

HOUSE BILL No. 1169

DIGEST OF INTRODUCED BILL

Citations Affected: IC 20-26; IC 20-33-5; IC 20-40; IC 20-41; IC 20-42-3-10.

Synopsis: Textbooks. Requires public schools to provide curricular materials to students at no cost to a student. Establishes the curricular materials fund (fund) to provide state reimbursements for costs incurred by public schools to provide curricular materials to students at no cost. Provides that the department of education shall administer the fund. Provides that money in the fund is continually appropriated. Makes conforming changes consistent with 2017 legislation and other corresponding changes.

Effective: July 1, 2018; January 1, 2019.

Pelath

January 8, 2018, read first time and referred to Committee on Ways and Means.



Second Regular Session of the 120th General Assembly (2018)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2017 Regular Session of the General Assembly.

HOUSE BILL No. 1169

A BILL FOR AN ACT to amend the Indiana Code concerning education and to make an appropriation.

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

1 SECTION 1. IC 20-26-5-4, AS AMENDED BY P.L.121-2016,
2 SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2018]: Sec. 4. (a) In carrying out the school purposes of a
4 school corporation, the governing body acting on the school
5 corporation's behalf has the following specific powers:
6 (1) In the name of the school corporation, to sue and be sued and
7 to enter into contracts in matters permitted by applicable law.
8 However, a governing body may not use funds received from the
9 state to bring or join in an action against the state, unless the
10 governing body is challenging an adverse decision by a state
11 agency, board, or commission.
12 (2) To take charge of, manage, and conduct the educational affairs
13 of the school corporation and to establish, locate, and provide the
14 necessary schools, school libraries, other libraries where
15 permitted by law, other buildings, facilities, property, and
16 equipment.
17 (3) To appropriate from the school corporation's general fund an



1 amount, not to exceed the greater of three thousand dollars
 2 (\$3,000) per budget year or one dollar (\$1) per pupil, not to
 3 exceed twelve thousand five hundred dollars (\$12,500), based on
 4 the school corporation's ADM of the previous year (as defined in
 5 IC 20-43-1-7) to promote the best interests of the school
 6 corporation through:

7 (A) the purchase of meals, decorations, memorabilia, or
 8 awards;

9 (B) provision for expenses incurred in interviewing job
 10 applicants; or

11 (C) developing relations with other governmental units.

12 (4) To do the following:

13 (A) Acquire, construct, erect, maintain, hold, and contract for
 14 construction, erection, or maintenance of real estate, real estate
 15 improvements, or an interest in real estate or real estate
 16 improvements, as the governing body considers necessary for
 17 school purposes, including buildings, parts of buildings,
 18 additions to buildings, rooms, gymnasiums, auditoriums,
 19 playgrounds, playing and athletic fields, facilities for physical
 20 training, buildings for administrative, office, warehouse, repair
 21 activities, or housing school owned buses, landscaping, walks,
 22 drives, parking areas, roadways, easements and facilities for
 23 power, sewer, water, roadway, access, storm and surface
 24 water, drinking water, gas, electricity, other utilities and
 25 similar purposes, by purchase, either outright for cash (or
 26 under conditional sales or purchase money contracts providing
 27 for a retention of a security interest by the seller until payment
 28 is made or by notes where the contract, security retention, or
 29 note is permitted by applicable law), by exchange, by gift, by
 30 devise, by eminent domain, by lease with or without option to
 31 purchase, or by lease under IC 20-47-2, IC 20-47-3, or
 32 IC 20-47-5.

33 (B) Repair, remodel, remove, or demolish, or to contract for
 34 the repair, remodeling, removal, or demolition of the real
 35 estate, real estate improvements, or interest in the real estate
 36 or real estate improvements, as the governing body considers
 37 necessary for school purposes.

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

41 (5) To acquire personal property or an interest in personal
 42 property as the governing body considers necessary for school



1 purposes, including buses, motor vehicles, equipment, apparatus,
 2 appliances, books, furniture, and supplies, either by cash purchase
 3 or under conditional sales or purchase money contracts providing
 4 for a security interest by the seller until payment is made or by
 5 notes where the contract, security, retention, or note is permitted
 6 by applicable law, by gift, by devise, by loan, or by lease with or
 7 without option to purchase and to repair, remodel, remove,
 8 relocate, and demolish the personal property. All purchases and
 9 contracts specified under the powers authorized under subdivision
 10 (4) and this subdivision are subject solely to applicable law
 11 relating to purchases and contracting by municipal corporations
 12 in general and to the supervisory control of state agencies as
 13 provided in section 6 of this chapter.

14 (6) To sell or exchange real or personal property or interest in real
 15 or personal property that, in the opinion of the governing body, is
 16 not necessary for school purposes, in accordance with IC 20-26-7,
 17 to demolish or otherwise dispose of the property if, in the opinion
 18 of the governing body, the property is not necessary for school
 19 purposes and is worthless, and to pay the expenses for the
 20 demolition or disposition.

21 (7) To lease any school property, **except curricular materials**,
 22 for a rental that the governing body considers reasonable or to
 23 permit the free use of school property for:

24 (A) civic or public purposes; or
 25 (B) the operation of a school age child care program for
 26 children who are at least five (5) years of age and less than
 27 fifteen (15) years of age that operates before or after the school
 28 day, or both, and during periods when school is not in session;
 29 if the property is not needed for school purposes. Under this
 30 subdivision, the governing body may enter into a long term lease
 31 with a nonprofit corporation, community service organization, or
 32 other governmental entity, if the corporation, organization, or
 33 other governmental entity will use the property to be leased for
 34 civic or public purposes or for a school age child care program.
 35 However, if payment for the property subject to a long term lease
 36 is made from money in the school corporation's debt service fund,
 37 all proceeds from the long term lease must be deposited in the
 38 school corporation's debt service fund so long as payment for the
 39 property has not been made. The governing body may, at the
 40 governing body's option, use the procedure specified in
 41 IC 36-1-11-10 in leasing property under this subdivision.

