



Reprinted
January 31, 2012

SENATE BILL No. 413

DIGEST OF SB 413 (Updated January 30, 2012 7:29 pm - DI 71)

Citations Affected: IC 4-13; IC 5-22; IC 20-18; IC 20-20; IC 20-23; IC 20-26; IC 20-29; IC 20-30; IC 20-31; IC 20-33; IC 20-40; IC 20-41; IC 20-42; IC 20-42.5; IC 36-1.

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
(Continued next page)

Effective: July 1, 2012.

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January 9, 2012, read first time and referred to Committee on Education and Career Development.
January 26, 2012, amended, reported favorably — Do Pass.
January 30, 2012, read second time, amended, ordered engrossed.

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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 operate a charter school. Provides that the failure by a superintendent or governing body 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 may lead to state funding being withheld from the school. 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.

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Reprinted
January 31, 2012

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.

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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

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- 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

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- 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,

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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.

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- 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 1,
 34 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

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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

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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;**

18 ~~(G) World languages.~~

19 **(3) include any clarification or response from the publisher of**
20 **a curricular material related to the department's summary**
21 **review provided under subdivision (2); and**

22 **(4) provide updated information for the subjects and grades**
23 **required under subdivision (2) on the earlier of the following**
24 **dates:**

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

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

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

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

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

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

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

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- 1 **(A) large type;**
 2 **(B) Braille; and**
 3 **(C) audio format.**

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

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

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

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

19 (A) The addition of materials.

20 (B) The removal of materials.

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

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

24 (1) the reviews of curricular materials included in the report
 25 described in section 2(b) of this chapter are departmental reviews
 26 only; and

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

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

33 (1) School based management models.

34 (2) Parental involvement strategies.

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

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

41 SECTION 21. IC 20-23-2-3, AS ADDED BY P.L.1-2005,
 42 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

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1 JULY 1, 2012]: Sec. 3. (a) A county superintendent may be impeached
 2 for immorality, incompetency, or general neglect of duty, or for acting
 3 as agent for the sale of any ~~textbook~~, **curricular materials**, school
 4 furniture, maps, charts, or other school supplies.

5 (b) Impeachment proceedings are governed by the provisions of law
 6 for impeaching county officers.

7 SECTION 22. IC 20-26-5-4, AS AMENDED BY P.L.90-2011,
 8 SECTION 11, AND AS AMENDED BY P.L.200-2011, SECTION 1,
 9 IS CORRECTED AND AMENDED TO READ AS FOLLOWS
 10 [EFFECTIVE JULY 1, 2012]: Sec. 4. In carrying out the school
 11 purposes of a school corporation, the governing body acting on the
 12 school corporation's behalf has the following specific powers:

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

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

24 (3) To appropriate from the school corporation's general fund an
 25 amount, not to exceed the greater of three thousand dollars
 26 (\$3,000) per budget year or one dollar (\$1) per pupil, not to
 27 exceed twelve thousand five hundred dollars (\$12,500), based on
 28 the school corporation's previous year's ADM, to promote the best
 29 interests of the school corporation through:

30 (A) the purchase of meals, decorations, memorabilia, or
 31 awards;

32 (B) provision for expenses incurred in interviewing job
 33 applicants; or

34 (C) developing relations with other governmental units.

35 (4) To:

36 (A) Acquire, construct, erect, maintain, hold, and contract for
 37 construction, erection, or maintenance of real estate, real estate
 38 improvements, or an interest in real estate or real estate
 39 improvements, as the governing body considers necessary for
 40 school purposes, including buildings, parts of buildings,
 41 additions to buildings, rooms, gymnasiums, auditoriums,
 42 playgrounds, playing and athletic fields, facilities for physical

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1 training, buildings for administrative, office, warehouse, repair
 2 activities, or housing school owned buses, landscaping, walks,
 3 drives, parking areas, roadways, easements and facilities for
 4 power, sewer, water, roadway, access, storm and surface
 5 water, drinking water, gas, electricity, other utilities and
 6 similar purposes, by purchase, either outright for cash (or
 7 under conditional sales or purchase money contracts providing
 8 for a retention of a security interest by the seller until payment
 9 is made or by notes where the contract, security retention, or
 10 note is permitted by applicable law), by exchange, by gift, by
 11 devise, by eminent domain, by lease with or without option to
 12 purchase, or by lease under IC 20-47-2, IC 20-47-3, or
 13 IC 20-47-5.

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

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

22 (5) To acquire personal property or an interest in personal
 23 property as the governing body considers necessary for school
 24 purposes, including buses, motor vehicles, equipment, apparatus,
 25 appliances, books, furniture, and supplies, either by cash purchase
 26 or under conditional sales or purchase money contracts providing
 27 for a security interest by the seller until payment is made or by
 28 notes where the contract, security, retention, or note is permitted
 29 by applicable law, by gift, by devise, by loan, or by lease with or
 30 without option to purchase and to repair, remodel, remove,
 31 relocate, and demolish the personal property. All purchases and
 32 contracts specified under the powers authorized under subdivision
 33 (4) and this subdivision are subject solely to applicable law
 34 relating to purchases and contracting by municipal corporations
 35 in general and to the supervisory control of state agencies as
 36 provided in section 6 of this chapter.

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

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

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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 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

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1 lunch program, and the purchase of material and supplies for the
 2 lunch program, charging students for the operational costs of the
 3 lunch program, fixing the price per meal or per food item. To
 4 operate the lunch program as an extracurricular activity, subject
 5 to the supervision of the governing body. To participate in a
 6 surplus commodity or lunch aid program.

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

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

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

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

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

40 (B) purchase insurance; or

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

42 to benefit school corporation employees, including accident,

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1 sickness, health, or dental coverage, provided that a plan of
 2 self-insurance must include an aggregate stop-loss provision.
 3 (16) To make all applications, to enter into all contracts, and to
 4 sign all documents necessary for the receipt of aid, money, or
 5 property from the state, the federal government, or from any other
 6 source.
 7 (17) To defend a member of the governing body or any employee
 8 of the school corporation in any suit arising out of the
 9 performance of the member's or employee's duties for or
 10 employment with, the school corporation, if the governing body
 11 by resolution determined that the action was taken in good faith.
 12 To save any member or employee harmless from any liability,
 13 cost, or damage in connection with the performance, including the
 14 payment of legal fees, except where the liability, cost, or damage
 15 is predicated on or arises out of the bad faith of the member or
 16 employee, or is a claim or judgment based on the member's or
 17 employee's malfeasance in office or employment.
 18 (18) To prepare, make, enforce, amend, or repeal rules,
 19 regulations, and procedures:
 20 (A) for the government and management of the schools,
 21 property, facilities, and activities of the school corporation, the
 22 school corporation's agents, employees, and pupils and for the
 23 operation of the governing body; and
 24 (B) that may be designated by an appropriate title such as
 25 "policy handbook", "bylaws", or "rules and regulations".
 26 (19) To ratify and approve any action taken by a member of the
 27 governing body, an officer of the governing body, or an employee
 28 of the school corporation after the action is taken, if the action
 29 could have been approved in advance, and in connection with the
 30 action to pay the expense or compensation permitted under
 31 IC 20-26-1 through IC 20-26-5, IC 20-26-7, IC 20-40-12, and
 32 IC 20-48-1 or any other law.
 33 (20) To exercise any other power and make any expenditure in
 34 carrying out the governing body's general powers and purposes
 35 provided in this chapter or in carrying out the powers delineated
 36 in this section which is reasonable from a business or educational
 37 standpoint in carrying out school purposes of the school
 38 corporation, including the acquisition of property or the
 39 employment or contracting for services, even though the power or
 40 expenditure is not specifically set out in this chapter. The specific
 41 powers set out in this section do not limit the general grant of
 42 powers provided in this chapter except where a limitation is set

