



Adopted	Rejected
---------	----------

# COMMITTEE REPORT

YES: 7  
NO: 4

**MR. SPEAKER:**

*Your Committee on Education, to which was referred House Bill 1380, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill **be amended** as follows:*

- 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.

- 1 Page 3, line 5, delete "Except in the case of a charter school".
- 2 Page 3, line 6, delete "corporation,".
- 3 Page 3, line 6, delete "the" and insert "The".
- 4 Page 3, line 32, after "examiner." insert "**A consolidated audit**
- 5 **must include a breakdown of the activities, financial position, and**
- 6 **functional expenses of the school."**
- 7 Page 3, delete lines 36 through 42.
- 8 Page 4, delete lines 1 through 24.
- 9 Page 5, line 31, delete "For" and insert "**Subject to an**
- 10 **administrative fee as described in subsection (f), for"**.
- 11 Page 6, reset in roman lines 35 through 39.
- 12 Page 6, line 40, delete "(f)" and insert "(g)".
- 13 Page 8, line 13, 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 8, line 15, delete "operating" and insert "**operations"**.
- 17 Page 8, line 16, delete "IC 20-46-1" and insert "**IC 20-46-8"**.
- 18 Page 8, line 18, after "transfers" delete "the" and insert "**a"**".
- 19 Page 8, line 19, delete "described in subdivision (1)".
- 20 Page 8, line 20, after "fund" insert "**under IC 20-40-3"**.
- 21 Page 8, line 24, delete "A" and insert "**Subject to an administrative**
- 22 **fee as described in section 5(f) of this chapter, a"**.
- 23 Page 9, line 11, delete "A" and insert "**Subject to an administrative**
- 24 **fee as described in subsection (g), a"**.
- 25 Page 11, reset in roman lines 8 through 12.
- 26 Page 11, line 13, delete "(g)" and insert "(h)".
- 27 Page 12, line 15, after "services" insert "**for which funds from the**
- 28 **school corporation's property tax levy (IC 20-46-8) are paid for the**
- 29 **school corporation"**.
- 30 Page 12, line 17, delete "operating" and insert "**operations"**.
- 31 Page 12, line 18, delete "IC 20-46-1" and insert "**IC 20-46-8"**.
- 32 Page 12, line 20, after "transfers" delete "the" and insert "**a"**".
- 33 Page 12, line 21, delete "described in subdivision (1)".
- 34 Page 12, line 22, after "fund" insert "**under IC 20-40-3"**.
- 35 Page 12, line 26, delete "A" and insert "**Subject to an**
- 36 **administrative fee as described in section 2(g) of this chapter, a"**.
- 37 Page 13, line 34, reset in roman "(a)".

1 Page 14, between lines 13 and 14, begin a new paragraph and insert:  
2 **"(b) A transferee corporation may not require a parent or**  
3 **student requesting transfer to the school corporation to pay**  
4 **transfer tuition or any other fee associated with the transfer of the**  
5 **student."**

6 Page 17, delete line 42.

7 Delete pages 18 through 27.

8 Page 28, delete lines 1 through 26, begin a new paragraph and  
9 insert:

10 "SECTION 23. IC 20-46-1-8, AS AMENDED BY P.L.189-2023,  
11 SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
12 JULY 1, 2024]: Sec. 8. (a) Subject to subsections (e), (f), and (g) and  
13 this chapter, the governing body of a school corporation may adopt a  
14 resolution to place a referendum under this chapter on the ballot for any  
15 of the following purposes:

16 (1) The governing body of the school corporation determines that  
17 it cannot, in a calendar year, carry out its public educational duty  
18 unless it imposes a referendum tax levy under this chapter.

19 (2) The governing body of the school corporation determines that  
20 a referendum tax levy under this chapter should be imposed to  
21 replace property tax revenue that the school corporation will not  
22 receive because of the application of the credit under  
23 IC 6-1.1-20.6.

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

29 (b) A resolution for a referendum for a county described in section  
30 21 of this chapter that is adopted after May 10, 2023, shall specify that  
31 a portion of the proceeds collected from the proposed levy will be  
32 distributed to applicable charter schools in the manner described under  
33 section 21 of this chapter.

