

HOUSE BILL No. 1780

DIGEST OF INTRODUCED BILL

Citations Affected: IC 20-1-22; IC 20-5-2-2; IC 20-5-52.5.

Synopsis: School facilities standardized plans. Requires the department of education to develop and make available to school corporations standardized plans for new school facilities that are ready to be bid for construction. Requires a school corporation that proposes to build a new facility to determine whether a standardized plan meets the needs of the school corporation. Requires a school corporation that wishes to build a school facility that differs from a standardized plan to give notice of this determination and, upon petition by registered voters, submit the question of the construction of the facility to a referendum.

Effective: July 1, 1999.

Whetstone, Liggett

January 26, 1999, read first time and referred to Committee on Education.

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First Regular Session 111th General Assembly (1999)

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 1998 General Assembly.

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HOUSE BILL No. 1780

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 20-1-22 IS ADDED TO THE INDIANA CODE AS
2 A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 1999]:
4 **Chapter 22. School Building Plans**
5 **Sec. 1. The department shall develop a series of standardized**
6 **plans for new school facilities. The plans must be for school**
7 **facilities of different:**
8 (1) **sizes based upon pupil enrollment; and**
9 (2) **types, including grade levels.**
10 **Sec. 2. The plans developed under this chapter must be based on**
11 **designs for school facilities that comply with the following criteria:**
12 (1) **Are economical to construct and maintain.**
13 (2) **Are energy efficient.**
14 (3) **Provide for efficient long term maintenance.**
15 (4) **Provide adequately for the health and safety of pupils and**
16 **teachers.**
17 (5) **Federal and state laws.**



1 **Sec. 3. The department may employ or contract with architects,**
 2 **engineers, and other professionals to develop plans under this**
 3 **chapter.**

4 **Sec. 4. The department may modify plans developed under this**
 5 **chapter when necessary.**

6 **Sec. 5. Before a plan developed under this chapter may be**
 7 **provided to a school corporation, the plan must:**

- 8 (1) **include specifications for materials and labor; and**
 9 (2) **be ready to be bid for construction.**

10 **Sec. 6. The department shall:**

- 11 (1) **notify each school corporation of the plans developed**
 12 **under this chapter; and**
 13 (2) **make the plans available to a school corporation upon**
 14 **request.**

15 SECTION 2. IC 20-5-2-2 IS AMENDED TO READ AS FOLLOWS
 16 [EFFECTIVE JULY 1, 1999]: Sec. 2. In carrying out the school
 17 purposes of each school corporation, its governing body acting on its
 18 behalf shall have the following specific powers:

19 (1) In the name of the school corporation, to sue and be sued and
 20 to enter into contracts in matters permitted by applicable law.

21 (2) To take charge of, manage, and conduct the educational affairs
 22 of the school corporation and to establish, locate, and provide the
 23 necessary schools, school libraries, other libraries where
 24 permitted by law, other buildings, facilities, property, and
 25 equipment therefor.

26 (2.5) To appropriate from the general fund an amount, not to
 27 exceed the greater of three thousand dollars (\$3,000) per budget
 28 year or one dollar (\$1) per pupil, not to exceed twelve thousand
 29 five hundred dollars (\$12,500), based upon the school
 30 corporation's previous year's average daily membership (as
 31 defined in IC 21-3-1.6-1.1) for the purpose of promoting the best
 32 interests of the school corporation by:

33 (A) the purchase of meals, decorations, memorabilia, or
 34 awards;

35 (B) provision for expenses incurred in interviewing job
 36 applicants; or

37 (C) developing relations with other governmental units.

38 (3) **Subject to IC 20-5-52.5**, to acquire, construct, erect,
 39 maintain, hold, and to contract for such construction, erection, or
 40 maintenance of such real estate, real estate improvements, or any
 41 interest in either, as the governing body deems necessary for
 42 school purposes, including but not limited to buildings, parts of

