

IC 20-23-4

Chapter 4. Community School Corporations

IC 20-23-4-1

Purpose and policy of school reorganization

Sec. 1. It is the sense of the general assembly:

(1) that the establishment and maintenance of a general, a uniform, and an efficient system of public schools is the traditional and current policy of the state;

(2) that improvement in the organization of school corporations of the state will:

(A) provide a more equalized educational opportunity for public school students;

(B) achieve greater equity in school tax rates among the existing school corporations; and

(C) provide a more effective use of the public funds expended for the support of the public school system;

(3) that existing statutes with respect to the combination and the reorganization of school corporations are inadequate to effectuate the needed improvement;

(4) that modifications in the provisions for the combination and the reorganization of school corporations in this chapter are necessary in order to assure the future maintenance of a uniform and an efficient system of public schools in the state;

(5) that local electors:

(A) have an interest in the boundaries of the school corporation in which they reside; and

(B) will exercise their privileges, as provided in this chapter, to establish an efficient and economical reorganization plan best suited to local conditions; and

(6) that:

(A) the state board; and

(B) the:

(i) committees; and

(ii) public officers;

charged with authority under this chapter;

will perform their duties wisely in view of the objective of this chapter as set forth in the title of this chapter.

As added by P.L.1-2005, SEC.7.

IC 20-23-4-2

"Attendance unit"; "school unit"

Sec. 2. As used in this chapter, "attendance unit" or "school unit" means the area of an administrative unit served by a single school.

As added by P.L.1-2005, SEC.7.

IC 20-23-4-3

"Community school corporation"

Sec. 3. As used in this chapter, "community school corporation" means a school corporation:

(1) proposed to be formed; or
(2) formed;
under this chapter, including a united school corporation.
As added by P.L.1-2005, SEC.7.

IC 20-23-4-4

"County committee"; "committee"

Sec. 4. As used in this chapter, "county committee" or "committee" means the county committee for the reorganization of school corporations provided for in sections 11 through 17 of this chapter.

As added by P.L.1-2005, SEC.7.

IC 20-23-4-5

"County superintendent"

Sec. 5. As used in this chapter, "county superintendent" means the county superintendent of schools.

As added by P.L.1-2005, SEC.7.

IC 20-23-4-6

"Party"

Sec. 6. As used in this chapter, "party" includes:

- (1) a person;
- (2) a firm;
- (3) a limited liability company;
- (4) a corporation;
- (5) an association; or
- (6) a municipality;

interested in proceedings under this chapter.

As added by P.L.1-2005, SEC.7.

IC 20-23-4-7

"Reorganization of school corporations"

Sec. 7. As used in this chapter, "reorganization of school corporations" means the formation of new school corporations, the alteration of the boundaries of established school corporations, and the dissolution of established school corporations by:

- (1) the uniting of two (2) or more established school corporations;
- (2) the subdivision of one (1) or more school corporations;
- (3) the transfer to a school corporation of a part of the territory of one (1) or more school corporations;
- (4) the attachment to a school corporation of all or part of the territory of one (1) or more school corporations; and
- (5) any combination of the methods listed in subdivisions (1) through (4).

As added by P.L.1-2005, SEC.7.

IC 20-23-4-8

"School aid bonds"

Sec. 8. As used in this chapter, "school aid bonds" means bonds of a civil unit of government, the proceeds of which are used for school purposes in any school corporation.

As added by P.L.1-2005, SEC.7.

IC 20-23-4-9

"United school corporation"

Sec. 9. As used in this chapter, "united school corporation" means a school corporation that has territory in two (2) or more adjacent counties.

As added by P.L.1-2005, SEC.7.

IC 20-23-4-10

Public records available to county committees and state board

Sec. 10. State and county officers shall make available to:

- (1) the county committees; and
- (2) the state board;

information from public records in the officers' possession that is essential to the performance by the county committees and the state board of duties set forth in this chapter and IC 20-23-16-1 through IC 20-23-16-11.

As added by P.L.1-2005, SEC.7.

IC 20-23-4-11

County committee for reorganization of school corporations; creation; selecting membership; organization; compensation; terms of office; qualifications; meetings

Sec. 11. (a) A county committee for the reorganization of school corporations consists of nine (9) members. In a county that has a county superintendent:

- (1) the superintendent is an ex officio member of the committee; and
- (2) the remaining members of the committee are appointed by the judge of the circuit court of the county.

In a county that does not have a county superintendent, all the members of the committee are appointed by the judge of the circuit court of the county. Appointments under this subsection are subject to subsections (f) through (h).

(b) Before the time specified in this section, the judge of the circuit court shall call into a county convention each of the township trustees of the county and the members of each local board of school trustees or board of school commissioners in the county to advise the judge in the selection of the members of the county committee. Except as provided in subsection (c), the judge must give at least ten (10) days notice of the convention by publication in:

- (1) one (1) newspaper of general circulation published in the affected area; or
- (2) if a newspaper is not published in the affected area, in a newspaper having a general circulation in the affected area.

(c) In a county having a population of more than four hundred

thousand (400,000) but less than seven hundred thousand (700,000), the judge of the circuit court shall publish the notice referred to in subsection (b) in two (2) newspapers of general circulation published in the affected area or having a general circulation in the affected area. The notice must specify:

- (1) the date, time, place, and purpose of the county convention; and
- (2) that the county convention is open to all residents of the county.

(d) At the county convention, the judge of the circuit court shall:

- (1) explain or have explained; and
- (2) afford an opportunity for attendees to discuss;

the provisions of this chapter.

(e) Not later than ten (10) days after the date of the county convention, the judge of the circuit court shall select the appointive members of the county committee.

(f) In a county that has a county board of education, one (1) member of the county committee must be a township trustee recommended by the county board of education.

(g) In a county in which there is a board of school trustees or a board of school commissioners, one (1) member of the county committee:

- (1) must be a member of:
 - (A) the board of school trustees; or
 - (B) the board of school commissioners; and
- (2) may not be a township trustee.

(h) One (1) member of the county committee must be:

- (1) a superintendent of schools;
- (2) a principal of:
 - (A) a school city;
 - (B) a school town; or
 - (C) a consolidated school or corporation; or
- (3) a superintendent of a community school corporation.

