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# SENATE BILL No. 459

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 20-1-6-5; IC 20-1-6-13; IC 20-1-21-4; IC 20-2-2-3; IC 20-3-11-2; IC 20-3-11-8; IC 20-4-8; IC 20-5; IC 20-6.1; IC 20-7.5-1-2; IC 20-8.1; IC 20-9.1; IC 20-10.1.

**Synopsis:** Governance of school corporations. Transfers the administrative authority for managing a school corporation specifically to the administration (the superintendent or the superintendent's designee) of the school corporation. Allows the governing body to delegate any power of the governing body to the administration and allows the administration to exercise any power delegated to it by the governing body. Requires the department of education to provide technical assistance to school corporations with regard to the transfer of authority between the administration of a school corporation and its  
(Continued next page)

**Effective:** July 1, 1998.

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January 14, 1998, read first time and referred to Committee on Education.

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Digest Continued

governing body. Requires the legislative services agency to prepare legislation for introduction in the 2000 regular session of the general assembly making all of the necessary changes in statutes that are appropriate to delineate the roles of the governing body and the administration. Provides that a governing body may appoint an appeal panel to hold hearings and decide: (1) whether to cancel an indefinite contract with a permanent or semipermanent teacher; (2) appeals on the expulsion of students; and (3) appeals on eligibility for financial assistance for student fees. Provides that a member of a school board may receive not more than \$3,000 annually in per diem for attendance at meetings. (Under current law, a member may also receive an annual salary that does not exceed \$2,000.)

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Introduced

Second Regular Session 110th General Assembly (1998)

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 1997 General Assembly.

## SENATE BILL No. 459

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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 20-1-6-5, AS AMENDED BY P.L.25-1995,  
2 SECTION 64, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 1998]: Sec. 5. (a) The division of special education may, upon  
4 application by the ~~governing body~~ **administration** of a school  
5 corporation, together with proof of need, authorize school corporations  
6 to purchase, convert, remodel, or construct rooms or buildings for  
7 special schools for children with disabilities in an effort to get such  
8 schools located near the homes of the children with disabilities which  
9 it will serve.  
10 (b) The school corporation shall pay the cost of purchase,  
11 conversion, remodeling, and construction and the cost of building  
12 equipment of any such school and may finance such conversion,  
13 remodeling, and construction as other school buildings are financed.  
14 (c) The school corporation establishing any such school may send  
15 all its children with disabilities thereto and shall admit, so long as



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1 facilities permit, any other children with disabilities of the state who  
 2 are eligible under this chapter and who are not provided with an  
 3 opportunity to attend an adequate school in their own school  
 4 corporation.

5 SECTION 2. IC 20-1-6-13 IS AMENDED TO READ AS  
 6 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 13. (a) The ~~board~~  
 7 **administration** of any school corporation ~~of this state~~ is hereby  
 8 authorized to accept, receive, and administer any gift, devise, legacy,  
 9 or bequest of real or personal property, including the income from real  
 10 estate, to or for the benefit of any school, dormitory, or facility for the  
 11 education of children with disabilities and any of the purposes  
 12 contemplated under the provisions of this chapter and not inconsistent  
 13 with the provisions of this chapter or the laws of this state.

14 (b) The board of any school corporation is hereby authorized to  
 15 invest or reinvest any of the funds received under the provisions of this  
 16 section in the same kind of securities in which life insurance companies  
 17 are authorized by law to invest their funds.

18 (c) All money received by any school corporation under the  
 19 provisions of this section, and all money, proceeds, or income realized  
 20 from any real estate or other investments or property, shall be kept in  
 21 a special fund and shall not be commingled with any other fund or  
 22 funds received from taxation, and may be expended by the school  
 23 board in any manner consistent with the purposes of this chapter and  
 24 the intention of the donor or donors.

25 SECTION 3. IC 20-1-21-4, AS ADDED BY P.L.34-1996,  
 26 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 27 JULY 1, 1998]: Sec. 4. Not earlier than September 1 or later than  
 28 September 15 of each year, the ~~governing body~~ **administration** of a  
 29 school corporation shall publish an annual performance report of the  
 30 school corporation, in compliance with the procedures identified in  
 31 section 8 of this chapter. The report must be published one (1) time  
 32 annually under IC 5-3-1.

33 SECTION 4. IC 20-2-2-3 IS AMENDED TO READ AS FOLLOWS  
 34 [EFFECTIVE JULY 1, 1998]: Sec. 3. (a) The township trustees of each  
 35 and every township of each county shall perform all the civil functions  
 36 performed before March 13, 1947, **(as the civil functions relate to the**  
 37 **policy making and oversight functions of governing bodies of**  
 38 **school corporations)** by such township trustees and together with  
 39 other township trustees of the county shall constitute a county board of  
 40 education for the purpose of ~~managing~~ **overseeing** the affairs of the  
 41 county school corporation hereby created in each such county. School  
 42 cities and school towns shall retain independent organization and



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1 administration unless abandoned as provided by law, and the county  
 2 school corporation, also referred to in this chapter as the county, shall  
 3 include all areas not organized on March 13, 1947, under the laws of  
 4 this state into jurisdictions controlled and governed as school cities or  
 5 school towns. Said county board of education may be referred to  
 6 interchangeably as the county board of school trustees and as the board.  
 7 Said board shall meet at such time as the board shall designate at the  
 8 office of the county superintendent of schools and at such other times  
 9 and places as the county superintendent of schools may deem  
 10 necessary. At the first meeting of each year, to be held on the first  
 11 Wednesday after the first Monday in January, the board shall organize  
 12 by selecting a president, a vice president, a secretary, and a treasurer  
 13 from its membership. ~~Provided; However, that~~ no later than April 12,  
 14 1947, it shall be the duty of the county superintendent of schools to call  
 15 said board into special session, and unless the county board of  
 16 education shall elect to have the provisions of this section remain  
 17 inoperative, under provisions that may be included within this section,  
 18 said board shall so organize itself. ~~except that~~ The failure of the county  
 19 superintendent of schools to call the county board of education into  
 20 session ~~within the prescribed limits of this section by April 12, 1947,~~  
 21 shall not be construed to mean that a county school corporation as  
 22 described in this section shall be brought into existence in such county,  
 23 and no such county school corporation shall be brought into existence  
 24 until the board has met in special session subsequent to March 13,  
 25 1947, and has taken action to organize itself into a county school  
 26 corporation, after consideration of the question whether it should elect  
 27 to have the provisions of this section remain inoperative under  
 28 provisions that may be included within this section. Such organization  
 29 when and if effected shall be filed with the county auditor and shall be  
 30 published by said auditor in two (2) newspapers of different political  
 31 persuasions of general circulation throughout the county within ten  
 32 (10) days after such filing, and such organization shall be deemed to  
 33 fulfill all the requirements of this section for the transacting of public  
 34 business under this section. The secretary of the board shall keep an  
 35 accurate record of the minutes of the board, which minutes shall be  
 36 kept at the county superintendent's office. The county superintendent  
 37 shall:

- 38 (1) act as ~~the~~ administrator of the board; ~~and shall~~
- 39 (2) **administer the county school corporation; and**
- 40 (3) carry out such acts and duties as shall be designated by the  
 41 board **and as authorized by law with regard to the**  
 42 **administration of the affairs of the county school corporation.**



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1 A quorum shall consist of two-thirds (2/3) of the members of the board.

2 (b) The board shall make **policy** decisions ~~as to the general and~~  
 3 **oversee the** conduct of the schools **in the same manner as described**  
 4 **in IC 20-5-2-2**, which shall be enforced as entered upon the minutes  
 5 recorded by the secretary of the board, and shall exercise all powers  
 6 ~~exercised before March 13, 1947~~, under the law, by or through  
 7 township trustees or meetings or petitions of the trustees of the county.

8 (c) The board shall appoint a county superintendent of schools who  
 9 shall serve for a term of four (4) years. ~~The first such appointment~~  
 10 ~~under this section shall be made in accordance with law in June 1949,~~  
 11 ~~to become effective August 16, 1949, and thereafter~~ The board shall fill  
 12 vacancies in this office by appointments which shall expire at the end  
 13 of the regular term. The county superintendent of schools and other  
 14 persons employed for administrative or supervisory duties shall be  
 15 deemed to be supervisors of instruction.

16 (d) The government **and oversight** of the common schools of the  
 17 county shall be vested in the board, and the board **or the county**  
 18 **superintendent (whichever applies)** shall function with all the  
 19 authority, powers, privileges, duties, and obligations granted to or  
 20 required of school cities ~~before March 13, 1947~~, **by law**, and school  
 21 towns and their governing boards generally under the laws pertaining  
 22 thereto with reference to the purchase of supplies, purchase and sale of  
 23 buildings, grounds, and equipment, the erection of buildings, the  
 24 employment and dismissal of school personnel, the right and power to  
 25 sue and be sued in the name of the county, the insuring of property and  
 26 employees, the levying and collecting of taxes, the making and  
 27 executing of a budget, the borrowing of money, the paying of the  
 28 salaries and expenses of the county superintendent and employees as  
 29 approved by the board and to any act necessary to the proper  
 30 administration of the common schools of the county.

31 (e) Such school corporations shall be vested with all right, title, and  
 32 interest of their respective predecessor township school corporations  
 33 hereby terminated to and in all the real, personal, and other property of  
 34 any nature and from whatever source derived, and shall assume, pay,  
 35 and be liable for all the indebtedness and liabilities of the same.

36 (f) The treasurer, before entering upon the duties of his office, shall  
 37 execute a bond to the acceptance of the county auditor in an amount  
 38 equal to the largest sum of money that will be in the possession of the  
 39 treasurer at any one **(1)** time conditioned as an ordinary official bond,  
 40 with a reliable surety company or at least two **(2)** sufficient freehold  
 41 sureties, who shall not be members of such board, as surety or sureties  
 42 on such bond. The president and secretary shall each give bond, with



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1 like surety or sureties, to be approved by the county auditor, in the sum  
 2 of one-fourth (1/4) of said amount. Provided, that such boards of school  
 3 trustees may purchase said bonds from some reliable surety company,  
 4 and pay for them out of the special school revenue of their respective  
 5 counties.

6 (g) The powers set forth in this section shall not be considered as or  
 7 construed to limit the power and authority of such boards **or the**  
 8 **county superintendent** to the powers therein expressly conferred or to  
 9 restrict or modify any powers or authority granted by any other law not  
 10 in conflict with the provisions of this section.

11 (h) Every such board shall have, as respects the levy of taxes by it,  
 12 power annually to levy such amount of taxes as in the judgment of such  
 13 board, made matter of record in its minutes, should be levied to  
 14 produce income sufficient to conduct and carry on the common schools  
 15 committed to such board, and it is hereby made the duty of such board  
 16 annually to levy a sum sufficient to meet all payments of principal and  
 17 interest as they will mature in the year for which such levy is made on  
 18 the bonds, notes, or other obligations of such board. The power of such  
 19 board in so making tax levies shall be exercised within statutory limits  
 20 and said levies shall be subject to the same review as school city and  
 21 school town levies.

22 SECTION 5. IC 20-3-11-2 IS AMENDED TO READ AS  
 23 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 2. (a) Each member of  
 24 the board of school commissioners must be a resident voter of the  
 25 school city, and must have been a resident for at least one (1) year  
 26 immediately preceding the member's election. A board member may  
 27 not serve in any elective or appointive office under the board of school  
 28 commissioners or under the government of the civil city while serving  
 29 on the board. A board member may not knowingly have a pecuniary  
 30 interest (as defined in IC 35-44-1-3(g)) in any contract or purchase with  
 31 the school city in which the member is elected. If, at any time after the  
 32 member is elected to the board, a board member knowingly acquires a  
 33 pecuniary interest in any contract or purchase with the school city, the  
 34 member shall be disqualified to continue as a member of the board, and  
 35 a vacancy in the office is created.

36 (b) Each member of the board shall, before assuming the duties of  
 37 office, take an oath, before a person qualified to administer oaths, that:

- 38 (1) the member possesses all the qualifications required by this  
 39 chapter for membership on the board;
- 40 (2) the member will honestly and faithfully discharge the duties  
 41 of office;
- 42 (3) the member will not, while serving as a member of the board,



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1 become interested, directly or indirectly, in any contract with or  
 2 claim against the school city, except as authorized by law; and  
 3 (4) in the performance of official duties as a member of the board,  
 4 including the selection of its officers, agents, and employees, the  
 5 member will not be influenced by any consideration of politics or  
 6 religion and that the member will be controlled in the selection  
 7 only by considerations of the merits, fitness, and qualifications of  
 8 the persons to be selected.

9 (c) The members of the board are entitled to receive compensation  
 10 not to exceed the amount allowed under ~~IC 20-5-3-6~~ **IC 20-5-3-6(a)(1)**  
 11 and a per diem not to exceed the rate **per meeting** approved for  
 12 members of the city-county council established under IC 36-3-4 for  
 13 attendance at each regular and committee meeting as determined by the  
 14 board.

15 **(d) Notwithstanding subsection (c), a member of the board of a**  
 16 **school corporation described in section 1 of this chapter is limited**  
 17 **to three thousand dollars (\$3,000) in per diem in a calendar year.**

18 ~~(d)~~ (e) Members of the board are exempt from jury duty during their  
 19 term of office.

20 SECTION 6. IC 20-3-11-8 IS AMENDED TO READ AS  
 21 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 8. (a) The board shall  
 22 appoint a general superintendent whenever, by reason of the expiration  
 23 of the term of the incumbent general superintendent, or by reason of his  
 24 death, resignation, or removal from office, a vacancy in the office of  
 25 general superintendent shall occur or be imminent. The board's election  
 26 of a general superintendent shall be effected by resolution of the board,  
 27 in which shall be specified the day on which the general  
 28 superintendent's term shall begin and the day on which the general  
 29 superintendent's term shall end, but the board shall be without power  
 30 to appoint a general superintendent for a term longer than four (4)  
 31 years. The general superintendent's salary shall be prescribed in the  
 32 resolution declaring his appointment and shall be paid to him not less  
 33 frequently than monthly, as the board shall fix. It shall be the duty of  
 34 the board to act upon the recommendations of the general  
 35 superintendent ~~to~~ **when appropriate.**

36 (b) **The general superintendent may** make all other ~~such~~  
 37 **administration** decisions and perform all other ~~such~~ **administration**  
 38 duties ~~as fall~~ **that apply to school administrations** within the general  
 39 framework of the laws of the state.

40 SECTION 7. IC 20-4-8-9 IS AMENDED TO READ AS FOLLOWS  
 41 [EFFECTIVE JULY 1, 1998]: Sec. 9. (a) It shall be the duty of the  
 42 county board of education to appoint a county superintendent of

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1 schools who shall serve under contract in the same manner and under  
 2 the same laws as shall govern the employment and service of other  
 3 licensed school personnel, and his salary and expense allowance shall  
 4 be fixed by said board. His original contract shall be for three (3) to  
 5 five (5) years, and he may be elected for three (3) to five (5) year  
 6 succeeding terms.

7 (b) Appointments to fill a vacancy in the position of county  
 8 superintendent of schools may be made at any time and shall be so  
 9 made as to coincide with the provisions of this chapter.

10 (c) It shall be the duty of the board to act upon the recommendations  
 11 of the county superintendent of schools ~~and to when appropriate. The~~  
 12 **board may also** make all other such **policymaking and oversight**  
 13 decisions and perform all other such duties as fall within the general  
 14 framework of the laws of the state ~~Provided, however, that for~~  
 15 **governing bodies of school corporations.** The county superintendent  
 16 shall serve as such county superintendent for the balance of the term  
 17 for which he was last elected or appointed at the same salary and paid  
 18 from the same source unless by action of the county board of education  
 19 of the county school corporation created hereby his salary shall be  
 20 increased. At the expiration thereof or in the event of his death or  
 21 resignation, appointment and salary of the county superintendent of  
 22 schools shall be made, set, and paid as provided in this chapter.

23 SECTION 8. IC 20-4-8-11 IS AMENDED TO READ AS  
 24 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 11. (a) The board as  
 25 ~~above referred to~~ shall make **policy** decisions ~~pertaining to the general~~  
 26 **and oversee the** conduct of the schools which shall be enforced as  
 27 entered upon the minutes recorded by the secretary of the board, and  
 28 subject to provisions in this chapter otherwise, shall exercise all powers  
 29 ~~previously exercised~~ **authorized** under the law **for governing bodies**  
 30 **of school corporations**, by or through township trustees or meetings  
 31 or petitions of the township trustees of the county, or county boards of  
 32 education previously existing. ~~and such~~ **Those** offices, namely,  
 33 township trustee, county board, or county boards of education insofar  
 34 as the conduct of public schools is concerned are abolished as of noon  
 35 on the day and date the county school corporation is created and comes  
 36 into existence under this chapter.

37 (b) The county superintendent of schools and other persons  
 38 employed for administrative or supervisory duties may be deemed to  
 39 be supervisors of instruction.

40 (c) The ~~government oversight~~ **oversight** of the common schools of the county  
 41 shall be vested in the board, and the board **or the county**  
 42 **superintendent (whichever applies)** shall function with all the

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1 authority, powers, privileges, duties, and obligations ~~previously~~ granted  
 2 to or required of school cities and their governing boards generally  
 3 under the laws pertaining thereto with reference to the purchase of  
 4 supplies, purchase and sale of buildings, grounds, and equipment, the  
 5 erection of buildings, the employment and dismissal of school  
 6 personnel, the insuring of property and employees, the levying and  
 7 collecting of taxes, the making and executing of a budget, the  
 8 borrowing of money, the paying of the salaries and expenses of the  
 9 county superintendent and employees as approved by the board, shall  
 10 be a body corporate and politic by the name and style of "The County  
 11 School Corporation of \_\_\_\_\_ County, Indiana" with the right to  
 12 prosecute and defend suits; and shall act in any manner necessary to  
 13 the proper administration of the common schools of the county.

14 (d) School corporations shall:

15 (1) be vested with:

16 (A) all rights, titles, and interests of their respective  
 17 predecessor township and town school corporations  
 18 terminated; and ~~in~~

19 (B) all the real, personal, and other property **of their**  
 20 **respective predecessor township** of any nature and from  
 21 whatever source derived; ~~and shall~~

22 (2) assume, pay, and be liable for all the indebtedness,  
 23 obligations, and liabilities and duties of the predecessor  
 24 corporations from whatever source derived and however arising;  
 25 and ~~shall~~

26 (3) institute and defend suits arising out of aforesaid liabilities,  
 27 obligations, duties, and rights assumed as a county school  
 28 corporation.

29 (e) The treasurer, before entering upon the duties of his office, shall  
 30 execute a bond to the acceptance of the county auditor in an amount  
 31 equal to the largest sum of money that will be in the possession of the  
 32 treasurer at any one time, conditioned as an ordinary official bond, with  
 33 a reliable surety company or at least two (2) sufficient freehold sureties,  
 34 who shall not be members of such board, as surety or sureties on such  
 35 bond. The president and the secretary shall each give bond, with like  
 36 surety or sureties, to be approved by the county auditor, in the sum of  
 37 one-fourth (1/4) of said amount. Boards of school trustees may  
 38 purchase bonds from some reliable surety company and pay for them  
 39 out of the special school revenue of their respective counties.

40 (f) The powers set forth in this section shall not be considered as or  
 41 construed to limit the power and authority of such boards **or county**  
 42 **superintendents** to the powers ~~therein~~ expressly conferred **by this**

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1 **section** or to restrict or modify any powers or authority granted by any  
 2 other law not in conflict with the provisions of this section.

3 (g) Every such board shall have the power annually to levy such  
 4 amount of taxes as in the judgment of such board, made matter of  
 5 record in its minutes, should be levied to produce income sufficient to  
 6 conduct and carry on the common schools committed to such board.  
 7 ~~and~~ It is made the duty of such board annually to levy a rate and levy  
 8 that will produce a sum sufficient to meet all payments of principal and  
 9 interest as they will mature in the year for which such levy is made on  
 10 the bonds, notes, or other obligations of such board. The power of such  
 11 board in so making tax levies shall be exercised within existing  
 12 statutory limits, and said levies shall be subject to the same review as  
 13 school city levies.

14 SECTION 9. IC 20-4-8-19 IS AMENDED TO READ AS  
 15 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 19. (a) It shall be the  
 16 duty of the metropolitan board of education to appoint a metropolitan  
 17 superintendent of schools who shall serve under contract in the same  
 18 manner and under the same laws as shall govern the employment and  
 19 service of other licensed school personnel. ~~and~~ His salary and expense  
 20 allowance shall be fixed by said board. His original contract shall be  
 21 for a period of one (1) to five (5) years as mutually agreed upon, and  
 22 may be changed ~~and/or or~~ extended at any time by mutual agreement.

23 (b) Appointments to fill a vacancy in the position of metropolitan  
 24 superintendent of schools may be made at any time and shall be so  
 25 made as to coincide with the provisions of this chapter.

26 (c) It shall be the duty of the board to act upon the recommendations  
 27 of the metropolitan superintendent of schools ~~and to~~ **when**  
 28 **appropriate. The metropolitan superintendent of schools may make**  
 29 **all other such administration decisions and perform all other such**  
 30 **administration duties as fall within the general framework of the laws**  
 31 **of the state Provided, for school administrations.** However, ~~that~~ the  
 32 respective county superintendent, city school superintendents, ~~and/or~~  
 33 **or** such town superintendents as there may be in such metropolitan  
 34 school district shall continue in their respective employment at the  
 35 same salary and **be** paid in the same manner as ~~heretofore~~ until the  
 36 expiration of their respective terms or contracts of employment subject,  
 37 however, to the direction and assignment of the board of education to  
 38 such administrative duties as shall be decided by the said board to be  
 39 advisable ~~and or~~ **required by law.** The board shall designate one (1)  
 40 of said superintendents or such other competent and qualified person  
 41 as the board in its discretion may decide to perform the duties of the  
 42 metropolitan superintendent of the metropolitan school district as



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1 defined in this chapter. At the expiration of the respective term of  
 2 office or contracts of employment, or in the event of a vacancy of  
 3 metropolitan superintendent of the metropolitan school district by  
 4 reason of death, resignation, or otherwise, the appointment of a  
 5 metropolitan superintendent of said metropolitan school district and all  
 6 other administrative supervisory officers shall be made pursuant to the  
 7 general powers conferred on said board as provided in this chapter. At  
 8 the expiration thereof or in the event of his death or resignation,  
 9 appointment and salary of the metropolitan superintendent of schools  
 10 shall be made, set, and paid as provided in this chapter.

11 SECTION 10. IC 20-4-8-21 IS AMENDED TO READ AS  
 12 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 21. (a) The board as  
 13 referred to in this chapter shall make **policy** decisions ~~pertaining to the~~  
 14 ~~general and oversee the~~ conduct of the schools which shall be  
 15 enforced as entered upon the minutes recorded by the secretary of the  
 16 board, and, subject to this chapter, shall exercise all powers previously  
 17 exercised under the law, by or through township trustees or meetings  
 18 or petitions of the township trustees of the county ~~and/or or~~ county  
 19 boards of education previously existing, ~~and~~ Such offices, namely  
 20 township trustee, county board, ~~and/or or~~ county boards of education  
 21 insofar as the conduct of public schools is concerned are hereby  
 22 abolished as of noon on the day and date the metropolitan school  
 23 district is created and comes into existence.