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1 out in IC 20-26-1 through IC 20-26-5, IC 20-26-7, IC 20-40-12,
 2 and IC 20-48-1 by specific language or by reference to other law.
 3 SECTION 23. IC 20-26-7-1, AS AMENDED BY P.L.91-2011,
 4 SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 5 JULY 1, 2012]: Sec. 1. **(a) As used in this section:**
 6 **(1) "charter school" includes an entity seeking final approval**
 7 **from a sponsor to operate a charter school; and**
 8 **(2) "school calendar year" refers to the period during which**
 9 **student instructional days are conducted under IC 20-30-2-2.**
 10 **(a) (b)** If a governing body of a school corporation determines that
 11 any real or personal property:
 12 (1) is no longer needed for school purposes; or
 13 (2) should, in the interests of the school corporation, be
 14 exchanged for other property;
 15 the governing body may sell or exchange the property in accordance
 16 with IC 36-1-11 **and subsections (d) through (m).**
 17 **(b) (c)** Money derived from the sale or exchange of property under
 18 this section shall be placed in any school fund:
 19 (1) established under applicable law; and
 20 (2) that the governing body considers appropriate.
 21 **(c) (d)** A governing body may not make a covenant that prohibits
 22 the sale of real property to another educational institution.
 23 **(2) may sell to an organization that is exempt from taxation**
 24 **under Section 501(c)(3) of the Internal Revenue Code for at**
 25 **least the building's fair market value if:**
 26 **(A) the organization petitions the governing body to**
 27 **purchase the building;**
 28 **(B) the governing body agrees to the sale;**
 29 **(C) the governing body gives notice of the sale; and**
 30 **(D) one hundred eighty (180) days after the date on which**
 31 **the governing body gives notice under clause (C), no**
 32 **charter school has indicated an interest in the building;**
 33 **and**
 34 **(d) (e)** This subsection does not apply to a school building that on
 35 July 1, 2011, is leased or loaned by the school corporation that owns
 36 the school building to another entity, **until the term of the lease or**
 37 **loan in effect on July 1, 2011, expires.** A governing body shall make
 38 available for lease or purchase to any charter school ~~(as defined in~~
 39 ~~IC 20-24-1-4)~~ any school building owned by the school corporation
 40 that:
 41 (1) ~~either: (A)~~ is not **regularly used in whole or in part during**
 42 **the school calendar year** for classroom instruction **or student**

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1 **extracurricular activities** at the time the charter school seeks to
 2 lease the building ~~or~~ **and** (B) appears on the list compiled by the
 3 department under subsection (e); (f); and
 4 (2) was previously used for classroom instruction; **and**
 5 **(3) is not under contract for construction or improvement on**
 6 **the date the charter school seeks to lease the school building,**
 7 **unless the governing body plans to enter into a contract for**
 8 **construction or improvement to allow the regular use of the**
 9 **school building during the school calendar year for classroom**
 10 **instruction or student extracurricular activities within two (2)**
 11 **years.**

12 in order for the charter school to conduct classroom instruction:

13 (e) (f) Each governing body shall inform the department whenever
 14 a school building that was previously used for classroom instruction is
 15 closed, unused, or unoccupied. The department shall maintain a list of
 16 closed, unused, or unoccupied school buildings and make the list
 17 available on the department's Internet web site. Each school
 18 corporation shall provide a list of closed, unused, or unoccupied
 19 buildings to the department by the date set by the department. The
 20 department must update the list **at least once** each year before August
 21 31.

22 (g) **If a superintendent or governing body fails to place an**
 23 **unused school building on the department's list under subsection**
 24 **(f) or to transfer control of an unused school building on the list to**
 25 **a charter school that properly requests the school building, the**
 26 **department shall order the governing body to hold a public hearing**
 27 **to discuss the failure to place the unused school building on the**
 28 **department's list or to transfer control of the unused school**
 29 **building. The governing body shall send minutes of the hearing to**
 30 **the department to demonstrate the governing body's compliance**
 31 **with the order. One hundred eighty (180) days after the date of the**
 32 **department's order, if the governing body has not held the**
 33 **required public hearing, the department may withhold a portion**
 34 **of the state funding due to the school corporation until the hearing**
 35 **has been held.**

36 (f) A school building that appears for the first time on the
 37 department's list under subsection (e) shall be designated as
 38 "Unavailable until (a date two (2) years after the school building first
 39 appears on the list)" if the governing body of the school corporation
 40 that owns the school building indicates the school building may be
 41 reclaimed during that period for classroom instruction, which must
 42 begin not later than one (1) year after the school building is reclaimed.



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1 If the school building remains unused for classroom instruction one (1)
 2 year after being reclaimed, the governing body shall place the school
 3 building on the department's list. A governing body may reclaim a
 4 school building only one (1) time under this subsection.

5 ~~(g)~~ **(h)** If a charter school wishes to use a school building on the list
 6 created under subsection ~~(e)~~; **(f)**, the charter school shall send a letter
 7 of intent to the department. The department shall notify the school
 8 corporation of the charter school's intent, and the school corporation
 9 that owns the school building shall lease the school building to the
 10 charter school for one dollar (\$1) per year for as long as the charter
 11 school uses the school building for classroom instruction or for a term
 12 at the charter school's discretion, or sell the school building to the
 13 charter school for one dollar (\$1). The charter school must begin to use
 14 the school building for classroom instruction not later than two (2)
 15 years after acquiring the school building. If the school building is not
 16 used for classroom instruction within two (2) years after acquiring the
 17 school building, the school building shall be placed on the department's
 18 list under subsection ~~(e)~~; **(f)**. If during the term of the lease the charter
 19 school closes or ceases using the school building for classroom
 20 instruction, the school building shall be placed on the department's list
 21 under subsection ~~(e)~~; **(f)**.

22 ~~(h)~~ **(i)** During the term of a lease under subsection ~~(g)~~; **(h)**, the
 23 charter school is responsible for the direct expenses related to the
 24 school building leased, including utilities, insurance, maintenance,
 25 repairs, and remodeling. The school corporation is responsible for any
 26 debt incurred for or liens that attached to the school building before the
 27 charter school leased the school building.