(i) The members of the county committee not referred to in subsections (f) through (h):

- (1) may not be members of or employed by:
 - (A) a board of school trustees; or
 - (B) a board of school commissioners;
- (2) may not be members of or employed by a:
 - (A) local; or
 - (B) county;board of education;
- (3) may not be:
 - (A) township trustees; or
 - (B) employees of township trustees; and
- (4) are appointed without regard to political affiliation.

(j) The judge of the circuit court shall give written notice immediately to each person selected for appointment to the county committee. Each person selected shall notify the judge of the circuit court in writing not later than ten (10) days after receipt of the notice

whether the person accepts the appointment. If a person:

- (1) refuses an appointment; or
- (2) fails to notify the judge of the circuit court of the person's acceptance or refusal of an appointment;

the judge shall select a qualified replacement for appointment to the county committee.

(k) Not later than thirty (30) days after the date of the county convention, the county committee shall meet to organize and to elect from its membership:

- (1) a chairperson;
- (2) a treasurer; and
- (3) a secretary.

The secretary may be the county superintendent or the superintendent of one (1) of the school corporations in the county.

(l) The chairperson and the members of the county committee serve without compensation. Subject to approval by the state board, the chairperson of the county committee shall:

- (1) secure necessary office space and equipment;
- (2) engage necessary clerical help; and
- (3) receive reimbursement for any necessary expenses incurred by the chairperson with respect to duties in connection with the county committee.

(m) Members of the county committee hold office for terms of four (4) years until the reorganization program in the county is completed, subject to replacement as prescribed in this chapter. An appointed member who ceases to be a resident of the county may not continue to serve on a county committee.

(n) An individual appointed member of a county committee or the appointed members as a group are not disqualified from serving on a county committee because they fail at any time to meet the qualifications for appointment by the judge of the circuit court, other than county residence, if they met the qualifications at the time of their appointments.

(o) Vacancies shall be filled by the remaining members of the committee without regard for the qualifications for appointment by the judge of the circuit court.

(p) Meetings of the county committee shall be held:

- (1) upon call of the chairperson; or
- (2) by a petition to hold a meeting signed by a majority of the members of the committee.

(q) A majority of the committee constitutes a quorum.

As added by P.L.1-2005, SEC.7.

IC 20-23-4-12

Preliminary plans; contents; supporting documents

Sec. 12. (a) In formulating a preliminary reorganization plan and with respect to each of the community school corporations that are a part of the reorganization plan, the county committee shall determine the following:

- (1) The name of the community school corporation.

- (2) Subject to subsection (e), a general description of the boundaries of the community school corporation.
- (3) With respect to the board of school trustees, the following:
 - (A) Whether the number of members is:
 - (i) three (3);
 - (ii) five (5); or
 - (iii) seven (7).
 - (B) Whether the members are elected or appointed.
 - (C) If the members are appointed:
 - (i) when the appointments are made; and
 - (ii) who makes the appointments.
 - (D) If the members are elected, that the election is at the general election at which county officials are elected.
 - (E) Subject to sections 21 and 22 of this chapter, the manner in which members are elected or appointed.
- (4) The compensation, if any, of the members of the regular and interim board of school trustees, which may not exceed the amount provided in IC 20-26-4-7.
- (5) Subject to subsection (f), qualifications required of the members of the board of school trustees, including limitations on:
 - (A) residence; and
 - (B) term of office.
- (6) If an existing school corporation is divided in the reorganization, the disposition of assets and liabilities.
- (7) The disposition of school aid bonds, if any.
- (b) If existing school corporations are not divided in the reorganization, the:
 - (1) assets;
 - (2) liabilities; and
 - (3) obligations;of the existing school corporations shall be transferred to and assumed by the new community school corporation of which they are a part, regardless of whether the plan provides for transfer and assumption.
- (c) The preliminary plan must be supported by a summary statement of the following:
 - (1) The educational improvements the plan's adoption will make possible.
 - (2) Data showing the:
 - (A) assessed valuation;
 - (B) number of resident students in ADA in grades 1 through 12;
 - (C) assessed valuation per student referred to in clause (B); and
 - (D) property tax levies;of each existing school corporation to which the plan applies.
 - (3) The:
 - (A) assessed valuation;
 - (B) resident ADA; and

(C) assessed valuation per student; data referred to in subdivision 2(A) through 2(C) that would have applied for each proposed community school corporation if the corporation existed in the year the preliminary plan is prepared or notice of a hearing or hearings on the preliminary plan is given by the county committee.

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

(d) The county committee:

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

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

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

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

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

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

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

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

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

(1) as near as reasonably possible by:

(A) streets;

(B) rivers; and

(C) other similar boundaries;

that are known by common names; or

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

The description is not defective if there is a good faith effort by the county committee to comply with this subsection or if the boundary may be ascertained with reasonable certainty by a person skilled in the area of real estate description. The county committee may require the services of the county surveyor in preparing a description of a boundary line.

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

- (1) may not serve an appointive or elective term of more than four (4) years; and
- (2) may serve more than one (1) consecutive appointive or elective term.

As added by P.L.1-2005, SEC.7. Amended by P.L.2-2006, SEC.92; P.L.179-2011, SEC.10.

IC 20-23-4-13

Hearings on preliminary plans; notice

Sec. 13. (a) When a county committee has prepared its preliminary written plans for reorganization of school corporations, the committee shall fix dates and places for one (1) or more hearings on the plans and give notice of the hearings to the residents of the school corporations affected and all interested parties. The county committee may hold more than one (1) hearing. The chairperson of the county committee shall give the notice:

- (1) by publication at least one (1) time in one (1) newspaper of general circulation published in the school corporation or corporations; or
- (2) if a newspaper is not published in the school corporation or corporations, in a newspaper having a general circulation in the school corporation or corporations;

at least ten (10) days but not more than thirty (30) days before the date of the hearing.

(b) At the hearing:

- (1) the county committee shall:
 - (A) explain the proposed reorganization plan;
 - (B) summarize the educational improvements adoption of the plan will make possible; and
 - (C) if the proposed reorganization includes division of an existing school corporation, state the adjustment proposed for:
 - (i) property;
 - (ii) assets;
 - (iii) debts; and
 - (iv) other liabilities; and
- (2) any resident of the county or of any affected school corporation in an adjoining county may be heard with reference to:

- (A) the proposed plan; or
- (B) an alternative plan.

As added by P.L.1-2005, SEC.7.

