

---

---

# SENATE BILL No. 413

---

## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 4-13-1.6-3; IC 5-22-22-1; IC 20-18-2; IC 20-20; IC 20-23-2-3; IC 20-26; IC 20-29-6-7; IC 20-30; IC 20-31-5-5; IC 20-33-5; IC 20-40-9-7; IC 20-41; IC 20-42-3-10; IC 20-42.5; IC 36-1-11-1.

**Synopsis:** Various education matters. Amends the definition of educational service center. Repeals provisions relating to the establishment and administration of an educational service agency by the Indiana state board of education (state board). Replaces the definition of textbook with curricular materials. Provides that the Indiana department of education (department) shall determine the process for evaluating the curricular materials' alignment to academic standards and the appropriateness of the reading level of the curricular materials. Requires the department to describe the method used to evaluate curricular materials within the earlier of: (1) 18 months after the adoption of standards by the state board; or (2) six years after the previous review of curricular materials. Provides, that in order for a publisher's curricular materials to be included in the department's report, the publisher must: (1) make the curricular materials available for sale to schools for a period of not less than six years; and (2) provide a grant or license to the school corporation to allow for reproduction of the adopted curricular materials in large type, Braille, and audio formats. Makes changes to the subject matter that the department must provide a listing and summary review showing that the curricular material are aligned to academic standards. Provides that for purposes of the sale or lease of an unused school building, a charter school must include an entity seeking final approval from a sponsor to  
(Continued next page)

**Effective:** July 1, 2012.

---

---

## Yoder

---

---

January 9, 2012, read first time and referred to Committee on Education and Career Development.

---

---



C  
O  
P  
Y

operate a charter school. Allows a governing body to sell a school building to a taxing unit at any time. Provides that the failure by a superintendent to list an unused school building with the department or to transfer an unused school building to a charter school that has properly requested the building is considered willful neglect of duty. Specifies that a school corporation retains any debt associated with a school building sold to a charter school. Repeals the requirement that a superintendent of a school corporation forward a list of the curricular materials selected by the superintendent. Makes conforming changes and technical corrections.

C  
o  
p  
y



Introduced

Second Regular Session 117th General Assembly (2012)

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 2011 Regular Session of the General Assembly.

C  
O  
P  
Y

## SENATE BILL No. 413

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 4-13-1.6-3, AS AMENDED BY P.L.73-2011,  
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2012]: Sec. 3. (a) As used in this chapter, "major equipment  
4 item" refers to any item that a school corporation considers:  
5 (1) a significant equipment purchase; and  
6 (2) reasonably likely to be purchased by several school  
7 corporations.  
8 (b) The term does not include the following:  
9 (1) ~~A textbook (as defined in IC 20-18-2-23)~~ **Curricular**  
10 **materials (as defined in IC 20-18-2-2.7).**  
11 (2) A special purpose bus (as defined in IC 20-27-2-10).  
12 (3) A school bus (as defined in IC 20-27-2-8).  
13 SECTION 2. IC 5-22-22-1, AS AMENDED BY P.L.188-2007,  
14 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
15 JULY 1, 2012]: Sec. 1. (a) This chapter applies only to personal



- 1 property owned by a governmental body.  
 2 (b) This chapter does not apply to dispositions of property described  
 3 in any of the following:  
 4 (1) IC 5-22-21-1(b).  
 5 (2) IC 36-1-11-5.5.  
 6 (3) IC 36-1-11-5.7.  
 7 (c) This chapter does not apply to any of the following:  
 8 (1) The disposal of property under an urban homesteading  
 9 program under IC 36-7-17.  
 10 (2) The lease of school buildings under IC 20-47.  
 11 (3) The sale of land to a lessor in a lease-purchase contract under  
 12 IC 36-1-10.  
 13 (4) The disposal of property by a redevelopment commission  
 14 established under IC 36-7.  
 15 (5) The leasing of property by a board of aviation commissioners  
 16 established under IC 8-22-2 or an airport authority established  
 17 under IC 8-22-3.  
 18 (6) The disposal of a municipally owned utility under IC 8-1.5.  
 19 (7) The sale or lease of property by a unit (as defined in  
 20 IC 36-1-2-23) to an Indiana nonprofit corporation organized for  
 21 educational, literary, scientific, religious, or charitable purposes  
 22 that is exempt from federal income taxation under Section 501 of  
 23 the Internal Revenue Code or the sale or reletting of that property  
 24 by the nonprofit corporation.  
 25 (8) The disposal of surplus property by a hospital established and  
 26 operated under IC 16-22-1 through IC 16-22-5, IC 16-22-8,  
 27 IC 16-23-1, or IC 16-24-1.  
 28 (9) The sale or lease of property acquired under IC 36-7-13 for  
 29 industrial development.  
 30 (10) The sale, lease, or disposal of property by a local hospital  
 31 authority under IC 5-1-4.  
 32 (11) The sale or other disposition of property by a county or  
 33 municipality to finance housing under IC 5-20-2.  
 34 (12) The disposition of property by a soil and water conservation  
 35 district under IC 14-32.  
 36 (13) The disposal of surplus property by the health and hospital  
 37 corporation established and operated under IC 16-22-8.  
 38 (14) The disposal of personal property by a library board under  
 39 IC 36-12-3-5(c).  
 40 (15) The sale or disposal of property by the historic preservation  
 41 commission under IC 36-7-11.1.  
 42 (16) The disposal of an interest in property by a housing authority

C  
o  
p  
y

- 1 under IC 36-7-18.  
 2 (17) The disposal of property under IC 36-9-37-26.  
 3 (18) The disposal of property used for park purposes under  
 4 IC 36-10-7-8.  
 5 (19) The disposal of ~~textbooks~~ **curricular materials** that will no  
 6 longer be used by school corporations under IC 20-26-12.  
 7 (20) The disposal of residential structures or improvements by a  
 8 municipal corporation without consideration to:  
 9 (A) a governmental body; or  
 10 (B) a nonprofit corporation that is organized to expand the  
 11 supply or sustain the existing supply of good quality,  
 12 affordable housing for residents of Indiana having low or  
 13 moderate incomes.  
 14 (21) The disposal of historic property without consideration to a  
 15 nonprofit corporation whose charter or articles of incorporation  
 16 allows the corporation to take action for the preservation of  
 17 historic property. As used in this subdivision, "historic property"  
 18 means property that is:  
 19 (A) listed on the National Register of Historic Places; or  
 20 (B) eligible for listing on the National Register of Historic  
 21 Places, as determined by the division of historic preservation  
 22 and archeology of the department of natural resources.  
 23 (22) The disposal of real property without consideration to:  
 24 (A) a governmental body; or  
 25 (B) a nonprofit corporation that exists for the primary purpose  
 26 of enhancing the environment;  
 27 when the property is to be used for compliance with a permit or  
 28 an order issued by a federal or state regulatory agency to mitigate  
 29 an adverse environmental impact.  
 30 (23) The disposal of property to a person under an agreement  
 31 between the person and a governmental body under IC 5-23.  
 32 SECTION 3. IC 20-18-2-2.7 IS ADDED TO THE INDIANA CODE  
 33 AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JULY  
 34 1, 2012]: **Sec. 2.7. "Curricular materials" means systematically**  
 35 **organized material designed to provide a specific level of**  
 36 **instruction in a subject matter category, including:**  
 37 (1) **books;**  
 38 (2) **hardware that will be consumed, accessed, or used by a**  
 39 **single student during a semester or school year;**  
 40 (3) **computer software; and**  
 41 (4) **digital content.**  
 42 SECTION 4. IC 20-18-2-23 IS REPEALED [EFFECTIVE JULY 1,

C  
O  
P  
Y

1 2012]. Sec. 23: "Textbook" means systematically organized material  
 2 designed to provide a specific level of instruction in a subject matter  
 3 category, including:

- 4 (1) books;  
 5 (2) hardware that will be consumed, accessed, or used by a single  
 6 student during a semester or school year;  
 7 (3) computer software; and  
 8 (4) digital content.

9 SECTION 5. IC 20-20-1-1 IS REPEALED [EFFECTIVE JULY 1,  
 10 2012]. Sec. 1: As used in this chapter, "board" refers to the local  
 11 governing board of an educational service center.

12 SECTION 6. IC 20-20-1-2, AS AMENDED BY P.L.234-2007,  
 13 SECTION 90, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 14 JULY 1, 2012]: Sec. 2. (a) As used in this chapter, "educational service  
 15 center" means an extended agency of school corporations that:

- 16 (1) operates under rules established by the state board;  
 17 (2) is the administrative and operational unit that serves a  
 18 definitive geographical boundary; **may be voluntarily**  
 19 **established and administered by school corporations to serve**  
 20 **their common needs;** and  
 21 (3) allows school corporations to voluntarily cooperate and share  
 22 programs and services that the school corporations cannot  
 23 individually provide but collectively may implement.

24 (b) Programs and services collectively implemented through an  
 25 educational service center may include, but are not limited to, the  
 26 following:

- 27 (1) Curriculum development.  
 28 (2) Pupil personnel and special education services.  
 29 (3) In-service education.  
 30 (4) State-federal liaison services.  
 31 (5) Instructional materials and multimedia services.  
 32 (6) Career and technical education.  
 33 (7) Purchasing and financial management.  
 34 (8) Needs assessment.  
 35 (9) Computer use.  
 36 (10) Research and development.

37 SECTION 7. IC 20-20-1-3 IS REPEALED [EFFECTIVE JULY 1,  
 38 2012]. Sec. 3: The state board may provide for the establishment of and  
 39 procedures for the operation of educational service centers:

40 SECTION 8. IC 20-20-1-4 IS REPEALED [EFFECTIVE JULY 1,  
 41 2012]. Sec. 4: (a) The state board shall do the following:

- 42 (1) Adopt a comprehensive plan to implement this chapter.

