

HOUSE BILL No. 1347

DIGEST OF INTRODUCED BILL

Citations Affected: IC 20-5.5.

Synopsis: Charter schools in closed school buildings. Allows the governing body of a school corporation to issue a charter to an organizer to establish a charter school in a building that a governing body used at one time for traditional classroom purposes and has closed for use for traditional classroom purposes within 24 months of the day the governing body makes a decision to accept or reject a charter school proposal. Provides an appeal to the Indiana state board of education when a charter school proposal is not accepted or when a charter is revoked. Sets forth the organization, powers, method of establishment, charter contents, policies, oversight, and restrictions for charter schools. Provides that collective bargaining applies to a charter
(Continued next page)

Effective: Upon passage.

Crawford

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

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Digest Continued

school. Requires all charter school teachers to hold a license to teach in a public school and to be certificated to teach the specific subjects that the teacher teaches in the charter school. Provides that if a school corporation eliminates a teaching position in a noncharter school because of a charter school, the elimination is subject to due process. Provides that a charter school may not receive public funds on a per student basis for an amount that is less than the school corporation's average annual per pupil expenditures for noncharter schools during the two years preceding the year of payment. Provides that a debt that a school corporation has incurred for the building where the charter school is located continues as the debt of the school corporation and does not become a debt of the charter school.

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Introduced

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.

HOUSE BILL No. 1347

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 20-5.5 IS ADDED TO THE INDIANA CODE AS
2 A NEW ARTICLE TO READ AS FOLLOWS [EFFECTIVE UPON
3 PASSAGE]:

4 ARTICLE 5.5. CHARTER SCHOOLS

5 Chapter 1. Definitions

6 Sec. 1. The definitions in this chapter apply throughout this
7 article.

8 Sec. 2. "Board" refers to the Indiana state board of education
9 established by IC 20-1-1-1.

10 Sec. 3. "Charter" means a contract between an organizer and
11 the governing body of a school corporation for the establishment
12 of a charter school.

13 Sec. 4. "Charter school" means a public elementary school or
14 secondary school established under this article that:

15 (1) is nonsectarian and nonreligious; and



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- (2) operates:**
- (A) under a charter; and**
- (B) as a part of a school corporation.**

Sec. 5. "Department" refers to the department of education established by IC 20-1-1.1-2.

Sec. 6. "Elementary school" has the meaning set forth in IC 20-10.1-1-15.

Sec. 7. "Governing body" has the meaning set forth in IC 20-5-1-3(b).

Sec. 8. "Organizer" refers to a group or an entity that enters into a contract under this article to operate a charter school.

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

Sec. 10. "Proposal" refers to a proposal from an organizer to establish a charter school.

Sec. 11. "Public school" has the meaning set forth in IC 20-10.1-1-2.

Sec. 12. "School corporation" has the meaning set forth in IC 20-5-1-3(a).

Sec. 13. "Secondary school" refers to a high school (as defined in IC 20-10.1-1-16).

Sec. 14. "Teacher" has the meaning set forth in IC 20-6.1-1-8.

Chapter 2. Description

Sec. 1. A charter school that is established under this article must be physically located in a building that the governing body:

- (1) used at one (1) time for traditional classroom purposes; and**
- (2) has closed for traditional classroom purposes within twenty-four (24) months of the day the governing body makes a decision to accept or reject a proposal for the charter school under IC 20-5.5-5.**

Sec. 2. A charter school may be established under this article to provide innovative and autonomous programs to do the following:

- (1) Serve the different learning styles and needs of public school students.**
- (2) Offer public school students appropriate and innovative choices.**
- (3) Afford varied opportunities for professional educators.**
- (4) Allow public schools freedom and flexibility in exchange for exceptional levels of accountability.**
- (5) Provide parents, students, community members, and local entities with an expanded opportunity for involvement in the public school system.**