IC 20-23-4-14

Final comprehensive reorganization plan; adoption; submission of plan to state board

Sec. 14. (a) The county committee shall consider any suggestions made in the public hearing and shall make any revisions or modifications in its written plans as it considers necessary and shall thereupon without any further hearing adopt its final comprehensive

reorganization plan, and, within ten (10) days after such adoption, but not later than January 14, 1964, shall submit at least three (3) copies of its comprehensive plan to the state board. However, if a county committee encounters any difficulties in formulating and adopting either its preliminary or comprehensive plan for the reorganization of school corporations, through no lack of diligence upon the part of the committee so that it is unable to submit its plans to the state board within the period specified, the county committee may apply to the state board for an extension of time in which to complete and adopt its preliminary or comprehensive plan. The application may be made during or after the original or any extended period for which an extension is asked.

(b) The state board may, if the facts and circumstances warrant, grant such extension or extensions as it may see fit.

As added by P.L.1-2005, SEC.7.

IC 20-23-4-15

Submission of reorganization plans to state board prior to completion of comprehensive plan

Sec. 15. The county committee may submit to the state board for approval, in accordance with section 18 of this chapter, a plan for the reorganization of one (1) or more school corporations without awaiting the completion of a comprehensive plan. The plan becomes an integral part of the comprehensive plan the county committee is required to prepare.

As added by P.L.1-2005, SEC.7.

IC 20-23-4-16

Required contents of preliminary or final comprehensive plan

Sec. 16. The form of a preliminary or final comprehensive plan of reorganization is sufficient if the plan contains in its own terms or by reference the following for each proposed community school corporation:

- (1) The name of the proposed community school corporation.
- (2) A general description of the boundaries of the community school corporation as provided in section 12 of this chapter.
- (3) The number of members of the board of school trustees and whether the members are elected or appointed.
- (4) The manner in which the board of school trustees, other than the interim board, is elected or appointed.
- (5) If a school corporation is divided as part of the reorganization, the disposition of assets and liabilities of the school corporation.
- (6) The statement required by section 12 of this chapter if that statement is submitted or adopted with the plan.

As added by P.L.1-2005, SEC.7.

IC 20-23-4-17

Advisory committees of county; membership

Sec. 17. (a) The county committee may form one (1) or more

advisory committees.

(b) An advisory committee may include as members:

- (1) superintendents; or
- (2) principals;

of local school corporations.

(c) An advisory committee or the individual members of an advisory committee shall:

- (1) help the county committee; and
- (2) furnish information to the county committee;

as requested by the county committee.

As added by P.L.1-2005, SEC.7.

IC 20-23-4-18

State board of education; powers and duties

Sec. 18. (a) The state board shall:

(1) aid the county committees, as required by subsection (b), in carrying out:

- (A) the powers conferred; and
- (B) the duties imposed;

on the committees by this chapter;

(2) receive and examine each plan for the reorganization of a school corporation submitted to the state board by a county committee and approve each plan that meets the standards of the state board;

(3) adopt a set of minimum standards, in furtherance of the policy expressed in section 1 of this chapter, which all proposed community school corporations must meet, insofar as feasible;

(4) not later than ninety (90) days after receipt of a reorganization plan, hold a public hearing in the county to which the plan mainly applies to allow residents of the affected territory to testify;

(5) not later than sixty (60) days after the public hearing:

- (A) approve or disapprove in writing all or part of the plan; and

(B) notify in writing the county committee concerned;

(6) assist any county committee whose plan does not meet minimum standards in revising the plan and permit the committee to resubmit the plan not later than ninety (90) days after receipt of notice of nonapproval; and

(7) adopt rules under IC 4-22-2 for:

- (A) the conduct of its own business; and
- (B) the guidance and direction of county committees;

to carry out this chapter and IC 20-23-16-1 through IC 20-23-16-11.

(b) The minimum standards for community school corporations proposed under this chapter or IC 20-23-16-1 through IC 20-23-16-11 must provide for the inclusion of all the area of a county in:

- (1) a school corporation; or
- (2) school corporations;

to furnish efficient and adequate educational opportunity for all

students in grades 1 through 12.

(c) Before the adoption of a preliminary written plan, the county committee and the state board may meet to consider problems encountered by the county committee in formulating a plan. Following the meeting, the state board may waive in writing any specified minimum standard for a designated geographic area on the ground that meeting the standard is not feasible.

(d) The state board is not required to hold a public hearing on a plan that does not meet the minimum standards required by the state board unless the state board waives the attainment of a minimum standard.

As added by P.L.1-2005, SEC.7.

IC 20-23-4-19

Creation of community school corporation in certain existing school corporations; motion of state board; hearings; definitions

Sec. 19. (a) If the creation of a community school corporation out of an existing corporation:

- (1) would not involve a change in its territorial boundaries or in its board of school trustees or other governing body, other than a change in the time of election or appointment or the time the board members take office; and
- (2) is consistent with the standards set up under this chapter and the standards set out in this section;

the state board may on its own motion or on petition of the governing body of the existing school corporation at any time with hearing in the county where the school corporation is located, after notice by publication at least once in one (1) newspaper of general circulation published in the county where the school corporation is located, at least ten (10) but not more than thirty (30) days before the date of a hearing, and without action of the county committee declare the existing school corporation to be a community school corporation by adopting a resolution to this effect. The existing school corporation qualifies as to size and financial resources if it has an ADA of at least two hundred seventy (270) students in grades 9 through 12 or at least one thousand (1,000) students in grades 1 through 12, and has an assessed valuation per student of at least five thousand dollars (\$5,000).

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

- (1) "County tax" means a property tax:
 - (A) that is levied at an equal rate in the entire county in which any school corporation is located, other than a tax qualifying as a countywide tax within the meaning of Acts 1959, c.328, s.2, or any similar statute; and
 - (B) for which the net proceeds of which are distributed to school corporations in the county.
- (2) "Assessed valuation" of any school corporation means the net assessed value of its real and personal property as of March 1, 1964, adjusted in the same manner as the assessed valuation

is adjusted for each county by the department of local government finance under Acts 1949, c.247, s.5, as amended, unless that statute has been repealed or no longer provides for an adjustment. If a county has a county tax, the assessed valuation of each school corporation in the county shall be increased by the amount of assessed valuation, if any, that would be required to raise an amount of money, equal to the excess of the amount distributed to any school corporation from the county tax over the amount collected from the county tax in the school corporation, using total taxes levied by the school corporation in terms of rate:

- (A) excluding the countywide tax under Acts 1959, c.328, s.2, or any similar statute; and
- (B) including all other taxes levied by or for the school corporation.