C  
o  
p  
y



- 1 (2) Determine the areas in Indiana that will be served by an  
 2 educational service center.
- 3 (b) In determining the geographic area to be served by an  
 4 educational service center, the state board shall consider the following:
- 5 (1) Physical factors:  
 6 (2) Socio-economic factors:  
 7 (3) Educational factors:  
 8 (4) Existing cooperative efforts and agreements:
- 9 SECTION 9. IC 20-20-1-5 IS REPEALED [EFFECTIVE JULY 1,  
 10 2012]. Sec. 5: An educational service center must be established under  
 11 rules adopted by the state board to develop, provide, and make  
 12 available to participating schools those services requested by the  
 13 participating school corporations and approved by the state board.
- 14 SECTION 10. IC 20-20-1-6 IS REPEALED [EFFECTIVE JULY 1,  
 15 2012]. Sec. 6: Educational service centers shall be located throughout  
 16 Indiana to allow each school corporation to have an opportunity to:  
 17 (1) be served by; and  
 18 (2) participate in;  
 19 an approved center on a voluntary basis by resolution of the governing  
 20 body.
- 21 SECTION 11. IC 20-20-1-7 IS REPEALED [EFFECTIVE JULY 1,  
 22 2012]. Sec. 7: An educational service center shall be governed in its  
 23 local administration by a board selected by an assembly comprised of  
 24 the superintendent or the superintendent's designee from each  
 25 participating school corporation.
- 26 SECTION 12. IC 20-20-1-8 IS REPEALED [EFFECTIVE JULY 1,  
 27 2012]. Sec. 8: (a) The state board shall adopt uniform rules to provide  
 28 for the local selection, appointment, and continuity of membership for  
 29 boards:  
 30 (b) Vacancies on a board shall be filled by appointment by the  
 31 remaining members of the board.  
 32 (c) Members of a board serve without compensation.
- 33 SECTION 13. IC 20-20-1-9 IS REPEALED [EFFECTIVE JULY  
 34 1, 2012]. Sec. 9: A board may employ the following:  
 35 (1) An executive director for the educational service center.  
 36 (2) Other personnel the board considers necessary to:  
 37 (A) carry out the functions of the educational service center;  
 38 and  
 39 (B) do and perform all things the board considers proper for  
 40 successful operation of the center.
- 41 SECTION 14. IC 20-20-1-10 IS REPEALED [EFFECTIVE JULY  
 42 1, 2012]. Sec. 10: (a) The state board shall provide for the selection of

C  
o  
p  
y

1 an advisory council to each board. The state board shall provide for the  
2 representation of:

- 3 (1) teachers;
- 4 (2) elementary principals;
- 5 (3) secondary principals;
- 6 (4) members of the governing body; and
- 7 (5) parents of students;

8 of the school corporations that are within the geographic area served by  
9 the educational service center.

10 (b) The advisory council shall make recommendations to the board  
11 on budgetary and program matters:

12 SECTION 15. IC 20-20-1-11 IS REPEALED [EFFECTIVE JULY  
13 1, 2012]. Sec. 11. (a) Any funds, including donated funds and funds  
14 from federal or other local sources, shall be used to pay for the costs of  
15 establishing or operating an educational service center:

16 (b) An educational service center may administer programs and  
17 funds from any of the sources described in subsection (a). All activities  
18 funded from federal sources must follow all applicable federal  
19 guidelines, rules, and regulations:

20 SECTION 16. IC 20-20-1-13 IS ADDED TO THE INDIANA  
21 CODE AS A NEW SECTION TO READ AS FOLLOWS  
22 [EFFECTIVE JULY 1, 2012]: **Sec. 13. The state board shall adopt  
23 rules under IC 4-22-2 to administer this chapter.**

24 SECTION 17. IC 20-20-5.5-1 IS REPEALED [EFFECTIVE JULY  
25 1, 2012]. Sec. 1. As used in this chapter, "curricular materials" means:

- 26 (1) textbooks; and
- 27 (2) material used to supplement or replace textbooks, including:  
28 (A) books and other printed material;
- 29 (B) computer software; and
- 30 (C) digital content.

31 SECTION 18. IC 20-20-5.5-2, AS ADDED BY P.L.73-2011,  
32 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
33 JULY 1, 2012]: Sec. 2. (a) The department shall evaluate curricular  
34 materials. The evaluation must include an evaluation of:

- 35 (1) the curricular materials' alignment to the academic standards  
36 ~~adopted~~ **established** by the state board ~~department~~ under  
37 ~~IC 20-31-3-1; IC 20-31-3-2;~~ and
- 38 (2) the appropriateness of the reading level of the curricular  
39 materials.

40 (b) **The department shall determine the process for evaluating  
41 curricular materials under subsection (a).**

42 (c) The department shall publish a report that describes the

C  
o  
p  
y



1 method used to conduct the evaluation required under subsection (a)  
2 and that contains the results of the evaluation. The report must:

3 (1) provide a list of each curricular material evaluated and a  
4 summary of the evaluation for each curricular material;

5 ~~(2) be updated annually; and~~

6 ~~(3)~~ **(2) provide a listing and summary review for the curricular**  
7 **materials that are aligned to the academic standards adopted**  
8 **established by the state board department under IC 20-31-3-1**  
9 **IC 20-31-3-2 for the following subjects for each grade level:**

10 (A) English/language arts, including spelling, literature, and  
11 handwriting.

12 (B) Reading.

13 (C) Mathematics.

14 (D) Science.

15 (E) Social studies.

16 ~~(F) Miscellaneous.~~ **Other subject areas as determined by**  
17 **the department; and**

18 ~~(G) World languages.~~

19 **(3) provide updated information for the subjects and grades**  
20 **required under subdivision (2) on the earlier of the following**  
21 **dates:**

22 **(A) Eighteen (18) months after the department establishes**  
23 **standards under IC 20-31-3-2.**

24 **(B) Six (6) years after the previous review of curricular**  
25 **materials under this section.**

26 ~~(c)~~ **(d) A governing body and superintendent may use the report**  
27 **under subsection ~~(b)~~ (c) in complying with IC 20-26-12-24.**

28 ~~(d)~~ **(e) For a publisher's curricular materials to be included in the**  
29 **report under subsection ~~(b)~~; (c), a the publisher must:**

30 **(1) provide the department a written, exact, and standard**  
31 **statewide price for each curricular material;**

32 **(2) make the curricular materials available for sale to schools**  
33 **for at least six (6) years after the published date of the report;**  
34 **and**

35 **(3) provide or grant a license, in accordance with Sections**  
36 **612(a)(23)(A) and 674(4) of the Individuals with Disabilities**  
37 **Education Act of 2004 (20 U.S.C. 1400 et seq.) and with**  
38 **IC 20-26-12-24(i), to the school corporation to allow for**  
39 **reproduction of the adopted curricular materials in:**

40 **(A) large type;**

41 **(B) Braille; and**

42 **(C) audio format.**

C  
O  
P  
Y



1 (e) (f) A publisher may request that an update to the publisher's  
 2 curricular materials and corresponding prices replace the **information**  
 3 **on the** curricular materials set forth in the report under subsection (b).  
 4 (c).

5 SECTION 19. IC 20-20-5.5-3, AS ADDED BY P.L.229-2011,  
 6 SECTION 167, IS AMENDED TO READ AS FOLLOWS  
 7 [EFFECTIVE JULY 1, 2012]: Sec. 3. (a) The state superintendent shall  
 8 notify the governing bodies of each school corporation, charter school,  
 9 and accredited nonpublic school immediately of:

10 (1) the initial publication and annual update on the department's  
 11 Internet web site of the report described in section 2(b) of this  
 12 chapter, including the Internet web site address where the report  
 13 is published; and

14 (2) updates of the following types of information in the report  
 15 described in section 2(b) of this chapter:

16 (A) The addition of materials.

17 (B) The removal of materials.

18 (C) Changes in the per unit price of curricular materials that  
 19 exceed five percent (5%).

20 (b) A notification under this section must state that:

21 (1) the reviews of curricular materials included in the report  
 22 described in section 2(b) of this chapter are departmental reviews  
 23 only; and

24 (2) each governing body has authority to adopt ~~textbooks~~  
 25 **curricular materials** for a school corporation.

26 SECTION 20. IC 20-20-29-4, AS ADDED BY P.L.1-2005,  
 27 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 28 JULY 1, 2012]: Sec. 4. A pilot program eligible to be funded under this  
 29 chapter must include all of the following:

30 (1) School based management models.

31 (2) Parental involvement strategies.

32 (3) Innovative integration of curricula, individualized education  
 33 programs, nonstandard courses, or ~~textbook~~ **curricular materials**  
 34 adoption in the school improvement plan described under  
 35 IC 20-31-4-6(6).

36 (4) Training for participants to become effective members on  
 37 school/community improvement councils.

38 SECTION 21. IC 20-23-2-3, AS ADDED BY P.L.1-2005,  
 39 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 40 JULY 1, 2012]: Sec. 3. (a) A county superintendent may be impeached  
 41 for immorality, incompetency, or general neglect of duty, or for acting  
 42 as agent for the sale of any ~~textbook~~, **curricular materials**, school

C  
o  
p  
y



1 furniture, maps, charts, or other school supplies.  
 2 (b) Impeachment proceedings are governed by the provisions of law  
 3 for impeaching county officers.  
 4 SECTION 22. IC 20-26-5-4, AS AMENDED BY P.L.90-2011,  
 5 SECTION 11, AND AS AMENDED BY P.L.200-2011, SECTION 1,  
 6 IS CORRECTED AND AMENDED TO READ AS FOLLOWS  
 7 [EFFECTIVE JULY 1, 2012]: Sec. 4. In carrying out the school  
 8 purposes of a school corporation, the governing body acting on the  
 9 school corporation's behalf has the following specific powers:  
 10 (1) In the name of the school corporation, to sue and be sued and  
 11 to enter into contracts in matters permitted by applicable law.  
 12 However, a governing body may not use funds received from the  
 13 state to bring or join in an action against the state, unless the  
 14 governing body is challenging an adverse decision by a state  
 15 agency, board, or commission.  
 16 (2) To take charge of, manage, and conduct the educational affairs  
 17 of the school corporation and to establish, locate, and provide the  
 18 necessary schools, school libraries, other libraries where  
 19 permitted by law, other buildings, facilities, property, and  
 20 equipment.  
 21 (3) To appropriate from the school corporation's general fund an  
 22 amount, not to exceed the greater of three thousand dollars  
 23 (\$3,000) per budget year or one dollar (\$1) per pupil, not to  
 24 exceed twelve thousand five hundred dollars (\$12,500), based on  
 25 the school corporation's previous year's ADM, to promote the best  
 26 interests of the school corporation through:  
 27 (A) the purchase of meals, decorations, memorabilia, or  
 28 awards;  
 29 (B) provision for expenses incurred in interviewing job  
 30 applicants; or  
 31 (C) developing relations with other governmental units.  
 32 (4) To:  
 33 (A) Acquire, construct, erect, maintain, hold, and contract for  
 34 construction, erection, or maintenance of real estate, real estate  
 35 improvements, or an interest in real estate or real estate  
 36 improvements, as the governing body considers necessary for  
 37 school purposes, including buildings, parts of buildings,  
 38 additions to buildings, rooms, gymnasiums, auditoriums,  
 39 playgrounds, playing and athletic fields, facilities for physical  
 40 training, buildings for administrative, office, warehouse, repair  
 41 activities, or housing school owned buses, landscaping, walks,  
 42 drives, parking areas, roadways, easements and facilities for

C  
O  
P  
Y



1 power, sewer, water, roadway, access, storm and surface  
 2 water, drinking water, gas, electricity, other utilities and  
 3 similar purposes, by purchase, either outright for cash (or  
 4 under conditional sales or purchase money contracts providing  
 5 for a retention of a security interest by the seller until payment  
 6 is made or by notes where the contract, security retention, or  
 7 note is permitted by applicable law), by exchange, by gift, by  
 8 devise, by eminent domain, by lease with or without option to  
 9 purchase, or by lease under IC 20-47-2, IC 20-47-3, or  
 10 IC 20-47-5.

