations, regardless of whether the consolidating school
28 corporations are of the same or of a different character, may
29 consolidate into one (1) metropolitan school district. Subject to
30 subsection (h), the consolidation must be initiated by following either
31 of the following procedures:

32 (1) The township trustee, board of school trustees, board of
33 education, or other governing body (the trustee, board, or other
34 governing body is referred to elsewhere in this section as the
35 "governing body") of each school corporation to be consolidated
36 shall:

37 (A) adopt substantially identical resolutions providing for the
38 consolidation; and

39 (B) publish a notice setting out the text of the resolution one
40 (1) time under IC 5-3-1.

41 The resolution must set forth any provision for staggering the
42 terms of the board members of the metropolitan school district



1 elected under this chapter. If, not more than thirty (30) days after
 2 publication of the resolution, a petition of protest, signed by at
 3 least twenty percent (20%) of the registered voters residing in the
 4 school corporation is filed with the clerk of the circuit court of
 5 each county where the voters who are eligible to sign the petition
 6 reside, a referendum election shall be held as provided in
 7 subsection (c).

8 (2) Instead of the adoption of substantially identical resolutions in
 9 each of the proposed consolidating school corporations under
 10 subdivision (1), a referendum election under subsection (c) shall
 11 be held on the occurrence of all of the following:

12 (A) At least twenty percent (20%) of the registered voters
 13 residing in a particular school corporation sign a petition
 14 requesting that the school corporation consolidate with another
 15 school corporation (referred to in this subsection as "the
 16 responding school corporation").

17 (B) The petition described in clause (A) is filed with the clerk
 18 of the circuit court of each county where the voters who are
 19 eligible to sign the petition reside.

20 (C) Not more than thirty (30) days after the service of the
 21 petition by the clerk of the circuit court to the governing body
 22 of the responding school corporation under subsection (b) and
 23 the certification of signatures on the petition occurs under
 24 subsection (b), the governing body of the responding school
 25 corporation adopts a resolution approving the petition and
 26 providing for the consolidation.

27 (D) An approving resolution has the same effect as the
 28 substantially identical resolutions adopted by the governing
 29 bodies under subdivision (1), and the governing bodies shall
 30 publish the notice provided under subdivision (1) not more
 31 than fifteen (15) days after the approving resolution is adopted.

32 However, if a governing body that is a party to the
 33 consolidation fails to publish notice within the required fifteen
 34 (15) day time period, a referendum election still must be held
 35 as provided in subsection (c).

36 If the governing body of the responding school corporation does
 37 not act on the petition within the thirty (30) day period described
 38 in clause (C), the governing body's inaction constitutes a
 39 disapproval of the petition request. If the governing body of the
 40 responding school corporation adopts a resolution disapproving
 41 the petition or fails to act within the thirty (30) day period, a
 42 referendum election as described in subsection (c) may not be



1 held and the petition requesting the consolidation is defeated.

2 (b) Any petition of protest under subsection (a)(1) or a petition

3 requesting consolidation under subsection (a)(2) must show in the

4 petition the date on which each person has signed the petition and the

5 person's residence on that date. The petition may be executed in several

6 counterparts, the total of which constitutes the petition. Each

7 counterpart must contain the names of voters residing within a single

8 county and shall be filed with the clerk of the circuit court of the

9 county. Each counterpart must have attached to it the affidavit of the

10 person circulating the counterpart that each signature appearing on the

11 counterpart was affixed in that person's presence and is the true and

12 lawful signature of each person who made the signature. Any signer

13 may file the petition or any counterpart of the petition. Each signer on

14 the petition may before and may not after the filing with the clerk

15 withdraw the signer's name from the petition. A name may not be

16 added to the petition after the petition has been filed with the clerk.

17 After the receipt of any counterpart of the petition, each circuit court

18 clerk shall certify:

19 (1) the number of persons signing the counterpart;

20 (2) the number of persons who are registered voters residing

21 within that part of the school corporation located within the

22 clerk's county, as disclosed by the voter registration records in the

23 office of the clerk or the board of registration of the county, or

24 wherever registration records may be kept;

25 (3) the total number of registered voters residing within the

26 boundaries of that part of the school corporation located within

27 the county, as disclosed in the voter registration records; and

28 (4) the date of the filing of the petition.

29 Certification shall be made by each clerk of the circuit court not more

30 than thirty (30) days after the filing of the petition, excluding from the

31 calculation of the period any time during which the registration records

32 are unavailable to the clerk, or within any additional time as is

33 reasonably necessary to permit the clerk to make the certification. In

34 certifying the number of registered voters, the clerk of the circuit court

35 shall disregard any signature on the petition not made within the ninety

36 (90) days immediately before the filing of the petition with the clerk as

37 shown by the dates set out in the petition. The clerk of the circuit court

38 shall establish a record of the certification in the clerk's office and shall

39 serve the original petition and a copy of the certification on the county

40 election board under IC 3-10-9-3 and the governing bodies of each

41 affected school corporation. Service shall be made by mail or manual

42 delivery to the governing bodies, to any officer of the governing bodies,



1 or to the administrative office of the governing bodies, if any, and shall
 2 be made for all purposes of this section on the day of the mailing or the
 3 date of the manual delivery.

4 (c) The county election board in each county where the proposed
 5 metropolitan school district is located, acting jointly where the
 6 proposed metropolitan school district is created and where it is located
 7 in more than one (1) county, shall cause any referendum election
 8 required under either subsection (a)(1) or (a)(2) to be held in the entire
 9 proposed metropolitan district at a special election. The special election
 10 shall be not less than sixty (60) days and not more than ninety (90) days
 11 after the service of the petition of protest and certification by each clerk
 12 of the circuit court under subsection (a)(1) or (a)(2) or after the
 13 occurrence of the first action requiring a referendum under subsection
 14 (a)(2). However, if a primary or general election at which county
 15 officials are to be nominated or elected, or at which city or town
 16 officials are to be elected in those areas of the proposed metropolitan
 17 school district that are within the city or town, is to be held after the
 18 sixty (60) days and not more than six (6) months after the service or the
 19 occurrence of the first action, each election board may hold the
 20 referendum election with the primary or general election.

21 (d) Notice of the special election shall be given by each election
 22 board by publication under IC 5-3-1.

23 (e) Except where it conflicts with this section or cannot be
 24 practicably applied, IC 3 applies to the conduct of the referendum
 25 election. If the referendum election is not conducted at a primary or
 26 general election, the cost of conducting the election shall be charged to
 27 each component school corporation included in the proposed
 28 metropolitan school district in the same proportion as its assessed
 29 valuation bears to the total assessed valuation of the proposed
 30 metropolitan school district and shall be paid from any current
 31 operating fund of each component school corporation not otherwise
 32 appropriated, without appropriation.

33 (f) The question in the referendum election shall be placed on the
 34 ballot in the form prescribed by IC 3-10-9-4 and must state "Shall the
 35 school corporations of _____ be formed into one (1) metropolitan
 36 school district under IC 20-23-7?" (in which blanks the respective
 37 name of the school districts concerned will be inserted).

38 (g) If:

- 39 (1) a protest petition with the required signatures is not filed after
 40 the adoption of substantially identical resolutions of the governing
 41 bodies providing for or approving the consolidation as described
 42 in subsection (a)(1); or



1 (2) a referendum election occurs in the entire proposed
 2 metropolitan district and a majority of the voters in each proposed
 3 consolidating school corporation vote in the affirmative;
 4 a metropolitan school district is created and comes into existence in the
 5 territory subject to the provisions and under the conditions described
 6 in this chapter. The boundaries include all of the territory within the
 7 school corporations, and it shall be known as "Metropolitan School
 8 District of _____, Indiana" (the name of the district concerned will
 9 be inserted in the blank). The name of the district shall be decided by
 10 a majority vote of the metropolitan governing board of the metropolitan
 11 school district at the first meeting. The metropolitan governing board
 12 of the new metropolitan school district shall be composed and elected
 13 under this chapter. The failure of any public official or body to perform
 14 any duty within the time provided in this chapter does not invalidate
 15 any proceedings taken by that official or body, but this provision shall
 16 not be construed to authorize a delay in the holding of a referendum
 17 election under this chapter.

18 (h) If the governing body of a school corporation is involved in a
 19 consolidation proposal under subsection (a)(1) or (a)(2) that fails to
 20 result in a consolidation, the:

21 (1) governing body of the school corporation may not initiate a
 22 subsequent consolidation with another school corporation under
 23 subsection (a)(1); and

24 (2) residents of the school corporation may not file a petition
 25 requesting a consolidation with another school corporation under
 26 subsection (a)(2);

27 for one (1) year after the date on which the prior consolidation proposal
 28 failed.

29 SECTION 74. IC 20-23-7-6, AS AMENDED BY P.L.179-2011,
 30 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 31 JULY 1, 2015]: Sec. 6. (a) The first metropolitan board of education
 32 shall be composed of the:

33 (1) trustees; and

34 (2) members of school boards;

35 of the school corporations forming the metropolitan board of education.

36 (b) The members of the metropolitan board of education shall serve
 37 ex officio as members subject to the laws concerning length of terms,
 38 powers of election, or appointment and filling vacancies applicable to
 39 their respective offices.

40 (c) If a metropolitan school district is comprised of only two (2)
 41 board members, the two (2) members shall appoint a third board
 42 member not more than ten (10) days after the creation of the



1 metropolitan school district. If the two (2) members are unable to agree
 2 on or do not make the appointment of a third board member within the
 3 ten (10) day period after the creation of the metropolitan school district,
 4 the third member shall be appointed not more than twenty (20) days
 5 after the creation of the metropolitan school district by the judge of the
 6 circuit court of the county in which the metropolitan school district is
 7 located. If the metropolitan school district is located in two (2) or more
 8 counties, the judge of the circuit court of the county containing that part
 9 of the metropolitan school district having more students than the part
 10 or parts located in another county or counties shall appoint the third
 11 member. The members of the metropolitan board of education serve
 12 until their successors are elected or appointed and qualified.

13 (d) The first meeting of the first metropolitan board of education
 14 shall be held not more than one (1) month after the creation of the
 15 metropolitan school district. The first meeting shall be called by the
 16 superintendent of schools or township trustee of a school township, of
 17 the school corporation in the district having the largest number of
 18 students. At the first meeting, the board shall organize, and each year
 19 during the first ten (10) days after the board members that are elected
 20 or appointed to a new term take office, the board shall reorganize, by
 21 electing a president, a vice president, a secretary, and a treasurer.

22 (e) The secretary of the board shall keep an accurate record of the
 23 minutes of the metropolitan board of education, and the minutes shall
 24 be kept in the superintendent's office. When a metropolitan school
 25 district is formed, the metropolitan superintendent shall act as
 26 administrator of the board and shall carry out the acts and duties as
 27 designated by the board. A quorum consists of a majority of the
 28 members of the board. A quorum is required for the transaction of
 29 business. The vote of a majority of those present is required for a:

- 30 (1) motion;
- 31 (2) ordinance; or
- 32 (3) resolution;

33 to pass.

34 (f) The board shall conduct its affairs in the manner described in this
 35 section. Except in unusual cases, the board shall hold its meetings at
 36 the office of the metropolitan superintendent or at a place mutually
 37 designated by the board and the superintendent. Board records are to
 38 be maintained and board business is to be conducted from the office of
 39 the metropolitan superintendent or a place designated by the board and
 40 the superintendent.

41 (g) The metropolitan board of education shall have the power to pay
 42 to a member of the board:



1 (1) a reasonable per diem for service on the board not to exceed
2 one hundred twenty-five dollars (\$125) per year; and

3 (2) for travel to and from a member's home to the place of the
4 meeting within the district, a sum for mileage equal to the amount
5 per mile paid to state officers and employees. The rate per mile
6 shall change when the state government changes its rate per mile.

7 SECTION 75. IC 20-23-7-10, AS AMENDED BY P.L.167-2013,
8 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
9 JULY 1, 2015]: Sec. 10. (a) The metropolitan board of education shall
10 appoint a metropolitan superintendent of schools who shall serve under
11 contract in the same manner and under the same laws that govern the
12 employment and service of other licensed school personnel. However,
13 the metropolitan superintendent of schools is not required to hold a
14 license under IC 20-28-5. The metropolitan superintendent of schools'
15 salary and expense allowance is fixed by the metropolitan board of
16 education. The metropolitan superintendent of schools' original
17 contract:

18 (1) must be for a period of one (1) to five (5) years; and

19 (2) may be changed or extended by mutual agreement.

20 (b) Appointments to fill a vacancy for a metropolitan superintendent
21 of schools shall be made under this chapter.

22 (c) The board shall:

23 (1) act upon the recommendations of the metropolitan
24 superintendent of schools; and

25 (2) make other decisions and perform other duties as required by
26 law.

27 (d) A:

28 ~~(1) county superintendent;~~

29 ~~(2) (1) city school superintendent; or~~

30 ~~(3) (2) town superintendent;~~

31 in a metropolitan school district shall continue in the superintendents'
32 respective employment at the same salary, paid in the same manner and
33 according to the same terms as agreed to before the formation of the
34 metropolitan school district.

35 (e) A metropolitan board of education shall:

36 (1) assign administrative duties; and

37 (2) designate:

38 (A) one (1) of the superintendents in the metropolitan school
39 district; or

40 (B) a competent and qualified person as determined by the
41 board;

42 to perform the duties of the metropolitan superintendent of the



1 metropolitan school district as set forth in this chapter.

2 (f) A metropolitan board of education shall appoint a superintendent
3 of the metropolitan school district and other administrative supervisory
4 officers as provided in this chapter if:

5 (1) the previous superintendent's term expired;

6 (2) the previous superintendent's contract of employment ended;

7 or

8 (3) the previous superintendent:

9 (A) died; or

10 (B) resigned.

11 (g) The appointment and salary of the metropolitan superintendent
12 of schools appointed under subsection (f) shall be made, set, and paid
13 as provided in this chapter.

14 SECTION 76. IC 20-23-7-12 IS REPEALED [EFFECTIVE JULY
15 1, 2015]. Sec. 12: (a) As used in this section, "county" means the
16 county in which the school township is located.

17 (b) As used in this section, "school township" means a school
18 township in Indiana that:

19 (1) for the last full school semester immediately preceding:

20 (A) the adoption of a preliminary resolution by the township
21 trustee and the township board under subsection (f); or

22 (B) the adoption of a resolution of disapproval by the township
23 trustee and the township board under subsection (g);

24 had a current ADM of at least six hundred (600) students in
25 kindergarten through grade 12 in the public schools of the school
26 township; or

27 (2) is part of a township in which there were more votes cast for
28 township trustee outside the school township than inside the
29 school township in the general election at which the trustee was
30 elected and that preceded the adoption of the preliminary or
31 disapproving resolution.

32 (c) As used in this section, "township board" means the township
33 board of a township in which the school township is located.

34 (d) As used in this section, "township trustee" means the township
35 trustee of the township in which the school township is located.

36 (e) In a school township, a metropolitan school district may be
37 created by complying with this section. A metropolitan school district
38 created under this section shall have the same boundaries as the school
39 township. After a district has been created under this section, the
40 school township that preceded the metropolitan school district is
41 abolished. The procedures or provisions governing the creation of a
42 metropolitan school district under another section of this chapter do not



1 apply to the creation of a district under this section. After a
 2 metropolitan school district is created under this section, the district
 3 shall, except as otherwise provided in this section, be governed by and
 4 operate in accordance with this chapter governing the operation of a
 5 metropolitan school district as established under section 2 of this
 6 chapter.

7 (f) Except as provided in subsection (g), a metropolitan school
 8 district provided for in subsection (e) may be created in the following
 9 manner:

10 (1) The township trustee shall call a meeting of the township
 11 board. At the meeting, the township trustee and a majority of the
 12 township board shall adopt a resolution that a metropolitan school
 13 district shall be created in the school township. The township
 14 trustee shall then give notice:

15 (A) by two (2) publications one (1) week apart in a newspaper
 16 of general circulation published in the school township; or

17 (B) if there is no newspaper as described in clause (A), in a
 18 newspaper of general circulation in the county;

19 of the adoption of the resolution setting forth the text of the
 20 resolution.

21 (2) On the thirtieth day after the date of the last publication of the
 22 notice under subdivision (1) and if a protest has not been filed, the
 23 township trustee and a majority of the township board shall
 24 confirm their preliminary resolution. If, however, on or before the
 25 twenty-ninth day after the date of the last publication of the
 26 notice, a number of registered voters of the school township,
 27 equal to five percent (5%) or more of the number of votes cast in
 28 the school township for secretary of state at the last preceding
 29 general election for that office, sign and file with the township
 30 trustee a petition requesting an election in the school township to
 31 determine whether or not a metropolitan school district must be
 32 created in the township in accordance with the preliminary
 33 resolution; then an election must be held as provided in
 34 subsection (h). The preliminary resolution and confirming
 35 resolution provided in this subsection shall both be adopted at a
 36 meeting of the township trustee and township board in which the
 37 township trustee and each member of the township board received
 38 or waived a written notice of the date, time, place, and purpose of
 39 the meeting. The resolution and the proof of service or waiver of
 40 the notice shall be made a part of the records of the township
 41 board.

42 (g) Except as provided in subsection (f), a metropolitan school



1 district may also be created in the following manner:

2 (1) A number of registered voters of the school township, equal
3 to five percent (5%) or more of the votes cast in the school
4 township for secretary of state at the last general election for that
5 office; shall sign and file with the township trustee a petition
6 requesting the creation of a metropolitan school district under this
7 section:

8 (2) The township trustee and a majority of the township board
9 shall, not more than ten (10) days after the filing of a petition:

10 (A) adopt a preliminary resolution that a metropolitan school
11 district shall be created in the school township and proceed as
12 provided in subsection (f); or

13 (B) adopt a resolution disapproving the creation of the district.

14 (3) If either the township trustee or a majority of township board
15 members vote in favor of disapproving the resolution; an election
16 must be held to determine whether or not a metropolitan school
17 district shall be created in the school township in the same
18 manner as is provided in subsection (f) if an election is requested
19 by petition:

20 (h) An election required under subsection (f) or (g) may; at the
21 option of the township trustee; be held either as a special election or in
22 conjunction with a primary or general election to be held not more than
23 one hundred twenty (120) days after the filing of a petition under
24 subsection (f) or the adoption of the disapproving resolution under
25 subsection (g). The township trustee shall certify the question to the
26 county election board under IC 3-10-9-3 and give notice of an election:

27 (1) by two (2) publications one (1) week apart in a newspaper of
28 general circulation in the school township; or

29 (2) if a newspaper described in subdivision (1) does not exist, in
30 a newspaper of general circulation published in the county:

31 The notice must provide that on a day and time named in the notice; the
32 polls shall be opened at the usual voting places in the various precincts
33 in the school township for the purpose of taking the vote of the
34 registered voters of the school township regarding whether a
35 metropolitan school district shall be created in the township. The
36 election shall be held not less than twenty (20) days and not more than
37 thirty (30) days after the last publication of the notice unless a primary
38 or general election will be conducted not more than six (6) months after
39 the publication. In that case; the county election board shall place the
40 public question on the ballot at the primary or general election. If the
41 election is to be a special election; the township trustee shall give
42 notice not more than thirty (30) days after the filing of the petition or



1 the adoption of the disapproving resolution.

2 (i) On the day and time named in the notice, the polls shall be
 3 opened and the votes of the voters shall be taken regarding whether a
 4 metropolitan school district shall be created in the school township.
 5 IC 3 governs the election except as otherwise provided in this chapter.
 6 The county election board shall conduct the election. The public
 7 question shall be placed on the ballot in the form prescribed by
 8 IC 3-10-9-4 and must state, "Shall a metropolitan school district under
 9 IC 20-23-7 be formed in the _____ School Township of
 10 _____ County, Indiana?". The name of the school township
 11 shall be inserted in the blanks.

12 (j) The votes cast in the election shall be canvassed at a place in the
 13 school township determined by the county election board. The
 14 certificate of the votes cast for and against the creation of a
 15 metropolitan school district shall be filed in the records of the township
 16 board and recorded with the county recorder. If the special election is
 17 not conducted at a primary or general election, the school township
 18 shall pay the expense of holding the election out of the school general
 19 fund that is appropriated for this purpose.

20 (k) A metropolitan school district shall, subject to section 7 of this
 21 chapter, be created on the thirtieth day after the date of the adoption of
 22 the confirming resolution under subsection (f) or an election held under
 23 subsection (h). If a public official fails to do the official's duty within
 24 the time prescribed in this section, the failure does not invalidate the
 25 proceedings taken under this section. An action to contest the validity
 26 of the creation of a metropolitan school district under this section or to
 27 enjoin the operation of a metropolitan school district may not be
 28 instituted later than the thirtieth day following the date of the adoption
 29 of the confirming resolution under subsection (f) or of the election held
 30 under subsection (h). Except as provided in this section, an election
 31 under this subsection may not be held sooner than twelve (12) months
 32 after another election held under subsection (h).

33 (l) A metropolitan school district is known as "The Metropolitan
 34 School District of _____ Township, _____ County,
 35 Indiana". The first metropolitan board of education in a metropolitan
 36 school district created under this section consists of five (5) members.
 37 The township trustee and the township board members are ex officio
 38 members of the first board, subject to the laws concerning length of
 39 their respective terms of office, manner of election or appointment, and
 40 the filling of vacancies applicable to their respective offices. The ex
 41 officio members serve without compensation or reimbursement for
 42 expenses, other than that which they may receive from their respective



1 offices. The township board shall, by a resolution recorded in its
 2 records, appoint the fifth member of the metropolitan board of
 3 education. The fifth member shall meet the qualifications of a member
 4 of a metropolitan board of education under this chapter, with the
 5 exception of the board member district requirements provided in
 6 sections 4, 5, and 8.1 of this chapter.

7 (m) A fifth board member shall be appointed not more than fifteen
 8 (15) days after the date of the adoption of the confirming resolution
 9 under subsection (f)(2) or an election held under subsection (h). The
 10 first board shall hold its first meeting not more than fifteen (15) days
 11 after the date when the fifth board member is appointed or elected; on
 12 a date established by the township board in the resolution in which it
 13 appoints the fifth board member. The first board shall serve until
 14 January 1 following the election of a metropolitan school board at the
 15 first general election held more than sixty (60) days following the
 16 creation of the metropolitan school district.

17 (n) After the creation of a metropolitan school district under this
 18 section, the president of the metropolitan school board of the district
 19 shall serve as a member of the county board of education and perform
 20 the duties on the county board of education that were previously
 21 performed by the township trustee. The metropolitan school board and
 22 superintendent of the district may call upon the assistance of and use
 23 the services provided by the county superintendent of schools. This
 24 subsection does not limit or take away the powers, rights, privileges, or
 25 duties of the metropolitan school district or the board or superintendent
 26 of the district provided in this chapter.

27 SECTION 77. IC 20-23-7-13, AS ADDED BY P.L.231-2005,
 28 SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 29 JULY 1, 2015]: Sec. 13. In the resolution creating a county school
 30 corporation or metropolitan school district or in the petitions requesting
 31 the creation of or requesting a referendum on the question of creating
 32 a corporation or district under section 2 ~~or 12~~ of this chapter, the
 33 resolutions or petitions may specify when a school corporation or
 34 school district shall be created and the corporation or district shall then
 35 be created at the time provided in the resolutions or petitions.

36 SECTION 78. IC 20-23-8-5, AS AMENDED BY P.L.179-2011,
 37 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 38 JULY 1, 2015]: Sec. 5. As used in this chapter, "school corporation"
 39 means a local public school corporation established under the laws of
 40 Indiana. The term does not include a ~~school township~~ or a school
 41 corporation covered by IC 20-23-12, IC 20-23-17, or IC 20-23-17.2.

42 SECTION 79. IC 20-23-8-23 IS REPEALED [EFFECTIVE JULY



1 1, 2015]. Sec. 23: (a) The failure of a public official or body to perform
 2 the duties specified in this chapter within the time limits prescribed
 3 does not invalidate any proceedings taken by the official or board:

4 (b) If a public official or body refuses to perform duties within the
 5 time limits provided in this chapter, the official or body may be
 6 mandated to perform the duties in an action filed in the circuit or
 7 superior court by a voter or by the governing body:

8 (c) The court shall award reasonable attorney's fees to a voter who
 9 brings an action under this section against a governing body or public
 10 official and prevails. The governing body or employer of a public
 11 official shall pay costs and fees incurred by or on behalf of an
 12 employee in defense of a claim or suit for a loss occurring because of
 13 acts or omissions within the scope of the employee's employment,
 14 regardless of whether the employee can or cannot be held personally
 15 liable for the loss:

16 SECTION 80. IC 20-23-10-2, AS ADDED BY P.L.1-2005,
 17 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 18 JULY 1, 2015]: Sec. 2. As used in this chapter, "governing body"
 19 means the board or commission charged by law with the responsibility
 20 of administering the affairs of a school corporation, including a board
 21 of school commissioners, metropolitan board of education, board of
 22 school trustees, or board of trustees. ~~In the case of a school township,~~
 23 ~~the term means the trustees and township board acting jointly:~~

24 SECTION 81. IC 20-23-10-8, AS AMENDED BY P.L.179-2011,
 25 SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 26 JULY 1, 2015]: Sec. 8. (a) The board members of a merged school
 27 corporation shall be elected at the first general election following the
 28 merged school corporation's creation, and vacancies shall be filled in
 29 accordance with IC 20-23-4-30.

30 (b) Until the first election under subsection (a), the board of trustees
 31 of the merged school corporation consists of

- 32 (1) the members of the governing body of a school corporation in
 33 the county. ~~other than a school township; and~~
 34 (2) ~~the township trustee of a school township in the county:~~

35 (c) The first board of trustees shall select the name of the merged
 36 school corporation by a majority vote. The name may be changed by
 37 unanimous vote of the governing body of the merged school
 38 corporation.

39 SECTION 82. IC 20-23-16-11 IS REPEALED [EFFECTIVE JULY
 40 1, 2015]. Sec. 11: (a) ~~In a county having a population of more than one~~
 41 ~~hundred seventy-five thousand (175,000) but less than one hundred~~
 42 ~~eighty-five thousand (185,000); if, after April 17, 1963:~~



1 (1) proceedings have been undertaken in good faith to form a
 2 community school corporation by the consolidation of two (2) or
 3 more prior established school corporations;

4 (2) the community school corporation is held, by a final order and
 5 decision of a court, to be invalidly formed and nonexistent; and

6 (3) the order and decision are not subject to further judicial
 7 review;

8 any bonds issued (before the final order and decision of the court) in
 9 the name of the community school corporation to provide funds to be
 10 applied on the cost of construction and equipment of a school building
 11 are not invalid by reason of the final order and decision of the court but
 12 constitute the valid and binding obligation of the prior established
 13 school corporation in the territory where the school building was or is
 14 being constructed; the same as if the bonds had been validly issued in
 15 the name of the prior established school corporation:

16 (b) This section applies only if the bonds at the time of their
 17 issuance would have been within the limitation of indebtedness
 18 imposed by the Constitution of the State of Indiana on the prior
 19 established school corporation:

20 SECTION 83. IC 20-23-16-25 IS REPEALED [EFFECTIVE JULY
 21 1, 2015]. Sec. 25: A metropolitan superintendent of schools shall:

22 (1) act as the general administrator of the metropolitan school
 23 district; and

24 (2) make recommendations to the board concerning:

25 (A) the conduct of the schools;

26 (B) the employment and dismissal of personnel;

27 (C) the purchase of supplies;

28 (D) the construction of buildings; and

29 (E) other matters pertaining to the conduct of the school within
 30 the framework of the school laws of this state;

31 (3) attend meetings of the board except when the superintendent's
 32 reappointment is under consideration;

33 (4) carry out the orders of the board; and

34 (5) make other decisions and perform other duties that are
 35 prescribed by law:

36 SECTION 84. IC 20-23-16-26, AS AMENDED BY P.L.2-2006,
 37 SECTION 102, IS AMENDED TO READ AS FOLLOWS
 38 [EFFECTIVE JULY 1, 2015]: Sec. 26. (a) A metropolitan board of
 39 education shall:

40 (1) make decisions pertaining to the general conduct of the
 41 schools, and these decisions shall be enforced and entered into the
 42 minutes recorded by the secretary of the board; and



- 1 (2) exercise powers previously exercised under the law, by or
 2 through:
 3 (A) township trustees; **and**
 4 (B) meetings or petitions of the township trustees of the
 5 county. **and**
 6 ~~(C) county boards of education previously existing.~~
 7 The offices of township trustee ~~or county board or county boards of~~
 8 ~~education~~ as far as the conduct of public schools is concerned are
 9 abolished as of noon on the day the metropolitan school district is
 10 created and comes into existence.
- 11 (b) The metropolitan superintendent of schools and other persons
 12 employed for administrative or supervisory duties may be considered
 13 to be supervisors of instruction and are eligible, subject to the rules
 14 adopted by the state board, to qualify for teaching units in accordance
 15 with law.
- 16 (c) The government of the common schools of a district is vested in
 17 the board. The board shall function with the authority, powers,
 18 privileges, duties, and obligations previously granted to or required of
 19 school cities and their governing boards regarding the:
 20 (1) purchase of supplies;
 21 (2) purchase and sale of:
 22 (A) buildings;
 23 (B) grounds; and
 24 (C) equipment;
 25 (3) erection of buildings;
 26 (4) employment and dismissal of school personnel;
 27 (5) insuring property and employees;
 28 (6) making and executing of a budget;
 29 (7) borrowing money; and
 30 (8) paying the salaries and expenses of the
 31 ~~(A) county superintendent; and~~
 32 ~~(B) employees;~~
 33 as approved by the board.
- 34 (d) A board is a body corporate and politic by the name and style of
 35 "The Metropolitan School District of _____, Indiana" with the right
 36 to prosecute and defend suits and shall act as necessary to the proper
 37 administration of the common schools of the county.
- 38 (e) The school district shall:
 39 (1) be vested with rights, titles, and interests of the district's
 40 predecessor township or town school corporations;
 41 (2) assume, pay, and be liable for the:
 42 (A) indebtedness;



1 (B) obligations;
 2 (C) liabilities; and
 3 (D) duties;
 4 of the predecessor corporations from whatever source derived;
 5 and
 6 (3) institute and defend suits arising out of the school district's:
 7 (A) liabilities;
 8 (B) obligations;
 9 (C) duties; and
 10 (D) rights;
 11 assumed by a metropolitan school district.

12 (f) The treasurer, before entering upon the duties of the office, shall
 13 execute a bond to the acceptance of the county auditor. The bond may
 14 not be greater than the largest sum of money that will be in the
 15 possession of the treasurer at any one (1) time. The board of education
 16 may purchase the bond from a reliable surety company and pay for it
 17 out of the special school revenue of the metropolitan district.

18 (g) The powers set forth in this section shall not be considered as or
 19 construed to:

- 20 (1) limit the power and authority of a school board; or
- 21 (2) restrict or modify powers or authority granted by another law
- 22 not in conflict with the provisions of this section.

23 SECTION 85. IC 20-23-16-41, AS ADDED BY P.L.1-2005,
 24 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 25 JULY 1, 2015]: Sec. 41. (a) School boards, boards of school trustees,
 26 **and** boards of school commissioners ~~and school township trustees~~ may
 27 hire and fix the salaries for clerical personnel as necessary to assist
 28 principals of schools in which at least twelve (12) teachers are
 29 employed.

30 (b) The board or trustees that hire personnel under subsection (a)
 31 may pay the salaries of the personnel out of the special school funds
 32 belonging to their respective school corporations in the manner
 33 provided by law for the payment of other school expenses.

34 SECTION 86. IC 20-24-2.1-3, AS ADDED BY P.L.91-2011,
 35 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 36 JULY 1, 2015]: Sec. 3. The department shall provide staff to carry out
 37 the duties of the charter board under this chapter until the time when
 38 the charter board begins receiving administrative fees pursuant to
 39 ~~IC 20-24-7-4(e)~~. **IC 20-24-7-4(d)**. At that time, the charter board may
 40 hire staff to carry out the duties of the charter board under this chapter.

41 SECTION 87. IC 20-24-2.2-5, AS ADDED BY P.L.280-2013,
 42 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



- 1 JULY 1, 2015]: Sec. 5. (a) The purpose of this section is to establish a
 2 cooperative relationship:
 3 (1) between the department and an authorizer; and
 4 (2) that fosters improved decision making related to charter
 5 schools authorized by the authorizer.
 6 (b) As used in this section, "covered records" refers to the following:
 7 (1) Education records (as defined in 20 U.S.C. 1232g(a)(4), as in
 8 effect January 1, 2013) of students who enrolled in a charter
 9 school authorized by an authorizer that are in the possession of
 10 the department or the state board.
 11 (2) Records in the possession of the department or the state board
 12 that relate to the evaluation of the performance of a charter school
 13 authorized by an authorizer or students who are enrolled in a
 14 charter school authorized by an authorizer.
 15 (3) Records in the possession of the department or the state board
 16 that relate to the evaluation of the performance of certified
 17 employees employed by a charter school authorized by an
 18 authorizer.
 19 (4) Records in the possession of the department or the state board
 20 related to the evaluation of the performance of an authorizer.
 21 (c) Notwithstanding IC 5-14-3 or any other law, the department
 22 shall provide, without charge, an authorizer with either:
 23 (1) electronic access to; or
 24 (2) written copies of;
 25 covered records, as requested by the authorizer, that relate to a charter
 26 school authorized by the authorizer or to the students or certified
 27 employees of the charter school. The department shall provide the
 28 covered records on a schedule determined by the authorizer.
 29 (d) The department shall provide, without charge, an authorizer with
 30 a summary of the covered records that relate to a charter school
 31 authorized by the authorizer or to the students or certified employees
 32 of the charter school. The department shall provide the summary
 33 described in this subsection to the authorizer at least once each month.
 34 The authorizer may receive either paper copies of the summary or
 35 copies of the summary transmitted electronically, at the option of the
 36 authorizer. The summary must be sufficiently detailed to identify each
 37 category or collection of covered records. The department and the
 38 authorizer shall consult one another as necessary to carry out this
 39 section.
 40 (e) An authorizer may use covered records received under this
 41 section only to:
 42 (1) administer a charter authorization program;



- 1 (2) ~~monitor and evaluate compliance with state standards;~~
 2 (3) ~~identify educational weaknesses in charter school programs;~~
 3 ~~or~~
 4 (4) ~~improve charter school performance.~~

5 (†) (e) An authorizer shall protect covered records received by the
 6 authorizer in a manner that will not permit the personal identification
 7 of students and their parents by persons other than officials of the
 8 authorizer who are directly involved in the authorization program or
 9 involved with studies related to charter schools authorized by the
 10 authorizer. An authorizer shall destroy personally identifiable data
 11 when the information is no longer needed for purposes of audit,
 12 evaluation, and enforcement of state and federal requirements related
 13 to the charter schools authorized by the authorizer.

14 SECTION 88. IC 20-24-3-11, AS AMENDED BY P.L.280-2013,
 15 SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 16 JULY 1, 2015]: Sec. 11. If an authorizer rejects a charter school
 17 proposal, the organizer may

- 18 (†) amend the charter school proposal and resubmit the proposal
 19 to the same authorizer.
 20 (2) ~~submit a charter school proposal to another authorizer; or~~
 21 (3) ~~appeal the decision to the charter school review panel~~
 22 ~~established by section 12 of this chapter.~~

23 SECTION 89. IC 20-24-3-12, AS AMENDED BY P.L.280-2013,
 24 SECTION 32, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 25 JULY 1, 2015]: Sec. 12. (a) This section applies if the authorizer
 26 rejects a proposal.

27 (b) The organizer may ~~appeal the decision of the authorizer to~~
 28 **request** the charter school review panel established by subsection (c)
 29 **to grant approval for the organizer to submit a charter school**
 30 **proposal to another authorizer.**

31 (c) The charter school review panel is established. The members of
 32 the panel are as follows:

- 33 (1) The governor or the governor's designee.
 34 (2) The state superintendent, who shall chair the panel.
 35 (3) A member of the state board appointed by the state
 36 superintendent.
 37 (4) A person with financial management experience appointed by
 38 the governor.
 39 (5) A community leader with knowledge of charter school issues
 40 appointed jointly by the governor and the state superintendent.

41 A member shall serve a two (2) year term and may be reappointed to
 42 the panel upon expiration of the member's term.



1 (d) All decisions of the panel shall be determined by a majority vote
2 of the panel's members.

3 (e) Upon the request of an organizer, the panel shall meet to
4 consider the organizer's ~~proposal and the authorizer's reasons for~~
5 ~~rejecting the proposal:~~ **request for approval for the organizer to**
6 **submit a charter school proposal to another authorizer.** The panel
7 must allow the organizer and authorizer to participate in the meeting.

8 (f) After the panel meets under subsection (e), the panel shall make
9 one (1) of the following findings and issue the finding to the organizer
10 and the authorizer:

11 (1) A finding that ~~supports the authorizer's rejection of the~~
12 ~~proposal:~~ **grants approval for the organizer to submit a**
13 **charter school proposal to another authorizer.**

14 (2) A finding that **denies approval for the organizer to submit**
15 **a charter school proposal to another authorizer.**

16 (A) recommends that the organizer amend the proposal; and

17 (B) specifies the changes to be made in the proposal if the
18 organizer elects to amend the proposal.

19 (3) A finding that approves the proposal.

20 The panel shall issue the finding not later than forty-five (45) days after
21 the panel receives the request for review.

22 (g) If the panel makes a finding described in subsection (f)(1), The
23 finding **of the panel** is final.

24 (h) If the panel makes a finding described in subsection (f)(2), the
25 organizer may amend the proposal according to the panel's
26 recommendations and resubmit the proposal directly to the panel.

27 (i) If the panel makes a finding described in subsection (f)(3), the
28 proposal is considered conditionally approved. The approval shall be
29 considered final upon delivery to the panel of written notice from the
30 organizer and an eligible authorizer that the authorizer has agreed to
31 serve as an authorizer for the proposal approved by the panel.

32 (j) Proposals approved under this section shall not be counted under
33 any numerical limits placed upon an authorizer or set of authorizers.

34 SECTION 90. IC 20-24-6-10 IS REPEALED [EFFECTIVE JULY
35 1, 2015]. Sec. 10: (a) The governing body:

36 (1) must grant a transfer of not more than two (2) years; and

37 (2) may grant a transfer for a period in addition to the period
38 required in subdivision (1);

39 to a teacher of a noncharter school in the school corporation who
40 wishes to teach and has been accepted to teach at a nonconversion
41 charter school.

42 (b) During the term of the transfer under subsection (a):



1 (1) the teacher's seniority status under law continues as if the
 2 teacher were an employee of a noncharter school in the school
 3 corporation; and

4 (2) the teacher's years as a charter school employee shall not be
 5 considered for purposes of permanent or semipermanent status
 6 with the school corporation under IC 20-28-6, IC 20-28-7.5, or
 7 IC 20-28-8.

8 SECTION 91. IC 20-24-7-4, AS AMENDED BY P.L.47-2014,
 9 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 10 JULY 1, 2015]: Sec. 4. (a) Services that a school corporation provides
 11 to a charter school, including transportation, may be provided at not
 12 more than one hundred three percent (103%) of the actual cost of the
 13 services.

14 (b) (a) This subsection applies to an authorizer that is a state
 15 educational institution described in IC 20-24-1-2.5(2). Except as
 16 provided in subsection (f), (e), in a state fiscal year, a state educational
 17 institution may receive from the organizer of a charter school
 18 authorized by the state educational institution an administrative fee
 19 equal to not more than three percent (3%) of the total amount the
 20 organizer receives during the state fiscal year from basic tuition support
 21 (as defined in IC 20-43-1-8).

22 (c) (b) This subsection applies to the executive of a consolidated
 23 city that authorizes a charter school. Except as provided in subsection
 24 (f), (e), in a state fiscal year, the executive may collect from the
 25 organizer of a charter school authorized by the executive an
 26 administrative fee equal to not more than three percent (3%) of the total
 27 amount the organizer receives during the state fiscal year for basic
 28 tuition support.

29 (d) (c) This subsection applies to an authorizer that is a nonprofit
 30 college or university that is approved by the state board of education.
 31 Except as provided in subsection (f), (e), in a state fiscal year, a private
 32 college or university may collect from the organizer of a charter school
 33 authorized by the private college or university an administrative fee
 34 equal to not more than three percent (3%) of the total amount the
 35 organizer receives during the state fiscal year for basic tuition support.

36 (e) (d) This subsection applies to the charter board. Except as
 37 provided in subsection (f), (e), in a state fiscal year, the charter school
 38 board may collect from the organizer of a charter school authorized by
 39 the charter board an administrative fee equal to not more than three
 40 percent (3%) of the total amount the organizer receives during the state
 41 fiscal year for basic tuition support.

42 (f) (e) This subsection applies to an adult high school. An authorizer



1 described in subsections ~~(b)~~ (a) through ~~(e)~~ (d) may collect an
 2 administrative fee equal to not more than three percent (3%) of the total
 3 state appropriation to the adult high school for a state fiscal year under
 4 section 13.5 of this chapter.

5 ~~(g)~~ (f) An authorizer's administrative fee may not include any costs
 6 incurred in delivering services that a charter school may purchase at its
 7 discretion from the authorizer. The authorizer shall use its funding
 8 provided under this section exclusively for the purpose of fulfilling
 9 authorizing obligations.

10 ~~(h)~~ (g) Except for oversight services, a charter school may not be
 11 required to purchase services from its authorizer as a condition of
 12 charter approval or of executing a charter contract, nor may any such
 13 condition be implied.

14 ~~(i)~~ (h) A charter school may choose to purchase services from its
 15 authorizer. In that event, the charter school and authorizer shall execute
 16 an annual service contract, separate from the charter contract, stating
 17 the parties' mutual agreement concerning the services to be provided
 18 by the authorizer and any service fees to be charged to the charter
 19 school. An authorizer may not charge more than market rates for
 20 services provided to a charter school.

21 ~~(j)~~ (i) Not later than ninety (90) days after the end of each fiscal
 22 year, each authorizer shall provide to each charter school it authorizes
 23 an itemized accounting of the actual costs of services purchased by the
 24 charter school from the authorizer. Any difference between the amount
 25 initially charged to the charter school and the actual cost shall be
 26 reconciled and paid to the owed party. If either party disputes the
 27 itemized accounting, any charges included in the accounting, or
 28 charges to either party, either party may request a review by the
 29 department. The requesting party shall pay the costs of the review.

30 SECTION 92. IC 20-24-8-9, AS ADDED BY P.L.38-2014,
 31 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 32 JULY 1, 2015]: Sec. 9. (a) Before July 1 of any year, a charter school
 33 and the governing body of the school corporation ~~whose attendance~~
 34 ~~area includes the charter school~~ may enter into a compact in which the:

35 (1) school corporation or charter school agrees to provide goods,
 36 facilities, services, or other consideration to the other party to the
 37 compact; and

38 (2) charter school authorizes the school corporation to include the
 39 charter school's performance assessment results under IC 20-31-8
 40 when calculating the school corporation's performance
 41 assessment.

42 **A school corporation and a charter school may agree to provide**



1 **goods, facilities, services, or other consideration to the other party**
 2 **under this section through an interlocal agreement in which both**
 3 **that charter school and the school corporation participate.**

4 (b) If a charter school and a governing body enter into a compact
 5 under subsection (a), the charter school and the governing body shall
 6 notify the department that a compact has been executed under this
 7 section within thirty (30) days after the compact is executed.

8 (c) Upon receipt of the notification under subsection (b), the
 9 department shall, for school years starting with the school year
 10 beginning in the calendar year in which the compact was executed,
 11 include the charter school's performance assessment results under
 12 IC 20-31-8 when calculating the school corporation's performance
 13 assessment.

14 (d) A compact entered into under this section may not change the
 15 rights, duties, or responsibilities of an existing:

16 (1) employment contract; or

17 (2) collective bargaining agreement;

18 between a school employee and a school corporation or a charter
 19 school. An employee of a school corporation who provides services to
 20 a charter school remains an employee of the school corporation.

21 (e) This section may not be construed to prohibit any other
 22 agreement between a charter school and the governing body of the
 23 school corporation ~~whose attendance area includes the charter school~~
 24 for goods, facilities, services, or other consideration.

25 SECTION 93. IC 20-24-9-2, AS AMENDED BY P.L.33-2014,
 26 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 27 JULY 1, 2015]: Sec. 2. An annual report under this chapter must
 28 contain the following information:

29 (1) Results of ~~all standardized testing, including ISTEP program~~
 30 **testing statewide standardized tests and** end of course
 31 assessments. ~~and any other assessments used for each authorized~~
 32 ~~school.~~

33 (2) Student growth and improvement data for each authorized
 34 school.

35 (3) Attendance rates for each authorized school.

36 (4) Graduation rates (if appropriate), including attainment of Core
 37 40 and academic honors diplomas for each authorized school.

38 (5) Student enrollment data for each authorized school, including
 39 the following:

40 (A) The number of students enrolled.

41 (B) The number of students expelled.

42 (6) Status of the authorizer's charter schools, identifying each of



- 1 the authorizer's charter schools that are in the following
 2 categories:
- 3 (A) Approved but not yet open.
 - 4 (B) Open and operating.
 - 5 (C) Closed or having a charter that was not renewed,
 6 including:
 - 7 (i) the year closed or not renewed; and
 - 8 (ii) the reason for the closure or nonrenewal.
 - 9 (7) Names of the authorizer's board members or ultimate decision
 10 making body.
 - 11 (8) Evidence that the authorizer is in compliance with
 12 IC 20-24-2.2-1.5.
 - 13 (9) A report summarizing the total amount of administrative fees
 14 collected by the authorizer and how the fees were expended, if
 15 applicable.
 - 16 (10) Total amount of other fees or funds not included in the report
 17 under subdivision (9) received by the authorizer from a charter
 18 school and how the fees or funds were expended.
 - 19 (11) The most recent audits for each authorized school submitted
 20 to the authorizer under IC 5-11-1-9.

21 SECTION 94. IC 20-24.2-4-3, AS ADDED BY P.L.201-2013,
 22 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 23 JULY 1, 2015]: Sec. 3. (a) Except as specifically provided in this
 24 article and section 4 of this chapter, the following provisions of this
 25 title and a rule or guideline adopted by the state board under one (1) of
 26 the following provisions of this title do not apply to a qualified district
 27 or qualified high school:

- 28 (1) Provisions that do not apply to school corporations in general.
- 29 (2) IC 20-20 (programs administered by the state), except for
 30 IC 20-20-1 (educational service centers) and IC 20-20-8 (school
 31 corporation annual performance report).
- 32 (3) IC 20-28 (school teachers), except for IC 20-28-3-4 (teacher
 33 continuing education), IC 20-28-4-8 (hiring of transition to
 34 teaching participants; restrictions), IC 20-28-4-11 (transition to
 35 teaching participants; school corporation or subject area;
 36 transition to teaching permit), IC 20-28-5-8 (conviction of certain
 37 felonies; notice and hearing; permanent revocation of license;
 38 data base of school employees who have been reported),
 39 IC 20-28-6 (teacher contracts), IC 20-28-7.5 (cancellation of
 40 teacher contracts), IC 20-28-8 (contracts with school
 41 administrators), IC 20-28-9 (teacher salary and related payments),
 42 IC 20-28-10 (conditions of employment), and IC 20-28-11.5 (staff



- 1 performance evaluations).
- 2 (4) IC 20-30 (curriculum), except for IC 20-30-3-2 and
- 3 IC 20-30-3-4 (patriotic commemorative observances),
- 4 IC 20-30-5-13 (human sexuality instructional requirements),
- 5 ~~IC 20-30-5-17 (access to materials relating to personal analysis;~~
- 6 ~~evaluation; or survey of students; consent for participation);~~ and
- 7 IC 20-30-5-19 (personal financial responsibility instruction).
- 8 (5) IC 20-32 (student standards, assessments, and performance),
- 9 except for IC 20-32-4 (graduation requirements), IC 20-32-5
- 10 (Indiana statewide testing for educational progress), and
- 11 IC 20-32-8 (remediation).
- 12 (6) IC 20-36 (high ability students).
- 13 (7) IC 20-37 (career and technical education).
- 14 (b) Notwithstanding any other law, a school corporation may not
- 15 receive a decrease in state funding based upon the school corporation's
- 16 status as a qualified district or the status of a high school within the
- 17 school corporation as a qualified high school, or because of the
- 18 implementation of a waiver of a statute or rule that is allowed to be
- 19 waived by a qualified district or qualified high school.
- 20 SECTION 95. IC 20-24.2-4-4, AS ADDED BY P.L.201-2013,
- 21 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 22 JULY 1, 2015]: Sec. 4. The following provisions of this title and rules
- 23 and guidelines adopted under the following provisions of this title
- 24 apply to a qualified district or qualified high school:
- 25 IC 20-20-1 (educational service centers).
- 26 IC 20-20-8 (school corporation annual performance report).
- 27 IC 20-23 (organization of school corporations).
- 28 IC 20-26 (school corporation general administrative provisions).
- 29 IC 20-27 (school transportation).
- 30 IC 20-28-3-4 (teacher continuing education).
- 31 IC 20-28-4-8 (hiring of transition to teaching participants;
- 32 restrictions).
- 33 IC 20-28-4-11 (transition to teaching participants; school
- 34 corporation or subject area; transition to teaching permit).
- 35 IC 20-28-5-8 (conviction of certain felonies; notice and hearing;
- 36 permanent revocation of license; data base of school employees
- 37 who have been reported).
- 38 IC 20-28-6 (teacher contracts).
- 39 IC 20-28-7.5 (cancellation of teacher contracts).
- 40 IC 20-28-8 (contracts with school administrators).
- 41 IC 20-28-9 (teacher salary and related payments).
- 42 IC 20-28-10 (conditions of employment).



- 1 IC 20-28-11.5 (staff performance evaluations).
 2 IC 20-29 (collective bargaining for teachers).
 3 IC 20-30-3-2 and IC 20-30-3-4 (patriotic commemorative
 4 observances).
 5 IC 20-30-5-13 (human sexuality instructional requirements).
 6 ~~IC 20-30-5-17 (access to materials relating to personal analysis;~~
 7 ~~evaluation; or survey of students; consent for participation).~~
 8 IC 20-30-5-19 (personal financial responsibility instruction).
 9 IC 20-31 (accountability for school performance and
 10 improvement).
 11 IC 20-32-4, IC 20-32-5, and IC 20-32-8 (accreditation,
 12 assessment, and remediation), or any other statute, rule, or
 13 guideline related to standardized assessments.
 14 IC 20-33 (students: general provisions).
 15 IC 20-34-3 (health and safety measures).
 16 IC 20-35 (special education).
 17 IC 20-39 (accounting and financial reporting procedures).
 18 IC 20-40 (government funds and accounts).
 19 IC 20-41 (extracurricular funds and accounts).
 20 IC 20-42.5 (allocation of expenditures to student instruction).
 21 IC 20-43 (state tuition support).
 22 IC 20-44 (property tax levies).
 23 IC 20-45 (general fund levies).
 24 IC 20-46 (levies other than general fund levies).
 25 IC 20-47 (related entities; holding companies; lease agreements).
 26 IC 20-48 (borrowing and bonds).
 27 IC 20-49 (state management of common school funds; state
 28 advances and loans).
 29 IC 20-50 (homeless children and foster care children).
 30 SECTION 96. IC 20-24.5-1-2, AS ADDED BY P.L.2-2007,
 31 SECTION 209, IS AMENDED TO READ AS FOLLOWS
 32 [EFFECTIVE JULY 1, 2015]: Sec. 2. This chapter applies only to the
 33 following school corporations:
 34 ~~(1) School townships.~~
 35 ~~(2) (1) School cities.~~
 36 ~~(3) (2) School towns.~~
 37 ~~(4) (3) Community school corporations.~~
 38 ~~(5) (4) Metropolitan school districts.~~
 39 ~~(6) (5) County school corporations.~~
 40 SECTION 97. IC 20-24.5-2-7, AS ADDED BY P.L.2-2007,
 41 SECTION 209, IS AMENDED TO READ AS FOLLOWS
 42 [EFFECTIVE JULY 1, 2015]: Sec. 7. Each special education program



1 conducted by a laboratory school is subject to ~~IC 20-35-4-1~~. **IC 20-35.**

2 SECTION 98. IC 20-25-5-7, AS ADDED BY P.L.1-2005,
3 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4 JULY 1, 2015]: Sec. 7. As used in this chapter, "resolution" of

5 ~~(1) a school township means a resolution adopted by the trustee~~
6 ~~and a majority of the township board; and~~

7 ~~(2) any other school corporation means a resolution duly adopted~~
8 ~~by the school corporation's governing body.~~

9 SECTION 99. IC 20-25-5-13, AS ADDED BY P.L.1-2005,
10 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
11 JULY 1, 2015]: Sec. 13. (a) The notice by publication required by

12 sections 11 and 12 of this chapter shall be made two (2) times a week
13 apart in two (2) daily newspapers of general circulation in the acquiring
14 school corporation and the losing school corporation. The two (2) daily
15 newspapers must be published in the English language. If there is only
16 one (1) daily newspaper or if there are not any daily newspapers in
17 either school corporation, a weekly newspaper may be used to provide
18 notice. If there is only one (1) daily or weekly newspaper, publication
19 in that newspaper is sufficient. If a newspaper is of general circulation
20 in both school corporations, the publication of notice in the newspaper
21 qualifies as one (1) of the required publications in each of the school
22 corporations. Publication may be made jointly by the losing school
23 corporation and the acquiring school corporation. The remonstrance
24 period runs from the second publication.

