

# HOUSE BILL No. 1380

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 4-21.5-3-14; IC 20-19-3; IC 20-24; IC 20-25.7; IC 20-26; IC 20-32-8.7; IC 20-35-6; IC 20-46-1; IC 20-51-1-5; IC 20-51.4-2-4; IC 20-52.

**Synopsis:** Various education matters. Requires the secretary of education to prepare and submit to the general assembly the following: (1) A plan to establish an Indiana school facilities commission. (2) A plan to establish the Indiana school transportation commission. Makes various changes to innovation network school and participating innovation network charter school provisions regarding the following: (1) The terms that must be included in an agreement entered into between: (A) an innovation network team and the governing body of a school corporation; and (B) an organizer and the governing body of a school corporation. (2) Restrictions on altering an agreement. (3) Restrictions on a school corporation charging an innovation network school or participating innovation network charter school for goods and services. (4) Required distribution of state tuition support. (5) Restrictions regarding altering the use of a facility occupied by an innovation network school or participating innovation network charter school. (6) Administrative fees. Makes changes to the student learning recovery grant program concerning the following: (1) The purpose for which the program was established with regard to disruption in education caused by the coronavirus disease pandemic and insufficient alternatives. (2) The limitation of the program to only certain state fiscal years. (3) Allowing the department of education (department) to require matching grant amounts. Provides that a governing body of a school corporation may not seek to extend an operating referendum tax levy or consecutive operating referendum tax levies. Provides that a student's Indiana enrichment scholarship account terminates under conditions established by the department (instead of October 1, 2024).  
(Continued next page)

**Effective:** Upon passage; July 1, 2024.

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## Behning, Davis, McGuire

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January 10, 2024, read first time and referred to Committee on Education.

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Includes charter school corporations in certain provisions concerning the distribution of state tuition support to an organizer. Provides that when a parent agrees to participate in a: (1) mediation or (2) facilitated individualized education program (IEP) meeting through the department; and subsequently initiates a due process hearing, a public agency shall have the burden of proof at the subsequent due process hearing. Provides that a public agency shall have the burden of proof, including the burden of persuasion and production, for all expedited due process hearings, regardless of whether a mediation or facilitated IEP meeting was initiated before filing for the expedited due process hearing. Provides that a public agency shall not require, as part of a resolution of a due process hearing or a dispute relating to the provision of special education services to a particular student, that a parent of a student or an emancipated student enter into a nondisclosure, nondisparagement, or confidentiality agreement or clause. Amends the date by which a student has to be a certain age to be eligible to participate in a school scholarship program and the Indiana education scholarship account program. Provides that school corporations that meet certain requirements regarding sharing operating referendum tax levy revenue are not subject to the provisions regarding the transfer of vacant school buildings. Removes a condition with regard to requiring certain school corporations to accept transferring students who do not have legal settlement in the school corporation. Removes a provision regarding a school corporation charging a requesting parent or student transfer tuition. Removes a provision that requires use of certain federal funds under the Indiana student enrichment grant program. Repeals the following provisions regarding the student learning recovery grant program: (1) The appropriation in the 2021 fiscal year. (2) The expiration of the program. Repeals provisions regarding: (1) extending an operating referendum tax levy; and (2) the expiration of the Indiana student enrichment grant program.



Second Regular Session of the 123rd General Assembly (2024)

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 2023 Regular Session of the General Assembly.

# HOUSE BILL No. 1380



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

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

1 SECTION 1. IC 4-21.5-3-14, AS AMENDED BY P.L.32-2011,  
2 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2024]: Sec. 14. (a) An administrative law judge conducting a  
4 proceeding shall keep a record of the administrative law judge's  
5 proceedings under this article.  
6 (b) If a motion is based on facts not otherwise appearing in the  
7 record for the proceeding, the administrative law judge may hear the  
8 matter on affidavits presented by the respective parties or the  
9 administrative law judge may direct that the matter be heard wholly or  
10 partly on oral testimony or depositions.  
11 (c) **Except as provided in IC 20-35-6-5**, at each stage of the  
12 proceeding, the agency or other person requesting that an agency take  
13 action or asserting an affirmative defense specified by law has the  
14 burden of persuasion and the burden of going forward with the proof  
15 of the request or affirmative defense. Before the hearing on which the



1 party intends to assert it, a party shall, to the extent possible, disclose  
 2 any affirmative defense specified by law on which the party intends to  
 3 rely. If a prehearing conference is held in the proceeding, a party  
 4 notified of the conference shall disclose the party's affirmative defense  
 5 in the conference.

6 (d) The proceedings before an administrative law judge are de novo.

7 SECTION 2. IC 20-19-3-32 IS ADDED TO THE INDIANA CODE  
 8 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
 9 1, 2024]: **Sec. 32. (a) Not later than November 1, 2024, the secretary  
 10 of education shall prepare and submit to the general assembly in  
 11 an electronic format under IC 5-14-6 a plan to establish an Indiana  
 12 school facilities commission.**

13 **(b) The plan submitted under subsection (a) must include the  
 14 following:**

15 **(1) The commission membership, including the selection of a  
 16 chairperson.**

17 **(2) The purpose and duties of the commission.**

18 **(3) The amount of any appropriation in the state budget that  
 19 would be necessary to carry out the plan.**

20 SECTION 3. IC 20-19-3-33 IS ADDED TO THE INDIANA CODE  
 21 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
 22 1, 2024]: **Sec. 33. (a) Not later than November 1, 2024, the secretary  
 23 of education shall prepare and submit to the general assembly in  
 24 an electronic format under IC 5-14-6 a plan to establish the  
 25 Indiana school transportation commission.**

26 **(b) The plan submitted under subsection (a) must include the  
 27 following:**

28 **(1) The commission membership including selection of a  
 29 chairperson.**

30 **(2) The purpose and duties of the commission.**

31 **(3) The amount of any appropriation in the state budget that  
 32 would be necessary to carry out the plan.**

33 SECTION 4. IC 20-24-1-4.5 IS ADDED TO THE INDIANA CODE  
 34 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
 35 1, 2024]: **Sec. 4.5. "Charter school corporation" means a collection  
 36 of charter schools operated by the same organizer under a single  
 37 charter and approved by the state board to receive a school  
 38 corporation identification number.**

39 SECTION 5. IC 20-24-7-1, AS AMENDED BY P.L.218-2015,  
 40 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 41 JULY 1, 2024]: **Sec. 1. (a) The organizer is the fiscal agent for the  
 42 charter school.**



1 (b) The organizer has exclusive control of:

- 2 (1) funds received by the charter school; and  
 3 (2) financial matters of the charter school.

4 (c) The organizer shall maintain accounts of all funds received and  
 5 disbursed by the organizer. **Except in the case of a charter school**  
 6 **corporation**, the organizer shall maintain separate accountings of all  
 7 funds received and disbursed by each charter school it holds.

8 (d) Notwithstanding IC 20-43, an organizer that operates more than  
 9 one (1) charter school **or charter school corporation** may file, before  
 10 July 1 of each year, a notice with the department that the organizer  
 11 desires to receive the tuition support distributions, and in the case of an  
 12 adult high school (as defined in IC 20-24-1-2.3), funding provided in  
 13 the state biennial budget for adult high schools, for all the charter  
 14 schools the organizer operates **or the charter school corporation as**  
 15 **a whole**. After the organizer's authorizer or authorizers verify to the  
 16 department that the organizer operates the charter schools **or charter**  
 17 **school corporation**, the department shall distribute the tuition support,  
 18 and in the case of an adult high school (as defined in IC 20-24-1-2.3),  
 19 funding provided in the state biennial budget for adult high schools, for  
 20 the verified charter schools to the organizer **or the charter school**  
 21 **corporation**. The organizer **or charter school corporation** may  
 22 distribute the tuition support distribution it receives to each charter  
 23 school it operates in the amounts determined by the organizer.  
 24 However, an organizer that receives money from the state under this  
 25 subsection may not use any of the money received for expenses  
 26 incurred outside Indiana that are not directly related to the charter  
 27 school the organizer operates in Indiana.

