

COMMITTEE REPORT

Mr. Speaker: Pursuant to Joint Rule 20, your Committee on Rules and Legislative Procedures, to which was referred Engrossed House Bill 1076 because it conflicts with HEA 1134-2006 without properly recognizing the existence of HEA 1134-2006, has had Engrossed House Bill 1076 under consideration and begs leave to report back to the House with the recommendation that Engrossed House Bill 1076 be corrected as follows:

- 1 Page 1, delete lines 1 through 17, begin a new paragraph and insert:
2 "SECTION 1. IC 20-26-5-4, AS AMENDED BY HEA 1134-2006,
3 SECTION 117, IS AMENDED TO READ AS FOLLOWS
4 [EFFECTIVE JULY 1, 2006]: Sec. 4. In carrying out the school
5 purposes of a school corporation, the governing body acting on the
6 school corporation's behalf has the following specific powers:
7 (1) In the name of the school corporation, to sue and be sued and
8 to enter into contracts in matters permitted by applicable law.
9 (2) To take charge of, manage, and conduct the educational affairs
10 of the school corporation and to establish, locate, and provide the
11 necessary schools, school libraries, other libraries where permitted
12 by law, other buildings, facilities, property, and equipment.
13 (3) To appropriate from the school corporation's general fund an
14 amount, not to exceed the greater of three thousand dollars
15 (\$3,000) per budget year or one dollar (\$1) per pupil, not to
16 exceed twelve thousand five hundred dollars (\$12,500), based on
17 the school corporation's previous year's ADM, to promote the best
18 interests of the school corporation through:
19 (A) the purchase of meals, decorations, memorabilia, or
20 awards;
21 (B) provision for expenses incurred in interviewing job
22 applicants; or
23 (C) developing relations with other governmental units.
24 (4) To:
25 (A) Acquire, construct, erect, maintain, hold, and contract for
26 construction, erection, or maintenance of real estate, real estate

1 improvements, or an interest in real estate or real estate
2 improvements, as the governing body considers necessary for
3 school purposes, including buildings, parts of buildings,
4 additions to buildings, rooms, gymnasiums, auditoriums,
5 playgrounds, playing and athletic fields, facilities for physical
6 training, buildings for administrative, office, warehouse, repair
7 activities, or housing school owned buses, landscaping, walks,
8 drives, parking areas, roadways, easements and facilities for
9 power, sewer, water, roadway, access, storm and surface
10 water, drinking water, gas, electricity, other utilities and
11 similar purposes, by purchase, either outright for cash (or
12 under conditional sales or purchase money contracts providing
13 for a retention of a security interest by the seller until payment
14 is made or by notes where the contract, security retention, or
15 note is permitted by applicable law), by exchange, by gift, by
16 devise, by eminent domain, by lease with or without option to
17 purchase, or by lease under IC 20-47-2, IC 20-47-3, or
18 IC 20-47-5.

19 (B) Repair, remodel, remove, or demolish, or to contract for
20 the repair, remodeling, removal, or demolition of the real
21 estate, real estate improvements, or interest in the real estate or
22 real estate improvements, as the governing body considers
23 necessary for school purposes.

24 (C) Provide for ~~energy~~ conservation measures through utility
25 ~~energy~~ efficiency programs or under a guaranteed ~~energy~~
26 savings contract as described in IC 36-1-12.5.

27 (5) To acquire personal property or an interest in personal
28 property as the governing body considers necessary for school
29 purposes, including buses, motor vehicles, equipment, apparatus,
30 appliances, books, furniture, and supplies, either by cash purchase
31 or under conditional sales or purchase money contracts providing
32 for a security interest by the seller until payment is made or by
33 notes where the contract, security, retention, or note is permitted
34 by applicable law, by gift, by devise, by loan, or by lease with or
35 without option to purchase and to repair, remodel, remove,
36 relocate, and demolish the personal property. All purchases and
37 contracts specified under the powers authorized under subdivision
38 (4) and this subdivision are subject solely to applicable law
39 relating to purchases and contracting by municipal corporations
40 in general and to the supervisory control of state agencies as
41 provided in section 6 of this chapter.

