

# HOUSE BILL No. 1328

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 20-3.2.

**Synopsis:** School choice in Indianapolis. Provides that if the desegregation order governing the Indianapolis Public Schools is lifted, students who have legal settlement in a transfer area may choose to attend school in either IPS or the desegregation transferee school corporation. Requires transfer tuition to be paid for students who choose to attend school in a desegregation transferee school corporation. Provides certain rights for the parents of students who attend a desegregation transferee school corporation. Allows a desegregation transferee school corporation to operate a school within the transfer area.

**Effective:** Upon passage.

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**Behning, Crawford**

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January 13, 1998, read first time and referred to Committee on Ways and Means.

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Second Regular Session 110th General Assembly (1998)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1997 General Assembly.

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# HOUSE BILL No. 1328



A BILL FOR AN ACT to amend the Indiana Code concerning education.

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

1 SECTION 1. IC 20-3.2 IS ADDED TO THE INDIANA CODE AS  
 2 A NEW ARTICLE TO READ AS FOLLOWS [EFFECTIVE UPON  
 3 PASSAGE]:  
 4 **ARTICLE 3.2. SCHOOL CHOICE IN CERTAIN SCHOOL**  
 5 **CITIES**  
 6 **Chapter 1. Applicability**  
 7 **Sec. 1. This article applies to the following:**  
 8 (1) A common school corporation that:  
 9 (A) is located in whole or in part in the most populous  
 10 township in a county having a population of more than  
 11 seven hundred thousand (700,000); and  
 12 (B) serves the largest geographical territory of any school  
 13 corporation in the township.  
 14 (B) A desegregation transferee school corporation.  
 15 **Sec. 2. This article is applicable only upon the entry of an order**  
 16 **by:**  
 17 (1) the United States District Court for the Southern District



1 of Indiana;

2 (2) the United States Court of Appeals for the Seventh  
3 Circuit; or

4 (3) the United States Supreme Court;

5 that ends interdistrict transfers of students from the school city on  
6 a complete or partial basis.

7 Chapter 2. Definitions

8 Sec. 1. The definitions in this chapter apply throughout this  
9 article.

10 Sec. 2. "Board" refers to the governing body of a school  
11 corporation or school city.

12 Sec. 3. "Court order" means an order issued by the United  
13 States District Court for the Southern District of Indiana in the  
14 desegregation action.

15 Sec. 4. "Desegregation action" means the Marion County school  
16 desegregation case in the United States District Court for the  
17 Southern District of Indiana, Cause No. IP68-C-225-S.

18 Sec. 5. "Desegregation transferee school corporation" means a  
19 school corporation that receives students from the school city  
20 under a court order.

21 Sec. 6. "Desegregation transfer student" means a student who  
22 has legal settlement in the school city and who is transported to  
23 another school corporation under a court order.

24 Sec. 7. "Interdistrict transfer" means the transfer of a student  
25 with legal settlement in the school city to another school  
26 corporation for education in compliance with a court order.

27 Sec. 8. "Legal settlement" has the meaning set forth in  
28 IC 20-8.1-6.1-1.

29 Sec. 9. "Parent" has the meaning set forth in IC 20-1-1.8-8.

30 Sec. 10. "School city" refers to a school corporation described  
31 in IC 20-3.2-1-1(1).

32 Sec. 11. "Student" refers to a student with legal settlement in  
33 the school city.

34 Sec. 12. "Transfer areas" means the geographic areas within the  
35 school city identified by the United States District Court for the  
36 Southern District of Indiana in the desegregation action from  
37 which students are transferred to other school corporations.

38 Chapter 3. School City Conditions and Needs

39 Sec. 1. The following school city conditions and needs are found  
40 to exist on January 1, 1998:

41 (1) Education in the school city presents unique challenges.