28 (e) Organizers **or charter school corporations** receiving tuition  
 29 support under this section may submit a consolidated audit in  
 30 accordance with guidelines established by the state examiner and  
 31 submit any required financial reporting to the department in a manner  
 32 prescribed by the state examiner. The state examiner shall establish  
 33 guidelines and prescribe reporting requirements for organizers under  
 34 this section that are consistent with generally accepted accounting  
 35 principles (GAAP) and the needs of the department.

36 SECTION 6. IC 20-24-7-6.2, AS ADDED BY P.L.189-2023,  
 37 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 38 JULY 1, 2024]: Sec. 6.2. (a) This section applies to a levy resulting  
 39 from a resolution to place a referendum on the ballot adopted by the  
 40 governing body under IC 20-46-1-8, ~~IC 20-46-1-8.5~~, IC 20-46-9-6, or  
 41 IC 20-46-9-7 after May 10, 2023, for counties described in  
 42 IC 20-46-1-21(a) and IC 20-46-9-22(a).



1 (b) The county auditor in the county in which the applicable school  
 2 corporation is located shall distribute money that is received as part of  
 3 a tax levy collected under IC 20-46-1 to an applicable charter school,  
 4 excluding a virtual charter school, in the manner provided by  
 5 IC 20-46-1-21.

6 (c) The county auditor in the county in which the applicable school  
 7 corporation is located shall distribute money that is received as part of  
 8 a tax levy collected under IC 20-46-9 to an applicable charter school,  
 9 excluding a virtual charter school, in the manner prescribed by  
 10 IC 20-46-9-22.

11 (d) A charter school that may receive money from a school  
 12 corporation's tax levy collected under IC 20-46-1 or a school safety  
 13 referendum tax levy under IC 20-46-9 may not promote a position on  
 14 a referendum in the same manner as a school corporation is prohibited  
 15 from promoting a position on a referendum under IC 20-46-1-20.

16 (e) If a charter school receives a distribution from a school  
 17 corporation from the school corporation's tax levy collected under  
 18 IC 20-46-1 or a school safety referendum tax levy under IC 20-46-9,  
 19 the charter school must post the following on the charter school's  
 20 website:

21 (1) The specific purposes for which the revenue received from the  
 22 tax levy will be used.

23 (2) An estimate of the annual dollar amounts that will be  
 24 expended for each purpose described in subdivision (1).

25 SECTION 7. IC 20-25.7-4-5, AS AMENDED BY P.L.246-2023,  
 26 SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 27 JULY 1, 2024]: Sec. 5. (a) The board shall enter into an agreement  
 28 with an innovation network team to establish an innovation network  
 29 school or to reconstitute an eligible school as an innovation network  
 30 school under section 3 or 4 of this chapter. An innovation network team  
 31 may consist of or include teachers, a principal, a superintendent, or any  
 32 combination of these individuals who were employed at the eligible  
 33 school before the agreement is entered.

34 (b) The terms of the agreement must specify the following:

35 (1) A statement that the innovation network school is considered  
 36 to be part of the school corporation and not considered a separate  
 37 local educational agency.

38 (2) A statement that the innovation network team authorizes the  
 39 department to include the innovation network school's  
 40 performance assessment results under IC 20-31-8 when  
 41 calculating the school corporation's performance assessment  
 42 under rules adopted by the state board.



1 (3) The amount of ~~state and~~ federal funding ~~including tuition~~  
 2 ~~support~~, and money levied as property taxes that will be  
 3 distributed by the school corporation to the innovation network  
 4 school.

5 (4) The performance goals and accountability metrics agreed  
 6 upon for the innovation network school.

7 (5) Grounds for termination of the agreement, including the right  
 8 of termination if the innovation network team fails to:

9 (A) comply with the conditions or procedures established in  
 10 the agreement;

11 (B) meet generally accepted fiscal management and  
 12 government accounting principles;

13 (C) comply with applicable laws; or

14 (D) meet the educational goals set forth in the agreement  
 15 between the board and the innovation network team.

16 ~~(6) For an agreement entered into or renewed after June 30, 2023,~~  
 17 ~~the process the board is required to follow in determining whether~~  
 18 ~~to renew the agreement.~~

19 **(6) For an agreement entered into or renewed after June 30,**  
 20 **2024, and subject to section 9 of this chapter, the innovation**  
 21 **network school's enrollment and discipline policies, including**  
 22 **defined attendance areas and enrollment zones as established**  
 23 **by the innovation network team.**

24 **(7) For an agreement entered into or renewed after June 30,**  
 25 **2024, a provision that the board will automatically renew all**  
 26 **agreements for successive five (5) year terms unless one (1)**  
 27 **party to the agreement provides written notice to the other**  
 28 **party not less than one hundred eighty (180) days before the**  
 29 **date the agreement expires that the party will not be renewing**  
 30 **the agreement.**

31 **(8) For an agreement entered into or renewed after June 30,**  
 32 **2024, a statement that the school corporation will distribute**  
 33 **one hundred percent (100%) of state tuition support dollars**  
 34 **that the school corporation receives from student enrollment**  
 35 **in the innovation network school in accordance with the**  
 36 **school funding formula to the innovation network school.**

37 (c) If an agreement is entered into under subsection (a), the board  
 38 shall notify the department that an agreement has been entered into  
 39 under this section within thirty (30) days after the agreement is entered  
 40 into.

41 (d) Upon receipt of the notification under subsection (c), for school  
 42 years starting after the date of the agreement:



1 (1) the department shall include the innovation network school's  
 2 performance assessment results under IC 20-31-8 when  
 3 calculating the school corporation's performance assessment  
 4 under rules adopted by the state board;

5 (2) the department shall treat the innovation network school in the  
 6 same manner as a school operated by the school corporation when  
 7 calculating the total amount of state and federal funding to be  
 8 distributed to the school corporation; and

9 (3) if requested by an innovation network school established  
 10 under IC 20-25.5-4-2(a)(2) (before its repeal) or  
 11 IC 20-25.7-4-4(a)(2), the department may use student growth as  
 12 the state board's exclusive means to determine the innovation  
 13 network school's category or designation of school improvement  
 14 under 511 IAC 6.2-10-10 for a period of three (3) years.  
 15 Beginning with the 2019-2020 school year, the department may  
 16 not use student growth as the state board's exclusive means to  
 17 determine an innovation network school's category or designation  
 18 of school improvement. This subdivision expires July 1, 2023.

19 A school corporation and an innovation network school are not entitled  
 20 to any state funding in addition to the amount the school corporation  
 21 and school would otherwise be eligible to receive if the innovation  
 22 network school were a public school maintained by the school  
 23 corporation.

24 (e) If a board or innovation network team fails to follow the renewal  
 25 process described in subsection ~~(b)(6)~~; **(b)(7)**, the board or innovation  
 26 network team may appeal to the state board. The state board shall hear  
 27 the appeal in a public meeting and ensure that the board or innovation  
 28 network team follows the renewal process specified in the agreement.  
 29 The board may not terminate an agreement until the board has provided  
 30 evidence to the state board that the board has complied with the  
 31 renewal process specified in the agreement. The state board shall issue  
 32 a decision on an appeal under this subsection not later than sixty (60)  
 33 days after the date the board or innovation network team submitted the  
 34 appeal to the state board.

35 ~~(f) If an administrative fee is included in an agreement entered into~~  
 36 ~~or renewed after June 30, 2023, under this section, the fee may not~~  
 37 ~~exceed one percent (1%) of the total amount of state tuition support~~  
 38 ~~that is distributed to the school corporation based on the student~~  
 39 ~~enrollment of the innovation network school.~~

40 **(f) An agreement entered into between the board and an**  
 41 **innovation network team under this section may not be altered**  
 42 **without approval from the innovation network team.**





1 SECTION 8. IC 20-25.7-4-6, AS AMENDED BY P.L.246-2023,  
 2 SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 3 JULY 1, 2024]: Sec. 6. (a) For as long as an innovation network team  
 4 operates an innovation network school:

5 (1) the innovation network team may use the school building, the  
 6 accompanying real property, and the building's contents,  
 7 equipment, and supplies, as provided in the agreement established  
 8 under section 5 of this chapter;

9 (2) the school corporation may:

10 (A) provide transportation for students attending the  
 11 innovation network school; and

12 (B) maintain and repair the buildings and grounds consistent  
 13 with the maintenance and repair to the school corporation's  
 14 other buildings and grounds; ~~and~~

15 (3) the innovation network team and the school corporation may  
 16 enter into an agreement to transfer the ownership of a school  
 17 corporation facility to the innovation network team; **and**

18 **(4) the school corporation may not alter the use of the facility**  
 19 **occupied by the innovation network school without agreement**  
 20 **from the innovation network team.**

21 (b) If an innovation network team contracts with a school  
 22 corporation for goods or services, the school corporation may not  
 23 charge the innovation network team more for the goods or services than  
 24 the school corporation pays for the goods or services. A school  
 25 corporation may not require an innovation network team to contract for  
 26 specific goods or services provided by the school corporation or any  
 27 other entity.

