

# SENATE BILL No. 395

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 20-26; IC 20-26.5-2-3; IC 20-33-5; IC 20-40; IC 20-41; IC 20-42-3-10.

**Synopsis:** Elimination of school textbook fees. Requires each public school to provide curricular materials at no cost to each student enrolled in the public school. Establishes the curricular materials fund (fund) to provide state advancements for costs incurred by public schools in providing curricular materials to students at no cost. Provides that the department of education shall administer the fund. Provides that money in the fund is continually appropriated. Provides that a governing body or organizer of a charter school: (1) may purchase from a publisher any curricular materials selected by proper officials; (2) may rent curricular materials to certain nonpublic schools; and (3) may not rent the curricular materials to any student enrolled in any public school. Repeals a requirement that a school corporation must offer curricular materials at a reasonable rate to a family that moves during the school term. Repeals a requirement that a township trustee must use specified accounting methods for a curricular materials rental fund. Makes conforming changes. Appropriates from the state general fund to the office of the secretary of family and social services an amount sufficient to meet maintenance of effort requirements for the state fiscal year beginning July 1, 2023. Makes an appropriation from the state general fund to the curricular materials fund for the state fiscal year beginning July 1, 2023.

**Effective:** Upon passage; July 1, 2023.

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## Hunley

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January 19, 2023, read first time and referred to Committee on Education and Career Development.

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First Regular Session of the 123rd General Assembly (2023)

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 2022 Regular Session of the General Assembly.

# SENATE BILL No. 395



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

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

1 SECTION 1. IC 20-26-5-4, AS AMENDED BY P.L.270-2019,  
2 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2023]: Sec. 4. (a) In carrying out the school purposes of a  
4 school corporation, the governing body acting on the school  
5 corporation's behalf has the following specific powers:  
6 (1) In the name of the school corporation, to sue and be sued and  
7 to enter into contracts in matters permitted by applicable law.  
8 However, a governing body may not use funds received from the  
9 state to bring or join in an action against the state, unless the  
10 governing body is challenging an adverse decision by a state  
11 agency, board, or commission.  
12 (2) To take charge of, manage, and conduct the educational affairs  
13 of the school corporation and to establish, locate, and provide the  
14 necessary schools, school libraries, other libraries where  
15 permitted by law, other buildings, facilities, property, and  
16 equipment.  
17 (3) To appropriate from the school corporation's general fund



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

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

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

12 (C) developing relations with other governmental units.

13 (4) To do the following:

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

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

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

42 (5) To acquire personal property or an interest in personal



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

15 (6) To sell or exchange real or personal property or interest in real  
 16 or personal property that, in the opinion of the governing body, is  
 17 not necessary for school purposes, in accordance with IC 20-26-7  
 18 and IC 20-26-7.1, to demolish or otherwise dispose of the  
 19 property if, in the opinion of the governing body, the property is  
 20 not necessary for school purposes and is worthless, and to pay the  
 21 expenses for the demolition or disposition.

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

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



1 (8) To do the following:

2 (A) Employ, contract for, and discharge superintendents,  
 3 supervisors, principals, teachers, librarians, athletic coaches  
 4 (whether or not they are otherwise employed by the school  
 5 corporation and whether or not they are licensed under  
 6 IC 20-28-5), business managers, superintendents of buildings  
 7 and grounds, janitors, engineers, architects, physicians,  
 8 dentists, nurses, accountants, teacher aides performing  
 9 noninstructional duties, educational and other professional  
 10 consultants, data processing and computer service for school  
 11 purposes, including the making of schedules, the keeping and  
 12 analyzing of grades and other student data, the keeping and  
 13 preparing of warrants, payroll, and similar data where  
 14 approved by the state board of accounts as provided below,  
 15 and other personnel or services as the governing body  
 16 considers necessary for school purposes.

17 (B) Fix and pay the salaries and compensation of persons and  
 18 services described in this subdivision that are consistent with  
 19 IC 20-28-9-1.5.

20 (C) Classify persons or services described in this subdivision  
 21 and to adopt a compensation plan with a salary range that is  
 22 consistent with IC 20-28-9-1.5.

23 (D) Determine the number of the persons or the amount of the  
 24 services employed or contracted for as provided in this  
 25 subdivision.

26 (E) Determine the nature and extent of the duties of the  
 27 persons described in this subdivision.

28 The compensation, terms of employment, and discharge of  
 29 teachers are, however, subject to and governed by the laws  
 30 relating to employment, contracting, compensation, and discharge  
 31 of teachers. The compensation, terms of employment, and  
 32 discharge of bus drivers are subject to and governed by laws  
 33 relating to employment, contracting, compensation, and discharge  
 34 of bus drivers.