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1 **Sec. 3. A charter school is subject to all federal and state laws**
 2 **and constitutional provisions that prohibit discrimination on the**
 3 **basis of the following:**

- 4 (1) **Disability.**
 5 (2) **Race.**
 6 (3) **Color.**
 7 (4) **Gender.**
 8 (5) **National origin.**
 9 (6) **Religion.**
 10 (7) **Ancestry.**

11 **Chapter 3. Powers and Exemptions**

12 **Sec. 1. A charter school may do the following:**

- 13 (1) **Sue and be sued in its own name.**
 14 (2) **For educational purposes, acquire real and personal**
 15 **property or an interest in real and personal property by**
 16 **purchase, gift, grant, devise, or bequest.**
 17 (3) **Convey property.**
 18 (4) **Enter into contracts in its own name.**

19 **Sec. 2. A charter school may not do the following:**

- 20 (1) **Operate at a site or for grades other than as specified in**
 21 **the charter.**
 22 (2) **Charge for tuition or transportation for a student residing**
 23 **within the school corporation's geographic boundaries.**
 24 **However, a charter school may charge tuition for:**
 25 (A) **a preschool program, unless charging tuition for the**
 26 **preschool program is barred under federal law; or**
 27 (B) **a latch key program;**
 28 **if the charter school provides those programs.**
 29 (3) **Except for a foreign exchange student who is not a United**
 30 **States citizen, enroll a pupil who is not a resident of Indiana.**
 31 (4) **Operate outside the geographic boundaries of the school**
 32 **corporation that grants the charter to the charter school.**

33 **Sec. 3. For each charter school established under this article, the**
 34 **charter school and the organizer are accountable to the governing**
 35 **body for ensuring compliance with:**

- 36 (1) **applicable federal and state laws;**
 37 (2) **the charter; and**
 38 (3) **the Constitution of the State of Indiana.**

39 **Sec. 4. A governing body must make enrollment at the charter**
 40 **school available to all students of the appropriate age or grade**
 41 **having legal settlement in the school corporation. If more students**
 42 **seek enrollment in the charter school than there are places**

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1 available, enrollment in the charter school shall be determined by
2 lot.

3 **Sec. 5. A charter school may do the following:**

4 (1) **Include any grade or any configuration of grades specified**
5 **in the charter, including the following:**

6 (A) **Early childhood education.**

7 (B) **Kindergarten.**

8 (C) **Grades 1 through 12.**

9 (2) **Limit admission to pupils who are within the particular**
10 **age range or grade level served in the school building where**
11 **the charter school is to be located before the building was**
12 **closed for traditional classroom purposes, unless the charter**
13 **provides for serving additional age ranges or grades.**

14 **Sec. 6. Except as specifically provided in this article and the**
15 **statutes listed in section 7 of this chapter, the following do not**
16 **apply to a charter school:**

17 (1) **Any Indiana statute or a rule or guideline adopted by the**
18 **Indiana state board of education relating to:**

19 (A) **education, including curriculum and textbooks; or**

20 (B) **schools.**

21 (2) **A local regulation or policy adopted by a school**
22 **corporation, unless specifically incorporated in the charter.**

23 **Sec. 7. The following statutes, and rules and guidelines adopted**
24 **under the following statutes, apply to a charter school:**

25 (1) **IC 20-1-1.5 (unified accounting system).**

26 (2) **IC 20-1-6 (special education).**

27 (3) **IC 20-5-2-3 (subject to laws requiring regulation by state**
28 **agencies).**

29 (4) **IC 20-6.1-4-15 (void teacher contract when two (2)**
30 **contracts are signed).**

31 (5) **IC 20-6.1-6-11 (nondiscrimination for teacher marital**
32 **status).**

33 (6) **IC 20-6.1-6-13 (teacher freedom of association).**

34 (7) **IC 20-6.1-6-15 (school counselor immunity).**

35 (8) **IC 20-8.1-3 (compulsory education).**

36 (9) **IC 20-8.1-7 and IC 20-8.1-8 (health and safety measures).**

37 (10) **IC 20-8.1-9-3 (exemption from school fees for eligible**
38 **families and fee reimbursement).**

39 (11) **IC 20-8.1-9-5 (notice to parents concerning financial**
40 **assistance).**

41 (12) **IC 20-8.1-12 (reporting of student violations of law).**

42 (13) **IC 20-10.1-2-1 and IC 20-10.1-2-2 (minimum school day,**

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1 instructional days, and year).

