

# HOUSE BILL No. 1308

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 20-23; IC 20-26-4.

**Synopsis:** School boards. Requires that the members of the governing body of a school corporation be elected. Repeals statutes providing for the option of appointment of members of a governing body, and repeals superseded statutes relating to election of members of a governing body.

**Effective:** Upon passage; January 1, 2016.

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January 13, 2015, read first time and referred to Committee on Elections and Apportionment.

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First Regular Session of the 119th General Assembly (2015)

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 2014 Regular Session and 2014 Second Regular Technical Session of the General Assembly.

## HOUSE BILL No. 1308

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

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

- 1 SECTION 1. IC 20-23-4-12, AS AMENDED BY P.L.179-2011,  
2 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JANUARY 1, 2016]: Sec. 12. (a) In formulating a preliminary  
4 reorganization plan and with respect to each of the community school  
5 corporations that are a part of the reorganization plan, the county  
6 committee shall determine the following:  
7 (1) The name of the community school corporation.  
8 (2) Subject to subsection (e), a general description of the  
9 boundaries of the community school corporation.  
10 (3) With respect to the board of school trustees, the following:  
11 (A) Whether the number of members is:  
12 (i) three (3);  
13 (ii) five (5); or  
14 (iii) seven (7).  
15 ~~(B) Whether the members are elected or appointed.~~



- 1           ~~(C)~~ If the members are appointed:  
 2           (i) when the appointments are made; and  
 3           (ii) who makes the appointments.  
 4           ~~(D)~~ **(B)** If the members are elected, That the election is at the  
 5           general election at which county officials are elected.  
 6           ~~(E)~~ **(C)** Subject to sections 21 and 22 of this chapter, the  
 7           manner in which members are elected. ~~or appointed.~~  
 8           (4) The compensation, if any, of the members of the regular and  
 9           interim board of school trustees, which may not exceed the  
 10          amount provided in IC 20-26-4-7.  
 11          (5) Subject to subsection (f), qualifications required of the  
 12          members of the board of school trustees, including limitations on:  
 13               (A) residence; and  
 14               (B) term of office.  
 15          (6) If an existing school corporation is divided in the  
 16          reorganization, the disposition of assets and liabilities.  
 17          (7) The disposition of school aid bonds, if any.  
 18          (b) If existing school corporations are not divided in the  
 19          reorganization, the:  
 20               (1) assets;  
 21               (2) liabilities; and  
 22               (3) obligations;  
 23          of the existing school corporations shall be transferred to and assumed  
 24          by the new community school corporation of which they are a part,  
 25          regardless of whether the plan provides for transfer and assumption.  
 26          (c) The preliminary plan must be supported by a summary statement  
 27          of the following:  
 28               (1) The educational improvements the plan's adoption will make  
 29               possible.  
 30               (2) Data showing the:  
 31                       (A) assessed valuation;  
 32                       (B) number of resident students in ADA in grades 1 through  
 33                       12;  
 34                       (C) assessed valuation per student referred to in clause (B);  
 35                       and  
 36                       (D) property tax levies;  
 37          of each existing school corporation to which the plan applies.  
 38          (3) The:  
 39               (A) assessed valuation;  
 40               (B) resident ADA; and  
 41               (C) assessed valuation per student;  
 42          data referred to in subdivision 2(A) through 2(C) that would have



1 applied for each proposed community school corporation if the  
 2 corporation existed in the year the preliminary plan is prepared or  
 3 notice of a hearing or hearings on the preliminary plan is given by  
 4 the county committee.

5 (4) Any other data or information the county committee considers  
 6 appropriate or that may be required by the state board in its rules.

7 (d) The county committee:

8 (1) shall base the assessed valuations and tax levies referred to in  
 9 subsection (c)(2) through (c)(3) on the valuations applying to  
 10 taxes collected in:

11 (A) the year the preliminary plan is prepared; or

12 (B) the year notice of a hearing or hearings on the preliminary  
 13 plan is given by the county committee;

14 (2) may base the resident ADA figures on the calculation of the  
 15 figures under the rules under which they are submitted to the state  
 16 superintendent by existing school corporations; and

17 (3) shall set out the resident ADA figures for:

18 (A) the school year in progress if the figures are available for  
 19 that year; or

20 (B) the immediately preceding school year if the figures are  
 21 not available for the school year in progress.

22 The county committee may obtain the data and information referred to  
 23 in this subsection from any source the committee considers reliable. If  
 24 the county committee attempts in good faith to comply with this  
 25 subsection, the summary statement referred to in subsection (c) is  
 26 sufficient regardless of whether the statement is exactly accurate.

27 (e) The general description referred to in subsection (a)(2) may  
 28 consist of an identification of an existing school corporation that is to  
 29 be included in its entirety in the community school corporation. If a  
 30 boundary does not follow the boundary of an existing civil unit of  
 31 government or school corporation, the description must set out the  
 32 boundary:

33 (1) as near as reasonably possible by:

34 (A) streets;

35 (B) rivers; and

36 (C) other similar boundaries;

37 that are known by common names; or

38 (2) if descriptions as described in subdivision (1) are not possible,  
 39 by section lines or other legal description.

40 The description is not defective if there is a good faith effort by the  
 41 county committee to comply with this subsection or if the boundary  
 42 may be ascertained with reasonable certainty by a person skilled in the



1 area of real estate description. The county committee may require the  
 2 services of the county surveyor in preparing a description of a boundary  
 3 line.

4 (f) A member of the board of school trustees:

5 (1) may not serve ~~an appointive or elective~~ a term of more than  
 6 four (4) years; and

7 (2) may serve more than one (1) consecutive ~~appointive or~~  
 8 ~~elective~~ term.

9 SECTION 2. IC 20-23-4-16, AS ADDED BY P.L.1-2005,  
 10 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 11 JANUARY 1, 2016]: Sec. 16. The form of a preliminary or final  
 12 comprehensive plan of reorganization is sufficient if the plan contains  
 13 in its own terms or by reference the following for each proposed  
 14 community school corporation:

15 (1) The name of the proposed community school corporation.

16 (2) A general description of the boundaries of the community  
 17 school corporation as provided in section 12 of this chapter.

18 (3) The number of members of the board of school trustees. ~~and~~  
 19 ~~whether the members are elected or appointed.~~

20 (4) The manner in which the board of school trustees, other than  
 21 the interim board, is elected. ~~or appointed.~~

22 (5) If a school corporation is divided as part of the reorganization,  
 23 the disposition of assets and liabilities of the school corporation.

24 (6) The statement required by section 12 of this chapter if that  
 25 statement is submitted or adopted with the plan.

