


PUBLIC WORK SESSION
OF THE
BOARD OF SCHOOL TRUSTEES
Elkhart Community Schools
Elkhart, Indiana

NOTICE OF MEETING TIME CHANGE

Date: Tuesday, October 10, 2023
Time: ~~6:00~~6:30 p.m.
Location: J.C. Rice Educational Services Center
2720 California Road
Elkhart, Indiana 46514



Superintendent of Schools

Posted and electronically delivered
to School Attorney and
News Media on Wednesday,
October 4, 2023 and
electronically delivered to Board
Members on Friday, October 6, 2023.

NOTICE OF EXECUTIVE SESSION
OF THE
BOARD OF SCHOOL TRUSTEES

Elkhart Community Schools
Elkhart, Indiana

Date: Tuesday, October 10, 2023

Time: 6:00 p.m.

Purpose: Reference Indiana Code Section 5-14-1.5-6.1-(b)-

(6) With respect to any individual over whom the governing
body has jurisdiction.

Location: J.C. Rice Educational Services Center
2720 California Road
Elkhart, Indiana 46514



Superintendent of Schools

Posted and electronically delivered
to School Attorney and News Media
on Wednesday, October 4, 2023 and
electronically delivered to Board Members
on Friday, October 6, 2023.

AGENDA FOR
BOARD OF SCHOOL TRUSTEES
REGULAR MEETING

Elkhart Community Schools
Elkhart, Indiana

October 10, 2023

CALENDAR

Oct	10	6:00 p.m.	Executive Session, J.C. Rice Educational Services Center
Oct	10	6:30 p.m.	Public Work Session, J.C. Rice Educational Services Center
Oct	10	7:00 p.m.	Regular Board Meeting, J.C. Rice Educational Services Center
Oct	24	5:30 p.m.	Executive Session, J.C. Rice Educational Services Center
Oct	24	7:00 p.m.	Regular Board Meeting, J.C. Rice Educational Services Center

- A. CALL TO ORDER
- B. THE ELKHART PROMISE
- C. INVITATION TO SPEAK PROTOCOL
- D. MOMENT OF PRIDE – Celebrating students with perfect IREAD scores
- E. CONSENT ITEMS:

- Minutes – September 26, 2023 – Public Work Session
- Minutes – September 26, 2023 – Regular Board Meeting
- Claims
- Fundraisers
- Extra-Curricular
- Gift Acceptances
- Conference Leaves
- Grants
- Personnel Report

- F. NEW BUSINESS

1028 – Additional Appropriations Hearing

Resolutions Authorizing the Issuance of Bonds and Related Matters for Renovations, Expansion and Update Projects at the EACC Main Building and for Renovations, Expansion and Update Projects at the EACC North Annex

Additional Appropriation Resolutions for the EACC Main Building and the EACC North Annex Projects

Public Hearing on the 2024 Budget, 2024 Capital Projects Plan and 2024 School Bus Replacement Plan

Administrative Regulation DLC – Administration presents proposed revisions to Administrative Regulation DLC for initial review and asks to waive second reading.

G. INFORMATION AND PROPOSALS

From Audience

From Superintendent and Staff

From Board

H. ADJOURNMENT

MINUTES OF THE
PUBLIC WORK SESSION
OF THE
BOARD OF SCHOOL TRUSTEES

Elkhart Community Schools
Elkhart, Indiana

September 26, 2023

J.C. Rice Services Center, 2720 California Road, Elkhart 46514 – at
6:00 p.m.

Place/Time

Board Members Present:	Dacey S. Davis Troy E. Scott Douglas K. Weaver	Jeffrey S. Bliler Mike Burnett Kellie L. Mullins Anne M. VonDerVellen
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Roll Call

ECS Staff Present:	Mark Mow Kevin Scott
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The Board was presented a 2024 budget draft review by Kevin Scott, Chief
Financial Officer.

Topics
Discussed

The meeting adjourned at approximately 6:44 p.m.

Adjournment

APPROVED:

Signatures

Dacey S. Davis, President

Jeffrey S. Bliler, Member

Troy E. Scott, Vice President

Mike Burnett, Member

Douglas K. Weaver, Secretary

Kellie L. Mullins, Member

Anne M. VonDerVellen, Member

MINUTES
OF THE REGULAR MEETING
OF THE BOARD OF SCHOOL TRUSTEES

Elkhart Community Schools
Elkhart, Indiana

September 26, 2023

J.C. Rice Educational Services Center, 2720 California Road, Elkhart
- at 7:00 p.m. Place/Time

Board Members Present:	Dacey S. Davis Troy E. Scott Douglas K. Weaver	Jeffrey S. Bliler Mike Burnett Kellie L. Mullins Anne M. VonDerVellen
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Roll Call

Board President Dacey Davis called the regular meeting of the Board of School Trustees to order. Call to Order

Board Vice President Troy Scott recited the Elkhart Promise. The Elkhart Promise

Ms. Davis discussed the invitation to speak protocol.

Assistant Superintendent of Exceptional Learners, Tony England, recognized Lisa Ernsberger, Director of High Ability, for being nominated by the National Association of Gifted Children for the District Coordinator of the Year. This past week, Elkhart Community Schools (ECS) was notified that Ms. Ernsberger was officially named the National Representative Coordinator for Gifted Children. Moment of Pride

In response to Board inquiry, Ms. Ernsberger informed the Board the recognition will bring attention to ECS and the work that has been done over the past three years as well as the work in progress for the high ability population. She highlighted the recent efforts made to reach ECS' underrepresented populations, including free and reduced lunch and, beginning this year, emerging bilingual students through Rising Scholars. Middle schools have demonstrated a ninety-five (95%) percent success rate with kids identified as Rising Scholars. She is looking forward to seeing this same success with ECS' emerging bilingual students.

In response to Board inquiry, Ms. Ernsberger informed Board members about an upcoming event, Newly Identified Night, which will provide more information about the program to families, encourage participation, and address any questions families may have about the

program. She will work with her team in an effort to help promote and encourage new families to participate in the program.

In response to Board inquiry, Ms. Ernsberger shared this school year, ECS is offering an exploratory Rising Scholars program at Mary Beck Elementary School. They are using local norms at Mary Beck to identify clusters of students in need of enrichment. Cluster teachers will work with these students as well as social workers, who will work to develop leadership and friendship skills. All three middle schools have similar programs where students are identified as Rising Scholars using the local norms at each middle school as well as input provided by 6th grade teachers. Identified students are tagged as being Rising Scholars so teachers know to provide additional support to help prepare these students for future honors courses and potentially the Early College Program when entering high school.

All Board members congratulated Ms. Ernsberger and expressed their appreciation for her great work and success with the high ability program at ECS.

By unanimous action, the Board approved the following consent items:

Consent Items

Minutes – September 12, 2023 – Regular Board Meeting

Minutes

Payment of claims totaling \$10,940,333.22 as shown on the September 26, 2023, claims listing. (Codified File 2324-039)

Payment of Claims

Proposed school fundraisers in accordance with Board policy. (Codified File 2324-040)

Fundraisers

The following donations were made to Elkhart Community Schools (ECS): 204 notebooks, 200 sharpies, 12 blankets, 24 Starbucks cups, 360 pens, and 200 highlighters to be used as door prizes for the substitute and secretary meetings with an estimated value of \$1,800; \$10,000 to Elkhart High School (EHS) Athletic Department from Phyllis Tubbs to be used to assist with the growth and development of student athletes; and Zippie Xtreme Manual Wheelchair to ECS from Jeffrey and Kimberlee Wilhelm for student use.

Gift Acceptances

Conference leave requests in accordance with Board policy for staff members as recommended by the administration on the September 26, 2023 listings. (Codified File 2324-041)

Conference Leave Requests

Confirmed overnight trip request for Pinewood Elementary School 6th Grade students to travel to Camp Friedenswald in Cassopolis, Michigan on May 2 – 3, 2024 for the 6th grade camping trip.

Overnight Trip Request

Submission of the following grant: Indiana Learns Grant hosted by the Indiana Department of Education (IDOE) in the amount of \$1,000 per student for tutoring during or outside the school day for Pinewood students who did not pass the ILEARN assessment; K-12 Robotics Competition Grant hosted by the IDOE in the amount of \$50,000 to be used for the funding of competitive robotics competitions; Title IV, Part A Student Support & Academic Enrichment Grant hosted by the IDOE in the amount of \$276,688.59 to be used to provide students access to a well-rounded education, improve school conditions for student learning and improve academic achievement with supports in the areas of digital literacy and STEM learning; 611 Part B Funds Special Education Grant hosted by the IDOE in the amount of \$3,452,401 to be used for basic staff employment and will cover all goals; 619 Part B Special Education Fund (Preschool) Grant hosted by the IDOE in the amount of \$125,133 to be used for basic teacher employment and will cover all teacher goals; Paraprofessional Training Grant hosted by IDOE in the amount of \$25,000 to be used for the training of special education paraprofessionals; and Indiana IDOE Robokind Grant hosted by the IDOE in the amount of \$162,700 to be used for a line item State budget for the use of Robokind Robots for Speech and Language engagement for students with autism. (Codified File 2324-042)

Grants

Employment of the following one (1) certified staff effective on date indicated:

Autumn McKinney – Kindergarten at Osolo, 9/18/23

Personnel Report

Certified Employment

Unpaid leave for the following one (1) certified employee:

Hillaree Biddlecome – Social Worker at EHS, beginning 8/23/23 and ending 10/4/23

Certified Leave

Employment of the following seven (7) classified employees effective on dates indicated:

Kristine Baker – Bus Helper at Transportation, 9/18/23

Ashley Colon – Food Service at Woodland, 9/18/23

Haylee Copsey – SLPA at HELC, 9/26/23

Delaine Johnson – Bus Driver at Transportation, 9/25/23

Jessica Kauffman – Food Service at Pinewood, 9/13/23

Cocheta Manion – Food Service Administration at Food Service, 9/25/23

Retha Wise – Custodian at Freshman Division, 9/25/23

Classified Employment

<p>Retirement of the following one (1) classified employee effective on date indicated: Sue Ann Artley – Allergy Specialist at Food Service, 12/15/23 with 14 years of service</p>	<p>Classified Retirement</p>
<p>Unpaid leave for the following one (1) classified employee, effective on dates indicated: Undra Clay – Custodian at Freshman Division, beginning 8/15/23 and ending 9/29/23</p>	<p>Classified Leave</p>
<p>Resignation of the following five (5) classified employees, effective on dates indicated: Arick Dashel – Custodian at Feeser, 9/15/23 Turquoise Holloway – Food Service at Pinewood, 9/13/23 Dana Irving – Paraprofessional at PRIDE Academy, 9/29/23 Lisa Lopez – Food Service at Woodland and EHS, 9/13/23 Alisha Tillotson – Food Service at Commissary, 9/13/23</p>	<p>Classified Resignations</p>
<p>The Board received a financial report from Kevin Scott, Chief Financial Officer, for August 2023 and found it to be in order. Mr. Scott reported the cash balance for August was \$42,649,192.74. Interest Income has been strong so far this year which benefits the Education Fund.</p>	<p>Financial Report</p>
<p>The Board received an insurance update for the month of August 2023. Mr. Scott reported claims for the month of August were slightly better than the prior year; although, year-to-date claims experience is about \$180,000 higher than this time last year. Mr. Scott noted the higher claims costs are driven by pharmaceuticals, which are partially offset by rebates.</p>	<p>Insurance Report</p>
<p>By unanimous action, the Board approved the administration’s recommendation to award roof projects at EHS, North Side Middle School and West Side Middle School in the amount of \$5,992,400 to Midland Engineering of South Bend, Indiana. The project includes a partial roof replacement at EHS and total roof replacement at both middle schools, including North Side gym. ESSER III funds will be used to fund this project and estimated completion date is August 31, 2024. (Codified File 2324-043)</p>	<p>Recommendation for Award</p>
<p>In response to Board inquiry, Tony Gianesi, Chief Operating Officer, informed the Board the roof replacement at EHS is long overdue; West Side’s roof is twenty-one (21) years old and the one with the most problems; and North Side’s roof has had issues over the past several years as well.</p>	

In response to Board inquiry, Mr. Gianesi informed the Board the contract has not been finalized at this time; with Board approval, he can begin conversations of possible assurances regarding labor costs and timeframe. Mr. Gianesi assured the Board that Midland is a large company capable of accommodating a project of this size.

Dr. Stahly presented a proposed new course offering for the 2024-2025 school year: Digital Media, where students will analyze local, national, and global media through the lens of law, ethics, and social responsibility. (Codified File 2324-044)

New Course Offering

In response to Board inquiry, Dr. Stahly informed Board members he thought this was one course offered across two semesters, but would confirm and update Board members at a later date. Board members emphasized this course offering is another opportunity to tell a story about the great things happening at ECS.

By unanimous action, the Board approved and waived the second reading of proposed revisions to Board Policy 3410.04CS – Substitute Compensation. Doug Thorne, District Counsel/Chief of Staff, explained the proposed revisions allows the retired teacher rate to be paid to all retired teachers regardless of the state the teacher retired from; increases the compensation for substitute teachers who possess an Indiana License; establishes a formal process for determining whether a teacher holds the qualifications to grade and write lesson plans; specifically links compensation paid to substitute teacher in long-term assignments to the base salaries of teachers with a bachelor’s or master’s degree (Master Contract); and establishes a rate of pay for substitute teachers who attend professional development activities.

Board Policy 3410.04CS

Mr. Mow reminded Board Members of their next Board Work Session and Meeting scheduled for October 10, 2023.

From the Superintendent

Board Member Anne VonDerVellen spoke of the Parent University event at Roosevelt STEAM Academy on October 3, 2023 at 6:15 p.m.

From the Board

Board President Dacey Davis thanked the community for their support in getting the request to locate a cell tower immediately adjacent to Pinewood denied. Board Member Kellie Mullins encouraged the community to come out in opposition even stronger if the decision is appealed.

The meeting adjourned at approximately 7:30 p.m.

Adjournment

APPROVED:

Signatures

Dacey S. Davis, President

Troy E. Scott, Vice President

Douglas K. Weaver, Secretary

Jeffrey S. Bliler, Member

Mike Burnett, Member

Kellie L. Mullins, Member

Anne M. VonDerVellen, Member

ELKHART COMMUNITY SCHOOLS
Elkhart, Indiana

October 3, 2023

TO: Mr. Mark Mow
Board of School Trustees

FROM: Kevin Scott

SUBJECT: Extra-Curricular Purchase

The Business Office recommends Board approval of purchase of the following items from extra-curricular funds:

SCHOOL/ACCOUNT	ITEM	AMOUNT
West Side/Vocal, Band and Orchestra	Royal Excursion	\$7,986.00

September 22, 2023

To Whom It May Concern:



The West Side Music Department will be attending Cedar Point as a reward trip from music students on Saturday May 25, 2023. We will be using Royal Excursion for our transportation. Attached is a quote from them. Total cost is \$7,986.00 including a down payment of \$600 due by 10/15/23. We are seeking approval for the down payment as well as the total cost for this trip. It will be paid out of the Vocal, Band and Orchestra ECAs at West Side.

If you have any questions or concerns, please feel free to contact me (Stephanie Rappatta, department chair).

Thank you,



Stephanie Rappatta
Music Department Chair
West Side Middle School



12807 McKinley Hwy

Mishawaka, IN 46545

Phone: 574-257-8540

Fax: 574-258-9890

Toll Free 888-527-3779

Website: www.royalexursion.com

Email: info@royalexursion.com

Charter Quote

Confirmed: **05/25/23**
Quote No. : **114342**

Stephanie Rappatta
Westside Middle School
101 S. Nappanee St
Elkhart, IN 46514

Phone: **574-295-4815**
Fax: **574-295-4812**
Order Date **05/25/23**
SalesRep: **Phil Grady**

Thank you for contacting **Royal Excursion**. We hope this Quote will be acceptable for your trip on **Saturday, May 25, 2024**. This quote is good for **5** days, after which circumstances could require us to change it. To accept this quote/contract, please sign below and return it by mail or fax as soon as possible. Thank you for considering **Royal Excursion**.

Driver's gratuity not included.

Duration: 17 Hours / Overtime \$45.00/hr after 16 hours. Group responsible for all damages incurred to coaches by group. Please, no candy or gum. Group has no access to the coaches during the day. Cancellation must be made 30 days prior to trip date to avoid cancellation fee. A 1/2% Energy Charge will be added for every \$.10 increase in fuel price over \$5/gallon upon trip date, prices based on <https://www.eia.gov/petroleum/gasdiesel/>. Price subject to the final itinerary.

Group Name: **Westside Middle School**

Coaches: **3**

Group Leader: **Stephanie Rappatta**

Equipment: **3 x 56 pax**

Destination: **Sandusky, OH**

Leave Date: **Saturday, May 25, 2024**

Return Date: **Saturday, May 25, 2024**

Spot Time: TZ: **et**

Leave Time:

Retn\Drop Time: TZ: **et**

Pickup **Westside Middle School**

Destination **Cedar Point**

Location: **101 S Nappanee St,
Elkhart, IN 46514**

Details: **1 Cedar Point Dr
Sandusky, OH 44870**

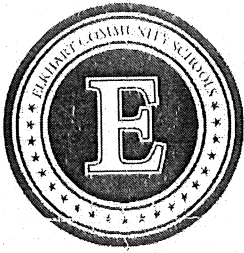
<u>Due Dates</u>	<u>Description</u>	<u>Amount</u>	<u>Date Received</u>	Transport Charge:	\$7,986.00
10/15/23	Deposit	\$600.00		Amount Paid	\$0.00
04/25/24	Payment	\$7,386.00		Balance Due	\$7,986.00
05/26/24	Signed Contract				

Your signature below acknowledges that you understand and agree to the terms and conditions stated.

