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**PRELIMINARY DRAFT**  
**No. 3787**

**PREPARED BY**  
**LEGISLATIVE SERVICES AGENCY**  
**2005 GENERAL ASSEMBLY**

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DIGEST

**Citations Affected:** IC 20.

**Synopsis:** Recodification. Title 20 recodification of Article 26 (concerning school corporations).

**Effective:** July 1, 2005.



A BILL FOR AN ACT to amend the Indiana Code concerning recodification of education laws.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 20 IS AMENDED BY ADDING A NEW  
2 ARTICLE 26 TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]:

3 **ARTICLE 26. SCHOOL CORPORATIONS: GENERAL**  
4 **ADMINISTRATIVE PROVISIONS**

5 Chapter 1. Applicability

6 [20-5-1-1] Sec. 1. ~~IC 20-5-1~~ **IC 20-26-1** through ~~IC 20-5-6~~ [?] **[QUERY: HOW BROAD SHOULD THIS REFERENCE BE? DOES THE INDIANA GENERAL SCHOOL POWERS ACT ENCOMPASS MORE THAN IC 20-5-1 THROUGH IC 20-5-6? IS THIS SECTION NEEDED AT ALL?]** shall ~~be~~ **are** known and may  
7  
8  
9  
10  
11 be cited and referred to as the Indiana General School Powers Act.

12 [20-5-1-2] Sec. 2. ~~IC 20-5-1~~ **IC 20-26-1** through ~~IC 20-5-6~~ [?] shall  
13 ~~be applicable~~ **apply** to all school corporations. ~~as defined in section 3~~  
14 ~~of this chapter, except school townships.~~

15 Chapter 2. Definitions

16 [20-5-1-3] Sec. 1. ~~As used in IC 20-5-1 through IC 20-5-6, the~~  
17 ~~following terms shall have the following meanings: The definitions in~~  
18 ~~this section apply~~ **[QUERY: THROUGHOUT THIS ARTICLE?]**

19 ~~(a) (1) "School corporation" shall mean any~~ **means** a local public  
20 school corporation established under ~~the laws of the state, of~~  
21 ~~Indiana law, including but not limited to a:~~

22 **(A) school cities; city;**

23 **(B) school towns; town;**

24 **(C) metropolitan school districts; district;**

25 **(D) consolidated school corporations; corporation;**

26 **(E) county school corporations; corporation;**

27 **(F) community school corporations; corporation; and**

28 **(G) united school corporations; excluding, however,**  
29 **corporation.**

30 **The term does not include a school townships; township.**

31 **[QUERY: THIS DEFINITION CONFLICTS WITH**



1 **TITLE-WIDE DEFINITION. DOES IC 20-18-2**  
2 **DEFINITION NEED TO BE AMENDED?]**

3 ~~(b)~~ (2) "Governing body" ~~shall mean~~ **refers to** the board of  
4 commissioners charged by law with the responsibility of  
5 administering the affairs of a school corporation, including ~~but~~  
6 ~~not limited to~~ a:

- 7 (A) board of school commissioners;
- 8 (B) metropolitan board of education;
- 9 (C) board of school trustees; or
- 10 (D) board of trustees. ~~and~~ **[QUERY: THIS DEFINITION**
- 11 **CONFLICTS WITH TITLE-WIDE DEFINITION. DOES**
- 12 **IC 20-18-2 DEFINITION NEED TO BE AMENDED?]**

13 (3) "Member" ~~shall mean~~ **means** a member of ~~such a~~ governing  
14 body.

15 ~~(c)~~ (4) "School purposes" ~~shall mean~~ **means** the general purposes  
16 and powers ~~provided specified~~ in ~~IC 20-5-2-1-2~~ **IC 20-26-5-1** and  
17 ~~IC 20-5-2-2~~ **IC 20-26-5-3**. **[QUERY: OK?]** However, the  
18 delineation of a specific power in ~~IC 20-5-2-2~~ **shall IC 20-26-5-3**  
19 **[QUERY: OK?]** is not ~~be construed~~ as a limitation on the general  
20 powers and purposes set out in ~~IC 20-5-2-1-2~~ **IC 20-26-5-1**.  
21 **[QUERY: ARE CROSS-REFERENCES BROAD ENOUGH?]**

22 Chapter 3. Home Rule

23 [20-5-1.5-1] Sec. 1. Notwithstanding any other law and subject to  
24 section 7 of this chapter, the policy of the state is to grant **to each**  
25 school ~~corporations~~ **corporation** all the powers ~~that they need~~ **needed**  
26 for the effective operation of ~~each the~~ school corporation.

27 [20-5-1.5-2] Sec. 2. (a) The rule of law that any doubt as to the  
28 existence of a power of a school corporation ~~shall be~~ **must be** resolved  
29 against ~~its the~~ **the existence of the power** is abrogated.

30 (b) Any doubt as to the existence of a power of a school corporation  
31 ~~shall must~~ be resolved in favor of ~~its the~~ **the existence of the power**. This  
32 rule applies ~~even though~~ **when** a statute granting the power has been  
33 repealed.

34 [20-5-1.5-3] Sec. 3. (a) The rule of law that a school corporation has  
35 only:

- 36 (1) powers expressly granted by statute;
- 37 (2) powers necessarily or fairly implied in or incident to powers  
38 expressly granted through rules adopted by the state board of  
39 education under IC 4-22-2 or otherwise; and
- 40 (3) powers indispensable to the declared purposes of the school  
41 corporation;

42 is abrogated.

43 (b) A school corporation has:

- 44 (1) all powers granted ~~it to the~~ **school corporation** by statute or  
45 through rules adopted by the state board of education; and
- 46 (2) all other powers necessary or desirable in the conduct of ~~its~~



1           **the school corporation's** affairs, even ~~though~~ **if the power is not**  
 2           granted by statute or rule.

3           **[QUERY: OK TO INSERT "OR OTHER AUTHORITY" AT THE**  
 4           **END OF (b)(2) AND STRIKE (c)? LANGUAGE IS**  
 5           **REPETITIOUS.]**

6           (c) The powers that school corporations have under subsection  
 7           (b)(1) are listed in various statutes. However, these statutes do not list  
 8           the powers that school corporations have under subsection (b)(2).  
 9           Therefore, the omission of a power from such a list does not imply that  
 10          school corporations lack that power.

11          [20-5-1.5-4] Sec. 4. A school corporation may exercise any power  
 12          it ~~has~~ **the school corporation possesses** **[QUERY: DO WE NEED**  
 13          **TO SAY "THE SCHOOL CORP. POSSESSES" SINCE THEY**  
 14          **HAVE ANY POWER NOT EXPRESSLY DENIED UNDER**  
 15          **SEC'S. 1, 2, AND 3 ANYWAY?]** to the extent that the power:

- 16           (1) is not expressly denied by the Constitution of the State of  
 17           Indiana, by statute, or by rule of the state board of education; and  
 18           (2) is not expressly granted to another entity.

19          [20-5-1.5-5] Sec. 5. (a) If there is a constitutional or statutory  
 20          provision requiring a specific manner for exercising a power, a school  
 21          corporation ~~wanting to~~ **that exercises the power shall** exercise the  
 22          power ~~must do so~~ **in that the specified** manner as a minimum  
 23          requirement.

24          (b) If there is no constitutional or statutory provision requiring a  
 25          specific manner for exercising a power, a school corporation ~~wanting~~  
 26          **to exercise the power must either that exercises the power shall:**

- 27           (1) adopt a written policy prescribing a specific manner for  
 28           exercising the power; or  
 29           (2) comply with a statutory provision permitting a specific manner  
 30           for exercising the power.

31          (c) A written policy under subsection (b)(1) must be adopted by the  
 32          governing body of the school corporation.

33          [20-5-1.5-6] Sec. 6. A state **agency** and other agencies may review  
 34          or regulate the exercise of powers by a school corporation only to the  
 35          extent prescribed by statute.

36          [20-5-1.5-7] Sec. 7. A school corporation does not have any of the  
 37          following powers:

- 38           (1) ~~Those~~ Powers expressly prohibited of a unit under  
 39           IC 36-1-3-8.  
 40           (2) ~~The~~ Power for eminent domain, unless specifically authorized  
 41           by statute.  
 42           (3) ~~The~~ Power to prescribe a civil penalty or a fine.  
 43           (4) ~~The~~ Power to adopt ordinances.  
 44           (5) ~~The~~ Power to require the attendance of witnesses and the  
 45           production of documents relative to matters being considered,  
 46           unless specifically authorized by statute.



(6) ~~The~~ Power to exercise powers outside of the boundaries of the school corporation, unless authorized by statute through a joint ~~agreements agreement~~ or otherwise.

Chapter 4. Organization and Operation of Governing Body

[20-5-3-1] Sec. 1. ~~For purposes of (a)~~ **As used in** this section, "electronic funds transfer" means ~~any a~~ transfer of funds, other than a transaction originated by check, draft, or similar paper instrument, that is initiated through an electronic terminal, telephone, or computer or magnetic tape for the purpose of ordering, instructing, or authorizing a financial institution to debit or credit an account.

~~(a)~~ **(b)** The governing body of each school corporation shall organize by electing a president, a vice president, and a secretary, each of whom ~~shall be is~~ a different member, ~~within the first~~ **not more than** fifteen (15) days ~~following~~ **after** the commencement date of the members' terms of office, as provided ~~for under in~~ section 3 of this chapter.

~~(b)~~ **(c)** A governing body shall, ~~also at such the time that~~ **officers are elected under subsection (b)**, appoint a treasurer of the governing body and of the school corporation who is a person, other than the superintendent of schools, who is not a member of the governing body. The treasurer may, with the approval of the governing body, appoint a deputy who ~~shall also must~~ be a person, other than the superintendent of schools, who is not a member of the governing body and who ~~shall have has~~ the same powers and duties as the treasurer, or ~~such~~ lesser duties as **provided by** the governing body by rule. ~~shall provide:~~ **[QUERY: SUBSTANTIVELY THE SAME?]**

~~(c)~~ **(d)** The treasurer ~~shall be is~~ the official custodian of all funds of the school corporation, ~~and shall be is~~ responsible for the proper safeguarding and accounting for ~~at~~ the funds, and shall:

(1) issue a receipt for any money ~~coming into~~ **received by the treasurer's hands; treasurer;**

(2) deposit ~~such~~ money **described in subdivision (1)** in accordance with the laws governing the deposit of public funds; and

(3) issue all warrants in payment of expenses lawfully incurred on behalf of the school corporation. ~~but,~~ **However,** except as otherwise provided by law, ~~shall issue the~~ warrants **described in this subdivision must be issued** only after proper allowance or approval by the governing body. ~~No~~ **The governing body may not require an** allowance or approval ~~shall be required by the governing body~~ for amounts lawfully due in payment of indebtedness or payments due the state, ~~of Indiana,~~ the United States government, or ~~their~~ agencies and instrumentalities **of the state or the United States government.**

~~No~~ A verification, other than a properly itemized invoice, ~~shall may~~ **not** be required for any claim of one hundred dollars (\$100) or less, and



1 any a claim over this amount that exceeds one hundred dollars  
 2 (\$100) is sufficient as to form if the bill or statement therefor for the  
 3 claim has printed or stamped on its the face of the bill or statement  
 4 a verification of the bill or statement in language approved by the state  
 5 board of accounts.

6 **[QUERY: SUBSTANTIVELY THE SAME?]**

7 ~~(d)~~ (e) Notwithstanding subsection ~~(e)~~, (d), a treasurer may transact  
 8 school corporation financial business with a financial institution or a  
 9 public retirement fund through the use of electronic funds transfer. The  
 10 treasurer must provide adequate documentation to the governing body  
 11 of the transfers made under this subsection. This subsection applies  
 12 only to agreements for joint investment of money under IC 5-13-9 and  
 13 to payments to:

- 14 (1) the Indiana state teachers' retirement fund; or
- 15 (2) the public employees' retirement fund;

16 from participating employers.

17 ~~(e)~~ (f) A treasurer is not personally liable for an act or omission  
 18 occurring in connection with the performance of the duties set forth in  
 19 this section, unless the act or omission constitutes gross negligence or  
 20 an intentional disregard of the treasurer's duties.

21 ~~(f)~~ (g) ~~The~~ A governing body may establish the position of executive  
 22 secretary to the governing body. The executive secretary:

- 23 (1) must be an employee of the school corporation;
- 24 (2) may not be a member of the governing body; and
- 25 (3) shall must be appointed by the governing body upon the  
 26 recommendation of the superintendent of the school corporation.

27 The governing body shall determine the duties of the executive  
 28 secretary, which may include all or part of the duties of the secretary of  
 29 the board.

30 [20-5-3-1.5] Sec. 1.5. ~~Governing Body; Oath of Office.~~ Each A  
 31 person elected or selected to be a member of a school corporation  
 32 governing body shall take the following oath before taking office:

33 "I solemnly swear (or affirm) that I will support the Constitution of  
 34 the United States of America, the Constitution of the State of Indiana,  
 35 and the laws of the United States and the State of Indiana. I will  
 36 faithfully execute the duties of my office as a member of this governing  
 37 body, so help me God." ~~Provided, that~~

38 **However,** the school corporation governing body may provide for such  
 39 additional provisions to said the oath as that the governing body may  
 40 deem considers appropriate for said the office.

41 [20-5-3-2] Sec. 2. (a) Regular meetings shall must be held by each  
 42 governing body at a time and place established by resolution of the  
 43 board or may be incorporated in the rules provided in ~~IC 20-5-2-2(17)~~:  
 44 **IC 20-26-5-3.** ~~No~~ A notice need not be given any a member for  
 45 holding or taking any action at a regular meeting.

46 (b) ~~Where~~ If a meeting is held pursuant according to a procedure



1 set up forth by statute or rule and where if publication of notice of the  
 2 meeting is required, no notice of the meeting is not required or and  
 3 need not be given any a member for holding or taking any action at  
 4 such the meeting contemplated by such the notice, and the meeting  
 5 shall must be held at the time and place specified in such the published  
 6 notice.

7 (c) Special meetings of the a governing body shall must be held on  
 8 call by its the governing body's president, or by the superintendent of  
 9 schools of the school corporation. Such The call shall must be  
 10 evidenced by a written notice specifying the time and place of the  
 11 meeting, delivered to each member personally or sent by mail or  
 12 telegram so that each member has at least seventy-two (72) hours  
 13 notice thereof: of the special meeting. Such Special meetings shall  
 14 must be held at the regular meeting place of the board.

15 (d) All meetings of the a governing body shall must be open to the  
 16 public to the extent required by IC 5-14-1.5. and The governing body  
 17 shall comply with IC 5-14-1.5.

18 (e) Where If notice of a meeting is required and each member of a  
 19 governing body has waived notice thereof; of the meeting, as provided  
 20 in this subsection, no such notice shall be of the meeting is not  
 21 necessary. Waiver of notice of any a meeting by any a member shall  
 22 consist consists of the following:

23 (1) His The member's presence at the meeting.

24 (2) His The member's execution of a written notice waiving the  
 25 time and place of the meeting, executed either before or after the  
 26 meeting. Where; However, such if notice is executed after the  
 27 meeting, such the waiver shall must also state in general terms  
 28 the purpose of the meeting. Where If a waiver recites specifies  
 29 that it the waiver was executed before the meeting, third persons  
 30 shall be are entitled to rely on such the statement.

31 (f) At a meeting of the governing body, a majority of the members  
 32 shall constitute constitutes a quorum. No Action may not be taken  
 33 unless a quorum is present. Except where a larger vote is required by  
 34 statute or rule with respect to any matter, a majority of the members  
 35 present may adopt a resolution or take any action.

36 (g) All meetings of the governing body for the conduct of business  
 37 shall, must, subject to the provisions of this subsection, be held within  
 38 the school corporation, except they may be held: as follows:

39 (1) meetings may be held at the administrative offices of the  
 40 school corporation where such if the offices are outside the  
 41 geographic limits of the school corporation but are within any a  
 42 county where all or a part of the school corporation is located. or

43 (2) meetings may be held at any a place where the statute or rule  
 44 pursuant according to which a statutory meeting is held permits  
 45 meeting outside the school corporation, as may occur where when  
 46 the meeting is held jointly with another governing body.



1 [20-5-3-3] Sec. 3. ~~(1)~~ ~~(3)~~ **(a)** This section ~~shall not be applicable~~  
 2 **does not apply** to a school city of the first class or to a school  
 3 corporation succeeding to all or the major part in area of ~~such a~~ school  
 4 **city of the first class.**

5 **(b)** The commencement and termination of terms **of members of a**  
 6 **governing body is are** as follows:

7 ~~(a)~~ **(1)** Except as provided in subdivision ~~(b)~~; **(2)**, the governing  
 8 body of each school corporation shall determine whether the term  
 9 of office for ~~its the governing body's~~ members is ~~to extend~~  
 10 **extends** from January 1 to December 31 or from July 1 to June  
 11 30. ~~Any A~~ governing body ~~making that makes~~ a change in the  
 12 commencement date of ~~its the governing body's~~ members' terms  
 13 shall report the change to the Indiana state board of education  
 14 before August 1 preceding the year in which the change takes  
 15 place. An ex officio member of a governing body shall take office  
 16 at the time ~~he the ex officio member~~ takes the oath of the office  
 17 by virtue of which ~~he the ex officio member~~ is entitled to become  
 18 ~~such an~~ ex officio member.

19 ~~(b)~~ **(2)** In a county having a population of more than four hundred  
 20 thousand (400,000), the terms of office for the members of ~~each~~  
 21 **a** governing body, whether elected or appointed, commence on  
 22 July 1 of the year in which ~~they the members~~ are to take office  
 23 under the plan, resolution, or law under which the school  
 24 corporation is established, and terminate on the June 30 of the  
 25 final year of the term for which ~~they the members~~ are to serve  
 26 under the plan, resolution, or law.

27 ~~(2)~~ **(c)** If ~~there shall occur~~ a vacancy in the membership of ~~any a~~  
 28 governing body **occurs** for any reason (including ~~but not limited to~~ the  
 29 failure of a sufficient number of petitions for candidates for governing  
 30 body membership being filed for ~~any an~~ election and whether the  
 31 vacancy was of an elected or appointed member, ~~excepting, however,~~  
 32 **except [QUERY: CORRECT?]** a vacancy of a member who serves  
 33 on the governing body in an ex officio capacity, or a vacancy in an  
 34 appointed board membership where ~~any a~~ plan, resolution, or law  
 35 under which the school corporation operates specifically provides for  
 36 the filling of vacancies by the appointing authority) the remaining  
 37 members of the governing body shall by majority vote fill ~~such the~~  
 38 vacancy by appointing a person from within the boundaries of the  
 39 school corporation, with the residence and other qualifications  
 40 provided for a regularly elected or appointed board member filling ~~such~~  
 41 **the** membership, to serve for the term or the balance of the term.

42 [20-5-3-4] Sec. 4. For each school year commencing July 1, the  
 43 treasurer of each governing body and ~~its the governing body's~~ school  
 44 corporation and ~~any a~~ deputy treasurer, if so appointed, shall give a  
 45 bond for the faithful performance of ~~his the treasurer's and deputy~~  
 46 **treasurer's** duties written by an insurance company licensed to do



1 business in ~~the state of~~ Indiana, in an amount determined by the  
 2 governing body. The treasurer ~~shall be~~ is responsible under ~~his the~~  
 3 **treasurer's** bond for the acts of ~~any a~~ deputy treasurer appointed as  
 4 provided in section 1 of this chapter. **[QUERY: THIS DOESN'T**  
 5 **SEEM TO MAKE SENSE- BOTH GIVE A BOND, BUT THE**  
 6 **TREASURER'S BOND IS TO COVER THE DEPUTY**  
 7 **TREASURER TOO?]**

8 [20-5-3-5] Sec. 5. (a) The governing body of any school corporation  
 9 may designate a committee of not less than two (2) of ~~its the governing~~  
 10 **body's** members, or a committee of not less than two (2) employees of  
 11 the school corporation, to open and tabulate bids:

12 (1) in connection with the purchase of supplies, material or  
 13 equipment; ~~or~~

14 (2) for the construction or alteration of ~~any a~~ building or facility;  
 15 or

16 (3) for any similar purpose.

17 ~~Such~~ (b) Bids **described in subsection (a):**

18 (1) may be opened by ~~such the~~ committee at the time and place  
 19 fixed by the advertisement for bids;

20 (2) ~~shall must~~ be read aloud and tabulated publicly, to the extent  
 21 required by law for governing bodies; and

22 (3) ~~shall must~~ be available for inspection.

23 (c) The bids ~~shall described in subsection (a) must~~ be reported to,  
 24 and the tabulation entered upon the records of, the governing body at  
 25 ~~its the governing body's~~ next meeting following ~~such the~~ bid opening.  
 26 ~~No~~

27 (d) A bid ~~shall described in subsection (a) must not~~ be accepted  
 28 or rejected by ~~such the~~ committee, but ~~such the~~ bid ~~shall must~~ be  
 29 accepted or rejected solely by the governing body in a board meeting  
 30 open to the public as provided in section 2 of this chapter.

31 [20-5-3-6] Sec. 6. (a) Except as provided in ~~IC 20-3-11-2,~~  
 32 **IC 20-25-3-3**, the governing body of ~~each a~~ school corporation by  
 33 resolution ~~shall have~~ **has** the power to pay each ~~of its members~~  
 34 **member of the governing body** a reasonable amount for service as a  
 35 member, not to exceed:

36 (1) two thousand dollars (\$2,000) per year; and

37 (2) a per diem not to exceed the rate approved for members of the  
 38 board of school commissioners under ~~IC 20-3-11-2(c);~~

39 **IC 20-25-3-3(d).**

40 (b) If the members of the governing body are totally comprised of  
 41 appointed members, the appointive authority under ~~IC 20-4-1-26.3(e)~~  
 42 **must IC 20-23-4-22(e) shall** approve the per diem rate allowable under  
 43 subsection (a)(2) before the governing body may make the payments.

44 (c) To make a valid approval under subsection (b), the appointive  
 45 authority ~~must shall~~ approve the per diem rate with the same  
 46 endorsement required under ~~IC 20-4-1-26.3(f)~~ **IC 20-23-4-22(f)** to



1 make the appointment of the member.

2 [20-5-3-8] Sec. 7. Notwithstanding any other law, the president and  
 3 secretary of the governing body of ~~any~~ a school corporation are  
 4 entitled, on behalf of the school corporation, to sign any contract, ~~These~~  
 5 ~~contracts may include, but are not limited to, including~~ employment  
 6 contracts and contracts for goods and services. However, each contract  
 7 must be approved by a majority of all ~~of the~~ members of the governing  
 8 body. In the absence of either the president or secretary of the  
 9 governing body, the vice president is entitled to sign the contracts with  
 10 the officer who is present.