The increased valuation shall be based on the excess distributed to the school corporation from the county tax levied for the year 1964 and the total taxes levied for the year, or if the county tax is first applied or is raised for years after 1964, then the excess distributions and total taxes levied for the year in which the tax is first applied or raised. If the excess distribution and total taxes levied cannot be determined accurately on or before the adoption of the resolution provided in this section, excess distribution and taxes levied shall be estimated by the department of local government finance using the last preceding assessed valuations and tax rates or such other information as that department determines, certifying the increased assessment to the state board before such time. In all cases, the excess distribution shall be determined upon the assumption that the county tax is one hundred percent (100%) collected and all collections are distributed.

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

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

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

- (1) the recorder of the county from which the county committee

having jurisdiction of the existing school corporation was appointed; and

(2) the county committee.

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

As added by P.L.1-2005, SEC.7. Amended by P.L.2-2006, SEC.93.

IC 20-23-4-20

Approval of reorganization plan by state board; notice; creation of community school corporation by petition or elections; contents of petition and petitioning procedure

Sec. 20. (a) After the state board approves a comprehensive plan or partial plan for reorganization of school corporations as submitted to the state board by a county committee, the state board shall promptly, by certified mail with return receipt requested, give written notice of the approval to:

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

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

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

(1) by petition as provided in this section;

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

(3) under section 22 of this chapter.

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

the following information:

- (1) The name of the proposed community school corporation.
 - (2) A general description of the boundaries as set out in the plan.
 - (3) The number of members of the board of school trustees.
 - (4) The manner in which:
 - (A) the permanent board of school trustees; and
 - (B) if covered in the plan, the interim board of school trustees;will be elected or appointed.
 - (5) The compensation, if any, of the members of:
 - (A) the permanent board of school trustees; and
 - (B) if covered in the plan, the interim board of school trustees.
 - (6) The disposition, if any, of assets and liabilities of each existing school corporation that:
 - (A) is included in the proposed community school corporation; and
 - (B) has been divided.
 - (7) The disposition of school aid bonds, if any.
- (d) The petition referred to in subsection (c) must show:
- (1) the date on which each person signed the petition; and
 - (2) the person's residence address on that date.

The petition may be executed in several counterparts, the total of which constitutes the petition described in this section. An affidavit of the person circulating a counterpart must be attached to the counterpart. The affidavit must state that each signature appearing on the counterpart was affixed in the person's presence and is the true and lawful signature of the signer. Each signer on the petition may withdraw the signer's signature from the petition before the petition is filed with the clerk of the circuit court. Names may not be added to the petition after the petition is filed with the clerk of the circuit court.

(e) After receipt of the petition referred to in subsection (c), the clerk of the circuit court shall make a certification under the clerk's hand and seal of the clerk's office as to:

- (1) the number of signers of the petition;
- (2) the number of signers of the petition who are registered voters residing in:
 - (A) the proposed community school corporation; or
 - (B) the part of the school corporation located in the clerk's county;as disclosed by the voter registration records of the county;
- (3) the number of registered voters residing in:
 - (A) the proposed community school corporation; or
 - (B) the part of the school corporation located in the clerk's county;as disclosed by the voter registration records of the county; and
- (4) the date of the filing of the petition with the clerk.

If a proposed community school corporation includes only part of a

voting precinct, the clerk of the circuit court shall ascertain from any means, including assistance from the county committee, the number of registered voters residing in the part of the voting precinct.

(f) The clerk of the circuit court shall make the certification referred to in subsection (e):

(1) not later than thirty (30) days after the filing of the petition under subsection (c), excluding from the calculation of that period the time during which the registration records are unavailable to the clerk; or

(2) within any additional time as is reasonably necessary to permit the clerk to make the certification.

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

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

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

(2) set forth:

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

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

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

(1) July 1; or

(2) January 1;

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

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

(j) An action:

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

(2) to declare that a community school corporation:

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

(B) is not validly existing; or

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

As added by P.L.1-2005, SEC.7.

IC 20-23-4-21

Special election to create community school corporations; procedure

Sec. 21. (a) If the chairperson of the county committee does not receive the certification or combined certifications under section 20(f) of this chapter not later than ninety (90) days after the receipt by the county committee of the plan referred to in section 20(a) of this chapter, the judge of the circuit court of the county from which the county committee submitting the plan was appointed shall:

- (1) certify the public question under IC 3-10-9-3; and
- (2) order the county election board to conduct a special election in which the registered voters residing in the proposed community school corporation may vote to determine whether the corporation will be created.

(b) If:

- (1) a primary election at which county officials are nominated; or
- (2) a general election at which county officials are elected;

and for which the question can be certified in compliance with IC 3-10-9-3 is to be held not later than six (6) months after the receipt by the chairperson of the county committee of the plan referred to in section 20(a) of this chapter, regardless of whether the ninety (90) day period referred to in subsection (a) has expired, the judge shall order the county election board to conduct the special election to be held in conjunction with the primary or general election.

(c) If a primary or general election will not be held in the six (6) month period referred to in subsection (b), the special election shall be held:

- (1) not earlier than sixty (60) days; and
- (2) not later than one hundred twenty (120) days;

after the expiration of the ninety (90) day period referred to in subsection (a).

(d) The county election board shall give notice under IC 5-3-1 of the special election referred to in subsection (a).

(e) The notice referred to in subsection (d) of a special election must:

- (1) clearly state that the election is called to afford the registered voters an opportunity to approve or reject a proposal for the formation of a community school corporation;
- (2) contain:
 - (A) a general description of the boundaries of the community school corporation as set out in the plan;
 - (B) a statement of the terms of adjustment of:
 - (i) property;
 - (ii) assets;
 - (iii) debts; and
 - (iv) liabilities;

of an existing school corporation that is to be divided in the creation of the community school corporation;

(C) the name of the community school corporation;

(D) the number of members comprising the board of school trustees; and

(E) the method of selecting the board of school trustees of the community school corporation; and

(3) designate the date, time, and voting place or places at which the election will be held.