24 (b) The metropolitan superintendent of schools and other persons  
 25 employed for administrative or supervisory duties may be deemed to  
 26 be supervisors of instruction and as such **are** eligible, subject to ~~the~~  
 27 ~~rules that have been or shall be~~ adopted by the **Indiana** state board of  
 28 education, to qualify for teaching units in accordance with law.

29 (c) The government **and oversight** of the common schools of said  
 30 district shall be vested in the board. ~~and~~ The board **or the**  
 31 **metropolitan superintendent of schools (whichever applies)** shall:

32 (1) function with all the authority, powers, privileges, duties, and  
 33 obligations ~~previously~~ granted to or required of ~~school cities and~~  
 34 ~~their governing boards~~ **bodies of school corporations or school**  
 35 **administrations** generally under the laws pertaining thereto with  
 36 reference to the purchase of supplies, purchase and sale of  
 37 buildings, grounds, and equipment, the erection of buildings, the  
 38 employment and dismissal of school personnel, the insuring of  
 39 property and employees, the levying and collecting of taxes, the  
 40 making and executing of a budget, the borrowing of money, the  
 41 paying of the salaries and expenses of the county superintendent  
 42 and employees as approved by the board; ~~staff~~



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1           (2) be a body corporate and politic by the name and style of "The  
2 Metropolitan School District of \_\_\_\_\_, Indiana" with the right  
3 to prosecute and defend suits; and ~~shall~~  
4           (3) act in any manner necessary to the proper administration of  
5 the common schools of the county.  
6 (d) Such school districts shall:  
7           (1) be vested with:  
8                (A) all rights, titles, and interests of their respective  
9 predecessor township and town school corporations hereby  
10 terminated; and ~~in~~  
11                (B) all the real, personal, and other property **of the respective**  
12 **predecessor township** of any nature and from whatever  
13 source derived; ~~and shall~~  
14           (2) assume, pay, and be liable for all the indebtedness,  
15 obligations, and liabilities and duties of said predecessor  
16 corporations from whatever source derived and however arising;  
17 and ~~shall~~  
18           (3) institute and defend suits arising out of aforesaid liabilities,  
19 obligations, duties, and rights assumed as a metropolitan school  
20 district.  
21           (e) The treasurer, before entering upon the duties of his office, shall  
22 execute a bond to the acceptance of the county auditor which shall in  
23 no event be greater than the largest sum of money that will be in the  
24 possession of the treasurer at any one time. The board of education may  
25 purchase said bond from a reliable surety company and pay for it out  
26 of the special school revenue of the metropolitan district.  
27           (f) The powers set forth in this section shall not be considered as or  
28 construed to limit the power and authority of such boards to the powers  
29 therein expressly conferred or to restrict or modify any powers or  
30 authority granted by any other law not in conflict with the provisions  
31 of this section.  
32           (g) Every such board shall have the power annually to levy such  
33 amount of taxes as in the judgment of such board, made matter of  
34 record in its minutes, should be levied to produce income sufficient to  
35 conduct and carry on the common schools committed to such board.  
36 ~~and~~ It is hereby made the duty of such board annually to levy a rate and  
37 levy that will produce a sum sufficient to meet all payments of  
38 principal and interest as they will mature in the year for which such  
39 levy is made on the bonds, notes, or other obligations of such board.  
40 The power of such board in so making tax levies shall be exercised  
41 within statutory limits and said levies shall be subject to the same  
42 review as school city levies.

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1 SECTION 11. IC 20-5-1-3 IS AMENDED TO READ AS  
 2 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 3. As used in IC 20-5-1  
 3 through IC 20-5-6, the following terms shall have the following  
 4 meanings:

5 ~~(a)~~ **(1)** "School corporation" shall mean any local public school  
 6 corporation established under the laws of the state of Indiana,  
 7 including but not limited to school cities, school towns,  
 8 metropolitan school districts, consolidated school corporations,  
 9 county school corporations, community school corporations, and  
 10 united school corporations, excluding, however, school  
 11 townships.

12 ~~(b)~~ **(2)** "Governing body" shall mean the board of commissioners  
 13 charged by law with the responsibility of ~~administering~~  
 14 **developing the school corporation's educational policy and**  
 15 **overseeing** the affairs of a school corporation, including but not  
 16 limited to a board of school commissioners, metropolitan board  
 17 of education, board of school trustees, or board of trustees. ~~and In~~  
 18 **addition**, "member" shall mean a member of such governing  
 19 body.

20 ~~(c)~~ **(3)** "School purposes" shall mean the general purposes and  
 21 powers provided in IC 20-5-2-1.2, ~~and~~ IC 20-5-2-2, ~~and~~  
 22 **IC 20-5-2-2.2**. However, the delineation of a specific power in  
 23 IC 20-5-2-2 ~~or IC 20-5-2-2.2~~ shall not be construed as a  
 24 limitation on the general powers and purposes set out in  
 25 IC 20-5-2-1.2.

26 **(4) "Administration" means:**

27 **(A) the superintendent of the school corporation who is**  
 28 **charged by law with the responsibility of administering the**  
 29 **affairs of the school corporation; or**

30 **(B) a designee of the superintendent who is employed in an**  
 31 **administrative capacity by the school corporation,**  
 32 **including an assistant superintendent, a principal, or an**  
 33 **assistant principal.**

34 SECTION 12. IC 20-5-2-2 IS AMENDED TO READ AS  
 35 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 2. In carrying out the  
 36 ~~school purposes~~ **educational policy making function** of each school  
 37 corporation, ~~its~~ **the** governing body acting on ~~its~~ **the** behalf of ~~the~~  
 38 **school corporation** shall have the following specific powers:

39 **(1) To engage in collective bargaining as described in**  
 40 **IC 20-7.5-1.**

41 **(2) To establish collaborative planning structures and to enter**  
 42 **into partnerships with other governmental entities whose**

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**policies and actions affect students and families.**  
**(3) To convene community forums on educational policy issues, to encourage parental involvement in the schools, and to generally communicate with the community.**  
**(4) To formulate any policy relating to the general governance of school corporations.**  
**(5) To adopt a system to enable the governing body to regularly assess its own performance.**  
~~(1)~~ **(6) In the name of the school corporation, to sue and be sued and to enter into **construction** contracts in **matters and employment contracts** as permitted by applicable law.**  
~~(2)~~ **(7) To ~~take charge of, manage,~~ oversee the management and conduct of the educational affairs of the school corporation and to establish, locate, and provide the necessary schools, school libraries, other libraries where permitted by law, other buildings, facilities, property, and equipment therefor.**  
~~(2.5)~~ **(8) To appropriate from the general fund an amount, not to exceed the greater of three thousand dollars (\$3,000) per budget year or one dollar (\$1) per pupil, not to exceed twelve thousand five hundred dollars (\$12,500), based upon the school corporation's previous year's average daily membership (as defined in IC 21-3-1.6-1.1) for the purpose of promoting the best interests of the school corporation by:**  
    (A) the purchase of meals, decorations, memorabilia, or awards;  
    (B) provision for expenses incurred in interviewing job applicants; or  
    (C) developing relations with other governmental units.  
~~(3)~~ **(9) To acquire, construct, erect, maintain, hold, and to contract for such construction, erection, or maintenance of such real estate, real estate improvements, or any interest in either, as the governing body deems necessary for school purposes, including but not limited to buildings, parts of buildings, additions to buildings, rooms, gymnasiums, auditoriums, playgrounds, playing and athletic fields, facilities for physical training, buildings for administrative, office, warehouse, repair activities, or housing of school owned buses, landscaping, walks, drives, parking areas, roadways, easements and facilities for power, sewer, water, roadway, access, storm and surface water, drinking water, gas, electricity, other utilities and similar purposes, by purchase, either outright for cash (or under conditional sales or purchases money contracts providing for a retention of a security interest by seller**

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1 until payment is made or by notes where such contract, security  
 2 retention, or note is permitted by applicable law), by exchange, by  
 3 gift, by devise, by eminent domain, by lease with or without  
 4 option to purchase, or by lease under IC 21-5-10, IC 21-5-11, or  
 5 IC 21-5-12. To repair, remodel, remove, or demolish any such real  
 6 estate, real estate improvements, or interest in either, as the  
 7 governing body deems necessary for school purposes, and to  
 8 contract therefor. To provide for energy conservation measures  
 9 through utility energy efficiency programs or under a guaranteed  
 10 energy savings contract as described in IC 36-1-12.5. **All**  
 11 **purchases and contracts delineated under the powers given**  
 12 **under this subdivision are subject solely to applicable law**  
 13 **relating to purchases and contracting by municipal**  
 14 **corporations in general and to the supervisory control of**  
 15 **agencies of the state as provided in section 3 of this chapter.**

16 ~~(4)~~ **(10)** To acquire such personal property or any interest therein  
 17 as the governing body deems necessary for school purposes,  
 18 including but not limited to buses, motor vehicles, equipment,  
 19 apparatus, appliances, books, furniture, and supplies, either by  
 20 outright purchase for cash, or under conditional sales or purchase  
 21 money contracts providing for a security interest by the seller  
 22 until payment is made or by notes where such contract, security,  
 23 retention, or note is permitted by applicable law, by gift, by  
 24 devise, by loan, or by lease with or without option to purchase and  
 25 to repair, remodel, remove, relocate, and demolish such personal  
 26 property. All purchases and contracts delineated under the powers  
 27 given under ~~subdivision (3)~~ and this subdivision shall be subject  
 28 solely to applicable law relating to purchases and contracting by  
 29 municipal corporations in general and to the supervisory control  
 30 of agencies of the state as provided in section 3 of this chapter.

31 ~~(5)~~ **(11)** To sell or exchange any of such real or personal property  
 32 or interest therein, which in the opinion of the governing body is  
 33 not necessary for school purposes, in accordance with IC 20-5-5,  
 34 to demolish or otherwise dispose of such property if, in the  
 35 opinion of the governing body, it is not necessary for school  
 36 purposes and is worthless, and to pay the expenses for such  
 37 demolition or disposition.

38 ~~(6)~~ **(12)** To lease any school property for a rental which the  
 39 governing body deems reasonable or to permit the free use of  
 40 school property for:

41 (A) civic or public purposes; or

42 (B) the operation of a school age child care program for

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1 children aged five (5) through fourteen (14) years that operates  
 2 before or after the school day, or both, and during periods  
 3 when school is not in session;  
 4 if the property is not needed for school purposes. Under this  
 5 subdivision, the governing body may enter into a long term lease  
 6 with a nonprofit corporation, community service organization, or  
 7 other governmental entity, if the corporation, organization, or  
 8 other governmental entity will use the property to be leased for  
 9 civic or public purposes or for a school age child care program.  
 10 However, if the property subject to a long term lease is being paid  
 11 for from money in the school corporation's debt service fund, then  
 12 all proceeds from the long term lease shall be deposited in that  
 13 school corporation's debt service fund so long as the property has  
 14 not been paid for. The governing body may, at its option, use the  
 15 procedure specified in IC 36-1-11-10 in leasing property under  
 16 this subdivision.  
 17 ~~(7)~~ **(13)** To employ, contract for, and discharge superintendents,  
 18 supervisors, principals, teachers, librarians, athletic coaches  
 19 (whether or not they are otherwise employed by the school  
 20 corporation and whether or not they are licensed under  
 21 IC 20-6.1-3), business managers, superintendents of buildings and  
 22 grounds, janitors, engineers, architects, physicians, dentists,  
 23 nurses, accountants, teacher aides performing noninstructional  
 24 duties, educational and other professional consultants, data  
 25 processing and computer service for school purposes, including  
 26 but not limited to the making of schedules, the keeping and  
 27 analyzing of grades and other student data, the keeping and  
 28 preparing of warrants, payroll, and similar data where approved  
 29 by the state board of accounts as provided ~~below~~, **in this**  
 30 **subdivision**, and such other personnel or services, all as the  
 31 governing body considers necessary for school purposes. To fix  
 32 and pay the salaries and compensation of such persons and such  
 33 services. To classify such persons or services and to adopt  
 34 schedules of salaries or compensation. To determine the number  
 35 of such persons or the amount of services thus employed or  
 36 contracted for. To determine the nature and extent of their duties.  
 37 The compensation, terms of employment, and discharge of  
 38 teachers shall, however, be subject to and governed by the laws  
 39 relating to employment, contracting, compensation, and discharge  
 40 of teachers. The compensation, terms of employment, and  
 41 discharge of bus drivers shall be subject to and shall be governed  
 42 by any laws relating to employment, contracting, compensation,

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1 and discharge of bus drivers. The forms and procedures relating  
 2 to the use of computer and data processing equipment in handling  
 3 the financial affairs of such school corporation shall be submitted  
 4 to the state board of accounts for approval to the end that such  
 5 services shall be used by the school corporation when the  
 6 governing body determines that it is in the best interests of the  
 7 school corporation while at the same time providing reasonable  
 8 accountability for the funds expended.

9 ~~(8)~~ **(14)** Notwithstanding the appropriation limitation in  
 10 subdivision ~~(2.5); (8)~~, when the governing body by resolution  
 11 deems a trip by ~~an employee of the school corporation or by the~~  
 12 **superintendent or by** a member of the governing body to be in  
 13 the interest of the school corporation, including but not limited to  
 14 attending meetings, conferences, or examining equipment,  
 15 buildings, and installation in other areas, to permit ~~such employee~~  
 16 **the superintendent** to be absent in connection with such trip  
 17 without any loss in pay and to refund to ~~such employee or to such~~  
 18 **the superintendent or the** member his reasonable hotel and  
 19 board bills and necessary transportation expenses. ~~To pay~~  
 20 ~~teaching personnel for time spent in sponsoring and working with~~  
 21 ~~school related trips or activities:~~

22 ~~(9)~~ **(15)** To ~~transport~~ **formulate the policy regarding the**  
 23 **transportation of** children to and from school, when in the  
 24 opinion of the governing body such transportation is necessary,  
 25 including but not limited to considerations for the safety of such  
 26 children and without regard to the distance they live from the  
 27 school, such transportation to be otherwise in accordance with the  
 28 laws applicable thereto.

29 ~~(10)~~ **(16)** To ~~provide~~ **formulate the policy regarding the**  
 30 **provision of** a lunch program for a part or all of the students  
 31 attending the schools of the school corporation, including but not  
 32 limited to the establishment of kitchens, kitchen facilities, kitchen  
 33 equipment, **and** lunch rooms; the hiring of the necessary  
 34 personnel to operate such program; ~~and~~ the purchase of any  
 35 material and supplies therefor; charging students for the  
 36 operational costs of such lunch program; **and** fixing the price per  
 37 meal or per food item. ~~To operate such lunch program as an~~  
 38 ~~extracurricular activity, subject to the supervision of the~~  
 39 ~~governing body. To participate~~ **formulate the policy concerning**  
 40 **the participation** in any surplus commodity or lunch aid  
 41 program.

42 ~~(11)~~ **(17)** To **formulate the policy regarding the purchase of**

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- 1 textbooks, to furnish ~~them~~ **the textbooks** without cost or to rent  
 2 them to students, **and** to participate in any textbook aid program,  
 3 all in accordance with applicable law.
- 4 ~~(12)~~ **(18)** To ~~accept~~ **formulate the policy regarding the**  
 5 **acceptance of** students transferred from other school corporations  
 6 and ~~to transfer the transferral of~~ students to other school  
 7 corporations in accordance with applicable law.
- 8 ~~(13)~~ **(19)** To levy taxes, to make budgets, to appropriate funds,  
 9 and to disburse the **appropriated** money ~~of the school~~  
 10 **corporation described in this subdivision** in accordance with the  
 11 laws applicable thereto. To borrow money against current tax  
 12 collections and otherwise to borrow money, in accordance with  
 13 IC 20-5-4.
- 14 ~~(14)~~ **(20)** To ~~purchase~~ **formulate the policy regarding** insurance  
 15 or to establish and maintain a program of self-insurance relating  
 16 to the liability of the school corporation or its employees in  
 17 connection with motor vehicles or property and for any additional  
 18 coverage to the extent permitted and in accordance with  
 19 IC 34-4-16.5-18. ~~To purchase additional insurance or to establish~~  
 20 ~~and maintain a program of self-insurance protecting the school~~  
 21 ~~corporation and members of the governing body; employees;~~  
 22 ~~contractors; or agents of the school corporation from any liability;~~  
 23 ~~risk, accident, or loss related to any school property; school~~  
 24 ~~contract; school or school related activity; including but not~~  
 25 ~~limited to the purchase of insurance or the establishment and~~  
 26 ~~maintenance of a self-insurance program protecting such persons~~  
 27 ~~against false imprisonment, false arrest, libel, or slander for acts~~  
 28 ~~committed in the course of their employment; protecting the~~  
 29 ~~school corporation for fire and extended coverage and other~~  
 30 ~~casualty risks to the extent of replacement cost, loss of use, and~~  
 31 ~~other insurable risks relating to any property owned, leased, or~~  
 32 ~~held by the school corporation. To purchase insurance or to~~  
 33 ~~establish and maintain a program of self-insurance to benefit~~  
 34 ~~school corporation employees; which may include accident;~~  
 35 ~~sickness, health, or dental coverage; provided that any plan of~~  
 36 ~~self-insurance shall include an aggregate stop-loss provision.~~
- 37 ~~(15)~~ **(21)** To ~~make all applications;~~ to enter into all contracts, and  
 38 to sign all documents necessary for the receipt of aid, money, or  
 39 property from the state government, the federal government, or  
 40 from any other source.
- 41 ~~(16)~~ **(22)** To defend any member of the governing body or any  
 42 employee of the school corporation in any suit arising out of the

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1 performance of his duties for or employment with, the school  
 2 corporation, provided the governing body by resolution  
 3 determined that such action was taken in good faith. To save any  
 4 such member or employee harmless from any liability, cost, or  
 5 damage in connection therewith, including but not limited to the  
 6 payment of any legal fees, except where such liability, cost, or  
 7 damage is predicated on or arises out of the bad faith of such  
 8 member or employee, or is a claim or judgment based on his  
 9 malfeasance in office or employment.

10 ~~(17)~~ **(23)** To prepare, make, enforce, amend, or repeal rules,  
 11 regulations, and procedures for the government and management  
 12 **oversight** of the schools, property, facilities, and activities of the  
 13 school corporation, its agents, employees, and pupils, and for the  
 14 operation of its governing body, which rules, regulations, and  
 15 procedures may be designated by any appropriate title such as  
 16 "policy handbook", "bylaws", or "rules and regulations".

17 ~~(18)~~ **(24)** To ratify and approve any action taken by any member  
 18 of the governing body **or** any officer of the governing body ~~or by~~  
 19 ~~any employee of the school corporation~~ after such action is taken,  
 20 if such action could have been approved in advance, and in  
 21 connection therewith to pay any expense or compensation  
 22 permitted under IC 20-5-1 through IC 20-5-6 or any other law.

23 ~~(19)~~ **(25)** To exercise any other power and make any expenditure  
 24 in carrying out its general powers and purposes provided in this  
 25 chapter or in carrying out the powers delineated in this section  
 26 which is reasonable from a business or educational standpoint in  
 27 carrying out school purposes of the school corporation, including  
 28 but not limited to the acquisition of property or the employment  
 29 or contracting for services, even though such power or  
 30 expenditure shall not be specifically set out herein. The specific  
 31 powers set out in this section shall not be construed to limit the  
 32 general grant of powers provided in this chapter except where a  
 33 limitation is set out in IC 20-5-1 through IC 20-5-6 by specific  
 34 language or by reference to other law.

35 **(26) To delegate to the administration any power of the**  
 36 **governing body.**

37 SECTION 13. IC 20-5-2-2.2 IS ADDED TO THE INDIANA CODE  
 38 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
 39 1, 1998]: **Sec. 2.2. In carrying out the administrative function of the**  
 40 **school corporation, each administration has the following powers:**

41 **(1) To take charge of, manage, and conduct the educational**  
 42 **affairs of the school corporation in compliance with the**

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- policies adopted by the governing body.
- (2) To prepare budgets for the governing body's approval.
- (3) To appropriate from the general fund of the school corporation an amount, not to exceed the greater of three thousand dollars (\$3,000) per budget year or one dollar (\$1) per pupil not to exceed twelve thousand five hundred dollars (\$12,500) based upon the school corporation's previous year's average daily membership (as defined in IC 21-3-1.6-1.1) for the purpose of promoting the best interests of the school corporation by:
  - (A) the purchase of meals, decorations, memorabilia, or awards; or
  - (B) developing relations with other governmental units.
- (4) Notwithstanding the appropriation limitation in subdivision (3), when the administration approves a trip by an employee of the school corporation to be in the interest of the school corporation, including but not limited to attending meetings and conferences or examining equipment, buildings, and installation in other areas, to permit the employee to be absent in connection with the trip without any loss in pay and to refund to the employee the employee's reasonable hotel and board bills and necessary transportation expenses. To pay teaching personnel for time spent in sponsoring and working with school related trips or activities.
- (5) To administer the transportation of children to and from school.
- (6) To administer the lunch program for a part or all of the students attending the schools of the school corporation. To operate the lunch program as an extracurricular activity.
- (7) To administer the provision of textbooks to students.
- (8) To accept students transferred from other school corporations and to transfer students to other school corporations in accordance with applicable law and the policies of the governing body.
- (9) Unless the administration is granted the authority in statute, to appropriate funds and to disburse the money of the school corporation under applicable laws and the strategic goals and performance plan described in section 2 of this chapter.
- (10) To exercise any other power in carrying out the administration's general powers and purposes provided in this chapter or in carrying out the powers listed or described

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1           **in this section that are reasonable from a business or an**  
 2           **educational standpoint in carrying out school purposes of the**  
 3           **school corporation and that are consistent with the strategic**  
 4           **goals and performance plan of the governing body described**  
 5           **in section 2 of this chapter and the governing body's policies.**  
 6           **(11) To exercise any power of the governing body that the**  
 7           **governing body delegates to the administration.**

8           SECTION 14. IC 20-5-2-3 IS AMENDED TO READ AS  
 9           FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 3. All powers delegated  
 10          to the governing body **and administration** of each school corporation  
 11          under ~~section 1-2 or 2~~ of this chapter shall be subject to all the laws  
 12          subjecting the school corporation to regulation by state agencies,  
 13          including but not limited to the superintendent of public instruction,  
 14          state board of accounts, state police department, fire prevention and  
 15          building safety commission, state board of tax commissioners, water  
 16          pollution control board, state school bus committee, state department  
 17          of health, and any local governmental agency to which the state has  
 18          been delegated a specific authority in matters other than educational  
 19          matters and other than finance, including but not limited to plan  
 20          commissions, zoning boards, and boards dealing with health and safety.

21          SECTION 15. IC 20-5-2-5 IS AMENDED TO READ AS  
 22          FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 5. **(a) The**  
 23          **administration of a school corporation may make**  
 24          **recommendations regarding the membership of the school**  
 25          **corporation in state and national associations of an educational**  
 26          **nature.**

27          **(b)** The governing body of a school corporation may appropriate  
 28          necessary funds to provide membership of the school corporation in  
 29          state and national associations of an educational nature that have as  
 30          their purpose the improvement of school governmental operations.

31          **(c)** A school corporation may also participate through duly  
 32          designated representatives in the meetings and activities of the  
 33          associations, and the governing body of the school corporation may  
 34          appropriate the necessary funds to defray the expenses of the  
 35          representatives in connection with the meetings and activities.

