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April 23, 2026

Ms. Brenda Erbse
Senior Director, Office of School Finance
Indiana Department of Education
Indiana Government Center North, 9th Floor
100 N. Senate Ave.
Indianapolis, IN 46204

**SENT VIA ELECTRONIC MAIL TO:
berbse@doe.in.gov**

**Re: Request by Indianapolis Public Education Corporation pursuant to
Indiana Code §§ 20-25.3-5-5, 20-46-1-0.5, and 20-46-1-8(e)**

Dear Ms. Erbse:

I write as the Acting Executive Director of the Indianapolis Public Education Corporation ("IPEC"), created by House Enrolled Act 1423 (2026) ("H.E.A. 1423"), which amended Indiana Code effective March 12, 2026. Pursuant to Indiana Code §§ 20-25.3-5-5, 20-46-1-0.5, and 20-46-1-8(e), I am making a request on behalf of the Indianapolis Public Education Corporation that pertains to the Board of School Commissioners for the City of Indianapolis (commonly known as "Indianapolis Public Schools," "IPS" or in Indiana Code as "School City," per Indiana Code § 20-25-2-12) and charter schools within IPS boundaries.

Indiana Code § 20-46-1-8(e) requires the following:

Not later than sixty (60) days before the resolution is voted on by the governing body, the school corporation shall contact the department to determine the following:

(1) In the case of a resolution described in section 22 of this chapter, whether the school corporation is exempt from revenue sharing requirements under section 22(a)(2) of this chapter. If the school corporation is determined to be exempt, the department shall notify the school corporation, and the school corporation is not required to contact charter schools concerning participation under subsection (h), shall exclude distributions to charter schools under section 22 of this chapter, and shall exclude charter schools from the projection described in this subsection.

POWERFUL PERSUASION

(2) If the school corporation is not determined to be exempt from revenue sharing requirements under subdivision (1), the number of students in kindergarten through grade 12 who:

- (A) have legal settlement in the school corporation but attend a charter school, excluding virtual charter schools or adult high schools; and
- (B) receive not more than fifty percent (50%) virtual instruction.

Not later than ten (10) days after receiving the request, the department shall provide the school corporation with the requested information, which shall be disaggregated for each particular charter school. Subject to subsection (h), the resolution shall include a projection of the amount that the school corporation expects, based on the information provided by the department under this subsection, to be distributed to a particular charter school under section 21 or 22 of this chapter.

Ordinarily such a request comes to you from a school corporation. But here, Indiana Code, amended through H.E.A. 1423, instructs IPEC to exercise IPS's powers in this regard.

Indiana Code instructs the Indianapolis Public Education Corporation to make such requests to the Indiana Department of Education instead of Indianapolis Public Schools. Indeed, Section 16 of H.E.A. 1423 adds a new Indiana Code section, Indiana Code § 20-46-1-0.5, that prohibits IPS from making such requests: "Subject to subsection (b), after March 31, 2026, a school city (as defined in IC 20-25-2-12) may not exercise the powers and duties under this chapter [*i.e.*, Indiana Code chapter 20-46-1] and instead the public education corporation assumes the powers and duties of the school city as set forth in IC 20-25.3-5."

Instead, H.E.A. 1423 transfers IPS's ability to take these procedural steps to IPEC. Section 12 of H.E.A. 1423 further adds another Indiana Code provision, Indiana Code § 20-25.3-5-5, that further illuminates the procedural points relative to Indiana Code chapter 20-46-1 (the operating referendum chapter):

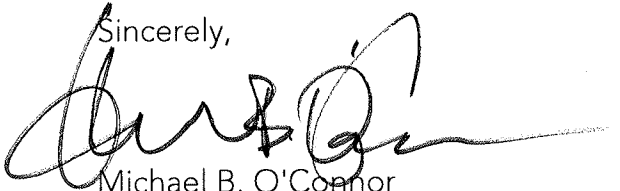
- (a) Except as provided in subsections (b) and (c), after March 31, 2026, the school city [*i.e.*, IPS] may not take any action under the procedures set forth in IC 20-46-1 and instead the corporation [*i.e.*, IPEC] shall assume the powers and duties of the school city under IC 20-46-1 in the territory of the school city.
- (b) Notwithstanding subsection (a), property tax revenue received from an operating referendum tax levy that is approved by the voters after March 31, 2026, shall be distributed to the school city and applicable charter schools in the manner provided under IC 20-46-1.

(c) An operating referendum tax levy that is approved by the voters before April 1, 2026, shall continue to be imposed after March 31, 2026, through the end of the term and the school city shall continue to use the revenue from the operating referendum tax levy for the same purposes for which it was originally approved by the voters through the end of the term of the referendum.

Accordingly, the Indianapolis Public Education Corporation, pursuant to Indiana Code §§ 20-25.3-5-5, 20-46-1-0.5, and 20-46-1-8(e), requests that the Indiana Department of Education provide IPEC with the number of students in kindergarten through grade 12 who (A) have legal settlement in IPS but attend a charter school, excluding virtual charter schools or adult high schools; and (B) receive not more than fifty percent (50%) virtual instruction, with such information disaggregated for each particular charter school.

Should you have any questions, please do not hesitate to contact me.

Sincerely,



Michael B. O'Connor
Acting Executive Director
Indianapolis Public Education Corporation

Cc: Jonathan Mayes (via email at jmayes@boselaw.com)
Philip Gordon, General Counsel, Indiana Department of Education (via email at phgordon@doe.in.gov), David Harris, Chair of the Indianapolis Public Education Corporation Board of Directors (Via email at dharris@indianapoliseducationcorporation.com)

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