

PROPOSED AMENDMENT

HB 1380 # 7

DIGEST

Education matters. Requires the secretary of education to prepare and submit to the general assembly the following: (1) A plan to establish a pilot program concerning the use, operation, and management of school facilities to promote student learning and outcomes. (2) A plan to establish a pilot program concerning student transportation. Removes language providing that school corporations are not subject to the provisions regarding the transfer of vacant school buildings if certain requirements are met. Removes provisions that provide that a governing body of a school corporation may not seek to extend an operating referendum tax levy or consecutive operating referendum tax levies. Makes certain changes to the referendum time line.

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- 1 Page 2, line 11, delete "an Indiana" and insert "**a pilot program**
2 **that provides innovative approaches concerning the use, operation,**
3 **and management of school facilities to promote:**
4 **(1) enhanced learning environments;**
5 **(2) unique learning opportunities; and**
6 **(3) improved student academic and health outcomes."**
7 Page 2, delete lines 12 through 19.
8 Page 2, line 24, delete "the" and insert "**a pilot program that**
9 **encompasses innovative approaches for increasing transportation**
10 **of students enrolled at a:**
11 **(1) public school, including a charter school; or**
12 **(2) nonpublic school with at least one (1) employee;**
13 **to travel to and from a school or other learning opportunities in a**
14 **safe and efficient manner."**
15 Page 2, delete lines 25 through 32.
16 Page 3, delete lines 36 through 42.
17 Page 4, delete lines 1 through 24.
18 Page 5, line 31, delete "For" and insert "**Subject to an**
19 **administrative fee as described in subsection (f), for"**.
20 Page 6, reset in roman lines 35 through 39.
21 Page 6, line 40, delete "(f)" and insert "(g)".
22 Page 8, line 13, after "services" insert "**for which funds from the**
23 **school corporation's property tax levy (IC 20-46-8) are paid for the**

- 1 **school corporation".**
- 2 Page 8, line 15, delete "operating" and insert "**operations**".
- 3 Page 8, line 16, delete "IC 20-46-1" and insert "**IC 20-46-8**".
- 4 Page 8, line 18, after "transfers" delete "the" and insert "**a**".
- 5 Page 8, line 19, delete "described in subdivision (1)".
- 6 Page 8, line 20, after "fund" insert "**under IC 20-40-3**".
- 7 Page 8, line 24, delete "A" and insert "**Subject to an administrative**
- 8 **fee as described in section 5(f) of this chapter, a**".
- 9 Page 9, line 11, delete "A" and insert "**Subject to an administrative**
- 10 **fee as described in subsection (g), a**".
- 11 Page 11, reset in roman lines 8 through 12.
- 12 Page 11, line 13, delete "(g)" and insert "**(h)**".
- 13 Page 12, line 15, after "services" insert "**for which funds from the**
- 14 **school corporation's property tax levy (IC 20-46-8) are paid for the**
- 15 **school corporation**".
- 16 Page 12, line 17, delete "operating" and insert "**operations**".
- 17 Page 12, line 18, delete "IC 20-46-1" and insert "**IC 20-46-8**".
- 18 Page 12, line 20, after "transfers" delete "the" and insert "**a**".
- 19 Page 12, line 21, delete "described in subdivision (1)".
- 20 Page 12, line 22, after "fund" insert "**under IC 20-40-3**".
- 21 Page 12, line 26, delete "A" and insert "**Subject to an**
- 22 **administrative fee as described in section 2(g) of this chapter, a**".
- 23 Page 17, delete line 42.
- 24 Delete pages 18 through 27.
- 25 Page 28, delete lines 1 through 26, begin a new paragraph and
- 26 insert:
- 27 "SECTION 23. IC 20-46-1-8, AS AMENDED BY P.L.189-2023,
- 28 SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 29 JULY 1, 2024]: Sec. 8. (a) Subject to subsections (e), (f), and (g) and
- 30 this chapter, the governing body of a school corporation may adopt a
- 31 resolution to place a referendum under this chapter on the ballot for any
- 32 of the following purposes:
- 33 (1) The governing body of the school corporation determines that
- 34 it cannot, in a calendar year, carry out its public educational duty
- 35 unless it imposes a referendum tax levy under this chapter.
- 36 (2) The governing body of the school corporation determines that
- 37 a referendum tax levy under this chapter should be imposed to
- 38 replace property tax revenue that the school corporation will not
- 39 receive because of the application of the credit under

1 IC 6-1.1-20.6.

2 (3) Except for resolutions described in subsection (b), the
 3 governing body makes the determination required under
 4 subdivision (1) or (2) and determines to share a portion of the
 5 referendum proceeds with a charter school, excluding a virtual
 6 charter school, in the manner prescribed in subsection (e).