36          SECTION 16. IC 20-5-2-6 IS AMENDED TO READ AS  
 37          FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 6. **(a)** A school  
 38          corporation may provide programs, classes, or services to a state  
 39          educational institution (as defined in IC 20-12-0.5-1).

40          **(b)** A state educational institution may provide programs, classes,  
 41          or services to a school corporation.

42          **(c)** The terms and conditions under which programs, classes, or

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1 services are to be provided must be specified in a **contract an**  
 2 **agreement initiated** between the state educational institution and the  
 3 ~~governing body~~ **administration** of the school corporation **and entered**  
 4 **into under a contract signed by the state educational institution**  
 5 **and the governing body.**

6 SECTION 17. IC 20-5-3-1 IS AMENDED TO READ AS  
 7 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 1. (a) The governing  
 8 body of each school corporation shall organize by electing a president,  
 9 a vice president, and a secretary, each of whom shall be a different  
 10 member, within the first fifteen (15) days following the commencement  
 11 date of the members' terms of office, as provided for under section 3 of  
 12 this chapter.

13 (b) The governing body shall also at such time appoint ~~a~~ **the**  
 14 treasurer of the governing body and of the school corporation who:

- 15 (1) is a person, other than the superintendent of schools; ~~who~~
- 16 (2) is not a member of the governing body; **and**
- 17 (3) **is employed as a budget or fiscal manager for the school**  
 18 **corporation.**

19 The treasurer may, with the approval of the governing body, appoint a  
 20 deputy who shall ~~also~~ be a person, other than the superintendent of  
 21 ~~schools, the school corporation,~~ who is not a member of the governing  
 22 body. ~~and who~~ **The deputy** shall have the same powers and duties as  
 23 the treasurer, or such lesser duties as the governing body by rule shall  
 24 provide.

25 (c) The treasurer shall be the official custodian of all funds of the  
 26 school corporation and shall be responsible for the proper safeguarding  
 27 and accounting for all the funds and shall:

- 28 (1) issue a receipt for any money coming into the treasurer's  
 29 hands;
- 30 (2) deposit such money in accordance with the laws governing the  
 31 deposit of public funds; and
- 32 (3) issue all warrants in payment of expenses lawfully incurred on  
 33 behalf of the school corporation, but, except as otherwise  
 34 provided by law, shall issue the warrants only after proper  
 35 allowance or approval by the governing body. No allowance or  
 36 approval shall be required by the governing body for amounts  
 37 lawfully due in payment of indebtedness or payments due the  
 38 state, ~~of Indiana,~~ the United States Government, or ~~their~~ **any state**  
 39 **or federal** agencies and instrumentalities.

40 No verification, other than a properly itemized invoice, shall be  
 41 required for any claim of one hundred dollars (\$100) or less. ~~and~~ Any  
 42 claim over ~~this amount~~ **one hundred dollars (\$100)** shall be sufficient



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1 as to form if the bill or statement therefor has printed or stamped on its  
 2 face a verification of the bill or statement in language approved by the  
 3 state board of accounts.

4 (d) Notwithstanding subsection (c), a treasurer may transact school  
 5 corporation financial business with a financial institution through the  
 6 use of electronic funds transfer. For purposes of this section,  
 7 "electronic funds transfer" means any transfer of funds, other than a  
 8 transaction originated by check, draft, or similar paper instrument, that  
 9 is initiated through an electronic terminal, telephone, or computer or  
 10 magnetic tape for the purpose of ordering, instructing, or authorizing  
 11 a financial institution to debit or credit an account. The treasurer must  
 12 provide adequate documentation to the governing body of the transfers  
 13 made under this subsection. This subsection applies only to agreements  
 14 for joint investment of money under IC 5-13-9.

15 (e) The governing body may establish the position of executive  
 16 secretary to the governing body. The executive secretary:

- 17 (1) must be an employee of the school corporation;
- 18 (2) may not be a member of the governing body; and
- 19 (3) shall be appointed by the governing body upon the  
 20 recommendation of the superintendent of the school corporation.

21 The governing body shall determine the duties of the executive  
 22 secretary which may include all or part of the duties of the secretary of  
 23 the board.

24 SECTION 18. IC 20-5-3-2 IS AMENDED TO READ AS  
 25 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 2. (a) Regular meetings  
 26 shall be held by each governing body at a time and place established by  
 27 resolution of the board or may be incorporated in the rules provided in  
 28 ~~IC 20-5-2-2(17)~~. **IC 20-5-2-2(23)**. No notice need be given any  
 29 member for holding or taking any action at a regular meeting.

30 (b) Where a meeting is held pursuant to a procedure set up by  
 31 statute or rule and where publication of notice of the meeting is  
 32 required, no notice of the meeting is required or need be given any  
 33 member for holding or taking any action at such meeting contemplated  
 34 by such notice, and the meeting shall be held at the time and place  
 35 specified in such published notice.

36 (c) Special meetings of the governing body shall be held on call by  
 37 its president, or by the superintendent of schools of the school  
 38 corporation. Such call shall be evidenced by a written notice specifying  
 39 the time and place of the meeting, delivered to each member personally  
 40 or sent by mail or telegram so that each member has at least  
 41 seventy-two (72) hours notice thereof. Such special meetings shall be  
 42 held at the regular meeting place of the board.



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1 (d) All meetings of the governing body shall be open to the public  
 2 to the extent required by, and the governing body shall comply with,  
 3 IC 5-14-1.5.

4 (e) Where notice of a meeting is required and each member of a  
 5 governing body has waived notice thereof, as provided in this  
 6 subsection, no such notice shall be necessary. Waiver of notice of any  
 7 meeting by any member shall consist of the following:

8 (1) ~~His~~ **The member's** presence at the meeting.

9 (2) ~~His~~ **The member's** execution of a written notice waiving the  
 10 time and place of the meeting, executed either before or after the  
 11 meeting. Where, however, such notice is executed after the  
 12 meeting, such waiver shall also state in general terms the purpose  
 13 of the meeting. Where a waiver recites that it was executed before  
 14 the meeting, third persons shall be entitled to rely on such  
 15 statement.

16 (f) At a meeting of the governing body, a majority of the members  
 17 shall constitute a quorum. No action may be taken unless a quorum is  
 18 present. Except where a larger vote is required by statute or rule with  
 19 respect to any matter, a majority of the members present may adopt a  
 20 resolution or take any action.

21 (g) All meetings of the governing body for the conduct of business  
 22 shall, subject to the provisions of this subsection, be held within the  
 23 school corporation, except they may be held:

24 (1) at the administrative offices of the school corporation where  
 25 such offices are outside the geographic limits of the school  
 26 corporation but are within any county where all or a part of the  
 27 school corporation is located; or

28 (2) at any place where the statute or rule pursuant to which a  
 29 statutory meeting is held permits meeting outside the school  
 30 corporation, as may occur where the meeting is held jointly with  
 31 another governing body.

32 SECTION 19. IC 20-5-3-5 IS AMENDED TO READ AS  
 33 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 5. (a) **This subsection  
 34 applies to bids for the purchase of supplies, material, equipment,  
 35 or any other item or service (other than the construction or  
 36 alteration of a building or facility). The administration shall  
 37 determine whether a bid is reasonably expected to result in a  
 38 contract price of:**

39 (1) **more than twenty-five thousand dollars (\$25,000); or**

40 (2) **not more than twenty-five thousand dollars (\$25,000).**

41 **A reasonable error in this determination does not change the effect  
 42 of a determination made under this subsection.**



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1 (b) The governing body of any school corporation may designate a  
 2 committee of not less than two (2) of its members, or a committee of  
 3 not less than two (2) employees of the school corporation, to open and  
 4 tabulate bids in connection with **the following:**

5 (1) The purchase of supplies, material, ~~or~~ equipment, ~~or for~~ or  
 6 **another item or service that is found under subsection (a) to**  
 7 **result in a contract price of more than twenty-five thousand**  
 8 **dollars (\$25,000).**

9 (2) The construction or alteration of any building or facility. ~~or for~~  
 10 ~~any similar purpose.~~

11 Such bids may be opened by such committee at the time and place  
 12 fixed by the advertisement for bids, shall be read aloud and tabulated  
 13 publicly, to the extent required by law for governing bodies and shall  
 14 be available for inspection. The bids shall be reported to, and the  
 15 tabulation entered upon the records of, the governing body at its next  
 16 meeting following such bid opening. No bid shall be accepted or  
 17 rejected by such committee, but such bid shall be accepted or rejected  
 18 solely by the governing body in a board meeting open to the public as  
 19 provided in section 2 of this chapter.

20 (c) **This subsection applies to bids for the purchase of supplies,**  
 21 **material, equipment, or another item or service (other than the**  
 22 **construction or alteration of a building or facility) that is found**  
 23 **under subsection (a) to have a final contract price of not more than**  
 24 **twenty-five thousand dollars (\$25,000). The administration shall:**

25 (1) **provide for the opening and tabulation of bids; and**

26 (2) **accept or reject bids in a meeting open to the public.**

27 **The administration shall comply with all laws regarding the**  
 28 **opening, tabulation, reporting, and acceptance or rejection of bids**  
 29 **described in subsection (b).**

30 SECTION 20. IC 20-5-3-6 IS AMENDED TO READ AS  
 31 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 6. (a) Except as  
 32 provided in IC 20-3-11-2 **for a school corporation described in**  
 33 **IC 20-3-11-1**, the governing body of each school corporation by  
 34 resolution shall have the power to pay each of its members a reasonable  
 35 amount for service as a member, not to exceed:

36 (1) two thousand dollars (\$2,000) per year; and

37 (2) a per diem not to exceed the rate **per meeting** approved for  
 38 members of the board of school commissioners under  
 39 IC 20-3-11-2(c) **and not to exceed three thousand dollars**  
 40 **(\$3,000) in a calendar year.**

41 (b) If the members of the governing body are totally comprised of  
 42 appointed members, the appointive authority under IC 20-4-1-26.3(e)

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1 must approve the per diem rate allowable under subsection (a)(2)  
2 before the governing body may make the payments.

3 (c) To make a valid approval under subsection (b), the appointive  
4 authority must approve the per diem rate with the same endorsement  
5 required under IC 20-4-1-26.3(f) to make the appointment of the  
6 member.

7 SECTION 21. IC 20-5-3-8 IS AMENDED TO READ AS  
8 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 8. Notwithstanding any  
9 other law, the president and secretary of the governing body of any  
10 school corporation are entitled, on behalf of the school corporation **or**  
11 **the administration**, to sign any contract. These contracts may include,  
12 but are not limited to, employment contracts and contracts for goods  
13 and services. However, each contract must be approved by a majority  
14 of all of the members of the governing body. In the absence of either  
15 the president or secretary of the governing body, the vice president is  
16 entitled to sign the contracts with the officer who is present.

17 SECTION 22. IC 20-5-4-2 IS AMENDED TO READ AS  
18 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 2. Bonds authorized by  
19 IC 20-5-1 through IC 20-5-6 shall be payable in such amounts, at such  
20 times and place or places as the governing body may determine. Bonds  
21 issued for the funding of judgments or for the purchase of school buses  
22 shall mature not more than five (5) years from the date of such bonds.  
23 Bonds issued for other purposes shall mature not more than twenty-five  
24 (25) years from the date of such bonds. The governing body may  
25 provide that principal and interest of the bonds shall be payable at a  
26 bank within the state of Indiana, and may also be payable at the option  
27 of the holder at such other bank or banks as may be designated by the  
28 governing body, either before or after sale. The **governing body**  
29 **administration** shall be authorized to pay the fees of such bank paying  
30 agent or agents, and shall deposit with the paying agent or agents, if  
31 any, on or within a reasonable period before the date any principal and  
32 interest shall become due sufficient money for the payment of such  
33 principal and interest on the due dates thereof.

34 SECTION 23. IC 20-5-5-1 IS AMENDED TO READ AS  
35 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 1. Whenever the  
36 **governing body administration** of a school corporation determines that  
37 any real or personal property is no longer needed for school purposes  
38 or should in the interests of the school corporation be exchanged for  
39 other property, **it the administration, subject to the approval of the**  
40 **governing body**, may sell or exchange such property in accordance  
41 with the provisions of IC 36-1-11. The money derived from the sale or  
42 exchange of such property shall be placed in any school fund

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1 established under applicable law which the governing body of the  
2 school corporation in its discretion shall deem appropriate.

3 SECTION 24. IC 20-5-6-1 IS AMENDED TO READ AS  
4 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 1. Except for  
5 IC 20-5-3-1, IC 20-5-3-3, and IC 20-5-3-4, the powers given each  
6 school corporation in IC 20-5-1 through IC 20-5-6 and the limitations  
7 on such powers set out in IC 20-5-1 through IC 20-5-6 shall not be  
8 construed to limit the power or authority of ~~such the~~ governing body **or**  
9 **the administration** given by any other statute or rule.

10 SECTION 25. IC 20-5-6-3 IS AMENDED TO READ AS  
11 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 3. IC 20-5-1 through  
12 IC 20-5-6 shall be liberally construed to permit the governing body **and**  
13 **administration** of school corporations to conduct its ~~affairs~~ **duties** in  
14 a manner consistent with sound business practice to the ends that the  
15 authority of the governing body **and the administration** shall be  
16 clarified and that it shall be permitted to operate with the maximum  
17 efficiency consistent with accountability.

18 SECTION 26. IC 20-5-6-4 IS AMENDED TO READ AS  
19 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 4. ~~A governing body~~  
20 **The administration** in operating a school lunch program pursuant to  
21 ~~IC 20-5-2-2(10)~~ **IC 20-5-2-2.2** may use either of the following  
22 accounting methods:

23 (1) ~~It may supervise and control~~ **Supervising and controlling** the  
24 program through the school corporation account, establishing a  
25 school lunch fund.

26 (2) ~~It may cause such~~ **Causing the** program to be operated by the  
27 individual schools of the school corporation through the school  
28 corporation's extracurricular account or accounts in accordance  
29 with IC 20-5-7.

30 SECTION 27. IC 20-5-6-5 IS AMENDED TO READ AS  
31 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 5. (a) ~~A governing body~~  
32 **The administration** in operating a textbook rental program pursuant  
33 to ~~IC 20-5-2-2(11)~~ **IC 20-5-2-2.2** may use either of the following  
34 accounting methods:

35 (1) ~~It may supervise and control~~ **Supervising and controlling** the  
36 program through the school corporation account, establishing a  
37 textbook rental fund.

38 (2) Where no textbooks have been purchased and no financial  
39 commitments or guarantees for such purchases have been made  
40 by the school corporation, ~~the governing body may cause such~~  
41 **causing the** program to be operated by the individual schools of  
42 the school corporation through the school corporation's

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1 extracurricular account or accounts in accordance with IC 20-5-7.

2 (b) Where the **governing body administration** determines that a  
3 hardship exists due to the inability of a student's family to purchase or  
4 rent textbooks taking into consideration the income of such family and  
5 the demands thereon, **it the administration** may furnish textbooks to  
6 such students without charge, without reference to the application of  
7 any other statute or rule except IC 20-5-1 through IC 20-5-6.

8 SECTION 28. IC 20-5-6-6 IS AMENDED TO READ AS  
9 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 6. (1) Where a school  
10 lunch fund and a textbook rental fund are created in accordance with  
11 section 4 or 5 of this chapter, the receipts and expenditures therefrom  
12 for the program to which each relates shall be made to and from such  
13 fund without appropriation or the application of other statutes and rules  
14 relating to the budgets of municipal corporations.

15 (2) Where either the lunch program or textbook rental program are  
16 handled through the extracurricular account, the **governing body**  
17 **administration** of the school corporation shall approve the amount of  
18 the bond of the treasurer of the extracurricular account in an amount  
19 deemed by it sufficient to protect the account for all funds coming into  
20 the hands of the treasurer of such account.

21 SECTION 29. IC 20-5-6-6.5 IS AMENDED TO READ AS  
22 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 6.5. In furtherance of  
23 the purposes of IC 20-5-2-1.2 and pursuant to the powers of  
24 ~~IC 20-5-2-2(19)~~, **IC 20-5-2-2.2**, the **governing body administration** of  
25 any school corporation may join and associate with groups of other  
26 school corporations within Indiana in regional school study councils to  
27 examine common school problems and exchange educational  
28 information of mutual benefit. ~~and~~ Dues to such study councils shall be  
29 paid by the school corporation from the general fund.

30 SECTION 30. IC 20-5-6-6.6 IS AMENDED TO READ AS  
31 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 6.6. A governing body  
32 pursuant to its powers to fix and pay the salaries and compensation of  
33 employees of the school corporation and to contract for services under  
34 ~~IC 20-5-2-2(7)~~ **IC 20-5-2-2** may distribute payroll based on contractual  
35 and salary schedule commitments in lieu of payroll estimates approved  
36 in advance by the governing body.

37 SECTION 31. IC 20-5-6-7 IS AMENDED TO READ AS  
38 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 7. The **governing body**  
39 **administration** of any school corporation may permit any of its  
40 facilities to be used by any person in situations and at times which do  
41 not interfere with use of the facility for school purposes, as for  
42 example:



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- 1 (1) use of a swimming pool or other athletic facility; or  
 2 (2) use of classrooms or other space in a school for purposes of  
 3 school age childcare;

4 and may incur any necessary expense in the use or operation of the  
 5 facility. The governing body may set up and charge a schedule of fees  
 6 for admission to or use of any facility outside the school corporation's  
 7 regular school program. All such fees shall be receipted to the general  
 8 fund or to the special school fund of the school corporation.

9 SECTION 32. IC 20-5-7-4, AS AMENDED BY P.L.18-1996,  
 10 SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 11 JULY 1, 1998]: Sec. 4. (a) The treasurer shall deposit all receipts in  
 12 one (1) bank account, and the receipts shall be deposited without  
 13 unreasonable delay. The account shall be known as the school  
 14 extracurricular account. The records of each organization, class, or  
 15 activity shall be kept separate so that the balance in each fund may be  
 16 known at all times.

17 (b) The money in the school extracurricular account may be  
 18 invested under the conditions specified in IC 5-13-10 and IC 5-13-10.5  
 19 for investment of state money. However, investments under this section  
 20 are at the discretion of the principal. The interest earned from any  
 21 investment may be credited to the school extracurricular account and  
 22 need not be credited proportionately to each separate extracurricular  
 23 fund. The interest earned from the investment may be used for:

- 24 (1) any school purpose approved by the principal; or  
 25 (2) an extracurricular purpose approved by the principal.

26 (c) Amounts expended under this section for the purposes described  
 27 in this section are in addition to the appropriation under  
 28 ~~IC 20-5-2-2(2.5)~~. **IC 20-5-2-2.2(3)**.

29 SECTION 33. IC 20-5-7-5 IS AMENDED TO READ AS  
 30 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 5. All forms and  
 31 records for keeping the accounts of the extra-curricular activities in the  
 32 schools of Indiana shall be prescribed or approved by the state board  
 33 of accounts. The records and affairs of such extra-curricular activities  
 34 may be examined by the state board of accounts when in the judgment  
 35 of the state examiner such examination is necessary. Such forms as are  
 36 prescribed or approved for keeping such accounts shall be of such a  
 37 character as to achieve a simplified system of bookkeeping and shall be  
 38 paid for along with the bond as ~~herein~~ **required by this chapter** from  
 39 the special school fund. The funds of all accounts of any organizations,  
 40 class, or activity shall be accounted separately from all others. No  
 41 funds shall be transferred from the accounts of any organization, class,  
 42 or activity except by a majority vote of its members, if any, and by the

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1 approval of the principal, sponsor, and treasurer of the organization,  
 2 class, or activity. ~~Provided, That~~ **However**, in the case of athletic  
 3 funds:

- 4 (1) approval of the transfer must be made by the athletic director  
 5 who shall be regarded as the sponsor; and  
 6 (2) participating students shall not be considered members.

7 All expenditures shall be subject to review by the ~~local school board~~  
 8 **administration.**

9 SECTION 34. IC 20-5-11-1 IS AMENDED TO READ AS  
 10 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 1. ~~(a)~~ **As used in this**  
 11 **chapter, the following terms have the following meanings:**

12 (1) "School corporation" shall be any local public school  
 13 corporation established by and under the laws of the state. It shall  
 14 include, but not be limited to, any school city, school town,  
 15 consolidated school corporation, metropolitan school district,  
 16 county school corporation, community school corporation, or  
 17 united school corporation.

18 ~~(b)~~ (2) "Governing body" shall be any board of school  
 19 commissioners, any metropolitan board of education, any board  
 20 of trustees, or any other board or commission charged by law with  
 21 the responsibility of ~~administering~~ **developing the school**  
 22 **corporation's policy and overseeing** the affairs of the school  
 23 corporation.

24 ~~(c)~~ (3) "Joint program" ~~shall be the joint or "joint action"~~  
 25 **includes:**

- 26 (A) employment of personnel; ~~joint~~  
 27 (B) purchase of supplies or other material; ~~or joint~~  
 28 (C) purchase or lease of equipment; ~~joint~~  
 29 (D) lease of land, or buildings, or both; ~~or joint~~  
 30 (E) construction of, remodeling of, or additions to school  
 31 buildings; ~~by two (2) or more school corporations, for a~~  
 32 ~~particular program or purpose. Such joint action shall include,~~  
 33 ~~but not be limited to, the joint~~  
 34 (F) investment of money under IC 5-13;  
 35 (G) data processing operations;  
 36 (H) vocational education **activities;**  
 37 (I) psychological services;  
 38 (J) audiovisual services;  
 39 (K) guidance services; ~~and~~  
 40 (L) special education ~~This shall include any joint activities;~~  
 41 **and**  
 42 (M) purchasing related to the acquisition of supplies or



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1 equipment which are not to be used jointly;  
 2 **by at least two (2) school corporations for a particular**  
 3 **program or purpose.**  
 4 ~~(4)~~ (4) "Participating school corporations" shall be all school  
 5 corporations engaging in a joint program.  
 6 (5) "Administration" has the meaning set forth in  
 7 IC 20-5-1-3(4).

8 SECTION 35. IC 20-5-11-3.5, AS AMENDED BY P.L.104-1994,  
 9 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 10 JULY 1, 1998]: Sec. 3.5. Any teacher employed in a joint program, as  
 11 defined by this chapter, who does not have existing years of service in  
 12 one (1) of the member corporations of the joint program, shall be  
 13 considered to have been employed as a teacher by that ~~governing body~~  
 14 **school corporation** which is administering the joint program at the  
 15 time that the teacher is first employed by the joint program. ~~and such~~  
 16 **The** teacher shall be entitled to the same rights and privileges as set  
 17 forth in IC 20-6.1-4, IC 20-6.1-5, and IC 20-6.1-6 as if employed as a  
 18 regular teacher by the ~~governing body~~ **school corporation** which is  
 19 administering the joint program at the time that the teacher is first  
 20 employed by the joint program.