11 (B) Repair, remodel, remove, or demolish, or to contract for  
 12 the repair, remodeling, removal, or demolition of the real  
 13 estate, real estate improvements, or interest in the real estate  
 14 or real estate improvements, as the governing body considers  
 15 necessary for school purposes.

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

19 (5) To acquire personal property or an interest in personal  
 20 property as the governing body considers necessary for school  
 21 purposes, including buses, motor vehicles, equipment, apparatus,  
 22 appliances, books, furniture, and supplies, either by cash purchase  
 23 or under conditional sales or purchase money contracts providing  
 24 for a security interest by the seller until payment is made or by  
 25 notes where the contract, security, retention, or note is permitted  
 26 by applicable law, by gift, by devise, by loan, or by lease with or  
 27 without option to purchase and to repair, remodel, remove,  
 28 relocate, and demolish the personal property. All purchases and  
 29 contracts specified under the powers authorized under subdivision

30 (4) and this subdivision are subject solely to applicable law  
 31 relating to purchases and contracting by municipal corporations  
 32 in general and to the supervisory control of state agencies as  
 33 provided in section 6 of this chapter.

34 (6) To sell or exchange real or personal property or interest in real  
 35 or personal property that, in the opinion of the governing body, is  
 36 not necessary for school purposes, in accordance with IC 20-26-7,  
 37 to demolish or otherwise dispose of the property if, in the opinion  
 38 of the governing body, the property is not necessary for school  
 39 purposes and is worthless, and to pay the expenses for the  
 40 demolition or disposition.

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

C  
o  
p  
y



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42

property for:  
(A) civic or public purposes; or  
(B) the operation of a school age child care program for children who are at least five (5) years of age and less than fifteen (15) years of age that operates before or after the school day, or both, and during periods when school is not in session; if the property is not needed for school purposes. Under this subdivision, the governing body may enter into a long term lease with a nonprofit corporation, community service organization, or other governmental entity, if the corporation, organization, or other governmental entity will use the property to be leased for civic or public purposes or for a school age child care program. However, if payment for the property subject to a long term lease is made from money in the school corporation's debt service fund, all proceeds from the long term lease must be deposited in the school corporation's debt service fund so long as payment for the property has not been made. The governing body may, at the governing body's option, use the procedure specified in IC 36-1-11-10 in leasing property under this subdivision.  
(8) To:  
(A) Employ, contract for, and discharge superintendents, supervisors, principals, teachers, librarians, athletic coaches (whether or not they are otherwise employed by the school corporation and whether or not they are licensed under IC 20-28-5), business managers, superintendents of buildings and grounds, janitors, engineers, architects, physicians, dentists, nurses, accountants, teacher aides performing noninstructional duties, educational and other professional consultants, data processing and computer service for school purposes, including the making of schedules, the keeping and analyzing of grades and other student data, the keeping and preparing of warrants, payroll, and similar data where approved by the state board of accounts as provided below, and other personnel or services as the governing body considers necessary for school purposes.  
(B) Fix and pay the salaries and compensation of persons and services described in this subdivision *that are consistent with IC 20-28-9-1*.  
(C) Classify persons or services described in this subdivision and to adopt schedules of salaries or compensation *that are consistent with IC 20-28-9-1*.  
(D) Determine the number of the persons or the amount of the

C  
o  
p  
y



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42

services employed or contracted for as provided in this subdivision.

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

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

(9) Notwithstanding the appropriation limitation in subdivision (3), when the governing body by resolution considers a trip by an employee of the school corporation or by a member of the governing body to be in the interest of the school corporation, including attending meetings, 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 reimburse the employee or the member the employee's or member's reasonable lodging and meal expenses and necessary transportation expenses. To pay teaching personnel for time spent in sponsoring and working with school related trips or activities.

(10) To transport children to and from school, when in the opinion of the governing body the transportation is necessary, including considerations for the safety of the children and without regard to the distance the children live from the school. The transportation must be otherwise in accordance with applicable law.

(11) To provide a lunch program for a part or all of the students attending the schools of the school corporation, including the establishment of kitchens, kitchen facilities, kitchen equipment, lunch rooms, the hiring of the necessary personnel to operate the lunch program, and the purchase of material and supplies for the lunch program, charging students for the operational costs of the lunch program, fixing the price per meal or per food item. To

C  
o  
p  
y



1 operate the lunch program as an extracurricular activity, subject  
 2 to the supervision of the governing body. To participate in a  
 3 surplus commodity or lunch aid program.

4 (12) To purchase ~~textbooks~~, **curricular materials**, to furnish  
 5 ~~textbooks~~ **curricular materials** without cost or to rent ~~textbooks~~  
 6 **curricular materials** to students, to participate in a ~~textbook~~  
 7 **curricular materials** aid program, all in accordance with  
 8 applicable law.

9 (13) To accept students transferred from other school corporations  
 10 and to transfer students to other school corporations in accordance  
 11 with applicable law.

12 (14) To make budgets, to appropriate funds, and to disburse the  
 13 money of the school corporation in accordance with applicable  
 14 law. To borrow money against current tax collections and  
 15 otherwise to borrow money, in accordance with IC 20-48-1.

16 (15) To purchase insurance or to establish and maintain a  
 17 program of self-insurance relating to the liability of the school  
 18 corporation or the school corporation's employees in connection  
 19 with motor vehicles or property and for additional coverage to the  
 20 extent permitted and in accordance with IC 34-13-3-20. To  
 21 purchase additional insurance or to establish and maintain a  
 22 program of self-insurance protecting the school corporation and  
 23 members of the governing body, employees, contractors, or agents  
 24 of the school corporation from liability, risk, accident, or loss  
 25 related to school property, school contract, school or school  
 26 related activity, including the purchase of insurance or the  
 27 establishment and maintenance of a self-insurance program  
 28 protecting persons described in this subdivision against false  
 29 imprisonment, false arrest, libel, or slander for acts committed in  
 30 the course of the persons' employment, protecting the school  
 31 corporation for fire and extended coverage and other casualty  
 32 risks to the extent of replacement cost, loss of use, and other  
 33 insurable risks relating to property owned, leased, or held by the  
 34 school corporation. *In accordance with IC 20-26-17*, to:

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

37 (B) purchase insurance; or

38 (C) establish and maintain a program of self-insurance;

39 to benefit school corporation employees, including accident,  
 40 sickness, health, or dental coverage, provided that a plan of  
 41 self-insurance must include an aggregate stop-loss provision.

42 (16) To make all applications, to enter into all contracts, and to

C  
o  
p  
y



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42

sign all documents necessary for the receipt of aid, money, or property from the state, the federal government, or from any other source.

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

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

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

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

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

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

SECTION 23. IC 20-26-7-1, AS AMENDED BY P.L.91-2011,

C  
o  
p  
y



1 SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
2 JULY 1, 2012]: Sec. 1. (a) As used in this section:

3 (1) "charter school" includes an entity seeking final approval  
4 from a sponsor to operate a charter school; and

5 (2) "school calendar year" refers to the period during which  
6 student instructional days are conducted under IC 20-30-2-2.

7 ~~(a)~~ (b) If a governing body of a school corporation determines that  
8 any real or personal property:

9 (1) is no longer needed for school purposes; or

10 (2) should, in the interests of the school corporation, be  
11 exchanged for other property;

12 the governing body may sell or exchange the property in accordance  
13 with IC 36-1-11 and subsections (d) through (l).

14 ~~(b)~~ (c) Money derived from the sale or exchange of property under  
15 this section shall be placed in any school fund:

16 (1) established under applicable law; and

17 (2) that the governing body considers appropriate.

18 ~~(c)~~ (d) A governing body may not make a covenant that prohibits  
19 the sale of real property to another educational institution.

20 (e) A governing body:

21 (1) may sell a school building at any time to another taxing  
22 unit (as defined in IC 6-1.1-1-21) for no more than the  
23 building's fair market value; and

24 (2) may not sell a school building to a nonprofit or for-profit  
25 organization if a charter school has indicated an interest in  
26 the building under this section.

27 ~~(d)~~ (f) This subsection does not apply to a school building that on  
28 July 1, 2011, is leased or loaned by the school corporation that owns  
29 the school building to another entity **until the term of the lease or  
30 loan in effect on July 1, 2011, expires**. A governing body shall make  
31 available for lease or purchase to any charter school ~~(as defined in~~  
32 ~~IC 20-24-1-4)~~ any school building owned by the school corporation  
33 that:

34 (1) ~~either: (A) is not regularly used in whole or in part during~~  
35 **the school calendar year** for classroom instruction **or student**  
36 **extracurricular activities** at the time the charter school seeks to  
37 lease the building **or and (B) appears on the list compiled by the**  
38 department under subsection ~~(e); (g); and~~

39 (2) was previously used for classroom instruction; **and**

40 (3) **is not under contract for construction or improvement on**  
41 **the date the charter school seeks to lease the school building,**  
42 **unless the governing body plans to enter into a contract for**

C  
o  
p  
y



1           **construction or improvement to allow the regular use of the**  
 2           **school building during the school calendar year for classroom**  
 3           **instruction or student extracurricular activities within two (2)**  
 4           **years.**

5           in order for the charter school to conduct classroom instruction.

6           (Ɛ) (g) Each governing body shall inform the department whenever  
 7           a school building that was previously used for classroom instruction is  
 8           closed, unused, or unoccupied. The department shall maintain a list of  
 9           closed, unused, or unoccupied school buildings and make the list  
 10          available on the department's Internet web site. Each school  
 11          corporation shall provide a list of closed, unused, or unoccupied  
 12          buildings to the department by the date set by the department. The  
 13          department must update the list **at least once** each year before August  
 14          31.

15          **(h) The failure of a superintendent to place an unused school**  
 16          **building on the department's list under subsection (g) or to transfer**  
 17          **control of an unused school building on the list to a charter school**  
 18          **that properly requests the school building is considered willful**  
 19          **neglect of duty under IC 20-28-5-7.**

20          (ƒ) A school building that appears for the first time on the  
 21          department's list under subsection (e) shall be designated as  
 22          "Unavailable until (a date two (2) years after the school building first  
 23          appears on the list)" if the governing body of the school corporation  
 24          that owns the school building indicates the school building may be  
 25          reclaimed during that period for classroom instruction, which must  
 26          begin not later than one (1) year after the school building is reclaimed.  
 27          If the school building remains unused for classroom instruction one (1)  
 28          year after being reclaimed, the governing body shall place the school  
 29          building on the department's list. A governing body may reclaim a  
 30          school building only one (1) time under this subsection.