7 (b) A resolution for a referendum for a county described in section
 8 21 of this chapter that is adopted after May 10, 2023, shall specify that
 9 a portion of the proceeds collected from the proposed levy will be
 10 distributed to applicable charter schools in the manner described under
 11 section 21 of this chapter.

12 (c) The governing body of the school corporation shall certify a
 13 copy of the resolution to place a referendum on the ballot to the
 14 following:

- 15 (1) The department of local government finance, including:
 16 (A) the language for the question required by section 10 of this
 17 chapter, or in the case of a resolution to extend a referendum
 18 levy certified to the department of local government finance
 19 after March 15, 2016, section 10.1 of this chapter; and
 20 (B) a copy of the revenue spending plan adopted under
 21 subsection (g).

22 The language of the public question must include the estimated
 23 average percentage increases certified by the county auditor under
 24 section 10(e) or 10.1(f) of this chapter, as applicable. The
 25 governing body of the school corporation shall also provide the
 26 county auditor's certification described in section 10(e) or 10.1(f)
 27 of this chapter, as applicable. The department of local government
 28 finance shall post the values certified by the county auditor to the
 29 department's website. The department shall review the language
 30 for compliance with section 10 or 10.1 of this chapter, whichever
 31 is applicable, and either approve or reject the language. The
 32 department shall send its decision to the governing body of the
 33 school corporation not more than ten (10) days after the resolution
 34 is submitted to the department. If the language is approved, the
 35 governing body of the school corporation shall certify a copy of the
 36 resolution, including the language for the question and the
 37 department's approval.

38 (2) The county fiscal body of each county in which the school
 39 corporation is located (for informational purposes only).

40 (3) The circuit court clerk of each county in which the school

1 corporation is located.

2 (d) If a school safety referendum tax levy under IC 20-46-9 has been
3 approved by the voters in a school corporation at any time in the
4 previous three (3) years, the school corporation may not:

5 (1) adopt a resolution to place a referendum under this chapter on
6 the ballot; or

7 (2) otherwise place a referendum under this chapter on the ballot.

8 (e) Except as provided in section 21 of this chapter, the resolution
9 described in subsection (a) must indicate whether proceeds in the
10 school corporation's education fund collected from a tax levy under this
11 chapter will be used to provide a distribution to a charter school or
12 charter schools, excluding a virtual charter school, under IC 20-40-3-5
13 as well as the amount that will be distributed to the particular charter
14 school or charter schools. A school corporation may request from the
15 designated charter school or charter schools any financial
16 documentation necessary to demonstrate the financial need of the
17 charter school or charter schools.

18 (f) This subsection applies to a resolution described in subsection
19 (a) for a county described in section 21(a) of this chapter that is
20 adopted after May 10, 2023. The resolution described in subsection (a)
21 shall include a projection of the amount that the school corporation
22 expects to be distributed to a particular charter school, excluding
23 virtual charter schools or adult high schools, under section 21 of this
24 chapter if the charter school voluntarily elects to participate in the
25 referendum in the manner described in subsection (i). At least sixty
26 (60) days before the resolution described in subsection (a) is voted on
27 by the governing body, the school corporation shall contact the
28 department to determine the number of students in kindergarten
29 through grade 12 who have legal settlement in the school corporation
30 but attend a charter school, excluding virtual charter schools or adult
31 high schools, and who receive not more than fifty percent (50%) virtual
32 instruction. The department shall provide the school corporation with
33 the number of students with legal settlement in the school corporation
34 who attend a charter school and who receive not more than fifty percent
35 (50%) virtual instruction, which shall be disaggregated for each
36 particular charter school, excluding a virtual charter school or adult
37 high school. The projection may include an expected increase in
38 charter schools during the term the levy is imposed under this chapter.
39 The department of local government finance shall prescribe the manner
40 in which the projection shall be calculated. The governing body shall

1 take into consideration the projection when adopting the revenue
2 spending plan under subsection (g).

