

SENATE BILL No. 481

DIGEST OF INTRODUCED BILL

Citations Affected: IC 20-5.5; IC 20-7.5-1-2.

Synopsis: Charter schools. Allows a sponsor to issue a charter to an organizer to establish a charter school. Defines a "sponsor" as the governing body of a school corporation, the board of trustees of an institution of higher learning with an accredited school of education, or a designated employee of the board of trustees of an institution of higher learning with an accredited school of education. Sets forth the organization, powers, method of establishment, charter contents, policies, oversight, and restrictions for charter schools. Provides that a decision concerning the establishment of a charter school may not be restrained by a collective bargaining agreement. Allows the employees of a charter school to organize and collectively bargain. Requires at
(Continued next page)

Effective: Upon passage.

Lubbers

January 19, 1999, read first time and referred to Committee on Education.

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Digest Continued

least 75% of the teachers in a charter school to hold a license to teach in a public school. Requires a nonlicensed individual hired to teach in a charter school to possess certain qualifications. Provides that if a school corporation eliminates a teaching position in a noncharter school because of a charter school, the legal or contractual provisions, if any, otherwise applicable to a teacher continue to apply to that teacher. Allows the conversion of an existing public school to a charter school if at least 50% of the teachers and 50% of the parents approve of the conversion. Makes conforming amendments to related sections.

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Introduced

First Regular Session 111th General Assembly (1999)

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 1998 General Assembly.

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SENATE BILL No. 481



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 a sponsor for the establishment of a charter school.
 12 Sec. 4. "Charter school" means a public elementary school or
 13 secondary school established under this article that:
 14 (1) is nonsectarian and nonreligious; and
 15 (2) operates under a charter.



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

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

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

7 **Sec. 8. "Home based instruction"** means instruction that:

8 (1) a parent establishes, organizes, and directs for education
9 of the parent's child; and

10 (2) excuses a child from compulsory school attendance under
11 IC 20-8.1-3-34.

12 **Sec. 9. "Organizer"** refers to a group or an entity that enters
13 into a contract under this article to operate a charter school.

14 **Sec. 10. "Parent"** has the meaning set forth in IC 20-1-1.8-8.

15 **Sec. 11. "Proposal"** refers to a proposal from an organizer to
16 establish a charter school.

17 **Sec. 12. "Public school"** has the meaning set forth in
18 IC 20-10.1-1-2.

19 **Sec. 13. "School corporation"** has the meaning set forth in
20 IC 20-5-1-3(a).

21 **Sec. 14. "Secondary school"** refers to a high school (as defined
22 in IC 20-10.1-1-16).

23 **Sec. 15. "Sponsor"** means:

24 (1) a governing body;

25 (2) the board of trustees of an institution of higher learning
26 with an accredited school of education; or

27 (3) an individual who is:

28 (A) employed by an institution of higher learning with an
29 accredited school of education; and

30 (B) designated by the board of trustees.

31 **Sec. 16. "Teacher"** has the meaning set forth in IC 20-6.1-1-8.

32 **Chapter 2. Description**

33 **Sec. 1. A charter school may be established under this article to**
34 **provide innovative and autonomous programs that do the**
35 **following:**

36 (1) Serve the different learning styles and needs of public
37 school students.

38 (2) Offer public school students appropriate and innovative
39 choices.

40 (3) Afford varied opportunities for professional educators.

41 (4) Allow public schools freedom and flexibility in exchange
42 for exceptional levels of accountability.