26 SECTION 3. IC 20-23-4-19, AS AMENDED BY P.L.2-2006,  
 27 SECTION 93, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 28 JANUARY 1, 2016]: Sec. 19. (a) If the creation of a community school  
 29 corporation out of an existing corporation:

30 (1) would not involve a change in its territorial boundaries or in  
 31 its board of school trustees or other governing body, other than a  
 32 change in the time of election ~~or appointment~~ or the time the  
 33 board members take office; and

34 (2) is consistent with the standards set up under this chapter and  
 35 the standards set out in this section;

36 the state board may on its own motion or on petition of the governing  
 37 body of the existing school corporation at any time with hearing in the  
 38 county where the school corporation is located, after notice by  
 39 publication at least once in one (1) newspaper of general circulation  
 40 published in the county where the school corporation is located, at least  
 41 ten (10) but not more than thirty (30) days before the date of a hearing,  
 42 and without action of the county committee declare the existing school



1 corporation to be a community school corporation by adopting a  
 2 resolution to this effect. The existing school corporation qualifies as to  
 3 size and financial resources if it has an ADA of at least two hundred  
 4 seventy (270) students in grades 9 through 12 or at least one thousand  
 5 (1,000) students in grades 1 through 12, and has an assessed valuation  
 6 per student of at least five thousand dollars (\$5,000).

7 (b) For purposes of this section, the following terms have the  
 8 following meanings:

9 (1) "County tax" means a property tax:

10 (A) that is levied at an equal rate in the entire county in which  
 11 any school corporation is located, other than a tax qualifying  
 12 as a countywide tax within the meaning of Acts 1959, c.328,  
 13 s.2, or any similar statute; and

14 (B) for which the net proceeds of which are distributed to  
 15 school corporations in the county.

16 (2) "Assessed valuation" of any school corporation means the net  
 17 assessed value of its real and personal property as of March 1,  
 18 1964, adjusted in the same manner as the assessed valuation is  
 19 adjusted for each county by the department of local government  
 20 finance under Acts 1949, c.247, s.5, as amended, unless that  
 21 statute has been repealed or no longer provides for an adjustment.  
 22 If a county has a county tax, the assessed valuation of each school  
 23 corporation in the county shall be increased by the amount of  
 24 assessed valuation, if any, that would be required to raise an  
 25 amount of money, equal to the excess of the amount distributed  
 26 to any school corporation from the county tax over the amount  
 27 collected from the county tax in the school corporation, using  
 28 total taxes levied by the school corporation in terms of rate:

29 (A) excluding the countywide tax under Acts 1959, c.328, s.2,  
 30 or any similar statute; and

31 (B) including all other taxes levied by or for the school  
 32 corporation.

33 The increased valuation shall be based on the excess distributed  
 34 to the school corporation from the county tax levied for the year  
 35 1964 and the total taxes levied for the year, or if the county tax is  
 36 first applied or is raised for years after 1964, then the excess  
 37 distributions and total taxes levied for the year in which the tax is  
 38 first applied or raised. If the excess distribution and total taxes  
 39 levied cannot be determined accurately on or before the adoption  
 40 of the resolution provided in this section, excess distribution and  
 41 taxes levied shall be estimated by the department of local  
 42 government finance using the last preceding assessed valuations



1 and tax rates or such other information as that department  
 2 determines, certifying the increased assessment to the state board  
 3 before such time. In all cases, the excess distribution shall be  
 4 determined upon the assumption that the county tax is one  
 5 hundred percent (100%) collected and all collections are  
 6 distributed.

7 (3) "Assessed valuation per student" of any school corporation  
 8 means the assessed valuation of any school corporation divided  
 9 by its ADA in grades 1 through 12.

10 (4) "ADA" in any school corporation means the average daily  
 11 attendance of students who are residents in the school corporation  
 12 and in the particular grades to which the term refers for the school  
 13 year 1964-1965 in accordance with the applicable regulations of  
 14 the state superintendent, used in determining average daily  
 15 attendance in the distribution of the tuition funds by the state to  
 16 its various school corporations where funds are distributed on  
 17 such basis and irrespective of whether the figures are the actual  
 18 resident daily attendance of the school for the school year.

19 (c) The community school corporation automatically comes into  
 20 being on either July 1 or January 1 following the date of approval,  
 21 whichever is earlier. The state board shall mail by certified mail, return  
 22 receipt requested, a copy of the resolution certified by the county  
 23 committee's chairperson or secretary to:

24 (1) the recorder of the county from which the county committee  
 25 having jurisdiction of the existing school corporation was  
 26 appointed; and

27 (2) the county committee.

28 The resolution may change the time of election ~~or appointment~~ of the  
 29 board of trustees of the school corporation or the time the trustees take  
 30 office. The recorder shall without cost record the certified resolution in  
 31 the miscellaneous records of the county. The recording constitutes a  
 32 permanent record of the action of the state board and may be relied on  
 33 by any person. Unless the resolution provides that an interim member  
 34 of the board of trustees shall not be appointed, the board of trustees in  
 35 office on the date of the action continues to constitute the board of  
 36 trustees of the school corporation until their successors are qualified,  
 37 and the terms of their respective office and board membership remain  
 38 unchanged except to the extent the resolution otherwise provides. For  
 39 purposes of this chapter and IC 20-23-16-1 through IC 20-23-16-11, a  
 40 community school corporation shall be regarded as a school  
 41 corporation created under section 16 of this chapter.

42 SECTION 4. IC 20-23-4-20, AS ADDED BY P.L.1-2005,



1 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 2 JANUARY 1, 2016]: Sec. 20. (a) After the state board approves a  
 3 comprehensive plan or partial plan for reorganization of school  
 4 corporations as submitted to the state board by a county committee, the  
 5 state board shall promptly, by certified mail with return receipt  
 6 requested, give written notice of the approval to:

7 (1) the chairperson of the county committee submitting the plan;  
 8 and

9 (2) the judge of the circuit court of the county from which the  
 10 county committee was appointed.

11 (b) After notice is given under subsection (a), a community school  
 12 corporation proposed by a plan referred to in subsection (a) may be  
 13 created:

14 (1) by petition as provided in this section;

15 (2) by election as provided in section 21 of this chapter; or

16 (3) under section 22 of this chapter.

17 (c) After receipt of the plan referred to in subsection (a) by the  
 18 county committee and before or after the election described in section  
 19 21 of this chapter, a community school corporation proposed by a plan  
 20 referred to in subsection (a) may be created by a petition. The petition  
 21 must be signed by at least fifty-five percent (55%) of the registered  
 22 voters residing in the community school corporation, determined in the  
 23 manner set out in this section, and filed by any signer or by the county  
 24 committee with the clerk or clerks of the circuit court or courts of the  
 25 county or counties where the voters reside. The petition must state that  
 26 the signers request the establishment of a community school  
 27 corporation and must contain the following information:

28 (1) The name of the proposed community school corporation.

29 (2) A general description of the boundaries as set out in the plan.

30 (3) The number of members of the board of school trustees.

31 (4) The manner in which:

32 (A) the permanent board of school trustees **will be elected**;  
 33 and

34 (B) if covered in the plan, the interim board of school trustees  
 35 will be elected or appointed.

36 (5) The compensation, if any, of the members of:

37 (A) the permanent board of school trustees; and

38 (B) if covered in the plan, the interim board of school trustees.

