

SENATE BILL No. 127

DIGEST OF INTRODUCED BILL

Citations Affected: IC 6-1.1-20.6-9.5; IC 10-21-1-4; IC 20-26-18.2-2; IC 20-29; IC 20-40-20; IC 20-46-9.

Synopsis: Referendum for school safety levy. Allows a school corporation to adopt a resolution to place a referendum on the ballot to impose a school safety referendum tax levy to improve school safety. Allows a school corporation to impose a school safety referendum tax levy if approved by a majority of the voters. Requires a school corporation to certify a copy of: (1) the resolution to place a referendum for a school safety referendum tax levy on the ballot; and (2) the language for the question; to the department of local government finance (department) for review and approval. Provides that voters may not approve a school safety referendum tax levy that is imposed for more than 10 years. Provides that a school safety referendum tax levy may be reimposed or extended. Requires a county auditor to distribute proceeds attributable to property taxes imposed after being approved by the voters in a referendum to the school corporation. Specifies when a referendum is to be held. Requires the circuit court clerk of each county to certify the results of the referendum for a school safety referendum tax levy to the department. Provides that if a school safety referendum tax levy is approved by the voters in a school corporation in a calendar year, another school safety referendum levy question may not be placed on the ballot in the school corporation in the following calendar year. Provides that if a school corporation imposes a school safety referendum tax levy approved in a referendum, the school corporation may not simultaneously impose more than one additional school safety referendum tax levy approved in a subsequent referendum. Provides that during the period beginning with the adoption of a resolution by a school corporation to place a
(Continued next page)

Effective: July 1, 2019.

Holdman

January 3, 2019, read first time and referred to Committee on Tax and Fiscal Policy.



Digest Continued

school safety referendum tax levy question on the ballot and continuing through the day on which the referendum is submitted to the voters, the school corporation may not promote a position on the referendum by taking certain actions. Provides that a school board member, school corporation superintendent, school corporation assistant superintendent, or chief school business official of a school corporation may discuss and personally advocate a position on a referendum for a school safety referendum tax levy outside a regular school day as long as public funds are not used. Requires the governing body of a school corporation for which a school safety referendum tax levy is approved to establish a school safety referendum tax levy fund (fund). Specifies purposes for which money from the fund may be used. Provides that if a school safety referendum tax levy is approved by the voters in a school corporation in a calendar year, the school corporation may not be awarded a grant from the Indiana secured school fund. Requires that a school resource officer participate in the development of programs designed to identify, assess, and provide assistance to troubled youth.



Introduced

First Regular Session of the 121st General Assembly (2019)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2018 Regular and Special Session of the General Assembly.

SENATE BILL No. 127

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

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

1 SECTION 1. IC 6-1.1-20.6-9.5, AS AMENDED BY P.L.218-2013,
2 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2019]: Sec. 9.5. (a) This section applies only to credits under
4 this chapter against property taxes first due and payable after December
5 31, 2006.

6 (b) The application of the credit under this chapter results in a
7 reduction of the property tax collections of each political subdivision
8 in which the credit is applied. Except as provided in IC 20-46-1 **and**
9 **IC 20-46-9**, a political subdivision may not increase its property tax
10 levy to make up for that reduction.

11 (c) A political subdivision may not borrow money to compensate the
12 political subdivision or any other political subdivision for the reduction
13 of property tax collections referred to in subsection (b).

14 SECTION 2. IC 10-21-1-4, AS AMENDED BY P.L.30-2014,
15 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



1 JULY 1, 2019]: Sec. 4. (a) The board may award a matching grant to
 2 enable a school corporation or charter school (or a coalition of schools
 3 applying jointly) to establish a program to employ a school resource
 4 officer, provide school resource officer training described in
 5 IC 20-26-18.2-1(b)(2), conduct a threat assessment, or purchase
 6 equipment to restrict access to the school or expedite the notification
 7 of first responders in accordance with section 2(a) of this chapter.

8 (b) A matching grant awarded to a school corporation or charter
 9 school (or a coalition of schools applying jointly) may not exceed the
 10 lesser of the following during a two (2) year period beginning on or
 11 after May 1, 2013:

12 (1) The total cost of the program established by the school
 13 corporation or charter school (or the coalition of schools applying
 14 jointly).