42 (2) Students from the transfer areas have been subject to

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- 1 interdistrict transfers for more than fifteen (15) years.  
 2 (3) Thousands of students with legal settlement in the school  
 3 city are educated at desegregation transferee school  
 4 corporations.  
 5 (4) Parents of desegregation transfer students have become  
 6 involved in school governance and parent activities in the  
 7 desegregation transferee school corporations.  
 8 (5) The desegregation transferee school corporations have  
 9 established relationships with students, parents, families, and  
 10 communities located in the transfer areas.  
 11 (6) The desegregation transferee school corporations have  
 12 developed programs to enhance student achievement and  
 13 educational opportunities for the desegregation transfer  
 14 students.  
 15 (7) While the desegregation action is pending, efforts have  
 16 been made to end interdistrict transfers.  
 17 (8) If interdistrict transfers are ended, student achievement,  
 18 educational opportunity, and parental involvement will be  
 19 enhanced if students in the transfer areas are allowed to  
 20 choose whether to enroll in the school city or in a  
 21 desegregation transferee school corporation.
- 22 **Chapter 4. Transfer Area Student Enrollment**
- 23 **Sec. 1. A student with legal settlement in a transfer area may**  
 24 **enroll in a school operated by:**
- 25 (1) the school city; or  
 26 (2) the desegregation transferee school corporation for the  
 27 transfer area.
- 28 **Sec. 2. If a student with legal settlement in a transfer area**  
 29 **chooses to attend a school operated by a desegregation transferee**  
 30 **school corporation, the desegregation transferee school**  
 31 **corporation is entitled to receive transfer tuition from the school**  
 32 **city under IC 20-8.1-6.1-8 and IC 20-8.1-6.1-9 for the student.**
- 33 **Sec. 3. The desegregation transferee school corporation shall**  
 34 **provide transportation for each student who chooses to attend a**  
 35 **school in the desegregation transferee school corporation to the**  
 36 **school to which the student is assigned.**
- 37 **Sec. 4. A parent of a student enrolled in a desegregation**  
 38 **transferee school corporation is eligible to:**
- 39 (1) vote in the board elections of the desegregation transferee  
 40 school corporation; and  
 41 (2) serve on the board of the desegregation transferee school  
 42 corporation.



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1           **Sec. 5. (a) Notwithstanding IC 20-3-11, to comply with**  
 2 **IC 20-3.1-4-1 and IC 20-3.1-4-2, a desegregation transferee school**  
 3 **corporation may:**

- 4           **(1) operate a school building in a transfer area; and**  
 5           **(2) own or lease real property in a transfer area to operate a**  
 6 **school.**

7           **(b) A desegregation transferee school corporation shall operate**  
 8 **a school described in subsection (a) as a school of the desegregation**  
 9 **transferee school corporation, governed by all laws applicable to**  
 10 **the desegregation transferee school corporation.**

11           **Sec. 6. The board of a desegregation transferee school**  
 12 **corporation is granted the following authority in addition to other**  
 13 **authority held by the board:**

- 14           **(1) To purchase, sell, lease, hold, convey, own, or otherwise**  
 15 **have an interest in real property located in a transfer area to**  
 16 **operate a school under section 5 of this chapter.**  
 17           **(2) To operate a school within a transfer area under section 5**  
 18 **of this chapter.**  
 19           **(3) To take actions necessary to implement this article.**

20           **Sec. 7. (a) The state board of education shall adopt rules to**  
 21 **implement the following:**

- 22           **(1) School choice under this chapter.**  
 23           **(2) The payment of transfer tuition under this chapter,**  
 24 **including the withholding of state support from the school city**  
 25 **for the benefit of a desegregation transferee school**  
 26 **corporation.**

27           **(b) The school city or a desegregation transferee school**  
 28 **corporation shall apply to the state superintendent of public**  
 29 **instruction for a determination of a dispute concerning transfer**  
 30 **tuition or state reimbursement under this chapter.**

31           **Chapter 5. Interpretation**

32           **Sec. 1. This article modifies and amends P.L.340-1995,**  
 33 **SECTION 110.**

34           **Sec. 2. Compliance with this article is considered compliance**  
 35 **with P.L.340-1995, SECTION 110.**

36           **SECTION 2. An emergency is declared for this act.**

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