28 **(j) A school corporation retains any debt associated with a**
 29 **school building if the school corporation sells the building to a**
 30 **charter school under subsection (h).**

31 ~~(i)~~ **(k)** If a school building appears on the department's list under
 32 subsection ~~(e)~~ **(f)** for at least forty-eight (48) months, the school
 33 corporation may sell or otherwise dispose of the school building in any
 34 manner the governing body considers appropriate.

35 **(l) A school corporation or governing body may not lease or sell**
 36 **any closed, unused, or unoccupied school building except as**
 37 **specifically provided in this section.**

38 **(m) If any closed, unused, or unoccupied school building is or**
 39 **has been leased or sold in contravention of this section, the lease or**
 40 **sale is or shall be invalid and the building must be placed on the**
 41 **department's list under subsection (f) immediately.**

42 SECTION 24. IC 20-26-12-1, AS AMENDED BY P.L.73-2011,



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1 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
2 JULY 1, 2012]: Sec. 1. (a) Except as provided in subsections (b) and
3 (c) and notwithstanding any other law, each governing body shall
4 purchase from a publisher, either individually or through a purchasing
5 cooperative of school corporations, the ~~textbooks~~ **curricular materials**
6 selected by the proper local officials, and shall rent ~~these textbooks~~
7 **curricular materials** to each student enrolled in a public school that
8 is:

9 (1) in compliance with the minimum certification standards of the
10 state board; and

11 (2) located within the attendance unit served by the governing
12 body.

13 (b) This section does not prohibit the purchase of ~~textbooks~~
14 **curricular materials** at the option of a student or the providing of free
15 ~~textbooks~~ **curricular materials** by the governing body under sections
16 6 through 21 of this chapter.

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

20 SECTION 25. IC 20-26-12-2, AS AMENDED BY P.L.73-2011,
21 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
22 JULY 1, 2012]: Sec. 2. (a) A governing body may purchase from a
23 publisher, any ~~textbook~~ **curricular material** selected by the proper
24 local officials. The governing body may rent ~~these textbooks~~
25 **curricular materials** to students enrolled in any public or nonpublic
26 school that is:

27 (1) in compliance with the minimum certification standards of the
28 state board; and

29 (2) located within the attendance unit served by the governing
30 body.

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

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

36 (1) extended for usage by students under section 24(e) of this
37 chapter; and

38 (2) paid for through rental fees previously collected.

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

40 SECTION 26. IC 20-26-12-3, AS ADDED BY P.L.1-2005,
41 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
42 JULY 1, 2012]: Sec. 3. (a) Upon a written determination by the

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1 governing body of a school corporation that a ~~textbook~~ **curricular**
 2 **materials is are** no longer scheduled for use in the school corporation,
 3 the governing body may sell, exchange, transfer, or otherwise convey
 4 the ~~textbook~~ **curricular materials**. However, before a governing body
 5 may mutilate or otherwise destroy a ~~textbook~~, **the curricular**
 6 **materials**, the governing body must first comply with the following
 7 provisions:

- 8 (1) Subsection (b).
 9 (2) Subsection (c).
 10 (3) Section 4 of this chapter.
 11 (4) Section 5 of this chapter.

12 (b) Before a governing body may mutilate or otherwise destroy a
 13 ~~textbook~~, **curricular materials**, the governing body shall provide at no
 14 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 student who is enrolled in the school
 18 corporation and who wishes to receive a copy of the textbook; and
 19 (2) if any ~~textbooks~~ **curricular materials** remain after
 20 distribution under subdivision (1), to any resident of the school
 21 corporation who wishes to receive a copy of the ~~textbook~~.
 22 **curricular materials**.

23 (c) If a governing body does not sell, exchange, transfer, or
 24 otherwise convey unused ~~textbooks~~ **curricular materials** under
 25 subsection (a) or (b), each public elementary and secondary school in
 26 the governing body's school corporation shall provide storage for at
 27 least three (3) months for the ~~textbooks~~ **curricular materials** in the
 28 school corporation. A school corporation may sell or otherwise convey
 29 the ~~textbooks~~ **curricular materials** to another school corporation at
 30 any time during the period of storage.

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

39 (b) Upon request, the state superintendent shall mail to a nonprofit
 40 corporation or institution located in Indiana a list of ~~textbooks~~
 41 **curricular materials** available for access. A nonprofit corporation or
 42 institution may acquire the ~~textbooks~~ **curricular materials** from the

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1 appropriate school corporation by paying only the cost of shipping and
2 mailing.

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

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

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

22 SECTION 30. IC 20-26-12-7, AS ADDED BY P.L.1-2005,
23 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
24 JULY 1, 2012]: Sec. 7. (a) If a petition requesting the establishment of
25 an elementary school library is filed with a governing body, the
26 governing body shall provide a library containing ~~textbooks~~ **curricular**
27 **materials** in sufficient numbers to meet the needs of every resident
28 student in each of the eight (8) grades of each elementary school. The
29 petition must be signed by at least fifty-one percent (51%) of the
30 registered voters of the governing body's school corporation.

31 (b) This subsection applies to a governing body that has established
32 an elementary school library under subsection (a). If a petition
33 requesting establishment of a high school library is filed with the
34 governing body, the governing body shall provide a library containing
35 ~~textbooks~~ **curricular materials** in sufficient numbers to meet the
36 needs of every resident student in each of the four (4) grades of each
37 high school. The petition must be signed by at least twenty percent
38 (20%) of the voters of the school corporation as determined by the total
39 vote cast at the last general election for the trustee of the township,
40 clerk of the town, or mayor of the city.

41 SECTION 31. IC 20-26-12-8, AS ADDED BY P.L.1-2005,
42 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

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1 JULY 1, 2012]: Sec. 8. A petition for an elementary or a high school
2 library under section 7 of this chapter must be in substantially the
3 following form:

4 To the governing body of the school corporation of _____
5 We, the undersigned voters of the school corporation of _____
6 respectfully petition the governing body of the school corporation of
7 _____ to establish an elementary school (or high school, as
8 appropriate) library and to lend its school ~~textbooks~~ **curricular**
9 **materials** free of charge to the resident students of the school
10 corporation of _____, under IC 20-26-12.

11 NAME ADDRESS DATE
12 _____
13 _____
14 STATE OF INDIANA)
15) SS:
16 _____ COUNTY)

17 _____ being duly sworn, deposes and says that he or she is
18 the circulator of this petition paper and that the appended signatures
19 were made in his or her presence and are the genuine signatures of the
20 persons whose names they purport to be.

21 Signed _____
22 Subscribed and sworn to before me this ____ day of _____,
23 20 __.

24 _____
25 Notary Public

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

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

40 as applicable.