15 (2) The following amounts:

16 (A) Fifty thousand dollars (\$50,000) per year, in the case of a
 17 school corporation or charter school that:

18 (i) has an ADM of at least one thousand (1,000); and

19 (ii) is not applying jointly with any other school corporation
 20 or charter school.

21 (B) Thirty-five thousand dollars (\$35,000) per year, in the case
 22 of a school corporation or charter school that:

23 (i) has an ADM of less than one thousand (1,000); and

24 (ii) is not applying jointly with any other school corporation
 25 or charter school.

26 (C) Fifty thousand dollars (\$50,000) per year, in the case of a
 27 coalition of schools applying jointly.

28 (c) A school corporation or charter school may receive only one (1)
 29 matching grant under this section each year.

30 (d) The board may not award a grant to a school corporation or
 31 charter school under this chapter unless the school corporation or
 32 charter school is in a county that has a county school safety
 33 commission, as described in IC 5-2-10.1-10.

34 **(e) The board may not award a grant to a school corporation**
 35 **under this chapter if the school corporation imposes a school safety**
 36 **referendum tax levy under IC 20-46-9.**

37 SECTION 3. IC 20-26-18.2-2, AS ADDED BY P.L.172-2013,
 38 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 39 JULY 1, 2019]: Sec. 2. (a) A school resource officer may be employed:

40 (1) by one (1) or more school corporations or charter schools
 41 through a contract between a local law enforcement agency and
 42 the school corporation or school corporations or the charter school



1 or charter schools;
 2 (2) by one (1) or more school corporations or charter schools;
 3 (3) by a local law enforcement agency that assigns the school
 4 resource officer to one (1) or more school corporations or charter
 5 schools through a memorandum of understanding between the
 6 local law enforcement agency and the school corporation or
 7 school corporations or the charter school or charter schools; or
 8 (4) through a contract between an Indiana business that employs
 9 persons who meet the qualifications of a school resource officer
 10 and the school corporation or school corporations or the charter
 11 school or charter schools.

12 (b) A contract or memorandum of understanding entered into under
 13 subsection (a) must state the nature and scope of a school resource
 14 officer's duties and responsibilities. A school resource officer's duties
 15 and responsibilities include the duty to assist the school corporation's
 16 school safety specialist with the development and implementation of a
 17 school safety plan that does the following:

18 (1) Protects against outside threats to the physical safety of
 19 students.

20 (2) Prevents unauthorized access to school property.

21 (3) Secures schools against violence and natural disasters.

22 (c) A school resource officer shall consult with local law
 23 enforcement officials and first responders when assisting the school
 24 corporation's school safety specialist in the development of the school
 25 safety plan.

26 **(d) A school resource officer shall participate in the**
 27 **development of programs designed to identify, assess, and provide**
 28 **assistance to troubled youth.**

29 **(e) A school resource officer may not be reassigned to other**
 30 **duties by the school corporation.**

31 SECTION 4. IC 20-29-2-6, AS AMENDED BY P.L.213-2018(ss),
 32 SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 33 JULY 1, 2019]: Sec. 6. "Deficit financing" for a budget year:

34 (1) means, except as provided in subdivision (2), actual
 35 expenditures exceeding the employer's current year actual
 36 education fund revenue and, for a school employer for which the
 37 voters have passed an operating referendum tax levy under
 38 IC 20-46-1 or a school safety referendum tax levy under
 39 IC 20-46-9, the amount of revenue certified by the department of
 40 local government finance; or

41 (2) means, in the case of any distressed school corporation, the
 42 Gary Community School Corporation, or the Muncie Community



1 school corporation, actual expenditures plus additional payments
 2 against any outstanding debt obligations exceeding the employer's
 3 current year actual education fund revenue, and, for a school
 4 employer for which the voters have passed an operating
 5 referendum tax levy under IC 20-46-1 **or a school safety**
 6 **referendum tax levy under IC 20-46-9**, the amount of revenue
 7 certified by the department of local government finance.

8 Revenue does not include money estimated to be or actually transferred
 9 from the school corporation's operations fund to its education fund.

10 SECTION 5. IC 20-29-6-12.5, AS AMENDED BY P.L.244-2017,
 11 SECTION 57, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 12 JULY 1, 2019]: Sec. 12.5. (a) Before September 15 of the first year of
 13 the state budget biennium, the department shall provide the parties with
 14 an estimate of the general fund (before January 1, 2019) or education
 15 fund (after December 31, 2018) revenue available for bargaining in the
 16 school corporation from the school funding formula.

