

Second Regular Session of the 123rd General Assembly (2024)

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 2023 Regular Session of the General Assembly.

## HOUSE ENROLLED ACT No. 1104

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AN ACT to amend the Indiana Code concerning education.

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

SECTION 1. IC 10-21-1-10, AS ADDED BY P.L.150-2023, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 10. (a) A school corporation shall develop a school safety plan in accordance with subsection (c) for review as described in section 11 of this chapter.

(b) Each charter school shall develop a school safety plan in accordance with subsection (c) for review as described in section 11 of this chapter. A charter school in operation on July 1, 2023, shall comply with this subsection on or before July 1, 2024.

(c) The school safety plan:

(1) must be developed by a school safety specialist and the school's safe school committee, including a school resource officer if one (1) is employed by the school corporation or charter school, in consultation with the:

- (A) law enforcement agency; and
- (B) fire department;

that have jurisdiction over the particular school building;

(2) must:

(A) protect against outside and internal threats to the physical safety of students, faculty, staff, and the public, including unsafe conditions, crime prevention, school violence, bullying and cyberbullying, criminal organization activity, child abuse

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and child sexual abuse, mental health and behavioral health, suicide awareness and prevention, **violence prevention and training, situational awareness**, and other issues that prevent the maintenance of a safe school;

(B) prevent unauthorized access to school property and interior areas or rooms, including the management of authorized visitors on school property, before, during, and after regular school hours;

(C) secure schools against natural and manmade disasters, including all emergency preparedness drill requirements set forth in IC 20-34-3-20;

**(D) establish an armed intruder drill protocol that:**

**(i) provides accommodations for students who have mobility restrictions, sensory needs, or auditory or visual limitations;**

**(ii) emphasizes the practical nature of the drill;**

**(iii) provides access to mental health services on school grounds following the conclusion of a drill;**

**(iv) provides advance notice of a drill to parents or legal guardians of students who attend the school; and**

**(v) provides alternative exercises for students who are unable to participate in a drill;**

~~(D)~~ (E) include a site vulnerability assessment for each school building;

~~(E)~~ (F) not later than July 1, 2025, include the establishment of a multi-disciplinary threat assessment team;

~~(F)~~ (G) include measures to expedite notification of first responders and access to school property for first responders; and

~~(G)~~ (H) include any additional requirements required by the Indiana state board of education;

(3) must be provided to a member of the board if a member requests the school safety plan;

(4) must be available for inspection by the department of education's division of school building physical security and safety (as established by IC 20-19-3-14);

(5) must be provided to the law enforcement agency and the fire department that have jurisdiction over the school corporation or charter school;

(6) must include an attestation that:

(A) a copy of the floor plans for each building located on the school's property were provided to the law enforcement agency



and the fire department that have jurisdiction over the school corporation or charter school that clearly indicates each entrance and exit, the interior rooms and hallways, and the location of any hazardous materials located in the building; or (B) the school corporation or charter school has conducted critical incidence digital mapping for each school building within the school corporation or the buildings that are operated by a charter school, including providing the critical incidence digital mapping information to:

- (i) the law enforcement agency and fire department that have jurisdiction over the mapped school buildings; and
- (ii) the statewide 911 system described in IC 36-8-16.7-22 through the public safety answer point, or "PSAP", described in IC 36-8-16.7-20 that has jurisdiction over the mapped school buildings; and

(7) must be filed with the county school safety commission under section 12 of this chapter having jurisdiction over the school corporation or charter school.

(d) For purposes of IC 5-14-3, the entities specified in subsection (c) that receive information under this section shall keep the information compiled and retained under this section confidential and shall withhold the information from public disclosure.

SECTION 2. IC 10-21-1-14, AS ADDED BY P.L.150-2023, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 14. (a) Each school operated by a school corporation shall establish a safe school committee. The committee may be a subcommittee of the committee that develops the strategic and continuous school improvement and achievement plan under IC 20-31-5. Each committee may include at least one (1) member who is a member of the support staff of the school or school corporation career and technical education school.