39 (6) The disposition, if any, of assets and liabilities of each existing  
 40 school corporation that:

41 (A) is included in the proposed community school corporation;

42 and





- 1 (B) has been divided.
- 2 (7) The disposition of school aid bonds, if any.
- 3 (d) The petition referred to in subsection (c) must show:
- 4 (1) the date on which each person signed the petition; and
- 5 (2) the person's residence address on that date.
- 6 The petition may be executed in several counterparts, the total of which
- 7 constitutes the petition described in this section. An affidavit of the
- 8 person circulating a counterpart must be attached to the counterpart.
- 9 The affidavit must state that each signature appearing on the
- 10 counterpart was affixed in the person's presence and is the true and
- 11 lawful signature of the signer. Each signer on the petition may
- 12 withdraw the signer's signature from the petition before the petition is
- 13 filed with the clerk of the circuit court. Names may not be added to the
- 14 petition after the petition is filed with the clerk of the circuit court.
- 15 (e) After receipt of the petition referred to in subsection (c), the
- 16 clerk of the circuit court shall make a certification under the clerk's
- 17 hand and seal of the clerk's office as to:
- 18 (1) the number of signers of the petition;
- 19 (2) the number of signers of the petition who are registered voters
- 20 residing in:
- 21 (A) the proposed community school corporation; or
- 22 (B) the part of the school corporation located in the clerk's
- 23 county;
- 24 as disclosed by the voter registration records of the county;
- 25 (3) the number of registered voters residing in:
- 26 (A) the proposed community school corporation; or
- 27 (B) the part of the school corporation located in the clerk's
- 28 county;
- 29 as disclosed by the voter registration records of the county; and
- 30 (4) the date of the filing of the petition with the clerk.
- 31 If a proposed community school corporation includes only part of a
- 32 voting precinct, the clerk of the circuit court shall ascertain from any
- 33 means, including assistance from the county committee, the number of
- 34 registered voters residing in the part of the voting precinct.
- 35 (f) The clerk of the circuit court shall make the certification referred
- 36 to in subsection (e):
- 37 (1) not later than thirty (30) days after the filing of the petition
- 38 under subsection (c), excluding from the calculation of that period
- 39 the time during which the registration records are unavailable to
- 40 the clerk; or
- 41 (2) within any additional time as is reasonably necessary to permit
- 42 the clerk to make the certification.



1 In certifying the number of registered voters, the clerk shall disregard  
 2 any signature on the petition not made in the ninety (90) days that  
 3 immediately precede the filing of the petition with the clerk as shown  
 4 by the dates set out in the petition. The clerk shall establish a record of  
 5 the certification in the clerk's office and shall return the certification to  
 6 the county committee.

7 (g) If the certification or combined certifications received from the  
 8 clerk or clerks disclose that the petition was signed by at least fifty-five  
 9 percent (55%) of the registered voters residing in the community  
 10 school corporation, the county committee shall publish a notice in two  
 11 (2) newspapers of general circulation in the community school  
 12 corporation. The notice must:

13 (1) state that the steps necessary for the creation and  
 14 establishment of the community school corporation have been  
 15 completed; and

16 (2) set forth:

17 (A) the number of registered voters residing in the community  
 18 school corporation who signed the petition; and

19 (B) the number of registered voters residing in the community  
 20 school corporation.

21 (h) A community school corporation created by a petition under this  
 22 section takes effect on the earlier of:

23 (1) July 1; or

24 (2) January 1;

25 that next follows the date of publication of the notice referred to in  
 26 subsection (g).

27 (i) If a public official fails to perform a duty required of the official  
 28 under this chapter within the time prescribed in this section and  
 29 sections 21 through 24 of this chapter, the omission does not invalidate  
 30 the proceedings taken under this chapter.

31 (j) An action:

32 (1) to contest the validity of the formation or creation of a  
 33 community school corporation under this section;

34 (2) to declare that a community school corporation:

35 (A) has not been validly formed or created; or

36 (B) is not validly existing; or

37 (3) to enjoin the operation of a community school corporation;  
 38 may not be instituted later than thirty (30) days after the date of  
 39 publication of the notice referred to in subsection (g).

40 SECTION 5. IC 20-23-4-27, AS ADDED BY P.L.1-2005,  
 41 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 42 JANUARY 1, 2016]: Sec. 27. (a) Subsections (b) and (c) do not apply



1 to a community school corporation created before March 12, 1965. A  
 2 community school corporation created before March 12, 1965, shall  
 3 operate in accordance with the plan under which it was created and the  
 4 statutes applicable to that plan, as if Acts 1965, c.336, s.4 had not been  
 5 enacted.

6 (b) ~~If the members of a governing body are elected;~~ The members  
 7 shall be elected in accordance with one (1) of the options set forth in  
 8 subsection (c) or in accordance with section 35 of this chapter. The  
 9 options must be set out in the plan with sufficient description to permit  
 10 the plan to be operable with respect to the community school  
 11 corporation. The description may be partly or wholly by reference to  
 12 the applicable option.

13 (c) The options described in subsection (b) are the following:

14 (1) Members of a governing body:

15 (A) may reside anywhere in the school corporation; and

16 (B) shall be voted upon by all registered voters living within  
 17 the school corporation voting at any governing body member  
 18 election.

19 (2) The community school corporation shall be divided into two  
 20 (2) or more residence districts with one (1) or more members of  
 21 the governing body resident within each of the residence districts.  
 22 The plan may also provide that one (1) or more members of the  
 23 governing body may reside anywhere in the community school  
 24 corporation. The plan:

25 (A) must set out the number of members to be elected from  
 26 each district;

27 (B) may provide for the election of an equal number of  
 28 members from each district; and

29 (C) must set out the number, if any, to be elected at large  
 30 without reference to governing body member districts.

31 Under this option, all candidates must be voted on by all  
 32 registered voters of the community school corporation voting at  
 33 any governing body member election.

34 (3) The community school corporation shall be divided into three  
 35 (3) residence districts of approximately equal population. In a  
 36 district divided into three (3) residence districts, if:

37 (A) the governing body consists of three (3) members, one (1)  
 38 member must reside in each residence district;

39 (B) the governing body consists of five (5) members, two (2)  
 40 members may not reside in any one (1) residence district; and

41 (C) the governing body consists of seven (7) members, at least  
 42 two (2) shall be elected from each residence district.



- 1 Candidates shall be voted on by all registered voters of the  
 2 community school corporation voting at any governing body  
 3 member election.
- 4 (4) The community school corporation shall be divided into two  
 5 (2) or more electoral districts. Each member:  
 6 (A) serves from one (1) electoral district;  
 7 (B) must be a resident of the district; and  
 8 (C) must be voted upon by the registered voters residing  
 9 within the electoral district and voting at any governing body  
 10 member election.
- 11 The plan must set out the number to be elected from each  
 12 electoral district and may provide for election of an equal number  
 13 of members from each district. The plan must provide that not  
 14 less than one (1) less than a majority of the governing body may  
 15 reside anywhere in the community school corporation and must  
 16 be voted upon by all its registered voters voting at any governing  
 17 body member election.
- 18 (5) The community school corporation consists of one (1)  
 19 electoral district that must embrace the entire community school  
 20 corporation from which a majority of the members of the  
 21 governing body shall be elected by all the registered voters of the  
 22 community school corporation voting at a governing body  
 23 member election. The other electoral districts must be  
 24 subdivisions of the community school corporation. Each of the  
 25 remaining members of the governing body:  
 26 (A) serves from one (1) of the latter electoral districts;  
 27 (B) must be a resident of that district; and  
 28 (C) must be voted upon by registered voters voting at a  
 29 governing body member election.
- 30 The plan must set out the number to be elected from each district  
 31 and may provide for the election of an equal number of members  
 32 from the district.
- 33 (6) The community school corporation shall be divided into two  
 34 (2) or more electoral districts. Each member:  
 35 (A) serves from one (1) electoral district;  
 36 (B) must be a resident of that district; and  
 37 (C) must be voted upon only by the registered voters residing  
 38 within that district who vote at a governing body election.
- 39 The plan must set out the number of members to be elected from  
 40 each electoral district in the school corporation and may provide  
 41 for election of an equal number of members from each district.
- 42 SECTION 6. IC 20-23-4-28 IS REPEALED [EFFECTIVE