28 (c) A school corporation and an innovation network team may  
 29 negotiate to require specific services with regard to an innovation  
 30 network school during the term of an agreement. However, subject to  
 31 subsection (d), an innovation network team must be able to select the  
 32 service provider for the services.

33 (d) A school corporation may require an innovation network school  
 34 to:

35 (1) use the school corporation's student information system; and

36 (2) comply with the school corporation's networking,  
 37 cybersecurity, and device standards.

38 However, nothing in this subsection may be construed to allow a school  
 39 corporation to alter an innovation network team's autonomy to  
 40 determine the academic programming of the innovation network team's  
 41 school.

42 (e) For as long as an innovation network team operates an



1 innovation network school, the school corporation may distribute  
 2 money levied as property taxes to the innovation network team.  
 3 Property taxes distributed to an innovation network team must be used  
 4 only for a purpose for which the property taxes could have been used  
 5 by the school corporation. Property taxes distributed under this  
 6 subsection may supplement services and property provided under  
 7 subsection (a) or (b). The parties may jointly modify an agreement  
 8 described in section 5 of this chapter to implement this subsection.

9 (f) An agreement concerning the transfer of ownership of a school  
 10 corporation facility to an innovation network team described in  
 11 subsection (a) is not subject to IC 20-26-7.1.

12 **(g) A school corporation may not charge an innovation network  
 13 team for goods and services unless:**

14 **(1) the innovation network team is receiving a pro rata share  
 15 of funds from any operating fund property tax levy paid to  
 16 the school corporation under IC 20-46-1 in which the  
 17 innovation network school is located; and**

18 **(2) the school corporation transfers the pro rata share  
 19 described in subdivision (1) from the school corporation's  
 20 operating referendum tax levy fund to the innovation network  
 21 school.**

22 SECTION 9. IC 20-25.7-4-12 IS ADDED TO THE INDIANA  
 23 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 24 [EFFECTIVE JULY 1, 2024]: **Sec. 12. (a) A school corporation that  
 25 enters into an agreement with an innovation network team under  
 26 this chapter shall distribute one hundred percent (100%) of state  
 27 tuition support dollars that the school corporation receives from  
 28 student enrollment in the innovation network school in accordance  
 29 with the school funding formula to the innovation network school.**

30 **(b) Unless an agreement entered into before July 1, 2024,  
 31 between a board and an innovation network team provides  
 32 otherwise, all innovation network schools operating under existing  
 33 agreements with boards as of July 1, 2024, will receive funds as  
 34 required under subsection (a).**

35 SECTION 10. IC 20-25.7-5-2, AS AMENDED BY P.L.201-2023,  
 36 SECTION 159, AND AS AMENDED BY P.L.246-2023, SECTION  
 37 31, AND AS AMENDED BY THE TECHNICAL CORRECTIONS  
 38 BILL OF THE 2024 GENERAL ASSEMBLY, IS CORRECTED AND  
 39 AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]:  
 40 **Sec. 2. (a) The board may enter into an agreement with an organizer to  
 41 reconstitute an eligible school as a participating innovation network  
 42 charter school or to establish a participating innovation network charter**



1 school at a location selected by the board within the boundary of the  
 2 school corporation. Notwithstanding IC 20-26-7.1, a participating  
 3 innovation network charter school may be established within a vacant  
 4 school building.

5 (b) The terms of the agreement entered into between the board and  
 6 an organizer must specify the following:

7 (1) A statement that the organizer authorizes the department to  
 8 include the charter school's performance assessment results under  
 9 IC 20-31-8 when calculating the school corporation's performance  
 10 assessment under rules adopted by the state board.

11 ~~(2) The amount of state funding, including tuition support. A~~  
 12 **statement that the school corporation will distribute one**  
 13 **hundred percent (100%) of state tuition support dollars that**  
 14 **the school corporation receives from student enrollment in the**  
 15 **participating innovation network charter school in**  
 16 **accordance with the school funding formula to the**  
 17 **participating innovation network charter school** (if the  
 18 participating innovation network charter school is treated in the  
 19 same manner as a school operated by the school corporation  
 20 under subsection (d)(2)). ~~and money levied as property taxes that~~  
 21 ~~will be distributed by the school corporation to the organizer.~~

22 (3) The performance goals and accountability metrics agreed  
 23 upon for the charter school in the charter agreement between the  
 24 organizer and the authorizer **and, for an agreement entered into**  
 25 **or renewed after June 30, 2024, a statement that the school**  
 26 **corporation is prohibited from setting additional performance**  
 27 **goals or accountability metrics.**

28 ~~(4) For an agreement entered into or renewed after June 30,~~  
 29 ~~2023, the process the board is required to follow in determining~~  
 30 ~~whether to renew the agreement.~~

31 **(4) The amount of money levied as property taxes that will be**  
 32 **distributed by the school corporation to the organizer.**

33 **(5) For an agreement entered into or renewed after June 30,**  
 34 **2024, and subject to section 5 of this chapter, the participating**  
 35 **innovation network charter school's enrollment and discipline**  
 36 **policies, including defined attendance areas and enrollment**  
 37 **zones as established by the organizer.**

38 **(6) For an agreement entered into or renewed after June 30,**  
 39 **2024, a provision that the board will automatically renew all**  
 40 **agreements for successive five (5) year terms unless one (1)**  
 41 **party to the agreement provides written notice to the other**  
 42 **party not less than one hundred eighty (180) days before the**



- 1           **date the agreement expires that the party will not be renewing**  
 2           **the agreement.**  
 3           **(7) For an agreement entered into or renewed after June 30,**  
 4           **2024, a statement that the board agrees that the charter**  
 5           **agreement between an organizer and the authorizer of a**  
 6           **participating innovation network charter school supersedes**  
 7           **the agreement entered into under this section.**  
 8           (c) If an organizer and the board enter into an agreement under  
 9           subsection (a), the organizer and the board shall notify the department  
 10          that the agreement has been made under this section within thirty (30)  
 11          days after the agreement is entered into.  
 12          (d) Upon receipt of the notification under subsection (c), for school  
 13          years starting after the date of the agreement:  
 14               (1) the department shall include the participating innovation  
 15               network charter school's performance assessment results under  
 16               IC 20-31-8 when calculating the school corporation's performance  
 17               assessment under rules adopted by the state board;  
 18               (2) the department shall treat the participating innovation network  
 19               charter school in the same manner as a school operated by the  
 20               school corporation when calculating the total amount of state  
 21               funding to be distributed to the school corporation unless  
 22               subsection (e) applies; and  
 23               (3) if requested by a participating innovation network charter  
 24               school that reconstitutes an eligible school, the department may  
 25               use student growth as the state board's exclusive means to  
 26               determine the innovation network charter school's category or  
 27               designation of school improvement under 511 IAC 6.2-10-10 for  
 28               a period of three (3) years. Beginning with the 2019-2020 school  
 29               year, the department may not use student growth as the state  
 30               board's exclusive means to determine an innovation network  
 31               charter school's category or designation of school improvement.  
 32               This subdivision expires July 1, 2023.  
 33          (e) If a participating innovation network school was established  
 34          before January 1, 2016, and for the current school year has a  
 35          complexity index that is greater than the complexity index for the  
 36          school corporation that the innovation network school has contracted  
 37          with, the innovation network school shall be treated as a charter school  
 38          for purposes of determining tuition support. This subsection expires  
 39          June 30, ~~2023~~ 2025.  
 40          (f) *If the board or organizer fails to follow the process described in*  
 41          *subsection (b)(4), **(b)(6)**, the board or organizer may appeal to the*  
 42          *state board. The state board shall hear the appeal in a public meeting*



1 and ensure that the board or organizer follows the renewal process  
 2 specified in the agreement. The board may not terminate an agreement  
 3 until the board has provided evidence to the state board that the board  
 4 has complied with the renewal process specified in the agreement. The  
 5 state board shall issue a decision on an appeal under this subsection  
 6 not later than sixty (60) days after the date the board or organizer  
 7 submitted the appeal to the state board.