(b) Each school operated by a charter school shall establish a safe school committee. A charter school in operation on July 1, 2023, shall comply with this subsection not later than July 1, 2024.

(c) The safe school committee shall actively participate in and assist with the development of the school safety plan.

(d) The department of education, the school corporation's or charter school's school safety specialist or specialists, and a school resource officer, if one (1) is employed by the school corporation or charter school, shall provide materials and guidelines to assist a safe school committee in developing a policy for a particular school that addresses the following issues:

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- (1) Implementation of the school safety plan.
- (2) Addressing outside and internal threats to the physical safety of students, faculty, staff, and the public, including unsafe conditions, crime prevention, school violence, bullying and cyberbullying, criminal organization activity, child abuse and child sexual abuse, mental health and behavioral health, suicide awareness and prevention, **violence prevention and training, situational awareness**, and other issues that prevent the maintenance of a safe school.
- (3) Addressing the professional development needs for faculty and staff to implement methods that decrease problems identified under subdivision (2).
- (4) Identifying and implementing methods to encourage:
  - (A) involvement by the community, families, and students;
  - (B) development of relationships between students and school faculty and staff; and
  - (C) use of problem solving teams.
- (5) Consideration of the effect of armed intruder drills on the safety and mental health of students, faculty, and staff.**

(e) The guidelines developed under subsection (d) must include age appropriate, **research trauma informed, evidence** based information **(as defined in 34 U.S.C. 10554(4))** that assists school corporations or charter schools and safe school committees in:

- (1) developing and implementing bullying and cyberbullying prevention programs;
- (2) establishing investigation and reporting procedures related to bullying and cyberbullying; and
- (3) adopting discipline rules that comply with IC 20-33-8-13.5.

(f) In addition to developing guidelines under subsection (d), the department of education shall establish categories of types of bullying incidents to allow school corporations to use the categories in making reports under IC 20-20-8-8 and IC 20-34-6-1.

(g) The materials and guidelines provided under subsection (d) must include the model educational materials and model response policies and reporting procedures on child abuse and child sexual abuse developed or identified under IC 20-19-3-11.

SECTION 3. IC 20-26-5-42.5, AS ADDED BY P.L.218-2023, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 42.5. (a) Notwithstanding any other law or provision, a public school, including a charter school, or a state accredited nonpublic school may not conduct a training or drill for an employee of the school that includes as any part of the training or drill



**sensory components or activities (as defined in IC 20-34-3-27) or** the expelling of any type of projectile at the employee unless:

- (1) the school informs the employee of the use of **sensory components or activities (as defined in IC 20-34-3-27) or the use of** projectiles in the training or drill; and
- (2) the employee provides the school with written consent to participate in training or a drill involving the use of **sensory components or activities (as defined in IC 20-34-3-27) or the use of** projectiles.

(b) Notwithstanding any other law or provision, a public school, charter school, or state accredited nonpublic school may not conduct or approve of any training or a drill for a student of the school that includes as any part of the training or drill the expelling of any type of projectile at a student.

SECTION 4. IC 20-34-3-20, AS AMENDED BY P.L.150-2023, SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 20. (a) The governing body of a school corporation and an organizer of a charter school shall require each school in the governing body's jurisdiction or organizer's responsibility to conduct periodic emergency preparedness drills during the school year in compliance with rules adopted under IC 4-22-2 by the state board.

(b) Each school and attendance center shall conduct at least:

- (1) one (1) tornado preparedness drill; and
- (2) one (1) manmade occurrence disaster drill;

during each semester.

(c) At least one (1) manmade occurrence disaster drill required under subsection (b) must be an **active shooter armed intruder** drill and must be conducted **in conformity with the requirements of section 27 of this chapter and** within ninety (90) calendar days after the beginning of the school year.