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1 buildings, additions to buildings, rooms, gymnasiums,
2 auditoriums, playgrounds, playing and athletic fields, facilities for
3 physical training, buildings for administrative, office, warehouse,
4 repair activities, or housing of school owned buses, landscaping,
5 walks, drives, parking areas, roadways, easements and facilities
6 for power, sewer, water, roadway, access, storm and surface
7 water, drinking water, gas, electricity, other utilities and similar
8 purposes, by purchase, either outright for cash (or under
9 conditional sales or purchases money contracts providing for a
10 retention of a security interest by seller until payment is made or
11 by notes where such contract, security retention, or note is
12 permitted by applicable law), by exchange, by gift, by devise, by
13 eminent domain, by lease with or without option to purchase, or
14 by lease under IC 21-5-10, IC 21-5-11, or IC 21-5-12. To repair,
15 remodel, remove, or demolish any such real estate, real estate
16 improvements, or interest in either, as the governing body deems
17 necessary for school purposes, and to contract therefor. To
18 provide for energy conservation measures through utility energy
19 efficiency programs or under a guaranteed energy savings
20 contract as described in IC 36-1-12.5.

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

36 (5) To sell or exchange any of such real or personal property or
37 interest therein, which in the opinion of the governing body is not
38 necessary for school purposes, in accordance with IC 20-5-5, to
39 demolish or otherwise dispose of such property if, in the opinion
40 of the governing body, it is not necessary for school purposes and
41 is worthless, and to pay the expenses for such demolition or
42 disposition.

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1 (6) To lease any school property for a rental which the governing
 2 body deems reasonable or to permit the free use of school
 3 property for:

4 (A) civic or public purposes; or

5 (B) the operation of a school age child care program for
 6 children aged five (5) through fourteen (14) years that operates
 7 before or after the school day, or both, and during periods
 8 when school is not in session;

9 if the property is not needed for school purposes. Under this
 10 subdivision, the governing body may enter into a long term lease
 11 with a nonprofit corporation, community service organization, or
 12 other governmental entity, if the corporation, organization, or
 13 other governmental entity will use the property to be leased for
 14 civic or public purposes or for a school age child care program.
 15 However, if the property subject to a long term lease is being paid
 16 for from money in the school corporation's debt service fund, then
 17 all proceeds from the long term lease shall be deposited in that
 18 school corporation's debt service fund so long as the property has
 19 not been paid for. The governing body may, at its option, use the
 20 procedure specified in IC 36-1-11-10 in leasing property under
 21 this subdivision.

22 (7) To employ, contract for, and discharge superintendents,
 23 supervisors, principals, teachers, librarians, athletic coaches
 24 (whether or not they are otherwise employed by the school
 25 corporation and whether or not they are licensed under
 26 IC 20-6.1-3), business managers, superintendents of buildings and
 27 grounds, janitors, engineers, architects, physicians, dentists,
 28 nurses, accountants, teacher aides performing noninstructional
 29 duties, educational and other professional consultants, data
 30 processing and computer service for school purposes, including
 31 but not limited to the making of schedules, the keeping and
 32 analyzing of grades and other student data, the keeping and
 33 preparing of warrants, payroll, and similar data where approved
 34 by the state board of accounts as provided below, and such other
 35 personnel or services, all as the governing body considers
 36 necessary for school purposes. To fix and pay the salaries and
 37 compensation of such persons and such services. To classify such
 38 persons or services and to adopt schedules of salaries or
 39 compensation. To determine the number of such persons or the
 40 amount of services thus employed or contracted for. To determine
 41 the nature and extent of their duties. The compensation, terms of
 42 employment, and discharge of teachers shall, however, be subject

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

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

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

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

41 (11) To purchase textbooks, to furnish them without cost or to
42 rent them to students, to participate in any textbook aid program,

