

ARTICLE 2. SCHOOL CONSTRUCTION

Rule 1. General Principles (Repealed)

(Repealed by Indiana State Board of Education; filed Mar 27, 1998, 9:35 a.m.: 21 IR 2821)

Rule 2. Procedures and Standards for Remodeling Existing Buildings or Constructing New Schools (Repealed)

(Repealed by Indiana State Board of Education; filed Mar 27, 1998, 9:35 a.m.: 21 IR 2821)

Rule 3. Acquisition of Relocatable Classroom Units (Repealed)

(Repealed by Indiana State Board of Education; filed Mar 27, 1998, 9:35 a.m.: 21 IR 2821)

Rule 3.5. Mobile Instructional Units (Repealed)

(Repealed by Indiana State Board of Education; filed Mar 27, 1998, 9:35 a.m.: 21 IR 2821)

Rule 4. Requirement for Safe Areas in Education Facilities (Repealed)

(Repealed by Indiana State Board of Education; filed Mar 27, 1998, 9:35 a.m.: 21 IR 2821)

Rule 5. Administration of the Veterans Memorial School Construction Fund

511 IAC 2-5-1 Applications for advancement of funds

Authority: IC 21-1-11-1

Affected: IC 20-49-2-12; IC 20-49-2-13; IC 20-49-2-14

Sec. 1. Procedure. (A) Any public school or public school corporation or public joint school organization desiring to obtain an advancement of funds under this Act shall submit to the Commission on General Education of the Indiana State Board of Education a completed official application (including separate applications for each corporation comprising a joint school organization) indicating the basis of the need and the ability factors existing in said corporation or corporations. The application shall be properly signed before, and notarized by an official of competent jurisdiction. The signers shall be the trustee and a majority of the advisory board members of a township or joint school organization, the members of the board of trustees of the joint school organization, and the superintendent of schools having proper jurisdiction, or a majority of the members of the board of school trustees and the proper superintendent of schools of the applying city, town, metropolitan, or consolidated school corporation.

(B) Upon receipt of the official application channeled through the appropriate superintendent of schools and upon the verification of the facts the applicant school or school corporation shall be assigned by the Commission a School Building Index on the basis of need and taxing ability.

(C) Schools or school corporations, to be considered for advancements on or shortly after July 1, 1955, shall file their completed and certified applications on or before June 30, 1955. The dates for future applications shall be set by the Commission as determined by the availability of funds.¹

¹[Attention is called to the position taken by the Commission regarding the size of school in relation to educational need and high standards of achievement, which has often been reiterated.]

(D) Schools or school corporations which file applications but which do not qualify at the time the School Building Indexes are computed may file new applications at such times as the Commission may designate. *(Indiana State Board of Education; Rule B-3, Sec 1; filed Aug 8, 1955, 1:00 pm: Rules and Regs. 1956, p. 136; readopted filed Oct 12, 2001, 12:55 p.m.: 25 IR 937) NOTE: Transferred from the Commission on General Education (510 IAC 3-5-1) to the Indiana State Board of Education (511 IAC 2-5-1) by P.L.20-1984, SECTION 206, effective July 1, 1984.*

511 IAC 2-5-2 Qualifications

Authority: IC 21-1-11-1

Affected: IC 20-49-2-6; IC 20-49-2-10; IC 20-49-2-13

Sec. 2. Qualifications of the Applicants. (A) All schools or school corporations which qualify under this Act shall comply with all existing rules and regulations pertaining to schoolhouse planning and construction as established by the Commission and other State Agencies having official jurisdiction.

(B) If a consolidated or metropolitan school corporation has been formed during the three years immediately preceding the

filing of the application for advancement, data to compute the enrollment increase as prescribed in Section 6-a, of Chapter 312, of the Acts of 1955, shall be taken from the records of the constituent corporation.

(C) If, during each of the preceding three years prior to making application for advancement, the total school building tax efforts of the component parts of a new consolidated or metropolitan corporation have been equivalent to at least 50¢ on each \$100 of the combined assessed valuation, the new corporation shall be deemed qualified under Section 4-d of said Act.

(D) Schools heretofore, now or hereafter organized and operating under the laws of this state as a joint school organization shall have their School Building Indexes determined on the basis of the separate reports of the individual corporation concerned.

(E) For implementing said Act the term, "classroom", shall be defined as any room originally designed for or later suitably adapted to and normally used for classroom purposes, or under construction during the current school year to accommodate some form of group instruction in grades one to twelve on a day-by-day basis, excluding such areas as auditoriums, gymnasiums, lunchrooms, study halls or any athletic facilities. This rule [511 IAC 2-5] shall be interpreted and applied to mean a room accommodating from 24 to 36 pupils, as the subject need requires.