42 (8) To do the following:



- 1 (A) Employ, contract for, and discharge superintendents,
 2 supervisors, principals, teachers, librarians, athletic coaches
 3 (whether or not they are otherwise employed by the school
 4 corporation and whether or not they are licensed under
 5 IC 20-28-5), business managers, superintendents of buildings
 6 and grounds, janitors, engineers, architects, physicians,
 7 dentists, nurses, accountants, teacher aides performing
 8 noninstructional duties, educational and other professional
 9 consultants, data processing and computer service for school
 10 purposes, including the making of schedules, the keeping and
 11 analyzing of grades and other student data, the keeping and
 12 preparing of warrants, payroll, and similar data where
 13 approved by the state board of accounts as provided below,
 14 and other personnel or services as the governing body
 15 considers necessary for school purposes.
- 16 (B) Fix and pay the salaries and compensation of persons and
 17 services described in this subdivision that are consistent with
 18 IC 20-28-9-1.5.
- 19 (C) Classify persons or services described in this subdivision
 20 and to adopt a compensation plan with a salary range that is
 21 consistent with IC 20-28-9-1.5.
- 22 (D) Determine the number of the persons or the amount of the
 23 services employed or contracted for as provided in this
 24 subdivision.
- 25 (E) Determine the nature and extent of the duties of the
 26 persons described in this subdivision.
- 27 The compensation, terms of employment, and discharge of
 28 teachers are, however, subject to and governed by the laws
 29 relating to employment, contracting, compensation, and discharge
 30 of teachers. The compensation, terms of employment, and
 31 discharge of bus drivers are subject to and governed by laws
 32 relating to employment, contracting, compensation, and discharge
 33 of bus drivers.
- 34 (9) Notwithstanding the appropriation limitation in subdivision
 35 (3), when the governing body by resolution considers a trip by an
 36 employee of the school corporation or by a member of the
 37 governing body to be in the interest of the school corporation,
 38 including attending meetings, conferences, or examining
 39 equipment, buildings, and installation in other areas, to permit the
 40 employee to be absent in connection with the trip without any loss
 41 in pay and to reimburse the employee or the member the
 42 employee's or member's reasonable lodging and meal expenses



- 1 and necessary transportation expenses. To pay teaching personnel
2 for time spent in sponsoring and working with school related trips
3 or activities.
- 4 (10) Subject to IC 20-27-13, to transport children to and from
5 school, when in the opinion of the governing body the
6 transportation is necessary, including considerations for the safety
7 of the children. The transportation must be otherwise in
8 accordance with applicable law.
- 9 (11) To provide a lunch program for a part or all of the students
10 attending the schools of the school corporation, including the
11 establishment of kitchens, kitchen facilities, kitchen equipment,
12 lunch rooms, the hiring of the necessary personnel to operate the
13 lunch program, and the purchase of material and supplies for the
14 lunch program, charging students for the operational costs of the
15 lunch program, fixing the price per meal or per food item. To
16 operate the lunch program as an extracurricular activity, subject
17 to the supervision of the governing body. To participate in a
18 surplus commodity or lunch aid program.
- 19 (12) To purchase curricular materials **and** to furnish curricular
20 materials without cost. ~~or to rent curricular materials to students;~~
21 ~~and to participate in a curricular materials aid program; all in~~
22 ~~accordance with applicable law.~~
- 23 (13) To accept students transferred from other school corporations
24 and to transfer students to other school corporations in accordance
25 with applicable law.
- 26 (14) To make budgets, to appropriate funds, and to disburse the
27 money of the school corporation in accordance with applicable
28 law. To borrow money against current tax collections and
29 otherwise to borrow money, in accordance with IC 20-48-1.
- 30 (15) To purchase insurance or to establish and maintain a
31 program of self-insurance relating to the liability of the school
32 corporation or the school corporation's employees in connection
33 with motor vehicles or property and for additional coverage to the
34 extent permitted and in accordance with IC 34-13-3-20. To
35 purchase additional insurance or to establish and maintain a
36 program of self-insurance protecting the school corporation and
37 members of the governing body, employees, contractors, or agents
38 of the school corporation from liability, risk, accident, or loss
39 related to school property, school contract, school or school
40 related activity, including the purchase of insurance or the
41 establishment and maintenance of a self-insurance program
42 protecting persons described in this subdivision against false



1 imprisonment, false arrest, libel, or slander for acts committed in
 2 the course of the persons' employment, protecting the school
 3 corporation for fire and extended coverage and other casualty
 4 risks to the extent of replacement cost, loss of use, and other
 5 insurable risks relating to property owned, leased, or held by the
 6 school corporation. In accordance with IC 20-26-17, to:

7 (A) participate in a state employee health plan under
 8 IC 5-10-8-6.7;

9 (B) purchase insurance; or

10 (C) establish and maintain a program of self-insurance;
 11 to benefit school corporation employees, including accident,
 12 sickness, health, or dental coverage, provided that a plan of
 13 self-insurance must include an aggregate stop-loss provision.