31          (g) (i) If a charter school wishes to use a school building on the list  
 32          created under subsection (e); (g), the charter school shall send a letter  
 33          of intent to the department. The department shall notify the school  
 34          corporation of the charter school's intent, and the school corporation  
 35          that owns the school building shall lease the school building to the  
 36          charter school for one dollar (\$1) per year for as long as the charter  
 37          school uses the school building for classroom instruction or for a term  
 38          at the charter school's discretion, or sell the school building to the  
 39          charter school for one dollar (\$1). The charter school must begin to use  
 40          the school building for classroom instruction not later than two (2)  
 41          years after acquiring the school building. If the school building is not  
 42          used for classroom instruction within two (2) years after acquiring the

C  
O  
P  
Y



1 school building, the school building shall be placed on the department's  
 2 list under subsection ~~(e)~~: **(g)**. If during the term of the lease the charter  
 3 school closes or ceases using the school building for classroom  
 4 instruction, the school building shall be placed on the department's list  
 5 under subsection ~~(e)~~: **(g)**.

6 ~~(h)~~ **(j)** During the term of a lease under subsection ~~(g)~~: **(i)**, the  
 7 charter school is responsible for the direct expenses related to the  
 8 school building leased, including utilities, insurance, maintenance,  
 9 repairs, and remodeling. The school corporation is responsible for any  
 10 debt incurred for or liens that attached to the school building before the  
 11 charter school leased the school building.

12 **(k) A school corporation retains any debt associated with a**  
 13 **school building if the school corporation sells the building to a**  
 14 **charter school under subsection (i).**

15 ~~(i)~~ **(l)** If a school building appears on the department's list under  
 16 subsection ~~(e)~~ **(g)** for at least forty-eight (48) months, the school  
 17 corporation may sell or otherwise dispose of the school building in any  
 18 manner the governing body considers appropriate.

19 SECTION 24. IC 20-26-12-1, AS AMENDED BY P.L.73-2011,  
 20 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 21 JULY 1, 2012]: Sec. 1. (a) Except as provided in subsections (b) and  
 22 (c) and notwithstanding any other law, each governing body shall  
 23 purchase from a publisher, either individually or through a purchasing  
 24 cooperative of school corporations, the ~~textbooks~~ **curricular materials**  
 25 selected by the proper local officials, and shall rent ~~these textbooks~~  
 26 **curricular materials** to each student enrolled in a public school that  
 27 is:

- 28 (1) in compliance with the minimum certification standards of the  
 29 state board; and
- 30 (2) located within the attendance unit served by the governing  
 31 body.

32 (b) This section does not prohibit the purchase of ~~textbooks~~  
 33 **curricular materials** at the option of a student or the providing of free  
 34 ~~textbooks~~ **curricular materials** by the governing body under sections  
 35 6 through 21 of this chapter.

36 (c) This section does not prohibit a governing body from suspending  
 37 the operation of this section under a contract entered into under  
 38 IC 20-26-15.

39 SECTION 25. IC 20-26-12-2, AS AMENDED BY P.L.73-2011,  
 40 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 41 JULY 1, 2012]: Sec. 2. (a) A governing body may purchase from a  
 42 publisher, any ~~textbook~~ **curricular material** selected by the proper

C  
O  
P  
Y



1 local officials. The governing body may rent ~~these textbooks~~  
 2 **curricular materials** to students enrolled in any public or nonpublic  
 3 school that is:

- 4 (1) in compliance with the minimum certification standards of the  
 5 state board; and  
 6 (2) located within the attendance unit served by the governing  
 7 body.

8 The annual rental rate may not exceed twenty-five percent (25%) of the  
 9 retail price of the ~~textbooks~~ **curricular materials**.

10 (b) Notwithstanding subsection (a), the governing body may not  
 11 assess a rental fee of more than fifteen percent (15%) of the retail price  
 12 of a ~~textbook~~ **curricular materials** that ~~has~~ **have** been:

- 13 (1) extended for usage by students under section 24(e) of this  
 14 chapter; and  
 15 (2) paid for through rental fees previously collected.

16 (c) This section does not limit other laws.

17 SECTION 26. IC 20-26-12-3, AS ADDED BY P.L.1-2005,  
 18 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 19 JULY 1, 2012]: Sec. 3. (a) Upon a written determination by the  
 20 governing body of a school corporation that a ~~textbook~~ **curricular**  
 21 **materials is are** no longer scheduled for use in the school corporation,  
 22 the governing body may sell, exchange, transfer, or otherwise convey  
 23 the ~~textbook~~ **curricular materials**. However, before a governing body  
 24 may mutilate or otherwise destroy a ~~textbook~~, **the curricular**  
 25 **materials**, the governing body must first comply with the following  
 26 provisions:

- 27 (1) Subsection (b).  
 28 (2) Subsection (c).  
 29 (3) Section 4 of this chapter.  
 30 (4) Section 5 of this chapter.

31 (b) Before a governing body may mutilate or otherwise destroy a  
 32 ~~textbook~~, **curricular materials**, the governing body shall provide at no  
 33 cost and subject to availability one (1) copy of ~~each textbook~~ **any**  
 34 **curricular material** that is no longer scheduled for use in the school  
 35 corporation to:

- 36 (1) the parent of each student who is enrolled in the school  
 37 corporation and who wishes to receive a copy of the textbook; and  
 38 (2) if any ~~textbooks~~ **curricular materials** remain after  
 39 distribution under subdivision (1), to any resident of the school  
 40 corporation who wishes to receive a copy of the ~~textbook~~.  
 41 **curricular materials**.

42 (c) If a governing body does not sell, exchange, transfer, or

C  
O  
P  
Y



1 otherwise convey unused ~~textbooks~~ **curricular materials** under  
 2 subsection (a) or (b), each public elementary and secondary school in  
 3 the governing body's school corporation shall provide storage for at  
 4 least three (3) months for the ~~textbooks~~ **curricular materials** in the  
 5 school corporation. A school corporation may sell or otherwise convey  
 6 the ~~textbooks~~ **curricular materials** to another school corporation at  
 7 any time during the period of storage.

8 SECTION 27. IC 20-26-12-4, AS ADDED BY P.L.1-2005,  
 9 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 10 JULY 1, 2012]: Sec. 4. (a) A school corporation shall compile a list of  
 11 ~~textbooks~~ **curricular materials** in storage under section 3 of this  
 12 chapter. The list must include the names of the publishers and the  
 13 number of volumes being stored. The list must be mailed to the  
 14 department. The department shall maintain a master list of all  
 15 ~~textbooks~~ **curricular materials** being stored by school corporations.

16 (b) Upon request, the state superintendent shall mail to a nonprofit  
 17 corporation or institution located in Indiana a list of ~~textbooks~~  
 18 **curricular materials** available for access. A nonprofit corporation or  
 19 institution may acquire the ~~textbooks~~ **curricular materials** from the  
 20 appropriate school corporation by paying only the cost of shipping and  
 21 mailing.

22 SECTION 28. IC 20-26-12-5, AS ADDED BY P.L.1-2005,  
 23 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 24 JULY 1, 2012]: Sec. 5. ~~Textbooks~~ **Curricular materials** stored for at  
 25 least three (3) months under section 3 of this chapter may not be  
 26 mutilated or destroyed and must be maintained and stored according to  
 27 regulations prescribed by local and state health authorities. ~~Textbooks~~  
 28 **Curricular materials** that have not been requested after at least three  
 29 (3) months may be mutilated, destroyed, or otherwise disposed of by  
 30 the school corporation.

31 SECTION 29. IC 20-26-12-6, AS AMENDED BY P.L.73-2011,  
 32 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 33 JULY 1, 2012]: Sec. 6. (a) Sections 7 through 21 of this chapter apply  
 34 to school libraries that contain free ~~textbooks~~ **curricular materials**.  
 35 The ~~textbooks~~ **curricular materials** must be selected by the proper  
 36 local officials.

37 (b) As used in sections 6 through 21 of this chapter, "resident  
 38 student" means a student enrolled in any of the grades in any school  
 39 located in a school corporation, whether the student resides there or is  
 40 transferred there for school purposes.

41 SECTION 30. IC 20-26-12-7, AS ADDED BY P.L.1-2005,  
 42 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

C  
o  
p  
y



1 JULY 1, 2012]: Sec. 7. (a) If a petition requesting the establishment of  
2 an elementary school library is filed with a governing body, the  
3 governing body shall provide a library containing ~~textbooks~~ **curricular**  
4 **materials** in sufficient numbers to meet the needs of every resident  
5 student in each of the eight (8) grades of each elementary school. The  
6 petition must be signed by at least fifty-one percent (51%) of the  
7 registered voters of the governing body's school corporation.

8 (b) This subsection applies to a governing body that has established  
9 an elementary school library under subsection (a). If a petition  
10 requesting establishment of a high school library is filed with the  
11 governing body, the governing body shall provide a library containing  
12 ~~textbooks~~ **curricular materials** in sufficient numbers to meet the  
13 needs of every resident student in each of the four (4) grades of each  
14 high school. The petition must be signed by at least twenty percent  
15 (20%) of the voters of the school corporation as determined by the total  
16 vote cast at the last general election for the trustee of the township,  
17 clerk of the town, or mayor of the city.

18 SECTION 31. IC 20-26-12-8, AS ADDED BY P.L.1-2005,  
19 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
20 JULY 1, 2012]: Sec. 8. A petition for an elementary or a high school  
21 library under section 7 of this chapter must be in substantially the  
22 following form:

23 To the governing body of the school corporation of \_\_\_\_\_  
24 We, the undersigned voters of the school corporation of \_\_\_\_\_  
25 respectfully petition the governing body of the school corporation of  
26 \_\_\_\_\_ to establish an elementary school (or high school, as  
27 appropriate) library and to lend its school ~~textbooks~~ **curricular**  
28 **materials** free of charge to the resident students of the school  
29 corporation of \_\_\_\_\_, under IC 20-26-12.

30 NAME ADDRESS DATE  
31 \_\_\_\_\_ )  
32 \_\_\_\_\_ )  
33 STATE OF INDIANA )  
34 ) SS:  
35 \_\_\_\_\_ COUNTY )

36 \_\_\_\_\_ being duly sworn, deposes and says that he or she is  
37 the circulator of this petition paper and that the appended signatures  
38 were made in his or her presence and are the genuine signatures of the  
39 persons whose names they purport to be.

40 Signed \_\_\_\_\_  
41 Subscribed and sworn to before me this \_\_\_\_ day of \_\_\_\_\_,  
42 20\_\_.



C  
o  
p  
y

Notary Public

SECTION 32. IC 20-26-12-13, AS ADDED BY P.L.1-2005, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 13. If a sufficient petition is filed under section 11 of this chapter, a governing body shall note on the records of the governing body's school corporation that by filing the petition the school corporation must maintain:

- (1) an elementary school library containing ~~textbooks~~ **curricular materials** in sufficient numbers to meet the needs of every resident student in each of the first eight (8) grades of each elementary school located within the school corporation; or
- (2) a high school library containing ~~textbooks~~ **curricular materials** in sufficient numbers to meet the needs of every resident student in each of the four (4) grades of each high school located within the school corporation;

as applicable.