11 [20-5-3-9] Sec. 8. ~~No person~~ **An individual who is at least**  
 12 **twenty-one (21) years of age and is** otherwise eligible to assume  
 13 office as a member of a governing body ~~shall~~ **may not** be disqualified  
 14 on the basis of age. ~~if he is at least twenty-one (21) years of age.~~

15 [20-5-3-10] Sec. 9. Property ownership ~~shall~~ **is not be** a qualification  
 16 for serving as a member of a governing body.

17 [20-5-3-11] Sec. 10. In addition to any other eligibility requirements  
 18 for members of the governing body of a school corporation as set forth  
 19 in law, an individual who is employed as a teacher (as defined in  
 20 ~~IC 20-6-1-1-8~~) **[QUERY: IC 20-18-2-25?]** or as a noncertificated  
 21 employee (as defined in ~~IC 20-7-5~~) **IC 20-29**) of the school corporation  
 22 may not be a member of the governing body of the school corporation.

23 Chapter 5. General Powers and Duties

24 [20-5-2-1.2] Sec. 1. (a) Each school corporation shall conduct an  
 25 educational program for all children who reside within the school  
 26 corporation in kindergarten and in grades 1 through 12. ~~During the~~  
 27 ~~1990-91 school year, each school corporation may provide each~~  
 28 ~~preschool child with a disability with an appropriate special education~~  
 29 ~~as required under IC 20-1-6-14.1 using local or available federal funds.~~  
 30 **Beginning with the 1991-92 school year, Each school corporation shall**  
 31 **provide each preschool child with a disability with an appropriate**  
 32 **special education as required under ~~IC 20-1-6-14.1~~ IC 20-35-4-8** only  
 33 if the general assembly appropriates state funds for preschool special  
 34 education.

35 (b) Each school corporation may:

- 36 (1) conduct an educational program for adults and children ~~over~~  
 37 **at least [QUERY: OK?]** fourteen (14) years of age ~~not attending~~  
 38 **who do not attend** a program ~~under described in~~ subsection (a);  
 39 (2) provide instruction in vocational, industrial, or manual  
 40 training;  
 41 (3) provide libraries for the schools of the school corporation;  
 42 (4) provide public libraries open and free for the use and benefit  
 43 of the residents and taxpayers of the school corporation where  
 44 permitted by law;  
 45 (5) provide vacation school and recreational programs;  
 46 (6) conduct other educational or other activities as are permitted



1 or required to be performed by law by any school corporation; and  
 2 (7) provide a school age child care program that operates during  
 3 periods when school is in session for students who are enrolled in  
 4 a half-day kindergarten program.

5 (c) Each school corporation shall develop a written policy that  
 6 provides for:

7 (1) the implementation of a school age child care program for  
 8 children who attend kindergarten through grade 6 that, at a  
 9 minimum, operates after the school day and may include periods  
 10 of time before school is in session or periods when school is not  
 11 otherwise in session (commonly referred to as **a latch key**  
 12 **programs) program**) and is offered by the school corporation; or  
 13 (2) the availability of the school corporation's buildings or parts  
 14 of the school corporation's buildings to conduct the ~~types type~~ of  
 15 ~~programs program~~ described in subdivision (1) by **a nonprofit**  
 16 ~~organizations organization~~ or **a for-profit** ~~organizations~~  
 17 **organization.**

18 (d) The written policy required under subsection (c) must address  
 19 compliance with certain standards ~~for of~~ reasonable care for children  
 20 served ~~under by~~ a child care program offered under this subsection,  
 21 **[QUERY: SHOULD CROSS-REFERENCE BE EXTENDED TO**  
 22 **ENTIRE SECTION? SUBSECTION (C)?]** including:

23 (1) requiring the offering entity to acquire a particular amount of  
 24 liability insurance; and  
 25 (2) establishing maximum adult to child ratios governing the  
 26 overall supervision of the children ~~being~~ served.

27 If a school corporation implements ~~the school corporation's own~~ **a** child  
 28 care program **as described in subsection (c)(1)** or enters into a  
 29 contract **with an entity described in subsection (c)(2)** to provide ~~these~~  
 30 ~~programs;~~ **a child care program**, the school corporation may not  
 31 assess a fee for the use of the building, and the contract between the  
 32 school corporation and the entity providing the program must be in  
 33 writing. However, the school corporation may assess a fee to reimburse  
 34 the school corporation for providing security, maintenance, utilities,  
 35 school personnel, or other ~~added~~ costs directly attributable to the use  
 36 of the ~~buildings building~~ for the ~~programs.~~ **program.** In addition, if a  
 37 school corporation offers ~~the school corporation's own~~ **a** child care  
 38 program **as described in subsection (c)(1)**, the school corporation may  
 39 assess a fee to cover ~~the~~ costs attributable to implementing the  
 40 program.

41 (e) The powers under this section ~~shall be construed as~~ **are** purposes  
 42 as well as powers.

43 [20-5-2-1.5] Sec. 2. (a) Notwithstanding section ~~1-2~~ **1** of this  
 44 chapter, except as provided in subsection (c), ~~and beginning with the~~  
 45 ~~1992-93 school year,~~ each school corporation shall do one (1) of the  
 46 following:



1 (1) Conduct a school age child care program (commonly referred to as a latch key program) for children who attend kindergarten through grade 6 that, at a minimum:

2 (A) operates after the school day and may include periods before school is in session or periods when school is not otherwise in session and is offered by the school corporation; and

3 (B) is available to all children in the applicable grade levels within the school corporation.

4 (2) Contract with a not-for-profit or for-profit organization to:

5 (A) conduct the ~~types type~~ of ~~programs program~~ described in subdivision (1); and ~~that utilize~~

6 (B) **utilize** school buildings or parts of school buildings **in conducting the program.**

7 A contract entered into under this subdivision must be in writing. However, a school corporation is not required to conduct ~~its latch key~~ **the school corporation's child care** program, or to contract for a ~~latch key child care~~ program, for kindergarten students during times ~~in~~ **during** which grades 1 through 6 are in session.

8 (b) Each school corporation shall develop a written policy that addresses compliance with certain standards ~~for of~~ reasonable care for children served ~~under by~~ a child care program required under subsection (a), including the following:

9 (1) Requiring the offering entity to acquire a particular amount of liability insurance.

10 (2) Establishing maximum adult to child ratios governing the overall supervision of the children ~~being~~ served.

11 A school corporation may not assess a fee for the use of a building ~~in~~ **for** a child care program required under subsection (a). However, the school corporation may assess a fee to reimburse the school corporation for providing security, maintenance, utilities, school personnel, or other ~~added~~ costs directly attributable to the use of ~~the buildings for the~~ **programs: a building for a child care program.** If a school corporation ~~offers the school corporation's own~~ **conducts a** child care program **under subsection (a)(1)**, the school corporation may assess a fee to cover ~~the~~ costs attributable to implementing the program.

12 (c) A school corporation shall receive a waiver from the state board of the requirement under subsection (a) if the **governing body** **[QUERY: "GOVERNING BODY SEEMS MORE CORRECT...]** **of the** school corporation believes that ~~it the school corporation~~ would experience an undue hardship due to a low number of eligible children intending to utilize ~~the services of the latch key a child care~~ program, regardless of whether the ~~latch key child care~~ program is conducted by the school **corporation** or under a contractual agreement. To receive a waiver, the school corporation **[QUERY: "GOVERNING BODY"?)** must include a detailed description of its



1 **the school corporation's** attempt to implement a ~~latch key~~ **child care**  
 2 program, including the following:

3 (1) A description of the steps taken to:

4 (A) ~~conduct its own latch key~~ **a child care program described**  
 5 **in subsection (a)(1);** or ~~to~~

6 (B) actively solicit ~~other~~ not-for-profit organizations or  
 7 for-profit organizations to implement ~~the latch key a child~~  
 8 **care program as provided in subsection (a)(2).**

9 (2) Evidence that a request in writing was made to ~~all parents~~  
 10 **each parent** to contact the school corporation to indicate ~~their the~~  
 11 **parent's** willingness to utilize ~~the latch key a child care~~ program  
 12 and documentation of the results received from parents. ~~in this~~  
 13 ~~regard.~~

14 [20-5-2-2] Sec. **3.** In carrying out the school purposes of ~~each a~~  
 15 school corporation, ~~its the~~ governing body acting on ~~its the school~~  
 16 **corporation's** behalf ~~shall have~~ **has** the following specific powers:

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

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. ~~therefor.~~

24 ~~(2.5)~~ **(3)** To appropriate from the **school corporation's** [QUERY:  
 25 **OK?**] general fund [QUERY: **WHAT GENERAL FUND?**  
 26 **STATE, SCHOOL CORP, ETC?**] an amount, not to exceed the  
 27 greater of three thousand dollars (\$3,000) per budget year or one  
 28 dollar (\$1) per pupil, not to exceed twelve thousand five hundred  
 29 dollars (\$12,500), based ~~upon~~ **on** the school corporation's  
 30 previous year's average daily membership (as defined in  
 31 IC 21-3-1.6-1.1) ~~for the purpose of promoting to promote~~ the  
 32 best interests of the school corporation ~~by:~~ **through:**

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

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

37 (C) developing relations with other governmental units.

38 ~~(3)~~ **(4)** To acquire, construct, erect, maintain, hold, and ~~to~~ contract  
 39 for ~~such~~ construction, erection, or maintenance of ~~such~~ real estate,  
 40 real estate improvements, or ~~any an~~ interest in ~~either,~~ **real estate**  
 41 **or real estate improvements**, as the governing body ~~deems~~  
 42 **considers** necessary for school purposes, including ~~but not~~  
 43 **limited to** buildings, parts of buildings, additions to buildings,  
 44 rooms, gymnasiums, auditoriums, playgrounds, playing and  
 45 athletic fields, facilities for physical training, buildings for  
 46 administrative, office, warehouse, repair activities, or housing of



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

20 ~~(4)~~ **(5)** To acquire ~~such~~ personal property or ~~any an~~ interest  
 21 ~~therein in personal property~~ as the governing body ~~deems~~  
 22 **considers** necessary for school purposes, including ~~but not~~  
 23 ~~limited to~~ buses, motor vehicles, equipment, apparatus,  
 24 appliances, books, furniture, and supplies, either by ~~outright cash~~  
 25 purchase, ~~for cash,~~ or under conditional sales or purchase money  
 26 contracts providing for a security interest by the seller until  
 27 payment is made or by notes where ~~such the~~ contract, security,  
 28 retention, or note is permitted by applicable law, by gift, by  
 29 devise, by loan, or by lease with or without option to purchase and  
 30 to repair, remodel, remove, relocate, and demolish ~~such the~~  
 31 personal property. **[QUERY: THIS SENTENCE CAN BE**  
 32 **INTERPRETED SEVERAL WAYS. WHAT IS CORRECT**  
 33 **PLACEMENT OF COMMAS?]** All purchases and contracts  
 34 delineated under the powers given under subdivision ~~(3)~~ **(4)** and  
 35 this subdivision ~~shall be~~ **are** subject solely to applicable law  
 36 relating to purchases and contracting by municipal corporations  
 37 in general and to the supervisory control of ~~state agencies of the~~  
 38 ~~state~~ as provided in section ~~3~~ **5** of this chapter.

39 ~~(5)~~ **(6)** To sell or exchange ~~any of such~~ real or personal property  
 40 or interest ~~therein, in real or personal property which that,~~ in  
 41 the opinion of the governing body, is not necessary for school  
 42 purposes, in accordance with ~~IC 20-5-5;~~ **IC 20-26-7,** to demolish  
 43 or otherwise dispose of ~~such the~~ property if, in the opinion of the  
 44 governing body, ~~it the~~ **property** is not necessary for school  
 45 purposes and is worthless, and to pay the expenses for ~~such the~~  
 46 demolition or disposition.



1 ~~(6)~~ (7) To lease any school property for a rental ~~which that~~ the  
 2 governing body ~~deems~~ **considers** reasonable or to permit the free  
 3 use of school property for:

4 (A) civic or public purposes; or

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

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

23 ~~(7)~~ (8) To employ, contract for, and discharge superintendents,  
 24 supervisors, principals, teachers, librarians, athletic coaches  
 25 (whether or not they are otherwise employed by the school  
 26 corporation and whether or not they are licensed under  
 27 ~~IC 20-6-1-3~~; **IC 20-28-5**), business managers, superintendents of  
 28 buildings and grounds, janitors, engineers, architects, physicians,  
 29 dentists, nurses, accountants, teacher aides performing  
 30 noninstructional duties, educational and other professional  
 31 consultants, data processing and computer service for school  
 32 purposes, including ~~but not limited to~~ the making of schedules,  
 33 the keeping and analyzing of grades and other student data, the  
 34 keeping and preparing of warrants, payroll, and similar data  
 35 where approved by the state board of accounts as provided below,  
 36 and ~~such~~ other personnel or services ~~as~~ as the governing body  
 37 considers necessary for school purposes. To fix and pay the  
 38 salaries and compensation of ~~such~~ persons and ~~such~~ services  
 39 **described in this subdivision**. To classify ~~such~~ persons or  
 40 services **described in this subdivision** and to adopt schedules of  
 41 salaries or compensation. To determine the number of ~~such~~ **the**  
 42 persons or the amount of ~~the~~ services ~~thus~~ employed or contracted  
 43 for **as provided in this subdivision**. To determine the nature and  
 44 extent of ~~their~~ **the** duties **of the persons**. The compensation,  
 45 terms of employment, and discharge of teachers ~~shall~~; **is**,  
 46 however, ~~be~~ subject to and governed by the laws relating to



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

13 ~~(8)~~ **(9)** Notwithstanding the appropriation limitation in  
 14 subdivision ~~(2-5)~~, **(3)**, when the governing body by resolution  
 15 ~~deems~~ **considers** a trip by an employee of the school corporation  
 16 or by a member of the governing body to be in the interest of the  
 17 school corporation, including ~~but not limited to~~ attending  
 18 meetings, conferences, or examining equipment, buildings, and  
 19 installation in other areas, to permit ~~such the~~ employee to be  
 20 absent in connection with ~~such the~~ trip without any loss in pay  
 21 and to refund to ~~such the~~ employee or to ~~such the~~ member ~~his the~~  
 22 **employee's or member's** reasonable hotel and board bills and  
 23 necessary transportation expenses. To pay teaching personnel for  
 24 time spent in sponsoring and working with school related trips or  
 25 activities.

26 ~~(9)~~ **(10)** To transport children to and from school, when in the  
 27 opinion of the governing body ~~such the~~ transportation is  
 28 necessary, including ~~but not limited to~~ considerations for the  
 29 safety of ~~such the~~ children and without regard to the distance ~~they~~  
 30 **the children** live from the school, ~~such the~~ transportation to be  
 31 otherwise in accordance with ~~the laws~~ applicable ~~thereto~~ **law**.

32 ~~(10)~~ **(11)** To provide a lunch program for a part or all of the  
 33 students attending the schools of the school corporation, including  
 34 ~~but not limited to~~ the establishment of kitchens, kitchen facilities,  
 35 kitchen equipment, lunch rooms, the hiring of the necessary  
 36 personnel to operate ~~such the~~ **lunch** program, and the purchase of  
 37 ~~any~~ material and supplies ~~therefor~~, **for the lunch program**,  
 38 charging students for the operational costs of ~~such the~~ lunch  
 39 program, fixing the price per meal or per food item. To operate  
 40 ~~such the~~ lunch program as an extracurricular activity, subject to  
 41 the supervision of the governing body. To participate in ~~any a~~  
 42 surplus commodity or lunch aid program.

43 ~~(11)~~ **(12)** To purchase textbooks, to furnish ~~them~~ **textbooks**  
 44 without cost or to rent ~~them~~ **textbooks** to students, to participate  
 45 in ~~any a~~ textbook aid program, all in accordance with applicable  
 46 law.



- 1           ~~(12)~~ **(13)** To accept students transferred from other school  
 2 corporations and to transfer students to other school corporations  
 3 in accordance with applicable law.
- 4           ~~(13)~~ **(14)** To levy taxes, to make budgets, to appropriate funds,  
 5 and to disburse the money of the school corporation in accordance  
 6 with ~~the laws applicable thereto.~~ **applicable law.** To borrow  
 7 money against current tax collections and otherwise to borrow  
 8 money, in accordance with ~~IC 20-5-4.~~ **[QUERY: IC 20-?]**
- 9           ~~(14)~~ **(15)** To purchase insurance or to establish and maintain a  
 10 program of self-insurance relating to the liability of the school  
 11 corporation or ~~its~~ **the school corporation's** employees in  
 12 connection with motor vehicles or property and for ~~any~~ additional  
 13 coverage to the extent permitted and in accordance with  
 14 IC 34-13-3-20. To purchase additional insurance or to establish  
 15 and maintain a program of self-insurance protecting the school  
 16 corporation and members of the governing body, employees,  
 17 contractors, or agents of the school corporation from ~~any~~ liability,  
 18 risk, accident, or loss related to ~~any~~ school property, school  
 19 contract, school or school related activity, including ~~but not~~  
 20 ~~limited~~ to the purchase of insurance or the establishment and  
 21 maintenance of a self-insurance program protecting ~~such~~ persons  
 22 **described in this subdivision** against false imprisonment, false  
 23 arrest, libel, or slander for acts committed in the course of ~~their~~  
 24 **the persons'** employment, protecting the school corporation for  
 25 fire and extended coverage and other casualty risks to the extent  
 26 of replacement cost, loss of use, and other insurable risks relating  
 27 to ~~any~~ property owned, leased, or held by the school corporation.  
 28 To:
- 29           (A) participate in a state employee health plan under  
 30 IC 5-10-8-6.6;
- 31           (B) purchase insurance; or
- 32           (C) establish and maintain a program of self-insurance;  
 33 to benefit school corporation employees, ~~which may include~~  
 34 **including** accident, sickness, health, or dental coverage, provided  
 35 that ~~any~~ a plan of self-insurance ~~shall~~ **must** include an aggregate  
 36 stop-loss provision.
- 37           ~~(15)~~ **(16)** To make all applications, to enter into all contracts, and  
 38 to sign all documents necessary for the receipt of aid, money, or  
 39 property from the state government, the federal government, or  
 40 from any other source.
- 41           ~~(16)~~ **(17)** To defend any member of the governing body or any  
 42 employee of the school corporation in any suit arising out of the  
 43 performance of ~~his~~ **the member's or employee's** duties for or  
 44 employment with, the school corporation, ~~provided if~~  
 45 the governing body by resolution determined that ~~such~~ **the** action was  
 46 taken in good faith. To save any ~~such~~ member or employee



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

8 ~~(17)~~ **(18)** To prepare, make, enforce, amend, or repeal rules,  
 9 regulations, and procedures for the government and management  
 10 of the schools, property, facilities, and activities of the school  
 11 corporation, ~~its the school corporation's~~ agents, employees, and  
 12 pupils and for the operation of ~~its the~~ governing body, which  
 13 rules, regulations, and procedures may be designated by ~~any an~~  
 14 appropriate title such as "policy handbook", "bylaws", or "rules  
 15 and regulations".

16 ~~(18)~~ **(19)** To ratify and approve any action taken by ~~any a~~ member  
 17 of the governing body, ~~any an~~ officer of the governing body, or by  
 18 ~~any an~~ employee of the school corporation after ~~such the~~ action  
 19 is taken, if ~~such the~~ action could have been approved in advance,  
 20 and in connection ~~therewith~~ [QUERY: "WITH THE  
 21 **RATIFICATION AND APPROVAL**"?] to pay ~~any the~~ expense  
 22 or compensation permitted under ~~IC 20-5-1~~ **IC 20-26-1** through  
 23 **IC 20-5-6** [QUERY: CITE?] or any other law.

24 ~~(19)~~ **(20)** To exercise any other power and make any expenditure  
 25 in carrying out ~~its the governing body's~~ general powers and  
 26 purposes provided in this chapter or in carrying out the powers  
 27 delineated in this section which is reasonable from a business or  
 28 educational standpoint in carrying out school purposes of the  
 29 school corporation, including ~~but not limited to~~ the acquisition of  
 30 property or the employment or contracting for services, even  
 31 though ~~such the~~ power or expenditure ~~shall is not be~~ specifically  
 32 set out ~~herein: in this~~ [QUERY: "SECTION."/"CHAPTER."?]  
 33 The specific powers set out in this section ~~shall do not be~~  
 34 ~~construed to~~ limit the general grant of powers provided in this  
 35 chapter except where a limitation is set out in ~~IC 20-5-1~~  
 36 **IC 20-26-1** through ~~IC 20-5-6~~ [QUERY: CITE?] by specific  
 37 language or by reference to other law.

38 [20-5-2-2.1] Sec. ~~4. The~~ **A** governing body of a school corporation  
 39 may establish a policy regarding the allocation of tickets to ~~its the~~  
 40 ~~school corporation's~~ interscholastic athletic events or other school  
 41 related programs and activities at no charge or at a reduced rate to  
 42 groups or individuals designated by the governing body.

43 [20-5-2-3] Sec. **5.** All powers delegated to the governing body of  
 44 ~~each a~~ school corporation under section ~~1-2 1~~ or ~~2 3~~ [QUERY: SAME  
 45 **AS ABOVE**] of this chapter ~~shall be~~ ~~are~~ subject to all ~~the~~ laws  
 46 subjecting the school corporation to regulation by a state agencies;



1 **agency**, including ~~but not limited to~~ the state superintendent of public  
 2 instruction, state board of accounts, state police department, fire  
 3 prevention and building safety commission, department of local  
 4 government finance, water pollution control board, state school bus  
 5 committee, state department of health, and any local governmental  
 6 agency to which the state has been delegated a specific authority in  
 7 matters other than educational matters and other than finance,  
 8 including ~~but not limited to~~ plan commissions, zoning boards, and  
 9 boards ~~dealing concerned~~ with health and safety.

10 [20-5-2-4] Sec. 6. Notwithstanding any other statute, ~~to the contrary~~,  
 11 the governing body of ~~each~~ a school corporation may, by resolution,  
 12 appoint ~~its~~ **the school corporation's** superintendent of schools or any  
 13 person residing ~~inside its~~ **within the school corporation's** boundaries  
 14 to serve on ~~any other another~~ public board, commission, or public  
 15 body including park boards, library boards, tax adjustment boards, or  
 16 city or county plan commissions, where legislation requires or permits  
 17 representation by a member of the governing body, ~~its~~ **the school**  
 18 **corporation's** superintendent or other designated educator as a  
 19 member of the public board, commission, or body.

20 [20-5-2-5] Sec. 7. The governing body of a school corporation may  
 21 appropriate necessary funds to provide **for** membership of the school  
 22 corporation in state and national associations of an educational nature  
 23 that have as ~~their~~ **the associations'** purpose the improvement of school  
 24 governmental operations. A school corporation may also participate  
 25 through duly designated representatives in the meetings and activities  
 26 of the associations, and the governing body of the school corporation  
 27 may appropriate the necessary funds to defray the expenses of the  
 28 representatives in connection with the meetings and activities.

