

OPINION 32

OFFICIAL OPINION NO. 32

December 2, 1971

Hon. John J. Loughlin
State Superintendent of Public Instruction
229 State House
Indianapolis, Indiana

Dear Superintendent Loughlin:

This is in response to your request for my Official Opinion concerning whether the six (6) year limitation on the adoption of any plan for a governing body of 1971 Public Law 315 as found in Burns' (1971 Supp.), Section 28-1845 and IC 1971, 20-4-10.1-15, applies to changes made in governing bodies prior to the enactment of this Act or applies only to changes made subsequently under the authority of the new provisions of the law.

ANALYSIS

1971 Public Law 315, as found in Burns' (1971 Supp.), Section 28-1831, *et seq.*, and IC 1971, 20-4-10.1, *et seq.*, adds a new chapter to the School Reorganization Act. The Chapter is entitled "Reorganization: Board Member Change" and regulates the making of changes in the manner in which the governing board of a school corporation (other than a school township) is constituted. The Act contains an emergency clause and became effective April 5, 1971.

The new law specifically repeals prior provisions of the reorganization law as to the manner of changing the composition of a Board of School Trustees. No other provisions for changes are made except in those sections repealed.

It is evident from reading the new statute in connection with the School Reorganization Act it amends, that the Legislature intended to provide a method by which the manner in which the governing board of a school corporation as constituted can be changed.

One restriction which was placed on the method of making such changes is found in Burns' 28-1845, *supra*, and states that no plan for any governing body may be adopted more

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than once each six years. This language applies only to the method outlined in the new amendment, inasmuch as any other method of making changes was specifically repealed. The restriction restricts only those changes made under the provisions of the new chapter.

CONCLUSION

It is my official opinion, therefore, that the six (6) year limitation on the adoption of a change in a plan for school reorganization applies only to changes made subsequently to the enactment of Burns' 28-1831, *et seq.* (April 5, 1971)