3 (g) As part of the resolution described in subsection (a), the
4 governing body of the school corporation shall adopt a revenue
5 spending plan for the proposed referendum tax levy that includes:

6 (1) an estimate of the amount of annual revenue expected to be
7 collected if a levy is imposed under this chapter;

8 (2) the specific purposes for which the revenue collected from a
9 levy imposed under this chapter will be used;

10 (3) an estimate of the annual dollar amounts that will be expended
11 for each purpose described in subdivision (2); and

12 (4) for a resolution for a referendum that is adopted after May 10,
13 2023, for a county described in section 21(a) of this chapter, the
14 projected revenue that shall be distributed to charter schools as
15 provided in subsections (f) and (i). The revenue spending plan
16 shall also take into consideration deviations in the proposed
17 revenue spending plan if the actual charter school distributions
18 exceed or are lower than the projected charter school distributions
19 described in subsection (f). The resolution shall include for each
20 charter school that elects to participate under subsection (i)
21 information described in subdivisions (1) through (3).

22 (h) A school corporation shall specify in its proposed budget the
23 school corporation's revenue spending plan adopted under subsection
24 (g) and annually present the revenue spending plan at its public hearing
25 on the proposed budget under IC 6-1.1-17-3.

26 (i) This subsection applies to a resolution described in subsection
27 (a) for a county described in section 21(a) of this chapter that is
28 adopted after May 10, 2023. At least forty-five (45) days before the
29 resolution described in subsection (a) is voted on by the governing
30 body, the school corporation shall contact each charter school,
31 excluding virtual charter schools or adult high schools, disclosed by the
32 department to the school corporation under subsection (f) to determine
33 whether the charter school will participate in the referendum. **The**
34 **notice must include the total amount of the school corporation's**
35 **expected need, the corresponding estimate for that amount divided**
36 **by the number of students enrolled in the school corporation, and**
37 **the date on which the governing body of the school corporation will**
38 **vote on the resolution.** The charter school must respond in writing to
39 the school corporation, **which may be by electronic mail addressed**
40 **to the superintendent of the school corporation,** at least fifteen (15)

1 days prior to the date that the resolution described in subsection (a) is
 2 to be voted on by the governing body. If the charter school elects to not
 3 participate in the referendum, the school corporation may exclude
 4 distributions to the charter school under section 21 of this chapter and
 5 from the projection described in subsection (f). If the charter school
 6 elects to participate in the referendum, the charter school may receive
 7 distributions under section 21 of this chapter and must be included in
 8 the projection described in subsection (f). In addition, a charter school
 9 that elects to participate in the referendum under this subsection shall
 10 contribute a proportionate share of the cost to conduct the referendum
 11 based on the total combined ADM of the school corporation and any
 12 participating charter schools.

13 (j) This subsection applies to a resolution described in subsection
 14 (a) for a county described in section 21(a) of this chapter that is
 15 adopted after May 10, 2023. At least thirty (30) days before the
 16 ~~resolution described in subsection (a)~~ **referendum submitted to the**
 17 **voters under this chapter** is voted on by the ~~governing body~~, **public**
 18 **in a primary or general election**, the school corporation that is
 19 pursuing the ~~resolution~~ **referendum** and any charter school that has
 20 elected to participate under subsection (i), shall post a referendum
 21 disclosure statement on each school's respective website that contains
 22 the following information:

23 (1) The salaries ~~of all employees employed by~~ **position within** the
 24 school corporation or charter school listed from highest salary to
 25 lowest salary **and a link to Gateway Indiana for access to**
 26 **individual salaries.**

27 (2) An acknowledgment that the school corporation or charter
 28 school is not committing any crime described in IC 35-44.1-1.

29 (3) A link to the school corporation's or charter school's most
 30 recent state board of accounts audit on the state board of accounts'
 31 website.

32 (4) The current enrollment of the school corporation or charter
 33 school disaggregated by student group and race.

34 (5) The school corporation's or charter school's high school
 35 graduation rate.

36 (6) The school corporation's or charter school's annual retention
 37 rate for teachers for the previous five (5) years.