25 (b) If notice is required to be given by an acquiring school
26 corporation to a losing school corporation, it may be made by
27 registered or certified United States mail, return receipt requested,
28 addressed to the:

29 (1) governing body of the losing school corporation at the
30 governing body's established business office; **or**

31 ~~(2) township trustee in the case of a school township; or~~

32 ~~(3) (2) superintendent of schools or any officer of the governing~~
33 ~~body of any other school corporation.~~

34 SECTION 100. IC 20-25-10-5, AS AMENDED BY P.L.1-2006,
35 SECTION 324, IS AMENDED TO READ AS FOLLOWS
36 [EFFECTIVE JULY 1, 2015]: Sec. 5. (a) The board shall annually
37 assess and evaluate educational programs offered by the school city to
38 determine:

39 (1) the relationship of the programs to improved student
40 achievement; and

41 (2) the educational value of the programs in relation to cost.

42 (b) The board may obtain information from:



- 1 (1) educators in the schools offering a program;
 2 (2) students participating in a program; and
 3 (3) the parents of students participating in a program;
 4 in preparing an assessment and evaluation under this section. The
 5 assessment must include the performance of the school's students in
 6 achieving student performance improvement levels under IC 20-31-1,
 7 ~~IC 20-31-5~~, IC 20-31-6, IC 20-31-7, IC 20-31-8, IC 20-31-9,
 8 IC 20-31-10, and IC 20-25-11.
- 9 SECTION 101. IC 20-25-11-1, AS AMENDED BY P.L.1-2006,
 10 SECTION 325, IS AMENDED TO READ AS FOLLOWS
 11 [EFFECTIVE JULY 1, 2015]: Sec. 1. The board shall establish annual
 12 student performance improvement levels for each school that are not
 13 less rigorous than the student performance improvement levels under
 14 IC 20-31-1, ~~IC 20-31-5~~, IC 20-31-6, IC 20-31-7, IC 20-31-8,
 15 IC 20-31-9, and IC 20-31-10, including the following:
- 16 (1) For students:
 17 (A) improvement in results on assessment tests and assessment
 18 programs;
 19 (B) improvement in attendance rates; and
 20 (C) improvement in progress toward graduation.
- 21 (2) For teachers:
 22 (A) improvement in student results on assessment tests and
 23 assessment programs;
 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;
 29 (C) improvement in student progress toward graduation;
 30 (D) improvement in student attendance rates for the school
 31 year;
 32 (E) improvement in individual teacher attendance rates;
 33 (F) improvement in:
 34 (i) communication with parents; and
 35 (ii) parental involvement in classroom and extracurricular
 36 activities; and
 37 (G) other objectives developed by the board.
- 38 (3) For the school and school administrators:
 39 (A) improvement in student results on assessment tests, totaled
 40 by class and grade;
 41 (B) improvement in the number and percentage of students
 42 achieving:



- 1 (i) state achievement standards; and
 2 (ii) if applicable, performance levels set by the board;
 3 on assessment tests, totaled by class and grade;
 4 (C) improvement in:
 5 (i) student graduation rates; and
 6 (ii) progress toward graduation;
 7 (D) improvement in student attendance rates;
 8 (E) management of:
 9 (i) general fund expenditures; and
 10 (ii) total expenditures;
 11 per student;
 12 (F) improvement in teacher attendance rates; and
 13 (G) other objectives developed by the board.

14 SECTION 102. IC 20-26-2-4, AS ADDED BY P.L.1-2005,
 15 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 16 JULY 1, 2015]: Sec. 4. "School corporation" means a local public
 17 school corporation established under Indiana law, including a:

- 18 (1) school city;
 19 (2) school town;
 20 (3) metropolitan school district;
 21 (4) consolidated school corporation;
 22 (5) county school corporation;
 23 (6) community school corporation; and
 24 (7) united school corporation.

25 ~~The term does not include a school township.~~

26 SECTION 103. IC 20-26-4-1, AS AMENDED BY P.L.35-2012,
 27 SECTION 102, IS AMENDED TO READ AS FOLLOWS
 28 [EFFECTIVE JULY 1, 2015]: Sec. 1. (a) As used in this section,
 29 "electronic funds transfer" means a transfer of funds, other than a
 30 transaction originated by check, draft, or similar paper instrument, that
 31 is initiated through an electronic terminal, telephone, or computer or
 32 magnetic tape to order, instruct, or authorize a financial institution to
 33 debit or credit an account.

34 (b) The governing body of each school corporation shall organize by
 35 electing:

- 36 (1) a president;
 37 (2) a vice president; and
 38 (3) a secretary;

39 each of whom is a different member, not more than fifteen (15) days
 40 after the commencement date of the members' terms of office. ~~as~~
 41 ~~provided in section 4 of this chapter.~~

42 (c) A governing body shall, at the time that officers are elected



1 under subsection (b), appoint a treasurer of the governing body and of
 2 the school corporation who is a person, other than the superintendent
 3 of schools, who is not a member of the governing body. The treasurer
 4 may, with the approval of the governing body, appoint a deputy who
 5 must be a person, other than the superintendent of schools, who is not
 6 a member of the governing body and who has the same powers and
 7 duties as the treasurer, or lesser duties as provided by the governing
 8 body by rule.

9 (d) The treasurer is the official custodian of all funds of the school
 10 corporation and is responsible for the proper safeguarding and
 11 accounting for the funds. The treasurer shall:

- 12 (1) issue a receipt for money received by the treasurer;
- 13 (2) deposit money described in subdivision (1) in accordance with
 14 the laws governing the deposit of public funds; and
- 15 (3) issue all warrants in payment of expenses lawfully incurred on
 16 behalf of the school corporation. However, except as otherwise
 17 provided by law, warrants described in this subdivision must be
 18 issued only after proper allowance or approval by the governing
 19 body. The governing body may not require an allowance or
 20 approval for amounts lawfully due in payment of indebtedness or
 21 payments due the state, the United States government, or agencies
 22 and instrumentalities of the state or the United States government.

23 A verification, other than a properly itemized invoice, may not be
 24 required for any claim. ~~of one hundred dollars (\$100) or less.~~ A claim
 25 ~~that exceeds one hundred dollars (\$100)~~ is sufficient as to form if the
 26 bill or statement for the claim has printed or stamped on the face of the
 27 bill or statement a verification of the bill or statement in language
 28 approved by the state board of accounts.

29 (e) Notwithstanding subsection (d), a treasurer may transact school
 30 corporation financial business with a financial institution or a public
 31 retirement fund through the use of electronic funds transfer. The
 32 treasurer must provide adequate documentation to the governing body
 33 of transfers made under this subsection. This subsection applies only
 34 to agreements for joint investment of money under IC 5-13-9 and to
 35 payments to the Indiana public retirement system for:

- 36 (1) the Indiana state teachers' retirement fund; or
- 37 (2) the public employees' retirement fund;

38 from participating employers.

39 (f) A treasurer is not personally liable for an act or omission
 40 occurring in connection with the performance of the duties set forth in
 41 this section, unless the act or omission constitutes gross negligence or
 42 an intentional disregard of the treasurer's duties.



1 (g) A governing body may establish the position of executive
2 secretary to the governing body. The executive secretary:

3 (1) must be an employee of the school corporation;

4 (2) may not be a member of the governing body; and

5 (3) must be appointed by the governing body upon the
6 recommendation of the superintendent of the school corporation.

7 The governing body shall determine the duties of the executive
8 secretary, which may include all or part of the duties of the secretary of
9 the board.

10 SECTION 104. IC 20-26-4-3, AS ADDED BY P.L.1-2005,
11 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
12 JULY 1, 2015]: Sec. 3. (a) Regular meetings must be held by each
13 governing body at a time and place established by resolution of the
14 board or may be incorporated in the rules provided in IC 20-26-5-4. A
15 notice need not be given a member for holding or taking any action at
16 a regular meeting.

17 (b) If a meeting is held according to a procedure set forth by statute
18 or rule and if publication of notice of the meeting is required, notice of
19 the meeting is not required and need not be given a member for holding
20 or taking any action at the meeting contemplated by the notice. The
21 meeting must be held at the time and place specified in the published
22 notice.

23 (c) Special meetings of a governing body must be held on call by the
24 governing body's president or by the superintendent of the school
25 corporation. The call must be evidenced by a written notice specifying
26 the date, time, and place of the meeting, delivered to each member
27 personally or sent by mail or telegram so that each member has at least
28 seventy-two (72) hours notice of the special meeting. Special meetings
29 must be held at the regular meeting place of the board.

30 (d) All meetings of a governing body must be open to the public to
31 the extent required by IC 5-14-1.5. The governing body shall comply
32 with IC 5-14-1.5.

33 (e) If notice of a meeting is required and each member of a
34 governing body has waived notice of the meeting, as provided in this
35 subsection, notice of the meeting is not necessary. Waiver of notice of
36 a meeting by a member consists of the following:

37 (1) The member's presence at the meeting.

38 (2) The member's execution of a written notice waiving the date,
39 time, and place of the meeting, executed either before or after the
40 meeting. ~~However, if notice is executed after the meeting, the~~
41 ~~waiver must also state in general terms the purpose of the~~
42 ~~meeting.~~ If a waiver specifies that the waiver was executed before



1 the meeting, third persons are entitled to rely on the statement.

2 (f) At a meeting of the governing body, a majority of the members
3 constitutes a quorum. Action may not be taken unless a quorum is
4 present. Except where a larger vote is required by statute or rule with
5 respect to any matter, a majority of the members present may adopt a
6 resolution or take any action.

7 (g) All meetings of the governing body for the conduct of business
8 must be held within the school corporation, except as follows:

9 (1) Meetings may be held at the administrative offices of the
10 school corporation if the offices are outside the geographic limits
11 of the school corporation but are within a county where all or a
12 part of the school corporation is located.

13 (2) Meetings may be held at a place where the statute or rule
14 according to which a statutory meeting is held permits meeting
15 outside the school corporation, as may occur when the meeting is
16 held jointly with another governing body.

17 **(h) Notwithstanding IC 5-14-1.5, a governing body may hold up
18 to two (2) training sessions each year outside the school
19 corporation. No final action (as defined in IC 5-14-1.5-2) may take
20 place at the session and the session is not considered a public
21 meeting for purposes of IC 5-14-1.5.**

22 SECTION 105. IC 20-26-4-4, AS AMENDED BY P.L.219-2013,
23 SECTION 91, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
24 JULY 1, 2015]: Sec. 4. (a) This section does not apply to a school city
25 of the first class or to a school corporation succeeding to all or the
26 major part in area of a school city of the first class:

27 (b) The commencement and termination of terms of members of a
28 governing body are as follows:

29 (1) Except as provided in subdivisions (2) and (3), the governing
30 body of each school corporation shall determine whether the term
31 of office for the governing body's members extends from January
32 1 to December 31 or from July 1 to June 30. A governing body
33 that makes a change in the commencement date of the governing
34 body's members' terms shall report the change to the state board
35 before August 1 preceding the year in which the change takes
36 place. An ex officio member of a governing body shall take office
37 at the time the ex officio member takes the oath of the office by
38 virtue of which the ex officio member is entitled to become an ex
39 officio member.

40 (2) Except as provided in subdivision (3), in a county having a
41 population of more than four hundred thousand (400,000), the
42 terms of office for the members of a governing body who are



1 appointed commence on July 1 of the year in which the members
 2 are to take office under the plan, resolution, or law under which
 3 the school corporation is established, and terminate on the June
 4 30 of the final year of the term for which the members are to serve
 5 under the plan, resolution, or law.

6 (3) An elected member of a governing body takes office on the
 7 date set in the school corporation's organization plan. The date set
 8 in the organization plan for an elected member of the governing
 9 body to take office may not be more than fourteen (14) months
 10 after the date of the member's election. If the school corporation's
 11 organization plan does not set a date for an elected member of the
 12 governing body to take office, the member takes office January 1
 13 immediately after the member's election.

14 (e) If a vacancy in the membership of a governing body occurs for
 15 any reason (including the failure of a sufficient number of petitions for
 16 candidates for governing body membership being filed for an election
 17 and whether the vacancy was of an elected or appointed member), the
 18 remaining members of the governing body shall by majority vote fill
 19 the vacancy by appointing a person from within the boundaries of the
 20 school corporation, with the residence and other qualifications
 21 provided for a regularly elected or appointed board member filling the
 22 membership, to serve for the term or the balance of the term. However,
 23 this subsection does not apply to a vacancy:

24 (1) of a member who serves on a governing body in an ex officio
 25 capacity; or

26 (2) a vacancy in an appointed board membership if a plan,
 27 resolution, or law under which the school corporation operates
 28 specifically provides for filling vacancies by the appointing
 29 authority.

30 SECTION 106. IC 20-26-4-4.5, AS ADDED BY P.L.119-2005,
 31 SECTION 33, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 32 JULY 1, 2015]: Sec. 4.5. (a) This section applies to a school
 33 corporation subject to section 4 of this chapter:

34 (b) (a) The definitions in IC 3-5-2 apply to this section.

35 (e) (b) If a vacancy in a school board office exists because of the
 36 death of a school board member, the remaining members of the
 37 governing body shall meet and select an individual to fill the vacancy
 38 after the secretary of the governing body receives notice of the death
 39 under IC 5-8-6 and in accordance with section 4 of this chapter.

40 SECTION 107. IC 20-26-5-0.3 IS REPEALED [EFFECTIVE JULY
 41 1, 2015]. Sec. 0.3: A donation of proceeds of riverboat gaming to a
 42 public school endowment corporation that:



1 (1) was made by a political subdivision before July 1, 2000; and
 2 (2) would have been permitted by IC 20-5-6-9 (as added by
 3 P.L.17-2000 and before its repeal; later codified at section 21 of
 4 this chapter; before its repeal) if IC 20-5-6-9 had been in effect
 5 before July 1, 2000;
 6 is legalized and validated:

7 SECTION 108. IC 20-26-5-1, AS ADDED BY P.L.1-2005,
 8 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 9 JULY 1, 2015]: Sec. 1. (a) A school corporation shall

10 (1) conduct an educational program for all children who reside
 11 within the school corporation in kindergarten and in grades 1
 12 through 12. and

13 (2) provide each preschool child with a disability with an
 14 appropriate special education as required under IC 20-35-4-9 only
 15 if the general assembly appropriates state funds for preschool
 16 special education:

17 (b) A school corporation may:

18 (1) conduct an educational program for adults and children at
 19 least fourteen (14) years of age who do not attend a program
 20 described in subsection (a);

21 (2) provide instruction in vocational, industrial, or manual
 22 training;

23 (3) provide libraries for the schools of the school corporation;

24 (4) provide public libraries open and free for the use and benefit
 25 of the residents and taxpayers of the school corporation where
 26 permitted by law;

27 (5) provide vacation school and recreational programs;

28 (6) conduct other educational or other activities as are permitted
 29 or required to be performed by law by any school corporation; and

30 (7) provide a school age child care program that operates during
 31 periods when school is in session for students who are enrolled in
 32 a half-day kindergarten program.

33 (c) A school corporation shall develop a written policy that provides
 34 for:

35 (1) the implementation of a school age child care program for
 36 children who attend kindergarten through grade 6 that, at a
 37 minimum, operates after the school day and may include periods
 38 before school is in session or periods when school is not
 39 otherwise in session (commonly referred to as a latch key
 40 program) and is offered by the school corporation; or

41 (2) the availability of the school corporation's buildings or parts
 42 of the school corporation's buildings to conduct the type of



1 program described in subdivision (1) by a nonprofit organization
2 or a for-profit organization.

3 (d) The written policy required under subsection (c) must address
4 compliance with certain standards of reasonable care for children
5 served by a child care program offered under subsection (c), including:

6 (1) requiring the offering entity to acquire a particular amount of
7 liability insurance; and

8 (2) establishing maximum adult to child ratios governing the
9 overall supervision of the children served.

10 If a school corporation implements a child care program as described
11 in subsection (c)(1) or enters into a contract with an entity described in
12 subsection (c)(2) to provide a child care program, the school
13 corporation may not assess a fee for the use of the building, and the
14 contract between the school corporation and the entity providing the
15 program must be in writing. However, the school corporation may
16 assess a fee to reimburse the school corporation for providing security,
17 maintenance, utilities, school personnel, or other costs directly
18 attributable to the use of the building for the program. In addition, if a
19 school corporation offers a child care program as described in
20 subsection (c)(1), the school corporation may assess a fee to cover
21 costs attributable to implementing the program.

22 (e) The powers under this section are purposes as well as powers.

23 SECTION 109. IC 20-26-5-4, AS AMENDED BY P.L.2-2014,
24 SECTION 83, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
25 JULY 1, 2015]: Sec. 4. (a) In carrying out the school purposes of a
26 school corporation, the governing body acting on the school
27 corporation's behalf has the following specific powers:

28 (1) In the name of the school corporation, to sue and be sued and
29 to enter into contracts in matters permitted by applicable law.
30 However, a governing body may not use funds received from the
31 state to bring or join in an action against the state, unless the
32 governing body is challenging an adverse decision by a state
33 agency, board, or commission.

34 (2) To take charge of, manage, and conduct the educational affairs
35 of the school corporation and to establish, locate, and provide the
36 necessary schools, school libraries, other libraries where
37 permitted by law, other buildings, facilities, property, and
38 equipment.

39 (3) To appropriate from the school corporation's general fund an
40 amount, not to exceed the greater of three thousand dollars
41 (\$3,000) per budget year or one dollar (\$1) per pupil, not to
42 exceed twelve thousand five hundred dollars (\$12,500), based on



1 the school corporation's ADM of the previous year (as defined in
 2 IC 20-43-1-7) to promote the best interests of the school
 3 corporation through:

4 (A) the purchase of meals, decorations, memorabilia, or
 5 awards;

6 (B) provision for expenses incurred in interviewing job
 7 applicants; or

8 (C) developing relations with other governmental units.

9 ~~(4)~~ To do the following:

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

30 ~~(B)~~ Repair, remodel, remove, or demolish, or to contract for
 31 the repair, remodeling, removal, or demolition of the real
 32 estate, real estate improvements, or interest in the real estate
 33 or real estate improvements, as the governing body considers
 34 necessary for school purposes.

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

38 ~~(5)~~ ~~(4)~~ To acquire personal property or an interest in personal
 39 property as the governing body considers necessary for school
 40 purposes, including buses, motor vehicles, equipment, apparatus,
 41 appliances, books, furniture, and supplies, either by cash purchase
 42 or under conditional sales or purchase money contracts providing



1 for a security interest by the seller until payment is made or by
 2 notes where the contract, security, retention, or note is permitted
 3 by applicable law, by gift, by devise, by loan, or by lease with or
 4 without option to purchase and to repair, remodel, remove,
 5 relocate, and demolish the personal property. All purchases and
 6 contracts specified under the powers authorized under ~~subdivision~~
 7 ~~(4)~~ and this subdivision are subject solely to applicable law
 8 relating to purchases and contracting by municipal corporations
 9 in general and to the supervisory control of state agencies as
 10 provided in section 6 of this chapter.

11 ~~(6)~~ (5) To sell or exchange real or personal property or interest in
 12 real or personal property that, in the opinion of the governing
 13 body, is not necessary for school purposes, in accordance with
 14 IC 20-26-7, to demolish or otherwise dispose of the property if, in
 15 the opinion of the governing body, the property is not necessary
 16 for school purposes and is worthless, and to pay the expenses for
 17 the demolition or disposition.

18 ~~(7)~~ (6) To lease any school property for a rental that the governing
 19 body considers reasonable or to permit the free use of school
 20 property for:

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

39 ~~(8)~~ (7) To do the following:

- 40 (A) Employ, contract for, and discharge superintendents,
- 41 supervisors, principals, teachers, librarians, athletic coaches
- 42 (whether or not they are otherwise employed by the school



1 corporation and whether or not they are licensed under
 2 IC 20-28-5), business managers, superintendents of buildings
 3 and grounds, janitors, engineers, architects, physicians,
 4 dentists, nurses, accountants, teacher aides performing
 5 noninstructional duties, educational and other professional
 6 consultants, data processing and computer service for school
 7 purposes, including the making of schedules, the keeping and
 8 analyzing of grades and other student data, the keeping and
 9 preparing of warrants, payroll, and similar data where
 10 approved by the state board of accounts as provided below,
 11 and other personnel or services as the governing body
 12 considers necessary for school purposes.

13 (B) Fix and pay the salaries and compensation of persons and
 14 services described in this subdivision that are consistent with
 15 IC 20-28-9-1.5.

16 (C) Classify persons or services described in this subdivision
 17 and to adopt schedules of salaries or compensation that are
 18 consistent with IC 20-28-9-1.5.

19 (D) Determine the number of the persons or the amount of the
 20 services employed or contracted for as provided in this
 21 subdivision.

22 (E) Determine the nature and extent of the duties of the
 23 persons described in this subdivision.

24 The compensation, terms of employment, and discharge of
 25 teachers are, however, subject to and governed by the laws
 26 relating to employment, contracting, compensation, and discharge
 27 of teachers. The compensation, terms of employment, and
 28 discharge of bus drivers are subject to and governed by laws
 29 relating to employment, contracting, compensation, and discharge
 30 of bus drivers. ~~The forms and procedures relating to the use of
 31 computer and data processing equipment in handling the financial
 32 affairs of the school corporation must be submitted to the state
 33 board of accounts for approval so that the services are used by the
 34 school corporation when the governing body determines that it is
 35 in the best interest of the school corporation while at the same
 36 time providing reasonable accountability for the funds expended.~~

37 ~~(9)~~ (8) Notwithstanding the appropriation limitation in
 38 subdivision (3), when the governing body by resolution considers
 39 a trip by an employee of the school corporation or by a member
 40 of the governing body to be in the interest of the school
 41 corporation, including attending meetings, conferences, or
 42 examining equipment, buildings, and installation in other areas,



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



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

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

14 (B) purchase insurance; or

15 (C) establish and maintain a program of self-insurance;
 16 to benefit school corporation employees, including accident,
 17 sickness, health, or dental coverage, provided that a plan of
 18 self-insurance must include an aggregate stop-loss provision.

19 ~~(16)~~ **(15)** To make all applications, to enter into all contracts, and
 20 to sign all documents necessary for the receipt of aid, money, or
 21 property from the state, the federal government, or from any other
 22 source.

23 ~~(17)~~ **(16)** To defend a member of the governing body or any
 24 employee of the school corporation in any suit arising out of the
 25 performance of the member's or employee's duties for or
 26 employment with, the school corporation, if the governing body
 27 by resolution determined that the action was taken in good faith.
 28 To save any member or employee harmless from any liability,
 29 cost, or damage in connection with the performance, including the
 30 payment of legal fees, except where the liability, cost, or damage
 31 is predicated on or arises out of the bad faith of the member or
 32 employee, or is a claim or judgment based on the member's or
 33 employee's malfeasance in office or employment.

34 ~~(18)~~ **(17)** To prepare, make, enforce, amend, or repeal rules,
 35 regulations, and procedures:

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

40 (B) that may be designated by an appropriate title such as
 41 "policy handbook", "bylaws", or "rules and regulations".

42 ~~(19)~~ **(18)** To ratify and approve any action taken by a member of



1 the governing body, an officer of the governing body, or an
 2 employee of the school corporation after the action is taken, if the
 3 action could have been approved in advance, and in connection
 4 with the action to pay the expense or compensation permitted
 5 under IC 20-26-1 through IC 20-26-5, IC 20-26-7, IC 20-40-12,
 6 and IC 20-48-1 or any other law.

7 ~~(20)~~ **(19)** To exercise any other power and make any expenditure
 8 in carrying out the governing body's general powers and purposes
 9 provided in this chapter or in carrying out the powers delineated
 10 in this section which is reasonable from a business or educational
 11 standpoint in carrying out school purposes of the school
 12 corporation, including the acquisition of property or the
 13 employment or contracting for services, even though the power or
 14 expenditure is not specifically set out in this chapter. The specific
 15 powers set out in this section do not limit the general grant of
 16 powers provided in this chapter except where a limitation is set
 17 out in IC 20-26-1 through IC 20-26-5, IC 20-26-7, IC 20-40-12,
 18 and IC 20-48-1 by specific language or by reference to other law.

19 (b) A superintendent hired under subsection ~~(a)(8)~~: **(a)(7)**:
 20 (1) is not required to hold a teacher's license under IC 20-28-5;
 21 and
 22 (2) is required to have obtained at least a master's degree from an
 23 accredited postsecondary educational institution.

24 SECTION 110. IC 20-26-5-5 IS REPEALED [EFFECTIVE JULY
 25 1, 2015]. ~~Sec. 5: A governing body of a school corporation may~~
 26 ~~establish a policy regarding the allocation of tickets to the school~~
 27 ~~corporation's interscholastic athletic events or other school related~~
 28 ~~programs and activities at no charge or at a reduced rate to groups or~~
 29 ~~individuals designated by the governing body.~~

30 SECTION 111. IC 20-26-5-11, AS AMENDED BY P.L.158-2013,
 31 SECTION 249, IS AMENDED TO READ AS FOLLOWS
 32 [EFFECTIVE JULY 1, 2015]: Sec. 11. (a) This section applies to:

33 (1) a school corporation; ~~and~~
 34 **(2) a charter school; and**
 35 ~~(2)~~ **(3)** an entity:
 36 (A) with which the school corporation contracts for services;
 37 and
 38 (B) that has employees who are likely to have direct, ongoing
 39 contact with children within the scope of the employees'
 40 employment.

41 (b) A school corporation, **charter school**, or entity may use
 42 information obtained under section 10 of this chapter concerning an



1 individual's conviction for one (1) of the following offenses as grounds
2 to not employ or contract with the individual:

3 (1) Murder (IC 35-42-1-1).

4 (2) Causing suicide (IC 35-42-1-2).

5 (3) Assisting suicide (IC 35-42-1-2.5).

6 (4) Voluntary manslaughter (IC 35-42-1-3).

7 (5) Reckless homicide (IC 35-42-1-5).

8 (6) Battery (IC 35-42-2-1) unless ten (10) years have elapsed from
9 the date the individual was discharged from probation,
10 imprisonment, or parole, whichever is later.

11 (7) Aggravated battery (IC 35-42-2-1.5).

12 (8) Kidnapping (IC 35-42-3-2).

13 (9) Criminal confinement (IC 35-42-3-3).

14 (10) A sex offense under IC 35-42-4.

15 (11) Carjacking (IC 35-42-5-2) (repealed).

16 (12) Arson (IC 35-43-1-1), unless ten (10) years have elapsed
17 from the date the individual was discharged from probation,
18 imprisonment, or parole, whichever is later.

19 (13) Incest (IC 35-46-1-3).

20 (14) Neglect of a dependent as a Class B felony (for a crime
21 committed before July 1, 2014) or a Level 1 felony or Level 3
22 felony (for a crime committed after June 30, 2014)
23 (IC 35-46-1-4(b)(2)), unless ten (10) years have elapsed from the
24 date the individual was discharged from probation, imprisonment,
25 or parole, whichever is later.

26 (15) Child selling (IC 35-46-1-4(d)).

27 (16) Contributing to the delinquency of a minor (IC 35-46-1-8),
28 unless ten (10) years have elapsed from the date the individual
29 was discharged from probation, imprisonment, or parole,
30 whichever is later.

31 (17) An offense involving a weapon under IC 35-47 or
32 IC 35-47.5, unless ten (10) years have elapsed from the date the
33 individual was discharged from probation, imprisonment, or
34 parole, whichever is later.

35 (18) An offense relating to controlled substances under
36 IC 35-48-4, unless ten (10) years have elapsed from the date the
37 individual was discharged from probation, imprisonment, or
38 parole, whichever is later.

39 (19) An offense relating to material or a performance that is
40 harmful to minors or obscene under IC 35-49-3, unless ten (10)
41 years have elapsed from the date the individual was discharged
42 from probation, imprisonment, or parole, whichever is later.



1 (20) An offense relating to operating a motor vehicle while
 2 intoxicated under IC 9-30-5, unless five (5) years have elapsed
 3 from the date the individual was discharged from probation,
 4 imprisonment, or parole, whichever is later.

5 (21) An offense that is substantially equivalent to any of the
 6 offenses listed in this subsection in which the judgment of
 7 conviction was entered under the law of any other jurisdiction.

8 (c) An individual employed by a school corporation, **charter**
 9 **school**, or an entity described in subsection (a) shall notify the
 10 governing body of the school corporation, if during the course of the
 11 individual's employment, the individual is convicted in Indiana or
 12 another jurisdiction of an offense described in subsection (b).

13 SECTION 112. IC 20-26-5-18, AS ADDED BY P.L.1-2005,
 14 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 15 JULY 1, 2015]: Sec. 18. For purposes of IC 20-26-5-1 and under the
 16 powers of ~~IC 20-26-5-4(20)~~, **IC 20-26-5-4(a)(19)**, the governing body
 17 of any school corporation may join and associate with groups of other
 18 school corporations within Indiana in regional school study councils to
 19 examine common school problems and exchange educational
 20 information of mutual benefit, and dues to the study councils shall be
 21 paid by the school corporation from the general fund.

22 SECTION 113. IC 20-26-5-19, AS ADDED BY P.L.1-2005,
 23 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 24 JULY 1, 2015]: Sec. 19. A governing body under its powers to fix and
 25 pay the salaries and compensation of employees of the school
 26 corporation and to contract for services under ~~IC 20-26-5-4(8)~~
 27 **IC 20-26-5-4(a)(7)** may distribute payroll based on contractual and
 28 salary schedule commitments instead of payroll estimates approved in
 29 advance by the governing body.

30 SECTION 114. IC 20-26-5-24, AS AMENDED BY P.L.2-2007,
 31 SECTION 211, IS AMENDED TO READ AS FOLLOWS
 32 [EFFECTIVE JULY 1, 2015]: Sec. 24. (a) An agreement under section
 33 23 of this chapter must set out the responsibilities and rights of the
 34 public school corporations, the institutions, and the students or persons
 35 who supervise the students and who are working jointly for a school
 36 corporation and an institution.

37 (b) An agreement must contain:

38 (1) a provision for the payment of an honorarium for consulting
 39 services by the postsecondary educational institution directly to
 40 the supervisor; and

41 (2) a provision that, if the sum paid by the institution to the
 42 supervisor should ever be lawfully determined to be a wage rather



1 than an honorarium by an instrumentality of the United States,
2 then the postsecondary educational institution shall be considered
3 under the agreement to be the supervisor's part-time employer.

4 (c) The provisions required by subsection (b) must be included in
5 an agreement entered into or renewed under this chapter after June 30,
6 1981. Public school corporations and postsecondary educational
7 institutions shall revise agreements in effect on July 1, 1981, to include
8 the provisions required by subsection (b).

9 SECTION 115. IC 20-26-5-34 IS REPEALED [EFFECTIVE JULY
10 1, 2015]. Sec. 34. (a) This section applies to a school corporation that,
11 after June 30, 2013, establishes, amends, renews, or modifies a
12 retirement, savings, or severance plan described under Section 401(a);
13 Section 403(b), or another applicable section of the Internal Revenue
14 Code that requires or permits an individual employed by the school
15 corporation to:

- 16 (1) contribute amounts; or
- 17 (2) have amounts contributed by the school corporation on the
18 employee's behalf;

19 that are credited and allocated to an account for each employee.

20 (b) As used in this section, "Internal Revenue Code" has the
21 meaning set forth in IC 6-3-1-11.

22 (c) To the extent permitted by federal law, whenever a school
23 corporation closes a retirement, savings, or investment plan to future
24 contributions, a participant in the plan, without regard to the
25 participant's age or employment status, may elect to rollover the
26 balance invested in the closed plan to:

- 27 (1) another eligible retirement, savings, or investment plan
28 offered by the school corporation; or
- 29 (2) an individual retirement account or annuity described under
30 Section 408(a) or Section 408(b) of the Internal Revenue Code.

31 (d) This section does not apply to or abrogate a written or oral
32 contract or agreement in effect on July 1, 2013.

33 SECTION 116. IC 20-26-5-35 IS REPEALED [EFFECTIVE JULY
34 1, 2015]. Sec. 35. A school corporation shall annually compile class
35 size data for kindergarten through grade 3 and report the data to the
36 department by a date established by the department.

37 SECTION 117. IC 20-26-7-1, AS AMENDED BY THE
38 TECHNICAL CORRECTIONS BILL OF THE 2015 GENERAL
39 ASSEMBLY, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
40 JULY 1, 2015]: Sec. 1. (a) As used in this section, "charter school" has
41 the meaning set forth in IC 20-24-1-4 and includes a group or entity
42 seeking approval from a ~~sponsor~~ **an authorizer** to operate a charter



- 1 school under IC 20-24-3.
- 2 (b) Except as otherwise provided in this section, if a governing body
3 of a school corporation determines that any real or personal property:
4 (1) is no longer needed for school purposes; or
5 (2) should, in the interests of the school corporation, be
6 exchanged for other property;
7 the governing body may sell or exchange the property in accordance
8 with IC 36-1-11.
- 9 (c) Money derived from the sale or exchange of property under this
10 section shall be placed in any school fund:
11 (1) established under applicable law; and
12 (2) that the governing body considers appropriate.
- 13 (d) A governing body may not make a covenant that prohibits the
14 sale of real property to another educational institution.
- 15 ~~(e) This subsection does not apply to a school building that on July~~
16 ~~1, 2011, is leased or loaned by the school corporation that owns the~~
17 ~~school building to another entity, if the entity is not a building~~
18 ~~corporation or other entity that is related in any way to, or created by,~~
19 ~~the school corporation or the governing body. Except as provided in~~
20 ~~subsections (k) through (n), a governing body shall make available for~~
21 ~~lease or purchase to any charter school any school building owned by~~
22 ~~the school corporation or any other entity that is related in any way to,~~
23 ~~or created by, the school corporation or the governing body, including~~
24 ~~but not limited to a building corporation, that:~~
25 ~~(1) either:~~
26 ~~(A) is not used in whole or in part for classroom instruction at~~
27 ~~the time the charter school seeks to lease the building; or~~
28 ~~(B) appears on the list compiled by the department under~~
29 ~~subsection (f); and~~
30 ~~(2) was previously used for classroom instruction;~~
31 ~~in order for the charter school to conduct classroom instruction.~~
32 ~~(f) (e) Not later than August 1 each calendar year, each governing~~
33 ~~body shall inform the department if a school building that was~~
34 ~~previously used for classroom instruction is closed, unused, or~~
35 ~~unoccupied. **Each governing body shall also report to the**~~
36 ~~**department the building utilization information required to be**~~
37 ~~**reported under IC 20-20-8-8(14)(D).** The department shall maintain~~
38 ~~a list of closed, unused, or unoccupied school buildings and make the~~
39 ~~list available on the department's Internet web site. Each school~~
40 ~~corporation shall provide a list of closed, unused, or unoccupied~~
41 ~~buildings to the department by the date set by the department. The~~
42 ~~department must update the list not later than fifteen (15) days after~~



1 being notified of a closed, unused, or unoccupied building.

2 (g) A school building that appears for the first time on the
 3 department's list under subsection (f) shall be designated as
 4 "Unavailable until (a date two (2) years after the school building first
 5 appears on the list)" if the governing body of the school corporation
 6 that owns the school building indicates to the department, on a form
 7 prescribed by the department, that the school building may be
 8 reclaimed during that period for classroom instruction. If a governing
 9 body does not indicate that a school building may be reclaimed, the
 10 governing body shall designate the school building as "Available" on
 11 the department's list. The governing body may change the designation
 12 of a building from unavailable to available at any time. If a school
 13 building that is designated as unavailable on the department's list
 14 remains unused for classroom instruction one (1) year after being
 15 reclaimed under this subsection, the governing body shall designate the
 16 school building as "Available" on the department's list. A governing
 17 body may reclaim a school building only one (1) time under this
 18 subsection.

19 (h) (f) If a charter school wishes to use a school building on the list
 20 created under subsection (f); (e), the charter school shall send a letter
 21 of intent to the department. Within thirty (30) days after receiving a
 22 letter from a charter school, the department shall notify the school
 23 corporation of the charter school's intent, and, within thirty (30) days
 24 after receiving notification from the department, the school corporation
 25 that owns the school building shall lease the school building to the
 26 charter school for one dollar (\$1) per year for as long as the charter
 27 school uses the school building for classroom instruction or for a term
 28 at the charter school's discretion, or sell the school building to the
 29 charter school for one dollar (\$1). The charter school must begin to use
 30 the school building for classroom instruction not later than two (2)
 31 years after acquiring the school building. If the school building is not
 32 used for classroom instruction within two (2) years after acquiring the
 33 school building, the school building shall be placed on the department's
 34 list under subsection (f). If during the term of the lease the charter
 35 school closes or ceases using the school building for classroom
 36 instruction, the school building shall be placed on the department's list
 37 under subsection (f). If a school building is sold to a charter school
 38 under this subsection and the charter school or any entity related to the
 39 charter school subsequently sells or transfers the school building to a
 40 third party, the charter school or related entity must transfer an amount
 41 equal to the gain in the property minus the adjusted basis (including
 42 costs of improvements to the school building) to the school corporation



1 that initially sold the vacant school building to the charter school. Gain
 2 and adjusted basis shall be determined in the manner prescribed by the
 3 Internal Revenue Code and the applicable Internal Revenue Service
 4 regulations and guidelines.

5 (i) During the term of a lease under subsection (h); the charter
 6 school is responsible for the direct expenses related to the school
 7 building leased; including utilities; insurance; maintenance; repairs;
 8 and remodeling. The school corporation is responsible for any debt
 9 incurred for or liens that attached to the school building before the
 10 charter school leased the school building.

11 (j) Notwithstanding anything to the contrary in this section; and with
 12 the sole exception of a waiver provided in subsection (n); when a
 13 school building is designated as "Available" under subsection (g); the
 14 school building must remain designated as "Available" and may not be
 15 sold or otherwise disposed of for at least two (2) years. When the two
 16 (2) year period has elapsed; the school corporation may sell or
 17 otherwise dispose of the school building in accordance with
 18 IC 36-1-11.

19 (k) Notwithstanding subsection (e); a governing body may request
 20 a waiver from the department from the requirements of subsection (e).
 21 In order for a governing body to receive a waiver under subsection (n);
 22 the governing body must apply to the department; on a form prescribed
 23 by the department; for the waiver. The application must include a
 24 statement that the governing body believes that a charter school would
 25 not be interested in leasing or purchasing the vacant or unused school
 26 building.

27 (l) If the department receives a waiver request under subsection (k);
 28 the department; within five (5) days after receiving the waiver request
 29 under subsection (k); shall notify each charter school sponsor and
 30 statewide organization representing charter schools in Indiana by
 31 certified mail of the waiver request received under subsection (k). The
 32 notice must include a copy of the governing body's waiver request.

33 (m) Not later than thirty (30) days after a charter school sponsor or
 34 statewide organization representing charter schools in Indiana receives
 35 a notice described in subsection (l); the charter school sponsor or a
 36 statewide organization representing charter schools may submit a
 37 qualified objection to the governing body's request for a waiver under
 38 subsection (k). The qualified objection must be submitted to the
 39 department in writing. In order for an objection to be considered a
 40 qualified objection by the department; the objection must include:

41 (1) the name of the charter school that is interested in leasing or
 42 purchasing the vacant or unused school building; and



1 (2) a time frame, which may not exceed one (1) year from the date
 2 of the objection, in which the charter school intends to begin
 3 providing classroom instruction in the vacant or unused school
 4 building.
 5 (n) If the department receives a qualified objection under subsection
 6 (m); the vacant or unused school building shall remain on the
 7 department's list under subsection (f) with the designation with which
 8 the building is listed under subsection (g) at the time the department
 9 receives the waiver request. If the department does not receive a
 10 qualified objection; the department shall grant the governing body's
 11 request for a waiver. A governing body that receives a waiver under
 12 this subsection may sell or otherwise dispose of the unused or vacant
 13 school building in accordance with IC 36-1-11.
 14 SECTION 118. IC 20-26-7-3 IS REPEALED [EFFECTIVE JULY
 15 1, 2015]. Sec. 3: Any building or other property owned by a civil
 16 township may be conveyed to the corresponding school township: in
 17 the manner prescribed in section 4 of this chapter.
 18 SECTION 119. IC 20-26-7-4 IS REPEALED [EFFECTIVE JULY
 19 1, 2015]. Sec. 4: (a) To transfer or convey a building or other property
 20 from a civil township to the corresponding school township; a petition
 21 may be filed with the board of commissioners of the county in which
 22 the civil township is located that:
 23 (1) asks for the conveyance or transfer of the building or other
 24 property;
 25 (2) describes the nature of the building or other property to be
 26 conveyed or transferred; and
 27 (3) contains the reasons for the conveyance or transfer.
 28 (b) A petition must be:
 29 (1) signed by a majority of the legal voters residing in the civil
 30 township; and
 31 (2) filed in the office of the county auditor.
 32 When the petition is filed; the petitioners shall give a bond, with good
 33 and sufficient frechold sureties; that is payable to the state; approved
 34 by the board of county commissioners; and conditioned to pay all
 35 expenses if the board of county commissioners does not authorize the
 36 proposed conveyance or transfer.
 37 (c) After a petition is filed; the county auditor shall give notice of
 38 the filing of the petition by publication once a week for two (2)
 39 consecutive weeks in one (1) newspaper printed and published in the
 40 county and of general circulation in the county in which the civil
 41 township is located.
 42 (d) The board of commissioners shall:



1 (1) hear the petition at the next regular meeting and on the day
 2 designated in the notice; and
 3 (2) determine all matters concerning the petition.
 4 If the board is satisfied as to the propriety of granting the petitioners'
 5 request, the board shall make a finding to that effect and the trustee of
 6 the civil township shall convey the building or other property belonging
 7 to the civil township to the corresponding school township. The school
 8 township shall hold, control, and manage the building or other
 9 property. Expenses incurred in the conveyance of the property, if the
 10 conveyance is authorized, shall be paid out of the general funds of the
 11 civil township.

12 SECTION 120. IC 20-26-7-5, AS ADDED BY P.L.1-2005,
 13 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 14 JULY 1, 2015]: Sec. 5. A school corporation (as defined in
 15 IC 36-1-2-17) may convey property owned by the school corporation
 16 to a civil city or other political subdivision for civic purposes if:

- 17 (1) the governing body adopts a resolution recommending the
- 18 transfer and conveyance of the school property;
- 19 (2) the civil city or political subdivision agrees to accept the
- 20 school property; **and**
- 21 (3) the governing body executes a deed for the school property.
- 22 **and**
- 23 (4) the conveyance is not for payment or other consideration.

24 SECTION 121. IC 20-26-7-7, AS ADDED BY P.L.1-2005,
 25 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 26 JULY 1, 2015]: Sec. 7. (a) If a common school corporation has
 27 acquired or acquires any personal property or real estate by gift, devise,
 28 or bequest concerning which the donor or testator, at the time of
 29 making the gift, bequest, or devise, does not include conditions or
 30 directions concerning the gift, bequest, or devise inconsistent with this
 31 section, the principal of the gifts, devises, and bequests is inviolate, but
 32 the interest, rents, incomes, issues, and profits thereof may be expended
 33 by the school corporation. ~~The interest, rent, incomes, issues, and~~
 34 profits may not be devoted:

- 35 (1) to the payment of any obligation of the corporation incurred
- 36 before the property was acquired;
- 37 (2) to the payment of the salaries or wages of:
 - 38 (A) teachers of the branches commonly and generally taught
 - 39 in the public schools; or
 - 40 (B) school or library officers or employees; or
- 41 (3) to purchase ordinary school furniture or supplies of the
- 42 character required by the corporation to be paid for from the



1 current income or revenue coming to it from taxes or by operation
 2 of law:
 3 However, the interest, rents, incomes, issues, and profits may be
 4 devoted to any public educational or public library or similar purpose
 5 for which the managing board or trustee of the corporation believes
 6 adequate financial provision has not been made by law:
 7 (b) If:
 8 (1) the board or trustee desires to invest the principal of the gift,
 9 devise, or bequest in the erection or equipping, or both, of a
 10 building to be devoted to a special use of a public educational or
 11 library character; and
 12 (2) the expressed will of the donor or testator will not be violated;
 13 the principal may be used for that purpose, notwithstanding any other
 14 provision of this chapter. This subsection may not be construed to
 15 permit its use for the building or equipping of buildings for ordinary
 16 graded or high schools.
 17 SECTION 122. IC 20-26-7-10 IS REPEALED [EFFECTIVE JULY
 18 1, 2015]. Sec. 10. (a) If a person gives or bequeaths to trustees an
 19 amount of money that exceeds five thousand dollars (\$5,000) to erect
 20 a public school building or seminary in any unincorporated town; and
 21 upon the express or implied condition contained in the gift or bequest
 22 that an equal amount shall be raised by the citizens of the town or
 23 township for a like purpose; the township trustee of the township in
 24 which the town is located shall; upon the petition of a majority of the
 25 legal voters of the township; prepare, issue, and sell the bonds of the
 26 township to secure a loan of not more than fifteen thousand dollars
 27 (\$15,000); in anticipation of the revenue for special school purposes;
 28 to comply with the condition attached to the gift or devise. The bonds
 29 must bear a rate of interest of not more than seven percent (7%) per
 30 annum; payable at such time; within seven (7) years after the date; as
 31 the trustee determines.
 32 (b) Notwithstanding subsection (a); until all the bonds of any one (1)
 33 issue have been redeemed:
 34 (1) the township trustee may not make another issue; and
 35 (2) bonds may not be sold at a less rate than ninety-five cents
 36 (\$0.95) on the dollar.
 37 SECTION 123. IC 20-26-7-11 IS REPEALED [EFFECTIVE JULY
 38 1, 2015]. Sec. 11. The whole number of votes cast for candidates for
 39 Congress at the last preceding congressional election in the township
 40 is considered to be the whole number of legal voters of the township.
 41 A majority of the names of these legal voters must be signed to the
 42 petition presented to the township trustee; to which petition shall be



1 attached the affidavit or affidavits, as the trustee considers necessary;
 2 of a competent and credible person or persons that the signatures of all
 3 the names to the petition are genuine and that the persons who signed
 4 the petition are, as the trustee believes, legal voters of the township.

5 SECTION 124. IC 20-26-7-12 IS REPEALED [EFFECTIVE JULY
 6 1, 2015]. Sec. 12: (a) The township trustee shall:

7 (1) record the petition and the attached names in the record book
 8 of the township; and

9 (2) file and preserve the petition, entering into the record the date
 10 and time the petition was filed:

11 (b) If the township trustee is satisfied that the petition contains the
 12 names of a majority of the legal voters of the township, the township
 13 trustee shall prepare, issue, and sell bonds of the amount listed in the
 14 petition, as provided in section 10 of this chapter.

15 (c) The township trustee shall accurately keep a record of all
 16 proceedings concerning:

17 (1) the issue and sale of the bonds;

18 (2) to whom and for what amount the bonds are sold;

19 (3) the rate of interest; and

20 (4) the time when the bonds become due.

21 SECTION 125. IC 20-26-7-15, AS ADDED BY P.L.1-2005,
 22 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 23 JULY 1, 2015]: Sec. 15. (a) Before making the appraisalment and
 24 assessment, the appraisers shall take an oath before the clerk of the
 25 court to make a fair, true, and honest appraisalment of the real estate.

26 (b) After taking the oath under subsection (a), the appraisers shall
 27 examine the real estate, hear evidence they consider necessary, and
 28 make a report of their appraisalment to the court not more than five (5)
 29 days after their appointment.

30 (c) After the examination under subsection (b), the township trustee
 31 or school trustees of the school corporation, or a majority of them, may
 32 pay to the clerk of the court, for the use of the owner or owners of the
 33 real estate, the amount assessed.

34 (d) When the payment is made under subsection (c) and the
 35 payment is shown to the court hearing the cause:

36 (1) the title to the real estate vests immediately in the school
 37 corporation ~~or school township~~ for school purposes;

38 (2) the court shall cause the real estate to be conveyed to the
 39 school corporation ~~or school township~~ by a commissioner
 40 appointed for that purpose; and

41 (3) the school corporation ~~or school township~~ may immediately
 42 take possession of the real estate for the purpose.



1 (e) When the report of the appraisers is filed, any party to the action,
 2 not later than ten (10) days, may except to the amount of the
 3 appraisal and valuation of the real estate and a trial may be had on
 4 the exception before the court as other civil causes are tried. The court
 5 shall fix the amount of the appraisal and assessment, and any party
 6 to the action may appeal the judgment of the court as other civil cases
 7 are appealed.

8 (f) If the township trustee or school trustees, or a majority of them,
 9 except to the amount of the appraisal and assessment:

10 (1) the court shall convey the real estate to the school corporation;

11 ~~or school township;~~

12 (2) the title to the real estate vests immediately in the school
 13 corporation ~~or school township~~ for the purposes; and

14 (3) subsequent proceedings upon the exceptions affect only the
 15 amount of the appraisal and assessments.

16 SECTION 126. IC 20-26-7-17, AS AMENDED BY P.L.146-2008,
 17 SECTION 466, IS AMENDED TO READ AS FOLLOWS
 18 [EFFECTIVE JULY 1, 2015]: Sec. 17. (a) A school corporation may:

19 (1) purchase buildings or lands, or both, for school purposes; and

20 (2) improve the buildings or lands, or both.

21 ~~(b) An existing building, other than a building obtained under~~
 22 ~~IC 5-17-2 (before its repeal) or IC 4-13-1.7, permitting the purchase of~~
 23 ~~suitable surplus government buildings, may not be purchased for use~~
 24 ~~as a school building unless the building was originally constructed for~~
 25 ~~use by the school corporation and used for that purpose for at least five~~
 26 ~~(5) years preceding the acquisition as provided in this section through~~
 27 ~~section 19 of this chapter.~~

28 ~~(c) (b)~~ Notwithstanding this section through section ~~19~~ **18** of this
 29 chapter limiting the purchase of school buildings, a school corporation
 30 may:

31 (1) purchase suitable buildings or lands, or both, adjacent to
 32 school property for school purposes; and

33 (2) improve the buildings or lands, or both, after giving notice to
 34 the taxpayers of the intention of the school corporation to
 35 purchase.

36 The taxpayers of the school corporation have the same right of appeal
 37 under the same procedure as provided for in IC 6-1.1-20-5 through
 38 IC 6-1.1-20-6.

39 SECTION 127. IC 20-26-7-18, AS AMENDED BY P.L.146-2008,
 40 SECTION 467, IS AMENDED TO READ AS FOLLOWS
 41 [EFFECTIVE JULY 1, 2015]: Sec. 18. A school corporation may issue
 42 and sell bonds under the general statutes governing the issuance of



1 bonds to purchase and improve buildings or lands, or both. All laws
 2 relating to approval (if required) in a local public question under
 3 IC 6-1.1-20, the filing of petitions, remonstrances, and objecting
 4 petitions, giving notices of the filing of petitions, the determination to
 5 issue bonds, and the appropriation of the proceeds of the bonds are
 6 applicable to the issuance of bonds under ~~sections~~ **section 17 through**
 7 ~~19~~ of this chapter.

8 SECTION 128. IC 20-26-7-19 IS REPEALED [EFFECTIVE JULY
 9 1, 2015]. ~~Sec. 19:~~ (a) If:

- 10 (1) a school township whose boundaries are coterminous with the
- 11 boundaries of the corresponding civil township has occupied as
- 12 lessee for at least five (5) years a building constructed for its use
- 13 as a school building;
- 14 (2) the township board finds that it would be in the best interests
- 15 of the school township and its taxpayers for the school township
- 16 to purchase the building; and
- 17 (3) the entire amount required to pay the cost of acquisition
- 18 cannot be provided by the school township on account of the
- 19 constitutional debt limitation;

20 the township board; with the approval of the township trustee; may
 21 authorize the issuance of bonds by each of the school township and the
 22 civil township to provide funds to pay the cost of acquisition of the
 23 building.

24 (b) The amount of the civil township bonds may not exceed the
 25 amount required to pay the cost of acquisition over and above the
 26 amount that can validly be financed by the school township for that
 27 purpose. The issuance of bonds must be authorized by separate
 28 resolutions specifying the amount, terms, and conditions of the bonds
 29 to be issued by each of the corporations. The bonds issued are the
 30 separate obligations of the corporations, respectively. The bonds must
 31 be payable at times and in amounts not later than twenty (20) years
 32 after the date of issuance as the township board may determine and
 33 shall otherwise be authorized; issued; and sold in accordance with the
 34 applicable general laws.