(f) A special election referred to in subsection (a) is under the direction of the county election board in the county. The election board shall take all steps necessary to carry out the special election. If the special election is not conducted at a primary or general election, the cost of conducting the election is:

(1) charged to each component school corporation embraced in the community school corporation in the same proportion as the component school corporation's assessed valuation is to the total assessed valuation of the community school corporation; and

(2) paid:

(A) from any current operating fund not otherwise appropriated of; and

(B) without appropriation by;

each component school corporation.

If a component school corporation is to be divided and its territory assigned to two (2) or more community corporations, the component school corporation's cost of the special election is in proportion to the corporation's assessed valuation included in the community school corporation.

(g) The county election board shall place the public question on the ballot in the form prescribed by IC 3-10-9-4. The public question must state "Shall the (here insert name) community school corporation be formed as provided in the Reorganization Plan of the County Committee for the Reorganization of School Corporations?". Except as otherwise provided in this chapter, the election is governed by IC 3.

(h) If a majority of the votes cast at a special election referred to in subsection (a) on the public question are in favor of the formation of the corporation, a community school corporation is created and takes effect on the earlier of:

(1) the July 1; or

(2) the January 1;

that next follows the date of publication of the notice referred to in subsection (d).

(i) If a public official fails to perform a duty required of the official under this section within the time prescribed in this section, the omission does not invalidate the proceedings taken under this section.

(j) An action:

(1) to contest the validity of the formation or creation of a

community school corporation under this section;
(2) to declare that a community school corporation:
 (A) has not been validly formed or created; or
 (B) is not validly existing; or
(3) to enjoin the operation of a community school corporation;
may not be instituted later than thirty (30) days after the date of the special election referred to in subsection (a).
As added by P.L.1-2005, SEC.7.

IC 20-23-4-22

Reorganization plan involving no change in boundaries or board of trustees; automatic effective date

Sec. 22. (a) This section applies to a proposed school corporation reorganization plan approved by the state board that involves no change in:

(1) territorial boundaries; or
(2) the board of school trustees or other governing body;
of a school corporation, other than a change in the time of election of board members or the time the board members take office.

(b) A plan referred to in subsection (a) automatically comes into being on the earlier of:

(1) the July 1; or
(2) the January 1;

that next follows the date of approval of the plan by the state board.

(c) If subsection (b) applies:

(1) an interim board of trustees member may not be appointed;
(2) the board members in office on the date the plan comes into being under subsection (b) continue to constitute the governing body of the school corporation until their successors are qualified; and

(3) the:

(A) terms of offices; and
(B) board memberships;

of the board members remain unchanged except to the extent the plan provides otherwise.

As added by P.L.1-2005, SEC.7.

IC 20-23-4-23

Rejection of community school corporations and elections; options of county committee

Sec. 23. (a) If a proposal for the formation of a community school corporation is rejected by the voters at the special election provided for in this chapter, the county committee shall:

(1) subject to subsection (b), devise a new plan of reorganization considered more acceptable to the electors of the territory affected; or
(2) subject to subsection (c), direct the county election board or boards to resubmit the same plan rejected by the voters.

(b) The county committee shall submit a new plan devised under subsection (a)(1) to the state board for the state board's approval not

later than six (6) months after the date of the special election at which the proposal was rejected, subject to the same conditions and requirements concerning extensions of time and other matters provided in this chapter. If the new plan is approved by the state board, the procedures of this chapter for the creation of a community school corporation must be followed.

(c) The county committee may direct the county election board or boards to resubmit the plan referred to in subsection (a)(2) at a special election to be held not later than six (6) months after the special election at which the proposal was rejected. If a primary or general election for state offices is to be held not later than six (6) months after the special election at which the proposal was rejected, the special election must be held in conjunction with the primary or general election. The judge of the circuit court shall give notice by publication of the special election on request of the county committee. The special election is held in the same manner required for the holding of a special election under section 21 of this chapter. Officials concerned shall take all actions necessary to conduct the special election as required under section 21 of this chapter.

As added by P.L.1-2005, SEC.7.

IC 20-23-4-24

Failure of public official to perform duty within time prescribed; effect

Sec. 24. (a) Except as provided in subsection (b), if a public official fails to perform a duty required under this chapter or IC 20-23-16-1 through IC 20-23-16-11 within the time prescribed in this chapter or IC 20-23-16-1 through IC 20-23-16-11, the omission does not invalidate any proceedings taken by the official.

(b) This section:

- (1) does not apply to the time within which a county committee must accept jurisdiction of all or part of a school corporation from another county committee following a petition under IC 20-23-16-1; and
- (2) may not be construed to extend the time within which petitions may be filed by registered voters under this chapter or IC 20-23-16-1 through IC 20-23-16-11.

As added by P.L.1-2005, SEC.7.

IC 20-23-4-25

Appeal procedure

Sec. 25. (a) A party aggrieved by the decision of the county committee after the hearing provided for under section 13 of this chapter may:

- (1) appear before the state board when the state board holds public hearings on the reorganization plan involved; and
- (2) state the grievance.

(b) A party aggrieved by the decision of the state board after the hearing provided for in section 13 of this chapter may appeal within thirty (30) days from the decision to the court in the county on any

question of adjustment of:

- (1) property;
- (2) debts; and
- (3) liabilities;

among the school corporations involved. Notice of the appeal shall be given to the chairperson or secretary of the county committee ten (10) days before the appeal is filed with the court.

(c) The court may:

- (1) determine the constitutionality and the equity of the adjustment or adjustments proposed; and
- (2) direct the county committee to alter the adjustment or adjustments found by the court to be inequitable or violative of any provision of the Constitution of the State of Indiana or of the United States.

An appeal may be taken to the supreme court or the court of appeals in accordance with the rules of civil procedure of the state.

(d) A determination by the court with respect to the adjustment of:

- (1) property;
- (2) debts; and
- (3) liabilities;

among the school corporations or areas involved does not otherwise affect the validity of the reorganization or creation of a school corporation or corporations under this chapter or IC 20-23-16-1 through IC 20-23-16-11.

As added by P.L.1-2005, SEC.7.

IC 20-23-4-26

Community school corporations; powers and duties; officers

Sec. 26. (a) This section applies to each community school corporation.

(b) A community school corporation established under this chapter or IC 20-23-16-1 through IC 20-23-16-11, is a body corporate and politic. The corporation may:

- (1) sue and be sued; and
- (2) acquire, hold, and convey real and personal property necessary to the community school corporation's establishment and operation.

