

PREVAILED	Roll Call No. _____
FAILED	Ayes _____
WITHDRAWN	Noes _____
RULED OUT OF ORDER	

# HOUSE MOTION \_\_\_\_\_

MR. SPEAKER:

I move that House Bill 1429 be amended to read as follows:

- 1 Page 7, between lines 33 and 34, begin a new paragraph and insert:
- 2 "SECTION 8. IC 20-26-5-4, AS AMENDED BY P.L.182-2009(ss),
- 3 SECTION 316, IS AMENDED TO READ AS FOLLOWS
- 4 [EFFECTIVE JULY 1, 2011]: Sec. 4. In carrying out the school
- 5 purposes of a school corporation, the governing body acting on the
- 6 school corporation's behalf has the following specific powers:
- 7 (1) In the name of the school corporation, to sue and be sued and
- 8 to enter into contracts in matters permitted by applicable law.
- 9 (2) To take charge of, manage, and conduct the educational affairs
- 10 of the school corporation and to establish, locate, and provide the
- 11 necessary schools, school libraries, other libraries where
- 12 permitted by law, other buildings, facilities, property, and
- 13 equipment.
- 14 (3) To appropriate from the school corporation's general fund an
- 15 amount, not to exceed the greater of three thousand dollars
- 16 (\$3,000) per budget year or one dollar (\$1) per pupil, not to
- 17 exceed twelve thousand five hundred dollars (\$12,500), based on
- 18 the school corporation's previous year's ADM, to promote the best
- 19 interests of the school corporation through:
- 20 (A) the purchase of meals, decorations, memorabilia, or
- 21 awards;
- 22 (B) provision for expenses incurred in interviewing job
- 23 applicants; or
- 24 (C) developing relations with other governmental units.

- 1 (4) To:  
2 (A) Acquire, construct, erect, maintain, hold, and contract for  
3 construction, erection, or maintenance of real estate, real estate  
4 improvements, or an interest in real estate or real estate  
5 improvements, as the governing body considers necessary for  
6 school purposes, including buildings, parts of buildings,  
7 additions to buildings, rooms, gymnasiums, auditoriums,  
8 playgrounds, playing and athletic fields, facilities for physical  
9 training, buildings for administrative, office, warehouse, repair  
10 activities, or housing school owned buses, landscaping, walks,  
11 drives, parking areas, roadways, easements and facilities for  
12 power, sewer, water, roadway, access, storm and surface  
13 water, drinking water, gas, electricity, other utilities and  
14 similar purposes, by purchase, either outright for cash (or  
15 under conditional sales or purchase money contracts providing  
16 for a retention of a security interest by the seller until payment  
17 is made or by notes where the contract, security retention, or  
18 note is permitted by applicable law), by exchange, by gift, by  
19 devise, by eminent domain, by lease with or without option to  
20 purchase, or by lease under IC 20-47-2, IC 20-47-3, or  
21 IC 20-47-5.  
22 (B) Repair, remodel, remove, or demolish, or to contract for  
23 the repair, remodeling, removal, or demolition of the real  
24 estate, real estate improvements, or interest in the real estate  
25 or real estate improvements, as the governing body considers  
26 necessary for school purposes.  
27 (C) Provide for conservation measures through utility  
28 efficiency programs or under a guaranteed savings contract as  
29 described in IC 36-1-12.5.
- 30 (5) To acquire personal property or an interest in personal  
31 property as the governing body considers necessary for school  
32 purposes, including buses, motor vehicles, equipment, apparatus,  
33 appliances, books, furniture, and supplies, either by cash purchase  
34 or under conditional sales or purchase money contracts providing  
35 for a security interest by the seller until payment is made or by  
36 notes where the contract, security, retention, or note is permitted  
37 by applicable law, by gift, by devise, by loan, or by lease with or  
38 without option to purchase and to repair, remodel, remove,  
39 relocate, and demolish the personal property. All purchases and  
40 contracts specified under the powers authorized under subdivision  
41 (4) and this subdivision are subject solely to applicable law  
42 relating to purchases and contracting by municipal corporations  
43 in general and to the supervisory control of state agencies as  
44 provided in section 6 of this chapter.
- 45 (6) To sell or exchange real or personal property or interest in real  
46 or personal property that, in the opinion of the governing body, is

1 not necessary for school purposes, in accordance with IC 20-26-7,  
2 to demolish or otherwise dispose of the property if, in the opinion  
3 of the governing body, the property is not necessary for school  
4 purposes and is worthless, and to pay the expenses for the  
5 demolition or disposition.