1 JANUARY 1, 2016]. Sec. 28: (a) Subsections (b) through (g) do not  
 2 apply to a community school corporation created before March 12,  
 3 1965: A community school corporation created before March 12, 1965,  
 4 shall operate in accordance with the plan under which it was created  
 5 and the statutes applicable to that plan; as if Acts 1965, c.336, s.4 had  
 6 not been enacted:

7 (b) If the members of the governing body are to be appointed, they  
 8 shall be appointed in accordance with one (1) of the options described  
 9 in subsection (c). The option must be set out in the plan with sufficient  
 10 description to permit the plan to be operable with respect to each  
 11 community school corporation. The description may be partly or wholly  
 12 by reference to the applicable option provided in this section.

13 (c) The options described in subsection (b) are the following:

14 (1) Members of the governing body may reside anywhere in the  
 15 community school corporation:

16 (2) The community school corporation shall be divided into two  
 17 (2) or more governing body member districts; any one (1) of  
 18 which may embrace the entire community school corporation:

19 Each member:

20 (A) serves from a particular district; and

21 (B) must be a resident of the district.

22 The plan must set out the number to be appointed from each  
 23 district and may provide for an equal number of members from  
 24 each district:

25 (d) The plan, under either option in subsection (c), may provide that  
 26 the first appointments of the governing body members are for staggered  
 27 terms of not more than four (4) years. Thereafter, appointments shall  
 28 be made for terms of four (4) years. All terms of office for appointive  
 29 governing body members expire June 30 in the applicable year:

30 (e) A plan providing for the appointment of members of the  
 31 governing body must designate the appointing authority. The authority  
 32 may be the same for each governing body member and must be one (1)  
 33 or more of the following:

34 (1) The judge of the circuit or superior court:

35 (2) The city executive:

36 (3) The legislative body of a city:

37 (4) The board of commissioners of a county:

38 (5) The county fiscal body:

39 (6) The town legislative body:

40 (7) The township executive:

41 (8) The township legislative body:

42 (9) A township executive and legislative body jointly:



- 1           (10) More than one (1) township executive and legislative body  
2 jointly.
- 3           (f) If an appointment is to be made by:
- 4           (1) a body, the appointment must be made by a majority vote of  
5 the body in official session;
- 6           (2) township executives, the appointment must be made by a  
7 majority vote of the executives taken in joint session; and
- 8           (3) township legislative bodies, the appointment must be made by  
9 a majority vote of the total number of township legislative body  
10 members by a majority vote of the members, taken in joint  
11 session.
- 12           (g) If a member of the governing body, whether of the interim  
13 governing body or regular governing body, is to be appointed, and the  
14 beginning of the appointive member's term of office coincides with the  
15 date an individual assumes the office of the official who is to make the  
16 appointment, the appointment shall be made by the latter individual. If  
17 the appointing official or body fails to appoint a member of the first  
18 governing body within five (5) days after a community school  
19 corporation comes into being; or, for members appointed after the first  
20 board is appointed; within five (5) days after a member is to take office;  
21 the member of the governing body shall be appointed:
- 22           (1) by the judge of the circuit court; or
- 23           (2) in the case of a united school corporation, by the judge of the  
24 circuit court of the county having the most students enrolled in the  
25 united school corporation.
- 26           SECTION 7. IC 20-23-4-30, AS AMENDED BY P.L.219-2013,  
27 SECTION 78, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
28 JANUARY 1, 2016]: Sec. 30. (a) This section applies to each school  
29 corporation.
- 30           (b) If a tie vote occurs among any of the candidates, the tie vote  
31 shall be resolved under IC 3-12-9-4.
- 32           (c) If after the first governing body takes office, there is a vacancy  
33 on the governing body for any reason, including the failure of the  
34 sufficient number of petitions for candidates being filed, ~~whether the~~  
35 ~~vacating member was elected or appointed~~, the remaining members of  
36 the governing body, whether or not a majority of the governing body,  
37 shall by a majority vote fill the vacancy by appointing a person from  
38 within the boundaries of the community school corporation to serve for  
39 the term or balance of the term. An individual appointed under this  
40 subsection must possess the qualifications provided for a ~~regularly~~  
41 ~~elected or appointed~~ governing body member filling the office. If:
- 42           (1) a tie vote occurs among the members of the governing body



1 under this subsection or IC 3-12-9-4; or  
 2 (2) the governing body fails to act within thirty (30) days after any  
 3 vacancy occurs;  
 4 the judge of the circuit court in the county where the majority of  
 5 registered voters of the school corporation reside shall make the  
 6 appointment.

7 (d) A vacancy in the governing body occurs if a member ceases to  
 8 be a resident of any community school corporation. A vacancy does not  
 9 occur when the member moves from a district of the school corporation  
 10 ~~from which that~~ the member was elected or appointed ~~represents~~ if  
 11 the member continues to be a resident of the school corporation.

12 (e) At the first general election in which members of the governing  
 13 body are elected:

14 (1) a simple majority of the candidates elected as members of the  
 15 governing body who receive the greatest number of votes shall be  
 16 elected for four (4) year terms; and

17 (2) the balance of the candidates elected as members of the  
 18 governing body receiving the next greatest number of votes shall  
 19 be elected for two (2) year terms.

20 Thereafter, all school board members shall be elected for four (4) year  
 21 terms.

22 (f) Elected governing body members take office and assume their  
 23 duties on the date set in the school corporation's organization plan. The  
 24 date set in the organization plan for an elected member of the  
 25 governing body to take office may not be more than fourteen (14)  
 26 months after the date of the member's election. If the school  
 27 corporation's organization plan does not set a date for an elected  
 28 member of the governing body to take office, the member takes office  
 29 January 1 immediately after the member's election.

30 SECTION 8. IC 20-23-4-31, AS ADDED BY P.L.1-2005,  
 31 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 32 JANUARY 1, 2016]: Sec. 31. (a) This section applies to each school  
 33 corporation.

34 (b) ~~If the plan provides for the election of members of the governing~~  
 35 ~~body of the community school corporation:~~

36 (1) The judge of the circuit court or,  
 37 (2) in the case of a united school corporation, the judge of the  
 38 circuit court of the county having the most students enrolled in the  
 39 united school corporation

40 shall appoint interim governing body members in accordance with the  
 41 plan approved by the county committee and the state board.

42 (c) The members of the governing body appointed serve until their



1 successors are elected and qualified.