29 [20-5-2-6] Sec. 8. (a) A school corporation may provide programs,  
 30 classes, or services to a state educational institution (as defined in  
 31 IC 20-12-0.5-1).

32 (b) A state educational institution may provide programs, classes,  
 33 or services to a school corporation.

34 (c) The terms and conditions under which programs, classes, or  
 35 services are to be provided must be specified in a contract between the  
 36 state educational institution and the governing body of the school  
 37 corporation.

38 [20-5-2-7] Sec. 9. (a) A school corporation, including a school  
 39 township, shall adopt a policy concerning criminal history information  
 40 for individuals who:

41 (1) apply for:

42 (A) employment with the school corporation; or

43 (B) employment with an entity with which the school  
 44 corporation contracts for services;

45 (2) seek to enter into a contract to provide services to the school  
 46 corporation; or



1 (3) are employed by an entity that seeks to enter into a contract to  
 2 provide services to the school corporation;  
 3 if the individuals are likely to have direct, ongoing contact with  
 4 children within the scope of the individuals' employment.

5 (b) A school corporation, including a school township, shall  
 6 administer a policy adopted under this section uniformly for all  
 7 individuals to whom the policy applies. A policy adopted under this  
 8 section may require any of the following:

9 (1) The school corporation, including a school township, may  
 10 request limited criminal history information concerning each  
 11 applicant for noncertificated employment or certificated  
 12 employment from a local or state law enforcement agency before  
 13 or not later than three (3) months after the applicant's employment  
 14 by the school corporation.

15 (2) Each individual hired for noncertificated employment or  
 16 certificated employment may be required to provide a written  
 17 consent for the school corporation to request under IC 10-13-3  
 18 limited criminal history information or a national criminal history  
 19 background check concerning the individual before or not later  
 20 than three (3) months after the individual's employment by the  
 21 school corporation. The school corporation may require the  
 22 individual to provide a set of fingerprints and pay any fees  
 23 required for a national criminal history background check.

24 (3) Each individual hired for noncertificated employment may be  
 25 required at the time the individual is hired to submit a certified  
 26 copy of the individual's limited criminal history (as defined in  
 27 IC 10-13-3-11) to the school corporation.

28 (4) Each individual hired for noncertificated employment may be  
 29 required at the time the individual is hired to:

30 (A) submit a request to the Indiana central repository for  
 31 limited criminal history information under IC 10-13-3;

32 (B) obtain a copy of the individual's limited criminal history;  
 33 and

34 (C) submit to the school corporation the individual's limited  
 35 criminal history and a document verifying a disposition (as  
 36 defined in IC 10-13-3-7) that does not appear on the limited  
 37 criminal history.

38 (5) Each applicant for noncertificated employment or certificated  
 39 employment may be required at the time the individual applies to  
 40 answer questions concerning the individual's limited criminal  
 41 history. The failure to answer honestly questions asked under this  
 42 subdivision is grounds for termination of the employee's  
 43 employment.

44 (6) Each individual that:

45 (A) seeks to enter into a contract to provide services to a  
 46 school corporation; or



- 1 (B) is employed by an entity that seeks to enter into a contract  
 2 with a school corporation;  
 3 may be required at the time the contract is formed to comply with  
 4 the procedures described in subdivisions (2), (4), and (5). An  
 5 individual who is employed by an entity that seeks to enter into a  
 6 contract with a school corporation to provide student services in  
 7 which the entity's employees have direct contact with students in  
 8 a school based program may be required to provide the consent  
 9 described in subdivision (2) or the information described in  
 10 subdivisions (4) and (5) to either the individual's employer or the  
 11 school corporation. Failure to comply with subdivisions (2), (4),  
 12 and (5), as required by the school corporation, is grounds for  
 13 termination of the contract. An entity that enters into a contract  
 14 with a school corporation to provide student services in which the  
 15 entity's employees have direct contact with students in a school  
 16 based program is allowed to obtain limited criminal history  
 17 information or a national criminal history background check  
 18 regarding the entity's applicants or employees in the same manner  
 19 that a school corporation may obtain the information.
- 20 (c) If an individual is required to obtain a limited criminal history  
 21 under this section, the individual is responsible for all costs associated  
 22 with obtaining the limited criminal history.
- 23 (d) Information obtained under this section must be used in  
 24 accordance with IC 10-13-3-29.
- 25 [20-5-2-8] Sec. 10. (a) This section applies to:
- 26 (1) a school corporation; and  
 27 (2) an entity:
- 28 (A) with which the school corporation contracts for services;  
 29 and  
 30 (B) that has employees who are likely to have direct, ongoing  
 31 contact with children within the scope of the employees'  
 32 employment.
- 33 (b) A school corporation or entity may use information obtained  
 34 under ~~section 7 of this chapter~~ **[QUERY: UNDER SECTION 9 OF**  
 35 **THIS CHAPTER?]** concerning an individual's conviction for one (1)  
 36 of the following offenses as grounds to not employ or contract with the  
 37 individual:
- 38 (1) Murder (IC 35-42-1-1).  
 39 (2) Causing suicide (IC 35-42-1-2).  
 40 (3) Assisting suicide (IC 35-42-1-2.5).  
 41 (4) Voluntary manslaughter (IC 35-42-1-3).  
 42 (5) Reckless homicide (IC 35-42-1-5).  
 43 (6) Battery (IC 35-42-2-1) unless ten (10) years have elapsed from  
 44 the date the individual was discharged from probation,  
 45 imprisonment, or parole, whichever is later.  
 46 (7) Aggravated battery (IC 35-42-2-1.5).



- 1 (8) Kidnapping (IC 35-42-3-2).  
 2 (9) Criminal confinement (IC 35-42-3-3).  
 3 (10) A sex offense under IC 35-42-4.  
 4 (11) Carjacking (IC 35-42-5-2).  
 5 (12) Arson (IC 35-43-1-1), unless ten (10) years have elapsed  
 6 from the date the individual was discharged from probation,  
 7 imprisonment, or parole, whichever is later.  
 8 (13) Incest (IC 35-46-1-3).  
 9 (14) Neglect of a dependent as a Class B felony  
 10 (IC 35-46-1-4(b)(2)), unless ten (10) years have elapsed from the  
 11 date the individual was discharged from probation, imprisonment,  
 12 or parole, whichever is later.  
 13 (15) Child selling (IC 35-46-1-4(d)).  
 14 (16) Contributing to the delinquency of a minor (IC 35-46-1-8),  
 15 unless ten (10) years have elapsed from the date the individual  
 16 was discharged from probation, imprisonment, or parole,  
 17 whichever is later.  
 18 (17) An offense involving a weapon under IC 35-47 or  
 19 IC 35-47.5, unless ten (10) years have elapsed from the date the  
 20 individual was discharged from probation, imprisonment, or  
 21 parole, whichever is later.  
 22 (18) An offense relating to controlled substances under  
 23 IC 35-48-4, unless ten (10) years have elapsed from the date the  
 24 individual was discharged from probation, imprisonment, or  
 25 parole, whichever is later.  
 26 (19) An offense relating to material or a performance that is  
 27 harmful to minors or obscene under IC 35-49-3, unless ten (10)  
 28 years have elapsed from the date the individual was discharged  
 29 from probation, imprisonment, or parole, whichever is later.  
 30 (20) An offense relating to operating a motor vehicle while  
 31 intoxicated under IC 9-30-5, unless five (5) years have elapsed  
 32 from the date the individual was discharged from probation,  
 33 imprisonment, or parole, whichever is later.  
 34 (21) An offense that is substantially equivalent to any of the  
 35 offenses listed in this subsection in which the judgment of  
 36 conviction was entered under the law of any other jurisdiction.  
 37 (c) An individual employed by a school corporation or an entity  
 38 described in subsection (a) shall notify the governing body of the  
 39 school corporation, if during the course of the individual's employment,  
 40 the individual is convicted in Indiana or another jurisdiction of an  
 41 offense described in subsection (b).  
 42 Could not find 20-5-6  
 43 Could not find 20-5-10  
 44 Could not find 20-5-15  
 45 Could not find 20-5-16  
 46 Chapter 6. Treasurer and Counting



1 Could not find 20-5-7

2 Could not find 20-5-6

3 [20-1-1.5-5] Sec. 1. All public school governing bodies in ~~the state~~  
 4 **Indiana** shall adopt and fully and accurately implement a single,  
 5 unified accounting system as prescribed by the state board of education  
 6 and the state board of accounts.

7 Chapter 7. Property and Eminent Domain

8 [20-5-5-1] Sec. 1. ~~Whenever the~~ **(a) If a** governing body of a school  
 9 corporation determines that any real or personal property is no longer  
 10 needed for school purposes or should in the interests of the school  
 11 corporation be exchanged for other property, **it the governing body**  
 12 may sell or exchange ~~such the~~ property in accordance with ~~the~~  
 13 ~~provisions of~~ IC 36-1-11.

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

16 **(1)** established under applicable law; and ~~which~~

17 **(2) that** the governing body ~~of the school corporation in its~~  
 18 ~~discretion shall deem~~ **considers** appropriate.

19 [20-5-5-6] Sec. 2. ~~The~~ **A** governing body of a school corporation  
 20 may deposit insurance proceeds received as a result of damage to real  
 21 or personal property in any school fund:

22 **(1)** established under applicable law; ~~which and~~

23 **(2) that** the governing body ~~deems~~ **considers** appropriate.

24 Could not find 20-5-18

25 Could not find 20-5-19

26 Could not find 20-5-20

27 Could not find 20-5-21

28 Could not find 20-5-23

29 Could not find 20-5-28

30 Could not find 20-5-32

31 [20-5-33-1] Sec. 3. ~~All~~ **(a) A** common school corporations of this  
 32 state shall hereafter possess **corporation:**

33 **(1) has** the same powers; and ~~be~~

34 **(2) is** subject to the same duties and liabilities; ~~in respect to~~  
 35 **concerning** municipal assessments for the cost of public improvements  
 36 affecting ~~their the common school corporation's~~ real estate that  
 37 private owners of real estate possess or **to which private owners of**  
 38 **real estate** are subject. ~~to and~~

39 **(b)** The real estate of ~~such corporations shall be a common school~~  
 40 **corporation is** subject to liens for ~~such~~ municipal assessments for  
 41 public improvements ~~in all cases where if the real estate:~~

42 **(1) had been owned by a private owner; and**

43 **(2) the same property would be so have been** subject had it; ~~to a~~  
 44 **lien** at the time the lien ~~attaches; was attached.~~ ~~been owned by a~~  
 45 ~~private owner except that no~~

46 **(c) A** penalty or ~~an attorney's fee in respect of any such concerning~~



1 a municipal assessment ~~shall may not be collectible~~ **collected** from  
2 ~~any such~~ a school corporation.

3 [20-5-43-1] Sec. 4. The superintendent of ~~each~~ a school corporation  
4 shall cause ~~to be made~~ an annual inspection **to be conducted** of all  
5 heating systems and supporting gas, oil, propane, or any other fuel lines  
6 used for school purposes.

7 [20-5-43-2] Sec. 5. A report of the inspection ~~herein provided for~~  
8 **described in section 4 of this chapter** shall be made to the office of  
9 the fire marshal ~~prior to before~~ September ~~1st~~ **1** of each year. The  
10 report shall be made on forms prescribed and approved by the office of  
11 the fire marshal.

12 [20-5-44-1] Sec. 6. ~~After June 30, 1931, no~~ A school building ~~shall~~  
13 **may not** be condemned and declared unfit for use for school purposes  
14 except ~~in compliance with the provisions of~~ **as provided in** this  
15 chapter.

16 [20-5-44-2] Sec. 7. A petition signed by:

17 (1) the state department of health;

18 (2) the state fire marshal; or ~~not less than~~

19 (3) **at least** twenty-five (25) legal residents of the school  
20 corporation in which ~~such a school~~ building is ~~situated~~; ~~not less~~  
21 ~~than located~~, **at least** fifteen (15) of whom are resident  
22 freeholders;

23 may be filed with the auditor of the county in which ~~such the~~ school  
24 corporation is located, alleging that the school building designated in  
25 ~~such the~~ petition is insanitary or otherwise unfit for use for school  
26 purposes and should be condemned.

27 [20-5-44-3] Sec. 8. ~~Upon the filing of such~~ **If a petition is filed**  
28 **under section 7 of this chapter**, the auditor of the county shall **do the**  
29 **following:**

30 (1) Mail one (1) copy of ~~such the~~ petition to:

31 (A) the county superintendent of schools; and ~~one (1) copy to~~

32 (B) the township trustee or the president of the board of school  
33 trustees or board of school commissioners of the school  
34 corporation in which ~~such the~~ school building is located. ~~and~~  
35 ~~shall~~

36 (2) Give notice by one (1) publication in each of two (2)  
37 newspapers circulating in the school corporation in which ~~such~~  
38 ~~the~~ school building is ~~situated~~ **located** that a hearing will be held:  
39 ~~in~~

40 (A) **at a place and at a time** ~~which shall be~~ designated in ~~such~~  
41 ~~the~~ notice;

42 (B) not less than ten (10) days after the ~~day~~ **date** on which  
43 ~~such the~~ notice is published;

44 (C) before the board of commissioners and the county council  
45 of ~~such the~~ county, acting jointly; and ~~that any~~

46 (D) **at which an** interested person may appear in person or by



- 1 attorney and be heard.
- 2 [20-5-44-4] Sec. 9. (a) The auditor shall ~~likewise~~ call a special  
3 session of the board of commissioners and the county council to:
- 4 (1) conduct ~~such~~ the hearing **described in section 8 of this**  
5 **chapter**; and to
- 6 (2) determine the matter ~~so~~ submitted.
- 7 (b) The chairman of the county council shall preside at ~~such~~ the  
8 hearing.
- 9 [20-5-44-5] Sec. 10. (a) The hearing **described in section 9 of this**  
10 **chapter** may be adjourned from day to day. ~~and upon the conclusion~~  
11 ~~thereof~~;
- 12 (b) **When the hearing has concluded**, the board and council, acting  
13 jointly, shall determine from:
- 14 (1) the evidence submitted; ~~or from~~
- 15 (2) an inspection of the building; or
- 16 (3) both ~~whether such the evidence and an inspection;~~  
17 **if the building should be condemned. and**;
- 18 (c) If the board and council, acting jointly, ~~shall~~ determine that ~~such~~  
19 **the building should be condemned, they shall so find; and the board**  
20 **and council** shall fix a date when the order of the board and council  
21 ~~shall become effective. becomes effective. An appeal~~ from the finding  
22 and determination of the board ~~an appeal~~ may be ~~taken made~~ to the  
23 circuit or superior court of the county in the same manner as appeals  
24 are taken from the board of county commissioners.
- 25 [20-5-44-6] Sec. 11. ~~After June 30, 1931~~; (a) The state board of  
26 education ~~shall have no authority to may not~~:
- 27 (1) revoke the commission of ~~any a~~ high school; or to
- 28 (2) refuse to grant a commission to ~~any a~~ high school ~~in this state~~;  
29 when properly applied for;
- 30 because of the physical condition of any of the buildings in which ~~such~~  
31 **the high school is conducted or maintained. nor shall**
- 32 (b) The credits or the academic standing of ~~any a~~ person who is a  
33 pupil in or a graduate of ~~any a~~ high school **may not** be affected or  
34 determined ~~in any manner whatsoever~~ by the physical condition of the  
35 building in which ~~such the~~ pupil attended high school.
- 36 [20-5-45-1] Sec. 12. (a) ~~An appeal shall lie from all decisions A~~  
37 **decision** of the state department of health ~~of Indiana in any matter~~  
38 **involving the building, changing, or condemnation of any to build,**  
39 **change, or condemn a school building in the state of Indiana. Said**  
40 **appeal may be taken appealed by: any**
- 41 (1) a township trustee;
- 42 (2) a board of school trustees or board of school commissioners;  
43 or by any
- 44 (3) a member of ~~any a~~ township board; or by
- 45 (4) **at least ten (10) or more** residents and taxpayers;  
46 of ~~any a~~ township, town, or city ~~where said in which the~~ matter



1 involving the building, changing, or condemnation of ~~such a~~ school  
 2 building occurred. ~~and said~~ The appeal may be ~~taken made~~ to any a  
 3 circuit or superior court of the county ~~where such in which the~~  
 4 township is located. ~~and A~~ final appeal therefrom may be ~~had made~~ to  
 5 any court of last resort in ~~the state of~~ Indiana.

6 (b) The appeal ~~shall must~~:

7 (1) be ~~taken made~~ in the name ~~or names~~ of the person ~~or persons~~  
 8 ~~taking same~~; ~~making the appeal~~ or in the name of the officer  
 9 ~~taking same~~; ~~making the appeal~~; ~~The appeal shall and~~

10 (2) be perfected by filing ~~a complaint or petition~~:

11 (A) in the office of the clerk of the court to which the appeal  
 12 is taken; ~~within~~

13 (B) ~~not more than~~ thirty (30) days ~~from after~~ the date of final  
 14 decision by the state department of health ~~so ordering such~~  
 15 ~~that ordered the~~ changing, ~~or~~ condemnation, or building of  
 16 ~~such the~~ school building ~~was made~~; ~~a complaint or petition~~  
 17 ~~setting and~~

18 (C) ~~that sets forth the facts complained of~~; ~~being appealed~~.

19 (c) The:

20 (1) state department of health; and ~~in the event~~

21 (2) ~~township trustee, board of school commissioners, or board~~  
 22 ~~of school trustees~~ if the appeal is ~~taken made~~ by the residents  
 23 and taxpayers or by a member ~~or members~~ of the township board;  
 24 ~~the township trustee, board of school commissioners, or board of~~  
 25 ~~school trustees~~

26 shall be named as ~~parties defendant to such~~ ~~defendants in the~~ cause of  
 27 action.

28 (d) Notice of the filing and pendency of ~~such the~~ appeal shall be  
 29 made by serving a summons, regularly issued ~~out of by~~ the court where  
 30 ~~same cause of action~~ is pending, on the commissioner of the state  
 31 department of health at least ten (10) days ~~prior to before~~ the hearing  
 32 of the cause. ~~and thereafter~~

33 (e) The appeal shall be tried as other civil causes are tried in  
 34 Indiana. If ~~the~~ appeal ~~be taken is made~~ by private citizens, bond  
 35 approved by the court shall be given to cover costs and reasonable  
 36 attorney's fees if ~~such the~~ appeal ~~shall is~~ not ~~be~~ sustained.

37 [20-5-52-1] Sec. 13. Before the governing body exercises power  
 38 granted by any law to spend more than one million dollars (\$1,000,000)  
 39 to build, repair, or alter school buildings, that would be financed by:

40 (1) entering into a lease agreement under IC 21-5-11-7 or  
 41 IC 21-5-12-7;

42 (2) issuing bonds under ~~IC 20-5-4~~; **[QUERY: WHAT CITE**  
 43 **SHOULD BE INSERTED HERE?]**; or

44 (3) any other available method;

45 ~~it the governing body~~ may order the preparation and pay the costs of  
 46 a feasibility study.



1 [20-5-52-2] Sec. 14. (a) If the governing body proposes to construct,  
 2 repair, or alter a school building at a cost of more than one million  
 3 dollars (\$1,000,000), that would be financed by:

4 (1) entering into a lease agreement under IC 21-5-11-7 or  
 5 IC 21-5-12-7;

6 (2) issuing bonds under ~~IC 20-5-4~~; **[QUERY: WHAT CITE  
 7 SHOULD BE INSERTED HERE?]**; or

8 (3) any other available method;

9 **it the governing body** must hold a public hearing at which  
 10 explanations of the potential value of the proposed project to the school  
 11 corporation and to the community shall be given, and at which  
 12 interested parties may present testimony and questions.

13 (b) Notice of the hearing shall be given in accordance with IC 5-3-1.  
 14 The notice must state that on a given day, at an hour and place, the  
 15 governing body will meet to discuss and hear objections and support to  
 16 the proposed construction.

17 [20-5-52-3] Sec. 15. At the public hearing and before bids for  
 18 construction of the project are invited, the governing body shall adopt  
 19 a resolution ~~specifying:~~ **that specifies the following:**

20 (1) The educational purpose the building will serve.

21 (2) The estimated cost of construction including the cost of land.  
 22 ~~and~~

23 (3) Any other pertinent information, including the estimated  
 24 impact on the tax rate and the proposed sources of funding.

25 [20-5-54-1] Sec. 16. (a) Whenever: ~~any~~

26 (1) a school corporation; and

27 (2) the state, ~~of Indiana~~, either in its own ~~the name of the state or~~  
 28 in the name of the trustees of an agency of the state; ~~of Indiana~~;

29 each own **improved or unimproved** real estate ~~which that~~ lies within  
 30 the boundaries of ~~said the~~ school corporation ~~which real estate~~; ~~either~~  
 31 ~~improved or unimproved~~; ~~and that~~ is not needed or required for the  
 32 ~~specific~~ purpose for which it was acquired, ~~such the~~ school corporation  
 33 and the state ~~of Indiana~~ may sell, trade, exchange, or convey to or with  
 34 each other ~~such the~~ unneeded real estate upon such terms and  
 35 conditions ~~as may be~~ mutually agreed upon and incorporated in an  
 36 agreement ~~by and~~ between the trustees or board of trustees of ~~such the~~  
 37 school corporation and the state ~~of Indiana~~ or, if ~~such the~~ real estate ~~be~~  
 38 is held in the name of the trustees of an agency of the state, ~~of Indiana~~;  
 39 by ~~such the~~ trustees.

40 (b) ~~Incorporated in such agreement, shall be~~ A value **must be**  
 41 assigned to each parcel of real estate involved in ~~such the~~ sale, trade,  
 42 or exchange ~~Such in the agreement. The~~ assigned value ~~shall must be~~  
 43 the fair market value of ~~such the~~ real estate as determined by three (3)  
 44 appraisers **appointed as follows:**

45 (1) One (1) to be ~~named~~ **appointed** by the board of trustees of the  
 46 school corporation.



1           (2) One (1) to be ~~named~~ **appointed** by the state ~~of Indiana~~ or, if  
 2           **such the** real estate ~~be~~ is held in the name of the trustees of an  
 3           agency of the state, ~~of Indiana~~; by ~~such the~~ trustees. ~~and the third~~  
 4           **(3) One (1) to be named appointed** by the two (2) **appraisers**  
 5           **appointed under subdivisions (1) and (2).** [QUERY: Is this  
 6           **third appointment authority correct? "By the two" what? The**  
 7           **only other option is one appointed by the board AND the state**  
 8           **(or trustees).]**

9           (c) ~~Such~~ **The** agreement ~~shall~~ **must** provide for payment by the  
 10          party owning the real estate of the smaller value to the other party of  
 11          the difference of value of the properties.