8 ~~(g) If an administrative fee is included in an agreement entered into~~  
 9 ~~or renewed after June 30, 2023, under this section, the fee may not~~  
 10 ~~exceed one percent (1%) of the total amount of state tuition support~~  
 11 ~~that is distributed to the school corporation based on the participating~~  
 12 ~~innovation network charter school's student enrollment.~~

13 **(g) An agreement entered into between the board and an**  
 14 **organizer under this section may not be altered without approval**  
 15 **from the organizer.**

16 SECTION 11. IC 20-25.7-5-3, AS AMENDED BY P.L.246-2023,  
 17 SECTION 32, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 18 JULY 1, 2024]: Sec. 3. (a) For as long as a charter school remains a  
 19 participating innovation network charter school: ~~the school corporation~~  
 20 ~~may:~~

21 (1) **the school corporation may** provide transportation for  
 22 students attending the participating innovation network charter  
 23 school;

24 (2) **the school corporation may** maintain and repair the  
 25 buildings and grounds used by the participating innovation  
 26 network charter school consistent with the maintenance and repair  
 27 to the school corporation's other buildings and grounds; ~~and~~

28 (3) **the school corporation may** enter into an agreement to  
 29 transfer the ownership of a school corporation facility to the  
 30 organizer; ~~and~~

31 **(4) the school corporation may not alter the use of the facility**  
 32 **occupied by the participating innovation network charter**  
 33 **school without agreement from the organizer.**

34 (b) If an organizer contracts with a school corporation for goods or  
 35 services, the school corporation may not charge the organizer more for  
 36 the goods or services than the school corporation pays for the goods or  
 37 services. A school corporation may not require an organizer to contract  
 38 for specific goods or services provided by the school corporation or any  
 39 other entity.

40 (c) A school corporation and an organizer may negotiate to require  
 41 specific services with regard to a participating innovation network  
 42 charter school during the term of an agreement. However, an organizer



1 must be able to select the service provider for the services.

2 (d) For as long as a charter school remains a participating  
3 innovation network charter school, the school corporation may  
4 distribute money levied as property taxes to the charter school. Property  
5 taxes distributed to a charter school must be used only for a purpose for  
6 which the property taxes could have been used by the school  
7 corporation. Property taxes distributed under this subsection may  
8 supplement services and property provided under subsection (a) or (b).  
9 The parties may jointly modify an agreement described in section 2 of  
10 this chapter to implement this subsection.

11 (e) An agreement concerning the transfer of ownership of a school  
12 corporation facility described in subsection (a) is not subject to  
13 IC 20-26-7.1.

14 **(f) A school corporation may not charge an organizer for goods  
15 and services unless:**

16 **(1) the organizer is receiving a pro rata share of funds from  
17 any operating fund property tax levy paid to the school  
18 corporation under IC 20-46-1 in which the participating  
19 innovation network charter school is located; and**

20 **(2) the school corporation transfers the pro rata share  
21 described in subdivision (1) from the school corporation's  
22 operating referendum tax levy fund to the participating  
23 innovation network charter school.**

24 SECTION 12. IC 20-25.7-5-6 IS ADDED TO THE INDIANA  
25 CODE AS A NEW SECTION TO READ AS FOLLOWS  
26 [EFFECTIVE JULY 1, 2024]: **Sec. 6. (a) A school corporation that  
27 enters into an agreement with an organizer under this chapter  
28 shall distribute one hundred percent (100%) of state tuition  
29 support dollars that the school corporation receives from student  
30 enrollment in the participating innovation network charter school  
31 in accordance with the school funding formula to the participating  
32 innovation network charter school.**

33 **(b) Unless an agreement entered into before July 1, 2024,  
34 between a board and an organizer provides otherwise, all  
35 participating innovation network charter schools operating under  
36 existing agreements with boards as of July 1, 2024, will receive  
37 funds as required under subsection (a).**

38 SECTION 13. IC 20-26-7.1-1, AS AMENDED BY P.L.189-2023,  
39 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
40 UPON PASSAGE]: **Sec. 1. (a) For purposes of this section, "charter  
41 school" does not include a virtual charter school or adult high  
42 school.**



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- (b)** This chapter does not apply to the following:
  - (1) A school building that since July 1, 2011, is leased or loaned by the school corporation that owns the school building to another entity, if the entity is not a building corporation or other entity that is related in any way to, or created by, the school corporation or the governing body.
  - ~~(2) A school corporation that distributes money that is received as part of a tax levy collected under IC 20-46-1 or IC 20-46-9 to an applicable charter school.~~
  - (2) A school corporation in which the county auditor distributes revenue as required under IC 20-46-1-21 to each charter school described in IC 20-46-1-21(b).**
  - (3) A school corporation to which the following apply:**
    - (A) The school corporation approves a resolution to impose an operating referendum tax levy under IC 20-46-1 that includes sharing the revenue from the referendum tax levy in the amounts described in clause (B) with each charter school that:**
      - (i) a student who resides within the attendance area of the school corporation attends; and**
      - (ii) elects to participate in the referendum.**
    - (B) The amount of referendum tax levy revenue that the school corporation is required to share with each charter school under the resolution described in clause (A) is equal to the amount determined applying the formula under IC 20-46-1-21(d).**
    - (C) The referendum tax levy described in clause (A) is approved by the voters.**
    - (D) The school corporation distributes the amounts described in clause (B) to each charter school described in clause (A).**

SECTION 14. IC 20-26-11-6, AS AMENDED BY P.L.30-2010, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 6. (a) A school corporation may accept a transferring student without approval of the transferor corporation under section 5 of this chapter.

~~(b) A transfer may be accepted regardless of whether, as a condition of the transfer, the transferee school requires the requesting parents or student to pay transfer tuition in an amount determined under the formula established in section 13 of this chapter for the payment of transfer tuition by a transferor school corporation. However, if the transferee school elects to charge transfer tuition, the transferee school~~



1 may not offset the amounts described in section 13(b) STEP TWO (B)  
 2 through section 13(b) STEP TWO (D) of this chapter from the amount  
 3 charged to the requesting parents or student.

4 (c) When the transferee school elects to charge tuition to the  
 5 requesting parents or student, the tuition determined under subsection  
 6 (b) must be paid by the parents or the student before the end of the  
 7 school year in installments as determined by the transferee corporation.

8 (d) Failure to pay a tuition installment that is agreed to by the  
 9 parents or student and the transferee school corporation is a ground for  
 10 exclusion from school.

11 (e) If the transferee school elects not to charge transfer tuition to the  
 12 parents or student under this section, the transferee school may not  
 13 charge transfer tuition or fees to the transferor school.

14 SECTION 15. IC 20-26-11-6.7, AS AMENDED BY P.L.92-2020,  
 15 SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 16 JULY 1, 2024]: Sec. 6.7. (a) This section:

17 (1) applies to a school corporation that does not have a policy of  
 18 accepting transfer students having legal settlement outside the  
 19 attendance area of the transferee school corporation; and

20 (2) does not apply to a school corporation that has more than one  
 21 (1) high school.

22 (b) Notwithstanding this chapter, a school corporation shall accept  
 23 a transferring student who resides in Indiana and who does not have  
 24 legal settlement in the school corporation if:

25 (1) the student attended a state accredited nonpublic elementary  
 26 school located in the attendance area of the transferee school  
 27 corporation for at least two (2) school years immediately  
 28 preceding the school year in which the student transfers to a high  
 29 school in the transferee school corporation under this section;

30 (2) the student is transferring because the state accredited  
 31 nonpublic school from which the student is transferring does not  
 32 offer grades 9 through 12; **and**

33 (3) the majority of the students in the same grade as the  
 34 transferring student at the state accredited nonpublic school have  
 35 legal settlement in the transferee school corporation and will  
 36 attend a school under the authority of the transferee school  
 37 corporation; and

38 (4) (3) the transferee school corporation has the capacity to accept  
 39 students.