Charter Party Signature

Date

Phil Grady



PIERRE MORAN MIDDLE SCHOOL
200 WEST LUSHER AVENUE • ELKHART, IN 46517
PHONE: 574-295-4805

ELKHART COMMUNITY SCHOOLS
J.C. RICE EDUCATIONAL SERVICES CENTER
2720 CALIFORNIA ROAD • ELKHART, IN 46514
PHONE: 574-262-5500

Date: September 27, 2023
To: Board of School Trustees
From: Jeff Hemmerlein, PMMS Principal
RE: Donation Approval

We have received an extracurricular donation in the amount of \$500.00 for student rewards. This donation will go towards the purchase of rewards and events for Pierre Moran Middle School students.

I am requesting approval from the Board of School Trustees to accept this donation and that an appropriate letter of acknowledgement and appreciation is to:

Legacy Heating and Air, Inc
22285 Elkhart East Blvd
Elkhart, IN 46514

Sincerely,

Jeff Hemmerlein
Pierre Moran Middle School Principal



ELKHART AREA CAREER CENTER

ELKHART
COMMUNITY SCHOOLS

INTERNAL MEMO

TO: MR. MOW
BOARD OF SCHOOL TRUSTEES

FROM: BRANDON EAKINS BE

DATE: SEPTEMBER 27, 2023

RE: DONATION APPROVAL - EACC

Unity Physicians Hospital has donated 55 half sheet drapes, 5 robotic lithotomy drapes, and 4 Jackson Pratt drains. These items will be used in our Surgical Services program.

The donated items will be useful in the classroom as they will be used by students for training purposes.

I am requesting approval from the Board of School Trustees to accept this donation and that an appropriate letter of acknowledgement and appreciation is sent to:

Unity Physicians Hospital
Attn: Jennifer Medich
4455 Edison Lakes Parkway
Mishawaka, IN 46545



ELKHART AREA CAREER CENTER

ELKHART
COMMUNITY SCHOOLS

INTERNAL MEMO

TO: MR. MOW
BOARD OF SCHOOL TRUSTEES

FROM: BRANDON EAKINS BE

DATE: SEPTEMBER 27, 2023

RE: DONATION APPROVAL - EACC

Gary & Mary Williams have donated a 2002 Oldsmobile Intrigue GX, VIN #1G3WH52H22F124595. This vehicle will be used for training purposes for students in our Automotive Technology classes.

I am requesting approval from the Board of School Trustees to accept this donation and that an appropriate letter of acknowledgement and appreciation is sent to:

Gary & Mary Williams
420 Studebaker St
Mishawaka, IN 46544-2553



ELKHART AREA CAREER CENTER

ELKHART
COMMUNITY SCHOOLS

INTERNAL MEMO

To: MR. MOW
BOARD OF SCHOOL TRUSTEES

FROM: BRANDON EAKINS BE

DATE: SEPTEMBER 27, 2023

RE: DONATION APPROVAL - EACC

William Hartley has donated a 2008 Subaru Forester, VIN #JF1SG636X8H730511. This vehicle will be used for training purposes for students in our Automotive Technology classes.

I am requesting approval from the Board of School Trustees to accept this donation and that an appropriate letter of acknowledgement and appreciation is sent to:

William Hartley
67221 Conrad Rd
Edwardsburg, MI 49112



ELKHART AREA CAREER CENTER

ELKHART
COMMUNITY SCHOOLS

INTERNAL MEMO

TO: MR. MOW
BOARD OF SCHOOL TRUSTEES

FROM: BRANDON EAKINS *BE*

DATE: SEPTEMBER 28, 2023

RE: DONATION APPROVAL - EACC

Bradley and Kellie Fishburn have donated \$700.00 to the Michele Hostetler Memorial Scholarship fund. This scholarship is given each year to an Elkhart Area Career Center student who is currently enrolled in Mr. Hostetler's Automotive Technology class to help further their education in the Automotive Field.

I am requesting approval from the Board of School Trustees to accept this donation and that an appropriate letter of acknowledgement and appreciation is sent to:

Bradley and Kellie Fishburn
8187 E Constitution Dr
Syracuse, IN 46567



ELKHART AREA CAREER CENTER

ELKHART
COMMUNITY SCHOOLS

INTERNAL MEMO

TO: MR. MOW
BOARD OF SCHOOL TRUSTEES

FROM: BRANDON EAKINS BE

DATE: SEPTEMBER 28, 2023

RE: DONATION APPROVAL - EACC

Brian and Melinda Inniger have donated \$1,100.00 to the Michele Hostetler Memorial Scholarship fund. This scholarship is given each year to an Elkhart Area Career Center student who is currently enrolled in Mr. Hostetler's Automotive Technology class to help further their education in the Automotive Field.

I am requesting approval from the Board of School Trustees to accept this donation and that an appropriate letter of acknowledgement and appreciation is sent to:

Brian and Melinda Inniger
20001 Regina Rd
New Paris, IN 46553-9631

<p>INDIANA LIBRARY FEDERATION (ILF) ANNUAL CONFERENCE</p> <p>This conference provides opportunities for collaboration on literacy engagement for school, public and academic librarians across the state of Indiana. The goal is to increase partnerships with public and academic partners in order to help keep students connected with resources as well as to partner with universities to provide access to college libraries in an effort to promote college and career readiness for ECS students. There will be opportunities to work with local public libraries to make connections for summer reading and read aloud opportunities through Indiana Read Alouds Too Good Too Miss, Young Hoosier Book Awards, and Eliot Rosewater Book Awards to decrease "summer slide" for students as well as increase access to and engagement with reading materials for all students.</p> <p>Indianapolis, IN</p> <p>November 13 & 14, 2023</p> <p>ANNE COX - NSMS (0-0)</p> <p>COLLEEN SHOOK - EHS (0-0)</p> <p>LINDSEY WALTERS - ESC (2-4)</p>	<p>\$2,273.75</p> <p><i>Title II, Part A, FY22</i></p>	<p>\$0.00</p> <p><i>N/A</i></p>
<p>HECC (HOOSIER EDUCATIONAL COMPUTER COORDINATORS) CONFERENCE 2023</p> <p>HECC is a member-driven organization that provides resources, networking, and community with a yearly technology conference for its members who are teachers and technology professionals in K-12 school systems. The conference will provide various areas of training and networking opportunities to improve technology at ECS and ensure we have a secure school system.</p> <p>Indianapolis IN</p> <p>November 7-10, 2023</p> <p>RYAN BARNBROOK - TECH SERVICES (0-0)</p> <p>HOLLY MECHER - ESC (1-3)</p>	<p>\$2,944.56</p>	<p>\$0.00</p>
<p>2023 PROMISE NEIGHBORHOODS & FULL SERVICE COMMUNITY SCHOOLS NATIONAL CONFERENCE</p> <p>This conference is a grant required national network conference with sessions including: (1) Designing Innovative Programs to Support Learners and Transform Communities, (2) Promoting Equity Through Place-Based Programming, (3) Applying Data Evaluation Techniques and Approaches, (4) Generating Systems-Level Change, (5) Developing Communication Strategies to Drive Community Change, (6) Building Robust Full-Service Community School Programs, (7) Planning session to address the four pillars, program indicators and measures of community schools, (8) Program sustainability, collaborative leadership and practices, and coordinating program services. Information gained at this conference will be shared with the FSCS grant leadership team, principals and site coordinators.</p> <p>Washington DC</p>	<p>\$1,586.85</p>	<p>\$0.00</p>

December 11-14, 2023 BETH WILLIAMS - ESC (0-0)	Title IV Com Schools	
FOR CONFIRMATION ONLY: (RECEIVED TOO LATE FOR PRIOR APPROVAL)		
ACP US HISTORY ANNUAL CONFERENCE This virtual annual conference, required for ACP US History teachers, is led by IU history professors, as well as professors from Harvard, Howard and Cornell covering the American Revolution. Attendance at this conference will be instrumental in developing ACP curriculum for ECS students. Virtual October 3, 2023 STEFANIE FOSTER - EHS (0-0)	\$0.00	\$0.00
	N/A	N/A
	\$19,856.49	\$0.00
2022 YEAR-TO-DATE EDUCATION FUNDS	\$22,516.62	\$2,755.00
2023 YEAR-TO-DATE EDUCATION FUNDS	\$10,946.97	\$475.00
2022 YEAR-TO-DATE OTHER FUNDS	\$198,529.66	\$6,175.00
2022 YEAR-TO-DATE ADJUSTMENTS	-\$2,547.75	\$0.00
2023 YEAR-TO-DATE OTHER FUNDS	\$276,034.91	\$4,465.00
2023 YEAR-TO-DATE ADJUSTMENTS	\$0.00	\$0.00
GRAND TOTAL	\$505,480.41	\$13,870.00

(Figures in parentheses are the number of conferences & the number of absence days previously approved for the current school year.)

ELKHART COMMUNITY SCHOOLS

Elkhart, Indiana

DATE: September 27, 2023
 TO: Mr. Mark Mow
 FROM: Brandon Eakins *BE*
 RE: Conference Leave Requests Paid Under Carl D. Perkins Grant
 October 10, 2023 - Board of School Trustees Meeting

2023-2024 CONFERENCES	EXPENSES	SUBSTITUTE
<p>National College Attainment Network Conference</p> <p>The National College Attainment Network's (NCAN) mission is to build, strengthen, and empower communities and stakeholders to close gaps in postsecondary attainment for all students. The 2023 NCAN National Conference is the premiere professional development forum for postsecondary access and success practitioners and their partners nationwide who have made the commitment to excellence for their students. I will use the information learned to develop PLC training for EACC staff.</p> <p>Dallas, TX October 16 - 18, 2023 Dr Kristen Milton-Watt (1-2) Jennifer Garcia (0-0) Leadership</p>	<p>\$1,186.01</p>	<p>\$0.00</p>
TOTAL	\$1,186.01	\$0.00
2023-24 YEAR-TO-DATE PERKINS FUNDS	\$9,738.81	\$0.00
GRAND TOTAL	\$10,924.82	\$0.00

What is the title of the grant?	What is the name of the granting agency/entity?	Please list school/entity applying.	Individual/contact applying for the grant?	What is the amount applied for?	How will the grant funds be used and who will oversee the management of the grant?	Please explain how the grant funds will be used to support the district vision, focus, and goals.	Please outline the grant budget for the funds requested.	What is the grant submission deadline?
CFEC Grant	Community Foundation of Elkhart County	Pierre Moran Middle School	Timothy Adams - School Counselor	\$2,000 - \$2,500	The grant funds will be used to run a district-wide 21st Century Scholarship Night and Community Expo at Pierre Moran.	<p>This event and approval for CFEC to provide the grant to Pierre Moran has previously been approved by superintendent Mow on September 5, 2023 via email correspondence between CFEC rep, Amanda Jamison, Mark Mow, and myself.</p> <p>These funds will be used to bring in students and families to educate them about the 21st Century Scholarship as well as connect them with colleges, universities, community partners, and other organizations in our area that help students and families.</p>	<p>Food for the event. Each family and vendor will be provided with a catered food box, which is what we did last year during this event. Cookies and other snacks, cups, napkins, plates will also need to be purchased.</p> <p>Caterer: \$1,500 - \$2,000 Cookies and Snacks: \$100-\$200 Other Items: \$100</p>	10/31/2023

Bruce Stahly
 10/5/23



TO: MR. MARK MOW
FROM: MS. MAGGIE LOZANO
DATE: OCTOBER 10, 2023

PERSONNEL RECOMMENDATIONS

CERTIFIED

- a. **Agreement** – We recommend the approval of an agreement for services.
- b. **New Certified Staff** – We recommend the following new certified staff for employment in the 2023-24 school year:

Ashley Schuman	Bristol/Special Education
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- c. **Resignation** – We report the resignation of the following employee:

Jonathan LeVan Began: 8/18/03	Woodland/Principal Resign: 11/9/23
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CLASSIFIED

- a. **New Hires** – We recommend regular employment of the following classified employees:

Zienab Abas Began: 8/14/23	Eastwood/Registered Behavior Technician PE: 10/9/23
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Olga Aceves Began: 8/14/23	Elkhart High/Food Service PE: 10/9/23
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Yankho Bassa Began: 8/16/23	Roosevelt/Paraprofessional PE: 10/10/23
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Anna Brown Began: 8/16/23	Pinewood/Food Service PE: 10/10/23
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Sydney Brown Began: 8/14/23	Beck/Technical Assistant PE: 10/9/23
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David Cassell
Began: 8/16/23

Amanda Christensen
Began: 8/16/23

Tabitha DeWitt
Began: 8/16/23

Lili Eash
Began: 8/14/23

Kelly Engle
Began: 8/14/23

Nathalie Estrada
Began: 8/16/23

Denise Finn
Began: 5/15/23

Karen Howard
Began: 5/9/23

DeJanea Johnson
Began: 8/17/23

Margaret Johnson
Began: 8/16/23

Lisa Jones
Began: 8/14/23

Amy Knoll
Began: 8/14/23

Michele Kovatch
Began: 8/16/23

Cori Ledden-Edmisten
Began: 8/14/23

Lorie Lee
Began: 8/14/23

Elkhart High/Paraprofessional
PE: 10/10/23

Cleveland/Paraprofessional
PE: 10/10/23

Eastwood/Food Service
PE: 10/10/23

PMMS/Registered Behavior Technician
PE: 10/9/23

Cleveland/Technical Assistant
PE: 10/9/23

Eastwood/Food Service
PE: 10/10/23

Transportation/Bus Driver
PE: 10/2/23

Elkhart High/Registered Nurse
PE: 10/3/23

Roosevelt/Behavior Support
PE: 10/10/23

Beck/Registered Behavior Technician
PE: 10/10/23

PACE/Therapist
PE: 10/10/23

Riverview/Technical Assistant
PE: 10/9/23

Monger/Paraprofessional
PE: 10/10/23

Feeser/Technical Assistant
PE: 10/9/23

Roosevelt/Food Service
PE: 10/9/23



Kelsy Manley
Began: 8/14/23

Mercedes Mayweathers Brown
Began: 8/14/23

Alicia Mendez
Began: 8/14/23

Glen Miller
Began: 5/15/23

Haley Morse
Began: 5/1/23

Margie Nisley
Began: 8/15/23

Chelsea Penninger
Began: 5/15/23

Bridget Petersheim
Began: 8/14/23

Kelsey Rockstroh
Began: 8/15/23

Rebecca Rohrer
Began: 8/16/23

Margo Ross
Began: 8/16/23

Katie Sandefur
Began: 8/14/23

Kathleen Seymour
Began: 8/7/23

Teri Shreiner
Began: 8/16/23

Danielle Smith
Began: 8/16/23

Beardsley/Technical Assistant
PE: 10/9/23

North Side/Food Service
PE: 10/9/23

Roosevelt/Parent/Community Liasion
PE: 10/9/23

Transportation/Bus Driver
PE: 10/2/23

Pierre Moran/Therapist
PE: 9/14/23

Roosevelt/Paraprofessional
PE: 10/10/23

EACC/Technical Assistant
PE: 10/2/23

PRIDE/Registered Behavior Technician
PE: 10/9/23

Daly/Registered Nurse
PE: 10/9/23

Osolo/Paraprofessional
PE: 10/10/23

Cleveland/Paraprofessional
PE: 10/10/23

EACC/Paraprofessional
PE: 10/9/23

Freshman Division/Food Service
PE: 10/2/23

Eastwood/Paraprofessional
PE: 10/10/23

West Side/Paraprofessional
PE: 10/10/23



Laura Solis
Began: 8/14/23

Monger/Food Service
PE: 10/9/23

Jean Wesolowski
Began: 8/14/23

Elkhart High/Food Service
PE: 10/9/23

Sarah Young
Began: 8/15/23

Osolo/Food Service
PE: 10/9/23

b. **Retirement** – We report the retirement of the following classified employees:

Lamont Donathen Jr.
Began: 3/13/00

West Side/Head Custodian
Retire: 10/04/23
YOS: 23

Michele Habic
Began: 3/27/00

Woodland/Secretary
Retire: 11/10/23
YOS: 23

David Paulson
Began: 8/25/86

Building Services/Head Custodian
Retire: 10/23/23
YOS: 37

c. **Unpaid Leave** – We recommend an unpaid leave for the following employee:

James Neal
Began: 9/18/23

Pierre Moran/Food Service
End: 9/27/23

Miranda Quinn
Began: 9/25/23

North Side/Food Service
End: 10/24/23

d. **Resignation** – We report the resignation of the following classified employees:

Sara Paholak
Began: 1/23/23

Feeser/Paraprofessional
Resign: 5/25/23

Kevin Scott
Began: 5/16/16

ESC/Chief Financial Officer
Resign: 3/29/24



**RESOLUTION OF THE BOARD OF SCHOOL TRUSTEES OF THE ELKHART
COMMUNITY SCHOOLS, ELKHART COUNTY, INDIANA, AUTHORIZING THE
ISSUANCE OF BONDS FOR THE PURPOSE OF PROVIDING FUNDS TO PAY FOR
RENOVATION, EXPANSION AND UPDATE OF THE MAIN BUILDING OF THE
ELKHART AREA CAREER CENTER AND COSTS ASSOCIATED THEREWITH
AND ON ACCOUNT OF THE ISSUANCE OF THE BONDS**

WHEREAS, the Elkhart Community Schools, Elkhart County, Indiana (the “School Corporation”), has given consideration to (1) renovate, expand and/or update all or any portion of the existing Main Building of the Elkhart Area Career Center, including, but not limited to, all or any portion of (a) the demolition of the existing greenhouse dome and the construction and equipping in its place of an addition anticipated to consist of approximately 10,000 square feet containing approximately four classrooms and a multipurpose room with a capacity of approximately 100 people, (b) the construction and equipping of second addition to the existing building that is anticipated to contain approximately 1,000 square feet, (c) the renovation and updating of all or any other portion of the existing building, including updated lighting and restroom fixtures, ceilings, floor coverings and wall coverings, (d) the construction of a separate heating and cooling central plant and update of the existing heating and air conditioning system, (e) the acquisition and installation of updated equipment, technology and furnishings, and (f) related site improvements, (2) other miscellaneous facility improvements and equipping projects at one or more facilities operated by the School Corporation or equipment acquisition projects by the School Corporation, and (3) undertaking all projects related to any of the projects described in any of clauses (1) or (2) (clauses (1) through and including (3), collectively, the “2023 Main Building EACC Renovation, Expansion and Update Project”); and