2 (14) IC 20-10.1-2-4 and IC 20-10.1-2-6 (patriotic
3 commemorative observances).

4 (15) IC 20-10.1-16, IC 20-10.1-17, or any other statute, rule,
5 or guideline related to standardized testing (assessment
6 programs, including remediation under the assessment
7 programs).

8 (16) IC 20-10.1-22.4 (parental access to education records).

9 (17) IC 5-11-1-9 (requiring audit by state board of accounts).

10 **Chapter 4. The Charter**

11 **Sec. 1. A charter must do the following:**

12 (1) Be a written instrument.

13 (2) Be executed by a governing body and an organizer.

14 (3) Confer certain rights, franchises, privileges, and
15 obligations on a charter school.

16 (4) Confirm the status of a charter school as a public school.

17 (5) Be granted for:

18 (A) not less than three (3) years; and

19 (B) a fixed number of years agreed to by the governing
20 body and the organizer.

21 (6) Provide for renewal, if the governing body and the
22 organizer agree to renew the charter.

23 (7) Specify the grounds for the governing body to:

24 (A) revoke the charter before the end of the term for which
25 the charter is granted; or

26 (B) not renew a charter.

27 (8) Set forth the methods by which the charter school is held
28 accountable for achieving the educational mission and goals
29 of the charter school, including the following:

30 (A) Evidence of improvement in assessment measures,
31 attendance rates, and graduation rates (if appropriate) and
32 increased numbers of academic honors diplomas (if
33 appropriate).

34 (B) Evidence of progress toward reaching the educational
35 goals set by the governing body.

36 (9) Describe the method to be used to monitor the charter
37 school's:

38 (A) compliance with applicable law; and

39 (B) performance in meeting targeted educational
40 performance.

41 (10) Specify that the governing body and the organizer may
42 amend the charter during the term of the charter by mutual

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1 consent and describe the process for amending the charter.

2 (11) Describe specific operating requirements, including at
3 least all of the matters set forth in the application for the
4 charter.

5 (12) Specify the compensation that the governing body shall
6 pay to the charter school and its fiscal agent.

7 (13) Specify the services that the school corporation will
8 provide to the charter school at cost.

9 (14) Specify the school corporation policies, if any, that will
10 apply to the charter school.

11 (15) Specify a date when the charter school will:

12 (A) begin school operations; and

13 (B) have students in attendance at the charter school.

14 (16) Specify:

15 (A) that IC 20-7.5 applies to the charter school; and

16 (B) whether the charter school is:

17 (i) a separate bargaining unit; or

18 (ii) included in a bargaining unit of the school
19 corporation.

20 (17) Specify that records of a charter school relating to the
21 school's operation and charter are subject to inspection and
22 copying to the same extent records of a public school are
23 subject to inspection and copying under IC 5-14-3.

24 (18) Specify that records provided by the charter school to the
25 department or governing body that relate to compliance by
26 the organizer with the terms of the charter or applicable state
27 or federal laws are subject to inspection and copying in
28 accordance with IC 5-14-3.

29 **Chapter 5. Establishment**

30 **Sec. 1.** A governing body may grant a charter to an organizer to
31 operate a charter school under this article in a building described
32 in IC 20-5.5-2-1. The governing body has authority to grant a
33 charter:

34 (1) subject to the approval required by section 6 of this
35 chapter, if applicable; and

36 (2) except as provided in section 8 of this chapter.