35 (c) As used in this section, "building" includes the land occupied by
 36 the school township for school purposes.

37 SECTION 129. IC 20-26-7-20 IS REPEALED [EFFECTIVE JULY
 38 1, 2015]. ~~Sec. 20:~~ (a) It is the policy of the state to promote the
 39 acquisition, construction, and erection of school facilities by the off-site
 40 construction method so school corporations might obtain needed school
 41 facilities that, in many cases, would be denied by the higher cost of
 42 conventional construction.



1 (b) As used in this section through section 26 of this chapter,
 2 "off-site construction" means the fabrication and assembly of the
 3 component parts of various materials at a point other than the
 4 construction site where the parts are normally fabricated or assembled.

5 SECTION 130. IC 20-26-7-21 IS REPEALED [EFFECTIVE JULY
 6 1, 2015]. Sec. 21: (a) If the governing body or officer of a school
 7 corporation determines to erect or build a school building or buildings
 8 in which off-site construction techniques are to be used, the governing
 9 body or officer shall advertise for plans and specifications and for bids
 10 covering the plans and specifications.

11 (b) A bidder must file the bidder's plans or specifications with its
 12 bid.

13 (c) The advertisement shall be published once each week for two (2)
 14 consecutive weeks in two (2) newspapers published in the school
 15 corporation. If only one (1) newspaper is published in the boundaries
 16 of the school corporation, the advertisement shall be published in that
 17 newspaper and in a newspaper of general circulation published in the
 18 county where the school corporation is located. If a newspaper is not
 19 published in the boundaries of the school corporation, the
 20 advertisement shall be published in any two (2) newspapers of general
 21 circulation published in the county where the school corporation is
 22 located. If only one (1) newspaper is published in the county where the
 23 school corporation is located, publication in one (1) newspaper is
 24 sufficient.

25 (d) The advertisement:

26 (1) must contain a description of the building or buildings to be
 27 erected and the estimated cost; and

28 (2) may not require plans and specifications or bids to be filed for
 29 at least four (4) weeks after the date of the last publication of the
 30 advertisement.

31 (e) Subject to other applicable provisions of sections 20 through 25
 32 of this chapter, the school corporation may accept the bid of the lowest
 33 bidder submitting plans and specifications considered satisfactory by
 34 the school corporation for a building or buildings.

35 SECTION 131. IC 20-26-7-22 IS REPEALED [EFFECTIVE JULY
 36 1, 2015]. Sec. 22: A school corporation may issue and sell bonds to
 37 construct a building or buildings under the general statutes governing
 38 the issuance and sale of bonds by school corporations if not in conflict
 39 with sections 20 through 25 of this chapter.

40 SECTION 132. IC 20-26-7-23 IS REPEALED [EFFECTIVE JULY
 41 1, 2015]. Sec. 23: (a) Before the execution of a contract under sections
 42 20 through 25 of this chapter, the plans and specifications for a



1 building or buildings, which must be prepared by an architect or
2 engineer registered to practice in Indiana, must be submitted to:

- 3 (1) the state department of health;
4 (2) the division of fire and building safety; and
5 (3) any other agencies designated by law to pass on plans and
6 specifications for school buildings.

7 (b) The plans and specifications must be approved by each agency
8 in writing before the execution of the contract.

9 SECTION 133. IC 20-26-7-24 IS REPEALED [EFFECTIVE JULY
10 1, 2015]. Sec. 24: (a) After the completion of a school building or
11 buildings erected or constructed under this chapter and before
12 acceptance by the school corporation, the division of fire and building
13 safety shall examine and inspect the building or buildings to determine
14 if the requirements of the contract and the plans and specifications
15 have been met.

16 (b) The division of fire and building safety shall immediately report
17 to the school corporation any deviation from any requirements.

18 (c) Before final payment and settlement is made, the division of fire
19 and building safety must file with the governing body or officer an
20 affidavit that all requirements of the contract and of the plans and
21 specifications have been fully and faithfully met.

22 SECTION 134. IC 20-26-7-25 IS REPEALED [EFFECTIVE JULY
23 1, 2015]. Sec. 25: Sections 20 through 24 of this chapter may not be
24 considered to alter, amend, or repeal any other Indiana statute.
25 However, the provisions of any other statute may not apply to
26 proceedings under sections 20 through 24 of this chapter to the extent
27 that the statute is inconsistent with sections 20 through 24 of this
28 chapter.

29 SECTION 135. IC 20-26-7-29 IS REPEALED [EFFECTIVE JULY
30 1, 2015]. Sec. 29: A school building may not be condemned and
31 declared unfit for use for school purposes except as provided in
32 sections 30 through 34 of this chapter.

33 SECTION 136. IC 20-26-7-30 IS REPEALED [EFFECTIVE JULY
34 1, 2015]. Sec. 30: A petition signed by:

- 35 (1) the state department of health;
36 (2) the state fire marshal; or
37 (3) at least twenty-five (25) legal residents of the school
38 corporation in which a school building is located; at least fifteen
39 (15) of whom are resident freeholders;

40 may be filed with the auditor of the county in which the school
41 corporation is located, alleging that the school building designated in
42 the petition is insanitary or otherwise unfit for use for school purposes



1 and should be condemned:
 2 SECTION 137. IC 20-26-7-31 IS REPEALED [EFFECTIVE JULY
 3 1, 2015]. Sec. 31: If a petition is filed under section 30 of this chapter,
 4 the auditor of the county shall do the following:
 5 (1) Mail one (1) copy of the petition to:
 6 (A) the county superintendent of schools; and
 7 (B) the township trustee or the president of the board of school
 8 trustees or board of school commissioners of the school
 9 corporation in which the school building is located.
 10 (2) Give notice by one (1) publication in each of two (2)
 11 newspapers circulating in the school corporation in which the
 12 school building is located that a hearing will be held:
 13 (A) at a place and at a time designated in the notice;
 14 (B) not less than ten (10) days after the date on which the
 15 notice is published;
 16 (C) before the board of county commissioners and the county
 17 council of the county, acting jointly; and
 18 (D) at which an interested person may appear in person or by
 19 attorney and be heard.
 20 SECTION 138. IC 20-26-7-32 IS REPEALED [EFFECTIVE JULY
 21 1, 2015]. Sec. 32: (a) The auditor shall call a special session of the
 22 board of county commissioners and the county council to:
 23 (1) conduct the hearing described in section 31 of this chapter;
 24 and
 25 (2) determine the matter submitted:
 26 (b) The chairman of the county council shall preside at the hearing.
 27 SECTION 139. IC 20-26-7-33 IS REPEALED [EFFECTIVE JULY
 28 1, 2015]. Sec. 33: (a) The hearing described in section 31 of this
 29 chapter may be adjourned from day to day:
 30 (b) When the hearing has concluded, the board of county
 31 commissioners and county council, acting jointly, shall determine from:
 32 (1) the evidence submitted;
 33 (2) an inspection of the building; or
 34 (3) both the evidence and an inspection;
 35 if the building should be condemned:
 36 (c) If the board of county commissioners and county council, acting
 37 jointly, determine that the building should be condemned, the board
 38 and council shall fix a date when the order of the board and council
 39 becomes effective. An appeal from the finding and determination of the
 40 board of county commissioners may be made to the circuit or superior
 41 court of the county in the same manner as appeals are taken from the
 42 board of county commissioners.



1 SECTION 140. IC 20-26-7-34 IS REPEALED [EFFECTIVE JULY
2 1, 2015]. Sec. 34: (a) The state board may not:

- 3 (1) revoke the commission of a high school; or
4 (2) refuse to grant a commission to a high school when properly
5 applied for;

6 because of the physical condition of any of the buildings in which the
7 high school is conducted or maintained:

8 (b) The credits or the academic standing of a person who is a pupil
9 in or a graduate of a high school may not be affected or determined by
10 the physical condition of the building in which the pupil attended high
11 school:

12 SECTION 141. IC 20-26-7-35 IS REPEALED [EFFECTIVE JULY
13 1, 2015]. Sec. 35: (a) A decision of the state department of health to
14 build, change, or condemn a school building may be appealed by:

- 15 (1) a township trustee;
16 (2) a board of school trustees or board of school commissioners;
17 (3) a member of a township board; or
18 (4) at least ten (10) residents and taxpayers;

19 of a township, town, or city in which the matter involving the building,
20 changing, or condemnation of a school building occurred. The appeal
21 may be made to a circuit or superior court of the county in which the
22 township is located. A final appeal may be made to any court of last
23 resort in Indiana:

24 (b) The appeal must:

- 25 (1) be made in the name of the person making the appeal or in the
26 name of the officer making the appeal; and
27 (2) be perfected by filing a complaint or petition:
28 (A) in the office of the clerk of the court to which the appeal
29 is taken;
30 (B) not more than thirty (30) days after the date of final
31 decision by the state department of health that ordered the
32 changing, condemnation, or building of the school building
33 was made; and
34 (C) that sets forth the facts being appealed:

35 (c) The:

- 36 (1) state department of health; and
37 (2) township trustee, board of school commissioners, or board of
38 school trustees if the appeal is made by the residents and
39 taxpayers or by a member of the township board;

40 shall be named as defendants in the cause of action:

41 (d) Notice of the filing and pendency of the appeal shall be made by
42 serving a summons, regularly issued by the court where cause of action



1 is pending; on the state health commissioner at least ten (10) days
2 before the hearing of the cause:

3 (e) The appeal shall be tried as other civil causes are tried in
4 Indiana. If the appeal is made by private citizens; bond approved by the
5 court shall be given to cover costs and reasonable attorney's fees if the
6 appeal is not sustained:

7 SECTION 142. IC 20-26-7-43 IS REPEALED [EFFECTIVE JULY
8 1, 2015]. Sec. 43: (a) This section applies to school corporations
9 organized and formed through reorganization under IC 20-23-4;
10 IC 20-23-6; or IC 20-23-7 and school townships under IC 20-23-3:

11 (b) This section applies only when a school corporation or school
12 township sustains loss by fire; wind; cyclone; or other disaster of all or
13 a major part of its school building or school buildings:

14 (c) A school corporation or school township seeking to exercise its
15 right of eminent domain under IC 32-24 to obtain land for use in
16 reconstructing or replacing the school building or school buildings may
17 not condemn more than twice the acreage established by the state board
18 as the minimum acreage requirement for the type of school building
19 damaged or destroyed and being reconstructed or replaced. In
20 determining the acreage; land already owned by the school corporation
21 or school township that adjoins any part of the land out of which
22 additional land is sought to be condemned shall be used in computing
23 the total acreage for the reconstruction or replacement of the school
24 building or school buildings under this section. The need for the
25 additional land is subject to judicial review in the court where the
26 condemnation action is filed and may; at the request of either party; be
27 tried either by the court or a jury before appraisers are appointed with
28 full rights of appeal; by either party; from the interlocutory findings:

29 SECTION 143. IC 20-26-7-44 IS REPEALED [EFFECTIVE JULY
30 1, 2015]. Sec. 44: (a) If:

31 (1) a school township has acquired or acquires any personal
32 property or money by gift; devise; or bequest;

33 (2) the donor or testator; at the time of making the gift; devise; or
34 bequest does not or did not attach any conditions or directions
35 concerning the way or manner in which the gift; devise; or
36 bequest may or shall be used or expended for the benefit of the
37 public schools of the school township; and

38 (3) a petition is signed by at least fifty (50) resident freeholders of
39 the school township and filed before August 2 with the trustee of
40 the school township; requesting the township board to appropriate
41 and transfer all of the gift; devise; or bequest to a capital projects
42 fund or debt service fund to be used for the erection of a new



1 school building or buildings;
2 the trustee shall give notice to the taxpayers of the school township, by
3 publication, that on the same day on which the township board meets
4 to establish the tax levy for the ensuing year, all persons interested in
5 the proposed petition may appear and be heard.

6 (b) If the township board grants the petition after the hearing, the
7 township board shall appropriate and transfer all the money of the gift,
8 devise, or bequest to a capital projects fund or debt service fund for the
9 erection of a new school building or buildings.

10 (c) If any gift, devise, or bequest subject to this section consists of
11 stocks, bonds, or other personal property, the township trustee, with the
12 consent and approval of the township board, may sell the stocks, bonds,
13 or other personal property for not less than the market value of the
14 property on the day on which the property is sold.

15 SECTION 144. IC 20-26-8 IS REPEALED [EFFECTIVE JULY 1,
16 2015]. (Community Use of School Property).

17 SECTION 145. IC 20-26-9-2, AS AMENDED BY P.L.54-2006,
18 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
19 JULY 1, 2015]: Sec. 2. (a) This subsection applies before July 1, 2007.
20 As used in this chapter, "qualifying school building" refers to a public
21 school building in which:

22 (1) at least twenty-five percent (25%) of the students who were
23 enrolled at that school building during the prior school year
24 qualified for free or reduced price lunches under guidelines
25 established under 42 U.S.C. 1758(b); and

26 (2) lunches are served to students.

27 (b) This subsection applies after June 30, 2007. As used in this
28 chapter, "qualifying school building" refers to a public school building
29 in which:

30 (1) at least fifteen percent (15%) of the students who were
31 enrolled at that school building during the prior school year
32 qualified for free or reduced price lunches under guidelines
33 established under 42 U.S.C. 1758(b); and

34 (2) lunches are served to students.

35 SECTION 146. IC 20-26-9-12, AS AMENDED BY P.L.146-2008,
36 SECTION 468, IS AMENDED TO READ AS FOLLOWS
37 [EFFECTIVE JULY 1, 2015]: Sec. 12. (a) School cities, school
38 townships, school towns, and joint districts may:

39 (1) establish, equip, operate, and maintain school kitchens and
40 school lunchrooms for the improvement of the health of students
41 and for the advancement of the educational work of their
42 respective schools;



1 (2) employ all necessary directors, assistants, and agents; and
 2 (3) appropriate funds for the school lunch program.
 3 Participation in a school lunch program under this chapter is
 4 discretionary with the governing board of a school corporation.
 5 (b) If federal funds are not available to operate a school lunch
 6 program:
 7 (1) the state may not participate in a school lunch program; and
 8 (2) money appropriated by the state for that purpose and not
 9 expended shall immediately revert to the state general fund.
 10 (c) Failure on the part of the state to participate in the school lunch
 11 program does not invalidate any appropriation made or school lunch
 12 program carried on by a school corporation by means of gifts or money
 13 appropriated from state tuition support distributions received by the
 14 school corporation.
 15 SECTION 147. IC 20-26-9-18 IS REPEALED [EFFECTIVE JULY
 16 1, 2015]. Sec. 18. (a) Before July 1, 2007, each school board shall
 17 establish a coordinated school health advisory council (referred to as
 18 the "advisory council" in this section). The advisory council may
 19 review the corporation's wellness policies on a yearly basis and suggest
 20 to the school board for approval changes to the policies that comply
 21 with the requirements of federal Public Law 108-265 and
 22 IC 5-22-15-24(c) before July 1 of each year. The advisory council must
 23 hold at least one (1) hearing at which public testimony about the local
 24 wellness policy being developed is allowed:
 25 (b) The school board shall appoint the members of the advisory
 26 council, which must include the following:
 27 (1) Parents;
 28 (2) Food service directors and staff;
 29 (3) Students;
 30 (4) Nutritionists or certified dietitians;
 31 (5) Health care professionals;
 32 (6) School board members;
 33 (7) A school administrator;
 34 (8) Representatives of interested community organizations.
 35 (c) The school board shall adopt a school district policy on child
 36 nutrition and physical activity that takes into consideration
 37 recommendations made by the advisory council.
 38 (d) The department shall, in consultation with the state department
 39 of health, provide technical assistance to the advisory councils;
 40 including providing information on health, nutrition, and physical
 41 activity, through educational materials and professional development
 42 opportunities. The department shall provide the information given to



1 an advisory council under this subsection to a school or parent upon
 2 request.

3 SECTION 148. IC 20-26-9-19 IS REPEALED [EFFECTIVE JULY
 4 1, 2015]. Sec. 19: (a) This section does not apply to a food or beverage
 5 item that is:

- 6 (1) part of a school lunch program or school breakfast program;
- 7 (2) sold in an area that is not accessible to students;
- 8 (3) sold after normal school hours; or
- 9 (4) sold or distributed as part of a fundraiser conducted by
 10 students, teachers, school groups, or parent groups, if the food or
 11 beverage is not intended for student consumption during the
 12 school day.

13 However, this section applies to a food or beverage item that is sold in
 14 the a la carte line of a school cafeteria and is not part of the federal
 15 school lunch program or federal school breakfast program.

16 (b) A vending machine at an elementary school that dispenses food
 17 or beverage items may not be accessible to students.

18 (c) At least fifty percent (50%) of the food items available for sale
 19 at a school or on school grounds must qualify as better choice foods
 20 and at least fifty percent (50%) of the beverage items available for sale
 21 at a school or on school grounds must qualify as better choice
 22 beverages. Food and beverage items are subject to the following for
 23 purposes of this subsection:

- 24 (1) The following do not qualify as better choice beverages:
 - 25 (A) Soft drinks, punch, iced tea, and coffee.
 - 26 (B) Fruit or vegetable based drinks that contain less than fifty
 27 percent (50%) real fruit or vegetable juice or that contain
 28 additional caloric sweeteners.
 - 29 (C) Except for low fat and fat free chocolate milk, drinks that
 30 contain caffeine.
- 31 (2) The following qualify as better choice beverages:
 - 32 (A) Fruit or vegetable based drinks that:
 - 33 (i) contain at least fifty percent (50%) real fruit or vegetable
 34 juice; and
 - 35 (ii) do not contain additional caloric sweeteners.
 - 36 (B) Water and seltzer water that do not contain additional
 37 caloric sweeteners.
 - 38 (C) Low fat and fat free milk, including chocolate milk, soy
 39 milk, rice milk, and other similar dairy and nondairy calcium
 40 fortified milks.
 - 41 (D) Isotonic beverages.
- 42 (3) Food items that meet all the following standards are



- 1 considered better choice foods:
- 2 (A) Not more than thirty percent (30%) of their total calories
- 3 are from fat.
- 4 (B) Not more than ten percent (10%) of their total calories are
- 5 from saturated and trans fat.
- 6 (C) Not more than thirty-five percent (35%) of their weight is
- 7 from sugars that do not occur naturally in fruits, vegetables, or
- 8 dairy products.
- 9 (d) A food item available for sale at a school or on school grounds
- 10 may not exceed the following portion limits if the food item contains
- 11 more than two hundred ten (210) calories:
- 12 (1) In the case of potato chips, crackers, popcorn, cereal, trail
- 13 mixes, nuts, seeds, dried fruit, and jerky, one and seventy-five
- 14 hundredths (1.75) ounces.
- 15 (2) In the case of cookies and cereal bars, two (2) ounces.
- 16 (3) In the case of bakery items, including pastries, muffins, and
- 17 donuts, three (3) ounces.
- 18 (4) In the case of frozen desserts, including ice cream, three (3)
- 19 fluid ounces.
- 20 (5) In the case of nonfrozen yogurt, eight (8) ounces.
- 21 (6) In the case of entree items and side dish items, including
- 22 french fries and onion rings, the food item available for sale may
- 23 not exceed the portion of the same entree item or side dish item
- 24 that is served as part of the school lunch program or school
- 25 breakfast program.
- 26 (e) A beverage item available for sale at a school or on school
- 27 grounds may not exceed twenty (20) ounces.
- 28 SECTION 149. IC 20-26-10-10 IS REPEALED [EFFECTIVE JULY
- 29 1, 2015]. Sec. 10. Two (2) or more school corporations within a county
- 30 may through their respective school trustees and boards engage in any
- 31 of the following:
- 32 (1) Joint employment of professional personnel.
- 33 (2) Joint purchases of necessary supplies, equipment, and other
- 34 materials that the participating school officers consider proper to
- 35 the operation of their respective schools.
- 36 The cost of these services and purchases to participating corporations
- 37 shall be determined by their proportionate use in the schools of
- 38 participating corporations. The county superintendent of schools is the
- 39 administrator of these joint activities.
- 40 SECTION 150. IC 20-26-10-11 IS REPEALED [EFFECTIVE JULY
- 41 1, 2015]. Sec. 11. (a) A county board of education may authorize the
- 42 county superintendent of schools to establish a joint service and supply



1 fund; into which fund the participating school corporations shall pay
 2 their proportionate share under an agreement for the joint services and
 3 supplies in which the school corporations are interested. The county
 4 superintendent of schools may disburse from the service and supply
 5 fund proper expenditures to pay salaries of jointly employed personnel
 6 and other joint service expenditures:

7 (b) The county superintendent of schools shall keep a complete
 8 written accounting of all receipts and disbursements related to the joint
 9 service and supply fund in a form approved by the state board of
 10 accounts. The accounting shall be audited by the state board of
 11 accounts. The county superintendent of schools shall make a complete
 12 and detailed financial report of all receipts and disbursements in the
 13 joint service and supply fund at the end of each fiscal year and shall
 14 furnish copies of the report to all participating school corporations:

15 SECTION 151. IC 20-26-11-19 IS REPEALED [EFFECTIVE JULY
 16 1, 2015]. Sec. 19: (a) This section through section 29 of this chapter
 17 concern the transfer of students for education from one (1) school
 18 corporation (transferor corporation) to another school corporation
 19 (transferee corporation) in compliance with a court order as described
 20 in this section. This chapter applies solely in a situation where a court
 21 of the United States or of Indiana in a suit to which the transferor or
 22 transferee corporation or corporations are parties has found the
 23 following:

24 (1) A transferor corporation has violated the equal protection
 25 clause of the Fourteenth Amendment to the Constitution of the
 26 United States by practicing de jure racial segregation of the
 27 students within its borders:

28 (2) A unitary school system within the meaning of the Fourteenth
 29 Amendment cannot be implemented within the boundaries of the
 30 transferor corporation.

31 (3) The Fourteenth Amendment compels the court to order a
 32 transferor corporation to transfer its students for education to one
 33 (1) or more transferee corporations to effect a plan of
 34 desegregation in the transferor corporation that is acceptable
 35 within the meaning of the Fourteenth Amendment.

36 (b) This chapter does not apply until all appeals from the order;
 37 whether taken by the transferor corporation; any transferee corporation
 38 or any party to the action; have been exhausted or the time for taking
 39 the appeals has expired; except where all stays of a transfer order
 40 pending appeal or further court action have been denied:

41 SECTION 152. IC 20-26-11-20 IS REPEALED [EFFECTIVE JULY
 42 1, 2015]. Sec. 20: (a) As used in sections 19 through 29 of this chapter;



1 "class of school" refers to a classification of each school in the
 2 transferee corporation by the grades taught therein (generally
 3 denominated as elementary schools; middle schools or junior high
 4 schools; high schools; and special schools such as schools for special
 5 education; career and technical education; or career education).
 6 Elementary schools include schools containing kindergarten; but for
 7 purposes of this chapter, a kindergarten student shall be counted as
 8 one-half (1/2) student.

9 (b) As used in sections 19 through 29 of this chapter, "transferee
 10 corporation" means the school corporation receiving students under a
 11 court order described in section 19 of this chapter.

12 (c) As used in sections 19 through 29 of this chapter, "transferor
 13 corporation" means the school corporation transferring students under
 14 a court order described in section 19 of this chapter.

15 (d) As used in sections 19 through 29 of this chapter, "transferred
 16 student" means any student transferred under a court order described
 17 in section 19 of this chapter.

18 SECTION 153. IC 20-26-11-21 IS REPEALED [EFFECTIVE JULY
 19 1, 2015]. Sec. 21: (a) The governing body of a transferee corporation
 20 may add two (2) members; one (1) of whom must be a resident of the
 21 contributing geographic area within the transferor corporation from
 22 which students are being bused; to the transferee corporation's
 23 governing body for each transferor corporation that the transferee
 24 corporation serves. These members are in addition to the number of
 25 members of the governing body who are residents of the transferee
 26 corporation.

27 (b) Each member who is a resident of a contributing transferor
 28 corporation added to the governing body of a transferee corporation by
 29 this section:

30 (1) shall be elected by a majority of all registered and eligible
 31 voters who vote in each applicable school board election in the
 32 school corporation;

33 (2) must have the same qualifications, other than residency or
 34 property ownership; that are required for a member of the
 35 governing body who is a resident of the transferee corporation;
 36 and

37 (3) serves for the same number of years as members of the
 38 governing body who are residents of the transferee corporation.

39 (c) The members of the governing body of the transferee corporation
 40 shall appoint by majority vote the first additional members of a
 41 governing body under this section. The members appointed under this
 42 subsection serve until replacement members are elected under



1 subsections (d) and (e):

2 (d) The first elected members of a governing body from a transferor
3 corporation shall be elected at the first election after the members are
4 added under subsection (a):

5 (1) that occurs in the transferor corporation; and

6 (2) where one (1) or more members of the governing body of the
7 transferor corporation are elected.

8 The election shall be conducted in the manner required by law for the
9 conduct of elections of governing bodies of school corporations:

10 (e) This subsection applies to an additional member of a governing
11 body appointed under subsection (c) to whom subsection (d) does not
12 apply. The first additional elected member of a governing body must
13 be elected at the first election after the members are added under
14 subsection (a) where one (1) or more members of the governing body
15 of the transferee corporation are elected. The election must be
16 conducted in the manner required by law for the conduct of elections
17 of governing bodies of school corporations:

18 SECTION 154. IC 20-26-11-22 IS REPEALED [EFFECTIVE JULY
19 1, 2015]. Sec. 22: (a) The transferee corporation is entitled to receive
20 from the transferor corporation transfer tuition for each transferred
21 student for each school year calculated in two (2) parts as follows:

22 (1) Operating cost.

23 (2) Capital cost.

24 These costs must be allocated on a per student basis separately for each
25 class of school:

26 (b) The operating cost for each class of school must be based on the
27 total expenditures of the transferee corporation for the class from its
28 general fund expenditures as set out on the classified budget forms
29 prescribed by the state board of accounts; excluding from the
30 calculation capital outlay, debt service, costs of transportation, salaries
31 of board members, contracted service for legal expenses, and any
32 expenditure that is made out of the general fund from extracurricular
33 account receipts; for the school year:

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

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

40 (A) buildings, additions, and remodeling to the buildings;
41 excluding ordinary maintenance; and

42 (B) on-site and off-site improvements such as walks, sewers;



1 waterlines, drives, and playgrounds;
 2 that have been paid or are obligated to be paid in the future out of
 3 the general fund, capital projects fund, or debt service fund,
 4 including principal and interest, lease rental payments, and funds
 5 that were legal predecessors to these funds. If an item of the
 6 physical plant, equipment, appurtenances, or part of the item is
 7 more than twenty (20) years old at the beginning of the school
 8 year, the capital cost of the item shall be disregarded in making
 9 the capital cost computation.
 10 (2) The capital cost must be based on the amount budgeted from
 11 the general fund for capital outlay for physical plant, equipment,
 12 and appurtenances and the amounts levied for the debt service
 13 fund and the capital projects fund for the calendar year in which
 14 the school year ends.
 15 (d) If an item of expense or cost cannot be allocated to a class of
 16 school, the item shall be prorated to all classes of schools on the basis
 17 of the ADM of each class in the transferee corporation, as determined
 18 in the fall count of ADM in the school year, compared to the total
 19 current ADM therein, as determined in the fall count of ADM in the
 20 school year.
 21 (e) The transfer tuition for each student transferred for each school
 22 year shall be calculated by dividing the transferee school corporation's
 23 total operating costs and the total capital costs for the class of school
 24 in which the student is enrolled by the ADM of students therein, as
 25 determined in the fall count of ADM in the school year. If a transferred
 26 student is enrolled in a transferee corporation for less than the full
 27 school year, the transfer tuition shall be calculated by the proportion of
 28 such school year for which the transferred student is enrolled. A school
 29 year for this purpose consists of the number of days school is in session
 30 for student attendance. A student shall be enrolled in a transferee
 31 school, whether or not the student is in attendance, unless the:
 32 (1) student's residence is outside the area of students transferred
 33 to the transferee corporation;
 34 (2) student has been excluded or expelled from school; or
 35 (3) student has been confirmed as a school dropout.
 36 The transferor and transferee corporations may enter into written
 37 agreements concerning the amount of transfer tuition. If an agreement
 38 cannot be reached, the amount shall be determined by the state
 39 superintendent, with costs to be established, where in dispute, by the
 40 state board of accounts.
 41 (f) The transferor corporation shall pay the transferee corporation,
 42 when billed, the amount of curricular material rental due from



1 transferred students who are unable to pay the curricular material rental
 2 amount. The transferor corporation is entitled to collect the amount of
 3 the curricular material rental from the appropriate township trustee;
 4 from its own funds; or from any other source; in the amounts and
 5 manner provided by law:

6 SECTION 155. IC 20-26-11-23 IS REPEALED [EFFECTIVE JULY
 7 1, 2015]. Sec. 23: (a) If a transfer is ordered to commence in a school
 8 year; where the transferor corporation has net additional costs over
 9 savings (on account of any transfer ordered) allocable to the state fiscal
 10 year in which the school year begins; and where the transferee
 11 corporation does not have budgeted funds for the net additional costs;
 12 the net additional costs may be recovered by one (1) or more of the
 13 following methods in addition to any other methods provided by
 14 applicable law:

15 (1) An emergency loan made under IC 20-48-1-7 to be paid; out
 16 of the debt service levy and fund; or a loan from any state fund
 17 made available for the net additional costs:

18 (2) An advance in the state fiscal year of state funds; which would
 19 otherwise become payable to the transferee corporation after such
 20 state fiscal year under law:

21 (3) A grant or grants in the calendar year from any funds of the
 22 state made available for the net additional costs:

23 (b) The net additional costs must be certified by the department of
 24 local government finance. Repayment of any advance or loan from the
 25 state shall be made from state tuition support distributions or other
 26 money available to the school corporation:

27 SECTION 156. IC 20-26-11-24 IS REPEALED [EFFECTIVE JULY
 28 1, 2015]. Sec. 24: Transfer tuition for each school year shall be paid by
 29 the transferor corporation during the term of the year and following the
 30 end of term in four (4) installments within ten (10) days after the first
 31 day of November, February, May and August, respectively. The first
 32 three (3) payments shall be calculated on the basis of estimates based
 33 on the previous year's cost per student and the enrollment for the day
 34 schools are open in the transferee corporation next preceding the
 35 applicable payment date:

36 SECTION 157. IC 20-26-11-25 IS REPEALED [EFFECTIVE JULY
 37 1, 2015]. Sec. 25: (a) Payment of the operating cost must be paid from
 38 and receipted to the respective general funds of the transferor and
 39 transferee corporations:

40 (b) Payment of capital costs must be made by the transferor
 41 corporation; at its discretion; from any fund or source and be receipted
 42 by the transferee corporation; at its discretion; either to the capital



1 projects fund or to the debt service fund:

2 SECTION 158. IC 20-26-11-26 IS REPEALED [EFFECTIVE JULY
3 1, 2015]. Sec. 26: The transferor corporation shall provide each
4 transferred student transportation to and from the school in the
5 transferee corporation to which the student is assigned: However, the
6 transferor corporation may require the transferred student to walk a
7 reasonable distance from the student's home to school or to a
8 transportation pickup point.

9 SECTION 159. IC 20-26-11-27 IS REPEALED [EFFECTIVE JULY
10 1, 2015]. Sec. 27: Transportation must be provided by the transferor
11 corporation to each transferred student under IC 20-27. However, the
12 transferor corporation may contract with the transferee corporation to
13 provide transportation to the transferred students at the expense of the
14 transferor corporation; and that the transferor corporation, in addition
15 to the other means of financing the purchase of transportation
16 equipment, may make the purchases out of its capital projects fund.

17 SECTION 160. IC 20-26-11-29 IS REPEALED [EFFECTIVE JULY
18 1, 2015]. Sec. 29: (a) The provisions of sections 19 through 29 of this
19 chapter concerning the calculation of transfer tuition; the credits for
20 state distribution; state reimbursement of transportation costs; or other
21 state reimbursement may be implemented by rules adopted by the state
22 board.

23 (b) The state board shall adopt rules for the enforcement of the
24 payment of transfer tuition: The payment enforcement may include the
25 withholding of state support from the transferor corporation for the
26 benefit of the transferee corporation.

27 (c) A transferor or the transferee corporation may dispute the
28 amount of transfer tuition or state reimbursement by petitioning the
29 state superintendent. Any dispute in the amount of transfer tuition or
30 state reimbursement shall be determined by the state superintendent.

31 SECTION 161. IC 20-26-12-1, AS AMENDED BY P.L.286-2013,
32 SECTION 60, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
33 JULY 1, 2015]: Sec. 1. (a) Except as provided in subsections
34 **subsection (b) and (c)** and notwithstanding any other law, each
35 governing body shall purchase from a publisher, either individually or
36 through a purchasing cooperative of school corporations, the curricular
37 materials selected by the proper local officials, and shall rent the
38 curricular materials to each student enrolled in a public 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 (b) This section does not prohibit the purchase of curricular
 2 materials at the option of a student or the providing of free curricular
 3 materials by the governing body under sections 6 through 21 of this
 4 chapter.

5 (c) (b) This section does not prohibit a governing body from
 6 suspending the operation of this section under a contract entered into
 7 under IC 20-26-15.

8 SECTION 162. IC 20-26-12-2, AS AMENDED BY P.L.286-2013,
 9 SECTION 61, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 10 JULY 1, 2015]: Sec. 2. (a) A governing body may purchase from a
 11 publisher any curricular material selected by the proper local officials.
 12 The governing body may rent the curricular materials to students
 13 enrolled in any public or nonpublic school that is:

- 14 (1) in compliance with the minimum certification standards of the
- 15 state board; and
- 16 (2) located within the attendance unit served by the governing
- 17 body.

18 The annual rental rate may not exceed twenty-five percent (25%) of the
 19 retail price of the curricular materials.

20 (b) Notwithstanding subsection (a), the governing body may not
 21 assess a rental fee of more than ~~fifteen~~ **twenty-five** percent (~~15%~~)
 22 **(25%)** of the retail price of curricular materials that have been:

- 23 (1) extended for usage by students under section 24(e) of this
- 24 chapter; and
- 25 (2) paid for through rental fees previously collected.

26 (c) This section does not limit other laws.

27 SECTION 163. IC 20-26-12-3 IS REPEALED [EFFECTIVE JULY
 28 1, 2015]. Sec. 3: (a) ~~Upon a written determination by the governing~~
 29 ~~body of a school corporation that curricular materials are no longer~~
 30 ~~scheduled for use in the school corporation, the governing body may~~
 31 ~~sell, exchange, transfer, or otherwise convey the curricular materials.~~
 32 ~~However, before a governing body may mutilate or otherwise destroy~~
 33 ~~curricular materials, the governing body must first comply with the~~
 34 ~~following provisions:~~

- 35 (1) ~~Subsection (b):~~
- 36 (2) ~~Subsection (c):~~
- 37 (3) ~~Section 4 of this chapter:~~
- 38 (4) ~~Section 5 of this chapter:~~

39 (b) ~~Before a governing body may mutilate or otherwise destroy~~
 40 ~~curricular materials, the governing body shall provide at no cost and~~
 41 ~~subject to availability one (1) copy of any curricular material that is no~~
 42 ~~longer scheduled for use in the school corporation to:~~



1 (1) the parent of each student who is enrolled in the school
2 corporation and who wishes to receive a copy of the curricular
3 material; and

4 (2) if any curricular materials remain after distribution under
5 subdivision (1); to any resident of the school corporation who
6 wishes to receive a copy of the curricular material.

7 (c) If a governing body does not sell, exchange, transfer, or
8 otherwise convey unused curricular materials under subsection (a) or
9 (b), each public elementary and secondary school in the governing
10 body's school corporation shall provide storage for at least three (3)
11 months for the curricular materials in the school corporation. A school
12 corporation may sell or otherwise convey the curricular materials to
13 another school corporation at any time during the period of storage.

14 SECTION 164. IC 20-26-12-4 IS REPEALED [EFFECTIVE JULY
15 1, 2015]. Sec. 4: (a) A school corporation shall compile a list of
16 curricular materials in storage under section 3 of this chapter. The list
17 must include the names of the publishers and the number of volumes
18 being stored. The list must be mailed to the department. The
19 department shall maintain a master list of all curricular materials being
20 stored by school corporations.

21 (b) Upon request, the state superintendent shall mail to a nonprofit
22 corporation or institution located in Indiana a list of curricular
23 materials available for access. A nonprofit corporation or institution
24 may acquire the curricular materials from the appropriate school
25 corporation by paying only the cost of shipping and mailing.

26 SECTION 165. IC 20-26-12-5 IS REPEALED [EFFECTIVE JULY
27 1, 2015]. Sec. 5: Curricular materials stored for at least three (3)
28 months under section 3 of this chapter may not be mutilated or
29 destroyed and must be maintained and stored according to regulations
30 prescribed by local and state health authorities. Curricular materials
31 that have not been requested after at least three (3) months may be
32 mutilated, destroyed, or otherwise disposed of by the school
33 corporation.

34 SECTION 166. IC 20-26-12-6 IS REPEALED [EFFECTIVE JULY
35 1, 2015]. Sec. 6: (a) Sections 7 through 21 of this chapter apply to
36 school libraries that contain free curricular materials. The curricular
37 materials must be selected by the proper local officials.

38 (b) As used in sections 7 through 21 of this chapter, "resident
39 student" means a student enrolled in any of the grades in any school
40 located in a school corporation, whether the student resides there or is
41 transferred there for school purposes.

42 SECTION 167. IC 20-26-12-7 IS REPEALED [EFFECTIVE JULY



1 1, 2015]. Sec. 7: (a) If a petition requesting the establishment of an
2 elementary school library is filed with a governing body, the governing
3 body shall provide a library containing curricular materials in sufficient
4 numbers to meet the needs of every resident student in each of the eight
5 (8) grades of each elementary school. The petition must be signed by
6 at least fifty-one percent (51%) of the registered voters of the governing
7 body's school corporation.

8 (b) This subsection applies to a governing body that has established
9 an elementary school library under subsection (a). If a petition
10 requesting establishment of a high school library is filed with the
11 governing body, the governing body shall provide a library containing
12 curricular materials in sufficient numbers to meet the needs of every
13 resident student in each of the four (4) grades of each high school. The
14 petition must be signed by at least twenty percent (20%) of the voters
15 of the school corporation as determined by the total vote cast at the last
16 general election for the trustee of the township, clerk of the town, or
17 mayor of the city.

18 SECTION 168. IC 20-26-12-8 IS REPEALED [EFFECTIVE JULY
19 1, 2015]. Sec. 8: A petition for an elementary or a high school library
20 under section 7 of this chapter must be in substantially the following
21 form:

22 To the governing body of the school corporation of _____
23 We, the undersigned voters of the school corporation of _____
24 respectfully petition the governing body of the school corporation of
25 _____ to establish an elementary school (or high school, as
26 appropriate) library and to lend its school curricular materials free of
27 charge to the resident students of the school corporation of
28 _____, under IC 20-26-12.

29 NAME ADDRESS DATE
30 _____
31 _____
32 STATE OF INDIANA)
33) SS:
34 _____ COUNTY)

35 _____ being duly sworn, deposes and says that he or she is
36 the circulator of this petition paper and that the appended signatures
37 were made in his or her presence and are the genuine signatures of the
38 persons whose names they purport to be. Signed _____

39 Subscribed and sworn to before me this _____ day of _____,
40 20 _____. _____ Notary Public

41 SECTION 169. IC 20-26-12-9 IS REPEALED [EFFECTIVE JULY
42 1, 2015]. Sec. 9: The signatures to each petition may be appended to



1 one (1) petition paper. An affidavit of the circulator must be attached
 2 to each petition paper. The affidavit must state that each signature was
 3 made in the circulator's presence and is the genuine signature of the
 4 person whose name it purports to be. Each signature must be made in
 5 ink or indelible pencil. Each signer shall state the signer's name; the
 6 signer's residence by street and number; or any other description
 7 sufficient to identify the place and the date of the signing.

8 SECTION 170. IC 20-26-12-10 IS REPEALED [EFFECTIVE JULY
 9 1, 2015]. Sec. 10: A person who signs a petition under this chapter
 10 must be registered to vote in the precinct in which the person resides
 11 to be qualified to sign and to have the signature count.

12 SECTION 171. IC 20-26-12-11 IS REPEALED [EFFECTIVE JULY
 13 1, 2015]. Sec. 11: All petition papers requesting the establishment of
 14 a library under this chapter must be assembled and filed as one (1)
 15 instrument before July 2.

16 SECTION 172. IC 20-26-12-12 IS REPEALED [EFFECTIVE JULY
 17 1, 2015]. Sec. 12: (a) A governing body shall examine petition papers
 18 filed under section 11 of this chapter and shall have the names checked
 19 against the voter registration records in the county in which the
 20 governing body's school corporation is located.

21 (b) A governing body may employ clerks to check voter registration
 22 records under this section. The governing body may pay these expenses
 23 from the school corporation's general fund without a specific
 24 appropriation.

25 (c) A clerk employed under subsection (b) shall take an oath to
 26 perform honestly and faithfully. The clerk is entitled to daily
 27 compensation of not more than three dollars (\$3) for this work.

28 SECTION 173. IC 20-26-12-13 IS REPEALED [EFFECTIVE JULY
 29 1, 2015]. Sec. 13: If a sufficient petition is filed under section 11 of this
 30 chapter, a governing body shall note on the records of the governing
 31 body's school corporation that by filing the petition the school
 32 corporation must maintain:

33 (1) an elementary school library containing curricular materials
 34 in sufficient numbers to meet the needs of every resident student
 35 in each of the first eight (8) grades of each elementary school
 36 located within the school corporation; or

37 (2) a high school library containing curricular materials in
 38 sufficient numbers to meet the needs of every resident student in
 39 each of the four (4) grades of each high school located within the
 40 school corporation;

41 as applicable.

42 SECTION 174. IC 20-26-12-14 IS REPEALED [EFFECTIVE JULY



1 1, 2015]. Sec. 14: (a) This subsection applies to a school corporation
 2 described in section 13(1) of this chapter. The governing body shall
 3 make the first appropriation from the school corporation's general fund
 4 in August following the petition's filing. Not later than the school term
 5 following the first appropriation, the library must be established and
 6 curricular materials must be loaned to resident students enrolled in the
 7 first five (5) grades of the elementary school. Not later than the second
 8 school term following the first appropriation, curricular materials must
 9 be procured and loaned to resident students enrolled in the eight (8)
 10 grades of the elementary school.

11 (b) This subsection applies to a school corporation described in
 12 section 13(2) of this chapter. The governing body shall make the first
 13 appropriation from the school corporation's general fund in September
 14 following the petition's filing. Not later than the second school term
 15 following the first appropriation, the library must be established and
 16 curricular materials of the library must be loaned to resident students
 17 enrolled in grade nine of the high school. During each following school
 18 term, curricular materials must be procured and loaned to resident
 19 students for an additional high school grade, in addition to the earlier
 20 high school grades.

21 SECTION 175. IC 20-26-12-15 IS REPEALED [EFFECTIVE JULY
 22 1, 2015]. Sec. 15: (a) A governing body shall purchase the necessary
 23 curricular materials from publishers. The publisher shall ship the
 24 curricular materials to the governing body not more than ninety (90)
 25 days after the requisition. On receipt of the curricular materials, the
 26 governing body's school corporation has custody of the curricular
 27 materials. The governing body shall provide a receipt to the contracting
 28 publisher and reimburse the contracting publisher the amount owed by
 29 the school corporation from the school corporation's general fund.

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

- 31 (1) from a resident student who presents the curricular materials
- 32 for sale on or before the beginning of the school term in which the
- 33 curricular materials are to be used;
- 34 (2) with money from the school corporation's general fund; and
- 35 (3) at a price based on the original price to the school corporation
- 36 minus a reasonable reduction for damage from usage.

37 SECTION 176. IC 20-26-12-16 IS REPEALED [EFFECTIVE JULY
 38 1, 2015]. Sec. 16: Upon receipt of the curricular materials, a governing
 39 body shall loan the curricular materials at no charge to each resident
 40 student. Library curricular materials are available to each resident
 41 student under this chapter and under regulations prescribed by the
 42 superintendent and governing body of the school corporation.



1 SECTION 177. IC 20-26-12-17 IS REPEALED [EFFECTIVE JULY
2 1, 2015]. Sec. 17: (a) If a student transfers to a school corporation other
3 than the one in which the student resides under IC 20-26-11, the
4 governing body of the school corporation to which the student transfers
5 shall purchase a sufficient supply of curricular materials for the
6 transferred student.

7 (b) In the annual settlement between the school corporations for
8 tuition of transferred students, the amounts must include rental of the
9 curricular materials furnished to the transferred students. The state
10 board shall determine the rental rate.

11 SECTION 178. IC 20-26-12-18 IS REPEALED [EFFECTIVE JULY
12 1, 2015]. Sec. 18: A governing body may provide a sufficient amount
13 of curricular materials for sale to resident students at the price
14 stipulated in the contracts under which the curricular materials are
15 supplied to the governing body's school corporation. Proceeds from
16 sales under this section must be paid into the school corporation's
17 general fund.

18 SECTION 179. IC 20-26-12-19 IS REPEALED [EFFECTIVE JULY
19 1, 2015]. Sec. 19: A governing body shall provide sufficient library
20 facilities for the curricular materials to best accommodate the resident
21 students.

22 SECTION 180. IC 20-26-12-20 IS REPEALED [EFFECTIVE JULY
23 1, 2015]. Sec. 20: A governing body shall prescribe reasonable rules
24 and regulations for the care, custody, and return of library curricular
25 materials. A resident student using library curricular materials is
26 responsible for the loss, mutilation, or defacement of the library
27 curricular materials, other than reasonable wear.

28 SECTION 181. IC 20-26-12-21 IS REPEALED [EFFECTIVE JULY
29 1, 2015]. Sec. 21: A governing body shall provide for the fumigation
30 or destruction of library curricular materials at the times and under
31 regulations prescribed by local and state health authorities. Before a
32 governing body may mutilate or otherwise destroy curricular materials,
33 the governing body shall provide at no cost and subject to availability
34 one (1) copy of any curricular material that is no longer scheduled for
35 use in the school corporation to:

36 (1) the parent of each child who is enrolled in the school
37 corporation and who wishes to receive a copy of the curricular
38 material; and

39 (2) if any curricular materials remain after distribution under
40 subdivision (1), to any resident of the school corporation who
41 wishes to receive a copy of the curricular material.

42 SECTION 182. IC 20-26-12-22 IS REPEALED [EFFECTIVE JULY



1 1, 2015]. Sec. 22: If a school corporation purchases curricular materials
 2 on a time basis:

3 (1) the schedule for payments shall coincide with student
 4 payments to the school corporation for curricular material rental;
 5 and

6 (2) the schedule must not require the school corporation to
 7 assume a greater burden than payment of twenty-five percent
 8 (25%) within thirty (30) days after the beginning of the school
 9 year immediately following delivery by the contracting publisher
 10 with the school corporation's promissory note evidencing the
 11 unpaid balance.

12 SECTION 183. IC 20-26-12-23, AS AMENDED BY P.L.286-2013,
 13 SECTION 78, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 14 JULY 1, 2015]: Sec. 23. (a) A school corporation may:

15 (1) borrow money to buy curricular materials; and

16 (2) issue notes, maturing serially in not more than ~~six (6)~~ **three**

17 (3) years and payable from its general fund, to secure the loan.

18 However, when an adoption is made by the proper local officials for
 19 less than six (6) years, the period for which the notes may be issued is
 20 limited to the period for which that adoption is effective:

21 (b) Notwithstanding subsection (a), a school township may not
 22 borrow money to purchase curricular materials unless a petition
 23 requesting such an action and bearing the signatures of twenty-five
 24 percent (25%) of the resident taxpayers of the school township has
 25 been presented to and approved by the township trustee and township
 26 board.

27 SECTION 184. IC 20-26-12-24, AS AMENDED BY P.L.286-2013,
 28 SECTION 79, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 29 JULY 1, 2015]: Sec. 24. (a) The superintendent shall establish
 30 procedures for adoption of curricular materials.

31 (b) The governing body, upon receiving these recommendations
 32 from the superintendent, shall adopt curricular materials for use in
 33 teaching each subject in the school corporation.

34 (c) A special committee of teachers and parents may also be
 35 appointed to review books, magazines, and audiovisual material used
 36 or proposed for use in the classroom to supplement state adopted
 37 curricular materials and may make recommendations to the
 38 superintendent and the governing body concerning the use of these
 39 materials.

40 (d) Curricular materials selected shall be used for the lesser of:

41 (1) ~~six (6)~~ years; or

42 (2) the effective period of the academic standards adopted by the



1 state board to which the curricular materials are aligned:

2 ~~(e)~~ A selection may be extended beyond that period for up to six ~~(6)~~
3 years:

4 ~~(f)~~ **(d)** The governing body may, if the governing body considers it
5 appropriate, retain curricular materials adopted under this section and
6 authorize the purchase of supplemental materials to ensure continued
7 alignment with academic standards adopted by the state board.

8 ~~(g)~~ **(e)** The superintendent, advisory committee, and governing body
9 may consider using the list of curricular materials provided by the
10 department under IC 20-20-5.5.

11 ~~(h)~~ Notwithstanding subsection ~~(g)~~ and this chapter, the
12 superintendent, advisory committee, and governing body shall adopt
13 reading curricular materials from the list of recommended curricular
14 materials provided by the department under IC 20-20-5.5.

15 ~~(i)~~ **(f)** A governing body may not purchase curricular materials from
16 a publisher unless the publisher agrees, in accordance with Sections
17 612(a)(23)(A) and 674(e)(4) of the Individuals with Disabilities
18 Education Improvement Act 2004 (20 U.S.C. 1400 et seq.), to provide
19 or grant a license to the school corporation to allow for the
20 reproduction of adopted curricular materials in:

- 21 (1) large type;
22 (2) Braille; and
23 (3) audio format.

24 SECTION 185. IC 20-26-17-4, AS ADDED BY P.L.200-2011,
25 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
26 JULY 1, 2015]: Sec. 4. If a school corporation for any twelve (12)
27 month period beginning on the first health plan issue or renewal date
28 that occurs after December 31, 2011, spends in excess of the amount
29 specified in section 3 of this chapter, the school corporation shall do
30 the following:

31 (1) Not more than forty-five (45) days after the renewal date on
32 which the school corporation is determined to be noncompliant
33 with section 3 of this chapter, submit to the state personnel
34 department a plan to achieve compliance. ~~The plan may include~~
35 ~~health plan benefit changes and implementation of best practices~~
36 ~~described in section 6 of this chapter.~~

37 (2) Twelve (12) months after the date a plan is submitted under
38 subdivision (1), certify to the state personnel department the
39 school corporation's compliance with section 3 of this chapter.

40 (3) If the school corporation fails to file the certification described
41 in subdivision (2), beginning on the first renewal or expiration
42 date of the school corporation's health plan after the twelve (12)



1 month period described in subdivision (2) expires, elect to
 2 participate in the state employee health plan as provided in
 3 IC 5-10-8-6.7. to provide any school corporation employee health
 4 coverage.

5 A school corporation shall provide additional information, data, and
 6 documentation that is requested by the state personnel department to
 7 substantiate compliance with this section.

8 SECTION 186. IC 20-26-17-5, AS ADDED BY P.L.200-2011,
 9 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 10 JULY 1, 2015]: Sec. 5. The following apply with respect to a school
 11 corporation's employee health coverage program:

12 (1) If the school corporation pays a commission, a bonus, an
 13 override, a contingency fee, or any other compensation to an
 14 insurance producer or other adviser in connection with the health
 15 coverage, the school corporation shall:

16 (A) specify the commission, bonus, override, contingency fee,
 17 or other compensation in the school corporation's annual
 18 budget fixed under IC 6-1.1-17; and

19 (B) make the information specified under clause (A) available
 20 to the public upon request.

21 ~~(2) The school corporation shall perform audits once each five (5)~~
 22 ~~years to ensure that covered dependents of school corporation~~
 23 ~~employees are entitled to coverage under the school corporation's~~
 24 ~~employee health coverage program:~~

25 ~~(3) (2)~~ The school corporation may allow:

26 (A) members of the school corporation's governing body; or

27 (B) an attorney of the school corporation's governing body;
 28 to be covered under the school corporation's employee health
 29 coverage program.

30 ~~(4) (3)~~ All individuals insured under the school corporation's
 31 employee health coverage program:

32 (A) are eligible for the same coverage as all other individuals
 33 insured under the program; and

34 (B) to the extent allowed by federal law, may pay different
 35 amounts for the coverage.