14 (16) To make all applications, to enter into all contracts, and to
 15 sign all documents necessary for the receipt of aid, money, or
 16 property from the state, the federal government, or from any other
 17 source.

18 (17) To defend a member of the governing body or any employee
 19 of the school corporation in any suit arising out of the
 20 performance of the member's or employee's duties for or
 21 employment with, the school corporation, if the governing body
 22 by resolution determined that the action was taken in good faith.
 23 To save any member or employee harmless from any liability,
 24 cost, or damage in connection with the performance, including the
 25 payment of legal fees, except where the liability, cost, or damage
 26 is predicated on or arises out of the bad faith of the member or
 27 employee, or is a claim or judgment based on the member's or
 28 employee's malfeasance in office or employment.

29 (18) To prepare, make, enforce, amend, or repeal rules,
 30 regulations, and procedures:

31 (A) for the government and management of the schools,
 32 property, facilities, and activities of the school corporation, the
 33 school corporation's agents, employees, and pupils and for the
 34 operation of the governing body; and

35 (B) that may be designated by an appropriate title such as
 36 "policy handbook", "bylaws", or "rules and regulations".

37 (19) To ratify and approve any action taken by a member of the
 38 governing body, an officer of the governing body, or an employee
 39 of the school corporation after the action is taken, if the action
 40 could have been approved in advance, and in connection with the
 41 action to pay the expense or compensation permitted under
 42 IC 20-26-1 through IC 20-26-5, IC 20-26-7, IC 20-40-12, and



1 IC 20-48-1 or any other law.

2 (20) To exercise any other power and make any expenditure in
 3 carrying out the governing body's general powers and purposes
 4 provided in this chapter or in carrying out the powers delineated
 5 in this section which is reasonable from a business or educational
 6 standpoint in carrying out school purposes of the school
 7 corporation, including the acquisition of property or the
 8 employment or contracting for services, even though the power or
 9 expenditure is not specifically set out in this chapter. The specific
 10 powers set out in this section do not limit the general grant of
 11 powers provided in this chapter except where a limitation is set
 12 out in IC 20-26-1 through IC 20-26-5, IC 20-26-7, IC 20-40-12,
 13 and IC 20-48-1 by specific language or by reference to other law.

14 (b) A superintendent hired under subsection (a)(8):

15 (1) is not required to hold a teacher's license under IC 20-28-5;
 16 and

17 (2) is required to have obtained at least a master's degree from an
 18 accredited postsecondary educational institution.

19 SECTION 2. IC 20-26-5-4, AS AMENDED BY P.L.244-2017,
 20 SECTION 42, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 21 JANUARY 1, 2019]: Sec. 4. (a) In carrying out the school purposes of
 22 a school corporation, the governing body acting on the school
 23 corporation's behalf has the following specific powers:

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

30 (2) To take charge of, manage, and conduct the educational affairs
 31 of the school corporation and to establish, locate, and provide the
 32 necessary schools, school libraries, other libraries where
 33 permitted by law, other buildings, facilities, property, and
 34 equipment.

35 (3) To appropriate from the school corporation's general fund
 36 (before January 1, 2019) or the school corporation's operations
 37 fund (after December 31, 2018) an amount, not to exceed the
 38 greater of three thousand dollars (\$3,000) per budget year or one
 39 dollar (\$1) per pupil, not to exceed twelve thousand five hundred
 40 dollars (\$12,500), based on the school corporation's ADM of the
 41 previous year (as defined in IC 20-43-1-7) to promote the best
 42 interests of the school corporation through:



- 1 (A) the purchase of meals, decorations, memorabilia, or
2 awards;
- 3 (B) provision for expenses incurred in interviewing job
4 applicants; or
- 5 (C) developing relations with other governmental units.
- 6 (4) To do the following:
- 7 (A) Acquire, construct, erect, maintain, hold, and contract for
8 construction, erection, or maintenance of real estate, real estate
9 improvements, or an interest in real estate or real estate
10 improvements, as the governing body considers necessary for
11 school purposes, including buildings, parts of buildings,
12 additions to buildings, rooms, gymnasiums, auditoriums,
13 playgrounds, playing and athletic fields, facilities for physical
14 training, buildings for administrative, office, warehouse, repair
15 activities, or housing school owned buses, landscaping, walks,
16 drives, parking areas, roadways, easements and facilities for
17 power, sewer, water, roadway, access, storm and surface
18 water, drinking water, gas, electricity, other utilities and
19 similar purposes, by purchase, either outright for cash (or
20 under conditional sales or purchase money contracts providing
21 for a retention of a security interest by the seller until payment
22 is made or by notes where the contract, security retention, or
23 note is permitted by applicable law), by exchange, by gift, by
24 devise, by eminent domain, by lease with or without option to
25 purchase, or by lease under IC 20-47-2, IC 20-47-3, or
26 IC 20-47-5.
- 27 (B) Repair, remodel, remove, or demolish, or to contract for
28 the repair, remodeling, removal, or demolition of the real
29 estate, real estate improvements, or interest in the real estate
30 or real estate improvements, as the governing body considers
31 necessary for school purposes.
- 32 (C) Provide for conservation measures through utility
33 efficiency programs or under a guaranteed savings contract as
34 described in IC 36-1-12.5.
- 35 (5) To acquire personal property or an interest in personal
36 property as the governing body considers necessary for school
37 purposes, including buses, motor vehicles, equipment, apparatus,
38 appliances, books, furniture, and supplies, either by cash purchase
39 or under conditional sales or purchase money contracts providing
40 for a security interest by the seller until payment is made or by
41 notes where the contract, security, retention, or note is permitted
42 by applicable law, by gift, by devise, by loan, or by lease with or



1 without option to purchase and to repair, remodel, remove,
 2 relocate, and demolish the personal property. All purchases and
 3 contracts specified under the powers authorized under subdivision
 4 (4) and this subdivision are subject solely to applicable law
 5 relating to purchases and contracting by municipal corporations
 6 in general and to the supervisory control of state agencies as
 7 provided in section 6 of this chapter.