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- 1 **(5) Provide parents, students, community members, and local**
 2 **entities with an expanded opportunity for involvement in the**
 3 **public school system.**
- 4 **Sec. 2. A charter school is subject to all federal and state laws**
 5 **and constitutional provisions that prohibit discrimination on the**
 6 **basis of the following:**
- 7 **(1) Disability.**
 8 **(2) Race.**
 9 **(3) Color.**
 10 **(4) Gender.**
 11 **(5) National origin.**
 12 **(6) Religion.**
 13 **(7) Ancestry.**
- 14 **Chapter 3. Establishment**
- 15 **Sec. 1. A sponsor may grant a charter to an organizer to operate**
 16 **a charter school under this article.**
- 17 **Sec. 2. A sponsor may not grant a charter to a for-profit**
 18 **organizer.**
- 19 **Sec. 3. An organizer may submit to the sponsor a proposal to**
 20 **establish a charter school. A proposal must contain, at least the**
 21 **following information:**
- 22 **(1) Identification of the organizer.**
 23 **(2) A description of the organizer's organizational structure**
 24 **and governance plan.**
 25 **(3) The following information for the proposed charter**
 26 **school:**
- 27 **(A) Name.**
 28 **(B) Purposes.**
 29 **(C) Governance structure.**
 30 **(D) Management structure.**
 31 **(E) Educational mission goals.**
 32 **(F) Curriculum and instructional methods.**
 33 **(G) Methods of pupil assessment.**
 34 **(H) Admission policy and criteria, subject to IC 20-5.5-5.**
 35 **(I) School calendar.**
 36 **(J) School daily schedule.**
 37 **(K) Age or grade range of pupils to be enrolled.**
 38 **(L) A description of staff responsibilities.**
 39 **(M) A description and the address of the physical plant.**
 40 **(N) Budget and financial plans.**
 41 **(O) Personnel plan, including methods for selection,**
 42 **retention, and compensation of employees.**



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- 1 **(P) Transportation plan.**
- 2 **(Q) Discipline program.**
- 3 **(R) Plan for compliance with any applicable desegregation**
- 4 **order.**
- 5 **(S) The date when the charter school is expected to:**
- 6 **(i) begin school operations; and**
- 7 **(ii) have students in attendance at the charter school.**
- 8 **(T) The arrangement for providing teachers and other**
- 9 **staff with health insurance, retirement benefits, liability**
- 10 **insurance, and other benefits.**
- 11 **(4) The manner in which an annual audit of the program**
- 12 **operations of the charter school is to be conducted by the**
- 13 **governing body.**

14 **Sec. 4. (a) Before issuing a charter, a sponsor that is not the**
 15 **governing body of the school corporation in which the proposed**
 16 **charter school is located must comply with the following:**

- 17 **(1) Notify the school corporation in which the proposed**
- 18 **charter school is located of the pending charter school**
- 19 **application.**
- 20 **(2) Not later than thirty days before the public hearing**
- 21 **required under subdivision (4), provide the school corporation**
- 22 **identified in subdivision (1) with a copy of the charter school**
- 23 **proposal submitted under section 3 of this chapter.**
- 24 **(3) Make available to the public copies of the charter school**
- 25 **application, or require the organizer to make copies available**
- 26 **to the public.**
- 27 **(4) Hold a public hearing within reasonable geographic**
- 28 **proximity to the location of the proposed charter school, in**
- 29 **which testimony must be allowed from the organizer, the**
- 30 **school corporation identified in subdivision (1), and members**
- 31 **of the public.**
- 32 **(5) Conduct any meeting pertaining to the authorization or**
- 33 **denial of a charter school proposal in settings that are open**
- 34 **and reasonably available to the public.**

35 **(b) A sponsor that is the governing body of the school**
 36 **corporation in which the proposed charter school is located must**
 37 **comply with the following:**

- 38 **(1) Make available to the public copies of the charter school**
- 39 **application, or require the organizer to make copies available**
- 40 **to the public.**
- 41 **(2) Hold a public hearing within reasonable geographic**
- 42 **proximity to the location of the proposed charter school, at**

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1 which testimony must be allowed from the organizer and
2 members of the public.