35 (9) Notwithstanding the appropriation limitation in subdivision  
 36 (3), when the governing body by resolution considers a trip by an  
 37 employee of the school corporation or by a member of the  
 38 governing body to be in the interest of the school corporation,  
 39 including attending meetings, conferences, or examining  
 40 equipment, buildings, and installation in other areas, to permit the  
 41 employee to be absent in connection with the trip without any loss  
 42 in pay and to reimburse the employee or the member the



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



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

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

10 (B) purchase insurance; or

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

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

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

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

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

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

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



- 1 IC 20-26-1 through IC 20-26-5, IC 20-26-7, **IC 20-26-12-1**,  
 2 IC 20-40-12, and IC 20-48-1 or any other law.
- 3 (20) To exercise any other power and make any expenditure in  
 4 carrying out the governing body's general powers and purposes  
 5 provided in this chapter or in carrying out the powers delineated  
 6 in this section which is reasonable from a business or educational  
 7 standpoint in carrying out school purposes of the school  
 8 corporation, including the acquisition of property or the  
 9 employment or contracting for services, even though the power or  
 10 expenditure is not specifically set out in this chapter. The specific  
 11 powers set out in this section do not limit the general grant of  
 12 powers provided in this chapter except where a limitation is set  
 13 out in IC 20-26-1 through IC 20-26-5, IC 20-26-7, IC 20-40-12,  
 14 IC 20-40-18 (after December 31, 2018), and IC 20-48-1 by  
 15 specific language or by reference to other law.
- 16 (b) A superintendent hired under subsection (a)(8):  
 17 (1) is not required to hold a teacher's license under IC 20-28-5;  
 18 and  
 19 (2) is required to have obtained at least a master's degree from an  
 20 accredited postsecondary educational institution.
- 21 SECTION 2. IC 20-26-5-38, AS ADDED BY P.L.94-2019,  
 22 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 23 JULY 1, 2023]: Sec. 38. (a) As used in this section, "juvenile detention  
 24 facility" refers to the following:  
 25 (1) A juvenile detention facility under IC 31-31-8.  
 26 (2) A juvenile detention center under IC 31-31-9.  
 27 (3) A shelter care facility that is licensed to care for more than ten  
 28 (10) children.
- 29 (b) As used in this section, "school materials" includes curricular  
 30 materials and syllabi for a particular grade level or course. The term  
 31 does not include hardware that will be consumed, accessed, or used by  
 32 a single student during a semester or school year.
- 33 (c) If a child is or will be detained in a juvenile detention facility for  
 34 more than seven (7) calendar days, the school corporation shall, upon  
 35 request by the juvenile detention facility or the child's parent, provide  
 36 to the juvenile detention facility the school materials for the grade level  
 37 or courses in which the child is enrolled or would be enrolled if the  
 38 child were not detained. The school corporation may provide the school  
 39 materials in an electronic format.
- 40 (d) The school corporation shall, upon request by the juvenile  
 41 detention facility or the child's parent, deliver to the juvenile detention  
 42 facility the school materials described in subsection (c) at least once





1 every seven (7) calendar days, excluding any days that are not student  
2 instructional days.

3 (e) ~~Except for the assessment of rental fees for curricular materials~~  
4 ~~under IC 20-26-12~~, The school corporation is responsible for any costs  
5 associated with preparing and delivering school materials under this  
6 section.

7 (f) The school corporation is not required to provide school  
8 materials that have been requested by a juvenile detention facility or  
9 the child's parent under this section if the:

10 (1) child is released from the juvenile detention facility; or

11 (2) juvenile detention facility or the child's parent requests that  
12 the school corporation no longer provide the school materials.

13 SECTION 3. IC 20-26-12-1, AS AMENDED BY P.L.233-2015,  
14 SECTION 150, IS AMENDED TO READ AS FOLLOWS  
15 [EFFECTIVE JULY 1, 2023]: Sec. 1. ~~(a) Except as provided in~~  
16 ~~subsection (b) and~~ Notwithstanding any other law, each governing  
17 body **of a school corporation and each organizer of a charter school**  
18 shall purchase from a publisher, either individually or through a  
19 purchasing cooperative of school corporations, **as applicable**, the  
20 curricular materials selected by the proper local officials, and shall **rent**  
21 **provide at no cost** the curricular materials to each student enrolled in  
22 a ~~public~~ **the school corporation or charter school. that is:**

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

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

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

30 SECTION 4. IC 20-26-12-2, AS AMENDED BY P.L.233-2015,  
31 SECTION 151, IS AMENDED TO READ AS FOLLOWS  
32 [EFFECTIVE JULY 1, 2023]: Sec. 2. (a) A governing body **or an**  
33 **organizer of a charter school** may purchase from a publisher any  
34 curricular material selected by the proper local officials. The governing  
35 body **or the organizer of a charter school** may **not** rent the curricular  
36 materials to students enrolled in any public ~~or nonpublic~~ school.

