

# HOUSE BILL No. 1641

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 20-18-2-16; IC 20-24; IC 20-25-4-14; IC 20-25.7-5-2; IC 20-26; IC 20-31-9-9; IC 20-35-3-1; IC 20-46-1; IC 36-1-11-1.

**Synopsis:** Charter school matters. Increases the membership of the Indiana charter school board (board) from seven to nine. Authorizes the governor to appoint four members to the board, not more than two of whom may be members of the same political party. (Under current law, the governor appoints two members who may not be members of the same political party.) Provides that the affirmative votes of a majority of the members present are required for the board to take action as opposed to the affirmative votes of a majority of the voting members appointed to the board. Adds a representative from the Arc of Indiana to the list of members who must be included on the state advisory council on the education of children with disabilities. Allows a charter school to limit admissions to allow siblings of student alumni of a charter school or a charter school held by the same organizer to attend the same charter school. Moves certain provisions relating to the purchase or lease of a vacant or unused school building to a new chapter. Makes changes as to the date that a vacant or unused school building is placed on a list of vacant or unused school buildings maintained by the department of education (department). Changes from two years to 90 days the duration for which a school corporation may list a vacant school building as "Unavailable" on the department's list of vacant school buildings. Changes from two years to 90 days the duration for which a vacant school building must be available to a charter school. Provides that if a school corporation does not comply with the requirements to make a vacant or unused school building available to a charter school, the school corporation must deposit the proceeds from the sale of the vacant or unused school building in the  
(Continued next page)

**Effective:** July 1, 2019.

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## Behning

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January 24, 2019, read first time and referred to Committee on Education.

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## Digest Continued

charter school facilities assistance fund. Provides that a school corporation must sell a vacant school building to a nonpublic school that sends a letter of intent to the school corporation to purchase the vacant or unused school building for an amount that is at least 50% of the fair market value of the vacant or unused school building. Requires the governing body of a school corporation that adopts a resolution to place an operating tax levy referendum on the ballot to include a provision that each charter school in the allocation area will receive a part of the proceeds collected from an imposed tax. Requires that the question must be submitted to the voters in the referendum. Requires a school corporation that receives proceeds attributable to property taxes imposed after being approved by the voters in a referendum to distribute a proportional part of the proceeds to each charter school located in the allocation area. Makes conforming amendments.



Introduced

First Regular Session of the 121st General Assembly (2019)

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 2018 Regular and Special Session of the General Assembly.

## HOUSE BILL No. 1641

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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 20-18-2-16, AS AMENDED BY P.L.190-2018,  
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2019]: Sec. 16. (a) "School corporation", for purposes of this  
4 title (except IC 20-20-33, IC 20-26-1 through IC 20-26-5, IC 20-26-7,  
5 **IC 20-26-7.1**, IC 20-28-11.5, IC 20-30-8, IC 20-30-16, and IC 20-43),  
6 means a public school corporation established by Indiana law. The term  
7 includes a:  
8 (1) school city;  
9 (2) school town;  
10 (3) consolidated school corporation;  
11 (4) metropolitan school district;  
12 (5) township school corporation;  
13 (6) county school corporation;  
14 (7) united school corporation; or  
15 (8) community school corporation.

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1 (b) "School corporation", for purposes of IC 20-26-1 through  
 2 IC 20-26-5, ~~and IC 20-26-7~~, **and IC 20-26-7.1**, has the meaning set  
 3 forth in IC 20-26-2-4.

4 (c) "School corporation", for purposes of IC 20-20-33, IC 20-26.5,  
 5 and IC 20-30-8, includes a charter school (as defined in IC 20-24-1-4).

6 (d) "School corporation", for purposes of IC 20-43, has the meaning  
 7 set forth in IC 20-43-1-23.

8 (e) "School corporation", for purposes of IC 20-28-11.5, has the  
 9 meaning set forth in IC 20-28-11.5-3.

10 (f) "School corporation", for purposes of IC 20-35, has the meaning  
 11 set forth in IC 20-35-1-6.

12 (g) "School corporation", for purposes of IC 20-30-16, has the  
 13 meaning set forth in IC 20-30-16-4.

14 SECTION 2. IC 20-24-2.1-1, AS AMENDED BY P.L.280-2013,  
 15 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 16 JULY 1, 2019]: Sec. 1. (a) The Indiana charter school board is  
 17 established for the purpose of authorizing charter schools throughout  
 18 Indiana.

19 (b) The charter board is a statewide charter school authorizer  
 20 composed of the following ~~seven (7)~~ **nine (9)** members appointed to  
 21 four (4) year terms:

22 (1) ~~Two (2)~~ **Four (4)** members ~~who may not be members of the~~  
 23 ~~same political party~~; appointed by the governor. **Not more than**  
 24 **two (2) members appointed under this subdivision may be**  
 25 **members of the same political party.**

26 (2) One **(1)** member who has previous experience with or on  
 27 behalf of charter schools appointed by the state superintendent.

28 (3) Four (4) members, who may not be legislators, appointed as  
 29 follows:

30 (A) One (1) member appointed by the president pro tempore  
 31 of the senate.

32 (B) One (1) member appointed by the minority leader of the  
 33 senate.

34 (C) One (1) member appointed by the speaker of the house of  
 35 representatives.

36 (D) One (1) member appointed by the minority leader of the  
 37 house of representatives.

38 A member appointed under this subsection may not be removed by the  
 39 member's appointing authority without cause before the end of the full  
 40 four (4) year term.

41 (c) The governor shall appoint the chairperson of the charter board.

42 (d) A majority of the members appointed to the charter board



1 constitutes a quorum. The affirmative votes of a majority of the ~~voting~~  
 2 members ~~appointed to the charter board present~~ are required for the  
 3 charter board to take action.

4 (e) Each member of the charter board who is not a state employee  
 5 is entitled to the minimum salary per diem provided by  
 6 IC 4-10-11-2.1(b). The member is also entitled to reimbursement for  
 7 traveling expenses as provided under IC 4-13-1-4 and other expenses  
 8 actually incurred in connection with the member's duties as provided  
 9 in the state policies and procedures established by the Indiana  
 10 department of administration and approved by the budget agency.

11 (f) Members appointed to the charter board must collectively  
 12 possess strong experience and expertise in:

- 13 (1) public and nonprofit governance;
- 14 (2) management;
- 15 (3) finance;
- 16 (4) public school leadership;
- 17 (5) higher education;
- 18 (6) school assessments, curriculum, and instruction; and
- 19 (7) public education law.

20 SECTION 3. IC 20-24-5-5, AS AMENDED BY P.L.215-2018(ss),  
 21 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 22 JULY 1, 2019]: Sec. 5. (a) Except as provided in subsections (b), (c),  
 23 (d), (e), and (f), a charter school must enroll any eligible student who  
 24 submits a timely application for enrollment.

25 (b) This subsection applies if the number of applications for a  
 26 program, class, grade level, or building exceeds the capacity of the  
 27 program, class, grade level, or building. If a charter school receives a  
 28 greater number of applications than there are spaces for students, each  
 29 timely applicant must be given an equal chance of admission. The  
 30 organizer must determine which of the applicants will be admitted to  
 31 the charter school or the program, class, grade level, or building by  
 32 random drawing in a public meeting, with each timely applicant limited  
 33 to one (1) entry in the drawing. However, the organizer of a charter  
 34 school located in a county with a consolidated city shall determine  
 35 which of the applicants will be admitted to the charter school or the  
 36 program, class, grade level, or building by using a publicly verifiable  
 37 random selection process.