17 (b) Within thirty (30) days after the date of the fall count of ADM
 18 of the school year in the first year of the state budget biennium, the
 19 department shall provide the parties with a certification of estimated
 20 general fund (before January 1, 2019) or education fund (after
 21 December 31, 2018) revenue available for bargaining from the school
 22 funding formula. If the parties do not receive a certified estimate from
 23 the department within thirty (30) days after the fall count of ADM, the
 24 parties may use the school corporation's estimate of the general fund
 25 (before January 1, 2019) or education fund (after December 31, 2018)
 26 revenue available based on the school corporation's fall count of ADM
 27 for purposes of collective bargaining. However, if the parties
 28 subsequently receive the certification of estimated general fund (before
 29 January 1, 2019) or education fund (after December 31, 2018) revenue
 30 available for bargaining before an impasse is declared, the parties shall
 31 use the certified general fund (before January 1, 2019) or education
 32 fund (after December 31, 2018) revenue from the school funding
 33 formula for purposes of collective bargaining.

34 (c) A school employer for which the voters have passed a general
 35 fund operating referendum (before January 1, 2019), ~~or~~ an operating
 36 referendum tax levy (after December 31, 2018) under IC 20-46-1, **or**
 37 **a school safety referendum tax levy under IC 20-46-9** must have that
 38 amount certified by the department of local government finance.

39 (d) The school corporation must obtain the certification described
 40 in subsection (c) before the conclusion of bargaining. The certifications
 41 or estimate described in subsection (b) must be the basis for
 42 determinations throughout impasse proceedings under this chapter.



1 SECTION 6. IC 20-29-8-7, AS AMENDED BY P.L.244-2017,
 2 SECTION 58, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 3 JULY 1, 2019]: Sec. 7. (a) When a factfinder is requested or required
 4 under IC 20-29-6, the board shall appoint a factfinder.

5 (b) The factfinder shall make an investigation and hold hearings as
 6 the factfinder considers necessary in connection with a dispute.

7 (c) The factfinder:

8 (1) may restrict the factfinder's findings to those issues that the
 9 factfinder determines significant;

10 (2) must restrict the findings to the items listed in IC 20-29-6-4;
 11 and

12 (3) may not impose terms beyond those proposed by the parties in
 13 their last, best offers.

14 (d) The factfinder may use evidence furnished to the factfinder by:

15 (1) the parties;

16 (2) the board;

17 (3) the board's staff; or

18 (4) any other state agency.

19 (e) The factfinder shall conduct the factfinding hearing in public in
 20 a room or facility owned by the county or local unit of government
 21 located in the county in which the school employer is located, or if the
 22 school employer is located in more than one (1) county, in the county
 23 in which the greatest number of students who attend the school
 24 employer's schools reside. The public hearing may begin not earlier
 25 than November 15 in the first year of the state budget biennium and
 26 must be concluded by February 15 of the calendar year after the start
 27 of formal collective bargaining.

28 (f) The factfinding process may not exceed thirty (30) days from
 29 beginning to end, and not more than two (2) of those days may be used
 30 for public testimony, which may be taken at the discretion of the
 31 factfinder. During the public hearing, each party shall present fully its
 32 last, best offer, including the fiscal rationale for the offer. Only
 33 education fund revenue and, for a school employer for which the voters
 34 have passed an operating referendum tax levy under IC 20-46-1 **or a**
 35 **school safety referendum tax levy under IC 20-46-9**, the amount of
 36 revenue certified by the department of local government finance, may
 37 be considered a source of the funding for items. Money estimated to be
 38 or actually transferred from the school corporation's operations fund to
 39 its education fund may not be considered a source of funding for items.

40 (g) The factfinder shall make a recommendation as to the settlement
 41 of the disputes over which the factfinder has jurisdiction.