21 SECTION 36. IC 20-5-11-4 IS AMENDED TO READ AS  
 22 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 4. (a) The ~~governing~~  
 23 ~~bodies~~ **administrations** of participating school corporations are  
 24 authorized to pay into a joint fund, to be known as the "joint services,  
 25 leasing, construction and supply fund", an amount set forth in the  
 26 written agreement. Such ~~governing body~~ **administrations** shall budget  
 27 and appropriate funds for the joint program from a special school fund  
 28 or tuition fund of their respective school corporations, in accordance  
 29 with law governing the use of such funds **and subject to the approval**  
 30 **of the governing bodies.**

31 (b) The joint services, leasing, construction and supply fund shall be  
 32 held by the ~~governing body~~ **administration** of the school corporation  
 33 designated in the written agreement to administer and supervise the  
 34 joint program. ~~and such governing body~~ **This administration** shall  
 35 receive, disburse, maintain an account for such fund in the same  
 36 manner as prescribed for other funds of such body and in accordance  
 37 with the provisions of the written agreement, but without any further or  
 38 additional appropriation of said funds. Such ~~governing body~~  
 39 **administration** shall make a complete and detailed financial report of  
 40 all such receipts and disbursements within thirty (30) days following  
 41 the end of each school year, and shall furnish copies of such report to  
 42 the governing bodies **and administrations** of all other participating

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1 school corporations. ~~Provided, However, That~~ the provisions of this  
 2 chapter relating to reports required of such ~~governing bodies~~  
 3 **administrations** shall be supplementary to, and shall not supersede or  
 4 repeal the requirements for, publication of annual reports of certain  
 5 school corporations as provided by IC ~~1971~~, 5-3-1.

6 SECTION 37. IC 20-5-11-5 IS AMENDED TO READ AS  
 7 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 5. (a) The ~~governing~~  
 8 **bodies administrations** of participating school corporations are  
 9 authorized to pay into a joint fund, to be known as the joint investment  
 10 fund, all or any portion of money which ~~governing bodies~~  
 11 **administrations** may otherwise invest pursuant to IC 5-13-9 **and**  
 12 **pursuant to procedures adopted by the governing bodies.** The fund  
 13 shall be administered by the ~~governing body administration~~ of the  
 14 school corporation designated in the written agreement. ~~and That~~  
 15 ~~governing body administration~~ shall receive, invest, maintain an  
 16 account for, and disburse the fund in the same manner as prescribed for  
 17 other funds for the ~~governing body administration~~ representing money  
 18 available for investment and in accordance with the provisions of the  
 19 written agreement.

20 (b) With respect to an investment described in IC 5-13-9, quotations  
 21 may be solicited and received orally, and the investment shall be made  
 22 with the duly designated depository which has submitted the highest  
 23 quotation. In the event that two (2) or more duly designated  
 24 depositories submit the highest quotation, the investment shall be made  
 25 either:

- 26 (i) **(1)** by dividing the investment among the depositories so as not  
 27 to lose the benefits of the quotations received; or  
 28 (ii) **(2)** if division is not practicable, by lot.

29 (c) The duly designated depository holding the investment shall  
 30 remit to the ~~governing body administration~~ administering the joint  
 31 program any money due under the investment on the date the  
 32 investment matures and in the manner directed by the ~~governing body~~  
 33 **administration.** Any duly designated depository participating in an  
 34 agreement for joint investment of money under IC 5-13 shall provide  
 35 a detailed accounting of the transactions as required for audit purposes  
 36 by the state board of accounts **to the governing bodies and**  
 37 **administrations participating in the joint fund.**

38 SECTION 38. IC 20-5-13-1 IS AMENDED TO READ AS  
 39 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 1. For the purpose of  
 40 and when used in this chapter:

41 (a) ~~"School board" shall mean;~~ **"Administration"**, when applicable  
 42 to a public school, ~~of this state; the board of school trustees; board of~~

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1 school commissioners, or school board of incorporated towns and  
 2 cities; also shall mean and refer to township school trustees: **has the**  
 3 **meaning set forth in IC 20-5-1-3(4) and** when applicable to a  
 4 **nonpublic** school other than a public school; it shall mean a **means the**  
 5 person or agency in active charge and management of ~~such the~~  
 6 **nonpublic** school.

7 (b) "School" shall mean the public schools of this state of high  
 8 school grade or under and shall also mean schools of high school grade  
 9 or under other than a public school, except such school as is operated  
 10 for profit in whole or in part.

11 (c) "School lunch program" shall mean a program under which  
 12 lunches are served by any school in this state on a nonprofit basis to  
 13 children in attendance, including any such program under which a  
 14 school receives assistance out of funds appropriated by the Congress  
 15 of the United States.

16 SECTION 39. IC 20-5-13.5-4 IS AMENDED TO READ AS  
 17 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 4. By October 1, 1994,  
 18 the ~~governing body~~ **administration** of a participating school  
 19 corporation shall implement or contract for the implementation of a  
 20 school breakfast program at each qualifying school building within the  
 21 school corporation's boundaries.

22 SECTION 40. IC 20-5-13.5-5 IS AMENDED TO READ AS  
 23 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 5. The ~~governing body~~  
 24 **administration** shall implement the ~~governing body's~~  
 25 **corporation's** breakfast program in compliance with the requirements  
 26 for participation in the national school breakfast program under 42  
 27 U.S.C. 1773 et seq.

28 SECTION 41. IC 20-5-32-6 IS AMENDED TO READ AS  
 29 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 6. After the completion  
 30 of any school building or buildings erected or constructed under the  
 31 provisions of this chapter, but prior to its acceptance, the state building  
 32 commissioner shall examine and inspect such building or buildings to  
 33 determine whether the requirements of the contract and the plans and  
 34 specifications have been faithfully complied with, and it shall be the  
 35 commissioner's duty to immediately report to such school authority any  
 36 deviation from such requirements. Before any final payment and  
 37 settlement shall be made, the state building commissioner shall file  
 38 with ~~such governing body or officer~~ **his the administration an**  
 39 affidavit that all requirements of the contract and of the plans and  
 40 specifications have been fully and faithfully complied with.

41 SECTION 42. IC 20-6.1-1-3 IS AMENDED TO READ AS  
 42 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 3. (a) As used in this



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1 article, the term "governing body" means any township trustee and the  
 2 township board of a school township, any board of school  
 3 commissioners, any metropolitan board of education, any board of  
 4 trustees, or any other board or commission charged by law with the  
 5 responsibility of **administering developing the school corporation's**  
 6 **policy and overseeing** the affairs of a school corporation **as described**  
 7 **in IC 20-5-1-3(2).**

8 (b) As used in this article, "administration" means:

9 (1) **the superintendent of a school corporation who is charged**  
 10 **by law with the responsibility of administering the affairs of**  
 11 **the school corporation; or**

12 (2) **a designee of the superintendent who is employed in an**  
 13 **administrative capacity by the school corporation, including:**

14 (A) **an assistant superintendent;**

15 (B) **a principal; or**

16 (C) **an assistant principal.**

17 SECTION 43. IC 20-6.1-4-3 IS AMENDED TO READ AS  
 18 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 3. **Basic Contract**  
 19 **Requirements:** (a) Each contract entered into by a teacher and a school  
 20 corporation must:

21 (1) be in writing;

22 (2) be signed by both parties; and

23 (3) contain:

24 (A) the beginning date of the school term as determined  
 25 annually by the school corporation;

26 (B) the number of days in the school term as determined  
 27 annually by the school corporation;

28 (C) the total salary to be paid **to the teacher** during the school  
 29 year; and

30 (D) the number of salary payments to be made **to the teacher**  
 31 during the school year.

32 The contract may provide for the annual determination of the teacher's  
 33 annual compensation by a local salary schedule, which schedule is  
 34 considered a part of each contract. This salary schedule may be  
 35 changed by the school corporation on or before May 1 of a year **with**  
 36 the changes **to begin in** the next school year. However, each teacher  
 37 affected by the changes shall be furnished with printed copies of the  
 38 changed schedule within thirty (30) days after its adoption. Each  
 39 contract is also governed by **sections 1, 2, 3, 6(a), 6(b), 7, and 8 of**  
 40 **chapter 5 of this article: IC 20-6.1-5-1, IC 20-6.1-5-2, IC 20-6.1-5-3,**  
 41 **IC 20-6.1-5-6(a), IC 20-6.1-5-6(b), IC 20-6.1-5-7, and IC 20-6.1-5-8.**

42 (b) Each **governing body administration** shall provide the blank



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1 contract forms, carefully worded by the state superintendent, and shall  
 2 have them signed. These contracts are public records open to  
 3 inspection by the people of each school corporation.

4 (c) An action may be brought on a contract which conforms with  
 5 subsections (a)(1), (a)(2), and (b). ~~of this section.~~

6 SECTION 44. IC 20-6.1-4-11 IS AMENDED TO READ AS  
 7 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 11. (a) An indefinite  
 8 contract with a permanent or semi-permanent teacher may be canceled  
 9 only in the following manner:

10 (1) The teacher shall be notified in writing of the date, time, and  
 11 place for the consideration by the **superintendent of the** school  
 12 corporation of the cancellation of the contract. This notification  
 13 must occur not more than forty (40) days nor less than thirty (30)  
 14 days before the consideration.

15 (2) The teacher shall be furnished, within five (5) days after a  
 16 written request, a written statement of the reasons for the  
 17 consideration.

18 (3) The teacher may file a written request for a hearing **before the**  
 19 **governing body** within fifteen (15) days after receipt of the notice  
 20 of this consideration.

21 (4) When the request for a hearing is filed, the teacher shall be  
 22 given a hearing before the governing body **or an appeal panel**  
 23 **appointed by the governing body of at least three (3) persons**  
 24 **who are residents of the school corporation or employees of**  
 25 **the school corporation. The hearing must be held** on a day no  
 26 earlier than five (5) days after filing.

27 (5) The teacher shall be given not less than five (5) days notice of  
 28 the time and place of the hearing.

29 (6) At the hearing, the teacher is entitled:

30 (A) to a full statement of the reasons for the proposed  
 31 cancellation of the contract; and

32 (B) to be heard, to present the testimony of witnesses and other  
 33 evidence bearing on the reasons for the proposed cancellation  
 34 of the contract.

35 (7) A contract may not be canceled until:

36 (A) the date set for consideration of the cancellation of the  
 37 contract; **and**

38 (B) after a hearing is held, if a hearing is requested by the  
 39 teacher. **and**

40 ~~(C) the superintendent has given his recommendations on the~~  
 41 ~~contract; on five (5) days written notice to him by the school~~  
 42 ~~corporation; the superintendent shall present his~~

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1           ~~recommendation on each contract, except on a~~  
2           ~~superintendent's contract;~~  
3           (8) Pending a decision on the cancellation of a teacher's contract,  
4           the teacher may be suspended from duty. ~~and~~  
5           (9) After complying with section 10 of this chapter in the case of  
6           permanent teachers, or section 10.5 of this chapter in the case of  
7           semipermanent teachers, and this section, the governing body of  
8           the school corporation **or the appeal panel appointed by the**  
9           **governing body** may cancel an indefinite contract with a teacher  
10          by a majority vote evidenced by a signed statement in the minutes  
11          of the ~~board; hearing~~. The decision of the governing ~~board body~~  
12          **or the appeal panel** is final.  
13          The vote to cancel a contract described in subdivision (9) must be  
14          taken by the governing body on the date and at the time and place  
15          specified in subdivision (1):  
16          (b) If a permanent or semipermanent teacher is suspended under  
17          subsection (a)(8) and except as provided in IC 20-6.1-5-11, the  
18          governing body may not (while the teacher is suspended) withhold  
19          from the teacher salary payments or other employment related benefits  
20          that before the suspension the teacher was entitled to receive.  
21          (c) The governing body may appoint an agent (who is not an  
22          employee of the school corporation **or a member of the governing**  
23          **body**, but who may be a **member of the governing body** or an attorney  
24          retained to administer the hearing proceedings under this section) for  
25          the purpose of issuing subpoenas for the attendance of witnesses for  
26          either party at the hearing. A subpoena issued under this section shall  
27          be:  
28                  (1) served by the party who seeks to compel the attendance of a  
29                  witness; and  
30                  (2) upon application to the court by the party, enforced in the  
31                  manner provided by law for the service and enforcement of  
32                  subpoenas in a civil action.  
33          SECTION 45. IC 20-6.1-4-14, AS AMENDED BY P.L.155-1996,  
34          SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
35          JULY 1, 1998]: Sec. 14. (a) Each contract entered into by a  
36          nonpermanent teacher and a school corporation continues in force on  
37          the same terms and for the same wages, unless increased by  
38          IC 20-6.1-5-1, for the next school term following the date of  
39          termination set in the contract. However, the contract does not continue  
40          if any of the following occur:  
41                  (1) On or before May 1, the **superintendent of the** school  
42                  corporation notifies the teacher that the contract will not continue

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- 1 for the next school term. This notification must be:
- 2 (A) written; and
- 3 (B) delivered in person or mailed by registered or certified
- 4 mail to the teacher at the teacher's last known address.
- 5 (2) The teacher delivers or mails by registered or certified mail to
- 6 the **superintendent of the** school corporation the teacher's written
- 7 resignation.
- 8 (3) The contract is replaced by another contract agreed to by the
- 9 parties.
- 10 (b) Before a teacher is refused continuation of the contract under
- 11 subsection (a), the teacher has the following rights, which shall be
- 12 strictly construed:
- 13 (1) Upon the request of the teacher, and within fifteen (15) days
- 14 of the receipt of the notice of contract nonrenewal, the ~~governing~~
- 15 ~~body or the~~ superintendent of the school corporation shall provide
- 16 the teacher with a written statement ~~which may be developed in~~
- 17 ~~an executive session and~~ which is not a public document, giving
- 18 the reasons for the noncontinuation of the teacher's contract.
- 19 (2) The principal of the school at which the teacher teaches shall
- 20 provide the teacher with an annual written evaluation of the
- 21 teacher's performance before January 1 of each year. Upon the
- 22 request of a nonpermanent teacher, delivered in writing to the
- 23 principal within thirty (30) days after the teacher receives the
- 24 evaluation required by this section, the principal shall provide the
- 25 teacher with an additional written evaluation.
- 26 (c) A conference shall be held with the governing body, or at the
- 27 direction of the governing body, with the superintendent or the
- 28 superintendent's designee, not more than ten (10) days following the
- 29 day the governing body receives the request. If the first conference is
- 30 not with the governing body, a second conference shall be held with the
- 31 governing body not more than twenty (20) days following the day the
- 32 governing body receives the request for a second conference, or before
- 33 the end of the school year, whichever is earlier.
- 34 (d) The governing body may, in addition to a conference, require
- 35 that the superintendent or the superintendent's designee and the teacher
- 36 summarize in writing the position of each party with respect to the
- 37 continuation of the contract.
- 38 (e) At any conference:
- 39 (1) the ~~governing body, the~~ superintendent, or the superintendent's
- 40 designee shall provide full and complete information supporting
- 41 the reasons given for noncontinuance; and
- 42 (2) the teacher shall provide any information demonstrating that

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1 noncontinuance of the contract is improper.  
 2 (f) The conference ~~with the governing body~~ shall be in executive  
 3 session unless the teacher requests a public conference. The teacher  
 4 may have a representative at any conference.

5 (g) The time periods set out in subsection (c) shall be extended for  
 6 a reasonable period:

- 7 (1) when a teacher or school official is ill or absent from the  
 8 school corporation;  
 9 (2) when the teacher requests a public conference, but a public  
 10 conference held within the time periods of subsection (c) violates  
 11 IC 5-14-1.5-5; or  
 12 (3) for other reasonable cause.

13 (h) The ~~governing body~~ **superintendent** shall affirm or reverse ~~its~~  
 14 **the** position on continuation of the teacher's contract not more than ten  
 15 (10) days after the conference.

16 (i) The governing body of a school corporation may decide not to  
 17 continue a teacher's contract under this section:

- 18 (1) for any reason considered relevant to the school corporation's  
 19 interest; or  
 20 (2) because of a teacher's inability to perform the teacher's  
 21 teaching duties.

22 SECTION 46. IC 20-6.1-4-15 IS AMENDED TO READ AS  
 23 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 15. ~~Void Contract ==~~  
 24 ~~When Two Contracts Are Signed~~. A contract entered into after August  
 25 15 between a school corporation and a teacher is void if the teacher, at  
 26 the time of signing the contract, is bound by a previous contract to  
 27 teach in a public school. However, another contract may be signed by  
 28 the teacher which will be effective if **the teacher:**

- 29 (1) ~~he~~ furnishes the ~~governing body~~ **administration** a release by  
 30 the employers under the previous contract; or  
 31 (2) ~~he~~ shows proof that twenty-one (21) days written notice was  
 32 delivered by the teacher to the first employer.

33 Each ~~governing body~~ **administration** may request from the teacher at  
 34 the time of contracting a written statement as to whether the teacher has  
 35 signed another teaching contract. However, the teacher's failure to  
 36 provide the statement is not a cause for subsequently voiding the  
 37 contract.

38 SECTION 47. IC 20-6.1-4-17 IS AMENDED TO READ AS  
 39 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 17. ~~School Principal~~  
 40 ~~and Administrative Assistant Contracts~~. **In accordance with a policy**  
 41 **approved by the governing body**, a school corporation may provide  
 42 in the contract of a principal, or of any of ~~his~~ **the principal's**



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1 administrative assistants, compensation for services performed for a  
 2 period of time, either before or after the school term, **that is** considered  
 3 necessary by the ~~governing body~~: **superintendent.**

4 SECTION 48. IC 20-6.1-4-17.1 IS AMENDED TO READ AS  
 5 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 17.1. A contract of  
 6 employment shall be entered into between the ~~governing body of the~~  
 7 school corporation and a principal or assistant principal subject to the  
 8 following conditions:

9 (1) The basic contract shall be the regular teacher's contract as  
 10 prescribed by the state superintendent of public instruction.

11 (2) The minimum term of the initial contract shall be the  
 12 equivalent of two (2) school years, ~~provided; however; that but~~  
 13 the term of such contract may be greater than two (2) years.

14 (3) Such contract may be altered or modified or rescinded in favor  
 15 of a new contract at any time by mutual consent of the governing  
 16 body of the school corporation and the principal or assistant  
 17 principal, provided such contract when reduced to writing is not  
 18 inconsistent with provisions of this chapter.

19 SECTION 49. IC 20-6.1-4-17.2 IS AMENDED TO READ AS  
 20 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 17.2. (a) By February  
 21 1 of the year during which the contract of an assistant superintendent,  
 22 a principal, or an assistant principal is due to expire, the governing  
 23 body of the school corporation or an employee at the direction of the  
 24 governing body shall give written notice of renewal or refusal to renew  
 25 the individual's contract for the ensuing school year.

26 (b) If no notice is given by February 1 of the year during which the  
 27 contract is due to expire, the contract then in force shall be reinstated  
 28 only for the ensuing school year.

29 (c) Nothing in this section prevents the modification or termination  
 30 of a contract by mutual agreement of the assistant superintendent, the  
 31 principal, or the assistant principal and the ~~governing body~~:  
 32 **superintendent.**

33 SECTION 50. IC 20-6.1-5-11 IS AMENDED TO READ AS  
 34 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 11. ~~Salary Deductions:~~  
 35 ~~A governing body~~ (a) **An administration** shall withhold, on written  
 36 request from a teacher, a requested amount of money from the salary  
 37 of that teacher. ~~A governing body~~ **An administration** may receive, on  
 38 written request from a beneficiary of the state teachers' retirement fund,  
 39 a given amount of money.

40 (b) The ~~governing body~~ **administration** shall hold these amounts  
 41 and pay them, as requested by the teacher or the beneficiary, to an  
 42 insurance company or other agency or organization in the state which



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1 provides, extends, supervises or pays for insurance or other protection  
 2 or for the establishment of or payment on an annuity account for the  
 3 teacher. If a dividend accrues on a policy, it shall be paid or credited to  
 4 the teacher.

5 (c) However, if less than twenty percent (20%) of the teachers make  
 6 a request for paying these amounts of money to a single recipient,  
 7 withholding the amounts of money for insurance, dues, or other  
 8 purposes is discretionary with the ~~governing body~~: **administration**.

9 SECTION 51. IC 20-6.1-5-15 IS AMENDED TO READ AS  
 10 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 15. (a) This section  
 11 applies to the suspension of a teacher without pay when the procedure  
 12 for the cancellation of the teacher's contract under IC 20-6.1-4-11 does  
 13 not apply.

14 (b) A teacher may be suspended from duty without pay only for the  
 15 following reasons:

- 16 (1) Immorality.
- 17 (2) Insubordination, which means the willful refusal to obey the  
 18 state school laws or reasonable rules prescribed for the  
 19 government of the school corporation.
- 20 (3) Neglect of duty.
- 21 (4) Substantial inability to perform teaching duties.
- 22 (5) Good and just cause.

23 (c) A teacher may be suspended without pay only under the  
 24 following procedure:

- 25 (1) The teacher shall be notified in writing not more than forty  
 26 (40) days nor less than thirty (30) days before the date of the  
 27 consideration of the date, time, and place for the consideration by  
 28 the school corporation of the suspension of the teacher without  
 29 pay.
- 30 (2) The teacher shall be furnished, not later than five (5) days  
 31 after a written request, a written statement of the reasons for the  
 32 consideration.
- 33 (3) The teacher may file a written request for a hearing not later  
 34 than fifteen (15) days after receipt of the notice of this  
 35 consideration.
- 36 (4) When the request for a hearing is filed, the teacher shall be  
 37 given a hearing before the governing body on a day not earlier  
 38 than five (5) days after filing the request.
- 39 (5) The teacher shall be given at least five (5) days notice of the  
 40 time and place of the hearing.
- 41 (6) At the hearing, the teacher is entitled:  
 42 (A) to a full statement of the reasons for the proposed

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- 1 suspension without pay; and  
 2 (B) to be heard and to present the testimony of witnesses and  
 3 other evidence bearing on the reasons for the proposed  
 4 suspension without pay.  
 5 (7) A teacher may not be suspended without pay until:  
 6 (A) the date is set for consideration of the suspension without  
 7 pay; **and**  
 8 (B) after a hearing is held, if a hearing is requested by the  
 9 teacher. **and**  
 10 ~~(C) except on the suspension of a superintendent's contract, the~~  
 11 ~~superintendent has given recommendations on the suspension~~  
 12 ~~not later than five (5) days after the school corporation makes~~  
 13 ~~the request for recommendations.~~  
 14 ~~(8) After complying with this section, the governing body of the~~  
 15 ~~school corporation may suspend a teacher without pay for a~~  
 16 ~~reasonable time by a majority vote evidenced by a signed~~  
 17 ~~statement in the minutes of the board. **hearing.**~~  
 18 The vote to suspend a teacher without pay described in subdivision ~~(8)~~  
 19 ~~(7)~~ must be taken by the governing body on the date and at the time and  
 20 place specified in subdivision (1).  
 21 (d) The governing body may appoint an agent (who is not an  
 22 employee of the school corporation, but who may be a member of the  
 23 governing body or an attorney retained to administer the hearing  
 24 proceedings under this section) for the purpose of issuing subpoenas  
 25 for the attendance of witnesses for either party at the hearing. A  
 26 subpoena issued under this section shall be:  
 27 (1) served by the party who seeks to compel the attendance of a  
 28 witness; and  
 29 (2) upon application to the court by the party, enforced in the  
 30 manner provided by law for the service and enforcement of  
 31 subpoenas in a civil action.  
 32 SECTION 52. IC 20-6.1-6-17 IS AMENDED TO READ AS  
 33 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 17. (a) ~~Each governing~~  
 34 ~~body and its administrators~~ **The administration** shall arrange each  
 35 teacher's daily working schedule to provide at least thirty (30) minutes  
 36 between ~~10:00~~ **10** a.m. and ~~2:00~~ **2** p.m. for a period free of duties.  
 37 (b) The state superintendent shall report each failure to comply with  
 38 subsection (a) to the **Indiana** state board of education, which shall  
 39 immediately inform the ~~governing body~~ **administration** of each  
 40 alleged violation.  
 41 (c) If the school corporation persistently fails or refuses to comply  
 42 for one (1) year, the **Indiana** state board of education shall lower the

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1 grade of accreditation of the school corporation and shall publish notice  
2 of that action in at least one (1) newspaper published in the county.