WHEREAS, the Board of School Trustees of the School Corporation (the “Board”) deems it advisable to issue, pursuant to Indiana Code 20-48-1 and other applicable provisions of the Indiana Code, as amended (the “Act”), the “Elkhart Community Schools, Elkhart County, Indiana, General Obligation Bonds, Series 2023A” (the “2023A General Obligation Bonds”) in an original aggregate principal amount not to exceed Six Million One Hundred Five Thousand Dollars (\$6,105,000) (the “Authorized Amount”) for the purpose of providing for the payment of all or a portion of the costs of the 2023 Main Building EACC Renovation, Expansion and Update Project, all or a portion of the costs associated therewith, and the costs of selling and issuing the 2023A General Obligation Bonds; and

WHEREAS, the original aggregate principal amount of the 2023A General Obligation Bonds, together with the outstanding aggregate principal amount of previously issued bonds and any bonds anticipated to be issued contemporaneously with the 2023A General Obligation Bonds, which constitute a debt of the School Corporation, is no more than two percent (2%) of one-third of the total net assessed valuation of the School Corporation; and

WHEREAS, the amount of proceeds of the 2023A General Obligation Bonds allocated to pay costs of the 2023 Main Building EACC Renovation, Expansion and Update Project, together with estimated investment earnings thereon, does not exceed the cost of the 2023 Main Building EACC Renovation, Expansion and Update Project; and

WHEREAS, pursuant to Indiana Code §20-26-7-37, as amended, a public hearing must be held if the Board proposes to construct, repair or alter a school building at a cost of more than One Million Dollars (\$1,000,000) that would be financed by a lease agreement, issuing bonds, or any other available method; and

WHEREAS, notice of a public hearing to explain the potential value of the 2023 Main Building EACC Renovation, Expansion and Update Project to the School Corporation and the community was given by publication as required by law; and

WHEREAS, on the date hereof, a public hearing was conducted in accordance with Indiana Code §20-26-7-37, as amended, to explain the potential value of the 2023 Main Building EACC Renovation, Expansion and Update Project to the School Corporation and the community, and interested people have been given the opportunity to present testimony and ask questions concerning the 2023 Main Building EACC Renovation, Expansion and Update Project; and

WHEREAS, the Board has considered the testimony and other evidence presented at the public hearing; and

WHEREAS, the Board, being duly advised, finds that it is in the best interests of the School Corporation and its citizens for the purpose of financing all or any portion of the 2023 Main Building EACC Renovation, Expansion and Update Project by the issuance of the 2023A General Obligation Bonds; and

WHEREAS, the Board expects to pay for certain costs of the 2023A General Obligation Bonds or costs related to the 2023 Main Building EACC Renovation, Expansion and Update Project (collectively, the “2023A Expenditures”) prior to the issuance of the 2023A General Obligation Bonds, and to reimburse the 2023A Expenditures with proceeds received by the School Corporation upon the issuance of the 2023A General Obligation Bonds; and

WHEREAS, the Board desires to declare its intent to reimburse the 2023A Expenditures pursuant to Treas. Reg. §1.150-2 and Indiana Code §5-1-14-6(c), each as amended; and

WHEREAS, all conditions precedent to the adoption of a resolution authorizing the issuance of the 2023A General Obligation Bonds have been complied with in accordance with the applicable provisions of the Act.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SCHOOL TRUSTEES OF THE ELKHART COMMUNITY SCHOOLS, ELKHART COUNTY, INDIANA, AS FOLLOWS:

Section 1. Determination of Need and Authorization for 2023A General Obligation Bonds. Providing for the 2023 Main Building EACC Renovation, Expansion and Update Project is in the public interest, and it is a proper public purpose for which this Board agrees to issue the 2023A General Obligation Bonds. In order to provide financing for all or a portion of the cost of the 2023 Main Building EACC Renovation, Expansion and Update Project as described above and the costs of selling and issuing the 2023A General Obligation Bonds, the School Corporation shall borrow money, and shall issue the 2023A General Obligation Bonds as herein authorized. The

School Corporation covenants that the proceeds of the 2023A General Obligation Bonds will not be used for any purpose except as described in this Resolution.

Section 2. General Terms of 2023A General Obligation Bonds.

(a) **Issuance of 2023A General Obligation Bonds.** In order to procure said loan for such purposes, the School Corporation hereby authorizes the issuance of the 2023A General Obligation Bonds as described herein. The President of the Board (the “President”) is hereby authorized and directed to have prepared and to issue and sell the 2023A General Obligation Bonds as negotiable, fully registered bonds of the School Corporation in an amount not to exceed the Authorized Amount.

The 2023A General Obligation Bonds shall be executed in the name of the School Corporation by the manual or facsimile signature of the President and attested by the manual or facsimile signature of the Secretary of the Board (the “Secretary”). In case any officer whose signature appears on the 2023A General Obligation Bonds shall cease to be such officer before the delivery of 2023A General Obligation Bonds, such signature shall nevertheless be valid and sufficient for all purposes as if such officer had remained in office until delivery thereof. The 2023A General Obligation Bonds also shall be, and will not be valid or become obligatory for any purpose or entitled to any benefit under this Resolution unless and until, authenticated by the manual signature of the Registrar (as defined in Section 3 hereof). Subject to the provisions of this Resolution regarding the registration of the 2023A General Obligation Bonds, the 2023A General Obligation Bonds shall be fully negotiable instruments under the laws of the State of Indiana.

The 2023A General Obligation Bonds shall be numbered consecutively from 2023AR-1 upward, shall be issued in denominations of Five Thousand Dollars (\$5,000) or any integral multiple thereof or in a minimum denomination of One Hundred Thousand Dollars (\$100,000) and denominations of One Thousand Dollars (\$1,000) or any integral multiple thereof above such minimum denomination, as determined by the President at the time of issuance of the 2023A General Obligation Bonds, shall be originally dated as of the first day or the fifteenth day of the month in which the 2023A General Obligation Bonds are sold or the date of delivery, as designated by the President at the time of issuance of the 2023A General Obligation Bonds, and shall bear interest payable semiannually on each January 15 and July 15 commencing no earlier than July 15, 2024, at a rate or rates not exceeding five and one-half percent (5.50%) per annum (the exact rate or rates to be determined by bidding pursuant to Section 5 of this Resolution), calculated on the basis of a 360-day year comprised of twelve 30-day months.

The 2023A General Obligation Bonds shall have a final maturity of no later than January 15, 2031, and shall mature substantially in accordance with the parameters set forth in the maturity schedule as set forth on Exhibit A attached hereto, as modified by the Superintendent or Interim Superintendent of the School Corporation (collectively, the “Superintendent”) or the Chief Financial Officer of the School Corporation (the “Chief Financial Officer”) at the time the 2023A General Obligation Bonds are issued based on the recommendation of Baker Tilly Municipal Advisors, LLC, which is serving as the School Corporation’s municipal advisor in connection with the issuance of the 2023A Bonds (the “Municipal Advisor”). The 2023A General Obligation Bonds are not subject to redemption prior to maturity at the option of the School Corporation

unless it is determined by the Superintendent or the Chief Financial Officer to be to the advantage of the School Corporation prior to the sale of the 2023A General Obligation Bonds based on the advice of the Municipal Advisor. The 2023A General Obligation Bonds may be subject to mandatory sinking fund redemption at 100% face value at the successful bidder's discretion. If any 2023A General Obligation Bonds are subject to mandatory sinking fund redemption, the Registrar and Paying Agent shall credit against the mandatory sinking fund requirement for any term bonds and corresponding mandatory redemption obligation, in the order determined by the School Corporation, any term bonds maturing on the same date which have previously been redeemed (otherwise than as a result of a previous mandatory redemption requirement) or delivered to the Registrar and Paying Agent for cancellation or purchased for cancellation by the Registrar and Paying Agent and not theretofore applied as a credit against any redemption obligation. Each term bond so delivered or canceled shall be credited by the Registrar and Paying Agent at 100% of the principal amount thereof against the mandatory sinking fund obligation of such mandatory obligations and the principal amount of that term bond to be redeemed by operation of the mandatory sinking fund requirement shall be accordingly reduced; provided, however, the Registrar and Paying Agent shall credit such term bonds only to the extent received on or before forty-five days preceding the applicable mandatory redemption date.

If any of the 2023A General Obligation Bonds are subject to redemption, notice of any redemption will be mailed by first class mail by the Registrar and Paying Agent not less than 30 days prior to the date selected for redemption to the registered owners of all 2023A General Obligation Bonds to be redeemed at the address shown on the registration books; provided, however, that failure to give such notice by mailing or a defect in the notice or the mailing as the 2023A General Obligation Bonds will not affect the validity or any proceedings for redemption as to any other 2023A General Obligation Bonds for which notice is adequately given. Notice having been mailed, the 2023A General Obligation Bonds designated for redemption will, on the date specified in such notice, become due and payable at the then applicable redemption price. On presentation and surrender of such 2023A General Obligation Bonds in accordance with such notice at the place at which the same are expressed in such notice to be redeemable, such 2023A General Obligation Bonds will be redeemed by the Registrar and Paying Agent and any paying agent for that purpose. From and after the date of redemption so designated, unless default is made in the redemption of the 2023A General Obligation Bonds upon presentation, interest on the 2023A General Obligation Bonds designated for redemption will cease. If the amount necessary to redeem any 2023A General Obligation Bonds called for redemption has been deposited with the Registrar and Paying Agent or any paying agent for the account of the registered owner or registered owners of such 2023A General Obligation Bonds on or before the date specified for such redemption and if the notice described has been duly mailed by the Registrar and Paying Agent, the School Corporation will be released from all liability on such 2023A General Obligation Bonds and such 2023A General Obligation Bonds will no longer be deemed to be outstanding and interest thereon will cease at the date specified for such redemption.

(b) **Source of Payment.** The 2023A General Obligation Bonds are, as to all the principal thereof, and as to all interest due thereon, general obligations of the School Corporation, payable from ad valorem property taxes on all taxable property within the School Corporation, to be levied beginning in 2023 for collection beginning in 2024.

(c) **Payments.** Except as may be otherwise provided in the 2023A General Obligation Bonds, all payments of principal and interest on the 2023A General Obligation Bonds shall be paid by the School Corporation to the Paying Agent (as hereinafter defined) no later than the last day of the month preceding the month of each interest payment date. The Paying Agent shall pay all of the interest due on each interest payment date by wire transfer, or by check mailed one business day prior to the interest payment date, to the registered owners thereof as of the first day of the month of each interest payment date (the “Record Date”) at the addresses as they appear on the registration and transfer books of the School Corporation kept for that purpose by the Registrar (the “Registration Record”) or at such other address as is provided to the Paying Agent (as defined in Section 3 hereof) in writing by such registered owner. All principal payments on the 2023A General Obligation Bonds shall be made upon surrender thereof at the principal office of the Paying Agent in any coin or currency of the United States of America which on the date of such payment shall be legal tender for the payment of public and private debts; provided, however, that with respect to the holder of any of the 2023A General Obligation Bonds who holds 2023A General Obligation Bonds at any time in the principal amount of at least One Million Dollars (\$1,000,000), principal payments may be paid by wire transfer or by check mailed without any surrender of the 2023A General Obligation Bonds if written notice is provided to the Paying Agent at least sixteen (16) days prior to the commencement of such wire transfers or mailing of the check without surrender of the 2023A General Obligation Bonds.

Interest on 2023A General Obligation Bonds shall be payable from the interest payment date to which interest has been paid next preceding the authentication date thereof unless such 2023A General Obligation Bonds are authenticated after the Record Date for an interest payment date and on or before such interest payment date in which case they shall bear interest from such interest payment date, or unless authenticated on or before the Record Date for the first interest payment date, in which case they shall bear interest from the original date, until the principal shall be fully paid.

(d) **Transfer and Exchange.** Each 2023A General Obligation Bond shall be transferable or exchangeable only upon the Registration Record, by the registered owner thereof in writing, or by the registered owner’s attorney duly authorized in writing, upon surrender of such 2023A General Obligation Bond together with a written instrument of transfer or exchange satisfactory to the Registrar duly executed by the registered owner or such attorney, and thereupon a new fully registered bond or bonds in the same aggregate principal amount, and of the same maturity, shall be executed and delivered in the name of the transferee or transferees or the registered owner, as the case may be, in exchange therefor. The costs of such transfer or exchange shall be borne by the School Corporation. The School Corporation, Registrar and Paying Agent may treat and consider the persons in whose name such 2023A General Obligation Bonds are registered as the absolute owners thereof for all purposes including for the purpose of receiving payment of, or on account of, the principal thereof and interest due thereon.

(e) **Mutilated, Lost, Stolen or Destroyed Bonds.** In the event any 2023A General Obligation Bond is mutilated, lost, stolen or destroyed, the School Corporation may execute and the Registrar may authenticate a new bond of like date, maturity and denomination as that mutilated, lost, stolen or destroyed, which new bond shall be marked in a manner to distinguish it from the bond for which it was issued, provided that, in the case of any mutilated bond, such mutilated bond shall first be surrendered to the Registrar, and in the case of any lost, stolen or

destroyed bond there shall be first furnished to the Registrar evidence of such loss, theft or destruction satisfactory to the School Corporation and the Registrar, together with indemnity satisfactory to them. In the event any such bond shall have matured, instead of issuing a duplicate bond, the School Corporation and the Registrar may, upon receiving indemnity satisfactory to them, pay the same without surrender thereof. The School Corporation and the Registrar may charge the owner of such 2023A General Obligation Bond with their reasonable fees and expenses in this connection. Any 2023A General Obligation Bond issued pursuant to this paragraph shall be deemed an original, substitute contractual obligation of the School Corporation, whether or not the lost, stolen or destroyed 2023A General Obligation Bond shall be found at any time, and shall be entitled to all the benefits of this Resolution, equally and proportionately with any and all other 2023A General Obligation Bonds issued hereunder.

(f) **Book-Entry-Only Requirements.** If it is determined by the President, based on the advice of the Superintendent, Chief Financial Officer or the Municipal Advisor, to be advantageous to the School Corporation, the 2023A General Obligation Bonds will initially be issued and held in book-entry form on the books of the central depository system, The Depository Trust Company, its successors, or any successor central depository system appointed by the School Corporation from time to time (the “Clearing Agency”), without physical distribution of 2023A General Obligation Bonds to the public. The following provisions of this Section apply in such event.

One definitive 2023A General Obligation Bond of each maturity shall be delivered to the Clearing Agency and held in its custody. The School Corporation, the Registrar and the Paying Agent may, in connection therewith, do or perform or cause to be done or performed any acts or things not adverse to the rights of the holders of the 2023A General Obligation Bonds as are necessary or appropriate to accomplish or recognize such book-entry form bonds.

So long as the 2023A General Obligation Bonds remain and are held in book-entry form on the books of a Clearing Agency, then (1) any such 2023A General Obligation Bond may be registered upon the registration record in the name of such Clearing Agency, or any nominee thereof, including Cede & Co.; (2) the Clearing Agency in whose name such 2023A General Obligation Bond is so registered shall be, and the School Corporation, the Registrar and the Paying Agent may deem and treat such Clearing Agency as, the absolute owner and holder of such 2023A General Obligation Bond for all purposes of this Resolution, including, without limitation, receiving payment of the principal of and interest and premium, if any, on such 2023A General Obligation Bond, the receiving of notice and the giving of consent; and (3) neither the School Corporation, the Registrar nor the Paying Agent shall have any responsibility or obligation hereunder to any direct or indirect participant, within the meaning of Section 17A of the Securities Exchange Act of 1934, as amended, of such Clearing Agency, or any person on behalf of which, or otherwise in respect of which, any such participant holds any interest in any 2023A General Obligation Bond, including, without limitation, any responsibility or obligation hereunder to maintain accurate records of any interest in any 2023A General Obligation Bond or any responsibility or obligation hereunder with respect to the receiving of payment of principal of or interest or premium, if any, on any 2023A General Obligation Bond, the receiving of notice or the giving of consent.

If the School Corporation receives notice from the Clearing Agency which is currently the registered owner of the 2023A General Obligation Bonds to the effect that such Clearing Agency is unable or unwilling to discharge its responsibility as a Clearing Agency for the 2023A General Obligation Bonds or the School Corporation elects to discontinue its use of such Clearing Agency as a Clearing Agency for the 2023A General Obligation Bonds, then the School Corporation, the Registrar and the Paying Agent each shall do or perform or cause to be done or performed all acts or things, not adverse to the rights of the holders of the 2023A General Obligation Bonds, as are necessary or appropriate to discontinue use of such Clearing Agency as a Clearing Agency for the 2023A General Obligation Bonds and to transfer the ownership of each of the 2023A General Obligation Bonds to such person or persons, including any other Clearing Agency, as the holders of the 2023A General Obligation Bonds may direct in accordance with this Resolution. Any expenses of such discontinuance and transfer, including expenses of printing new certificates to evidence the 2023A General Obligation Bonds, shall be paid by the School Corporation.

So long as the 2023A General Obligation Bonds remain and are held in book-entry form on the books of a Clearing Agency, the Registrar and the Paying Agent shall be entitled to request and rely upon a certificate or other written representation from the Clearing Agency or any participant or indirect participant with respect to the identity of any beneficial owner of 2023A General Obligation Bonds as of a record date selected by the Registrar or Paying Agent. For purposes of determining whether the consent, advice, direction or demand of a registered owner of a 2023A General Obligation Bond has been obtained, the Registrar shall be entitled to treat the beneficial owners of the 2023A General Obligation Bonds as the bondholders and any consent, request, direction, approval, objection or other instrument of such beneficial owner may be obtained in the fashion described in this Resolution.