41 SECTION 33. IC 20-26-12-14, AS ADDED BY P.L.1-2005,
42 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

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1 JULY 1, 2012]: Sec. 14. (a) This subsection applies to a school
 2 corporation described in section 13(1) of this chapter. The governing
 3 body shall make the first appropriation from the school corporation's
 4 general fund in August following the petition's filing. Not later than the
 5 school term following the first appropriation, the library must be
 6 established and ~~textbooks~~ **curricular materials** must be loaned to
 7 resident students enrolled in the first five (5) grades of the elementary
 8 school. Not later than the second school term following the first
 9 appropriation, ~~textbooks~~ **curricular materials** must be procured and
 10 loaned to resident students enrolled in the eight (8) grades of the
 11 elementary school.

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

22 SECTION 34. IC 20-26-12-15, AS AMENDED BY P.L.73-2011,
 23 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 24 JULY 1, 2012]: Sec. 15. (a) A governing body shall purchase the
 25 necessary ~~textbooks~~ **curricular materials** from publishers. The
 26 publisher shall ship the ~~textbooks~~ **curricular materials** to the
 27 governing body not more than ninety (90) days after the requisition. On
 28 receipt of the textbooks, the governing body's school corporation has
 29 custody of the ~~textbooks~~ **curricular materials**. The governing body
 30 shall provide a receipt to the contracting publisher and reimburse the
 31 contracting publisher the amount owed by the school corporation from
 32 the school corporation's general fund.

33 (b) A governing body shall purchase ~~textbooks~~ **curricular**
 34 **materials**:

- 35 (1) from a resident student who presents the ~~textbooks~~
 36 **curricular materials** for sale on or before the beginning of the
 37 school term in which the ~~books~~ **curricular materials** are to be
 38 used;
- 39 (2) with money from the school corporation's general fund; and
- 40 (3) at a price based on the original price to the school
 41 corporation minus a reasonable reduction for damage from
 42 usage.



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

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

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

22 SECTION 38. IC 20-26-12-20, AS ADDED BY P.L.1-2005,
 23 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 24 JULY 1, 2012]: Sec. 20. A governing body shall prescribe reasonable
 25 rules and regulations for the care, custody, and return of library
 26 ~~textbooks~~. **curricular materials**. A resident student using library
 27 ~~textbooks~~ **curricular materials** is responsible for the loss, mutilation,
 28 or defacement of the library ~~textbooks~~, **curricular materials**, other
 29 than reasonable wear.

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

- 40 (1) the parent of each child who is enrolled in the school
 41 corporation and who wishes to receive a copy of the ~~textbook~~;
 42 **curricular material**; and

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1 (2) if any ~~textbooks~~ **curricular materials** remain after
2 distribution under subdivision (1), to any resident of the school
3 corporation who wishes to receive a copy of the ~~textbook~~
4 **curricular materials**.

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

9 (1) the schedule for payments shall coincide with student
10 payments to the school corporation for ~~textbook~~ **curricular**
11 **materials** rental; and

12 (2) the schedule must not require the school corporation to
13 assume a greater burden than payment of twenty-five percent
14 (25%) within thirty (30) days after the beginning of the school
15 year immediately following delivery by the contracting publisher
16 with the school corporation's promissory note evidencing the
17 unpaid balance.

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

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

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

27 (b) Notwithstanding subsection (a), a school township may not
28 borrow money to purchase ~~textbooks~~ **curricular materials** unless a
29 petition requesting such an action and bearing the signatures of
30 twenty-five percent (25%) of the resident taxpayers of the school
31 township has been presented to and approved by the township trustee
32 and township board.

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

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

40 (c) A special committee of teachers and parents may also be
41 appointed to review books, magazines, and audiovisual material used
42 or proposed for use in the classroom to supplement state adopted

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1 ~~textbooks~~ **curricular materials** and may make recommendations to the
 2 superintendent and the governing body concerning the use of ~~this~~
 3 ~~material.~~ **these materials.**

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

6 (1) six (6) years; or

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

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

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

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

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

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

30 (1) large type;

31 (2) Braille; and

32 (3) audio format.

33 SECTION 43. IC 20-26-12-25 IS REPEALED [EFFECTIVE JULY
 34 1, 2012]. ~~Sec. 25. After a local superintendent has selected textbooks~~
 35 ~~under this chapter, and not later than July 1, when new contracts~~
 36 ~~become effective, the superintendent shall forward to the state board a~~
 37 ~~list of those selections for all subjects and grades.~~

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

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- 1 (1) evaluate the affected children's ~~textbooks~~; **curricular**
- 2 **materials**; and
- 3 (2) offer to purchase the ~~textbooks~~ **curricular materials** at a
- 4 reasonable price for resale to any family that moves into that
- 5 corporation during a school term.
- 6 SECTION 45. IC 20-26-15-5, AS ADDED BY P.L.1-2005,
- 7 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 8 JULY 1, 2012]: Sec. 5. Notwithstanding any other law, the operation
- 9 of the following is suspended for a freeway school corporation or a
- 10 freeway school if the governing body of the school corporation elects
- 11 to have the specific statute or rule suspended in the contract:
- 12 (1) The following statutes and rules concerning curriculum and
- 13 instructional time:
- 14 IC 20-30-2-7
- 15 IC 20-30-5-8
- 16 IC 20-30-5-9
- 17 IC 20-30-5-11
- 18 511 IAC 6-7-6
- 19 ~~511 IAC 6.1-3-4~~
- 20 511 IAC 6.1-5-0.5
- 21 511 IAC 6.1-5-1
- 22 511 IAC 6.1-5-2.5
- 23 511 IAC 6.1-5-3.5
- 24 511 IAC 6.1-5-4.
- 25 (2) The following rule concerning pupil/teacher ratios:
- 26 511 IAC 6.1-4-1.
- 27 (3) The following statutes and rules concerning ~~textbooks~~:
- 28 **curricular materials**:
- 29 ~~IC 20-20-5-1 through IC 20-20-5-4~~
- 30 ~~IC 20-20-5-23~~
- 31 IC 20-26-12-24
- 32 IC 20-26-12-26
- 33 ~~IC 20-26-12-28~~
- 34 IC 20-26-12-1
- 35 IC 20-26-12-2
- 36 511 IAC 6.1-5-5.
- 37 (4) 511 IAC 6-7, concerning graduation requirements.
- 38 (5) IC 20-31-4, concerning the performance based accreditation
- 39 system.
- 40 (6) IC 20-32-5, concerning the ISTEP program established under
- 41 IC 20-32-5-15, if an alternative locally adopted assessment
- 42 program is adopted under section 6(7) of this chapter.

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1 SECTION 46. IC 20-29-6-7, AS AMENDED BY P.L.48-2011,
 2 SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 3 JULY 1, 2012]: Sec. 7. A school employer shall discuss with the
 4 exclusive representative of certificated employees the following items:

- 5 (1) Curriculum development and revision.
- 6 (2) ~~Textbook~~ **Curricular materials** selection.
- 7 (3) Teaching methods.
- 8 (4) Hiring, evaluation, promotion, demotion, transfer,
 9 assignment, and retention of certificated employees.
- 10 (5) Student discipline.
- 11 (6) Expulsion or supervision of students.
- 12 (7) Pupil/teacher ratio.
- 13 (8) Class size or budget appropriations.
- 14 (9) Safety issues for students and employees in the workplace,
 15 except those items required to be kept confidential by state or
 16 federal law.
- 17 (10) Hours.