3 SECTION 53. IC 20-6.1-8-13 IS AMENDED TO READ AS  
4 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 13. (a) The principal of  
5 the school in which the beginning teacher is employed shall, before  
6 May 1 of the school year in which the beginning teacher is employed,  
7 determine whether the beginning teacher has:

- 8 (1) successfully completed the internship program; or
- 9 (2) failed to complete successfully the internship program.

10 (b) If the principal determines under subsection (a) that a beginning  
11 teacher has failed to complete successfully the internship program, the  
12 principal may recommend to the governing body and the  
13 superintendent that the beginning teacher participate in the internship  
14 program for a second year.

15 (c) The principal shall notify the following of the determination  
16 under subsection (a):

- 17 (1) The department.
- 18 (2) The governing body.
- 19 (3) The superintendent.
- 20 (4) The beginning teacher.

21 SECTION 54. IC 20-6.1-8-16 IS AMENDED TO READ AS  
22 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 16. (a) A beginning  
23 teacher who does not successfully complete an internship program and  
24 who is permitted to participate in an additional internship program  
25 under section 8 of this chapter is entitled to the same salary, retirement  
26 benefits, and other benefits accorded that beginning teacher upon that  
27 beginning teacher's initial participation in the internship program.

28 (b) In addition, a beginning teacher described in subsection (a) who  
29 is participating in a second internship program is entitled to receive  
30 individualized assistance in order to successfully complete the  
31 internship program. The governing body administration shall develop  
32 an assistance plan for the beginning teacher. Upon approval of the plan  
33 by the department, a school corporation is entitled to receive an amount  
34 of money from the department in order to provide this assistance,  
35 which may include the following:

- 36 (1) Seminars on professional growth.
- 37 (2) Meeting costs and release time costs.
- 38 (3) Travel expenses.
- 39 (4) Counseling fees.

40 (c) Upon successfully completing the internship program, a  
41 beginning teacher described in subsection (a) shall be credited with the  
42 years of teaching experience equal to the number of years that the

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1 beginning teacher participated in internship programs for the purposes  
 2 of determining the beginning teacher's salary level, retirement benefits,  
 3 and other benefits accorded to a teacher with teaching experience that  
 4 is comparable to the teaching experience of the beginning teacher.

5 SECTION 55. IC 20-7.5-1-2 IS AMENDED TO READ AS  
 6 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 2. As used in this  
 7 chapter:

8 (a) "School corporation" means any local public school corporation  
 9 established under Indiana law and, in the case of public vocational  
 10 schools or schools for children with disabilities established or  
 11 maintained by two (2) or more school corporations, shall refer to such  
 12 schools.

13 (b) "Governing body" shall mean the board or commission charged  
 14 by law with the responsibility of ~~administering~~ **developing the school**  
 15 **corporation's policy and overseeing** the affairs of the school  
 16 corporation.

17 (c) "School employer" means the governing body of each school  
 18 corporation and any person or persons authorized to act for the  
 19 governing body of the school employer in dealing with its employees.

20 (d) "Superintendent" shall mean the chief administrative officer of  
 21 any school corporation, or any person or persons designated by the  
 22 officer or by the governing body to act in the officer's behalf in dealing  
 23 with school employees.

24 (e) "School employee" means any full-time certificated person in the  
 25 employment of the school employer. A school employee shall be  
 26 considered full time even though the employee does not work during  
 27 school vacation periods and ~~accordingly~~ **therefore** works less than a  
 28 full year. There shall be excluded from the meaning of school  
 29 employee supervisors, confidential employees, employees performing  
 30 security work, and noncertificated employees.

31 (f) "Certificated employee" means a person whose contract with the  
 32 school corporation requires that he hold a license or permit from the  
 33 state board of education or a commission thereof as provided in  
 34 IC 20-6.1.

35 (g) "Noncertificated employee" means any school employee whose  
 36 employment is not dependent upon the holding of a license or permit  
 37 as provided in IC 20-6.1.

38 (h) "Supervisor" means any individual who has:

- 39 (1) authority, acting for the school corporation, to hire, transfer,  
 40 suspend, lay off, recall, promote, discharge, assign, reward, or  
 41 discipline school employees;  
 42 (2) responsibility to direct school employees and adjust their

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1           grievances; or

2           (3) responsibility to effectively recommend the action described  
3           in ~~subsections~~ **subdivisions** (1) through (2);

4           that is not of a merely routine or clerical nature but requires the use of  
5           independent judgment. The term includes superintendents, assistant  
6           superintendents, business managers and supervisors, directors with  
7           school corporation-wide responsibilities, principals and vice principals,  
8           and department heads who have responsibility for evaluating teachers.

9           (i) "Confidential employee" means a school employee whose  
10          unrestricted access to confidential personnel files or whose functional  
11          responsibilities or knowledge in connection with the issues involved in  
12          dealings between the school corporation and its employees would make  
13          the confidential employee's membership in a school employee  
14          organization incompatible with the employee's official duties.

15          (j) "Employees performing security work" means any school  
16          employee whose primary responsibility is the protection of personal  
17          and real property owned or leased by the school corporation or who  
18          performs police or quasi-police powers.

19          (k) "School employee organization" means any organization which  
20          has school employees as members and one (1) of whose primary  
21          purposes is representing school employees in dealing with their school  
22          employer, and includes any person or persons authorized to act on  
23          behalf of such organizations.

24          (l) "Exclusive representative" means the school employee  
25          organization which has been certified for the purposes of this chapter  
26          by the board or recognized by a school employer as the exclusive  
27          representative of the employees in an appropriate unit as provided in  
28          section 10 of this chapter, or the person or persons duly authorized to  
29          act on behalf of such representative.

30          (m) "Board" means the Indiana education employment relations  
31          board provided by this chapter.

32          (n) "Bargain collectively" means the performance of the mutual  
33          obligation of the school employer and the exclusive representative to  
34          meet at reasonable times to negotiate in good faith with respect to items  
35          enumerated in section 4 of this chapter and to execute a written  
36          contract incorporating any agreement relating to such matters. Such  
37          obligation shall not include the final approval of any contract  
38          concerning these or any other items. Agreements reached through  
39          collective bargaining are binding as a contract only if ratified by the  
40          governing body of the school corporation and the exclusive  
41          representative. The obligation to bargain collectively does not require  
42          the school employer or the exclusive representative to agree to a

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1 proposal of the other or to make a concession to the other.

2 (o) "Discuss" means the performance of the mutual obligation of the  
3 school corporation through its superintendent and the exclusive  
4 representative to meet at reasonable times to discuss, to provide  
5 meaningful input, **and** to exchange points of view with respect to items  
6 enumerated in section 5 of this chapter. This obligation shall not,  
7 however, require either party to enter into a contract, to agree to a  
8 proposal, or to ~~require the making of~~ **make** a concession. A failure to  
9 reach an agreement on any matter of discussion shall not require the  
10 use of any part of the impasse procedure, as provided in section 13 of  
11 this chapter. Neither the obligation to bargain collectively nor **the**  
12 **obligation** to discuss any matter shall prevent any school employee  
13 from petitioning the school employer, the governing body, or the  
14 superintendent for a redress of the employee's grievances either  
15 individually or through the exclusive representative. Nor shall either  
16 ~~such~~ obligation prevent the school employer or the superintendent from  
17 conferring with any citizen, taxpayer, student, school employee, or  
18 other person considering the operation of the schools and the school  
19 corporation.

20 (p) "Strike" means **the following:**

21 **(1) Doing any of the following without the lawful approval of**  
22 **the school employer:**

23 (A) Concerted failure to report for duty.

24 (B) Willful absence from one's position.

25 (C) Stoppage of work. ~~or~~

26 (D) Abstinance in whole or in part from the full, faithful, and  
27 proper performance of the duties of employment. ~~without the~~  
28 ~~lawful approval of the school employer; or~~

29 **(2) In any concerted manner interfering with the operation of the**  
30 **school employer for any purpose.**

31 (q) "Deficit financing" with respect to any budget year shall mean  
32 expenditures in excess of money legally available to the employer.

33 SECTION 56. IC 20-8.1-1-2 IS AMENDED TO READ AS  
34 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 2. (a) As used in this  
35 article, the term "governing body" means any township trustee and the  
36 township board of a school township, any board of school  
37 commissioners, any metropolitan board of education, any board of  
38 trustees, or any other board or commission charged by law with the  
39 responsibility of **administering developing the school corporation's**  
40 **policy and generally overseeing** the affairs of a school corporation.

41 **(b) As used in this article, "administration" has the meaning set**  
42 **forth in IC 20-5-1-3(4).**



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1 SECTION 57. IC 20-8.1-3-17 IS AMENDED TO READ AS  
 2 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 17. (a) Subject to the  
 3 specific exceptions under this chapter, each individual shall attend  
 4 either a public school which the individual is entitled to attend under  
 5 IC 20-8.1-6.1 or some other school which is taught in the English  
 6 language.

7 (b) An individual is bound by the requirements of this chapter from  
 8 the earlier of the date on which the individual officially enrolls in a  
 9 school or, except as provided in subsection (h), the beginning of the fall  
 10 school term for the school year in which the individual becomes seven  
 11 (7) years of age until the date on which the individual:

12 (1) graduates;

13 (2) reaches at least sixteen (16) years of age but ~~who~~ is less than  
 14 eighteen (18) years of age, and the requirements under subsection  
 15 (j) concerning an exit interview are met enabling the individual to  
 16 withdraw from school before graduation; or

17 (3) reaches at least eighteen (18) years of age;

18 whichever occurs first.

19 (c) An individual who:

20 (1) enrolls in school before the fall school term for the school year  
 21 in which the individual becomes seven (7) years of age; and

22 (2) is withdrawn from school before the school year described in  
 23 subdivision (1) occurs;

24 is not subject to the requirements of this chapter until the individual is  
 25 reenrolled as required in subsection (b). Nothing in this section shall  
 26 be construed to require that a child complete grade 1 before the child  
 27 reaches eight (8) years of age.

28 (d) An individual for whom education is compulsory under this  
 29 section shall attend school each year:

30 (1) for the number of days public schools are in session in the  
 31 school corporation in which the individual is enrolled in Indiana;  
 32 or

33 (2) if the individual is enrolled outside Indiana, for the number of  
 34 days the public schools are in session where the individual is  
 35 enrolled.

36 (e) In addition to the requirements of subsections (a) through (d), an  
 37 individual must be at least five (5) years of age on

38 ~~(1) July 1 of the 1991-92 school year; or~~

39 ~~(2) June 1 of the 1992-93 school year or any subsequent school~~  
 40 ~~year;~~

41 to officially enroll in a kindergarten program offered by a school  
 42 corporation. However, subject to subsection (g), the ~~governing body~~

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1 **administration** of the school corporation shall adopt a procedure  
 2 affording a parent of an individual who does not meet the minimum age  
 3 requirement set forth in this subsection the right to appeal to the  
 4 superintendent of the school corporation for enrollment of the  
 5 individual in kindergarten at an age earlier than the age that is set forth  
 6 in this subsection.

7 (f) In addition to the requirements of subsections (a) through (e),  
 8 and subject to subsection (g), if an individual enrolls in school as  
 9 permitted under subsection (b) and has not attended kindergarten, the  
 10 superintendent of the school corporation shall make a determination as  
 11 to whether the individual shall enroll in kindergarten or grade 1 based  
 12 on the particular model assessment adopted by the governing body  
 13 under subsection (g).

14 (g) To assist the principal and governing bodies, the department  
 15 shall do the following:

16 (1) Establish guidelines to assist each **governing body school**  
 17 **corporation** in establishing a procedure for making appeals to the  
 18 superintendent of the school corporation under subsection (e).

19 (2) Establish criteria by which a governing body may adopt a  
 20 model assessment which will be utilized in making the  
 21 determination under subsection (f).

22 (h) If the parents of an individual who would otherwise be subject  
 23 to compulsory school attendance under subsection (b), upon request of  
 24 the superintendent of the school corporation, certify to the  
 25 superintendent of the school corporation that the parents intend to:

26 (1) enroll the individual in a nonaccredited, nonpublic school; or

27 (2) begin providing the individual with instruction equivalent to  
 28 that given in the public schools as permitted under  
 29 IC 20-8.1-3-34;

30 not later than the date on which the individual reaches seven (7) years  
 31 of age, the individual is not bound by the requirements of this chapter  
 32 until the individual reaches seven (7) years of age.

33 (i) The **governing body administration** of each school corporation  
 34 shall designate the appropriate employees of the school corporation to  
 35 conduct the exit interviews for students described in subsection (b)(2).

36 Each exit interview must be personally attended by:

37 (1) the student's parent or guardian;

38 (2) the student;

39 (3) each designated appropriate school employee; and

40 (4) the student's principal.

41 (j) A student who is at least sixteen (16) years of age but less than  
 42 eighteen (18) years of age is bound by the requirements of compulsory

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1 school attendance and may not withdraw from school before graduation  
2 unless:

3 (1) the student, the student's parent or guardian, and the principal  
4 agree to the withdrawal; and

5 (2) at the exit interview, the student provides written  
6 ~~acknowledgement~~ **acknowledgment** of the withdrawal, and the  
7 student's parent or guardian and the school principal each provide  
8 written consent for the student to withdraw from school.

9 (k) For the purposes of this section, "school year" has the meaning  
10 set forth in IC 21-2-12-3(j).

11 SECTION 58. IC 20-8.1-3-17.2, AS AMENDED BY P.L.132-1995,  
12 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
13 JULY 1, 1998]: Sec. 17.2. (a) Each governing body shall establish and  
14 include as part of the written copy of its discipline rules described in  
15 IC 20-8.1-5.1-7:

16 (1) a definition of a student who is designated as a habitual truant;

17 (2) the procedures under which subsection (b) will be  
18 administered; and

19 (3) all other pertinent matters related to this action.

20 (b) Notwithstanding IC 9-24 concerning the minimum requirements  
21 for qualifying for the issuance of an operator's license or learner's  
22 permit, and subject to subsections (c) through (e), a person who is:

23 (1) at least thirteen (13) years of age but less than fifteen (15)  
24 years of age;

25 (2) a habitual truant under the definition of habitual truant  
26 established under subsection (a); and

27 (3) identified in a list submitted to the bureau of motor vehicles  
28 under subsection (f);

29 may not be issued an operator's license or a learner's permit to drive a  
30 motor vehicle or motorcycle under IC 9-24 until the person is at least  
31 eighteen (18) years of age.

32 (c) A person described in subsection (b) is entitled to the procedure  
33 described in IC 20-8.1-5.1-13.

34 (d) Each person described in subsection (b) who is at least thirteen  
35 (13) years of age and less than eighteen (18) years of age is entitled to  
36 a periodic review of that person's attendance record in school in order  
37 to determine whether the prohibition described in subsection (b) shall  
38 continue. In no event may the periodic reviews be conducted less than  
39 one (1) time each school year.

40 (e) Upon review, the ~~governing body~~ **administration** may  
41 determine that the person's attendance record has improved to the  
42 degree that the person may become eligible to be issued an operator's

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1 license or a learner's permit.

2 (f) Before February 1 and before October 1 of each year, the  
3 ~~governing body~~ **administration** of the school corporation shall submit  
4 to the bureau of motor vehicles the pertinent information concerning a  
5 person's ineligibility under subsection (b) to be issued the license or  
6 permit.

7 (g) The department of education shall develop guidelines  
8 concerning criteria used in defining a habitual truant that may be  
9 considered by a ~~governing body~~ **an administration** in complying with  
10 subsection (a).

11 SECTION 59. IC 20-8.1-3-17.3 IS AMENDED TO READ AS  
12 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 17.3. (a) A school that  
13 is:

- 14 (1) nonpublic;  
15 (2) nonaccredited; and  
16 (3) not otherwise approved by the Indiana state board of  
17 education;

18 is not bound by any requirements set forth in IC 20 or IC 21 with  
19 regard to curriculum or the content of educational programs offered by  
20 the school.

21 (b) This section may not be construed to prohibit a student who  
22 attends a school described in subsection (a) from enrolling in a  
23 particular educational program or participating in a particular  
24 educational initiative offered by an accredited public or nonpublic or  
25 a state board approved nonpublic school if:

- 26 (1) the ~~governing body~~ or superintendent of the school  
27 corporation, in the case of the accredited public school; or  
28 (2) the administrative authority, in the case of the accredited or  
29 state board approved nonpublic school;

30 approves the enrollment or participation by the student.

31 SECTION 60. IC 20-8.1-3-18, AS AMENDED BY P.L.200-1995,  
32 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
33 JULY 1, 1998]: Sec. 18. (a) Service as a page for or as an honoree of  
34 the Indiana general assembly constitutes a lawful excuse for a pupil to  
35 be absent from school. For each day of page service or as an honoree  
36 of the Indiana general assembly, verified by the certificate of the  
37 secretary of the senate or the chief clerk of the house of representatives,  
38 a student excused from school attendance under this subsection shall  
39 not be recorded as being absent on any date for which the excuse is  
40 operative, nor shall the student be penalized by the school in any  
41 manner. This section applies to all pupils, whether they attend public,  
42 private, or parochial schools.



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1 (b) The ~~governing body~~ **administration** of each school corporation  
2 and the chief administrative official of each private secondary school  
3 system shall authorize the absence and excuse of each secondary  
4 school student who serves on the precinct election board or as a helper  
5 to a political candidate or to a political party on the date of each  
6 general, city or town, special, and primary election at which the student  
7 works. Prior to the date of the election, the student must submit a  
8 document signed by one (1) of the student's parents or guardians giving  
9 permission to participate in the election as provided in this section, and  
10 the student must verify to school authorities the performance of  
11 services by submitting a document signed by the candidate, political  
12 party chairman, campaign manager, or precinct officer. The document  
13 must describe generally the duties of the student on the date of the  
14 election. A student excused from school attendance under this  
15 subsection shall not be recorded as being absent on any date for which  
16 the excuse is operative, nor shall the student be penalized by the school  
17 in any manner.

18 (c) The ~~governing body~~ **administration** of each school corporation  
19 or the chief administrative officer of each private school system shall  
20 authorize the absence and excuse of a student who is issued a subpoena  
21 to appear in court as a witness in a judicial proceeding. A student  
22 excused under this subsection shall not be recorded as being absent on  
23 any date for which the excuse is operative, nor shall the student be  
24 penalized by the school in any manner. The appropriate school  
25 authority may require that the student submit the subpoena to the  
26 appropriate school authority for verification.

27 (d) The ~~governing body~~ **administration** of each school corporation  
28 or the chief administrative officer of each private school system shall  
29 authorize the absence and excuse of each secondary school student who  
30 is ordered to active duty with the Indiana National Guard for not more  
31 than ten (10) days in a school year. For verification, the student must  
32 submit to school authorities a copy of the orders to active duty and a  
33 copy of the orders releasing the student from active duty. A student  
34 excused from school attendance under this subsection shall not be  
35 recorded as being absent on any date for which the excuse is operative,  
36 nor shall the student be penalized by the school in any manner.

37 (e) The ~~governing body~~ **administration** of a school corporation or  
38 the chief administrative officer of a private school system shall  
39 authorize the absence and excuse of a secondary school student who is  
40 appointed jointly by the governor and the superintendent of public  
41 instruction to serve as a member of the state standards task force under  
42 IC 20-10.1-4.1-2 when attendance at a state standards task force

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1 meeting conflicts in whole or in part with a student instructional day.  
 2 An excused absence under this subsection is only valid for the time:

- 3 (1) of the actual state standards task force meeting; and  
 4 (2) the student is in transit to and from the meeting.

5 For verification, the student must submit to school authorities a  
 6 document signed by the chairman of the state standards task force  
 7 verifying the attendance by the student at the state standards task force  
 8 meeting. The document must indicate the times at which the student  
 9 was required to be in attendance at the state standards task force  
 10 meeting. A student excused from school attendance under this  
 11 subsection shall not be recorded as being absent on any date covered  
 12 by the excuse and the student shall not be penalized by the school in  
 13 any manner.

14 SECTION 61. IC 20-8.1-5.1-7, AS ADDED BY P.L.61-1995,  
 15 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 16 JULY 1, 1998]: Sec. 7. (a) The governing body of a school corporation  
 17 must ~~do the following~~:

18 (1) establish written discipline rules, which may include  
 19 appropriate dress codes, for the school corporation.

20 (2) **The administration must** give general publicity to the  
 21 discipline rules within a school where the discipline rules apply  
 22 by actions such as:

23 (A) (1) making a copy of the discipline rules available to  
 24 students and students' parents; or

25 (B) (2) delivering a copy of the discipline rules to students or  
 26 the parents of students.

27 This publicity requirement may not be construed technically and  
 28 is satisfied in any case when the ~~school corporation~~  
 29 **administration** makes a good faith effort to disseminate to  
 30 students or parents generally the text or substance of a discipline  
 31 rule.

32 (b) The superintendent of a school corporation and the principals of  
 33 each school in a school corporation may adopt regulations establishing  
 34 lines of responsibility and related guidelines in compliance with the  
 35 discipline policies of the governing body.

36 (c) The governing body of a school corporation may delegate rule  
 37 making, disciplinary, and other authority as reasonably necessary to  
 38 carry out the school purposes of the school corporation.

39 (d) Subsection (a) does not apply to rules or directions concerning  
 40 the following:

- 41 (1) Movement of students.  
 42 (2) Movement or parking of vehicles.



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- 1 (3) Day-to-day instructions concerning the operation of a
- 2 classroom or teaching station.
- 3 (4) Time for commencement of school.
- 4 (5) Other standards or regulations relating to the manner in which
- 5 an educational function must be administered.

6 However, this subsection does not prohibit the governing body from  
 7 regulating the areas listed in this subsection.

8 SECTION 62. IC 20-8.1-5.1-13, AS AMENDED BY P.L.156-1996,  
 9 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 10 JULY 1, 1998]: Sec. 13. (a) A superintendent of a school corporation  
 11 may conduct an expulsion meeting or appoint one (1) of the following  
 12 to conduct an expulsion meeting:

- 13 (1) Legal counsel.
- 14 (2) A member of the administrative staff if the member:
  - 15 (A) has not expelled the student during the current school
  - 16 year; and
  - 17 (B) was not involved in the events giving rise to the expulsion.

18 The superintendent or a person designated under this subsection may  
 19 issue subpoenas, compel the attendance of witnesses, and administer  
 20 oaths to persons giving testimony at an expulsion meeting.