(F) The average daily attendance shall be deemed to mean both those public school pupils in grades one (1) to twelve (12) inclusive, residing in a school corporation and those public school pupils in grades (1) to (12) inclusive being transferred into a school corporation during the current school year. If a school corporation is approved for an advancement for which the attendance of pupils transferred from any school corporation or corporations shall have been used in computing the average daily attendance to assist in establishing the need factor, such pupil or pupils shall not be eligible to be considered in any other school corporation for purposes of receiving an advancement under this Act prior to the complete payment of the advancement for which said transferred pupils were originally considered in awarding said advancement except with the approval of the Commission on General Education.

(G) The Commission will take into account the adequacy of enrollments and the size of the administrative unit in its deliberations. (*Indiana State Board of Education; Rule B-3, Sec 2; filed Aug 8, 1955, 1:00 pm: Rules and Regs. 1956, p. 137; readopted filed Oct 12, 2001, 12:55 p.m.: 25 IR 937*) NOTE: Transferred from the Commission on General Education (510 IAC 3-5-2) to the Indiana State Board of Education (511 IAC 2-5-2) by P.L.20-1984, SECTION 206, effective July 1, 1984.

511 IAC 2-5-3 Administration of fund; processing of applications; determinations

Authority: IC 21-1-11-1

Affected: IC 20-19-2-8; IC 20-49-2

Sec. 3. Administration. (A) The first deduction on the advancement from tuition support referred to in Section 8 of said Act shall be made from the distribution in the year in which the revenue from the special tax provided for in Section 9 of said Act is collected.

(B) The tax rate provided for in said Section 9 shall be considered as having been levied in the August next following the advancement.

(C) In situations in which the procedures and qualifications outlined have been clearly met, the Director of the Division of Schoolhouse Planning is authorized to recommend approval through the State Superintendent of Public Instruction, to the Commission on General Education of the Indiana State Board of Education which shall act on all cases. In situations in which the procedures and qualifications have not been clearly met, the Director of the Division of Schoolhouse Planning shall report to the Commission concerning which procedures or qualifications have not been fully met and shall furnish the Commission the data which he has concerning such situations whereupon the Commission shall take whatever action it deems appropriate.

(D) The state advancement of funds to a duly qualified school or school corporation shall be determined on the following basis:

(1) New construction, at the rate of \$20,000 per classroom for the actual number of classrooms needed due to overcrowding and increased enrollments as certified in the application, provided that in no case shall the amount of advancement exceed actual construction costs.

(2) Addition of classrooms to existing buildings, at the rate of \$10,000 per classroom for the actual number of classrooms needed due to overcrowding and increased enrollments as certified in the application, provided that in no case shall the amount of the advancement exceed actual construction costs.

(3) Remodeling and/or repair to existing school buildings at the rate of \$5,000 per classroom in the school building to be remodeled or repaired, provided that in no case shall the amount of the advancement exceed actual construction costs.

(4) In no case shall any advancement to any school or school corporation be in excess of \$250,000.

(E) After all applications have been duly processed and the School Building Index has been completed, the schools or school corporations qualifying shall be notified as to the maximum amount which may be advanced. Advancements shall not be made,

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however, until it is determined that actual construction is to commence immediately. The total amount so encumbered shall not exceed the amount of funds available. When it has been determined finally that some corporations will qualify for less than the maximum, the schools or school corporations next in line shall be notified of the availability of funds.

(F) When the Commission has determined that a school corporation which has qualified for an advancement is ready to proceed with construction, it shall certify the name of the school or school corporation receiving the advancement and the amount of the advancement to the auditor of state who shall thereupon issue his warrant to such school or school corporation in the amount to which the school or school corporation has qualified, or in the amount of the actual construction cost, whichever is the lesser.

(G) The Commission reserves the right to negotiate with the applicant corporation the optimum time and agreed tax rate necessary to liquidate this advancement of funds.

(H) The amount which shall be deducted from tuition support as provided for in Section 8 shall be ascertained at the time of computing the tuition support distribution. One half of the amount so ascertained shall be withheld in each semi-annual distribution. *(Indiana State Board of Education; Rule B-3, Sec 3; filed Aug 8, 1955, 1:00 pm: Rules and Regs. 1956, p. 138; readopted filed Oct 12, 2001, 12:55 p.m.: 25 IR 937) NOTE: Transferred from the Commission on General Education (510 IAC 3-5-3) to the Indiana State Board of Education (511 IAC 2-5-3) by P.L.20-1984, SECTION 206, effective July 1, 1984.*

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