So long as the 2023A General Obligation Bonds remain and are held in book-entry form on the books of the Clearing Agency, the provisions of its standard form of Letter of Representations, if executed in connection with the issuance of such 2023A General Obligation Bonds, as amended and supplemented, or any successor agreement shall control on the matters set forth therein. Each of the Registrar and the Paying Agent agrees that it will (i) undertake the duties of agent set forth therein and that those duties to be undertaken by either the agent or the issuer shall be the responsibility of the Registrar and the Paying Agent, and (ii) comply with all requirements of the Clearing Agency, including without limitation same day funds settlement payment procedures. Further, so long as the 2023A General Obligation Bonds remain and are held in book-entry form, the provisions of Section 2(f) of this Resolution shall control over conflicting provisions in any other section of this Resolution.

Section 3. Appointment of Registrar and Paying Agent. U.S. Bank Trust Company, National Association, is hereby appointed to serve as the initial registrar and paying agent for the 2023A General Obligation Bonds, and the Superintendent or Chief Financial Officer shall have the option of appointing a successor registrar and paying agent at any time (together with any successor, the “Registrar” or “Paying Agent”). The Registrar is hereby charged with the responsibility of authenticating the 2023A General Obligation Bonds, and shall keep and maintain the Registration Record at its office. The President is hereby authorized to enter into such agreements or understandings with any institution hereafter serving in such capacities as will enable the institution to perform the services required of the Registrar and Paying Agent. The

School Corporation shall pay such fees as the institution may charge for the services it provides as Registrar and Paying Agent.

The Registrar and Paying Agent may at any time resign as Registrar and Paying Agent by giving thirty (30) days written notice to the President and to each registered owner of the 2023A General Obligation Bonds then outstanding, and such resignation will take effect at the end of such thirty (30) days or upon the earlier appointment of a successor Registrar and Paying Agent by the School Corporation. Such notice to the President may be served personally or be sent by first-class or registered mail. The Registrar and Paying Agent may be removed at any time as Registrar and Paying Agent by the School Corporation, in which event the School Corporation may appoint a successor Registrar and Paying Agent. The President shall notify each registered owner of the 2023A General Obligation Bonds then outstanding of the removal of the Registrar and Paying Agent. Notices to registered owners of the 2023A General Obligation Bonds shall be deemed to be given when mailed by first-class mail to the addresses of such registered owners as they appear on the Registration Record. Any predecessor Registrar and Paying Agent shall deliver all the 2023A General Obligation Bonds, cash and investments related thereto in its possession and the Registration Record to the successor Registrar and Paying Agent. At all times, the same entity shall serve as Registrar and as Paying Agent.

Section 4. Form of Bonds. The form and tenor of the 2023A General Obligation Bonds shall be substantially as follows, all blanks to be filled in properly prior to delivery thereof:

(Form of Bond)

No. 2023AR-__

UNITED STATES OF AMERICA

STATE OF INDIANA

COUNTY OF ELKHART

**ELKHART COMMUNITY SCHOOLS, ELKHART COUNTY, INDIANA, GENERAL
OBLIGATION BOND, SERIES 2023A**

<u>Interest Rate</u>	<u>Maturity Date</u>	<u>Original Date</u>	<u>Authentication Date</u>	<u>CUSIP</u>
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Registered Owner:

Principal Sum:

The Elkhart Community Schools, Elkhart County, Indiana (the “School Corporation”), for value received, hereby promises to pay to the Registered Owner set forth above, the Principal Sum set forth above on the Maturity Date set forth above, and to pay interest thereon until the Principal Sum shall be fully paid at the Interest Rate per annum specified above from the interest payment date to which interest has been paid next preceding the Authentication Date of this bond unless

this bond is authenticated after the first day of the month of an interest payment date (the “Record Date”) and on or before such interest payment date in which case interest shall be paid from such interest payment date, or unless this bond is authenticated on or before _____, 20__, in which case it shall bear interest from the Original Date, which interest is payable semiannually on January 15 and July 15 of each year, beginning on _____, 20__ . Interest shall be calculated on the basis of a 360-day year comprised of twelve 30-day months.

The principal of this bond is payable at the designated corporate trust office of U.S. Bank Trust Company, National Association, as the registrar and paying agent (the “Registrar” or “Paying Agent”), currently located in St. Paul, Minnesota. All payments of interest on this bond shall be paid by the School Corporation to the Paying Agent no later than the last business day of the month preceding the interest payment date with the understanding that the Paying Agent shall pay all of the interest due on each interest payment date by wire transfer, or by check mailed one business day prior to the interest payment date, to the Registered Owner as of the Record Date at the address as it appears on the registration books kept by the Registrar or at such other address as is provided to the Paying Agent in writing by the Registered Owner. All payments of principal on this bond shall be paid by the School Corporation to the Paying Agent no later than the last business day of the month preceding the interest payment date with the understanding that the Paying Agent shall pay all payments of principal of this bond upon surrender thereof at the principal office of the Paying Agent in any coin or currency of the United States of America which on the date of such payment shall be legal tender for the payment of public and private debts.

This bond is one of an authorized issue of bonds of the School Corporation of like original date, tenor and effect, except as to denominations, numbering, interest rates, and dates of maturity, in the total amount of _____ Dollars (\$_____), numbered from 2023AR-1 upward, issued for the purpose of providing funds to (1) renovate, expand and/or update all or any portion of the existing Main Building of the Elkhart Area Career Center, including, but not limited to, all or any portion of (a) the demolition of the existing greenhouse dome and the construction and equipping in its place of an addition anticipated to consist of approximately 10,000 square feet containing approximately four classrooms and a multipurpose room with a capacity of approximately 100 people, (b) the construction and equipping of second addition to the existing building that is anticipated to contain approximately 1,000 square feet, (c) the renovation and updating of all or any other portion of the existing building, including updated lighting and restroom fixtures, ceilings, floor coverings and wall coverings, (d) the construction of a separate heating and cooling central plant and update of the existing heating and air conditioning system, (e) the acquisition and installation of updated equipment, technology and furnishings, and (f) related site improvements, (2) other miscellaneous facility improvements and equipping projects at one or more facilities operated by the School Corporation or equipment acquisition projects by the School Corporation, (3) undertake all projects related to any of the projects described in any of clauses (1) or (2), and (4) pay incidental expenses to be incurred in connection therewith and on account of the sale and issuance of bonds therefor, as authorized by a resolution adopted by the Board of School Trustees of the School Corporation on the 10th day of October, 2023, entitled “Resolution of the Board of School Trustees of the Elkhart Community Schools, Elkhart County, Indiana, Authorizing the Issuance of Bonds for the Purpose of Providing Funds to Pay for Renovation, Expansion and Update of the Main Building of the Elkhart Area Career Center and Costs Associated Therewith and on Account of the Issuance of the Bonds” (the “Resolution”), and in strict compliance with Indiana Code 20-48-1 and other applicable provisions of the Indiana

Code, as amended (collectively, the “Act”), all as more particularly described in the Resolution. The owner of this bond, by the acceptance hereof, agrees to all the terms and provisions contained in the Resolution and the Act.

PURSUANT TO THE PROVISIONS OF THE ACT AND THE RESOLUTION, THE PRINCIPAL OF THIS BOND AND ALL OTHER BONDS OF SAID ISSUE AND THE INTEREST DUE THEREON ARE PAYABLE AS A GENERAL OBLIGATION OF THE SCHOOL CORPORATION, FROM AD VALOREM PROPERTY TAXES TO BE LEVIED ON ALL TAXABLE PROPERTY WITHIN THE SCHOOL CORPORATION.

[Insert optional and mandatory sinking fund redemption language, if applicable]

This bond is subject to defeasance prior to payment as provided in the Resolution.

If this bond shall not be presented for payment on the date fixed therefor, the School Corporation may deposit in trust with the Paying Agent or another paying agent, an amount sufficient to pay such bond, and thereafter the Registered Owner shall look only to the funds so deposited in trust for payment and the School Corporation shall have no further obligation or liability in respect thereto.

This bond is transferable or exchangeable only upon the registration record kept for that purpose at the office of the Registrar by the Registered Owner in person, or by the Registered Owner’s attorney duly authorized in writing, upon surrender of this bond together with a written instrument of transfer or exchange satisfactory to the Registrar duly executed by the Registered Owner or such attorney, and thereupon a new fully registered bond or bonds in the same aggregate principal amount, and of the same maturity, shall be executed and delivered in the name of the transferee or transferees or the Registered Owner, as the case may be, in exchange therefor. The School Corporation, any registrar and any paying agent for this bond may treat and consider the person in whose name this bond is registered as the absolute owner hereof for all purposes including for the purpose of receiving payment of, or on account of, the principal hereof and interest due hereon.

The bonds maturing on any maturity date are issuable only in the [denomination of \$5,000 or any integral multiple thereof/minimum denomination of \$100,000 or any integral multiple of \$1,000 above such minimum denomination] not exceeding the aggregate principal amount of the bonds maturing on such date.

It is hereby certified and recited that all acts, conditions and things required to be done precedent to and in the preparation and complete execution, issuance and delivery of this bond have been done and performed in regular and due form as provided by law.

[A Continuing Disclosure Contract from the School Corporation to each registered owner or holder of any bonds of this issue, dated as of the date of initial issuance of the bonds of this issue (the “Contract”), has been executed by the School Corporation, a copy of which is available from the School Corporation and the terms of which are incorporated herein by this reference. The Contract contains certain promises of the School Corporation to each registered owner or holder of any bonds of this issue, including a promise to provide certain continuing disclosure. By its

payment for and acceptance of this bond, the registered owner or holder of this bond assents to the Contract and to the exchange of such payment and acceptance for such promises.]

This bond shall not be valid or become obligatory for any purpose until the certificate of authentication hereon shall have been executed by an authorized representative of the Registrar.

IN WITNESS WHEREOF, the Elkhart Community Schools, Elkhart County, Indiana, has caused this bond to be executed in the name of such School Corporation, by the manual or facsimile signature of the President of the Board of School Trustees of said School Corporation, and attested by manual or facsimile signature by the Secretary of the Board of School Trustees of said School Corporation.

ELKHART COMMUNITY SCHOOLS,
ELKHART COUNTY, INDIANA

By: _____
President of the Board of School Trustees

ATTEST:

Secretary of the Board of School Trustees

REGISTRAR'S CERTIFICATE

It is hereby certified that this bond is one of the bonds described in the within-mentioned Resolution duly authenticated by the Registrar.

U.S. BANK TRUST COMPANY, NATIONAL
ASSOCIATION, as Registrar

By: _____

ASSIGNMENT

The following abbreviations, when used in the inscription on the face of this bond, shall be construed as though they were written out in full according to applicable laws or regulations:

TEN. COM.	as tenants in common
TEN. ENT.	as tenants by the entireties
JT. TEN.	as joint tenants with right of survivorship and not as tenants in common

UNIF. TRANS.

MIN. ACT _____ Custodian _____
(Cust.) (Minor)

under Uniform Transfers to Minors Act of

(State)

Additional abbreviations may also be used, although not contained in the above list.

FOR VALUE RECEIVED the undersigned hereby sells, assigns and transfers unto _____
_____ (Please Print or Typewrite Name and Address and Social Security
or Other Identifying Number) \$_____ principal amount (must be a [multiple of
\$5,000/minimum of \$100,000 or a multiple of \$1,000 above such minimum amount]) of the within
bond and all rights thereunder, and hereby irrevocably constitutes and appoints _____
_____, attorney to transfer the within bond on the books kept for the registration thereof with full
power of substitution in the premises.

Signature Guaranteed:

NOTICE: Signature(s) must be guaranteed
by an eligible guarantor institution
participating in a Securities Transfer
Association recognized signature
guarantee program.

NOTICE: The signature of this assignment
must correspond with the name as it appears
upon the face of the within bond in every
particular, without alteration or enlargement or
any change whatever.

(End of Bond Form)

Section 5. Sale of Bonds. The Chief Financial Officer shall cause to be published a notice of sale once each week for two consecutive weeks in accordance with Indiana Code §5-3-1-2, as amended. The date fixed for the sale shall not be earlier than fifteen (15) days after the first of such publications and not earlier than three (3) days after the second of such publications. Said bond sale notice shall state the time and place of sale, the purpose for which the 2023A General Obligation Bonds are being issued, the total amount thereof, the amount and date of each maturity, the maximum rate or rates of interest thereon, their denominations, the time and place of payment, the terms and conditions upon which bids will be received and the sale made and such other information as is required by law or as the Chief Financial Officer shall deem necessary.

As an alternative to the publication of a notice of sale, the Chief Financial Officer may sell the 2023A General Obligation Bonds through the publication of a notice of intent to sell the 2023A General Obligation Bonds and compliance with related procedures, pursuant to Indiana Code §5-1-11-2(b), as amended.

All bids for the 2023A General Obligation Bonds shall be sealed and shall be presented to the Chief Financial Officer or his designee in accord with the terms set forth in the bond sale notice.

Bidders for the 2023A General Obligation Bonds must bid for all of the 2023A General Obligation Bonds and shall be required to name the rate or rates of interest which the 2023A General Obligation Bonds are to bear, which shall be the same for all 2023A General Obligation Bonds maturing on the same date, not exceeding five and one-half percent (5.50%) per annum, and such interest rate or rates shall be in multiples of one-eighth or one one-hundredth of one percent. The President, based on the recommendation of the Chief Financial Officer and the Municipal Advisor, shall award the 2023A General Obligation Bonds to the bidder who offers the lowest net interest cost, to be determined by computing the total interest on all the 2023A General Obligation Bonds to their maturities and deducting therefrom the premium bid, if any, or adding thereto the amount of the discount, if any. No bid for less than ninety-nine and one-half percent (99.50%) of the par value of the 2023A General Obligation Bonds, plus accrued interest, shall be considered. The Chief Financial Officer may require that all bids be accompanied by certified or cashier's checks payable to the order of the School Corporation, or a surety bond, in an amount not to exceed one percent of the aggregate principal amount of the 2023A General Obligation Bonds as a guaranty of the performance of said bid, should it be accepted. In the event no satisfactory bids are received on the day named in the sale notice, the sale may be continued from day to day thereafter for a period of thirty (30) days without re-advertisement; provided, however, that if said sale is continued, no bid shall be accepted which offers an interest cost which is equal to or higher than the best bid received at the time fixed for sale in the bond sale notice. The Chief Financial Officer shall have full right to reject any and all bids.

The President is hereby authorized and directed to have the 2023A General Obligation Bonds prepared, the President and Secretary are hereby authorized and directed to execute the 2023A General Obligation Bonds in substantially the form and the manner herein provided. The President is hereby authorized and directed to deliver the 2023A General Obligation Bonds to the purchaser; thereupon, the President shall be authorized to receive from the purchaser the purchase price and take the purchaser's receipt for the 2023A General Obligation Bonds. The amount to be collected by the President shall be the full amount which the purchaser has agreed to pay therefor, which shall be not less than ninety-nine and one-half percent (99.50%) of the face value of the 2023A General Obligation Bonds plus accrued interest to the date of delivery.

The proceeds from the sale of the 2023A General Obligation Bonds shall be deposited in a fund, funds, account, or accounts of the School Corporation established by the Chief Financial Officer and held or invested as permitted by law.

The President is hereby authorized and directed to obtain a legal opinion as to the validity of the 2023A General Obligation Bonds from Barnes & Thornburg LLP, and to furnish such opinion to the purchasers of the 2023A General Obligation Bonds. The cost of such opinion shall be paid out of the proceeds of the 2023A General Obligation Bonds.

Section 6. Defeasance. If, when the 2023A General Obligation Bonds or any portion thereof shall have become due and payable in accordance with their terms, and the whole amount of the principal and the interest so due and payable upon such 2023A General Obligation Bonds or any portion thereof then outstanding shall be paid, or (i) cash, or (ii) direct non-callable obligations of (including obligations issued or held in book entry form on the books of) the Department of the Treasury of the United States of America, and securities fully and unconditionally guaranteed as to the timely payment of principal and interest by the United States

of America, the principal of and the interest on which when due without reinvestment will provide sufficient money, or (iii) any combination of the foregoing, shall be held irrevocably in trust for such purpose, and provision shall also be made for paying all fees and expenses for the payment, then and in that case the 2023A General Obligation Bonds or such designated portion thereof shall no longer be deemed outstanding or secured by this Resolution.

Section 7. Tax Matters. In order to preserve the exclusion of interest on the 2023A General Obligation Bonds from gross income for federal income tax purposes and as an inducement to purchasers of the 2023A General Obligation Bonds, the School Corporation represents, covenants and agrees that:

(a) No person or entity, other than the School Corporation or another state or local governmental unit, will use proceeds of the 2023A General Obligation Bonds or property financed by the 2023A General Obligation Bond proceeds other than as a member of the general public. No person or entity other than the School Corporation or another state or local governmental unit will own property financed by 2023A General Obligation Bond proceeds or will have actual or beneficial use of such property pursuant to a lease, a management or incentive payment contract, an arrangement such as a take-or-pay or output contract, or any other type of arrangement that differentiates that person's or entity's use of such property from the use by the public at large.

With respect to any management or service contracts with respect to the 2023 Main Building EACC Renovation, Expansion and Update Project or any portion thereof, the School Corporation will comply with Revenue Procedure 2017-13, as the same may be amended or superseded from time to time.

(b) No 2023A General Obligation Bond proceeds will be loaned to any entity or person other than a state or local governmental unit. No 2023A General Obligation Bond proceeds will be transferred, directly or indirectly, or deemed transferred to a non-governmental person in any manner that would in substance constitute a loan of the 2023A General Obligation Bond proceeds.