21 (b) An expulsion may take place only after the student and the  
 22 student's parent are given notice of their right to appear at an expulsion  
 23 meeting with the superintendent or a person designated under  
 24 subsection (a). Notice of the right to appear at an expulsion meeting  
 25 shall:

- 26 (1) be made by certified mail or by personal delivery;
- 27 (2) contain the reasons for the expulsion; and
- 28 (3) contain the procedure for requesting an expulsion meeting.
- 29 (c) The person conducting an expulsion meeting:
  - 30 (1) shall make a written summary of the evidence heard at the
  - 31 expulsion meeting;
  - 32 (2) may take action that the person finds appropriate; and
  - 33 (3) must give notice of the action taken under subdivision (2) to
  - 34 the student and the student's parent.

35 (d) If the student or the student's parent within ten (10) days of  
 36 receipt of a notice of action taken under subsection (c) makes a written  
 37 appeal to the governing body **and the governing body has not voted**  
 38 **under subsection (f) against hearing any appeals of actions taken**  
 39 **under subsection (c)**, the governing body

- 40 ~~(1)~~ **shall may do one (1) of the following:**
- 41 (1) Hold a meeting to consider:
  - 42 (A) the written summary of evidence prepared under

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1 subsection (c)(1); and  
 2 (B) the arguments of the principal and the student or the  
 3 student's parent;  
 4 ~~unless the governing body has voted under subsection (f) not~~  
 5 ~~to hear any appeals of actions taken under subsection (c); and~~  
 6 ~~(2) may take action on the appeal~~ that the governing body finds  
 7 appropriate.  
 8 **(2) Appoint an appeal panel of at least three (3) persons who**  
 9 **are residents of the school corporation or employees of the**  
 10 **school corporation who were not involved in the expulsion**  
 11 **meeting or events giving rise to the expulsion. The appeal**  
 12 **panel shall select a chairperson and hold a meeting to**  
 13 **consider:**  
 14 **(A) the written summary of evidence prepared under**  
 15 **subsection (c)(1); and**  
 16 **(B) the arguments of the principal and the student or the**  
 17 **student's parent;**  
 18 **and take action on the appeal that the panel finds appropriate.**  
 19 ~~The A~~ decision of the governing body **or an appeal panel appointed**  
 20 **by the governing body** may be appealed only under section 15 of this  
 21 chapter.  
 22 (e) A student or a student's parent who fails to request and appear  
 23 at an expulsion meeting after receipt of notice of the right to appear at  
 24 an expulsion meeting forfeits all rights administratively to contest and  
 25 appeal the expulsion. For purposes of this section, notice of the right to  
 26 appear at an expulsion meeting or notice of the action taken at an  
 27 expulsion meeting is effectively given at the time when the request or  
 28 notice is delivered personally or sent by certified mail to a student and  
 29 the student's parent.  
 30 (f) The governing body may vote not to hear appeals of actions  
 31 taken under subsection (c). If the governing body votes not to hear  
 32 appeals, after the date on which the vote is taken a student or parent  
 33 may appeal only under section 15 of this chapter.  
 34 SECTION 63. IC 20-8.1-5.1-14, AS ADDED BY P.L.131-1995,  
 35 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 36 JULY 1, 1998]: Sec. 14. (a) Except as provided in section 10 of this  
 37 chapter, a student may not be expelled for a longer period than the  
 38 remainder of the school year in which the expulsion took effect if the  
 39 misconduct occurs during the first semester. Whenever a student is  
 40 expelled during the second semester, the expulsion remains in effect  
 41 for summer school and may remain in effect for the first semester of the  
 42 following school year, unless otherwise modified or terminated by

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1 ~~order of the governing body. superintendent or a person designated~~  
 2 ~~under section 13(a) of this chapter.~~ The appropriate authorities may  
 3 require that a student who is at least sixteen (16) years of age and who  
 4 wishes to reenroll after an expulsion or an exclusion attend an  
 5 alternative program.

6 (b) An expulsion that takes effect more than three (3) weeks before  
 7 the beginning of the second semester of a school year must be reviewed  
 8 before the beginning of the second semester. The review shall be  
 9 conducted by the superintendent or a person designated under section  
 10 13(a) of this chapter after notice of the review has been given to the  
 11 student and the student's parent. The review is limited to newly  
 12 discovered evidence or evidence of changes in the student's  
 13 circumstances occurring since the original meeting. The review may  
 14 lead to a recommendation by the person conducting the review that the  
 15 student be reinstated for the second semester.

16 (c) An expulsion that will remain in effect during the first semester  
 17 of the following school year must be reviewed before the beginning of  
 18 the school year. The review shall be conducted by the superintendent  
 19 or a person designated under section 13(a) of this chapter after notice  
 20 of the review has been given to the student and the student's parent.  
 21 The review is limited to newly discovered evidence or evidence of  
 22 changes in the student's circumstances occurring since the original  
 23 meeting. The review may lead to a recommendation by the person  
 24 conducting the review that the student be reinstated for the upcoming  
 25 school year.

26 SECTION 64. IC 20-8.1-5.1-15, AS ADDED BY P.L.131-1995,  
 27 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 28 JULY 1, 1998]: Sec. 15. Judicial review of a ~~governing body's~~ **an**  
 29 action under this chapter by the circuit or superior court of the county  
 30 in which a student who is the subject of the ~~governing body's~~ action  
 31 resides is limited to the issue of whether the ~~governing body~~ **party**  
 32 **taking the action** acted without following the procedure required  
 33 under this chapter.

34 SECTION 65. IC 20-8.1-5.1-15.5, AS ADDED BY P.L.196-1995,  
 35 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 36 JULY 1, 1998]: Sec. 15.5. An expulsion ~~that has been upheld by a~~  
 37 ~~governing body~~ continues in effect during judicial review under section  
 38 15 of this chapter unless:

- 39 (1) the court grants a temporary restraining order under the  
 40 Indiana Rules of Civil Procedure; and  
 41 (2) the school corporation was given the opportunity to appear at  
 42 the hearing regarding the temporary restraining order.



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1 SECTION 66. IC 20-8.1-5.1-22, AS ADDED BY P.L.131-1995,  
 2 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 3 JULY 1, 1998]: Sec. 22. (a) As used in this section, "special school"  
 4 includes the following:

- 5 (1) A vocational school.
- 6 (2) A special education school or program.
- 7 (3) An alternative school or program.

8 (b) To the extent possible, this chapter applies to a special school.

9 (c) The ~~governing body~~ **administration** of a special school may  
 10 make necessary modifications to the responsibilities of school  
 11 personnel under this chapter in order to accommodate the  
 12 administrative structure of a special school.

13 (d) In addition to a disciplinary action imposed by a special school,  
 14 the principal of the school where a student is enrolled may without  
 15 additional procedures adopt a disciplinary action or decision of a  
 16 special school as a disciplinary action of the school corporation.

17 SECTION 67. IC 20-8.1-5.1-23, AS ADDED BY P.L.131-1995,  
 18 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 19 JULY 1, 1998]: Sec. 23. (a) If a student is expelled from a school  
 20 corporation under this chapter, or if a student withdraws from a school  
 21 corporation to avoid expulsion, the student may not enroll in another  
 22 school corporation during the period of the expulsion or proposed  
 23 expulsion unless:

- 24 (1) the student informs the **administration of the** school  
 25 corporation in which the student seeks to enroll of the student's  
 26 expulsion or withdrawal to avoid expulsion;
- 27 (2) the ~~school corporation~~ **administration** consents to the  
 28 student's enrollment; and
- 29 (3) the student agrees to the terms and conditions of enrollment  
 30 established by the ~~school corporation~~ **administration**.

31 (b) If a student fails to:

- 32 (1) inform the ~~school corporation~~ **administration** of the expulsion  
 33 or withdrawal to avoid expulsion; or
- 34 (2) follow the terms and conditions of enrollment under  
 35 subsection (a)(3);

36 the ~~school corporation~~ **administration** may withdraw consent and  
 37 prohibit the student's enrollment during the period of the expulsion.

38 (c) Before a consent is withdrawn under subsection (b), the student  
 39 must have an opportunity for an informal meeting before the principal  
 40 of the student's proposed school. At the informal meeting, the student  
 41 is entitled to:

- 42 (1) a written or an oral statement of the reasons for the withdrawal



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- 1 of the consent;  
 2 (2) a summary of the evidence against the student; and  
 3 (3) an opportunity to explain the student's conduct.  
 4 (d) This section does not apply to a student who is expelled under  
 5 section 11 of this chapter.

6 SECTION 68. IC 20-8.1-5.1-25, AS ADDED BY P.L.131-1995,  
 7 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 8 JULY 1, 1998]: Sec. 25. (a) ~~A school corporation~~ **The administration**  
 9 must provide each student and each student's parent a copy of the rules  
 10 of the governing body on searches of students' lockers and locker  
 11 contents.

12 (b) A student who uses a locker that is the property of a school  
 13 corporation is presumed to have no expectation of privacy in that  
 14 locker or the locker's contents.

15 (c) A principal may, in accordance with the rules of the governing  
 16 body, search a student's locker and the locker's contents at any time.

17 (d) A law enforcement agency having jurisdiction over the  
 18 geographic area having a school facility containing a student's locker  
 19 may:

- 20 (1) at the request of the school principal; and  
 21 (2) in accordance with rules of the governing body of the school  
 22 corporation;  
 23 assist a school administrator in searching a student's locker and the  
 24 locker's contents.

25 SECTION 69. IC 20-8.1-5.1-26, AS ADDED BY P.L.132-1995,  
 26 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 27 JULY 1, 1998]: Sec. 26. Before February 1 and before October 1 of  
 28 each year, except when a hearing has been requested under  
 29 IC 9-24-2-1(a)(4), the ~~governing body of the school corporation~~  
 30 **administration** shall submit to the bureau of motor vehicles the  
 31 pertinent information concerning an individual's ineligibility under  
 32 IC 9-24-2-1 to be issued a driver's license or learner's permit, or  
 33 concerning the invalidation of a license or permit under IC 9-24-2-4.

34 SECTION 70. IC 20-8.1-7-4 IS AMENDED TO READ AS  
 35 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 4. ~~Exemption from~~  
 36 ~~Examination~~: If the parent of a pupil furnishes a certificate of  
 37 examination from an Indiana physician at the beginning of a school  
 38 year, the child is exempt from any examination which the governing  
 39 body may require under section 3 of this chapter. The certificate of  
 40 examination shall state that the physician has examined the child and  
 41 reported the results to the parents. The ~~governing body~~ **administration**  
 42 may require a parent to furnish additional certificates from time to



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1 time.

2 SECTION 71. IC 20-8.1-7-5 IS AMENDED TO READ AS  
3 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 5. ~~School Physicians~~  
4 ~~and Nurses~~. **Subject to the approval of the governing body of the**  
5 **school corporation, the administration** of a school corporation may  
6 appoint **the following**:

- 7 (1) One (1) or more school physicians. ~~and~~  
8 (2) One (1) or more nurses who are registered to practice nursing  
9 in Indiana. A nurse appointed under this ~~section~~ **subdivision** is  
10 responsible for emergency nursing care of children when an  
11 illness or an accident occurs during school hours or on or near  
12 school property.

13 SECTION 72. IC 20-8.1-7-16 IS AMENDED TO READ AS  
14 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 16. (a) The ~~governing~~  
15 ~~body~~ **administration** of each school corporation shall conduct:

- 16 (1) an annual vision test, using the modified clinical technique  
17 described in subsection (c), of all children upon their enrollment  
18 in either kindergarten or the first grade; and  
19 (2) an annual screening test of the visual acuity of all children  
20 enrolled in or transferred to the third and eighth grades and of all  
21 other school children suspected of having a visual defect.

22 (b) Records of all tests shall be made and continuously maintained  
23 in order to provide information useful in protecting, promoting, and  
24 maintaining the health of school children. The state department of  
25 health and the Indiana state board of education shall adopt joint rules  
26 concerning vision testing equipment, qualifications of vision testing  
27 personnel, visual screening procedures, and criteria for failure and  
28 referral in the screening tests based upon accepted medical practice and  
29 standards.

30 (c) For purposes of this section, "modified clinical technique" means  
31 a battery of vision tests that includes:

- 32 (1) a visual acuity test to determine an individual's ability to see  
33 at various distances;  
34 (2) a refractive error test to determine the focusing power of the  
35 eye;  
36 (3) an ocular health test to determine any external or internal  
37 abnormalities of the eye; and  
38 (4) a binocular coordination test to determine if the eyes are  
39 working together properly.

40 SECTION 73. IC 20-8.1-7-16.5 IS AMENDED TO READ AS  
41 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 16.5. (a) If a school  
42 corporation is unable to comply with section 16(a)(1) of this chapter,



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1 the ~~governing body~~ **superintendent** of the school corporation may,  
 2 before November 1 of a school year, request from the state  
 3 superintendent of public instruction a waiver of the requirements of  
 4 section 16(a)(1) of this chapter.

5 (b) The waiver request under subsection (a) must:

6 (1) be in writing;

7 (2) include the reason or reasons that necessitated the waiver  
 8 request; and

9 (3) indicate the extent to which the ~~governing body of the~~ school  
 10 corporation attempted to comply with the requirements under  
 11 section 16(a)(1) of this chapter.

12 (c) The state superintendent of public instruction shall take action  
 13 on the waiver request no later than thirty (30) days after receiving the  
 14 waiver request.

15 (d) The state superintendent of public instruction may:

16 (1) approve the waiver request;

17 (2) deny the waiver request; or

18 (3) provide whatever relief that may be available to enable the  
 19 school corporation to comply with the requirements under section  
 20 16(a)(1) of this chapter.

21 (e) If the state superintendent of public instruction approves the  
 22 waiver request, the ~~governing body~~ **administration** of the school  
 23 corporation shall conduct an annual screening test of the visual acuity  
 24 of all children upon their enrollment in or transfer to the first grade.

25 SECTION 74. IC 20-8.1-7-17 IS AMENDED TO READ AS  
 26 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 17. ~~Audiometer Tests.~~

27 (a) The ~~governing body~~ **administration** of every school corporation  
 28 shall annually conduct an audiometer test or a similar test to determine  
 29 the hearing efficiency of:

30 (1) all school children in the first, fourth, seventh, and tenth  
 31 grades; ~~of~~

32 (2) all transferred school children; and ~~of~~

33 (3) all school children suspected of having hearing defects.

34 ~~A governing body~~ **The administration** may appoint the technicians  
 35 and assistants necessary to perform the testing required under this  
 36 section.

37 (b) Records of all tests shall be made and continuously maintained  
 38 in order to provide information which may assist in diagnosing and  
 39 treating any child's auditory abnormality. However, diagnosis and  
 40 treatment shall be performed only on recommendation of an Indiana  
 41 physician who has examined the child. The local governing body may  
 42 adopt rules and regulations for the administration of this section.



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1 SECTION 75. IC 20-8.1-7-18 IS AMENDED TO READ AS  
 2 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 18. (a) Whenever the  
 3 test required under section 17 of this chapter discloses that the hearing  
 4 of any child is impaired and the child cannot be taught advantageously  
 5 in regular classes, the **governing body administration** of the school  
 6 corporation shall provide appropriate remedial measures and  
 7 correctional devices. The **governing body administration** shall advise  
 8 the child's parents of the proper medical care, attention, and treatment  
 9 needed. The **governing body administration** shall provide approved  
 10 mechanical auditory devices and prescribe courses in lip reading by  
 11 qualified, competent and approved instructors. The superintendent of  
 12 public instruction and the head of the rehabilitative services bureau of  
 13 the division of disability, aging, and rehabilitative services shall  
 14 cooperate with school corporations to provide this assistance; they shall  
 15 also provide advice and information to assist school corporations in  
 16 complying with this section. The local governing body may adopt rules  
 17 and regulations for the administration of this section.

18 (b) Each school corporation may receive and accept bequests and  
 19 donations for immediate use or as trusts or endowments to assist in  
 20 meeting costs and expenses incurred in complying with the  
 21 requirements of this section. When funds for the full payment of these  
 22 expenses are not otherwise available in any school corporation, any  
 23 unexpended balance in the state treasury which is available for the use  
 24 of local schools and is otherwise unappropriated may be loaned to the  
 25 school corporation for that purpose by the governor. Any loan made by  
 26 the governor under this section shall be repaid to the fund in the state  
 27 treasury from which it came within two (2) years after the date it was  
 28 advanced. These loans shall be repaid through the levying of taxes in  
 29 the borrowing school corporation.

30 SECTION 76. IC 20-8.1-8-2 IS AMENDED TO READ AS  
 31 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 2. (a) The **governing**  
 32 **body superintendent** of a school corporation shall require each school  
 33 in its jurisdiction to conduct periodic fire drills during the school year  
 34 in compliance with rules adopted under IC 4-22-2 by the **Indiana** state  
 35 board of education.

36 (b) The **governing body superintendent** of a school corporation  
 37 shall require each principal to file a certified statement that fire drills  
 38 have been conducted as required under this section.

39 SECTION 77. IC 20-8.1-9-6 IS AMENDED TO READ AS  
 40 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 6. (a) All school  
 41 corporations must give appropriate application forms to parents who  
 42 wish to apply for assistance under this chapter. The school shall



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1 provide assistance to those applicants who are unable to write or  
 2 otherwise make a written application. The parent shall submit the  
 3 completed application to the school corporation. The **administration**  
 4 **of the** school corporation shall make a determination of financial  
 5 eligibility.

6 (b) If the ~~school corporation~~ **administration** makes a determination  
 7 that the parent is ineligible based on the information in the application,  
 8 ~~it~~ **the administration** shall give the parent written reasons for the  
 9 denial and inform the parent of the right to request a hearing before the  
 10 ~~governing body~~ **superintendent** of the school corporation or the  
 11 ~~governing body's~~ **superintendent's** designee. After the determination,  
 12 the school corporation may bill the parent for the child's fees, but the  
 13 school corporation may not take any legal action against the parent  
 14 until the parent has had the opportunity to make an appeal in a hearing  
 15 before the governing body of the school corporation, ~~or~~ the governing  
 16 body's designee, **or an appeal panel appointed by the governing**  
 17 **body of at least three (3) persons who are residents of the school**  
 18 **corporation or employees of the school corporation.** If the parent  
 19 pays the fees based on the ~~school corporation's~~ **administration's**  
 20 determination, and after the appeal it is determined that the parent  
 21 qualifies for assistance, the ~~school corporation~~ **administration** shall  
 22 reimburse the parent.

23 SECTION 78. IC 20-8.1-9-9 IS AMENDED TO READ AS  
 24 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 9. (a) If a determination  
 25 is made that the applicant is eligible for assistance, the school  
 26 corporation shall pay the cost of the student's required fees.

27 (b) A school corporation may receive a reimbursement from the  
 28 department for some or all of the costs incurred by a school corporation  
 29 during a school year in providing textbook assistance to children who  
 30 are eligible under section 2 of this chapter.

31 (c) In order to be guaranteed some level of reimbursement from the  
 32 department, the ~~governing body~~ **administration** of a school  
 33 corporation shall request the reimbursement before November 1 of a  
 34 school year.

35 (d) In its request, the ~~governing body~~ **administration** shall certify  
 36 to the department:

- 37 (1) the number of students who are enrolled in that school  
 38 corporation and who are eligible for assistance under this chapter;  
 39 (2) the costs incurred by the school corporation in providing:  
 40 (A) textbooks (including textbooks used in special education  
 41 and gifted and talented classes) to these students;  
 42 (B) workbooks and consumable textbooks (including

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1 workbooks, ~~and~~ consumable textbooks, and other consumable  
 2 instructional materials that are used in special education and  
 3 gifted and talented classes) that are used by students for no  
 4 more than one (1) school year; and  
 5 (C) instead of the purchase of textbooks, developmentally  
 6 appropriate material for instruction in kindergarten through the  
 7 grade 3 level, laboratories, and children's literature programs;  
 8 (3) that each textbook described in subdivision (2)(A) and  
 9 included in the reimbursement request (except those textbooks  
 10 used in special education classes and gifted and talented classes)  
 11 has been adopted by the **Indiana** state board of education under  
 12 IC 20-10.1-9-1 or has been waived by the **Indiana** state board of  
 13 education under IC 20-10.1-9-27;  
 14 (4) that the amount of reimbursement requested for each textbook  
 15 under subdivision (3) does not exceed twenty percent (20%) of  
 16 the costs incurred for the textbook, as provided in the textbook  
 17 adoption list in each year of the adoption cycle;  
 18 (5) that the amount of reimbursement requested for each  
 19 workbook or consumable textbook (or other consumable  
 20 instructional material used in special education and gifted and  
 21 talented classes) under subdivision (2)(B), if applicable, does not  
 22 exceed one hundred percent (100%) of the costs incurred for the  
 23 workbook or consumable textbook (or other consumable  
 24 instructional material used in special education and gifted and  
 25 talented classes);  
 26 (6) that the amount of reimbursement requested for each textbook  
 27 used in special education and gifted and talented classes is  
 28 amortized for the number of years in which the textbook is used;  
 29 (7) that the amount of reimbursement requested for  
 30 developmentally appropriate material is amortized for the number  
 31 of years in which the material is used and does not exceed a total  
 32 of one hundred percent (100%) of the costs incurred for the  
 33 developmentally appropriate material; and  
 34 (8) any other information required by the department, including  
 35 copies of purchase orders used to acquire consumable  
 36 instructional materials used in special education and gifted and  
 37 talented classes and developmentally appropriate material.  
 38 (e) Each school within a school corporation shall maintain complete  
 39 and accurate information concerning the number of students  
 40 determined to be eligible for assistance under this chapter. This  
 41 information shall be provided to the department upon request.  
 42 (f) If the amount of reimbursement requested before November 1 of

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1 a particular year exceeds the amount of money appropriated to the  
2 department for this purpose, the department shall proportionately  
3 reduce the amount of reimbursement to each school corporation.

4 (g) A school corporation may submit a supplemental reimbursement  
5 request under section 9.1 of this chapter. The school corporation is  
6 entitled to receive a supplemental reimbursement only if there are  
7 funds available. The department shall proportionately reduce the  
8 amount of supplemental reimbursement to each school corporation if  
9 the total amount requested exceeds the amount of money available to  
10 the department for this purpose. In the case of this supplemental  
11 reimbursement, the provisions in this section apply, except that section  
12 9.1 of this chapter applies to the making of the supplemental request by  
13 the **governing body administration** of the school corporation.

14 (h) Parents receiving other governmental assistance or aid which  
15 considers educational needs in computing the entire amount of  
16 assistance granted may not be denied assistance if the applicant's total  
17 family income does not exceed the standards established by this  
18 chapter.

19 SECTION 79. IC 20-8.1-9-9.1 IS AMENDED TO READ AS  
20 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 9.1. (a) The **governing**  
21 **body administration** of a school corporation may make a supplemental  
22 request for reimbursement from the department after April 1 but before  
23 May 1 of a school year for some or all of the additional costs incurred  
24 by the school corporation in providing textbook assistance to the  
25 number of additional eligible children who enroll in the school  
26 corporation after the initial request for reimbursement is filed under  
27 section 9(c) of this chapter.

28 (b) In its supplemental request, the **governing body administration**  
29 must certify to the department the following:

30 (1) The number of additional students who enroll in the school  
31 corporation as described in subsection (a).

32 (2) The additional costs incurred by the school corporation in  
33 providing the materials described in section 9(d)(2) of this  
34 chapter pertaining to the number of additional students.

35 (3) The same information as described in section 9(d)(3) through  
36 9(d)(7) of this chapter as pertaining to the numbers of additional  
37 students.

38 (c) This section applies only if there are funds available. These  
39 supplemental distributions shall be made by the department in  
40 accordance with section 9(g) of this chapter.