36 SECTION 187. IC 20-26-17-6 IS REPEALED [EFFECTIVE JULY
 37 1, 2015]. Sec. 6: A school corporation may consider the following best
 38 practices with respect to the school corporation's employee health
 39 coverage program:

40 ~~(1) Obtaining more than one (1) estimate for the coverage;~~
 41 ~~including use of health care service discounts and medical~~
 42 ~~management; to obtain the most cost savings in the program:~~



- 1 (2) Requiring employer contributions of at least fifty percent
 2 (50%) and not more than eighty-five percent (85%) of the cost of
 3 the coverage.
 4 (3) Offering at least one (1) of each of the following, in
 5 accordance with the requirements of the Internal Revenue Code;
 6 as an option for the school corporation's employees:
 7 (A) A high deductible health plan with a health savings
 8 account.
 9 (B) A health reimbursement arrangement.
 10 (4) Offering wellness programs to the school corporation's
 11 employees.
 12 (5) Either:
 13 (A) joining a consortium or trust of school corporations; or
 14 (B) electing to participate in the state employee health plan as
 15 provided in IC 5-10-8-6.7;
 16 to provide school corporation employee health coverage to all
 17 school corporation employees.
 18 (6) Providing medical clinics on the property of the school
 19 corporation for individuals insured under the school corporation
 20 employee health coverage program.
 21 SECTION 188. IC 20-26-17-7 IS REPEALED [EFFECTIVE JULY
 22 1, 2015]. Sec. 7. A consortium or trust of school corporations referred
 23 to in this chapter shall accept any school corporation for participation
 24 in the consortium or trust if the school corporation agrees to participate
 25 in the consortium's or trust's best practice requirements.
 26 SECTION 189. IC 20-26-17-8 IS REPEALED [EFFECTIVE JULY
 27 1, 2015]. Sec. 8. (a) This chapter does not require a school corporation
 28 employee to participate in a school corporation's employee health
 29 coverage program.
 30 (b) With respect to a collective bargaining agreement that is in
 31 effect on July 1, 2011, this chapter does not:
 32 (1) give a party to the collective bargaining agreement any greater
 33 rights under the collective bargaining agreement than the party
 34 had before July 1, 2011; or
 35 (2) annul, modify, or limit the collective bargaining agreement.
 36 SECTION 190. IC 20-26-17-9 IS REPEALED [EFFECTIVE JULY
 37 1, 2015]. Sec. 9. Not later than December 31 in each calendar year, a
 38 school corporation shall report the following information for the school
 39 year ending in the calendar year to the legislative council in an
 40 electronic format under IC 5-14-6 and the state personnel department:
 41 (1) The employer's share of the cost of coverage of the state
 42 employee health plan used by the school corporation, in total and



1 separated out to show the amount payable per covered individual
 2 by type of family or single coverage plan.
 3 (2) The covered individual's share of the cost of coverage of the
 4 state employee health plan used by the school corporation, in total
 5 and separated out to show the amount payable per covered
 6 individual by type of family or single coverage plan.
 7 (3) The total cost of coverage incurred by the individual's covered
 8 by the health plan and the school corporation.
 9 A school corporation shall provide additional information, data, and
 10 documentation that is requested by the state personnel department to
 11 substantiate compliance with this section.
 12 SECTION 191. IC 20-27-4-2 IS REPEALED [EFFECTIVE JULY
 13 1, 2015]. Sec. 2: A security agreement under this chapter may not run
 14 for more than six (6) years. The agreement must be amortized in equal
 15 or approximately equal installments, payable on the first day of January
 16 and July each year. The first installment of principal and interest must
 17 be due and payable on the first day of July next following the collection
 18 of a tax that was levied after execution of the security agreement.
 19 SECTION 192. IC 20-27-4-6, AS ADDED BY P.L.1-2005,
 20 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 21 JULY 1, 2015]: Sec. 6. (a) The purchase of a school bus shall be made
 22 in the same manner as provided by law for the purchase of school
 23 supplies by a school corporation.
 24 (b) If a school bus is purchased under a security agreement, the
 25 required notice to bidders or solicitation of bids must set:
 26 (1) the length of time the security agreement shall run; and
 27 (2) the terms of the security agreement, including the security
 28 agreement price and interest rate.
 29 (c) The low bid for a security agreement shall be determined by
 30 adding to each bidding price the net interest cost and then comparing
 31 the totals of the price and interest on each bid. ~~Any difference between~~
 32 ~~the cash and the security agreement prices may not be considered a~~
 33 ~~charge under section 2 of this chapter. Instead, A separate statement of~~
 34 each price shall be made to enable the governing body to determine the
 35 advisability of purchasing a school bus under a security agreement.
 36 SECTION 193. IC 20-27-4-9 IS REPEALED [EFFECTIVE JULY
 37 1, 2015]. Sec. 9: (a) This section does not apply to the purchase of a
 38 special purpose bus.
 39 (b) Before a school corporation may purchase a school bus that is
 40 equipped with safety belts, the governing body must conduct a public
 41 hearing to explain why the governing body is purchasing the school bus
 42 equipped with safety belts rather than using the purchase money for



1 other student safety measures in the school corporation.

2 SECTION 194. IC 20-27-5-4, AS ADDED BY P.L.1-2005,
3 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4 JULY 1, 2015]: Sec. 4. (a) If a school corporation owns the school bus
5 equipment in its entirety, the school corporation may employ a school
6 bus driver on a school year basis in the same manner as other
7 noninstructional employees are employed.

8 ~~(b) If a school corporation employs a school bus driver under
9 subsection (a), the employment contract between the school
10 corporation and the school bus driver must be in writing.~~

11 ~~(c) (b)~~ A school corporation that hires a school bus driver under this
12 section shall purchase and carry public liability and property damage
13 insurance covering the operation of school bus equipment in
14 compliance with IC 9-25.

15 ~~(d) (c)~~ Sections 5 through 32 of this chapter do not apply to the
16 employment of a school bus driver hired under this section.

17 SECTION 195. IC 20-27-5-5, AS ADDED BY P.L.1-2005,
18 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
19 JULY 1, 2015]: Sec. 5. (a) If a school bus driver is required to furnish
20 the school bus body or the school bus chassis, or both, the governing
21 body of the school corporation ~~shall~~ **may** enter into a ~~written~~
22 transportation contract with the school bus driver **under IC 5-22.**

23 (b) The transportation contract may include a provision allowing the
24 school bus driver to be eligible for the life and health insurance
25 benefits and other fringe benefits available to other school personnel.

26 SECTION 196. IC 20-27-5-6, AS ADDED BY P.L.1-2005,
27 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
28 JULY 1, 2015]: Sec. 6. (a) ~~When a fleet contractor is required to
29 provide two (2) or more school buses and school bus drivers,~~ The
30 governing body of the school corporation ~~shall~~ **may** enter into a ~~written~~
31 fleet contract with the fleet contractor **under IC 5-22.**

32 (b) The fleet contract may include a provision allowing the school
33 bus drivers to be eligible for the life and health insurance benefits and
34 other fringe benefits available to other school personnel.

35 SECTION 197. IC 20-27-5-7, AS ADDED BY P.L.1-2005,
36 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
37 JULY 1, 2015]: Sec. 7. Transportation ~~or and~~ fleet contracts ~~may either~~
38 **entered into by a school corporation shall be entered into under**
39 **IC 5-22.**

40 ~~(1) negotiated and let after receiving bids on the basis of~~
41 ~~specifications; as provided for in section 10 of this chapter; or~~
42 ~~(2) negotiated on the basis of proposals by a bidder in which the~~



1 bidder suggests additional or altered specifications:
 2 A school corporation negotiating and executing a transportation
 3 contract shall comply with section 5 and sections 9 through 16 of this
 4 chapter. A school corporation negotiating and executing a fleet contract
 5 shall comply with sections 8 through 16 of this chapter.
 6 SECTION 198. IC 20-27-5-8 IS REPEALED [EFFECTIVE JULY
 7 1, 2015]. Sec. 8: (a) The governing body of a school corporation shall
 8 adopt specifications for transportation and fleet contracts before
 9 entering into a transportation or fleet contract under section 5 or 6 of
 10 this chapter.
 11 (b) The specifications shall be prepared and placed on file in the
 12 office of the governing body at least fifteen (15) days before the
 13 advertised date for beginning negotiations or receiving proposals or
 14 bids. However, if a school corporation is under the jurisdiction of a
 15 county superintendent of schools, the specifications shall be placed on
 16 file in the office of the county superintendent.
 17 (c) All specifications are public records and are open, during regular
 18 office hours, for inspection by the public.
 19 SECTION 199. IC 20-27-5-9 IS REPEALED [EFFECTIVE JULY
 20 1, 2015]. Sec. 9: The specifications for contracts adopted under section
 21 8 of this chapter must include the following:
 22 (1) A description of the route for which the contract is to be let.
 23 (2) The approximate number of students to be transported on the
 24 route.
 25 (3) The approximate number of miles to be traveled each school
 26 day on the route.
 27 (4) The type of school bus equipment required to be furnished by
 28 the school bus driver or fleet contractor, including the seating
 29 capacity of the equipment required.
 30 (5) The amount of public liability and property damage insurance
 31 coverage, if any, required to be furnished by the school bus driver
 32 or fleet contractor. If a school corporation owns either the chassis
 33 or the body of the school bus equipment, the specifications must
 34 recite the amount and kind of insurance coverage required to be
 35 furnished by a bidding school bus driver. In addition to the
 36 amount and kind of insurance set forth in the specifications, the
 37 governing body, the school bus driver, or the fleet contractor may,
 38 at their own election and at their own expense, carry additional
 39 insurance, including health, accident, and medical payments
 40 insurance.
 41 (6) The amount of surety bond required to be furnished by the
 42 school bus driver.



1 (7) The length of the term for which the contract may be let.
2 However, a township trustee may not enter into a school bus
3 contract that has a term extending beyond the June 30 following
4 the expiration date of the trustee's term of office.

5 (8) Any other relevant information necessary to advise a
6 prospective bidder of the terms and conditions of the
7 transportation contract or fleet contract.

8 SECTION 200. IC 20-27-5-10, AS ADDED BY P.L.1-2005,
9 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
10 JULY 1, 2015]: Sec. 10. (a) The governing body shall give notice to the
11 public at least ten (10) days before beginning negotiations or receiving
12 proposals or bids for transportation or fleet contracts. Notice shall be
13 given in the manner provided by IC 5-3-1. The notice must include the
14 following information:

15 (1) That the governing body will negotiate, receive proposals, or
16 receive bids for transportation contracts and fleet contracts on a
17 specified date.

18 (2) That the governing body will execute contracts for the school
19 bus routes of the school corporation.

20 (3) That the specifications for the routes and related information
21 are on file in the office of the governing body. ~~or in the office of~~
22 ~~the county superintendent.~~

23 (b) A transportation or fleet contract may not be negotiated until
24 notice has been given under this section.

25 SECTION 201. IC 20-27-5-11 IS REPEALED [EFFECTIVE JULY
26 1, 2015]. Sec. 11. (a) Except as provided in subsection (b), if the
27 duration of a transportation or fleet contract is for more than one (1)
28 full school year, the contract must be let before the May 1 preceding
29 the beginning of the first school year covered by the contract.

30 (b) A contract described in subsection (a) that is let after the May 1
31 preceding the beginning of the first school year covered by the contract
32 is valid if the contract was let after May 1 due to an emergency
33 situation.

34 SECTION 202. IC 20-27-5-12 IS REPEALED [EFFECTIVE JULY
35 1, 2015]. Sec. 12. (a) If a transportation or fleet contract is let under
36 sections 5 through 11 of this chapter, or let after renegotiation under
37 section 16 of this chapter, the contract shall be awarded to the lowest
38 responsible bidder, subject to the limitations in this section and in
39 sections 14 and 15 of this chapter.

40 (b) The governing body may refuse to award the bid to the lowest
41 responsible bidder if the amount of the bid is not satisfactory to the
42 school corporation.



1 SECTION 203. IC 20-27-5-14 IS REPEALED [EFFECTIVE JULY
2 1, 2015]. Sec. 14: A governing body may reject any or all bids. If a bid
3 is not received for a specified route, the governing body may either
4 readvertise for bids or negotiate a contract for the route without further
5 advertising.

6 SECTION 204. IC 20-27-5-15 IS REPEALED [EFFECTIVE JULY
7 1, 2015]. Sec. 15: The governing body may alter a school bus route at
8 any time. If the altered route is longer than the route in the original
9 contract, the school bus driver or fleet contractor shall be paid
10 additional compensation for each additional mile or fraction of a mile.
11 The additional compensation shall be based on the average rate per
12 mile in the original contract.

13 SECTION 205. IC 20-27-5-16 IS REPEALED [EFFECTIVE JULY
14 1, 2015]. Sec. 16: The governing body may require the school bus
15 driver or fleet contractor to furnish equipment with greater seating
16 capacity at any time. When a school bus driver or fleet contractor is
17 required to furnish different equipment during the term of the contract,
18 the contracting parties may mutually agree to the cancellation of the
19 existing contract and renegotiate a new contract for the balance of the
20 term of the original contract. Action taken by a governing body under
21 section 15 of this chapter does not preclude simultaneous action under
22 this section.

23 SECTION 206. IC 20-27-5-17 IS REPEALED [EFFECTIVE JULY
24 1, 2015]. Sec. 17: Notwithstanding any other provision in this chapter,
25 the governing body may, with the consent of the other party or parties
26 to the contract, amend an existing transportation or fleet contract to
27 make any necessary adjustments caused by a fluctuation in the cost of
28 fuel that occurs during the term of the contract.

29 SECTION 207. IC 20-27-5-18 IS REPEALED [EFFECTIVE JULY
30 1, 2015]. Sec. 18: If highway or road conditions require a school bus
31 driver to drive a greater distance than provided by the contract,
32 additional compensation shall be paid to the school bus driver or fleet
33 contractor. The additional compensation shall be computed as if the
34 governing body had lengthened the route under section 15 of this
35 chapter.

36 SECTION 208. IC 20-27-5-20 IS REPEALED [EFFECTIVE JULY
37 1, 2015]. Sec. 20: After notice to the governing body or its authorized
38 agent, a school bus driver may provide a substitute driver for any of the
39 following reasons:

- 40 (1) Illness of the school bus driver.
- 41 (2) Illness or death of a member of the school bus driver's family.
- 42 (3) Compulsory absence of a school bus driver because of jury



- 1 duty:
- 2 (4) Performance of services and duties related to the Indiana State
- 3 Association of School Bus Drivers, Inc.
- 4 (5) Performance of services and duties required by service in the
- 5 general assembly:
- 6 (6) Attendance at meetings of the committee:
- 7 (7) Management by a school bus driver of the school bus driver's
- 8 personal business affairs. However, a school bus driver may not
- 9 be absent for management of personal business affairs for more
- 10 than ten (10) days in any one (1) school year without the approval
- 11 of the governing body.

12 SECTION 209. IC 20-27-5-22 IS REPEALED [EFFECTIVE JULY

13 1, 2015]. Sec. 22: (a) A school bus driver's transportation contract may

14 be terminated for:

- 15 (1) incompetency;
- 16 (2) physical disability;
- 17 (3) negligence; or
- 18 (4) failure to faithfully perform the school bus driver's duties
- 19 under the contract;
- 20 only after the school bus driver has received notice and a hearing:
- 21 (b) Notice under subsection (a) must:
- 22 (1) be in writing; and
- 23 (2) allow a reasonable time before the hearing:
- 24 (c) The school bus driver may appear at a hearing under subsection
- 25 (a) either in person or by counsel:

26 SECTION 210. IC 20-27-5-24 IS REPEALED [EFFECTIVE JULY

27 1, 2015]. Sec. 24: When a physical examination reveals that a school

28 bus driver is physically unfit to perform the transportation contract, the

29 school bus driver shall:

- 30 (1) furnish a substitute school bus driver who is qualified under
- 31 section 21 of this chapter; or
- 32 (2) assign the school bus driver's transportation contract, if the
- 33 governing body approves, to a person qualified under this chapter:

34 SECTION 211. IC 20-27-5-25 IS REPEALED [EFFECTIVE JULY

35 1, 2015]. Sec. 25: (a) If a school bus driver is found physically unfit

36 and fails to perform the duty required by section 24 of this chapter, the

37 governing body may terminate the school bus driver's contract after the

38 school bus driver has been given notice and an opportunity for a

39 hearing:

- 40 (b) Notice under subsection (a) must:
- 41 (1) be in writing; and
- 42 (2) allow a reasonable time before the hearing:



1 (c) The school bus driver may appear at a hearing under subsection
2 (a) either in person or by counsel:
3 SECTION 212. IC 20-27-5-26, AS ADDED BY P.L.1-2005,
4 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
5 JULY 1, 2015]: Sec. 26. (a) A fleet contract entered into under this
6 chapter must provide the following:
7 (1) The fleet contractor is responsible for the employment;
8 physical condition; and conduct of every school bus driver
9 employed by the fleet contractor.
10 (2) The fleet contractor shall submit to the governing body a list
11 of the names; addresses; telephone numbers; and route
12 assignments of all regular and substitute school bus drivers
13 employed by the fleet contractor.
14 (3) All school bus drivers employed by the fleet contractor must
15 meet the physical, moral, and license standards prescribed in
16 IC 20-27-8.
17 (b) (4) School bus drivers employed by a fleet contractor shall
18 attend the annual safety meeting for school bus drivers sponsored by
19 the committee and the state police department in accordance with
20 IC 20-27-8-9.
21 (5) Failure to employ school bus drivers who meet and maintain
22 the physical, moral, and license standards of IC 20-27-8; or failure
23 to compel attendance of a school bus driver at the annual safety
24 meeting; is a breach of contract and may result in termination of
25 the fleet contract and in forfeiture of the surety bond.
26 SECTION 213. IC 20-27-8-13, AS ADDED BY P.L.1-2005,
27 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
28 JULY 1, 2015]: Sec. 13. (a) The committee shall provide a uniform
29 system for the registration of school bus drivers who are required to
30 attend the annual safety meetings or workshops. This registration
31 system must do the following:
32 (1) Accurately reflect the attendance of each school bus driver at
33 each session of the annual meeting or workshop.
34 (2) Provide a registration form indicating the school bus driver's
35 name and legal address, and the name of the school the school bus
36 driver represents.
37 (b) The state superintendent shall supervise registration of school
38 bus drivers at the annual safety meetings or workshops.
39 (c) The principal of each school shall prepare and collect the
40 attendance records of school bus drivers who attend any safety meeting
41 or workshops and shall make a written report of the attendance records
42 to the state superintendent not more than ten (10) days after the



1 meeting or workshop.
 2 (d) Records of attendance shall be filed in the office of the state
 3 superintendent and maintained there as public records for at least three
 4 (3) years.
 5 SECTION 214. IC 20-27-9-6, AS ADDED BY P.L.1-2005,
 6 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 7 JULY 1, 2015]: Sec. 6. (a) In addition to the exemptions granted in this
 8 chapter and notwithstanding section 16 of this chapter, a school
 9 corporation may allow a school bus operated under a fleet or
 10 transportation contract and not owned in whole or in part by a public
 11 agency to be used for the transportation of a group or an organization
 12 for any distance, if that group or organization agrees to maintain the
 13 condition of the school bus and to maintain order on the school bus
 14 while in use.
 15 (b) When authorizing transportation described in subsection (a), the
 16 school corporation shall require the owner of the school bus to:
 17 (1) obtain written authorization of the superintendent of the
 18 contracting school corporation;
 19 (2) clearly identify the school bus with the name of the sponsoring
 20 group; and
 21 (3) provide proof to the superintendent and the sponsoring group
 22 of financial responsibility, as required by IC 9-25 and
 23 ~~IC 20-27-5-9~~ for the transportation.
 24 (c) The governing body of a school corporation may allow, by
 25 written authorization, the use of a school bus owned in whole or in part
 26 by the school corporation for the transportation needs of a fair or
 27 festival operated by or affiliated with a nonprofit organization exempt
 28 from federal taxation under Section 501(c)(3) through 501(c)(7) of the
 29 Internal Revenue Code.
 30 SECTION 215. IC 20-28-6-2, AS AMENDED BY P.L.6-2012,
 31 SECTION 137, IS AMENDED TO READ AS FOLLOWS
 32 [EFFECTIVE JULY 1, 2015]: Sec. 2. (a) A contract entered into by a
 33 teacher and a school corporation must:
 34 (1) be in writing;
 35 (2) be signed by both parties; and
 36 (3) contain the:
 37 (A) beginning date of the school term as determined annually
 38 by the school corporation;
 39 (B) number of days in the school term as determined annually
 40 by the school corporation;
 41 (C) total salary to be paid to the teacher during the school year;
 42 (D) number of salary payments to be made to the teacher



1 during the school year; and
 2 (E) number of hours per day the teacher is expected to work,
 3 as discussed pursuant to IC 20-29-6-7.
 4 (b) The contract may provide for the annual determination of the
 5 teacher's annual compensation by a local salary schedule; which is part
 6 of the contract. **under IC 20-29-6.** The salary schedule may be
 7 changed by **subsequent adoption of salary changes under the**
 8 **collective bargaining process.** the school corporation on or before
 9 May 1 of a year; with the changes effective the next school year. A
 10 teacher affected by the changes shall be furnished with printed copies
 11 of the changed schedule not later than thirty (30) days after the
 12 schedule's adoption.
 13 (c) A contract under this section is also governed by the following
 14 statutes:
 15 (1) IC 20-28-9-5 through IC 20-28-9-6.
 16 (2) IC 20-28-9-9 through IC 20-28-9-11.
 17 (3) IC 20-28-9-13.
 18 (4) IC 20-28-9-14.
 19 (d) A governing body shall provide the blank contract forms
 20 carefully worded by the state superintendent, and have them signed.
 21 The contracts are public records open to inspection by the residents of
 22 each school corporation.
 23 (e) An action may be brought on a contract that conforms with
 24 subsections (a)(1), (a)(2), and (d).
 25 SECTION 216. IC 20-28-6-6 IS REPEALED [EFFECTIVE JULY
 26 1, 2015]. See: 6: (a) A temporary teacher's contract shall be used only
 27 for employing:
 28 (1) a teacher to serve in the absence of a teacher who has been
 29 granted a leave of absence by the school corporation for:
 30 (A) engaging in defense service or in service auxiliary to
 31 defense service;
 32 (B) professional study or advancement;
 33 (C) exchange teaching;
 34 (D) extended disability to which a licensed physician has
 35 attested; or
 36 (E) serving in the general assembly; or
 37 (2) a new teacher for a position:
 38 (A) that is funded by a grant outside the school funding
 39 formula for which funding is available only for a specified
 40 period or purpose; or
 41 (B) vacated by a teacher who is under a regular contract and
 42 who temporarily accepts a teacher position that is funded by a



- 1 grant outside the school funding formula for which funding is
 2 available only for a specified period or purpose.
- 3 (b) The temporary teacher's contract must contain:
- 4 (1) the provisions of the regular teacher's contract except those
 5 providing for continued tenure of position;
- 6 (2) a blank space for the name of the teacher granted the leave;
 7 which may not be used on another temporary teacher's contract
 8 for the same leave of absence; and
- 9 (3) an expiration date that:
- 10 (A) is the date of the return of the teacher on leave; and
 11 (B) is not later than the end of the school year.
- 12 (c) If a teacher is employed on the temporary teacher's contract for
 13 at least sixty (60) days in a school year, the teacher may, on request,
 14 receive the service credit that the teacher would otherwise receive with
 15 regard to the Indiana state teachers' retirement fund:
- 16 SECTION 217. IC 20-28-6-7, AS AMENDED BY P.L.90-2011,
 17 SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 18 JULY 1, 2015]: Sec. 7. (a) As used in this section, "teacher" includes
 19 an individual who:
- 20 (1) holds a substitute teacher's license; and
 21 (2) provides instruction in a joint summer school program under
 22 IC 20-30-7-5.
- 23 (b) The supplemental service teacher's contract shall be used when
 24 a teacher provides professional service in evening school or summer
 25 school employment, except when a teacher or other individual is
 26 employed to supervise or conduct noncredit courses or activities.
- 27 (c) If a teacher serves more than one hundred twenty (120) days on
 28 a supplemental service teacher's contract in a school year, the following
 29 apply:
- 30 (1) Sections 1, 2, 3, and 8 of this chapter.
 31 (2) ~~IC 20-28-10-1 through IC 20-28-10-5.~~
- 32 (d) (c) The salary of a teacher on a supplemental service contract
 33 shall be determined by the superintendent. The superintendent may, but
 34 is not required to, base the salary on the regular salary schedule for the
 35 school corporation.
- 36 SECTION 218. IC 20-28-7.5-1, AS AMENDED BY P.L.286-2013,
 37 SECTION 87, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 38 JULY 1, 2015]: Sec. 1. (a) This chapter applies to a teacher in a school
 39 corporation (as defined in IC 20-18-2-16(a)).
- 40 (b) A principal may decline to continue a probationary teacher's
 41 contract under sections 2 through 4 of this chapter if the probationary
 42 teacher:



- 1 (1) receives an ineffective designation on a performance
- 2 evaluation under IC 20-28-11.5;
- 3 (2) receives two (2) consecutive improvement necessary ratings
- 4 on a performance evaluation under IC 20-28-11.5; or
- 5 (3) is subject to a justifiable decrease in the number of teaching
- 6 positions or any reason relevant to the school corporation's
- 7 interest.
- 8 (e) Except as provided in subsection (e), a principal may not decline
- 9 to continue a professional or established teacher's contract unless the
- 10 teacher is subject to a justifiable decrease in the number of teaching
- 11 positions:
- 12 (b) A contract with a teacher may be canceled immediately in
- 13 the manner set forth in sections 2 through 4 of this chapter for any
- 14 of the following reasons:
- 15 (1) Immorality.
- 16 (2) Insubordination, which means a willful refusal to obey the
- 17 state school laws or reasonable rules adopted for the
- 18 governance of the school building or the school corporation.
- 19 (3) A justifiable decrease in the number of teaching positions,
- 20 which must be determined on the basis of performance rather
- 21 than seniority. In cases where teachers are placed in the same
- 22 performance category, any of the items in IC 20-28-9-1.5(b)
- 23 may be considered.
- 24 (4) Incompetence, including:
- 25 (A) for probationary teachers, receiving an ineffective
- 26 designation on a performance evaluation or receiving two
- 27 (2) consecutive improvement necessary ratings on a
- 28 performance evaluation under IC 20-28-11.5; or
- 29 (B) for any teacher, receiving an ineffective designation on
- 30 two (2) consecutive performance evaluations or an
- 31 ineffective designation or improvement necessary rating
- 32 under IC 20-28-11.5 for three (3) years of any five (5) year
- 33 period.
- 34 (5) Neglect of duty.
- 35 (6) A conviction of an offense listed in IC 20-28-5-8(c).
- 36 (7) Other good or just cause.
- 37 (d) (c) After June 30, 2012, The cancellation of a teacher's contracts
- 38 **contract** due to a justifiable decrease in the number of teaching
- 39 positions shall be determined on the basis of performance rather than
- 40 seniority. In cases where teachers are placed in the same performance
- 41 category, any of the items in IC 20-28-9-1.5(b) may be considered.
- 42 (e) A contract with a teacher may be canceled immediately in the



1 manner set forth in sections 2 through 4 of this chapter for any of the
2 following reasons:

3 (1) Immorality:

4 (2) Insubordination, which means a willful refusal to obey the
5 state school laws or reasonable rules adopted for the governance
6 of the school building or the school corporation:

7 (3) Justifiable decrease in the number of teaching positions:

8 (4) Incompetence, including receiving:

9 (A) an ineffective designation on two (2) consecutive
10 performance evaluations under IC 20-28-11.5; or

11 (B) an ineffective designation or improvement necessary
12 rating in three (3) years of any five (5) year period:

13 (5) Neglect of duty:

14 (6) A conviction for an offense listed in IC 20-28-5-8(c):

15 (7) Other good or just cause:

16 SECTION 219. IC 20-28-7.5-2, AS ADDED BY P.L.90-2011,
17 SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
18 JULY 1, 2015]: Sec. 2. (a) Before a ~~teacher is refused continuation of~~
19 ~~the teacher's contract, teacher's contract is canceled,~~ the teacher has
20 the following rights:

21 (1) The principal shall notify the teacher of the principal's
22 preliminary decision. 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 statement,
27 subject to IC 5-14-3-4, giving the reasons for the preliminary
28 decision.

29 (3) ~~Notification due to a reduction in force must be delivered~~
30 ~~between May 1 and July 1.~~

31 (b) For a cancellation of a teacher's contract for a reason other than
32 a reduction in force, the notice required under subsection (a)(1) must
33 inform the teacher that, not later than five (5) days after the teacher's
34 receipt of the notice, the teacher may request a private conference with
35 the superintendent. The superintendent must set the requested meeting
36 not later than ten (10) days after the request.

37 (c) At the conference between the superintendent and the teacher,
38 the teacher may be accompanied by a representative.

39 (d) After the conference between the superintendent and the teacher,
40 the superintendent shall make a written recommendation to the
41 governing body of the school corporation regarding the cancellation of
42 the teacher's contract.



1 (e) If the teacher does not request a conference under subsection (b),
 2 the principal's preliminary decision is considered final.
 3 (f) For items listed in section (1)(e)(3); (1)(e)(4); or (1)(e)(6) of this
 4 chapter; if the teacher files a request with the governing body for an
 5 additional private conference not later than five (5) days after the initial
 6 private conference with the superintendent; the teacher is entitled to an
 7 additional private conference with the governing body before the
 8 governing body makes a final decision; which must be in writing;
 9 concerning the cancellation of the teacher's contract.
 10 (g) (f) For items listed in section (1)(e)(1); (1)(e)(2); (1)(e)(5); or
 11 (1)(e)(7) of this chapter; if, not later than five (5) days after the initial
 12 private conference with the superintendent, the **If a professional or**
 13 **established** teacher files a request with the governing body for an
 14 additional private conference **not later than five (5) days after the**
 15 **initial private conference with the superintendent**, the teacher is
 16 entitled to an additional private conference with the governing body
 17 before the governing body makes a final decision. The final decision
 18 must be in writing and must be made not more than thirty (30) days
 19 after the governing body receives the teacher's request for the
 20 additional private conference. At the private conference the governing
 21 body shall do the following:
 22 (1) Allow the teacher to present evidence to refute the reason or
 23 reasons for contract cancellation and supporting evidence
 24 provided by the school corporation. Any evidence presented at the
 25 private conference must have been exchanged by the parties at
 26 least seven (7) days before the private conference.
 27 (2) Consider whether a preponderance of the evidence supports
 28 the cancellation of the teacher's contract.
 29 SECTION 220. IC 20-28-7.5-6 IS REPEALED [EFFECTIVE JULY
 30 1, 2015]. Sec. 6: A contract entered into by a teacher and a school
 31 employer continues in force on the same terms and for the same wages;
 32 unless increased under IC 20-28-9-1.5; for the next school term
 33 following the date of the contract's termination unless one (1) of the
 34 following occurs:
 35 (1) The school corporation refuses continuation of the contract
 36 under this chapter.
 37 (2) The teacher delivers in person or by registered or certified
 38 mail to the school corporation the teacher's written resignation.
 39 (3) The contract is replaced by another contract agreed to by the
 40 parties.
 41 SECTION 221. IC 20-28-7.5-7, AS ADDED BY P.L.90-2011,
 42 SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



1 JULY 1, 2015]: Sec. 7. (a) This chapter shall be construed to:
 2 (1) limit the provisions of a collective bargaining agreement
 3 negotiated under IC 20-29; and
 4 (2) prohibit the negotiation of contracts that violate the
 5 requirements of this chapter and IC 20-28-9-21 through
 6 ~~IC 20-28-9-23.~~ **IC 20-28-9-22.**
 7 (b) This chapter prohibits a school employer and an exclusive
 8 representative (as defined in IC 20-29-2-9) from collectively bargaining
 9 contracts that alter the requirements of this chapter and IC 20-28-9-21
 10 through ~~IC 20-28-9-23.~~ **IC 20-28-9-22.**
 11 (c) This chapter shall be construed to prohibit a school employer
 12 and an exclusive representative from mutually agreeing to binding
 13 arbitration concerning teacher dismissals.
 14 SECTION 222. IC 20-28-7.5-8, AS AMENDED BY P.L.43-2014,
 15 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 16 JULY 1, 2015]: Sec. 8. (a) This section does not apply to an individual
 17 who works at a conversion charter school (as defined in IC 20-24-1-5)
 18 for purposes of the individual's employment with the school
 19 corporation that sponsored the conversion charter school.
 20 (b) A contract entered into less than fourteen (14) days before the
 21 day on which teachers must report for work between a school
 22 corporation and a teacher is void if the teacher, at the time of signing
 23 the contract, is bound by a previous contract to teach in a public school.
 24 However, another contract may be signed by the teacher that will be
 25 effective if the teacher:
 26 (1) furnishes the principal a release by the ~~employer under the~~
 27 ~~previous contract;~~ **first employer;** or
 28 (2) shows proof that thirty (30) days written notice was delivered
 29 by the teacher to the first employer.
 30 (c) A principal may request from a teacher, at the time of
 31 contracting, a written statement as to whether the teacher has signed
 32 another teaching contract. However, the teacher's failure to provide the
 33 statement is not a cause for subsequently voiding the contract.
 34 SECTION 223. IC 20-28-8-3, AS AMENDED BY P.L.253-2013,
 35 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 36 JULY 1, 2015]: Sec. 3. (a) Before March 1 of the year during which the
 37 contract of an assistant superintendent, a principal, or an assistant
 38 principal is due to expire, the governing body of the school corporation,
 39 or an employee at the direction of the governing body, shall give
 40 written notice of renewal or refusal to renew the individual's contract
 41 for the ensuing school year.
 42 (b) ~~If notice is not given before March 1 of the year during which~~



1 the contract is due to expire, the contract then in force shall be
2 reinstated only for the ensuing school year.

3 (e) (b) This section does not prevent the modification or termination
4 of a contract by mutual agreement of the assistant superintendent, the
5 principal, or the assistant principal and the governing body.

6 SECTION 224. IC 20-28-8-6, AS AMENDED BY P.L.167-2013,
7 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
8 JULY 1, 2015]: Sec. 6. A contract entered into by a governing body
9 and its superintendent is subject to the following conditions:

10 (1) If the superintendent holds a license under IC 20-28-5, the
11 basic contract must be in the form of the regular teacher's
12 contract.

13 (2) The contract must be for a term of at least thirty-six (36)
14 months.

15 (3) The contract may be altered or rescinded for a new one at any
16 time by mutual consent of the governing body and the
17 superintendent. The consent of both parties must be in writing and
18 must be expressed in a manner consistent with this section and
19 sections section 7 through 8 of this chapter.

20 (4) If the superintendent holds a license under IC 20-28-5, the
21 rights of a superintendent as a teacher under any other law are not
22 affected by the contract.

23 SECTION 225. IC 20-28-8-8 IS REPEALED [EFFECTIVE JULY
24 1, 2015]. Sec. 8. ~~If the governing body fails to give a termination notice
25 under section 7(3) of this chapter, the superintendent's contract is
26 extended for twelve (12) months following the expiration date of the
27 contract.~~

28 SECTION 226. IC 20-28-8-11, AS ADDED BY P.L.1-2005,
29 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
30 JULY 1, 2015]: Sec. 11. (a) Before February 1 of the year during which
31 the contract of a local director is due to expire, the managing body, or
32 an employee at the direction of the managing body, shall give written
33 notice of renewal or refusal to renew the local director's contract for the
34 ensuing school year.

35 (b) ~~If notice is not given before February 1 of the year during which
36 the contract is due to expire, the contract then in foree is reinstated only
37 for the ensuing school year.~~

38 (e) (b) This section does not prevent the modification or termination
39 of a contract by mutual agreement of the local director and the
40 managing body.

41 SECTION 227. IC 20-28-9-1.5, AS ADDED BY P.L.286-2013,
42 SECTION 90, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



1 JULY 1, 2015]: Sec. 1.5. (a) This subsection applies to a contract in
 2 effect July 1, 2012, or upon the expiration of a contract in existence on
 3 July 1, 2011, whichever is earlier, and governs salary increases for a
 4 teacher employed by a school corporation on or after the date this
 5 subsection takes effect. Compensation attributable to additional
 6 degrees or graduate credits earned before the effective date of the local
 7 salary schedule created under this chapter shall continue.
 8 Compensation attributable to additional degrees for which a teacher has
 9 started course work before July 1, 2011, and completed course work
 10 before September 2, 2014, shall also continue.

11 (b) Increases or increments in a local salary scale must be based
 12 upon a combination of the following factors:

13 (1) ~~A combination of the following factors taken together~~ **The**
 14 **number of years of a teacher's experience** may account for not
 15 more than thirty-three percent (33%) of the calculation used to
 16 determine a teacher's increase or increment.

17 ~~(A) The number of years of a teacher's experience.~~

18 ~~(B) The attainment of either:~~

19 ~~(i) additional content area degrees beyond the requirements~~
 20 ~~for employment; or~~

21 ~~(ii) additional content area degrees and credit hours beyond~~
 22 ~~the requirements for employment, if required under an~~
 23 ~~agreement bargained under IC 20-29.~~

24 (2) The results of an evaluation conducted under IC 20-28-11.5.

25 (3) The assignment of instructional leadership roles, including the
 26 responsibility for conducting evaluations under IC 20-28-11.5.

27 (4) The academic needs of students in the school corporation.

28 (5) **The attainment of either:**

29 **(A) additional content area degrees beyond the**
 30 **requirements for employment; or**

31 **(B) additional content area degrees and credit hours**
 32 **beyond the requirements for employment, if required**
 33 **under an agreement bargained under IC 20-29.**

34 (c) A teacher rated ineffective or improvement necessary under
 35 IC 20-28-11.5 may not receive any raise or increment for the following
 36 year if the teacher's employment contract is continued. The amount that
 37 would otherwise have been allocated for the salary increase of teachers
 38 rated ineffective or improvement necessary shall be allocated for
 39 compensation of all teachers rated effective and highly effective based
 40 on the criteria in subsection (b).

41 (d) A teacher who does not receive a raise or increment under
 42 subsection (c) may file a request with the superintendent or



1 superintendent's designee not later than five (5) days after receiving
 2 notice that the teacher received a rating of ineffective. The teacher is
 3 entitled to a private conference with the superintendent or
 4 superintendent's designee.

5 (e) Not later than January 31, 2012, the department shall publish a
 6 model salary schedule that a school corporation may adopt.

7 (f) Each school corporation shall submit its local salary schedule to
 8 the department. The department shall publish the local salary schedules
 9 on the department's Internet web site.

10 (g) The department shall report any noncompliance with this section
 11 to the state board.

12 (h) The state board shall take appropriate action to ensure
 13 compliance with this section.

14 (i) This chapter may not be construed to require or allow a school
 15 corporation to decrease the salary of any teacher below the salary the
 16 teacher was earning on or before July 1, 2012, if that decrease would
 17 be made solely to conform to the new salary scale.

18 (j) After June 30, 2011, all rights, duties, or obligations established
 19 under IC 20-28-9-1 before its repeal are considered rights, duties, or
 20 obligations under this section.

21 SECTION 228. IC 20-28-9-21, AS AMENDED BY P.L.90-2011,
 22 SECTION 33, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 23 JULY 1, 2015]: Sec. 21. (a) This section and ~~sections~~ **section 22**
 24 ~~through 23~~ of this chapter apply to the suspension of a teacher without
 25 pay. ~~when the procedure for the cancellation of the teacher's contract~~
 26 ~~under IC 20-28-7.5 does not apply.~~

27 (b) A teacher may be suspended from duty without pay only for the
 28 following reasons:

- 29 (1) Immorality.
- 30 (2) Insubordination, which means the willful refusal to obey the
- 31 state school laws or reasonable rules prescribed for the
- 32 government of the school corporation.
- 33 (3) Neglect of duty.
- 34 (4) Substantial inability to perform teaching duties.
- 35 (5) Good and just cause.

36 SECTION 229. IC 20-28-9-22, AS ADDED BY P.L.1-2005,
 37 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 38 JULY 1, 2015]: Sec. 22. **(a)** A teacher may be suspended without pay
 39 only under the following procedure **set forth in this section:**

- 40 ~~(1) The teacher must be notified in writing not more than forty~~
- 41 ~~(40) days and not less than thirty (30) days before the date of the~~
- 42 ~~consideration of the date, time, and place for the consideration by~~



- 1 the school corporation of the suspension of the teacher without
- 2 pay:
- 3 (2) The teacher shall be furnished, not later than five (5) days
- 4 after a written request, a written statement of the reasons for the
- 5 consideration:
- 6 (3) The teacher may file a written request for a hearing not later
- 7 than fifteen (15) days after receipt of the notice of this
- 8 consideration:
- 9 (4) If a request for a hearing is filed, the teacher must be given a
- 10 hearing before the governing body on a day not earlier than five
- 11 (5) days after filing the request:
- 12 (5) The teacher must be given at least five (5) days notice of the
- 13 date, time, and place of the hearing:
- 14 (6) At the hearing, the teacher is entitled:
- 15 (A) to a full statement of the reasons for the proposed
- 16 suspension without pay; and
- 17 (B) to be heard and to present the testimony of witnesses and
- 18 other evidence bearing on the reasons for the proposed
- 19 suspension without pay:
- 20 (7) A teacher may not be suspended without pay until:
- 21 (A) the date is set for consideration of the suspension without
- 22 pay;
- 23 (B) after a hearing is held; if a hearing is requested by the
- 24 teacher; and
- 25 (C) except on the suspension of a superintendent's contract, the
- 26 superintendent has given recommendations on the suspension
- 27 not later than five (5) days after the school corporation makes
- 28 the request for recommendations:
- 29 (8) After complying with this section, the governing body of the
- 30 school corporation may suspend a teacher without pay for a
- 31 reasonable time by a majority vote evidenced by a signed
- 32 statement in the minutes of the board.
- 33 The vote to suspend a teacher without pay described in subdivision (8)
- 34 must be taken by the governing body on the date and at the time and
- 35 place specified in subdivision (1):
- 36 (1) The principal shall notify the teacher of the principal's
- 37 preliminary decision. The notification must be:
- 38 (A) in writing; and
- 39 (B) delivered in person or mailed by registered or certified
- 40 mail to the teacher at the teacher's last known address.
- 41 (2) The notice in subdivision (1) must include a written
- 42 statement, subject to IC 5-14-3-4, giving the reasons for the



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preliminary decision.

(b) The notice required under subsection (a) must inform the teacher that, not later than five (5) days after the teacher's receipt of the notice, the teacher may request a private conference with the superintendent. The superintendent must set the requested meeting not later than ten (10) days after the request.

(c) At the conference between the superintendent and the teacher, the teacher may be accompanied by a representative.

(d) This subsection does not apply to the suspension of a superintendent. After the conference between the superintendent and the teacher, the superintendent shall make a written recommendation to the governing body of the school corporation regarding the teacher's suspension without pay.

(e) If the teacher does not request a conference under subsection (b), the principal's preliminary decision is considered final.

(f) If, not later than five (5) days after the initial private conference with the superintendent, the teacher files a request with the governing body for an additional private conference, the teacher is entitled to an additional private conference with the governing body before the governing body makes a final decision. The final decision must be in writing and must be made not more than thirty (30) days after the governing body receives the teacher's request for the additional private conference. At the private conference, the governing body shall do the following:

- (1) Allow the teacher to present evidence to refute the reason or reasons for suspension without pay and supporting evidence provided by the school corporation. Any evidence presented at the private conference must have been exchanged by the parties at least seven (7) days before the private conference.
- (2) Consider whether a preponderance of the evidence supports the teacher's suspension without pay.

(g) At the first public meeting following a private conference with:

- (1) the governing body under subsection (f); or
- (2) the superintendent under subsection (b), if no conference with the governing body is requested;

the governing body may suspend a teacher without pay for a reasonable time by a majority vote evidenced by a signed statement in the minutes of the board. The decision of the governing body is final.

(h) The time periods set out in this section shall be extended for



1 **a reasonable period:**
2 **(1) when a teacher or school official is ill or absent from the**
3 **school corporation; or**
4 **(2) for other reasonable cause.**
5 SECTION 230. IC 20-28-9-23 IS REPEALED [EFFECTIVE JULY
6 1, 2015]. Sec. 23: The governing body may appoint an agent (who is
7 not an employee of the school corporation but who may be a member
8 of the governing body or an attorney retained to administer the hearing
9 proceedings under this section) to issue subpoenas for the attendance
10 of witnesses for either party at the hearing under section 22 of this
11 chapter. A subpoena issued under this section shall be:
12 (1) served by the party who seeks to compel the attendance of a
13 witness; and
14 (2) upon application to the court by the party, enforced in the
15 manner provided by law for the service and enforcement of
16 subpoenas in a civil action.
17 SECTION 231. IC 20-28-10-1, AS AMENDED BY P.L.90-2011,
18 SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
19 JULY 1, 2015]: Sec. 1. (a) A school corporation may grant a teacher a
20 leave of absence not to exceed one (1) year for:
21 (1) a sabbatical;
22 (2) a disability leave; or
23 (3) a sick leave.
24 (b) The school corporation may grant consecutive leaves to a
25 teacher.
26 (c) A school corporation may grant partial compensation for a leave
27 in an amount the school corporation determines. However, if a teacher
28 on a sabbatical serves an employer that agrees to reimburse the school
29 corporation in whole or in part of the amount of the teacher's regular
30 salary, the school corporation may grant full or partial compensation.
31 (d) A teacher who is pregnant shall be granted a leave of absence for
32 the period provided in and subject to section 5 of this chapter.
33 (e) Except where a contract is not required under IC 20-28-7.5 in a
34 situation that occurs before or after the commencement of leave, the
35 teacher and the school corporation shall execute a regular teacher's
36 contract for each school year in which any part of the teacher's leave is
37 granted.
38 (f) (e) The teacher has the right to return to a teaching position for
39 which the teacher is certified or otherwise qualified under the rules of
40 the state board.
41 SECTION 232. IC 20-28-10-6 IS REPEALED [EFFECTIVE JULY
42 1, 2015]. Sec. 6: (a) This section and sections 7 through 11 of this



1 chapter apply to a teacher who through:

- 2 (1) volunteering; or
 3 (2) statutory selection;

4 enters defense service on a full-time basis.

5 (b) Because the United States Congress has decreed that it is
 6 imperative to increase and train United States armed forces personnel;
 7 this section and sections 7 through 11 of this chapter:

- 8 (1) provide protection for teachers who have been called to leave
 9 their positions to defend the nation due to the necessity of war or
 10 a state of emergency;
 11 (2) preserve the status and contract rights under the laws to any
 12 teacher who enters the defense service; and
 13 (3) place those teachers in a position that the defense service does
 14 not operate as an interruption of teaching service because the
 15 contract rights that each teacher had when entering the defense
 16 service are preserved during that service the same as if the teacher
 17 had not entered the service.

18 SECTION 233. IC 20-28-10-7 IS REPEALED [EFFECTIVE JULY
 19 1, 2015]. Sec. 7: A professional or established teacher:

- 20 (1) with an indefinite contract under IC 20-28-6-8; and
 21 (2) who is described in section 6(a) of this chapter;

22 is granted a leave of absence during the defense service.

23 SECTION 234. IC 20-28-10-8 IS REPEALED [EFFECTIVE JULY
 24 1, 2015]. Sec. 8: (a) If a probationary teacher who is described in
 25 section 6(a) of this chapter enters the defense service, the teacher's
 26 contract as a teacher and the teacher's rights to probationary successive
 27 years under contract are preserved with the school corporation as the
 28 teacher had them when entering the defense service.

29 (b) The period of probationary successive years of service under a
 30 teacher's contract that is a condition precedent to becoming a
 31 professional or established teacher under IC 20-28-6-8 is considered
 32 uninterrupted for a teacher to whom this section applies. However, this
 33 probationary period may not include the time spent in defense service.
 34 The teacher is granted a leave of absence during the defense service.

35 SECTION 235. IC 20-28-10-9 IS REPEALED [EFFECTIVE JULY
 36 1, 2015]. Sec. 9: On reinstatement, the status of the teacher described
 37 in section 6(a) of this chapter is the same as when the teacher entered
 38 the defense service. All rights to changes of salary or position, except
 39 as specified in section 8 of this chapter, accrue to the teacher as if no
 40 interruption had occurred.

41 SECTION 236. IC 20-28-10-10 IS REPEALED [EFFECTIVE JULY
 42 1, 2015]. Sec. 10: (a) A teacher described in section 6(a) of this chapter



1 retains the teacher's contractual rights in the Indiana state teachers'
2 retirement fund.

3 (b) Contributions and payments into the retirement fund shall be
4 made in the same manner as they are made for a member of the fund
5 who is granted a leave of absence under the law pertaining to that fund:

6 (c) The teacher is granted a leave of absence during the defense
7 service:

8 SECTION 237. IC 20-28-10-11 IS REPEALED [EFFECTIVE JULY
9 1, 2015]. Sec. 11. (a) Not later than sixty (60) days after:

10 (1) an honorable or medical discharge; or

11 (2) release from active participation in the defense service;

12 a teacher who has received a leave of absence for defense service shall
13 return to the school corporation for reinstatement. The school
14 corporation shall then reinstate the teacher.

15 (b) If the teacher is unable to return for reinstatement within the
16 sixty (60) day period for any reason arising from mental or physical
17 disability, the teacher has sixty (60) days after the date of removal of
18 the disability to apply for reinstatement.

19 (c) On reinstatement or on written resignation submitted to the
20 school corporation, the teacher's leave of absence and defense service
21 is considered terminated.

22 SECTION 238. IC 20-29-2-10, AS ADDED BY P.L.1-2005,
23 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
24 JULY 1, 2015]: Sec. 10. "Governing body" means:

25 (1) a township trustee and the township board; of a school
26 township;

27 (2) a county board of education;

28 (3) (1) a board of school commissioners;

29 (4) (2) a metropolitan board of education;

30 (5) (3) a board of trustees;

31 (6) (4) any other board or commission charged by law with the
32 responsibility of administering the affairs of a school corporation;

33 or

34 (7) (5) the body that administers a charter school established
35 under IC 20-24.

36 SECTION 239. IC 20-29-2-12, AS AMENDED BY P.L.234-2007,
37 SECTION 109, IS AMENDED TO READ AS FOLLOWS
38 [EFFECTIVE JULY 1, 2015]: Sec. 12. "School corporation" means a
39 local public school corporation established under Indiana law. The term
40 includes any:

41 (1) school city;

42 (2) school town;



- 1 ~~(3)~~ school township;
- 2 ~~(4)~~ (3) consolidated school corporation;
- 3 ~~(5)~~ (4) metropolitan school district;
- 4 ~~(6)~~ (5) township school corporation;
- 5 ~~(7)~~ (6) county school corporation;
- 6 ~~(8)~~ (7) united school corporation;
- 7 ~~(9)~~ (8) community school corporation; and
- 8 ~~(10)~~ (9) public career and technical education center or school or
- 9 school for children with disabilities established or maintained by
- 10 two (2) or more school corporations.

11 SECTION 240. IC 20-30-2-2.2, AS AMENDED BY P.L.246-2013,
 12 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 13 JULY 1, 2015]: Sec. 2.2. (a) As used in this section, "eligible student"
 14 means a student in grade 11 or 12 who has:

- 15 (1) failed the ISTEP+ graduation exam at least twice;
- 16 (2) been determined to be chronically absent, by missing ten
- 17 percent (10%) or more of a school year for any reason;
- 18 (3) been determined to be a habitual truant, as identified under
- 19 IC 20-33-2-11;
- 20 (4) been significantly behind in credits for graduation, as
- 21 identified by an individual's school principal;
- 22 (5) previously undergone at least a second suspension from school
- 23 for the school year under IC 20-33-8-14 or IC 20-33-8-15;
- 24 (6) previously undergone an expulsion from school under
- 25 IC 20-33-8-14, IC 20-33-8-15, or IC 20-33-8-16; or
- 26 (7) been determined by the individual's principal and the
- 27 individual's parent or guardian to benefit by participating in the
- 28 school flex program.

29 (b) An eligible student who participates in a school flex program
 30 must:

- 31 (1) attend school for at least three (3) hours of instructional time
- 32 per school day;
- 33 (2) pursue a timely graduation;
- 34 (3) provide evidence of college or technical career education
- 35 enrollment and attendance or proof of employment and labor that
- 36 is aligned with the student's career academic sequence under rules
- 37 established by the Indiana bureau of child labor;
- 38 (4) not be suspended or expelled while participating in a school
- 39 flex program;
- 40 (5) pursue course and credit requirements for a general diploma;
- 41 and
- 42 (6) maintain a ninety-five percent (95%) attendance rate.



1 (c) A school may allow an eligible student in grade 11 or 12 to
 2 complete an instructional day that consists of three (3) hours of
 3 instructional time if the student participates in the school flex program.