SECTION 33. IC 20-26-12-14, AS ADDED BY P.L.1-2005, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 14. (a) This subsection applies to a school corporation described in section 13(1) of this chapter. The governing body shall make the first appropriation from the school corporation's general fund in August following the petition's filing. Not later than the school term following the first appropriation, the library must be established and ~~textbooks~~ **curricular materials** must be loaned to resident students enrolled in the first five (5) grades of the elementary school. Not later than the second school term following the first appropriation, ~~textbooks~~ **curricular materials** must be procured and loaned to resident students enrolled in the eight (8) grades of the elementary school.

(b) This subsection applies to a school corporation described in section 13(2) of this chapter. The governing body shall make the first appropriation from the school corporation's general fund in September following the petition's filing. Not later than the second school term following the first appropriation, the library must be established and ~~textbooks~~ **curricular materials** of the library must be loaned to resident students enrolled in grade nine of the high school. During each following school term, ~~textbooks~~ **curricular materials** must be procured and loaned to resident students for an additional high school grade, in addition to the earlier high school grades.

SECTION 34. IC 20-26-12-15, AS AMENDED BY P.L.73-2011, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

COPY



1 JULY 1, 2012]: Sec. 15. (a) A governing body shall purchase the  
 2 necessary ~~textbooks~~ **curricular materials** from publishers. The  
 3 publisher shall ship the ~~textbooks~~ **curricular materials** to the  
 4 governing body not more than ninety (90) days after the requisition. On  
 5 receipt of the textbooks, the governing body's school corporation has  
 6 custody of the ~~textbooks~~. **curricular materials**. The governing body  
 7 shall provide a receipt to the contracting publisher and reimburse the  
 8 contracting publisher the amount owed by the school corporation from  
 9 the school corporation's general fund.

10 (b) A governing body shall purchase ~~textbooks~~: **curricular**  
 11 **materials**:

12 (1) from a resident student who presents the ~~textbooks~~  
 13 **curricular materials** for sale on or before the beginning of the  
 14 school term in which the ~~books~~ **curricular materials** are to be  
 15 used;

16 (2) with money from the school corporation's general fund; and

17 (3) at a price based on the original price to the school  
 18 corporation minus a reasonable reduction for damage from  
 19 usage.

20 SECTION 35. IC 20-26-12-16, AS ADDED BY P.L.1-2005,  
 21 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 22 JULY 1, 2012]: Sec. 16. Upon receipt of the ~~textbooks~~, **curricular**  
 23 **materials**, a governing body shall loan the ~~textbooks~~ **curricular**  
 24 **materials** at no charge to each resident student. Library ~~textbooks~~  
 25 **curricular materials** are available to each resident student under this  
 26 chapter and under regulations prescribed by the superintendent and  
 27 governing body of the school corporation.

28 SECTION 36. IC 20-26-12-18, AS ADDED BY P.L.1-2005,  
 29 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 30 JULY 1, 2012]: Sec. 18. A governing body may provide a sufficient  
 31 ~~number~~ **amount** of ~~textbooks~~ **curricular materials** for sale to resident  
 32 students at the price stipulated in the contracts under which the  
 33 ~~textbooks~~ **curricular materials** are supplied to the governing body's  
 34 school corporation. Proceeds from sales under this section must be paid  
 35 into the school corporation's general fund.

36 SECTION 37. IC 20-26-12-19, AS ADDED BY P.L.1-2005,  
 37 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 38 JULY 1, 2012]: Sec. 19. A governing body shall provide sufficient  
 39 library facilities for the ~~textbooks~~ **curricular materials** to best  
 40 accommodate the resident students.

41 SECTION 38. IC 20-26-12-20, AS ADDED BY P.L.1-2005,  
 42 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

C  
O  
P  
Y



1 JULY 1, 2012]: Sec. 20. A governing body shall prescribe reasonable  
 2 rules and regulations for the care, custody, and return of library  
 3 ~~textbooks;~~ **curricular materials**. A resident student using library  
 4 ~~textbooks~~ **curricular materials** is responsible for the loss, mutilation,  
 5 or defacement of the library ~~textbooks;~~ **curricular materials**, other  
 6 than reasonable wear.

7 SECTION 39. IC 20-26-12-21, AS ADDED BY P.L.1-2005,  
 8 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 9 JULY 1, 2012]: Sec. 21. A governing body shall provide for the  
 10 fumigation or destruction of library ~~textbooks~~ **curricular materials** at  
 11 the times and under regulations prescribed by local and state health  
 12 authorities. Before a governing body may mutilate or otherwise destroy  
 13 a ~~textbook,~~ **curricular materials**, the governing body shall provide at  
 14 no cost and subject to availability one (1) copy of ~~each textbook~~ **any**  
 15 **curricular material** that is no longer scheduled for use in the school  
 16 corporation to:

- 17 (1) the parent of each child who is enrolled in the school  
 18 corporation and who wishes to receive a copy of the ~~textbook;~~  
 19 **curricular material;** and
- 20 (2) if any ~~textbooks~~ **curricular materials** remain after  
 21 distribution under subdivision (1), to any resident of the school  
 22 corporation who wishes to receive a copy of the ~~textbook;~~  
 23 **curricular materials.**

24 SECTION 40. IC 20-26-12-22, AS ADDED BY P.L.1-2005,  
 25 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 26 JULY 1, 2012]: Sec. 22. If a school corporation purchases ~~textbooks~~  
 27 **curricular materials** on a time basis:

- 28 (1) the schedule for payments shall coincide with student  
 29 payments to the school corporation for ~~textbook~~ **curricular**  
 30 **materials** rental; and
- 31 (2) the schedule must not require the school corporation to  
 32 assume a greater burden than payment of twenty-five percent  
 33 (25%) within thirty (30) days after the beginning of the school  
 34 year immediately following delivery by the contracting publisher  
 35 with the school corporation's promissory note evidencing the  
 36 unpaid balance.

37 SECTION 41. IC 20-26-12-23, AS AMENDED BY P.L.73-2011,  
 38 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 39 JULY 1, 2012]: Sec. 23. (a) A school corporation may:

- 40 (1) borrow money to buy ~~textbooks;~~ **curricular materials;** and
- 41 (2) issue notes, maturing serially in not more than six (6) years  
 42 and payable from its general fund, to secure the loan.



C  
o  
p  
y

1 However, when an adoption is made by the proper local officials for  
 2 less than six (6) years, the period for which the notes may be issued is  
 3 limited to the period for which that adoption is effective.

4 (b) Notwithstanding subsection (a), a school township may not  
 5 borrow money to purchase ~~textbooks~~ **curricular materials** unless a  
 6 petition requesting such an action and bearing the signatures of  
 7 twenty-five percent (25%) of the resident taxpayers of the school  
 8 township has been presented to and approved by the township trustee  
 9 and township board.

10 SECTION 42. IC 20-26-12-24, AS AMENDED BY P.L.229-2011,  
 11 SECTION 174, IS AMENDED TO READ AS FOLLOWS  
 12 [EFFECTIVE JULY 1, 2012]: Sec. 24. (a) The superintendent shall  
 13 establish procedures for ~~textbook~~ **curricular materials** adoption.

14 (b) The governing body, upon receiving these recommendations  
 15 from the superintendent, shall adopt a ~~textbook~~ **curricular materials**  
 16 for use in teaching each subject in the school corporation.

17 (c) A special committee of teachers and parents may also be  
 18 appointed to review books, magazines, and audiovisual material used  
 19 or proposed for use in the classroom to supplement state adopted  
 20 ~~textbooks~~ **curricular materials** and may make recommendations to the  
 21 superintendent and the governing body concerning the use of ~~this~~  
 22 ~~material.~~ **these materials.**

23 (d) ~~A textbook~~ **Curricular materials** selected shall be used for the  
 24 lesser of:

25 (1) six (6) years; or

26 (2) the effective period of the academic standards adopted by the  
 27 state board to which ~~that textbook~~ **is curricular materials** are  
 28 aligned.

29 (e) A selection may be extended beyond that period for up to six (6)  
 30 years.

31 (f) The governing body may, if the governing body considers it  
 32 appropriate, retain a ~~textbook~~ **curricular materials** adopted under this  
 33 section and authorize the purchase of supplemental materials to ensure  
 34 continued alignment with academic standards adopted by the state  
 35 board.

36 (g) The superintendent, advisory committee, and governing body  
 37 may consider using the list of curricular materials (~~as defined in~~  
 38 ~~IC 20-20-5.5-1~~) provided by the department under IC 20-20-5.5.

39 (h) Notwithstanding subsection (g) and this chapter, the  
 40 superintendent, advisory committee, and governing body shall adopt  
 41 reading ~~textbooks~~ **curricular materials** from the list of recommended  
 42 curricular materials provided by the department under IC 20-20-5.5.



C  
o  
p  
y

1 (i) A governing body may not purchase ~~textbooks~~ **curricular**  
 2 **materials** from a publisher unless the publisher agrees, in accordance  
 3 with Sections 612(a)(23)(A) and 674(4) of the Individuals with  
 4 Disabilities Education Act 2004 (20 U.S.C. 1400 et seq.), to provide or  
 5 grant a license to the school corporation to allow for the reproduction  
 6 of adopted ~~textbooks~~ **curricular materials** in:

- 7 (1) large type;
- 8 (2) Braille; and
- 9 (3) audio format.

10 SECTION 43. IC 20-26-12-25 IS REPEALED [EFFECTIVE JULY  
 11 1, 2012]. ~~Sec. 25: After a local superintendent has selected textbooks~~  
 12 ~~under this chapter, and not later than July 1, when new contracts~~  
 13 ~~become effective, the superintendent shall forward to the state board a~~  
 14 ~~list of those selections for all subjects and grades:~~

15 SECTION 44. IC 20-26-12-26, AS ADDED BY P.L.1-2005,  
 16 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 17 JULY 1, 2012]: Sec. 26. If a family moves during the school term from  
 18 one (1) school corporation to another within the state, the corporation  
 19 from which they move shall:

- 20 (1) evaluate the affected children's ~~textbooks;~~ **curricular**  
 21 **materials;** and
- 22 (2) offer to purchase the ~~textbooks~~ **curricular materials** at a  
 23 reasonable price for resale to any family that moves into that  
 24 corporation during a school term.