41 SECTION 80. IC 20-8.1-11-10 IS AMENDED TO READ AS  
42 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 10. The **governing body**

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1 **administration** of the school corporation shall furnish the council with  
2 the necessary staff to conduct its business.

3 SECTION 81. IC 20-9.1-1-2 IS AMENDED TO READ AS  
4 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 2. (a) As used in this  
5 article, the term "governing body" means any township trustee and the  
6 township board of a school township, any board of school  
7 commissioners, any metropolitan board of education, any board of  
8 trustees, or any other board or commission charged by law with the  
9 responsibility of ~~administering~~ **overseeing** the affairs of a school  
10 corporation.

11 (b) As used in this article, "**administration**" has the meaning set  
12 forth in IC 20-6.1-1-3(b).

13 SECTION 82. IC 20-9.1-2-5, AS AMENDED BY P.L.1-1994,  
14 SECTION 95, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
15 JULY 1, 1998]: Sec. 5. ~~Transportation and Fleet Contracts;~~  
16 ~~Specifications; Adoption:~~ The governing body **administration** of a  
17 school corporation shall adopt specifications for transportation and  
18 fleet contracts prior to entering into a transportation or fleet contract  
19 under section 4 or section 4.1 of this chapter. The specifications shall  
20 be prepared and placed on file in the office of the ~~governing body~~  
21 **administration** at least fifteen (15) days prior to any advertised date  
22 for beginning negotiations or receiving proposals or bids. However, if  
23 a school corporation is under the jurisdiction of a county  
24 superintendent of schools, the specifications shall be placed on file in  
25 the office of the county superintendent. All specifications so prepared  
26 and filed shall be public records, and shall be open, during regular  
27 office hours, for inspection by the public.

28 SECTION 83. IC 20-9.1-2-11 IS AMENDED TO READ AS  
29 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 11. ~~Transportation or~~  
30 ~~Fleet Contracts; Power to Reject Bids:~~ A governing body is authorized  
31 to reject any or all bids. If no bid is received for a specified route, the  
32 ~~governing body~~ **administration** may either readvertise for bids or  
33 negotiate a contract for the route without further advertising.

34 SECTION 84. IC 20-9.1-2-12 IS AMENDED TO READ AS  
35 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 12. ~~Transportation or~~  
36 ~~Fleet Contracts; Alteration of Routes:~~ The ~~governing body~~  
37 **administration** may alter any school bus route at any time. If the  
38 altered route is longer than the route in the original contract, the school  
39 bus driver ~~of or~~ fleet contractor shall be paid additional compensation  
40 for each additional mile or fraction of a mile. The additional  
41 compensation shall be based on the average rate per mile in the original  
42 contract.



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1 SECTION 85. IC 20-9.1-2-13 IS AMENDED TO READ AS  
 2 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 13. ~~Transportation or~~  
 3 ~~Fleet Contracts, Change of Equipment~~. The governing body may  
 4 require the school bus driver or fleet contractor to furnish equipment  
 5 with greater seating capacity at any time. When a school bus driver or  
 6 fleet contractor is required to furnish different equipment during the  
 7 term of the contract, the contracting parties may mutually agree to the  
 8 cancellation of the existing contract, and renegotiate a new contract for  
 9 the balance of the term of the original contract. Action taken by a  
 10 ~~governing body~~ **an administration** under section 12 of this chapter  
 11 shall not preclude simultaneous exercise of authority under this section.

12 SECTION 86. IC 20-9.1-2-13.5 IS AMENDED TO READ AS  
 13 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 13.5. Notwithstanding  
 14 any contrary provision in this chapter, the ~~governing body~~  
 15 **administration** may amend any existing transportation or fleet  
 16 contract, with the consent of the other party or parties to the contract,  
 17 to make any adjustments needed due to fluctuations in the cost of fuel  
 18 which occur during the term of the contract.

19 SECTION 87. IC 20-9.1-2-16 IS AMENDED TO READ AS  
 20 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 16. After due notice to  
 21 the ~~governing body or its authorized agent,~~ **administration**, a school  
 22 bus driver may provide a substitute driver for any of the following  
 23 reasons:

- 24 (a) ~~(1)~~ (1) Illness of the school bus driver.
- 25 (b) ~~(2)~~ (2) Illness or death of a member of the school bus driver's  
 26 family.
- 27 (c) ~~(3)~~ (3) Compulsory absence of a school bus driver because of jury  
 28 duty.
- 29 (d) ~~(4)~~ (4) Performance of services and duties related to the Indiana  
 30 state association of school bus drivers.
- 31 (e) ~~(5)~~ (5) Performance of services and duties required by virtue of  
 32 service in the Indiana general assembly.
- 33 (f) ~~(6)~~ (6) Attendance at meetings of the Indiana school bus  
 34 committee.
- 35 (g) ~~(7)~~ (7) Management by a school bus driver of his personal  
 36 business affairs, subject to the limitation in this section. Absence  
 37 for management of personal business affairs shall not exceed ten  
 38 (10) days in any one (1) school year without the approval of the  
 39 ~~governing body.~~ **administration.**

40 SECTION 88. IC 20-9.1-2-22.1 IS AMENDED TO READ AS  
 41 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 22.1. ~~Fleet Contract;~~  
 42 ~~School Bus Driver Provisions~~. Each fleet contract made under section



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- 1 5 of this chapter shall provide that:
- 2       (a) (1) the fleet contractor is responsible for the employment,
- 3       physical condition, and conduct of every school bus driver
- 4       employed by the fleet contractor;
- 5       (b) (2) the fleet contractor shall submit to the **governing body**
- 6       **administration** a list of the names, addresses, telephone numbers,
- 7       and route assignments of all regular and substitute school bus
- 8       drivers employed by the fleet contractor;
- 9       (c) (3) all school bus drivers employed by the fleet contractor
- 10      shall meet the physical, moral, and license standards prescribed
- 11      in IC ~~1971~~, 20-9.1-3;
- 12      (d) (4) school bus drivers employed by a fleet contractor shall
- 13      attend the annual safety meeting for school bus drivers sponsored
- 14      by the state school bus committee and the Indiana state police in
- 15      accordance with IC ~~1971~~, 20-9.1-3-7; **and**
- 16      (e) (5) failure to employ school bus drivers who meet and
- 17      maintain the physical, moral, and license standards of IC ~~1971~~,
- 18      20-9.1-3 or **whose** failure to compel attendance of school bus
- 19      drivers at the annual safety meeting shall constitute a breach of
- 20      contract and may result in termination of the fleet contract and in
- 21      forfeiture of the surety bond.

22       SECTION 89. IC 20-9.1-2-27 IS AMENDED TO READ AS

23       FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 27. ~~Common Carrier~~

24       ~~Contracts; Exemption from Physical Examination:~~ When a school bus

25       driver is employed by a common carrier to assist in performing a

26       common carrier contract made under section 25 of this chapter, he is

27       exempt from mandatory physical examinations required under this

28       article, except to the extent that examination may be necessary for a

29       common carrier to comply with ~~section 26(b)~~ **section 26(2)** of this

30       chapter.

31       SECTION 90. IC 20-9.1-2.5-2 IS AMENDED TO READ AS

32       FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 2. ~~Parents Joint~~

33       ~~Contract Rights:~~ Parents of public school children not provided bus

34       transportation by the school corporation have the right to contract

35       jointly with a school bus driver to provide transportation. Such a

36       contract shall be called "parents supplemental transportation contract."

37       However, the contract is subject to the approval of the governing body

38       of the school corporation where school children transported pursuant

39       to the contract reside, and school buses operated under the contract are

40       under the supervision and direction of the **governing body:**

41       **administration.**

42       SECTION 91. IC 20-9.1-2.5-6, AS AMENDED BY P.L.1-1994,



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1 SECTION 96, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
2 JULY 1, 1998]: Sec. 6. School buses operating under parents  
3 supplemental transportation contracts shall only be used for the  
4 following purposes:

5 (a) (1) Transportation of eligible school children to and from  
6 school.

7 (b) (2) Transportation of eligible school children and necessary  
8 adult chaperones to and from an activity that is either sponsored,  
9 controlled, supervised, or participated in by the **governing body**  
10 **administration** of the school corporation.

11 (c) (3) Transportation of school children to and from little league  
12 baseball activities, 4-H club activities, junior achievement  
13 activities, boy scout activities, girl scout activities, campfire  
14 activities, and recreational activities approved or sponsored by  
15 any political subdivision subject to the following limitations:

16 (1) (A) School children may not be accompanied by more than  
17 four (4) adult sponsors or chaperones per bus.

18 (2) (B) All transportation must originate from a point within  
19 the geographical limits of the school district served by the  
20 affected school bus driver.

21 (3) (C) The groups to be transported shall be residents of the  
22 affected school district.

23 (4) (D) Transportation may not exceed one hundred (100)  
24 highway miles from point of origin.

25 This **subsection subdivision** does not apply if transportation can  
26 be furnished by a public carrier of passengers that operates under  
27 the jurisdiction of the department of state revenue in which  
28 instances the provisions of IC 20-9.1-5-2(b) shall apply.

29 (d) (4) Travel to and from a garage or repair area for maintenance  
30 or repair.

31 (e) (5) Transportation requested by a governmental authority  
32 during any local, state, or national emergency.

33 (f) (6) Transportation of agricultural workers engaged in  
34 cultivating, producing, or harvesting crops in accordance with the  
35 conditions prescribed in IC 20-9.1-5-6.

36 (g) (7) Travel to a school bus driver's residence or parking facility  
37 following any of the authorized uses described in this section.

38 (h) (8) Transportation of senior citizens pursuant to the provisions  
39 of IC 20-9.1-5-3.5.

40 SECTION 92. IC 20-9.1-3-4 IS AMENDED TO READ AS  
41 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 4. ~~School Bus Drivers;~~  
42 ~~Additional Physical Examinations.~~ A **governing body** ~~The~~

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1 **administration** may, at any time, require any driver operating a school  
 2 bus for its school corporation to submit to a physical examination by a  
 3 licensed Indiana physician selected by the corporation. The school  
 4 corporation shall pay the cost of an examination under this section.

5 SECTION 93. IC 20-9.1-3-11 IS AMENDED TO READ AS  
 6 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 11. ~~Annual Safety~~  
 7 ~~Meeting, Non-attendance, Penalty:~~ If a school bus driver for a public  
 8 school corporation fails or refuses to attend any school bus driver  
 9 meeting or workshop, the ~~governing body~~ **administration** of the school  
 10 corporation shall deduct **an amount equal to the compensation for**  
 11 ~~one day's compensation~~ **(1) day** for each day of absence.

12 SECTION 94. IC 20-9.1-4-6, AS AMENDED BY P.L.158-1996,  
 13 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 14 JULY 1, 1998]: Sec. 6. (a) If the inspection of a special purpose bus or  
 15 a school bus performed under section 5 of this chapter reveals any  
 16 material defect which renders the bus unsafe and in noncompliance  
 17 with any safety requirements prescribed by the state school bus  
 18 committee or with the safety requirements of section 5 of this chapter,  
 19 the inspecting officer shall issue a temporary certificate of inspection  
 20 for the special purpose bus or school bus. The following apply to a  
 21 temporary certificate of inspection issued under this subsection:

22 (1) The certificate shall be displayed as viewed from the outside  
 23 in the lower left corner of the windshield of the special purpose  
 24 bus or school bus. However, if the left corner position obstructs  
 25 the driver's view, the temporary certificate of inspection may be  
 26 positioned on the bottom of the windshield so as to minimize the  
 27 obstruction to the driver's view.

28 (2) The certificate is valid for thirty (30) days.

29 (b) Upon being issued a temporary certificate of inspection under  
 30 subsection (a), the owner of a special purpose bus or school bus shall  
 31 have the special purpose bus or school bus repaired to meet the  
 32 minimum standards set forth in section 5 of this chapter. After having  
 33 the special purpose bus or school bus repaired to meet the minimum  
 34 standards set forth in section 5 of this chapter, the owner of the special  
 35 purpose bus or school bus shall present the special purpose bus or  
 36 school bus for an inspection under section 5 of this chapter.

37 (c) If after being repaired under subsection (b) a special purpose bus  
 38 or school bus meets the minimum standards set forth in section 5 of  
 39 this chapter, the state police department shall issue a certificate of  
 40 inspection under section 5 of this chapter.

41 (d) If:

42 (1) after being repaired under subsection (b) a special purpose bus

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1 or school bus does not meet the minimum standards set forth in  
2 section 5 of this chapter; or

3 (2) a special purpose bus or school bus is not repaired to meet the  
4 minimum standards set forth in section 5 of this chapter;

5 the state police department shall issue an out-of-service order and  
6 certificate for the special purpose bus or school bus. Each  
7 out-of-service order and certificate shall be served personally on the  
8 driver of the special purpose bus or school bus and a copy shall be  
9 forwarded to the **governing body administration** of the school  
10 corporation which controls the operation of the special purpose bus or  
11 school bus. After an out-of-service order and certificate have been  
12 issued, the affected special purpose bus or school bus may not be used  
13 to transport passengers until all defects have been corrected.

14 (e) An out-of-service certificate issued under subsection (d) shall be  
15 displayed as viewed from the outside in the lower left corner of the  
16 windshield of the special purpose bus or school bus for which the  
17 certificate is issued. However, if the left corner position obstructs the  
18 driver's view, the out-of-service certificate may be positioned on the  
19 bottom of the windshield so as to minimize the obstruction to the  
20 driver's view. The out-of-service certificate may be removed only by  
21 the state police department following an inspection that verifies that the  
22 special purpose bus or school bus meets the minimum standards set  
23 forth in section 5 of this chapter.

24 SECTION 95. IC 20-9.1-5-1.5 IS AMENDED TO READ AS  
25 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 1.5. ~~Use of School  
26 Buses; Persons Sixty-five Years of Age or Older.~~ The **governing body  
27 administration** of any school corporation may permit, by written  
28 authorization, the use of school buses for the transportation of adults  
29 sixty-five (65) years of age and older **in accordance with a policy  
30 approved by the governing body.**

31 SECTION 96. IC 20-9.1-5-2 IS AMENDED TO READ AS  
32 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 2. (a) **In accordance  
33 with a policy approved by the governing body,** the **governing body  
34 administration** of a school corporation may permit, by written  
35 authorization, the use of school buses for transportation of eligible  
36 school children and necessary adult chaperones or of adults to and from  
37 an activity which is either sponsored, controlled, supervised, or  
38 participated in by the **governing body: administration.** The number  
39 and qualifications of adult chaperones under this section may be  
40 determined by the **governing body: administration.**

41 (b) **In accordance with a policy approved by the governing body,**  
42 the **governing body administration** may permit, by written

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1 authorization, the use of school buses for transportation of children and  
 2 necessary adult chaperones to and from educational or recreational  
 3 activities approved or sponsored by a political subdivision if:

- 4 (1) the transportation originates from a place within the  
 5 geographical limits of the school district served by the affected  
 6 bus;  
 7 (2) the persons transported are residents of Indiana; and  
 8 (3) the trip does not involve more than two hundred (200) miles  
 9 of travel out of state.

10 SECTION 97. IC 20-9.1-5-2.1 IS AMENDED TO READ AS  
 11 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 2.1. (a) **In accordance**  
 12 **with a policy approved by the governing body**, the ~~governing body~~  
 13 **administration** of a school corporation may, by written authorization,  
 14 permit the use of school buses for transportation:

- 15 (1) of preschool children who attend preschool offered by the  
 16 school corporation or under a contract entered into by the school  
 17 corporation to and from the preschool facility site; and  
 18 (2) subject to the geographic and residency requirements set forth  
 19 in section 2(b) of this chapter, of preschool children and  
 20 necessary adult chaperones to and from educational or  
 21 recreational activities approved or sponsored by the ~~governing~~  
 22 **body school corporation** for the preschool children.

23 (b) The number and qualifications of adult chaperones under  
 24 subsection (a)(2) may be determined by the ~~governing body~~.  
 25 **administration.**

26 SECTION 98. IC 20-9.1-5-4 IS AMENDED TO READ AS  
 27 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 4. ~~Use of School Buses;~~  
 28 ~~Employee Meetings. The governing body~~ **In accordance with a policy**  
 29 **approved by the governing body, the administration** of a school  
 30 corporation may use school buses to transport school employees to and  
 31 from meetings which are authorized or required for the employees  
 32 either locally or by the state. This includes, but is not limited to, a  
 33 meeting conducted by the local school corporation.

34 SECTION 99. IC 20-9.1-5-5 IS AMENDED TO READ AS  
 35 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 5. ~~Use of School Buses;~~  
 36 ~~Public Emergency. The governing body~~ **In accordance with a policy**  
 37 **approved by the governing body, the administration** of a school  
 38 corporation may authorize the use of its school buses during any local,  
 39 state, or national emergency when requested by any governmental  
 40 authority.

41 SECTION 100. IC 20-9.1-5-6 IS AMENDED TO READ AS  
 42 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 6. (a) **In accordance**

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1 **with a policy approved by** the governing body, **the administration**  
 2 of a school corporation may permit the use of its school buses for the  
 3 transportation of agricultural workers engaged in cultivating,  
 4 producing, or harvesting crops.

5 (b) Any bus used under this section may transport only the bus  
 6 driver, a supervisor or foreman, school children, and duly enrolled  
 7 college and university students.

8 (c) When a bus is used to transport agricultural workers, a sign shall  
 9 be displayed on the front and on the rear of the vehicle. The sign shall  
 10 carry the words "Agricultural Workers" in letters not less than four (4)  
 11 inches in height. These signs may be removed or covered whenever the  
 12 bus is not being used to transport agricultural workers.

13 (d) Notwithstanding any other provision of this article or IC 9, if a  
 14 school bus:

15 (1) is:

16 (A) registered as a school bus; and

17 (B) in compliance with all safety and equipment related  
 18 requirements for a school bus;

19 in a state other than Indiana;

20 (2) while in Indiana is used solely to transport agricultural  
 21 workers employed to de-tassel corn; and

22 (3) is operated in accordance with subsection (e);

23 the out-of-state school bus may be operated for not more than sixty (60)  
 24 days in any calendar year in Indiana without meeting the inspection and  
 25 safety requirements of this article.

26 (e) Before operating a bus described in subsection (d), a person  
 27 must:

28 (1) be licensed to operate buses in:

29 (A) the state in which the bus is registered; or

30 (B) Indiana; and

31 (2) annually give written notice to the state school bus committee  
 32 at least ten (10) days before the school bus is operated in Indiana  
 33 of the:

34 (A) jurisdiction in which the school bus has been registered  
 35 and inspected for safety and equipment related requirements;

36 (B) approximate dates that the bus will be operated in Indiana;  
 37 and

38 (C) license plate number of the school bus.

39 SECTION 101. IC 20-9.1-5-7 IS AMENDED TO READ AS  
 40 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 7. ~~Use of School Buses;~~  
 41 ~~Maintenance and Repair.~~ The **governing body administration** of a  
 42 school corporation may permit its buses to travel to and from a garage



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1 or repair area for the purpose of maintenance or repair.

2 SECTION 102. IC 20-9.1-5-8 IS AMENDED TO READ AS  
3 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 8. ~~Use of School Buses;~~  
4 ~~Proof of Financial Responsibility.~~ The ~~governing body~~ **administration**  
5 of a school corporation which authorizes the operation of a school bus  
6 under ~~sections 1 through 7~~ of this chapter shall file proof of financial  
7 responsibility as required by IC 9-25.

8 SECTION 103. IC 20-9.1-5-9 IS AMENDED TO READ AS  
9 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 9. ~~Responsibility for~~  
10 ~~Funds from Transportation.~~ **Subject to the oversight of** the governing  
11 body, **the administration** of each school corporation shall have sole  
12 control of and shall account for all funds received for the transportation  
13 of school children and the transportation of other groups authorized by  
14 ~~sections 1 through 8~~ **sections 1, 1.5, 2, 2.1, 2.6, 3.5, 3.6, 4, 5, 6, 6.5, 7,**  
15 **and 8** of this chapter.

16 SECTION 104. IC 20-9.1-5-14 IS AMENDED TO READ AS  
17 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 14. ~~Arm Signal Device.~~  
18 (a) Whenever a school bus is stopped on a roadway to load or unload  
19 school children, the driver shall use an arm signal device. ~~and~~ The arm  
20 signal device shall be extended while the bus is stopped. ~~except that~~  
21 **However,** a school bus driver need not extend an arm signal device  
22 when the school bus is stopped at an intersection or other place where  
23 traffic is controlled by a traffic control device or a police officer.

24 (b) For the purpose of this chapter, "roadway" means that portion of  
25 a highway improved, designed or ordinarily used for vehicular travel,  
26 exclusive of the sidewalk, berm, or shoulder, even though the sidewalk,  
27 berm, or shoulder is used by persons riding bicycles or other human  
28 powered vehicles.

29 (c) ~~A public school governing body~~ **The administration** may  
30 authorize a school bus driver to load or unload passengers at locations  
31 off the roadway which ~~it~~ **the administration** shall designate as special  
32 school bus loading areas. The driver need not extend the arm signal  
33 device when loading or unloading passengers in the designated areas.

34 SECTION 105. IC 20-9.1-5-19 IS AMENDED TO READ AS  
35 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 19. ~~Discipline on Bus.~~  
36 **In accordance with a policy approved by the governing body,** when  
37 school children are being transported on a school bus, they are under  
38 the supervision, direction, and control of the school bus driver and are  
39 subject to disciplinary measures by the bus driver and the ~~governing~~  
40 **body administration** of the school corporation.

41 SECTION 106. IC 20-9.1-5-20 IS AMENDED TO READ AS  
42 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 20. ~~Capacity of Bus.~~ **A**

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1 ~~governing body~~ **In accordance with a policy approved by the**  
 2 **governing body, the administration** shall not require a school bus  
 3 driver to transport school children for which no regular seat is available  
 4 in the bus.

5 SECTION 107. IC 20-9.1-7-1 IS AMENDED TO READ AS  
 6 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 1. ~~Transportation~~  
 7 ~~Costs, Certain Parochial School Students, No Charge.~~ When school  
 8 children who are attending a parochial school in any school corporation  
 9 reside on or along the highway constituting the regular route of a public  
 10 school bus, the ~~governing body of the school corporation~~  
 11 **administration, in accordance with a policy approved by the**  
 12 **governing body,** shall provide transportation for them on the school  
 13 bus. This transportation shall be from their homes, or from some point  
 14 on the regular route nearest or most easily accessible to their homes, to  
 15 and from the parochial school or to and from the point on the regular  
 16 route which is nearest or most easily accessible to the parochial school.

17 SECTION 108. IC 20-10.1-1-5 IS AMENDED TO READ AS  
 18 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 5. (a) As used in this  
 19 article, the term "governing body" means any township trustee and the  
 20 township board of a school township, any board of school  
 21 commissioners, any metropolitan board of education, any board of  
 22 trustees, or any other board or commission charged by law with the  
 23 responsibility of ~~administering~~ **developing the school corporation's**  
 24 **policy and overseeing** the affairs of a school corporation.

25 (b) As used in this article, "administration" has the meaning set  
 26 forth in IC 20-6.1-1-3(b).