(c) A corporation has:

- (1) all the powers, rights, duties, and obligations of the school cities of any class in which the school corporation would fall if it were organized as a school city; and
- (2) the additional powers granted school corporations:
 - (A) in general; or
 - (B) school corporations in the population or other classifications in which the school corporation falls.

(d) The officers of the governing body are a:

- (1) president;
- (2) secretary;
- (3) treasurer; and
- (4) vice president, if the board of trustees consists of more than

three (3) members.
As added by P.L.1-2005, SEC.7.

IC 20-23-4-27

Board of school trustees; election options; exception for community school corporations created before March 12, 1965

Sec. 27. (a) Subsections (b) and (c) do not apply to a community school corporation created before March 12, 1965. A community school corporation created before March 12, 1965, shall operate in accordance with the plan under which it was created and the statutes applicable to that plan, as if Acts 1965, c.336, s.4 had not been enacted.

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

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

(1) Members of a governing body:

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

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

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

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

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

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

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

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

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

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

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

Candidates shall be voted on by all registered voters of the community school corporation voting at any governing body member election.

- (4) The community school corporation shall be divided into two (2) or more electoral districts. Each member:
- (A) serves from one (1) electoral district;
 - (B) must be a resident of the district; and
 - (C) must be voted upon by the registered voters residing within the electoral district and voting at any governing body member election.

The plan must set out the number to be elected from each electoral district and may provide for election of an equal number of members from each district. The plan must provide that not less than one (1) less than a majority of the governing body may reside anywhere in the community school corporation and must be voted upon by all its registered voters voting at any governing body member election.

- (5) The community school corporation consists of one (1) electoral district that must embrace the entire community school corporation from which a majority of the members of the governing body shall be elected by all the registered voters of the community school corporation voting at a governing body member election. The other electoral districts must be subdivisions of the community school corporation. Each of the remaining members of the governing body:

- (A) serves from one (1) of the latter electoral districts;
- (B) must be a resident of that district; and
- (C) must be voted upon by registered voters voting at a governing body member election.

The plan must set out the number to be elected from each district and may provide for the election of an equal number of members from the district.

- (6) The community school corporation shall be divided into two (2) or more electoral districts. Each member:
- (A) serves from one (1) electoral district;
 - (B) must be a resident of that district; and
 - (C) must be voted upon only by the registered voters residing within that district who vote at a governing body election.

The plan must set out the number of members to be elected from each electoral district in the school corporation and may provide for election of an equal number of members from each district.

As added by P.L.1-2005, SEC.7.

IC 20-23-4-28

Board of school trustees; appointment options; exception for community school corporations created before March 12, 1965

Sec. 28. (a) Subsections (b) through (g) do not apply to a community school corporation created before March 12, 1965. A

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

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

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

(1) Members of the governing body may reside anywhere in the community school corporation.

(2) The community school corporation shall be divided into two (2) or more governing body member districts, any one (1) of which may embrace the entire community school corporation.

Each member:

(A) serves from a particular district; and

(B) must be a resident of the district.

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

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

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

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

(2) The city executive.

(3) The legislative body of a city.

(4) The board of commissioners of a county.

(5) The county fiscal body.

(6) The town legislative body.

(7) The township executive.

(8) The township legislative body.

(9) A township executive and legislative body jointly.

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

(f) If an appointment is to be made by:

(1) a body, the appointment must be made by a majority vote of the body in official session;

(2) township executives, the appointment must be made by a majority vote of the executives taken in joint session; and

(3) township legislative bodies, the appointment must be made

by a majority vote of the total number of township legislative body members by a majority vote of the members, taken in joint session.

(g) If a member of the governing body, whether of the interim governing body or regular governing body, is to be appointed, and the beginning of the appointive member's term of office coincides with the date an individual assumes the office of the official who is to make the appointment, the appointment shall be made by the latter individual. If the appointing official or body fails to appoint a member of the first governing body within five (5) days after a community school corporation comes into being, or, for members appointed after the first board is appointed, within five (5) days after a member is to take office, the member of the governing body shall be appointed:

- (1) by the judge of the circuit court; or
- (2) in the case of a united school corporation, by the judge of the circuit court of the county having the most students enrolled in the united school corporation.

As added by P.L.1-2005, SEC.7.

IC 20-23-4-29

Repealed

(Repealed by P.L.179-2011, SEC.34.)

IC 20-23-4-29.1

School corporation governing body; election procedures

Sec. 29.1. (a) This section applies to each school corporation.

(b) If a plan provides for election of members of the governing body, the members of the governing body shall be elected at a general election. Each candidate must file a petition of nomination in accordance with IC 3-8-2.5 that is signed by the candidate and by ten (10) registered voters residing within the boundaries of the community school corporation. The filing must be made within the time specified by IC 3-8-2.5-4.

(c) All nominations shall be listed for each office in the form prescribed by IC 3-11-2, but without party designation. Voting and tabulation of votes shall be conducted in the same manner as voting and tabulation in general elections are conducted. The precinct election boards serving in each county shall conduct the election for members of the governing body. If a school corporation is located in more than one (1) county, each county election board shall print the ballots required for voters in that county to vote for candidates for members of the governing body.

(d) If the plan provides that the members of the governing body shall be elected by all the voters of the community school corporation, candidates shall be placed on the ballot in the form prescribed by IC 3-11-2, without party designation. The candidates who receive the most votes are elected.

(e) If the plan provides that members of the governing body are to be elected from residence districts by all voters in the community

school corporation, nominees for the governing body shall be placed on the ballot in the form prescribed by IC 3-11-2, by residence districts without party designation. The ballot must state the number of members to be voted on and the maximum number of members that may be elected from each residence district as provided in the plan. A ballot is not valid if more than the maximum number of members are voted on from a board member residence district. The candidates who receive the most votes are elected. However, if more than the maximum number that may be elected from a residence district are among those receiving the most votes, the candidates from the residence districts exceeding the maximum number who receive the fewest votes shall be eliminated in determining the candidates who are elected.

(f) If the plan provides that members of the governing body are to be elected from electoral districts solely by the voters of each district, nominees residing in each electoral district shall be placed on the ballot in the form prescribed by IC 3-11-2, without party designation. The ballot must state the number of members to be voted on from the electoral district. The candidates residing in the electoral district who receive the most votes are elected.