37 **(b) A governing body or an organizer of a charter school may**  
38 **rent curricular materials to students enrolled in any nonpublic**  
39 **school** that is

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

42 ~~(2) located within the attendance unit served by the governing~~



- 1 body:  
 2 The annual rental rate may not exceed twenty-five percent (25%) of the  
 3 retail price of the curricular materials:  
 4 (b) Notwithstanding subsection (a), the governing body may not  
 5 assess a rental fee of more than twenty-five percent (25%) of the retail  
 6 price of curricular materials that have been:  
 7 (1) extended for usage by students under section 24(e) of this  
 8 chapter; and  
 9 (2) paid for through rental fees previously collected.  
 10 (c) A governing body or an organizer of a charter school may  
 11 negotiate the rental rate for the curricular materials rented to any  
 12 nonpublic school under subsection (b).  
 13 (d) A governing body shall collect and deposit the amounts  
 14 received from the rental of curricular materials to a nonpublic  
 15 school into the curricular materials account, in accordance with  
 16 IC 20-40-22-7, in equal amounts for each public school of the  
 17 school corporation.  
 18 (e) An organizer of a charter school shall deposit all money  
 19 received from the rental of curricular materials to a nonpublic  
 20 school into the charter school's curricular materials account  
 21 described in IC 20-40-22-7.  
 22 (e) (f) This section does not limit other laws.  
 23 SECTION 5. IC 20-26-12-26 IS REPEALED [EFFECTIVE JULY  
 24 1, 2023]. Sec. 26: If a family moves during the school term from one  
 25 (1) school corporation to another within the state, the corporation from  
 26 which they move shall:  
 27 (1) evaluate the affected children's curricular materials; and  
 28 (2) offer to purchase the curricular materials at a reasonable price  
 29 for resale to any family that moves into that corporation during a  
 30 school term.  
 31 SECTION 6. IC 20-26-15-5, AS AMENDED BY P.L.92-2020,  
 32 SECTION 35, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 33 JULY 1, 2023]: Sec. 5. Notwithstanding any other law, the operation  
 34 of the following is suspended for a freeway school corporation or a  
 35 freeway school if the governing body of the school corporation elects  
 36 to have the specific statute or rule suspended in the contract:  
 37 (1) The following statutes and rules concerning curriculum and  
 38 instructional time:  
 39 IC 20-30-2-7  
 40 IC 20-30-5-8  
 41 IC 20-30-5-9  
 42 IC 20-30-5-11



- 1           511 IAC 6-7-6
- 2           511 IAC 6.1-5-0.5
- 3           511 IAC 6.1-5-1
- 4           511 IAC 6.1-5-2.5
- 5           511 IAC 6.1-5-3.5
- 6           511 IAC 6.1-5-4.
- 7           (2) The following rule concerning pupil/teacher ratios:
- 8           511 IAC 6.1-4-1.
- 9           (3) The following statutes and rules concerning curricular
- 10          materials:
- 11          IC 20-26-12-24.
- 12          ~~IC 20-26-12-26~~
- 13          IC 20-26-12-1, **except for the provision of curricular**
- 14          **materials at no cost to a student in a public school.**
- 15          IC 20-26-12-2, **except for the prohibition of renting**
- 16          **curricular materials to students enrolled in a public school.**
- 17          511 IAC 6.1-5-5.
- 18          (4) 511 IAC 6-7, concerning graduation requirements.
- 19          (5) IC 20-31-4.1, concerning the performance based accreditation
- 20          system.
- 21          (6) IC 20-32-5 (before its expiration on July 1, 2018), concerning
- 22          the ISTEP program established under IC 20-32-5-15, if an
- 23          alternative locally adopted assessment program is adopted under
- 24          section 6(4) of this chapter.
- 25          SECTION 7. IC 20-26.5-2-3, AS AMENDED BY P.L.126-2022,
- 26          SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 27          JULY 1, 2023]: Sec. 3. (a) Notwithstanding any other law, the
- 28          following may be suspended for a coalition member in accordance with
- 29          the coalition's plan:
- 30          (1) Subject to section 1(c) of this chapter, IC 20-30, concerning
- 31          curriculum.
- 32          (2) The following statutes and rules concerning curricular
- 33          materials:
- 34          IC 20-26-12-1, **except for the provision of curricular**
- 35          **materials at no cost to a student in a public school.**
- 36          IC 20-26-12-2, **except for the prohibition of renting**
- 37          **curricular materials to students enrolled in a public school.**
- 38          IC 20-26-12-24.
- 39          ~~IC 20-26-12-26.~~
- 40          511 IAC 6.1-5-5.
- 41          (3) The following rules concerning teacher licenses:
- 42          511 IAC 16.