4 ~~(d) If one (1) or more students participate in a school flex program;~~
 5 ~~the principal shall, on forms provided by the department, submit a~~
 6 ~~yearly report to the department of student participation and graduation~~
 7 ~~rates of students who participate in the school flex program.~~

8 SECTION 241. IC 20-30-3-1 IS REPEALED [EFFECTIVE JULY
 9 1, 2015]. Sec. 1: (a) The last Friday of April is designated for general
 10 observance as Arbor Day to encourage the planting of shade and forest
 11 trees, shrubs, and vines:

12 (b) Each year the governor shall proclaim Arbor Day at least thirty
 13 ~~(30)~~ days before it occurs:

14 (c) Appropriate exercises giving due honor to:

15 (1) the conservators of forestry;

16 (2) the founders of the study and conservation of Indiana forestry;
 17 and

18 (3) a leading spirit of Indiana forestry conservation, Charles
 19 Warren Fairbanks;

20 may be prepared by each superintendent and conducted in each school
 21 and by communities throughout Indiana:

22 SECTION 242. IC 20-30-4-2, AS AMENDED BY P.L.140-2008,
 23 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 24 JULY 1, 2015]: Sec. 2. In consultation with the student's ~~guidance~~
 25 **school** counselor, after seeking consultation with each student's
 26 parents, and not later than the date on which the student completes
 27 grade 9, each student shall further develop the graduation plan
 28 developed in grade 6 under section 1.5 of this chapter to also include
 29 the following:

30 (1) The subject and skill areas of interest to the student.

31 (2) A program of study under the college/technology preparation
 32 curriculum adopted by the state board under IC 20-30-10-2 for
 33 grades 10, 11, and 12 that meets the interests and aptitude of the
 34 student.

35 (3) Assurances that, upon satisfactory fulfillment of the plan, the
 36 student:

37 (A) is entitled to graduate; and

38 (B) will have taken at least the minimum variety and number
 39 of courses necessary to gain admittance to a state educational
 40 institution.

41 (4) An indication of assessments (other than ISTEP and the
 42 graduation examination) that the student plans to take voluntarily



1 during grade 10 through grade 12, and which may include any of
2 the following:

- 3 (A) The SAT Reasoning Test.
- 4 (B) The ACT test.
- 5 (C) Advanced placement exams.
- 6 (D) College readiness exams approved by the department.
- 7 (E) Workforce readiness exams approved by the department of
8 workforce development established under IC 22-4.1-2.

9 SECTION 243. IC 20-30-4-3, AS ADDED BY P.L.1-2005,
10 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
11 JULY 1, 2015]: Sec. 3. Any decisions regarding the requirements under
12 this chapter for a student who is a **child student** with a disability under
13 IC 20-35 shall be made in accordance with the individualized
14 education program for that student and federal law.

15 SECTION 244. IC 20-30-4-6, AS AMENDED BY P.L.268-2013,
16 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
17 JULY 1, 2015]: Sec. 6. (a) A student's **guidance school** counselor shall,
18 in consultation with the student and the student's parent, review
19 annually a student's graduation plan that was developed in grade 9
20 under section 2 of this chapter to determine if the student is progressing
21 toward fulfillment of the graduation plan.

22 (b) If a student is not progressing toward fulfillment of the
23 graduation plan, the school counselor shall provide counseling services
24 for the purpose of advising the student of credit recovery options and
25 services available to help the student progress toward graduation.

26 (c) If a student is not progressing toward fulfillment of the
27 graduation plan due to not achieving a passing score on the graduation
28 examination, the school counselor shall meet with the:

- 29 (1) teacher assigned to the student for remediation in each subject
30 area in which the student has not achieved a passing score on the
31 graduation examination;
- 32 (2) parents of the student; and
- 33 (3) student;

34 to discuss available remediation and to plan to meet the requirements
35 under IC 20-32-4.

36 SECTION 245. IC 20-30-5-12, AS ADDED BY P.L.1-2005,
37 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
38 JULY 1, 2015]: Sec. 12. (a) Each school corporation shall:

- 39 (1) include in the school corporation's curriculum instruction
40 concerning the disease acquired immune deficiency syndrome
41 (AIDS); and
- 42 (2) integrate this effort to the extent possible with instruction on



- 1 other dangerous communicable diseases.
- 2 (b) A school corporation shall consider the recommendations of the
- 3 AIDS advisory council established under IC 20-34-1 concerning
- 4 community standards on the:
 - 5 (1) content of the instruction;
 - 6 (2) manner in which the information is presented; and
 - 7 (3) grades in which the information is taught.
- 8 (c) Literature that is distributed to school children and young
- 9 adults under this section must include information required by
- 10 IC 20-34-3-17.
- 11 (d) (c) The department, in consultation with the state department of
- 12 health, shall develop AIDS educational materials. The department shall
- 13 make the materials developed under this section available to school
- 14 corporations.
- 15 SECTION 246. IC 20-30-5.5 IS REPEALED [EFFECTIVE JULY
- 16 1, 2015]. (Internet Safety).
- 17 SECTION 247. IC 20-30-6 IS REPEALED [EFFECTIVE JULY 1,
- 18 2015]. (Optional Curriculum).
- 19 SECTION 248. IC 20-30-7-4, AS ADDED BY P.L.1-2005,
- 20 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 21 JULY 1, 2015]: Sec. 4. (a) ~~An educational~~ **A school corporation shall**
- 22 **determine the contents and curriculum of a voluntary summer**
- 23 **school enrichment** program described in section 3 of this chapter.
- 24 ~~consists of one-half (1/2) day sessions in which students may:~~
- 25 (1) receive remediation on a voluntary basis;
- 26 (2) develop further in areas first covered during the school year;
- 27 or
- 28 (3) experience specific educational programs that are not
- 29 regularly provided as part of the established curriculum during the
- 30 school year.
- 31 (b) The board shall adopt rules under IC 4-22-2 to implement this
- 32 section and section 3 of this chapter, including rules governing the
- 33 distribution of state funds for this purpose.
- 34 SECTION 249. 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 250. 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 251. 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 252. 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 253. 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 254. 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 255. 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 256. 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 257. 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 258. IC 20-31-5-7, AS ADDED BY P.L.1-2005,
11 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
12 JULY 1, 2015]: Sec. 7. The department shall act as a clearinghouse for
13 plans and shall make effective plans available to school corporations
14 as models to use in developing and carrying out plans.

15 SECTION 259. IC 20-31-9.5-8 IS REPEALED [EFFECTIVE JULY
16 1, 2015]. Sec. 8: (a) If the state board, upon remand of the Marion
17 County Circuit Court case of Board of School Commissioners of the
18 City of Indianapolis v. Indiana State Board of Education and Indiana
19 Department of Education (cause number 49D03-1206-MI-023257);
20 determines that the Indianapolis public school corporation or any other
21 school corporation is entitled to a distribution to correct the amount
22 that was withheld under IC 20-31-9.5 during July through December
23 2012 from state tuition support and federal funds otherwise to be
24 distributed to the school corporation; the following apply:

25 (1) The state board shall make distributions to the following:

26 (A) The Indianapolis public school corporation.

27 (B) Any other school corporation affected by a redetermination
28 of the amount that was withheld under IC 20-31-9.5 during
29 July through December 2012.

30 (2) Before making a distribution to a school corporation under
31 this section; the state board must obtain from the recipient school
32 corporation an agreement that the school corporation will dismiss
33 and not pursue any claims against the state or any state officer or
34 entity; the special management team; or the turnaround academy
35 with regard to distributions received by the special management
36 team or turnaround academy under IC 20-31-9.5 during July
37 through December 2012.

38 (b) There is appropriated from the state general fund to the state
39 board for the 2012-2013 state fiscal year; seven million four hundred
40 five thousand eight hundred ninety-two dollars (\$7,405,892) to make
41 distributions as provided in subsection (a).

42 SECTION 260. IC 20-31-11-6, AS AMENDED BY P.L.146-2008,



1 SECTION 474, IS AMENDED TO READ AS FOLLOWS
 2 [EFFECTIVE JULY 1, 2015]: Sec. 6. (a) A public school that receives
 3 a monetary award under this chapter may expend that award for any
 4 educational purpose for that school, except **athletics**.

- 5 ~~(1) athletics;~~
- 6 ~~(2) salaries for school personnel; or~~
- 7 ~~(3) salary bonuses for school personnel.~~

8 (b) A monetary award may not be used to determine the state tuition
 9 support under IC 20-43 of the school corporation in which the school
 10 receiving the monetary award is located.

11 SECTION 261. IC 20-32-3-2, AS ADDED BY P.L.1-2005,
 12 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 13 JULY 1, 2015]: Sec. 2. As used in this chapter, "student" refers to a
 14 student who meets the following conditions:

- 15 (1) Is enrolled in a public school, an accredited nonpublic school,
 16 or a nonpublic school that has requested and received from the
 17 state board specific approval for the school's education program.
- 18 (2) Is in at least grade 9.
- 19 (3) If the student is a **child student** with a disability (as defined in
 20 ~~IC 20-35-1-2~~, **IC 20-35-1-8**), would benefit from the
 21 participation under this chapter as determined by the
 22 individualized education program for the student.

23 SECTION 262. IC 20-32-4-5, AS AMENDED BY P.L.268-2013,
 24 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 25 JULY 1, 2015]: Sec. 5. (a) This section applies to a student who is a
 26 **child student** with a disability (as defined in ~~IC 20-35-1-2~~;
 27 **IC 20-35-1-8**).

28 (b) If the student does not achieve a passing score on the graduation
 29 examination, the student's case conference committee may determine
 30 that the student is eligible to graduate if the case conference committee
 31 finds the following:

- 32 (1) The student's teacher of record, in consultation with a teacher
 33 of the student in each subject area in which the student has not
 34 achieved a passing score, makes a written recommendation to the
 35 case conference committee. The recommendation must:
 - 36 (A) be aligned with the governing body's relevant policy;
 - 37 (B) be concurred in by the principal of the student's school;
 - 38 and
 - 39 (C) be supported by documentation that the student has
 40 attained the academic standard in the subject area based on:
 - 41 (i) tests other than the graduation examination; or
 - 42 (ii) classroom work.



- 1 (2) The student meets all the following requirements:
 2 (A) Retakes the graduation examination in each subject area
 3 in which the student did not achieve a passing score as often
 4 as required by the student's individualized education program.
 5 (B) Completes remediation opportunities provided to the
 6 student by the student's school to the extent required by the
 7 student's individualized education program.
 8 (C) Maintains a school attendance rate of at least ninety-five
 9 percent (95%) to the extent required by the student's
 10 individualized education program with excused absences not
 11 counting against the student's attendance.
 12 (D) Maintains at least a "C" average or the equivalent in the
 13 courses comprising the credits specifically required for
 14 graduation by rule of the state board.
 15 (E) Otherwise satisfies all state and local graduation
 16 requirements.

17 SECTION 263. IC 20-32-4-6, AS ADDED BY P.L.105-2005,
 18 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 19 JULY 1, 2015]: Sec. 6. A decision with regard to whether a student
 20 who is a ~~child~~ **student** with a disability (as defined in ~~IC 20-35-1-2~~)
 21 **IC 20-35-1-8**) is subject to the requirements of section 1(b)(2) of this
 22 chapter shall be made in accordance with the student's individualized
 23 education program and federal law.

24 SECTION 264. IC 20-32-5-5, AS AMENDED BY P.L.73-2011,
 25 SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 26 JULY 1, 2015]: Sec. 5. The department shall make general language
 27 arts essay scoring rubrics available to the public at least four (4)
 28 months before the administration of a test. An essay question, a scoring
 29 rubric, or an anchor paper used in the ISTEP program must not seek or
 30 compile information about a ~~student's~~ **student that is prohibited**
 31 **under 20 U.S.C. 1232(h).**

- 32 (1) ~~personal attitudes;~~
 33 (2) ~~political views;~~
 34 (3) ~~religious beliefs;~~
 35 (4) ~~family relationships; or~~
 36 (5) ~~other matters listed in IC 20-30-5-17(b).~~

37 The ISTEP program citizens' review committee shall determine
 38 whether an essay question or a scoring rubric complies with this
 39 section.

40 SECTION 265. IC 20-32-5-16, AS ADDED BY P.L.1-2005,
 41 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 42 JULY 1, 2015]: Sec. 16. (a) A student who is a ~~child~~ **student** with a



1 disability (as defined in ~~IC 20-35-1-2~~) **IC 20-35-1-8**) shall be tested
 2 under this chapter with appropriate accommodations in testing
 3 materials and procedures unless the individuals who develop the ~~child's~~
 4 **student's** individualized education program determine that testing or
 5 a part of the testing under this chapter is not appropriate for the student
 6 and that an alternate assessment will be used to test the student's
 7 achievement.

8 (b) Any decision concerning a student who is a ~~child~~ **student** with
 9 a disability (as defined in ~~IC 20-35-1-2~~) **IC 20-35-1-8**) regarding the
 10 student's:

- 11 (1) participation in testing under this chapter;
- 12 (2) receiving accommodations in testing materials and
 13 procedures;
- 14 (3) participation in remediation under IC 20-32-8; or

15 (4) retention at the same grade level for consecutive school years;
 16 shall be made in accordance with the student's individualized education
 17 program in compliance with the ISTEP program manual and federal
 18 law.

19 SECTION 266. IC 20-32-7-1, AS AMENDED BY P.L.99-2007,
 20 SECTION 177, IS AMENDED TO READ AS FOLLOWS
 21 [EFFECTIVE JULY 1, 2015]: Sec. 1. A decision requiring a student
 22 who is a ~~child~~ **student** with a disability (as defined in ~~IC 20-35-1-2~~)
 23 **IC 20-35-1-8**) to undergo a student diagnostic assessment under this
 24 chapter or be retained at a particular grade level shall be made in
 25 accordance with the student's individualized education program and
 26 federal law.

27 SECTION 267. IC 20-32-7-6 IS REPEALED [EFFECTIVE JULY
 28 1, 2015]. ~~Sec. 6. Upon the written consent of:~~

- 29 ~~(1) the student; or~~
- 30 ~~(2) if the student is not emancipated, the student's parent;~~

31 ~~the contents of the student's portfolio may be disclosed to a student's~~
 32 ~~prospective employer.~~

33 SECTION 268. IC 20-32-8-11, AS ADDED BY P.L.1-2005,
 34 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 35 JULY 1, 2015]: Sec. 11. Notwithstanding the requirements of this
 36 chapter, any decisions made with regard to:

- 37 (1) attendance in a remediation program;
- 38 (2) ISTEP program testing; and
- 39 (3) the grade level placement;

40 for a student who is a ~~child~~ **student** with a disability (as defined in
 41 ~~IC 20-35-1-2~~) **IC 20-35-1-8**) shall be made in accordance with the
 42 individualized education program, state law, and federal law.



1 SECTION 269. IC 20-33-2-7, AS ADDED BY P.L.246-2005,
 2 SECTION 177, IS AMENDED TO READ AS FOLLOWS
 3 [EFFECTIVE JULY 1, 2015]: Sec. 7. (a) In addition to the
 4 requirements of sections 4 through 6 of this chapter, a student must be
 5 at least five (5) years of age on **August 1 of the school year**

6 ~~(1) July 1 of the 2005-2006 school year; or~~

7 ~~(2) August 1 of the 2006-2007 school year or any subsequent~~
 8 ~~school year;~~

9 to officially enroll in a kindergarten program offered by a school
 10 corporation. However, subject to subsection (c), the governing body of
 11 the school corporation ~~shall~~ **may** adopt a procedure affording a parent
 12 of a student who does not meet the minimum age requirement set forth
 13 in this subsection the right to appeal to the superintendent for
 14 enrollment of the student in kindergarten at an age earlier than the age
 15 set forth in this subsection.

16 (b) In addition to the requirements of sections 4 through 6 of this
 17 chapter and subsection (a), and subject to subsection (c), if a student
 18 enrolls in school as allowed under section 6 of this chapter and has not
 19 attended kindergarten, the superintendent shall make a determination
 20 as to whether the student shall enroll in kindergarten or grade 1 based
 21 on the particular model assessment adopted by the governing body
 22 under subsection (c).

23 (c) To assist the principal and governing bodies, the department
 24 shall do the following:

25 (1) Establish guidelines to assist each governing body ~~in~~
 26 ~~establishing that decides to adopt~~ a procedure for making
 27 appeals to the superintendent under subsection (a).

28 (2) Establish criteria by which a governing body may adopt a
 29 model assessment that may be used in making the determination
 30 under subsection (b).

31 SECTION 270. IC 20-33-2-9, AS AMENDED BY P.L.1-2010,
 32 SECTION 80, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 33 JULY 1, 2015]: Sec. 9. (a) The governing body of each school
 34 corporation shall designate the appropriate ~~employees of the school~~
 35 ~~corporation to conduct~~ **individuals to attend** the exit interviews for
 36 students described in section 6(3) of this chapter. ~~Each exit interview~~
 37 ~~must be personally attended by:~~

38 ~~(1) the student's parent;~~

39 ~~(2) the student;~~

40 ~~(3) each designated appropriate school employee; and~~

41 ~~(4) the student's principal.~~

42 (b) A student who is at least sixteen (16) years of age but less than



1 eighteen (18) years of age is bound by the requirements of compulsory
 2 school attendance and may not withdraw from school before graduation
 3 unless:

4 (1) the student, the student's parent, and the principal agree to the
 5 withdrawal;

6 (2) ~~at the exit interview~~; the student provides written
 7 acknowledgment of the withdrawal that meets the requirements
 8 of subsection (c) and the:

9 (A) student's parent; and

10 (B) school principal;

11 each provide written consent for the student to withdraw from
 12 school; and

13 (3) the withdrawal is due to:

14 (A) financial hardship and the individual must be employed to
 15 support the individual's family or a dependent;

16 (B) illness; or

17 (C) an order by a court that has jurisdiction over the student.

18 (c) A written acknowledgment of withdrawal under subsection (b)
 19 must include a statement that the student and the student's parent
 20 understand that withdrawing from school is likely to:

21 (1) reduce the student's future earnings; and

22 (2) increase the student's likelihood of being unemployed in the
 23 future.

24 SECTION 271. IC 20-33-2-11, AS ADDED BY P.L.242-2005,
 25 SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 26 JULY 1, 2015]: Sec. 11. (a) Notwithstanding IC 9-24 concerning the
 27 minimum requirements for qualifying for the issuance of an operator's
 28 license or a learner's permit, and subject to subsections (c) through (e),
 29 an individual who is:

30 (1) at least thirteen (13) years of age but less than fifteen (15)
 31 years of age;

32 (2) a habitual truant under the definition of habitual truant
 33 established under subsection (b); and

34 (3) identified in the information submitted to the bureau of motor
 35 vehicles under subsection (f);

36 may not be issued an operator's license or a learner's permit to drive a
 37 motor vehicle under IC 9-24 until the individual is at least eighteen
 38 (18) years of age.

39 (b) Each governing body ~~shall~~ **may** establish and include as part of
 40 the written copy of its discipline rules described in IC 20-33-8-12:

41 (1) a definition of a child who is designated as a habitual truant,
 42 which must, at a minimum, define the term as a student who is



1 chronically absent, by having unexcused absences from school for
 2 more than ten (10) days of school in one (1) school year; **and**
 3 ~~(2) the procedures under which subsection (a) will be~~
 4 ~~administered; and~~
 5 ~~(3) (2) all other pertinent matters related to this action.~~

6 (c) An individual described in subsection (a) is entitled to the
 7 procedure described in IC 20-33-8-19.

8 (d) An individual described in subsection (a) who is at least thirteen
 9 (13) years of age and less than eighteen (18) years of age is entitled to
 10 a periodic review of the individual's attendance record in school to
 11 determine whether the prohibition described in subsection (a) shall
 12 continue. The periodic reviews may not be conducted less than one (1)
 13 time each school year.

14 (e) Upon review, the governing body may determine that the
 15 individual's attendance record has improved to the degree that the
 16 individual may become eligible to be issued an operator's license or a
 17 learner's permit.

18 (f) ~~Before:~~

19 ~~(1) February 1; and~~

20 ~~(2) October 1;~~

21 ~~of each year~~ The governing body of the school corporation ~~shall may~~
 22 submit to the bureau of motor vehicles the pertinent information
 23 concerning an individual's ineligibility under subsection (a) to be
 24 issued an operator's license or a learner's permit.

25 (g) The department shall develop guidelines concerning criteria
 26 used in defining a habitual truant that may be considered by a
 27 governing body in complying with subsection (b).

28 SECTION 272. IC 20-33-2-17.7, AS ADDED BY P.L.32-2014,
 29 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 30 JULY 1, 2015]: Sec. 17.7. (a) Except as provided in subsection (b), the
 31 governing body of a school corporation or the chief administrative
 32 officer of a nonpublic school system shall authorize the absence and
 33 excuse of each school student if the student or a member of the
 34 student's household participates or exhibits in the Indiana state fair for
 35 educational purposes, as evidenced in writing by the student's parent
 36 and as approved in writing by the student's school principal. The
 37 number of excused absences a student may receive under this section
 38 may not exceed: ~~five (5) instructional days~~

39 **(1) for a student in grades 1 through 6, twenty-five (25) hours**
 40 **of instructional time; or**

41 **(2) for a student in grades 7 through 12, thirty (30) hours of**
 42 **instructional time;**



1 in a school year. A student excused from school attendance under this
 2 section may not be recorded as being absent on any date for which the
 3 excuse is operative and may not be penalized by the school in any
 4 manner.

5 (b) In order for a student to receive an excused absence under
 6 subsection (a), the student must be in good academic standing, as
 7 determined by the school corporation.

8 SECTION 273. IC 20-33-2-21, AS ADDED BY P.L.1-2005,
 9 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 10 JULY 1, 2015]: Sec. 21. ~~(a) Each principal and teacher in a public
 11 school that is attended by a student subject to the compulsory school
 12 attendance law under this chapter shall furnish, on request of the
 13 superintendent of the school corporation in which they are employed,
 14 a list of:~~

- 15 ~~(1) names;~~
- 16 ~~(2) addresses; and~~
- 17 ~~(3) ages;~~

18 ~~of all minors attending the school. When a student withdraws from
 19 school, the principal and teacher shall immediately report to the
 20 superintendent the student's name and address and the date of the
 21 student's withdrawal.~~

22 ~~(b) (a) Each principal or school administrator in a nonpublic school
 23 that is attended by a student who is subject to the compulsory school
 24 attendance law under this chapter shall furnish, on request of the state
 25 superintendent, the number of students by grade level attending the
 26 school.~~

27 ~~(c) (b) If:~~

- 28 ~~(1) a student withdraws from a nonpublic school; and~~
- 29 ~~(2) no public or other nonpublic school has requested the student's
 30 educational records within fifteen (15) school days after the date
 31 the student withdrew from school;~~

32 ~~the nonpublic school shall report to the state superintendent or the
 33 superintendent of the school corporation in which the nonpublic school
 34 is located, the name and address of the student and the date the student
 35 withdrew from school.~~

36 SECTION 274. IC 20-33-2-31, AS AMENDED BY P.L.2-2006,
 37 SECTION 151, IS AMENDED TO READ AS FOLLOWS
 38 [EFFECTIVE JULY 1, 2015]: Sec. 31. ~~(a) In a county that has been
 39 completely reorganized into one (1) or more school corporations under
 40 IC 20-23-4, the governing body of each school corporation with at least
 41 one thousand five hundred (1,500) students in ADA shall appoint an
 42 attendance officer. The governing body of each school corporation that~~



1 has fewer than one thousand five hundred (1,500) students in ADA
2 may appoint ~~or the governing bodies of two (2) or more school~~
3 **corporations jointly may appoint:**

- 4 (1) ~~an one (1) attendance officer; and~~
- 5 (2) ~~one (1) additional attendance officer for every seven~~
6 ~~thousand five hundred (7,500) students in ADA in the school~~
7 ~~corporation or school corporations.~~

8 **The county council shall appropriate, and the board of county**
9 **commissioners shall allow, the funds necessary to pay the salary**
10 **and expenses of attendance officers appointed in accordance with**
11 **this section.**

12 (b) If the governing body of a school corporation ~~that has discretion~~
13 ~~in whether to appoint an attendance officer declines to make an~~
14 ~~appointment, the superintendent of the school corporation shall serve~~
15 ~~as ex officio attendance officer under section 35 of this chapter.~~

16 (b) Whenever the governing body of a school corporation makes an
17 appointment under this section, it shall appoint an individual
18 nominated by the superintendent. However, the governing body may
19 decline to appoint any nominee and require another nomination. The
20 salary of each attendance officer appointed under this section shall be
21 fixed by the governing body. In addition to salary, the attendance
22 officer is entitled to receive reimbursement for actual expenses
23 necessary to properly perform the officer's duties. The salary and
24 expenses of an attendance officer appointed under this section shall be
25 paid by the treasurer of the school corporation.

26 SECTION 275. IC 20-33-2-32 IS REPEALED [EFFECTIVE JULY
27 1, 2015]. Sec. 32. (a) In a county that has not been completely
28 reorganized under IC 20-23-4, the governing body of each school
29 corporation that constitutes a separate attendance district under section
30 30 of this chapter shall appoint an attendance officer. One (1)
31 additional attendance officer may be appointed for every seven
32 thousand five hundred (7,500) students in ADA in the corporation.

33 (b) Whenever the governing body of a school corporation makes an
34 appointment under this section, it shall appoint an individual
35 nominated by the superintendent. However, the governing body may
36 decline to appoint any nominee and require another nomination. The
37 salary of each attendance officer appointed under this section shall be
38 fixed by the governing body. In addition to salary, the officer is entitled
39 to receive reimbursement for actual expenses necessary to properly
40 perform the officer's duties. The salary and expenses of an attendance
41 officer appointed under this section shall be paid by the treasurer of the
42 county in which the officer serves, on a warrant signed by the county



1 auditor. The county council shall appropriate, and the board of county
 2 commissioners shall allow, the funds necessary to make these
 3 payments. However, a warrant shall not be issued to an attendance
 4 officer until the attendance officer has filed an itemized statement with
 5 the county auditor. This statement shall show the time employed and
 6 expenses incurred. The superintendent shall approve the statement and
 7 certify that it is correct.

8 SECTION 276. IC 20-33-2-33 IS REPEALED [EFFECTIVE JULY
 9 1, 2015]. Sec. 33. (a) In a county that has not been completely
 10 reorganized under IC 20-23-4, all school corporations that do not
 11 individually constitute separate attendance districts under section 30 of
 12 this chapter together constitute a remainder attendance district. The
 13 governing bodies of each remainder attendance district with at least
 14 one thousand five hundred (1,500) students in ADA shall appoint an
 15 attendance officer. One (1) additional attendance officer may be
 16 appointed for every seven thousand five hundred (7,500) students in
 17 ADA in the district. The governing bodies of a remainder attendance
 18 district with less than one thousand five hundred (1,500) students in
 19 ADA may appoint an attendance officer. If the governing bodies have
 20 discretion in whether to appoint an attendance officer and decline to
 21 make an appointment, the superintendent or superintendents involved
 22 shall serve as ex officio attendance officers under section 35 of this
 23 chapter.

24 (b) The governing bodies of the school corporations involved shall
 25 together form an appointing authority for attendance officers with the
 26 governing body of each school corporation having one (1) vote. This
 27 appointing authority shall appoint an individual nominated by the
 28 superintendent. However, the appointing authority may reject any
 29 nominee and require another nomination. The salary of each attendance
 30 officer appointed under this section shall be fixed by the appointing
 31 authority. In addition to salary, the officer is entitled to receive
 32 reimbursement for actual expenses necessary to properly perform the
 33 officer's duties. The salary and expenses of an attendance officer
 34 appointed under this section shall be paid by the treasurer of the county
 35 in which the officer serves, on a warrant signed by the county auditor.
 36 The county council shall appropriate, and the board of county
 37 commissioners shall allow, the funds necessary to make these
 38 payments. However, a warrant may not be issued to an attendance
 39 officer until the officer has filed an itemized statement with the county
 40 auditor. This statement must show the time employed and expenses
 41 incurred. The appropriate superintendent shall approve the statement
 42 and certify that it is correct.



1 SECTION 277. IC 20-33-2-34 IS REPEALED [EFFECTIVE JULY
2 1, 2015]. Sec. 34. (a) This section applies to a county having a
3 population of:

4 (1) more than twenty-five thousand eight hundred (25,800) but
5 less than twenty-six thousand (26,000); or

6 (2) more than one hundred fifty thousand (150,000) but less than
7 one hundred seventy thousand (170,000):

8 (b) Notwithstanding sections 32 and 33 of this chapter, in a county
9 that has not been completely reorganized under IC 20-23-4, the
10 governing body of each school corporation constituting a separate
11 attendance district under section 30 of this chapter shall appoint an
12 attendance officer. One (1) additional attendance officer may be
13 appointed for every seven thousand five hundred (7,500) students in
14 ADA in the school corporation. The governing body of each school
15 corporation that does not individually constitute a separate attendance
16 district may appoint an attendance officer.

17 (c) If the governing body of the school corporation makes an
18 appointment under this section, it shall appoint an individual who is
19 nominated by the superintendent of the school corporation. However,
20 the governing body may decline to appoint a nominee and may require
21 another nomination to be made by the superintendent. If the governing
22 body has discretion in whether to appoint an attendance officer under
23 subsection (b) and declines to make an appointment, the superintendent
24 of the school corporation involved shall serve as ex officio attendance
25 officer under section 35 of this chapter.

26 (d) The salary, including fringe benefits, of each attendance officer
27 appointed under this section shall be fixed by the governing body of the
28 school corporation and shall be paid by the treasurer of the school
29 corporation.

30 (e) Each attendance officer appointed under this section is entitled
31 to receive reimbursement from the school corporation for the actual
32 and necessary expenses incurred by the attendance officer in the proper
33 performance of the attendance officer's duties:

34 SECTION 278. IC 20-33-2-35, AS AMENDED BY P.L.90-2011,
35 SECTION 45, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
36 JULY 1, 2015]: Sec. 35. If the governing body of a school corporation
37 elects not to appoint an attendance officer under section 31 of this
38 chapter, or an appointing authority elects not to appoint an attendance
39 officer under section 33 of this chapter, the superintendent shall serve
40 as an ex officio attendance officer. A superintendent acting in this
41 capacity may designate one (1) or more school employees as assistant
42 attendance officers. These assistant attendance officers shall act under



1 the superintendent's direction and perform the duties the superintendent
 2 assigns. Ex officio attendance officers and assistant attendance officers
 3 appointed under this section shall receive no additional compensation
 4 for performing attendance services.

5 SECTION 279. IC 20-33-2-36 IS REPEALED [EFFECTIVE JULY
 6 1, 2015]. Sec. 36. The governing bodies of two (2) or more school
 7 corporations may enter into a voluntary mutual agreement for the joint
 8 employment of an attendance officer. The agreement must stipulate the
 9 manner in which the joint attendance officer is appointed, paid, and
 10 supervised. The attendance officer may then be appointed, paid, and
 11 supervised under the terms of the agreement. However, compensation
 12 for any attendance officer employed under this section shall be paid
 13 entirely by the school corporations involved with no assistance from
 14 the civil government.

15 SECTION 280. IC 20-33-2-37 IS REPEALED [EFFECTIVE JULY
 16 1, 2015]. Sec. 37. The governing body of a school corporation that has
 17 fewer than one thousand five hundred (1,500) students in ADA may
 18 organize the school corporation as a separate attendance district and
 19 appoint an attendance officer. The governing body, in making the
 20 appointment, shall appoint an individual nominated by the
 21 superintendent. However, it may decline to appoint any nominee and
 22 require another nomination. All compensation for an attendance officer
 23 appointed under this section shall be paid by the treasurer of the school
 24 corporation in which the officer is employed.

25 SECTION 281. IC 20-33-2-38, AS ADDED BY P.L.1-2005,
 26 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 27 JULY 1, 2015]: Sec. 38. Any school corporation ~~attendance district, or~~
 28 ~~remainder attendance district or school corporations~~ may appoint
 29 more attendance officers than are specifically authorized ~~or required~~
 30 under **section 31** of this chapter. However, these additional attendance
 31 officers shall be appointed in the same manner as required by law for
 32 other attendance officers. Compensation for additional attendance
 33 officers appointed under this section shall be paid entirely by the
 34 school corporation or school corporations involved.

35 SECTION 282. IC 20-33-2-40, AS ADDED BY P.L.1-2005,
 36 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 37 JULY 1, 2015]: Sec. 40. (a) Each attendance officer may serve original
 38 and other process in cases arising under this chapter.

39 (b) An attendance officer may enter any place where a child is
 40 employed to determine whether violations of this chapter ~~or of~~
 41 ~~IC 20-33-3~~ have occurred. When an attendance officer or a school
 42 official is exercising the power granted under this subsection, any



1 officer, manager, director, employee or other person who refuses to
 2 permit the attendance officer's or the school official's entry into a place
 3 of business or interferes with his **the officer's or official's**
 4 investigation in any way commits a violation of this chapter.

5 SECTION 283. IC 20-33-5-7.5 IS REPEALED [EFFECTIVE JULY
 6 1, 2015]. ~~Sec. 7.5: (a) If a school corporation does not request~~
 7 ~~reimbursement under this chapter before April 1 of a particular school~~
 8 ~~year, the school corporation shall, before the following June 1 of that~~
 9 ~~year, estimate and report to the department the percentage of the school~~
 10 ~~corporation's students who are enrolled in the school corporation and~~
 11 ~~are eligible for assistance under this chapter.~~

12 (b) ~~The state board may adopt emergency rules in the manner~~
 13 ~~provided in IC 4-22-2-37.1 to implement this section.~~

14 SECTION 284. IC 20-33-6 IS REPEALED [EFFECTIVE JULY 1,
 15 2015]. (Parental Participation in a Student's Education).

16 SECTION 285. IC 20-33-8-16, AS AMENDED BY P.L.114-2012,
 17 SECTION 42, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 18 JULY 1, 2015]: Sec. 16. (a) As used in this section, "firearm" has the
 19 meaning set forth in IC 35-47-1-5.

20 (b) As used in this section, "deadly weapon" has the meaning set
 21 forth in IC 35-31.5-2-86. The term does not include a firearm or
 22 destructive device.

23 (c) As used in this section, "destructive device" has the meaning set
 24 forth in IC 35-47.5-2-4.

25 (d) Notwithstanding section 20 of this chapter, a student who is:

- 26 (1) identified as bringing a firearm or destructive device to school
 27 or on school property; or
 28 (2) in possession of a firearm or destructive device on school
 29 property;

30 must be expelled for at least one (1) calendar year, with the return of
 31 the student to be at the beginning of the first school semester after the
 32 end of the one (1) year period.

33 (e) The superintendent may, on a case by case basis, modify the
 34 period of expulsion under subsection (d) for a student who is expelled
 35 under this section.

36 (f) Notwithstanding section 20 of this chapter, a student who is:

- 37 (1) identified as bringing a deadly weapon to school or on school
 38 property; or
 39 (2) in possession of a deadly weapon on school property;

40 may be expelled for not more than one (1) calendar year.

41 (g) A superintendent or the superintendent's designee shall
 42 immediately notify the appropriate law enforcement agency having



1 jurisdiction over the property where the school is located if a student
 2 engages in a behavior described in subsection (d). The superintendent
 3 may give similar notice if the student engages in a behavior described
 4 in subsection (f). Upon receiving notification under this subsection, the
 5 law enforcement agency shall begin an investigation and take
 6 appropriate action.

7 (h) A student with ~~disabilities~~ **a disability** (as defined in
 8 ~~IC 20-35-7-7~~ **IC 20-35-1-8**) who possesses a firearm on school
 9 property is subject to procedural safeguards under 20 U.S.C. 1415.

10 SECTION 286. IC 20-33-8-25, AS AMENDED BY P.L.66-2009,
 11 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 12 JULY 1, 2015]: Sec. 25. (a) This section applies to an individual who:

13 (1) is a member of the administrative staff, a teacher, or other
 14 school staff member; and

15 (2) has students under the individual's charge.

16 (b) An individual may take disciplinary action instead of or in
 17 addition to suspension and expulsion that is necessary to ensure a safe,
 18 orderly, and effective educational environment. Disciplinary action
 19 under this section may include the following:

20 (1) Counseling with a student or group of students.

21 (2) Conferences with a parent or group of parents.

22 (3) Assigning additional work.

23 (4) Rearranging class schedules.

24 (5) Requiring a student to remain in school after regular school
 25 hours:

26 (A) to do additional school work; or

27 (B) for counseling.

28 (6) Restricting extracurricular activities.

29 (7) Removal of a student by a teacher from that teacher's class for
 30 a period not to exceed:

31 (A) five (5) class periods for middle, junior high, or high
 32 school students; or

33 (B) one (1) school day for elementary school students;

34 if the student is assigned regular or additional school work to
 35 complete in another school setting.

36 (8) Assignment by the principal of:

37 (A) a special course of study;

38 (B) an alternative educational program; or

39 (C) an alternative school.

40 (9) Assignment by the principal of the school where the recipient
 41 of the disciplinary action is enrolled of not more than one hundred
 42 twenty (120) hours of service with a nonprofit organization



1 operating in or near the community where the school is located or
 2 where the student resides. The following apply to service assigned
 3 under this subdivision:

4 (A) A principal may not assign a student under this
 5 subdivision unless the student's parent approves:

6 (i) the nonprofit organization where the student is assigned;
 7 and

8 (ii) the plan described in clause (B)(i).

9 A student's parent may request or suggest that the principal
 10 assign the student under this subdivision.

11 (B) The principal shall make arrangements for the student's
 12 service with the nonprofit organization. Arrangements must
 13 include the following:

14 (i) A plan for the service that the student is expected to
 15 perform.

16 (ii) A description of the obligations of the nonprofit
 17 organization to the student, the student's parents, and the
 18 school corporation where the student is enrolled.

19 (iii) Monitoring of the student's performance of service by
 20 the principal or the principal's designee.

21 (iv) Periodic reports from the nonprofit organization to the
 22 principal and the student's parent or guardian of the student's
 23 performance of the service.

24 (C) The nonprofit organization must obtain liability insurance
 25 in the amount and of the type specified by the school
 26 corporation where the student is enrolled that is sufficient to
 27 cover liabilities that may be incurred by a student who
 28 performs service under this subdivision.

29 (D) Assignment of service under this subdivision suspends the
 30 implementation of a student's suspension or expulsion. A
 31 student's completion of service assigned under this subdivision
 32 to the satisfaction of the principal and the nonprofit
 33 organization terminates the student's suspension or expulsion.

34 (10) Removal of a student from school sponsored transportation.

35 (11) Referral to the juvenile court having jurisdiction over the
 36 student.

37 (c) As used in this subsection, "physical assault" means the knowing
 38 or intentional touching of another person in a rude, insolent, or angry
 39 manner. When a student physically assaults a person having authority
 40 over the student, the principal of the school where the student is
 41 enrolled shall refer the student to the juvenile court having jurisdiction
 42 over the student. However, a student with ~~disabilities~~ **a disability** (as



1 defined in ~~IC 20-35-7-7~~ **IC 20-35-1-8**) who physically assaults a
 2 person having authority over the student is subject to procedural
 3 safeguards under 20 U.S.C. 1415.

4 SECTION 287. IC 20-33-8-30 IS REPEALED [EFFECTIVE JULY
 5 1, 2015]. Sec. 30: (a) This section applies to the following:

- 6 (1) A student who:
 - 7 (A) is expelled from a school corporation or charter school
 - 8 under this chapter; or
 - 9 (B) withdraws from a school corporation or charter school to
 - 10 avoid expulsion.

- 11 (2) A student who:
 - 12 (A) is required to separate for disciplinary reasons from a
 - 13 nonpublic school or a school in a state other than Indiana by
 - 14 the administrative authority of the school; or
 - 15 (B) withdraws from a nonpublic school or a school in a state
 - 16 other than Indiana in order to avoid being required to separate
 - 17 from the school for disciplinary reasons by the administrative
 - 18 authority of the school.

19 (b) The student referred to in subsection (a) may enroll in another
 20 school corporation or charter school during the period of the actual or
 21 proposed expulsion or separation if:

- 22 (1) the student's parent informs the school corporation in which
 23 the student seeks to enroll and also:
 - 24 (A) in the case of a student withdrawing from a charter school
 - 25 that is not a conversion charter school to avoid expulsion; the
 - 26 conversion charter school; or
 - 27 (B) in the case of a student withdrawing from a conversion
 - 28 charter school to avoid expulsion:
 - 29 (i) the conversion charter school; and
 - 30 (ii) the school corporation that sponsored the conversion
 - 31 charter school;

32 of the student's expulsion; separation; or withdrawal to avoid
 33 expulsion or separation;

34 (2) the school corporation (and, in the case of a student
 35 withdrawal described in subdivision (1)(A) or (1)(B); the charter
 36 school) consents to the student's enrollment; and

37 (3) the student agrees to the terms and conditions of enrollment
 38 established by the school corporation (or, in the case of a student
 39 withdrawal described in subdivision (1)(A) or (1)(B); the charter
 40 school or conversion charter school):

- 41 (c) If:
 - 42 (1) a student's parent fails to inform the school corporation of the



1 expulsion or separation or withdrawal to avoid expulsion or
 2 separation; or
 3 (2) a student fails to follow the terms and conditions of enrollment
 4 under subsection (b)(3);
 5 the school corporation or charter school may withdraw consent and
 6 prohibit the student's enrollment during the period of the actual or
 7 proposed expulsion or separation.

8 (d) Before a consent is withdrawn under subsection (c) the student
 9 must have an opportunity for an informal meeting before the principal
 10 of the student's proposed school. At the informal meeting, the student
 11 is entitled to:

- 12 (1) a written or an oral statement of the reasons for the withdrawal
 13 of the consent;
- 14 (2) a summary of the evidence against the student; and
- 15 (3) an opportunity to explain the student's conduct.

16 (e) This section does not apply to a student who is expelled under
 17 section 17 of this chapter.

18 SECTION 288. IC 20-33-8-33, AS AMENDED BY P.L.125-2012,
 19 SECTION 402, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 33. Before February 1 and before
 20 October 1 of each year, except when a hearing has been requested to
 21 determine financial hardship under IC 9-24-2-1(a)(4), a principal ~~shall~~
 22 **may** submit to the bureau of motor vehicles the pertinent information
 23 concerning an individual's ineligibility under IC 9-24-2-1 to be issued
 24 a driver's license or learner's permit, or concerning the suspension of
 25 driving privileges under IC 9-24-2-4.

26 SECTION 289. IC 20-33-8-34, AS ADDED BY P.L.1-2005,
 27 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 28 JULY 1, 2015]: Sec. 34. (a) Notwithstanding any other law, a
 29 suspension, an expulsion, or another disciplinary action against a
 30 student who is a **child student** with a disability (as defined in
 31 ~~IC 20-35-1-2) IC 20-35-1-8~~) is subject to the:

- 32 (1) procedural requirements of 20 U.S.C. 1415; and
- 33 (2) rules adopted by the state board.

34 (b) The division of special education shall propose rules under
 35 IC 20-35-2-1(b)(5) to the state board for adoption under IC 4-22-2
 36 governing suspensions, expulsions, and other disciplinary action for a
 37 student who is a **child student** with a disability (as defined in
 38 ~~IC 20-35-1-2) IC 20-35-1-8~~).

39 SECTION 290. IC 20-33-8.5-11, AS ADDED BY P.L.242-2005,
 40 SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 41 JULY 1, 2015]: Sec. 11. Notwithstanding the terms of the agreement,
 42



1 a suspension, an expulsion, or a referral of a student who is a ~~child~~
 2 **student** with a disability (as defined in ~~IC 20-1-6-1~~) **IC 20-35-1-8**) is
 3 subject to the:

- 4 (1) procedural requirements of 20 U.S.C. 1415; and
- 5 (2) rules adopted by the Indiana state board of education.

6 SECTION 291. IC 20-33-9-1, AS ADDED BY P.L.1-2005,
 7 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 8 JULY 1, 2015]: Sec. 1. Sections 5 through ~~9~~ **8** of this chapter apply to
 9 the following:

- 10 (1) A violation under IC 7.1-5-7 (concerning minors and alcoholic
 11 beverages).
- 12 (2) A violation under IC 35-48-4 (offenses related to controlled
 13 substances).

14 SECTION 292. IC 20-33-9-5, AS ADDED BY P.L.1-2005,
 15 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 16 JULY 1, 2015]: Sec. 5. **Except as provided in section 7 of this**
 17 **chapter**, if a person other than a member of the administrative staff
 18 who is an employee of a school corporation has personally observed:

- 19 (1) a violation described in section 1 of this chapter; or
- 20 (2) a delinquent act that would be a violation under section 1 of
 21 this chapter if the violator were an adult;

22 in, on, or within one thousand (1,000) feet of the school property of the
 23 school corporation employing the person, the person shall immediately
 24 report the violation in writing to a member of the administrative staff
 25 of the school corporation employing the person.

26 SECTION 293. IC 20-33-9-6, AS ADDED BY P.L.1-2005,
 27 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 28 JULY 1, 2015]: Sec. 6. **Except as provided in section 7 of this**
 29 **chapter**, a member of the administrative staff who, based on personal
 30 knowledge or on the report of another employee of the school
 31 corporation, believes that a person has committed a violation described
 32 in section 1 of this chapter or a delinquent act that would be a violation
 33 described in section 1 of this chapter if the violator were an adult in,
 34 on, or within one thousand (1,000) feet of the school property of the
 35 school corporation employing the member, ~~shall immediately~~ **may**
 36 report:

- 37 (1) a general description of the violation;
- 38 (2) the name or a general description of each violator known to
 39 the member;
- 40 (3) the date, time, and and place of the violation;
- 41 (4) the name or a general description of each person who the
 42 member knows witnessed any part of the violation; and



1 (5) a general description and the location of any property that the
2 member knows was involved in the violation;
3 in writing to a law enforcement officer.

4 SECTION 294. IC 20-33-9-7, AS ADDED BY P.L.1-2005,
5 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
6 JULY 1, 2015]: Sec. 7. A report is ~~not required~~ **may not be made**
7 under sections 5 through 6 of this chapter if:

- 8 (1) a federal statute or regulation;
- 9 (2) IC 20-28-10-17, IC 25-33-1-17, IC 34-46-3-1, or another state
10 statute; or
- 11 (3) a rule adopted by a state agency;

12 imposes a duty on the employee of the school corporation or member
13 of the administrative staff not to disclose privileged or confidential
14 information that otherwise would have been the basis of a report.

15 SECTION 295. IC 20-33-9-9 IS REPEALED [EFFECTIVE JULY
16 1, 2015]. ~~Sec. 9: The law enforcement agencies and the school
17 corporations in each county shall develop and administer a program to
18 efficiently implement this chapter.~~

19 SECTION 296. IC 20-33-9-10, AS AMENDED BY P.L.72-2006,
20 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
21 JULY 1, 2015]: Sec. 10. ~~In addition to any other duty to report arising
22 under this article,~~ An individual who has reason to believe that a school
23 employee:

- 24 (1) has received a threat;
- 25 (2) is the victim of intimidation;
- 26 (3) is the victim of battery; or
- 27 (4) is the victim of harassment;

28 ~~shall~~ **may** report that information as ~~required by~~ **set forth in** this
29 chapter.

30 SECTION 297. IC 20-33-9-10.5, AS ADDED BY P.L.190-2013,
31 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
32 JULY 1, 2015]: Sec. 10.5. (a) This section does not apply to a charter
33 school or an accredited nonpublic school.

34 (b) A school employee ~~shall~~ **may** report any incidence of suspected
35 criminal gang activity, criminal gang intimidation, or criminal gang
36 recruitment to the principal and the school safety specialist.

37 (c) The principal and the school safety specialist may take
38 appropriate action to maintain a safe and secure school environment,
39 including providing appropriate intervention services.

40 SECTION 298. IC 20-33-9-11, AS AMENDED BY P.L.72-2006,
41 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
42 JULY 1, 2015]: Sec. 11. (a) If an individual who is ~~required to~~ **may**



1 make a report under this chapter is a member of the staff of a school,
 2 the individual shall make the report by immediately notifying the
 3 principal of the school that a school employee may have received a
 4 threat or may be the victim of intimidation, battery, or harassment.

5 (b) An individual who receives a report under subsection (a) ~~shall~~
 6 ~~immediately~~ **may** make a report or cause a report to be made under
 7 section 13 of this chapter.

8 SECTION 299. IC 20-33-9-12 IS REPEALED [EFFECTIVE JULY
 9 1, 2015]. ~~Sec. 12. This chapter does not relieve an individual of the~~
 10 ~~obligation to report a threat, intimidation, a battery, or harassment on~~
 11 ~~the individual's own behalf, unless a report has already been made to~~
 12 ~~the best of the individual's belief.~~

13 SECTION 300. IC 20-33-9-13, AS AMENDED BY P.L.72-2006,
 14 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 15 JULY 1, 2015]: Sec. 13. An individual who ~~has a duty~~ **may** under
 16 sections 10 ~~through 12~~ **and 11** of this chapter ~~to~~ report that a school
 17 employee may have received a threat or may be the victim of
 18 intimidation, battery, or harassment, ~~shall immediately~~ **may** make an
 19 oral report to the local law enforcement agency.

20 SECTION 301. IC 20-33-10 IS REPEALED [EFFECTIVE JULY 1,
 21 2015]. (Access to High School Student Information by Military
 22 Organizations).

23 SECTION 302. IC 20-33-11 IS REPEALED [EFFECTIVE JULY 1,
 24 2015]. (Interrogation of a Student).

25 SECTION 303. IC 20-34-1 IS REPEALED [EFFECTIVE JULY 1,
 26 2015]. (Acquired Immune Deficiency Syndrome Advisory Council).

27 SECTION 304. IC 20-34-2 IS REPEALED [EFFECTIVE JULY 1,
 28 2015]. (Drug-Free Schools Committee).

29 SECTION 305. IC 20-34-3-15 IS REPEALED [EFFECTIVE JULY
 30 1, 2015]. ~~Sec. 15. (a) Whenever the test required under section 14 of~~
 31 ~~this chapter discloses that the hearing of a student is impaired and the~~
 32 ~~student cannot be taught advantageously in regular classes, the~~
 33 ~~governing body of the school corporation shall provide appropriate~~
 34 ~~remedial measures and correctional devices. The governing body shall~~
 35 ~~advise the student's parent of the proper medical care, attention, and~~
 36 ~~treatment needed. The governing body shall provide approved~~
 37 ~~mechanical auditory devices and prescribe courses in lip reading by~~
 38 ~~qualified, competent, and approved instructors. The state~~
 39 ~~superintendent and the director of the rehabilitation services bureau of~~
 40 ~~the division of disability and rehabilitative services shall:~~

41 (1) ~~cooperate with school corporations to provide assistance under~~
 42 ~~this section; and~~



1 (2) provide advice and information to assist school corporations
2 in complying with this section.

3 The governing body may adopt rules for the administration of this
4 section.

5 (b) Each school corporation may receive and accept bequests and
6 donations for immediate use or as trusts or endowments to assist in
7 meeting costs and expenses incurred in complying with this section.
8 When funds for the full payment of the expenses are not otherwise
9 available in a school corporation, an unexpended balance in the state
10 treasury that is available for the use of local schools and is otherwise
11 unappropriated may be loaned to the school corporation for that
12 purpose by the governor. A loan made by the governor under this
13 section shall be repaid to the fund in the state treasury from which the
14 loan came not more than two (2) years after the date it was advanced.
15 Loans under this section shall be repaid through the levying of taxes in
16 the borrowing school corporation.

17 SECTION 306. IC 20-34-3-20, AS AMENDED BY P.L.132-2007,
18 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
19 JULY 1, 2015]: Sec. 20. (a) The governing body of a school
20 corporation shall require each school in the governing body's
21 jurisdiction to conduct periodic fire drills during the school year in
22 compliance with rules adopted under IC 4-22-2 by the state board. **A**
23 **rule adopted under this subsection may not require more than one**
24 **(1) fire drill during each semester.**

25 (b) Each school and attendance center shall conduct at least:
26 (1) one (1) tornado preparedness drill; and
27 (2) one (1) manmade occurrence disaster drill;
28 during each semester.

29 (c) The governing body of a school corporation shall require each
30 principal to file a certified statement that all drills have been conducted
31 as required under this section.

32 SECTION 307. IC 20-35-1-2 IS REPEALED [EFFECTIVE JULY
33 1, 2015]. Sec. 2: "Child with a disability" means a child who:

34 (1) is at least three (3) years of age but less than twenty-two (22)
35 years of age; and
36 (2) because of physical or mental disability is incapable of being
37 educated properly and efficiently through normal classroom
38 instruction, but who, with the advantage of a special educational
39 program, may be expected to benefit from instruction in
40 surroundings designed to further the educational, social, or
41 economic status of the child.