(d) Each:

- (1) state accredited nonpublic school; and
- (2) charter school;

must conduct at least one (1) **active shooter armed intruder** drill **in conformity with the requirements of section 27 of this chapter** during each school year.

(e) Notwithstanding rules established by the state fire marshal under IC 12-17-12-19, a drill conducted under subsection (b) may be conducted instead of a periodic or monthly fire evacuation drill requirement established by the state fire marshal. However, a drill conducted under subsection (b) may not be made:



- (1) instead of more than two (2) periodic or monthly fire evacuation drills in a particular school semester; and
- (2) in two (2) consecutive months.

(f) The governing body of a school corporation or an organizer of a charter school may direct schools to conduct emergency preparedness drills in addition to those required under subsection (b).

(g) The governing body of a school corporation or organizer of a charter school shall require each principal to file a certified statement that all drills have been conducted as required under this section.

SECTION 5. IC 20-34-3-27 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: **Sec. 27. (a) As used in this section, "sensory components or activities" refers to aspects of an armed intruder drill intended to simulate a real armed intruder scenario that include:**

- (1) simulations of gunfire;**
- (2) simulations of gunshot wounds or other injuries;**
- (3) the use of a prop firearm;**
- (4) the use of a pellet gun; or**
- (5) participation in the drill by law enforcement personnel with drawn firearms.**

**(b) An armed intruder drill conducted under section 20 of this chapter that includes sensory components or activities may not:**

- (1) require student participation; or**
- (2) take place during regular school hours if a majority of the student body is present on school property.**

SECTION 6. IC 36-8-8-1, AS AMENDED BY P.L.102-2023, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: **Sec. 1.** This chapter applies to:

- (1) full-time police officers hired or rehired after April 30, 1977, in all municipalities, or who converted their benefits under IC 19-1-17.8-7 (repealed September 1, 1981);
- (2) full-time fully paid firefighters hired or rehired after April 30, 1977, or who converted their benefits under IC 19-1-36.5-7 (repealed September 1, 1981);
- (3) a police matron hired or rehired after April 30, 1977, and before July 1, 1996, who is a member of a police department in a second or third class city on March 31, 1996;
- (4) a park ranger who:
  - (A) completed at least the number of weeks of training at the Indiana law enforcement academy or a comparable law enforcement academy in another state that were required at the time the park ranger attended the Indiana law enforcement



- academy or the law enforcement academy in another state;
- (B) graduated from the Indiana law enforcement academy or a comparable law enforcement academy in another state; and
- (C) is employed by the parks department of a city having a population of more than one hundred ten thousand (110,000) and less than one hundred fifty thousand (150,000);
- (5) a full-time fully paid firefighter who is covered by this chapter before the effective date of consolidation and becomes a member of the fire department of a consolidated city under IC 36-3-1-6.1, provided that the firefighter's service as a member of the fire department of a consolidated city is considered active service under this chapter;
- (6) except as otherwise provided, a full-time fully paid firefighter who is hired or rehired after the effective date of the consolidation by a consolidated fire department established under IC 36-3-1-6.1;
- (7) a full-time police officer who is covered by this chapter before the effective date of consolidation and becomes a member of the consolidated law enforcement department as part of the consolidation under IC 36-3-1-5.1, provided that the officer's service as a member of the consolidated law enforcement department is considered active service under this chapter;
- (8) except as otherwise provided, a full-time police officer who is hired or rehired after the effective date of the consolidation by a consolidated law enforcement department established under IC 36-3-1-5.1;
- (9) a veteran described in IC 36-8-4.7; ~~and~~
- (10) a full-time police officer or full-time fully paid firefighter who is employed by an airport authority; **and**
- (11) a full-time school resource officer;**
- except as provided by section 7 of this chapter.