25 SECTION 45. IC 20-26-15-5, AS ADDED BY P.L.1-2005,  
 26 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 27 JULY 1, 2012]: Sec. 5. Notwithstanding any other law, the operation  
 28 of the following is suspended for a freeway school corporation or a  
 29 freeway school if the governing body of the school corporation elects  
 30 to have the specific statute or rule suspended in the contract:

- 31 (1) The following statutes and rules concerning curriculum and  
 32 instructional time:  
 33 IC 20-30-2-7  
 34 IC 20-30-5-8  
 35 IC 20-30-5-9  
 36 IC 20-30-5-11  
 37 511 IAC 6-7-6  
 38 ~~511 IAC 6.1-3-4~~  
 39 511 IAC 6.1-5-0.5  
 40 511 IAC 6.1-5-1  
 41 511 IAC 6.1-5-2.5  
 42 511 IAC 6.1-5-3.5



C  
o  
p  
y

- 1                   511 IAC 6.1-5-4.
- 2           (2) The following rule concerning pupil/teacher ratios:
- 3                   511 IAC 6.1-4-1.
- 4           (3) The following statutes and rules concerning ~~textbooks:~~
- 5                   **curricular materials:**
- 6                   ~~IC 20-20-5-1 through IC 20-20-5-4~~
- 7                   ~~IC 20-20-5-23~~
- 8                   IC 20-26-12-24
- 9                   IC 20-26-12-26
- 10                  ~~IC 20-26-12-28~~
- 11                  IC 20-26-12-1
- 12                  IC 20-26-12-2
- 13                  511 IAC 6.1-5-5.
- 14           (4) 511 IAC 6-7, concerning graduation requirements.
- 15           (5) IC 20-31-4, concerning the performance based accreditation
- 16                  system.
- 17           (6) IC 20-32-5, concerning the ISTEP program established under
- 18                  IC 20-32-5-15, if an alternative locally adopted assessment
- 19                  program is adopted under section 6(7) of this chapter.
- 20           SECTION 46. IC 20-29-6-7, AS AMENDED BY P.L.48-2011,
- 21           SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 22           JULY 1, 2012]: Sec. 7. A school employer shall discuss with the
- 23           exclusive representative of certificated employees the following items:
- 24                  (1) Curriculum development and revision.
- 25                  (2) ~~Textbook~~ **Curricular materials** selection.
- 26                  (3) Teaching methods.
- 27                  (4) Hiring, evaluation, promotion, demotion, transfer,
- 28                  assignment, and retention of certificated employees.
- 29                  (5) Student discipline.
- 30                  (6) Expulsion or supervision of students.
- 31                  (7) Pupil/teacher ratio.
- 32                  (8) Class size or budget appropriations.
- 33                  (9) Safety issues for students and employees in the workplace,
- 34                  except those items required to be kept confidential by state or
- 35                  federal law.
- 36                  (10) Hours.
- 37           SECTION 47. IC 20-30-5-2, AS ADDED BY P.L.1-2005,
- 38           SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 39           JULY 1, 2012]: Sec. 2. (a) Each public and nonpublic high school shall
- 40           provide a required course that is:
- 41                  (1) not less than one (1) year of school work; and
- 42                  (2) in the:

COPY



- 1 (A) historical;  
 2 (B) political;  
 3 (C) civic;  
 4 (D) sociological;  
 5 (E) economical; and  
 6 (F) philosophical;  
 7 aspects of the constitutions of Indiana and the United States.
- 8 (b) The state board shall:  
 9 (1) prescribe the course described in this section and the course's  
 10 appropriate outlines; and  
 11 (2) adopt the necessary ~~textbooks~~ **curricular materials** for  
 12 uniform instruction.
- 13 (c) A high school student may not receive a diploma unless the  
 14 student has successfully completed the interdisciplinary course  
 15 described in this section.
- 16 SECTION 48. IC 20-30-5-17, AS ADDED BY P.L.1-2005,  
 17 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 18 JULY 1, 2012]: Sec. 17. (a) A school corporation shall make available  
 19 for inspection by the parent of a student any instructional materials,  
 20 including:  
 21 (1) teachers' manuals;  
 22 (2) ~~textbooks~~; **curricular materials**;  
 23 (3) films or other video materials;  
 24 (4) tapes; and  
 25 (5) other materials;  
 26 used in connection with a personal analysis, an evaluation, or a survey  
 27 described in subsection (b).
- 28 (b) A student shall not be required to participate in a personal  
 29 analysis, an evaluation, or a survey that is not directly related to  
 30 academic instruction and that reveals or attempts to affect the student's  
 31 attitudes, habits, traits, opinions, beliefs, or feelings concerning:  
 32 (1) political affiliations;  
 33 (2) religious beliefs or practices;  
 34 (3) mental or psychological conditions that may embarrass the  
 35 student or the student's family;  
 36 (4) sexual behavior or attitudes;  
 37 (5) illegal, antisocial, self-incriminating, or demeaning behavior;  
 38 (6) critical appraisals of other individuals with whom the student  
 39 has a close family relationship;  
 40 (7) legally recognized privileged or confidential relationships,  
 41 including a relationship with a lawyer, minister, or physician; or  
 42 (8) income (except as required by law to determine eligibility for

C  
O  
P  
Y

1 participation in a program or for receiving financial assistance  
 2 under a program);  
 3 without the prior consent of the student if the student is an adult or an  
 4 emancipated minor or the prior written consent of the student's parent  
 5 if the student is an unemancipated minor. A parental consent form for  
 6 a personal analysis, an evaluation, or a survey described in this section  
 7 shall accurately reflect the contents and nature of the personal analysis,  
 8 evaluation, or survey.

9 (c) The department and the governing body shall give parents and  
 10 students notice of their rights under this section.

11 (d) The governing body shall enforce this section.

12 SECTION 49. IC 20-30-8-7, AS AMENDED BY P.L.2-2006,  
 13 SECTION 144, IS AMENDED TO READ AS FOLLOWS  
 14 [EFFECTIVE JULY 1, 2012]: Sec. 7. The program organizer may  
 15 request the approval from the department for the following:

16 (1) To receive the grant for alternative education programs  
 17 under IC 20-20-33.

18 (2) To be granted waivers from rules adopted by the state board  
 19 that may otherwise interfere with the objectives of the  
 20 alternative education program, including waivers of:

21 (A) certain high school graduation requirements;

22 (B) the length of the student instructional day as set forth in  
 23 IC 20-30-2-2;

24 (C) required curriculum and ~~textbooks~~; **curricular**  
 25 **materials**;

26 (D) teacher certification requirements; and

27 (E) physical facility requirements.

28 SECTION 50. IC 20-30-9-7, AS AMENDED BY P.L.234-2007,  
 29 SECTION 110, IS AMENDED TO READ AS FOLLOWS  
 30 [EFFECTIVE JULY 1, 2012]: Sec. 7. The state superintendent may  
 31 assist and stimulate school corporations in developing and establishing  
 32 bilingual-bicultural educational services and programs specifically  
 33 designed to improve educational opportunities for non-English  
 34 dominant students. Funds may be used for the following:

35 (1) To provide educational services not available to the  
 36 non-English dominant students in sufficient quantity or quality,  
 37 including:

38 (A) remedial and compensatory instruction, psychological,  
 39 and other services designed to assist and encourage  
 40 non-English dominant students to enter, remain in, or  
 41 reenter elementary or secondary school;

42 (B) comprehensive academic instruction and career and

C  
o  
p  
y



- 1 technical instruction;
- 2 (C) instructional materials (such as library books, ~~textbooks,~~
- 3 **curricular materials**, and other printed or published or
- 4 audiovisual materials) and equipment;
- 5 (D) comprehensive guidance, counseling, and testing
- 6 services;
- 7 (E) special education programs for persons with disabilities;
- 8 (F) preschool programs; and
- 9 (G) other services that meet the purposes of this
- 10 subdivision.

11 (2) To establish and operate exemplary and innovative  
 12 educational programs and resource centers that involve new  
 13 educational approaches, methods, and techniques designed to  
 14 enrich programs of elementary and secondary education for  
 15 non-English dominant students.

16 SECTION 51. IC 20-31-5-5, AS ADDED BY P.L.1-2005,  
 17 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 18 JULY 1, 2012]: Sec. 5. (a) A plan may include a request for a waiver  
 19 of applicability of a rule or statute to a school.

20 (b) The governing body may waive any rule adopted by the state  
 21 board for which a waiver is requested in a plan, except for a rule that  
 22 is characterized as follows:

- 23 (1) The rule relates to the health or safety of students or school
- 24 personnel.
- 25 (2) The rule is a special education rule under 511 IAC 7.
- 26 (3) Suspension of the rule brings the school into noncompliance
- 27 with federal statutes or regulations.
- 28 (4) The rule concerns curriculum or ~~textbooks.~~ **curricular**
- 29 **materials.**

30 (c) Upon request of the governing body and under a plan, the state  
 31 board may waive for a school or a school corporation any statute or rule  
 32 relating to the following:

- 33 (1) Curriculum.
- 34 (2) ~~Textbook~~ **Curricular materials** selection.

35 SECTION 52. IC 20-33-5-3, AS AMENDED BY P.L.73-2011,  
 36 SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 37 JULY 1, 2012]: Sec. 3. (a) If a parent of a child or an emancipated  
 38 minor who is enrolled in a public school, in kindergarten or grades 1  
 39 through 12, meets the financial eligibility standard under section 2 of  
 40 this chapter, the parent or the emancipated minor may not be required  
 41 to pay the fees for school books, supplies, or other required class fees.  
 42 The fees shall be paid by the school corporation that the child attends.

COPY



1 (b) The school corporation may apply for a reimbursement under  
2 section 7 of this chapter from the department of the costs incurred  
3 under subsection (a).

4 (c) To the extent the reimbursement received by the school  
5 corporation is less than the ~~textbook~~ **curricular materials** rental fee  
6 assessed for ~~textbooks~~ **curricular materials**, ~~that have been adopted~~  
7 ~~under IC 20-20-5-1 through IC 20-20-5-4~~, the school corporation may  
8 request that the parent or emancipated minor pay the balance of this  
9 amount.

10 SECTION 53. IC 20-33-5-7, AS AMENDED BY P.L.229-2011,  
11 SECTION 192, IS AMENDED TO READ AS FOLLOWS  
12 [EFFECTIVE JULY 1, 2012]: Sec. 7. (a) If a determination is made  
13 that the applicant is eligible for assistance, the school corporation shall  
14 pay the cost of the student's required fees.

15 (b) A school corporation shall receive a reimbursement from the  
16 department for some or all of the costs incurred by a school corporation  
17 during a school year in providing ~~textbook~~ **curricular materials**  
18 assistance to students who are eligible under section 2 of this chapter.

19 (c) To be guaranteed some level of reimbursement from the  
20 department, the governing body of a school corporation shall request  
21 the reimbursement before November 1 of a school year.