12          [20-5-54-2] Sec. 17. ~~Upon the execution of such contract~~  
 13          **Whenever:**

14               (1) **an agreement described in section 16 of this chapter is**  
 15               **executed;** and

16               (2) the payment of ~~moneys~~; **any money is made;**

17          deeds of conveyance shall be executed by the trustees or board of  
 18          trustees of the school corporation and by the state ~~of Indiana~~ **in the**  
 19          ~~manner now provided by law~~ for the transfer of state-owned real estate.

20          Chapter 8. Community Use of School Property

21          [20-5-37-1] Sec. 1. ~~Boards~~ **A board** of school trustees in a second  
 22          or third class ~~cities~~; ~~boards~~ **city, a board** of school trustees of ~~any a~~  
 23          town, ~~and/or or the~~ school trustees of a school ~~townships~~ **township:**

24               (1) may, on their own initiative and shall, upon petition as  
 25               provided ~~for~~ in section 2 of this chapter, establish and maintain  
 26               for children and ~~adult persons~~; **adults** in the school buildings and  
 27               on the school grounds under the custody and management of ~~such~~  
 28               **the** boards or school trustees of school townships:

29                   (A) evening schools;

30                   (B) vacation schools;

31                   (C) debating clubs;

32                   (D) community centers;

33                   (E) gymnasiums;

34                   (F) public playgrounds;

35                   (G) public baths; and

36                   (H) similar activities and accommodations ~~to be as~~ determined

37                   by ~~such the~~ boards or school trustees of school townships;

38          without charge to the residents of ~~such the~~ cities, towns, or  
 39          townships; and

40               (2) may:

41                   (A) cooperate, by agreement, with other commissioners or  
 42                   boards or school trustees of school townships ~~having the that~~  
 43                   **have** custody and management ~~in such cities or political units~~;  
 44                   of public parks, libraries, museums, and **other** public  
 45                   buildings and grounds ~~of whatever sort~~; to provide the:

46                   (i) equipment;



- 1                   (ii) supervision;  
 2                   (iii) instruction; and  
 3                   (iv) oversight;  
 4                   necessary to ~~carry on such~~ **conduct** public educational and  
 5                   recreational activities in and upon ~~such the~~ other buildings and  
 6                   grounds; and ~~to~~  
 7                   **(B)** pay all ~~such~~ expenses **associated with the activities** from  
 8                   the general fund.
- 9                   [20-5-37-2] Sec. 2. (a) ~~Upon the filing of If:~~  
 10                   **(1)** a petition **is filed** with:  
 11                   **(A)** the clerk of a municipality; or  
 12                   **(B)** the trustee of any township;  
 13                   **that is** signed by ~~not less than~~ **at least** ten percent (10%) of the  
 14                   number of voters voting at the last general election held in ~~such~~  
 15                   **the city; or upon presentation of**  
 16                   **(2)** a petition ~~bearing is presented that contains~~ the signatures of  
 17                   at least one hundred (100) freeholders living in ~~any a~~ town or  
 18                   township; ~~setting~~  
 19                   **that sets** forth a question in the form prescribed by IC 3-10-9-4 and a  
 20                   date for an election on the question, the question of exercising the  
 21                   powers granted for any of the purposes enumerated in section 1 of this  
 22                   chapter shall ~~then~~ be submitted to the electors of the municipalities or  
 23                   townships. ~~as the case may be for the purpose held therein.~~  
 24                   (b) The clerk or trustee shall certify the public question to the  
 25                   county election board of each county in which the school corporation  
 26                   is located. The county election board shall place the public question on  
 27                   the ballot at the first primary or general election conducted after  
 28                   certification under IC 3-10-9-3. If the first primary or general election  
 29                   will be conducted more than six (6) months after certification, the  
 30                   county election board shall conduct the election ~~no~~ **not** later than thirty  
 31                   (30) days after certification.  
 32                   (c) If a majority of the votes cast upon ~~such the~~ question ~~shall be in~~  
 33                   **the are** affirmative: ~~then~~  
 34                   **(1)** the board of school trustees of the municipality; or  
 35                   **(2)** the school trustee of ~~any the~~ school township;  
 36                   shall exercise the powers in accordance with the petition, pursuant to  
 37                   this chapter.
- 38                   [20-5-37-3] Sec. 3. **(a)** The board or school trustee of any school  
 39                   township may receive and expend for the purposes of this chapter ~~any~~  
 40                   **sums of** money received as gifts or appropriations made by individuals,  
 41                   business establishments, or organizations.  
 42                   **(b)** The board or school trustee of ~~any a~~ school township may also  
 43                   receive ~~such properties as~~ **property that** donors ~~may choose to~~ transfer  
 44                   to the board or school trustee of ~~any a~~ school township. ~~said properties~~  
 45                   **The property** may be used only in conformity with the purposes of this  
 46                   chapter.



1 [20-5-37-4] Sec. 4. (a) The board of school trustees in a third class  
 2 city may establish, maintain, and equip public playgrounds to be used  
 3 by children during the summer vacation period. The board may use the  
 4 public school buildings and grounds in the cities as is necessary to  
 5 carry out this section. The board may levy a tax not exceeding  
 6 sixty-seven hundredths of one cent (\$0.0067) on each one hundred  
 7 dollars (\$100) of assessed valuation of the property in the city to create  
 8 a fund to carry out this section. The board may lease or purchase  
 9 grounds in addition to the school grounds, either adjacent to the school  
 10 grounds or elsewhere in the city. The board may also, under eminent  
 11 domain statutes, condemn ground to be used for these purposes and pay  
 12 for condemned ground out of the school revenues of the city not  
 13 otherwise appropriated.

14 (b) The board:

15 (1) has full control of all playgrounds, including the preservation  
 16 of order on ~~them~~; **playgrounds**; and

17 (2) may adopt suitable rules, regulations, and bylaws for the  
 18 control of ~~them~~; **playgrounds**. The board may enforce the rules  
 19 by suitable penalties.

20 (c) The board may select and pay for directors and assistants. The  
 21 directors and assistants, while on duty and for the purpose of  
 22 preserving order and the observance of the rules, regulations, and  
 23 bylaws of the board, have all the powers of police officers of the city.  
 24 The compensation for the directors and assistants shall be:

25 (1) fixed by the board; and

26 (2) paid for out of the school revenues not otherwise appropriated.

27 [20-5-38-1] Sec. 5. ~~Whenever any~~ **If a** district public school has  
 28 been abandoned and the schoolhouse and school grounds in ~~such the~~  
 29 district are no longer used or needed for public school purposes, the  
 30 township trustee ~~having in~~ charge of ~~such the~~ school building and  
 31 school grounds:

32 (1) shall, upon application of ~~not less than~~ **at least** fifty-one per  
 33 cent (51%) of the freehold residents of ~~such the~~ school district,  
 34 ~~permit allow~~ the use of ~~such the~~ abandoned schoolhouse and  
 35 school grounds as a community center for ~~non-partisan~~  
 36 **nonpartisan** gatherings of citizens of ~~such the~~ school district for  
 37 civic, social, and recreational purposes; and ~~the township trustee~~  
 38 shall

39 (2) **may** not sell or offer for sale any ~~such~~ building or grounds:  
 40 ~~during the time it~~

41 (A) **while the building or grounds** is ~~so~~ used as a community  
 42 center; or

43 (B) for ~~a period of~~ **at least** one (1) year after the  
 44 discontinuance of the use of any abandoned schoolhouse and  
 45 school grounds for a community center.

46 [20-5-38-2] Sec. 6. (a) The operation and management of ~~any such~~



1 a community center shall be vested in a nonprofit corporation  
 2 organized for ~~such that~~ purpose under the general laws regulating the  
 3 formation of ~~such nonprofit~~ corporations. ~~whose~~

4 **(b) The membership list shall of a nonprofit corporation**  
 5 **described in subsection (a) must** be composed of resident freeholders  
 6 of ~~said the~~ school district. ~~and any~~

7 **(c) The** expenses of improvement of the school grounds and  
 8 reconstruction ~~and/or or~~ repairs of ~~said the~~ abandoned schoolhouse  
 9 shall be paid for by the corporation in charge of the community center  
 10 **during while the time it school grounds or schoolhouse** is operated  
 11 and managed as a community center.

12 [20-5-38-3] Sec. 7. ~~Any An~~ established community center in ~~any a~~  
 13 school district ~~in the state~~ shall cease its operation in the schoolhouse  
 14 and upon the school grounds **within not more than** one (1) month  
 15 following the receipt of a written notice:

16 **(1) submitted** to the proper officers of the corporation of the  
 17 community center; **and**

18 **(2) by the township trustee of the township where the community**  
 19 **center is being operated;**

20 that ~~such indicates the~~ school building and school grounds are needed  
 21 for school purposes.

22 [20-5-39-1] Sec. 8. ~~In any If:~~

23 **(1) a third class city within the state;** in which ~~the a~~ school  
 24 **corporations corporation** of ~~such cities have the city has~~  
 25 purchased, in the name of ~~said the~~ school ~~corporations;~~  
 26 **corporation,** real estate to be used for school purposes; and

27 **(2) the use of which** real estate ~~shall have since been is~~  
 28 **subsequently** abandoned for school purposes; ~~it shall be lawful~~  
 29 **for**

30 the school trustees of ~~said the~~ school corporations ~~to may~~ authorize the  
 31 use of ~~such the~~ real estate for park purposes ~~in the manner and~~ as  
 32 provided by this chapter.

33 [20-5-39-2] Sec. 9. ~~No~~ Money ~~shall may not~~ be expended out of ~~the~~  
 34 a school corporation treasury for the maintenance of ~~such~~ abandoned  
 35 school grounds for park purposes. ~~but~~ **However,** the board of school  
 36 trustees of ~~any a~~ school corporation in third class city ~~owning such that~~  
 37 **owns** abandoned school grounds may, by an order entered ~~of record;~~  
 38 **permit and properly recorded, allow** the use of ~~such~~ abandoned  
 39 school grounds by ~~any a~~ third class city for park purposes. ~~fixing in~~  
 40 ~~such~~ **The order must contain** the conditions, restrictions, and  
 41 limitations within which the third class city may take and use ~~such the~~  
 42 abandoned school grounds for ~~such~~ park purposes.

43 [20-5-39-3] Sec. 10. ~~Any (a)~~ **A** third class city ~~within this state~~ may,  
 44 by an ordinance of the common council, accept from ~~the a~~ school  
 45 corporation ~~of any such located within the city~~ the use of ~~any real~~  
 46 ~~estate being~~ abandoned school grounds as provided by this chapter. ~~or~~



1 any such

2 (b) A third class city may, by ordinance of the common council,  
3 accept from any a person or persons for any a definite time not less  
4 than of at least five (5) years the use of any real estate in such the city  
5 formerly used for as a cemetery purposes having if:

6 (1) the cemetery has been abandoned; and

7 (2) the bodies having have been removed therefrom; and any such  
8 from the cemetery. [QUERY: SHOULD THIS BE MOVED  
9 OUTSIDE IC 20?]

10 (c) A third class city is hereby given the right, ~~power and authority;~~  
11 may, through ~~their its~~ common councils; to council, use and maintain  
12 and keep in condition any such real estate described in subsections (a)  
13 and (b) for park purposes for the use of the general public in the  
14 manner and under the same conditions and restrictions and limitations  
15 as are provided by law for the use and control and maintenance of park  
16 properties by such third class cities in every way and to the same  
17 extent as if the city owned said the real estate. in its own name and  
18 right and the

19 (d) A third class cities shall have the power and authority to city  
20 may accept by city ordinance such real estate for park purposes under  
21 the order of the school trustees of the school corporation as provided  
22 by this chapter or from such another person. or persons.

23 [20-5-39-4] Sec. 11. The:

24 (1) title to the real estate shall remain remains in the school  
25 corporation; and the

26 (2) use by third class cities shall continue so continues; long as  
27 while the cities continue to maintain the real estate as a public park.

28 [20-5-39-5] Sec. 12. If: at any time after such

29 (1) real estate has been accepted for park purposes; as aforesaid;  
30 such cities shall abandon and

31 (2) a city abandons the use of such the real estate for park  
32 purposes; it shall be lawful for

33 the school trustees of such the school corporation so owning said that  
34 owns the real estate to may take possession of said the real estate and  
35 to sell and or otherwise convey said the real estate. in the manner now  
36 or hereafter provided by law.

37 Could not find 20-5-40

38 [20-5-4-1] [20-5-40-1??] Sec. 13. (a) In any a school township  
39 located in a county having a population of:

40 (1) more than four hundred thousand (400,000) but less than  
41 seven hundred thousand (700,000); or

42 (2) more than two hundred thousand (200,000) but less than three  
43 hundred thousand (300,000);

44 the township trustee, in administering the recreation program under  
45 IC 20-5-37, IC 20-26-8, may supplement such the funds by making a  
46 reasonable charge for admission to any outdoor swimming pool located



1 on the school township property and owned by the school township.  
 2 (b) With the approval of the township board, the township trustee  
 3 shall establish the admission fee, or a schedule of admission fees, to be  
 4 collected for the use of ~~such the~~ swimming pool. ~~All~~ Fees collected  
 5 shall be deposited in a recreation fund established under the provisions  
 6 of ~~IC 20-5-37~~ **IC 20-26-8**, and ~~all~~ Disbursements for personal services,  
 7 operation, maintenance, and repairs of ~~such the~~ swimming pool shall  
 8 be paid from ~~said the~~ recreation fund.

9 Chapter 9. School Breakfast and Lunch Programs  
 10 Could not find 20-5-13 [QUERY: IC 20-19-1]  
 11 Could not find 20-5-13.5

12 Chapter 10. Joint Programs and Personnel  
 13 Could not find 20-5-9  
 14 Could not find 20-5-11

15 Chapter 11. Transfer Tuition  
 16 [20-8.1-6.1-1] [NOTE: SEE TRANSFER TUITION  
 17 PROVISIONS IN IC 20-33-4] Sec. 1. (a) The legal settlement of a  
 18 student ~~shall be~~ is governed by the following provisions:

19 (1) If the student is ~~under less than~~ eighteen (18) years of age, or  
 20 is ~~over that at least eighteen years of~~ age but is not emancipated,  
 21 the legal settlement of the student is in the attendance area of the  
 22 school corporation where the student's parents reside.

23 (2) ~~Where If~~ the student's mother and father, in a situation  
 24 otherwise covered in subdivision (1), are divorced or separated,  
 25 the legal settlement of the student is the school corporation whose  
 26 attendance area contains the residence of the parent with whom  
 27 the student is living, in the following situations:

28 (A) ~~Where no If~~ a court order has **not** been made establishing  
 29 the custody of the student.

30 (B) ~~Where If~~ both parents have agreed on the parent or person  
 31 with whom the student will live.

32 (C) ~~Where If~~ the parent granted custody of the student has  
 33 abandoned the student. In the event of a dispute between the  
 34 parents of the student, or between the parents and ~~any a~~  
 35 student ~~over at least~~ eighteen (18) years of age, the legal  
 36 settlement of the student shall be determined as otherwise  
 37 provided in this section.

38 (3) ~~Where If~~ the legal settlement of a student, in a situation to  
 39 which subdivision (1) otherwise applies, cannot reasonably be  
 40 determined, and the student is being supported by, cared for by,  
 41 and living with some other person, the legal settlement of the  
 42 student shall be in the attendance area of that person's residence,  
 43 except where the parents of the student are able to support the  
 44 student but have placed him in the home of another person, or  
 45 permitted the student to live with another person, primarily for the  
 46 purpose of attending school in the attendance area where the other



1 person resides. The school may, if the facts are in dispute,  
 2 condition acceptance of the student's legal settlement on the  
 3 appointment of that person as legal guardian or custodian of the  
 4 student, and the date of legal settlement will be fixed to coincide  
 5 with the commencement of the proceedings for the appointment  
 6 of a guardian or custodian. However, if a student does not reside  
 7 with the student's parents because the student's parents are unable  
 8 to support the child and the child is not residing with a person  
 9 other than a parent primarily for the purpose of attending a  
 10 particular school, the student's legal settlement is where the  
 11 student resides, and the establishment of a legal guardianship may  
 12 not be required by the school. In addition, a legal guardianship or  
 13 custodianship established solely for the purpose of attending  
 14 school in a particular school corporation does not affect the  
 15 determination of the legal settlement of the student under this  
 16 chapter.

17 (4) ~~Where~~ **If** a student, to which subdivision (1) would otherwise  
 18 apply, is married and living with a spouse, the legal settlement of  
 19 that student is in the attendance area of the school corporation  
 20 where the student and the student's spouse reside.

21 (5) ~~Where~~ **If** the student's parents:

22 (A) are living outside the United States due to educational  
 23 pursuits or a job assignment;

24 (B) **do not** maintain ~~no~~ a permanent home in any school  
 25 corporation in the United States; and

26 (C) have placed the student in the home of another person;  
 27 the legal settlement of the student is in the attendance area where  
 28 the other person resides.

29 (6) ~~Where~~ **If** the student is emancipated, the legal settlement is  
 30 the attendance area of the school corporation of the student's  
 31 residence.

32 (7) ~~Where~~ **If** a student's legal settlement is changed after the  
 33 student has begun attending school in a school corporation in any  
 34 school year, the effective date of change may:

35 (A) at the election of:

36 (i) the parent;

37 (ii) the student if the student is **at least** eighteen (18) years  
 38 of age; ~~or older~~; or

39 (iii) a juvenile court conducting a proceeding under  
 40 IC 31-34-20-5, IC 31-34-21-10, IC 31-37-19-26, or  
 41 IC 31-37-20-6 (or IC 31-6-4-18.5 before its repeal);

42 be extended until the end of that semester; or

43 (B) at the discretion of the school, until the end of that school  
 44 year.

45 However, that election, where a student has completed grade 11  
 46 in any school year, shall extend to the end of the following school



- 1 year in grade 12.
- 2 (8) If a juvenile court has:
- 3 (A) made findings of fact concerning the legal settlement of a
- 4 student under IC 31-34-20-5, IC 31-34-21-10, IC 31-37-19-26,
- 5 or IC 31-37-20-6 (or IC 31-6-4-18.5 before its repeal); and
- 6 (B) jurisdiction over the student under IC 31-34 or IC 31-37;
- 7 the legal settlement of the student is the attendance area specified
- 8 as the legal settlement in the latest findings of fact issued by the
- 9 juvenile court.
- 10 (b) The words "residence", "resides", or other comparable language
- 11 when used in this chapter with respect to legal settlement, transfers,
- 12 and the payment of tuition, means a permanent and principal habitation
- 13 ~~which that~~ a person uses for a home for a fixed or indefinite period, at
- 14 which the person remains when not called elsewhere for work, studies,
- 15 recreation, or other temporary or special purpose. These terms are not
- 16 synonymous with legal domicile. Where a court order grants a person
- 17 custody of a student, the residence of the student is where that person
- 18 resides.
- 19 (c) The **state** superintendent of public instruction shall prepare the
- 20 form of agreement to be used under subsection (a)(2) and a form to be
- 21 executed by any person with whom the student is living under
- 22 subsection (a)(2), (a)(3), or (a)(5). The execution of the ~~latter~~ form by
- 23 the person and its continuance in force is a condition to the application
- 24 of subsection (a)(2), (a)(3), or (a)(5). The form must contain an
- 25 agreement of the person that the person shall, with respect to dealing
- 26 with the school corporation and for all other purposes under this article,
- 27 assume all the duties and be subject to all the liabilities of a parent of
- 28 the student in the same manner as if the person were the student's
- 29 parent. On the execution of that form and for as long as it remains in
- 30 force, the person shall have these duties and liabilities.
- 31 (d) A student is emancipated when the student:
- 32 (1) furnishes the student's support from the student's own
- 33 resources;
- 34 (2) is not dependent in any material way on the student's parents
- 35 for support;
- 36 (3) files or is required by applicable law to file a separate tax
- 37 return; and
- 38 (4) maintains a residence separate from that of the student's
- 39 parents.
- 40 [20-8.1-6.1-2] Sec. 2. (a) The parents of any student, regardless of
- 41 the student's age, or the student after the student has reached eighteen
- 42 (18) years of age, may request a transfer from a school corporation in
- 43 which the student has a legal settlement to a transferee school
- 44 corporation in Indiana or another state if the student may be better
- 45 accommodated in the public schools of the transferee corporation.
- 46 Whether the student can be better accommodated depends on such



1 matters as:

- 2 (1) crowded conditions of the transferee or transferor corporation;  
 3 and  
 4 (2) curriculum offerings at the high school level that are important  
 5 to the vocational or academic aspirations of the student.

6 (b) ~~This~~ **The** request for transfer must be made in writing to the  
 7 transferor corporation which shall immediately mail a copy to the  
 8 transferee corporation. ~~This~~ **The** request **for transfer** must be made at  
 9 the times provided ~~by rule of~~ **under rules adopted by** the state board  
 10 of education. The transfer is effected if both the transferee and the  
 11 transferor corporations approve the transfer ~~within not more than~~  
 12 thirty (30) days after that mailing. The transfer ~~shall be~~ **is** denied when  
 13 either school corporation: ~~either:~~

- 14 (1) mails a written denial by certified mail to the requesting  
 15 parents or student at their last known address; or  
 16 (2) fails to act on the request ~~within that period:~~ **not more than**  
 17 **thirty (30) days after the mailing.**

18 (c) ~~In that event,~~ **If a request for transfer is denied,** an appeal may  
 19 be taken to the state board of education by the requesting parents or  
 20 student, if ~~perfected~~ **commenced** ~~within not more than~~ ten (10) days  
 21 after the denial. ~~This~~ **An** appeal ~~shall be perfected~~ **is commenced** by  
 22 mailing a notice of appeal by certified mail to the superintendent of  
 23 each school corporation and the state board of education. ~~The state~~  
 24 superintendent ~~of public instruction~~ shall develop forms for this  
 25 purpose, and the transferor corporation shall assist the parents or  
 26 student in the mechanics of ~~perfecting~~ **commencing** the appeal.  
 27 ~~Appeals shall be heard in accord~~ **An appeal hearing must comply**  
 28 with section 10 of this chapter.

29 [20-8.1-6.1-3] Sec. 3. (a) A school corporation may accept a  
 30 transferring student without approval of the transferor corporation  
 31 under section 2 of this chapter.

32 (b) ~~No~~ **A** transfer may ~~not however,~~ be accepted unless the  
 33 requesting parents or student pays transfer tuition in an amount  
 34 determined under the formula established in section 8 of this chapter  
 35 for the payment of transfer tuition by a transferor school corporation.  
 36 However, the transferee school ~~shall may~~ not offset the amounts  
 37 described in section 8(b) STEP TWO (B) through section 8(b) STEP  
 38 TWO (D) of this chapter from the amount charged to the requesting  
 39 parents or student.