38 (c) A charter school may limit new admissions to the charter school  
 39 to:

- 40 (1) ensure that a student who attends the charter school during a  
 41 school year may continue to attend the charter school in  
 42 subsequent years;



- 1 (2) ensure that a student who attends a charter school during a  
 2 school year may continue to attend a different charter school held  
 3 by the same organizer in subsequent years;
- 4 (3) allow the siblings of a student **alumnus or a current student**  
 5 who attends a charter school or a charter school held by the same  
 6 organizer to attend the same charter school the student is  
 7 attending **or the student alumnus attended**;
- 8 (4) allow preschool students who attend a Level 3 or Level 4  
 9 Paths to QUALITY program preschool to attend kindergarten at  
 10 a charter school if the charter school and the preschool provider  
 11 have entered into an agreement to share services or facilities; and
- 12 (5) allow each student who qualifies for free or reduced price  
 13 lunch under the national school lunch program to receive  
 14 preference for admission to a charter school if the preference is  
 15 specifically provided for in the charter school's charter and is  
 16 approved by the authorizer.
- 17 (d) This subsection applies to an existing school that converts to a  
 18 charter school under IC 20-24-11. During the school year in which the  
 19 existing school converts to a charter school, the charter school may  
 20 limit admission to:
- 21 (1) those students who were enrolled in the charter school on the  
 22 date of the conversion; and
- 23 (2) siblings of students described in subdivision (1).
- 24 (e) A charter school may give enrollment preference to children of  
 25 the charter school's founders, governing body members, and charter  
 26 school employees, as long as the enrollment preference under this  
 27 subsection is not given to more than ten percent (10%) of the charter  
 28 school's total population.
- 29 (f) A charter school may not suspend or expel a charter school  
 30 student or otherwise request a charter school student to transfer to  
 31 another school on the basis of the following:
- 32 (1) Disability.
- 33 (2) Race.
- 34 (3) Color.
- 35 (4) Gender.
- 36 (5) National origin.
- 37 (6) Religion.
- 38 (7) Ancestry.
- 39 A charter school student may be expelled or suspended only in a  
 40 manner consistent with discipline rules established under IC 20-24-5.5.
- 41 SECTION 4. IC 20-24-12-4, AS ADDED BY P.L.91-2011,  
 42 SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



1 JULY 1, 2019]: Sec. 4. (a) The charter school facilities assistance fund  
2 is established. The department shall administer the fund.

3 (b) The fund consists of the following:

4 (1) Money appropriated or authorized by the general assembly.

5 (2) The repayment proceeds of loans made to charter schools from  
6 the fund.

7 (3) Any gifts and grants made to the fund or other money required  
8 by law to be deposited in the fund.

9 (4) Any federal grants that are received to capitalize or  
10 supplement the fund.

11 **(5) Money placed into the fund under IC 20-26-7.1-15.**

12 ~~(5)~~ **(6)** Any earnings on money in the fund.

13 (c) The expenses of administering the fund shall be paid from  
14 money in the fund.

15 (d) The treasurer of state shall invest the money in the fund not  
16 currently needed to meet the obligations of the fund in the same  
17 manner as other public funds may be invested.

18 (e) The fund may be used by the department as a revolving fund for  
19 the purposes described in section 2 of this chapter.

20 (f) Money in the fund at the end of a state fiscal year does not revert  
21 to the state general fund.

22 SECTION 5. IC 20-25-4-14, AS ADDED BY P.L.1-2005,  
23 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
24 JULY 1, 2019]: Sec. 14. (a) **Except as provided in IC 20-26-7.1**, a  
25 school city may:

26 (1) sell real estate;

27 (2) transfer personal property; and

28 (3) execute deeds of conveyance and instruments of transfer with  
29 or without covenants of warranty;

30 if, in the opinion of the board, the real estate or personal property  
31 cannot be advantageously used for school or library purposes and can  
32 be sold for its fair cash value.

33 (b) A determination by the board that real estate or personal  
34 property cannot be advantageously used under subsection (a) must be  
35 entered into the record of the minutes of the school city's board.

36 SECTION 6. IC 20-25.7-5-2, AS AMENDED BY P.L.86-2018,  
37 SECTION 174, IS AMENDED TO READ AS FOLLOWS  
38 [EFFECTIVE JULY 1, 2019]: Sec. 2. (a) The board may enter into an  
39 agreement with an organizer to reconstitute an eligible school as a  
40 participating innovation network charter school or to establish a  
41 participating innovation network charter school at a location selected  
42 by the board within the boundary of the school corporation.



1 Notwithstanding ~~IC 20-26-7-1~~, **IC 20-26-7.1**, a participating innovation  
2 network charter school may be established within a vacant school  
3 building.

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

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

10 (2) The amount of state funding, including tuition support (if the  
11 participating innovation network charter school is treated in the  
12 same manner as a school operated by the school corporation  
13 under subsection (d)(2)), and money levied as property taxes that  
14 will be distributed by the school corporation to the organizer.

15 (3) The performance goals and accountability metrics agreed  
16 upon for the charter school in the charter agreement between the  
17 organizer and the authorizer.

18 (c) If an organizer and the board enter into an agreement under  
19 subsection (a), the organizer and the board shall notify the department  
20 that the agreement has been made under this section within thirty (30)  
21 days after the agreement is entered into.

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

24 (1) the department shall include the participating innovation  
25 network charter school's performance assessment results under  
26 IC 20-31-8 when calculating the school corporation's performance  
27 assessment under rules adopted by the state board;

28 (2) the department shall treat the participating innovation network  
29 charter school in the same manner as a school operated by the  
30 school corporation when calculating the total amount of state  
31 funding to be distributed to the school corporation unless  
32 subsection (e) applies; and

33 (3) if requested by a participating innovation network charter  
34 school that reconstitutes an eligible school, the department may  
35 use student growth as the state board's exclusive means to  
36 determine the innovation network charter school's category or  
37 designation of school improvement under 511 IAC 6.2-10-10 for  
38 a period of three (3) years.

39 (e) If a participating innovation network school was established  
40 before January 1, 2016, and for the current school year has a  
41 complexity index that is greater than the complexity index for the  
42 school corporation that the innovation network school has contracted





1 with, the innovation network school shall be treated as a charter school  
 2 for purposes of determining tuition support. This subsection expires  
 3 June 30, 2019.

4 SECTION 7. IC 20-26-1-1, AS AMENDED BY P.L.185-2017,  
 5 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 6 JULY 1, 2019]: Sec. 1. Except as otherwise provided, IC 20-26-1  
 7 through IC 20-26-5, ~~and~~ IC 20-26-7, **and IC 20-26-7.1** apply to all  
 8 school corporations.