22 (d) In its request, the governing body shall certify to the department:

23 (1) the number of students who are enrolled in that school  
24 corporation and who are eligible for assistance under this  
25 chapter;

26 (2) the costs incurred by the school corporation in providing:

27 (A) ~~textbooks~~ **curricular materials** (including ~~textbooks~~  
28 **curricular materials** used in special education and high  
29 ability classes) to these students;

30 (B) workbooks, digital content, and consumable ~~textbooks~~  
31 **curricular materials** (including workbooks, consumable  
32 ~~textbooks~~, **curricular materials**, and other consumable  
33 instructional materials that are used in special education and  
34 high ability classes) that are used by students for not more  
35 than one (1) school year; **and**

36 (C) instead of the purchase of ~~textbooks~~, **curricular**  
37 **materials**, developmentally appropriate material for  
38 instruction in kindergarten through the grade 3 level,  
39 laboratories, and children's literature programs; **and**

40 ~~(D) curricular materials; (as defined in IC 20-20-5.5-1);~~

41 (3) that ~~each textbook~~ **the curricular materials** described in  
42 subdivision (2)(A) (except ~~those textbooks~~ **curricular**

C  
o  
p  
y



- 1           **materials** used in special education classes and high ability  
 2           classes) has been adopted by the governing body; and  
 3           (4) any other information required by the department.
- 4           (e) Each school within a school corporation shall maintain complete  
 5           and accurate information concerning the number of students  
 6           determined to be eligible for assistance under this chapter. This  
 7           information shall be provided to the department upon request.
- 8           (f) Parents receiving other governmental assistance or aid that  
 9           considers educational needs in computing the entire amount of  
 10          assistance granted may not be denied assistance if the applicant's total  
 11          family income does not exceed the standards established by this  
 12          chapter.
- 13          (g) The amount of reimbursement that a school corporation is  
 14          entitled to receive shall be determined as provided in section 9.5 of this  
 15          chapter.
- 16          SECTION 54. IC 20-33-5-9, AS AMENDED BY P.L.229-2011,  
 17          SECTION 193, IS AMENDED TO READ AS FOLLOWS  
 18          [EFFECTIVE JULY 1, 2012]: Sec. 9. (a) If a parent of a child or an  
 19          emancipated minor who is enrolled in an accredited nonpublic school  
 20          meets the financial eligibility standard under section 2 of this chapter,  
 21          the parent or the emancipated minor may receive a reimbursement from  
 22          the department as provided in this chapter for the costs or some of the  
 23          costs incurred by the parent or emancipated minor in fees that are  
 24          reimbursable under section 7 of this chapter.
- 25          (b) The department shall provide each accredited nonpublic school  
 26          with sufficient application forms for assistance, prescribed by the state  
 27          board of accounts.
- 28          (c) Each accredited nonpublic school shall provide the parents or  
 29          emancipated minors who wish to apply for assistance with:  
 30                  (1) the appropriate application forms; and  
 31                  (2) any assistance needed in completing the application form.
- 32          (d) The parent or emancipated minor shall submit the application to  
 33          the accredited nonpublic school. The accredited nonpublic school shall  
 34          make a determination of financial eligibility subject to appeal by the  
 35          parent or emancipated minor.
- 36          (e) If a determination is made that the applicant is eligible for  
 37          assistance, subsection (a) applies.
- 38          (f) To be guaranteed some level of reimbursement from the  
 39          department, the principal or other designee shall submit the  
 40          reimbursement request before November 1 of a school year.
- 41          (g) In its request, the principal or other designee shall certify to the  
 42          department:

C  
O  
P  
Y

- 1 (1) the number of students who are enrolled in the accredited  
 2 nonpublic school and who are eligible for assistance under this  
 3 chapter;  
 4 (2) the costs incurred in providing:  
 5 (A) ~~textbooks~~ **curricular materials** (including ~~textbooks~~  
 6 **curricular materials** used in special education and high  
 7 ability classes); **and**  
 8 (B) workbooks, digital content, and consumable ~~textbooks~~  
 9 **curricular materials** (including workbooks, consumable  
 10 ~~textbooks~~, **curricular materials**, and other consumable  
 11 teaching materials that are used in special education and  
 12 high ability classes) that are used by students for not more  
 13 than one (1) school year; ~~and~~  
 14 ~~(C) curricular materials (as defined in IC 20-20-5.5-1);~~  
 15 (3) that ~~each textbook~~ **the curricular materials** described in  
 16 subdivision (2)(A) (except ~~those textbooks~~ **any curricular**  
 17 **materials** used in special education classes and high ability  
 18 classes) has been adopted by the governing body; and  
 19 (4) any other information required by the department.  
 20 (h) The amount of reimbursement that a parent or emancipated  
 21 minor is entitled to receive shall be determined as provided in section  
 22 9.5 of this chapter.  
 23 (i) The accredited nonpublic school shall distribute the money  
 24 received under this chapter to the appropriate eligible parents or  
 25 emancipated minors.  
 26 (j) Section ~~7(h)~~ **7(f)** of this chapter applies to parents or  
 27 emancipated minors as described in this section.  
 28 (k) The accredited nonpublic school and the department shall  
 29 maintain complete and accurate information concerning the number of  
 30 applicants determined to be eligible for assistance under this section.  
 31 (l) The state board shall adopt rules under IC 4-22-2 to implement  
 32 this section.  
 33 SECTION 55. IC 20-33-5-14, AS ADDED BY P.L.1-2005,  
 34 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 35 JULY 1, 2012]: Sec. 14. (a) The school ~~textbook~~ **curricular materials**  
 36 reimbursement contingency fund is established to reimburse school  
 37 corporations, eligible parents of children who attend accredited  
 38 nonpublic schools, and emancipated minors who attend accredited  
 39 nonpublic schools as provided in section 9 of this chapter for assistance  
 40 provided under this chapter. The fund consists of money appropriated  
 41 to the fund by the general assembly. The state superintendent shall  
 42 administer the fund.

C  
O  
P  
Y

1 (b) The treasurer of state shall invest the money in the school  
 2 ~~textbook~~ **curricular materials** reimbursement contingency fund not  
 3 currently needed to meet the obligations of the fund in the same  
 4 manner as other public funds may be invested.

5 SECTION 56. IC 20-40-9-7, AS ADDED BY P.L.2-2006,  
 6 SECTION 163, IS AMENDED TO READ AS FOLLOWS  
 7 [EFFECTIVE JULY 1, 2012]: Sec. 7. (a) Money in the fund may be  
 8 used for payment of all unreimbursed costs of ~~textbooks~~ **curricular**  
 9 **materials** for the school corporation's students who were eligible for  
 10 free or reduced lunches in the previous school year.

11 (b) The governing body may transfer the amount levied to cover  
 12 unreimbursed costs of ~~textbooks~~ **curricular materials** under this  
 13 section to the ~~textbook~~ **curricular materials** rental fund or  
 14 extracurricular account.

15 SECTION 57. IC 20-41-1-2, AS ADDED BY P.L.2-2006,  
 16 SECTION 164, IS AMENDED TO READ AS FOLLOWS  
 17 [EFFECTIVE JULY 1, 2012]: Sec. 2. Any self-supporting programs  
 18 maintained by a school corporation, including:

19 (1) school lunch; and

20 (2) rental or sale of ~~textbooks~~ **curricular materials**;

21 may be established as separate funds, separate and apart from the  
 22 general fund, if no local tax rate is established for the programs.

23 SECTION 58. IC 20-41-2-2, AS ADDED BY P.L.2-2006,  
 24 SECTION 164, IS AMENDED TO READ AS FOLLOWS  
 25 [EFFECTIVE JULY 1, 2012]: Sec. 2. Each township trustee in  
 26 operating a ~~textbook~~ **curricular materials** rental program may use  
 27 either of the following accounting methods:

28 (1) The township trustee may supervise and control the program  
 29 through its school corporation account by establishing a  
 30 ~~textbook~~ **curricular materials** rental fund.

31 (2) If ~~textbooks~~ **curricular materials** have not been purchased  
 32 and financial commitments or guarantees for the purchases have  
 33 not been made by the school corporation, the township trustee  
 34 may have the program operated by the individual schools of the  
 35 school corporation through the school corporation's  
 36 extracurricular account or accounts under IC 20-41-1.

37 SECTION 59. IC 20-41-2-3, AS ADDED BY P.L.2-2006,  
 38 SECTION 164, IS AMENDED TO READ AS FOLLOWS  
 39 [EFFECTIVE JULY 1, 2012]: Sec. 3. (a) If a school lunch fund is  
 40 established under section 1 of this chapter or a ~~textbook~~ **curricular**  
 41 **materials** rental fund is established under section 2 of this chapter, the  
 42 receipts and expenditures for each program shall be made to and from

C  
o  
p  
y



1 the proper fund without appropriation or the application of other laws  
2 relating to the budgets of local governmental units.

3 (b) If either program or both programs under sections 1 and 2 of this  
4 chapter are operated through the extracurricular account, the township  
5 trustee shall approve the amount of the bond of the treasurer of the  
6 extracurricular account in an amount the township trustee considers  
7 necessary to protect the account for all funds coming into the hands of  
8 the treasurer.

9 SECTION 60. IC 20-41-2-5, AS ADDED BY P.L.2-2006,  
10 SECTION 164, IS AMENDED TO READ AS FOLLOWS  
11 [EFFECTIVE JULY 1, 2012]: Sec. 5. (a) A governing body in  
12 operating a ~~textbook~~ **curricular materials** rental program under  
13 IC 20-26-5-4(12) may use either of the following accounting methods:

14 (1) The governing body may supervise and control the program  
15 through the school corporation account, establishing a ~~textbook~~  
16 **curricular materials** rental fund.

17 (2) If ~~textbooks~~ **curricular materials** have not been purchased  
18 and financial commitments or guarantees for the purchases have  
19 not been made by the school corporation, the governing body  
20 may cause the program to be operated by the individual schools  
21 of the school corporation through the school corporation's  
22 extracurricular account or accounts in accordance with  
23 IC 20-41-1.

24 (b) If the governing body determines that a hardship exists due to  
25 the inability of a student's family to purchase or rent ~~textbooks~~,  
26 **curricular materials**, taking into consideration the income of the  
27 family and the demands on the family, the governing body may furnish  
28 ~~textbooks~~ **curricular materials** to the student without charge, without  
29 reference to the application of any other statute or rule except  
30 IC 20-26-1 through IC 20-26-5, IC 20-26-7, IC 20-40-12, and  
31 IC 20-48-1.

32 SECTION 61. IC 20-41-2-6, AS ADDED BY P.L.2-2006,  
33 SECTION 164, IS AMENDED TO READ AS FOLLOWS  
34 [EFFECTIVE JULY 1, 2012]: Sec. 6. (a) If a school lunch fund is  
35 established under section 4 of this chapter and a ~~textbook~~ **curricular**  
36 **materials** rental fund is established under section 5 of this chapter, the  
37 receipts and expenditures from a fund for the program to which the  
38 fund relates shall be made to and from the fund without appropriation  
39 or the application of other statutes and rules relating to the budgets of  
40 municipal corporations.

41 (b) If either the lunch program or ~~textbook~~ **curricular materials**  
42 rental program is handled through the extracurricular account, the

C  
o  
p  
y



1 governing body of the school corporation shall approve the amount of  
 2 the bond of the treasurer of the extracurricular account in an amount  
 3 the governing body considers sufficient to protect the account for all  
 4 funds coming into the hands of the treasurer of the account.