40 (c) If the number of students who request to transfer to a transferee  
 41 school corporation under this section causes the school corporation to  
 42 exceed the school corporation's maximum student capacity, the





1 governing body shall determine which students will be admitted as  
 2 transfer students by a random drawing in a public meeting.

3 SECTION 16. IC 20-32-8.7-5, AS AMENDED BY P.L.171-2023,  
 4 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 5 JULY 1, 2024]: Sec. 5. (a) The student learning recovery grant program  
 6 is established to provide grants to an eligible entity for the purpose of  
 7 providing recovery learning and remediation to students in  
 8 kindergarten through grade 12 who:

- 9 (1) have experienced learning loss;
- 10 (2) have fallen behind in acquiring anticipated grade level  
 11 academic skills and knowledge;
- 12 (3) have scored below academic standards or average  
 13 benchmarks; or
- 14 (4) are at risk of falling below academic standards.

15 ~~due to the disruption in student education caused by the coronavirus~~  
 16 ~~disease (COVID-19) pandemic and insufficient instructional~~  
 17 ~~alternatives.~~

18 (b) The department shall administer the program.

19 (c) The department may award grants to eligible entities under the  
 20 program. ~~in state fiscal year 2024 and state fiscal year 2025 from funds~~  
 21 ~~appropriated during the 2021 regular session of the Indiana general~~  
 22 ~~assembly that have not been obligated.~~

23 SECTION 17. IC 20-32-8.7-7, AS AMENDED BY P.L.171-2023,  
 24 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 25 JULY 1, 2024]: Sec. 7. ~~(a)~~ To be eligible to receive a grant under this  
 26 chapter, an eligible entity must do the following:

- 27 (1) Apply on a form and in a manner established by the  
 28 department.
- 29 (2) Apply by a date established by the department.
- 30 (3) Develop and submit to the department a student learning  
 31 recovery plan that meets the requirements in section 8 of this  
 32 chapter and any other requirements established by the department.  
 33 ~~including a requirement that a school corporation or charter~~  
 34 ~~school identified in the plan provide a matching grant in an~~  
 35 ~~amount determined by the department.~~
- 36 (4) Specify the amount requested in the student learning recovery  
 37 plan submitted by the eligible entity under subdivision (3).

38 ~~(b) If a school corporation or charter school is required to provide~~  
 39 ~~a matching grant as part of a student learning recovery plan, the~~  
 40 ~~matching grant may only consist of federal funds received by the~~  
 41 ~~school corporation or charter school.~~

42 SECTION 18. IC 20-32-8.7-8, AS AMENDED BY P.L.216-2021,



1 SECTION 32, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
2 JULY 1, 2024]: Sec. 8. (a) To be eligible to receive a grant under this  
3 chapter, an eligible entity must develop and submit to the department  
4 a student learning recovery plan to provide recovery learning to  
5 students of the eligible entity described in section 5(a) of this chapter.

6 (b) A plan developed under subsection (a) must do the following:

7 (1) Address learning loss associated with the purpose of the  
8 program described in section 5(a) of this chapter.

9 (2) Identify metrics to measure learning recovery under the  
10 program as well as the proposed measurable and specific  
11 improvements to be made to demonstrate learning recovery.

12 (3) Provide for recovery learning to be offered in an in person  
13 setting, and may not offer recovery learning in a virtual setting.

14 ~~(4) Include requirements that if the eligible entity receives any  
15 federal grants or money for a similar purpose in which the eligible  
16 entity is requesting a grant under this chapter, the eligible entity  
17 must use the federal grant or money before using any grant money  
18 awarded by the department under section 9 of this chapter.~~

19 SECTION 19. IC 20-32-8.7-13, AS AMENDED BY P.L. 171-2023,  
20 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
21 JULY 1, 2024]: Sec. 13. (a) Not later than July 1 ~~2023~~, ~~and July 1,~~  
22 ~~2024~~, **of each year**, the department shall prepare an annual report that  
23 includes the following:

24 (1) A list of all of the eligible entities that participated in the  
25 program.

26 (2) The amount of the grant awarded to each participating eligible  
27 entity.

28 (3) The total amount of grants awarded under this chapter.

29 (b) The department shall submit the report described in subsection  
30 (a) to the:

31 (1) governor; and

32 (2) legislative council in an electronic format under IC 5-14-6.

33 SECTION 20. IC 20-32-8.7-15 IS REPEALED [EFFECTIVE JULY  
34 1, 2024]. ~~Sec. 15: There is appropriated to the fund one hundred fifty  
35 million dollars (\$150,000,000) from the state general fund for the  
36 purposes of providing grants under this chapter for the state fiscal year  
37 beginning July 1, 2020; and ending June 30, 2021. Funds appropriated  
38 under this section do not revert to the state general fund and remain  
39 available to be spent for purposes of the program.~~

40 SECTION 21. IC 20-32-8.7-16 IS REPEALED [EFFECTIVE JULY  
41 1, 2024]. ~~Sec. 16: This chapter expires July 1, 2025.~~

42 SECTION 22. IC 20-35-6-5 IS ADDED TO THE INDIANA CODE



1 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
2 1, 2024]: **Sec. 5. (a) This section applies to a due process hearing (as  
3 defined in 511 IAC 7-32-27) and expedited due process hearing (as  
4 defined in 511 IAC 7-32-37).**

5 **(b) In the event a parent agrees to participate in a:**

6 **(1) mediation (as described in 511 IAC 7-45-2); or**

7 **(2) facilitated individualized education program (IEP)  
8 meeting through the department;**

9 **and subsequently initiates a due process hearing (as defined in 511  
10 IAC 7-32-27), a public agency (as defined in 511 IAC 7-32-77) shall  
11 have the burden of proof at the subsequent due process hearing (as  
12 defined in 511 IAC 7-32-27), including the burden of persuasion  
13 and production. The burden must be met by a preponderance of  
14 the evidence.**

15 **(c) A public agency (as defined in 511 IAC 7-32-77) shall have  
16 the burden of persuasion and production, for all expedited due  
17 process hearings (as defined in 511 IAC 7-32-37), regardless of  
18 whether a mediation (as described in 511 IAC 7-45-2) or facilitated  
19 IEP meeting was initiated before filing for the expedited due  
20 process hearing (as defined in 511 IAC 7-32-37). The burden must  
21 be met by a preponderance of the evidence.**

22 **(d) The notice of procedural safeguards required under 511  
23 IAC 7-37-1 shall include a description of the requirements  
24 established by this section.**

25 SECTION 23. IC 20-35-6-6 IS ADDED TO THE INDIANA CODE  
26 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
27 1, 2024]: **Sec. 6. (a) A public agency (as defined in 511 IAC 7-32-77)  
28 shall not require as part of a resolution of:**

29 **(1) a due process hearing (as defined in 511 IAC 7-32-27); or**

30 **(2) a dispute relating to the provision of special education  
31 services to a particular student;**

32 **that a parent of a student or an emancipated student enter into or  
33 agree to a nondisclosure, nondisparagement, or confidentiality  
34 agreement or clause.**

35 **(b) The case conference committee shall at least annually  
36 provide the parent of the student or the emancipated student a  
37 copy of this section.**

38 **(c) The department shall include the rights provided to a parent  
39 of a student or an emancipated student under subsection (a) on the  
40 department's website to be located with information describing a  
41 parent's or an emancipated student's due process hearing rights.**

42 SECTION 24. IC 20-46-1-5.5 IS REPEALED [EFFECTIVE JULY



1, 2024]. Sec. 5-5: As used in this chapter, "resolution to extend a referendum levy" refers to a resolution adopted under sections 8 and 8.5 of this chapter to place a referendum on the ballot requesting authority to continue imposing a tax rate, which is the same as or lower than the tax rate previously approved by the voters of the school corporation.