(c) The School Corporation will not take any action or fail to take any action with respect to the 2023A General Obligation Bonds that would result in the loss of the exclusion from gross income for federal income tax purposes of interest on the 2023A General Obligation Bonds pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code"), and the regulations thereunder as applicable to the 2023A General Obligation Bonds, including, without limitation, the taking of such action as is necessary to rebate or cause to be rebated arbitrage profits on 2023A General Obligation Bond proceeds or other monies treated as 2023A General Obligation Bond proceeds to the federal government as provided in Section 148 of the Code, and will set aside such monies, which may be paid from investment income on funds and accounts notwithstanding anything else to the contrary herein, in trust for such purposes.

(d) The School Corporation will file an information report on Form 8038-G with the Internal Revenue Service as required by Section 149 of the Code.

(e) The School Corporation will not make any investment or do any other act or thing during the period that any 2023A General Obligation Bond is outstanding hereunder which would cause any 2023A General Obligation Bond to be an "arbitrage bond" within the meaning of Section

148 of the Code and the regulations thereunder as applicable to the 2023A General Obligation Bonds.

Notwithstanding any other provisions of this Resolution, the foregoing covenants and authorizations (the “Tax Sections”) which are designed to preserve the exclusion of interest on the 2023A General Obligation Bonds from gross income under federal income tax law (the “Tax Exemption”) need not be complied with if the School Corporation receives an opinion of nationally recognized bond counsel that any Tax Section is unnecessary to preserve the Tax Exemption.

Section 8. Amendments. Subject to the terms and provisions contained in this section, and not otherwise, the owners of not less than sixty-six and two-thirds percent (66-2/3%) in aggregate principal amount of the 2023A General Obligation Bonds then outstanding shall have the right, from time to time, anything contained in this Resolution to the contrary notwithstanding, to consent to and approve the adoption by the School Corporation of such resolution or resolutions supplemental hereto as shall be deemed necessary or desirable by the School Corporation for the purpose of amending in any particular manner any of the terms or provisions contained in this Resolution, or in any supplemental resolution; provided, however, that nothing herein contained shall permit or be construed as permitting without the consent of all affected owners of the 2023A General Obligation Bonds:

(a) An extension of the maturity of the principal of or interest on any 2023A General Obligation Bond without the consent of the holder of each 2023A General Obligation Bond so affected; or

(b) A reduction in the principal amount of any 2023A General Obligation Bond or the rate of interest thereon or a change in the monetary medium in which such amounts are payable, without the consent of the holder of each 2023A General Obligation Bond so affected; or

(c) A preference or priority of any 2023A General Obligation Bond over any other 2023A General Obligation Bond, without the consent of the holders of all 2023A General Obligation Bonds then outstanding; or

(d) A reduction in the aggregate principal amount of the 2023A General Obligation Bonds required for consent to such supplemental resolution, without the consent of the holders of all 2023A General Obligation Bonds then outstanding.

If the School Corporation shall desire to obtain any such consent, it shall cause the Registrar to mail a notice, postage prepaid, to the addresses appearing on the Registration Record. Such notice shall briefly set forth the nature of the proposed supplemental resolution and shall state that a copy thereof is on file at the office of the Registrar for inspection by all owners of the 2023A General Obligation Bonds. The Registrar shall not, however, be subject to any liability to any owners of the 2023A General Obligation Bonds by reason of its failure to mail such notice, and any such failure shall not affect the validity of such supplemental resolution when consented to and approved as herein provided.

Whenever at any time within one year after the date of the mailing of such notice, the School Corporation shall receive any instrument or instruments purporting to be executed by the owners of the 2023A General Obligation Bonds of not less than sixty-six and two-thirds percent

(66-2/3%) in aggregate principal amount of the 2023A General Obligation Bonds then outstanding, which instrument or instruments shall refer to the proposed supplemental resolution described in such notice, and shall specifically consent to and approve the adoption thereof in substantially the form of the copy thereof referred to in such notice as on file with the Registrar, thereupon, but not otherwise, the School Corporation may adopt such supplemental resolution in substantially such form, without liability or responsibility to any owners of the 2023A General Obligation Bonds, whether or not such owners shall have consented thereto.

No owner of any 2023A General Obligation Bond shall have any right to object to the adoption of such supplemental resolution or to object to any of the terms and provisions contained therein or the operation thereof, or in any manner to question the propriety of the adoption thereof, or to enjoin or restrain the School Corporation or its officers from adopting the same, or from taking any action pursuant to the provisions thereof. Upon the adoption of any supplemental resolution pursuant to the provisions of this section, this Resolution shall be, and shall be deemed, modified and amended in accordance therewith, and the respective rights, duties and obligations under this Resolution of the School Corporation and all owners of 2023A General Obligation Bonds then outstanding shall thereafter be determined, exercised and enforced in accordance with this Resolution, subject in all respects to such modifications and amendments.

Notwithstanding anything contained in the foregoing provisions of this Resolution, the rights, duties and obligations of the School Corporation and of the owners of the 2023A General Obligation Bonds, and the terms and provisions of the 2023A General Obligation Bonds and this Resolution, or any supplemental resolution, may be modified or amended in any respect with the consent of the School Corporation and the consent of the owners of all the 2023A General Obligation Bonds then outstanding.

Without notice to or consent of the owners of the 2023A General Obligation Bonds, the School Corporation may, from time to time and at any time, adopt such resolutions supplemental hereto as shall not be inconsistent with the terms and provisions hereof (which supplemental resolutions shall thereafter form a part hereof),

(a) to cure any ambiguity or formal defect or omission in this Resolution or in any supplemental resolution; or

(b) to grant to or confer upon the owners of the 2023A General Obligation Bonds any additional rights, remedies, powers, authority or security that may lawfully be granted to or conferred upon the owners of the 2023A General Obligation Bonds; or

(c) to procure a rating on the 2023A General Obligation Bonds from a nationally recognized securities rating agency designated in such supplemental resolution, if such supplemental resolution will not adversely affect the owners of the 2023A General Obligation Bonds; or

(d) to provide for the refunding or advance refunding of the 2023A General Obligation Bonds; or

(e) to make any other change which, in the determination of the Board in its sole discretion, is not to the prejudice of the owners of the 2023A General Obligation Bonds.

Section 9. Requirements under P.L. 1028. The maximum annual debt service fund tax rate necessary to pay the annual debt service of the 2023A General Obligation Bonds is estimated to be approximately \$0.0308 per \$100 of assessed valuation; however, with the decline in the payment of the debt service on other outstanding obligations of the School Corporation, the incremental increase in the annual aggregate debt service fund tax rate as a result of the issuance of the 2023A General Obligation Bonds is estimated to be approximately \$0.0100 of \$100 of assessed valuation. The estimated completion date of the 2023 Main Building EACC Renovation, Expansion and Update Project is December, 2025. There is no anticipated impact on any other tax rate imposed by the School Corporation as a result of the 2023 Main Building EACC Renovation, Expansion and Update Project.

Section 10. Reimbursement Acknowledgement. The Board hereby declares its official intent that to the extent permitted by law, to issue the 2023A General Obligation Bonds in one or more series or issues, which 2023A General Obligation Bonds will not exceed the Authorized Amount, and to reimburse costs of the 2023 Main Building EACC Renovation, Expansion and Update Project consisting of the 2023A Expenditures from proceeds of the sale of such 2023A General Obligation Bonds.

Section 11. Engagement of Finance Professionals. In connection with the issuance of the 2023A General Obligation Bonds, the Board hereby engages (a) Baker Tilly Municipal Advisors, LLC to serve as the municipal advisor, and (b) Barnes & Thornburg LLP to serve as bond counsel.

Section 12. Other Actions and Documents. The officers of the School Corporation, the Superintendent, any Assistant Superintendent of the School Corporation (each, an “Assistant Superintendent”), the District Counsel/Chief of Staff of the School Corporation (the “District Counsel/Chief of Staff”) and the Chief Financial Officer are hereby authorized and directed, for and on behalf of the School Corporation, to execute, attest and seal all such documents, instruments, certificates, closing papers and other papers and do all such acts and things as may be necessary or desirable to carry out the intent of this Resolution, including, but not limited to, the publication of the notice of the adoption of this Resolution and the issuance of the 2023A General Obligation Bonds. In addition, any and all actions previously taken by any member of the Board, the Superintendent, the Chief Financial Officer, the District Counsel/Chief of Staff or any Assistant Superintendent in connection with this Resolution, including, but not limited to, publication of the notice of the public hearing held in connection herewith, be, and hereby are, ratified and approved. In addition to the foregoing, the President and the Secretary, based on the advice of the municipal advisor or at the request of the purchaser of the 2023A General Obligation Bonds, may modify the dates of the semiannual interest payment dates to be such other dates which are at least six (6) months apart, and if such interest payment dates are changed, the President and the Secretary may modify the Record Date to such other date that is at least fourteen (14) days prior to each such interest payment date.

Section 13. No Conflict. All resolutions and orders or parts thereof in conflict with the provisions of this Resolution are to the extent of such conflict hereby repealed. After the issuance of the 2023A General Obligation Bonds authorized by this Resolution and so long as any of the 2023A General Obligation Bonds or interest thereon remains unpaid, except as expressly provided herein, this Resolution shall not be repealed or amended in any respect which will adversely affect the rights of the holders of the 2023A General Obligation Bonds, nor shall the School Corporation adopt any law which in any way adversely affects the rights of such holders.

Section 14. Severability. If any section, paragraph or provision of this Resolution shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph or provision shall not affect any of the remaining provisions of this Resolution.

Section 15. Non-Business Days. If the date of making any payment or the last date for performance of any act or the exercising of any right, as provided in this Resolution, shall be a legal holiday or a day on which banking institutions in the School Corporation or the jurisdiction in which the Registrar or Paying Agent is located are typically closed, such payment may be made or act performed or right exercised on the next succeeding day not a legal holiday or a day on which such banking institutions are typically closed, with the same force and effect as if done on the nominal date provided in this Resolution, and no interest shall accrue for the period after such nominal date.

Section 16. Interpretation. Unless the context or laws clearly require otherwise, references herein to statutes or other laws include the same as modified, supplemented or superseded from time to time.

Section 17. Effectiveness. This Resolution shall be in full force and effect from and after its passage. Upon payment in full of the principal and interest respecting the 2023A General Obligation Bonds authorized hereby or upon deposit of an amount sufficient to pay when due such amounts in accord with the defeasance provisions herein, all pledges, covenants and other rights granted by this Resolution shall cease.

PASSED AND ADOPTED this 10th day of October, 2023.

BOARD OF SCHOOL TRUSTEES OF THE
ELKHART COMMUNITY SCHOOLS, ELKHART COUNTY, INDIANA

AYE

NAY

ATTEST:

Secretary of the Board of School Trustees

EXHIBIT A

MATURITY SCHEDULE

<u>Maturity Date</u>	<u>Estimated Principal Amount Range</u>
July 15, 2024	\$0-445,000
January 15, 2025	0-480,000
July 15, 2025	0-585,000
January 15, 2026	0-605,000
July 15, 2026	0-620,000
January 15, 2027	0-640,000
July 15, 2027	0-655,000
January 15, 2028	0-675,000
July 15, 2028	0-690,000
January 15, 2029	0-710,000

**RESOLUTION OF THE BOARD OF SCHOOL TRUSTEES OF THE ELKHART
COMMUNITY SCHOOLS, ELKHART COUNTY, INDIANA, AUTHORIZING THE
ISSUANCE OF BONDS FOR THE PURPOSE OF PROVIDING FUNDS TO PAY FOR
RENOVATION, EXPANSION AND UPDATE OF THE NORTH ANNEX BUILDINGS
OF THE ELKHART AREA CAREER CENTER AND COSTS ASSOCIATED
THEREWITH AND ON ACCOUNT OF THE ISSUANCE OF THE BONDS**

WHEREAS, the Elkhart Community Schools, Elkhart County, Indiana (the “School Corporation”), has given consideration to (1) renovate, expand and/or update all or any portion of the existing buildings of the North Annex of the Elkhart Area Career Center, including, but not limited to, all or any portion of (a) the construction and equipping of an addition to the Diesel Tech building anticipated to consist of approximately 11,500 square feet containing approximately four additional work bays and a storage bay, (b) the renovation and updating of the existing Construction Trades building and the construction and equipping of an addition to the existing Construction Trades building that is anticipated to contain approximately 2,500 square feet, (c) the renovation and updating of all or any other portion of the existing Automotive Trades building, including updated lighting and electrical, floor coverings and wall coverings, (d) the demolition of the existing cold storage building and the construction and equipping on this location of a new cold storage pole barn structure, (e) the acquisition and installation of updated equipment, technology and furnishings, and (f) related site improvements, (2) other miscellaneous facility improvements and equipping projects at one or more facilities operated by the School Corporation or equipment acquisition projects by the School Corporation, and (3) undertaking all projects related to any of the projects described in any of clauses (1) or (2) (clauses (1) through and including (3), collectively, the “2023 North Annex EACC Renovation, Expansion and Update Project”); and

WHEREAS, the Board of School Trustees of the School Corporation (the “Board”) deems it advisable to issue, pursuant to Indiana Code 20-48-1 and other applicable provisions of the Indiana Code, as amended (the “Act”), the “Elkhart Community Schools, Elkhart County, Indiana, General Obligation Bonds, Series 2023B” (the “2023B General Obligation Bonds”) in an original aggregate principal amount not to exceed Six Million One Hundred Five Thousand Dollars (\$6,105,000) (the “Authorized Amount”) for the purpose of providing for the payment of all or a portion of the costs of the 2023 North Annex EACC Renovation, Expansion and Update Project, all or a portion of the costs associated therewith, and the costs of selling and issuing the 2023B General Obligation Bonds; and

WHEREAS, the original aggregate principal amount of the 2023B General Obligation Bonds, together with the outstanding aggregate principal amount of previously issued bonds and any bonds anticipated to be issued contemporaneously with the 2023B General Obligation Bonds, which constitute a debt of the School Corporation, is no more than two percent (2%) of one-third of the total net assessed valuation of the School Corporation; and

WHEREAS, the amount of proceeds of the 2023B General Obligation Bonds allocated to pay costs of the 2023 North Annex EACC Renovation, Expansion and Update Project, together with estimated investment earnings thereon, does not exceed the cost of the 2023 North Annex EACC Renovation, Expansion and Update Project; and

WHEREAS, pursuant to Indiana Code §20-26-7-37, as amended, a public hearing must be held if the Board proposes to construct, repair or alter a school building at a cost of more than One Million Dollars (\$1,000,000) that would be financed by a lease agreement, issuing bonds, or any other available method; and

WHEREAS, notice of a public hearing to explain the potential value of the 2023 North Annex EACC Renovation, Expansion and Update Project to the School Corporation and the community was given by publication as required by law; and

WHEREAS, on the date hereof, a public hearing was conducted in accordance with Indiana Code §20-26-7-37, as amended, to explain the potential value of the 2023 North Annex EACC Renovation, Expansion and Update Project to the School Corporation and the community, and interested people have been given the opportunity to present testimony and ask questions concerning the 2023 North Annex EACC Renovation, Expansion and Update Project; and

WHEREAS, the Board has considered the testimony and other evidence presented at the public hearing; and

WHEREAS, the Board, being duly advised, finds that it is in the best interests of the School Corporation and its citizens for the purpose of financing all or any portion of the 2023 North Annex EACC Renovation, Expansion and Update Project by the issuance of the 2023B General Obligation Bonds; and

WHEREAS, the Board expects to pay for certain costs of the 2023B General Obligation Bonds or costs related to the 2023 North Annex EACC Renovation, Expansion and Update Project (collectively, the “2023B Expenditures”) prior to the issuance of the 2023B General Obligation Bonds, and to reimburse the 2023B Expenditures with proceeds received by the School Corporation upon the issuance of the 2023B General Obligation Bonds; and

WHEREAS, the Board desires to declare its intent to reimburse the 2023B Expenditures pursuant to Treas. Reg. §1.150-2 and Indiana Code §5-1-14-6(c), each as amended; and

WHEREAS, all conditions precedent to the adoption of a resolution authorizing the issuance of the 2023B General Obligation Bonds have been complied with in accordance with the applicable provisions of the Act.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SCHOOL TRUSTEES OF THE ELKHART COMMUNITY SCHOOLS, ELKHART COUNTY, INDIANA, AS FOLLOWS:

Section 1. Determination of Need and Authorization for 2023B General Obligation Bonds. Providing for the 2023 North Annex EACC Renovation, Expansion and Update Project is in the public interest, and it is a proper public purpose for which this Board agrees to issue the 2023B General Obligation Bonds. In order to provide financing for all or a portion of the cost of the 2023 North Annex EACC Renovation, Expansion and Update Project as described above and the costs of selling and issuing the 2023B General Obligation Bonds, the School Corporation shall borrow money, and shall issue the 2023B General Obligation Bonds as herein authorized. The

School Corporation covenants that the proceeds of the 2023B General Obligation Bonds will not be used for any purpose except as described in this Resolution.

Section 2. General Terms of 2023B General Obligation Bonds.

(a) **Issuance of 2023B General Obligation Bonds.** In order to procure said loan for such purposes, the School Corporation hereby authorizes the issuance of the 2023B General Obligation Bonds as described herein. The President of the Board (the “President”) is hereby authorized and directed to have prepared and to issue and sell the 2023B General Obligation Bonds as negotiable, fully registered bonds of the School Corporation in an amount not to exceed the Authorized Amount.

The 2023B General Obligation Bonds shall be executed in the name of the School Corporation by the manual or facsimile signature of the President and attested by the manual or facsimile signature of the Secretary of the Board (the “Secretary”). In case any officer whose signature appears on the 2023B General Obligation Bonds shall cease to be such officer before the delivery of 2023B General Obligation Bonds, such signature shall nevertheless be valid and sufficient for all purposes as if such officer had remained in office until delivery thereof. The 2023B General Obligation Bonds also shall be, and will not be valid or become obligatory for any purpose or entitled to any benefit under this Resolution unless and until, authenticated by the manual signature of the Registrar (as defined in Section 3 hereof). Subject to the provisions of this Resolution regarding the registration of the 2023B General Obligation Bonds, the 2023B General Obligation Bonds shall be fully negotiable instruments under the laws of the State of Indiana.