9 SECTION 8. IC 20-26-2-1, AS ADDED BY P.L.1-2005, SECTION  
 10 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,  
 11 2019]: Sec. 1. Notwithstanding IC 20-18-2, the definitions in this  
 12 chapter apply in IC 20-26-1 through IC 20-26-5, ~~and~~ IC 20-26-7, **and**  
 13 **IC 20-26-7.1.**

14 SECTION 9. IC 20-26-5-4, AS AMENDED BY P.L.244-2017,  
 15 SECTION 42, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 16 JULY 1, 2019]: Sec. 4. (a) In carrying out the school purposes of a  
 17 school corporation, the governing body acting on the school  
 18 corporation's behalf has the following specific powers:

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

25 (2) To take charge of, manage, and conduct the educational affairs  
 26 of the school corporation and to establish, locate, and provide the  
 27 necessary schools, school libraries, other libraries where  
 28 permitted by law, other buildings, facilities, property, and  
 29 equipment.

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

38 (A) the purchase of meals, decorations, memorabilia, or  
 39 awards;

40 (B) provision for expenses incurred in interviewing job  
 41 applicants; or

42 (C) developing relations with other governmental units.



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



1 in general and to the supervisory control of state agencies as  
 2 provided in section 6 of this chapter.

3 (6) To sell or exchange real or personal property or interest in real  
 4 or personal property that, in the opinion of the governing body, is  
 5 not necessary for school purposes, in accordance with IC 20-26-7  
 6 **and IC 20-26-7.1**, to demolish or otherwise dispose of the  
 7 property if, in the opinion of the governing body, the property is  
 8 not necessary for school purposes and is worthless, and to pay the  
 9 expenses for the demolition or disposition.

10 (7) To lease any school property for a rental that the governing  
 11 body considers reasonable or to permit the free use of school  
 12 property for:

13 (A) civic or public purposes; or

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

31 (8) To do the following:

32 (A) Employ, contract for, and discharge superintendents,  
 33 supervisors, principals, teachers, librarians, athletic coaches  
 34 (whether or not they are otherwise employed by the school  
 35 corporation and whether or not they are licensed under  
 36 IC 20-28-5), business managers, superintendents of buildings  
 37 and grounds, janitors, engineers, architects, physicians,  
 38 dentists, nurses, accountants, teacher aides performing  
 39 noninstructional duties, educational and other professional  
 40 consultants, data processing and computer service for school  
 41 purposes, including the making of schedules, the keeping and  
 42 analyzing of grades and other student data, the keeping and



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



1 lunch rooms, the hiring of the necessary personnel to operate the  
 2 lunch program, and the purchase of material and supplies for the  
 3 lunch program, charging students for the operational costs of the  
 4 lunch program, fixing the price per meal or per food item. To  
 5 operate the lunch program as an extracurricular activity, subject  
 6 to the supervision of the governing body. To participate in a  
 7 surplus commodity or lunch aid program.

8 (12) To purchase curricular materials, to furnish curricular  
 9 materials without cost or to rent curricular materials to students,  
 10 and to participate in a curricular materials aid program, all in  
 11 accordance with applicable law.

12 (13) To accept students transferred from other school corporations  
 13 and to transfer students to other school corporations in accordance  
 14 with applicable law.

15 (14) To make budgets, to appropriate funds, and to disburse the  
 16 money of the school corporation in accordance with applicable  
 17 law. To borrow money against current tax collections and  
 18 otherwise to borrow money, in accordance with IC 20-48-1.

19 (15) To purchase insurance or to establish and maintain a  
 20 program of self-insurance relating to the liability of the school  
 21 corporation or the school corporation's employees in connection  
 22 with motor vehicles or property and for additional coverage to the  
 23 extent permitted and in accordance with IC 34-13-3-20. To  
 24 purchase additional insurance or to establish and maintain a  
 25 program of self-insurance protecting the school corporation and  
 26 members of the governing body, employees, contractors, or agents  
 27 of the school corporation from liability, risk, accident, or loss  
 28 related to school property, school contract, school or school  
 29 related activity, including the purchase of insurance or the  
 30 establishment and maintenance of a self-insurance program  
 31 protecting persons described in this subdivision against false  
 32 imprisonment, false arrest, libel, or slander for acts committed in  
 33 the course of the persons' employment, protecting the school  
 34 corporation for fire and extended coverage and other casualty  
 35 risks to the extent of replacement cost, loss of use, and other  
 36 insurable risks relating to property owned, leased, or held by the  
 37 school corporation. In accordance with IC 20-26-17, to:

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

40 (B) purchase insurance; or

41 (C) establish and maintain a program of self-insurance;

42 to benefit school corporation employees, including accident,



1 sickness, health, or dental coverage, provided that a plan of  
2 self-insurance must include an aggregate stop-loss provision.

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

7 (17) To defend a member of the governing body or any employee  
8 of the school corporation in any suit arising out of the  
9 performance of the member's or employee's duties for or  
10 employment with, the school corporation, if the governing body  
11 by resolution determined that the action was taken in good faith.  
12 To save any member or employee harmless from any liability,  
13 cost, or damage in connection with the performance, including the  
14 payment of legal fees, except where the liability, cost, or damage  
15 is predicated on or arises out of the bad faith of the member or  
16 employee, or is a claim or judgment based on the member's or  
17 employee's malfeasance in office or employment.

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

20 (A) for the government and management of the schools,  
21 property, facilities, and activities of the school corporation, the  
22 school corporation's agents, employees, and pupils and for the  
23 operation of the governing body; and

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

26 (19) To ratify and approve any action taken by a member of the  
27 governing body, an officer of the governing body, or an employee  
28 of the school corporation after the action is taken, if the action  
29 could have been approved in advance, and in connection with the  
30 action to pay the expense or compensation permitted under  
31 IC 20-26-1 through IC 20-26-5, IC 20-26-7, IC 20-40-12, and  
32 IC 20-48-1 or any other law.

33 (20) To exercise any other power and make any expenditure in  
34 carrying out the governing body's general powers and purposes  
35 provided in this chapter or in carrying out the powers delineated  
36 in this section which is reasonable from a business or educational  
37 standpoint in carrying out school purposes of the school  
38 corporation, including the acquisition of property or the  
39 employment or contracting for services, even though the power or  
40 expenditure is not specifically set out in this chapter. The specific  
41 powers set out in this section do not limit the general grant of  
42 powers provided in this chapter except where a limitation is set



1 out in IC 20-26-1 through IC 20-26-5, IC 20-26-7, IC 20-40-12,  
 2 IC 20-40-18 (after December 31, 2018), and IC 20-48-1 by  
 3 specific language or by reference to other law.

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

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

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

9 SECTION 10. IC 20-26-5-12, AS AMENDED BY P.L.2-2006,  
 10 SECTION 118, IS AMENDED TO READ AS FOLLOWS  
 11 [EFFECTIVE JULY 1, 2019]: Sec. 12. Except for IC 20-26-4-1,  
 12 IC 20-26-4-4, and IC 20-26-4-5, the powers given each school  
 13 corporation in IC 20-26-1 through IC 20-26-5, IC 20-26-7,  
 14 IC 20-40-12, and IC 20-48-1 and the limitations on those powers set  
 15 out in IC 20-26-1 through IC 20-26-5, IC 20-26-7, **IC 20-26-7.1**,  
 16 IC 20-40-12, and IC 20-48-1 may not be construed to limit the  
 17 authority of the governing body given by any other statute or rule.