SECTION 7. IC 36-8-8-2, AS AMENDED BY P.L.102-2023, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 2. As used in this chapter, "employer" means:

- (1) a municipality that established a 1925 or 1953 fund or that participates in the 1977 fund under section 3 or 18 of this chapter;
- (2) a unit that established a 1937 fund or that participates in the 1977 fund under section 3 or 18 of this chapter;
- (3) a consolidated city that consolidated the fire departments of units that:
  - (A) established a 1937 fund; or
  - (B) participated in the 1977 fund;



before the units' consolidation into the fire department of a consolidated city established by IC 36-3-1-6.1;

(4) a consolidated city that establishes a consolidated law enforcement department under IC 36-3-1-5.1; ~~or~~

(5) an airport authority that participates in the 1977 fund under section 3 of this chapter; **or**

**(6) a school corporation or charter school that participates in the 1977 fund under section 3 of this chapter.**

SECTION 8. IC 36-8-8-2.1, AS AMENDED BY P.L.102-2023, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 2.1. (a) As used in this chapter, "local board" means the following:

(1) For a unit that established a 1925 fund for its police officers, the local board described in IC 36-8-6-2.

(2) For a unit that established a 1937 fund for its firefighters, the local board described in IC 36-8-7-3.

(3) For a consolidated city that established a 1953 fund for its police officers, the local board described in IC 36-8-7.5-2.

(4) For a unit, other than a consolidated city, that did not establish a 1925 fund for its police officers or a 1937 fund for its firefighters, the local board described in subsection (b) or (c).

(5) For an airport authority, the board of an airport authority.

**(6) For a school resource officer, the local board described in subdivisions (1) through (4) that manages the fund established in the unit or the consolidated city in which the:**

**(A) territory of the school corporation; or**

**(B) charter school;**

**is located. However, if more than one (1) local board is applicable under this subdivision, the governing body of the school corporation or the equivalent authority for the charter school that employs or contracts to employ the school resource officer may choose the applicable local board with respect to the school resource officer.**

(b) If a unit did not establish a 1925 fund for its police officers, a local board shall be composed in the same manner described in IC 36-8-6-2(b). However, if there is not a retired member of the department, no one shall be appointed to that position until such time as there is a retired member.

(c) If a unit did not establish a 1937 fund for its firefighters, a local board shall be composed in the same manner described in IC 36-8-7-3(b). However, if there is not a retired member of the department, no one shall be appointed to that position until such time





as there is a retired member.

SECTION 9. IC 36-8-8-2.2 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JULY 1, 2024]: **Sec. 2.2. As used in this chapter, "school resource officer" has the meaning set forth in IC 20-26-18.2-1.**

SECTION 10. IC 36-8-8-3, AS AMENDED BY P.L.102-2023, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 3. (a) If a town establishes a board of metropolitan police commissioners, or if a town becomes a city, the municipality shall participate in the 1977 fund and shall enroll all full-time police officers and firefighters in the 1977 fund. However, if a police officer or former marshal is a member of the public employees' retirement fund, the police officer or former marshal may continue as a member of that fund instead of the 1977 fund. Notwithstanding the age requirements under section 7(a) of this chapter, a police officer or former marshal employed by a municipality at the time the municipality enters the 1977 fund under this section shall be a member of the 1977 fund unless the police officer or former marshal elects to continue as a member of the public employees' retirement fund. A person may become a member of the 1977 fund under this subsection without meeting the age limitation under section 7(a) of this chapter only if the person satisfies:

- (1) any aptitude, physical agility, or physical and mental standards established by a local board under IC 36-8-3.2; and
- (2) the minimum standards that are:
  - (A) adopted by the system board under section 19 of this chapter; and
  - (B) in effect on the date the person becomes a member of the 1977 fund.

Credit for prior service of a person who becomes a member of the 1977 fund under this subsection shall be determined under section 18 or 18.1 of this chapter. No service credit beyond that allowed under section 18 or 18.1 of this chapter may be recognized under the 1977 fund.