The 2023B General Obligation Bonds shall be numbered consecutively from 2023BR-1 upward, shall be issued in denominations of Five Thousand Dollars (\$5,000) or any integral multiple thereof or in a minimum denomination of One Hundred Thousand Dollars (\$100,000) and denominations of One Thousand Dollars (\$1,000) or any integral multiple thereof above such minimum denomination, as determined by the President at the time of issuance of the 2023B General Obligation Bonds, shall be originally dated as of the first day or the fifteenth day of the month in which the 2023B General Obligation Bonds are sold or the date of delivery, as designated by the President at the time of issuance of the 2023B General Obligation Bonds, and shall bear interest payable semiannually on each January 15 and July 15 commencing no earlier than July 15, 2024, at a rate or rates not exceeding five and one-half percent (5.50%) per annum (the exact rate or rates to be determined by bidding pursuant to Section 5 of this Resolution), calculated on the basis of a 360-day year comprised of twelve 30-day months.

The 2023B General Obligation Bonds shall have a final maturity of no later than January 15, 2031, and shall mature substantially in accordance with the parameters set forth in the maturity schedule as set forth on Exhibit A attached hereto, as modified by the Superintendent or Interim Superintendent of the School Corporation (collectively, the “Superintendent”) or the Chief Financial Officer of the School Corporation (the “Chief Financial Officer”) at the time the 2023B General Obligation Bonds are issued based on the recommendation of Baker Tilly Municipal Advisors, LLC, which is serving as the School Corporation’s municipal advisor in connection with the issuance of the 2023B Bonds (the “Municipal Advisor”). The 2023B General Obligation Bonds are not subject to redemption prior to maturity at the option of the School Corporation

unless it is determined by the Superintendent or the Chief Financial Officer to be to the advantage of the School Corporation prior to the sale of the 2023B General Obligation Bonds based on the advice of the Municipal Advisor. The 2023B General Obligation Bonds may be subject to mandatory sinking fund redemption at 100% face value at the successful bidder's discretion. If any 2023B General Obligation Bonds are subject to mandatory sinking fund redemption, the Registrar and Paying Agent shall credit against the mandatory sinking fund requirement for any term bonds and corresponding mandatory redemption obligation, in the order determined by the School Corporation, any term bonds maturing on the same date which have previously been redeemed (otherwise than as a result of a previous mandatory redemption requirement) or delivered to the Registrar and Paying Agent for cancellation or purchased for cancellation by the Registrar and Paying Agent and not theretofore applied as a credit against any redemption obligation. Each term bond so delivered or canceled shall be credited by the Registrar and Paying Agent at 100% of the principal amount thereof against the mandatory sinking fund obligation of such mandatory obligations and the principal amount of that term bond to be redeemed by operation of the mandatory sinking fund requirement shall be accordingly reduced; provided, however, the Registrar and Paying Agent shall credit such term bonds only to the extent received on or before forty-five days preceding the applicable mandatory redemption date.

If any of the 2023B General Obligation Bonds are subject to redemption, notice of any redemption will be mailed by first class mail by the Registrar and Paying Agent not less than 30 days prior to the date selected for redemption to the registered owners of all 2023B General Obligation Bonds to be redeemed at the address shown on the registration books; provided, however, that failure to give such notice by mailing or a defect in the notice or the mailing as the 2023B General Obligation Bonds will not affect the validity or any proceedings for redemption as to any other 2023B General Obligation Bonds for which notice is adequately given. Notice having been mailed, the 2023B General Obligation Bonds designated for redemption will, on the date specified in such notice, become due and payable at the then applicable redemption price. On presentation and surrender of such 2023B General Obligation Bonds in accordance with such notice at the place at which the same are expressed in such notice to be redeemable, such 2023B General Obligation Bonds will be redeemed by the Registrar and Paying Agent and any paying agent for that purpose. From and after the date of redemption so designated, unless default is made in the redemption of the 2023B General Obligation Bonds upon presentation, interest on the 2023B General Obligation Bonds designated for redemption will cease. If the amount necessary to redeem any 2023B General Obligation Bonds called for redemption has been deposited with the Registrar and Paying Agent or any paying agent for the account of the registered owner or registered owners of such 2023B General Obligation Bonds on or before the date specified for such redemption and if the notice described has been duly mailed by the Registrar and Paying Agent, the School Corporation will be released from all liability on such 2023B General Obligation Bonds and such 2023B General Obligation Bonds will no longer be deemed to be outstanding and interest thereon will cease at the date specified for such redemption.

(b) **Source of Payment.** The 2023B General Obligation Bonds are, as to all the principal thereof, and as to all interest due thereon, general obligations of the School Corporation, payable from ad valorem property taxes on all taxable property within the School Corporation, to be levied beginning in 2023 for collection beginning in 2024.

(c) **Payments.** Except as may be otherwise provided in the 2023B General Obligation Bonds, all payments of principal and interest on the 2023B General Obligation Bonds shall be paid by the School Corporation to the Paying Agent (as hereinafter defined) no later than the last day of the month preceding the month of each interest payment date. The Paying Agent shall pay all of the interest due on each interest payment date by wire transfer, or by check mailed one business day prior to the interest payment date, to the registered owners thereof as of the first day of the month of each interest payment date (the “Record Date”) at the addresses as they appear on the registration and transfer books of the School Corporation kept for that purpose by the Registrar (the “Registration Record”) or at such other address as is provided to the Paying Agent (as defined in Section 3 hereof) in writing by such registered owner. All principal payments on the 2023B General Obligation Bonds shall be made upon surrender thereof at the principal office of the Paying Agent in any coin or currency of the United States of America which on the date of such payment shall be legal tender for the payment of public and private debts; provided, however, that with respect to the holder of any of the 2023B General Obligation Bonds who holds 2023B General Obligation Bonds at any time in the principal amount of at least One Million Dollars (\$1,000,000), principal payments may be paid by wire transfer or by check mailed without any surrender of the 2023B General Obligation Bonds if written notice is provided to the Paying Agent at least sixteen (16) days prior to the commencement of such wire transfers or mailing of the check without surrender of the 2023B General Obligation Bonds.

Interest on 2023B General Obligation Bonds shall be payable from the interest payment date to which interest has been paid next preceding the authentication date thereof unless such 2023B General Obligation Bonds are authenticated after the Record Date for an interest payment date and on or before such interest payment date in which case they shall bear interest from such interest payment date, or unless authenticated on or before the Record Date for the first interest payment date, in which case they shall bear interest from the original date, until the principal shall be fully paid.

(d) **Transfer and Exchange.** Each 2023B General Obligation Bond shall be transferable or exchangeable only upon the Registration Record, by the registered owner thereof in writing, or by the registered owner’s attorney duly authorized in writing, upon surrender of such 2023B General Obligation Bond together with a written instrument of transfer or exchange satisfactory to the Registrar duly executed by the registered owner or such attorney, and thereupon a new fully registered bond or bonds in the same aggregate principal amount, and of the same maturity, shall be executed and delivered in the name of the transferee or transferees or the registered owner, as the case may be, in exchange therefor. The costs of such transfer or exchange shall be borne by the School Corporation. The School Corporation, Registrar and Paying Agent may treat and consider the persons in whose name such 2023B General Obligation Bonds are registered as the absolute owners thereof for all purposes including for the purpose of receiving payment of, or on account of, the principal thereof and interest due thereon.

(e) **Mutilated, Lost, Stolen or Destroyed Bonds.** In the event any 2023B General Obligation Bond is mutilated, lost, stolen or destroyed, the School Corporation may execute and the Registrar may authenticate a new bond of like date, maturity and denomination as that mutilated, lost, stolen or destroyed, which new bond shall be marked in a manner to distinguish it from the bond for which it was issued, provided that, in the case of any mutilated bond, such mutilated bond shall first be surrendered to the Registrar, and in the case of any lost, stolen or

destroyed bond there shall be first furnished to the Registrar evidence of such loss, theft or destruction satisfactory to the School Corporation and the Registrar, together with indemnity satisfactory to them. In the event any such bond shall have matured, instead of issuing a duplicate bond, the School Corporation and the Registrar may, upon receiving indemnity satisfactory to them, pay the same without surrender thereof. The School Corporation and the Registrar may charge the owner of such 2023B General Obligation Bond with their reasonable fees and expenses in this connection. Any 2023B General Obligation Bond issued pursuant to this paragraph shall be deemed an original, substitute contractual obligation of the School Corporation, whether or not the lost, stolen or destroyed 2023B General Obligation Bond shall be found at any time, and shall be entitled to all the benefits of this Resolution, equally and proportionately with any and all other 2023B General Obligation Bonds issued hereunder.

(f) **Book-Entry-Only Requirements.** If it is determined by the President, based on the advice of the Superintendent, Chief Financial Officer or the Municipal Advisor, to be advantageous to the School Corporation, the 2023B General Obligation Bonds will initially be issued and held in book-entry form on the books of the central depository system, The Depository Trust Company, its successors, or any successor central depository system appointed by the School Corporation from time to time (the “Clearing Agency”), without physical distribution of 2023B General Obligation Bonds to the public. The following provisions of this Section apply in such event.

One definitive 2023B General Obligation Bond of each maturity shall be delivered to the Clearing Agency and held in its custody. The School Corporation, the Registrar and the Paying Agent may, in connection therewith, do or perform or cause to be done or performed any acts or things not adverse to the rights of the holders of the 2023B General Obligation Bonds as are necessary or appropriate to accomplish or recognize such book-entry form bonds.

So long as the 2023B General Obligation Bonds remain and are held in book-entry form on the books of a Clearing Agency, then (1) any such 2023B General Obligation Bond may be registered upon the registration record in the name of such Clearing Agency, or any nominee thereof, including Cede & Co.; (2) the Clearing Agency in whose name such 2023B General Obligation Bond is so registered shall be, and the School Corporation, the Registrar and the Paying Agent may deem and treat such Clearing Agency as, the absolute owner and holder of such 2023B General Obligation Bond for all purposes of this Resolution, including, without limitation, receiving payment of the principal of and interest and premium, if any, on such 2023B General Obligation Bond, the receiving of notice and the giving of consent; and (3) neither the School Corporation, the Registrar nor the Paying Agent shall have any responsibility or obligation hereunder to any direct or indirect participant, within the meaning of Section 17A of the Securities Exchange Act of 1934, as amended, of such Clearing Agency, or any person on behalf of which, or otherwise in respect of which, any such participant holds any interest in any 2023B General Obligation Bond, including, without limitation, any responsibility or obligation hereunder to maintain accurate records of any interest in any 2023B General Obligation Bond or any responsibility or obligation hereunder with respect to the receiving of payment of principal of or interest or premium, if any, on any 2023B General Obligation Bond, the receiving of notice or the giving of consent.

If the School Corporation receives notice from the Clearing Agency which is currently the registered owner of the 2023B General Obligation Bonds to the effect that such Clearing Agency is unable or unwilling to discharge its responsibility as a Clearing Agency for the 2023B General Obligation Bonds or the School Corporation elects to discontinue its use of such Clearing Agency as a Clearing Agency for the 2023B General Obligation Bonds, then the School Corporation, the Registrar and the Paying Agent each shall do or perform or cause to be done or performed all acts or things, not adverse to the rights of the holders of the 2023B General Obligation Bonds, as are necessary or appropriate to discontinue use of such Clearing Agency as a Clearing Agency for the 2023B General Obligation Bonds and to transfer the ownership of each of the 2023B General Obligation Bonds to such person or persons, including any other Clearing Agency, as the holders of the 2023B General Obligation Bonds may direct in accordance with this Resolution. Any expenses of such discontinuance and transfer, including expenses of printing new certificates to evidence the 2023B General Obligation Bonds, shall be paid by the School Corporation.

So long as the 2023B General Obligation Bonds remain and are held in book-entry form on the books of a Clearing Agency, the Registrar and the Paying Agent shall be entitled to request and rely upon a certificate or other written representation from the Clearing Agency or any participant or indirect participant with respect to the identity of any beneficial owner of 2023B General Obligation Bonds as of a record date selected by the Registrar or Paying Agent. For purposes of determining whether the consent, advice, direction or demand of a registered owner of a 2023B General Obligation Bond has been obtained, the Registrar shall be entitled to treat the beneficial owners of the 2023B General Obligation Bonds as the bondholders and any consent, request, direction, approval, objection or other instrument of such beneficial owner may be obtained in the fashion described in this Resolution.

So long as the 2023B General Obligation Bonds remain and are held in book-entry form on the books of the Clearing Agency, the provisions of its standard form of Letter of Representations, if executed in connection with the issuance of such 2023B General Obligation Bonds, as amended and supplemented, or any successor agreement shall control on the matters set forth therein. Each of the Registrar and the Paying Agent agrees that it will (i) undertake the duties of agent set forth therein and that those duties to be undertaken by either the agent or the issuer shall be the responsibility of the Registrar and the Paying Agent, and (ii) comply with all requirements of the Clearing Agency, including without limitation same day funds settlement payment procedures. Further, so long as the 2023B General Obligation Bonds remain and are held in book-entry form, the provisions of Section 2(f) of this Resolution shall control over conflicting provisions in any other section of this Resolution.

Section 3. Appointment of Registrar and Paying Agent. U.S. Bank Trust Company, National Association, is hereby appointed to serve as the initial registrar and paying agent for the 2023B General Obligation Bonds, and the Superintendent or Chief Financial Officer shall have the option of appointing a successor registrar and paying agent at any time (together with any successor, the “Registrar” or “Paying Agent”). The Registrar is hereby charged with the responsibility of authenticating the 2023B General Obligation Bonds, and shall keep and maintain the Registration Record at its office. The President is hereby authorized to enter into such agreements or understandings with any institution hereafter serving in such capacities as will enable the institution to perform the services required of the Registrar and Paying Agent. The

School Corporation shall pay such fees as the institution may charge for the services it provides as Registrar and Paying Agent.

The Registrar and Paying Agent may at any time resign as Registrar and Paying Agent by giving thirty (30) days written notice to the President and to each registered owner of the 2023B General Obligation Bonds then outstanding, and such resignation will take effect at the end of such thirty (30) days or upon the earlier appointment of a successor Registrar and Paying Agent by the School Corporation. Such notice to the President may be served personally or be sent by first-class or registered mail. The Registrar and Paying Agent may be removed at any time as Registrar and Paying Agent by the School Corporation, in which event the School Corporation may appoint a successor Registrar and Paying Agent. The President shall notify each registered owner of the 2023B General Obligation Bonds then outstanding of the removal of the Registrar and Paying Agent. Notices to registered owners of the 2023B General Obligation Bonds shall be deemed to be given when mailed by first-class mail to the addresses of such registered owners as they appear on the Registration Record. Any predecessor Registrar and Paying Agent shall deliver all the 2023B General Obligation Bonds, cash and investments related thereto in its possession and the Registration Record to the successor Registrar and Paying Agent. At all times, the same entity shall serve as Registrar and as Paying Agent.

Section 4. Form of Bonds. The form and tenor of the 2023B General Obligation Bonds shall be substantially as follows, all blanks to be filled in properly prior to delivery thereof:

(Form of Bond)

No. 2023BR-__

UNITED STATES OF AMERICA

STATE OF INDIANA

COUNTY OF ELKHART

**ELKHART COMMUNITY SCHOOLS, ELKHART COUNTY, INDIANA, GENERAL
OBLIGATION BOND, SERIES 2023B**

<u>Interest Rate</u>	<u>Maturity Date</u>	<u>Original Date</u>	<u>Authentication Date</u>	<u>CUSIP</u>
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Registered Owner:

Principal Sum:

The Elkhart Community Schools, Elkhart County, Indiana (the “School Corporation”), for value received, hereby promises to pay to the Registered Owner set forth above, the Principal Sum set forth above on the Maturity Date set forth above, and to pay interest thereon until the Principal Sum shall be fully paid at the Interest Rate per annum specified above from the interest payment date to which interest has been paid next preceding the Authentication Date of this bond unless

this bond is authenticated after the first day of the month of an interest payment date (the “Record Date”) and on or before such interest payment date in which case interest shall be paid from such interest payment date, or unless this bond is authenticated on or before _____, 20__, in which case it shall bear interest from the Original Date, which interest is payable semiannually on January 15 and July 15 of each year, beginning on _____, 20__ . Interest shall be calculated on the basis of a 360-day year comprised of twelve 30-day months.

The principal of this bond is payable at the designated corporate trust office of U.S. Bank Trust Company, National Association, as the registrar and paying agent (the “Registrar” or “Paying Agent”), currently located in St. Paul, Minnesota. All payments of interest on this bond shall be paid by the School Corporation to the Paying Agent no later than the last business day of the month preceding the interest payment date with the understanding that the Paying Agent shall pay all of the interest due on each interest payment date by wire transfer, or by check mailed one business day prior to the interest payment date, to the Registered Owner as of the Record Date at the address as it appears on the registration books kept by the Registrar or at such other address as is provided to the Paying Agent in writing by the Registered Owner. All payments of principal on this bond shall be paid by the School Corporation to the Paying Agent no later than the last business day of the month preceding the interest payment date with the understanding that the Paying Agent shall pay all payments of principal of this bond upon surrender thereof at the principal office of the Paying Agent in any coin or currency of the United States of America which on the date of such payment shall be legal tender for the payment of public and private debts.