- 1                   511 IAC 17.  
2                   (4) Subject to subsection (c), IC 20-31-3 (concerning the adoption  
3                   of academic standards).  
4                   (5) IC 20-31-4.1, concerning the performance based accreditation  
5                   system.  
6                   (6) Except as provided in subsection (b), any other statute in  
7                   IC 20 or rule in 511 IAC requested to be suspended as part of the  
8                   plan that is approved by the state board under section 1 of this  
9                   chapter.  
10                  (b) A coalition member may not suspend under subsection (a)(6)  
11                  any of the following:  
12                  (1) IC 20-26-5-10 (criminal history and child protection index  
13                  check).  
14                  (2) IC 20-28 (school teachers).  
15                  (3) IC 20-29 (collective bargaining).  
16                  (4) IC 20-31 (accountability for performance and improvement),  
17                  except for IC 20-31-3 and IC 20-31-4.1.  
18                  (5) Subject to subsection (c), IC 20-32-4 (graduation  
19                  requirements).  
20                  (6) IC 20-32-5.1 (Indiana's Learning Evaluation Assessment  
21                  Readiness Network (ILEARN) program).  
22                  (7) IC 20-33 (students).  
23                  (8) IC 20-34 (student health and safety measures).  
24                  (9) IC 20-35 (special education).  
25                  (10) IC 20-35.5 (dyslexia screening and intervention).  
26                  (11) IC 20-36 (high ability students).  
27                  (12) IC 20-39 (accounting and financial reporting procedures).  
28                  (13) IC 20-40 (government funds and accounts).  
29                  (14) IC 20-41 (extracurricular funds and accounts).  
30                  (15) IC 20-42 (fiduciary funds and accounts).  
31                  (16) IC 20-42.5 (allocation of expenditures to student instruction  
32                  and learning).  
33                  (17) IC 20-43 (state tuition support).  
34                  (18) IC 20-44 (property tax levies).  
35                  (19) IC 20-46 (levies other than general fund levies).  
36                  (20) IC 20-47 (related entities; holding companies; lease  
37                  agreements).  
38                  (21) IC 20-48 (borrowing and bonds).  
39                  (22) IC 20-49 (state management of common school funds; state  
40                  advances and loans).  
41                  (23) IC 20-50 (homeless children and foster care children).  
42                  (c) A coalition member must comply with the postsecondary



1 readiness competency requirements under IC 20-32-4-1.5(b)(1).  
 2 However, notwithstanding any other law, a coalition member may  
 3 replace high school courses on the high school transcript with courses  
 4 on the same subject matter with equal or greater rigor to the required  
 5 high school course and may count such a course as satisfying the  
 6 equivalent diploma requirements established by IC 20 and any  
 7 applicable state board administrative rules or requirements. If the  
 8 coalition member school offers courses that are not aligned with  
 9 requirements adopted by the state board under IC 20-30-10, a parent of  
 10 a student and the student who intends to enroll in a course that is not  
 11 aligned with requirements adopted by the state board under  
 12 IC 20-30-10 must provide consent to the coalition member school to  
 13 enroll in the course. The consent form used by the coalition, which  
 14 shall be developed in collaboration with the commission for higher  
 15 education, must notify the parent and the student that enrollment in the  
 16 course may affect the student's ability to attend a particular  
 17 postsecondary educational institution or enroll in a particular course at  
 18 a particular postsecondary educational institution because the course  
 19 does not align with requirements established by the state board under  
 20 IC 20-30-10.

21 SECTION 8. IC 20-33-5-3, AS AMENDED BY P.L.286-2013,  
 22 SECTION 112, IS AMENDED TO READ AS FOLLOWS  
 23 [EFFECTIVE JULY 1, 2023]: Sec. 3. (a) If a parent of a child or an  
 24 emancipated minor who is enrolled in a public school in kindergarten  
 25 or grades 1 through 12 meets the financial eligibility standard under  
 26 section 2 of this chapter, the parent or the emancipated minor may not  
 27 be required to pay the fees for ~~curricular materials~~, supplies or other  
 28 required class fees. The fees shall be paid by the school corporation  
 29 that the child attends.

30 (b) The school corporation may apply for a reimbursement under  
 31 section 7 of this chapter from the department of the costs incurred  
 32 under subsection (a).

33 ~~(c) To the extent the reimbursement received by the school~~  
 34 ~~corporation is less than the rental fee assessed for curricular materials,~~  
 35 ~~the school corporation may request that the parent or emancipated~~  
 36 ~~minor pay the balance of this amount.~~

37 SECTION 9. IC 20-33-5-5, AS ADDED BY P.L.1-2005, SECTION  
 38 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,  
 39 2023]: Sec. 5. All school corporations must give notice in nontechnical  
 40 language and in a manner that can be reasonably expected to reach  
 41 parents of students, before the collection of any fees for ~~schoolbooks~~  
 42 **and supplies or other required class fees that are not curricular**