8 (6) To sell or exchange real or personal property or interest in real
 9 or personal property that, in the opinion of the governing body, is
 10 not necessary for school purposes, in accordance with IC 20-26-7,
 11 to demolish or otherwise dispose of the property if, in the opinion
 12 of the governing body, the property is not necessary for school
 13 purposes and is worthless, and to pay the expenses for the
 14 demolition or disposition.

15 (7) To lease any school property, **except curricular materials**,
 16 for a rental that the governing body considers reasonable or to
 17 permit the free use of school property for:

18 (A) civic or public purposes; or

19 (B) the operation of a school age child care program for
 20 children who are at least five (5) years of age and less than
 21 fifteen (15) years of age that operates before or after the school
 22 day, or both, and during periods when school is not in session;
 23 if the property is not needed for school purposes. Under this
 24 subdivision, the governing body may enter into a long term lease
 25 with a nonprofit corporation, community service organization, or
 26 other governmental entity, if the corporation, organization, or
 27 other governmental entity will use the property to be leased for
 28 civic or public purposes or for a school age child care program.
 29 However, if payment for the property subject to a long term lease
 30 is made from money in the school corporation's debt service fund,
 31 all proceeds from the long term lease must be deposited in the
 32 school corporation's debt service fund so long as payment for the
 33 property has not been made. The governing body may, at the
 34 governing body's option, use the procedure specified in
 35 IC 36-1-11-10 in leasing property under this subdivision.

36 (8) To do the following:

37 (A) Employ, contract for, and discharge superintendents,
 38 supervisors, principals, teachers, librarians, athletic coaches
 39 (whether or not they are otherwise employed by the school
 40 corporation and whether or not they are licensed under
 41 IC 20-28-5), business managers, superintendents of buildings
 42 and grounds, janitors, engineers, architects, physicians,



- 1 dentists, nurses, accountants, teacher aides performing
 2 noninstructional duties, educational and other professional
 3 consultants, data processing and computer service for school
 4 purposes, including the making of schedules, the keeping and
 5 analyzing of grades and other student data, the keeping and
 6 preparing of warrants, payroll, and similar data where
 7 approved by the state board of accounts as provided below,
 8 and other personnel or services as the governing body
 9 considers necessary for school purposes.
- 10 (B) Fix and pay the salaries and compensation of persons and
 11 services described in this subdivision that are consistent with
 12 IC 20-28-9-1.5.
- 13 (C) Classify persons or services described in this subdivision
 14 and to adopt a compensation plan with a salary range that is
 15 consistent with IC 20-28-9-1.5.
- 16 (D) Determine the number of the persons or the amount of the
 17 services employed or contracted for as provided in this
 18 subdivision.
- 19 (E) Determine the nature and extent of the duties of the
 20 persons described in this subdivision.
- 21 The compensation, terms of employment, and discharge of
 22 teachers are, however, subject to and governed by the laws
 23 relating to employment, contracting, compensation, and discharge
 24 of teachers. The compensation, terms of employment, and
 25 discharge of bus drivers are subject to and governed by laws
 26 relating to employment, contracting, compensation, and discharge
 27 of bus drivers.
- 28 (9) Notwithstanding the appropriation limitation in subdivision
 29 (3), when the governing body by resolution considers a trip by an
 30 employee of the school corporation or by a member of the
 31 governing body to be in the interest of the school corporation,
 32 including attending meetings, conferences, or examining
 33 equipment, buildings, and installation in other areas, to permit the
 34 employee to be absent in connection with the trip without any loss
 35 in pay and to reimburse the employee or the member the
 36 employee's or member's reasonable lodging and meal expenses
 37 and necessary transportation expenses. To pay teaching personnel
 38 for time spent in sponsoring and working with school related trips
 39 or activities.
- 40 (10) Subject to IC 20-27-13, to transport children to and from
 41 school, when in the opinion of the governing body the
 42 transportation is necessary, including considerations for the safety