42 (h) The factfinder shall:



- 1 (1) make the investigation, hearing, and findings as expeditiously
 2 as the circumstances permit; and
 3 (2) deliver the findings to the parties and to the board.
 4 (i) The board, after receiving the findings and recommendations,
 5 may make additional findings and recommendations to the parties
 6 based on information in:
 7 (1) the report; or
 8 (2) the board's own possession.
 9 The board may not make any recommendations to the parties related to
 10 any items not specifically identified in IC 20-29-6-4.
 11 (j) At any time within five (5) days after the findings and
 12 recommendations are delivered to the board, the board may make the
 13 findings and recommendations of the factfinder and the board's
 14 additional findings and recommendations, if any, available to the
 15 public through news media and other means the board considers
 16 effective.
 17 (k) The board shall make the findings and recommendations
 18 described in subsection (j) available to the public not later than ten (10)
 19 days after the findings and recommendations are delivered to the board.
 20 SECTION 7. IC 20-40-20 IS ADDED TO THE INDIANA CODE
 21 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 22 JULY 1, 2019]:
 23 **Chapter 20. School Safety Referendum Tax Levy Fund**
 24 **Sec. 1. As used in this chapter, "fund" refers to a school safety**
 25 **referendum tax levy fund established under section 4 of this**
 26 **chapter.**
 27 **Sec. 2. As used in this chapter, "levy" refers to a school safety**
 28 **referendum tax levy imposed under IC 20-46-9 for the fund.**
 29 **Sec. 3. As used in this chapter, "school resource officer" has the**
 30 **meaning set forth in IC 20-26-18.2-1.**
 31 **Sec. 4. The governing body of each school corporation for which**
 32 **a levy is approved under IC 20-46-9 shall establish a school safety**
 33 **referendum tax levy fund.**
 34 **Sec. 5. Property tax collections from a levy shall be deposited in**
 35 **the fund.**
 36 **Sec. 6. (a) Subject to subsections (b) and (c), money in the fund**
 37 **may be used only for the following purposes:**
 38 (1) **To employ or compensate a school resource officer or**
 39 **school resource officers.**
 40 (2) **To establish or fund a school safety office.**
 41 (3) **To conduct a threat assessment of a school building.**
 42 (4) **To create or update a school safety plan.**



- 1 (5) To develop or update school emergency response systems.
 2 (6) To purchase equipment to improve the safety of a school
 3 building, school grounds, or school buses.
 4 (7) To pay capital expenses to improve the safety of a school
 5 building.
 6 (8) To establish and administer programs to address youth
 7 specific mental illness, addiction, anger management,
 8 bullying, and school violence.
 9 (9) To develop and administer professional development
 10 programs for teachers, administrators, and other school
 11 employees designed to improve school safety and reduce
 12 violence.
 13 (10) To pay the school corporation's debt service on bonds or
 14 obligations issued or incurred to pay for school safety
 15 referendum tax levy purposes described in subdivisions (1)
 16 through (9).
 17 (b) Expenditures paid using money collected from the levy shall
 18 be included in a school's safety plan.
 19 (c) Local law enforcement shall participate in:
 20 (1) development of a school safety plan;
 21 (2) development or updates to school emergency response
 22 systems; and
 23 (3) determination of capital expenses that would improve the
 24 safety of a school building.
 25 (d) Money in the fund may be transferred to the school
 26 corporation's education fund (IC 20-40-2) or operations fund
 27 (IC 20-40-18), as applicable, to pay for expenditures listed in
 28 subsection (a).
 29 SECTION 8. IC 20-46-9 IS ADDED TO THE INDIANA CODE AS
 30 A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
 31 1, 2019]:
 32 **Chapter 9. School Safety Referendum Tax Levy**
 33 **Sec. 1.** As used in this chapter, "fund" refers to a school safety
 34 referendum tax levy fund established by the governing body of a
 35 school corporation under IC 20-40-20-4.
 36 **Sec. 2.** As used in this chapter, "levy" refers to the property tax
 37 levy imposed under this chapter.
 38 **Sec. 3.** As used in this chapter, "referendum" refers to a
 39 referendum under this chapter.
 40 **Sec. 4.** As used in this chapter, "resolution to extend a
 41 referendum levy" refers to a resolution adopted under sections 6
 42 and 7 of this chapter to place a referendum on the ballot requesting



1 authority to continue imposing a tax rate, which is the same as or
 2 lower than the tax rate previously approved by the voters of the
 3 school corporation.

4 **Sec. 5.** A school corporation may impose a school safety
 5 referendum tax levy for the school corporation's fund in the
 6 amount allowed under sections 6 through 19 of this chapter, but
 7 the amount may not exceed five cents (\$0.05) on each one hundred
 8 dollars (\$100) of assessed valuation.