42 SECTION 308. IC 20-35-1-5 IS REPEALED [EFFECTIVE JULY



1 1, 2015]. Sec. 5. "Preschool child with a disability" refers to a child
 2 with a disability who is at least three (3) years of age by June 1 of the
 3 school year.

4 SECTION 309. IC 20-35-1-8 IS ADDED TO THE INDIANA
 5 CODE AS A NEW SECTION TO READ AS FOLLOWS
 6 [EFFECTIVE JULY 1, 2015]: Sec. 8. "Student with a disability"
 7 means an individual who:

- 8 (1) is at least three (3) years of age but less than twenty-two
- 9 (22) years of age; and
- 10 (2) because of physical or mental disability is incapable of
- 11 being educated properly and efficiently through normal
- 12 classroom instruction, but who, with the advantage of a
- 13 special educational program, may be expected to benefit from
- 14 instruction in surroundings designed to further the
- 15 educational, social, or economic status of the student.

16 SECTION 310. IC 20-35-2-1, AS AMENDED BY P.L.234-2007,
 17 SECTION 121, IS AMENDED TO READ AS FOLLOWS
 18 [EFFECTIVE JULY 1, 2015]: Sec. 1. (a) There is established under the
 19 state board a division of special education. The division shall exercise
 20 all the power and duties set out in this chapter, IC 20-35-3 through
 21 IC 20-35-6, and IC 20-35-8.

22 (b) The governor shall appoint, upon the recommendation of the
 23 state superintendent, a director of special education who serves at the
 24 pleasure of the governor. The amount of compensation of the director
 25 shall be determined by the budget agency with the approval of the
 26 governor. The director has the following duties:

- 27 (1) To do the following:
 - 28 (A) Have general supervision of all programs, classes, and
 - 29 schools for ~~children with disabilities; students with a~~
 - 30 **disability**, including those conducted by public schools, the
 - 31 Indiana School for the Blind and Visually Impaired, the
 - 32 Indiana School for the Deaf, the department of correction, the
 - 33 state department of health, the division of disability and
 - 34 rehabilitative services, and the division of mental health and
 - 35 addiction.
 - 36 (B) Coordinate the work of schools ~~described in clause (A);~~
 - 37 **that receive state or federal funding for special education**
 - 38 **or programs.**

39 For programs for preschool children with disabilities as required
 40 under IC 20-35-4-9, have general supervision over programs,
 41 classes, and schools, including those conducted by the schools or
 42 other state or local service providers as contracted for under



1 IC 20-35-4-9. However, general supervision does not include the
 2 determination of admission standards for the state departments;
 3 boards, or agencies authorized to provide programs or classes
 4 under this chapter.
 5 (2) To adopt, with the approval of the state board, rules governing
 6 the curriculum and instruction, including licensing of personnel
 7 in the field of education, as provided by law.
 8 (3) To inspect and rate all schools, programs, or classes for
 9 children with disabilities to maintain proper standards of
 10 personnel, equipment, and supplies.
 11 (4) (2) With the consent of the state superintendent and the
 12 budget agency, to appoint and determine salaries for any
 13 assistants and other personnel needed to enable the director to
 14 accomplish the duties of the director's office.
 15 (5) To adopt, with the approval of the state board, the following:
 16 (A) Rules governing the identification and evaluation of
 17 children with disabilities and their placement under an
 18 individualized education program in a special education
 19 program.
 20 (B) Rules protecting the rights of a child with a disability and
 21 the parents of the child with a disability in the identification,
 22 evaluation, and placement process.
 23 (6) (3) To make recommendations to the state board concerning
 24 standards and case load ranges for related services to assist each
 25 teacher in meeting the individual needs of each child according
 26 to that child's individualized education program. The
 27 recommendations may include the following:
 28 (A) The number of teacher aides recommended for each
 29 exceptionality included within the class size ranges.
 30 (B) (A) The role of the teacher aide.
 31 (C) (B) Minimum training recommendations for teacher aides
 32 and recommended procedures for the supervision of teacher
 33 aides.
 34 (7) To cooperate with the interagency coordinating council
 35 established by IC 12-12.7-2-7 to ensure that the preschool special
 36 education programs required by IC 20-35-4-9 are consistent with
 37 the early intervention services program described in IC 12-12.7-2.
 38 (c) The director or the state board may exercise authority over career
 39 and technical education programs for children with disabilities through
 40 a letter of agreement with the department of workforce development.
 41 SECTION 311. IC 20-35-4-1 IS REPEALED [EFFECTIVE JULY
 42 1, 2015]. Sec. 1. (a) A school corporation acting individually or in a



1 joint school services program with other corporations may establish
 2 and maintain instructional facilities for the instruction of children with
 3 disabilities:

4 (b) A school corporation may provide transfer and transportation of
 5 children with disabilities residing in the geographical limits of the
 6 corporation to facilities for the instruction of children with disabilities
 7 that are not maintained by the school corporation:

8 (c) A school corporation acting individually or in a joint school
 9 services program with other corporations may convert, build, or lease
 10 the necessary school buildings or use existing buildings to establish
 11 and maintain classes of one (1) or more pupils who are:

12 (1) residents of Indiana; and

13 (2) children with disabilities:

14 (d) A school corporation may provide for instruction of any child
 15 with a disability who is not able to attend a special class or school for
 16 children with disabilities. Special personnel may be employed in
 17 connection with these classes of schools; and any expenditures for
 18 these classes of schools are lawful expenditures for maintaining the
 19 education of children with disabilities:

20 (e) All nurses, therapists, doctors, psychologists, and related
 21 specialists employed under this chapter:

22 (1) must be registered and authorized to practice under Indiana
 23 law; and

24 (2) are subject to any additional requirements of the division:

25 (f) A school corporation acting individually or in a joint school
 26 services program with other corporations may purchase special
 27 equipment needed in a class or school for children with disabilities; and
 28 any expenditures made for this special equipment are lawful
 29 expenditures for maintaining the education of children with disabilities:

30 (g) Children with disabilities shall receive credit for schoolwork
 31 accomplished on the same basis as children without disabilities who do
 32 similar work:

33 (h) A school corporation constructing or operating a school under
 34 this chapter:

35 (1) shall pay the operating expense for each student attending;
 36 and

37 (2) is entitled to receive state aid for these students under the
 38 applicable laws:

39 Other school corporations sending children with disabilities as students
 40 of the school shall pay tuition in accordance with IC 20-35-8-1 through
 41 IC 20-35-8-2.

42 (i) If the state receives funds from the federal government to aid in



1 the operation of any school for children with disabilities; the division
 2 shall distribute among these schools the grant of federal funds that are
 3 appropriated. The federal funds shall be expended for the purposes for
 4 which the funds are granted:

5 (j) Except as provided in section 9 of this chapter with regard to
 6 preschool children with disabilities; schools or classes for children with
 7 disabilities shall be operated by the school corporation establishing the
 8 schools or classes under:

- 9 (1) Indiana laws applying to the operation of public schools; and
 10 (2) the supervision of the division:

11 (k) Teachers in classes and schools for children with disabilities:

12 (1) shall be appointed in the same manner as other public school
 13 teachers; and

14 (2) must possess:

15 (A) the usual qualifications required of teachers in the public
 16 schools; and

17 (B) any special training that the state board requires:

18 (l) The state board shall adopt rules under IC 4-22-2 governing the
 19 qualifications required of preschool teachers under contractual
 20 agreements entered into under section 9 of this chapter:

21 (m) Qualifications of paraprofessional personnel to be employed
 22 under this chapter are subject to a determination by the department.
 23 Before any type of special class organized or to be organized under this
 24 chapter is established in any school corporation or through any
 25 contractual agreement, the special class must be submitted to and
 26 approved by the state board:

27 (n) The state board shall adopt rules under IC 4-22-2 necessary for
 28 the proper administration of this chapter:

29 SECTION 312. IC 20-35-4-1.5 IS ADDED TO THE INDIANA
 30 CODE AS A NEW SECTION TO READ AS FOLLOWS
 31 [EFFECTIVE JULY 1, 2015]: **Sec. 1.5. (a) A school corporation has
 32 a duty to educate a student with a disability. However, the duty
 33 does not abrogate the right of a parent to act under IC 20-33-2-8.**

34 **(b) The state board shall adopt rules governing special
 35 education that comply with federal law.**

36 SECTION 313. IC 20-35-4-2 IS REPEALED [EFFECTIVE JULY
 37 1, 2015]. **Sec. 2: (a) The division may, upon application by the
 38 governing body of a school corporation, together with proof of need;
 39 authorize the school corporation to purchase, convert, remodel, or
 40 construct rooms or buildings for special schools for children with
 41 disabilities in an effort to have the schools located near the homes of
 42 the children with disabilities the schools will serve.**



1 (b) The school corporation:

2 (1) shall pay the cost of purchase; conversion; remodeling; and
3 construction and the cost of building equipment of any such
4 school; and

5 (2) may finance such conversion; remodeling; and construction as
6 other school buildings are financed:

7 (c) The school corporation establishing any such school may send
8 all its children with disabilities to the school and shall admit, if
9 facilities permit, any other children with disabilities in Indiana who:

10 (1) are eligible under this chapter; and

11 (2) are not provided with an opportunity to attend an adequate
12 school in their own school corporation:

13 SECTION 314. IC 20-35-4-3 IS REPEALED [EFFECTIVE JULY
14 1, 2015]. Sec. 3: (a) The medical care of a child with a disability is the
15 responsibility of the physician chosen by the parent to attend the child:
16 However, a child with a disability is not excused from attending school
17 unless the local health officer, upon a statement of the attending
18 physician, certifies that attendance would be injurious to the child: The
19 educational and recreational program may not alter in any way the
20 medical care prescribed by the proper medical authority: Eligibility for
21 all special education classes and programs must be determined by
22 appropriate specialists:

23 (b) All nurses and special therapists in physical therapy;
24 occupational therapy; and related medical fields must be:

25 (1) graduates of fully accredited training schools; and

26 (2) registered by their respective examining boards or by their
27 respective professional associations:

28 (c) The medical care of needy children with disabilities is the
29 responsibility of the state department of health and its program for
30 children with special health care needs; to the extent provided by law:

31 (d) The personnel and facilities under the program for children with
32 special health care needs shall be used at all times for the following:

33 (1) The determination of policies related to the medical care of
34 children with disabilities:

35 (2) The professional supervision of all special therapists:

36 (3) Individual casework as available:

37 SECTION 315. IC 20-35-4-8 IS REPEALED [EFFECTIVE JULY
38 1, 2015]. Sec. 8: (a) The school corporation in which a child with a
39 disability resides is primarily responsible for providing the child with
40 an appropriate special education program: The governing body of each
41 school corporation shall establish and maintain the special educational
42 facilities that are needed for:



1 (1) children with disabilities residing in the school corporation;
 2 and
 3 (2) other children as authorized by this chapter.
 4 However, under rules adopted by the state board, a child with a
 5 disability may be placed in a special education program that is not
 6 established or maintained by the school corporation.
 7 (b) Notwithstanding subsection (a), a school corporation may
 8 establish special educational facilities for children with disabilities who
 9 are:
 10 (1) at least nineteen (19) years of age; or
 11 (2) less than six (6) years of age.
 12 SECTION 316. IC 20-35-4-9 IS REPEALED [EFFECTIVE JULY
 13 1, 2015]. Sec. 9: (a) The budget agency and the division shall develop
 14 a funding mechanism to provide preschool special education. Each
 15 school corporation shall provide each preschool child with a disability
 16 with an appropriate special education. However, this subsection is
 17 applicable only if the general assembly appropriates state funds for
 18 preschool special education.
 19 (b) A school corporation may act:
 20 (1) individually;
 21 (2) in a joint school services program with other school
 22 corporations as described in section 1 of this chapter; or
 23 (3) upon approval by the division, through contractual agreements
 24 entered into between a school corporation and a qualified public
 25 or private agency that serves preschool children with disabilities.
 26 (c) The state board shall adopt rules under IC 4-22-2 governing the
 27 following:
 28 (1) The extent to which a school corporation may contract with
 29 another service provider as permitted under subsection (b).
 30 (2) The nature of the contracts.
 31 (3) The approval procedure required of the school corporation
 32 under subsection (b).
 33 (4) Other pertinent matters concerning these agreements.
 34 SECTION 317. IC 20-35-4-10 IS REPEALED [EFFECTIVE JULY
 35 1, 2015]. Sec. 10: (a) For purposes of this section, "comprehensive
 36 plan" means a plan for educating the following:
 37 (1) All children with disabilities that a school corporation is
 38 required to educate under sections 8 through 9 of this chapter.
 39 (2) The additional children with disabilities that the school
 40 corporation elects to educate.
 41 (b) For purposes of this section, "school corporation" includes the
 42 following:



- 1 (1) The Indiana School for the Blind and Visually Impaired board:
- 2 (2) The Indiana School for the Deaf board:
- 3 (c) The state board shall adopt rules under IC 4-22-2 detailing the
- 4 contents of the comprehensive plan. Each school corporation shall
- 5 complete and submit to the state superintendent a comprehensive plan.
- 6 School corporations operating cooperative or joint special education
- 7 services may submit a single comprehensive plan. In addition, if a
- 8 school corporation enters into a contractual agreement as permitted
- 9 under section 9 of this chapter, the school corporation shall collaborate
- 10 with the service provider in formulating the comprehensive plan.
- 11 (d) Notwithstanding the age limits set out in IC 20-35-1-2, the state
- 12 board may:
- 13 (1) conduct a program for the early identification of children with
- 14 disabilities, between the ages of birth and less than twenty-two
- 15 (22) years of age not served by the public schools or through a
- 16 contractual agreement under section 9 of this chapter; and
- 17 (2) use agencies that serve children with disabilities other than the
- 18 public schools.
- 19 (e) The state board shall adopt rules under IC 4-22-2 requiring the:
- 20 (1) department of correction;
- 21 (2) state department of health;
- 22 (3) division of disability and rehabilitative services;
- 23 (4) Indiana School for the Blind and Visually Impaired board;
- 24 (5) Indiana School for the Deaf board; and
- 25 (6) division of mental health and addiction;
- 26 to submit to the state superintendent a plan for the provision of special
- 27 education for children in programs administered by each respective
- 28 agency who are entitled to a special education.
- 29 (f) The state superintendent shall furnish professional consultant
- 30 services to school corporations and the entities listed in subsection (e)
- 31 to aid them in fulfilling the requirements of this section.
- 32 SECTION 318. IC 20-35-4-11, AS ADDED BY P.L.1-2005,
- 33 SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 34 JULY 1, 2015]: Sec. 11. (a) The governing bodies of one (1) or more
- 35 school corporations establishing and maintaining educational facilities
- 36 and services for students with disabilities, as described in this chapter,
- 37 shall, in connection with establishing and maintaining the facilities and
- 38 services, exercise similar powers and duties as are prescribed by law
- 39 for the establishment, maintenance, and management of other
- 40 recognized educational facilities and services.
- 41 (b) The governing bodies shall:
- 42 (1) include only eligible children in the program; and



1 (2) comply with all the requirements of:

2 (A) this chapter; and

3 (B) all rules established by the state superintendent and the
4 state board.

5 (c) ~~A school corporation may issue diplomas or certificates of~~
6 ~~graduation to pupils with disabilities completing special educational~~
7 ~~programs approved by the state superintendent and the state board.~~

8 SECTION 319. IC 20-35-4-12 IS REPEALED [EFFECTIVE JULY
9 1, 2015]. ~~Sec. 12. Public schools may operate special education~~
10 ~~programs for deaf and hard of hearing children at least six (6) months~~
11 ~~of age on an experimental basis upon the approval of the state~~
12 ~~superintendent and the state board.~~

13 SECTION 320. IC 20-35-5-1, AS AMENDED BY P.L.38-2014,
14 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
15 JULY 1, 2015]: Sec. 1. The definitions in this section apply throughout
16 this chapter.

17 (1) "Agreement" means an:

18 (A) identical resolution adopted by the governing body of each
19 participating school corporation or the governing board of a
20 participating charter school; or

21 (B) agreement approved by the governing body of each
22 participating school corporation or the governing board of a
23 participating charter school;

24 providing for a special education cooperative.

25 (2) "Assessed valuation" of a participating school corporation for
26 a school year means the net assessed valuation of the school
27 corporation for the immediately preceding March 1, adjusted in
28 the same manner as any adjustment is made in determining the
29 amount of state distribution for school support.

30 (3) "Board of managers" means the board or commission charged
31 with the responsibility of administering the affairs of a special
32 education cooperative.

33 (4) "Governing body" of a participating school corporation or
34 charter school means the board or commission charged by law
35 with the responsibility of administering the affairs of the school
36 corporation or charter school. ~~In the case of a school township,~~
37 ~~the term means the township trustee and township board.~~

38 (5) "Participating school corporation" means a local public school
39 corporation that:

40 (A) is established under Indiana law; and

41 (B) cooperates with other school corporations or charter
42 schools in a special education cooperative.



1 (6) "Participating charter school" means a charter school that is
 2 established under Indiana law and cooperates with other school
 3 corporations or charter schools in a special education cooperative.
 4 (7) "Percentage share" of a participating school corporation is the
 5 percent that its assessed valuation bears to the total assessed
 6 valuation of all the participating school corporations joining in an
 7 agreement.
 8 (8) "Special education cooperative" means a department, school,
 9 charter school, or school corporation established, maintained, and
 10 supervised for the education of ~~children with disabilities~~ **students**
 11 **with a disability** in accordance with this section.
 12 SECTION 321. IC 20-35-7 IS REPEALED [EFFECTIVE JULY 1,
 13 2015]. (Individualized Education Program; Case Conferences for
 14 Students With Disabilities; Transitional Services).
 15 SECTION 322. IC 20-35-9-3, AS ADDED BY P.L.1-2005,
 16 SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 17 JULY 1, 2015]: Sec. 3. As used in this chapter, "case conference
 18 committee" means the group of individuals described in IC 20-18-2-9
 19 who develop the individualized education program for each ~~child~~
 20 **student** with a disability (as defined in ~~IC 20-35-1-2~~; **IC 20-35-1-8**).
 21 SECTION 323. IC 20-35-10 IS REPEALED [EFFECTIVE JULY 1,
 22 2015]. (Inclusion School Pilot Program).
 23 SECTION 324. IC 20-40-1-5, AS ADDED BY P.L.2-2006,
 24 SECTION 163, IS AMENDED TO READ AS FOLLOWS
 25 [EFFECTIVE JULY 1, 2015]: Sec. 5. Statutes outside this article that
 26 permit or require the establishment of joint funds include the following:
 27 (1) IC 20-26-10-3 (joint fund for a joint program).
 28 (2) IC 20-26-10-8 (joint services, leasing, construction, and
 29 supply fund).
 30 (3) IC 20-26-10-9 (joint investment fund).
 31 ~~(4) IC 20-26-10-11 (joint service and supply fund to pay for a~~
 32 ~~joint program).~~
 33 ~~(5) IC 20-30-6-5 (joint fund to conduct educational television~~
 34 ~~instruction and contract with a commercial television station for~~
 35 ~~the use of the station's facilities and staff).~~
 36 SECTION 325. IC 20-40-12-5, AS ADDED BY P.L.2-2006,
 37 SECTION 163, IS AMENDED TO READ AS FOLLOWS
 38 [EFFECTIVE JULY 1, 2015]: Sec. 5. The fund may be used to provide
 39 money for the following purposes:
 40 (1) The payment of a judgment rendered against the school
 41 corporation, or rendered against an officer or employee of the
 42 school corporation for which the school corporation is liable



1 under IC 34-13-2, IC 34-13-3, or IC 34-13-4 (or IC 34-4-16.5,
 2 IC 34-4-16.6, or IC 34-4-16.7 before their repeal).
 3 (2) The payment of a claim or settlement for which the school
 4 corporation is liable under IC 34-13-2, IC 34-13-3, or IC 34-13-4
 5 (or IC 34-4-16.5, IC 34-4-16.6, or IC 34-4-16.7 before their
 6 repeal).
 7 (3) The payment of a premium, management fee, claim, or
 8 settlement for which the school corporation is liable under a
 9 federal or state statute, including IC 22-3 and IC 22-4.
 10 (4) The payment of a settlement or claim for which insurance
 11 coverage is permitted under ~~IC 20-26-5-4(15)~~.
 12 **IC 20-26-5-4(a)(14)**.
 13 SECTION 326. IC 20-40-12-8, AS ADDED BY P.L.2-2006,
 14 SECTION 163, IS AMENDED TO READ AS FOLLOWS
 15 [EFFECTIVE JULY 1, 2015]: Sec. 8. Subject to ~~IC 20-26-5-4(15)~~
 16 **IC 20-26-5-4(a)(14)** and this chapter and notwithstanding any other
 17 law, a self-insurance program must comply with this chapter.
 18 SECTION 327. IC 20-40-13 IS REPEALED [EFFECTIVE JULY 1,
 19 2015]. (Petty Cash Fund).
 20 SECTION 328. IC 20-40-15-6 IS REPEALED [EFFECTIVE JULY
 21 1, 2015]. Sec. 6: (a) ~~Before February 15 of each year, each school~~
 22 ~~corporation shall file a report with the state superintendent's special~~
 23 ~~assistant for technology:~~
 24 (b) ~~A report filed under this section must:~~
 25 (1) ~~be prepared in the form prescribed by the special assistant for~~
 26 ~~technology; and~~
 27 (2) ~~include a list of expenditures made by the school corporation~~
 28 ~~during the preceding calendar year from the school corporation's:~~
 29 (A) ~~fund for purposes described in this chapter;~~
 30 (B) ~~capital projects fund for purposes described in~~
 31 ~~IC 20-40-8-13; and~~
 32 (C) ~~debt service fund to provide financing for any equipment~~
 33 ~~or facilities used to provide educational technology programs:~~
 34 (c) ~~Before April 1 of each year, the special assistant for technology~~
 35 ~~shall compile the information contained in the reports filed under this~~
 36 ~~section.~~
 37 SECTION 329. IC 20-41-1-9, AS ADDED BY P.L.2-2006,
 38 SECTION 164, IS AMENDED TO READ AS FOLLOWS
 39 [EFFECTIVE JULY 1, 2015]: Sec. 9. (a) The treasurer shall deposit all
 40 receipts in one (1) bank account. The receipts shall be deposited
 41 without unreasonable delay. The account is known as the school
 42 extracurricular account. The records of each organization, class, or



1 activity shall be kept separate so that the balance in each fund may be
 2 known at all times.

3 (b) The money in the school extracurricular account may be
 4 invested under the conditions specified in IC 5-13-10 and IC 5-13-10.5
 5 for investment of state money. However, investments under this section
 6 are at the discretion of the principal. The interest earned from any
 7 investment may be credited to the school extracurricular account and
 8 need not be credited proportionately to each separate extracurricular
 9 fund. The interest earned from the investment may be used for any of
 10 the following:

- 11 (1) A school purpose approved by the principal.
- 12 (2) An extracurricular purpose approved by the principal.

13 (c) Amounts expended under this section for the purposes described
 14 in this section are in addition to the appropriation under
 15 ~~IC 20-26-5-4(3)~~ **IC 20-26-5-4(a)(3)**.

16 SECTION 330. IC 20-41-2-4, AS ADDED BY P.L.2-2006,
 17 SECTION 164, IS AMENDED TO READ AS FOLLOWS
 18 [EFFECTIVE JULY 1, 2015]: Sec. 4. A governing body in operating
 19 a school lunch program under ~~IC 20-26-5-4(11)~~ **IC 20-26-5-4(a)(10)**
 20 may use either of the following accounting methods:

- 21 (1) It may supervise and control the program through the school
 22 corporation account, establishing a school lunch fund.
- 23 (2) It may cause the program to be operated by the individual
 24 schools of the school corporation through the school corporation's
 25 extracurricular account or accounts in accordance with
 26 IC 20-41-1.

27 SECTION 331. IC 20-41-2-5, AS AMENDED BY P.L.286-2013,
 28 SECTION 122, IS AMENDED TO READ AS FOLLOWS
 29 [EFFECTIVE JULY 1, 2015]: Sec. 5. (a) A governing body in
 30 operating a curricular materials rental program under ~~IC 20-26-5-4(12)~~
 31 **IC 20-26-5-4(a)(11)** may use either of the following accounting
 32 methods:

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

42 (b) If the governing body determines that a hardship exists due to



1 the inability of a student's family to purchase or rent curricular
 2 materials, taking into consideration the income of the family and the
 3 demands on the family, the governing body may furnish curricular
 4 materials to the student without charge, without reference to the
 5 application of any other statute or rule except IC 20-26-1 through
 6 IC 20-26-5, IC 20-26-7, IC 20-40-12, and IC 20-48-1.

7 SECTION 332. IC 20-42.5-3-1 IS REPEALED [EFFECTIVE JULY
 8 1, 2015]. Sec. 1: The state board shall explore methods, including
 9 statewide purchases, to reduce the expense to school corporations for
 10 the purchase of the following:

11 (1) Curricular materials:

12 (2) Technology:

13 (3) School buses and other vehicles:

14 (4) Other areas of expenses as determined by the state board:

15 SECTION 333. IC 20-42.5-3-2 IS REPEALED [EFFECTIVE JULY
 16 1, 2015]. Sec. 2: The state board, assisted by the educational service
 17 centers, the division of finance of the department, and the office of
 18 management and budget, shall survey annually the school corporations
 19 to determine actions taken by the school corporations to allocate
 20 resources to student instruction and learning. The state board shall
 21 issue an annual report of actions taken to:

22 (1) each school corporation;

23 (2) the public; and

24 (3) the general assembly:

25 The report to the general assembly must be submitted to the executive
 26 director of the legislative services agency in an electronic format under
 27 IC 5-14-6.

28 SECTION 334. IC 20-42.5-3-3 IS REPEALED [EFFECTIVE JULY
 29 1, 2015]. Sec. 3: Not later than November 1 of each year, the state
 30 board, assisted by the office of management and budget and school
 31 corporation officials, shall submit a report to the state superintendent,
 32 the governor, and the general assembly concerning the following:

33 (1) Consolidated purchasing arrangements used by multiple
 34 school corporations, through educational service centers, and
 35 throughout Indiana.

36 (2) Shared services arrangements used by multiple school
 37 corporations, through educational service centers, and in Indiana
 38 as a whole.

39 (3) The efforts of school corporations to explore cooperatives,
 40 common management, or consolidations:

41 The report to the general assembly must be submitted to the executive
 42 director of the legislative services agency in an electronic format under



1 ~~IC 5-14-6.~~

2 SECTION 335. IC 20-42.5-3-6 IS REPEALED [EFFECTIVE JULY
3 1, 2015]. Sec. 6: (a) Beginning with the 2007-2008 school year, each
4 governing body shall establish goals for each category of expenditures
5 set forth in section 4 of this chapter that will increase the school
6 corporation's allocation of taxpayer resources directly to student
7 instruction and learning, in light of the unique circumstances present
8 in the school corporation.

9 (b) The state board shall recognize and reward the school
10 corporations that meet the goals described in subsection (a):

11 SECTION 336. IC 20-44-3-8 IS REPEALED [EFFECTIVE JULY
12 1, 2015]. Sec. 8: Subject to the limitations imposed by this chapter, a
13 school corporation may use money in its fund for any lawful purpose
14 for which money in any of its other funds may be used:

15 SECTION 337. IC 20-45-8-19, AS ADDED BY P.L.2-2006,
16 SECTION 168, IS AMENDED TO READ AS FOLLOWS
17 [EFFECTIVE JULY 1, 2015]: Sec. 19. The receipts from the tax are
18 available to a qualified school corporation for any purpose or purposes
19 for which school expenditures are authorized by law. The purpose or
20 purposes for which the receipts from the tax are used rests within the
21 discretion of the administrative officer or governing board of each
22 qualified school corporation. The budgets of the qualified school
23 corporations must reflect the anticipated receipts from the tax.
24 Appropriations shall be made of the receipts from the tax as other
25 appropriations are made.

26 SECTION 338. IC 20-47-2-5, AS ADDED BY P.L.2-2006,
27 SECTION 170, IS AMENDED TO READ AS FOLLOWS
28 [EFFECTIVE JULY 1, 2015]: Sec. 5. (a) Subject to subsection (b); A
29 school corporation may lease a school building or buildings for the use
30 of:

- 31 (1) the school corporation; or
32 (2) a joint or consolidated school district of which the school
33 corporation is a part or to which it contributes;

34 for a term not to exceed thirty (30) years.

35 (b) A school corporation may not enter into a lease under this
36 section unless

37 (1) a petition for the lease signed by at least fifty (50) patrons of
38 the school corporation has been filed with the governing body of
39 the school corporation; and

40 (2) the governing body, after investigation, determines that a need
41 exists for the school building and that the school corporation
42 cannot provide the necessary funds to pay the cost or its



- 1 proportionate share of the cost of the school building or buildings
 2 required to meet the present needs.
- 3 (c) If two (2) or more school corporations propose to jointly enter
 4 into a lease under this section, joint meetings of the governing bodies
 5 of the school corporations may be held, but action taken at a joint
 6 meeting is not binding on any of those school corporations unless
 7 approved by a majority of the governing body of those school
 8 corporations. A lease executed by two (2) or more school corporations
 9 as joint lessees must:
- 10 (1) set out the amount of the total lease rental to be paid by each
 11 lessee, which may be as agreed upon; and
- 12 (2) provide that:
- 13 (A) there is no right of occupancy by any lessee unless the
 14 total rental is paid as stipulated in the lease; and
- 15 (B) all rights of joint lessees under the lease are in proportion
 16 to the amount of lease rental paid by each lessee.
- 17 SECTION 339. IC 20-47-3-3, AS ADDED BY P.L.2-2006,
 18 SECTION 170, IS AMENDED TO READ AS FOLLOWS
 19 [EFFECTIVE JULY 1, 2015]: Sec. 3. (a) ~~Subject to subsection (b)~~; A
 20 school corporation may lease a school building or buildings for the use
 21 of:
- 22 (1) the school corporation; or
- 23 (2) a joint or consolidated school district of which the school
 24 corporation is a part or to which it contributes;
- 25 for a term not to exceed fifty (50) years.
- 26 (b) A school corporation may not enter into a lease under this
 27 section unless
- 28 ~~(1) a petition for the lease signed by at least fifty (50) patrons of~~
 29 ~~the school corporation has been filed with the governing body of~~
 30 ~~the school corporation; and~~
- 31 ~~(2) the governing body, after investigation, determines that a need~~
 32 ~~exists for the school building.~~
- 33 (c) If two (2) or more school corporations propose to jointly enter
 34 into a lease under this section, joint meetings of the governing bodies
 35 of the school corporations may be held, but action taken at a joint
 36 meeting is not binding on any of those school corporations unless
 37 approved by a majority of the governing body of each of those school
 38 corporations. A lease executed by two (2) or more school corporations
 39 as joint lessees must:
- 40 (1) set out the amount of the total lease rental to be paid by each
 41 lessee, which may be as agreed upon; and
- 42 (2) provide that:



1 (A) there is no right of occupancy by any lessee unless the
2 total rental is paid as stipulated in the lease; and

3 (B) all rights of joint lessees under the lease are in proportion
4 to the amount of lease rental paid by each lessee.

5 SECTION 340. IC 20-48-4-9, AS ADDED BY P.L.2-2006,
6 SECTION 171, IS AMENDED TO READ AS FOLLOWS
7 [EFFECTIVE JULY 1, 2015]: Sec. 9. In carrying out sections 6 through
8 of this chapter, the township trustee may join with the ~~school~~
9 ~~township~~ or district in the alteration, construction, or addition,
10 contracting together and joining in the employment of an engineer or
11 architect.

12 SECTION 341. IC 20-49-2-11, AS ADDED BY P.L.2-2006,
13 SECTION 172, IS AMENDED TO READ AS FOLLOWS
14 [EFFECTIVE JULY 1, 2015]: Sec. 11. (a) The state board may make
15 a disaster loan to a school corporation that has suffered loss by fire,
16 flood, windstorm, or other disaster that makes all or part of the school
17 building or buildings unfit for school purposes. ~~as described in~~
18 ~~IC 20-26-7-29 through IC 20-26-7-34.~~

19 (b) A loan made under this section may not exceed three million
20 dollars (\$3,000,000). The school corporation shall repay the loan
21 within twenty (20) years at an annual interest rate of one percent (1%)
22 of the unpaid balance.

23 (c) The amounts repaid by school corporations under subsection (b)
24 shall be deposited in a fund to be known as the school disaster loan
25 fund. The money remaining in the school disaster loan fund at the end
26 of a state fiscal year does not revert to the state general fund. The state
27 board may use the money in the school disaster loan fund only to make
28 disaster loans to school corporations under this section.

29 (d) Sections 13, 14, and 15 of this chapter do not apply to loans
30 made under this section.

31 SECTION 342. IC 20-49-2-13, AS ADDED BY P.L.2-2006,
32 SECTION 172, IS AMENDED TO READ AS FOLLOWS
33 [EFFECTIVE JULY 1, 2015]: Sec. 13. (a) The state board shall
34 compute and assign to the applicant school corporation a school
35 building index that is the ratio of the school building need, in terms of
36 money, to the school corporation's tax ability, in terms of money.

37 (b) For purposes of this section, the school building need, in terms
38 of money, of a school corporation is the amount determined under
39 STEP FOUR of the following formula:

40 STEP ONE: Add the ADA of students in grades 1 through 12 of
41 the school corporation during the current school year in which
42 application for an advancement is made and twice the ADA



1 increase of the school corporation for the preceding three (3)
 2 years. However, the state board may make adjustments to reflect
 3 the effect of changes of boundary lines, loss of transfer students,
 4 or loss of resident students to private, parochial, or cooperative
 5 program schools within the three (3) year period.

6 STEP TWO: Divide the STEP ONE amount by twenty-five (25)
 7 to determine the number of classrooms needed to house the
 8 estimated enrollment increase.

9 STEP THREE: Subtract from the STEP TWO amount the number
 10 of classrooms that:

11 (A) are owned, under a lease-rental arrangement, or under
 12 construction in the school corporation; and

13 (B) were constructed for and normally used for classroom
 14 purposes at the time of making application for an
 15 advancement.

16 However, there shall not be subtracted classrooms in a building
 17 or buildings found to be inadequate for the proper education of
 18 students under standards and procedures prescribed by the state
 19 board or that have been condemned ~~under IC 20-26-7-29 through~~
 20 ~~IC 20-26-7-34~~ and that are to be replaced by funds applied for.

21 STEP FOUR: Multiply the STEP THREE amount by twenty
 22 thousand dollars (\$20,000).

23 (c) For purposes of this section, the school corporation's tax ability,
 24 in terms of money, is the amount determined under STEP TWO of the
 25 following formula:

26 STEP ONE: Determine six and one-half percent (6 1/2%) of the
 27 adjusted value of taxable property in a school corporation as
 28 determined under IC 36-1-15-4 for state and county taxes
 29 immediately preceding the date of application.

30 STEP TWO: Subtract from the STEP ONE amount the sum of the
 31 following:

32 (A) The principal amount of any outstanding general
 33 obligation bonds of the school corporation.

34 (B) The principal amount of outstanding obligations of any
 35 corporation or holding company that has entered into a
 36 lease-rental agreement with the applicant school corporation.

37 (C) The principal amount of outstanding civil township, town,
 38 or city school building bonds.

39 If the school corporation's tax ability is less than one hundred dollars
 40 (\$100), the school corporation's tax ability is considered for purposes
 41 of this section as being one hundred dollars (\$100).

42 SECTION 343. IC 20-49-3-8, AS AMENDED BY P.L.40-2014,



1 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
2 JULY 1, 2015]: Sec. 8. The fund may be used to make advances:

- 3 (1) to school corporations, including ~~school townships~~ and school
4 corporation career and technical education schools described in
5 IC 20-37-1-1, under IC 20-49-4 and IC 20-49-5; and
6 (2) under IC 20-49-6.

7 Unless the context clearly requires otherwise, a reference to a school
8 corporation in this chapter includes a school corporation career and
9 technical education school described in IC 20-37-1-1. However, an
10 advance to a school corporation career and technical education school
11 described in IC 20-37-1-1 is not considered an advance to a school
12 corporation for purposes of determining if the school corporation career
13 and technical education school described in IC 20-37-1-1 qualifies for
14 an advance.

15 SECTION 344. IC 20-49-4-0.3 IS REPEALED [EFFECTIVE JULY
16 1, 2015]. ~~Sec. 0.3. All agreements that are:~~

- 17 ~~(1) executed by or on behalf of school corporations or school~~
18 ~~townships before February 28, 1992; and~~
19 ~~(2) for advances from the Indiana common school fund under~~
20 ~~IC 21-1-5 (before its repeal; now codified in this chapter);~~

21 ~~are validated and legalized.~~

22 SECTION 345. IC 20-49-4-0.4 IS REPEALED [EFFECTIVE JULY
23 1, 2015]. ~~Sec. 0.4. All agreements that are:~~

- 24 ~~(1) executed by or on behalf of school corporations or school~~
25 ~~townships before March 10, 1996; and~~
26 ~~(2) for advances from the common school fund under IC 21-1-5~~
27 ~~(before its repeal; now codified in this chapter);~~

28 ~~are validated and legalized.~~

29 SECTION 346. IC 20-49-4-1, AS AMENDED BY P.L.40-2014,
30 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
31 JULY 1, 2015]: Sec. 1. This chapter applies to school corporations
32 organized and formed through reorganization under IC 20-23-4,
33 IC 20-23-6, or IC 20-23-7 ~~school townships under IC 20-23-3~~; and
34 school corporation career and technical education schools described in
35 IC 20-37-1-1. Unless the context clearly requires otherwise, a reference
36 to a school corporation in this chapter includes a school corporation
37 career and technical education school described in IC 20-37-1-1.

38 SECTION 347. IC 20-51-1-4.3, AS ADDED BY P.L.205-2013,
39 SECTION 310, IS AMENDED TO READ AS FOLLOWS
40 [EFFECTIVE JULY 1, 2015]: Sec. 4.3. "Eligible choice scholarship
41 student" refers to an individual who:

- 42 (1) has legal settlement in Indiana;



- 1 (2) is at least five (5) years of age and less than twenty-two (22)
 2 years of age on the date in the school year specified in
 3 IC 20-33-2-7; and
 4 (3) meets at least one (1) of the following conditions:
 5 (A) The individual is:
 6 (i) a ~~child~~ **student** with a disability who requires special
 7 education and for whom an individualized education
 8 program has been developed under IC 20-35 or a service
 9 plan developed under 511 IAC 7-34; and
 10 (ii) a member of a household with an annual income of not
 11 more than two hundred percent (200%) of the amount
 12 required for the individual to qualify for the federal free or
 13 reduced price lunch program.
 14 (B) The individual is:
 15 (i) an individual who, because of the school corporation's
 16 residency requirement, would be required to attend a
 17 specific public school within a school corporation that has
 18 been placed in the lowest category or designation of school
 19 improvement under IC 20-31-8-4 (has been assigned an "F"
 20 grade); and
 21 (ii) except as provided in IC 20-51-4-2.5, is a member of a
 22 household with an annual income of not more than one
 23 hundred fifty percent (150%) of the amount required for the
 24 individual to qualify for the federal free or reduced price
 25 lunch program.
 26 An individual to whom this clause applies is not required to
 27 attend the public school before becoming eligible for a choice
 28 scholarship, and may not be required to return to the public
 29 school if the public school is placed in a higher category or
 30 designation under IC 20-31-8-4.
 31 (C) Except as provided in IC 20-51-4-2.5, the individual is a
 32 member of a household with an annual income of not more
 33 than one hundred fifty percent (150%) of the amount required
 34 for the individual to qualify for the federal free or reduced
 35 price lunch program and the individual was enrolled in
 36 kindergarten through grade 12, in a public school, including a
 37 charter school, in Indiana for at least two (2) semesters
 38 immediately preceding the first semester for which the
 39 individual receives a choice scholarship under IC 20-51-4.
 40 (D) The individual or a sibling of the individual who, except
 41 as provided in IC 20-51-4-2.5, is a member of a household
 42 with an annual income of not more than one hundred fifty



1 percent (150%) of the amount required for the individual to
 2 qualify for the federal free or reduced price lunch program and
 3 satisfies either of the following:

4 (i) The individual or a sibling of the individual received
 5 before July 1, 2013, a scholarship from a scholarship
 6 granting organization under IC 20-51-3 or a choice
 7 scholarship under IC 20-51-4 in a preceding school year,
 8 including a school year that does not immediately precede
 9 a school year in which the individual receives a scholarship
 10 from a scholarship granting organization under IC 20-51-3
 11 or a choice scholarship under IC 20-51-4.

12 (ii) The individual or a sibling of the individual receives for
 13 the first time after June 30, 2013, a scholarship of at least
 14 five hundred dollars (\$500) from a scholarship granting
 15 organization under IC 20-51-3 or a choice scholarship under
 16 IC 20-51-4 in a preceding school year, including a school
 17 year that does not immediately precede a school year in
 18 which the individual receives a scholarship from a
 19 scholarship granting organization under IC 20-51-3 or a
 20 choice scholarship under IC 20-51-4.

21 SECTION 348. IC 21-43-4-6, AS AMENDED BY P.L.125-2013,
 22 SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 23 JULY 1, 2015]: Sec. 6. Before February 1 each year, ~~each~~ a school
 24 corporation ~~shall~~ **may** provide ~~each~~ a student in grades 8, 9, 10, and 11
 25 with information concerning postsecondary enrollment opportunities,
 26 **if:**

- 27 **(1) the information is requested by the student; or**
- 28 **(2) the school corporation believes that providing the**
- 29 **information would benefit the student.**

30 SECTION 349. IC 21-43-4-16 IS REPEALED [EFFECTIVE JULY
 31 1, 2015]. ~~Sec. 16: At the end of each school year, each school~~
 32 ~~corporation shall submit to the department of education the following:~~

- 33 ~~(1) A list of the students in the school corporation who are~~
 34 ~~enrolled in postsecondary enrollment opportunities;~~
- 35 ~~(2) A list of the courses successfully completed by each student~~
 36 ~~who is enrolled in postsecondary enrollment opportunities.~~

37 SECTION 350. IC 21-43-4-17 IS REPEALED [EFFECTIVE JULY
 38 1, 2015]. ~~Sec. 17: (a) A school corporation shall make and maintain, for~~
 39 ~~each student enrolled in a postsecondary enrollment opportunity,~~
 40 ~~records of the following:~~

- 41 ~~(1) The courses and credit hours in which the student enrolls.~~
- 42 ~~(2) The courses that the student successfully completes and fails~~



1 to complete:

2 (3) The secondary credit granted to the student.

3 (4) Other information requested by the department of education.

4 (b) The department of education is entitled to have access to the
5 records made and maintained under subsection (a):

6 SECTION 351. IC 22-3-2-5 IS AMENDED TO READ AS
7 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 5. (a) Every employer
8 who is bound by the compensation provisions of IC 22-3-2 through
9 IC 22-3-6, except the state, counties, townships, cities, towns, school
10 cities, school towns, ~~school townships~~, other municipal corporations,
11 state institutions, state boards, state commissions, banks, trust
12 companies, and building and loan associations, shall insure the
13 payment of compensation to the employer's employees and their
14 dependents in the manner provided in IC 22-3-3, or procure from the
15 worker's compensation board a certificate authorizing the employer to
16 carry such risk without insurance. While such insurance or such
17 certificate remains in force, the employer or those conducting the
18 employer's business and the employer's worker's compensation
19 insurance carrier shall be liable to any employee and the employee's
20 dependents for personal injury or death by accident arising out of and
21 in the course of employment only to the extent and in the manner
22 specified in IC 22-3-2 through IC 22-3-6.

23 (b) The state may not purchase worker's compensation insurance.
24 The state may establish a program of self-insurance to cover its liability
25 under this article. The state may administer its program of
26 self-insurance or may contract with any private agency, business firm,
27 limited liability company, or corporation to administer any part of the
28 program. The state department of insurance may, in the manner
29 prescribed by IC 4-22-2, adopt the rules necessary to implement the
30 state's program of self-insurance.

31 SECTION 352. IC 22-3-7-34, AS AMENDED BY P.L.1-2006,
32 SECTION 343, IS AMENDED TO READ AS FOLLOWS
33 [EFFECTIVE JULY 1, 2015]: Sec. 34. (a) As used in this section,
34 "person" does not include:

35 (1) an owner who contracts for performance of work on the
36 owner's owner occupied residential property; or

37 (2) a nonprofit corporation that is recognized as tax exempt under
38 Section 501(c)(3) of the Internal Revenue Code (as defined in
39 IC 6-3-1-11(a)) to the extent the corporation enters into an
40 independent contractor agreement with a person for the
41 performance of youth coaching services on a part-time basis.

42 (b) Every employer bound by the compensation provisions of this



1 chapter, except the state, counties, townships, cities, towns, school
 2 cities, school towns, ~~school townships~~, other municipal corporations,
 3 state institutions, state boards, and state commissions, shall insure the
 4 payment of compensation to the employer's employees and their
 5 dependents in the manner provided in this chapter, or procure from the
 6 worker's compensation board a certificate authorizing the employer to
 7 carry such risk without insurance. While that insurance or certificate
 8 remains in force, the employer, or those conducting the employer's
 9 business, and the employer's occupational disease insurance carrier
 10 shall be liable to any employee and the employee's dependents for
 11 disablement or death from occupational disease arising out of and in
 12 the course of employment only to the extent and in the manner
 13 specified in this chapter.

14 (c) Every employer who, by election, is bound by the compensation
 15 provisions of this chapter, except those exempted from the provisions
 16 by subsection (b), shall:

17 (1) insure and keep insured the employer's liability under this
 18 chapter in some corporation, association, or organization
 19 authorized to transact the business of worker's compensation
 20 insurance in this state; or

21 (2) furnish to the worker's compensation board satisfactory proof
 22 of the employer's financial ability to pay the compensation in the
 23 amount and manner and when due as provided for in this chapter.

24 In the latter case the board may require the deposit of an acceptable
 25 security, indemnity, or bond to secure the payment of compensation
 26 liabilities as they are incurred.

27 (d) Every employer required to carry insurance under this section
 28 shall file with the worker's compensation board in the form prescribed
 29 by it, within ten (10) days after the termination of the employer's
 30 insurance by expiration or cancellation, evidence of the employer's
 31 compliance with subsection (c) and other provisions relating to the
 32 insurance under this chapter. The venue of all criminal actions under
 33 this section lies in the county in which the employee was last exposed
 34 to the occupational disease causing disablement. The prosecuting
 35 attorney of the county shall prosecute all violations upon written
 36 request of the board. The violations shall be prosecuted in the name of
 37 the state.

38 (e) Whenever an employer has complied with subsection (c) relating
 39 to self-insurance, the worker's compensation board shall issue to the
 40 employer a certificate which shall remain in force for a period fixed by
 41 the board, but the board may, upon at least thirty (30) days notice, and
 42 a hearing to the employer, revoke the certificate, upon presentation of



1 satisfactory evidence for the revocation. After the revocation, the board
2 may grant a new certificate to the employer upon the employer's
3 petition, and satisfactory proof of the employer's financial ability.

4 (f)(1) Subject to the approval of the worker's compensation board,
5 any employer may enter into or continue any agreement with the
6 employer's employees to provide a system of compensation, benefit, or
7 insurance in lieu of the compensation and insurance provided by this
8 chapter. A substitute system may not be approved unless it confers
9 benefits upon employees and their dependents at least equivalent to the
10 benefits provided by this chapter. It may not be approved if it requires
11 contributions from the employees unless it confers benefits in addition
12 to those provided under this chapter, which are at least commensurate
13 with such contributions.

14 (f)(2) The substitute system may be terminated by the worker's
15 compensation board on reasonable notice and hearing to the interested
16 parties, if it appears that the same is not fairly administered or if its
17 operation shall disclose latent defects threatening its solvency, or if for
18 any substantial reason it fails to accomplish the purpose of this chapter.
19 On termination, the board shall determine the proper distribution of all
20 remaining assets, if any, subject to the right of any party in interest to
21 take an appeal to the court of appeals.

22 (g)(1) No insurer shall enter into or issue any policy of insurance
23 under this chapter until its policy form has been submitted to and
24 approved by the worker's compensation board. The board shall not
25 approve the policy form of any insurance company until the company
26 shall file with it the certificate of the insurance commissioner showing
27 that the company is authorized to transact the business of worker's
28 compensation insurance in Indiana. The filing of a policy form by any
29 insurance company or reciprocal insurance association with the board
30 for approval constitutes on the part of the company or association a
31 conclusive and unqualified acceptance of each of the compensation
32 provisions of this chapter, and an agreement by it to be bound by the
33 compensation provisions of this chapter.

34 (g)(2) All policies of insurance companies and of reciprocal
35 insurance associations, insuring the payment of compensation under
36 this chapter, shall be conclusively presumed to cover all the employees
37 and the entire compensation liability of the insured under this chapter
38 in all cases in which the last day of the exposure rendering the
39 employer liable is within the effective period of such policy.

40 (g)(3) Any provision in any such policy attempting to limit or
41 modify the liability of the company or association insuring the same
42 shall be wholly void.



1 (g)(4) Every policy of any company or association shall be deemed
2 to include the following provisions:

3 "(A) The insurer assumes in full all the obligations to pay
4 physician's fees, nurse's charges, hospital supplies, burial
5 expenses, compensation or death benefits imposed upon or
6 accepted by the insured under this chapter.

7 (B) This policy is subject to the provisions of this chapter relative
8 to the liability of the insured to pay physician's fees, nurse's
9 charges, hospital services, hospital supplies, burial expenses,
10 compensation or death benefits to and for such employees, the
11 acceptance of such liability by the insured, the adjustment, trial
12 and adjudication of claims for such physician's fees, nurse's
13 charges, hospital services, hospital supplies, burial expenses,
14 compensation, or death benefits.

15 (C) Between this insurer and the employee, notice to or
16 knowledge of the occurrence of the disablement on the part of the
17 insured (the employer) shall be notice or knowledge thereof, on
18 the part of the insurer. The jurisdiction of the insured (the
19 employer) for the purpose of this chapter is the jurisdiction of this
20 insurer, and this insurer shall in all things be bound by and shall
21 be subject to the awards, judgments and decrees rendered against
22 the insured (the employer) under this chapter.

23 (D) This insurer will promptly pay to the person entitled to the
24 same all benefits conferred by this chapter, including all
25 physician's fees, nurse's charges, hospital services, hospital
26 supplies, burial expenses, and all installments of compensation or
27 death benefits that may be awarded or agreed upon under this
28 chapter. The obligation of this insurer shall not be affected by any
29 default of the insured (the employer) after disablement or by any
30 default in giving of any notice required by this policy, or
31 otherwise. This policy is a direct promise by this insurer to the
32 person entitled to physician's fees, nurse's charges, fees for
33 hospital services, charges for hospital services, charges for
34 hospital supplies, charges for burial, compensation, or death
35 benefits, and shall be enforceable in the name of the person.

36 (E) Any termination of this policy by cancellation shall not be
37 effective as to employees of the insured covered hereby unless at
38 least thirty (30) days prior to the taking effect of such
39 cancellation, a written notice giving the date upon which such
40 termination is to become effective has been received by the
41 worker's compensation board of Indiana at its office in
42 Indianapolis, Indiana.



1 (F) This policy shall automatically expire one (1) year from the
2 effective date of the policy, unless the policy covers a period of
3 three (3) years, in which event, it shall automatically expire three
4 (3) years from the effective date of the policy. The termination
5 either of a one (1) year or a three (3) year policy, is effective as to
6 the employees of the insured covered by the policy."

7 (g)(5) All claims for compensation, nurse's charges, hospital
8 services, hospital supplies, physician's fees, or burial expenses may be
9 made directly against either the employer or the insurer or both, and the
10 award of the worker's compensation board may be made against either
11 the employer or the insurer or both.

12 (g)(6) If any insurer shall fail to pay any final award or judgment
13 (except during the pendency of an appeal) rendered against it, or its
14 insured, or, if it shall fail to comply with this chapter, the worker's
15 compensation board shall revoke the approval of its policy forms, and
16 shall not accept any further proofs of insurance from it until it shall
17 have paid the award or judgment or complied with this chapter, and
18 shall have resubmitted its policy form and received the approval of the
19 policy by the worker's compensation board.

20 (h) No policy of insurance covering the liability of an employer for
21 worker's compensation shall be construed to cover the liability of the
22 employer under this chapter for any occupational disease unless the
23 liability is expressly accepted by the insurance carrier issuing the
24 policy and is endorsed in that policy. The insurance or security in force
25 to cover compensation liability under this chapter shall be separate
26 from the insurance or security under IC 22-3-2 through IC 22-3-6. Any
27 insurance contract covering liability under either part of this article
28 need not cover any liability under the other.