2 (d) Instead of appointment, the plan may provide for an alternative  
3 method of appointing the members of the interim governing body of a  
4 community or united school corporation. The appointment under this  
5 subsection must be made by one (1) or more of the class of officials  
6 listed in section 28(e) of this chapter: following:

7 **(1) The judge of the circuit or a superior court.**

8 **(2) The city executive.**

9 **(3) The legislative body of a city.**

10 **(4) The board of commissioners of a county.**

11 **(5) The county fiscal body.**

12 **(6) The town legislative body.**

13 **(7) The township executive.**

14 **(8) The township legislative body.**

15 **(9) A township executive and legislative body jointly.**

16 **(10) More than one (1) township executive and legislative  
17 body jointly.**

18 SECTION 9. IC 20-23-4-34 IS REPEALED [EFFECTIVE  
19 JANUARY 1, 2016]. Sec. 34: (a) This section applies to a community  
20 school corporation located in a county containing a consolidated city:

21 (b) The same method used to cast votes for all other offices for  
22 which candidates have qualified to be on the election ballot must be  
23 used for the school board offices on the election ballot.

24 SECTION 10. IC 20-23-4-36 IS REPEALED [EFFECTIVE  
25 JANUARY 1, 2016]. Sec. 36: (a) This section applies to a school  
26 corporation located in a county containing a consolidated city:

27 (b) The same method used to cast votes for all other offices for  
28 which candidates have qualified to be on the election ballot must be  
29 used for the governing body offices on the election ballot.

30 SECTION 11. IC 20-23-4-44 IS REPEALED [EFFECTIVE  
31 JANUARY 1, 2016]. Sec. 44: (a) This section applies only to a school  
32 corporation with territory in a county having a population of more than  
33 one hundred seventy thousand (170,000) but less than one hundred  
34 seventy-five thousand (175,000):

35 (b) This section applies if there is a:

36 (1) tie vote in an election for a member of the governing body of  
37 a school corporation; or

38 (2) vacancy on the governing body of a school corporation.

39 (c) Notwithstanding any other law, if a tie vote occurs among any of  
40 the candidates for the governing body or a vacancy occurs on the  
41 governing body, the remaining members of the governing body, even  
42 if the remaining members do not constitute a majority of the governing





- 1 body, shall by a majority vote of the remaining members:
- 2 (1) select one (1) of the candidates who shall be declared and
- 3 certified elected; or
- 4 (2) fill the vacancy by appointing an individual to fill the vacancy.
- 5 (d) An individual appointed to fill a vacancy under subsection
- 6 (c)(2):
- 7 (1) must satisfy all the qualifications required of a member of the
- 8 governing body; and
- 9 (2) shall fill the remainder of the unexpired term of the vacating
- 10 member.
- 11 (e) If a tie vote occurs among the remaining members of the
- 12 governing body or the governing body fails to act within thirty (30)
- 13 days after the election or the vacancy occurs, the fiscal body (as
- 14 defined in IC 3-5-2-25) of the township in which the greatest
- 15 percentage of population of the school district resides shall break the
- 16 tie or make the appointment. A member of the fiscal body who was a
- 17 candidate and is involved in a tie vote may not cast a vote under this
- 18 subsection.
- 19 (f) If the fiscal body of a township is required to act under this
- 20 section and a vote in the fiscal body results in a tie, the deciding vote
- 21 to break the tie vote shall be cast by the executive.
- 22 SECTION 12. IC 20-23-5-11, AS ADDED BY P.L.1-2005,
- 23 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 24 JANUARY 1, 2016]: Sec. 11. (a) Within sixty (60) days after the
- 25 annexation takes place, the governing body of the acquiring school
- 26 corporation and losing school corporation shall adopt a plan
- 27 determining the manner in which the governing body shall be
- 28 constituted. The plan shall be adopted in accordance with the
- 29 requirements and procedures of IC 20-23-8, except as set out in
- 30 subsection (b).
- 31 (b) The adoption of a plan by the governing body in accordance with
- 32 IC 20-23-8-10 and its submission to the state board under
- 33 IC 20-23-8-15 are the only procedures required when an existing plan
- 34 is changed as follows:
- 35 (1) All governing body members are elected at large, and there
- 36 are no governing body member residency districts.
- 37 (2) Governing body members are elected from governing body
- 38 member residency districts, and the annexed territory is added to
- 39 or deleted from one (1) or more districts.
- 40 (3) A governing body member is appointed from a given area or
- 41 district, and the annexed territory is added to or deleted from one
- 42 (1) or more districts or areas.



1           ~~(4)~~ **(3)** A governing body member is elected solely by the voters  
 2           in a school governing body member district, but the addition or  
 3           deletion of the annexed territory to or from an existing district  
 4           does not constitute a denial of equal protection of the laws.

5           If a school corporation elects ~~or appoints~~ members of its governing  
 6           body both from a school governing body member district encompassing  
 7           the entire school corporation and from smaller districts, the governing  
 8           body of the acquiring school corporation shall add the annexed territory  
 9           both to the district consisting of the entire school corporation and to  
 10          one (1) or more smaller districts. In a comparable situation, the losing  
 11          school corporation shall delete the annexed territory both from the  
 12          district consisting of the entire school corporation and from any smaller  
 13          district or districts. The change in the plan becomes effective upon its  
 14          approval by the state board. The application of this subsection does not  
 15          limit the initiation of, or further changes in, any plan under IC 20-23-8.

16          SECTION 13. IC 20-23-6-3, AS ADDED BY P.L.1-2005,  
 17          SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 18          JANUARY 1, 2016]: Sec. 3. (a) If the governing bodies of at least two  
 19          (2) school corporations desire to consolidate school corporations, the  
 20          governing bodies may meet together and adopt a joint resolution  
 21          declaring intention to consolidate school corporations. The resolution  
 22          must set out the following information concerning the proposed  
 23          consolidation:

24           (1) The name of the proposed new school corporation.

25           (2) The number of members on the governing body and the  
 26           manner in which they shall be elected. ~~or appointed:~~

27           ~~(A) If members are to be elected,~~ The resolution must provide  
 28           for:

29           ~~(i)~~ **(A)** the manner of the nomination of members;

30           ~~(ii)~~ **(B)** who shall constitute the board of election  
 31           commissioners;

32           ~~(iii)~~ **(C)** who shall appoint inspectors, judges, clerks, and  
 33           sheriffs; and

34           ~~(iv)~~ **(D)** any other provisions desirable in facilitating the  
 35           election.

36           ~~(B)~~ Where applicable and not in conflict with the resolution, the  
 37           election is governed by the general election laws of Indiana,  
 38           including the registration laws.