- 1 of the children. The transportation must be otherwise in
2 accordance with applicable law.
- 3 (11) To provide a lunch program for a part or all of the students
4 attending the schools of the school corporation, including the
5 establishment of kitchens, kitchen facilities, kitchen equipment,
6 lunch rooms, the hiring of the necessary personnel to operate the
7 lunch program, and the purchase of material and supplies for the
8 lunch program, charging students for the operational costs of the
9 lunch program, fixing the price per meal or per food item. To
10 operate the lunch program as an extracurricular activity, subject
11 to the supervision of the governing body. To participate in a
12 surplus commodity or lunch aid program.
- 13 (12) To purchase curricular materials **and** to furnish curricular
14 materials without cost. ~~or to rent curricular materials to students;~~
15 ~~and to participate in a curricular materials aid program; all in~~
16 ~~accordance with applicable law.~~
- 17 (13) To accept students transferred from other school corporations
18 and to transfer students to other school corporations in accordance
19 with applicable law.
- 20 (14) To make budgets, to appropriate funds, and to disburse the
21 money of the school corporation in accordance with applicable
22 law. To borrow money against current tax collections and
23 otherwise to borrow money, in accordance with IC 20-48-1.
- 24 (15) To purchase insurance or to establish and maintain a
25 program of self-insurance relating to the liability of the school
26 corporation or the school corporation's employees in connection
27 with motor vehicles or property and for additional coverage to the
28 extent permitted and in accordance with IC 34-13-3-20. To
29 purchase additional insurance or to establish and maintain a
30 program of self-insurance protecting the school corporation and
31 members of the governing body, employees, contractors, or agents
32 of the school corporation from liability, risk, accident, or loss
33 related to school property, school contract, school or school
34 related activity, including the purchase of insurance or the
35 establishment and maintenance of a self-insurance program
36 protecting persons described in this subdivision against false
37 imprisonment, false arrest, libel, or slander for acts committed in
38 the course of the persons' employment, protecting the school
39 corporation for fire and extended coverage and other casualty
40 risks to the extent of replacement cost, loss of use, and other
41 insurable risks relating to property owned, leased, or held by the
42 school corporation. In accordance with IC 20-26-17, to:



- 1 (A) participate in a state employee health plan under
 2 IC 5-10-8-6.7;
- 3 (B) purchase insurance; or
- 4 (C) establish and maintain a program of self-insurance;
 5 to benefit school corporation employees, including accident,
 6 sickness, health, or dental coverage, provided that a plan of
 7 self-insurance must include an aggregate stop-loss provision.
- 8 (16) To make all applications, to enter into all contracts, and to
 9 sign all documents necessary for the receipt of aid, money, or
 10 property from the state, the federal government, or from any other
 11 source.
- 12 (17) To defend a member of the governing body or any employee
 13 of the school corporation in any suit arising out of the
 14 performance of the member's or employee's duties for or
 15 employment with, the school corporation, if the governing body
 16 by resolution determined that the action was taken in good faith.
 17 To save any member or employee harmless from any liability,
 18 cost, or damage in connection with the performance, including the
 19 payment of legal fees, except where the liability, cost, or damage
 20 is predicated on or arises out of the bad faith of the member or
 21 employee, or is a claim or judgment based on the member's or
 22 employee's malfeasance in office or employment.
- 23 (18) To prepare, make, enforce, amend, or repeal rules,
 24 regulations, and procedures:
- 25 (A) for the government and management of the schools,
 26 property, facilities, and activities of the school corporation, the
 27 school corporation's agents, employees, and pupils and for the
 28 operation of the governing body; and
- 29 (B) that may be designated by an appropriate title such as
 30 "policy handbook", "bylaws", or "rules and regulations".
- 31 (19) To ratify and approve any action taken by a member of the
 32 governing body, an officer of the governing body, or an employee
 33 of the school corporation after the action is taken, if the action
 34 could have been approved in advance, and in connection with the
 35 action to pay the expense or compensation permitted under
 36 IC 20-26-1 through IC 20-26-5, IC 20-26-7, IC 20-40-12, and
 37 IC 20-48-1 or any other law.
- 38 (20) To exercise any other power and make any expenditure in
 39 carrying out the governing body's general powers and purposes
 40 provided in this chapter or in carrying out the powers delineated
 41 in this section which is reasonable from a business or educational
 42 standpoint in carrying out school purposes of the school



1 corporation, including the acquisition of property or the
 2 employment or contracting for services, even though the power or
 3 expenditure is not specifically set out in this chapter. The specific
 4 powers set out in this section do not limit the general grant of
 5 powers provided in this chapter except where a limitation is set
 6 out in IC 20-26-1 through IC 20-26-5, IC 20-26-7, IC 20-40-12,
 7 IC 20-40-18 (after December 31, 2018), and IC 20-48-1 by
 8 specific language or by reference to other law.

9 (b) A superintendent hired under subsection (a)(8):

10 (1) is not required to hold a teacher's license under IC 20-28-5;
 11 and

12 (2) is required to have obtained at least a master's degree from an
 13 accredited postsecondary educational institution.

14 SECTION 3. IC 20-26-12-1, AS AMENDED BY P.L.233-2015,
 15 SECTION 150, IS AMENDED TO READ AS FOLLOWS
 16 [EFFECTIVE JULY 1, 2018]: Sec. 1. (a) Except as provided in
 17 subsection (b) and notwithstanding any other law, each governing body
 18 shall purchase from a publisher, either individually or through a
 19 purchasing cooperative of school corporations, the curricular materials
 20 selected by the proper local officials, and shall ~~rent~~ **provide at no cost**
 21 the curricular materials to each student enrolled in a public school that
 22 is:

23 (1) in compliance with the minimum certification standards of the
 24 state board; and

25 (2) located within the attendance unit served by the governing
 26 body.

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

30 SECTION 4. IC 20-26-12-2, AS AMENDED BY P.L.233-2015,
 31 SECTION 151, IS AMENDED TO READ AS FOLLOWS
 32 [EFFECTIVE JULY 1, 2018]: Sec. 2. (a) A governing body may
 33 purchase from a publisher any curricular material selected by the
 34 proper local officials. The governing body may **not** rent the curricular
 35 materials to students enrolled in any public ~~or nonpublic~~ school. **The**
 36 **governing body may rent the curricular materials to students**
 37 **enrolled in any nonpublic school** that is

38 (1) in compliance with the minimum certification standards of the
 39 state board. ~~and~~

40 (2) located ~~within the attendance unit served by the governing~~
 41 ~~body.~~

42 The annual rental rate may not exceed twenty-five percent (25%) of the



1 retail price of the curricular materials.