29 (i) For the purpose of complying with subsection (c), groups of
30 employers are authorized to form mutual insurance associations or
31 reciprocal or interinsurance exchanges subject to any reasonable
32 conditions and restrictions fixed by the department of insurance. This
33 subsection does not apply to mutual insurance associations and
34 reciprocal or interinsurance exchanges formed and operating on or
35 before January 1, 1991, which shall continue to operate subject to the
36 provisions of this chapter and to such reasonable conditions and
37 restrictions as may be fixed by the worker's compensation board.

38 (j) Membership in a mutual insurance association or a reciprocal or
39 interinsurance exchange so proved, together with evidence of the
40 payment of premiums due, is evidence of compliance with subsection
41 (c).

42 (k) Any person bound under the compensation provisions of this



1 chapter, contracting for the performance of any work exceeding one
2 thousand dollars (\$1,000) in value, in which the hazard of an
3 occupational disease exists, by a contractor subject to the compensation
4 provisions of this chapter without exacting from the contractor a
5 certificate from the worker's compensation board showing that the
6 contractor has complied with subsections (b), (c), and (d), shall be
7 liable to the same extent as the contractor for compensation, physician's
8 fees, hospital fees, nurse's charges, and burial expenses on account of
9 the injury or death of any employee of such contractor, due to
10 occupational disease arising out of and in the course of the
11 performance of the work covered by such contract.

12 (l) Any contractor who sublets any contract for the performance of
13 any work to a subcontractor subject to the compensation provisions of
14 this chapter, without obtaining a certificate from the worker's
15 compensation board showing that the subcontractor has complied with
16 subsections (b), (c), and (d), is liable to the same extent as the
17 subcontractor for the payment of compensation, physician's fees,
18 hospital fees, nurse's charges, and burial expense on account of the
19 injury or death of any employee of the subcontractor due to
20 occupational disease arising out of and in the course of the
21 performance of the work covered by the subcontract.

22 (m) A person paying compensation, physician's fees, hospital fees,
23 nurse's charges, or burial expenses, under subsection (k) or (l), may
24 recover the amount paid or to be paid from any person who would
25 otherwise have been liable for the payment thereof and may, in
26 addition, recover the litigation expenses and attorney's fees incurred in
27 the action before the worker's compensation board as well as the
28 litigation expenses and attorney's fees incurred in an action to collect
29 the compensation, medical expenses, and burial expenses.

30 (n) Every claim filed with the worker's compensation board under
31 this section shall be instituted against all parties liable for payment.
32 The worker's compensation board, in an award under subsection (k),
33 shall fix the order in which such parties shall be exhausted, beginning
34 with the immediate employer and, in an award under subsection (l),
35 shall determine whether the subcontractor has the financial ability to
36 pay the compensation and medical expenses when due and, if not, shall
37 order the contractor to pay the compensation and medical expenses.

38 SECTION 353. IC 21-12-10-3, AS AMENDED BY P.L.281-2013,
39 SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
40 JULY 1, 2015]: Sec. 3. An individual is eligible for a Mitch Daniels
41 early graduation scholarship if the individual:

42 (1) is a resident of Indiana, as defined by the commission;



- 1 (2) attended a publicly supported school on a full-time
 2 equivalency basis (~~as defined in IC 20-43-1-14~~) for at least the
 3 last two (2) semesters before the individual graduated from high
 4 school;
 5 (3) had legal settlement (as defined in IC 20-18-2-11) in Indiana
 6 for at least the last two (2) semesters before the individual
 7 graduated from high school;
 8 (4) met at least the minimum requirements set by the Indiana state
 9 board of education for granting a high school diploma by the end
 10 of grade 11 (including any summer school courses completed
 11 before July 1 of a year) and was awarded after December 31,
 12 2010, a high school diploma by the publicly supported school that
 13 the individual last attended for course credits earned before the
 14 end of grade 11;
 15 (5) was not enrolled in a publicly supported school for any part of
 16 grade 12;
 17 (6) applies to the commission for a Mitch Daniels early
 18 graduation scholarship in the manner specified by the
 19 commission; and
 20 (7) within five (5) months after graduating from high school:
 21 (A) becomes a student in good standing at an approved
 22 postsecondary educational institution whose students are
 23 eligible to receive, before September 1, 2014, a higher
 24 education award (IC 21-12-3-11) or a freedom of choice grant
 25 (IC 21-12-4-4), or, after August 31, 2014, a higher education
 26 award or freedom of choice grant published under
 27 IC 21-12-1.7-3; and
 28 (B) is engaged in a program that will lead to an approved
 29 postsecondary degree or credential.
- 30 SECTION 354. IC 21-18.5-4-8.5, AS ADDED BY P.L.268-2013,
 31 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 32 JULY 1, 2015]: Sec. 8.5. (a) This section does not apply to a student
 33 who:
 34 (1) receives a graduation waiver under IC 20-32-4-4; and
 35 (2) receives a general diploma by satisfying the conditions set
 36 forth in IC 20-32-4-4, including, with respect to IC 20-32-4-4(6),
 37 the condition set forth in IC 20-32-4-4(6)(B);
 38 if the student has an individualized education program. ~~under~~
 39 ~~IC 20-35-7.~~
 40 (b) Except as provided in subsection (a), this section applies to a
 41 student who receives a graduation waiver under IC 20-32-4-4 after
 42 June 30, 2014.



1 (c) Notwithstanding any other law, and except as provided in
2 subsection (e), a student who:

3 (1) receives a graduation waiver under IC 20-32-4-4; and

4 (2) receives a general diploma by satisfying the conditions set
5 forth in IC 20-32-4-4, including, with respect to IC 20-32-4-4(6),
6 the condition set forth in IC 20-32-4-4(6)(B);

7 is disqualified from receiving state scholarships, grants, or assistance
8 administered by the commission unless the student passes a college and
9 career readiness exam described in IC 20-32-9-3.

10 (d) The college and career readiness exam taken by a student under
11 subsection (c) shall be administered by the secondary school that
12 granted the student the graduation waiver. The cost of the exam shall
13 be paid by the department.

14 (e) A student described in subsection (c) is not disqualified from
15 receiving state scholarships, grants, or assistance administered by the
16 commission for credit bearing degree seeking courses, as mutually
17 defined by the commission and the postsecondary educational
18 institution offering the course.

19 SECTION 355. IC 22-4.1-14-5 IS REPEALED [EFFECTIVE JULY
20 1, 2015]. Sec. 5. Notwithstanding any other law and after an institution
21 is required to enter into a workforce partnership plan under this
22 chapter, an institution's workforce partnership plan must be approved
23 by the Indiana commission for career and technical education of the
24 department for the institution to:

25 (1) be eligible to receive federal and state funds for the
26 institution's career and technical education program at the
27 secondary level and postsecondary level;

28 (2) receive career and technical education program approval by:

29 (A) the Indiana state board of education for secondary level
30 programs; and

31 (B) the commission for higher education for postsecondary
32 level programs;

33 for any career and technical education programs requiring
34 approval; and

35 (3) be eligible to complete the program review process by the
36 commission for higher education for postsecondary level career
37 and technical education programs.

38 SECTION 356. IC 22-4.1-20-5, AS ADDED BY P.L.7-2011,
39 SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
40 JULY 1, 2015]: Sec. 5. An eligible provider shall provide a ~~child~~
41 **student** with a disability (as defined in ~~IC 20-35-1-2~~: **IC 20-35-1-8**):

42 (1) who is at least eighteen (18) years of age; and



1 (2) whom the eligible provider elects to educate;
 2 with an appropriate special educational program.

3 SECTION 357. IC 23-13-5-8, AS AMENDED BY P.L.2-2007,
 4 SECTION 316, IS AMENDED TO READ AS FOLLOWS
 5 [EFFECTIVE JULY 1, 2015]: Sec. 8. (a) Should for any cause any
 6 action of the board of directors or trustees of a corporation be invalid
 7 or ineffective in whole or in part as and for a cancellation or retirement
 8 of capital stock as provided in this chapter, then the entire act of
 9 cancellation or retirement as to all other stock shall be held null and
 10 void. If at any time after the transfer of any stock to the corporation or
 11 to the trustees or directors it becomes no longer possible for the
 12 corporation to operate the postsecondary educational institution as a
 13 postsecondary educational institution, and the fact is found to exist by
 14 the board of trustees or directors, the property and assets of the
 15 corporation vest in and belong absolutely to the local public school
 16 corporation within whose territorial limits the postsecondary
 17 educational institution is situated unless the local public school
 18 corporation elects to refuse to accept the property and assets in writing
 19 served upon the board of trustees or an officer thereof within one
 20 hundred twenty (120) days. If the local public school corporation elects
 21 to refuse to accept the property and assets, then the property and assets
 22 of the corporation vest in and belong absolutely to the county within
 23 whose territorial limits the postsecondary educational institution is
 24 situated unless the county, acting by its legislative body, elects to
 25 refuse to accept the property and assets in writing served upon the
 26 board of trustees or an officer within one hundred twenty (120) days.
 27 If the county refuses to accept the property and assets, the property and
 28 assets vest in and belong absolutely to the state general fund. ~~If the~~
 29 ~~postsecondary educational institution is situated in a school township;~~
 30 ~~the election shall be made by the township executive with the approval~~
 31 ~~of the township legislative body.~~ If situated in a school city or town
 32 corporation, the election shall be made by the school board of the
 33 municipality.

34 (b) The local school corporation receiving the property or assets is
 35 responsible for the payment of the lawful debts and liabilities of the
 36 corporation. For the purpose of raising funds to pay the debts and
 37 liabilities, the township executive, with the concurrence and sanction
 38 of the township legislative body, or the city or town school board, as
 39 the case may be, is authorized and empowered to issue and sell bonds
 40 of the ~~school township~~, school city or school town. The debt created by
 41 the bonds, together with all other indebtedness of the school
 42 corporation, may not exceed two percent (2%) of the adjusted value of



1 the taxable property within the school corporation as determined under
 2 IC 36-1-15. If the building or property of the corporation vested in the
 3 school corporation is suitable for instructing students of the township
 4 in the arts of agriculture, domestic science, or physical or practical
 5 mental culture, and in which to hold school or civic entertainments or
 6 be used for township, town, or city purposes, then the township
 7 executive, with the concurrence and sanction of the township, city, or
 8 town legislative body, as the case may be, is authorized and empowered
 9 to issue and sell bonds of the civil township, city, or town, as the case
 10 may be, and apply the proceeds to the payment of the debts and
 11 liabilities of the corporation. The proceeds of the bonds, together with
 12 all other indebtedness of the civil township, city, or town, may not
 13 exceed two percent (2%) of the adjusted value of the taxable property
 14 within the civil township, city, or town, as determined under
 15 IC 36-1-15. If the county receives the property, it is authorized to issue
 16 its general obligation bonds to pay the debts and liabilities as general
 17 obligation bonds of counties are issued under the general law. Unless
 18 the school and civil townships township and school and civil cities and
 19 towns can liquidate the debts and liabilities without violating Article
 20 13, Section 1 of the Constitution of the State of Indiana and IC 36-1-15,
 21 they shall elect to refuse to accept the property. Unless the county can
 22 liquidate the debts and liabilities without violating the constitutional
 23 provision, it shall elect to refuse the property. If a civil township, city,
 24 or town uses its funds or the proceeds of the sale of its bonds to
 25 liquidate the debts and liabilities, it shall have an interest in the
 26 property in the proportion the funds expended by it bear to the funds
 27 expended by the school township, school city, or school town.

28 (c) Any bonds issued under this chapter shall be payable in not more
 29 than twenty (20) years after the date of their issuance. The municipal
 30 corporation issuing the bonds shall annually levy a tax on all of the
 31 taxable property within the municipal corporation in an amount
 32 sufficient to pay the interest on and the principal of such bonds as they
 33 mature. The bonds may mature and be payable either semiannually or
 34 annually. Notice of sale of the bonds shall be published once each week
 35 for two (2) weeks in a newspaper published in the municipal
 36 corporation issuing the bonds, or in a newspaper published in the
 37 county seat of the county in which the municipal corporation is located.
 38 Additional notices may be published.

39 (d) If the corporation ceases to exist or winds up its affairs without
 40 its board of trustees or directors finding that it is no longer possible for
 41 the corporation to operate the university, college, or institution of
 42 learning as a postsecondary educational institution, this shall have the



1 same effect as such a finding.

2 SECTION 358. IC 31-9-2-113.5, AS AMENDED BY P.L.146-2006,
3 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4 JULY 1, 2015]: Sec. 113.5. "School", for purposes of section 31 of this
5 chapter and IC 31-39-2-13.8, means a:

6 (1) public school (including a charter school as defined in
7 IC 20-24-1-4); or

8 (2) nonpublic school (as defined in IC 20-18-2-12).

9 ~~that must comply with the education records privacy provisions of the~~
10 ~~federal Family Educational Rights and Privacy Act (20 U.S.C. 1232g)~~
11 ~~to be eligible to receive designated federal education funding.~~

12 SECTION 359. IC 35-42-4-7, AS AMENDED BY
13 P.L.226-2014(ts), SECTION 5, IS AMENDED TO READ AS
14 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 7. (a) As used in this
15 section, "adoptive parent" has the meaning set forth in IC 31-9-2-6.

16 (b) As used in this section, "adoptive grandparent" means the parent
17 of an adoptive parent.

18 (c) As used in this section, "charter school" has the meaning set
19 forth in IC 20-18-2-2.5.

20 (d) As used in this section, "child care worker" means a person who:

21 (1) provides care, supervision, or instruction to a child within the
22 scope of the person's employment in a shelter care facility;

23 (2) is employed by a:

24 (A) school corporation;

25 (B) charter school;

26 (C) nonpublic school; or

27 (D) special education cooperative;

28 attended by a child who is the victim of a crime under this
29 chapter; or

30 (3) is:

31 (A) affiliated with a:

32 (i) school corporation;

33 (ii) charter school;

34 (iii) nonpublic school; or

35 (iv) special education cooperative;

36 attended by a child who is the victim of a crime under this
37 chapter, regardless of how or whether the person is
38 compensated;

39 (B) in a position of trust in relation to a child who attends the
40 school; or cooperative;

41 (C) engaged in the provision of care or supervision to a child
42 who attends the school; or cooperative; and



- 1 (D) at least four (4) years older than the child who is the
 2 victim of a crime under this chapter.
 3 The term does not include a student who attends the school. or
 4 cooperative.
- 5 (e) As used in this section, "custodian" means any person who
 6 resides with a child and is responsible for the child's welfare.
- 7 (f) As used in this section, "mental health professional" means:
 8 (1) a mental health counselor licensed under IC 25-23.6-8.5;
 9 (2) a psychologist; or
 10 (3) a psychiatrist.
- 11 (g) As used in this section, "military recruiter" means a member of:
 12 ~~the armed forces of the United States (as defined in IC 20-33-10-2) or~~
 13 ~~the Indiana National Guard~~
 14 **(1) the United States Air Force;**
 15 **(2) the United States Army;**
 16 **(3) the United States Coast Guard;**
 17 **(4) the United States Marine Corps;**
 18 **(5) the United States Navy;**
 19 **(6) any reserve components of the military forces listed in**
 20 **subdivisions (1) through (5); or**
 21 **(7) the Indiana National Guard;**
 22 whose primary job function, classification, or specialty is recruiting
 23 individuals to enlist with ~~the armed forces of the United States or the~~
 24 ~~Indiana National Guard~~; **an entity listed in subdivisions (1) through**
 25 **(7).**
- 26 (h) As used in this section, "nonpublic school" has the meaning set
 27 forth in IC 20-18-2-12.
- 28 (i) For purposes of this section, a person has a "professional
 29 relationship" with a child if:
 30 (1) the person:
 31 (A) has a license issued by the state or a political subdivision
 32 on the basis of the person's training and experience that
 33 authorizes the person to carry out a particular occupation; or
 34 (B) is employed in a position in which counseling, supervising,
 35 instructing, or recruiting children forms a significant part of
 36 the employment; and
 37 (2) the person has a relationship with a child that is based on the
 38 person's employment or licensed status as described in
 39 subdivision (1).
 40 The term includes a relationship between a child and a mental health
 41 professional or military recruiter. The term does not include a coworker
 42 relationship between a child and a person described in subdivision



- 1 (1)(B).
 2 (j) As used in this section, "school corporation" has the meaning set
 3 forth in IC 20-18-2-16.
 4 (k) As used in this section, "special education cooperative" has the
 5 meaning set forth in IC 20-35-5-1.
 6 (l) As used in this section, "stepparent" means an individual who is
 7 married to a child's custodial or noncustodial parent and is not the
 8 child's adoptive parent.
 9 (m) If a person who:
 10 (1) is at least eighteen (18) years of age; and
 11 (2) is the:
 12 (A) guardian, adoptive parent, adoptive grandparent,
 13 custodian, or stepparent of; or
 14 (B) child care worker for;
 15 a child at least sixteen (16) years of age but less than eighteen
 16 (18) years of age;
 17 engages with the child in sexual intercourse, other sexual conduct (as
 18 defined in IC 35-31.5-2-221.5), or any fondling or touching with the
 19 intent to arouse or satisfy the sexual desires of either the child or the
 20 adult, the person commits child seduction.
 21 (n) A person who:
 22 (1) has or had a professional relationship with a child at least
 23 sixteen (16) years of age but less than eighteen (18) years of age
 24 whom the person knows to be at least sixteen (16) years of age but
 25 less than eighteen (18) years of age;
 26 (2) may exert undue influence on the child because of the person's
 27 current or previous professional relationship with the child; and
 28 (3) uses or exerts the person's professional relationship to engage
 29 in sexual intercourse, other sexual conduct (as defined in
 30 IC 35-31.5-2-221.5), or any fondling or touching with the child
 31 with the intent to arouse or satisfy the sexual desires of the child
 32 or the person;
 33 commits child seduction.
 34 (o) A law enforcement officer who:
 35 (1) is at least five (5) years older than a child who is:
 36 (A) at least sixteen (16) years of age; and
 37 (B) less than eighteen (18) years of age;
 38 (2) has contact with the child while acting within the scope of the
 39 law enforcement officer's official duties with respect to the child;
 40 and
 41 (3) uses or exerts the law enforcement officer's professional
 42 relationship with the child to engage with the child in:



- 1 (A) sexual intercourse;
 2 (B) other sexual conduct (as defined in IC 35-31.5-2-221.5);
 3 or
 4 (C) any fondling or touching with the child with the intent to
 5 arouse or satisfy the sexual desires of the child or the law
 6 enforcement officer;
 7 commits child seduction.
- 8 (p) In determining whether a person used or exerted the person's
 9 professional relationship with the child to engage in sexual intercourse,
 10 other sexual conduct (as defined in IC 35-31.5-2-221.5), or any
 11 fondling or touching with the intent to arouse or satisfy the sexual
 12 desires of the child or the person under this section, the trier of fact
 13 may consider one (1) or more of the following:
 14 (1) The age difference between the person and the child.
 15 (2) Whether the person was in a position of trust with respect to
 16 the child.
 17 (3) Whether the person's conduct with the child violated any
 18 ethical obligations of the person's profession or occupation.
 19 (4) The authority that the person had over the child.
 20 (5) Whether the person exploited any particular vulnerability of
 21 the child.
 22 (6) Any other evidence relevant to the person's ability to exert
 23 undue influence over the child.
- 24 (q) Child seduction under this section is:
 25 (1) a Level 6 felony if the person or law enforcement officer
 26 engaged in any fondling or touching with the intent to arouse or
 27 satisfy the sexual desires of:
 28 (A) the child; or
 29 (B) the person or law enforcement officer; and
 30 (2) a Level 5 felony if the person or law enforcement officer
 31 engaged in sexual intercourse or other sexual conduct (as defined
 32 in IC 35-31.5-2-221.5) with the child.
- 33 SECTION 360. IC 36-1-2-17 IS AMENDED TO READ AS
 34 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 17. "School
 35 corporation" means a local public school corporation established under
 36 state law. The term includes a school city, school town, ~~school~~
 37 ~~township~~, metropolitan school district, consolidated school corporation,
 38 county school corporation, township school corporation, community
 39 school corporation, or united school corporation.
- 40 SECTION 361. IC 36-1-2-22 IS AMENDED TO READ AS
 41 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 22. "Township" refers
 42 to a civil township, unless the reference is to a congressional township.



1 or school township:

2 SECTION 362. IC 36-1-7-4, AS AMENDED BY P.L.221-2007,
3 SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4 JULY 1, 2015]: Sec. 4. (a) If an agreement under section 3 of this
5 chapter:

- 6 (1) involves as parties:
7 (A) only Indiana political subdivisions; or
8 (B) an Indiana political subdivision and:
9 (i) a public instrumentality; or
10 (ii) a public corporate body;
11 created by state law;
12 (2) is approved by the fiscal body of each party that is an Indiana
13 political subdivision either before or after the agreement is
14 entered into by the executive of the party; and
15 (3) delegates to the treasurer or disbursing officer of one (1) of the
16 parties that is an Indiana political subdivision the duty to receive,
17 disburse, and account for all monies of the joint undertaking;

18 then the approval of the attorney general is not required.

19 (b) **This subsection does not apply to an agreement to which**
20 **school corporations are the only parties.** If subsection (a) does not
21 apply, an agreement under section 3 of this chapter must be submitted
22 to the attorney general for the attorney general's approval. The attorney
23 general shall approve the agreement unless the attorney general finds
24 that it does not comply with the statutes, in which case the attorney
25 general shall detail in writing for the parties the specific respects in
26 which the agreement does not comply. If the attorney general fails to
27 disapprove the agreement within sixty (60) days after it is submitted to
28 the attorney general, it is considered approved.

29 SECTION 363. IC 36-1-8-5, AS AMENDED BY P.L.1-2007,
30 SECTION 238, IS AMENDED TO READ AS FOLLOWS
31 [EFFECTIVE JULY 1, 2015]: Sec. 5. (a) This section applies to all
32 funds raised by a general or special tax levy on all the taxable property
33 of a political subdivision.

34 (b) Whenever the purposes of a tax levy have been fulfilled and an
35 unused and unencumbered balance remains in the fund, the fiscal body
36 of the political subdivision shall order the balance of that fund to be
37 transferred as follows, unless a statute provides that it be transferred
38 otherwise:

- 39 (1) Funds of a county, to the general fund or rainy day fund of the
40 county, as provided in section 5.1 of this chapter.
41 (2) Funds of a municipality, to the general fund or rainy day fund
42 of the municipality, as provided in section 5.1 of this chapter.



- 1 (3) Funds of a township for redemption of township assistance
 2 obligations, to the township assistance fund of the township or
 3 rainy day fund of the township, as provided in section 5.1 of this
 4 chapter.
- 5 (4) Funds of any other political subdivision, to the general fund or
 6 rainy day fund of the political subdivision, as provided in section
 7 5.1 of this chapter. However, if the political subdivision is
 8 dissolved or does not have a general fund or rainy day fund, then
 9 to the general fund of each of the units located in the political
 10 subdivision in the same proportion that the assessed valuation of
 11 the unit bears to the total assessed valuation of the political
 12 subdivision.
- 13 (c) Whenever an unused and unencumbered balance remains in the
 14 civil township fund of a township and a current tax levy for the fund is
 15 not needed, the township fiscal body may order any part of the balance
 16 of that fund transferred to the debt service fund of the school
 17 corporation located in or partly in the township. However, if more than
 18 one (1) school corporation is located in or partly in the township, then
 19 any sum transferred shall be transferred to the debt service fund of each
 20 of those school corporations in the same proportion that the part of the
 21 assessed valuation of the school corporation in the township bears to
 22 the total assessed valuation of the township.
- 23 (d) If there is:
- 24 (1) an unexpended balance in the debt service fund of any school
 25 township; and
- 26 (2) no outstanding bonded or other indebtedness of the school
 27 township to the payment of which the unexpended balance or any
 28 part of the unexpended balance can be legally applied;
- 29 the township trustee of the township, with the approval of the township
 30 board, may transfer the unexpended balance in the debt service fund to
 31 the school general fund of the school township.
- 32 (e) (d) Whenever any township has collected any fund for the
 33 special or specific purpose of erecting or constructing a school building
 34 and the township trustee of the township decides to abandon the
 35 proposed work of erecting or constructing the school building, the
 36 township trustee of the township shall transfer the fund collected for
 37 the special or specific purpose to the township fund of the township,
 38 upon the order of the township board to make the transfer. It is lawful
 39 thereafter to use the funds for any purpose for which the township
 40 funds of the township may be used.
- 41 (f) (e) Transfers to a political subdivision's rainy day fund may be
 42 made at any time during the political subdivision's fiscal year.



1 SECTION 364. IC 36-1-10-7 IS AMENDED TO READ AS
 2 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 7. **(a) Except as**
 3 **provided in subsection (b)**, a leasing agent may not lease a structure,
 4 transportation project, or system unless:

- 5 (1) the leasing agent receives a petition signed by fifty (50) or
 6 more taxpayers of the political subdivision or agency; and
 7 (2) the fiscal body of the political subdivision determines, after
 8 investigation, that the structure, transportation project, or system
 9 is needed.

10 **(b) This subsection applies only to a school corporation. A**
 11 **leasing agent may not lease a structure, transportation project, or**
 12 **system unless the governing body of the school corporation**
 13 **determines, after investigation, that the structure, transportation**
 14 **project, or system is needed.**

15 SECTION 365. IC 36-1-11-4, AS AMENDED BY P.L.257-2013,
 16 SECTION 41, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 17 JULY 1, 2015]: Sec. 4. (a) A disposing agent who wants to sell or
 18 transfer real property must comply with this section, except as
 19 permitted by section 4.1, 4.2, 5, 5.5, 5.7, 5.9, 8, 14, 15, or 18 of this
 20 chapter.

21 (b) The disposing agent shall first have the property appraised by
 22 two (2) appraisers. The appraisers must be:

- 23 (1) professionally engaged in making appraisals;
 24 (2) licensed under IC 25-34.1; or
 25 (3) employees of the political subdivision familiar with the value
 26 of the property.

27 (c) After the property is appraised, the disposing agent shall publish
 28 a notice in accordance with IC 5-3-1 setting forth the terms and
 29 conditions of the sale and, when subsection (e) is employed, may
 30 engage an auctioneer licensed under IC 25-6.1 to advertise the sale and
 31 to conduct a public auction. The advertising conducted by the
 32 auctioneer is in addition to any other notice required by law and shall
 33 include a detailed description of the property to be sold stating the key
 34 numbers, if any, of the tracts within that property. If the disposing agent
 35 determines that the best sale of the property can be made by letting the
 36 bidders determine certain conditions of the sale (such as required
 37 zoning or soil or drainage conditions) as a prerequisite to purchasing
 38 the property, the disposing agent may permit the bidders to specify
 39 those conditions. The notice must state the following:

- 40 (1) Bids will be received beginning on a specific date.
 41 (2) The sale will continue from day to day for a period determined
 42 by the disposing agent of not more than sixty (60) days.



- 1 (3) The property may not be sold to a person who is ineligible
 2 under section 16 of this chapter.
- 3 (4) A bid submitted by a trust (as defined in IC 30-4-1-1(a)) must
 4 identify each:
- 5 (A) beneficiary of the trust; and
 6 (B) settlor empowered to revoke or modify the trust.
- 7 (d) A bid must be open to public inspection. A bidder may raise the
 8 bidder's bid, and subject to subsection (e), that raise takes effect after
 9 the board has given written notice of that raise to the other bidders.
- 10 (e) The disposing agent may also engage an auctioneer licensed
 11 under IC 25-6.1 to conduct a sale by public auction. The auction may
 12 be conducted either at the time for beginning the sale in accordance
 13 with the public notice or after the beginning of the sale. The disposing
 14 agent shall give each bidder who has submitted a bid written notice of
 15 the time and place of the auction.
- 16 (f) The disposing agent may, before expiration of the time set out in
 17 the notice, sell the property to the highest and best bidder. The highest
 18 and best bidder must have complied with any requirement under
 19 subsection (c)(4). However, the disposing agent may sell the property
 20 for less than ninety percent (90%) of the average of the two (2)
 21 appraisals of the tracts only after an additional notice stating the
 22 amount of the bid to be accepted is published in accordance with
 23 IC 5-3-1. The disposing agent may reject all bids. If the disposing agent
 24 rejects all bids, the disposing agent must make a written determination
 25 to reject all bids explaining why all bids were rejected.
- 26 (g) If the disposing agent determines that, in the exercise of good
 27 business judgment, the disposing agent should hire a broker or
 28 auctioneer to sell the property, the disposing agent may do so and pay
 29 the broker or auctioneer a reasonable compensation out of the gross
 30 proceeds of the sale. A disposing agent may hire a broker to sell real
 31 property directly rather than using the bid process under subsections (c)
 32 through (f) if:
- 33 **(1) in the case of a political subdivision other than a school**
 34 **corporation:**
- 35 (†) (A) the disposing agent publishes a notice of the
 36 determination to hire the broker in accordance with IC 5-3-1;
 37 and
 38 (‡) (B) the property has been up for bid for at least sixty (60)
 39 days before the broker is hired, and either no bids were
 40 received or the disposing agent has rejected all bids that were
 41 received; **or**
- 42 **(2) in the case of a school corporation, the disposing agent**



1 **publishes a notice of the determination to hire the broker in**
 2 **accordance with IC 5-3-1.**
 3 The disposing agent may hire one (1) of the appraisers as the broker or
 4 auctioneer.
 5 (h) The following apply if a broker is hired under subsection (g):
 6 (1) The property may not be sold to a person who is ineligible
 7 under section 16 of this chapter.
 8 (2) If the property is sold to a trust (as defined in IC 30-4-1-1(a)),
 9 the following information must be placed in the public record
 10 relating to the sale:
 11 (A) Each beneficiary of the trust.
 12 (B) Each settlor empowered to revoke or modify the trust.
 13 SECTION 366. IC 36-1-12.5-10, AS AMENDED BY P.L.168-2006,
 14 SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 15 JULY 1, 2015]: Sec. 10. The governing body shall:
 16 (1) provide to the ~~lieutenant governor~~ **department of local**
 17 **government finance** not more than sixty (60) days after the date
 18 of execution of the guaranteed savings contract:
 19 (A) a copy of the executed guaranteed savings contract;
 20 (B) the:
 21 (i) energy or water consumption costs;
 22 (ii) wastewater usage costs; and
 23 (iii) billable revenues, if any;
 24 before the date of execution of the guaranteed savings
 25 contract; and
 26 (C) the documentation using industry engineering standards
 27 for:
 28 (i) stipulated savings; and
 29 (ii) related capital expenditures; and
 30 (2) annually report to the ~~lieutenant governor~~, **department of**
 31 **local government finance**, in accordance with procedures
 32 established by the ~~lieutenant governor~~, **department**, the savings
 33 resulting in the previous year from the guaranteed savings
 34 contract or utility efficiency program.
 35 SECTION 367. IC 36-1-12.5-12, AS AMENDED BY P.L.168-2006,
 36 SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 37 JULY 1, 2015]: Sec. 12. (a) An improvement that is not causally
 38 connected to a conservation measure may be included in a guaranteed
 39 savings contract if:
 40 (1) the total value of the improvement does not exceed fifteen
 41 percent (15%) of the total value of the guaranteed savings
 42 contract; and



- 1 (2) either:
- 2 (A) the improvement is necessary to conform to a law, a rule,
- 3 or an ordinance; or
- 4 (B) an analysis within the guaranteed savings contract
- 5 demonstrates that:
- 6 (i) there is an economic advantage to the political
- 7 subdivision in implementing an improvement as part of the
- 8 guaranteed savings contract; and
- 9 (ii) the savings justification for the improvement is
- 10 documented by industry engineering standards.
- 11 (b) The information required under subsection (a) must be reported
- 12 to the ~~lieutenant governor~~ **department of local government finance**.
- 13 SECTION 368. IC 36-1-12.7-5 IS REPEALED [EFFECTIVE JULY
- 14 1, 2015]. ~~Sec. 5: The board shall keep a record of the following in the~~
- 15 ~~public works contract file:~~
- 16 ~~(1) The contacts the board makes with persons that provide~~
- 17 ~~energy efficient technology to implement this chapter.~~
- 18 ~~(2) An analysis of the feasibility of using energy efficient~~
- 19 ~~technology in the public works project.~~
- 20 SECTION 369. IC 36-1.5-4-5, AS AMENDED BY P.L.202-2013,
- 21 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 22 JULY 1, 2015]: Sec. 5. (a) Except as provided in subsection (b), a
- 23 reorganization approved under this chapter takes effect when all of the
- 24 following have occurred:
- 25 (1) The later of:
- 26 (A) the date that a copy of a joint certification from the county
- 27 election board in each county in which reorganizing political
- 28 subdivisions are located that indicates that:
- 29 (i) the reorganization has been approved by the voters of
- 30 each reorganizing political subdivision; or
- 31 (ii) in the case of a reorganization described in section
- 32 1(a)(7) or 1(a)(9) of this chapter, the reorganization has been
- 33 approved as set forth in section 32(b) or 32(c) of this
- 34 chapter;
- 35 is recorded as required by section 31 of this chapter; or
- 36 (B) the date specified in the finally adopted plan of
- 37 reorganization.
- 38 (2) The appointed or elected officers of the reorganized political
- 39 subdivision are elected (as prescribed by section 36 of this
- 40 chapter) or appointed and qualified, if:
- 41 (A) the reorganized political subdivision is a new political
- 42 subdivision and reorganizing political subdivisions are not



1 being consolidated into one (1) of the reorganizing political
 2 subdivisions;
 3 (B) the reorganized political subdivision will have different
 4 boundaries than any of the reorganizing political subdivisions;
 5 (C) the reorganized political subdivision will have different
 6 appointment or election districts than any of the reorganizing
 7 political subdivisions; or
 8 (D) the finally adopted plan of reorganization requires new
 9 appointed or elected officers before the reorganization
 10 becomes effective.

11 (b) A reorganization approved under this chapter may not take effect
 12 during the year preceding a year in which a federal decennial census is
 13 conducted. A consolidation that would otherwise take effect during the
 14 year preceding a year in which a federal decennial census is conducted
 15 takes effect January 1 of the year in which a federal decennial census
 16 is conducted.

17 ~~(c) Notwithstanding subsection (b) as that subsection existed on~~
 18 ~~December 31, 2009, a reorganization that took effect January 2, 2010,~~
 19 ~~because of the application of subsection (b); as that subsection existed~~
 20 ~~on December 31, 2009, is instead considered to take effect January 1,~~
 21 ~~2010, without the adoption of an amended reorganization plan.~~

22 SECTION 370. IC 36-1.5-4-18, AS AMENDED BY P.L.202-2013,
 23 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 24 JULY 1, 2015]: Sec. 18. (a) A reorganization committee (before
 25 January 1, 2014) or the legislative bodies of the reorganizing political
 26 subdivisions (after December 31, 2013) shall prepare a comprehensive
 27 plan of reorganization for the reorganizing political subdivisions. The
 28 plan of reorganization governs the actions, duties, and powers of the
 29 reorganized political subdivision that are not specified by law.

30 (b) The plan of reorganization must include at least the following:
 31 (1) The name and a description of the reorganized political
 32 subdivision that will succeed the reorganizing political
 33 subdivisions.
 34 (2) A description of the boundaries of the reorganized political
 35 subdivision.
 36 (3) Subject to section 40 of this chapter, a description of the
 37 taxing areas in which taxes to retire obligations of the
 38 reorganizing political subdivisions will be imposed.
 39 (4) A description of the membership of the legislative body, fiscal
 40 body, and executive of the reorganized political subdivision, a
 41 description of the election districts or appointment districts from
 42 which officers will be elected or appointed, and the manner in



- 1 which the membership of each elected or appointed office will be
 2 elected or appointed.
- 3 (5) A description of the services to be offered by the reorganized
 4 political subdivision and the service areas in which the services
 5 will be offered.
- 6 (6) The disposition of the personnel, the agreements, the assets,
 7 and, subject to section 40 of this chapter, the liabilities of the
 8 reorganizing political subdivisions, including the terms and
 9 conditions upon which the transfer of property and personnel will
 10 be achieved.
- 11 (7) Any other matter that the:
- 12 (A) reorganization committee (before January 1, 2014)
 13 determines or the legislative bodies of the reorganizing
 14 political subdivisions (after December 31, 2013) determine to
 15 be necessary or appropriate; or
- 16 (B) legislative bodies of the reorganizing political subdivisions
 17 require the reorganization committee (before January 1, 2014);
 18 to include in the plan of reorganization.
- 19 (8) This subdivision applies only to a reorganization described in
 20 section 1(a)(7) of this chapter that is voted on by voters after
 21 December 31, 2013, regardless of when the plan of reorganization
 22 is adopted. The reorganization committee (before January 1,
 23 2014) or the legislative bodies of the reorganizing political
 24 subdivisions (after December 31, 2013) shall include in the
 25 reorganization plan an approval threshold, specified as a
 26 percentage, that applies for purposes of section 32(b) of this
 27 chapter. The approval threshold must be the same for each
 28 municipality that is a party to the proposed reorganization and to
 29 each township that is a party to the proposed reorganization. The
 30 approval threshold must be greater than fifty percent (50%), but
 31 not more than fifty-five percent (55%).
- 32 (9) This subdivision applies only to a reorganization described in
 33 section 1(a)(7) of this chapter that is voted on by voters after
 34 December 31, 2013, regardless of when the plan of reorganization
 35 is adopted. The reorganization committee (before January 1,
 36 2014) or the legislative bodies of the reorganizing political
 37 subdivisions (after December 31, 2013) shall determine and
 38 include in the reorganization plan the percentage of voters in both
 39 the municipality and the township voting on the public question
 40 regarding the proposed reorganization who must vote in favor of
 41 the proposed reorganization for the public question to be
 42 approved. This percentage is referred to in this chapter as the



1 "municipality-township vote approval percentage". The
 2 municipality-township vote approval percentage must be greater
 3 than fifty percent (50%).

4 (10) In the case of a reorganization described in section 1(a)(9) of
 5 this chapter, the reorganization committee (before January 1,
 6 2014) or the legislative bodies of the reorganizing political
 7 subdivisions (after December 31, 2013) shall include in the
 8 reorganization plan an approval threshold, specified as a
 9 percentage, that applies for purposes of section 32(c) of this
 10 chapter. The approval threshold must be the same for each
 11 municipality that is a party to the proposed reorganization and to
 12 the county that is a party to the proposed reorganization. The
 13 approval threshold must be greater than fifty percent (50%), but
 14 not more than fifty-five percent (55%).

15 (11) In the case of a reorganization described in section 1(a)(9) of
 16 this chapter, the reorganization committee (before January 1,
 17 2014) or the legislative bodies of the reorganizing political
 18 subdivisions (after December 31, 2013) shall determine and
 19 include in the reorganization plan the percentage of voters voting
 20 on the public question regarding the proposed reorganization who
 21 must vote, on a countywide basis, in favor of the proposed
 22 reorganization for the public question to be approved. This
 23 percentage is referred to in this chapter as the "countywide vote
 24 approval percentage". The countywide vote approval percentage
 25 must be greater than fifty percent (50%).

26 (12) The fiscal impact analysis required by subsection (d).

27 (c) In the case of a plan of reorganization submitted to a political
 28 subdivision by a reorganization committee after June 30, 2010, and
 29 before January 1, 2014, or prepared by the legislative bodies of the
 30 reorganizing political subdivisions after December 31, 2013, the
 31 political subdivision shall post a copy of the plan of reorganization on
 32 an Internet web site maintained or authorized by the political
 33 subdivision not more than thirty (30) days after receiving the plan of
 34 reorganization from the reorganization committee (before January 1,
 35 2014) or (after December 31, 2013) not more than thirty (30) days after
 36 the plan of reorganization is prepared by the legislative bodies of the
 37 reorganizing political subdivisions. If the plan of reorganization is
 38 amended, the political subdivision shall post the amended plan on the
 39 Internet web site maintained or authorized by the political subdivision
 40 within seven (7) days after the amended plan is adopted.

41 (d) The legislative bodies of the reorganizing political subdivisions
 42 preparing a reorganization plan after December 31, 2013, must include



1 in the plan of reorganization a fiscal impact analysis of the proposed
 2 reorganization. The fiscal impact analysis must include at least the
 3 following:

4 (1) The estimated effect of the proposed reorganization on
 5 taxpayers in each of the political subdivisions to which the
 6 proposed reorganization applies, including the expected tax rates,
 7 tax levies, expenditure levels, service levels, and annual debt
 8 service payments in those political subdivisions.

9 (2) A description of the planned services to be provided in the
 10 reorganized political subdivision and the method or methods of
 11 financing the planned services. The fiscal impact analysis must:

12 (A) present itemized estimated costs for each department or
 13 agency of the reorganized political subdivision; and

14 (B) explain how specific and detailed expenses will be funded
 15 from taxes, fees, grants, and other funding.

16 (3) A description of the capital improvements to be provided in
 17 the reorganized political subdivision and the method or methods
 18 of financing those capital improvements.

19 (4) Any estimated effects on political subdivisions in the county
 20 that are not participating in the reorganization and on taxpayers
 21 located in those political subdivisions.

22 (e) The legislative bodies of the reorganizing political subdivisions
 23 preparing a plan of reorganization after December 31, 2013, must
 24 submit the fiscal impact analysis described in subsection (d) to the
 25 department of local government finance at least ~~six (6)~~ **three (3)**
 26 months before the election in which the public question will be on the
 27 ballot. A legislative body of a reorganizing political subdivision may
 28 not adopt a plan of reorganization unless the legislative bodies of the
 29 reorganizing political subdivisions have submitted the fiscal impact
 30 analysis to the department of local government finance as required by
 31 this subsection. The department of local government finance must do
 32 the following within a reasonable time, but not later than thirty (30)
 33 days before the date of the election in which the public question will be
 34 on the ballot:

35 (1) Review the fiscal impact analysis.

36 (2) Make any comments concerning the fiscal impact analysis that
 37 the department considers appropriate.

38 (3) Provide the department's comments under subdivision (2) to
 39 the legislative body of the reorganizing political subdivisions.

40 (4) Post the department's comments under subdivision (2) on the
 41 department's Internet web site.

42 The department of local government finance shall certify to the



1 legislative bodies of the reorganizing political subdivisions the total
 2 amount of expense incurred by the department in carrying out the
 3 department's review and preparing the department's comments. Upon
 4 receipt of the department's certification of the expenses, the
 5 reorganizing political subdivisions shall immediately pay to the
 6 treasurer of state the amount charged. The share of the cost to be paid
 7 by each reorganizing political subdivision shall be determined by the
 8 legislative bodies of the reorganizing political subdivisions. Money
 9 paid by a reorganizing political subdivision under this subsection shall
 10 be deposited in the state general fund.

11 SECTION 371. IC 36-2-2-24 IS AMENDED TO READ AS
 12 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 24. (a) The executive
 13 shall establish and maintain a county courthouse, county jail, and
 14 public offices for the county clerk, the county auditor, the county
 15 recorder, the county treasurer, the county sheriff, **and** the county
 16 surveyor. ~~and the county superintendent of schools.~~

17 (b) Offices for the surveyor ~~and superintendent of schools~~ must be
 18 in the courthouse or at the county seat.

19 (c) Offices for the sheriff may be located:

- 20 (1) in the courthouse;
- 21 (2) inside the corporate limits of the county seat; or
- 22 (3) outside the corporate limits of the county seat but within the
 23 limits of the county.

24 SECTION 372. IC 36-2-16-4, AS AMENDED BY P.L.174-2006,
 25 SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 26 JULY 1, 2015]: Sec. 4. Each of the following county officers is entitled
 27 to appoint one (1) first or chief deputy, and also may appoint the
 28 number of other full-time or part-time deputies and employees
 29 authorized by the county fiscal body:

- 30 (1) The county auditor.
- 31 (2) The county treasurer.
- 32 (3) The county recorder.
- 33 ~~(4) The county superintendent of schools.~~
- 34 ~~(5) (4) The county sheriff.~~

35 SECTION 373. IC 36-2-17-2 IS AMENDED TO READ AS
 36 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 2. (a) The county
 37 auditor, county treasurer, county surveyor, **and** county sheriff ~~and~~
 38 ~~county superintendent of schools~~ shall keep in their offices all records
 39 that they are required to make and shall deliver them to their
 40 successors.

41 (b) The clerk of the circuit court, county auditor, and county
 42 recorder shall use permanent jet-black, nonfading ink when preparing



1 official records in longhand. A person who violates this subsection
2 commits a Class C infraction.

3 SECTION 374. IC 36-7-4-208, AS AMENDED BY P.L.126-2011,
4 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
5 JULY 1, 2015]: Sec. 208. (a) ADVISORY. The county plan
6 commission consists of nine (9) members, as follows:

7 (1) One (1) member appointed by the county executive from its
8 membership.

9 (2) One (1) member appointed by the county fiscal body from its
10 membership.

11 (3) The county surveyor or the county surveyor's designee.

12 (4) The county agricultural extension educator. However, if the
13 county does not have a county agricultural extension educator, the
14 county extension board shall select a resident of the county who
15 is a property owner with agricultural interest to serve on the
16 commission under this subdivision for a period not to exceed one
17 (1) year.

18 (5) Five (5) members appointed in accordance with one (1) of the
19 following:

20 (A) Four (4) citizen members, of whom no more than two (2)
21 may be of the same political party. Each of the four (4)
22 members must be:

23 (i) a resident of an unincorporated area of the county; or

24 (ii) a resident of the county who is also an owner of real
25 property located in whole or in part in an unincorporated
26 area of the county;

27 appointed by the county executive. However, at least two (2)
28 of the citizen members must be residents of the unincorporated
29 area of the county. Also one (1) township trustee, who must be
30 a resident of an unincorporated area of the county appointed
31 by the county executive upon the recommendation of the
32 township trustees whose townships are within the jurisdiction
33 of the county plan commission.

34 (B) Five (5) citizen members, of whom not more than three (3)
35 may be of the same political party. Each of the five (5)
36 members must be:

37 (i) a resident of an unincorporated area of the county; or

38 (ii) a resident of the county who is also an owner of real
39 property located in whole or in part in an unincorporated
40 area of the county;

41 appointed by the county executive. However at least three (3)
42 members must be residents of the unincorporated area of the



- 1 county.
- 2 If a county executive changes the plan commission from having
- 3 members described in clause (B) to having members described in
- 4 clause (A), the county executive shall appoint a township trustee
- 5 to replace the first citizen member whose term expires and who
- 6 belongs to the same political party as the township trustee. Each
- 7 member appointed to the commission is entitled to receive
- 8 compensation for mileage at the same rate and the same
- 9 compensation for services as a member of a county executive, a
- 10 member of a county fiscal body, a county surveyor, or an
- 11 appointee of a county surveyor receives for serving on the
- 12 commission, as set forth in section 222.5 of this chapter.
- 13 (b) ADVISORY. The metropolitan plan commission consists of nine
- 14 (9) members, as follows:
- 15 (1) One (1) member appointed by the county legislative body
- 16 from its membership.
- 17 (2) One (1) member appointed by the second class city legislative
- 18 body from its membership.
- 19 (3) Three (3) citizen members who:
- 20 (A) reside in an unincorporated area of the county; or
- 21 (B) reside in the county and also own real property located in
- 22 whole or in part in an unincorporated area of the county;
- 23 of whom no more than two (2) may be of the same political party,
- 24 appointed by the county legislative body. One (1) of these
- 25 members must be actively engaged in farming.
- 26 (4) Four (4) citizen members, of whom no more than two (2) may
- 27 be of the same political party, appointed by the second class city
- 28 executive. One (1) of these members must be from the
- 29 metropolitan school authority or community school corporation
- 30 and a resident of that school district, and the other three (3)
- 31 members must be residents of the second class city.
- 32 (c) AREA. When there are six (6) county representatives, they are
- 33 as follows:
- 34 (1) One (1) member appointed by the county executive from its
- 35 membership.
- 36 (2) One (1) member appointed by the county fiscal body from its
- 37 membership.
- 38 (3) ~~The county superintendent of schools, or if that office does not~~
- 39 ~~exist,~~ A representative appointed by the school corporation
- 40 superintendents within the jurisdiction of the area plan
- 41 commission.
- 42 (4) One (1) of the following appointed by the county executive:



- 1 (A) The county agricultural extension educator.
- 2 (B) The county surveyor or the county surveyor's designee.
- 3 (5) One (1) citizen member who is:
- 4 (A) a resident of the unincorporated area of the county; or
- 5 (B) a resident of the county who is also an owner of real
- 6 property located in whole or in part in the unincorporated area
- 7 of the county;
- 8 appointed by the county executive.
- 9 (6) One (1) citizen member who is:
- 10 (A) a resident of the unincorporated area of the county; or
- 11 (B) a resident of the county who is also an owner of real
- 12 property located in whole or in part in the unincorporated area
- 13 of the county;
- 14 appointed by the county fiscal body.
- 15 (d) AREA. When there are five (5) county representatives, they are
- 16 the representatives listed or appointed under subsection (c)(3), (c)(4),
- 17 (c)(5), and (c)(6) and:
- 18 (1) the county surveyor or the county surveyor's designee if the
- 19 county executive appoints the county agricultural extension
- 20 educator under subsection (c)(4); or
- 21 (2) the county agricultural extension educator if the county
- 22 executive appoints the county surveyor under subsection (c)(4).
- 23 SECTION 375. IC 36-9-13-2, AS AMENDED BY P.L.77-2014,
- 24 SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 25 JULY 1, 2015]: Sec. 2. For purposes of this chapter, the following are
- 26 considered the governing bodies of their respective eligible entities:
- 27 (1) Board of commissioners, for a county not subject to
- 28 IC 36-2-2.5, IC 36-2-3.5, or IC 36-3-1.
- 29 (2) County council, for a county subject to IC 36-2-2.5 or
- 30 IC 36-2-3.5.
- 31 (3) City-county council, for a consolidated city or county having
- 32 a consolidated city.
- 33 (4) Common council, for a city other than a consolidated city.
- 34 (5) Town council, for a town.
- 35 (6) Trustee and township board, for a civil or school township.
- 36 (7) Board of school trustees, board of school commissioners, or
- 37 school board, for a school corporation.
- 38 (8) Board of trustees, for a health and hospital corporation.
- 39 SECTION 376. IC 36-10-12-4 IS REPEALED [EFFECTIVE JULY
- 40 1, 2015]. Sec. 4: As used in this chapter, "township" means a school
- 41 township that is located in a county containing a consolidated city.
- 42 SECTION 377. IC 36-10-12-5 IS REPEALED [EFFECTIVE JULY



1 1, 2015]. Sec. 5: As used in this chapter, "township board" means the
2 township board of a township:

3 SECTION 378. IC 36-10-12-6 IS REPEALED [EFFECTIVE JULY
4 1, 2015]. Sec. 6: As used in this chapter, "township trustee" means the
5 duly elected trustee of the civil township in which a school township
6 is located:

7 SECTION 379. IC 36-10-12-7 IS REPEALED [EFFECTIVE JULY
8 1, 2015]. Sec. 7: (a) With the consent of the township board, the
9 township trustee may provide financial assistance to a children's
10 museum. The assistance shall be:

- 11 (1) paid from the funds of the school township;
12 (2) budgeted and appropriated as provided by law; and
13 (3) in an amount each year not to exceed the product of
14 twenty-five cents (\$0.25) multiplied by the ADA (as defined in
15 IC 20-18-2-1.5(a)) of children enrolled in grades 1 through 8 in
16 the public schools of the township as reported in the last
17 preceding annual report to the state superintendent of public
18 instruction.

19 (b) The assistance under subsection (a) is payable annually. The
20 trustee and the township board may continue the assistance annually if
21 the board of trustees or other governing body of the children's museum
22 has accepted by resolution the provisions of this chapter and has filed
23 a certified copy of the resolution with the township trustee of the
24 township before the date of the first payment:

25 SECTION 380. IC 36-10-12-9, AS ADDED BY P.L.1-2005,
26 SECTION 47, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
27 JULY 1, 2015]: Sec. 9. (a) A children's museum is not entitled to
28 receive financial assistance under ~~sections 7 and section 8~~ of this
29 chapter until the ~~board of trustees or other~~ governing body of the
30 museum agrees with the ~~township trustee or~~ board of school trustees,
31 by proper resolution, to do the following:

- 32 (1) To allow the county superintendent of schools of the county
33 to attend all meetings of the board of trustees or other governing
34 body of the children's museum so that the superintendent is
35 advised as to the work done and proposed to be done by the
36 children's museum.
37 (2) (1) To allow the township trustees of a township or board of
38 school trustees of a town furnishing financial assistance to the
39 children's museum to nominate individuals eligible for
40 membership on the board of trustees or other governing body of
41 the museum. The children's museum must elect one (1) member
42 from the list or lists of individuals nominated as a member of the



1 board of trustees or other governing body of the children's
 2 museum. The member elected under this subdivision represents
 3 all ~~townships and~~ towns.