(b) If a unit did not establish a 1937 fund for its firefighters, the unit may participate in the public employees' retirement fund or it may participate in the 1977 fund. If a unit established a 1937 fund for its firefighters, the unit is and shall remain a participant in the 1977 fund.

(c) A unit that:

- (1) has not established a pension fund for its firefighters; or
- (2) is participating in the public employees' retirement fund under subsection (b);

may participate in the 1977 fund upon approval by the fiscal body,

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notwithstanding IC 5-10.3-6-8. A unit that participates in the 1977 fund under this subsection must comply with section 21 of this chapter. However, if a police officer or firefighter is a member of the public employees' retirement fund, the police officer or firefighter may continue as a member of that fund instead of the 1977 fund.

(d) If a unit that participates in the 1977 fund provides longevity increases, the amount of the longevity increase provided in a year must be greater than or equal to the amount of the longevity increase provided in the previous year.

(e) An airport authority may participate in the 1977 fund. An airport authority that participates in the 1977 fund under this subsection must comply with section 21 of this chapter. However, if a police officer or firefighter is a member of the public employees' retirement fund, the police officer or firefighter may continue as a member of that fund instead of the 1977 fund.

**(f) A school corporation or charter school that:**

**(1) employs a school resource officer; or**

**(2) enters into a contract or memorandum of understanding with a:**

**(A) local law enforcement agency;**

**(B) private entity; or**

**(C) nonprofit corporation;**

**to employ a school resource officer;**

**may participate in the 1977 fund. A school corporation or charter school that participates in the 1977 fund under this subsection or subsection (g) must comply with section 21.5 of this chapter. However, if a school resource officer is a member of the public employees' retirement fund, the school resource officer may continue as a member of that fund instead of the 1977 fund.**

**(g) A school resource officer hired or rehired after June 30, 2024, who is a member of the 1977 fund shall remain in the 1977 fund.**

SECTION 11. IC 36-8-8-18, AS AMENDED BY P.L.170-2023, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 18. (a) Except as provided in subsection (b), if a unit, ~~or~~ an airport authority, **a school corporation, or a charter school** becomes a participant in the 1977 fund, credit for prior service by police officers (including prior service as a full-time, fully paid town marshal, full-time, fully paid deputy town marshal, full-time, fully paid conservancy district marshal, or full-time, fully paid deputy conservancy district marshal by a police officer employed by a metropolitan board of police commissioners), ~~or~~ by firefighters, **or by**



**school resource officers** before the date of participation may be given by the system board only if:

- (1) the amount necessary to fund the police officer's, ~~or~~ firefighter's, **or school resource officer's** prior service liability is contributed to the 1977 fund under an agreement that specifies how much the unit, ~~or the~~ airport authority, **school corporation, or charter school** is to contribute, if any, and how much the police officer, ~~or~~ firefighter, **or school resource officer** is to contribute, if any; and
- (2) the amount that the police officers, ~~or~~ firefighters, **or school resource officers** would have contributed if they had been members of the 1977 fund during their prior service is paid to the 1977 fund under an agreement that specifies how much the unit, ~~or the~~ airport authority, **school corporation, or charter school** is to contribute, if any, and how much the police officer, ~~or~~ firefighter, **or school resource officer** is to contribute, if any.

If the requirements of subdivisions (1) and (2) are not met, a fund member is entitled to credit only for years of service after the date of participation. Contributions under subdivisions (1) and (2) must be paid in a lump sum or in installments over a period of not more than thirty (30) years, the amount and period to be determined by the system board. The periods determined by the system board under subdivisions (1) and (2) for any installment payments may differ between the unit, ~~or the~~ airport authority, **the school corporation, or the charter school** and the police officers, ~~or~~ firefighters, **or school resource officers** and between subdivisions (1) and (2).