This bond is one of an authorized issue of bonds of the School Corporation of like original date, tenor and effect, except as to denominations, numbering, interest rates, and dates of maturity, in the total amount of _____ Dollars (\$_____), numbered from 2023BR-1 upward, issued for the purpose of providing funds to (1) renovate, expand and/or update all or any portion of the existing buildings of the North Annex of the Elkhart Area Career Center, including, but not limited to, all or any portion of (a) the construction and equipping of an addition to the Diesel Tech building anticipated to consist of approximately 11,500 square feet containing approximately four additional work bays and a storage bay, (b) the renovation and updating of the existing Construction Trades building and the construction and equipping of an addition to the existing Construction Trades building that is anticipated to contain approximately 2,500 square feet, (c) the renovation and updating of all or any other portion of the existing Automotive Trades building, including updated lighting and electrical, floor coverings and wall coverings, (d) the demolition of the existing cold storage building and the construction and equipping on this location of a new cold storage pole barn structure, (e) the acquisition and installation of updated equipment, technology and furnishings, and (f) related site improvements, (2) other miscellaneous facility improvements and equipping projects at one or more facilities operated by the School Corporation or equipment acquisition projects by the School Corporation, (3) undertake all projects related to any of the projects described in any of clauses (1) or (2), and (4) pay incidental expenses to be incurred in connection therewith and on account of the sale and issuance of bonds therefor, as authorized by a resolution adopted by the Board of School Trustees of the School Corporation on the 10th day of October, 2023, entitled “Resolution of the Board of School Trustees of the Elkhart Community Schools, Elkhart County, Indiana, Authorizing the Issuance of Bonds for the Purpose of Providing Funds to Pay for Renovation, Expansion and Update of the North Annex Buildings of the Elkhart Area Career Center and Costs Associated Therewith and on Account of the Issuance of the Bonds” (the “Resolution”), and in strict compliance with Indiana Code 20-48-1 and other

applicable provisions of the Indiana Code, as amended (collectively, the “Act”), all as more particularly described in the Resolution. The owner of this bond, by the acceptance hereof, agrees to all the terms and provisions contained in the Resolution and the Act.

PURSUANT TO THE PROVISIONS OF THE ACT AND THE RESOLUTION, THE PRINCIPAL OF THIS BOND AND ALL OTHER BONDS OF SAID ISSUE AND THE INTEREST DUE THEREON ARE PAYABLE AS A GENERAL OBLIGATION OF THE SCHOOL CORPORATION, FROM AD VALOREM PROPERTY TAXES TO BE LEVIED ON ALL TAXABLE PROPERTY WITHIN THE SCHOOL CORPORATION.

[Insert optional and mandatory sinking fund redemption language, if applicable]

This bond is subject to defeasance prior to payment as provided in the Resolution.

If this bond shall not be presented for payment on the date fixed therefor, the School Corporation may deposit in trust with the Paying Agent or another paying agent, an amount sufficient to pay such bond, and thereafter the Registered Owner shall look only to the funds so deposited in trust for payment and the School Corporation shall have no further obligation or liability in respect thereto.

This bond is transferable or exchangeable only upon the registration record kept for that purpose at the office of the Registrar by the Registered Owner in person, or by the Registered Owner’s attorney duly authorized in writing, upon surrender of this bond together with a written instrument of transfer or exchange satisfactory to the Registrar duly executed by the Registered Owner or such attorney, and thereupon a new fully registered bond or bonds in the same aggregate principal amount, and of the same maturity, shall be executed and delivered in the name of the transferee or transferees or the Registered Owner, as the case may be, in exchange therefor. The School Corporation, any registrar and any paying agent for this bond may treat and consider the person in whose name this bond is registered as the absolute owner hereof for all purposes including for the purpose of receiving payment of, or on account of, the principal hereof and interest due hereon.

The bonds maturing on any maturity date are issuable only in the [denomination of \$5,000 or any integral multiple thereof/minimum denomination of \$100,000 or any integral multiple of \$1,000 above such minimum denomination] not exceeding the aggregate principal amount of the bonds maturing on such date.

It is hereby certified and recited that all acts, conditions and things required to be done precedent to and in the preparation and complete execution, issuance and delivery of this bond have been done and performed in regular and due form as provided by law.

[A Continuing Disclosure Contract from the School Corporation to each registered owner or holder of any bonds of this issue, dated as of the date of initial issuance of the bonds of this issue (the “Contract”), has been executed by the School Corporation, a copy of which is available from the School Corporation and the terms of which are incorporated herein by this reference. The Contract contains certain promises of the School Corporation to each registered owner or holder of any bonds of this issue, including a promise to provide certain continuing disclosure. By its

payment for and acceptance of this bond, the registered owner or holder of this bond assents to the Contract and to the exchange of such payment and acceptance for such promises.]

This bond shall not be valid or become obligatory for any purpose until the certificate of authentication hereon shall have been executed by an authorized representative of the Registrar.

IN WITNESS WHEREOF, the Elkhart Community Schools, Elkhart County, Indiana, has caused this bond to be executed in the name of such School Corporation, by the manual or facsimile signature of the President of the Board of School Trustees of said School Corporation, and attested by manual or facsimile signature by the Secretary of the Board of School Trustees of said School Corporation.

ELKHART COMMUNITY SCHOOLS,
ELKHART COUNTY, INDIANA

By: _____
President of the Board of School Trustees

ATTEST:

Secretary of the Board of School Trustees

REGISTRAR'S CERTIFICATE

It is hereby certified that this bond is one of the bonds described in the within-mentioned Resolution duly authenticated by the Registrar.

U.S. BANK TRUST COMPANY, NATIONAL
ASSOCIATION, as Registrar

By: _____

ASSIGNMENT

The following abbreviations, when used in the inscription on the face of this bond, shall be construed as though they were written out in full according to applicable laws or regulations:

TEN. COM.	as tenants in common
TEN. ENT.	as tenants by the entireties
JT. TEN.	as joint tenants with right of survivorship and not as tenants in common

UNIF. TRANS.

MIN. ACT _____ Custodian _____
(Cust.) (Minor)

under Uniform Transfers to Minors Act of

(State)

Additional abbreviations may also be used, although not contained in the above list.

FOR VALUE RECEIVED the undersigned hereby sells, assigns and transfers unto _____
_____ (Please Print or Typewrite Name and Address and Social Security
or Other Identifying Number) \$_____ principal amount (must be a [multiple of
\$5,000/minimum of \$100,000 or a multiple of \$1,000 above such minimum amount]) of the within
bond and all rights thereunder, and hereby irrevocably constitutes and appoints _____
_____, attorney to transfer the within bond on the books kept for the registration thereof with full
power of substitution in the premises.

Signature Guaranteed:

NOTICE: Signature(s) must be guaranteed
by an eligible guarantor institution
participating in a Securities Transfer
Association recognized signature
guarantee program.

NOTICE: The signature of this assignment
must correspond with the name as it appears
upon the face of the within bond in every
particular, without alteration or enlargement or
any change whatever.

(End of Bond Form)

Section 5. Sale of Bonds. The Chief Financial Officer shall cause to be published a notice of sale once each week for two consecutive weeks in accordance with Indiana Code §5-3-1-2, as amended. The date fixed for the sale shall not be earlier than fifteen (15) days after the first of such publications and not earlier than three (3) days after the second of such publications. Said bond sale notice shall state the time and place of sale, the purpose for which the 2023B General Obligation Bonds are being issued, the total amount thereof, the amount and date of each maturity, the maximum rate or rates of interest thereon, their denominations, the time and place of payment, the terms and conditions upon which bids will be received and the sale made and such other information as is required by law or as the Chief Financial Officer shall deem necessary.

As an alternative to the publication of a notice of sale, the Chief Financial Officer may sell the 2023B General Obligation Bonds through the publication of a notice of intent to sell the 2023B General Obligation Bonds and compliance with related procedures, pursuant to Indiana Code §5-1-11-2(b), as amended.

All bids for the 2023B General Obligation Bonds shall be sealed and shall be presented to the Chief Financial Officer or his designee in accord with the terms set forth in the bond sale notice.

Bidders for the 2023B General Obligation Bonds must bid for all of the 2023B General Obligation Bonds and shall be required to name the rate or rates of interest which the 2023B General Obligation Bonds are to bear, which shall be the same for all 2023B General Obligation Bonds maturing on the same date, not exceeding five and one-half percent (5.50%) per annum, and such interest rate or rates shall be in multiples of one-eighth or one one-hundredth of one percent. The President, based on the recommendation of the Chief Financial Officer and the Municipal Advisor, shall award the 2023B General Obligation Bonds to the bidder who offers the lowest net interest cost, to be determined by computing the total interest on all the 2023B General Obligation Bonds to their maturities and deducting therefrom the premium bid, if any, or adding thereto the amount of the discount, if any. No bid for less than ninety-nine and one-half percent (99.50%) of the par value of the 2023B General Obligation Bonds, plus accrued interest, shall be considered. The Chief Financial Officer may require that all bids be accompanied by certified or cashier's checks payable to the order of the School Corporation, or a surety bond, in an amount not to exceed one percent of the aggregate principal amount of the 2023B General Obligation Bonds as a guaranty of the performance of said bid, should it be accepted. In the event no satisfactory bids are received on the day named in the sale notice, the sale may be continued from day to day thereafter for a period of thirty (30) days without re-advertisement; provided, however, that if said sale is continued, no bid shall be accepted which offers an interest cost which is equal to or higher than the best bid received at the time fixed for sale in the bond sale notice. The Chief Financial Officer shall have full right to reject any and all bids.

The President is hereby authorized and directed to have the 2023B General Obligation Bonds prepared, the President and Secretary are hereby authorized and directed to execute the 2023B General Obligation Bonds in substantially the form and the manner herein provided. The President is hereby authorized and directed to deliver the 2023B General Obligation Bonds to the purchaser; thereupon, the President shall be authorized to receive from the purchaser the purchase price and take the purchaser's receipt for the 2023B General Obligation Bonds. The amount to be collected by the President shall be the full amount which the purchaser has agreed to pay therefor, which shall be not less than ninety-nine and one-half percent (99.50%) of the face value of the 2023B General Obligation Bonds plus accrued interest to the date of delivery.

The proceeds from the sale of the 2023B General Obligation Bonds shall be deposited in a fund, funds, account, or accounts of the School Corporation established by the Chief Financial Officer and held or invested as permitted by law.

The President is hereby authorized and directed to obtain a legal opinion as to the validity of the 2023B General Obligation Bonds from Barnes & Thornburg LLP, and to furnish such opinion to the purchasers of the 2023B General Obligation Bonds. The cost of such opinion shall be paid out of the proceeds of the 2023B General Obligation Bonds.

Section 6. Defeasance. If, when the 2023B General Obligation Bonds or any portion thereof shall have become due and payable in accordance with their terms, and the whole amount of the principal and the interest so due and payable upon such 2023B General Obligation Bonds or any portion thereof then outstanding shall be paid, or (i) cash, or (ii) direct non-callable obligations of (including obligations issued or held in book entry form on the books of) the Department of the Treasury of the United States of America, and securities fully and unconditionally guaranteed as to the timely payment of principal and interest by the United States

of America, the principal of and the interest on which when due without reinvestment will provide sufficient money, or (iii) any combination of the foregoing, shall be held irrevocably in trust for such purpose, and provision shall also be made for paying all fees and expenses for the payment, then and in that case the 2023B General Obligation Bonds or such designated portion thereof shall no longer be deemed outstanding or secured by this Resolution.

Section 7. Tax Matters. In order to preserve the exclusion of interest on the 2023B General Obligation Bonds from gross income for federal income tax purposes and as an inducement to purchasers of the 2023B General Obligation Bonds, the School Corporation represents, covenants and agrees that:

(a) No person or entity, other than the School Corporation or another state or local governmental unit, will use proceeds of the 2023B General Obligation Bonds or property financed by the 2023B General Obligation Bond proceeds other than as a member of the general public. No person or entity other than the School Corporation or another state or local governmental unit will own property financed by 2023B General Obligation Bond proceeds or will have actual or beneficial use of such property pursuant to a lease, a management or incentive payment contract, an arrangement such as a take-or-pay or output contract, or any other type of arrangement that differentiates that person's or entity's use of such property from the use by the public at large.

With respect to any management or service contracts with respect to the 2023 North Annex EACC Renovation, Expansion and Update Project or any portion thereof, the School Corporation will comply with Revenue Procedure 2017-13, as the same may be amended or superseded from time to time.

(b) No 2023B General Obligation Bond proceeds will be loaned to any entity or person other than a state or local governmental unit. No 2023B General Obligation Bond proceeds will be transferred, directly or indirectly, or deemed transferred to a non-governmental person in any manner that would in substance constitute a loan of the 2023B General Obligation Bond proceeds.

(c) The School Corporation will not take any action or fail to take any action with respect to the 2023B General Obligation Bonds that would result in the loss of the exclusion from gross income for federal income tax purposes of interest on the 2023B General Obligation Bonds pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code"), and the regulations thereunder as applicable to the 2023B General Obligation Bonds, including, without limitation, the taking of such action as is necessary to rebate or cause to be rebated arbitrage profits on 2023B General Obligation Bond proceeds or other monies treated as 2023B General Obligation Bond proceeds to the federal government as provided in Section 148 of the Code, and will set aside such monies, which may be paid from investment income on funds and accounts notwithstanding anything else to the contrary herein, in trust for such purposes.

(d) The School Corporation will file an information report on Form 8038-G with the Internal Revenue Service as required by Section 149 of the Code.

(e) The School Corporation will not make any investment or do any other act or thing during the period that any 2023B General Obligation Bond is outstanding hereunder which would cause any 2023B General Obligation Bond to be an "arbitrage bond" within the meaning of Section

148 of the Code and the regulations thereunder as applicable to the 2023B General Obligation Bonds.

Notwithstanding any other provisions of this Resolution, the foregoing covenants and authorizations (the “Tax Sections”) which are designed to preserve the exclusion of interest on the 2023B General Obligation Bonds from gross income under federal income tax law (the “Tax Exemption”) need not be complied with if the School Corporation receives an opinion of nationally recognized bond counsel that any Tax Section is unnecessary to preserve the Tax Exemption.

Section 8. Amendments. Subject to the terms and provisions contained in this section, and not otherwise, the owners of not less than sixty-six and two-thirds percent (66-2/3%) in aggregate principal amount of the 2023B General Obligation Bonds then outstanding shall have the right, from time to time, anything contained in this Resolution to the contrary notwithstanding, to consent to and approve the adoption by the School Corporation of such resolution or resolutions supplemental hereto as shall be deemed necessary or desirable by the School Corporation for the purpose of amending in any particular manner any of the terms or provisions contained in this Resolution, or in any supplemental resolution; provided, however, that nothing herein contained shall permit or be construed as permitting without the consent of all affected owners of the 2023B General Obligation Bonds:

(a) An extension of the maturity of the principal of or interest on any 2023B General Obligation Bond without the consent of the holder of each 2023B General Obligation Bond so affected; or

(b) A reduction in the principal amount of any 2023B General Obligation Bond or the rate of interest thereon or a change in the monetary medium in which such amounts are payable, without the consent of the holder of each 2023B General Obligation Bond so affected; or

(c) A preference or priority of any 2023B General Obligation Bond over any other 2023B General Obligation Bond, without the consent of the holders of all 2023B General Obligation Bonds then outstanding; or

(d) A reduction in the aggregate principal amount of the 2023B General Obligation Bonds required for consent to such supplemental resolution, without the consent of the holders of all 2023B General Obligation Bonds then outstanding.

If the School Corporation shall desire to obtain any such consent, it shall cause the Registrar to mail a notice, postage prepaid, to the addresses appearing on the Registration Record. Such notice shall briefly set forth the nature of the proposed supplemental resolution and shall state that a copy thereof is on file at the office of the Registrar for inspection by all owners of the 2023B General Obligation Bonds. The Registrar shall not, however, be subject to any liability to any owners of the 2023B General Obligation Bonds by reason of its failure to mail such notice, and any such failure shall not affect the validity of such supplemental resolution when consented to and approved as herein provided.

Whenever at any time within one year after the date of the mailing of such notice, the School Corporation shall receive any instrument or instruments purporting to be executed by the owners of the 2023B General Obligation Bonds of not less than sixty-six and two-thirds percent

(66-2/3%) in aggregate principal amount of the 2023B General Obligation Bonds then outstanding, which instrument or instruments shall refer to the proposed supplemental resolution described in such notice, and shall specifically consent to and approve the adoption thereof in substantially the form of the copy thereof referred to in such notice as on file with the Registrar, thereupon, but not otherwise, the School Corporation may adopt such supplemental resolution in substantially such form, without liability or responsibility to any owners of the 2023B General Obligation Bonds, whether or not such owners shall have consented thereto.

No owner of any 2023B General Obligation Bond shall have any right to object to the adoption of such supplemental resolution or to object to any of the terms and provisions contained therein or the operation thereof, or in any manner to question the propriety of the adoption thereof, or to enjoin or restrain the School Corporation or its officers from adopting the same, or from taking any action pursuant to the provisions thereof. Upon the adoption of any supplemental resolution pursuant to the provisions of this section, this Resolution shall be, and shall be deemed, modified and amended in accordance therewith, and the respective rights, duties and obligations under this Resolution of the School Corporation and all owners of 2023B General Obligation Bonds then outstanding shall thereafter be determined, exercised and enforced in accordance with this Resolution, subject in all respects to such modifications and amendments.

Notwithstanding anything contained in the foregoing provisions of this Resolution, the rights, duties and obligations of the School Corporation and of the owners of the 2023B General Obligation Bonds, and the terms and provisions of the 2023B General Obligation Bonds and this Resolution, or any supplemental resolution, may be modified or amended in any respect with the consent of the School Corporation and the consent of the owners of all the 2023B General Obligation Bonds then outstanding.

Without notice to or consent of the owners of the 2023B General Obligation Bonds, the School Corporation may, from time to time and at any time, adopt such resolutions supplemental hereto as shall not be inconsistent with the terms and provisions hereof (which supplemental resolutions shall thereafter form a part hereof),

(a) to cure any ambiguity or formal defect or omission in this Resolution or in any supplemental resolution; or

(b) to grant to or confer upon the owners of the 2023B General Obligation Bonds any additional rights, remedies, powers, authority or security that may lawfully be granted to or conferred upon the owners of the 2023B General Obligation Bonds; or

(c) to procure a rating on the 2023B General Obligation Bonds from a nationally recognized securities rating agency designated in such supplemental resolution, if such supplemental resolution will not adversely affect the owners of the 2023B General Obligation Bonds; or

(d) to provide for the refunding or advance refunding of the 2023B General Obligation Bonds; or

(e) to make any other change which, in the determination of the Board in its sole discretion, is not to the prejudice of the owners of the 2023B General Obligation Bonds.