37 **Sec. 2.** The governing body may not grant a charter for a
38 charter school to operate outside the geographic boundaries of the
39 school corporation.

40 **Sec. 3.** An organizer may submit to the governing body a
41 proposal to establish a charter school. A proposal must contain, at
42 a minimum, the following information:

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- 1 (1) Identification of the organizer.
 2 (2) A description of the organizer's organizational structure
 3 and governance plan.
 4 (3) The following information for the proposed charter
 5 school:
 6 (A) Name.
 7 (B) Purposes.
 8 (C) Governance structure.
 9 (D) Management structure.
 10 (E) Educational mission goals.
 11 (F) Curriculum and instructional methods.
 12 (G) Methods of pupil assessment.
 13 (H) Admission policy and criteria, subject to IC 20-5.5-2-2,
 14 IC 20-5.5-3-4, and IC 20-5.5-3-5.
 15 (I) School calendar.
 16 (J) School daily schedule.
 17 (K) Age or grade range of pupils to be enrolled.
 18 (L) A description of staff responsibilities.
 19 (M) A description and the address of the physical plant.
 20 (N) Budget and financial plans.
 21 (O) Personnel plan, including methods for selection,
 22 retention, and compensation of employees.
 23 (P) Transportation plan.
 24 (Q) Discipline program.
 25 (R) Plan for compliance with any applicable desegregation
 26 order.
 27 (S) The extent to which the charter school will be governed
 28 by school corporation policies.
 29 (T) The date when the charter school is expected to:
 30 (i) begin school operations; and
 31 (ii) have students in attendance at the charter school.
 32 (4) A statement that the charter school will comply with:
 33 (A) this article; and
 34 (B) federal and state laws applicable to public bodies or
 35 school corporations.
 36 (5) Identification of the school corporation where the charter
 37 school will be located.
 38 (6) The compensation that the school corporation shall pay to
 39 the organizer.
 40 (7) The manner in which an annual audit of the programmatic
 41 operations of the charter school is to be conducted by the
 42 governing body.

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1 **Sec. 4. (a)** Except as provided in subsection (b), if the governing
 2 body grants a charter to establish a charter school, the governing
 3 body must provide a noncharter school that students of the same
 4 age or grade levels may attend.

5 **(b)** The department may waive the requirement that a
 6 governing body provide a noncharter school under subsection (a)
 7 upon the request of the governing body.

8 **Sec. 5. (a)** The governing body may reject a proposal to establish
 9 a charter school if the governing body determines that there are
 10 significant and objective reasons to justify a finding that at least
 11 one **(1)** of the following conditions exists:

12 **(1)** The application does not provide the information required
 13 under this chapter with enough detail to adequately
 14 substantiate or evaluate the proposal.

15 **(2)** The fiscal, educational, or other component of the
 16 proposal:

17 **(A)** is not well reasoned; or

18 **(B)** does not have a reasonable likelihood of success.

19 **(3)** The proposal will not result in substantial improvement in
 20 the educational environment and achievement of the school
 21 corporation.

22 **(4)** There is not a substantial level of support in the
 23 community for the charter school.

24 **(5)** The proposal is not in the best interests of the students of
 25 the school corporation.

26 **(b)** The governing body may revoke the charter of a charter
 27 school that does not by the date specified in the charter:

28 **(1)** begin school operations; and

29 **(2)** have students in attendance at the charter school.

30 **Sec. 6.** Before granting a charter under which more than fifty
 31 percent **(50%)** of the students in the school corporation will attend
 32 a charter school, the governing body must receive the approval of
 33 the department.

34 **Sec. 7. (a)** The governing body must notify the department of the
 35 following:

36 **(1)** The receipt of a proposal.

37 **(2)** The acceptance of a proposal.

38 **(3)** The rejection of a proposal, including the reasons for the
 39 rejection.