(b) If a unit becomes a participant in the 1977 fund under section 3(c) of this chapter, if an airport authority becomes a participant in the 1977 fund under section 3(e) of this chapter, **if a school corporation or charter school becomes a member of the 1977 fund under section 3(f) of this chapter**, or if a firefighter becomes a member of the 1977 fund under section 7(g) of this chapter, credit for prior service before the date of participation or membership shall be given by the system board as follows:

- (1) For a member who will accrue twenty (20) years of service credit in the 1977 fund by the time the member reaches the earliest retirement age under the fund at the time of the member's date of participation in the 1977 fund and who participated in PERF as a police officer, a firefighter, ~~or~~ an emergency medical technician, **or a school resource officer**, the member will be given credit in the 1977 fund for one-third (1/3) of the member's years of participation in PERF as a police officer, a firefighter, ~~or~~

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an emergency medical technician, **or a school resource officer.**

(2) For a member who will accrue twenty (20) years of service credit in the 1977 fund by the time the member reaches the earliest retirement age under the fund at the time of the member's date of participation in the 1977 fund and who did not participate in a pension plan as a police officer, a firefighter, **or** an emergency medical technician, **or a school resource officer**, the member will be given credit in the 1977 fund for one-third (1/3) of the member's years of prior service with the unit as a police officer, a firefighter, **or** an emergency medical technician, **or a school resource officer** only if:

(A) The amount necessary to fund the member's prior service liability is contributed to the 1977 fund under an agreement that specifies how much the unit, **or the** airport authority, **school corporation, or charter school** is to contribute, if any, and how much the member is to contribute, if any. Contributions must be paid in a lump sum or in installments as provided in clause (C). The amount of contributions must be based on the actual salary earned by a first class patrolman or a first class firefighter at the time the unit, **or the** airport authority, **the school corporation, or the charter school** becomes a participant in the 1977 fund, or the police officer, **or** firefighter, **or school resource officer** becomes a member of the 1977 fund, or if no such salary designation exists, the actual salary earned by the police officer, **or** firefighter, **or school resource officer.**

(B) The amount the police officer, **or** firefighter, **or school resource officer** would have contributed if the police officer, **or** firefighter, **or school resource officer** had been a member of the 1977 fund during the police officer's, **or** firefighter's, **or school resource officer's** prior service must be fully paid under an agreement that specifies how much the unit, **or the** airport authority, **the school corporation, or the charter school** is to pay, if any, and how much the member is to pay, if any. Contributions must be paid in a lump sum or in installments as provided in clause (C). The amount of contributions must be based on the police officer's, **or** firefighter's, **or school resource officer's** actual salary earned during that period before service can be credited under this section.

(C) Any amortization schedule for contributions paid under clause (A) and contributions to be paid under clause (B) must



include interest at a rate determined by the system board. The board shall determine the term of any amortization schedule authorized under clauses (A) and (B), not to exceed ten (10) years. The terms of the various amortization schedules authorized under clauses (A) and (B) may differ.

(3) For a member who will not accrue twenty (20) years of service credit in the 1977 fund by the time the member reaches the earliest retirement age under the fund at the time of the member's date of participation in the 1977 fund, credit for such prior service shall be given only if:

(A) The amount necessary to fund the member's prior service liability is contributed to the 1977 fund under an agreement that specifies how much the unit, ~~or~~ the airport authority, **the school corporation, or the charter school** is to contribute, if any, and how much the member is to contribute, if any. Contributions must be paid in a lump sum or in installments as provided in clause (C). The amount of contributions must be based on the actual salary earned by a first class patrolman or a first class firefighter at the time the unit, ~~or~~ the airport authority, **the school corporation, or the charter school** becomes a participant in the 1977 fund, or the police officer, ~~or~~ firefighter, **or school resource officer** becomes a member of the 1977 fund, or if no such salary designation exists, the actual salary earned by the police officer, ~~or~~ firefighter, **or school resource officer**. The limit on credit for prior service does not apply to a firefighter if the firefighter was a member of the 1937 fund or 1977 fund whose participation was terminated due to the creation of a new fire protection district under IC 36-8-11-5 and who subsequently became a member of the 1977 fund. A firefighter who was a member of or reentered the 1937 fund or 1977 fund whose participation was terminated due to the creation of a new fire protection district under IC 36-8-11-5 is entitled to full credit for prior service in an amount equal to the firefighter's years of service before becoming a member of or reentering the 1977 fund. Service may only be credited for time as a full-time, fully paid police officer, firefighter, ~~or~~ emergency medical technician under section 7(g) of this chapter, **or school resource officer**.