9 **Sec. 6. (a)** Subject to this chapter, the governing body of a school
 10 corporation may adopt a resolution to place a referendum under
 11 this chapter on the ballot if the governing body of the school
 12 corporation determines that a referendum levy should be imposed
 13 for measures to improve school safety as described in
 14 IC 20-40-20-6(a).

15 **(b)** The governing body of the school corporation shall certify
 16 a copy of the resolution to the following:

- 17 (1) The department of local government finance, including the
 18 language for the question required by section 9 of this
 19 chapter, or in the case of a resolution to extend a referendum
 20 levy certified to the department of local government finance,
 21 section 10 of this chapter. The department shall review the
 22 language for compliance with section 9 or 10 of this chapter,
 23 whichever is applicable, and either approve or reject the
 24 language. The department shall send its decision to the
 25 governing body of the school corporation not more than ten
 26 (10) days after the resolution is submitted to the department.
 27 If the language is approved, the governing body of the school
 28 corporation shall certify a copy of the resolution, including
 29 the language for the question and the department's approval.
 30 (2) The county fiscal body of each county in which the school
 31 corporation is located (for informational purposes only).
 32 (3) The circuit court clerk of each county in which the school
 33 corporation is located.

34 **Sec. 7.** A resolution to extend a referendum levy must be:

- 35 (1) adopted by the governing body of a school corporation;
 36 and
 37 (2) approved in a referendum under this chapter;
 38 before December 31 of the final calendar year in which the school
 39 corporation's previously approved referendum levy is imposed
 40 under this chapter.

41 **Sec. 8.** A referendum levy under this chapter may be put into
 42 effect only if a majority of the individuals who vote in a



1 referendum that is conducted in accordance with this section and
 2 sections 9 through 19 of this chapter approve the school
 3 corporation's making a levy for the ensuing calendar year.

4 Sec. 9. The question to be submitted to the voters in the
 5 referendum must read as follows:

6 "For the __ (insert number) calendar year or years
 7 immediately following the holding of the referendum, shall the
 8 school corporation impose a property tax rate that does not
 9 exceed _____ (insert amount) cents (\$0. __) (insert
 10 amount) on each one hundred dollars (\$100) of assessed
 11 valuation and that is in addition to all other property taxes
 12 imposed by the school corporation for the purpose of funding
 13 _____ (insert short description of
 14 purposes)?".

15 Sec. 10. (a) This section applies only to a referendum to allow a
 16 school corporation to extend a referendum levy.

17 (b) The question to be submitted to the voters in the referendum
 18 must read as follows:

19 "For the __ (insert number) calendar year or years
 20 immediately following the holding of the referendum, shall the
 21 school corporation continue to impose a property tax rate that
 22 does not exceed _____ (insert amount) cents (\$0. __)
 23 (insert amount) on each one hundred dollars (\$100) of
 24 assessed valuation and for the purpose of funding
 25 _____ (insert short description of
 26 purposes)?

27 The tax rate requested in this referendum was originally
 28 approved by the voters in the _____ (insert name of the
 29 school corporation) in _____ (insert the year in which the
 30 referendum tax levy was approved).".

31 (c) The number of years for which a referendum levy may be
 32 extended if the public question under this section is approved may
 33 not exceed the number of years for which the expiring referendum
 34 levy was imposed.

35 Sec. 11. The county auditor shall distribute proceeds collected
 36 from an allocation area (as defined in IC 6-1.1-21.2-3) that are
 37 attributable to property taxes imposed after being approved by the
 38 voters in a referendum to the school corporation for which the
 39 referendum was conducted. The amount to be distributed to the
 40 school corporation shall be treated as part of the referendum levy
 41 for purposes of setting the school corporation's tax rates.

42 Sec. 12. The voters in a referendum may not approve a levy that



1 is imposed for more than ten (10) years. However, a levy may be
2 reimposed or extended under this chapter.

3 Sec. 13. Each circuit court clerk shall, upon receiving the
4 question certified by the governing body of a school corporation
5 under this chapter, call a meeting of the county election board to
6 make arrangements for the referendum.

7 Sec. 14. (a) The referendum shall be held in the next primary
8 election, general election, or municipal election in which all the
9 registered voters who are residents of the school corporation are
10 entitled to vote after certification of the question under
11 IC 3-10-9-3. The certification of the question must occur not later
12 than noon:

13 (1) sixty (60) days before a primary election if the question is
14 to be placed on the primary or municipal primary election
15 ballot; or

16 (2) August 1 if the question is to be placed on the general or
17 municipal election ballot.