18 SECTION 11. IC 20-26-7-1, AS AMENDED BY P.L.140-2018,  
 19 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 20 JULY 1, 2019]: Sec. 1. (a) ~~As used in this section, "charter school" has~~  
 21 ~~the meaning set forth in IC 20-24-1-4 and includes a group or entity~~  
 22 ~~seeking approval from an authorizer to operate a charter school under~~  
 23 ~~IC 20-24-3.~~

24 ~~(b) (a)~~ Except as otherwise provided in ~~this section~~, **IC 20-26-7.1**,  
 25 if a governing body of a school corporation determines that any real or  
 26 personal property:

27 (1) is no longer needed for school purposes; or

28 (2) should, in the interests of the school corporation, be  
 29 exchanged for other property;

30 the governing body may sell or exchange the property in accordance  
 31 with IC 36-1-11.

32 ~~(c) (b)~~ Money derived from the sale or exchange of property under  
 33 this section shall be placed in the school corporation's operations fund.

34 ~~(d) (c)~~ A governing body may not make a covenant that prohibits the  
 35 sale of real property to another educational institution.

36 ~~(e)~~ This subsection does not apply to a school building that on July  
 37 1, 2011, is leased or loaned by the school corporation that owns the  
 38 school building to another entity; if the entity is not a building  
 39 corporation or other entity that is related in any way to, or created by,  
 40 the school corporation or the governing body. Except as provided in  
 41 subsections (k) through (p), a governing body shall make available for  
 42 lease or purchase to any charter school any school building owned by



1 the school corporation or any other entity that is related in any way to;  
 2 or created by; the school corporation or the governing body; including  
 3 but not limited to a building corporation; that:

4 (1) either:

5 (A) is not used in whole or in part for classroom instruction at  
 6 the time the charter school seeks to lease the building; or

7 (B) appears on the list compiled by the department under  
 8 subsection (f); and

9 (2) was previously used for classroom instruction;

10 in order for the charter school to conduct classroom instruction:

11 (f) Not later than August 1 each calendar year, each governing body  
 12 shall inform the department if a school building that was previously  
 13 used for classroom instruction is closed, unused, or unoccupied. The  
 14 department shall maintain a list of closed, unused, or unoccupied  
 15 school buildings and make the list available on the department's  
 16 Internet web site. Each school corporation shall provide a list of closed,  
 17 unused, or unoccupied buildings to the department by the date set by  
 18 the department. The department must update the list not later than  
 19 fifteen (15) days after being notified of a closed, unused, or unoccupied  
 20 building.

21 (g) A school building that appears for the first time on the  
 22 department's list under subsection (f) shall be designated as  
 23 "Unavailable until (a date two (2) years after the school building first  
 24 appears on the list)" if the governing body of the school corporation  
 25 that owns the school building indicates to the department, on a form  
 26 prescribed by the department, that the school building may be  
 27 reclaimed during that period for classroom instruction. If a governing  
 28 body does not indicate that a school building may be reclaimed, the  
 29 governing body shall designate the school building as "Available" on  
 30 the department's list. The governing body may change the designation  
 31 of a building from unavailable to available at any time. If the  
 32 designation of a school building is "Available" on the department's list,  
 33 the governing body of the school corporation that owns the school  
 34 building may reclaim the school building for classroom instruction at  
 35 any time before the submission of a letter of intent by a charter school  
 36 under subsection (h) by indicating to the department, on a form  
 37 prescribed by the department, that the school desires to reclaim the  
 38 building for classroom instruction. The department shall remove the  
 39 school building from the department's list under subsection (f). If a  
 40 school building remains unused for classroom instruction one (1) year  
 41 after being reclaimed under this subsection, the governing body shall  
 42 designate the school building as "Available" on the department's list.





1 A governing body may reclaim a school building only one (1) time  
2 under this subsection.

3 (h) If a charter school wishes to use a school building on the list  
4 created under subsection (f); the charter school shall send a letter of  
5 intent to the department. Within thirty (30) days after receiving a letter  
6 from a charter school; the department shall notify the school  
7 corporation of the charter school's intent; and, within thirty (30) days  
8 after receiving notification from the department; the school corporation  
9 that owns the school building shall lease the school building to the  
10 charter school for one dollar (\$1) per year for as long as the charter  
11 school uses the school building for classroom instruction or for a term  
12 at the charter school's discretion; or sell the school building to the  
13 charter school for one dollar (\$1). The charter school must begin to use  
14 the school building for classroom instruction not later than two (2)  
15 years after acquiring the school building. If the school building is not  
16 used for classroom instruction within two (2) years after acquiring the  
17 school building; the school building shall be placed on the department's  
18 list under subsection (f). If during the term of the lease the charter  
19 school closes or ceases using the school building for classroom  
20 instruction; the school building shall be placed on the department's list  
21 under subsection (f). If a school building is sold to a charter school  
22 under this subsection and the charter school or any entity related to the  
23 charter school subsequently sells or transfers the school building to a  
24 third party; the charter school or related entity must transfer an amount  
25 equal to the gain in the property minus the adjusted basis (including  
26 costs of improvements to the school building) to the school corporation  
27 that initially sold the vacant school building to the charter school. Gain  
28 and adjusted basis shall be determined in the manner prescribed by the  
29 Internal Revenue Code and the applicable Internal Revenue Service  
30 regulations and guidelines.

31 (i) During the term of a lease under subsection (h); the charter  
32 school is responsible for the direct expenses related to the school  
33 building leased; including utilities; insurance; maintenance; repairs;  
34 and remodeling. The school corporation is responsible for any debt  
35 incurred for or liens that attached to the school building before the  
36 charter school leased the school building.

37 (j) With the exception of a waiver provided in this section; when a  
38 school building is designated as "Available" under subsection (g); the  
39 school building must remain designated as "Available"; unless it is  
40 reclaimed under subsection (g); and may not be sold or otherwise  
41 disposed of for at least two (2) years. When the two (2) year period has  
42 elapsed; the school corporation may sell or otherwise dispose of the



1 school building in accordance with IC 36-1-11.

2 (k) Notwithstanding subsection (e), a governing body may request  
3 a waiver from the department from the requirements of subsection (e).  
4 In order for a governing body to receive a waiver under subsection (n),  
5 the governing body must apply to the department, on a form prescribed  
6 by the department, for the waiver. The application must include a  
7 statement that the governing body believes that a charter school would  
8 not be interested in leasing or purchasing the vacant or unused school  
9 building.

10 (l) If the department receives a waiver request under subsection (k),  
11 the department, within five (5) days after receiving the waiver request  
12 under subsection (k), shall notify each charter school authorizer and  
13 statewide organization representing charter schools in Indiana by  
14 certified mail of the waiver request received under subsection (k). The  
15 notice must include a copy of the governing body's waiver request.

16 (m) Not later than thirty (30) days after a charter school authorizer  
17 or statewide organization representing charter schools in Indiana  
18 receives a notice described in subsection (l), the charter school  
19 authorizer or a statewide organization representing charter schools may  
20 submit a qualified objection to the governing body's request for a  
21 waiver under subsection (k). The qualified objection must be submitted  
22 to the department in writing. In order for an objection to be considered  
23 a qualified objection by the department, the objection must include:

24 (1) the name of the charter school that is interested in leasing or  
25 purchasing the vacant or unused school building; and

26 (2) a time frame, which may not exceed one (1) year from the date  
27 of the objection, in which the charter school intends to begin  
28 providing classroom instruction in the vacant or unused school  
29 building.