- 1 **materials.** This notice must inform the parents of the following:  
 2 (1) The availability of assistance.  
 3 (2) The eligibility standards.  
 4 (3) The procedure for obtaining assistance, including the right and  
 5 method of appeal.  
 6 (4) The availability of application forms at a designated school  
 7 office.
- 8 SECTION 10. IC 20-33-5-7, AS AMENDED BY P.L.286-2013,  
 9 SECTION 113, IS AMENDED TO READ AS FOLLOWS  
 10 [EFFECTIVE JULY 1, 2023]: Sec. 7. (a) If a determination is made  
 11 that the applicant is eligible for assistance, the school corporation shall  
 12 pay the cost of the student's required fees.
- 13 ~~(b) A school corporation shall receive a reimbursement from the~~  
 14 ~~department for some or all of the costs incurred by a school corporation~~  
 15 ~~during a school year in providing curricular materials assistance to~~  
 16 ~~students who are eligible under section 2 of this chapter.~~
- 17 ~~(c)~~ **(b)** To be guaranteed some level of reimbursement from the  
 18 department, the governing body of a school corporation shall request  
 19 the reimbursement before November 1 of a school year.
- 20 ~~(d)~~ **(c)** In its request, the governing body shall certify to the  
 21 department:  
 22 (1) the number of students who are enrolled in that school  
 23 corporation and who are eligible for assistance under this chapter;  
 24 (2) the costs incurred by the school corporation in providing:  
 25 ~~(A) curricular materials (including curricular materials used in~~  
 26 ~~special education and high ability classes) to these students;~~  
 27 ~~(B) workbooks, digital content, and consumable curricular~~  
 28 ~~materials (including workbooks, consumable curricular~~  
 29 ~~materials; and other consumable instructional materials that~~  
 30 ~~are used in special education and high ability classes) that are~~  
 31 ~~used by students for not more than one (1) school year; and~~  
 32 ~~(C) instead of the purchase of curricular materials;~~  
 33 ~~developmentally appropriate material for instruction in~~  
 34 ~~kindergarten through the grade 3 level; laboratories; and~~  
 35 ~~children's literature programs;~~  
 36 ~~(3) that the curricular materials described in subdivision (2)(A)~~  
 37 ~~(except curricular materials used in special education classes and~~  
 38 ~~high ability classes) have been adopted by the governing body;~~  
 39 ~~and~~  
 40 ~~(4) (2) any other information required by the department.~~
- 41 ~~(e)~~ **(d)** Each school within a school corporation shall maintain  
 42 complete and accurate information concerning the number of students



1 determined to be eligible for assistance under this chapter. This  
 2 information shall be provided to the department upon request.

3 ~~(g)~~ (e) Parents receiving other governmental assistance or aid that  
 4 considers educational needs in computing the entire amount of  
 5 assistance granted may not be denied assistance if the applicant's total  
 6 family income does not exceed the standards established by this  
 7 chapter.

8 ~~(g)~~ (f) The amount of reimbursement that a school corporation is  
 9 entitled to receive shall be determined as provided in section 9.5 of this  
 10 chapter.

11 SECTION 11. IC 20-33-5-9, AS AMENDED BY P.L.92-2020,  
 12 SECTION 79, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 13 JULY 1, 2023]: Sec. 9. (a) As used in this section, "accredited  
 14 nonpublic school" means a nonpublic school that:

- 15 (1) has voluntarily become accredited under IC 20-31-4.1; or
- 16 (2) is accredited by a national or regional accrediting agency that  
 17 is recognized by the state board.

18 (b) If a parent of a child or an emancipated minor who is enrolled in  
 19 an accredited nonpublic school meets the financial eligibility standard  
 20 under section 2 of this chapter, the parent or the emancipated minor  
 21 may receive a reimbursement from the department as provided in this  
 22 chapter for the costs or some of the costs incurred by the parent or  
 23 emancipated minor ~~in~~ **for the costs of curricular materials and** fees  
 24 that are reimbursable under section 7 of this chapter.

25 (c) The department shall provide each accredited nonpublic school  
 26 with sufficient application forms for assistance, prescribed by the state  
 27 board of accounts.

28 (d) Each accredited nonpublic school shall provide the parents or  
 29 emancipated minors who wish to apply for assistance with:

- 30 (1) the appropriate application forms; and
- 31 (2) any assistance needed in completing the application form.

32 (e) The parent or emancipated minor shall submit the application to  
 33 the accredited nonpublic school. The accredited nonpublic school shall  
 34 make a determination of financial eligibility subject to appeal by the  
 35 parent or emancipated minor.

36 (f) If a determination is made that the applicant is eligible for  
 37 assistance, subsection (b) applies.

38 (g) To be guaranteed some level of reimbursement from the  
 39 department, the principal or other designee shall submit the  
 40 reimbursement request before November 1 of a school year.