18 (b) However, if a primary election, general election, or
19 municipal election will not be held during the first year in which
20 the public question is eligible to be placed on the ballot under this
21 chapter and if the school corporation requests the public question
22 to be placed on the ballot at a special election, the public question
23 shall be placed on the ballot at a special election to be held on the
24 first Tuesday after the first Monday in May or November of the
25 year. The certification must occur not later than noon:

26 (1) sixty (60) days before a special election to be held in May
27 (if the special election is to be held in May); or

28 (2) August 1 (if the special election is to be held in November).

29 (c) If the referendum is not conducted at a primary election,
30 general election, or municipal election, the school corporation in
31 which the referendum is to be held shall pay all the costs of holding
32 the referendum.

33 Sec. 15. Each county election board shall cause:

34 (1) the question certified to the circuit court clerk by the
35 governing body of a school corporation to be placed on the
36 ballot in the form prescribed by IC 3-10-9-4; and

37 (2) an adequate supply of ballots and voting equipment to be
38 delivered to the precinct election board of each precinct in
39 which the referendum is to be held.

40 Sec. 16. The individuals entitled to vote in the referendum are
41 all of the registered voters resident in the school corporation.

42 Sec. 17. Each precinct election board shall count the affirmative



1 votes and the negative votes cast in the referendum and shall
 2 certify those two (2) totals to the county election board of each
 3 county in which the referendum is held. The circuit court clerk of
 4 each county shall, immediately after the votes cast in the
 5 referendum have been counted, certify the results of the
 6 referendum to the department of local government finance. If a
 7 majority of the individuals who voted in the referendum voted
 8 "yes" on the referendum question:

9 (1) the department of local government finance shall promptly
 10 notify the school corporation that the school corporation is
 11 authorized to collect, for the calendar year that next follows
 12 the calendar year in which the referendum is held, a levy not
 13 greater than the amount approved in the referendum;

14 (2) the levy may be imposed for the number of calendar years
 15 approved by the voters following the referendum for the
 16 school corporation in which the referendum is held; and

17 (3) the school corporation shall establish a fund under
 18 IC 20-40-20-4.

19 **Sec. 18.** A school corporation's levy under this chapter may not
 20 be considered in the determination of the school corporation's state
 21 tuition support distribution under IC 20-43 or the determination
 22 of any other property tax levy imposed by the school corporation.

23 **Sec. 19. (a)** If a majority of the persons who voted in the
 24 referendum did not vote "yes" on the referendum question:

25 (1) the school corporation may not make any levy for its
 26 school safety referendum tax levy fund; and

27 (2) another referendum under this chapter may not be held
 28 earlier than:

29 (A) except as provided in clause (B), seven hundred (700)
 30 days after the date of the referendum; or

31 (B) three hundred fifty (350) days after the date of the
 32 referendum, if a petition that meets the requirements of
 33 subsection (b) is submitted to the county auditor.

34 (b) If a majority of the persons who voted in the referendum did
 35 not vote "yes" on the referendum question, a petition may be
 36 submitted to the county auditor to request that the limit under
 37 subsection (a)(2)(B) applies to the holding of a subsequent
 38 referendum by the school corporation. If such a petition is
 39 submitted to the county auditor and is signed by the lesser of:

40 (1) five hundred (500) persons who are either owners of
 41 property within the school corporation or registered voters
 42 residing within the school corporation; or



1 **(2) five percent (5%) of the registered voters residing within**
 2 **the school corporation;**
 3 **the limit under subsection (a)(2)(B) applies to the holding of a**
 4 **second referendum by the school corporation, and the limit under**
 5 **subsection (a)(2)(A) does not apply to the holding of a second**
 6 **referendum by the school corporation.**

7 **Sec. 20. (a) If a referendum is approved by the voters in a school**
 8 **corporation under this chapter in a calendar year, another**
 9 **referendum may not be placed on the ballot in the school**
 10 **corporation under this chapter in the following calendar year.**

11 **(b) Notwithstanding any other provision of this chapter and in**
 12 **addition to the restriction specified in subsection (a), if a school**
 13 **corporation imposes in a calendar year a referendum levy**
 14 **approved in a referendum under this chapter, the school**
 15 **corporation may not simultaneously impose in that calendar year**
 16 **more than one (1) additional referendum levy approved in a**
 17 **subsequent referendum under this chapter.**