34 (c) The governing body of the school corporation shall certify a  
35 copy of the resolution to place a referendum on the ballot to the  
36 following:

37 (1) The department of local government finance, including:  
38 (A) the language for the question required by section 10 of this

- 1 chapter, or in the case of a resolution to extend a referendum  
 2 levy certified to the department of local government finance  
 3 after March 15, 2016, section 10.1 of this chapter; and  
 4 (B) a copy of the revenue spending plan adopted under  
 5 subsection (g).
- 6 The language of the public question must include the estimated  
 7 average percentage increases certified by the county auditor under  
 8 section 10(e) or 10.1(f) of this chapter, as applicable. The  
 9 governing body of the school corporation shall also provide the  
 10 county auditor's certification described in section 10(e) or 10.1(f)  
 11 of this chapter, as applicable. The department of local government  
 12 finance shall post the values certified by the county auditor to the  
 13 department's website. The department shall review the language  
 14 for compliance with section 10 or 10.1 of this chapter, whichever  
 15 is applicable, and either approve or reject the language. The  
 16 department shall send its decision to the governing body of the  
 17 school corporation not more than ten (10) days after the resolution  
 18 is submitted to the department. If the language is approved, the  
 19 governing body of the school corporation shall certify a copy of  
 20 the resolution, including the language for the question and the  
 21 department's approval.
- 22 (2) The county fiscal body of each county in which the school  
 23 corporation is located (for informational purposes only).
- 24 (3) The circuit court clerk of each county in which the school  
 25 corporation is located.
- 26 (d) If a school safety referendum tax levy under IC 20-46-9 has been  
 27 approved by the voters in a school corporation at any time in the  
 28 previous three (3) years, the school corporation may not:  
 29 (1) adopt a resolution to place a referendum under this chapter on  
 30 the ballot; or  
 31 (2) otherwise place a referendum under this chapter on the ballot.
- 32 (e) Except as provided in section 21 of this chapter, the resolution  
 33 described in subsection (a) must indicate whether proceeds in the  
 34 school corporation's education fund collected from a tax levy under this  
 35 chapter will be used to provide a distribution to a charter school or  
 36 charter schools, excluding a virtual charter school, under IC 20-40-3-5  
 37 as well as the amount that will be distributed to the particular charter  
 38 school or charter schools. A school corporation may request from the

1 designated charter school or charter schools any financial  
2 documentation necessary to demonstrate the financial need of the  
3 charter school or charter schools.

4 (f) This subsection applies to a resolution described in subsection  
5 (a) for a county described in section 21(a) of this chapter that is  
6 adopted after May 10, 2023. The resolution described in subsection (a)  
7 shall include a projection of the amount that the school corporation  
8 expects to be distributed to a particular charter school, excluding  
9 virtual charter schools or adult high schools, under section 21 of this  
10 chapter if the charter school voluntarily elects to participate in the  
11 referendum in the manner described in subsection (i). At least sixty  
12 (60) days before the resolution described in subsection (a) is voted on  
13 by the governing body, the school corporation shall contact the  
14 department to determine the number of students in kindergarten  
15 through grade 12 who have legal settlement in the school corporation  
16 but attend a charter school, excluding virtual charter schools or adult  
17 high schools, and who receive not more than fifty percent (50%) virtual  
18 instruction. The department shall provide the school corporation with  
19 the number of students with legal settlement in the school corporation  
20 who attend a charter school and who receive not more than fifty percent  
21 (50%) virtual instruction, which shall be disaggregated for each  
22 particular charter school, excluding a virtual charter school or adult  
23 high school. The projection may include an expected increase in  
24 charter schools during the term the levy is imposed under this chapter.  
25 The department of local government finance shall prescribe the manner  
26 in which the projection shall be calculated. The governing body shall  
27 take into consideration the projection when adopting the revenue  
28 spending plan under subsection (g).

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

- 32 (1) an estimate of the amount of annual revenue expected to be  
33 collected if a levy is imposed under this chapter;
- 34 (2) the specific purposes for which the revenue collected from a  
35 levy imposed under this chapter will be used;
- 36 (3) an estimate of the annual dollar amounts that will be expended  
37 for each purpose described in subdivision (2); and
- 38 (4) for a resolution for a referendum that is adopted after May 10,

1 2023, for a county described in section 21(a) of this chapter, the  
2 projected revenue that shall be distributed to charter schools as  
3 provided in subsections (f) and (i). The revenue spending plan  
4 shall also take into consideration deviations in the proposed  
5 revenue spending plan if the actual charter school distributions  
6 exceed or are lower than the projected charter school distributions  
7 described in subsection (f). The resolution shall include for each  
8 charter school that elects to participate under subsection (i)  
9 information described in subdivisions (1) through (3).