39           (3) Limitations on residences, term of office, and other  
 40           qualifications required of the members of the governing body. A  
 41           resolution may not provide for ~~an appointive or elective~~ a term of  
 42           more than four (4) years. A member may succeed himself or



- 1           herself in office.
- 2           (4) Names of present school corporations that are to be merged  
3           together as a consolidated school corporation.
- 4           In addition, the resolution may specify the time when the consolidated  
5           school corporation comes into existence.
- 6           (b) The number of members on the governing body as provided in  
7           the resolution may not be less than three (3) or more than seven (7).  
8           However, the joint resolution may provide for a board of nine (9)  
9           members if the proposed consolidated school corporation is formed out  
10          of two (2) or more school corporations that:
- 11          (1) have entered into an interlocal agreement to construct and  
12          operate a joint high school; or
- 13          (2) are operating a joint high school that has an enrollment of at  
14          least six hundred (600) in grades 9 through 12 at the time the joint  
15          resolution is adopted.
- 16          (c) The members of the governing body shall, after adopting a joint  
17          resolution, give notice by publication once each week for two (2)  
18          consecutive weeks in a newspaper of general circulation, if any, in each  
19          of the school corporations. If a newspaper is not published in the school  
20          corporation, publication shall be made in the nearest newspaper  
21          published in the county in which the school corporation is located. The  
22          governing bodies of school corporations shall meet one (1) week  
23          following the date of the appearance of the last publication of notice of  
24          intention to consolidate. If a protest has not been filed, as provided in  
25          this chapter, the governing bodies shall declare by joint resolution the  
26          consolidation of the school corporations to be accomplished, to take  
27          effect as provided in section 8 of this chapter. However, on or before  
28          the sixth day following the last publication of the notice of intention to  
29          consolidate, twenty percent (20%) of the legal voters residing in any  
30          school corporation may petition the governing body of the school  
31          corporations for an election to determine whether or not the majority  
32          of the voters of the school corporation is in favor of consolidation.
- 33          SECTION 14. IC 20-23-6-6, AS AMENDED BY P.L.2-2006,  
34          SECTION 95, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
35          JANUARY 1, 2016]: Sec. 6. (a) On the day and hour named in the  
36          notice filed under section 5 of this chapter, polls shall be opened and  
37          the votes of the registered voters shall be taken upon the public  
38          question of consolidating school corporations. The election shall be  
39          governed by IC 3, except as provided in this chapter.
- 40          (b) The county election board shall conduct the election. The public  
41          question shall be placed on the ballot in the form prescribed by  
42          IC 3-10-9-4 and must state "Shall (here insert the names of the school



1 corporations that the resolution proposes to consolidate) be  
2 consolidated into a consolidated school corporation?".

3 (c) A brief statement of the provisions in the resolution for  
4 ~~appointment or~~ election of a governing body may be placed on the  
5 ballot in the form prescribed by IC 3-10-9-4. A certificate of the votes  
6 cast for and against the consolidation of the school corporations shall  
7 be filed with:

8 (1) the governing body of the school corporations subject to the  
9 election;

10 (2) the state superintendent; and

11 (3) the county recorder of each county in which a consolidated  
12 school corporation is located;

13 together with a copy of the resolution.

14 (d) If a majority of the votes cast at each of the elections is in favor  
15 of the consolidation of two (2) or more school corporations, the trustees  
16 of the school corporations shall proceed to consolidate the schools and  
17 provide the necessary buildings and equipment. In any school  
18 corporation where a petition was not filed and an election was not held,  
19 the failure on the part of the voters to file a petition for an election shall  
20 be considered to give the consent of the voters of the school  
21 corporation to the consolidation as set out in the resolution.

22 (e) If the special election is not conducted at a primary or general  
23 election, the expense of the election shall be borne by the school  
24 corporation or each of the school corporations subject to the election  
25 and shall be paid out of the school general fund.

26 SECTION 15. IC 20-23-6-8, AS AMENDED BY P.L.2-2006,  
27 SECTION 96, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
28 JANUARY 1, 2016]: Sec. 8. (a) Consolidated schools are under the  
29 control and management of the consolidated governing body created  
30 under this chapter, and a new consolidated school corporation comes  
31 into existence:

32 (1) at the time specified in the resolutions provided in section 3  
33 or 4 of this chapter; or

34 (2) if a time is not specified, at the following times:

35 (A) If a protest has not been filed and the creation is  
36 accomplished by the adoption of a joint resolution following  
37 publication of notice as provided in section 3 of this chapter,  
38 thirty (30) days after the adoption of the joint resolution.

39 (B) If the creation is accomplished after an election as  
40 provided in section 6 of this chapter, thirty (30) days after the  
41 election.

42 (b) The members of the governing body shall:



- 1 (1) take an oath to faithfully discharge the duties of office; and  
 2 (2) meet at least five (5) days before the time the new  
 3 consolidated school corporation comes into existence to organize.
- 4 (c) The governing body shall meet to reorganize on August 1 of  
 5 each year and at any time the personnel of the board is changed. At the  
 6 organization or reorganization meeting, the members of the governing  
 7 body shall elect the following:  
 8 (1) A president.  
 9 (2) A secretary.  
 10 (3) A treasurer.
- 11 (d) The treasurer, before starting the duties of the treasurer's office,  
 12 shall execute a bond to the acceptance of the county auditor. The fee  
 13 for the bond shall be paid from the school general fund of the  
 14 consolidated school corporation. Any vacancy occurring in the  
 15 membership in any governing body, other than vacancy in the office of  
 16 an ex officio member, shall be filled ~~in the following manner:~~  
 17 ~~(1) If the membership was originally made by appointment, the~~  
 18 ~~vacancy shall be filled by appointment by the legislative body of~~  
 19 ~~the:~~  
 20 (A) city;  
 21 ~~(B) town;~~  
 22 ~~(C) township; or~~  
 23 ~~(D) other body;~~  
 24 or other official making the original appointment.  
 25 ~~(2) If the membership was elected, the vacancy shall be filled by~~  
 26 ~~a majority vote of the remaining members of the governing body~~  
 27 ~~of the consolidated school corporation.~~
- 28 (e) The members of the governing body, other than the township  
 29 executive or ex officio member, shall receive compensation for services  
 30 as fixed by resolution of the governing body. The members, other than  
 31 the township executive or any ex officio member, may not receive more  
 32 than two hundred dollars (\$200) annually. Any:  
 33 (1) township executive; or  
 34 (2) ex officio member of the governing body;  
 35 shall serve without additional compensation.
- 36 (f) The governing body of a consolidated school corporation may  
 37 elect and appoint personnel it considers necessary.
- 38 SECTION 16. IC 20-23-6-9, AS AMENDED BY P.L.113-2006,  
 39 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 40 JANUARY 1, 2016]: Sec. 9. (a) When any:  
 41 (1) school town;  
 42 (2) school city;



- 1 (3) school township;  
 2 (4) joint school; or  
 3 (5) consolidated school;  
 4 has become consolidated by resolution or election and the new  
 5 governing body has been ~~appointed and~~ legally organized, the former  
 6 school township, school town, school city, joint school, or consolidated  
 7 school is considered abandoned.
- 8 (b) All school:  
 9 (1) property;  
 10 (2) rights;  
 11 (3) privileges; and  
 12 (4) any indebtedness;  
 13 from the abandoned school is considered to accrue to and be assumed  
 14 by the new consolidated school corporation.
- 15 (c) The title of property shall pass to and become vested in the new  
 16 consolidated school corporation. All debts of the former school  
 17 corporations shall be assumed and paid by the new consolidated school  
 18 corporation. All the privileges and rights conferred by law upon the  
 19 former:  
 20 (1) school town;  
 21 (2) school city;  
 22 (3) school township;  
 23 (4) joint school; or  
 24 (5) consolidated school;  
 25 are granted to the newly consolidated school corporation.
- 26 (d) This subsection applies when the consolidated governing body  
 27 of a consolidated school corporation decides that property acquired  
 28 under subsection (b) from a township is no longer needed for school  
 29 purposes. The governing body shall offer the property as a gift for park  
 30 and recreation purposes to the township that owned the property before  
 31 the school was consolidated. If the township board accepts the offer,  
 32 the governing body shall give the township a quitclaim deed to the  
 33 property. The deed must state that the township is required to use the  
 34 property for park and recreation purposes. If the township board refuses  
 35 the offer, the governing body may sell the property in the manner  
 36 provided in subsection (e).
- 37 (e) This subsection provides the procedure for the sale of school  
 38 property that is no longer needed for school purposes by the governing  
 39 body of a consolidated school corporation. The governing body shall  
 40 cause the property to be appraised at a fair cash value by:  
 41 (1) one (1) disinterested resident freeholder of the school  
 42 corporation offering the property for sale; and