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

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

11 (A) civic or public purposes; or

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

29 (8) To:

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

- 1 approved by the state board of accounts as provided below,
2 and other personnel or services as the governing body
3 considers necessary for school purposes.
- 4 (B) Fix and pay the salaries and compensation of persons and
5 services described in this subdivision.
- 6 (C) Classify persons or services described in this subdivision
7 and to adopt schedules of salaries or compensation.
- 8 (D) Determine the number of the persons or the amount of the
9 services employed or contracted for as provided in this
10 subdivision.
- 11 (E) Determine the nature and extent of the duties of the
12 persons described in this subdivision.
- 13 The compensation, terms of employment, and discharge of
14 teachers are, however, subject to and governed by the laws
15 relating to employment, contracting, compensation, and discharge
16 of teachers. The compensation, terms of employment, and
17 discharge of bus drivers ~~is~~ **are** subject to and governed by laws
18 relating to employment, contracting, compensation, and discharge
19 of bus drivers. The forms and procedures relating to the use of
20 computer and data processing equipment in handling the financial
21 affairs of the school corporation must be submitted to the state
22 board of accounts for approval so that the services are used by the
23 school corporation when the governing body determines that it is
24 in the best interest of the school corporation while at the same
25 time providing reasonable accountability for the funds expended.
- 26 (9) Notwithstanding the appropriation limitation in subdivision
27 (3), when the governing body by resolution considers a trip by an
28 employee of the school corporation or by a member of the
29 governing body to be in the interest of the school corporation,
30 including attending meetings, conferences, or examining
31 equipment, buildings, and installation in other areas, to permit the
32 employee to be absent in connection with the trip without any loss
33 in pay and to reimburse the employee or the member the
34 employee's or member's reasonable lodging and meal expenses
35 and necessary transportation expenses. To pay teaching personnel
36 for time spent in sponsoring and working with school related trips
37 or activities.
- 38 (10) To transport children to and from school, when in the opinion
39 of the governing body the transportation is necessary, including
40 considerations for the safety of the children and without regard to
41 the distance the children live from the school. The transportation

- 1 must be otherwise in accordance with applicable law.
- 2 (11) To provide a lunch program for a part or all of the students
3 attending the schools of the school corporation, including the
4 establishment of kitchens, kitchen facilities, kitchen equipment,
5 lunch rooms, the hiring of the necessary personnel to operate the
6 lunch program, and the purchase of material and supplies for the
7 lunch program, charging students for the operational costs of the
8 lunch program, fixing the price per meal or per food item. To
9 operate the lunch program as an extracurricular activity, subject
10 to the supervision of the governing body. To participate in a
11 surplus commodity or lunch aid program.
- 12 (12) To purchase textbooks, to furnish textbooks without cost or
13 to rent textbooks to students, to participate in a textbook aid
14 program, all in accordance with applicable law.
- 15 (13) To accept students transferred from other school corporations
16 and to transfer students to other school corporations in accordance
17 with applicable law.
- 18 (14) To make budgets, to appropriate funds, and to disburse the
19 money of the school corporation in accordance with applicable
20 law. To borrow money against current tax collections and
21 otherwise to borrow money, in accordance with IC 20-48-1.
- 22 (15) To purchase insurance or to establish and maintain a program
23 of self-insurance relating to the liability of the school corporation
24 or the school corporation's employees in connection with motor
25 vehicles or property and for additional coverage to the extent
26 permitted and in accordance with IC 34-13-3-20. To purchase
27 additional insurance or to establish and maintain a program of
28 self-insurance protecting the school corporation and members of
29 the governing body, employees, contractors, or agents of the
30 school corporation from liability, risk, accident, or loss related to
31 school property, school contract, school or school related activity,
32 including the purchase of insurance or the establishment and
33 maintenance of a self-insurance program protecting persons
34 described in this subdivision against false imprisonment, false
35 arrest, libel, or slander for acts committed in the course of the
36 persons' employment, protecting the school corporation for fire
37 and extended coverage and other casualty risks to the extent of
38 replacement cost, loss of use, and other insurable risks relating to
39 property owned, leased, or held by the school corporation. To:
- 40 (A) participate in a state employee health plan under
41 IC 5-10-8-6.6;

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

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

8 Delete pages 2 through 6.

9 Page 7, delete lines 1 through 13.

(Reference is to EHB 1076 as printed February 10, 2006.)

Representative Whetstone, Chairperson

Representative Pelath, R.M.M.

Representative Friend, Author