40 **(b)** The department shall annually do the following:

41 **(1)** Compile the information received under subsection (a)
 42 into a report.

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- 1 (2) Submit the report to the general assembly.
- 2 **Sec. 8. (a) This section applies if a governing body rejects a**
- 3 **proposal to grant or extend a charter.**
- 4 **(b) The organizer may appeal the decision of the governing body**
- 5 **to the board.**
- 6 **(c) Upon the request of an organizer, the board shall meet to**
- 7 **consider the organizer's proposal and the governing body's reasons**
- 8 **for rejecting the proposal. The board must allow the organizer and**
- 9 **governing body to participate in the meeting.**
- 10 **(d) Following a meeting under subsection (c), the board shall**
- 11 **issue an advisory opinion to the organizer and the governing body**
- 12 **that:**
- 13 **(1) supports the governing body's rejection of the proposal;**
- 14 **(2) recommends that the governing body approve the**
- 15 **proposal; or**
- 16 **(3) recommends that the organizer amend the proposal and**
- 17 **the governing body approve the amended proposal.**
- 18 **The board shall issue the advisory opinion not later than forty-five**
- 19 **(45) days after the board receives the request for review.**
- 20 **(e) Not later than forty-five (45) days after:**
- 21 **(1) receiving a recommendation from the board to approve a**
- 22 **proposal; or**
- 23 **(2) receiving an amended plan from the organizer that**
- 24 **complies with a recommendation of the board;**
- 25 **the governing body shall reconsider the proposal's rejection. The**
- 26 **governing body may approve or reject the proposal upon**
- 27 **reconsideration. The decision of the governing body is final.**
- 28 **Sec. 9. The governing body must include a charter school when**
- 29 **complying with public notice requirements affecting public schools.**
- 30 **Chapter 6. Employment**
- 31 **Sec. 1. Individuals who work at a charter school are employees**
- 32 **of the charter school.**
- 33 **Sec. 2. The following apply to teachers in a charter school:**
- 34 **(1) A teacher must have a four (4) year college degree from an**
- 35 **accredited institution.**
- 36 **(2) Teachers in a charter school must:**
- 37 **(A) hold a license to teach in a public school; and**
- 38 **(B) be certificated to teach each specific subject that the**
- 39 **teacher teaches in the charter school.**
- 40 **Sec. 3. (a) A charter school shall participate in the following:**
- 41 **(1) The Indiana state teachers' retirement fund in accordance**
- 42 **with IC 21-6.1.**

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1 **(2) The public employees' retirement fund in accordance with**
2 **IC 5-10.3.**
3 **(b) A person who teaches in a charter school is a member of the**
4 **Indiana state teachers' retirement fund. Service in a charter school**
5 **is creditable service for purposes of IC 21-6.1.**
6 **(c) A person who:**
7 **(1) is a local school employee of a charter school; and**
8 **(2) is not eligible to participate in the Indiana state teachers'**
9 **retirement fund;**
10 **is a member of the public employees' retirement fund.**
11 **(d) The boards of the Indiana state teachers' retirement fund**
12 **and the public employees' retirement fund shall implement this**
13 **section through the school corporation of which the charter school**
14 **is a part, subject to and conditioned upon receiving any approvals**
15 **either board considers appropriate from the Internal Revenue**
16 **Service and the United States Department of Labor.**
17 **Sec. 4. (a) Individuals shall voluntarily choose to be teachers at**
18 **a charter school.**
19 **(b) A teacher who:**
20 **(1) was employed as a teacher in the school building where the**
21 **charter school is located immediately before the building was**
22 **closed for traditional classroom purposes; and**
23 **(2) meets performance standards for teachers established by**
24 **the charter school;**
25 **has first preference to be hired to teach in the charter school.**
26 **(c) When a governing body grants a charter to a charter school**
27 **and individuals choose and are chosen by the charter school to**
28 **teach in the charter school, the governing body may make**
29 **personnel adjustments among the teachers in the noncharter**
30 **schools of the school corporation to match existing resources with**
31 **existing needs in the noncharter schools. If, as part of these**
32 **adjustments, the governing body eliminates a teaching position**
33 **within the school corporation, the legal or contractual provisions,**
34 **if any, otherwise applicable to a teacher in a noncharter school**
35 **whose contract with the school corporation is canceled as a result**
36 **of the elimination of the position within the school corporation**
37 **continue to apply to that teacher.**
38 **Sec. 5. The governing body must grant a transfer for not more**
39 **than five (5) years to a teacher of a noncharter school in the school**
40 **corporation who wishes to teach and has been accepted to teach at**
41 **a charter school within the school corporation. During the term of**
42 **the transfer:**