3 **Sec. 5. (a) Except as provided in subsection (b), if a governing**
4 **body grants a charter to establish a charter school, the governing**
5 **body must provide a noncharter school that students of the same**
6 **age or grade levels may attend.**

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

10 **Sec. 6. The sponsor may revoke the charter of a charter school**
11 **that does not, by the date specified in the charter:**

- 12 **(1) begin school operations; and**
13 **(2) have students in attendance at the charter school.**

14 **Sec. 7. Before granting a charter under which more than fifty**
15 **percent (50%) of the students in the school corporation will attend**
16 **a charter school, a governing body must receive the approval of the**
17 **department.**

18 **Sec. 8. (a) The sponsor must notify the department of the**
19 **following:**

- 20 **(1) The receipt of a proposal.**
21 **(2) The acceptance of a proposal.**
22 **(3) The rejection of a proposal, including the reasons for the**
23 **rejection, the number of members of the sponsor favoring the**
24 **proposal, and the number of members of the sponsor not**
25 **favoring the proposal.**

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

- 27 **(1) Compile the information received under subsection (a)**
28 **into a report.**
29 **(2) Submit the report to the general assembly.**

30 **Sec. 9. If a sponsor rejects a charter school proposal, the**
31 **organizer may:**

- 32 **(1) amend the charter school proposal and resubmit the**
33 **proposal to the same sponsor; or**
34 **(2) submit a charter school proposal to another sponsor.**

35 **Chapter 4. The Charter**

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

- 37 **(1) Be a written instrument.**
38 **(2) Be executed by a sponsor and an organizer.**
39 **(3) Confer certain rights, franchises, privileges, and**
40 **obligations on a charter school.**
41 **(4) Confirm the status of a charter school as a public school.**
42 **(5) Be granted for:**

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- 1 (A) not less than three (3) years; and
 2 (B) a fixed number of years agreed to by the governing
 3 body and the organizer.
 4 (6) Provide for renewal, if the sponsor and the organizer
 5 agree to renew the charter.
 6 (7) Specify the grounds for the sponsor to:
 7 (A) revoke the charter before the end of the term for which
 8 the charter is granted; or
 9 (B) not renew a charter.
 10 (8) Set forth the methods by which the charter school is held
 11 accountable for achieving the educational mission and goals
 12 of the charter school, including the following:
 13 (A) Evidence of improvement in assessment measures,
 14 attendance rates, and graduation rates (if appropriate),
 15 and increased numbers of academic honors diplomas.
 16 (B) Evidence of progress toward reaching the educational
 17 goals set by the sponsor.
 18 (9) Describe the method to be used to monitor the charter
 19 school's:
 20 (A) compliance with applicable law; and
 21 (B) performance in meeting targeted educational
 22 performance.
 23 (10) Specify that the sponsor and the organizer may amend
 24 the charter during the term of the charter by mutual consent
 25 and describe the process for amending the charter.
 26 (11) Describe specific operating requirements, including all of
 27 the matters set forth in the application for the charter.
 28 (12) Specify a date when the charter school will:
 29 (A) begin school operations; and
 30 (B) have students in attendance at the charter school.
 31 (13) Specify that records of a charter school relating to the
 32 school's operation and charter are subject to inspection and
 33 copying to the same extent that records of a public school are
 34 subject to inspection and copying under IC 5-14-3.
 35 (14) Specify that records provided by the charter school to the
 36 department or sponsor that relate to compliance by the
 37 operator with the terms of the charter or applicable state or
 38 federal laws are subject to inspection and copying in
 39 accordance with IC 5-14-3.
 40 (15) Specify that the charter school is subject to the
 41 requirements of IC 5-14-1.5.
 42 **Chapter 5. Student Admissions and Enrollment**

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1 **Sec. 1. Except as provided in this chapter, a charter school must**
 2 **be open to any student who resides in Indiana.**

3 **Sec. 2. Except as provided in this chapter, a charter school may**
 4 **not establish admission policies or limit student admissions on the**
 5 **basis of:**

- 6 (1) **intellectual ability;**
 7 (2) **a measure of achievement or aptitude; or**
 8 (3) **athletic ability.**