40 (c) This tuition ~~shall~~ **must** be paid by the parents or the student  
 41 before the end of the school year in ~~such~~ installments as ~~determined~~  
 42 **by** the transferee corporation. ~~determines:~~

43 (d) Failure to pay ~~any a~~ **tuition** installment is a ground for exclusion  
 44 from school.

45 [20-8.1-6.1-4] Sec. 4. (a) A school corporation may transfer a  
 46 student with a physical, emotional, or mental disability to a transferee



1 corporation ~~which that~~ maintains special programs or facilities for  
2 children with the disability of the transferred student.

3 (b) ~~In that event, the~~ A transferee corporation may refuse the  
4 transfer **under subsection (a)** by mailing a notice by certified mail to:

- 5 (1) the transferor corporation;
- 6 (2) the parents of the student; and
- 7 (3) the state board of education.

8 (c) **If a transferee corporation refuses transfer under subsection**  
9 **(b)**, the state board of education shall determine the question of  
10 granting a transfer ~~in accord with~~ **under** the ~~procedure~~ **procedures** set  
11 out in section 10 of this chapter.

12 [20-8.1-6.1-5] Sec. 5. (a) A student who is placed in a state licensed  
13 private or public health care facility, child care facility, or foster family  
14 home:

- 15 (1) by or with the consent of the division of family and children;
- 16 (2) by a court order; or
- 17 (3) by a child-placing agency licensed by the division of family  
18 and children;

19 may attend school in the school corporation in which the home or  
20 facility is located. If the school corporation in which the home or  
21 facility is located is not the school corporation in which the student has  
22 legal settlement, the school corporation in which the student has legal  
23 settlement shall pay the transfer tuition of the student.

24 (b) A student who is placed in a state licensed private or public  
25 health care or child care facility by a parent or guardian may attend  
26 school in the school corporation in which the facility is located if:

- 27 (1) the placement is necessary for the student's physical or  
28 emotional health and well-being and, if the placement is in a  
29 health care facility, is recommended by a physician; and
- 30 (2) the placement is projected to be for ~~no~~ **not** less than fourteen  
31 (14) consecutive calendar days or an aggregate of twenty (20)  
32 calendar days.

33 The school corporation in which the student has legal settlement shall  
34 pay the transfer tuition of the student. The parent or guardian of the  
35 student shall notify the school corporation in which the facility is  
36 located and the school corporation of the student's legal settlement, if  
37 identifiable, of the placement. ~~No~~ **Not** later than thirty (30) days after  
38 this notice, the school corporation of legal settlement shall either pay  
39 the transfer tuition of the transferred student or appeal the payment by  
40 notice to the department of education. The acceptance or notice of  
41 appeal by the school corporation ~~shall~~ **must** be given by certified mail  
42 to the parent or guardian of the student and any affected school  
43 corporation. In the case of a student who is not identified as disabled  
44 under ~~IC 20-1-6~~; **IC 20-35**, the Indiana state board of education shall  
45 make a determination on transfer tuition ~~in accordance with~~ **according**  
46 **to** the procedures ~~set out~~ in section 10 of this chapter. In the case of a



1 student who has been identified as disabled under ~~IC 20-1-6~~, **IC 20-35**,  
 2 the determination on transfer tuition shall be made ~~in accordance with~~  
 3 **under** this subsection and the procedures adopted by the Indiana state  
 4 board of education under ~~IC 20-1-6-2.1(a)(5)~~: **IC 20-35-2-1(b)(5)**.

5 (c) A student who is placed in:

6 (1) an institution operated by the division of disability, aging, and  
 7 rehabilitative services or the division of mental health and  
 8 addiction; or

9 (2) an institution, a public or private facility, a home, a group  
 10 home, or an alternative family setting by the division of disability,  
 11 aging, and rehabilitative services or the division of mental health  
 12 and addiction;

13 may attend school in the school corporation in which the institution is  
 14 located. The state shall pay the transfer tuition of the student, unless  
 15 another entity is required to pay the transfer tuition as a result of a  
 16 placement described in subsection (a) or (b) or another state is  
 17 obligated to pay the transfer tuition.

18 [ 20-8.1-6.1-5.5] Sec. 5.5. (a) This section applies to each student:

19 (1) described in section 5(a) of this chapter;

20 (2) who is placed in a home or facility in Indiana that is outside  
 21 the school corporation where the student has legal settlement; and

22 (3) for which the state is not obligated to pay transfer tuition.

23 (b) Not later than ten (10) days after a county places or changes the  
 24 placement of a student, the county that placed the student shall notify  
 25 the school corporation where the student has legal settlement and the  
 26 school corporation where the student will attend school of the  
 27 placement or change of placement. Before June 30 of each year, a  
 28 county that places a student in a home or facility shall notify the school  
 29 corporation where a student has legal settlement and the school  
 30 corporation in which a student will attend school if a student's  
 31 placement will continue for the ensuing school year. The notifications  
 32 required under this subsection ~~shall~~ **must** be made by the:

33 (1) county office (as defined in IC 12-7-2-45) if the county office  
 34 or the division of family and children placed or consented to the  
 35 placement of the student; or

36 (2) **if subdivision (1) does not apply**, the court or other agency  
 37 making the placement. ~~if subdivision (1) does not apply.~~

38 [20-8.1-6.1-6] Sec. 6. (a) A student who is the child of a state  
 39 employee who resides on state owned property, resides on state owned  
 40 property, or is the child of a full-time employee of a state supported  
 41 postsecondary institution, who resides on property owned or operated  
 42 by the state supported postsecondary institution and used for  
 43 educational, research, or public service programs, **[QUERY: IS**  
 44 **PLACEMENT OF COMMAS IN CURRENT LAW CORRECT?]**  
 45 is considered a transferred student if:

46 (1) the student attends a public school in the school corporation



1 located nearest to the student's residence within the county in  
 2 which all or a part of either the state owned property, or the  
 3 property owned or operated by the state supported postsecondary  
 4 institution, is located; or

5 (2) the state owned property is the Soldiers' and Sailors' Children's  
 6 Home and the student attends a public school in the county in  
 7 which the home is located or in an adjacent county.

8 Transfer tuition for a student transferred under this subsection shall be  
 9 paid by the state. **However**, this subsection does not apply ~~however~~, to  
 10 children of state employees residing in student housing on property  
 11 owned by any state supported postsecondary school institution.

12 (b) A foreign student visiting in Indiana under any student exchange  
 13 program approved by the Indiana state board of education is considered  
 14 a resident student with legal settlement in the school corporation where  
 15 the foreign exchange student resides. The student may attend a school  
 16 in the school corporation in which the family with whom the student is  
 17 living resides. A school corporation ~~which that~~ receives a foreign  
 18 student may not be paid any transfer tuition. The school corporation  
 19 shall include the foreign student in computations for purposes of  
 20 determining the amount of state aid which it is entitled to receive.

21 [20-8.1-6.1-6.1] Sec. 6.1. (a) A school corporation may enter into an  
 22 agreement with:

23 (1) a nonprofit corporation that operates a federally approved  
 24 education program; or

25 (2) a nonprofit corporation that:

26 (A) is exempt from federal income taxation under Section  
 27 501(c)(3) of the Internal Revenue Code;

28 (B) for its classroom instruction, employs teachers who are  
 29 certified by the professional standards board;

30 (C) employs other professionally and state licensed staff as  
 31 appropriate; and

32 (D) educates children who:

33 (i) have been suspended, expelled, or excluded from a public  
 34 school in that school corporation and have been found to be  
 35 emotionally disturbed;

36 (ii) have been placed with the nonprofit corporation by court  
 37 order;

38 (iii) have been referred by a local health department; or

39 (iv) have been placed in a state licensed private or public  
 40 health care or child care facility as described in section 5(b)  
 41 of this chapter;

42 in order to provide a student with an individualized education program  
 43 that is the most suitable educational program available.

44 (b) If a school corporation that is a transferee corporation enters into  
 45 an agreement as described in subsection (a), the school corporation  
 46 shall pay to the nonprofit corporation an amount agreed upon from the



1 transfer tuition of the student. The amount agreed upon may not exceed  
 2 the transfer tuition costs that otherwise would be payable to the  
 3 transferee corporation.

4 (c) If a school corporation that is a transferor corporation enters into  
 5 an agreement as described in subsection (a), the school corporation  
 6 shall pay to the nonprofit corporation an amount agreed upon, which  
 7 may not exceed the transfer tuition costs that otherwise would be  
 8 payable to a transferee school corporation.

9 [20-8.1-6.1-7] Sec. 7. (a) If a student is transferred under section 2  
 10 of this chapter from a school corporation in Indiana to a public school  
 11 corporation in another state, the transferor corporation shall pay the  
 12 transferee corporation the full tuition fee charged by the transferee  
 13 corporation. However, the amount of the full tuition fee **must may** not  
 14 exceed the amount charged by the transferor corporation for the same  
 15 class of school, or if the school ~~has no such~~ **does not have the same**  
 16 classification, the amount **must may** not exceed the amount charged by  
 17 the geographically nearest school corporation in Indiana which has  
 18 ~~such~~ **the same** classification.

19 (b) If a child is:

20 (1) placed by a court order in an out-of-state institution or other  
 21 facility; and

22 (2) provided all educational programs and services by a public  
 23 school corporation in the state where the child is placed, whether  
 24 at the facility, the public school, or another location;

25 the county office of family and children for the county placing the child  
 26 shall pay from the county family and children's fund to the public  
 27 school corporation in which the child is enrolled the amount of transfer  
 28 tuition specified in subsection (c).

29 (c) The transfer tuition for which a county office is obligated under  
 30 subsection (b) is equal to the following:

31 (1) The amount under a written agreement among the county  
 32 office, the institution or other facility, and the governing body of  
 33 the public school corporation in the other state that specifies the  
 34 amount and method of computing transfer tuition.

35 (2) The full tuition fee charged by the transferee corporation, if  
 36 subdivision (1) does not apply. However, the amount of the full  
 37 tuition fee must not exceed the amount charged by the transferor  
 38 corporation for the same class of school, or if the school ~~has no~~  
 39 ~~such~~ **does not have the same** classification, the amount must not  
 40 exceed the amount charged by the geographically nearest school  
 41 corporation in Indiana which has ~~such~~ **the same** classification.

42 (d) If a child is:

43 (1) placed by a court order in an out-of-state institution or other  
 44 facility; and

45 (2) provided:

46 (A) onsite educational programs and services either through



1 the facility's employees or by contract with another person or  
2 organization that is not a public school corporation; or

3 (B) educational programs and services by a nonpublic school;  
4 the county office of family and children for the county placing the child  
5 shall pay from the county family and children's fund in an amount and  
6 in the manner specified in a written agreement between the county  
7 office and the institution or other facility.

8 (e) An agreement described in subsection (c) or (d) is subject to the  
9 approval of the director of the division of family and children.  
10 However, for purposes of IC 4-13-2, the agreement shall not be treated  
11 as a contract.

12 [20-8.1-6.1-8] Sec. 8. (a) As used in this section, the following  
13 terms have the following meanings:

14 ~~(1)~~ "Class of school" refers to a classification of each school or  
15 program in the transferee corporation by the grades or special  
16 programs taught at the school. Generally, these classifications are  
17 denominated as kindergarten, elementary school, middle school  
18 or junior high school, high school, and special schools or classes,  
19 such as schools or classes for special education, vocational  
20 training, or career education.

21 ~~(2)~~ (1) "ADM" means the following:

22 (A) For purposes of allocating to a transfer student state  
23 distributions under IC 21-1-30 (primetime), "ADM" as  
24 computed under IC 21-1-30-2.

25 (B) For all other purposes, "ADM" as set forth in  
26 IC 21-3-1.6-1.1.

27 **(2) "Class of school" refers to a classification of each school  
28 or program in the transferee corporation by the grades or  
29 special programs taught at the school. Generally, these  
30 classifications are denominated as kindergarten, elementary  
31 school, middle school or junior high school, high school, and  
32 special schools or classes, such as schools or classes for special  
33 education, vocational training, or career education.**

34 **(3) "Special equipment" means equipment that during a  
35 school year:**

36 **(A) is used only when a child with disabilities is attending  
37 school;**

38 **(B) is not used to transport a child to or from a place  
39 where the child is attending school;**

40 **(C) is necessary for the education of each child with  
41 disabilities that uses the equipment, as determined under  
42 the individualized instruction program for the child; and**

43 **(D) is not used for or by any child who is not a child with  
44 disabilities.**

45 ~~(3)~~ ~~"Pupil"~~ **(4) "Student enrollment" means the following:**

46 **(A) The total number of students in kindergarten through**



1 grade 12 who are enrolled in a transferee school corporation  
 2 on a date determined by the ~~Indiana~~ state board. ~~of education.~~  
 3 (B) The total number of students enrolled in a class of school  
 4 in a transferee school corporation on a date determined by the  
 5 ~~Indiana~~ state board. ~~of education.~~

6 However, a kindergarten student shall be counted under clauses  
 7 (A) and (B) as one-half (1/2) a student.

8 ~~(4) "Special equipment" means equipment that during a school~~  
 9 ~~year:~~

10 ~~(A) is used only when a child with disabilities is attending~~  
 11 ~~school;~~

12 ~~(B) is not used to transport a child to or from a place where the~~  
 13 ~~child is attending school;~~

14 ~~(C) is necessary for the education of each child with~~  
 15 ~~disabilities that uses the equipment, as determined under the~~  
 16 ~~individualized instruction program for the child; and~~

17 ~~(D) is not used for or by any child who is not a child with~~  
 18 ~~disabilities.~~

19 The Indiana state board of education may select a different date  
 20 for counts under **this** subdivision. ~~(3)~~. However, the same date  
 21 shall be used for all school corporations making a count for the  
 22 same class of school.

23 (b) Each transferee corporation is entitled to receive for each school  
 24 year on account of each transferred student, except a student  
 25 transferred under section 3 of this chapter, transfer tuition from the  
 26 transferor corporation or the state as provided in this chapter. Transfer  
 27 tuition equals the amount determined under STEP THREE of the  
 28 following formula:

29 STEP ONE: Allocate to each transfer student the capital  
 30 expenditures for any special equipment used by the transfer  
 31 student and a proportionate share of the operating costs incurred  
 32 by the transferee school for the class of school where the transfer  
 33 student is enrolled.

34 STEP TWO: If the transferee school included the transfer student  
 35 in the transferee school's ADM for a school year, allocate to the  
 36 transfer student a proportionate share of the following general  
 37 fund revenues of the transferee school for, except as provided in  
 38 clause (C), the calendar year in which the school year ends:

39 (A) The following state distributions that are computed in any  
 40 part using ADM or other ~~pupil~~ **student** count in which the  
 41 student is included:

42 (i) Primetime grant under IC 21-1-30.

43 (ii) Tuition support for basic programs. ~~and at-risk weights~~  
 44 ~~under IC 21-3-1.7-8 (before January 1, 1996) and only for~~  
 45 ~~basic programs (after December 31, 1995).~~

46 (iii) Enrollment growth grant under IC 21-3-1.7-9.5.



- 1 (iv) At-risk grant under IC 21-3-1.7-9.7.  
 2 (v) Academic honors diploma award under IC 21-3-1.7-9.8.  
 3 (vi) Vocational education grant under IC 21-3-12.  
 4 (vii) Special education grant under IC 21-3-2.1.  
 5 (viii) The portion of the ADA flat grant that is available for  
 6 the payment of general operating expenses under  
 7 IC 21-3-4.5-2(b)(1).  
 8 (B) ~~For school years beginning after June 30, 1997,~~ Property  
 9 tax levies.  
 10 (C) ~~For school years beginning after June 30, 1997,~~ Excise tax  
 11 revenue (as defined in IC 21-3-1.7-2) received for deposit in  
 12 the calendar year in which the school year begins.  
 13 (D) ~~For school years beginning after June 30, 1997,~~  
 14 Allocations to the transferee school under IC 6-3.5.  
 15 STEP THREE: Determine the greater of:  
 16 (A) zero (0); or  
 17 (B) the result of subtracting the STEP TWO amount from the  
 18 STEP ONE amount.  
 19 If a child is placed in an institution or facility in Indiana under a court  
 20 order, the institution or facility shall charge the county office of the  
 21 county of the student's legal settlement under IC 12-19-7 for the use of  
 22 the space within the institution or facility (commonly called capital  
 23 costs) that is used to provide educational services to the child based  
 24 upon a prorated per student cost.  
 25 (c) Operating costs shall be determined for each class of school  
 26 where a transfer student is enrolled. The operating cost for each class  
 27 of school is based on the total expenditures of the transferee  
 28 corporation for the class of school from its general fund expenditures  
 29 as specified in the classified budget forms prescribed by the state board  
 30 of accounts. This calculation excludes:  
 31 (1) capital outlay;  
 32 (2) debt service;  
 33 (3) costs of transportation;  
 34 (4) salaries of board members;  
 35 (5) contracted service for legal expenses; and  
 36 (6) any expenditure which is made out of the general fund from  
 37 extracurricular account receipts;  
 38 for the school year.  
 39 (d) The capital cost of special equipment for a school year is equal  
 40 to:  
 41 (1) the cost of the special equipment; divided by  
 42 (2) the product of:  
 43 (A) the useful life of the special equipment, as determined  
 44 under the rules adopted by the Indiana state board of  
 45 education; multiplied by  
 46 (B) the number of students using the special equipment during



1 at least part of the school year.

2 (e) When an item of expense or cost described in subsection (c)  
3 cannot be allocated to a class of school, it shall be prorated to all  
4 classes of schools on the basis of the **pupit student** enrollment of each  
5 class in the transferee corporation compared to the total **pupit student**  
6 enrollment in the school corporation.

7 (f) Operating costs shall be allocated to a transfer student for each  
8 school year by dividing:

9 (1) the transferee school corporation's operating costs for the class  
10 of school in which the transfer student is enrolled; by

11 (2) the **pupit student** enrollment of the class of school in which  
12 the transfer student is enrolled.

13 When a transferred student is enrolled in a transferee corporation for  
14 less than the full school year of **pupit student** attendance, the transfer  
15 tuition shall be calculated by the portion of the school year for which  
16 the transferred student is enrolled. A school year of **pupit student**  
17 attendance consists of the number of days school is in session for **pupit**  
18 **student** attendance. A student, regardless of the student's attendance,  
19 is enrolled in a transferee school unless the student is no longer entitled  
20 to be transferred because of a change of residence, the student has been  
21 excluded or expelled from school for the balance of the school year or  
22 for an indefinite period, or the student has been confirmed to have  
23 withdrawn from school. The transferor and the transferee corporation  
24 may enter into written agreements concerning the amount of transfer  
25 tuition due in any school year. Where an agreement cannot be reached,  
26 the amount shall be determined by the Indiana state board of education,  
27 and costs may be established, when in dispute, by the state board of  
28 accounts.

29 (g) A transferee school shall allocate revenues described in  
30 subsection (b) STEP TWO to a transfer student by dividing:

31 (1) the total amount of revenues received; by

32 (2) the ADM of the transferee school for the school year that ends  
33 in the calendar year in which the revenues are received.

34 However, for state distributions under IC 21-1-30, IC 21-3-2.1,  
35 IC 21-3-12, or any other statute that computes the amount of a state  
36 distribution using less than the total ADM of the transferee school, the  
37 transferee school shall allocate the revenues to the transfer student by  
38 dividing the revenues that the transferee school is eligible to receive in  
39 a calendar year by the **pupit student** count used to compute the state  
40 distribution.

41 (h) In lieu of the payments provided in subsection (b), the transferor  
42 corporation or state owing transfer tuition may enter into a long term  
43 contract with the transferee corporation governing the transfer of  
44 students. This contract is for a maximum period of five (5) years with  
45 an option to renew, and may specify a maximum number of **pupils**  
46 **students** to be transferred and fix a method for determining the amount



1 of transfer tuition and the time of payment, which may be different  
2 from that provided in section 9 of this chapter.

3 (i) If the school corporation can meet the requirements of  
4 IC 21-1-30-5, it may negotiate transfer tuition agreements with a  
5 neighboring school corporation that can accommodate additional  
6 students. Agreements under this section may be for one (1) year or  
7 longer and may fix a method for determining the amount of transfer  
8 tuition or time of payment that is different from the method, amount,  
9 or time of payment that is provided in this section or section 9 of this  
10 chapter. A school corporation may not transfer a student under this  
11 section without the prior approval of the child's parent or guardian.

12 (j) If a school corporation experiences a net financial impact with  
13 regard to transfer tuition that is negative for a particular school year as  
14 described in IC 6-1.1-19-5.1, the school corporation may appeal for an  
15 excessive levy as provided under IC 6-1.1-19-5.1.

16 [20-8.1-6.1-9] Sec. 9. (a) Not later than March 1, a school  
17 corporation shall estimate the:

18 (1) transfer tuition payments that the school corporation is  
19 required to pay for students transferring from the school  
20 corporation; and

21 (2) transfer tuition payments that the school corporation is entitled  
22 to receive on behalf of students transferring to the school  
23 corporation.

24 A school corporation shall send a preliminary statement of the amount  
25 of transfer tuition due to the state agency and to any school corporation  
26 that owes transfer tuition to the school corporation.

27 (b) Not later than October 1 following the end of a school year, a  
28 school corporation shall send a final statement of the amount of transfer  
29 tuition due to the state agency and to any school corporation that owes  
30 transfer tuition to the school corporation.

31 (c) A statement sent under subsection (a) or (b) must include the  
32 following:

33 (1) A statement, to the extent known, of all transfer tuition costs  
34 chargeable to the state or school corporation for the school year  
35 ending in the current calendar year.

36 (2) A statement of any transfer tuition costs chargeable to the state  
37 or school corporation and not previously billed for the school year  
38 ending in the immediately preceding calendar year.

39 (3) A statement of any transfer tuition costs previously billed to  
40 the state or school corporation and not yet paid.

41 (d) Transfer tuition for each school year shall be paid by the  
42 transferor corporation or state, if the entity is obligated to pay the  
43 tuition, in not more than four (4) installments. These installments must  
44 be paid not later than October 30, January 10, April 10, and July 10  
45 following the school year in which the obligation is incurred, unless  
46 another schedule is mutually agreed upon.



1 (e) Payment of operating costs shall be paid from and receipted to  
 2 the respective general funds of the transferor and transferee  
 3 corporations. Payment of capital costs shall be made by the transferor  
 4 corporation at its discretion from any fund or source and shall be  
 5 receipted by the transferee corporation at its discretion either to the  
 6 capital projects fund or to the debt service fund, or if the transferee  
 7 corporation has neither of these two (2) funds, to its general fund.

8 [20-8.1-6.1-10] Sec. 10. (a) The Indiana state board of education  
 9 shall hear the following:

10 (1) All appeals from an order expelling a child under  
 11 ~~IC 20-8.1-5.1-11~~. [QUERY: IC 20-33-8-13?]