38 SECTION 24. IC 20-46-9-6, AS AMENDED BY P.L.189-2023,
 39 SECTION 35, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 40 JULY 1, 2024]: Sec. 6. (a) Subject to this chapter, the governing body

1 of a school corporation may adopt a resolution to place a referendum
2 under this chapter on the ballot if the governing body of the school
3 corporation determines that a referendum levy should be imposed for
4 measures to improve school safety as described in IC 20-40-20-6(a) or
5 IC 20-40-20-6(b).

6 (b) Except as provided in section 22 of this chapter, a school
7 corporation may, with the approval of the majority of members of the
8 governing body, distribute a portion of the proceeds of a tax levy
9 collected under this chapter that is deposited in the fund to a charter
10 school, excluding a virtual charter school, that is located within the
11 attendance area of the school corporation, to be used by the charter
12 school for the purposes described in IC 20-40-20-6(a).

13 (c) This subsection applies to a resolution described in subsection
14 (a) that is adopted after May 10, 2023, in a county described in section
15 22(a) of this chapter. A resolution shall specify that a portion of the
16 proceeds of the proposed levy will be distributed to applicable charter
17 schools in the manner described under section 22 of this chapter if the
18 charter school voluntarily elects to participate in the referendum in the
19 manner described in subsection (i).

20 (d) This subsection applies to a resolution described in subsection
21 (a) that is adopted after May 10, 2023, in a county described in section
22 22(a) of this chapter. The resolution described in subsection (a) shall
23 include a projection of the amount that the school corporation expects
24 to be distributed to a particular charter school, excluding virtual charter
25 schools or adult high schools, under section 22 of this chapter that
26 elects to participate in the referendum under subsection (i). At least
27 sixty (60) days before the resolution described in subsection (a) is
28 voted on by the governing body, the school corporation shall contact
29 the department to determine the number of students in kindergarten
30 through grade 12 who have legal settlement in the school corporation
31 but attend a charter school, excluding virtual charter schools or adult
32 high schools, and who receive not more than fifty percent (50%) virtual
33 instruction. The department shall provide the school corporation with
34 the number of students with legal settlement in the school corporation
35 who attend a charter school, which shall be disaggregated for each
36 particular charter school, excluding a virtual charter school or adult
37 high school. The projection may include an expected increase in
38 charter schools during the term the levy is imposed. The department of
39 local government finance shall prescribe the manner in which the
40 projection shall be calculated. The governing body shall take into

1 consideration the projection when adopting the revenue spending plan
2 under subsection (g).

3 (e) The governing body of the school corporation shall certify a
4 copy of the resolution to the following:

5 (1) The department of local government finance, including:

6 (A) the language for the question required by section 9 of this
7 chapter, or in the case of a resolution to extend a referendum
8 levy certified to the department of local government finance,
9 section 10 of this chapter; and

10 (B) a copy of the revenue spending plan adopted under
11 subsection (g).

12 The language of the public question must include the estimated
13 average percentage increases certified by the county auditor under
14 section 9(d) or 10(f) of this chapter, as applicable. The governing
15 body of the school corporation shall also provide the county
16 auditor's certification described in section 9(d) or 10(f) of this
17 chapter, as applicable. The department of local government
18 finance shall post the values certified by the county auditor to the
19 department's website. The department shall review the language
20 for compliance with section 9 or 10 of this chapter, whichever is
21 applicable, and either approve or reject the language. The
22 department shall send its decision to the governing body of the
23 school corporation not more than ten (10) days after the resolution
24 is submitted to the department. If the language is approved, the
25 governing body of the school corporation shall certify a copy of
26 the resolution, including the language for the question and the
27 department's approval.

28 (2) The county fiscal body of each county in which the school
29 corporation is located (for informational purposes only).

30 (3) The circuit court clerk of each county in which the school
31 corporation is located.

32 (f) Except as provided in section 22 of this chapter, the resolution
33 described in subsection (a) must indicate whether proceeds in the
34 school corporation's fund collected from a tax levy under this chapter
35 will be used to provide a distribution to a charter school or charter
36 schools, excluding a virtual charter school, under IC 20-40-20-6(b) as
37 well as the amount that will be distributed to the particular charter
38 school or charter schools. A school corporation may request from the
39 designated charter school or charter schools any financial
40 documentation necessary to demonstrate the financial need of the

1 charter school or charter schools.