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- 1 all in accordance with applicable law.
- 2 (12) To accept students transferred from other school corporations
3 and to transfer students to other school corporations in accordance
4 with applicable law.
- 5 (13) To levy taxes, to make budgets, to appropriate funds, and to
6 disburse the money of the school corporation in accordance with
7 the laws applicable thereto. To borrow money against current tax
8 collections and otherwise to borrow money, in accordance with
9 IC 20-5-4.
- 10 (14) To purchase insurance or to establish and maintain a
11 program of self-insurance relating to the liability of the school
12 corporation or its employees in connection with motor vehicles or
13 property and for any additional coverage to the extent permitted
14 and in accordance with IC 34-13-3-20. To purchase additional
15 insurance or to establish and maintain a program of self-insurance
16 protecting the school corporation and members of the governing
17 body, employees, contractors, or agents of the school corporation
18 from any liability, risk, accident, or loss related to any school
19 property, school contract, school or school related activity,
20 including but not limited to the purchase of insurance or the
21 establishment and maintenance of a self-insurance program
22 protecting such persons against false imprisonment, false arrest,
23 libel, or slander for acts committed in the course of their
24 employment, protecting the school corporation for fire and
25 extended coverage and other casualty risks to the extent of
26 replacement cost, loss of use, and other insurable risks relating to
27 any property owned, leased, or held by the school corporation. To
28 purchase insurance or to establish and maintain a program of
29 self-insurance to benefit school corporation employees, which
30 may include accident, sickness, health, or dental coverage,
31 provided that any plan of self-insurance shall include an
32 aggregate stop-loss provision.
- 33 (15) To make all applications, to enter into all contracts, and to
34 sign all documents necessary for the receipt of aid, money, or
35 property from the state government, the federal government, or
36 from any other source.
- 37 (16) To defend any member of the governing body or any
38 employee of the school corporation in any suit arising out of the
39 performance of his duties for or employment with, the school
40 corporation, provided the governing body by resolution
41 determined that such action was taken in good faith. To save any
42 such member or employee harmless from any liability, cost, or

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1 damage in connection therewith, including but not limited to the
 2 payment of any legal fees, except where such liability, cost, or
 3 damage is predicated on or arises out of the bad faith of such
 4 member or employee, or is a claim or judgment based on his
 5 malfeasance in office or employment.

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

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

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

31 SECTION 3. IC 20-5-52.5 IS ADDED TO THE INDIANA CODE
 32 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 33 JULY 1, 1999]:

34 **Chapter 52.5. School Building Construction**

35 **Sec. 1. Whenever a governing body determines that it is**
 36 **necessary to construct a new school facility, the governing body**
 37 **shall acquire from the department the plans developed under**
 38 **IC 20-1-22 for a facility of the size and type the governing body**
 39 **proposes to build.**

40 **Sec. 2. After examining the plans acquired under section 1 of**
 41 **this chapter, the governing body shall determine that the plans are:**

42 **(1) adequate to meet the needs of the school corporation and**

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1 will be followed in the construction of the new facility; or
 2 (2) not adequate to meet the needs of the school corporation
 3 and new plans must be developed.

4 **Sec. 3.** If the governing body makes a determination under
 5 section 2(1) of this chapter, the governing body may proceed with
 6 the construction of the facility in the manner provided by law.

7 **Sec. 4.** If the governing body makes a determination under
 8 section 2(2) of this chapter, the governing body must give notice of
 9 the following under IC 5-3-1:

10 (1) That a determination under section 2(2) of this chapter has
 11 been made.

12 (2) A description of the proposed facility and the governing
 13 body's estimate of the cost of construction. The governing
 14 body is not required to base an estimate under this
 15 subdivision upon an architect's bid-ready plans.

16 (3) The petition and referendum procedure provided under
 17 this chapter.

18 **Sec. 5.** The registered voters of a school corporation may file a
 19 petition addressed to the governing body requesting that the
 20 question of the construction of the proposed school facility be
 21 submitted to a referendum. The petition must be signed by at least
 22 ten percent (10%) of the registered voters of the school
 23 corporation. A petition under this section must be filed with the
 24 governing body not later than ninety (90) days after notice is given
 25 under section 4 of this chapter.

26 **Sec. 6.** Not later than thirty (30) days after a petition is filed
 27 under section 5 of this chapter, the governing body shall certify to
 28 the county election board that a petition has been filed.

29 **Sec. 7.** IC 3 governs a referendum held under this chapter.

30 **Sec. 8.** Following certification, the county election board shall
 31 submit the question of the proposed construction to a referendum
 32 at the next election. The question shall be submitted to the
 33 registered voters of the school corporation by placement on the
 34 ballot in the form prescribed by IC 3-10-9-4 and must state:

35 "Shall the _____ school corporation construct a
 36 _____ (Insert description of facility here) facility at an
 37 estimated cost of _____ (Insert estimated cost here)?"

38 **Sec. 9.** If a majority of the voters voting on the question vote in
 39 favor of the construction of the facility, the governing body may
 40 proceed with the construction.

41 **SECTION 4.** [EFFECTIVE JULY 1, 1999] (a) The department of
 42 education shall develop the school facility plans required under

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1 **IC 20-1-22, as added by this act, not later than June 30, 2001.**
2 **(b) This SECTION expires July 1, 2001.**

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