12 (2) All appeals provided in this chapter.

13 (3) All disputes on the following:

14 (A) Legal settlement.

15 (B) Right to transfer.

16 (C) Right to attend school in any school corporation.

17 (D) Amount of transfer tuition.

18 (E) Any other matter arising under this chapter.

19 The board shall hold a hearing on the timely written application of any  
 20 interested party.

21 (b) The Indiana state board of education shall make its  
 22 determination under the following procedure:

23 (1) A hearing shall be held on each matter presented.

24 (2) Each interested party, including where appropriate, the  
 25 parents, the student, the transferor corporation, the transferee  
 26 corporation, or the state, shall be given at least ten (10) days  
 27 notice of the hearing by certified mail or by personal delivery.

28 (3) The date of giving the notice is the date of mailing or delivery.

29 (4) Any interested party may appear at the hearing in person or by  
 30 counsel, present evidence, cross-examine witnesses, and present  
 31 in writing or orally summary statements of position.

32 (5) A written or recorded transcript of the hearing shall be made.

33 (6) The hearing may be held by the Indiana state board of  
 34 education or by a hearing examiner appointed by it who must be  
 35 a state employee.

36 (7) The hearing, at the option of the Indiana state board of  
 37 education or hearing examiner, may be held at any place in  
 38 Indiana.

39 (8) The hearing examiner shall make written findings of fact and  
 40 recommendations.

41 (9) The determination of the Indiana state board of education shall  
 42 be made on the basis of the record, summaries, and findings, but  
 43 it is required to examine only those parts of the entire record as it  
 44 deems necessary.

45 (c) The hearing and proceedings are not governed by IC 4-21.5.

46 (d) The determination of the Indiana state board of education is final



1 and binding on the parties to the proceeding.

2 (e) A notice of the board's determination shall be mailed to each  
3 party by certified mail. ~~No~~ **An** action to contest the validity of the  
4 decision may **not** be instituted ~~at any time later more~~ than thirty (30)  
5 days after the mailing of the notice.

6 [20-8.1-6.1-11] Sec. 11. (a) The provisions to implement this  
7 chapter, including the calculation of transfer tuition, the credits for  
8 state distribution, and the time in the year when requests for transfer  
9 must be filed, shall be implemented by rules adopted by the ~~Indiana~~  
10 ~~state board of education.~~

11 (b) The ~~Indiana~~ state board ~~of education~~ shall ~~also~~ adopt rules for  
12 the enforcement of the payment of transfer tuition. This enforcement  
13 may include ~~but is not limited to,~~ the withholding of state support from  
14 the transferor corporation for the benefit of the transferee corporation,  
15 the charging of interest, penalties for late payment, and the costs of  
16 collection.

17 (c) ~~Whenever~~ **If** a school corporation prevails at the final  
18 adjudication of an administrative proceeding under this chapter or a  
19 lawsuit against a school corporation, to compel payment of transfer  
20 tuition owed by the school corporation under this chapter, the  
21 administrative body or the court shall award to the prevailing party the  
22 transfer tuition owed, if any, plus reasonable attorney's fees and interest  
23 as provided by law.

24 [20-8.1-6.1-12] Sec. 12. (a) Annually before the date specified in the  
25 rules adopted by the ~~Indiana~~ state board, ~~of education,~~ each school  
26 corporation shall report the information specified in subsection (b) for  
27 each student:

28 (1) for whom tuition support is paid by another school  
29 corporation;

30 (2) for whom tuition support is paid by the state; and

31 (3) who is enrolled in the school corporation but has the  
32 equivalent of a legal settlement in another state or country;

33 to the county office (as defined in IC 12-7-2-45) for the county in  
34 which the principal office of the school corporation is located and to  
35 the department of education.

36 (b) Each school corporation shall provide the following information  
37 for each school year ~~beginning with the school year beginning July 1,~~  
38 ~~1994,~~ for each category of student described in subsection (a):

39 (1) The amount of tuition support and other support received for  
40 the students described in subsection (a).

41 (2) The operating expenses, as determined under section 8 of this  
42 chapter, incurred for the students described in subsection (a).

43 (3) Special equipment expenditures that are directly related to  
44 educating students described in subsection (a).

45 (4) The number of transfer students described in subsection (a).

46 (5) Any other information required under the rules adopted by the



1           ~~Indiana~~ state board of ~~education~~ after consultation with the office  
2           of the secretary of family and social services.

3           (c) The information required under this section shall be reported in  
4           the format and on the forms specified by the ~~Indiana~~ state board. ~~of~~  
5           ~~education~~.

6           (d) Not later than November 30 of each year ~~beginning after~~  
7           ~~December 31, 1994~~, the department ~~of education~~ shall compile the  
8           information required from school corporations under this section and  
9           submit the compiled information in the form specified by the office of  
10          the secretary of family and social services to the office of the secretary  
11          of family and social services.

12          (e) Not later than November 30 of each year ~~beginning after~~  
13          ~~December 31, 1994~~, each county office shall submit the following  
14          information to the office of the secretary of family and social services  
15          for each child who is described in IC 12-19-7-1(1) and is placed in  
16          another state or is a student in a school outside the school corporation  
17          where the child has legal settlement:

- 18           (1) The name of the child.
- 19           (2) The name of the school corporation where the child has legal  
20           settlement.
- 21           (3) The last known address of the custodial parent or guardian of  
22           the child.
- 23           (4) Any other information required by the office of the secretary  
24           of family and social services.

25          (f) Not later than December 31 of each year, the office of the  
26          secretary of family and social services shall submit a report to the  
27          members of the budget committee and the executive director of the  
28          legislative services agency that compiles and analyzes the information  
29          required from school corporations under this section. The report shall  
30          identify the types of state and local funding changes that are needed to  
31          provide adequate state and local money to educate transfer students. A  
32          report submitted under this subsection to the executive director of the  
33          legislative services agency must be in an electronic format under  
34          IC 5-14-6.

35          [20-8.1-6.1-13] Sec. 13. (a) If a student:

- 36           (1) has legal settlement in the attendance area of a school  
37           corporation in another state, when legal settlement is determined  
38           without regard to the appointment of a guardian in Indiana solely  
39           for the purpose of facilitating the placement of the student in a  
40           facility described in subdivision (2);
- 41           (2) is placed in a state licensed private or public health care  
42           facility, private or public child care institution, or treatment center  
43           in Indiana by:
  - 44               (A) the parent or guardian of the student; or
  - 45               (B) a governmental entity in another state; and
- 46           (3) is enrolled in a school corporation in Indiana;



1 the state licensed private or public health care facility, private or public  
2 child care institution, or treatment center where the student is placed,  
3 regardless of when the student is placed, is jointly liable with the  
4 person placing the student for transfer tuition under this chapter.

5 (b) Notwithstanding subsection (a), a sole proprietorship, a  
6 partnership, an association, a corporation, a limited liability company,  
7 a fiduciary, an individual who is not the student's parent or guardian,  
8 or another entity in Indiana that accepts the placement of a student  
9 who:

10 (1) has legal settlement in the attendance area of a school  
11 corporation in another state; and

12 (2) is enrolled in a school corporation in Indiana;

13 is the guarantor for the student's transfer tuition under this chapter  
14 unless there is another guarantor. The Indiana state board of education  
15 shall hear all appeals under this subsection in accordance with section  
16 10 of this chapter.

17 [20-8.1-6.5-1] Sec. 14. ~~Court Ordered Transfers.~~ (a) This chapter  
18 concerns the transfer of students for education from one school  
19 corporation (transferor corporation) to another school corporation  
20 (transferee corporation) in compliance with a court order as described  
21 in this section. This chapter applies solely in a situation where a court  
22 of the United States or of the State of Indiana in a suit to which the  
23 transferor or transferee corporation or corporations are parties has  
24 found the following: ~~(a)~~

25 (1) a transferor corporation has violated the equal protection  
26 clause of the Fourteenth Amendment to the Constitution of the  
27 United States by practicing de jure racial segregation of the  
28 students within its borders;

29 ~~(b)~~ (2) a unitary school system within the meaning of ~~such the~~  
30 **Fourteenth** Amendment cannot be implemented within the  
31 boundaries of the transferor corporation; and

32 ~~(c)~~ (3) the Fourteenth Amendment compels the Court to order a  
33 transferor corporation to transfer its students for education to one  
34 (1) or more transferee corporations to effect a plan of  
35 desegregation in the transferor corporation ~~which that~~ is  
36 acceptable within the meaning of ~~such the~~ **Fourteenth**  
37 Amendment.

38 (b) This chapter ~~shall~~ **does** not apply until all appeals from ~~such the~~  
39 order, whether taken by the transferor corporation, any transferee  
40 corporation or any party to the action, have been exhausted or the time  
41 for taking ~~such the~~ appeals has expired, except where all stays of a  
42 transfer order pending appeal or further court action have been denied.

43 [20-8.1-6.5-2] Sec. 15. ~~Definitions.~~ As used in this chapter:

44 (a) "Transferor corporation", "transferee corporation" and  
45 "transferred student" shall mean, respectively, the school corporation  
46 transferring students; the school corporation receiving students; and



1 any student transferred pursuant to a court order described in section  
2 † of this chapter:

3 (b) "General fund", "capital projects fund", and "debt service fund"  
4 shall refer, respectively, to the school corporation funds set up under  
5 the provisions of IC 21-2-11, IC 21-2-15, and IC 21-2-4, respectively.

6 (c) "Class of school" shall refer to a classification of each school in  
7 the transferee corporation by the grades taught therein (generally  
8 denominated as elementary schools, middle schools or junior high  
9 schools, high schools, and special schools such as schools for special  
10 education, vocational training or career education). Elementary schools  
11 shall include schools containing kindergarten, but for all purposes  
12 under this chapter, a kindergarten student shall be counted as one-half  
13 (1/2) a student.

14 (d) (a) As used in this chapter, "ADM" shall refer refers to ADM  
15 as defined in IC 21-3-1.6-1.1.

16 (b) As used in this chapter, "capital projects fund" refers to the  
17 school corporation fund set up under the provisions of IC 21-2-15.

18 (c) As used in this chapter, "class of school" refers to a  
19 classification of each school in the transferee corporation by the  
20 grades taught therein (generally denominated as elementary  
21 schools, middle schools or junior high schools, high schools, and  
22 special schools such as schools for special education, vocational  
23 training or career education). Elementary schools includes schools  
24 containing kindergarten, but for all purposes under this chapter,  
25 a kindergarten student shall be counted as one-half (1/2) a student.

26 (d) As used in this chapter, "debt service fund" refers to the  
27 school corporation fund set up under the provisions of IC 21-2-4.

28 (e) As used in this chapter, "general fund" refers to the school  
29 corporation funds set up under the provisions of IC 21-2-11.

30 (f) As used in this chapter, "transferee corporation" means the  
31 school corporation receiving students under a court order  
32 described in section 1 of this chapter.

33 (g) As used in this chapter, "transferor corporation" means the  
34 school corporation transferring students under a court order  
35 described in section 1 of this chapter.

36 (h) As used in this chapter, "transferred student" means any  
37 student transferred under a court order described in section 1 of  
38 this chapter.

39 [20-8.1-6.5-2.5] Sec. 16. (a) As used in this section, "governing  
40 body" has the meaning set forth in IC 20-4-10-1-1. [QUERY:  
41 IC 20-18-2-5??]

42 (b) The governing body of a transferee corporation may add two (2)  
43 members, one (1) of whom must be a resident of the contributing  
44 geographic area within the transferor corporation from which students  
45 are being bused, to the transferee corporation's governing body for each  
46 transferor corporation that the transferee corporation serves. These



1 members are in addition to the number of members of the governing  
2 body who are residents of the transferee corporation.

3 (c) Each member who is a resident of a contributing transferor  
4 corporation added to the governing body of a transferee corporation by  
5 this section shall:

6 (1) be elected by a majority of all registered and eligible voters  
7 who vote in each applicable school board election in the school  
8 corporation;

9 (2) have the same qualifications, other than residency or property  
10 ownership, that are required for a member of the governing body  
11 who is a resident of the transferee corporation; and

12 (3) serve for the same number of years as members of the  
13 governing body who are residents of the transferee corporation.

14 (d) The members of the governing body of the transferee  
15 corporation shall appoint by majority vote the first additional members  
16 of a governing body under this section. The members appointed under  
17 this subsection serve until replacement members are elected under  
18 subsections (e) and (f).

19 (e) The first elected members of a governing body from a transferor  
20 corporation shall be elected at the first election after the members are  
21 added under subsection (b):

22 (1) that occurs in the transferor corporation; and

23 (2) where one (1) or more members of the governing body of the  
24 transferor corporation are elected.

25 The election shall be conducted in the manner required by law for the  
26 conduct of elections of governing bodies of school corporations.

27 (f) This subsection applies to an additional member of a governing  
28 body appointed under subsection (d) to whom subsection (e) does not  
29 apply. The first additional elected member of a governing body ~~shall~~  
30 **must** be elected at the first election after the members are added under  
31 subsection (b) where one (1) or more members of the governing body  
32 of the transferee corporation are elected. The election ~~shall~~ **must** be  
33 conducted in the manner required by law for the conduct of elections  
34 of governing bodies of school corporations.

35 [20-8.1-6.5-3] Sec. 17. ~~Transfer Tuition.~~ (a) The transferee  
36 corporation ~~shall be~~ **is** entitled to receive from the transferor  
37 corporation transfer tuition for each transferred student for each school  
38 year calculated in two (2) parts:

39 (1) operating cost; and

40 (2) capital cost.

41 These ~~shall~~ **costs must** be allocated on a per student basis separately  
42 for each class of school.

43 (b) The operating cost for each class of school ~~shall~~ **must** be based  
44 on the total expenditures of the transferee corporation for ~~such~~ **the**  
45 class from its general fund expenditures as set out on the classified  
46 budget forms prescribed by the state board of accounts, excluding from



1 ~~such the~~ calculation capital outlay, debt service, costs of transportation,  
2 salaries of board members, contracted service for legal expenses and  
3 any expenditure which is made out of the general fund from  
4 extracurricular account receipts, for the school year.

5 (c) The capital cost for each class of school ~~shall~~ **must** consist of the  
6 lesser of the following ~~two (2)~~ alternatives:

7 ~~(1) Alternative one shall~~ **The capital cost must** be based on a  
8 amount equal to five percent (5%) of the cost of transferee  
9 corporation's physical plant, equipment, and all ~~appurtenances~~  
10 ~~thereto~~ **items connected to the physical plant or equipment,**  
11 including: ~~but not limited to~~

12 **(A)** buildings, additions and remodeling ~~thereof; except to the~~  
13 **buildings, excluding** ordinary maintenance; **and**

14 **(B)** on-site and off-site improvements such as walks, sewers,  
15 waterlines, drives, and playgrounds; ~~theretofore~~

16 **that have been** paid or **are** obligated to be paid in the future out  
17 of the general fund, capital projects fund, or debt service fund,  
18 including ~~but not limited to~~ principal and interest, ~~and~~ lease rental  
19 payments, ~~or out of and~~ funds which were legal predecessors to  
20 these funds. ~~Where any~~ **If an** item of **the** physical plant,  
21 equipment, appurtenances, or portion ~~thereof of the item~~ is more  
22 than twenty (20) years old at the beginning of the school year, the  
23 capital cost ~~thereof of the item~~ shall be disregarded in making  
24 ~~such the capital cost~~ computation.

25 ~~(2) Alternate two shall~~ **The capital cost must** be based on the  
26 amount budgeted from the general fund for capital outlay for  
27 physical plant, equipment, and appurtenances and the amounts  
28 levied for the debt service fund and the capital projects fund, for  
29 the calendar year in which the school year ends.

30 ~~(d) Where~~ **If** an item of expense or cost cannot be allocated to a  
31 class of school, ~~it the item~~ shall be prorated to all classes of schools on  
32 the basis of the ADM of each class in the transferee corporation  
33 compared to the total ADM therein.

34 (e) The transfer tuition for each student transferred for each school  
35 year shall be calculated by dividing the transferee school corporation's  
36 total operating costs and the total capital costs for the class of school  
37 in which the student is enrolled by the ADM of students therein. ~~Where~~  
38 **If** a transferred student is enrolled in a transferee corporation for less  
39 than the full school year, the transfer tuition shall be calculated by the  
40 proportion of such school year for which the transferred student is  
41 enrolled. A school year for this purpose shall consist of the number of  
42 days school is in session for ~~pupil~~ **student** attendance. A student shall  
43 be enrolled in a transferee school, whether or not ~~he the student~~ is in  
44 attendance, unless ~~his the~~:

45 **(1) student's** residence is outside the area of students transferred  
46 to the transferee corporation; ~~or he~~



- 1           **(2) student** has been excluded or expelled from school; or  
 2           **(3) student** has been confirmed as a school dropout.

3           The transferor and transferee corporations may enter into written  
 4           agreements concerning the amount of transfer tuition. ~~Where~~ **If** an  
 5           agreement cannot be reached, the amount shall be determined by the  
 6           superintendent of public instruction, with costs to be established, where  
 7           in dispute, by the state board of accounts.

8           (f) The transferor corporation shall also pay the transferee  
 9           corporation, when billed, the amount of book rental due from  
 10          transferred students who are unable to pay the **book rental** amount.  
 11          ~~thereof.~~ The transferor corporation ~~shall be~~ **is** entitled to collect the  
 12          amount of ~~such the~~ book rental from the appropriate township trustee,  
 13          from its own funds, or from any other source, in the amounts and  
 14          manner provided by applicable law.

15          [20-8.1-6.5-4] Sec. **18.** (a) ~~Where~~ **If** a transfer is ordered to  
 16          commence in a school year, where the transferor corporation has net  
 17          additional costs over savings (on account of any transfer ordered)  
 18          allocable to the calendar year in which the school year begins, and  
 19          where the transferee corporation ~~has no~~ **does not have** budgeted funds  
 20          for ~~such the~~ net additional costs, ~~they the~~ **net additional costs** may be  
 21          recovered by one (1) or more of the following methods in addition to  
 22          any other methods provided by applicable law:

23                 (1) An emergency loan made pursuant to ~~IC 20-5-4-6~~ **[QUERY:**  
 24                 **IC 20-5?] to be paid, however,** out of the debt service levy and  
 25                 fund, or a loan from any state fund made available ~~therefor:~~ **for**  
 26                 **the net additional costs.**

27                 (2) An advance in ~~such the~~ calendar year of state funds, which  
 28                 would otherwise become payable to the transferee corporation  
 29                 after such calendar year pursuant to applicable law.

30                 (3) A grant or grants in ~~such the~~ calendar year from any funds of  
 31                 the state made available ~~therefor:~~ **for the net additional costs.**

32                 (b) The net additional costs ~~shall~~ **must** be certified by the  
 33                 department of local government finance, and any grant shall be made  
 34                 solely after affirmative recommendation of the tax control board  
 35                 created by IC 6-1.1-19-4.1. Repayment of any advance or loan from the  
 36                 state shall be made in accordance with IC 6-1.1-19-4.5(d). The use of  
 37                 any of the methods ~~enumerated above~~ **shall in this section does** not  
 38                 subject the transferor corporation to the provisions of IC 6-1.1-19-4.7.

39          [20-8.1-6.5-5] Sec. **19.** ~~Transfer Tuition - Time of Payment:~~ Transfer  
 40          tuition for each school year shall be paid by the transferor corporation  
 41          during the term of the year and following the end ~~thereof of term~~ in  
 42          four **(4)** installments within ten **(10)** days ~~of~~ **after** the first day of  
 43          November, February, May and August, respectively. The first three **(3)**  
 44          payments shall be calculated on the basis of estimates based on the  
 45          previous year's cost per student and the enrollment for the day schools  
 46          are open in the transferee corporation next preceding the applicable



1 payment date.

2 [20-8.1-6.5-6] Sec. **20. Payment and Receipt of Funds:** Payment of

3 **the** operating cost ~~shall~~ **must** be paid from and received to the

4 respective general funds of the transferor and transferee corporations.

5 Payment of capital costs ~~shall~~ **must** be made by the transferor

6 corporation, at its discretion, from any fund or source and ~~shall~~ be

7 received by the transferee corporation, at its discretion, either to the

8 cumulative building fund or to the debt service fund.

9 [20-8.1-6.5-7] Sec. **21. Transportation:** The transferor corporation

10 shall provide each transferred student transportation to and from the

11 school in the transferee corporation to which ~~he~~ **the student** is

12 assigned. ~~but~~ **However, the transferor corporation** may require the

13 transferred student to walk a reasonable distance from ~~his~~ **the student's**

14 home to school or to a transportation pick-up point.

15 [20-8.1-6.5-8] Sec. **22. Transportation Contracts:** Transportation

16 ~~shall~~ **must** be provided by the transferor corporation to each transferred

17 student in accordance with the provisions of IC 1971, 20-9.1,

18 ~~except that under IC 20-9.1.~~ **[QUERY: IC 20-27 CORRECT**

19 **CITE?] However,** the transferor corporation may contract with the

20 transferee corporation to provide transportation to the transferred

21 students (the transferor corporation paying the costs ~~thereof~~) **of**

22 **transportation)** and that the transferor corporation, in addition to the

23 other means of financing the purchase of transportation equipment,

24 may make ~~such~~ **the** purchases out of its cumulative building fund.

25 [20-8.1-6.5-9] Sec. **23. Transportation Costs – State**

26 **Reimbursement:** Transportation costs for transferred students for each

27 calendar year or for capital outlay and for operations shall be

28 reimbursed by the state to the transferor corporation in the same

29 percent of the total outlay which the distributions to the transferor

30 corporation under ~~IC 1971, 21-3-1.5-3,~~ **IC 21-3-1.5-3,** or from the state

31 flat grant distribution account where it is credited to the general fund,

32 constitute of its total annual general fund appropriations for such year.

33 In this calculation, there shall be excluded from general fund

34 appropriations capital outlay, debt service, and any expenditure which

35 is made out of the general fund from extracurricular accounts. Any

36 amount not thus reimbursed and raised as part of the transferor

37 corporation's general fund levy shall constitute an increase in its base

38 tax levy for ~~such~~ **that** budget year, as otherwise defined and as applied

39 in IC 6-1.1-1-16 and IC 6-1.1-19. ~~In no event shall~~ The state

40 reimbursement for transportation operating expense to the transferor

41 corporation **may not** be less than it would receive under applicable law

42 without regard to this section.

43 [20-8.1-6.5-10] Sec. **24. (a)** The provisions of this chapter

44 concerning the calculation of transfer tuition, the credits for state

45 distribution, state reimbursement of transportation costs, or other state

46 reimbursement may be implemented by ~~regulation~~ **of rules adopted by**



1 the state board of education. ~~which~~

2 **(b) The state board shall also** adopt rules for the enforcement of  
3 the payment of transfer tuition. ~~Such~~ **The payment** enforcement may  
4 include ~~but is not limited to;~~ the withholding of state support from the  
5 transferor corporation for the benefit of the transferee corporation.