2 (b) Notwithstanding subsection (a), the governing body **of a**
 3 **nonpublic school** may not assess a rental fee of more than twenty-five
 4 percent (25%) of the retail price of curricular materials that have been:

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

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

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

9 SECTION 5. IC 20-26-12-26, AS AMENDED BY P.L.286-2013,
 10 SECTION 81, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 11 JULY 1, 2018]: Sec. 26. If a family moves during the school term from
 12 one (1) school corporation to another within the state, the corporation
 13 from which they move shall

14 ~~(1) evaluate the affected children's curricular materials. and~~

15 ~~(2) offer to purchase the curricular materials at a reasonable price~~
 16 ~~for resale to any family that moves into that corporation during a~~
 17 ~~school term.~~

18 SECTION 6. IC 20-26-15-5, AS AMENDED BY P.L.242-2017,
 19 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 20 JULY 1, 2018]: Sec. 5. Notwithstanding any other law, the operation
 21 of the following is suspended for a freeway school corporation or a
 22 freeway school if the governing body of the school corporation elects
 23 to have the specific statute or rule suspended in the contract:

24 (1) The following statutes and rules concerning curriculum and
 25 instructional time:

26 IC 20-30-2-7

27 IC 20-30-5-8

28 IC 20-30-5-9

29 IC 20-30-5-11

30 511 IAC 6-7-6

31 511 IAC 6.1-5-0.5

32 511 IAC 6.1-5-1

33 511 IAC 6.1-5-2.5

34 511 IAC 6.1-5-3.5

35 511 IAC 6.1-5-4.

36 (2) The following rule concerning pupil/teacher ratios:

37 511 IAC 6.1-4-1.

38 (3) The following statutes and rules concerning curricular
 39 materials:

40 IC 20-26-12-24

41 IC 20-26-12-26

42 IC 20-26-12-1, **except for the provision of curricular**



- 1 **materials at no cost to a student.**
 2 IC 20-26-12-2
 3 511 IAC 6.1-5-5.
 4 (4) 511 IAC 6-7, concerning graduation requirements.
 5 (5) IC 20-31-4, concerning the performance based accreditation
 6 system.
 7 (6) IC 20-32-5 (before its expiration on July 1, 2018), concerning
 8 the ISTEP program established under IC 20-32-5-15, if an
 9 alternative locally adopted assessment program is adopted under
 10 section 6(7) of this chapter.
 11 SECTION 7. IC 20-33-5-3, AS AMENDED BY P.L.286-2013,
 12 SECTION 112, IS AMENDED TO READ AS FOLLOWS
 13 [EFFECTIVE JULY 1, 2018]: Sec. 3. (a) If a parent of a child or an
 14 emancipated minor who is enrolled in a public school, in kindergarten
 15 or grades 1 through 12, meets the financial eligibility standard under
 16 section 2 of this chapter, the parent or the emancipated minor may not
 17 be required to pay the fees for curricular materials, supplies, or other
 18 required class fees. The fees shall be paid by the school corporation
 19 that the child attends.
 20 (b) The school corporation may apply for a reimbursement under
 21 section 7 of this chapter from the department of the costs incurred
 22 under subsection (a).
 23 ~~(c) To the extent the reimbursement received by the school~~
 24 ~~corporation is less than the rental fee assessed for curricular materials;~~
 25 ~~the school corporation may request that the parent or emancipated~~
 26 ~~minor pay the balance of this amount.~~
 27 SECTION 8. IC 20-33-5-5, AS ADDED BY P.L.1-2005, SECTION
 28 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,
 29 2018]: Sec. 5. All school corporations must give notice in nontechnical
 30 language and in a manner that can be reasonably expected to reach
 31 parents of students, before the collection **at the beginning of the**
 32 **school year** of any **class fees or fees for schoolbooks and supplies that**
 33 **are not curricular materials.** This notice must inform the parents of
 34 the following:
 35 (1) The availability of assistance.
 36 (2) The eligibility standards.
 37 (3) The procedure for obtaining assistance, including the right and
 38 method of appeal.
 39 (4) The availability of application forms at a designated school
 40 office.
 41 SECTION 9. IC 20-40-9-7, AS AMENDED BY P.L.286-2013,
 42 SECTION 118, IS AMENDED TO READ AS FOLLOWS



1 [EFFECTIVE JULY 1, 2018]: Sec. 7. (a) Money in the fund may be
 2 used for payment of all unreimbursed costs of curricular materials for
 3 the school corporation's students. ~~who were eligible for free or reduced~~
 4 ~~lunches in the previous school year.~~

5 (b) The governing body may transfer the amount levied to cover
 6 unreimbursed costs of curricular materials under this section to the
 7 curricular materials ~~rental~~ fund or extracurricular account.

8 SECTION 10. IC 20-40-9-7, AS AMENDED BY P.L.244-2017,
 9 SECTION 81, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 10 JANUARY 1, 2019]: Sec. 7. (a) Money in the fund may be used for
 11 payment of all unreimbursed costs of curricular materials for the school
 12 corporation's students. ~~who were eligible for free or reduced lunches in~~
 13 ~~the previous school year.~~

14 (b) Money in the fund may not be used for payment of debt service,
 15 lease payments, or similar obligations for a controlled project that is
 16 approved by the voters in a referendum under IC 6-1.1-20.