9 **Sec. 3. (a) Except as provided in subsection (b), a charter school**
 10 **must enroll any eligible student who submits a timely application**
 11 **for enrollment.**

12 **(b) This subsection applies if the number of applications for a**
 13 **program, class, grade level, or building exceeds the capacity of the**
 14 **program, class, grade level, or building. If a charter school receives**
 15 **a greater number of applications than there are spaces for**
 16 **students, each timely applicant must be given an equal chance of**
 17 **being admitted.**

18 **Sec. 4. A charter school may limit admissions to provide**
 19 **specialized educational services for students within a particular age**
 20 **group or grade level.**

21 **Chapter 6. Employment**

22 **Sec. 1. Individuals who work at a charter school are employees**
 23 **of the charter school or of an entity with which the charter school**
 24 **has contracted to provide services, including instructional services.**

25 **Sec. 2. Individuals shall choose to be teachers at a charter school**
 26 **voluntarily, and a charter school shall choose such individuals to**
 27 **be its teachers voluntarily.**

28 **Sec. 3. Employees of a charter school may organize and bargain**
 29 **collectively under IC 20-7.5.**

30 **Sec. 4. The following apply to teachers in a charter school:**

- 31 (1) **A teacher must have a four (4) year college degree from an**
 32 **accredited institution.**
 33 (2) **Not less than seventy-five percent (75%) of the teachers in**
 34 **a charter school must hold a license to teach in a public**
 35 **school.**
 36 (3) **Not more than twenty-five percent (25%) of a charter**
 37 **school's teaching staff may be individuals who:**
 38 **(A) are not licensed to teach in a public school; and**
 39 **(B) possess specific knowledge or skills that are critical to**
 40 **the mission of the charter school and that are either:**
 41 **(i) not typically available among licensed teachers; or**
 42 **(ii) not available among the licensed teachers who have**



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1 applied to be teachers at the charter school.

2 (4) A charter school teacher described in subdivision (3) is
3 subject to:

4 (A) regular performance reviews; and

5 (B) professional development activities;

6 as determined and identified by the organizer.

7 (5) The Indiana professional standards board (established by
8 IC 20-1-1.4-2) may establish a waiver procedure that will
9 permit an individual who:

10 (A) is not licensed to teach in a public school; and

11 (B) has been offered a teaching position or is currently
12 employed as a teacher by a charter school;

13 to continue teaching in the charter school while pursuing a
14 reasonable professional development plan.

15 **Sec. 5. (a) A charter school shall participate in the following:**

16 (1) The Indiana state teachers' retirement fund in accordance
17 with IC 21-6.1.

18 (2) The public employees' retirement fund in accordance with
19 IC 5-10.3.

20 (b) A person who teaches in a charter school is a member of the
21 Indiana state teachers' retirement fund. Service in a charter school
22 is creditable service for purposes of IC 21-6.1.

23 (c) A person who:

24 (1) is a local school employee of a charter school; and

25 (2) is not eligible to participate in the Indiana state teachers'
26 retirement fund;

27 is a member of the public employees' retirement fund.

28 (d) The boards of the Indiana state teachers' retirement fund
29 and the public employees' retirement fund shall implement this
30 section through the organizer of the charter school, subject to and
31 conditioned upon receiving any approvals either board considers
32 appropriate from the Internal Revenue Service and the United
33 States Department of Labor.

34 **Sec. 6. The decision by a school corporation whether to grant a**
35 **charter shall not be subject to restraint by the collective bargaining**
36 **agreement.**

37 **Sec. 7. As a school corporation grants a charter to a charter**
38 **school and individuals choose and are chosen by the charter school**
39 **to teach in the charter school, the school corporation may make**
40 **personnel adjustments among its teachers in its noncharter schools**
41 **it believes are necessary or appropriate to match existing resources**
42 **with existing needs in its noncharter schools. If, as part of such**



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1 adjustments, the school corporation eliminates a teaching position
 2 within the corporation, the legal or contractual provisions, if any,
 3 otherwise applicable to a teacher in one (1) of its noncharter
 4 schools whose contract with the school corporation is canceled as
 5 a result of the elimination of the position within the school
 6 corporation shall continue to apply to that teacher.