4 ~~(2)~~ (2) To grant free admission to the children's museum and
 5 galleries to all students and teachers of a ~~township or~~ town that
 6 furnishes financial assistance to the children's museum.

7 ~~(3)~~ (3) To allow the use, at reasonable times and in reasonable
 8 ways, of the plant, equipment, and facilities of the children's
 9 museum to educate the students of the ~~township or~~ town.

10 ~~(4)~~ (4) To allow the use of the services of the personnel of the
 11 children's museum, at reasonable times and in reasonable ways,
 12 under the direction of the children's museum, if the services are
 13 consistent with the regular established duties of the personnel.

14 ~~(5)~~ (5) To allow the loan of suitable and available objects and
 15 items from the children's museum's collection to a school of the
 16 ~~township or~~ town to aid and supplement the curriculum of the
 17 school.

18 (b) A copy of the resolution must be filed in the office of the
 19 ~~township trustee or with the~~ secretary of the board of school trustees
 20 before the children's museum receives financial assistance under this
 21 chapter.

22 SECTION 381. IC 36-10-12-10, AS ADDED BY P.L.1-2005,
 23 SECTION 47, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 24 JULY 1, 2015]: Sec. 10. After a children's museum qualifies to receive
 25 financial assistance from a ~~township or~~ town under this chapter, the
 26 board of trustees or the governing body of the children's museum is not
 27 required to adopt new resolutions each year. Each original resolution
 28 continues and remains in full force and effect until the original
 29 resolution is revoked or rescinded by another resolution that is certified
 30 and filed under this chapter.

31 SECTION 382. IC 36-12-2-17, AS ADDED BY P.L.1-2005,
 32 SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 33 JULY 1, 2015]: Sec. 17. The four (4) additional members of a county
 34 contractual library board required by IC 36-12-6-2 shall be appointed
 35 as follows:

36 (1) Two (2) members appointed by the executive of the county in
 37 which the county contractual library district is located.

38 (2) Two (2) members appointed by the ~~county superintendent of~~
 39 ~~schools; or if there is no county superintendent of schools; by the~~
 40 county auditor of the county in which the library district is
 41 located.

42 SECTION 383. IC 36-12-7-7, AS ADDED BY P.L.1-2005,



1 SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 2 JULY 1, 2015]: Sec. 7. (a) The library board of a library established as
 3 an 1899 township library consists of the school township trustee in the
 4 township where the library is located and two (2) residents of the
 5 township who are appointed by the board of commissioners of the
 6 county where the library is located. Appointments are for a term of four
 7 (4) years. Members of the library board serve without compensation.

8 (b) The library board:

9 (1) shall control the purchase of books and the management of the
 10 library;

11 (2) shall possess and retain custody of any books remaining in the
 12 old township library in the township where the library is located;

13 (3) may receive donations, bequests, and legacies on behalf of the
 14 library; and

15 (4) may receive copies of all documents of the state available for
 16 distribution from the director of the state library.

17 (c) The 1899 township library is the property of the ~~school~~
 18 township. The ~~school~~ township trustee is responsible for the safe
 19 preservation of the township library.

20 (d) Two (2) or more adjacent townships may unite to maintain a
 21 township library. The library is controlled by either:

22 (1) a combined library board, which consists of each of the
 23 uniting township boards appointed under subsection (a); or

24 (2) the one (1) township library board appointed under subsection
 25 (a) of the uniting townships that receives funding for the
 26 operation of the uniting township library.

27 (e) The legislative body of any township that contains a library
 28 established as an 1899 township library may levy a tax annually of not
 29 more than three and thirty-three hundredths cents (\$0.0333) on each
 30 one hundred dollars (\$100) of taxable property assessed for taxation in
 31 the township. If the legislative body does not levy the tax, a petition
 32 signed by at least the number of registered voters required under
 33 IC 3-8-6-3 to place a candidate on the ballot may be filed with the
 34 circuit court clerk, who:

35 (1) shall determine if an adequate number of voters have signed
 36 the petition; and

37 (2) if an adequate number of voters have signed the petition, shall
 38 certify the public question to the county election board under
 39 IC 3-10-9-3. The county election board shall then cause to be
 40 printed on the ballot for the township the following question in
 41 the form prescribed by IC 3-10-9-4: "Shall a township library tax
 42 be levied?".



1 If a majority of the votes cast on the question in subdivision (2) are in
 2 the affirmative, the township trustee shall annually levy a tax of not less
 3 than one and sixty-seven hundredths cents (\$0.0167) and not more than
 4 three and thirty-three hundredths cents (\$0.0333) on each one hundred
 5 dollars (\$100) of taxable property in the township for the establishment
 6 and support of a township library. The township tax shall be levied,
 7 assessed, collected, and paid according to the procedure outlined in
 8 IC 6-1.1.

9 (f) The tax levy under subsection (e) shall be discontinued when the
 10 question of discontinuing the levy has been submitted to a vote
 11 according to the procedure provided in subsection (e) and the majority
 12 of the votes cast on the question is in the negative.

13 (g) If a public library that is open for the use of all the residents of
 14 the township is located in the township, the proceeds of the tax
 15 collected under subsection (e) shall be paid to that public library.

16 (h) In a township outside a city that contains a library:

17 (1) established by private donations of the value of at least ten
 18 thousand dollars (\$10,000), including the real estate and buildings
 19 used for the library; and

20 (2) used for the benefit of all the inhabitants of the township;

21 the township trustee of the township shall annually levy and collect not
 22 more than two cents (\$0.02) on each one hundred dollars (\$100) upon
 23 the taxable property within the limits of the township. The money shall
 24 be paid to the trustees of the library, to be applied by the trustees for
 25 the purchase of books and the payment of the maintenance costs for the
 26 library. When it becomes necessary to purchase additional ground for
 27 the extension or protection of library buildings already established by
 28 private donation, the trustee, with the consent of the county legislative
 29 body, may annually levy and collect not more than one and sixty-seven
 30 hundredths cents (\$0.0167) on each one hundred dollars (\$100) of
 31 taxable property of the township for not more than three (3) years
 32 successively, to be expended by the trustees for the purchase of
 33 property and the construction and enlargement of library buildings.

34 (i) The 1899 township library is free to all the residents of the
 35 township.

36 SECTION 384. [EFFECTIVE JULY 1, 2015] **(a) The legislative**
 37 **services agency shall prepare legislation for introduction in the**
 38 **2016 regular session of the general assembly to organize and**
 39 **correct statutes affected by this act.**

40 **(b) This SECTION expires December 31, 2015.**

41 SECTION 385. [EFFECTIVE JULY 1, 2015] **(a) As used in this**
 42 **SECTION, "committee" refers to the education study committee**



1 established by IC 2-5-1.3-4.

2 (b) The general assembly urges the legislative council to assign
3 to the committee the task of studying the following:

4 (1) Whether definitions used to reference all school entities
5 throughout IC 20 should be revised or redefined.

6 (2) Whether changes are necessary relating to public meeting
7 requirements contained in IC 20 in order to comply with
8 public meeting requirements in IC 5-14-1.5 or to the unique
9 functions necessary for the effective operation of a school
10 corporation.

11 (3) The feasibility of establishing:

12 (A) a definition of "bullying" that would be uniformly
13 applied in a consistent manner by schools for reporting
14 requirements; and

15 (B) methods to streamline school discipline reporting
16 requirements for schools.

17 (c) The committee shall issue to the legislative council a final
18 report containing the committee's findings and recommendations,
19 including any recommended legislation concerning the topic, in an
20 electronic format under IC 5-14-6 not later than November 1, 2015.

21 (d) This SECTION expires January 1, 2016.

22 SECTION 386. An emergency is declared for this act.



COMMITTEE REPORT

Madam President: The Senate Committee on Education and Career Development, to which was referred Senate Bill No. 500, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 22, delete lines 21 through 42, begin a new paragraph and insert:

"SECTION 28. IC 5-14-3-2, AS AMENDED BY P.L.248-2013, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) The definitions set forth in this section apply throughout this chapter.

(b) "Computer processing time" means the amount of time a computer takes to process a command or script to extract or copy electronically stored data that is the subject of a public records request.

~~(b)~~ **(c)** "Copy" includes transcribing by handwriting, photocopying, xerography, duplicating machine, duplicating electronically stored data onto a disk, tape, drum, or any other medium of electronic data storage, and reproducing by any other means.

~~(c)~~ **(d)** "Criminal intelligence information" means data that has been evaluated to determine that the data is relevant to:

- (1) the identification of; and
- (2) the criminal activity engaged in by;

an individual who or organization that is reasonably suspected of involvement in criminal activity.

~~(d)~~ **(e)** "Direct cost" means one hundred five percent (105%) of the sum of the cost of:

- (1) the initial development of a program, if any;
- (2) the labor required to retrieve electronically stored data; and
- (3) any medium used for electronic output;

for providing a duplicate of electronically stored data onto a disk, tape, drum, or other medium of electronic data retrieval under section 8(g) of this chapter, or for reprogramming a computer system under section 6(c) of this chapter.

~~(e)~~ **(f)** "Electronic map" means copyrighted data provided by a public agency from an electronic geographic information system.

~~(f)~~ **(g)** "Enhanced access" means the inspection of a public record by a person other than a governmental entity and that:

- (1) is by means of an electronic device other than an electronic device provided by a public agency in the office of the public



agency; or

(2) requires the compilation or creation of a list or report that does not result in the permanent electronic storage of the information.

~~(g)~~ **(h)** "Facsimile machine" means a machine that electronically transmits exact images through connection with a telephone network.

~~(h)~~ **(i)** "Inspect" includes the right to do the following:

(1) Manually transcribe and make notes, abstracts, or memoranda.

(2) In the case of tape recordings or other aural public records, to listen and manually transcribe or duplicate, or make notes, abstracts, or other memoranda from them.

(3) In the case of public records available:

(A) by enhanced access under section 3.5 of this chapter; or

(B) to a governmental entity under section 3(c)(2) of this chapter;

to examine and copy the public records by use of an electronic device.

(4) In the case of electronically stored data, to manually transcribe and make notes, abstracts, or memoranda or to duplicate the data onto a disk, tape, drum, or any other medium of electronic storage.

~~(i)~~ **(j)** "Investigatory record" means information compiled in the course of the investigation of a crime.

~~(j)~~ **(k)** "Offender" means a person confined in a penal institution as the result of the conviction for a crime.

~~(k)~~ **(l)** "Patient" has the meaning set out in IC 16-18-2-272(d).

~~(l)~~ **(m)** "Person" means an individual, a corporation, a limited liability company, a partnership, an unincorporated association, or a governmental entity.

~~(m)~~ **(n)** "Provider" has the meaning set out in IC 16-18-2-295(b) and includes employees of the state department of health or local boards of health who create patient records at the request of another provider or who are social workers and create records concerning the family background of children who may need assistance.

~~(n)~~ **(o)** "Public agency", except as provided in section 2.1 of this chapter, means the following:

(1) Any board, commission, department, division, bureau, committee, agency, office, instrumentality, or authority, by whatever name designated, exercising any part of the executive, administrative, judicial, or legislative power of the state.

(2) Any:

(A) county, township, school corporation, city, or town, or any board, commission, department, division, bureau, committee,



office, instrumentality, or authority of any county, township, school corporation, city, or town;

(B) political subdivision (as defined by IC 36-1-2-13); or

(C) other entity, or any office thereof, by whatever name designated, exercising in a limited geographical area the executive, administrative, judicial, or legislative power of the state or a delegated local governmental power.

(3) Any entity or office that is subject to:

(A) budget review by either the department of local government finance or the governing body of a county, city, town, township, or school corporation; or

(B) an audit by the state board of accounts that is required by statute, rule, or regulation.

(4) Any building corporation of a political subdivision that issues bonds for the purpose of constructing public facilities.

(5) Any advisory commission, committee, or body created by statute, ordinance, or executive order to advise the governing body of a public agency, except medical staffs or the committees of any such staff.

(6) Any law enforcement agency, which means an agency or a department of any level of government that engages in the investigation, apprehension, arrest, or prosecution of alleged criminal offenders, such as the state police department, the police or sheriff's department of a political subdivision, prosecuting attorneys, members of the excise police division of the alcohol and tobacco commission, conservation officers of the department of natural resources, gaming agents of the Indiana gaming commission, gaming control officers of the Indiana gaming commission, and the security division of the state lottery commission.

(7) Any license branch staffed by employees of the bureau of motor vehicles commission under IC 9-16.

(8) The state lottery commission established by IC 4-30-3-1, including any department, division, or office of the commission.

(9) The Indiana gaming commission established under IC 4-33, including any department, division, or office of the commission.

(10) The Indiana horse racing commission established by IC 4-31, including any department, division, or office of the commission.

(p) "Public record" means any writing, paper, report, study, map, photograph, book, card, tape recording, or other material that is created, received, retained, maintained, or filed by or with a public agency and which is generated on paper, paper substitutes,



photographic media, chemically based media, magnetic or machine readable media, electronically stored data, or any other material, regardless of form or characteristics.

~~(p)~~ (q) "Standard-sized documents" includes all documents that can be mechanically reproduced (without mechanical reduction) on paper sized eight and one-half (8 1/2) inches by eleven (11) inches or eight and one-half (8 1/2) inches by fourteen (14) inches.

~~(q)~~ (r) "Trade secret" has the meaning set forth in IC 24-2-3-2.

~~(r)~~ (s) "Work product of an attorney" means information compiled by an attorney in reasonable anticipation of litigation. The term includes the attorney's:

- (1) notes and statements taken during interviews of prospective witnesses; and
- (2) legal research or records, correspondence, reports, or memoranda to the extent that each contains the attorney's opinions, theories, or conclusions.

This definition does not restrict the application of any exception under section 4 of this chapter.

SECTION 29. IC 5-14-3-3, AS AMENDED BY P.L.134-2012, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) Any person may inspect and copy the public records of any public agency during the regular business hours of the agency, except as provided in section 4 of this chapter. A request for inspection or copying must:

- (1) identify with reasonable particularity the record being requested; and
- (2) be, at the discretion of the agency, in writing on or in a form provided by the agency.

No request may be denied because the person making the request refuses to state the purpose of the request, unless such condition is required by other applicable statute.

(b) A public agency may not deny or interfere with the exercise of the right stated in subsection (a). Within a reasonable time after the request is received by the agency, the public agency shall either:

- (1) provide the requested copies to the person making the request; or
- (2) allow the person to make copies:
 - (A) on the agency's equipment; or
 - (B) on the person's own equipment.

(c) Notwithstanding subsections (a) and (b), a public agency may or may not do the following:

- (1) In accordance with a contract described in section 3.5 of this



chapter, permit a person to inspect and copy through the use of enhanced access public records containing information owned by or entrusted to the public agency.

(2) Permit a governmental entity to use an electronic device to inspect and copy public records containing information owned by or entrusted to the public agency.

(d) Except as provided in subsection (e), a public agency that maintains or contracts for the maintenance of public records in an electronic data storage system shall make reasonable efforts to provide to a person making a request a copy of all disclosable data contained in the records on paper, disk, tape, drum, or any other method of electronic retrieval if the medium requested is compatible with the agency's data storage system. This subsection does not apply to an electronic map.

(e) A state agency may adopt a rule under IC 4-22-2, and a political subdivision may enact an ordinance, prescribing the conditions under which a person who receives information on disk or tape under subsection (d) may or may not use the information for commercial purposes, including to sell, advertise, or solicit the purchase of merchandise, goods, or services, or sell, loan, give away, or otherwise deliver the information obtained by the request to any other person for these purposes. Use of information received under subsection (d) in connection with the preparation or publication of news, for nonprofit activities, or for academic research is not prohibited. A person who uses information in a manner contrary to a rule or ordinance adopted under this subsection may be prohibited by the state agency or political subdivision from obtaining a copy or any further data under subsection (d).

(f) Notwithstanding the other provisions of this section, a public agency is not required to create or provide copies of lists of names and addresses (including electronic mail account addresses) unless the public agency is required to publish such lists and disseminate them to the public under a statute. However, if a public agency has created a list of names and addresses (excluding electronic mail account addresses) it must permit a person to inspect and make memoranda abstracts from the list unless access to the list is prohibited by law. The lists of names and addresses (including electronic mail account addresses) described in subdivisions (1) through (3) may not be disclosed by public agencies to any individual or entity for political purposes and may not be used by any individual or entity for political purposes. In addition, the lists of names and addresses (including electronic mail account addresses) described in subdivisions (1)



through (3) may not be disclosed by public agencies to commercial entities for commercial purposes and may not be used by commercial entities for commercial purposes. The prohibition in this subsection against the disclosure of lists for political or commercial purposes applies to the following lists of names and addresses (including electronic mail account addresses):

- (1) A list of employees of a public agency.
- (2) A list of persons attending conferences or meetings at a state educational institution or of persons involved in programs or activities conducted or supervised by the state educational institution.
- (3) A list of students who are enrolled in a public school corporation if the governing body of the public school corporation adopts a policy:
 - (A) with respect to disclosure related to a commercial purpose, prohibiting the disclosure of the list to commercial entities for commercial purposes;
 - (B) with respect to disclosure related to a commercial purpose, specifying the classes or categories of commercial entities to which the list may not be disclosed or by which the list may not be used for commercial purposes; or
 - (C) with respect to disclosure related to a political purpose, prohibiting the disclosure of the list to individuals and entities for political purposes.

A policy adopted under subdivision (3)(A) or (3)(B) must be uniform and may not discriminate among similarly situated commercial entities. For purposes of this subsection, "political purposes" means influencing the election of a candidate for federal, state, legislative, local, or school board office or the outcome of a public question or attempting to solicit a contribution to influence the election of a candidate for federal, state, legislative, local, or school board office or the outcome of a public question.

(g) A public agency may not enter into or renew a contract or an obligation:

- (1) for the storage or copying of public records; or
- (2) that requires the public to obtain a license or pay copyright royalties for obtaining the right to inspect and copy the records unless otherwise provided by applicable statute;

if the contract, obligation, license, or copyright unreasonably impairs the right of the public to inspect and copy the agency's public records.

(h) If this section conflicts with IC 3-7, the provisions of IC 3-7 apply.



(i) This subsection applies to a public record that is in an electronic format. This subsection does not apply to a public record recorded in the office of the county recorder. The public agency shall provide an electronic copy or a paper copy, at the option of the person making the request for a public record. This subsection does not require a public agency to change the format of a public record.

SECTION 30. IC 5-14-3-8, AS AMENDED BY P.L.16-2008, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 8. (a) For the purposes of this section, "state agency" has the meaning set forth in IC 4-13-1-1.

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

- (1) **For a person to inspect a public record. ~~or~~**
- (2) **For a person to search for a public record.**
- (3) **For the public agency to search for a public record, if the search does not exceed two (2) hours.**
- ~~(4)~~ (4) **For the public agency to search for, examine or review a record to determine whether the record may be disclosed.**
- (5) **For the public agency to transmit an electronic copy of a public record by electronic mail. However, a public agency may charge a fee for a public record transmitted by electronic mail if the fee for the public record is authorized under:**
 - (A) **subsection (f) or (j); or**
 - (B) **section 6(c) of this chapter.**

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

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

- (1) ten cents (\$0.10) per page for copies that are not color copies or twenty-five cents (\$0.25) per page for color copies; or



(2) the actual cost to the agency of copying the document.

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

(e) If:

(1) a person is entitled to a copy of a public record under this chapter; and

(2) the public agency which is in possession of the record has reasonable access to a machine capable of reproducing the public record;

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

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

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

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

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

(3) In the case of the legislative services agency, a reasonable percentage of the agency's direct cost of maintaining the system in which the information is stored. However, the amount charged by the legislative services agency under this subdivision may not exceed the sum of the amounts it may charge under subdivisions (1) and (2).

(h) This subsection applies to the fee charged by a public agency for



providing enhanced access to a public record. A public agency may charge any reasonable fee agreed on in the contract under section 3.5 of this chapter for providing enhanced access to public records.

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

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

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

- (1) Public agency program support.
- (2) Nonprofit activities.
- (3) Journalism.
- (4) Academic research.

(l) This subsection applies to a public agency that charges a fee for the public agency to search for a public record. A public agency may not charge a fee for the first two (2) hours required to search for a public record. A public agency may charge a search fee for any time that exceeds two (2) hours. If the public agency charges a search fee, the agency shall charge an hourly fee that does not exceed the lesser of:

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

A public agency charging an hourly fee under this subsection for searching for a public record may charge only for time that the person making the search actually spends in searching for the record. A public agency may not charge for computer processing time and may not establish a minimum fee for searching for a public record. A public agency must make a good faith effort to complete a search for a public record within a reasonable time in order to minimize the amount of a search fee. The fee shall be



prorated to reflect any search time of less than two (2) hours. If a fee is charged by a public agency under subsection (g), (h), (i), or (j) for a public record, the public agency may not charge a fee for searching for the record under this subsection. A search fee collected by a department, an agency, or an office of a county, city, town, or township shall be deposited in the general fund of the county, city, town, or township."

Delete pages 23 through 24.

Page 25, delete lines 1 through 23.

Page 26, delete lines 17 through 42, begin a new paragraph and insert:

"SECTION 34. IC 5-15-5.1-21 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 21. Not later than July 1, 2015, the commission shall establish uniform retention requirements for school corporations for electronic mail messages.**"

Delete page 27.

Page 29, line 6, delete "A political subdivision may dispose of".

Page 29, line 6, delete "original" and insert "Original".

Page 29, line 6, reset in roman "may be".

Page 29, line 7, reset in roman "disposed of only with the approval of the commission".

Page 29, line 8, reset in roman "commission.".

Page 29, line 8, delete "political subdivision.".

Page 29, line 9, reset in roman "commission".

Page 29, line 9, delete "political".

Page 29, line 10, delete "subdivision".

Page 29, delete lines 13 through 42.

Delete page 30.

Page 31, delete lines 1 through 4.

Page 32, delete lines 41 through 42.

Page 33, delete lines 1 through 13.

Page 37, delete lines 37 through 42.

Page 38, delete lines 1 through 23.

Page 39, delete lines 15 through 21.

Page 40, delete lines 37 through 42.

Delete pages 41 through 44.

Page 45, delete lines 1 through 28.

Page 52, line 25, reset in roman "IC 20-28-6-3".

Page 52, line 25, after "through" insert "**and**".

Page 53, delete lines 15 through 42.



Page 54, delete lines 1 through 3.

Delete page 56.

Page 57, delete lines 1 through 6.

Page 59, delete lines 13 through 42.

Page 60, delete lines 1 through 23.

Page 61, between lines 11 and 12, begin a new line block indented and insert:

"(6) One (1) member who is a representative of accredited nonpublic schools who is selected by the Indiana Non-Public Education Association.

(7) One (1) member who is a representative of charter schools selected by an organization representing charter schools.

(8) One (1) member who is a teacher selected by the state superintendent."

Page 61, line 17, delete "three (3)" and insert "**five (5)**".

Page 62, line 34, after "collection." insert "**In addition, the committee shall review and make recommendations to the state board under subsection (d) regarding methods to streamline school safety and discipline reporting requirements as well as establishing a streamlined method to uniformly and consistently report instances of bullying throughout Indiana.**".

Page 64, line 31, reset in roman "Not earlier than March 15 or later than".

Page 64, line 32, reset in roman "March 31 of each year,".

Page 64, line 32, delete "The" and insert "the".

Page 64, line 33, reset in roman "shall".

Page 64, line 33, delete "may".

Page 64, line 42, after "corporation" strike "may" and insert "**shall**".

Page 65, line 1, strike "the" and insert "**a prominent page of a**".

Page 65, delete lines 6 through 42, begin a new paragraph and insert:

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

(1) Student enrollment.

(2) Graduation rate (as defined in IC 20-26-13-6) **and the graduation rate excluding students that receive a graduation waiver under IC 20-32-4-4. The information must be provided disaggregated by percentage of students by race, grade, gender, socioeconomic status, and eligibility for special education.**



(3) Attendance rate. **The information must be provided disaggregated by percentage of students by race, grade, gender, socioeconomic status, and eligibility for special education.**

(4) The following test scores, including the number and percentage of students meeting academic standards:

(A) ISTEP program test scores, **including end of course assessment scores.**

(B) Scores for assessments under IC 20-32-5-21, if appropriate.

(C) For a freeway school, scores on a locally adopted assessment program, if appropriate.

The information must be provided disaggregated by percentage of students by race, grade, gender, socioeconomic status, and eligibility for special education.

(5) School's performance category or designation of school improvement assigned under IC 20-31-8.

~~(5)~~ (6) Average class size.

~~(6)~~ (7) The number and percentage of students in the following groups or programs:

(A) Alternative education, if offered.

(B) Career and technical education.

(C) Special education, **including the number of special education proceedings in which a school has been found to have committed a due process violation.**

(D) High ability.

(E) Remediation.

(F) Limited English language proficiency.

(G) Students receiving free or reduced price lunch under the national school lunch program.

(H) School flex program, if offered.

~~(7)~~ (8) Advanced placement, including the following:

(A) For advanced placement tests, the percentage of students:

(i) scoring three (3), four (4), and five (5); and

(ii) taking the test.

(B) For the Scholastic Aptitude Test:

(i) test scores for all students taking the test;

(ii) test scores for students completing the academic honors diploma program; and

(iii) the percentage of students taking the test.

~~(8)~~ (9) Course completion, including the number and percentage of students completing the following programs:



- (A) Academic honors diploma.
- (B) Core 40 curriculum.
- (C) Career and technical programs.
- ~~(9)~~ **(10)** The percentage of grade 8 students enrolled in algebra I.
- (11) The percentage of graduates considered college and career ready in a manner prescribed by the state board.**
- ~~(10)~~ **(12)** The percentage of graduates who pursue higher education.
- ~~(11)~~ **(13)** School safety, including:
 - (A) the number of students receiving suspension or expulsion for the possession of alcohol, drugs, or weapons;
 - (B) the number of incidents reported under IC 20-33-9; and
 - (C) the number of bullying incidents reported under IC 20-34-6 by category.
- ~~(12)~~ **(14)** Financial information and various school cost factors, including the following:
 - (A) Expenditures per pupil.
 - (B) Average teacher salary.
 - (C) Remediation funding.
 - (D) Building utilization information, including the following:**
 - (i) The number of students that can be served by each building owned by the school corporation.**
 - (ii) The number of students being served in each building owned by the school corporation.**
 - (iii) The utilization percentage of each building owned by each school corporation, calculated by dividing the number under item (ii) by the number under item (i).**
 - (E) The annual cost of utilities for each building the school corporation owns divided by the square feet of the building.**
- ~~(13)~~ Technology accessibility and use of technology in instruction.
- ~~(14)~~ **(15)** Interdistrict and intradistrict student mobility rates, if that information is available.
- ~~(15)~~ The number and percentage of each of the following within the school corporation:
 - (A) Teachers who are certificated employees (as defined in IC 20-29-2-4).
 - (B) Teachers who teach the subject area for which the teacher is certified and holds a license.
 - ~~(C)~~ Teachers with national board certification.



(16) The percentage of grade 3 students reading at grade 3 level.
The information must be provided disaggregated by percentage of students by race, grade, gender, socioeconomic status, and eligibility for special education.

(17) The number of students expelled, including the number participating in other recognized education programs during their expulsion, **including the percentage of students expelled by race and the percentage of students expelled who are eligible for free or reduced price lunch.**

(18) Chronic absenteeism, which includes the number of students who have been absent from school for ten percent (10%) or more of a school year for any reason.

(19) Habitual truancy, which includes the number of students who have been absent ten (10) days or more from school within a school year without being excused or without being absent under a parental request that has been filed with the school.

(20) The number of students who have dropped out of school, including the reasons for dropping out, **including the percentage of students who dropped out of school by race or who are eligible for free or reduced price lunch.**

(21) The number of out-of-school suspensions assigned, including the percentage of students suspended by race and the percentage of students expelled who are eligible for free or reduced price lunch.

(22) The number of in-school suspensions assigned, including the percentage of students who received in-school suspensions by race and the percentage of students who received in-school suspensions who are eligible for free or reduced price lunch.

~~(21)~~ (23) The number of student work permits revoked.

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

~~(23)~~ (24) The number of students who have not advanced to grade 10 due to a lack of completed credits.

~~(24)~~ (25) The number of students suspended for any reason.

~~(25)~~ (26) The number of students receiving an international baccalaureate diploma.

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

Delete page 66.

Page 67, delete lines 1 through 9.

Page 68, delete lines 15 through 26, begin a new paragraph and insert:

"SECTION 85. IC 20-21-1-3, AS ADDED BY P.L.1-2005,



SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 3. "Case conference" refers to the ~~activities of~~ **actions taken by** a case conference committee ~~as described in IC 20-35-7-2:~~ **composed of public agency personnel, parents, the student, if appropriate, and others at the discretion of the public agency or the parent to do any of the following:**

- (1) **Determine a student's eligibility for special education and related services.**
- (2) **Develop, review, or revise a student's individualized education program.**
- (3) **Determine an appropriate educational placement for the student.**

SECTION 86. IC 20-22-1-3, AS ADDED BY P.L.1-2005, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 3. "Case conference" refers to the ~~activities of~~ **actions taken by** a case conference committee ~~(as defined in IC 20-35-7-2):~~ **composed of public agency personnel, parents, the student, if appropriate, and others at the discretion of the public agency or the parent to do any of the following:**

- (1) **Determine a student's eligibility for special education and related services.**
- (2) **Develop, review, or revise a student's individualized education program.**
- (3) **Determine an appropriate educational placement for the student."**

Page 101, delete lines 34 through 42.

Delete page 102.

Page 103, delete lines 1 through 3.

Page 107, delete lines 39 through 42.

Page 108, delete lines 1 through 5.

Page 111, line 11, delete "official" and insert "**final**".

Page 120, delete lines 16 through 30.

Page 124, line 42, after "unoccupied." insert "**Each governing body shall also report to the department the building utilization information required to be reported under IC 20-20-8-8(14)(D).**".

Page 125, line 31, reset in roman "one dollar (\$1)".

Page 125, line 31, delete "market rates".

Page 125, line 34, reset in roman "one dollar (\$1)".

Page 125, line 34, delete "market value.".

Page 142, delete lines 20 through 42.

Delete page 143.

Page 144, delete lines 1 through 26.



- Delete pages 150 through 151.
 Page 152, delete lines 1 through 13.
 Page 163, delete line 42.
 Page 164, delete lines 1 through 16.
 Page 165, delete lines 12 through 24.
 Page 173, delete lines 24 through 42.
 Delete pages 174 through 175.
 Page 176, delete lines 1 through 33.
 Page 177, line 24, reset in roman "carefully worded by the state superintendent,".
 Page 177, line 24, delete "prescribed by the".
 Page 177, line 25, delete "governing body".
 Page 177, delete lines 29 through 42.
 Page 178, delete lines 1 through 11.
 Page 183, delete lines 24 through 37.
 Page 184, reset in roman lines 14 through 16.
 Page 184, line 17, reset in roman "(2)".
 Page 184, line 17, delete "(1)".
 Page 184, line 19, reset in roman "(3)".
 Page 184, line 19, delete "(2)".
 Page 184, line 24, reset in roman "(4)".
 Page 184, line 24, delete "(3)".
 Page 184, delete lines 32 through 42.
 Page 185, delete lines 1 through 2.
 Page 186, delete lines 38 through 42.
 Page 187, delete lines 1 through 8.
 Page 187, delete lines 24 through 42, begin a new paragraph and insert:
 "SECTION 284. IC 20-28-9-22, AS ADDED BY P.L.1-2005, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 22. **(a)** A teacher may be suspended without pay only under the following procedure **set forth in this section:**
 (1) The teacher must be notified in writing not more than forty (40) days and not less than thirty (30) days before the date of the consideration of the date, time, and place for the consideration by the school corporation of the suspension of the teacher without pay.
 (2) The teacher shall be furnished, not later than five (5) days after a written request, a written statement of the reasons for the consideration.
 (3) The teacher may file a written request for a hearing not later than fifteen (15) days after receipt of the notice of this



consideration:

(4) If a request for a hearing is filed, the teacher must be given a hearing before the governing body on a day not earlier than five (5) days after filing the request:

(5) The teacher must be given at least five (5) days notice of the date, time, and place of the hearing:

(6) At the hearing, the teacher is entitled:

(A) to a full statement of the reasons for the proposed suspension without pay; and

(B) to be heard and to present the testimony of witnesses and other evidence bearing on the reasons for the proposed suspension without pay:

(7) A teacher may not be suspended without pay until:

(A) the date is set for consideration of the suspension without pay;

(B) after a hearing is held, if a hearing is requested by the teacher; and

(C) except on the suspension of a superintendent's contract, the superintendent has given recommendations on the suspension not later than five (5) days after the school corporation makes the request for recommendations:

(8) After complying with this section, the governing body of the school corporation may suspend a teacher without pay for a reasonable time by a majority vote evidenced by a signed statement in the minutes of the board:

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):

(1) The principal shall notify the teacher of the principal's preliminary decision. The notification must be:

(A) in writing; and

(B) delivered in person or mailed by registered or certified mail to the teacher at the teacher's last known address.

(2) The notice in subdivision (1) must include a written statement, subject to IC 5-14-3-4, giving the reasons for the preliminary decision.

(b) The notice required under subsection (a) must inform the teacher that, not later than five (5) days after the teacher's receipt of the notice, the teacher may request a private conference with the superintendent. The superintendent must set the requested meeting not later than ten (10) days after the request.

(c) At the conference between the superintendent and the



teacher, the teacher may be accompanied by a representative.

(d) This subsection does not apply to the suspension of a superintendent. After the conference between the superintendent and the teacher, the superintendent shall make a written recommendation to the governing body of the school corporation regarding the teacher's suspension without pay.

(e) If the teacher does not request a conference under subsection (b), the principal's preliminary decision is considered final.

(f) If, not later than five (5) days after the initial private conference with the superintendent, the teacher files a request with the governing body for an additional private conference, the teacher is entitled to an additional private conference with the governing body before the governing body makes a final decision. The final decision must be in writing and must be made not more than thirty (30) days after the governing body receives the teacher's request for the additional private conference. At the private conference, the governing body shall do the following:

(1) Allow the teacher to present evidence to refute the reason or reasons for suspension without pay and supporting evidence provided by the school corporation. Any evidence presented at the private conference must have been exchanged by the parties at least seven (7) days before the private conference.

(2) Consider whether a preponderance of the evidence supports the teacher's suspension without pay.

(g) At the first public meeting following a private conference with:

(1) the governing body under subsection (f); or

(2) the superintendent under subsection (b), if no conference with the governing body is requested;

the governing body may suspend a teacher without pay for a reasonable time by a majority vote evidenced by a signed statement in the minutes of the board. The decision of the governing body is final.

(h) The time periods set out in this section shall be extended for a reasonable period:

(1) when a teacher or school official is ill or absent from the school corporation; or

(2) for other reasonable cause."

Delete page 188.

Page 189, delete lines 1 through 9.

Page 192, delete lines 25 through 42.



Page 193, delete lines 1 through 40.

Page 194, delete lines 38 through 42.

Delete pages 195 through 196.

Page 198, delete lines 29 through 41.

Page 200, delete lines 17 through 42.

Page 201, delete lines 1 through 11.

Page 201, delete lines 33 through 42.

Page 202, delete lines 1 through 41.

Page 203, delete lines 19 through 33.

Page 207, delete lines 10 through 42, begin a new paragraph and insert:

"SECTION 327. IC 20-31-5-3, AS ADDED BY P.L.1-2005, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 3. (a) **This section does not apply to a school that is designated with a grade of "A" through "C" under IC 20-31-8-3 in the year immediately preceding the year in which the school's initial plan is implemented.**

(b) The committee must submit a school's initial plan to the superintendent by March 1 of the school year before the year of implementation. The superintendent:

- (1) shall review the plan to ensure that the plan aligns with the school corporation's objectives, goals, and expectations;
- (2) may make written recommendations of modifications to the plan to ensure alignment; and
- (3) shall return the plan and any recommendations to the committee by April 1 of the school year before the year of implementation.

~~(b)~~ (c) A committee may modify the plan to comply with recommendations made by the superintendent under subsection ~~(a)~~:
(b).

~~(c)~~ (d) A committee shall submit:

- (1) the plan; and
- (2) the written recommendations of the superintendent;

to the governing body by May 1 of the school year before the year of implementation.

~~(d)~~ (e) An initial plan must be established by June 1 of the school year before the year of implementation by approval of the governing body. The governing body shall approve a plan for each school in the school corporation. When a plan is presented to the governing body, the governing body must either accept or reject the plan and may not revise the plan. A plan is established when written evidence of approval is attached to the plan.



SECTION 328. IC 20-31-5-7, AS ADDED BY P.L.1-2005, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 7. The department shall ~~act as a clearinghouse for plans and shall~~ make effective plans available to school corporations as models to use in developing and carrying out plans."

Page 208, delete lines 1 through 37.

Page 209, line 27, delete ".".

Page 209, line 27, delete "except:" and insert "except **athletics**."

Page 212, line 28, after "on" delete ":" and insert "**August 1 of the school year**".

Page 212, strike lines 29 through 31.

Page 220, delete lines 28 through 42.

Delete pages 221 through 223.

Page 224, delete lines 1 through 3.

Page 224, delete lines 15 through 42.

Delete page 225.

Page 226, delete lines 1 through 36.

Page 234, delete lines 8 through 42.

Delete page 235.

Page 236, delete lines 1 through 26.

Page 237, delete line 42.

Page 238, delete lines 1 through 3.

Page 238, delete lines 18 through 25.

Page 242, line 12, after "disability." insert "**However, the duty does not abrogate the right of a parent to act under IC 20-33-2-8.**".

Page 247, delete lines 2 through 32.

Page 248, delete lines 4 through 5.

Page 250, delete lines 19 through 42, begin a new paragraph and insert:

"SECTION 420. IC 20-42.5-3-1 IS REPEALED [EFFECTIVE JULY 1, 2015]. ~~Sec. 1: The state board shall explore methods, including statewide purchases, to reduce the expense to school corporations for the purchase of the following:~~

~~(1) Curricular materials;~~

~~(2) Technology;~~

~~(3) School buses and other vehicles;~~

~~(4) Other areas of expenses as determined by the state board.~~

SECTION 421. IC 20-42.5-3-2 IS REPEALED [EFFECTIVE JULY 1, 2015]. ~~Sec. 2: The state board, assisted by the educational service centers, the division of finance of the department, and the office of management and budget, shall survey annually the school corporations to determine actions taken by the school corporations to allocate~~



resources to student instruction and learning. The state board shall issue an annual report of actions taken to:

- (1) each school corporation;
- (2) the public; and
- (3) the general assembly.

The report to the general assembly must be submitted to the executive director of the legislative services agency in an electronic format under IC 5-14-6.

SECTION 422. IC 20-42.5-3-3 IS REPEALED [EFFECTIVE JULY 1, 2015]. Sec. 3: Not later than November 1 of each year, the state board, assisted by the office of management and budget and school corporation officials, shall submit a report to the state superintendent, the governor, and the general assembly concerning the following:

- (1) Consolidated purchasing arrangements used by multiple school corporations; through educational service centers; and throughout Indiana.
- (2) Shared services arrangements used by multiple school corporations; through educational service centers; and in Indiana as a whole.
- (3) The efforts of school corporations to explore cooperatives; common management; or consolidations.

The report to the general assembly must be submitted to the executive director of the legislative services agency in an electronic format under IC 5-14-6.

SECTION 423. IC 20-42.5-3-6 IS REPEALED [EFFECTIVE JULY 1, 2015]. Sec. 6: (a) Beginning with the 2007-2008 school year, each governing body shall establish goals for each category of expenditures set forth in section 4 of this chapter that will increase the school corporation's allocation of taxpayer resources directly to student instruction and learning; in light of the unique circumstances present in the school corporation:

(b) The state board shall recognize and reward the school corporations that meet the goals described in subsection (a):"

Delete pages 251 through 252.

Page 253, delete lines 1 through 26.

Page 253, delete line 42.

Delete pages 254 through 256.

Page 257, delete lines 1 through 40.

Page 263, line 42, delete "and" and insert "or".

Page 272, delete lines 18 through 42.

Page 273, delete lines 1 through 24.

Page 275, delete lines 24 through 42.



Page 276, delete lines 1 through 19.

Page 278, delete lines 5 through 42.

Delete pages 279 through 280.

Page 281, delete lines 1 through 41.

Page 285, delete lines 32 through 42, begin a new paragraph and insert:

"SECTION 472. IC 36-1-7-4 IS REPEALED [EFFECTIVE JULY 1, 2015]. Sec. 4. (a) If an agreement under section 3 of this chapter:

(1) involves as parties:

(A) only Indiana political subdivisions; or

(B) an Indiana political subdivision and:

(i) a public instrumentality; or

(ii) a public corporate body;

created by state law;

(2) is approved by the fiscal body of each party that is an Indiana political subdivision either before or after the agreement is entered into by the executive of the party; and

(3) delegates to the treasurer or disbursing officer of one (1) of the parties that is an Indiana political subdivision the duty to receive; disburse; and account for all monies of the joint undertaking;

then the approval of the attorney general is not required:

(b) If subsection (a) does not apply, an agreement under section 3 of this chapter must be submitted to the attorney general for the attorney general's approval. The attorney general shall approve the agreement unless the attorney general finds that it does not comply with the statutes, in which case the attorney general shall detail in writing for the parties the specific respects in which the agreement does not comply. If the attorney general fails to disapprove the agreement within sixty (60) days after it is submitted to the attorney general, it is considered approved."

Page 286, delete lines 1 through 16.

Page 290, delete lines 21 through 42.

Delete page 291.

Page 292, delete lines 1 through 27.

Page 305, line 41, delete "studying:" and insert "**studying the following:**".

Page 306, between lines 6 and 7, begin a new line block indented and insert:

"(3) The feasibility of establishing:

(A) a definition of "bullying" that would be uniformly applied in a consistent manner by schools for reporting requirements; and



(B) methods to streamline school discipline reporting requirements for schools."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass and be reassigned to the Senate Committee on Appropriations.

(Reference is to SB 500 as introduced.)

KRUSE, Chairperson

Committee Vote: Yeas 7, Nays 4.

COMMITTEE REPORT

Madam President: The Senate Committee on Appropriations, to which was referred Senate Bill No. 500, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 6, delete lines 18 through 42.

Page 7, delete lines 1 through 24.

Page 7, line 25, delete "IS REPEALED [EFFECTIVE JULY" and insert ", AS AMENDED BY P.L.40-2014, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 12. (a) Each ~~school within a school corporation and each school corporation career and technical education school described in IC 20-37-1-1~~ shall establish a safe school committee. The committee may be a subcommittee of the committee that develops the strategic and continuous school improvement and achievement plan under IC 20-31-5. **Each committee may include at least one (1) member who is a member of the support staff of the school or school corporation career and technical education school.**

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

- (1) Unsafe conditions, crime prevention, school violence, bullying, criminal gang activity, and other issues that prevent the maintenance of a safe school.
- (2) Professional development needs for faculty and staff to implement methods that decrease problems identified under

SB 500—LS 6972/DI 116



subdivision (1).

(3) Methods to encourage:

(A) involvement by the community and students;

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

(C) use of problem solving teams.

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

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

(1) developing and implementing bullying prevention programs;

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

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

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

Page 7, delete lines 26 through 42.

Delete pages 8 through 14.

Page 15, delete lines 1 through 10.

Page 15, delete lines 36 through 42.

Delete page 16.

Page 17, delete lines 1 through 27.

Page 17, delete lines 41 through 42, begin a new paragraph and insert:

"SECTION 28. IC 5-13-9-8, AS AMENDED BY P.L.202-2011, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 8. Any investing officer of a political subdivision that makes a deposit in any deposit or other account may be required to pay a service charge to the depository in which the funds are deposited, if the depository requires all customers to pay the charge for providing that service. However, the service charge imposed must be considered in the computation of the interest rate for determining which depositories are entitled to investments as prescribed by sections 4 and 5 of this chapter. If the total service charge cannot be computed before the investment, the investing officer shall estimate the service



charge and adjust the interest rate based on this estimate. The service charge may be paid:

- (1) by direct charge to the deposit or other account; or
- (2) in a manner that subtracts the service charge from interest earned on the funds in the deposit or other account.

If the manner described in subdivision (2) is used to pay the service charge, the political subdivision must report the net interest deposited in the political subdivision's financial records, and the political subdivision is not required to report the amount of the service charge subtracted in the political subdivision's financial records."

Delete pages 18 through 21.

Page 22, delete lines 1 through 20.

Page 32, delete lines 12 through 16, begin a new paragraph and insert:

"SECTION 32. IC 5-15-5.1-21 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 21. Before January 1, 2016, the commission or its successor shall:**

- (1) revise retention requirements that apply to school corporations for electronic mail messages; and**
- (2) review polices and procedures that apply to school corporations for electronic mail messages."**

Page 40, line 27, delete "(d)".

Page 40, line 27, strike "Before a parent or guardian of a student may purchase".

Page 40, strike lines 28 through 34.

Page 42, reset in roman lines 5 through 6.

Page 42, line 6, after "corporation" insert ".".

Page 56, line 19, after "Indiana." insert "**The committee may not change the data reporting requirements for data used by the state board to place each school in a category or designation of school performance under IC 20-31-8-4.**".

Page 91, line 38, delete ":".

Page 91, line 39, strike "(1)".

Page 91, line 40, delete "; or" and insert ".".

Page 91, line 41, strike "(2) submit a charter school proposal to another authorizer."

Page 92, delete lines 2 through 42, begin a new paragraph and insert:

"SECTION 105. IC 20-24-3-12, AS AMENDED BY P.L.280-2013, SECTION 32, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



JULY 1, 2015]: Sec. 12. (a) This section applies if the authorizer rejects a proposal.

(b) The organizer may ~~appeal the decision of the authorizer to~~ **request** the charter school review panel established by subsection (c) **to grant approval for the organizer to submit a charter school proposal to another authorizer.**

(c) The charter school review panel is established. The members of the panel are as follows:

- (1) The governor or the governor's designee.
- (2) The state superintendent, who shall chair the panel.
- (3) A member of the state board appointed by the state superintendent.
- (4) A person with financial management experience appointed by the governor.
- (5) A community leader with knowledge of charter school issues appointed jointly by the governor and the state superintendent.

A member shall serve a two (2) year term and may be reappointed to the panel upon expiration of the member's term.

(d) All decisions of the panel shall be determined by a majority vote of the panel's members.

(e) Upon the request of an organizer, the panel shall meet to consider the organizer's ~~proposal and the authorizer's reasons for rejecting the proposal:~~ **request for approval for the organizer to submit a charter school proposal to another authorizer.** The panel must allow the organizer and authorizer to participate in the meeting.

(f) After the panel meets under subsection (e), the panel shall make one (1) of the following findings and issue the finding to the organizer and the authorizer:

- (1) A finding that ~~supports the authorizer's rejection of the proposal:~~ **grants approval for the organizer to submit a charter school proposal to another authorizer.**
- (2) A finding that **denies approval for the organizer to submit a charter school proposal to another authorizer.**
 - (A) recommends that the organizer amend the proposal; and
 - (B) specifies the changes to be made in the proposal if the organizer elects to amend the proposal.
- (3) ~~A finding that approves the proposal:~~

The panel shall issue the finding not later than forty-five (45) days after the panel receives the request for review.

(g) ~~If the panel makes a finding described in subsection (f)(1);~~ The finding **of the panel** is final.

(h) ~~If the panel makes a finding described in subsection (f)(2);~~ the



organizer may amend the proposal according to the panel's recommendations and resubmit the proposal directly to the panel.

(i) If the panel makes a finding described in subsection (f)(3), the proposal is considered conditionally approved. The approval shall be considered final upon delivery to the panel of written notice from the organizer and an eligible authorizer that the authorizer has agreed to serve as an authorizer for the proposal approved by the panel.

(j) Proposals approved under this section shall not be counted under any numerical limits placed upon an authorizer or set of authorizers."

Page 93, delete lines 1 through 6.

Page 96, line 2, strike "ISTEP program".

Page 96, line 3, strike "testing" and insert "**statewide standardized tests**".

Page 125, line 17, after "petitions" insert ",".

Page 141, reset in roman line 34.

Page 141, line 35, reset in roman "assess a rental fee of more than".

Page 141, line 35, after "fifteen" insert "**twenty-five**".

Page 141, line 35, reset in roman "percent".

Page 141, line 35, after "(15%)" insert "**(25%)**".

Page 141, line 35, reset in roman "of the retail price".

Page 141, reset in roman lines 36 through 39.

Page 141, line 40, reset in roman "(c)".

Page 141, line 40, delete "(b)".

Page 147, line 30, strike "six (6)" and insert "**three (3)**".

Page 147, strike lines 32 through 34.

Page 148, delete lines 38 through 42.

Delete page 149.

Page 152, delete lines 31 through 42.

Page 153, delete lines 1 through 25.

Page 153, delete lines 33 through 42.

Page 154, delete lines 1 through 13.

Page 164, delete lines 32 through 34.

Page 164, line 35, strike "(d)" and insert "**(c)**".

Page 176, delete lines 9 through 17.

Page 179, line 3, reset in roman "(a) Each school corporation shall:".

Page 179, reset in roman lines 4 through 8.

Page 179, line 15, after "(c)" insert "**(b)**".

Page 179, line 15, reset in roman "Literature that is distributed to school children and young adults".

Page 179, reset in roman line 16.

Page 179, line 17, after "(d)" insert "**(c)**".

Page 179, delete lines 21 through 42.



Page 180, delete lines 1 through 38.

Page 184, delete lines 34 through 42.

Page 185, delete lines 1 through 22.

Page 186, line 17, after "school" insert ",".

Page 205, delete lines 30 through 41.

Page 225, line 12, delete "practically".

Page 235, delete lines 37 through 42.

Delete page 236.

Page 237, delete lines 1 through 11.

Page 241, delete lines 2 through 25, begin a new paragraph and insert:

"SECTION 388. IC 36-1-7-4, AS AMENDED BY P.L.221-2007, SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 4. (a) If an agreement under section 3 of this chapter:

(1) involves as parties:

(A) only Indiana political subdivisions; or

(B) an Indiana political subdivision and:

(i) a public instrumentality; or

(ii) a public corporate body;

created by state law;

(2) is approved by the fiscal body of each party that is an Indiana political subdivision either before or after the agreement is entered into by the executive of the party; and

(3) delegates to the treasurer or disbursing officer of one (1) of the parties that is an Indiana political subdivision the duty to receive, disburse, and account for all monies of the joint undertaking;

then the approval of the attorney general is not required.

(b) **This subsection does not apply to an agreement to which school corporations are the only parties.** If subsection (a) does not apply, an agreement under section 3 of this chapter must be submitted to the attorney general for the attorney general's approval. The attorney general shall approve the agreement unless the attorney general finds that it does not comply with the statutes, in which case the attorney general shall detail in writing for the parties the specific respects in which the agreement does not comply. If the attorney general fails to disapprove the agreement within sixty (60) days after it is submitted to the attorney general, it is considered approved."

Page 242, delete lines 40 through 42.

Page 243, delete lines 1 through 17.

Page 245, delete lines 30 through 42, begin a new paragraph and insert:



"SECTION 394. IC 36-1-12.5-10, AS AMENDED BY P.L.168-2006, SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 10. The governing body shall:

(1) provide to the ~~lieutenant governor~~ **department of local government finance** not more than sixty (60) days after the date of execution of the guaranteed savings contract:

(A) a copy of the executed guaranteed savings contract;

(B) the:

(i) energy or water consumption costs;

(ii) wastewater usage costs; and

(iii) billable revenues, if any;

before the date of execution of the guaranteed savings contract; and

(C) the documentation using industry engineering standards for:

(i) stipulated savings; and

(ii) related capital expenditures; and

(2) annually report to the ~~lieutenant governor~~, **department of local government finance**, in accordance with procedures established by the ~~lieutenant governor~~, **department**, the savings resulting in the previous year from the guaranteed savings contract or utility efficiency program.

SECTION 395. IC 36-1-12.5-12, AS AMENDED BY P.L.168-2006, SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 12. (a) An improvement that is not causally connected to a conservation measure may be included in a guaranteed savings contract if:

(1) the total value of the improvement does not exceed fifteen percent (15%) of the total value of the guaranteed savings contract; and

(2) either:

(A) the improvement is necessary to conform to a law, a rule, or an ordinance; or

(B) an analysis within the guaranteed savings contract demonstrates that:

(i) there is an economic advantage to the political subdivision in implementing an improvement as part of the guaranteed savings contract; and

(ii) the savings justification for the improvement is documented by industry engineering standards.

(b) The information required under subsection (a) must be reported



to the ~~lieutenant governor~~. **department of local government finance.**".

Page 246, delete lines 1 through 7.

Page 249, delete lines 36 through 38.

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 500 as printed February 13, 2015.)

KENLEY, Chairperson

Committee Vote: Yeas 8, Nays 5.

