

COMMITTEE REPORT

Madam President: Pursuant to Joint Rule 20, your Committee on Rules and Legislative Procedure, 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 Senate 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:

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

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

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

29 (5) To acquire personal property or an interest in personal
30 property as the governing body considers necessary for school
31 purposes, including buses, motor vehicles, equipment, apparatus,
32 appliances, books, furniture, and supplies, either by cash purchase
33 or under conditional sales or purchase money contracts providing
34 for a security interest by the seller until payment is made or by
35 notes where the contract, security, retention, or note is permitted
36 by applicable law, by gift, by devise, by loan, or by lease with or
37 without option to purchase and to repair, remodel, remove,
38 relocate, and demolish the personal property. All purchases and
39 contracts specified under the powers authorized under subdivision

1 (4) and this subdivision are subject solely to applicable law
 2 relating to purchases and contracting by municipal corporations in
 3 general and to the supervisory control of state agencies as
 4 provided in section 6 of this chapter.

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

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

15 (A) civic or public purposes; or

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

33 (8) To:

34 (A) Employ, contract for, and discharge superintendents,
 35 supervisors, principals, teachers, librarians, athletic coaches
 36 (whether or not they are otherwise employed by the school
 37 corporation and whether or not they are licensed under
 38 IC 20-28-5), business managers, superintendents of buildings
 39 and grounds, janitors, engineers, architects, physicians,

1 dentists, nurses, accountants, teacher aides performing
 2 noninstructional duties, educational and other professional
 3 consultants, data processing and computer service for school
 4 purposes, including the making of schedules, the keeping and
 5 analyzing of grades and other student data, the keeping and
 6 preparing of warrants, payroll, and similar data where
 7 approved by the state board of accounts as provided below, and
 8 other personnel or services as the governing body considers
 9 necessary for school purposes.

10 (B) Fix and pay the salaries and compensation of persons and
 11 services described in this subdivision.

12 (C) Classify persons or services described in this subdivision
 13 and to adopt schedules of salaries or compensation.

14 (D) Determine the number of the persons or the amount of the
 15 services employed or contracted for as provided in this
 16 subdivision.

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

19 The compensation, terms of employment, and discharge of
 20 teachers are, however, subject to and governed by the laws relating
 21 to employment, contracting, compensation, and discharge of
 22 teachers. The compensation, terms of employment, and discharge
 23 of bus drivers ~~is~~ **are** subject to and governed by laws relating to
 24 employment, contracting, compensation, and discharge of bus
 25 drivers. The forms and procedures relating to the use of computer
 26 and data processing equipment in handling the financial affairs of
 27 the school corporation must be submitted to the state board of
 28 accounts for approval so that the services are used by the school
 29 corporation when the governing body determines that it is in the
 30 best interest of the school corporation while at the same time
 31 providing reasonable accountability for the funds expended.

32 (9) Notwithstanding the appropriation limitation in subdivision
 33 (3), when the governing body by resolution considers a trip by an
 34 employee of the school corporation or by a member of the
 35 governing body to be in the interest of the school corporation,
 36 including attending meetings, conferences, or examining
 37 equipment, buildings, and installation in other areas, to permit the
 38 employee to be absent in connection with the trip without any loss
 39 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) To transport children to and from school, when in the opinion
6 of the governing body the transportation is necessary, including
7 considerations for the safety of the children and without regard to
8 the distance the children live from the school. The transportation
9 must be otherwise in 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 to
18 the supervision of the governing body. To participate in a surplus
19 commodity or lunch aid program.
- 20 (12) To purchase textbooks, to furnish textbooks without cost or
21 to rent textbooks to students, to participate in a textbook aid
22 program, all in accordance with applicable law.
- 23 (13) To accept students transferred from other school corporations
24 and to transfer students to other school corporations in accordance
25 with applicable law.
- 26 (14) To make budgets, to appropriate funds, and to disburse the
27 money of the school corporation in accordance with applicable
28 law. To borrow money against current tax collections and
29 otherwise to borrow money, in accordance with IC 20-48-1.
- 30 (15) To purchase insurance or to establish and maintain a program
31 of self-insurance relating to the liability of the school corporation
32 or the school corporation's employees in connection with motor
33 vehicles or property and for additional coverage to the extent
34 permitted and in accordance with IC 34-13-3-20. To purchase
35 additional insurance or to establish and maintain a program of
36 self-insurance protecting the school corporation and members of
37 the governing body, employees, contractors, or agents of the
38 school corporation from liability, risk, accident, or loss related to
39 school property, school contract, school or school related activity,

1 including the purchase of insurance or the establishment and
 2 maintenance of a self-insurance program protecting persons
 3 described in this subdivision against false imprisonment, false
 4 arrest, libel, or slander for acts committed in the course of the
 5 persons' employment, protecting the school corporation for fire
 6 and extended coverage and other casualty risks to the extent of
 7 replacement cost, loss of use, and other insurable risks relating to
 8 property owned, leased, or held by the school corporation. To:

9 (A) participate in a state employee health plan under
 10 IC 5-10-8-6.6;

11 (B) purchase insurance; or

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

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

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

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

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

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

39 (19) To ratify and approve any action taken by a member of the

1 governing body, an officer of the governing body, or an employee
 2 of the school corporation after the action is taken, if the action
 3 could have been approved in advance, and in connection with the
 4 action to pay the expense or compensation permitted under
 5 IC 20-26-1 through IC 20-26-5, IC 20-26-7, IC 20-40-12, and
 6 IC 20-48-1 or any other law.

7 (20) To exercise any other power and make any expenditure in
 8 carrying out the governing body's general powers and purposes
 9 provided in this chapter or in carrying out the powers delineated
 10 in this section which is reasonable from a business or educational
 11 standpoint in carrying out school purposes of the school
 12 corporation, including the acquisition of property or the
 13 employment or contracting for services, even though the power or
 14 expenditure is not specifically set out in this chapter. The specific
 15 powers set out in this section do not limit the general grant of
 16 powers provided in this chapter except where a limitation is set out
 17 in IC 20-26-1 through IC 20-26-5, IC 20-26-7, IC 20-40-12, and
 18 IC 20-48-1 by specific language or by reference to other law."

19 Delete pages 2 through 6.

20 Page 7, delete lines 1 through 13.

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

Senator GARTON, Chairperson

Senator R YOUNG, R.M.M.

Senator HERSHMAN

