

## **IC 20-26-3**

### **Chapter 3. Home Rule**

#### **IC 20-26-3-1**

##### **State policy**

Sec. 1. Notwithstanding any other law and subject to section 7 of this chapter, the policy of the state is to grant to each school corporation all the powers needed for the effective operation of the school corporation.

*As added by P.L.1-2005, SEC.10.*

#### **IC 20-26-3-2**

##### **School corporation powers; resolution of doubted existence**

Sec. 2. (a) The rule of law that any doubt as to the existence of a power of a school corporation must be resolved against the existence of the power is abrogated.

(b) Any doubt as to the existence of a power of a school corporation must be resolved in favor of the existence of the power. This rule applies when a statute granting the power has been repealed.

*As added by P.L.1-2005, SEC.10.*

#### **IC 20-26-3-3**

##### **School corporation powers; extent**

Sec. 3. (a) The rule of law that a school corporation has only:

- (1) powers expressly granted by statute;
- (2) powers necessarily or fairly implied in or incident to powers expressly granted through rules adopted by the state board under IC 4-22-2 or otherwise; and
- (3) powers indispensable to the declared purposes of the school corporation;

is abrogated.

(b) A school corporation has:

- (1) all powers granted to the school corporation by statute or through rules adopted by the state board; and
- (2) all other powers necessary or desirable in the conduct of the school corporation's affairs, even if the power is not granted by statute or rule.

(c) The powers that school corporations have under subsection (b)(1) are listed in various statutes. However, these statutes do not list the powers that school corporations have under subsection (b)(2). The omission of a power from a list does not imply that school corporations lack that power.

*As added by P.L.1-2005, SEC.10.*

#### **IC 20-26-3-4**

##### **School corporation powers; exercise**

Sec. 4. A school corporation may exercise any power the school

corporation possesses to the extent that the power:

- (1) is not expressly denied by the Constitution of the State of Indiana, by statute, or by rule of the state board; and
- (2) is not expressly granted to another entity.

*As added by P.L.1-2005, SEC.10.*

#### **IC 20-26-3-5**

##### **Constitutional or statutory exercise of powers; written policy**

Sec. 5. (a) If there is a constitutional or statutory provision requiring a specific manner for exercising a power, a school corporation that exercises the power shall exercise the power in the specified manner as a minimum requirement.

(b) If there is not a constitutional or statutory provision requiring a specific manner for exercising a power, a school corporation that exercises the power shall:

- (1) adopt a written policy prescribing a specific manner for exercising the power; or
- (2) comply with a statutory provision permitting a specific manner for exercising the power.

(c) A written policy under subsection (b)(1) must be adopted by the governing body of the school corporation.

*As added by P.L.1-2005, SEC.10.*

#### **IC 20-26-3-6**

##### **Review or regulation of school corporation powers**

Sec. 6. A state agency and other agencies may review or regulate the exercise of powers by a school corporation only to the extent prescribed by statute.

*As added by P.L.1-2005, SEC.10.*

#### **IC 20-26-3-7**

##### **Unavailable powers**

Sec. 7. A school corporation does not have any of the following powers:

- (1) Powers expressly prohibited of a unit under IC 36-1-3-8.
- (2) Power for eminent domain, unless specifically authorized by statute.
- (3) Power to prescribe a civil penalty or a fine.
- (4) Power to adopt ordinances.
- (5) Power to require the attendance of witnesses and the production of documents relative to matters being considered, unless specifically authorized by statute.
- (6) Power to exercise powers outside the boundaries of the school corporation, unless authorized by statute through a joint agreement or otherwise.

*As added by P.L.1-2005, SEC.10.*