41 (h) In its request, the principal or other designee shall certify to the  
 42 department:



- 1 (1) the number of students who are enrolled in the accredited  
 2 nonpublic school and who are eligible for assistance under this  
 3 chapter;  
 4 (2) the costs incurred in providing:  
 5 (A) curricular materials (including curricular materials used in  
 6 special education and high ability classes); and  
 7 (B) workbooks, digital content, and consumable curricular  
 8 materials (including workbooks, consumable curricular  
 9 materials, and other consumable teaching materials that are  
 10 used in special education and high ability classes) that are  
 11 used by students for not more than one (1) school year;  
 12 (3) that the curricular materials described in subdivision (2)(A)  
 13 (except any curricular materials used in special education classes  
 14 and high ability classes) have been adopted by the governing  
 15 body; and  
 16 (4) any other information required by the department.  
 17 (i) The amount of reimbursement that a parent or emancipated  
 18 minor is entitled to receive shall be determined as provided in section  
 19 9.5 of this chapter.  
 20 (j) The accredited nonpublic school shall distribute the money  
 21 received under this chapter to the appropriate eligible parents or  
 22 emancipated minors.  
 23 (k) Section ~~7(f)~~ 7(e) of this chapter applies to parents or  
 24 emancipated minors as described in this section.  
 25 (l) The accredited nonpublic school and the department shall  
 26 maintain complete and accurate information concerning the number of  
 27 applicants determined to be eligible for assistance under this section.  
 28 (m) The state board shall adopt rules under IC 4-22-2 to implement  
 29 this section.  
 30 SECTION 12. IC 20-33-5-11, AS AMENDED BY P.L.251-2017,  
 31 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 32 JULY 1, 2023]: Sec. 11. (a) A school corporation may not:  
 33 (1) withhold ~~curricular materials and~~ supplies;  
 34 (2) require any special services from a child; or  
 35 (3) deny the child any benefit or privilege;  
 36 because the parent fails to pay required fees.  
 37 (b) Notwithstanding subsection (a), a school corporation may take  
 38 any action authorized by law to collect unpaid fees from parents who  
 39 are determined to be ineligible for assistance, including recovery of  
 40 reasonable attorney's fees and court costs in addition to a judgment  
 41 award against those parents.  
 42 (c) A school corporation may designate a full-time employee of the





1 school corporation to represent the school corporation in a small claims  
 2 court action under subsection (b) if the claim does not exceed one  
 3 thousand five hundred dollars (\$1,500). The employee designated  
 4 under this subsection is not required to be an attorney.

5 SECTION 13. IC 20-33-5-14, AS AMENDED BY P.L.43-2021,  
 6 SECTION 112, IS AMENDED TO READ AS FOLLOWS  
 7 [EFFECTIVE JULY 1, 2023]: Sec. 14. (a) The school curricular  
 8 materials reimbursement contingency fund is established to reimburse  
 9 ~~school corporations~~, eligible parents of children who attend accredited  
 10 nonpublic schools and emancipated minors who attend accredited  
 11 nonpublic schools as provided in section 9 of this chapter for assistance  
 12 provided under this chapter. The fund consists of money appropriated  
 13 to the fund by the general assembly. The secretary of education shall  
 14 administer the fund.

15 (b) The treasurer of state shall invest the money in the school  
 16 curricular materials reimbursement contingency fund not currently  
 17 needed to meet the obligations of the fund in the same manner as other  
 18 public funds may be invested.

19 SECTION 14. IC 20-40-9-7, AS AMENDED BY P.L.140-2018,  
 20 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 21 JULY 1, 2023]: Sec. 7. (a) Money in the fund may be used for payment  
 22 of all ~~unreimbursed~~ costs of curricular materials for the school  
 23 corporation's students ~~who were eligible for free or reduced lunches in~~  
 24 ~~the previous school year.~~ **that are not advanced or reimbursed from**  
 25 **the curricular materials fund established by IC 20-40-22-3.**

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

29 (c) The governing body may transfer **for each school of the school**  
 30 **corporation** the amount levied to cover ~~unreimbursed~~ costs of  
 31 curricular materials under this section to the **school's** curricular  
 32 materials ~~rental fund~~; **account established in accordance with**  
 33 **IC 20-40-22-7**, the extracurricular account, or the education fund.

34 SECTION 15. IC 20-40-22 IS ADDED TO THE INDIANA CODE  
 35 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
 36 UPON PASSAGE]:

37 **Chapter 22. Curricular Materials Fund**

38 **Sec. 1. As used in this chapter, "fund" refers to the curricular**  
 39 **materials fund established by section 3 of this chapter.**

40 **Sec. 2. As used in this chapter, "public school" means a:**

- 41 (1) school maintained by a school corporation; or  
 42 (2) charter school.