As added by P.L.179-2011, SEC.11.

IC 20-23-4-30

School corporation governing body members; tie votes; vacancies; term of office

Sec. 30. (a) This section applies to each school corporation.

(b) If a tie vote occurs among any of the candidates, the tie vote shall be resolved under IC 3-12-9-4.

(c) If after the first governing body takes office, there is a vacancy on the governing body for any reason, including the failure of the sufficient number of petitions for candidates being filed, whether the vacating member was elected or appointed, the remaining members of the governing body, whether or not a majority of the governing body, shall by a majority vote fill the vacancy by appointing a person from within the boundaries of the community school corporation to serve for the term or balance of the term. An individual appointed under this subsection must possess the qualifications provided for a regularly elected or appointed governing body member filling the office. If:

- (1) a tie vote occurs among the members of the governing body under this subsection or IC 3-12-9-4; or
- (2) the governing body fails to act within thirty (30) days after any vacancy occurs;

the judge of the circuit court in the county where the majority of registered voters of the school corporation reside shall make the appointment.

(d) A vacancy in the governing body occurs if a member ceases to be a resident of any community school corporation. A vacancy does not occur when the member moves from a district of the school corporation from which the member was elected or appointed if the

member continues to be a resident of the school corporation.

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

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

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

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

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

As added by P.L.1-2005, SEC.7. Amended by P.L.230-2005, SEC.78; P.L.179-2011, SEC.12; P.L.219-2013, SEC.78.

IC 20-23-4-31

Board of school trustees; appointment of interim trustees

Sec. 31. (a) This section applies to each school corporation.

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

(1) the judge of the circuit court; or

(2) in the case of a united school corporation, the judge of the circuit court of the county having the most students enrolled in the united school corporation;

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

(c) The members of the governing body appointed serve until their successors are elected and qualified.

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

As added by P.L.1-2005, SEC.7.

IC 20-23-4-32

Assumption and transfer of powers and duties

Sec. 32. (a) This section applies to each school corporation.

(b) The governing body does not assume its powers and duties until the date the community school corporation becomes effective. For thirty (30) days before the date on which the governing body of a community school corporation assumes office, an existing school corporation having territory that will be included within the

boundaries of a community school corporation may not contract or place the school corporation under any further obligations, except upon written approval of the county committee.

(c) The transfer of:

- (1) powers;
- (2) duties;
- (3) property rights;
- (4) other assets;
- (5) liabilities;
- (6) contracts both as to rights and obligations; and
- (7) all else connected with the transfer of authority from existing school corporations to the community school corporation;

takes place at the time of the formation and creation of the community school corporation and are vested in the community school corporation.

As added by P.L.1-2005, SEC.7.

IC 20-23-4-33

Attendance units; transportation

Sec. 33. (a) This section applies to each school corporation.

(b) The governing body shall:

- (1) divide the community school corporation into the proper attendance units;
- (2) adopt rules with respect to the units; and
- (3) provide adequate and practical transportation if a reorganization plan provides for the transportation of students from one (1) part of a community school corporation to a central point.

As added by P.L.1-2005, SEC.7.

IC 20-23-4-34

Voting method for community school corporations

Sec. 34. (a) This section applies to a community school corporation located in a county containing a consolidated city.

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

As added by P.L.1-2005, SEC.7.

IC 20-23-4-35

School corporation; organization of governing body

Sec. 35. (a) The governing body of a school corporation may be organized under this section.

(b) The governing body consists of seven (7) members, elected as follows:

- (1) Four (4) members elected from districts, with one (1) member serving from each election district. A member elected under this subdivision must be:

(A) a resident of the election district from which the member

is elected; and

(B) voted upon by only the registered voters residing within the election district and voting at a governing body election.

(2) Three (3) members, who are voted upon by all the registered voters residing within the school corporation and voting at a governing body election, elected under this subdivision. The governing body shall establish three (3) residential districts as follows:

(A) One (1) residential district must be the township that has the greatest population within the school corporation.

(B) Two (2) residential districts must divide the remaining area within the school corporation.

Only one (1) member who resides within a particular residential district established under this subdivision may serve on the governing body at a time.

(c) A member of the governing body who is:

(1) elected from an election or a residential district; or

(2) appointed to fill a vacancy from an election or a residential district;

must reside within the boundaries of the district the member represents.

(d) A vacancy on the governing body shall be filled by the governing body as soon as practicable after the vacancy occurs. A member chosen by the governing body to fill a vacancy holds office for the remainder of the unexpired term.

(e) The members of the governing body serving at the time a plan is amended under this section shall establish the election and residential districts described in subsection (b).

(f) The election districts described in subsection (b)(1):

(1) shall be drawn on the basis of precinct lines;

(2) may not cross precinct lines; and

(3) as nearly as practicable, be of equal population, with the population of the largest exceeding the population of the smallest by not more than fifteen percent (15%).

(g) The residential districts described in subsection (b)(2) may:

(1) be drawn in any manner considered appropriate by the governing body; and

(2) be drawn along township lines.

(h) The governing body shall certify the districts that are established under subsections (f) and (g), amended under subsection (e), or recertified under section 35.5 of this chapter to:

(1) the state board; and

(2) the circuit court clerk of each county in which the school corporation is located as provided in section 35.5 of this chapter.

(i) The governing body shall designate:

(1) three (3) of the districts established under this section to be elected at the first school board election that occurs after the effective date of the plan; and

(2) the remaining four (4) districts to be elected at the second

school board election that occurs after the effective date of the plan.

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

(k) If a conflict exists between:

- (1) a map showing the boundaries of a district; and
- (2) a description of the boundaries of that district set forth in the plan or plan amendment;

the district boundaries are the description of the boundaries set forth in the plan or plan amendment, not the boundaries shown on the map, to the extent there is a conflict between the description and the map. *As added by P.L.1-2005, SEC.7. Amended by P.L.271-2013, SEC.36.*

IC 20-23-4-35.5

Copy of school corporation plan filed with circuit court clerk; certification of election districts; redistricting; recertification of districts; amendments of plan filed with circuit court clerk; time for filing; district boundary description prevails over conflicting map

Sec. 35.5. (a) Not later than December 31, 2013, the governing body shall do the following:

- (1) Send a copy of the school corporation's plan to the circuit court clerk of each county in which the school corporation is located.
- (2) If any members of the governing body are elected from election districts voted upon by only the registered voters residing within the election district, certify that the election districts comply with section 35(f) and 35(g) of this chapter.