1           (2) two (2) disinterested appraisers licensed under IC 25-34.1;  
 2 who are residents of Indiana. One (1) of the appraisers described under  
 3 subdivision (2) must reside not more than fifty (50) miles from the  
 4 property. The appraisals shall be made under oath and spread of record  
 5 upon the records of the governing body. A sale may not be made for  
 6 less than the appraised value, and the sale must be made for cash. The  
 7 sale shall take place after the governing body gives notice under  
 8 IC 5-3-1 of the terms, date, time, and place of sale.

9           (f) Proceeds from a sale under subsection (e) shall be placed in a  
 10 capital projects fund of the consolidated school corporation or other  
 11 fund designated as the fund that is available for capital outlay of the  
 12 school corporation.

13           SECTION 17. IC 20-23-7-9 IS REPEALED [EFFECTIVE  
 14 JANUARY 1, 2016]. ~~Sec. 9: (a) This section applies to a metropolitan  
 15 or consolidated school corporation located in a county containing a  
 16 consolidated city:~~

17           ~~(b) The same method used to cast votes for other offices for which  
 18 candidates have qualified to be on the election ballot shall be used for  
 19 the school board offices on the election ballot.~~

20           SECTION 18. IC 20-23-8-4, AS ADDED BY P.L.1-2005,  
 21 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 22 JANUARY 1, 2016]: Sec. 4. As used in this chapter, "plan" means the  
 23 manner in which the governing body of a school corporation is  
 24 constituted, including the number, qualifications, length of terms,  
 25 manner, and time of ~~selection either by appointment or by~~ election of  
 26 the members of the governing body.

27           SECTION 19. IC 20-23-8-7, AS AMENDED BY P.L.119-2012,  
 28 SECTION 146, IS AMENDED TO READ AS FOLLOWS  
 29 [EFFECTIVE JANUARY 1, 2016]: Sec. 7. (a) A plan or proposed plan  
 30 must contain the following items:

31           (1) The number of members of the governing body, which shall  
 32 be:

33           (A) three (3);

34           (B) five (5); or

35           (C) seven (7);

36           members.

37           ~~(2) Whether the governing board shall be elected; appointed; or  
 38 both:~~

39           ~~(3) If appointed, when and by whom, and a general description of  
 40 the manner of appointment that conforms with the requirements  
 41 of IC 20-23-4-28.~~

42           ~~(4) (2) A provision that the members of an elected a governing~~



1 board shall be elected at the general election at which county  
2 officials are elected.

3 ~~(5) If the governing board will have members who are elected and~~  
4 ~~members who are appointed, the following information:~~

5 ~~(A) The number of appointed members:~~

6 ~~(B) When and by whom each of the appointed members are~~  
7 ~~appointed:~~

8 ~~(C) A general description of the manner of appointment that~~  
9 ~~conforms with the requirements of IC 20-23-4-28.~~

10 ~~(D) The number of elected members:~~

11 ~~(E) A general description of the manner of election that~~  
12 ~~conforms with the requirements of IC 20-23-4-27.~~

13 ~~(6) (3) The limitations on:~~

14 ~~(A) residence;~~

15 ~~(B) term of office; and~~

16 ~~(C) other qualifications;~~

17 ~~required by members of the governing body.~~

18 ~~(7) (4) The time the plan takes effect.~~

19 A plan or proposed plan may have additional details to make the  
20 provisions of the plan workable. The details may include provisions  
21 relating to the commencement or length of terms of office of the  
22 members of the governing body taking office under the plan.

23 (b) Except as provided in subsection (a)(1), in a city having a  
24 population of more than fifty-five thousand (55,000) but less than sixty  
25 thousand (60,000), the governing body described in a plan may have up  
26 to nine (9) members.

27 SECTION 20. IC 20-23-8-8, AS AMENDED BY P.L.219-2013,  
28 SECTION 81, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
29 JANUARY 1, 2016]: Sec. 8. (a) A plan is subject to the following  
30 limitations:

31 (1) A member of the governing body may not serve for a term of  
32 more than four (4) years, but a member may succeed himself or  
33 herself in office. This limitation does not apply to members who  
34 hold over during an interim period to effect a new plan awaiting  
35 the selection and qualification of a member under the new plan.

36 (2) ~~The plan if the members are:~~

37 ~~(A) to be elected;~~ shall conform with one (1) of the types of  
38 board organization permitted by IC 20-23-4-27. ~~or~~

39 ~~(B) appointed;~~ shall conform with one (1) of the types  
40 permitted by IC 20-23-4-28.

41 (3) The terms of the members of the governing body, either  
42 elected to or taking office on or before the time the plan takes





1 effect, may not be shortened. The terms of the members taking  
 2 office under the plan may be shortened to make the plan workable  
 3 on a permanent basis.

4 (4) If the plan provides for electoral districts, where a member of  
 5 the governing body is elected solely by the voters of a single  
 6 district, the districts must be as near as practicable equal in  
 7 population. The districts shall be reapportioned and their  
 8 boundaries:

9 (A) changed, if necessary; or

10 (B) recertified, if changes are not necessary;

11 by resolution of the governing body not later than December 31  
 12 of the year next following the year in which a decennial census is  
 13 taken to preserve the equality of the governing body.

14 (5) The plan shall comply with the:

15 (A) Constitution of the State of Indiana; and

16 (B) Constitution of the United States;

17 including the equal protection clauses of both constitutions.

18 (6) The provisions of IC 20-23-4-26 through IC 20-23-4-33  
 19 relating to the board of trustees of a community school  
 20 corporation and to the community school corporation, including  
 21 provisions relating to powers of the board and corporation and  
 22 provisions relating to the mechanics of ~~selection~~ **election** of the  
 23 board, ~~where elected and where appointed~~, apply to a governing  
 24 body set up by a plan under this chapter and to the school  
 25 corporation.

26 (b) The limitations set forth in this section do not have to be  
 27 specifically set forth in a plan but are a part of the plan. A plan shall be  
 28 construed, if possible, to comply with this chapter. If a provision of the  
 29 plan or an application of the plan violates this chapter, the invalidity  
 30 does not affect the other provisions or applications of the plan that can  
 31 be given effect without the invalid provision or application. The  
 32 provisions of a plan are severable.

33 SECTION 21. IC 20-23-8-13, AS AMENDED BY P.L.119-2012,  
 34 SECTION 147, IS AMENDED TO READ AS FOLLOWS  
 35 [EFFECTIVE JANUARY 1, 2016]: Sec. 13. (a) This section applies to  
 36 a school corporation located in a city having a population of more than  
 37 eighty thousand (80,000) but less than eighty thousand four hundred  
 38 (80,400).