18 SECTION 47. IC 20-30-5-2, AS ADDED BY P.L.1-2005,
 19 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 20 JULY 1, 2012]: Sec. 2. (a) Each public and nonpublic high school shall
 21 provide a required course that is:

- 22 (1) not less than one (1) year of school work; and
- 23 (2) in the:
 - 24 (A) historical;
 - 25 (B) political;
 - 26 (C) civic;
 - 27 (D) sociological;
 - 28 (E) economical; and
 - 29 (F) philosophical;

30 aspects of the constitutions of Indiana and the United States.

31 (b) The state board shall:

- 32 (1) prescribe the course described in this section and the course's
 33 appropriate outlines; and
- 34 (2) adopt the necessary ~~textbooks~~ **curricular materials** for
 35 uniform instruction.

36 (c) A high school student may not receive a diploma unless the
 37 student has successfully completed the interdisciplinary course
 38 described in this section.

39 SECTION 48. IC 20-30-5-17, AS ADDED BY P.L.1-2005,
 40 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 41 JULY 1, 2012]: Sec. 17. (a) A school corporation shall make available
 42 for inspection by the parent of a student any instructional materials,

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- 1 including:
- 2 (1) teachers' manuals;
- 3 (2) ~~textbooks~~; **curricular materials**;
- 4 (3) films or other video materials;
- 5 (4) tapes; and
- 6 (5) other materials;
- 7 used in connection with a personal analysis, an evaluation, or a survey
- 8 described in subsection (b).
- 9 (b) A student shall not be required to participate in a personal
- 10 analysis, an evaluation, or a survey that is not directly related to
- 11 academic instruction and that reveals or attempts to affect the student's
- 12 attitudes, habits, traits, opinions, beliefs, or feelings concerning:
- 13 (1) political affiliations;
- 14 (2) religious beliefs or practices;
- 15 (3) mental or psychological conditions that may embarrass the
- 16 student or the student's family;
- 17 (4) sexual behavior or attitudes;
- 18 (5) illegal, antisocial, self-incriminating, or demeaning behavior;
- 19 (6) critical appraisals of other individuals with whom the student
- 20 has a close family relationship;
- 21 (7) legally recognized privileged or confidential relationships,
- 22 including a relationship with a lawyer, minister, or physician; or
- 23 (8) income (except as required by law to determine eligibility for
- 24 participation in a program or for receiving financial assistance
- 25 under a program);
- 26 without the prior consent of the student if the student is an adult or an
- 27 emancipated minor or the prior written consent of the student's parent
- 28 if the student is an unemancipated minor. A parental consent form for
- 29 a personal analysis, an evaluation, or a survey described in this section
- 30 shall accurately reflect the contents and nature of the personal analysis,
- 31 evaluation, or survey.
- 32 (c) The department and the governing body shall give parents and
- 33 students notice of their rights under this section.
- 34 (d) The governing body shall enforce this section.
- 35 SECTION 49. IC 20-30-8-7, AS AMENDED BY P.L.2-2006,
- 36 SECTION 144, IS AMENDED TO READ AS FOLLOWS
- 37 [EFFECTIVE JULY 1, 2012]: Sec. 7. The program organizer may
- 38 request the approval from the department for the following:
- 39 (1) To receive the grant for alternative education programs
- 40 under IC 20-20-33.
- 41 (2) To be granted waivers from rules adopted by the state board
- 42 that may otherwise interfere with the objectives of the

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- 1 alternative education program, including waivers of:
- 2 (A) certain high school graduation requirements;
- 3 (B) the length of the student instructional day as set forth in
- 4 IC 20-30-2-2;
- 5 (C) required curriculum and ~~textbooks~~; **curricular**
- 6 **materials**;
- 7 (D) teacher certification requirements; and
- 8 (E) physical facility requirements.

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

- 16 (1) To provide educational services not available to the
- 17 non-English dominant students in sufficient quantity or quality,
- 18 including:
- 19 (A) remedial and compensatory instruction, psychological,
- 20 and other services designed to assist and encourage
- 21 non-English dominant students to enter, remain in, or
- 22 reenter elementary or secondary school;
- 23 (B) comprehensive academic instruction and career and
- 24 technical instruction;
- 25 (C) instructional materials (such as library books, ~~textbooks~~,
- 26 **curricular materials**, and other printed or published or
- 27 audiovisual materials) and equipment;
- 28 (D) comprehensive guidance, counseling, and testing
- 29 services;
- 30 (E) special education programs for persons with disabilities;
- 31 (F) preschool programs; and
- 32 (G) other services that meet the purposes of this
- 33 subdivision.
- 34 (2) To establish and operate exemplary and innovative
- 35 educational programs and resource centers that involve new
- 36 educational approaches, methods, and techniques designed to
- 37 enrich programs of elementary and secondary education for
- 38 non-English dominant students.

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

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

4 (1) The rule relates to the health or safety of students or school
5 personnel.

6 (2) The rule is a special education rule under 511 IAC 7.

7 (3) Suspension of the rule brings the school into noncompliance
8 with federal statutes or regulations.

9 (4) The rule concerns curriculum or ~~textbooks~~ **curricular**
10 **materials**.

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

14 (1) Curriculum.

15 (2) ~~Textbook~~ **Curricular materials** selection.

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

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

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

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

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

42 (c) To be guaranteed some level of reimbursement from the

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1 department, the governing body of a school corporation shall request
2 the reimbursement before November 1 of a school year.

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

4 (1) the number of students who are enrolled in that school
5 corporation and who are eligible for assistance under this
6 chapter;

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

8 (A) ~~textbooks~~ **curricular materials** (including ~~textbooks~~
9 **curricular materials** used in special education and high
10 ability classes) to these students;

11 (B) workbooks, digital content, and consumable ~~textbooks~~
12 **curricular materials** (including workbooks, consumable
13 ~~textbooks~~, **curricular materials**, and other consumable
14 instructional materials that are used in special education and
15 high ability classes) that are used by students for not more
16 than one (1) school year; **and**

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

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

22 (3) that ~~each textbook~~ **the curricular materials** described in
23 subdivision (2)(A) (except ~~those textbooks~~ **curricular**
24 **materials** used in special education classes and high ability
25 classes) has been adopted by the governing body; and

26 (4) any other information required by the department.

27 (e) Each school within a school corporation shall maintain complete
28 and accurate information concerning the number of students
29 determined to be eligible for assistance under this chapter. This
30 information shall be provided to the department upon request.

31 (f) Parents receiving other governmental assistance or aid that
32 considers educational needs in computing the entire amount of
33 assistance granted may not be denied assistance if the applicant's total
34 family income does not exceed the standards established by this
35 chapter.

36 (g) The amount of reimbursement that a school corporation is
37 entitled to receive shall be determined as provided in section 9.5 of this
38 chapter.