(B) The amount the police officer, ~~or~~ firefighter, **or school resource officer** would have contributed if the police officer, ~~or~~ firefighter, **or school resource officer** had been a member of the 1977 fund during the police officer's, ~~or~~ firefighter's, **or**



**school resource officer's** prior service must be fully paid under an agreement that specifies how much the unit, ~~or~~ the airport authority, **the school corporation, or the charter school** is to pay and how much the member is to pay. Contributions must be paid in a lump sum or in installments as provided in clause (C). The amount of contributions must be based on the police officer's, ~~or~~ firefighter's, **or school resource officer's** actual salary earned during that period before service can be credited under this section.

(C) Any amortization schedule for contributions paid under clause (A) and contributions to be paid under clause (B) must include interest at a rate determined by the system board. The board shall determine the term of any amortization schedule authorized under clauses (A) and (B), not to exceed ten (10) years. The terms of the various amortization schedules authorized under clauses (A) and (B) may differ.

(4) If, at the time a unit, ~~or~~ an airport authority, **a school corporation, or a charter school** entered the 1977 fund, a fund member received the maximum prior service credit allowed by subdivision (3) and, at a later date, the earliest retirement age was lowered, the unit, ~~or~~ the airport authority, **the school corporation, or the charter school** or the fund member, or both, ~~the unit, or airport authority; and the fund member;~~ may contribute to the 1977 fund on the fund member's behalf an additional amount that is determined in the same manner as under subdivision (3) with respect to the additional prior service, if any, available as a result of the lower retirement age. If the additional amount described in this subdivision is paid in accordance with the requirements of subdivision (3), the fund member shall receive the additional service credit necessary for the fund member to retire at the lower earliest retirement age.

(c) This subsection applies to a unit that:

- (1) becomes a participant in the 1977 fund under section 3(c) of this chapter; and
- (2) is a fire protection district created under IC 36-8-11 that includes a township or a municipality that had a 1937 fund.

A firefighter who continues uninterrupted service with a unit covered by this subsection and who participated in the township or municipality 1937 fund is entitled to receive service credit for such service in the 1977 fund. However, credit for such service is limited to the amount accrued by the firefighter in the 1937 fund or the amount necessary to allow the firefighter to accrue twenty (20) years of service credit in the



1977 fund by the time the firefighter becomes fifty-two (52) years of age, whichever is less.

(d) A unit to which subsection (c) applies shall contribute into the 1977 fund the amount necessary to fund the amount of past service determined in accordance with subsection (c), amortized over a period not to exceed ten (10) years with interest at a rate determined by the system board.

(e) If the township or municipality has accumulated money in its 1937 fund, any amount accumulated that exceeds the present value of all projected future benefits from the 1937 plan shall be paid by the township or municipality to the unit for the sole purpose of making the contributions determined in subsection (d).

(f) To the extent permitted by the Internal Revenue Code and the applicable regulations, the 1977 fund may accept, on behalf of a fund member who is purchasing permissive service credit under this chapter, a rollover of a distribution from any of the following:

- (1) A qualified plan described in Section 401(a) or Section 403(a) of the Internal Revenue Code.
- (2) An annuity contract or account described in Section 403(b) of the Internal Revenue Code.
- (3) An eligible plan that is maintained by a state, a political subdivision of a state, or an agency or instrumentality of a state or political subdivision of a state under Section 457(b) of the Internal Revenue Code.
- (4) An individual retirement account or annuity described in Section 408(a) or Section 408(b) of the Internal Revenue Code.