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1 (1) the teacher's seniority status under law continues as if the
2 teacher were an employee of a noncharter school in the school
3 corporation; and

4 (2) the teacher's years as a charter school employee shall not
5 be considered for purposes of permanent or semipermanent
6 status with the school corporation under IC 20-6.1-4.

7 **Chapter 7. Fiscal Matters**

8 **Sec. 1. (a) The organizer is the fiscal agent for the charter**
9 **school.**

10 (b) The organizer has exclusive control of:

11 (1) funds received by the charter school; and

12 (2) financial matters of the charter school.

13 (c) The organizer shall maintain separate accountings of all
14 funds received and disbursed by the charter school.

15 **Sec. 2. For purposes of computing:**

16 (1) tuition support;

17 (2) state funding for any purpose; or

18 (3) average attendance statistics;

19 charter school students of a school corporation are counted in the
20 same manner as students of the school corporation who do not
21 attend a charter school.

22 **Sec. 3. The department shall distribute:**

23 (1) tuition support; and

24 (2) state funding for any purpose;

25 for students in a charter school to the school corporation where the
26 charter school is located.

27 **Sec. 4. (a) The governing body of the school corporation shall**
28 **pay to the fiscal agent of a charter school the amount provided in**
29 **the charter for operation of the charter school.**

30 (b) Subject to subsection (c), a charter school or its fiscal agent
31 may not receive public funds on a per student basis for an amount
32 that is less than the school corporation's average annual per pupil
33 expenditures for noncharter schools during the two (2) years
34 before the year the charter school receives the public funds.

35 (c) For purposes of computing a school corporation's average
36 annual per pupil expenditures in a school corporation's noncharter
37 schools under subsection (b), the following apply:

38 (1) Expenditures may be considered only from the following
39 funds of the school corporation:

40 (A) The general fund (established under IC 21-2-11).

41 (B) The school transportation fund (established under
42 IC 21-2-11.5).

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1 (2) Expenditures from school funds other than those funds
2 listed in subdivision (1) may not be used.

3 **Sec. 5.** Notwithstanding section 4 of this chapter, a
4 proportionate share of local, state, and federal funds received by
5 a school corporation for:

6 (1) students with disabilities; or
7 (2) staff services for students with disabilities;
8 shall be directed to a charter school that enrolls students with
9 disabilities.

10 **Sec. 6.** Notwithstanding section 4 of this chapter, a
11 proportionate share of funds generated by or received by a school
12 corporation under federal or state categorical aid programs shall
13 be directed to a charter school serving students who are eligible for
14 that federal or state aid.

15 **Sec. 7.** Services that a school corporation provides to a charter
16 school, including transportation, must be provided at cost.

17 **Sec. 8.** An operator may apply for and accept for a charter
18 school:

19 (1) independent financial grants; or
20 (2) funds from public or private sources other than the school
21 corporation of which the charter school is a part.

22 **Sec. 9.** A debt that a school corporation has incurred for the
23 building where the charter school is located continues as the debt
24 of the school corporation and does not become a debt of the charter
25 school.