30 (n) If the department receives a qualified objection under subsection  
31 (m), the vacant or unused school building shall remain on the  
32 department's list under subsection (f) with the designation with which  
33 the building is listed under subsection (g) at the time the department  
34 receives the waiver request. If the department does not receive a  
35 qualified objection, the department shall grant the governing body's  
36 request for a waiver. A governing body that receives a waiver under  
37 this subsection may sell or otherwise dispose of the unused or vacant  
38 school building in accordance with IC 36-1-11.

39 (o) The governing body of the School City of East Chicago school  
40 corporation may request a waiver from the department from the  
41 requirements of subsection (e) for the Carrie Gosch Elementary School  
42 building. If requested, the department shall grant the waiver. To receive



1 the waiver, the governing body must apply to the department on a form  
2 prescribed by the department.

3 (p) An emergency manager of a distressed school corporation under  
4 IC 6-1.1-20.3 or a fiscally impaired school corporation under  
5 IC 6-1.1-20.3 may sell an existing school building without complying  
6 with the requirements of subsection (e):

7 SECTION 12. IC 20-26-7.1 IS ADDED TO THE INDIANA CODE  
8 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
9 JULY 1, 2019]:

10 **Chapter 7.1. Transfers of Vacant School Buildings to Charter**  
11 **Schools**

12 **Sec. 1. This chapter does not apply to a school building that on**  
13 **July 1, 2011, is leased or loaned by the school corporation that**  
14 **owns the school building to another entity, if the entity is not a**  
15 **building corporation or other entity that is related in any way to,**  
16 **or created by, the school corporation or the governing body.**

17 **Sec. 2. As used in this chapter, "charter school" has the meaning**  
18 **set forth in IC 20-24-1-4 and includes a group or entity seeking**  
19 **approval from an authorizer to operate a charter school under**  
20 **IC 20-24-3.**

21 **Sec. 3. Before a governing body may sell or exchange a building**  
22 **described in this section in accordance with IC 20-25-4-14 or**  
23 **IC 20-26-7-1, and except as provided in sections 9 through 14 of**  
24 **this chapter, a governing body shall make available for lease or**  
25 **purchase to any charter school any school building owned by the**  
26 **school corporation or any other entity that is related in any way to,**  
27 **or created by, the school corporation or the governing body,**  
28 **including but not limited to a building corporation, that:**

29 (1) either:

30 (A) is not used in whole or in part for classroom  
31 instruction at the time the charter school seeks to lease the  
32 building; or

33 (B) appears on the list compiled by the department under  
34 section 4 of this chapter; and

35 (2) was previously used for classroom instruction;  
36 in order for the charter school to conduct classroom instruction.

37 **Sec. 4. (a) When a governing body passes a resolution or other**  
38 **official action to close, no longer use, or no longer occupy a school**  
39 **building that was previously used for classroom instruction, the**  
40 **building shall be placed on a list maintained by the department**  
41 **effective on the date the school building is closed, no longer used,**  
42 **or no longer occupied.**



1           (b) The department shall maintain a list of closed, unused, or  
2 unoccupied school buildings and make the list available on the  
3 department's Internet web site.

4           Sec. 5. (a) A school building that appears for the first time on  
5 the department's list under section 4 of this chapter shall be  
6 designated as "Unavailable until (a date ninety (90) days after the  
7 school building first appears on the list)" if the governing body of  
8 the school corporation that owns the school building indicates to  
9 the department, on a form prescribed by the department, that the  
10 school building may be reclaimed during that period for classroom  
11 instruction.

12           (b) If a governing body does not indicate that a school building  
13 may be reclaimed under subsection (a), the governing body shall  
14 designate the school building as "Available" on the department's  
15 list. The governing body may change the designation of a building  
16 from unavailable to available at any time.

17           (c) If the designation of a school building is "Available" on the  
18 department's list, the governing body of the school corporation  
19 that owns the school building may reclaim the school building for  
20 classroom instruction at any time before the submission of a letter  
21 of intent by a charter school under section 6 of this chapter by  
22 indicating to the department, on a form prescribed by the  
23 department, that the school desires to reclaim the building for  
24 classroom instruction. The department shall remove the school  
25 building from the department's list under section 4 of this chapter.  
26 If a school building remains unused for classroom instruction one  
27 (1) year after being reclaimed under this subsection, the governing  
28 body shall designate the school building as "Available" on the  
29 department's list. A governing body may reclaim a school building  
30 only one (1) time under this subsection.

31           Sec. 6. (a) If a charter school wishes to use a school building on  
32 the department's list created under section 4 of this chapter, the  
33 charter school shall send a letter of intent to the department.

34           (b) Not earlier than thirty (30) days after receiving a letter of  
35 intent submitted by a charter school under subsection (a), the  
36 department shall notify the school corporation of the charter  
37 school's intent, and, within thirty (30) days after receiving  
38 notification from the department, the school corporation that owns  
39 the school building shall lease the school building to the charter  
40 school for one dollar (\$1) per year for as long as the charter school  
41 uses the school building for classroom instruction or for a term at  
42 the charter school's discretion, or sell the school building to the



1 charter school for one dollar (\$1).

2 (c) The charter school must begin to use the school building for  
3 classroom instruction not later than two (2) years after acquiring  
4 the school building under subsection (b). If the school building is  
5 not used for classroom instruction within two (2) years after  
6 acquiring the school building, the school building shall be placed  
7 on the department's list established under section 4 of this chapter.

8 (d) If during the term of the lease the charter school closes or  
9 ceases using the school building for classroom instruction, the  
10 school building shall be placed on the department's list under  
11 section 4 of this chapter.

12 (e) If a school building is sold to a charter school under this  
13 section and the charter school or any entity related to the charter  
14 school subsequently sells or transfers the school building to a third  
15 party, the charter school or related entity must transfer an amount  
16 equal to the gain in the property minus the adjusted basis  
17 (including costs of improvements to the school building) to the  
18 school corporation that initially sold the vacant school building to  
19 the charter school. Gain and adjusted basis shall be determined in  
20 the manner prescribed by the Internal Revenue Code and the  
21 applicable Internal Revenue Service regulations and guidelines.

22 **Sec. 7.** During the term of a lease under section 6(b) of this  
23 chapter, the charter school is responsible for the direct expenses  
24 related to the school building leased, including utilities, insurance,  
25 maintenance, repairs, and remodeling. The school corporation is  
26 responsible for any debt incurred for or liens that attached to the  
27 school building before the charter school leased the school  
28 building.

29 **Sec. 8. (a)** With the exception of a waiver provided in section 9  
30 or 13 of this chapter, when a school building is designated as  
31 "Available" under section 5 of this chapter, the school building  
32 must remain designated as "Available", unless it is reclaimed  
33 under section 5(a) or 5(c) of this chapter, and may not be sold or  
34 otherwise disposed of for at least ninety (90) days. Subject to  
35 subsection (b), when the ninety (90) day period has elapsed, the  
36 school corporation may sell or otherwise dispose of the school  
37 building in accordance with IC 36-1-11.