5 SECTION 62. IC 20-42-3-10, AS AMENDED BY P.L.3-2008,  
 6 SECTION 121, IS AMENDED TO READ AS FOLLOWS  
 7 [EFFECTIVE JULY 1, 2012]: Sec. 10. The trustee, with the advice and  
 8 consent of the township board, shall use the account for the following  
 9 educational purposes:

10 (1) Each year the trustee shall pay to the parent or legal guardian  
 11 of any child whose residence is within the township, the initial  
 12 cost for the rental of ~~textbooks~~ **curricular materials** used in any  
 13 elementary or secondary school that has been accredited by the  
 14 state. The reimbursement for the rental of ~~textbooks~~ **curricular**  
 15 **materials** shall be for the initial yearly rental charge only.  
 16 ~~Textbooks~~ **Curricular materials** subsequently lost or destroyed  
 17 may not be paid for from this account.

18 (2) Students who are residents of the township for the last two  
 19 (2) years of their secondary education and who still reside within  
 20 the township are entitled to receive financial assistance in an  
 21 amount not to exceed an amount determined by the trustee and  
 22 the township board during an annual review of postsecondary  
 23 education fees and tuition costs of education at any accredited  
 24 postsecondary educational institution. Amounts to be paid to  
 25 each eligible student shall be set annually after this review. The  
 26 amount paid each year must be:

27 (A) equitable for every eligible student without regard to  
 28 race, religion, creed, sex, disability, or national origin; and

29 (B) based on the number of students and the amount of  
 30 funds available each year.

31 (3) A person who has been a permanent resident of the township  
 32 continuously for at least two (2) years and who needs  
 33 educational assistance for job training or retraining may apply  
 34 to the trustee of the township for financial assistance. The  
 35 trustee and the township board shall review each application and  
 36 make assistance available according to the need of each  
 37 applicant and the availability of funds.

38 (4) If all the available funds are not used in any one (1) year, the  
 39 unused funds shall be retained in the account by the trustee for  
 40 use in succeeding years.

41 SECTION 63. IC 20-42.5-2-1, AS ADDED BY P.L.2-2007,  
 42 SECTION 240, IS AMENDED TO READ AS FOLLOWS



C  
o  
p  
y

1 [EFFECTIVE JULY 1, 2012]: Sec. 1. A school corporation  
 2 individually, in collaboration with other school corporations, and  
 3 through the educational services centers may undertake action to  
 4 reduce noninstructional expenditures and allocate the resulting savings  
 5 to student instruction and learning. Actions taken under this section  
 6 include the following:

7 (1) Pooling of resources with other school corporations for  
 8 liability insurance, property and casualty insurance, worker's  
 9 compensation insurance, employee health insurance, vision  
 10 insurance, dental insurance, or other insurance, whether by  
 11 pooling risks for coverage or for the purchase of coverage, or by  
 12 the creation of or participation in insurance trusts, subject to the  
 13 following:

14 (A) School corporations that elect to pool assets for  
 15 coverage must create a trust under Indiana law for the  
 16 assets. The trust is subject to regulation by the department  
 17 of insurance as follows:

18 (i) The trust must be registered with the department of  
 19 insurance.

20 (ii) The trust shall obtain stop loss insurance issued by  
 21 an insurer authorized to do business in Indiana with an  
 22 aggregate retention of not more than one hundred  
 23 twenty-five percent (125%) of the amount of expected  
 24 claims for the following year.

25 (iii) Contributions by the school corporations must be  
 26 set at one hundred percent (100%) of the aggregate  
 27 retention plus all other costs of the trust.

28 (iv) The trust shall maintain a fidelity bond in an  
 29 amount approved by the department of insurance. The  
 30 fidelity bond must cover each person responsible for the  
 31 trust for acts of fraud or dishonesty in servicing the  
 32 trust.

33 (v) The trust is subject to IC 27-4-1-4.5 regarding  
 34 claims settlement practices.

35 (vi) The trust shall file an annual financial statement in  
 36 the form required by IC 27-1-3-13 not later than March  
 37 1 of each year.

38 (vii) The trust is not covered by the Indiana insurance  
 39 guaranty association created under IC 27-6-8. The  
 40 liability of each school corporation is joint and several.

41 (viii) The trust is subject to examination by the  
 42 department of insurance. All costs associated with an

C  
o  
p  
y



1 examination shall be borne by the trust.

2 (ix) The department of insurance may deny, suspend, or  
3 revoke the registration of a trust if the commissioner  
4 finds that the trust is in a hazardous financial condition,  
5 the trust refuses to be examined or produce records for  
6 examination, or the trust has failed to pay a final  
7 judgment rendered against the trust by a court within  
8 thirty (30) days.

9 (B) The department of insurance may adopt rules under  
10 IC 4-22-2 to implement this subdivision.

11 (2) Electing, as an individual school corporation or as more than  
12 one (1) school corporation acting jointly, to aggregate purchases  
13 of natural gas commodity supply from any available natural gas  
14 commodity seller for all schools included in the aggregated  
15 purchases. A rate schedule that is:

16 (A) filed by a natural gas utility; and

17 (B) approved by the Indiana utility regulatory commission;  
18 must include provisions that allow a school corporation or  
19 school corporations acting jointly to elect to make aggregated  
20 purchases of natural gas commodity supplies. Upon request from  
21 a school corporation, a natural gas utility shall summarize the  
22 rates and charges for providing services to each school in the  
23 school corporation on one (1) summary bill for remitting  
24 payment to the utility.

25 (3) Consolidating purchases with other school corporations or  
26 units of government of the following:

27 (A) School buses and other vehicles and vehicle fleets.

28 (B) Fuel, maintenance, or other services for vehicles or  
29 vehicle fleets.

30 (C) Food services.

31 (D) Facilities management services.

32 (E) Transportation management services.

33 (F) ~~Textbooks,~~ **Curricular materials**, technology, and other  
34 school materials and supplies.

35 (G) Any other purchases a school corporation may require.  
36 Purchases may be made by contiguous school corporations, as  
37 part of regional consolidated purchasing arrangements, or from  
38 consolidated sources under multistate cooperative bidding  
39 arrangements.

40 SECTION 64. IC 20-42.5-3-1, AS ADDED BY P.L.2-2007,  
41 SECTION 240, IS AMENDED TO READ AS FOLLOWS  
42 [EFFECTIVE JULY 1, 2012]: Sec. 1. The state board shall explore

C  
O  
P  
Y



1 methods, including statewide purchases, to reduce the expense to  
 2 school corporations for the purchase of the following:

3 (1) ~~Textbooks.~~ **Curricular materials.**

4 (2) Technology.

5 (3) School buses and other vehicles.

6 (4) Other areas of expenses as determined by the state board.

7 SECTION 65. IC 36-1-11-1, AS AMENDED BY P.L.2-2006,  
 8 SECTION 188, IS AMENDED TO READ AS FOLLOWS  
 9 [EFFECTIVE JULY 1, 2012]: Sec. 1. (a) Except as provided in  
 10 subsection (b), this chapter applies to the disposal of property by:

11 (1) political subdivisions; and

12 (2) their agencies.

13 (b) This chapter does not apply to the following:

14 (1) The disposal of property under an urban homesteading  
 15 program under IC 36-7-17.

16 (2) The lease of school buildings under IC 20-47.

17 (3) The sale of land to a lessor in a lease-purchase contract  
 18 under IC 36-1-10.

19 (4) The disposal of property by a redevelopment commission  
 20 established under IC 36-7.

21 (5) The leasing of property by a board of aviation commissioners  
 22 established under IC 8-22-2 or an airport authority established  
 23 under IC 8-22-3.

24 (6) The disposal of a municipally owned utility under IC 8-1.5.

25 (7) The sale or lease of property by a unit to an Indiana nonprofit  
 26 corporation organized for educational, literary, scientific,  
 27 religious, or charitable purposes that is exempt from federal  
 28 income taxation under Section 501 of the Internal Revenue Code  
 29 or the sale or reletting of that property by the nonprofit  
 30 corporation.

31 (8) The disposal of surplus property by a hospital established  
 32 and operated under IC 16-22-1 through IC 16-22-5, IC 16-22-8,  
 33 IC 16-23-1, or IC 16-24-1.

34 (9) The sale or lease of property acquired under IC 36-7-13 for  
 35 industrial development.

36 (10) The sale, lease, or disposal of property by a local hospital  
 37 authority under IC 5-1-4.

38 (11) The sale or other disposition of property by a county or  
 39 municipality to finance housing under IC 5-20-2.

40 (12) The disposition of property by a soil and water conservation  
 41 district under IC 14-32.

42 (13) The disposal of surplus property by the health and hospital

C  
o  
p  
y



- 1 corporation established and operated under IC 16-22-8.  
 2 (14) The disposal of personal property by a library board under  
 3 IC 36-12-3-5(c).  
 4 (15) The sale or disposal of property by the historic preservation  
 5 commission under IC 36-7-11.1.  
 6 (16) The disposal of an interest in property by a housing  
 7 authority under IC 36-7-18.  
 8 (17) The disposal of property under IC 36-9-37-26.  
 9 (18) The disposal of property used for park purposes under  
 10 IC 36-10-7-8.  
 11 (19) The disposal of ~~textbooks~~ **curricular materials** that will no  
 12 longer be used by school corporations under IC 20-26-12.  
 13 (20) The disposal of residential structures or improvements by  
 14 a municipal corporation without consideration to:  
 15 (A) a governmental entity; or  
 16 (B) a nonprofit corporation that is organized to expand the  
 17 supply or sustain the existing supply of good quality,  
 18 affordable housing for residents of Indiana having low or  
 19 moderate incomes.  
 20 (21) The disposal of historic property without consideration to  
 21 a nonprofit corporation whose charter or articles of  
 22 incorporation allows the corporation to take action for the  
 23 preservation of historic property. As used in this subdivision,  
 24 "historic property" means property that is:  
 25 (A) listed on the National Register of Historic Places; or  
 26 (B) eligible for listing on the National Register of Historic  
 27 Places, as determined by the division of historic  
 28 preservation and archeology of the department of natural  
 29 resources.  
 30 (22) The disposal of real property without consideration to:  
 31 (A) a governmental agency; or  
 32 (B) a nonprofit corporation that exists for the primary  
 33 purpose of enhancing the environment;  
 34 when the property is to be used for compliance with a permit or  
 35 an order issued by a federal or state regulatory agency to  
 36 mitigate an adverse environmental impact.  
 37 (23) The disposal of property to a person under an agreement  
 38 between the person and a political subdivision or an agency of  
 39 a political subdivision under IC 5-23.  
 40 (24) The disposal of residential real property pursuant to a  
 41 federal aviation regulation (14 CFR 150) Airport Noise  
 42 Compatibility Planning Program as approved by the Federal

C  
O  
P  
Y

1 Aviation Administration.

С  
о  
п  
р  
у