(g) To the extent permitted by the Internal Revenue Code and the applicable regulations, the 1977 fund may accept, on behalf of a fund member who is purchasing permissive service credit under this chapter, a trustee to trustee transfer from any of the following:

- (1) An annuity contract or account described in Section 403(b) of the Internal Revenue Code.
- (2) An eligible deferred compensation plan under Section 457(b) of the Internal Revenue Code.

SECTION 12. IC 36-8-8-18.1, AS AMENDED BY P.L.170-2023, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 18.1. (a) As used in this section, "police officer" includes a former full-time, fully paid:

- (1) town marshal;
- (2) deputy town marshal;
- (3) conservancy district marshal; or
- (4) deputy conservancy district marshal;

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who is employed as a police officer by a metropolitan board of police commissioners.

(b) If a unit, ~~or~~ an airport authority, **a school corporation, or a charter school** becomes a participant in the 1977 fund and the unit, ~~or~~ the airport authority, **the school corporation, or the charter school** previously covered police officers, firefighters, ~~or~~ emergency medical technicians, **or school resource officers** in PERF, or if the employees of the unit become members of the 1977 fund under section 7(g) of this chapter, the following provisions apply:

(1) A minimum benefit applies to members electing to transfer or being transferred to the 1977 fund from PERF. The minimum benefit, payable at age fifty-two (52), for such a member equals the actuarial equivalent of the vested retirement benefit payable to the member upon normal retirement under IC 5-10.2-4-1 as of the day before the transfer, based solely on:

(A) creditable service;

(B) the average of the annual compensation; and

(C) the amount credited to the annuity savings account;

of the transferring member as of the day before the transfer under IC 5-10.2 and IC 5-10.3.

(2) The system board shall transfer from PERF to the 1977 fund the amount credited to the annuity savings accounts that is necessary for the purchase of service credit and the present value of benefits attributable to the transferring members.

(3) The amount the unit, ~~or~~ the airport authority, **the school corporation, or the charter school** and the member must contribute to the 1977 fund under section 18 of this chapter, if any service credit is to be given under that section, will be reduced by the amounts transferred to the 1977 fund by the system board under subdivision (2).

(4) Credit for prior service in PERF of a member as a police officer, a firefighter, ~~or~~ an emergency medical technician, **or a school resource officer** is waived in PERF. Any credit for that service under the 1977 fund shall only be given in accordance with section 18 of this chapter.

(5) Credit for prior service in PERF of a member, other than as a police officer, a firefighter, ~~or~~ an emergency medical technician, **or a school resource officer** remains in PERF and may not be credited under the 1977 fund.

SECTION 13. IC 36-8-8-21.5 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: **Sec. 21.5. (a) This section applies to a**

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**school resource officer that becomes or remains a member of the 1977 fund under section 3(f) or 3(g) of this chapter.**

**(b) A school resource officer is a member of the 1977 fund if the school resource officer:**

- (1) meets the age limitation under section 7(a) of this chapter;**
- (2) passes the baseline statewide physical and mental examinations required under section 19 of this chapter; and**
- (3) meets the training requirements under IC 20-26-18.2-1.**

**(c) Credit for prior service of a school resource officer who becomes a member of the 1977 fund under this section shall be determined under section 18 or 18.1 of this chapter. No service credit beyond that allowed under section 18 or 18.1 of this chapter may be recognized under the 1977 fund.**



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Speaker of the House of Representatives

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President of the Senate

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President Pro Tempore

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Governor of the State of Indiana

Date: \_\_\_\_\_ Time: \_\_\_\_\_

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