39 (b) The city legislative body may adopt an ordinance to increase the  
 40 membership of the governing body of a school corporation to seven (7)  
 41 members.

42 (c) The ordinance must provide the following:



- 1 (1) The **initial** additional members of the governing body are to
- 2 be appointed by the city executive.
- 3 (2) If the plan is subsequently changed to provide for the election
- 4 of governing body members:
- 5 (A) the membership of the governing body may not be less
- 6 than seven (7); and
- 7 (B) (2) After appointment of the initial additional members,
- 8 all the members of the governing body are to be elected.
- 9 (3) The initial terms of the members appointed under this section.
- 10 (4) The effective date of the ordinance.
- 11 (d) An ordinance adopted under this section:
- 12 (1) supersedes a part of the plan that conflicts with the ordinance;
- 13 (2) must be filed with the state superintendent under section 22 of
- 14 this chapter; and
- 15 (3) may only be amended or repealed by the city legislative body
- 16 SECTION 22. IC 20-23-8-21, AS AMENDED BY P.L.179-2011,
- 17 SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 18 JANUARY 1, 2016]: Sec. 21. An election may not be held under this
- 19 chapter more than once each eighteen (18) months. A plan for a
- 20 governing body may not be adopted more than once each six (6) years,
- 21 except if either of the following applies:
- 22 (1) A unless the plan adopted is declared or held to be invalid by
- 23 a binding judgment or order in a United States or an Indiana court
- 24 that no appeal or further approval can be taken.
- 25 (2) The plan provides solely for changes in items specified in
- 26 section 7(a)(5) of this chapter.
- 27 SECTION 23. IC 20-26-4-4, AS AMENDED BY P.L.219-2013,
- 28 SECTION 91, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 29 JANUARY 1, 2016]: Sec. 4. (a) This section does not apply to a school
- 30 city of the first class or to a school corporation succeeding to all or the
- 31 major part in area of a school city of the first class.
- 32 (b) The commencement and termination of terms of members of a
- 33 governing body are as follows:
- 34 (1) Except as provided in ~~subdivisions~~ **subdivision (2), and (3)**;
- 35 the governing body of each school corporation shall determine
- 36 whether the term of office for the governing body's members
- 37 extends from January 1 to December 31 or from July 1 to June 30.
- 38 A governing body that makes a change in the commencement date
- 39 of the governing body's members' terms shall report the change to
- 40 the state board before August 1 preceding the year in which the
- 41 change takes place. An ex officio member of a governing body
- 42 shall take office at the time the ex officio member takes the oath



1 of the office by virtue of which the ex officio member is entitled  
2 to become an ex officio member.

3 ~~(2) Except as provided in subdivision (3), in a county having a~~  
4 ~~population of more than four hundred thousand (400,000), the~~  
5 ~~terms of office for the members of a governing body who are~~  
6 ~~appointed commence on July 1 of the year in which the members~~  
7 ~~are to take office under the plan, resolution, or law under which~~  
8 ~~the school corporation is established, and terminate on the June~~  
9 ~~30 of the final year of the term for which the members are to serve~~  
10 ~~under the plan, resolution, or law.~~

11 ~~(3) (2) An elected member of a governing body takes office on the~~  
12 ~~date set in the school corporation's organization plan. The date set~~  
13 ~~in the organization plan for an elected member of the governing~~  
14 ~~body to take office may not be more than fourteen (14) months~~  
15 ~~after the date of the member's election. If the school corporation's~~  
16 ~~organization plan does not set a date for an elected member of the~~  
17 ~~governing body to take office, the member takes office January 1~~  
18 ~~immediately after the member's election.~~

19 (c) If a vacancy in the membership of a governing body occurs for  
20 any reason (including the failure of a sufficient number of petitions for  
21 candidates for governing body membership being filed for an election),  
22 ~~and whether the vacancy was of an elected or appointed member);~~ the  
23 remaining members of the governing body shall by majority vote fill  
24 the vacancy by appointing a person from within the boundaries of the  
25 school corporation, with the residence and other qualifications  
26 provided for a regularly elected ~~or appointed~~ board member filling the  
27 membership, to serve for the term or the balance of the term. However,  
28 this subsection does not apply to a vacancy

29 ~~(1) of a member who serves on a governing body in an ex officio~~  
30 ~~capacity. or~~

31 ~~(2) a vacancy in an appointed board membership if a plan,~~  
32 ~~resolution, or law under which the school corporation operates~~  
33 ~~specifically provides for filling vacancies by the appointing~~  
34 ~~authority.~~

35 SECTION 24. IC 20-26-4-7, AS ADDED BY P.L.1-2005,  
36 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
37 JANUARY 1, 2016]: Sec. 7. ~~(a)~~ Except as provided in IC 20-25-3-3,  
38 the governing body of a school corporation by resolution has the power  
39 to pay each member of the governing body a reasonable amount for  
40 service as a member, not to exceed:

41 (1) two thousand dollars (\$2,000) per year; and

42 (2) a per diem not to exceed the rate approved for members of the



1 board of school commissioners under IC 20-25-3-3(d).

2 (b) If the members of the governing body are totally comprised of  
3 appointed members, the appointive authority under IC 20-23-4-28(e)  
4 shall approve the per diem rate allowable under subsection (a)(2)  
5 before the governing body may make the payments.

6 (c) To make a valid approval under subsection (b), the appointive  
7 authority must approve the per diem rate with the same endorsement  
8 required under IC 20-23-4-28(f) to make the appointment of the  
9 member.

10 SECTION 25. [EFFECTIVE UPON PASSAGE] (a) This  
11 SECTION applies to members of the governing body of a school  
12 corporation who, before January 1, 2016, are appointed.

13 (b) After December 31, 2015, the members of the governing  
14 body shall be elected as provided in IC 20-23-4-29.1.

15 (c) Before January 1, 2016, the governing body shall amend the  
16 school corporation's plan to provide for the election of the  
17 members of the governing body as provided in IC 20-23-4-27, as  
18 amended by this act, and IC 20-23-4-29.1. The amendment must  
19 provide that the successor of an appointed member shall be elected  
20 at the general election at which county officials are elected that is  
21 held immediately before that member's term of office is scheduled  
22 to expire.

23 (d) If the governing body fails to amend the school corporation's  
24 plan as required by subsection (c), the following apply:

25 (1) The successor of each appointed member of the governing  
26 body shall be elected at the general election at which county  
27 officials are elected and that is held:

28 (A) in the year in which the appointed member's term  
29 expires, if the appointed member's term expires July 1; or

30 (B) the year ending immediately before the appointed  
31 member's term expires, if the appointed member's term  
32 expires January 1.

33 (2) The successor elected at the general election takes office on  
34 January 1 following the successor's election.

35 (3) The school corporation's plan is considered to provide  
36 that:

37 (A) the members of the governing body shall be elected at  
38 a general election at which county officials are elected; and

39 (B) a member of the governing body takes office January  
40 1 after the member's election.

41 (e) This SECTION expires July 1, 2020.

42 SECTION 26. An emergency is declared for this act.