17 (c) The governing body may transfer the amount levied to cover
 18 unreimbursed costs of curricular materials under this section to the
 19 ~~education fund.~~ **curricular materials fund.**

20 SECTION 11. IC 20-40-20 IS ADDED TO THE INDIANA CODE
 21 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 22 JULY 1, 2018]:

23 **Chapter 20. Curricular Materials Fund**

24 **Sec. 1. As used in this chapter, "fund" refers to the curricular**
 25 **materials fund established by section 2 of this chapter.**

26 **Sec. 2. (a) The curricular materials fund is established. The**
 27 **purpose of the fund is to provide funding for state reimbursements**
 28 **of costs incurred by public schools to provide curricular materials**
 29 **to each student at no charge as required under this title. The fund**
 30 **shall be administered by the department.**

31 **(b) The fund consists of the following:**

32 **(1) Appropriations by the general assembly.**

33 **(2) Donations.**

34 **(3) Federal grants or other federal appropriations.**

35 **(4) Interest and other earnings derived from the investment**
 36 **of money in the fund.**

37 **(c) Money in the fund at the end of the state fiscal year does not**
 38 **revert to the state general fund.**

39 **(d) Money in the fund is continually appropriated for the**
 40 **purposes of this chapter.**

41 **(e) Money in the fund may not be used for the costs of**
 42 **administering this chapter.**



1 **Sec. 3. Money in the fund may be used only for the:**

2 **(1) advancement of costs; or**

3 **(2) reimbursement of expenditures;**

4 **incurred by public schools to pay for the costs of curricular**
 5 **materials that are provided to each student at no charge as**
 6 **required under this article.**

7 **Sec. 4. Before July 1 of each year, the department shall**
 8 **determine a cost amount per student for curricular materials that**
 9 **must be used to determine the distribution amounts to public**
 10 **schools under this chapter. The amount determined by the**
 11 **department under this section must be identical for all public**
 12 **schools.**

13 **Sec. 5. (a) The department shall determine the total amount that**
 14 **may be distributed from the fund in a state fiscal year.**

15 **(b) The department shall make distributions from the fund to**
 16 **each public school before July 15 of each year, based on the cost of**
 17 **curricular materials per student as determined under section 4 of**
 18 **this chapter.**

19 **(c) If the total amount that may be distributed from the fund is**
 20 **greater than or equal to the amount needed to pay the cost of all**
 21 **curricular materials provided to each student at all public schools,**
 22 **the department shall make distributions from the fund to each**
 23 **public school based on the cost of curricular materials per student**
 24 **as determined under section 4 of this chapter.**

25 **(d) If the total amount that may be distributed from the fund is**
 26 **less than the amount needed to pay the cost of all curricular**
 27 **materials provided to each student at all public schools, the**
 28 **department shall make distributions from the fund to each public**
 29 **school based on the cost of curricular materials per student as**
 30 **determined under section 4 of this chapter on a pro rata basis.**

31 **Sec. 6. (a) A public school that receives a distribution of money**
 32 **from the fund under this chapter shall deposit the distributed**
 33 **amount in a separate fund established for the purpose of receiving**
 34 **state reimbursements and advancements as provided under this**
 35 **chapter.**

36 **(b) Money in the fund may be used only for the purposes of this**
 37 **chapter.**

38 **(c) Money in the fund at the end of a school year or fiscal year**
 39 **does not revert to a school general fund or any other fund and**
 40 **remains available for the purposes of this chapter.**

41 **SECTION 12. IC 20-41-1-2, AS AMENDED BY P.L.286-2013,**
 42 **SECTION 119, IS AMENDED TO READ AS FOLLOWS**



1 [EFFECTIVE JULY 1, 2018]: Sec. 2. Any self-supporting programs
 2 maintained by a school corporation, including:

3 (1) school lunch; and

4 (2) ~~rental or sale of~~ curricular materials;

5 may be established as separate funds, separate and apart from the
 6 general fund, if no local tax rate is established for the programs.

7 SECTION 13. IC 20-41-2-2, AS AMENDED BY P.L.286-2013,
 8 SECTION 120, IS AMENDED TO READ AS FOLLOWS
 9 [EFFECTIVE JULY 1, 2018]: Sec. 2. Each township trustee in
 10 operating a curricular materials ~~rental~~ program may use either of the
 11 following accounting methods:

12 (1) The township trustee may supervise and control the program
 13 through its school corporation account by establishing a curricular
 14 materials ~~rental~~ fund.

15 (2) If curricular materials have not been purchased and financial
 16 commitments or guarantees for the purchases have not been made
 17 by the school corporation, the township trustee may have the
 18 program operated by the individual schools of the school
 19 corporation through the school corporation's extracurricular
 20 account or accounts under IC 20-41-1.

21 SECTION 14. IC 20-41-2-3, AS AMENDED BY P.L.286-2013,
 22 SECTION 121, IS AMENDED TO READ AS FOLLOWS
 23 [EFFECTIVE JULY 1, 2018]: Sec. 3. (a) If a school lunch fund is
 24 established under section 1 of this chapter, or a curricular materials
 25 ~~rental~~ fund is established under section 2 of this chapter, the receipts
 26 and expenditures for each program shall be made to and from the
 27 proper fund without appropriation or the application of other laws
 28 relating to the budgets of local governmental units.