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

9 (A) civic or public purposes; or

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

27 (8) To:

28 (A) Employ, contract for, and discharge superintendents,  
29 supervisors, principals, teachers, librarians, athletic coaches  
30 (whether or not they are otherwise employed by the school  
31 corporation and whether or not they are licensed under  
32 IC 20-28-5), business managers, superintendents of buildings  
33 and grounds, janitors, engineers, architects, physicians,  
34 dentists, nurses, accountants, teacher aides performing  
35 noninstructional duties, educational and other professional  
36 consultants, data processing and computer service for school  
37 purposes, including the making of schedules, the keeping and  
38 analyzing of grades and other student data, the keeping and  
39 preparing of warrants, payroll, and similar data where  
40 approved by the state board of accounts as provided below,  
41 and other personnel or services as the governing body  
42 considers necessary for school purposes.

43 (B) Fix and pay the salaries and compensation of persons and  
44 services described in this subdivision.

45 (C) Classify persons or services described in this subdivision  
46 and to adopt schedules of salaries or compensation.

- 1 (D) Determine the number of the persons or the amount of the  
2 services employed or contracted for as provided in this  
3 subdivision.
- 4 (E) Determine the nature and extent of the duties of the  
5 persons described in this subdivision.
- 6 The compensation, terms of employment, and discharge of  
7 teachers are, however, subject to and governed by the laws  
8 relating to employment, contracting, compensation, and discharge  
9 of teachers. The compensation, terms of employment, and  
10 discharge of bus drivers are subject to and governed by laws  
11 relating to employment, contracting, compensation, and discharge  
12 of bus drivers. The forms and procedures relating to the use of  
13 computer and data processing equipment in handling the financial  
14 affairs of the school corporation must be submitted to the state  
15 board of accounts for approval so that the services are used by the  
16 school corporation when the governing body determines that it is  
17 in the best interest of the school corporation while at the same  
18 time providing reasonable accountability for the funds expended.
- 19 (9) Notwithstanding the appropriation limitation in subdivision  
20 (3), when the governing body by resolution considers a trip by an  
21 employee of the school corporation or by a member of the  
22 governing body to be in the interest of the school corporation,  
23 including attending meetings, conferences, or examining  
24 equipment, buildings, and installation in other areas, to permit the  
25 employee to be absent in connection with the trip without any loss  
26 in pay and to reimburse the employee or the member the  
27 employee's or member's reasonable lodging and meal expenses  
28 and necessary transportation expenses. To pay teaching personnel  
29 for time spent in sponsoring and working with school related trips  
30 or activities.
- 31 (10) To transport children to and from school, when in the  
32 opinion of the governing body the transportation is necessary,  
33 including considerations for the safety of the children and without  
34 regard to the distance the children live from the school. The  
35 transportation must be otherwise in accordance with applicable  
36 law.
- 37 (11) To provide a lunch program for a part or all of the students  
38 attending the schools of the school corporation, including the  
39 establishment of kitchens, kitchen facilities, kitchen equipment,  
40 lunch rooms, the hiring of the necessary personnel to operate the  
41 lunch program, and the purchase of material and supplies for the  
42 lunch program, charging students for the operational costs of the  
43 lunch program, fixing the price per meal or per food item. To  
44 operate the lunch program as an extracurricular activity, subject  
45 to the supervision of the governing body. To participate in a  
46 surplus commodity or lunch aid program.