1           **Sec. 3. (a) The curricular materials fund is established. The**  
 2 **purpose of the fund is to provide funding for state advancements**  
 3 **or reimbursements of costs incurred by public schools to provide**  
 4 **curricular materials to students at no cost as required under**  
 5 **IC 20-26-12-1. The department shall administer the fund.**

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

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

8               **(2) Donations.**

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

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

12           **(c) The treasurer of state shall invest money in the fund not**  
 13 **currently needed to meet the obligations of the fund in the same**  
 14 **manner as other public money may be invested. Interest that**  
 15 **accrues from these investments must be deposited in the fund.**

16           **(d) Money in the fund at the end of the state fiscal year does not**  
 17 **revert to the state general fund.**

18           **(e) Money in the fund is continually appropriated for the**  
 19 **purposes of this chapter.**

20           **(f) Money in the fund may not be used for the costs of**  
 21 **administering this chapter.**

22           **Sec. 4. Money in the fund may be used only for the:**

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

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

25 **incurred by a public school to purchase curricular materials that**  
 26 **are provided to each student at no cost as required under**  
 27 **IC 20-26-12-1.**

28           **Sec. 5. The department shall annually determine an average cost**  
 29 **amount per student for curricular materials for each public school**  
 30 **to determine the distribution amount under this chapter. The**  
 31 **amount determined by the department under this section must be**  
 32 **identical for all public schools.**

33           **Sec. 6. (a) The department shall annually determine the total**  
 34 **distribution amount from the fund in a state fiscal year.**

35           **(b) Beginning July 15, 2023, and July 15 each year thereafter,**  
 36 **the department shall distribute to each public school from the**  
 37 **curricular materials fund an amount equal to the average cost**  
 38 **amount per student for curricular materials as determined under**  
 39 **section 5 of this chapter multiplied by the fall count of ADM for the**  
 40 **public school.**

41           **(c) If the total distribution amount from the fund is less than the**  
 42 **amount needed to pay the cost of all curricular materials provided**



1 to each student at all public schools, the department shall make  
 2 distributions from the fund to each public school based on the cost  
 3 of curricular materials per student as determined under section 5  
 4 of this chapter on a pro rata basis.

5 Sec. 7. Each public school shall establish a separate curricular  
 6 materials account. A public school that receives a distribution of  
 7 money from the curricular materials fund under this chapter shall  
 8 deposit the distributed amount in the public school's curricular  
 9 materials account established for the purpose of receiving funds  
 10 for the costs to the public school for curricular materials. Money  
 11 in the account may be used only for the costs of curricular  
 12 materials.

13 SECTION 16. IC 20-41-1-2, AS AMENDED BY P.L.238-2019,  
 14 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 15 JULY 1, 2023]: Sec. 2. Any self-supporting programs maintained by a  
 16 school corporation, including

17 ~~(1) school lunch, and~~

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

19 may be established as a separate ~~funds; fund~~, separate and apart from  
 20 any other school corporation fund, if no local tax rate is established for  
 21 the programs.

22 SECTION 17. IC 20-41-2-2 IS REPEALED [EFFECTIVE JULY 1,  
 23 2023]. Sec. 2: Each township trustee in operating a curricular materials  
 24 rental program may use either of the following accounting methods:

25 (1) The township trustee may supervise and control the program  
 26 through its school corporation account by establishing a curricular  
 27 materials rental fund.

28 (2) If curricular materials have not been purchased and financial  
 29 commitments or guarantees for the purchases have not been made  
 30 by the school corporation; the township trustee may have the  
 31 program operated by the individual schools of the school  
 32 corporation through the school corporation's extracurricular  
 33 account or accounts under IC ~~20-41-1~~.

34 SECTION 18. IC 20-41-2-3, AS AMENDED BY P.L.286-2013,  
 35 SECTION 121, IS AMENDED TO READ AS FOLLOWS  
 36 [EFFECTIVE JULY 1, 2023]: Sec. 3. (a) If a school lunch fund is  
 37 established under section 1 of this chapter, ~~or a curricular materials~~  
 38 ~~rental fund is established under section 2 of this chapter~~; the receipts  
 39 and expenditures for ~~each the~~ program shall be made to and from the  
 40 proper fund without appropriation or the application of other laws  
 41 relating to the budgets of local governmental units.

42 (b) If ~~either a school lunch program or both programs~~ under



1 sections ~~section 1 and 2~~ of this chapter ~~are is~~ operated through the  
2 extracurricular account, the township trustee shall approve the amount  
3 of the bond of the treasurer of the extracurricular account in an amount  
4 the township trustee considers necessary to protect the account for all  
5 funds coming into the hands of the treasurer.

6 SECTION 19. IC 20-41-2-5, AS AMENDED BY P.L.140-2018,  
7 SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
8 JULY 1, 2023]: Sec. 5. (a) A governing body in operating a curricular  
9 materials ~~rental~~ program under IC 20-26-5-4(a)(12) may use either of  
10 the following accounting methods:

11 (1) The governing body may supervise and control the program  
12 through the school corporation's curricular materials ~~rental~~ fund  
13 or education fund.

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

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

27 SECTION 20. IC 20-41-2-6, AS AMENDED BY P.L.244-2017,  
28 SECTION 89, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
29 JULY 1, 2023]: Sec. 6. (a) If a school lunch fund is established under  
30 section 4 of this chapter and the school corporation's education fund is  
31 used under section 5 of this chapter, the receipts and expenditures from  
32 a fund for the program to which the fund relates shall be made to and  
33 from the appropriate fund without appropriation or the application of  
34 other statutes and rules relating to the budgets of municipal  
35 corporations.