38 (b) Notwithstanding IC 36-1-11, a school corporation must sell  
39 a vacant school building to a nonpublic school that sends a letter of  
40 intent to the school corporation to purchase the vacant or unused  
41 school building for an amount that is at least fifty percent (50%)  
42 of the fair market value of the vacant or unused school building



1 determined in accordance with IC 36-1-11.

2 **Sec. 9.** Notwithstanding section 3 of this chapter, a governing  
3 body may request a waiver from the department from the  
4 requirements of section 3 of this chapter. In order for a governing  
5 body to receive a waiver under section 12 of this chapter, the  
6 governing body must apply to the department, on a form  
7 prescribed by the department, for the waiver. The application must  
8 include a statement that the governing body believes that a charter  
9 school would not be interested in leasing or purchasing the vacant  
10 or unused school building.

11 **Sec. 10.** If the department receives a waiver request under  
12 section 9 of this chapter, the department, within five (5) days after  
13 receiving the waiver request under section 9 of this chapter, shall  
14 notify each charter school authorizer and statewide organization  
15 representing charter schools in Indiana by certified mail of the  
16 waiver request received under section 9 of this chapter. The notice  
17 must include a copy of the governing body's waiver request.

18 **Sec. 11.** Not later than thirty (30) days after a charter school  
19 authorizer or statewide organization representing charter schools  
20 in Indiana receives a notice described in section 10 of this chapter,  
21 the charter school authorizer or a statewide organization  
22 representing charter schools in Indiana may submit a qualified  
23 objection to the governing body's request for a waiver submitted  
24 under section 9 of this chapter. The qualified objection must be  
25 submitted to the department in writing. In order for an objection  
26 to be considered a qualified objection by the department, the  
27 objection must include:

- 28 (1) the name of the charter school that is interested in leasing  
29 or purchasing the vacant or unused school building; and  
30 (2) a time frame, which may not exceed one (1) year from the  
31 date of the objection, in which the charter school intends to  
32 begin providing classroom instruction in the vacant or unused  
33 school building.

34 **Sec. 12. (a)** If the department receives a qualified objection  
35 under section 11 of this chapter, the vacant or unused school  
36 building shall remain on the department's list under section 4 of  
37 this chapter with the designation with which the building is listed  
38 under section 5 of this chapter at the time the department receives  
39 the waiver request.

40 (b) If the department does not receive a qualified objection  
41 under section 11 of this chapter, the department shall grant the  
42 governing body's request for a waiver. A governing body that



1 receives a waiver under this subsection may sell or otherwise  
 2 dispose of the unused or vacant school building in accordance with  
 3 IC 36-1-11 subject to section 8(b) of this chapter.

4 **Sec. 13. The governing body of the School City of East Chicago**  
 5 **school corporation may request a waiver from the department**  
 6 **from the requirements of section 3 of this chapter for the Carrie**  
 7 **Gosch Elementary School building. If requested, the department**  
 8 **shall grant the waiver. To receive the waiver, the governing body**  
 9 **must apply to the department on a form prescribed by the**  
 10 **department.**

11 **Sec. 14. An emergency manager of a distressed school**  
 12 **corporation under IC 6-1.1-20.3 may sell an existing school**  
 13 **building without complying with the requirements of section 3 of**  
 14 **this chapter.**

15 **Sec. 15. If a school corporation does not comply with the**  
 16 **requirements provided in this chapter, the school corporation shall**  
 17 **deposit any proceeds from the sale of the vacant school building in**  
 18 **the charter school facilities assistance fund established under**  
 19 **IC 20-24-12-4.**

20 SECTION 13. IC 20-31-9-9, AS ADDED BY P.L.33-2014,  
 21 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 22 JULY 1, 2019]: Sec. 9. (a) Not later than December 31 of the fifth year  
 23 of an intervention under this chapter, the state board shall take one (1)  
 24 of the following actions:

- 25 (1) Return the school to the school corporation for operation.
- 26 (2) Direct the special management team to apply to a charter  
 27 school authorizer for charter school status for the school.
- 28 (3) Implement a new intervention under section 4(b) of this  
 29 chapter.

30 (b) In making a determination under this section, the state board  
 31 may consider all relevant factors, including the overall performance of  
 32 the school corporation and the special management team.

33 (c) Before making a final determination to take an action under  
 34 subsection (a), the state board shall hold at least one (1) public hearing  
 35 in the school corporation in which the school is located during the fall  
 36 semester of the fifth year of an intervention to consider and hear  
 37 testimony.

38 (d) If the state board directs the special management team to apply  
 39 for charter school status under subsection (a)(2), the school is entitled  
 40 to continue to use the school's facilities in the same manner as a charter  
 41 school that acquires school facilities under ~~IC 20-26-7-1~~ **IC 20-26-7.1**  
 42 is entitled to use school facilities.



1 SECTION 14. IC 20-35-3-1, AS AMENDED BY P.L.2-2007,  
 2 SECTION 232, IS AMENDED TO READ AS FOLLOWS  
 3 [EFFECTIVE JULY 1, 2019]: Sec. 1. (a) The state superintendent shall  
 4 appoint a state advisory council on the education of children with  
 5 disabilities. The state advisory council's duties consist of providing  
 6 policy guidance concerning special education and related services for  
 7 children with disabilities. The state superintendent shall appoint at least  
 8 seventeen (17) members who serve for a term of four (4) years.  
 9 Vacancies shall be filled in the same manner for the unexpired balance  
 10 of the term.

11 (b) The members of the state advisory council must be:

- 12 (1) citizens of Indiana;
- 13 (2) representative of the state's population; and
- 14 (3) selected on the basis of their involvement in or concern with  
 15 the education of children with disabilities.

16 (c) A majority of the members of the state advisory council must be  
 17 individuals with disabilities or the parents of children with disabilities.  
 18 Members must include the following:

- 19 (1) Parents of children with disabilities.
- 20 (2) Individuals with disabilities.
- 21 (3) Teachers.
- 22 (4) Representatives of postsecondary educational institutions that  
 23 prepare special education and related services personnel.
- 24 (5) State and local education officials.
- 25 (6) Administrators of programs for children with disabilities.
- 26 (7) Representatives of state agencies involved in the financing or  
 27 delivery of related services to children with disabilities, including  
 28 the following:
  - 29 (A) The commissioner of the state department of health or the  
 30 commissioner's designee.
  - 31 (B) The director of the division of disability and rehabilitative  
 32 services or the director's designee.
  - 33 (C) The director of the division of mental health and addiction  
 34 or the director's designee.
  - 35 (D) The director of the department of child services or the  
 36 director's designee.
- 37 (8) Representatives of nonpublic schools and freeway schools.
- 38 (9) One (1) or more representatives of vocational, community, or  
 39 business organizations concerned with the provision of  
 40 transitional services to children with disabilities.
- 41 (10) Representatives of the department of correction.
- 42 (11) A representative from each of the following:





1 (A) The Indiana School for the Blind and Visually Impaired  
2 board.

3 (B) The Indiana School for the Deaf board.

4 **(12) A representative from the Arc of Indiana.**

5 (d) The responsibilities of the state advisory council are as follows:

6 (1) To advise the state superintendent and the state board  
7 regarding all rules pertaining to children with disabilities.