26 **Chapter 8. Oversight and Revocation**

27 **Sec. 1.** An organizer that has established a charter school shall
28 submit an annual report to the department for informational and
29 research purposes.

30 **Sec. 2.** An annual report under this chapter must contain the
31 following information for a charter school:

32 (1) Results of all standardized testing.
33 (2) A description of the educational methods and teaching
34 methods employed.
35 (3) Daily attendance records.
36 (4) Graduation statistics.
37 (5) Student enrollment data, including the following:
38 (A) The number of students enrolled.
39 (B) The number of students expelled.
40 (C) The number of students who discontinued attendance
41 at the charter school and the reasons for the
42 discontinuation.



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1 **Sec. 3. The governing body shall oversee a charter school's**
 2 **compliance with:**

- 3 (1) the charter; and
 4 (2) all applicable law.

5 **Sec. 4. Notwithstanding the provisions of the charter, a**
 6 **governing body that grants a charter may revoke the charter at**
 7 **any time before the expiration of the term of the charter if the**
 8 **governing body determines that at least one (1) of the following**
 9 **occurs:**

- 10 (1) The organizer fails to comply with the conditions
 11 established in the charter.
 12 (2) The charter school established by the organizer fails to
 13 meet the educational goals set forth in the charter.
 14 (3) The organizer fails to comply with all applicable laws.
 15 (4) The organizer fails to meet generally accepted government
 16 accounting principles.
 17 (5) One (1) or more grounds for revocation exist as specified
 18 in the charter.

19 **Sec. 5. (a) An organizer that has a charter that is revoked by the**
 20 **governing body under section 4 of this chapter may appeal the**
 21 **revocation to the board.**

22 (b) Upon the request of the organizer, the board shall meet to
 23 consider the appeal and the governing body's reasons for revoking
 24 the charter. The board must allow the organizer and the governing
 25 body to participate in the meeting. Following the meeting, the
 26 board shall issue an advisory opinion to the organizer and the
 27 governing body that:

- 28 (1) supports the governing body's revocation of the charter;
 29 (2) recommends that the governing body rescind the
 30 revocation of the charter; or
 31 (3) recommends that the charter be amended and that the
 32 governing body approve the amended charter.

33 (c) The board shall issue the advisory opinion not later than
 34 forty-five (45) days after the board receives the appeal.

35 (d) Not later than forty-five (45) days after:

- 36 (1) receiving a recommendation from the board to rescind the
 37 revocation of a charter; or
 38 (2) receiving an amended plan from the organizer that
 39 complies with a recommendation of the board to amend the
 40 charter;

41 the governing body shall reconsider the revocation of the charter.
 42 The governing body may approve or reject the proposal upon

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1 reconsideration. The decision of the governing body is final.
 2 **Sec. 6. A charter school shall report the following to the**
 3 **governing body:**
 4 (1) Attendance records.
 5 (2) Student performance data.
 6 (3) Financial information.
 7 (4) Any information necessary for the local school corporation
 8 to comply with state and federal government requirements.
 9 **Chapter 9. Student Transfers from Charter Schools**
 10 **Sec. 1. A public noncharter school that receives a transfer**
 11 **student from a charter school may not discriminate against the**
 12 **student in any way, including placing the student:**
 13 (1) in an inappropriate age group according to the student's
 14 ability;
 15 (2) below the student's abilities; or
 16 (3) in a class where the student has already mastered the
 17 subject matter.
 18 **Sec. 2. A public noncharter school must accept and give credit**
 19 **for the credits that a student who transfers from a charter school**
 20 **earned at the charter school.**
 21 **Sec. 3. Public noncharter schools shall develop equitable policies**
 22 **and procedures for the:**
 23 (1) appropriate placement; and
 24 (2) activity involvement;
 25 of students transferring from atypical educational settings,
 26 including charter schools.
 27 **SECTION 2. An emergency is declared for this act.**

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