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

14 (i) This subsection applies to a resolution described in subsection  
15 (a) for a county described in section 21(a) of this chapter that is  
16 adopted after May 10, 2023. At least forty-five (45) days before the  
17 resolution described in subsection (a) is voted on by the governing  
18 body, the school corporation shall contact each charter school,  
19 excluding virtual charter schools or adult high schools, disclosed by the  
20 department to the school corporation under subsection (f) to determine  
21 whether the charter school will participate in the referendum. **The**  
22 **notice must include the total amount of the school corporation's**  
23 **expected need, the corresponding estimate for that amount divided**  
24 **by the number of students enrolled in the school corporation, and**  
25 **the date on which the governing body of the school corporation will**  
26 **vote on the resolution.** The charter school must respond in writing to  
27 the school corporation, **which may be by electronic mail addressed**  
28 **to the superintendent of the school corporation,** at least fifteen (15)  
29 days prior to the date that the resolution described in subsection (a) is  
30 to be voted on by the governing body. If the charter school elects to not  
31 participate in the referendum, the school corporation may exclude  
32 distributions to the charter school under section 21 of this chapter and  
33 from the projection described in subsection (f). If the charter school  
34 elects to participate in the referendum, the charter school may receive  
35 distributions under section 21 of this chapter and must be included in  
36 the projection described in subsection (f). In addition, a charter school  
37 that elects to participate in the referendum under this subsection shall  
38 contribute a proportionate share of the cost to conduct the referendum

1 based on the total combined ADM of the school corporation and any  
2 participating charter schools.

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

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

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

19 (3) A link to the school corporation's or charter school's most  
20 recent state board of accounts audit on the state board of accounts'  
21 website.

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

24 (5) The school corporation's or charter school's high school  
25 graduation rate.

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

28 SECTION 24. IC 20-46-9-6, AS AMENDED BY P.L.189-2023,  
29 SECTION 35, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
30 JULY 1, 2024]: Sec. 6. (a) Subject to this chapter, the governing body  
31 of a school corporation may adopt a resolution to place a referendum  
32 under this chapter on the ballot if the governing body of the school  
33 corporation determines that a referendum levy should be imposed for  
34 measures to improve school safety as described in IC 20-40-20-6(a) or  
35 IC 20-40-20-6(b).

36 (b) Except as provided in section 22 of this chapter, a school  
37 corporation may, with the approval of the majority of members of the  
38 governing body, distribute a portion of the proceeds of a tax levy

1 collected under this chapter that is deposited in the fund to a charter  
2 school, excluding a virtual charter school, that is located within the  
3 attendance area of the school corporation, to be used by the charter  
4 school for the purposes described in IC 20-40-20-6(a).

5 (c) This subsection applies to a resolution described in subsection  
6 (a) that is adopted after May 10, 2023, in a county described in section  
7 22(a) of this chapter. A resolution shall specify that a portion of the  
8 proceeds of the proposed levy will be distributed to applicable charter  
9 schools in the manner described under section 22 of this chapter if the  
10 charter school voluntarily elects to participate in the referendum in the  
11 manner described in subsection (i).

12 (d) This subsection applies to a resolution described in subsection  
13 (a) that is adopted after May 10, 2023, in a county described in section  
14 22(a) of this chapter. The resolution described in subsection (a) shall  
15 include a projection of the amount that the school corporation expects  
16 to be distributed to a particular charter school, excluding virtual charter  
17 schools or adult high schools, under section 22 of this chapter that  
18 elects to participate in the referendum under subsection (i). At least  
19 sixty (60) days before the resolution described in subsection (a) is  
20 voted on by the governing body, the school corporation shall contact  
21 the department to determine the number of students in kindergarten  
22 through grade 12 who have legal settlement in the school corporation  
23 but attend a charter school, excluding virtual charter schools or adult  
24 high schools, and who receive not more than fifty percent (50%) virtual  
25 instruction. The department shall provide the school corporation with  
26 the number of students with legal settlement in the school corporation  
27 who attend a charter school, which shall be disaggregated for each  
28 particular charter school, excluding a virtual charter school or adult  
29 high school. The projection may include an expected increase in  
30 charter schools during the term the levy is imposed. The department of  
31 local government finance shall prescribe the manner in which the  
32 projection shall be calculated. The governing body shall take into  
33 consideration the projection when adopting the revenue spending plan  
34 under subsection (g).