- 1 (12) To:
- 2 (A) purchase textbooks; ~~to~~
- 3 (B) furnish:
- 4 (i) textbooks without cost; or ~~to~~
- 5 (ii) **curricular materials (as defined in IC 20-20-5.5-1(2))**
- 6 **that supplement or replace textbooks without cost and**
- 7 **rent textbooks to students; ~~to~~ and**
- 8 (C) participate in a textbook aid program;
- 9 all in accordance with applicable law.
- 10 (13) To accept students transferred from other school corporations
- 11 and to transfer students to other school corporations in accordance
- 12 with applicable law.
- 13 (14) To make budgets, to appropriate funds, and to disburse the
- 14 money of the school corporation in accordance with applicable
- 15 law. To borrow money against current tax collections and
- 16 otherwise to borrow money, in accordance with IC 20-48-1.
- 17 (15) To purchase insurance or to establish and maintain a
- 18 program of self-insurance relating to the liability of the school
- 19 corporation or the school corporation's employees in connection
- 20 with motor vehicles or property and for additional coverage to the
- 21 extent permitted and in accordance with IC 34-13-3-20. To
- 22 purchase additional insurance or to establish and maintain a
- 23 program of self-insurance protecting the school corporation and
- 24 members of the governing body, employees, contractors, or agents
- 25 of the school corporation from liability, risk, accident, or loss
- 26 related to school property, school contract, school or school
- 27 related activity, including the purchase of insurance or the
- 28 establishment and maintenance of a self-insurance program
- 29 protecting persons described in this subdivision against false
- 30 imprisonment, false arrest, libel, or slander for acts committed in
- 31 the course of the persons' employment, protecting the school
- 32 corporation for fire and extended coverage and other casualty
- 33 risks to the extent of replacement cost, loss of use, and other
- 34 insurable risks relating to property owned, leased, or held by the
- 35 school corporation. To:
- 36 (A) participate in a state employee health plan under
- 37 IC 5-10-8-6.6 or IC 5-10-8-6.7;
- 38 (B) purchase insurance; or
- 39 (C) establish and maintain a program of self-insurance;
- 40 to benefit school corporation employees, including accident,
- 41 sickness, health, or dental coverage, provided that a plan of
- 42 self-insurance must include an aggregate stop-loss provision.
- 43 (16) To make all applications, to enter into all contracts, and to
- 44 sign all documents necessary for the receipt of aid, money, or
- 45 property from the state, the federal government, or from any other
- 46 source.

1 (17) To defend a member of the governing body or any employee  
 2 of the school corporation in any suit arising out of the  
 3 performance of the member's or employee's duties for or  
 4 employment with, the school corporation, if the governing body  
 5 by resolution determined that the action was taken in good faith.  
 6 To save any member or employee harmless from any liability,  
 7 cost, or damage in connection with the performance, including the  
 8 payment of legal fees, except where the liability, cost, or damage  
 9 is predicated on or arises out of the bad faith of the member or  
 10 employee, or is a claim or judgment based on the member's or  
 11 employee's malfeasance in office or employment.

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

14 (A) for the government and management of the schools,  
 15 property, facilities, and activities of the school corporation, the  
 16 school corporation's agents, employees, and pupils and for the  
 17 operation of the governing body; and

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

20 (19) To ratify and approve any action taken by a member of the  
 21 governing body, an officer of the governing body, or an employee  
 22 of the school corporation after the action is taken, if the action  
 23 could have been approved in advance, and in connection with the  
 24 action to pay the expense or compensation permitted under  
 25 IC 20-26-1 through IC 20-26-5, IC 20-26-7, IC 20-40-12, and  
 26 IC 20-48-1 or any other law.

27 (20) To exercise any other power and make any expenditure in  
 28 carrying out the governing body's general powers and purposes  
 29 provided in this chapter or in carrying out the powers delineated  
 30 in this section which is reasonable from a business or educational  
 31 standpoint in carrying out school purposes of the school  
 32 corporation, including the acquisition of property or the  
 33 employment or contracting for services, even though the power or  
 34 expenditure is not specifically set out in this chapter. The specific  
 35 powers set out in this section do not limit the general grant of  
 36 powers provided in this chapter except where a limitation is set  
 37 out in IC 20-26-1 through IC 20-26-5, IC 20-26-7, IC 20-40-12,  
 38 and IC 20-48-1 by specific language or by reference to other  
 39 law."

40 Page 8, between lines 10 and 11, begin a new paragraph and insert:

41 **"(d) A school corporation shall provide curricular materials**  
 42 **(as defined in IC 20-20-5.5-1(2)) that supplement or replace**  
 43 **textbooks to students without cost. This chapter shall be construed**  
 44 **as permitting a school corporation to impose a rental fee or require**  
 45 **students to purchase curricular materials (as defined in**  
 46 **IC 20-20-5.5-1(2)) that supplement or replace textbooks."**

- 1 Page 13, line 12, delete ", digital content,".
- 2 Page 13, line 21, delete "IC 20-20-5.5-1);" and insert
- 3 **"IC 20-20-5.5-1(1);"**.
- 4 Page 13, line 37, delete ", digital content,".
- 5 Renumber all SECTIONS consecutively.  
(Reference is to 1429 as printed February 4, 2011.)

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Representative Pelath