6 **(c) A transferor or the transferee corporation may dispute the**  
7 **amount of transfer tuition or state reimbursement by petitioning**  
8 **the state superintendent.** Any dispute in the amount of transfer tuition  
9 or state reimbursement shall be determined; ~~upon application of either~~  
10 ~~the transferor or the transferee corporation;~~ by the state superintendent  
11 of public instruction.

12 Chapter 12. Textbooks

13 [20-10.1-10-1] Sec. 1. (a) Except as provided in subsections (b) and  
14 (c) and ~~all laws to the contrary~~ notwithstanding **any other law**, each  
15 governing body shall purchase from a contracting publisher, at a **price**  
16 **equal to or less than** the net contract price, ~~or at any subsequent lower~~  
17 ~~price;~~ the textbooks adopted by the ~~Indiana~~ state board of education  
18 and selected by the proper local officials, and shall rent these textbooks  
19 to each student enrolled in ~~any a~~ public school ~~which that~~ is:

20 (1) in compliance with the minimum certification standards of the  
21 ~~Indiana state board; of education~~ and is

22 (2) located within the attendance unit served by the governing  
23 body.

24 (b) This section does not prohibit the purchase of ~~these~~ textbooks at  
25 the option of ~~any a~~ student or the providing of free textbooks by the  
26 governing body under ~~IC 20-10.1-11.~~ **[QUERY: THIS CHAPTER?]**

27 (c) This section does not prohibit a governing body from suspending  
28 the operation of this section under a contract entered into under  
29 ~~IC 20-5-62.~~ **IC 20-26-15.**

30 [20-10.1-10-2] Sec. 2. (a) ~~Each~~ **A** governing body may purchase  
31 from a contracting publisher, at a **price equal to or less than** the net  
32 contract price, ~~or at any subsequent lower price;~~ any textbook adopted  
33 by the state board of education and selected by the proper local  
34 officials. ~~and~~ **The governing body** may rent these textbooks to  
35 students enrolled in any public or nonpublic school ~~which that~~ is:

36 (1) in compliance with the minimum certification standards of the  
37 state board; ~~of education~~ and is

38 (2) located within the attendance unit served by the governing  
39 body.

40 ~~at an~~ **The annual rental rate may not to** exceed twenty-five percent  
41 (25%) of the retail price of the textbooks.

42 (b) ~~However;~~ **Notwithstanding subsection (a),** the governing body  
43 may not assess a rental fee of more than fifteen percent (15%) of the  
44 retail price of a textbook that has been:

45 (1) adopted for usage by students under ~~IC 20-10.1-9;~~  
46 **IC 20-20-5;**



- 1 (2) extended for usage by students under ~~IC 20-10.1-9-1(b);~~  
 2 **IC 20-20-5-2**; and  
 3 (3) paid for through rental fees previously collected.
- 4 (c) This section does not limit ~~any other laws. but is supplementary.~~  
 5 [20-10.1-10-3] Sec. 3. (a) Upon a written determination by the  
 6 governing body of a school corporation that ~~any textbooks are a~~  
 7 **textbook is** no longer scheduled for use in the school corporation, the  
 8 governing body may sell, exchange, transfer, or otherwise convey the  
 9 ~~textbooks in the manner determined suitable by the governing body.~~  
 10 **textbook.** However, ~~in order to before a governing body may~~ mutilate  
 11 or otherwise destroy ~~the textbooks; a textbook,~~ the governing body  
 12 must first comply with the following provisions:
- 13 (1) Subsection (b).
  - 14 (2) Subsection (c).
  - 15 (3) Section 4 of this chapter.
  - 16 (4) Section 5 of this chapter.
- 17 (b) Before a governing body may mutilate or otherwise destroy a  
 18 textbook, the governing body shall provide at no cost and subject to  
 19 availability one (1) copy of each textbook that is no longer scheduled  
 20 for use in the school corporation to:
- 21 (1) the parent of each **child student** who is enrolled in the school  
 22 corporation and who wishes to receive a copy of the textbook; and
  - 23 (2) if any textbooks remain after distribution under subdivision  
 24 (1), to any resident of the school corporation who wishes to  
 25 receive a copy of the textbook.
- 26 (c) If a governing body does not sell, exchange, transfer, or  
 27 otherwise convey unused textbooks under subsection (a) or (b), each  
 28 public elementary and secondary school **in the governing body's**  
 29 **school corporation** shall provide storage for at least three (3) months  
 30 for ~~these the~~ textbooks in the school corporation. ~~Each~~ A school  
 31 corporation may ~~however,~~ sell or otherwise convey ~~these the~~ textbooks  
 32 to another school corporation at any time during the period of storage.
- 33 [20-10.1-10-4] Sec. 4. (a) ~~Each~~ A school corporation shall compile  
 34 a list of ~~those~~ textbooks in storage under section ~~3(b) 3~~ of this chapter.  
 35 ~~including~~ **The list must include** the names of the ~~publisher~~ **publishers**  
 36 and the number of volumes being stored. ~~This~~ **The list shall must be**  
 37 mailed to the department. ~~of education where~~ **The department shall**  
 38 **maintain** a master list of all textbooks being stored by ~~the~~ school  
 39 corporations. ~~shall be maintained.~~
- 40 (b) Upon request, the state superintendent shall mail to ~~any~~  
 41 ~~inquiring~~ a not-for-profit corporation or institution located in ~~this state~~  
 42 **Indiana** a list of textbooks available for ~~their~~ access. ~~These~~  
 43 ~~corporations or institutions~~ **A nonprofit corporation or institution**  
 44 may acquire the ~~necessary~~ textbooks from the appropriate school  
 45 corporation by paying only the cost of shipping and mailing.
- 46 [20-10.1-10-5] Sec. 5. Textbooks ~~being~~ stored for at least three (3)



1 months under section ~~3(b)~~ **3** of this chapter may not be mutilated or  
 2 destroyed and ~~shall~~ **must** be maintained and stored according to  
 3 regulations prescribed by local and state health authorities. Textbooks  
 4 ~~which that~~ have not been requested after at least three (3) months may  
 5 be mutilated, destroyed, or otherwise disposed of by the school  
 6 corporation.

7 [20-20.1-11-1] Sec. ~~6. Each section of (a)~~ This chapter applies to  
 8 ~~both~~ elementary ~~school~~ libraries and high school libraries that contain  
 9 free textbooks. ~~These~~ **The** textbooks must be adopted by the ~~state~~ board  
 10 ~~of education~~ and selected by the proper local officials. ~~For the purposes~~  
 11 ~~of~~

12 **(b) As used in** this chapter, "resident student" means a student  
 13 enrolled in any of the grades in any school located in ~~the~~ **a** school  
 14 corporation, whether ~~actually resident the student resides~~ there or **is**  
 15 transferred there for school purposes. ~~as provided by law:~~

16 [20-10.1-11-2] Sec. ~~7. Voters' Petition:~~ (a) If a petition requesting  
 17 the establishment of an elementary school library is filed with ~~the~~ **a**  
 18 governing body, ~~that the governing~~ body shall provide a library  
 19 ~~containing containing~~ textbooks in sufficient numbers to meet the  
 20 needs of every resident student in each of the eight (8) grades of each  
 21 elementary school. The petition must be signed by at least fifty-one  
 22 percent (51%) of the registered voters of the ~~governing body's~~ school  
 23 corporation.

24 (b) ~~If This subsection applies to~~ a governing body ~~that~~ has  
 25 ~~previously~~ established an elementary school library under subsection  
 26 (a). ~~and If~~ a petition requesting establishment of a high school library  
 27 is filed with ~~that the~~ governing body, ~~that the governing~~ body shall  
 28 provide a library containing textbooks in sufficient numbers to meet the  
 29 needs of every resident student in each of the four (4) grades of each  
 30 high school. ~~This~~ **The** petition must be signed by at least twenty  
 31 percent (20%) of the voters of the school corporation as determined by  
 32 the total vote cast at the last general election for the trustee of the  
 33 township, clerk of the town, or mayor of the city. **[QUERY: THE**  
 34 **LAST SENTENCE NEEDS TO SPECIFY WHICH**  
 35 **TRUSTEE/CLERK/MAYOR - OF THE TOWNSHIP, TOWN, OR**  
 36 **CITY IN WHICH THE GOVERNING BODY'S SCHOOL**  
 37 **CORPORATION IS LOCATED?]**

38 [20-10.1-11-3] Sec. ~~8. Form of Petition:~~ ~~Each~~ **A** petition paper ~~for~~  
 39 ~~an elementary or high school library under section 2 of this chapter~~  
 40 must be in substantially the following form: ~~for an elementary school~~  
 41 ~~library or a high school library:~~

42 To the governing body of the school corporation of \_\_\_\_\_

43 We, the undersigned voters of the school corporation of \_\_\_\_\_  
 44 respectfully petition the governing body of the school corporation of \_\_\_\_\_  
 45 \_\_\_\_\_ to establish an elementary school (or high school, as  
 46 appropriate) library and to lend its school textbooks free of charge to



1 the resident students of the school corporation of \_\_\_\_\_,  
 2 under ~~IC 1971, 20-10.1-10.~~ **IC 20-26-12.**  
 3 NAME ADDRESS DATE  
 4 \_\_\_\_\_  
 5 \_\_\_\_\_  
 6 STATE OF INDIANA )  
 7 ) SS:  
 8 \_\_\_\_\_ COUNTY )  
 9 \_\_\_\_\_ being duly sworn, deposes and says that he **or she** is  
 10 the circulator of this petition paper and that the appended signatures  
 11 were made in his **or her** presence and are the genuine signatures of the  
 12 persons whose names they purport to be.

13 Signed \_\_\_\_\_  
 14 Subscribed and sworn to before me this \_\_\_\_ day of \_\_\_\_\_,  
 15 19 \_\_  
 16 \_\_\_\_\_  
 17 Notary Public

18 **[QUERY: SHOULD THE CITE IN THE 2ND PARAGRAPH BE**  
 19 **CHANGED?]**

20 [20-10.1-11-4] ~~Sec. 9. Petition Signatures:~~ The signatures to each  
 21 petition may be appended to one (1) ~~petition paper.~~ **but to each petition**  
 22 ~~paper~~ An affidavit of the circulator ~~stating must be attached to each~~  
 23 ~~petition paper.~~ **The affidavit must state** that each signature was made  
 24 in ~~his the circulator's~~ presence and is the genuine signature of the  
 25 person whose name it purports to be. ~~shall be attached.~~ Each signature  
 26 must be made in ink or indelible pencil. Each signer shall state ~~his the~~  
 27 **signer's name, the signer's** residence by street and number, or **any**  
 28 other description sufficient to identify the place and the date of the  
 29 signing.

30 [20-10.1-11-5] ~~Sec. 10. Qualified Petitioner:~~ Each ~~petitioner~~ **A**  
 31 ~~person who signs a petition under this chapter~~ must be registered to  
 32 vote in the precinct in which ~~he the person~~ resides to be qualified to  
 33 sign and to have ~~his the~~ signature count.

34 [20-10.1-11-6] ~~Sec. 11. Filing of Petition:~~ All petition papers  
 35 requesting the establishment of ~~the a~~ library ~~shall under this chapter~~  
 36 ~~must~~ be assembled and filed as one (1) instrument before July 2.

37 [20-10.1-11-7] ~~Sec. 12. Examination of Petitions; Employment of~~  
 38 ~~Clerks: Each (a)~~ A governing body shall examine ~~these petitions~~  
 39 ~~petition papers filed under section 11 of this chapter~~ and shall have  
 40 the names checked against the ~~voters' voter~~ registration records in the  
 41 county ~~where in which~~ the **governing body's** school corporation is  
 42 situated. ~~Each located.~~

43 ~~(b)~~ A governing body may employ clerks ~~as necessary for this~~  
 44 ~~checking and to check voter registration records under this section.~~  
 45 **The governing body** may pay these expenses from ~~its the school~~  
 46 ~~corporation's~~ general fund without a specific appropriation. ~~Each~~



1 (c) A clerk **employed under subsection (b)** shall take an oath to  
 2 perform ~~this duty~~ honestly and faithfully. ~~and The clerk~~ is entitled to  
 3 daily compensation of not more than three dollars (\$3.00) for this work.

4 [20-10.1-11-8] Sec. ~~13. Duty of School Corporation~~: If a **sufficient**  
 5 petition is filed under ~~IC 1971, 20-10.1-11-6~~ and is sufficient, ~~the~~  
 6 **section 11 of this chapter**, a governing body shall ~~make an entry note~~  
 7 on the records of the **governing body's** school corporation ~~noting~~ that  
 8 by ~~the filing of~~ the petition the school corporation ~~shall obligate itself~~  
 9 **to must** maintain:

10 (1) an elementary school library containing textbooks in sufficient  
 11 numbers to meet the needs of every resident student in each of the  
 12 first eight (8) grades of each elementary school located within the  
 13 school corporation; or if ~~appropriate~~, ~~to maintain~~

14 (2) a high school library containing textbooks in sufficient numbers  
 15 to meet the needs of every resident student in each of the four (4)  
 16 grades of each high school located within the school corporation;

17 **as applicable.**

18 [20-10.1-11-9] Sec. ~~14. Appropriation by Governing Body~~: (a) ~~When~~  
 19 a petition is filed under this chapter and when by an appropriate entry  
 20 the school corporation obligates itself to maintain an elementary school  
 21 library, **This subsection applies to a school corporation described in**  
 22 **section 13(1) of this chapter. The governing body shall make** the  
 23 first appropriation from the **school corporation's** general fund ~~must be~~  
 24 ~~made in the month of~~ August following the petition's filing. ~~Beginning~~  
 25 **with Not later than** the school term following the ~~original first~~  
 26 appropriation, the library must be established and ~~the~~ textbooks ~~of the~~  
 27 library must be loaned to resident students enrolled in the first five (5)  
 28 grades ~~During each following of the elementary school. Not later~~  
 29 **than the second** school term **following the first appropriation**,  
 30 textbooks must be procured and loaned to resident students enrolled in  
 31 ~~each of the eight (8) grades of the elementary school.~~

32 (b) ~~When~~ a petition is filed and when by an appropriate entry the  
 33 school corporation obligates itself to maintain a high school library;  
 34 **This subsection applies to a school corporation described in section**  
 35 **13(2) of this chapter. The governing body shall make** the first  
 36 ~~general fund~~ appropriation ~~must be made from the school~~  
 37 **corporation's general fund** in the month of September following the  
 38 petition's filing. ~~Beginning with~~ **Not later than** the second school term  
 39 following the ~~original first~~ appropriation, the library must be  
 40 established and ~~the~~ textbooks of the library must be loaned to resident  
 41 students enrolled in grade nine (9) **of the high school**. During each  
 42 following school term, textbooks must be procured and loaned to  
 43 resident students for an additional high school grade, in addition to the  
 44 earlier high school grades. **[QUERY: HOW SHOULD LAST**  
 45 **SENTENCE BE REVISED?]**

46 [20-10.1-11-10] Sec. ~~15.~~ (a) ~~Each~~ A governing body shall ~~make~~



1 requisition for the necessary textbooks for the students from the  
 2 contracting publishers approved by the state board of education. The  
 3 contracting publisher shall ship the ~~books~~ **textbooks to the governing**  
 4 **body within not more than** ninety (90) days directly to these officials.  
 5 **after the requisition.** On receipt of the ~~books,~~ **each textbooks, the**  
 6 **governing body's** school corporation shall have charge and has  
 7 custody of ~~all books consigned to it, receipting to the contracting~~  
 8 ~~publisher for them, and each the textbooks.~~ The governing body shall  
 9 **provide a receipt to the contracting** publisher and reimburse the  
 10 contracting publisher the amount owed by the school corporation for  
 11 ~~these books from its~~ **the school corporation's** general fund.

12 (b) ~~Each A~~ governing body shall purchase ~~with its general fund~~  
 13 ~~money any current~~ textbooks:

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

17 (2) **with money from the school corporation's general fund;**  
 18 **and**

19 (3) at a price based on the original price to the **school** corporation  
 20 ~~less minus~~ a reasonable reduction for damage from usage.

21 (c) The proper school authorities shall ~~likewise~~ purchase any ~~stock~~  
 22 ~~of books which~~ **textbooks that** are to be used during any school year  
 23 from any dealer:

24 (1) whose business is located in the county in which the school  
 25 corporation is located; and

26 (2) who was authorized by law to sell ~~these books~~ **textbooks**  
 27 before March 1, 1935.

28 ~~at not to~~ **The purchase price may not** exceed the price paid by the  
 29 dealer to the contracting publisher. ~~from whom these books were~~  
 30 ~~purchased.~~ **[QUERY: WHO ARE THE PROPER SCHOOL**  
 31 **AUTHORITIES?]**

32 [20-10.1-11-11] Sec. 16. ~~Availability of Free Textbooks:~~ Upon  
 33 receipt of the ~~books,~~ **each textbooks,** a governing body shall loan ~~them;~~  
 34 ~~free of the textbooks at no~~ charge to each resident student. ~~These~~  
 35 Library textbooks are available to each resident student under  
 36 ~~regulations as provided in~~ this chapter and ~~as may be under~~  
 37 ~~regulations~~ prescribed by ~~each the~~ superintendent and governing body  
 38 **of the school corporation.**

39 [20-10.1-11-12] Sec. 17. If a student is ~~transferred~~ **transfers** to a  
 40 school corporation other than the one in which ~~he is a resident the~~  
 41 ~~student resides~~ under IC 20-8.1-6.1 **[QUERY: NEW CROSS-**  
 42 **REVERENCE TO BE INSERTED.]**, the governing body of the  
 43 school corporation to which the student is ~~transferred~~ **transfers** shall  
 44 purchase a sufficient supply of books for the transferred student. In the  
 45 annual settlement between ~~these the~~ school corporations for tuition of  
 46 transferred students, the amounts ~~for~~ **must include** rental of ~~these the~~



1 books furnished to the transferred students. ~~must be included.~~ The state  
2 board of education shall determine the rental rate. ~~of this rental.~~

3 [20-10.1-11-13] Sec. 18. ~~Sale of Books.~~ Each A governing body may  
4 provide a sufficient number of ~~these books~~ **textbooks** for sale to  
5 resident students ~~who may purchase them~~ at the price stipulated in the  
6 contracts under which the ~~books~~ **textbooks** are supplied to ~~each the~~  
7 **governing body's** school corporation. ~~These funds~~ **Proceeds from**  
8 **sales under this section** must be paid into the **school corporation's**  
9 general fund.

10 [20-10.1-11-14] Sec. 19. ~~Facilities for Books.~~ Each A governing body  
11 shall provide sufficient library facilities for the ~~safekeeping of these~~  
12 ~~books as may~~ **textbooks to** best accommodate the resident students.

13 [20-10.1-11-15] Sec. 20. ~~Care of Textbooks.~~ Each A governing body  
14 shall prescribe reasonable rules and regulations for the care, custody,  
15 and return of ~~these~~ library textbooks. Each A resident student using  
16 ~~these library~~ textbooks is responsible ~~except for reasonable wear,~~ for  
17 ~~any the~~ loss, mutilation, or defacement of ~~these books,~~ or failure to  
18 ~~return them to the library under these rules and regulations:~~ **the library**  
19 **textbooks, other than reasonable wear.**

20 [20-10.1-11-16] Sec. 21. Each A governing body shall provide for the  
21 fumigation or destruction of ~~these~~ library ~~books,~~ **textbooks** at the times  
22 and under regulations prescribed by local and state health authorities.  
23 ~~However,~~ Before a governing body may mutilate or otherwise destroy  
24 a textbook, the governing body shall provide at no cost and subject to  
25 availability one (1) copy of each textbook that is no longer scheduled  
26 for use in the school corporation to:

- 27 (1) the parent of each child who is enrolled in the school  
28 corporation and who wishes to receive a copy of the textbook; and  
29 (2) if any textbooks remain after distribution under subdivision (1),  
30 to any resident of the school corporation who wishes to receive a  
31 copy of the textbook.

32 Chapter 13. Graduation Rate Determination

33 [20-8.1-15-1] Sec. 1. This chapter applies to:

- 34 (1) a public high school; and  
35 (2) an accredited nonpublic high school.

36 [20-8.1-15-2] Sec. 2. As used in this chapter, "cohort" refers to a  
37 class of students ~~who:~~ **within a high school**

- 38 **(1) attend the same high school; and**  
39 **(2) who have the same are expected graduation to graduate from**  
40 **high school in the same graduation year.**

41 [20-8.1-15-3] Sec. 3. As used in this chapter, "enrollment" means the  
42 total number of students within a grade that is reported to the  
43 department annually on:

- 44 (1) October 1; or  
45 (2) a date specified by the department.

46 [20-8.1-15-4] Sec. 4. As used in this chapter, "expected graduation



1 year" means the reporting year beginning three (3) years after the  
 2 reporting year in which a student is first considered by a school  
 3 corporation to have entered grade **nine (9)**.

4 [20-8.1-15-5] Sec. 5. (a) As used in this chapter, "graduation" means  
 5 the successful completion by a student of:

6 (1) a sufficient number of academic credits, or the equivalent of  
 7 academic credits; and

8 (2) the graduation examination or waiver process required under  
 9 IC 20-10.1-16 [**QUERY: IC 20-31-4??**];

10 resulting in the awarding of a high school diploma or an academic  
 11 honors diploma.

12 (b) The term does not include the granting of a general educational  
 13 development diploma under ~~IC 20-10.1-12.1~~ **IC 20-20-6**.

14 . [20-8.1-15-6] Sec. 6. As used in this chapter, "graduation rate" means  
 15 the percentage of students within a cohort who graduate during their  
 16 expected graduation year.

17 [20-8.1-15-7] Sec. 7. As used in this chapter, "reporting year" refers  
 18 to the period beginning October 1 of a year and ending September 30  
 19 of the following year.

20 [20-8.1-15-8] Sec. 8. As used in this chapter, "retention" refers to the  
 21 reclassification by a school corporation of a student that places the  
 22 student into a cohort that has an expected graduation year after the  
 23 expected graduation year of the student's initial cohort.

24 [20-8.1-15-9] Sec. 9. Beginning with the class of students who **are**  
 25 **expect expected** to graduate in the 2005-2006 school year, the  
 26 department shall determine the graduation rate of high school students  
 27 under this chapter.

28 [20-8.1-15-10] Sec. 10. The graduation rate for a cohort in a high  
 29 school is the percentage determined under STEP SEVEN of the  
 30 following formula:

31 STEP ONE: Determine the grade **9** enrollment at the beginning of  
 32 the reporting year three (3) years before the reporting year for  
 33 which the graduation rate is being determined.