39 SECTION 54. IC 20-33-5-9, AS AMENDED BY P.L.229-2011,
40 SECTION 193, IS AMENDED TO READ AS FOLLOWS
41 [EFFECTIVE JULY 1, 2012]: Sec. 9. (a) If a parent of a child or an
42 emancipated minor who is enrolled in an accredited nonpublic school

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1 meets the financial eligibility standard under section 2 of this chapter,
 2 the parent or the emancipated minor may receive a reimbursement from
 3 the department as provided in this chapter for the costs or some of the
 4 costs incurred by the parent or emancipated minor in fees that are
 5 reimbursable under section 7 of this chapter.

6 (b) The department shall provide each accredited nonpublic school
 7 with sufficient application forms for assistance, prescribed by the state
 8 board of accounts.

9 (c) Each accredited nonpublic school shall provide the parents or
 10 emancipated minors who wish to apply for assistance with:

11 (1) the appropriate application forms; and

12 (2) any assistance needed in completing the application form.

13 (d) The parent or emancipated minor shall submit the application to
 14 the accredited nonpublic school. The accredited nonpublic school shall
 15 make a determination of financial eligibility subject to appeal by the
 16 parent or emancipated minor.

17 (e) If a determination is made that the applicant is eligible for
 18 assistance, subsection (a) applies.

19 (f) To be guaranteed some level of reimbursement from the
 20 department, the principal or other designee shall submit the
 21 reimbursement request before November 1 of a school year.

22 (g) In its request, the principal or other designee shall certify to the
 23 department:

24 (1) the number of students who are enrolled in the accredited
 25 nonpublic school and who are eligible for assistance under this
 26 chapter;

27 (2) the costs incurred in providing:

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

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

37 (C) ~~curricular materials~~ (as defined in IC 20-20-5.5-1);

38 (3) that ~~each textbook~~ **the curricular materials** described in
 39 subdivision (2)(A) (except ~~those textbooks~~ **any curricular**
 40 **materials** used in special education classes and high ability
 41 classes) has been adopted by the governing body; and

42 (4) any other information required by the department.

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1 (h) The amount of reimbursement that a parent or emancipated
 2 minor is entitled to receive shall be determined as provided in section
 3 9.5 of this chapter.

4 (i) The accredited nonpublic school shall distribute the money
 5 received under this chapter to the appropriate eligible parents or
 6 emancipated minors.

7 (j) Section ~~7(h)~~ **7(f)** of this chapter applies to parents or
 8 emancipated minors as described in this section.

9 (k) The accredited nonpublic school and the department shall
 10 maintain complete and accurate information concerning the number of
 11 applicants determined to be eligible for assistance under this section.

12 (l) The state board shall adopt rules under IC 4-22-2 to implement
 13 this section.

14 SECTION 55. IC 20-33-5-14, AS ADDED BY P.L.1-2005,
 15 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 16 JULY 1, 2012]: Sec. 14. (a) The school ~~textbook~~ **curricular materials**
 17 reimbursement contingency fund is established to reimburse school
 18 corporations, eligible parents of children who attend accredited
 19 nonpublic schools, and emancipated minors who attend accredited
 20 nonpublic schools as provided in section 9 of this chapter for assistance
 21 provided under this chapter. The fund consists of money appropriated
 22 to the fund by the general assembly. The state superintendent shall
 23 administer the fund.

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

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

34 (b) The governing body may transfer the amount levied to cover
 35 unreimbursed costs of ~~textbooks~~ **curricular materials** under this
 36 section to the ~~textbook~~ **curricular materials** rental fund or
 37 extracurricular account.

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

42 (1) school lunch; and

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1 (2) rental or sale of ~~textbooks~~; **curricular materials**;
 2 may be established as separate funds, separate and apart from the
 3 general fund, if no local tax rate is established for the programs.
 4 SECTION 58. IC 20-41-2-2, AS ADDED BY P.L.2-2006,
 5 SECTION 164, IS AMENDED TO READ AS FOLLOWS
 6 [EFFECTIVE JULY 1, 2012]: Sec. 2. Each township trustee in
 7 operating a ~~textbook~~ **curricular materials** rental program may use
 8 either of the following accounting methods:
 9 (1) The township trustee may supervise and control the program
 10 through its school corporation account by establishing a
 11 ~~textbook~~ **curricular materials** rental fund.
 12 (2) If ~~textbooks~~ **curricular materials** have not been purchased
 13 and financial commitments or guarantees for the purchases have
 14 not been made by the school corporation, the township trustee
 15 may have the program operated by the individual schools of the
 16 school corporation through the school corporation's
 17 extracurricular account or accounts under IC 20-41-1.
 18 SECTION 59. IC 20-41-2-3, AS ADDED BY P.L.2-2006,
 19 SECTION 164, IS AMENDED TO READ AS FOLLOWS
 20 [EFFECTIVE JULY 1, 2012]: Sec. 3. (a) If a school lunch fund is
 21 established under section 1 of this chapter or a ~~textbook~~ **curricular**
 22 **materials** rental fund is established under section 2 of this chapter, the
 23 receipts and expenditures for each program shall be made to and from
 24 the proper fund without appropriation or the application of other laws
 25 relating to the budgets of local governmental units.
 26 (b) If either program or both programs under sections 1 and 2 of this
 27 chapter are operated through the extracurricular account, the township
 28 trustee shall approve the amount of the bond of the treasurer of the
 29 extracurricular account in an amount the township trustee considers
 30 necessary to protect the account for all funds coming into the hands of
 31 the treasurer.
 32 SECTION 60. IC 20-41-2-5, AS ADDED BY P.L.2-2006,
 33 SECTION 164, IS AMENDED TO READ AS FOLLOWS
 34 [EFFECTIVE JULY 1, 2012]: Sec. 5. (a) A governing body in
 35 operating a ~~textbook~~ **curricular materials** rental program under
 36 IC 20-26-5-4(12) may use either of the following accounting methods:
 37 (1) The governing body may supervise and control the program
 38 through the school corporation account, establishing a ~~textbook~~
 39 **curricular materials** rental fund.
 40 (2) If ~~textbooks~~ **curricular materials** have not been purchased
 41 and financial commitments or guarantees for the purchases have
 42 not been made by the school corporation, the governing body

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1 may cause the program to be operated by the individual schools
2 of the school corporation through the school corporation's
3 extracurricular account or accounts in accordance with
4 IC 20-41-1.

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

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

22 (b) If either the lunch program or ~~textbook~~ **curricular materials**
23 rental program is handled through the extracurricular account, the
24 governing body of the school corporation shall approve the amount of
25 the bond of the treasurer of the extracurricular account in an amount
26 the governing body considers sufficient to protect the account for all
27 funds coming into the hands of the treasurer of the account.