27 SECTION 109. IC 20-10.1-2-6 IS AMENDED TO READ AS  
 28 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 6. ~~United States Flag.~~  
 29 (a) Each ~~governing body administration~~ shall procure a United States  
 30 flag, size four (4) feet by six (6) feet, for each school under its  
 31 supervision.

32 (b) If weather conditions permit, each ~~governing body~~  
 33 **administration** shall require that the United States flag be displayed  
 34 on every school under their control on every day the school is in  
 35 session. If the flag is not displayed outdoors for any reason, it shall be  
 36 displayed in the principal room or assembly hall. Each ~~governing body~~  
 37 **administration** shall establish rules and regulations for the proper  
 38 care, custody, and display of the flag.

39 (c) A person who violates subsection (b) of this section commits a  
 40 Class C infraction.

41 SECTION 110. IC 20-10.1-4-5 IS AMENDED TO READ AS  
 42 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 5. Each school

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1 corporation shall include in its curriculum the following studies:

- 2 (1) Language arts, including English, grammar, composition,  
3 speech, and second languages.  
4 (2) Mathematics.  
5 (3) Social studies and citizenship, including the constitutions,  
6 governmental systems, and histories of Indiana and the United  
7 States.  
8 (4) Sciences.  
9 (5) Fine arts, including music and art.  
10 (6) Health education, physical fitness, safety, and the effects of  
11 alcohol, tobacco, drugs, and other substances on the human body.  
12 (7) Additional studies selected by each **administration in**  
13 **compliance with the policies adopted by the** governing body,  
14 subject to revision by the state board. ~~of education.~~

15 SECTION 111. IC 20-10.1-4-9.1 IS AMENDED TO READ AS  
16 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 9.1. (a) ~~Beginning in~~  
17 ~~the 1991-92 school year, the governing body~~ **The administration** of  
18 each school corporation shall for each grade from kindergarten through  
19 grade 12 provide instruction concerning the effects that alcoholic  
20 beverages, tobacco, prescription drugs, and controlled substances have  
21 on the human body and society at large.

22 (b) The board shall make available to all school corporations a list  
23 of appropriate available instructional material on the matters described  
24 in subsection (a).

25 (c) The department shall develop curriculum guides to assist  
26 teachers assigned to teach the material described in subsection (a).

27 (d) The board shall approve drug education curricula for every grade  
28 from kindergarten through grade 12.

29 (e) The department shall provide assistance to each school  
30 corporation to train at least one (1) teacher in the school corporation in  
31 drug education.

32 SECTION 112. IC 20-10.1-4.6-6, AS AMENDED BY  
33 P.L.260-1997(ss), SECTION 67, IS AMENDED TO READ AS  
34 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 6. (a) Before a program  
35 organizer is eligible for the funding, a program organizer must have the  
36 grant for the program approved by both:

- 37 (1) the department; and  
38 (2) the budget agency after review by the budget committee.

39 (b) ~~A~~ **The administration of a** school corporation may initiate the  
40 program and waiver approval process under section 5 of this chapter  
41 and the grant approval process under this section by submitting an  
42 application for the proposed alternative education program, on forms



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1 developed by the department, to the department. The application must  
2 include the following information:

3 (1) The number of eligible students expected to participate in the  
4 alternative education program.

5 (2) A description of the proposed alternative education program,  
6 including a description of the nature of the alternative education  
7 program curriculum.

8 (3) The extent to which the manner of instruction at the  
9 alternative education program differs from the manner of  
10 instruction available in the traditional school setting.

11 (4) A description of specific progressive disciplinary procedures  
12 that:

13 (A) are reasonably designed to modify disruptive behavior in  
14 the traditional school learning environment without  
15 necessitating admission to an alternative education program;  
16 and

17 (B) will be used before admitting a disruptive student into an  
18 alternative education program.

19 (5) Any other pertinent information required by the department.

20 (c) The term of a grant may not exceed one (1) school year. If a  
21 school corporation fails to conduct an alternative education program in  
22 conformity with this chapter, the rules adopted by the state board of  
23 education, or the terms of the approved grant, the department or the  
24 budget agency after review by the budget committee may terminate  
25 funding for the alternative education program before the grant expires.

26 SECTION 113. IC 20-10.1-4.6-7, AS AMENDED BY  
27 P.L.260-1997(ss), SECTION 71, IS AMENDED TO READ AS  
28 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 7. A student who:

29 (1) is designated as an eligible student or assigned to participate  
30 in a particular alternative education program; and

31 (2) disagrees with the designation or assignment described in  
32 subdivision (1);

33 is entitled to appeal the designation to the ~~governing body.~~  
34 **administration** for the school corporation in which the student is  
35 enrolled.

36 SECTION 114. IC 20-10.1-5.5-4 IS AMENDED TO READ AS  
37 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 4. Before placing a  
38 student in a bilingual-bicultural program, the ~~governing body~~  
39 **administration** of the school corporation in which the student resides  
40 shall notify the student's parent of the placement. The notice shall be  
41 in English and the appropriate nonEnglish language. The notice shall  
42 state the purposes, methods, and content of the program and shall



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1 inform the parent of his right to:

2 (1) visit the program; and

3 (2) where the student is less than eighteen (18) years old, refuse  
4 his child's placement, or withdraw the child from the program.

5 SECTION 115. IC 20-10.1-5.5-5 IS AMENDED TO READ AS  
6 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 5. (a) Before June 1 of  
7 each year, the principal of each school operating a bilingual-bicultural  
8 program shall appoint a local advisory committee composed of teachers  
9 of bilingual-bicultural instruction, counselors, community members,  
10 and parents of students enrolled or eligible for enrollment in the  
11 bilingual-bicultural program. A majority of the committee members  
12 shall be parents of students enrolled or eligible for enrollment in the  
13 bilingual-bicultural program. Before July 1 of each year, the ~~governing~~  
14 ~~body~~ **administration** of each school corporation operating a  
15 bilingual-bicultural program shall select at least one (1) representative  
16 from each local advisory committee to serve on a corporation advisory  
17 committee. A majority of the committee members shall be parents of  
18 students enrolled or eligible for enrollment in the program. Members  
19 of the local and corporation advisory committees hold their positions  
20 for one (1) year periods.

21 (b) The local and corporation advisory committees shall participate  
22 in planning, implementing, and evaluating the bilingual-bicultural  
23 programs. All bilingual-bicultural programs must be approved by the  
24 appropriate local advisory committee before implementation. If the  
25 advisory committee refuses to approve a program, the division shall  
26 arbitrate the dispute.

27 (c) All school corporations wishing to implement a  
28 bilingual-bicultural program shall apply to the superintendent of public  
29 instruction for such programs.

30 (d) All bilingual-bicultural programs must be approved by the state  
31 board of education in order to qualify for the distribution of state funds  
32 to school corporations for these programs.

33 SECTION 116. IC 20-10.1-6-1 IS AMENDED TO READ AS  
34 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 1. ~~Industrial or Manual~~  
35 ~~Training and Education - Establishment~~. Each governing body may  
36 establish and conduct a system of industrial or manual training and  
37 education to teach the major uses of tools and mechanical implements,  
38 the elementary principles of mechanical construction, **and** mechanical  
39 drawing and printing. If a system is established, the governing body  
40 shall employ competent instructors in the various subjects and shall  
41 establish rules and regulations on student admissions designed to  
42 produce the best results and to give instruction to the largest

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1 practicable number. Each **governing body administration** may provide  
 2 this instruction in school buildings or in separate buildings. Each  
 3 **governing body administration** may require students enrolling in this  
 4 system to pay a reasonable tuition fee and may differentiate between  
 5 students living in the attendance unit and those living outside the  
 6 attendance unit in the amount of tuition charged. However, tuition  
 7 charges by a school corporation operating under IC ~~1974~~, 20-3-11 are  
 8 also regulated by section 28 of that chapter.

9 SECTION 117. IC 20-10.1-6-11 IS AMENDED TO READ AS  
 10 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 11. Each governing  
 11 body **administering that has established** approved vocational schools  
 12 or departments for industrial, agricultural, or home economics  
 13 education shall appoint an advisory committee composed of members  
 14 representing local trades, industries, and occupations. The advisory  
 15 committee shall advise the **governing body and other school officials**  
 16 **administration** having the management and supervision of these  
 17 schools or departments.

18 SECTION 118. IC 20-10.1-7-1, AS AMENDED BY P.L.2-1997,  
 19 SECTION 61, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 20 JULY 1, 1998]: Sec. 1. (a) The board and the state superintendent may  
 21 prescribe a program of adult education. The board shall adopt under  
 22 IC 4-22-2 rules to provide this program and the state distribution  
 23 formula for money appropriated by the general assembly for adult  
 24 education. Money appropriated by the general assembly for adult  
 25 education may only be used to reimburse a school corporation for adult  
 26 education that is provided to persons who:

- 27 (1) need that education to gain the mastery of a skill that leads to:
  - 28 (A) the completion of grade 8; or
  - 29 (B) a state of Indiana general educational development (GED)
  - 30 diploma under IC 20-10.1-12.1;
- 31 (2) need that education to receive high school credit to obtain a  
 32 high school diploma; or
- 33 (3) have graduated from high school (or received a high school  
 34 equivalency certificate or a state of Indiana general educational  
 35 development (GED) diploma) but who demonstrate basic skill  
 36 deficiencies in mathematics or English/language arts.

37 However, the school corporation may not count, for reimbursement  
 38 under this section, any person who is also enrolled in its K-12  
 39 educational program. In addition, a person described in subdivision (3)  
 40 may only be counted for reimbursement by the school corporation for  
 41 classes taken in the subjects of mathematics and English/language arts.

42 (b) The board shall provide for reimbursement to a school

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1 corporation under this section for instructor's salaries and  
 2 administrative and support costs. However, the board may not allocate  
 3 more than fifteen percent (15%) of the total appropriation for  
 4 administrative and support costs.

5 (c) Each school corporation may conduct a program of adult  
 6 education.

7 (d) ~~Each~~ **The administration of a** school corporation may require  
 8 a person who:

9 (1) is at least sixteen (16) years of age; and

10 (2) wishes to enroll in a school following that student's expulsion  
 11 from school under IC 20-8.1-5 (before its repeal) or IC 20-8.1-5.1  
 12 on the grounds that the student was disorderly or that the student  
 13 was dangerous to persons or property;

14 to attend evening classes or classes established for students who are at  
 15 least sixteen (16) years of age. However, a child with a disability (as  
 16 defined by IC 20-1-6-1) who is at least eighteen (18) years of age and  
 17 whom the school corporation elects to educate shall be provided with  
 18 an appropriate special educational program.

19 SECTION 119. IC 20-10.1-8-1 IS AMENDED TO READ AS  
 20 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 1. ~~Authorization. Each~~  
 21 **Subject to the approval of the** governing body, **the administration**  
 22 may employ personnel during periods when the public schools are not  
 23 in session to supervise agricultural club work, industrial club work,  
 24 home economics club work, music activities, and athletics. These  
 25 activities must be open and free to all persons of school age residing in  
 26 the attendance unit of the school corporation which is paying the whole  
 27 or partial cost of the activity under this chapter.

28 SECTION 120. IC 20-10.1-9-21 IS AMENDED TO READ AS  
 29 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 21. (a) The  
 30 superintendent shall be responsible for the establishment of procedures  
 31 for textbook adoption. The procedures must include the involvement  
 32 of teachers and parents on an advisory committee for the preparation  
 33 of recommendations for textbook adoptions. The majority of the  
 34 members of the advisory committee must be teachers, and not less than  
 35 forty percent (40%) of the committee must be parents. These  
 36 recommendations shall be submitted to the superintendent in  
 37 accordance with the established procedures in the local school  
 38 corporation.

39 (b) The governing body, upon receiving these recommendations  
 40 from the superintendent, shall adopt from the state textbook adoption  
 41 lists a textbook for use in teaching each subject in the school  
 42 corporation.



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1 (c) A special committee of teachers and parents may also be  
 2 appointed to review books, magazines, and audiovisual material used  
 3 or proposed for use in the classroom to supplement state adopted  
 4 textbooks and may make recommendations to the superintendent and  
 5 the governing body concerning the use of this material.

6 (d) Each textbook selected shall be used for the lesser of:

7 (1) six (6) years; or

8 (2) the effective period of the state board of education's adoption  
 9 of that textbook.

10 (e) A selection may be extended beyond that period for up to six (6)  
 11 years, if the ~~governing body~~ **superintendent** is granted a waiver under  
 12 section 27 of this chapter.

13 SECTION 121. IC 20-10.1-10-1, AS AMENDED BY P.L. 196-1995,  
 14 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 15 JULY 1, 1998]: Sec. 1. (a) Except as provided in subsections (b) and  
 16 (c) and all laws to the contrary notwithstanding, each governing body  
 17 shall purchase from a contracting publisher, at the net contract price or  
 18 at any subsequent lower price, the textbooks adopted by the ~~Indiana~~  
 19 ~~state board of education~~ and selected by the proper local officials. ~~and~~  
 20 **The administration** shall rent these textbooks to each student enrolled  
 21 in any public school which is in compliance with the minimum  
 22 certification standards of the ~~Indiana state board of education~~ and is  
 23 located within the attendance unit served by the ~~governing body~~.  
 24 **school corporation.**

25 (b) This section does not prohibit the purchase of these textbooks at  
 26 the option of any student or the providing of free textbooks by the  
 27 governing body under IC 20-10.1-11.

28 (c) This section does not prohibit a governing body from suspending  
 29 the operation of this section under a contract entered into under  
 30 IC 20-5-62.

31 SECTION 122. IC 20-10.1-10-2 IS AMENDED TO READ AS  
 32 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 2. (a) ~~Each governing~~  
 33 ~~body~~ **The administration** may purchase from a contracting publisher,  
 34 at the net contract price or at any subsequent lower price, any textbook  
 35 adopted by the ~~state board of education~~ and selected by the proper local  
 36 officials. ~~and~~ **The administration** may rent these textbooks to students  
 37 enrolled in any public or nonpublic school which is in compliance with  
 38 the minimum certification standards of the ~~state board of education~~ and  
 39 is located within the attendance unit served by the ~~governing body~~.  
 40 **school corporation** at an annual rental not to exceed twenty-five  
 41 percent (25%) of the retail price of the textbooks.

42 (b) However, the ~~governing body~~ **administration** may not assess a

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1 rental fee of more than fifteen percent (15%) of the retail price of a  
2 textbook that has been:

- 3 (1) adopted for usage by students under IC 20-10.1-9;
- 4 (2) extended for usage by students under IC 20-10.1-9-1(b); and
- 5 (3) paid for through rental fees previously collected.

6 (c) This section does not limit any other laws but is supplementary.

7 SECTION 123. IC 20-10.1-10-3, AS AMENDED BY P.L.157-1997,  
8 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
9 JULY 1, 1998]: Sec. 3. (a) Upon a written determination by the  
10 ~~governing body~~ **administration** of a school corporation that any  
11 textbooks are no longer scheduled for use in the school corporation, the  
12 ~~governing body~~ **administration** may sell, exchange, transfer, or  
13 otherwise convey the textbooks in the manner determined suitable by  
14 the ~~governing body~~ **administration**. However, in order to mutilate or  
15 otherwise destroy the textbooks, the governing body must first comply  
16 with the following provisions:

- 17 (1) Subsection (b).
- 18 (2) Subsection (c).
- 19 (3) Section 4 of this chapter.
- 20 (4) Section 5 of this chapter.

21 (b) Before a ~~governing body~~ **the administration** may mutilate or  
22 otherwise destroy a textbook, the ~~governing body~~ **administration** shall  
23 provide at no cost and subject to availability one (1) copy of each  
24 textbook that is no longer scheduled for use in the school corporation  
25 to:

- 26 (1) the parent of each child who is enrolled in the school  
27 corporation and who wishes to receive a copy of the textbook; and
- 28 (2) if any textbooks remain after distribution under subdivision  
29 (1), to any resident of the school corporation who wishes to  
30 receive a copy of the textbook.

31 (c) If a ~~governing body~~ **the administration** does not sell, exchange,  
32 transfer, or otherwise convey unused textbooks under subsection (a) or  
33 (b), each public elementary and secondary school shall provide storage  
34 for at least three (3) months for these textbooks in the school  
35 corporation. Each school corporation may, however, sell or otherwise  
36 convey these textbooks to another school corporation at any time  
37 during the period of storage.

38 SECTION 124. IC 20-10.1-11-7 IS AMENDED TO READ AS  
39 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 7. ~~Examination of~~  
40 ~~Petitions; Employment of Clerks:~~ Each ~~governing body~~ **administration**  
41 shall examine these petitions and shall have the names checked against  
42 the voters' registration records in the county where the school



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1 corporation is situated. Each governing body may employ clerks as  
 2 necessary for this checking and may pay these expenses from its  
 3 general fund without a specific appropriation. Each clerk shall take an  
 4 oath to perform this duty honestly and faithfully and is entitled to daily  
 5 compensation of not more than three dollars (\$3) for this work.

6 SECTION 125. IC 20-10.1-11-10 IS AMENDED TO READ AS  
 7 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 10. (a) Each ~~governing~~  
 8 ~~body~~ **administration** shall make requisition for the necessary  
 9 textbooks for the students from the contracting publishers approved by  
 10 the ~~state board of education~~. The contracting publisher shall ship the  
 11 books, within ninety (90) days, directly to ~~these officials~~: **the**  
 12 **administration**. On receipt of the books:

13 (1) each school corporation shall have charge and custody of all  
 14 books consigned to it, receipting to the contracting publisher for  
 15 them; and

16 (2) each governing body shall reimburse the contracting publisher  
 17 the amount owed by the school corporation for these books from  
 18 its general fund.

19 (b) Each ~~governing body~~ **administration** shall purchase with its  
 20 general fund money any current textbooks from a resident student who  
 21 presents them for sale on or before the beginning of the school term in  
 22 which the books are to be used, at a price based on the original price to  
 23 the corporation less a reasonable reduction for damage from usage.

24 (c) The proper school authorities shall likewise purchase any stock  
 25 of books which are to be used during any school year from any dealer  
 26 whose business is located in the county in which the school corporation  
 27 is located, and who was authorized by law to sell these books before  
 28 March 1, 1935, at not to exceed the price paid by the dealer to the  
 29 contracting publisher from whom these books were purchased.

30 SECTION 126. IC 20-10.1-11-11 IS AMENDED TO READ AS  
 31 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 11. ~~Availability of Free~~  
 32 ~~Textbooks~~. Upon receipt of the books, each ~~governing body~~  
 33 **administration** shall loan ~~them~~; **the books** free of charge to each  
 34 resident student. These library textbooks are available to each resident  
 35 student under regulations as provided in this chapter and as may be  
 36 prescribed by each ~~superintendent and governing body~~:  
 37 **administration**.

38 SECTION 127. IC 20-10.1-11-13 IS AMENDED TO READ AS  
 39 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 13. ~~Sale of Books~~. Each  
 40 ~~governing body~~ **administration** may provide a sufficient number of  
 41 these books for sale to resident students who may purchase ~~them~~ **these**  
 42 **books** at the price stipulated in the contracts under which the books are

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1 supplied to each school corporation. These funds must be paid into the  
2 general fund.

3 SECTION 128. IC 20-10.1-11-15 IS AMENDED TO READ AS  
4 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 15. ~~Care of Textbooks:~~  
5 Each **governing body administration** shall prescribe reasonable rules  
6 and regulations for the care, custody, and return of these library  
7 textbooks. Each resident student using these textbooks is responsible  
8 except for reasonable wear for:

9 (1) any loss, mutilation, or defacement of these books; or

10 (2) failure to return ~~them these books~~ to the library under these  
11 rules and regulations.

12 SECTION 129. IC 20-10.1-11-16, AS AMENDED BY  
13 P.L.157-1997, SECTION 2, IS AMENDED TO READ AS FOLLOWS  
14 [EFFECTIVE JULY 1, 1998]: Sec. 16. Each **governing body**  
15 **administration** shall provide for the fumigation or destruction of these  
16 library books, at the times and under regulations prescribed by local  
17 and state health authorities. However, before a **governing body the**  
18 **administration** may mutilate or otherwise destroy a textbook, the  
19 **governing body administration** shall provide at no cost and subject to  
20 availability one (1) copy of each textbook that is no longer scheduled  
21 for use in the school corporation to:

22 (1) the parent of each child who is enrolled in the school  
23 corporation and who wishes to receive a copy of the textbook; and

24 (2) if any textbooks remain after distribution under subdivision  
25 (1), to any resident of the school corporation who wishes to  
26 receive a copy of the textbook.

27 SECTION 130. IC 20-10.1-15-9 IS AMENDED TO READ AS  
28 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 9. (a) If a student  
29 disputes a determination made by the principal under section 7(c) of  
30 this chapter, the student may appeal the determination to the **governing**  
31 **body superintendent of the school corporation** by submitting to the  
32 **governing body, superintendent**, in writing, the reasons the student  
33 objects to the determination. The **governing body superintendent** shall  
34 review a determination made under section 7(c) of this chapter and  
35 render a decision concerning that determination. The **governing body**  
36 **superintendent** shall notify the student and the principal, in writing,  
37 of its **the superintendent's** decision.

38 (b) If the student or the principal disputes the decision of the  
39 **governing body superintendent** under subsection (a), that individual  
40 may appeal **the superintendent's decision** to the ~~state board of~~  
41 ~~education: governing body by submitting to the governing body in~~  
42 ~~writing the reasons the individual objects to the decision. The~~



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1 governing body shall review the superintendent's decision and  
 2 make a decision concerning the superintendent's decision. The  
 3 governing body shall notify the student and the principal, in  
 4 writing, of the governing body's decision.

5 (c) If the student or the principal disputes the decision of the  
 6 governing body under subsection (b), that individual may appeal  
 7 the decision to the state board by submitting in writing to the state  
 8 board the reasons the individual objects to the decision. The state  
 9 board shall review the governing body's decision and make a  
 10 decision concerning the governing body's decision. The state board  
 11 shall notify the student, the principal, and the governing body, in  
 12 writing, of the state board's decision. The decision of the state board  
 13 of education is final.

14 SECTION 131. [EFFECTIVE JULY 1, 1998] (a) The legislative  
 15 services agency shall prepare legislation for introduction in the  
 16 2000 regular session of the general assembly to make statutory  
 17 changes necessary to do the following:

18 (1) Specify throughout the Indiana Code the respective  
 19 powers and responsibilities granted to governing bodies of  
 20 school corporations and administrations of school  
 21 corporations as described in this act, including restricting the  
 22 authority of the governing body as described in IC 20-5-2-2,  
 23 as amended by this act, and expanding the authority of the  
 24 administration of a school corporation as described in  
 25 IC 20-5-2-2.2, as added by this act.

26 (2) Carry out the transfer of authority concerning the  
 27 operation and administration of school corporations between  
 28 the governing bodies of school corporations and the  
 29 administrations of school corporations as authorized by this  
 30 act.

31 (3) Otherwise ensure that all transitional matters concerning  
 32 the initiation and completion of the measures provided for in  
 33 this act are completed.

34 (b) This SECTION expires June 30, 2002.

35 SECTION 132. [EFFECTIVE JULY 1, 1998] (a) Upon request by  
 36 the governing body of a school corporation or the school  
 37 corporation's administration, the department of education shall  
 38 provide technical assistance to school corporations concerning the  
 39 transfer of authority between the governing body and the  
 40 administration as described in this act.

41 (b) This SECTION expires July 1, 2005.

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