34 STEP TWO: Add:

35 (A) the number determined under STEP ONE; and

36 (B) the number of students who:

37 (i) have enrolled in the high school after the date on which the  
 38 number determined under STEP ONE was determined; and

39 (ii) have the same expected graduation year as the cohort.

40 STEP THREE: Add:

41 (A) the sum determined under STEP TWO; and

42 (B) the number of retained students from earlier cohorts who  
 43 became members of the cohort for whom the graduation rate is  
 44 being determined.

45 STEP FOUR: Add:

46 (A) the sum determined under STEP THREE; and



- 1 (B) the number of students who:  
 2 (i) began the reporting year in a cohort that expects to graduate  
 3 during a future reporting year; and  
 4 (ii) graduate during the current reporting year.
- 5 STEP FIVE: Subtract from the sum determined under STEP FOUR  
 6 the number of students who have left the cohort for any of the  
 7 following reasons:
- 8 (A) Transfer to another public or nonpublic school.  
 9 (B) Removal by the student's parents under ~~IC 20-8.1-3-34~~  
 10 **IC 20-33-2-28** to provide instruction equivalent to that given in  
 11 the public schools.  
 12 (C) Withdrawal because of a long term medical condition or  
 13 death.  
 14 (D) Detention by a law enforcement agency or the department of  
 15 correction.  
 16 (E) Placement by a court order or the division of family and  
 17 children.  
 18 (F) Enrollment in a virtual school.  
 19 (G) Graduation before the beginning of the reporting year.  
 20 (H) **Leaving school, if the Students who have left school and**  
 21 **whose location of the student** cannot be determined.
- 22 STEP SIX: Determine the total number of students who have  
 23 graduated during the current reporting year.
- 24 STEP SEVEN: Divide:
- 25 (A) the number determined under STEP SIX; by  
 26 (B) the remainder determined under STEP FIVE.
- 27 Chapter 14. Interscholastic Athletic Associations
- 28 [20-5-63-1] Sec. 1. As used in this chapter, "association" means ~~any~~  
 29 **an** organization that conducts, organizes, sanctions, or sponsors  
 30 interscholastic high school athletic events as the organization's primary  
 31 purpose.
- 32 [20-5-63-2] Sec. 2. As used in this chapter, "case" refers to a decision  
 33 of the association:
- 34 (1) that concerns the application or interpretation of a rule of the  
 35 association to an individual student; and  
 36 (2) with which the student's parent disagrees.
- 37 [20-5-63-3] Sec. 3. As used in this chapter, "panel" refers to the case  
 38 review panel established under section 7 of this chapter.
- 39 [20-5-63-4] Sec. 4. As used in this chapter, "parent" has the meaning  
 40 set forth in ~~IC 20-10.1-1-9~~: **[QUERY: IC 20-18-2-13?]**.
- 41 [20-5-63-5] Sec. 5. As used in this chapter, "state superintendent"  
 42 refers to the state superintendent of public instruction.
- 43 [20-5-63-6] Sec. 6. A school corporation may participate in:
- 44 (1) an association; or ~~in~~  
 45 (2) an athletic event conducted, organized, sanctioned, or  
 46 sponsored by an association;



- 1 ~~only~~ if the association complies with this chapter.
- 2 [20-5-63-7] Sec. 7. (a) The association must establish a case review
- 3 panel that meets the following requirements:
- 4 (1) The panel has nine (9) members.
- 5 (2) The state superintendent or the state superintendent's designee
- 6 is a member of the panel and is the chairperson of the panel.
- 7 (3) The state superintendent ~~shall appoint~~ **appoints** as members of
- 8 the panel persons having the following qualifications:
- 9 (A) Four (4) parents of high school students.
- 10 (B) Two (2) high school principals.
- 11 (C) Two (2) high school athletic directors.
- 12 (4) A member of the panel serves for a four (4) year term, subject
- 13 to the following:
- 14 (A) An appointee who ceases to meet the member's qualification
- 15 under subdivision (3) ceases to be a member of the panel.
- 16 (B) The state superintendent shall appoint fifty percent (50%) of
- 17 the initial appointees under each clause in subdivision (3) for
- 18 terms of two (2) years, so that terms of the panel are staggered.
- 19 (5) The panel must meet monthly, unless there are no cases before
- 20 the panel. The panel may meet more frequently at the call of the
- 21 chairperson. However, the chairperson must call a meeting within
- 22 five (5) business days after the panel receives a case in which time
- 23 is a factor in relation to the scheduling of an athletic competition.
- 24 (6) A quorum of the panel is five (5) members. The affirmative
- 25 vote of five (5) members of the panel is required for the panel to
- 26 take action.
- 27 (b) A student's parent who disagrees with a decision of the
- 28 association concerning the application or interpretation of a rule of the
- 29 association to the student shall have the right to do one (1) of the
- 30 following:
- 31 (1) Accept the decision.
- 32 (2) Take legal action without first referring the case to the panel.
- 33 (3) Refer the case to the panel.
- 34 (c) Upon receipt of a case, the panel must do the following:
- 35 (1) Collect testimony and information on the case, including
- 36 testimony and information from both the association and the
- 37 parent.
- 38 (2) Place the case on the panel's agenda and consider the case at a
- 39 meeting of the panel.
- 40 (3) Make one (1) of the following decisions:
- 41 (A) Uphold the association's decision on the case.
- 42 (B) Modify the association's decision on the case.
- 43 (C) Nullify the association's decision on the case.
- 44 (d) The association must implement the decision of the panel on each
- 45 case. However, a decision of the panel:
- 46 (1) applies only to the case before the panel; and



1 (2) does not affect any rule of the association or decision under any  
 2 rule concerning any student other than the student whose parent  
 3 referred the case to the panel.

4 (e) The association shall pay all costs attributable to the operation of  
 5 the panel, including travel and per diem for panel members.

6 Chapter 15. Freeway School Corporation and Freeway School  
 7 Program

8 [20-5-62-1] Sec. 1. As used in this chapter, "contract" refers to a  
 9 contract entered into under this chapter for the establishment of:

10 (1) a freeway school corporation; or

11 (2) a freeway school.

12 [20-5-62-2] Sec. 2. As used in this chapter, "freeway school" refers  
 13 to:

14 (1) a school for which a contract has been entered into under this  
 15 chapter; or

16 (2) a nonpublic school that enters into a contract under section 13  
 17 of this chapter.

18 [20-5-62-3] Sec. 3. As used in this chapter, "freeway school  
 19 corporation" refers to a school corporation that enters into a contract  
 20 under this chapter.

21 [20-5-62-4] Sec. 4. (a) The ~~Indiana~~ state board of ~~education~~ and the  
 22 governing body of a school corporation must enter into a contract that  
 23 complies with this chapter to designate a school corporation as a  
 24 freeway school corporation or a school within a school corporation as  
 25 a freeway school if a school corporation:

26 (1) petitions the ~~Indiana~~ state board of ~~education~~ for designation as  
 27 a freeway school corporation or to have a school within the school  
 28 corporation designated as a freeway school; and

29 (2) agrees to comply with this chapter.

30 (b) A school corporation becomes a freeway school corporation and  
 31 a school becomes a freeway school when the contract is signed by:

32 (1) the ~~state~~ superintendent, ~~of public instruction~~, acting for the  
 33 ~~Indiana~~ state board of ~~education~~ after a majority of the members of  
 34 the board have voted in a public session to enter into the contract;  
 35 and

36 (2) the president of the governing body of the school corporation,  
 37 acting for the governing body of the school corporation after a  
 38 majority of the members of the governing body have voted in a  
 39 public session to enter into the contract.

40 [20-5-62-5] Sec. 5. Notwithstanding any other law, the operation of  
 41 the following is suspended for a freeway school corporation or a  
 42 freeway school if the governing body of the school corporation elects  
 43 to have the specific statute or rule suspended in the contract:

44 (1) The following statutes and rules concerning curriculum and  
 45 instructional time:

46 ~~IC 20-10.1-2-2~~ **IC 20-30-2-7**



- 1           ~~IC 20-10.1-4-6~~ **IC 20-30-5-8**
- 2           ~~IC 20-10.1-4-7~~ **IC 20-30-5-9**
- 3           ~~IC 20-10.1-4-9.1~~ **IC 20-30-5-11**
- 4           511 IAC 6-7-6
- 5           511 IAC 6.1-3-4
- 6           511 IAC 6.1-5-0.5
- 7           511 IAC 6.1-5-1
- 8           511 IAC 6.1-5-2.5
- 9           511 IAC 6.1-5-3.5
- 10          511 IAC 6.1-5-4
- 11          (2) The following rules concerning pupil/teacher ratios:
- 12           511 IAC 6-2-1(b)(2) [**QUERY: Repealed**]
- 13           511 IAC 6.1-4-1
- 14          (3) The following statutes and rules concerning textbooks:
- 15           ~~IC 20-10.1-9-1~~ **IC 20-20-5-1**
- 16           ~~IC 20-10.1-9-18~~ **20-20-5-23**
- 17           ~~IC 20-10.1-9-21~~ [**QUERY: NEW CROSS-REFERENCE TO**
- 18           **BE INSERTED.]**
- 19           ~~IC 20-10.1-9-23~~ [**QUERY: NEW CROSS-REFERENCE TO**
- 20           **BE INSERTED.]**
- 21           ~~IC 20-10.1-9-27~~ [**QUERY: NEW CROSS-REFERENCE TO**
- 22           **BE INSERTED.]**
- 23           ~~IC 20-10.1-10-1~~ **IC 20-26-12-1**
- 24           ~~IC 20-10.1-10-2~~ **IC 20-26-12-2**
- 25           511 IAC 6.1-5-5
- 26          (4) 511 IAC 6-7, concerning graduation requirements.
- 27          (5) 511 IAC 6-2-1(c)(4), [**QUERY: Repealed**] concerning
- 28          pupil/principal ratios.
- 29          (6) 511 IAC 2-2, [**QUERY: Repealed**] concerning school
- 30          construction and remodeling.
- 31          (7) ~~IC 20-1-1-2~~, [**QUERY: IC 20-32-5?**], concerning the
- 32          performance-based accreditation system.
- 33          (8) ~~IC 20-10.1-16~~, [**QUERY: IC 20-32-5?**], concerning the ISTEP
- 34          program established under ~~IC 20-10.1-16-8~~, **IC 20-32-5-15**, if an
- 35          alternative locally adopted norm and criterion referenced
- 36          assessment program is adopted under section 6(7) of this chapter.
- 37          [20-5-62-6] Sec. 6. Except as provided in this chapter and
- 38          notwithstanding any other law, a freeway school corporation or a
- 39          freeway school may do the following during the contract period:
- 40           (1) Disregard the observance of any statute or rule that is listed in
- 41           the contract.
- 42           (2) Lease school transportation equipment to others for nonschool
- 43           use when the equipment is not in use for a school corporation
- 44           purpose, if the lessee has not received a bid from a private entity
- 45           to provide transportation equipment or services for the same
- 46           purpose.



1 (3) Replace the budget and accounting system that is required by  
 2 law with a budget or accounting system that is frequently used in  
 3 the private business community. The state board of accounts may  
 4 not go beyond the requirements imposed upon the state board of  
 5 accounts by statute in reviewing the budget and accounting system  
 6 used by a freeway school corporation or a freeway school.

7 (4) Establish a professional development and technology fund to  
 8 be used for:

9 (A) professional development; or

10 (B) technology, including video distance learning.

11 However, any money deposited in the professional development  
 12 and technology fund for technology purposes must be transferred  
 13 to the school technology fund established under IC 21-2-18.

14 (5) Subject to subdivision (4), transfer funds obtained from sources  
 15 other than state or local government taxation among any accounts  
 16 of the school corporation, including a professional development  
 17 and technology fund established under subdivision (4).

18 (6) Transfer funds obtained from property taxation and from state  
 19 distributions among the general fund (established under  
 20 IC 21-2-11) and the school transportation fund (established under  
 21 IC 21-2-11.5), subject to the following:

22 (A) The sum of the property tax rates for the general fund and  
 23 the school transportation fund after a transfer occurs under this  
 24 subdivision may not exceed the sum of the property tax rates for  
 25 the general fund and the school transportation fund before a  
 26 transfer occurs under this subdivision.

27 (B) This subdivision does not allow a school corporation to  
 28 transfer to any other fund money from the:

29 (i) capital projects fund (established under IC 21-2-15); or

30 (ii) debt service fund (established under IC 21-2-4).

31 (7) Establish a locally adopted assessment program to replace the  
 32 assessment of students under the ISTEP program established under  
 33 ~~IC 20-10-1-16-8~~; **IC 20-32-5-15**, subject to the following:

34 (A) A locally adopted assessment program must be established  
 35 by the governing body and approved by the department.

36 (B) A locally adopted assessment program may use a locally  
 37 developed test or a nationally developed test.

38 (C) Results of assessments under a locally adopted assessment  
 39 program are subject to the same reporting requirements as results  
 40 under the ISTEP program.

41 (D) Each student who completes a locally adopted assessment  
 42 program and the student's parent or guardian has the same rights  
 43 to inspection and rescoring as are set forth in ~~IC 20-10-1-16-7(d)~~;

44 **IC 20-32-5-9.**

45 [20-5-62-7] Sec. 7. The minimum educational benefits that a freeway  
 46 school corporation or a freeway school must produce under this chapter



- 1 are the following:
- 2 (1) An average attendance rate that increases:
- 3 (A) not less than two percent (2%) each school year until the
- 4 average attendance rate is eighty-five percent (85%); and
- 5 (B) one percent (1%) each school year until the average
- 6 attendance rate is ninety percent (90%).
- 7 (2) A successful completion rate of the assessment program by
- 8 meeting essential standards under the ISTEP program (~~IC 20-10.1-16~~) **[QUERY: IC 20-32-5?]** or a locally adopted
- 9 assessment program established under section 6(7) of this chapter
- 10 that increases:
- 11 (A) not less than two percent (2%) each school year until the
- 12 successful completion rate is not less than eighty-five percent
- 13 (85%); and
- 14 (B) one percent (1%) each school year until the successful
- 15 completion rate is not less than ninety percent (90%);
- 16 of the students in the designated grade levels under the ISTEP
- 17 assessment program (~~IC 20-10.1-16~~) **[QUERY: IC 20-32-5?]** or
- 18 the locally adopted assessment program that are grades contained
- 19 in the freeway school corporation or freeway school.
- 20
- 21 (3) Beginning with the class of students who expect to graduate
- 22 four (4) years after a freeway school corporation or a freeway
- 23 school that is a high school obtains freeway status, a graduation
- 24 rate as determined under 511 IAC 6.1-1-2(j) **[QUERY: SHOULD**
- 25 **THIS BE (K) NOT (J)?]** that increases:
- 26 (A) not less than two percent (2%) each school year until the
- 27 graduation rate is not less than eighty-five percent (85%); and
- 28 (B) one percent (1%) each school year until the graduation rate
- 29 is ninety percent (90%).
- 30 After a freeway school corporation or a freeway school has achieved
- 31 the minimum rates required under subdivisions (1) through (3), the
- 32 freeway school corporation or freeway school must either maintain the
- 33 minimum required rates or show continued improvement of those rates.
- 34 [20-5-62-8] Sec. 8. (a) The contract must contain the following
- 35 provisions:
- 36 (1) A list of the statutes and rules that are suspended from
- 37 operation in a freeway school corporation or freeway school, as
- 38 listed in section 5 of this chapter.
- 39 (2) A description of the privileges of a freeway school corporation
- 40 or freeway school, as listed in section 6 of this chapter.
- 41 (3) A description of the educational benefits listed in section 7 of
- 42 this chapter that a freeway school corporation or freeway school
- 43 agrees to:
- 44 (A) achieve by the end of five (5) complete school years after the
- 45 contract is signed; and
- 46 (B) maintain at the end of:



- 1 (i) the sixth; and  
 2 (ii) any subsequent;  
 3 complete school year after the contract is signed.
- 4 (4) A plan and a schedule for the freeway school corporation or  
 5 freeway school to achieve the educational benefits listed in section  
 6 7 of this chapter by the end of five (5) complete school years after  
 7 the contract is signed. The schedule must show some percentage  
 8 of improvement by the end of the second, third, and fourth  
 9 complete school years after the contract is signed.
- 10 (5) A school by school strategy, including curriculum, in which  
 11 character education is demonstrated to be a priority. The strategy  
 12 required under this subdivision must include the following subjects  
 13 as integral parts of each school's character education:
- 14 (A) Hygiene.  
 15 (B) Alcohol and drugs.  
 16 (C) Diseases transmitted sexually or through drug use, including  
 17 AIDS.  
 18 (D) Honesty.  
 19 (E) Respect.  
 20 (F) Abstinence and restraint.
- 21 (6) A plan under which the freeway school corporation or freeway  
 22 school will offer courses that will allow a student to become  
 23 eligible to receive an honors diploma.
- 24 (7) A plan under which the freeway school corporation or freeway  
 25 school will maintain a safe and disciplined learning environment  
 26 for students and teachers.
- 27 (b) In the contract:
- 28 (1) the quantitative measures of benefits may be higher, but not  
 29 lower, than the minimum educational benefits listed in section 7 of  
 30 this chapter; and  
 31 (2) educational benefits may be included in addition to the  
 32 minimum educational benefits listed in section 7 of this chapter.
- 33 [20-5-62-9] Sec. 9. The governing body of a school corporation and  
 34 the Indiana state board of education acting jointly may amend a  
 35 contract entered into under this chapter:
- 36 (1) to comply with any law enacted subsequent to the formation of  
 37 the contract;  
 38 (2) to alter the educational benefits to a level that is not below the  
 39 minimum educational benefits listed in section 7 of this chapter; or  
 40 (3) for a purpose jointly agreed to by the parties.
- 41 [20-5-62-10] Sec. 10. On July 1 of each year, the Indiana state board  
 42 of education shall determine whether a school corporation or freeway  
 43 school that has completed:
- 44 (1) a second, third, or fourth complete school year under a contract  
 45 entered under this chapter has achieved the scheduled  
 46 improvement in educational benefits that the school corporation or



- 1 freeway school has agreed to achieve;  
 2 (2) a fifth complete school year under a contract entered under this  
 3 chapter has achieved the educational benefits that the school  
 4 corporation or freeway school has agreed to achieve; or  
 5 (3) more than five (5) full school years under a contract entered  
 6 under this chapter has maintained the educational benefits that the  
 7 school corporation or freeway school has agreed to maintain.
- 8 [20-5-62-11] Sec. 11. (a) A school corporation that enters into a  
 9 contract under this chapter to:  
 10 (1) be a freeway school corporation; or to  
 11 (2) operate a freeway school;  
 12 must achieve the educational benefits that the school corporation  
 13 agrees in the contract to achieve.
- 14 (b) If a school corporation that enters into a contract under this  
 15 chapter to be a freeway school corporation or to operate a freeway  
 16 school fails to achieve any of the educational benefits agreed upon in  
 17 the contract at the end of a school year:  
 18 (1) the Indiana state board of education shall review the school  
 19 corporation's plan and schedule for achieving the educational  
 20 benefits, and, if necessary, modify the plan; and  
 21 (2) the year in which the educational benefits are not achieved is  
 22 not included in the five (5) year contract period.
- 23 (c) A contract is void and a school corporation ceases immediately  
 24 to be a freeway school corporation or to be eligible to operate a freeway  
 25 school if:  
 26 (1) the school corporation or school has previously undergone a  
 27 plan and schedule review under subsection (b); and  
 28 (2) the ~~Indiana~~ state board of ~~education~~ determines that the school  
 29 corporation or school failed to achieve the following that the  
 30 school corporation agreed to achieve in the contract:  
 31 (A) at the end of the second, third, or fourth complete school  
 32 year after a contract is signed under this chapter, two (2) of the  
 33 three (3) scheduled improvements in educational benefits that  
 34 are listed in section 7 of this chapter; or  
 35 (B) at the end of the fifth complete school year after a contract  
 36 is signed under this chapter, the educational benefits stated in the  
 37 contract.
- 38 [20-5-62-12] Sec. 12. (a) A school corporation that enters into a  
 39 contract under this chapter to be a freeway school corporation or to  
 40 operate a freeway school must maintain the educational benefits that  
 41 the school corporation agrees to achieve in the contract.  
 42 (b) If the ~~Indiana~~ state board of ~~education~~ determines that a freeway  
 43 school corporation or freeway school has failed to maintain the  
 44 educational benefits described in subsection (a) for two (2) consecutive  
 45 or nonconsecutive school years beginning with the end of the sixth  
 46 school year after a contract is signed under this chapter:



- 1           (1) the contract is void; and  
 2           (2) the school corporation ceases to be:  
 3           (A) a freeway school corporation; or ~~to be~~  
 4           (B) eligible to operate a freeway school;  
 5 on July 1 following the second school year in which the freeway school  
 6 corporation or freeway school failed to maintain the required  
 7 educational benefits.
- 8           [20-5-62-13] Sec. 13. (a) A nonpublic school may enter into a  
 9 contract with the ~~Indiana~~ state board of ~~education~~ to become a freeway  
 10 school.
- 11           (b) The ~~Indiana~~ state board of ~~education~~ and the governing body of  
 12 a nonpublic school must enter into a contract that complies with this  
 13 chapter to designate the nonpublic school as a freeway school if the  
 14 nonpublic school:  
 15           (1) petitions the ~~Indiana~~ state board of ~~education~~ for designation as  
 16 a freeway school; and  
 17           (2) agrees to comply with this chapter.
- 18           (c) A nonpublic school becomes a freeway school when the contract  
 19 is signed by:  
 20           (1) the ~~state~~ superintendent, ~~of public instruction~~, acting for the  
 21 ~~Indiana~~ state board of ~~education~~ after a majority of the members of  
 22 the board have voted in a public session to enter into the contract;  
 23 and  
 24           (2) the president of the governing body of the nonpublic school,  
 25 acting for the governing body of the nonpublic school after a  
 26 majority of the members of the governing body have voted to enter  
 27 into the contract.
- 28           (d) The ~~Indiana~~ state board of ~~education~~ shall accredit a nonpublic  
 29 school that:  
 30           (1) becomes a freeway school under this chapter; and  
 31           (2) complies with the terms of the contract.
- 32           [20-5-62-14] Sec. 14. (a) This section applies to:  
 33           (1) a school corporation that has ceased to be a freeway school  
 34 corporation; and  
 35           (2) a school that has ceased to be a freeway school.
- 36           (b) If an action taken by a school corporation or school described in  
 37 subsection (a) while a contract was in effect was legal at the time the  
 38 action was taken because of the waiver of a statute or rule in the  
 39 contract, the action remains legal after the contract becomes void.
- 40           (c) An action taken by a school corporation or school described in  
 41 subsection (a) after the date on which a contract becomes void must be  
 42 in compliance with existing statutes and rules.