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

33 (1) Each year the trustee shall pay to the parent or legal guardian
34 of any child whose residence is within the township, the initial
35 cost for the rental of ~~textbooks~~ **curricular materials** used in any
36 elementary or secondary school that has been accredited by the
37 state. The reimbursement for the rental of ~~textbooks~~ **curricular**
38 **materials** shall be for the initial yearly rental charge only.
39 ~~Textbooks~~ **Curricular materials** subsequently lost or destroyed
40 may not be paid for from this account.

41 (2) Students who are residents of the township for the last two
42 (2) years of their secondary education and who still reside within

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1 the township are entitled to receive financial assistance in an
2 amount not to exceed an amount determined by the trustee and
3 the township board during an annual review of postsecondary
4 education fees and tuition costs of education at any accredited
5 postsecondary educational institution. Amounts to be paid to
6 each eligible student shall be set annually after this review. The
7 amount paid each year must be:

- 8 (A) equitable for every eligible student without regard to
- 9 race, religion, creed, sex, disability, or national origin; and
- 10 (B) based on the number of students and the amount of
- 11 funds available each year.

12 (3) A person who has been a permanent resident of the township
13 continuously for at least two (2) years and who needs
14 educational assistance for job training or retraining may apply
15 to the trustee of the township for financial assistance. The
16 trustee and the township board shall review each application and
17 make assistance available according to the need of each
18 applicant and the availability of funds.

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

22 SECTION 63. IC 20-42.5-2-1, AS ADDED BY P.L.2-2007,
23 SECTION 240, IS AMENDED TO READ AS FOLLOWS
24 [EFFECTIVE JULY 1, 2012]: Sec. 1. A school corporation
25 individually, in collaboration with other school corporations, and
26 through the educational services centers may undertake action to
27 reduce noninstructional expenditures and allocate the resulting savings
28 to student instruction and learning. Actions taken under this section
29 include the following:

30 (1) Pooling of resources with other school corporations for
31 liability insurance, property and casualty insurance, worker's
32 compensation insurance, employee health insurance, vision
33 insurance, dental insurance, or other insurance, whether by
34 pooling risks for coverage or for the purchase of coverage, or by
35 the creation of or participation in insurance trusts, subject to the
36 following:

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

41 (i) The trust must be registered with the department of
42 insurance.

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- 1 (ii) The trust shall obtain stop loss insurance issued by
- 2 an insurer authorized to do business in Indiana with an
- 3 aggregate retention of not more than one hundred
- 4 twenty-five percent (125%) of the amount of expected
- 5 claims for the following year.
- 6 (iii) Contributions by the school corporations must be
- 7 set at one hundred percent (100%) of the aggregate
- 8 retention plus all other costs of the trust.
- 9 (iv) The trust shall maintain a fidelity bond in an
- 10 amount approved by the department of insurance. The
- 11 fidelity bond must cover each person responsible for the
- 12 trust for acts of fraud or dishonesty in servicing the
- 13 trust.
- 14 (v) The trust is subject to IC 27-4-1-4.5 regarding
- 15 claims settlement practices.
- 16 (vi) The trust shall file an annual financial statement in
- 17 the form required by IC 27-1-3-13 not later than March
- 18 1 of each year.
- 19 (vii) The trust is not covered by the Indiana insurance
- 20 guaranty association created under IC 27-6-8. The
- 21 liability of each school corporation is joint and several.
- 22 (viii) The trust is subject to examination by the
- 23 department of insurance. All costs associated with an
- 24 examination shall be borne by the trust.
- 25 (ix) The department of insurance may deny, suspend, or
- 26 revoke the registration of a trust if the commissioner
- 27 finds that the trust is in a hazardous financial condition,
- 28 the trust refuses to be examined or produce records for
- 29 examination, or the trust has failed to pay a final
- 30 judgment rendered against the trust by a court within
- 31 thirty (30) days.
- 32 (B) The department of insurance may adopt rules under
- 33 IC 4-22-2 to implement this subdivision.
- 34 (2) Electing, as an individual school corporation or as more than
- 35 one (1) school corporation acting jointly, to aggregate purchases
- 36 of natural gas commodity supply from any available natural gas
- 37 commodity seller for all schools included in the aggregated
- 38 purchases. A rate schedule that is:
- 39 (A) filed by a natural gas utility; and
- 40 (B) approved by the Indiana utility regulatory commission;
- 41 must include provisions that allow a school corporation or
- 42 school corporations acting jointly to elect to make aggregated

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1 purchases of natural gas commodity supplies. Upon request from
 2 a school corporation, a natural gas utility shall summarize the
 3 rates and charges for providing services to each school in the
 4 school corporation on one (1) summary bill for remitting
 5 payment to the utility.

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

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

9 (B) Fuel, maintenance, or other services for vehicles or
 10 vehicle fleets.

11 (C) Food services.

12 (D) Facilities management services.

13 (E) Transportation management services.

14 (F) ~~Textbooks~~, **Curricular materials**, technology, and other
 15 school materials and supplies.

16 (G) Any other purchases a school corporation may require.

17 Purchases may be made by contiguous school corporations, as
 18 part of regional consolidated purchasing arrangements, or from
 19 consolidated sources under multistate cooperative bidding
 20 arrangements.

21 SECTION 64. IC 20-42.5-3-1, AS ADDED BY P.L.2-2007,
 22 SECTION 240, IS AMENDED TO READ AS FOLLOWS
 23 [EFFECTIVE JULY 1, 2012]: Sec. 1. The state board shall explore
 24 methods, including statewide purchases, to reduce the expense to
 25 school corporations for the purchase of the following:

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

27 (2) Technology.

28 (3) School buses and other vehicles.

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

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

34 (1) political subdivisions; and

35 (2) their agencies.

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

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

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

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

42 (4) The disposal of property by a redevelopment commission

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- 1 established under IC 36-7.
- 2 (5) The leasing of property by a board of aviation commissioners
- 3 established under IC 8-22-2 or an airport authority established
- 4 under IC 8-22-3.
- 5 (6) The disposal of a municipally owned utility under IC 8-1.5.
- 6 (7) The sale or lease of property by a unit to an Indiana nonprofit
- 7 corporation organized for educational, literary, scientific,
- 8 religious, or charitable purposes that is exempt from federal
- 9 income taxation under Section 501 of the Internal Revenue Code
- 10 or the sale or reletting of that property by the nonprofit
- 11 corporation.
- 12 (8) The disposal of surplus property by a hospital established
- 13 and operated under IC 16-22-1 through IC 16-22-5, IC 16-22-8,
- 14 IC 16-23-1, or IC 16-24-1.
- 15 (9) The sale or lease of property acquired under IC 36-7-13 for
- 16 industrial development.
- 17 (10) The sale, lease, or disposal of property by a local hospital
- 18 authority under IC 5-1-4.
- 19 (11) The sale or other disposition of property by a county or
- 20 municipality to finance housing under IC 5-20-2.
- 21 (12) The disposition of property by a soil and water conservation
- 22 district under IC 14-32.
- 23 (13) The disposal of surplus property by the health and hospital
- 24 corporation established and operated under IC 16-22-8.
- 25 (14) The disposal of personal property by a library board under
- 26 IC 36-12-3-5(c).
- 27 (15) The sale or disposal of property by the historic preservation
- 28 commission under IC 36-7-11.1.
- 29 (16) The disposal of an interest in property by a housing
- 30 authority under IC 36-7-18.
- 31 (17) The disposal of property under IC 36-9-37-26.
- 32 (18) The disposal of property used for park purposes under
- 33 IC 36-10-7-8.
- 34 (19) The disposal of ~~textbooks~~ **curricular materials** that will no
- 35 longer be used by school corporations under IC 20-26-12.
- 36 (20) The disposal of residential structures or improvements by
- 37 a municipal corporation without consideration to:
- 38 (A) a governmental entity; or
- 39 (B) a nonprofit corporation that is organized to expand the
- 40 supply or sustain the existing supply of good quality,
- 41 affordable housing for residents of Indiana having low or
- 42 moderate incomes.