SECTION 25. IC 20-46-1-8, AS AMENDED BY P.L.189-2023, SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 8. (a) Subject to subsections (e), (f), and (g) and this chapter, the governing body of a school corporation may adopt a resolution to place a referendum under this chapter on the ballot for any of the following purposes:

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

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

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

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

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

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

(A) the language for the question required by section 10 of this chapter; ~~or in the case of a resolution to extend a referendum levy certified to the department of local government finance after March 15, 2016, section 10.1 of this chapter;~~ and

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

The language of the public question must include the estimated average percentage increases certified by the county auditor under



1 section ~~10(e) or 10.1(f)~~ **10(d)** of this chapter, as applicable. The  
 2 governing body of the school corporation shall also provide the  
 3 county auditor's certification described in section ~~10(e) or 10.1(f)~~  
 4 **10(d)** of this chapter, as applicable. The department of local  
 5 government finance shall post the values certified by the county  
 6 auditor to the department's website. The department shall review  
 7 the language for compliance with section 10 ~~or 10.1~~ of this  
 8 chapter, whichever is applicable, and either approve or reject the  
 9 language. The department shall send its decision to the governing  
 10 body of the school corporation not more than ten (10) days after  
 11 the resolution is submitted to the department. If the language is  
 12 approved, the governing body of the school corporation shall  
 13 certify a copy of the resolution, including the language for the  
 14 question and the department's approval.

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

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

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

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

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

25 (e) Except as provided in section 21 of this chapter, the resolution  
 26 described in subsection (a) must indicate whether proceeds in the  
 27 school corporation's education fund collected from a tax levy under this  
 28 chapter will be used to provide a distribution to a charter school or  
 29 charter schools, excluding a virtual charter school, under IC 20-40-3-5  
 30 as well as the amount that will be distributed to the particular charter  
 31 school or charter schools. A school corporation may request from the  
 32 designated charter school or charter schools any financial  
 33 documentation necessary to demonstrate the financial need of the  
 34 charter school or charter schools.

35 (f) This subsection applies to a resolution described in subsection  
 36 (a) for a county described in section 21(a) of this chapter that is  
 37 adopted after May 10, 2023. The resolution described in subsection (a)  
 38 shall include a projection of the amount that the school corporation  
 39 expects to be distributed to a particular charter school, excluding  
 40 virtual charter schools or adult high schools, under section 21 of this  
 41 chapter if the charter school voluntarily elects to participate in the  
 42 referendum in the manner described in subsection (i). At least sixty



1 (60) days before the resolution described in subsection (a) is voted on  
 2 by the governing body, the school corporation shall contact the  
 3 department to determine the number of students in kindergarten  
 4 through grade 12 who have legal settlement in the school corporation  
 5 but attend a charter school, excluding virtual charter schools or adult  
 6 high schools, and who receive not more than fifty percent (50%) virtual  
 7 instruction. The department shall provide the school corporation with  
 8 the number of students with legal settlement in the school corporation  
 9 who attend a charter school and who receive not more than fifty percent  
 10 (50%) virtual instruction, which shall be disaggregated for each  
 11 particular charter school, excluding a virtual charter school or adult  
 12 high school. The projection may include an expected increase in  
 13 charter schools during the term the levy is imposed under this chapter.  
 14 The department of local government finance shall prescribe the manner  
 15 in which the projection shall be calculated. The governing body shall  
 16 take into consideration the projection when adopting the revenue  
 17 spending plan under subsection (g).

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

- 21 (1) an estimate of the amount of annual revenue expected to be  
 22 collected if a levy is imposed under this chapter;
- 23 (2) the specific purposes for which the revenue collected from a  
 24 levy imposed under this chapter will be used;
- 25 (3) an estimate of the annual dollar amounts that will be expended  
 26 for each purpose described in subdivision (2); and
- 27 (4) for a resolution for a referendum that is adopted after May 10,  
 28 2023, for a county described in section 21(a) of this chapter, the  
 29 projected revenue that shall be distributed to charter schools as  
 30 provided in subsections (f) and (i). The revenue spending plan  
 31 shall also take into consideration deviations in the proposed  
 32 revenue spending plan if the actual charter school distributions  
 33 exceed or are lower than the projected charter school distributions  
 34 described in subsection (f). The resolution shall include for each  
 35 charter school that elects to participate under subsection (i)  
 36 information described in subdivisions (1) through (3).

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

41 (i) This subsection applies to a resolution described in subsection  
 42 (a) for a county described in section 21(a) of this chapter that is



1 adopted after May 10, 2023. At least forty-five (45) days before the  
 2 resolution described in subsection (a) is voted on by the governing  
 3 body, the school corporation shall contact each charter school,  
 4 excluding virtual charter schools or adult high schools, disclosed by the  
 5 department to the school corporation under subsection (f) to determine  
 6 whether the charter school will participate in the referendum. The  
 7 charter school must respond in writing to the school corporation at least  
 8 fifteen (15) days prior to the date that the resolution described in  
 9 subsection (a) is to be voted on by the governing body. If the charter  
 10 school elects to not participate in the referendum, the school  
 11 corporation may exclude distributions to the charter school under  
 12 section 21 of this chapter and from the projection described in  
 13 subsection (f). If the charter school elects to participate in the  
 14 referendum, the charter school may receive distributions under section  
 15 21 of this chapter and must be included in the projection described in  
 16 subsection (f). In addition, a charter school that elects to participate in  
 17 the referendum under this subsection shall contribute a proportionate  
 18 share of the cost to conduct the referendum based on the total  
 19 combined ADM of the school corporation and any participating charter  
 20 schools.

21 (j) This subsection applies to a resolution described in subsection  
 22 (a) for a county described in section 21(a) of this chapter that is  
 23 adopted after May 10, 2023. At least thirty (30) days before the  
 24 resolution described in subsection (a) is voted on by the governing  
 25 body, the school corporation that is pursuing the resolution and any  
 26 charter school that has elected to participate under subsection (i), shall  
 27 post a referendum disclosure statement on each school's respective  
 28 website that contains the following information:

- 29 (1) The salaries of all employees employed by the school  
 30 corporation or charter school listed from highest salary to lowest  
 31 salary.
- 32 (2) An acknowledgment that the school corporation or charter  
 33 school is not committing any crime described in IC 35-44.1-1.
- 34 (3) A link to the school corporation's or charter school's most  
 35 recent state board of accounts audit on the state board of accounts'  
 36 website.
- 37 (4) The current enrollment of the school corporation or charter  
 38 school disaggregated by student group and race.
- 39 (5) The school corporation's or charter school's high school  
 40 graduation rate.
- 41 (6) The school corporation's or charter school's annual retention  
 42 rate for teachers for the previous five (5) years.



- 1           **(k) The governing body of a school corporation may not seek:**  
 2           **(1) to extend an operating referendum tax levy; or**  
 3           **(2) consecutive operating referendum tax levies.**

4           SECTION 26. IC 20-46-1-8.5 IS REPEALED [EFFECTIVE JULY  
 5 1, 2024]. Sec. 8-5: (a) A resolution to extend a referendum levy must  
 6 be:

- 7           (1) adopted by the governing body of a school corporation; and  
 8           (2) approved in a referendum under this chapter;

9           before December 31 of the final calendar year in which the school  
 10 corporation's previously approved referendum levy is imposed under  
 11 this chapter.

12           (b) For a resolution adopted under this section after May 10, 2023,  
 13 for a county described in section 21(a) of this chapter, the resolution  
 14 must include the projected charter school distributions described in  
 15 section 8(f) of this chapter and indicate the distributions to applicable  
 16 charter schools in accordance with section 21 of this chapter.

17           SECTION 27. IC 20-46-1-10, AS AMENDED BY P.L.189-2023,  
 18 SECTION 32, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 19 JULY 1, 2024]: Sec. 10. (a) This section does not apply to a  
 20 referendum on a resolution certified to the department of local  
 21 government finance after March 15, 2016, to extend a referendum levy:

22           (b) (a) The question to be submitted to the voters in the referendum  
 23 must read as follows:

24           "Shall the school corporation increase property taxes paid to  
 25 schools by homeowners and businesses for \_\_\_\_\_ (insert number  
 26 of years) years immediately following the holding of the  
 27 referendum for the purpose of funding \_\_\_\_\_ (insert short  
 28 description of purposes)? If this public question is approved by  
 29 the voters, the average property tax paid to schools per year on a  
 30 residence would increase by \_\_\_\_\_% (insert the estimated  
 31 average percentage of property tax increase paid to schools on a  
 32 residence within the school corporation as determined under  
 33 subsection (c)) (b)) and the average property tax paid to schools  
 34 per year on a business property would increase by \_\_\_\_\_%  
 35 (insert the estimated average percentage of property tax increase  
 36 paid to schools on a business property within the school  
 37 corporation as determined under subsection (d)) (c)). The most  
 38 recent property tax referendum proposed by the school  
 39 corporation was held in \_\_\_\_\_ (insert year) and \_\_\_\_\_ (insert  
 40 whether the measure passed or failed)."