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

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

38 (A) the language for the question required by section 9 of this



- 1 chapter, or in the case of a resolution to extend a referendum  
2 levy certified to the department of local government finance,  
3 section 10 of this chapter; and
- 4 (B) a copy of the revenue spending plan adopted under  
5 subsection (g).
- 6 The language of the public question must include the estimated  
7 average percentage increases certified by the county auditor under  
8 section 9(d) or 10(f) of this chapter, as applicable. The governing  
9 body of the school corporation shall also provide the county  
10 auditor's certification described in section 9(d) or 10(f) of this  
11 chapter, as applicable. The department of local government  
12 finance shall post the values certified by the county auditor to the  
13 department's website. The department shall review the language  
14 for compliance with section 9 or 10 of this chapter, whichever is  
15 applicable, and either approve or reject the language. The  
16 department shall send its decision to the governing body of the  
17 school corporation not more than ten (10) days after the resolution  
18 is submitted to the department. If the language is approved, the  
19 governing body of the school corporation shall certify a copy of  
20 the resolution, including the language for the question and the  
21 department's approval.
- 22 (2) The county fiscal body of each county in which the school  
23 corporation is located (for informational purposes only).
- 24 (3) The circuit court clerk of each county in which the school  
25 corporation is located.
- 26 (f) Except as provided in section 22 of this chapter, the resolution  
27 described in subsection (a) must indicate whether proceeds in the  
28 school corporation's fund collected from a tax levy under this chapter  
29 will be used to provide a distribution to a charter school or charter  
30 schools, excluding a virtual charter school, under IC 20-40-20-6(b) as  
31 well as the amount that will be distributed to the particular charter  
32 school or charter schools. A school corporation may request from the  
33 designated charter school or charter schools any financial  
34 documentation necessary to demonstrate the financial need of the  
35 charter school or charter schools.
- 36 (g) As part of the resolution described in subsection (a), the  
37 governing body of the school corporation shall adopt a revenue  
38 spending plan for the proposed referendum tax levy that includes:

- 1 (1) an estimate of the amount of annual revenue expected to be  
2 collected if a levy is imposed under this chapter;
- 3 (2) the specific purposes described in IC 20-40-20-6 for which the  
4 revenue collected from a levy imposed under this chapter will be  
5 used;
- 6 (3) an estimate of the annual dollar amounts that will be expended  
7 for each purpose described in subdivision (2); and
- 8 (4) for a resolution for a referendum that is adopted after May 10,  
9 2023, for a county described in section 22(a) of this chapter, the  
10 projected revenue that shall be distributed to charter schools as  
11 provided in subsection (d). The revenue spending plan shall also  
12 take into consideration deviations in the proposed revenue  
13 spending plan if the actual charter school distributions exceed or  
14 are lower than the projected charter school distributions described  
15 in subsection (d). The resolution shall include for each charter  
16 school that elects to participate under subsection (i) information  
17 described in subdivisions (1) through (3).
- 18 (h) A school corporation shall specify in its proposed budget the  
19 school corporation's revenue spending plan adopted under subsection  
20 (g) and annually present the revenue spending plan at its public hearing  
21 on the proposed budget under IC 6-1.1-17-3.
- 22 (i) This subsection applies to a resolution described in subsection  
23 (a) for a county described in section 22(a) of this chapter that is  
24 adopted after May 10, 2023. At least forty-five (45) days before the  
25 resolution described in subsection (a) is voted on by the governing  
26 body, the school corporation shall contact each charter school,  
27 excluding virtual charter schools or adult high schools, disclosed by the  
28 department to the school corporation under subsection (f) to determine  
29 whether the charter school will participate in the referendum. **The**  
30 **notice must include the total amount of the school corporation's**  
31 **expected need, the corresponding estimate of that amount divided**  
32 **by the number of students enrolled in the school corporation, and**  
33 **the date on which the governing body of the school corporation will**  
34 **vote on the resolution.** The charter school must respond in writing to  
35 the school corporation, **which may be by electronic mail addressed**  
36 **to the superintendent of the school corporation,** at least fifteen (15)  
37 days prior to the date that the resolution described in subsection (a) is  
38 to be voted on by the governing body. If the charter school elects to not

1 participate in the referendum, the school corporation may exclude  
 2 distributions to the charter school under section 22 of this chapter and  
 3 from the projection described in subsection (d). If the charter school  
 4 elects to participate in the referendum, the charter school may receive  
 5 distributions under section 22 of this chapter and must be included in  
 6 the projection described in subsection (d). In addition, a charter school  
 7 that elects to participate in the referendum under this subsection shall  
 8 contribute a proportionate share of the cost to conduct the referendum  
 9 based on the total combined ADM of the school corporation and any  
 10 participating charter schools.

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

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

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

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

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

32 (5) The school corporation's or charter school's high school  
 33 graduation rate.

- 1 (6) The school corporation's or charter school's annual retention
- 2 rate for teachers for the previous five (5) years."
- 3 Renumber all SECTIONS consecutively.  
(Reference is to HB 1380 as introduced.)

**and when so amended that said bill do pass.**

**Representative Behning**