18 **Sec. 21. (a) Except as otherwise provided in this section, during**
 19 **the period beginning with the adoption of a resolution by the**
 20 **governing body of a school corporation to place a referendum**
 21 **under this chapter on the ballot and continuing through the day on**
 22 **which the referendum is submitted to the voters, the school**
 23 **corporation may not promote a position on the referendum by**
 24 **doing any of the following:**

25 **(1) Using facilities or equipment, including mail and**
 26 **messaging systems, owned by the school corporation to**
 27 **promote a position on the referendum, unless equal access to**
 28 **the facilities or equipment is given to persons with a position**
 29 **opposite to that of the school corporation.**

30 **(2) Making an expenditure of money from a fund controlled**
 31 **by the school corporation to promote a position on the**
 32 **referendum.**

33 **(3) Using an employee to promote a position on the**
 34 **referendum during the employee's normal working hours or**
 35 **paid overtime, or otherwise compelling an employee to**
 36 **promote a position on the referendum at any time. However,**
 37 **if a person described in subsection (d) is advocating for or**
 38 **against a position on the referendum or discussing the**
 39 **referendum as authorized under subsection (d), an employee**
 40 **of the school corporation may assist the person in presenting**
 41 **information on the referendum, if requested to do so by the**
 42 **person described in subsection (d).**



1 **(4) Promoting a position on the referendum by:**

2 **(A) using students to transport written materials to their**
 3 **residences or in any way involving students in a school**
 4 **organized promotion of a position;**

5 **(B) including a statement within another communication**
 6 **sent to the students' residences; or**

7 **(C) initiating discussion of the referendum at a meeting**
 8 **between a teacher and parents of a student regarding the**
 9 **student's performance or behavior at school. However, if**
 10 **the parents initiate a discussion of the referendum at the**
 11 **meeting, the teacher may acknowledge the issue and direct**
 12 **the parents to a source of factual information on the**
 13 **referendum.**

14 **However, this section does not prohibit an official or employee of**
 15 **the school corporation from carrying out duties with respect to a**
 16 **referendum that are part of the normal and regular conduct of the**
 17 **official's or employee's office or agency, including the furnishing**
 18 **of factual information regarding the referendum in response to**
 19 **inquiries from any person.**

20 **(b) The staff and employees of a school corporation may not**
 21 **personally identify a student as the child of a parent or guardian**
 22 **who supports or opposes the referendum.**

23 **(c) This subsection does not apply to:**

24 **(1) a personal expenditure to promote a position on a local**
 25 **public question by an employee of a school corporation whose**
 26 **employment is governed by a collective bargaining contract**
 27 **or an employment contract; or**

28 **(2) an expenditure to promote a position on a local public**
 29 **question by a person or an organization that has a contract or**
 30 **an arrangement (whether formal or informal) with the school**
 31 **corporation solely for the use of the school corporation's**
 32 **facilities.**

33 **A person or an organization that has a contract or arrangement**
 34 **(whether formal or informal) with a school corporation to provide**
 35 **goods or services to the school corporation may not spend any**
 36 **money to promote a position on the petition or remonstrance. A**
 37 **person or an organization that violates this subsection commits a**
 38 **Class A infraction.**

39 **(d) Notwithstanding any other law, an elected or appointed**
 40 **school board member or a school corporation superintendent,**
 41 **school corporation assistant superintendent, or chief school**
 42 **business official of a school corporation may at any time:**



1 **(1) personally advocate for or against a position on a**
2 **referendum; or**
3 **(2) discuss the referendum with any individual, group, or**
4 **organization or personally advocate for or against a position**
5 **on a referendum before any individual, group, or**
6 **organization;**
7 **so long as it is not done by using public funds. Advocacy or**
8 **discussion allowed under this subsection is not considered a use of**
9 **public funds. However, this subsection does not authorize or apply**
10 **to advocacy or discussion by a school board member,**
11 **superintendent, assistant superintendent, or school business official**
12 **to or with students that occurs during the regular school day.**
13 **(e) A student may use school equipment or facilities to report or**
14 **editorialize about a local public question as part of the news**
15 **coverage of the referendum by a student newspaper or broadcast.**