41           (c) (b) At the request of the governing body of a school corporation  
 42 that proposes to impose property taxes under this chapter, the county





1 auditor of the county in which the school corporation is located shall  
 2 determine the estimated average percentage of property tax increase on  
 3 a homestead to be paid to schools that must be included in the public  
 4 question under subsection ~~(b)~~ (a) as follows:

5 STEP ONE: Determine the average assessed value of a homestead  
 6 located within the school corporation.

7 STEP TWO: For purposes of determining the net assessed value  
 8 of the average homestead located within the school corporation,  
 9 subtract:

10 (A) an amount for the homestead standard deduction under  
 11 IC 6-1.1-12-37 as if the homestead described in STEP ONE  
 12 was eligible for the deduction; and

13 (B) an amount for the supplemental homestead deduction  
 14 under IC 6-1.1-12-37.5 as if the homestead described in STEP  
 15 ONE was eligible for the deduction;

16 from the result of STEP ONE.

17 STEP THREE: Divide the result of STEP TWO by one hundred  
 18 (100).

19 STEP FOUR: Determine the overall average tax rate per one  
 20 hundred dollars (\$100) of assessed valuation for the current year  
 21 imposed on property located within the school corporation.

22 STEP FIVE: For purposes of determining net property tax liability  
 23 of the average homestead located within the school corporation:

24 (A) multiply the result of STEP THREE by the result of STEP  
 25 FOUR; and

26 (B) as appropriate, apply any currently applicable county  
 27 property tax credit rates and the credit for excessive property  
 28 taxes under IC 6-1.1-20.6-7.5(a)(1).

29 STEP SIX: Determine the amount of the school corporation's part  
 30 of the result determined in STEP FIVE.

31 STEP SEVEN: Multiply:

32 (A) the tax rate that will be imposed if the public question is  
 33 approved by the voters; by

34 (B) the result of STEP THREE.

35 STEP EIGHT: Divide the result of STEP SEVEN by the result of  
 36 STEP SIX, expressed as a percentage.

37 ~~(d)~~ (c) At the request of the governing body of a school corporation  
 38 that proposes to impose property taxes under this chapter, the county  
 39 auditor of the county in which the school corporation is located shall  
 40 determine the estimated average percentage of property tax increase on  
 41 a business property to be paid to schools that must be included in the  
 42 public question under subsection ~~(b)~~ (a) as follows:



1 STEP ONE: Determine the average assessed value of business  
2 property located within the school corporation.  
3 STEP TWO: Divide the result of STEP ONE by one hundred  
4 (100).  
5 STEP THREE: Determine the overall average tax rate per one  
6 hundred dollars (\$100) of assessed valuation for the current year  
7 imposed on property located within the school corporation.  
8 STEP FOUR: For purposes of determining net property tax  
9 liability of the average business property located within the school  
10 corporation:  
11 (A) multiply the result of STEP TWO by the result of STEP  
12 THREE; and  
13 (B) as appropriate, apply any currently applicable county  
14 property tax credit rates and the credit for excessive property  
15 taxes under IC 6-1.1-20.6-7.5 as if the applicable percentage  
16 was three percent (3%).  
17 STEP FIVE: Determine the amount of the school corporation's  
18 part of the result determined in STEP FOUR.  
19 STEP SIX: Multiply:  
20 (A) the result of STEP TWO; by  
21 (B) the tax rate that will be imposed if the public question is  
22 approved by the voters.  
23 STEP SEVEN: Divide the result of STEP SIX by the result of  
24 STEP FIVE, expressed as a percentage.  
25 ~~(e)~~ **(d)** The county auditor shall certify the estimated average  
26 percentage of property tax increase on a homestead to be paid to  
27 schools determined under subsection ~~(e)~~; **(b)**, and the estimated  
28 average percentage of property tax increase on a business property to  
29 be paid to schools determined under subsection ~~(d)~~; **(c)**, in a manner  
30 prescribed by the department of local government finance, and provide  
31 the certification to the governing body of the school corporation that  
32 proposes to impose property taxes.  
33 SECTION 28. IC 20-46-1-10.1 IS REPEALED [EFFECTIVE JULY  
34 1, 2024]. See: 40-1. (a) This section applies only to a referendum to  
35 allow a school corporation to extend a referendum levy.  
36 ~~(b)~~ The question to be submitted to the voters in the referendum  
37 must read as follows:  
38 "Shall the school corporation continue to impose increased  
39 property taxes paid to the school corporation by homeowners and  
40 businesses for \_\_\_\_\_ (insert number of years) years immediately  
41 following the holding of the referendum for the purpose of  
42 funding \_\_\_\_\_ (insert short description of purposes)? The



1 property tax increase requested in this referendum was originally  
 2 approved by the voters in \_\_\_\_\_ (insert the year in which the  
 3 referendum tax levy was approved) and if extended will increase  
 4 the average property tax paid to the school corporation per year on  
 5 a residence within the school corporation by \_\_\_\_\_% (insert the  
 6 estimated average percentage of property tax increase on a  
 7 residence within the school corporation) and if extended will  
 8 increase the average property tax paid to the school corporation  
 9 per year on a business property within the school corporation by  
 10 \_\_\_\_\_% (insert the estimated average percentage of property tax  
 11 increase on a business within the school corporation).".

12 (c) The number of years for which a referendum tax levy may be  
 13 extended if the public question under this section is approved may not  
 14 exceed eight (8) years:

15 (d) At the request of the governing body of a school corporation that  
 16 proposes to impose property taxes under this chapter, the county  
 17 auditor of the county in which the school corporation is located shall  
 18 determine the estimated average percentage of property tax increase on  
 19 a homestead to be paid to the school corporation that must be included  
 20 in the public question under subsection (b) as follows:

21 STEP ONE: Determine the average assessed value of a homestead  
 22 located within the school corporation.

23 STEP TWO: For purposes of determining the net assessed value  
 24 of the average homestead located within the school corporation;  
 25 subtract:

26 (A) an amount for the homestead standard deduction under  
 27 IC 6-1.1-12-37 as if the homestead described in STEP ONE  
 28 was eligible for the deduction; and

29 (B) an amount for the supplemental homestead deduction  
 30 under IC 6-1.1-12-37.5 as if the homestead described in STEP  
 31 ONE was eligible for the deduction;

32 from the result of STEP ONE.

33 STEP THREE: Divide the result of STEP TWO by one hundred  
 34 (100):

35 STEP FOUR: Determine the overall average tax rate per one  
 36 hundred dollars (\$100) of assessed valuation for the current year  
 37 imposed on property located within the school corporation.

38 STEP FIVE: For purposes of determining net property tax liability  
 39 of the average homestead located within the school corporation:

40 (A) multiply the result of STEP THREE by the result of STEP  
 41 FOUR; and

42 (B) as appropriate, apply any currently applicable county



1           property tax credit rates and the credit for excessive property  
2           taxes under IC 6-1.1-20.6-7.5(a)(1).  
3           STEP SIX: Determine the amount of the school corporation's part  
4           of the result determined in STEP FIVE.  
5           STEP SEVEN: Multiply:  
6           (A) the tax rate that will be imposed if the public question is  
7           approved by the voters; by  
8           (B) the result of STEP THREE.  
9           STEP EIGHT: Divide the result of STEP SEVEN by the result of  
10          STEP SIX, expressed as a percentage.  
11          (e) At the request of the governing body of a school corporation that  
12          proposes to impose property taxes under this chapter, the county  
13          auditor of the county in which the school corporation is located shall  
14          determine the estimated average percentage of property tax increase on  
15          a business property to be paid to the school corporation that must be  
16          included in the public question under subsection (b) as follows:  
17          STEP ONE: Determine the average assessed value of business  
18          property located within the school corporation.  
19          STEP TWO: Divide the result of STEP ONE by one hundred  
20          (100).  
21          STEP THREE: Determine the overall average tax rate per one  
22          hundred dollars (\$100) of assessed valuation for the current year  
23          imposed on property located within the school corporation.  
24          STEP FOUR: For purposes of determining net property tax  
25          liability of the average business property located within the school  
26          corporation:  
27          (A) multiply the result of STEP TWO by the result of STEP  
28          THREE; and  
29          (B) as appropriate, apply any currently applicable county  
30          property tax credit rates and the credit for excessive property  
31          taxes under IC 6-1.1-20.6-7.5 as if the applicable percentage  
32          was three percent (3%).  
33          STEP FIVE: Determine the amount of the school corporation's  
34          part of the result determined in STEP FOUR.  
35          STEP SIX: Multiply:  
36          (A) the result of STEP TWO; by  
37          (B) the tax rate that will be imposed if the public question is  
38          approved by the voters.  
39          STEP SEVEN: Divide the result of STEP SIX by the result of  
40          STEP FIVE, expressed as a percentage.  
41          (f) The county auditor shall certify the estimated average percentage  
42          of property tax increase on a homestead to be paid to the school