(b) This subsection applies during the first year after a year in which a federal decennial census is conducted. The governing body shall amend the plan under section 35(e) of this chapter if an amendment is necessary to reestablish the districts in compliance with section 35(f) and 35(g) of this chapter. If the governing body determines that a plan amendment under section 35(e) of this chapter is not required, the governing body shall recertify that the districts as established comply with section 35(f) and 35(g) of this chapter.

(c) Each time the school corporation's plan is amended, the governing body shall file the following with the circuit court clerk of each county in which the school corporation is located:

- (1) A copy of the amendment.
- (2) Either of the following:
 - (A) A certification that the plan amendment does not require reestablishment of the school corporation's election districts to comply with section 35(f) and 35(g) of this chapter.
 - (B) If the plan amendment requires reestablishment of the

school corporation's election districts to comply with section 35(f) and 35(g) of this chapter, a map of the new district boundaries.

(d) A plan amendment or recertification under this section must be filed not later than thirty (30) days after the amendment or recertification occurs.

As added by P.L.271-2013, SEC.37.

IC 20-23-4-36

Voting method for school corporations

Sec. 36. (a) This section applies to a school corporation located in a county containing a consolidated city.

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

As added by P.L.1-2005, SEC.7.

IC 20-23-4-37

Approval of state board for reorganization plan mandatory; supplemental effect of act

Sec. 37. (a) A consolidation or reorganization of a school corporation does not become effective until the consolidation or reorganization is approved by the state board.

(b) Except to the extent set forth in subsection (a), this chapter shall be construed as being supplemental to all laws appertaining to public schools in Indiana.

As added by P.L.1-2005, SEC.7.

IC 20-23-4-38

Dissolution of county committees upon completion of reorganization

Sec. 38. (a) Whenever an entire county has been reorganized under this chapter or IC 20-23-16-1 through IC 20-23-16-11, by the creation of a community school corporation or corporations for the entire county, the county committee shall be dissolved. Where the term of any member of a county committee expires before the time of dissolution of the county committee, the judge shall fill a vacancy by replacement or reappointment for a term of four (4) years in accordance with sections 11 through 15 of this chapter. In the event the membership of an entire county committee shall at any time be vacant by resignation or otherwise, the judge shall appoint a new county committee in accordance with sections 11 through 15 of this chapter.

(b) After a county committee has been dissolved, if the local governing body or the state superintendent considers further reorganization necessary to improve educational opportunities for the students in the county, the local school trustees or the state superintendent shall submit proposed changes to the state board. If the changes proposed by the local governing body or the state superintendent are approved by the state board, the proposal becomes

effective under the procedure specified in sections 20 through 24 of this chapter so far as the same are applicable.

As added by P.L.1-2005, SEC.7. Amended by P.L.1-2007, SEC.142.

IC 20-23-4-39

Donations; power to accept

Sec. 39. A county committee formed under this chapter and the state board may accept donations of money or other articles of value to assist in financing the studies authorized by this chapter.

As added by P.L.1-2005, SEC.7.

IC 20-23-4-40

Budgetary request of county committee; tax levy

Sec. 40. (a) To defray the expenses of the county study, a county committee may prepare and submit a budgetary request to the county council on or before August 1 of each year during the life of the committee. The county council may, upon receipt of a request, establish a uniform ad valorem tax levy on all real and personal property within the county, in an amount sufficient to raise an amount of money not to exceed the amount of the budget request.

(b) The county committee may request from the county council sufficient sums of money necessary to defray legal expenses incident to placing the county plan in operation.

As added by P.L.1-2005, SEC.7.

IC 20-23-4-41

Repealed

(Repealed by P.L.2-2006, SEC.199.)

IC 20-23-4-42

Application of procedures concerning review of and public hearings concerning school facility plans and specifications

Sec. 42. (a) The procedures set forth in IC 20-19-2-12 concerning the review of, and public hearings concerning, plans and specifications for the construction of, addition to, or remodeling of school facilities apply equally to facilities to be used or leased by both community school corporations and school corporations that are not community school corporations.

(b) An action to enjoin school construction or the performance of any of the terms and conditions of a lease or the execution, sale, or delivery of bonds, on the ground that any approval should not have been granted, may not be instituted at any time later than fifteen (15) days after approval has been granted.

As added by P.L.1-2005, SEC.7. Amended by P.L.146-2008, SEC.459.

IC 20-23-4-43

Amendment of plan approved prior to May 1, 1984

Sec. 43. A plan approved by:

- (1) a county committee or committees; and

(2) the state board before May 1, 1984;
may provide for or be amended to provide for delaying the commencement of the terms of some members of the governing body for one (1) year and for extending the terms of their predecessors for one (1) year where this is necessary to prevent a majority of the board from taking office at any one time.

As added by P.L.1-2005, SEC.7.

IC 20-23-4-44

Tie votes

Sec. 44. (a) This section applies only to a school corporation with territory in a county having a population of more than one hundred seventy thousand (170,000) but less than one hundred seventy-five thousand (175,000).

(b) This section applies if there is a:

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

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

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

(1) select one (1) of the candidates who shall be declared and certified elected; or

(2) fill the vacancy by appointing an individual to fill the vacancy.

(d) An individual appointed to fill a vacancy under subsection (c)(2):

(1) must satisfy all the qualifications required of a member of the governing body; and

(2) shall fill the remainder of the unexpired term of the vacating member.

(e) If a tie vote occurs among the remaining members of the governing body or the governing body fails to act within thirty (30) days after the election or the vacancy occurs, the fiscal body (as defined in IC 3-5-2-25) of the township in which the greatest percentage of population of the school district resides shall break the tie or make the appointment. A member of the fiscal body who was a candidate and is involved in a tie vote may not cast a vote under this subsection.

(f) If the fiscal body of a township is required to act under this section and a vote in the fiscal body results in a tie, the deciding vote to break the tie vote shall be cast by the executive.

As added by P.L.1-2005, SEC.7. Amended by P.L.119-2012, SEC.145.

IC 20-23-4-45

Authorization

Sec. 45. A community school corporation created or organized

under this chapter may change its name at any time by adoption of a resolution by majority vote of the governing body.

As added by P.L.1-2005, SEC.7.