29 (b) If either **a school lunch** program or both programs under
 30 sections 1 and 2 of this chapter are operated through the extracurricular
 31 account, the township trustee shall approve the amount of the bond of
 32 the treasurer of the extracurricular account in an amount the township
 33 trustee considers necessary to protect the account for all funds coming
 34 into the hands of the treasurer.

35 SECTION 15. IC 20-41-2-5, AS AMENDED BY P.L.118-2016,
 36 SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 37 JULY 1, 2018]: Sec. 5. (~~a~~) A governing body in operating a curricular
 38 materials ~~rental~~ program under IC 20-26-5-4(a)(12) may use either of
 39 the following accounting methods:

40 (1) The governing body may supervise and control the program
 41 through the school corporation account, establishing a curricular
 42 materials ~~rental~~ fund.



1 (2) If curricular materials have not been purchased and financial
 2 commitments or guarantees for the purchases have not been made
 3 by the school corporation, the governing body may cause the
 4 program to be operated by the individual schools of the school
 5 corporation through the school corporation's extracurricular
 6 account or accounts in accordance with IC 20-41-1.

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

14 SECTION 16. IC 20-41-2-5, AS AMENDED BY P.L.244-2017,
 15 SECTION 88, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 16 JANUARY 1, 2019]: Sec. 5. (a) A governing body in operating a
 17 curricular materials ~~rental~~ program under IC 20-26-5-4(a)(12) may use
 18 either of the following accounting methods:

19 (1) The governing body may supervise and control the program
 20 through the school corporation's ~~education~~ **curricular materials**
 21 **fund established by IC 20-40-20-2.**

22 (2) If curricular materials have not been purchased and financial
 23 commitments or guarantees for the purchases have not been made
 24 by the school corporation, the governing body may cause the
 25 program to be operated by the individual schools of the school
 26 corporation through the school corporation's extracurricular
 27 account or accounts in accordance with IC 20-41-1.

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

35 SECTION 17. IC 20-41-2-6, AS AMENDED BY P.L.286-2013,
 36 SECTION 123, IS AMENDED TO READ AS FOLLOWS
 37 [EFFECTIVE JULY 1, 2018]: Sec. 6. (a) If a school lunch fund is
 38 established under section 4 of this chapter and a curricular materials
 39 ~~rental~~ fund is established under section 5 of this chapter, the receipts
 40 and expenditures from a fund for the program to which the fund relates
 41 shall be made to and from the fund without appropriation or the
 42 application of other statutes and rules relating to the budgets of



1 municipal corporations.
 2 (b) If either the lunch program or the curricular materials ~~rental~~
 3 program is handled through the extracurricular account, the governing
 4 body of the school corporation shall approve the amount of the bond of
 5 the treasurer of the extracurricular account in an amount the governing
 6 body considers sufficient to protect the account for all funds coming
 7 into the hands of the treasurer of the account.
 8 SECTION 18. IC 20-41-2-6, AS AMENDED BY P.L.244-2017,
 9 SECTION 89, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 10 JANUARY 1, 2019]: Sec. 6. (a) If a school lunch fund is established
 11 under section 4 of this chapter and the school corporation's ~~education~~
 12 **curricular materials** fund is used under section 5 of this chapter, the
 13 receipts and expenditures from a fund for the program to which the
 14 fund relates shall be made to and from the appropriate fund without
 15 appropriation or the application of other statutes and rules relating to
 16 the budgets of municipal corporations.
 17 (b) If either the lunch program or the curricular materials ~~rental~~
 18 program is handled through the extracurricular account, the governing
 19 body of the school corporation shall approve the amount of the bond of
 20 the treasurer of the extracurricular account in an amount the governing
 21 body considers sufficient to protect the account for all funds coming
 22 into the hands of the treasurer of the account.
 23 SECTION 19. IC 20-42-3-10, AS AMENDED BY P.L.286-2013,
 24 SECTION 124, IS AMENDED TO READ AS FOLLOWS
 25 [EFFECTIVE JULY 1, 2018]: Sec. 10. The trustee, with the advice and
 26 consent of the township board, shall use the account for the following
 27 educational purposes:
 28 (†) Each year the trustee shall pay, to the parent or legal guardian
 29 of any child whose residence is within the township, the initial
 30 cost for the rental of curricular materials used in any elementary
 31 or secondary school that has been accredited by the state. The
 32 reimbursement for the rental of curricular materials shall be for
 33 the initial yearly rental charge only. Curricular materials
 34 subsequently lost or destroyed may not be paid for from this
 35 account.
 36 (‡) (1) Students who are residents of the township for the last two
 37 (2) years of their secondary education and who still reside within
 38 the township are entitled to receive financial assistance in an
 39 amount not to exceed an amount determined by the trustee and
 40 the township board during an annual review of postsecondary
 41 education fees and tuition costs of education at any accredited
 42 postsecondary educational institution. Amounts to be paid to each



1 eligible student shall be set annually after this review. The
2 amount paid each year must be:
3 (A) equitable for every eligible student without regard to race,
4 religion, creed, sex, disability, or national origin; and
5 (B) based on the number of students and the amount of funds
6 available each year.
7 ~~(2)~~ **(2)** A person who has been a permanent resident of the
8 township continuously for at least two (2) years and who needs
9 educational assistance for job training or retraining may apply to
10 the trustee of the township for financial assistance. The trustee
11 and the township board shall review each application and make
12 assistance available according to the need of each applicant and
13 the availability of funds.
14 ~~(3)~~ **(3)** If all the available funds are not used in any one (1) year,
15 the unused funds shall be retained in the account by the trustee for
16 use in succeeding years.