2 (g) As part of the resolution described in subsection (a), the
3 governing body of the school corporation shall adopt a revenue
4 spending plan for the proposed referendum tax levy that includes:

5 (1) an estimate of the amount of annual revenue expected to be
6 collected if a levy is imposed under this chapter;

7 (2) the specific purposes described in IC 20-40-20-6 for which the
8 revenue collected from a levy imposed under this chapter will be
9 used;

10 (3) an estimate of the annual dollar amounts that will be expended
11 for each purpose described in subdivision (2); and

12 (4) for a resolution for a referendum that is adopted after May 10,
13 2023, for a county described in section 22(a) of this chapter, the
14 projected revenue that shall be distributed to charter schools as
15 provided in subsection (d). The revenue spending plan shall also
16 take into consideration deviations in the proposed revenue
17 spending plan if the actual charter school distributions exceed or
18 are lower than the projected charter school distributions described
19 in subsection (d). The resolution shall include for each charter
20 school that elects to participate under subsection (i) information
21 described in subdivisions (1) through (3).

22 (h) A school corporation shall specify in its proposed budget the
23 school corporation's revenue spending plan adopted under subsection
24 (g) and annually present the revenue spending plan at its public hearing
25 on the proposed budget under IC 6-1.1-17-3.

26 (i) This subsection applies to a resolution described in subsection
27 (a) for a county described in section 22(a) of this chapter that is
28 adopted after May 10, 2023. At least forty-five (45) days before the
29 resolution described in subsection (a) is voted on by the governing
30 body, the school corporation shall contact each charter school,
31 excluding virtual charter schools or adult high schools, disclosed by the
32 department to the school corporation under subsection (f) to determine
33 whether the charter school will participate in the referendum. **The**
34 **notice must include the total amount of the school corporation's**
35 **expected need, the corresponding estimate of that amount divided**
36 **by the number of students enrolled in the school corporation, and**
37 **the date on which the governing body of the school corporation will**
38 **vote on the resolution.** The charter school must respond in writing to
39 the school corporation, **which may be by electronic mail addressed**
40 **to the superintendent of the school corporation,** at least fifteen (15)

1 days prior to the date that the resolution described in subsection (a) is
 2 to be voted on by the governing body. If the charter school elects to not
 3 participate in the referendum, the school corporation may exclude
 4 distributions to the charter school under section 22 of this chapter and
 5 from the projection described in subsection (d). If the charter school
 6 elects to participate in the referendum, the charter school may receive
 7 distributions under section 22 of this chapter and must be included in
 8 the projection described in subsection (d). In addition, a charter school
 9 that elects to participate in the referendum under this subsection shall
 10 contribute a proportionate share of the cost to conduct the referendum
 11 based on the total combined ADM of the school corporation and any
 12 participating charter schools.

13 (j) This subsection applies to a resolution described in subsection
 14 (a) for a county described in section 22(a) of this chapter that is
 15 adopted after May 10, 2023. At least thirty (30) days before the
 16 ~~resolution described in subsection (a)~~ **referendum submitted to the**
 17 **voters under this chapter** is voted on by the ~~governing body~~, **public**
 18 **in a primary or general election**, the school corporation that is
 19 pursuing the ~~resolution~~ **referendum** and any charter school that has
 20 elected to participate under subsection (i), shall post a referendum
 21 disclosure statement on each school's respective website that contains
 22 the following information:

23 (1) The salaries ~~of all employees employed by~~ **position within** the
 24 school corporation or charter school listed from highest salary to
 25 lowest salary **and a link to Gateway Indiana for access to**
 26 **individual salaries.**

27 (2) An acknowledgment that the school corporation or charter
 28 school is not committing any crime described in IC 35-44.1-1.

29 (3) A link to the school corporation's or charter school's most
 30 recent state board of accounts audit on the state board of accounts'
 31 website.

32 (4) The current enrollment of the school corporation or charter
 33 school disaggregated by student group and race.

34 (5) The school corporation's or charter school's high school
 35 graduation rate.

36 (6) The school corporation's or charter school's annual retention
 37 rate for teachers for the previous five (5) years."

38 Renumber all SECTIONS consecutively.

(Reference is to HB 1380 as introduced.)