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- 1 (21) The disposal of historic property without consideration to
- 2 a nonprofit corporation whose charter or articles of
- 3 incorporation allows the corporation to take action for the
- 4 preservation of historic property. As used in this subdivision,
- 5 "historic property" means property that is:
- 6 (A) listed on the National Register of Historic Places; or
- 7 (B) eligible for listing on the National Register of Historic
- 8 Places, as determined by the division of historic
- 9 preservation and archeology of the department of natural
- 10 resources.
- 11 (22) The disposal of real property without consideration to:
- 12 (A) a governmental agency; or
- 13 (B) a nonprofit corporation that exists for the primary
- 14 purpose of enhancing the environment;
- 15 when the property is to be used for compliance with a permit or
- 16 an order issued by a federal or state regulatory agency to
- 17 mitigate an adverse environmental impact.
- 18 (23) The disposal of property to a person under an agreement
- 19 between the person and a political subdivision or an agency of
- 20 a political subdivision under IC 5-23.
- 21 (24) The disposal of residential real property pursuant to a
- 22 federal aviation regulation (14 CFR 150) Airport Noise
- 23 Compatibility Planning Program as approved by the Federal
- 24 Aviation Administration.

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COMMITTEE REPORT

Madam President: The Senate Committee on Education and Career Development, to which was referred Senate Bill No. 413, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 7, line 17, delete "and".

Page 7, between lines 18 and 19, begin a new line block indented and insert:

"(3) include any clarification or response from the publisher of a curricular material related to the department's summary review provided under subdivision (2); and".

Page 7, line 19, delete "(3)" and insert "(4)".

and when so amended that said bill do pass.

(Reference is to SB 413 as introduced.)

KRUSE, Chairperson

Committee Vote: Yeas 7, Nays 3.

 SENATE MOTION

Madam President: I move that Senate Bill 413 be amended to read as follows:

Page 15, delete lines 3 through 42, begin a new paragraph and insert:

"SECTION 23. IC 20-26-7-1, AS AMENDED BY P.L.91-2011, SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. **(a) As used in this section:**

- (1) "charter school" includes an entity seeking final approval from a sponsor to operate a charter school; and**
- (2) "school calendar year" refers to the period during which student instructional days are conducted under IC 20-30-2-2.**

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

- (1) is no longer needed for school purposes; or
- (2) should, in the interests of the school corporation, be exchanged for other property;

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

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

- (1) established under applicable law; and
- (2) that the governing body considers appropriate.

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

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

- (1) ~~either: (A)~~ is not **regularly used in whole or in part during the school calendar year** for classroom instruction **or student extracurricular activities** at the time the charter school seeks to lease the building ~~or and (B)~~ appears on the list compiled by the department under subsection ~~(e); (f); and~~
- (2) was previously used for classroom instruction; **and**
- (3) is not under contract for construction or improvement on the date the charter school seeks to lease the school building, unless the governing body plans to enter into a contract for construction or improvement to allow the regular use of the school building during the school calendar year for classroom instruction or student extracurricular activities within two (2) years.**

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

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

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

~~(f)~~ A school building that appears for the first time on the

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

~~(e)~~ **(h)** If a charter school wishes to use a school building on the list created under subsection ~~(e)~~; **(f)**, the charter school shall send a letter of intent to the department. The department shall notify the school corporation of the charter school's intent, and the school corporation that owns the school building shall lease the school building to the charter school for one dollar (\$1) per year for as long as the charter school uses the school building for classroom instruction or for a term at the charter school's discretion, or sell the school building to the charter school for one dollar (\$1). The charter school must begin to use the school building for classroom instruction not later than two (2) years after acquiring the school building. If the school building is not used for classroom instruction within two (2) years after acquiring the school building, the school building shall be placed on the department's list under subsection ~~(e)~~; **(f)**. If during the term of the lease the charter school closes or ceases using the school building for classroom instruction, the school building shall be placed on the department's list under subsection ~~(e)~~; **(f)**.

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

(j) A school corporation retains any debt associated with a school building if the school corporation sells the building to a charter school under subsection (h).

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

(l) A school corporation or governing body may not lease or sell any closed, unused, or unoccupied school building except as

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specifically provided in this section.

(m) If any closed, unused, or unoccupied school building is or has been leased or sold in contravention of this section, the lease or sale is or shall be invalid and the building must be placed on the department's list under subsection (f) immediately."

Delete page 16.

Page 17, delete lines 1 through 21.

Renumber all SECTIONS consecutively.

(Reference is to SB 413 as printed January 27, 2012.)

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SENATE MOTION

Madam President: I move that Senate Bill 413 be amended to read as follows:

Page 16, line 18, delete "The failure of" and insert "**If**".

Page 16, line 18, after "superintendent" insert "**or governing body fails**".

Page 16, line 21, delete "building is considered willful" and insert "**building, the department shall order the governing body to hold a public hearing to discuss the failure to place the unused school building on the department's list or to transfer control of the unused school building. The governing body shall send minutes of the hearing to the department to demonstrate the governing body's compliance with the order. One hundred eighty (180) days after the date of the department's order, if the governing body has not held the required public hearing, the department may withhold a portion of the state funding due to the school corporation until the hearing has been held.**".

Page 16, delete line 22.

(Reference is to SB 413 as printed January 27, 2012.)

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SENATE MOTION

Madam President: I move that Senate Bill 413 be amended to read as follows:

Page 15, line 26, delete "and".

Page 15, between lines 26 and 27, begin a new line block indented and insert:

"(2) may sell to an organization that is exempt from taxation under Section 501(c)(3) of the Internal Revenue Code for at least the building's fair market value if:

(A) the organization petitions the governing body to purchase the building;

(B) the governing body agrees to the sale;

(C) the governing body gives notice of the sale; and

(D) one hundred eighty (180) days after the date on which the governing body gives notice under clause (C), no charter school has indicated an interest in the building; and".

Page 15, line 27, delete "(2)" and insert "(3)".

Page 15, line 27, after "nonprofit" insert "**organization that is not described in subdivision (2)**".

(Reference is to SB 413 as printed January 27, 2012.)

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