8 (2) To recommend approval or rejection of completed  
9 comprehensive plans submitted by school corporations acting  
10 individually or on a joint school services program basis with other  
11 corporations.

12 (3) To advise the department of unmet needs within Indiana in the  
13 education of children with disabilities.

14 (4) To provide public comment on rules proposed by the state  
15 board regarding the education of children with disabilities.

16 (5) To advise the department in developing evaluations and  
17 reporting data to the United States Secretary of Education under  
18 20 U.S.C. 1418.

19 (6) To advise the department in developing corrective action  
20 plans to address findings identified in federal monitoring reports  
21 under 20 U.S.C. 1400 et seq.

22 (7) To advise the department in developing and implementing  
23 policies related to the coordination of services for children with  
24 disabilities.

25 (e) The state advisory council shall do the following:

26 (1) Organize with a chairperson selected by the state  
27 superintendent.

28 (2) Meet as often as necessary to conduct the council's business  
29 at the call of the chairperson, upon ten (10) days written notice,  
30 but not less than four (4) times a year.

31 (f) Members of the state advisory council are entitled to reasonable  
32 amounts for expenses necessarily incurred in the performance of their  
33 duties.

34 (g) The state superintendent shall do the following:

35 (1) Designate the director to act as executive secretary of the state  
36 advisory council.

37 (2) Furnish all professional and clerical assistance necessary for  
38 the performance of the state advisory council's powers and duties.

39 (h) The affirmative votes of a majority of the members appointed to  
40 the state advisory council are required for the state advisory council to  
41 take action.

42 SECTION 15. IC 20-46-1-8, AS AMENDED BY P.L.138-2016,



1 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
2 JULY 1, 2019]: Sec. 8. (a) Subject to this chapter, the governing body  
3 of a school corporation may adopt a resolution to place a referendum  
4 under this chapter on the ballot for either of the following purposes:

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

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

13 (b) The governing body of the school corporation shall certify a  
14 copy of the resolution to the following:

15 (1) The department of local government finance, including the  
16 language for the question required by section 10 of this chapter,  
17 or in the case of a resolution to extend a referendum levy certified  
18 to the department of local government finance after March 15,  
19 2016, section 10.1 of this chapter. The department shall review  
20 the language for compliance with section 10 or 10.1 of this  
21 chapter, whichever is applicable, and either approve or reject the  
22 language. The department shall send its decision to the governing  
23 body of the school corporation not more than ten (10) days after  
24 the resolution is submitted to the department. If the language is  
25 approved, the governing body of the school corporation shall  
26 certify a copy of the resolution, including the language for the  
27 question and the department's approval.

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

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

32 **(c) Beginning July 1, 2019, a resolution adopted under**  
33 **subsection (a) must specify that a part of the proceeds collected**  
34 **from an allocation area (as defined in IC 6-1.1-21.2-3) that are**  
35 **attributable to property taxes imposed after being approved by the**  
36 **voters in a referendum under this chapter will be distributed to a**  
37 **charter school that is located within the allocation area (as defined**  
38 **in IC 6-1.1-21.2-3).**

39 SECTION 16. IC 20-46-1-8.5, AS ADDED BY P.L.138-2016,  
40 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
41 JULY 1, 2019]: Sec. 8.5. (a) A resolution to extend a referendum levy  
42 must be:



1 (1) adopted by the governing body of a school corporation; and  
 2 (2) approved in a referendum under this chapter;  
 3 before December 31 of the final calendar year in which the school  
 4 corporation's previously approved referendum levy is imposed under  
 5 this chapter.

6 **(b) In addition to the requirements under subsection (a),**  
 7 **beginning July 1, 2019, a resolution to extend a referendum levy**  
 8 **must specify that a part of the proceeds collected from an**  
 9 **allocation area (as defined in IC 6-1.1-21.2-3) that are attributable**  
 10 **to property taxes imposed after being approved by the voters in a**  
 11 **referendum under this chapter will be distributed to a charter**  
 12 **school that is located within the allocation area (as defined in**  
 13 **IC 6-1.1-21.2-3).**

14 SECTION 17. IC 20-46-1-10, AS AMENDED BY P.L.138-2016,  
 15 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 16 JULY 1, 2019]: Sec. 10. (a) This section does not apply to a  
 17 referendum on a resolution certified to the department of local  
 18 government finance after March 15, 2016, to extend a referendum levy.

19 **(b) Before July 1, 2019, the question to be submitted to the voters**  
 20 **in the referendum must read as follows:**

21 "For the \_\_ (insert number) calendar year or years immediately  
 22 following the holding of the referendum, shall the school  
 23 corporation impose a property tax rate that does not exceed  
 24 \_\_\_\_\_ (insert amount) cents (\$0. \_\_) (insert amount) on  
 25 each one hundred dollars (\$100) of assessed valuation and that is  
 26 in addition to all other property taxes imposed by the school  
 27 corporation for the purpose of funding \_\_\_\_\_  
 28 (insert short description of purposes)?"

29 **(c) After June 30, 2019, the question to be submitted to the**  
 30 **voters in the referendum must read as follows:**

31 "For the \_\_ (insert number) calendar year or years  
 32 immediately following the holding of the referendum, shall the  
 33 school corporation impose a property tax rate that does not  
 34 exceed \_\_\_\_\_ (insert amount) cents (\$0. \_\_) (insert  
 35 amount) on each one hundred dollars (\$100) of assessed  
 36 valuation and that is in addition to all other property taxes  
 37 imposed by the school corporation that will be shared with  
 38 each charter school in the allocation area and used for the  
 39 purpose of funding \_\_\_\_\_ (insert short  
 40 description of the purposes)?"

41 SECTION 18. IC 20-46-1-10.1, AS ADDED BY P.L.138-2016,  
 42 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



1 JULY 1, 2019]: Sec. 10.1. (a) This section applies only to a referendum  
2 to allow a school corporation to extend a referendum levy.

3 (b) **Before July 1, 2019**, the question to be submitted to the voters  
4 in the referendum must read as follows:

5 "For the \_\_ (insert number) calendar year or years immediately  
6 following the holding of the referendum, shall the school  
7 corporation continue to impose a property tax rate that does not  
8 exceed \_\_\_\_\_ (insert amount) cents (\$0.\_\_) (insert  
9 amount) on each one hundred dollars (\$100) of assessed valuation  
10 and for the purpose of funding \_\_\_\_\_ (insert  
11 short description of purposes)?

12 The tax rate requested in this referendum was originally approved  
13 by the voters in the \_\_\_\_\_ (insert name of the school  
14 corporation) in \_\_\_\_\_ (insert the year in which the referendum  
15 tax levy was approved).".

16 (c) **After June 30, 2019**, the question to be submitted to the  
17 voters in the referendum must read as follows:

18 "For the \_\_ (insert number) calendar year or years  
19 immediately following the holding of the referendum, shall the  
20 school corporation continue to impose a property tax rate that  
21 does not exceed \_\_\_\_\_ (insert amount) cents (\$0. \_\_)  
22 (insert amount) on each one hundred dollars (\$100) of  
23 assessed valuation that will be shared with each charter  
24 school in the allocation area and used for the purpose of  
25 funding \_\_\_\_\_ (insert short description of  
26 purposes)?