36 (b) If either the lunch program or the curricular materials ~~rental~~  
37 program is handled through the extracurricular account, the governing  
38 body of the school corporation shall approve the amount of the bond of  
39 the treasurer of the extracurricular account in an amount the governing  
40 body considers sufficient to protect the account for all funds coming  
41 into the hands of the treasurer of the account.

42 SECTION 21. IC 20-42-3-10, AS AMENDED BY P.L.286-2013,



1 SECTION 124, IS AMENDED TO READ AS FOLLOWS  
 2 [EFFECTIVE JULY 1, 2023]: Sec. 10. The trustee, with the advice and  
 3 consent of the township board, shall use the account for the following  
 4 educational purposes:

5 ~~(1)~~ Each year the trustee shall pay, to the parent or legal guardian  
 6 of any child whose residence is within the township, the initial  
 7 cost for the rental of curricular materials used in any elementary  
 8 or secondary school that has been accredited by the state. The  
 9 reimbursement for the rental of curricular materials shall be for  
 10 the initial yearly rental charge only. Curricular materials  
 11 subsequently lost or destroyed may not be paid for from this  
 12 account.

13 ~~(2)~~ **(1)** Students who are residents of the township for the last two  
 14 (2) years of their secondary education and who still reside within  
 15 the township are entitled to receive financial assistance in an  
 16 amount not to exceed an amount determined by the trustee and  
 17 the township board during an annual review of postsecondary  
 18 education fees and tuition costs of education at any accredited  
 19 postsecondary educational institution. Amounts to be paid to each  
 20 eligible student shall be set annually after this review. The  
 21 amount paid each year must be:

22 (A) equitable for every eligible student without regard to race,  
 23 religion, creed, sex, disability, or national origin; and

24 (B) based on the number of students and the amount of funds  
 25 available each year.

26 ~~(3)~~ **(2)** A person who has been a permanent resident of the  
 27 township continuously for at least two (2) years and who needs  
 28 educational assistance for job training or retraining may apply to  
 29 the trustee of the township for financial assistance. The trustee  
 30 and the township board shall review each application and make  
 31 assistance available according to the need of each applicant and  
 32 the availability of funds.

33 ~~(4)~~ **(3)** If all the available funds are not used in any one (1) year,  
 34 the unused funds shall be retained in the account by the trustee for  
 35 use in succeeding years.

36 SECTION 22. [EFFECTIVE UPON PASSAGE] **(a) Not later than**  
 37 **July 15, 2023, each:**

38 **(1) township trustee that operates a school corporation; or**

39 **(2) governing body of a school corporation;**

40 **shall distribute an equal amount of the remaining balance from the**  
 41 **school corporation's curricular materials rental fund established**  
 42 **under IC 20-41-2 into the curricular materials account of each**



1 public school of the school corporation that is established in  
2 accordance with IC 20-40-22-7, as added by this act.

3 (b) This SECTION expires January 1, 2024.

4 SECTION 23. [EFFECTIVE JULY 1, 2023] (a) As used in this  
5 SECTION, "curricular materials fund" refers to the curricular  
6 materials fund established by IC 20-40-22-3, as added by this act.

7 (b) There is appropriated from the state general fund an  
8 amount sufficient to fully fund advancements and reimbursements  
9 from the curricular materials fund for the state fiscal year  
10 beginning July 1, 2023.

11 (c) This SECTION expires July 1, 2025.

12 SECTION 24. [EFFECTIVE JULY 1, 2023] (a) As used in this  
13 SECTION, "MOE requirement" means the state maintenance of  
14 effort required under the federal Temporary Assistance for Needy  
15 Families (TANF) program.

16 (b) As used in this SECTION, "office" refers to the office of the  
17 secretary of family and social services.

18 (c) The office shall do the following:

19 (1) Prepare a report that includes the following:

20 (A) Information regarding whether there are any funds  
21 available that could meet the MOE requirement that are  
22 not currently being used to meet the MOE requirement.

23 (B) An estimate of the amount of additional funds that are  
24 needed to meet the MOE requirement because of the  
25 elimination of the textbook reimbursement program by  
26 this act.

27 (C) Recommendations regarding the appropriation of  
28 sufficient funds to meet the MOE requirement.

29 (2) Not later than November 1, 2023, submit the report  
30 prepared under subdivision (1) to the following:

31 (A) The budget committee.

32 (B) The general assembly in an electronic format under  
33 IC 5-14-6.

34 (d) There is appropriated from the state general fund to the  
35 office an amount sufficient to meet MOE requirements for the state  
36 fiscal year beginning July 1, 2023.

37 (e) This SECTION expires July 1, 2025.

38 SECTION 25. An emergency is declared for this act.

