

## **IC 20-27-13**

### **Chapter 13. Termination of Transportation; Waiver**

#### **IC 20-27-13-1**

##### **"Eligible student"**

Sec. 1. As used in this chapter, "eligible student" means an individual who in any part of a school year:

- (1) is enrolled in a school corporation;
- (2) has legal settlement in the school corporation;
- (3) attended school in the school corporation's taxing district; and
- (4) is not required by federal or state law to receive transportation services to and from school.

*As added by P.L.145-2012, SEC.23.*

#### **IC 20-27-13-2**

##### **Applicability**

Sec. 2. This chapter applies to a school corporation that carried out a general program in at least one (1) school year beginning after June 30, 2010, to provide transportation to and from school for eligible students.

*As added by P.L.145-2012, SEC.23.*

#### **IC 20-27-13-3**

##### **Program to provide transportation required under certain circumstances**

Sec. 3. Except as provided in section 7 of this chapter, a school corporation described in section 2 of this chapter shall carry out a program to provide transportation to and from school for all eligible students in any part of a school year beginning after June 30, 2012, unless the governing body of the school corporation:

- (1) approves the termination of the transportation program; and
- (2) provides public notice of the date after which the transportation will no longer be provided under the transportation program;

at least three (3) years before the date after which the transportation will no longer be provided under the transportation program.

*As added by P.L.145-2012, SEC.23.*

#### **IC 20-27-13-4**

##### **Minimum distance**

Sec. 4. Transportation provided in a transportation program required under section 3 of this chapter may be limited by the school corporation's governing body to children residing a minimum distance from a school if the governing body includes facts in the resolution setting the minimum distance that demonstrate that each child residing less than the minimum distance from the school can safely walk to and from the school unattended by an adult during the regular hours that the child would ordinarily be coming to or from the school.

*As added by P.L.145-2012, SEC.23.*

#### **IC 20-27-13-5**

##### **Transportation to and from school**

Sec. 5. Transportation provided under a transportation program required under section 3 of this chapter may be limited by the school corporation's governing body to providing transportation to school immediately before the beginning of an instructional day (as described in IC 20-30-2-2) and from school immediately after the end of an instructional day (as described in IC 20-30-2-2) without additional accommodations for participation in extracurricular activities.

*As added by P.L.145-2012, SEC.23.*

### **IC 20-27-13-6**

#### **Transportation in accordance with applicable law**

Sec. 6. Transportation provided under a transportation program required under section 3 of this chapter must be otherwise in accordance with applicable law.

*As added by P.L.145-2012, SEC.23.*

### **IC 20-27-13-7**

#### **Petition for waiver**

Sec. 7. (a) A school corporation may petition the department in writing to waive the requirement imposed by section 3 of this chapter.

(b) A petition under subsection (a) must:

- (1) demonstrate that the waiver request was approved by the governing body for the school corporation;
- (2) describe the transportation services that will be provided to students who are required by federal or state law to receive transportation services to and from school;
- (3) present a written plan that provides for the safe movement of eligible students to and from school; and
- (4) include any other information required by the department.

*As added by P.L.145-2012, SEC.23.*

### **IC 20-27-13-8**

#### **Public hearing on waiver petition**

Sec. 8. If a petition complies with section 7 of this chapter, the department shall conduct a public hearing on the petition in the district served by the school corporation after giving notice of the public hearing under IC 5-3-1.

*As added by P.L.145-2012, SEC.23.*

### **IC 20-27-13-9**

#### **Granting of waiver**

Sec. 9. If, based on the information contained in the petition and provided in the public hearing or otherwise made available to the department, the department determines that the plan presented by the school corporation, with or without revisions required by the department:

- (1) will protect the safety of eligible students enrolled in the school corporation; and
- (2) is otherwise in accordance with applicable law;

the department may waive the requirements imposed by section 3 of this chapter.

*As added by P.L.145-2012, SEC.23.*

### **IC 20-27-13-10**

#### **Terms and conditions imposed on waiver; failure to comply**

Sec. 10. The department may condition a waiver under section 9 of this chapter on the terms and conditions specified by the department. If a school corporation fails to comply with a term or condition of a waiver or the department discovers facts that indicate that the school corporation's plan:

- (1) is not protecting the safety of eligible students enrolled in the school corporation; or
- (2) is not otherwise in accordance with applicable law;

the department may issue an order under IC 4-21.5-3 or an emergency or temporary order under IC 4-21.5-4 specifying the actions that must be taken by the school corporation to correct the deficiency. The order may suspend or terminate the waiver granted under section 9 of this chapter beginning on the date specified by the department.

*As added by P.L.145-2012, SEC.23.*