27 The tax rate requested in this referendum was originally  
28 approved by the voters in the \_\_\_\_\_ (insert name of the  
29 school corporation) in \_\_\_\_\_ (insert the year in which the  
30 referendum tax levy was approved).".

31 (e) (d) The number of years for which a referendum tax levy may be  
32 extended if the public question under this section is approved may not  
33 exceed the number of years for which the expiring referendum tax levy  
34 was imposed.

35 SECTION 19. IC 20-46-1-10.5, AS AMENDED BY P.L.257-2013,  
36 SECTION 39, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
37 JULY 1, 2019]: Sec. 10.5. (a) This section applies to taxes first due and  
38 payable in 2012 or a subsequent year.

39 (b) The county auditor shall distribute proceeds collected from an  
40 allocation area (as defined in IC 6-1.1-21.2-3) that are attributable to  
41 property taxes imposed after being approved by the voters in a  
42 referendum conducted after April 30, 2010, to the taxing unit for which



1 the referendum was conducted. **The school corporation for which the**  
 2 **referendum was conducted shall distribute proceeds collected from**  
 3 **the allocation area (as defined in IC 6-1.1-21.2-3) that are**  
 4 **attributable to property taxes imposed after being approved by the**  
 5 **voters in a referendum to each charter school located in the**  
 6 **allocation area. The allotment of proceeds to each charter school**  
 7 **located in the allocation area shall be apportioned according to the**  
 8 **proportion of:**

9 (1) each charter school's current ADM for the year; to

10 (2) the total current ADM for the school corporation and each  
 11 charter school in the allocation area for the year.

12 (c) The amount to be distributed under subsection (b) shall be  
 13 treated as part of the referendum levy for purposes of setting tax rates  
 14 for property taxes imposed after being approved by the voters in a  
 15 referendum conducted after April 30, 2010.

16 (d) For a school corporation that conducted a referendum after  
 17 November 1, 2009, and before May 1, 2010, for distributions after  
 18 2013, the county auditor shall distribute proceeds collected from an  
 19 allocation area (as defined in IC 6-1.1-21.2-3) that are attributable to  
 20 property taxes imposed after being approved by the voters in the  
 21 referendum, to the school corporation for which the referendum was  
 22 conducted. The amount to be distributed to the school corporation shall  
 23 be treated as part of the referendum levy for purposes of setting the  
 24 school corporation's tax rates.

25 SECTION 20. IC 20-46-1-18, AS AMENDED BY P.L.1-2009,  
 26 SECTION 126, IS AMENDED TO READ AS FOLLOWS  
 27 [EFFECTIVE JULY 1, 2019]: Sec. 18. A school corporation's levy may  
 28 not be considered in the determination of the school corporation's **or a**  
 29 **charter school's** state tuition support distribution under IC 20-43 or  
 30 the determination of any other property tax levy imposed by the school  
 31 corporation.

32 SECTION 21. IC 36-1-11-1, AS AMENDED BY P.L.286-2013,  
 33 SECTION 128, IS AMENDED TO READ AS FOLLOWS  
 34 [EFFECTIVE JULY 1, 2019]: Sec. 1. (a) Except as provided in  
 35 subsection (b), this chapter applies to the disposal of property by:

36 (1) political subdivisions; and

37 (2) agencies of political subdivisions.

38 (b) This chapter does not apply to the following:

39 (1) The disposal of property under an urban homesteading  
 40 program under IC 36-7-17 or IC 36-7-17.1.

41 (2) The lease of school buildings under IC 20-47.

42 (3) The sale of land to a lessor in a lease-purchase contract under



- 1 IC 36-1-10.
- 2 (4) The disposal of property by a redevelopment commission
- 3 established under IC 36-7.
- 4 (5) The leasing of property by a board of aviation commissioners
- 5 established under IC 8-22-2 or an airport authority established
- 6 under IC 8-22-3.
- 7 (6) The disposal of a municipally owned utility under IC 8-1.5.
- 8 (7) **Except as provided in sections 5.5 and 5.6 of this chapter,**
- 9 the sale or lease of property by a unit to an Indiana nonprofit
- 10 corporation organized for educational, literary, scientific,
- 11 religious, or charitable purposes that is exempt from federal
- 12 income taxation under Section 501 of the Internal Revenue Code
- 13 or the sale or reletting of that property by the nonprofit
- 14 corporation.
- 15 (8) The disposal of surplus property by a hospital established and
- 16 operated under IC 16-22-1 through IC 16-22-5, IC 16-22-8,
- 17 IC 16-23-1, or IC 16-24-1.
- 18 (9) The sale or lease of property acquired under IC 36-7-13 for
- 19 industrial development.
- 20 (10) The sale, lease, or disposal of property by a local hospital
- 21 authority under IC 5-1-4.
- 22 (11) The sale or other disposition of property by a county or
- 23 municipality to finance housing under IC 5-20-2.
- 24 (12) The disposition of property by a soil and water conservation
- 25 district under IC 14-32.
- 26 (13) The sale, lease, or disposal of property by the health and
- 27 hospital corporation established and operated under IC 16-22-8.
- 28 (14) The disposal of personal property by a library board under
- 29 IC 36-12-3-5(c).
- 30 (15) The sale or disposal of property by the historic preservation
- 31 commission under IC 36-7-11.1.
- 32 (16) The disposal of an interest in property by a housing authority
- 33 under IC 36-7-18.
- 34 (17) The disposal of property under IC 36-9-37-26.
- 35 (18) The disposal of property used for park purposes under
- 36 IC 36-10-7-8.
- 37 (19) The disposal of curricular materials that will no longer be
- 38 used by school corporations under IC 20-26-12.
- 39 (20) The disposal of residential structures or improvements by a
- 40 municipal corporation without consideration to:
- 41 (A) a governmental entity; or
- 42 (B) a nonprofit corporation that is organized to expand the



- 1 supply or sustain the existing supply of good quality,  
 2 affordable housing for residents of Indiana having low or  
 3 moderate incomes.
- 4 (21) The disposal of historic property without consideration to a  
 5 nonprofit corporation whose charter or articles of incorporation  
 6 allows the corporation to take action for the preservation of  
 7 historic property. As used in this subdivision, "historic property"  
 8 means property that is:
- 9 (A) listed on the National Register of Historic Places; or  
 10 (B) eligible for listing on the National Register of Historic  
 11 Places, as determined by the division of historic preservation  
 12 and archeology of the department of natural resources.
- 13 (22) The disposal of real property without consideration to:  
 14 (A) a governmental agency; or  
 15 (B) a nonprofit corporation that exists for the primary purpose  
 16 of enhancing the environment;  
 17 when the property is to be used for compliance with a permit or  
 18 an order issued by a federal or state regulatory agency to mitigate  
 19 an adverse environmental impact.
- 20 (23) The disposal of property to a person under an agreement  
 21 between the person and a political subdivision or an agency of a  
 22 political subdivision under IC 5-23.
- 23 (24) The disposal of residential real property pursuant to a federal  
 24 aviation regulation (14 CFR 150) Airport Noise Compatibility  
 25 Planning Program as approved by the Federal Aviation  
 26 Administration.