1 corporation determined under subsection (d); and the estimated average  
 2 percentage of property tax increase on a business property to be paid  
 3 to the school corporation determined under subsection (e); in a manner  
 4 prescribed by the department of local government finance; and provide  
 5 the certification to the governing body of the school corporation that  
 6 proposes to impose property taxes:

7 SECTION 29. IC 20-46-1-11, AS AMENDED BY P.L.38-2021,  
 8 SECTION 63, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 9 JULY 1, 2024]: Sec. 11. ~~Except as provided in section 10.1(e) of this~~  
 10 ~~chapter~~, The voters in a referendum may not approve a levy that is  
 11 imposed for more than the following:

12 (1) For a referendum before July 1, 2017, seven (7) years.

13 (2) For a referendum after June 30, 2017, eight (8) years.

14 ~~However, a levy may be reimposed or extended under this chapter.~~

15 SECTION 30. IC 20-46-1-21, AS ADDED BY P.L.189-2023,  
 16 SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 17 JULY 1, 2024]: Sec. 21. (a) This section applies to revenue received  
 18 from a resolution that is approved by the governing body to impose a  
 19 referendum levy under section 8 ~~or 8.5~~ of this chapter after May 10,  
 20 2023, for a school corporation located in:

21 (1) Lake County;

22 (2) Marion County;

23 (3) St. Joseph County; or

24 (4) Vanderburgh County.

25 (b) The county auditor in which the school corporation is located  
 26 shall distribute an amount under subsection (d) to each charter school,  
 27 excluding virtual charter schools or adult high schools, that a student  
 28 who resides within the attendance area of the school corporation  
 29 attends if the charter school elects to participate in the referendum  
 30 under section 8(i) of this chapter. The department shall provide the  
 31 county auditor with data and information necessary for the county  
 32 auditor to determine:

33 (1) which charter schools are eligible to receive a distribution  
 34 under this section; and

35 (2) the number of students who reside within the attendance area  
 36 of the school corporation who are included in the ADM for each  
 37 charter school, excluding virtual charter schools or adult high  
 38 schools, described in subdivision (1).

39 (c) The following schools are not eligible to receive a distribution  
 40 under this section:

41 (1) A virtual charter school.

42 (2) An adult high school.



1 (d) For the purposes of the calculations made in this subsection,  
 2 each eligible school that has entered into an agreement with a school  
 3 corporation to participate as a participating innovation network charter  
 4 school under IC 20-25.7-5 is considered to have an ADM that is  
 5 separate from the school corporation. The amount that the county  
 6 auditor shall distribute to a charter school, excluding virtual charter  
 7 schools or adult high schools, under this section is the amount  
 8 determined in the last STEP of the following STEPS:

9 STEP ONE: Determine, for each charter school, excluding virtual  
 10 charter schools or adult high schools, that is eligible to receive a  
 11 distribution under this section, the number of students who reside  
 12 within the attendance area of the school corporation who are  
 13 currently included in the ADM of the charter school.

14 STEP TWO: Determine the sum of:

- 15 (A) the current ADM count for the school corporation; plus
- 16 (B) total number of all students who reside within the
- 17 attendance area of the school corporation who are currently
- 18 included in the ADM of a charter school, excluding virtual
- 19 charter schools or adult high schools.

20 STEP THREE: Determine the result of:

- 21 (A) the STEP ONE amount; divided by
- 22 (B) the STEP TWO amount.

23 STEP FOUR: Determine the result of:

- 24 (A) the STEP THREE amount; multiplied by
- 25 (B) the amount collected by the county auditor during the most
- 26 recent installment period.

27 SECTION 31. IC 20-51-1-5, AS AMENDED BY P.L.201-2023,  
 28 SECTION 216, IS AMENDED TO READ AS FOLLOWS  
 29 [EFFECTIVE JULY 1, 2024]: Sec. 5. "Eligible student" refers to an  
 30 individual who:

- 31 (1) has legal settlement in Indiana;
- 32 (2) is at least four (4) years of age and less than twenty-two (22)
- 33 years of age ~~on the date in the school year specified in~~  
 34 ~~IC 20-33-2-7;~~ **on October 1 of the applicable school year;**
- 35 (3) either has been or is currently enrolled in a participating
- 36 school; and
- 37 (4) is a member of a household with an annual income of not
- 38 more than four hundred percent (400%) of the amount required
- 39 for the individual to qualify for the federal free or reduced price
- 40 lunch program.

41 SECTION 32. IC 20-51.4-2-4, AS ADDED BY P.L.165-2021,  
 42 SECTION 180, IS AMENDED TO READ AS FOLLOWS



1 [EFFECTIVE JULY 1, 2024]: Sec. 4. "Eligible student" refers to an  
2 individual who:

- 3 (1) has legal settlement in Indiana;  
4 (2) is at least five (5) years of age and less than twenty-two (22)  
5 years of age ~~on the date in the school year specified in~~  
6 ~~IC 20-33-2-7~~; **on October 1 of the applicable school year**;  
7 (3) is a student with a disability at the time the account is  
8 established who requires special education and for whom:  
9 (A) an individualized education program;  
10 (B) a service plan developed under 511 IAC 7-34; or  
11 (C) a choice special education plan developed under 511  
12 IAC 7-49;  
13 has been developed; and  
14 (4) meets the annual income qualification requirement for a  
15 choice scholarship student under IC 20-51-1.

16 SECTION 33. IC 20-52-3-3, AS ADDED BY P.L.168-2022,  
17 SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
18 JULY 1, 2024]: Sec. 3. (a) To be considered an enrichment student, the  
19 student must at a minimum:

- 20 (1) have experienced learning loss;  
21 (2) have fallen behind in acquiring anticipated grade level  
22 academic skills and knowledge;  
23 (3) have scored below academic standards or average  
24 benchmarks; or  
25 (4) be at risk of falling below academic standards.

26 However, the department may establish more stringent criteria for  
27 determining eligibility for a grant under this article.

28 (b) For each school year, the department shall determine, based on  
29 the amount of funds available for the program, the number of grants  
30 that the department will award under the program. The number of  
31 applications approved and the number of grants awarded under this  
32 article by the department for the school year may not exceed the  
33 number determined by the department under this section.

34 (c) ~~Only federal funds may be used to award grants under this~~  
35 ~~article. A grant may not be made under this article after funds received~~  
36 ~~by the department from the Elementary and Secondary School~~  
37 ~~Emergency Relief Fund (ESSER fund) are exhausted.~~

38 SECTION 34. IC 20-52-4-2, AS AMENDED BY P.L.171-2023,  
39 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
40 JULY 1, 2024]: Sec. 2. (a) An enrichment student who currently  
41 maintains an account is entitled to a grant amount, the amount of which  
42 shall be subject to available funding and determined by the department.



1 The department shall deposit the enrichment grant amount under this  
2 section into an enrichment student's account in a manner established by  
3 the department.  
4 (b) ~~Except as provided in~~ **Subject to** subsection (c), at the end of the  
5 year in which an account is established, the parent of an enrichment  
6 student may roll over for use in a subsequent year the amount available  
7 in the enrichment student's account.  
8 (c) **The department shall determine the conditions under which**  
9 an enrichment student's account ~~shall terminate October 1, 2024.~~  
10 **terminates.**  
11 SECTION 35. IC 20-52-7 IS REPEALED [EFFECTIVE JULY 1,  
12 2024]. (Expiration).  
13 SECTION 36. **An emergency is declared for this act.**