Section 9. Requirements under P.L. 1028. The maximum annual debt service fund tax rate necessary to pay the annual debt service of the 2023B General Obligation Bonds is estimated to be approximately \$0.0308 per \$100 of assessed valuation; however, with the decline in the payment of the debt service on other outstanding obligations of the School Corporation, the incremental increase in the annual aggregate debt service fund tax rate as a result of the issuance of the 2023A General Obligation Bonds is estimated to be approximately \$0.0100 of \$100 of assessed valuation. The estimated completion date of the 2023 North Annex EACC Renovation, Expansion and Update Project is December, 2025. There is no anticipated impact on any other tax rate imposed by the School Corporation as a result of the 2023 North Annex EACC Renovation, Expansion and Update Project.

Section 10. Reimbursement Acknowledgement. The Board hereby declares its official intent that to the extent permitted by law, to issue the 2023B General Obligation Bonds in one or more series or issues, which 2023B General Obligation Bonds will not exceed the Authorized Amount, and to reimburse costs of the 2023 North Annex EACC Renovation, Expansion and Update Project consisting of the 2023B Expenditures from proceeds of the sale of such 2023B General Obligation Bonds.

Section 11. Engagement of Finance Professionals. In connection with the issuance of the 2023B General Obligation Bonds, the Board hereby engages (a) Baker Tilly Municipal Advisors, LLC to serve as the municipal advisor, and (b) Barnes & Thornburg LLP to serve as bond counsel.

Section 12. Other Actions and Documents. The officers of the School Corporation, the Superintendent, any Assistant Superintendent of the School Corporation (each, an “Assistant Superintendent”), the District Counsel/Chief of Staff of the School Corporation (the “District Counsel/Chief of Staff”) and the Chief Financial Officer are hereby authorized and directed, for and on behalf of the School Corporation, to execute, attest and seal all such documents, instruments, certificates, closing papers and other papers and do all such acts and things as may be necessary or desirable to carry out the intent of this Resolution, including, but not limited to, the publication of the notice of the adoption of this Resolution and the issuance of the 2023B General Obligation Bonds. In addition, any and all actions previously taken by any member of the Board, the Superintendent, the Chief Financial Officer, the District Counsel/Chief of Staff or any Assistant Superintendent in connection with this Resolution, including, but not limited to, publication of the notice of the public hearing held in connection herewith, be, and hereby are, ratified and approved. In addition to the foregoing, the President and the Secretary, based on the advice of the municipal advisor or at the request of the purchaser of the 2023B General Obligation Bonds, may modify the dates of the semiannual interest payment dates to be such other dates which are at least six (6) months apart, and if such interest payment dates are changed, the President and the Secretary may modify the Record Date to such other date that is at least fourteen (14) days prior to each such interest payment date.

Section 13. No Conflict. All resolutions and orders or parts thereof in conflict with the provisions of this Resolution are to the extent of such conflict hereby repealed. After the issuance of the 2023B General Obligation Bonds authorized by this Resolution and so long as any of the 2023B General Obligation Bonds or interest thereon remains unpaid, except as expressly provided herein, this Resolution shall not be repealed or amended in any respect which will adversely affect the rights of the holders of the 2023B General Obligation Bonds, nor shall the School Corporation adopt any law which in any way adversely affects the rights of such holders.

Section 14. Severability. If any section, paragraph or provision of this Resolution shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph or provision shall not affect any of the remaining provisions of this Resolution.

Section 15. Non-Business Days. If the date of making any payment or the last date for performance of any act or the exercising of any right, as provided in this Resolution, shall be a legal holiday or a day on which banking institutions in the School Corporation or the jurisdiction in which the Registrar or Paying Agent is located are typically closed, such payment may be made or act performed or right exercised on the next succeeding day not a legal holiday or a day on which such banking institutions are typically closed, with the same force and effect as if done on the nominal date provided in this Resolution, and no interest shall accrue for the period after such nominal date.

Section 16. Interpretation. Unless the context or laws clearly require otherwise, references herein to statutes or other laws include the same as modified, supplemented or superseded from time to time.

Section 17. Effectiveness. This Resolution shall be in full force and effect from and after its passage. Upon payment in full of the principal and interest respecting the 2023B General Obligation Bonds authorized hereby or upon deposit of an amount sufficient to pay when due such amounts in accord with the defeasance provisions herein, all pledges, covenants and other rights granted by this Resolution shall cease.

PASSED AND ADOPTED this 10th day of October, 2023.

BOARD OF SCHOOL TRUSTEES OF THE
ELKHART COMMUNITY SCHOOLS, ELKHART COUNTY, INDIANA

AYE

NAY

ATTEST:

Secretary of the Board of School Trustees

EXHIBIT A

MATURITY SCHEDULE

<u>Maturity Date</u>	<u>Estimated Principal Amount Range</u>
July 15, 2024	\$0-445,000
January 15, 2025	0-480,000
July 15, 2025	0-585,000
January 15, 2026	0-605,000
July 15, 2026	0-620,000
January 15, 2027	0-640,000
July 15, 2027	0-655,000
January 15, 2028	0-675,000
July 15, 2028	0-690,000
January 15, 2029	0-710,000

**APPROPRIATION RESOLUTION OF THE 2023A GENERAL OBLIGATION BOND
PROCEEDS AND INTEREST EARNINGS THEREON**

WHEREAS, the Elkhart Community Schools, Elkhart County, Indiana (the “School Corporation”), has given consideration to (1) renovate, expand and/or update all or any portion of the existing Main Building of the Elkhart Area Career Center, including, but not limited to, all or any portion of (a) the demolition of the existing greenhouse dome and the construction and equipping in its place of an addition anticipated to consist of approximately 10,000 square feet containing approximately four classrooms and a multipurpose room with a capacity of approximately 100 people, (b) the construction and equipping of second addition to the existing building that is anticipated to contain approximately 1,000 square feet, (c) the renovation and updating of all or any other portion of the existing building, including updated lighting and restroom fixtures, ceilings, floor coverings and wall coverings, (d) the construction of a separate heating and cooling central plant and update of the existing heating and air conditioning system, (e) the acquisition and installation of updated equipment, technology and furnishings, and (f) related site improvements, (2) other miscellaneous facility improvements and equipping projects at one or more facilities operated by the School Corporation or equipment acquisition projects by the School Corporation, and (3) undertaking all projects related to any of the projects described in any of clauses (1) or (2) (clauses (1) through and including (3), collectively, the “2023 Main Building EACC Renovation, Expansion and Update Project”); and

WHEREAS, the Board of School Trustees of the School Corporation (the “Board”), being duly advised, finds that it is in the best interests of the School Corporation and its citizens, and now finds that it is necessary, to proceed with the 2023 Main Building EACC Renovation, Expansion and Update Project and in connection therewith to take the steps necessary to issue its general obligation bonds in one or more series or issues, with the original aggregate principal amount of such general obligation bonds not to exceed Six Million One Hundred Five Thousand Dollars (\$6,105,000) (the “2023A General Obligation Bonds”), for the purpose of procuring funds to pay for all or a portion of the costs of the 2023 Main Building EACC Renovation, Expansion and Update Project and all or a portion of the costs associated therewith, including, but not limited to, the issuance of the 2023A General Obligation Bonds; and

WHEREAS, the Board did not include the proceeds of the 2023A General Obligation Bonds in the regular budget for the year 2023; and

WHEREAS, there are insufficient funds available or provided for in the existing budget and tax levy which may be applied to the cost of the 2023 Main Building EACC Renovation, Expansion and Update Project and the costs associated therewith, and the issuance of the 2023A General Obligation Bonds have been authorized to procure the necessary funds; and

WHEREAS, notice of a public hearing on said appropriation has been duly given by publication as required by Indiana law, and the hearing on said appropriation has been held on the date hereof at which all taxpayers had an opportunity to appear and express their views as to such appropriation.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SCHOOL TRUSTEES OF THE ELKHART COMMUNITY SCHOOLS, ELKHART COUNTY, INDIANA, AS FOLLOWS:

SECTION 1. The Board shall appropriate a sum not to exceed Six Million One Hundred Five Thousand Dollars (\$6,105,000) out of the proceeds of the 2023A General Obligation Bonds, together with all investment earnings thereon, for the use of the Board in paying all or a portion of

the costs of the 2023 Main Building EACC Renovation, Expansion and Update Project and costs associated therewith, including the issuance of the 2023A General Obligation Bonds.

SECTION 2. Such appropriation shall be in addition to all appropriations provided for in the existing budget and levy, and shall continue in effect until payment in full of the 2023 Main Building EACC Renovation, Expansion and Update Project and all costs associated therewith. Any surplus of such proceeds shall be credited to the proper fund, funds, account, or accounts as provided by law.

SECTION 3. A certified copy of this resolution, together with such other proceedings and actions as may be necessary, shall be filed by the fiscal officer of the School Corporation, along with a report of the appropriation, with the State Department of Local Government Finance.

SECTION 4. The President, Vice President, any other officer or member of the Board, the Superintendent or Interim Superintendent of the School Corporation, the District Counsel/Chief of Staff of the School Corporation or the Chief Financial Officer of the School Corporation are hereby authorized to take all such actions and to execute all such instruments as are desirable to carry out the transactions contemplated by this resolution, in such forms as such officer or member executing the same shall deem proper, to be conclusively evidenced by the execution thereof, and any and all actions previously taken, or documents previously executed, in connection with the transactions contemplated by this resolution are hereby ratified and approved.

PASSED AND ADOPTED this 10th day of October, 2023.

BOARD OF SCHOOL TRUSTEES OF THE
ELKHART COMMUNITY SCHOOLS, ELKHART COUNTY, INDIANA

AYE

NAY

ATTEST:

Secretary of the Board of School Trustees

**APPROPRIATION RESOLUTION OF THE 2023B GENERAL OBLIGATION BOND
PROCEEDS AND INTEREST EARNINGS THEREON**

WHEREAS, the Elkhart Community Schools, Elkhart County, Indiana (the “School Corporation”), has given consideration to (1) renovate, expand and/or update all or any portion of the existing buildings of the North Annex of the Elkhart Area Career Center, including, but not limited to, all or any portion of (a) the construction and equipping of an addition to the Diesel Tech building anticipated to consist of approximately 11,500 square feet containing approximately four additional work bays and a storage bay, (b) the renovation and updating of the existing Construction Trades building and the construction and equipping of an addition to the existing Construction Trades building that is anticipated to contain approximately 2,500 square feet, (c) the renovation and updating of all or any other portion of the existing Automotive Trades building, including updated lighting and electrical, floor coverings and wall coverings, (d) the demolition of the existing cold storage building and the construction and equipping on this location of a new cold storage pole barn structure, (e) the acquisition and installation of updated equipment, technology and furnishings, and (f) related site improvements, (2) other miscellaneous facility improvements and equipping projects at one or more facilities operated by the School Corporation or equipment acquisition projects by the School Corporation, and (3) undertaking all projects related to any of the projects described in any of clauses (1) or (2) (clauses (1) through and including (3), collectively, the “2023 North Annex EACC Renovation, Expansion and Update Project”); and

WHEREAS, the Board of School Trustees of the School Corporation (the “Board”), being duly advised, finds that it is in the best interests of the School Corporation and its citizens, and now finds that it is necessary, to proceed with the 2023 North Annex EACC Renovation, Expansion and Update Project and in connection therewith to take the steps necessary to issue its general obligation bonds in one or more series or issues, with the original aggregate principal amount of such general obligation bonds not to exceed Six Million One Hundred Five Thousand Dollars (\$6,105,000) (the “2023B General Obligation Bonds”), for the purpose of procuring funds to pay for all or a portion of the costs of the 2023 North Annex EACC Renovation, Expansion and Update Project and all or a portion of the costs associated therewith, including, but not limited to, the issuance of the 2023B General Obligation Bonds; and

WHEREAS, the Board did not include the proceeds of the 2023B General Obligation Bonds in the regular budget for the year 2023; and

WHEREAS, there are insufficient funds available or provided for in the existing budget and tax levy which may be applied to the cost of the 2023 North Annex EACC Renovation, Expansion and Update Project and the costs associated therewith, and the issuance of the 2023B General Obligation Bonds have been authorized to procure the necessary funds; and

WHEREAS, notice of a public hearing on said appropriation has been duly given by publication as required by Indiana law, and the hearing on said appropriation has been held on the date hereof at which all taxpayers had an opportunity to appear and express their views as to such appropriation.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SCHOOL TRUSTEES

OF THE ELKHART COMMUNITY SCHOOLS, ELKHART COUNTY, INDIANA, AS FOLLOWS:

SECTION 1. The Board shall appropriate a sum not to exceed Six Million One Hundred Five Thousand Dollars (\$6,105,000) out of the proceeds of the 2023B General Obligation Bonds, together with all investment earnings thereon, for the use of the Board in paying all or a portion of the costs of the 2023 North Annex EACC Renovation, Expansion and Update Project and costs associated therewith, including the issuance of the 2023B General Obligation Bonds.

SECTION 2. Such appropriation shall be in addition to all appropriations provided for in the existing budget and levy, and shall continue in effect until payment in full of the 2023 North Annex EACC Renovation, Expansion and Update Project and all costs associated therewith. Any surplus of such proceeds shall be credited to the proper fund, funds, account, or accounts as provided by law.

SECTION 3. A certified copy of this resolution, together with such other proceedings and actions as may be necessary, shall be filed by the fiscal officer of the School Corporation, along with a report of the appropriation, with the State Department of Local Government Finance.

SECTION 4. The President, Vice President, any other officer or member of the Board, the Superintendent or Interim Superintendent of the School Corporation, the District Counsel/Chief of Staff of the School Corporation or the Chief Financial Officer of the School Corporation are hereby authorized to take all such actions and to execute all such instruments as are desirable to carry out the transactions contemplated by this resolution, in such forms as such officer or member executing the same shall deem proper, to be conclusively evidenced by the execution thereof, and any and all actions previously taken, or documents previously executed, in connection with the transactions contemplated by this resolution are hereby ratified and approved.

PASSED AND ADOPTED this 10th day of October, 2023.

BOARD OF SCHOOL TRUSTEES OF THE
ELKHART COMMUNITY SCHOOLS, ELKHART COUNTY, INDIANA

AYE

NAY

ATTEST:

Secretary of the Board of School Trustees

REQUEST FOR CONFERENCE LEAVE
Elkhart Community Schools
Elkhart, Indiana

(conference leave requests are to be submitted to the board at least three weeks prior to conference)

A copy of conference / workshop information
MUST be attached to request.

Arrangements for registration,
hotel, transportation, etc. are
the participant's responsibility.

Name: _____ School/Assignment: _____
Name of Conference: _____
Location: _____

Type of Conference: Conference Leave (Grant Required) Conference Leave

Dates you plan to attend: _____ Dates of School Absence: _____ Date Request Initiated: _____

How will attendance at this conference improve instruction/learning for students? How do you plan to share the information?

(Continue on back if needed)

Signature

ESTIMATED EXPENSES

Please enter numbers ONLY in the green highlighted sections below.

Registration: _____ Lodging: _____
Banquet/Luncheon: _____
Transportation: _____ Meals: _____
Driving myself: _____
_____ Miles @ .56 per mile: \$0.00 Materials: _____
(odometer readings are required)
OR: _____ TOTAL: \$0.00

Riding with: _____
Other Transportation (including flights): _____

_____ ACCOUNT TO BE CHARGED:
(To be filled in by Administrator)

Approved expenses will be reimbursed only after the conference report and receipts are submitted with the claim. Cost for materials must be approved in advance and become property of Elkhart Community Schools.

Recommended by Building Administrator _____ / _____ / _____
Signature Date Sub Needed Date Signed

Endorsed by Director/Asst. Super _____ / _____
Signature Date

Endorsed by Asst. Superintendent of Instructional Leadership _____ / _____ / _____
Signature Date Approved by School Board

REQUEST FOR CONFERENCE LEAVE
Elkhart Community Schools
Elkhart, Indiana

(to be submitted at least 3 weeks prior to the conference.)

A copy of conference / workshop information
MUST be attached to request.

Arrangements for registration,
hotel, transportation, etc. are
the participant's responsibility.

Name	School/Assignment	
Name of Conference		
Location		
Dates you Plan to attend	Dates of School Absence	Date Request Initiated

How will attendance at this conference improve instruction/learning for students? How do you plan to share the information?

(Continue on back if needed)

Signature

ESTIMATED EXPENSES

Registration: _____	Lodging: _____
Banquet/Luncheon: _____	
Transportation: _____	Meals: _____
Driving myself: _____ Miles @ _____ per mile = _____ (odometer readings are required)	Materials: _____
Or	TOTAL \$ _____
Riding with: _____	
Other Transportation: _____	

ACCOUNT TO BE CHARGED:

(To be filled in by Administrator)

Approved expenses will be reimbursed only after the conference report and receipts are submitted with the claim. Cost for materials must be approved in advance and become property of Elkhart Community Schools.

Recommended by
Building Administrator _____ / _____ / _____
Signature Date Sub Needed Date signed

Endorsed by
Director/Asst.Dir _____ / _____
Signature Date

Approved by
Asst.Superintendent _____ / _____
Signature Date Approved by School Board

INSTRUCTIONS: After signature by Building Administrator and appropriate Director/Assistant Director, forward request to Assistant Superintendent for Instruction for Board of School Trustees' consideration. Criteria on which approval/denial may be based include such things as benefit of attendance to teacher, students, and Elkhart Community Schools, cost, frequency of conference attendance by this teacher, teacher's attendance, year of textbook adoption, and other staff members requesting attendance for the same conference.