7 **Sec. 8.** The governing body must grant a transfer of not more
 8 than five (5) years to a teacher of a noncharter school in the school
 9 corporation who wishes to teach and has been accepted to teach at
 10 a charter school within the school corporation. During the term of
 11 the transfer:

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

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

18 **Chapter 7. Fiscal Matters**

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

21 (b) The organizer has exclusive control of:

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

23 (2) financial matters of the charter school.

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

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

27 (1) state tuition support; or

28 (2) state funding for any purpose;

29 a charter school student is counted in the same manner as a student
 30 of the school corporation where the charter school student resides.

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

32 (1) tuition support; and

33 (2) state funding for any purpose;

34 for students in a charter school to the charter school.

35 **Sec. 4.** A proportionate share of state and federal funds received
 36 for:

37 (1) students with disabilities; or

38 (2) staff services for students with disabilities;

39 shall be directed by the department to a charter school that enrolls
 40 students with disabilities.

41 **Sec. 5.** A proportionate share of funds generated by or received
 42 by the department under federal or state categorical aid programs

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1 shall be directed to a charter school serving students who are
2 eligible for that federal or state aid.

3 **Sec. 6. Services that a school corporation provides to a charter**
4 **school, including transportation, must be provided at not more**
5 **than one hundred and three percent (103%) of the actual cost of**
6 **the services.**

7 **Sec. 7. An organizer may apply for and accept for a charter**
8 **school:**

- 9 (1) independent financial grants; or
- 10 (2) funds from public or private sources other than the
- 11 department.

12 **Chapter 8. Powers and Exemptions**

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

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

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

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

35 **Sec. 3. For each charter school established under this article, the**
36 **charter school and the organizer are accountable to the sponsor for**
37 **ensuring compliance with:**

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

41 **Sec. 4. Except as specifically provided in this article and the**
42 **statutes listed in section 5 of this chapter, the following do not**

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apply to a charter school:

- (1) Any Indiana statute applicable to a governing body or school corporation.**
- (2) A rule or guideline adopted by the Indiana state board of education or the Indiana professional standards board (established by IC 20-1-1.4-2).**
- (3) A local regulation or policy adopted by a school corporation unless specifically incorporated in the charter.**

Sec. 5. The following statutes and rules and guidelines adopted under the following statutes apply to a charter school:

- (1) IC 20-1-1.5 (unified accounting system).**
- (2) IC 20-1-6 (special education).**
- (3) IC 20-5-2-3 (subject to laws requiring regulation by state and federal agencies).**
- (4) IC 20-6.1-4-15 (void teacher contract when two (2) contracts are signed).**
- (5) IC 20-6.1-6-11 (nondiscrimination for teacher marital status).**
- (6) IC 20-6.1-6-13 (teacher freedom of association).**
- (7) IC 20-6.1-6-15 (school counselor immunity).**
- (8) IC 20-8.1-3 (compulsory education).**
- (9) IC 20-8.1-7 and IC 20-8.1-8 (health and safety measures).**
- (10) IC 20-8.1-9-3 (exemption from school fees for eligible families and fee reimbursement).**
- (11) IC 20-8.1-9-5 (notice to parents concerning financial assistance).**
- (12) IC 20-8.1-12 (reporting of student violations of law).**
- (13) IC 20-10.1-2-4 and IC 20-10.1-2-6 (patriotic commemorative observances).**
- (14) IC 20-10.1-16, IC 20-10.1-17, or any other statute, rule, or guideline related to standardized testing (assessment programs, including remediation under the assessment programs).**
- (15) IC 20-10.1-22.4 (parental access to education records).**
- (16) IC 5-11-1-9 (requiring audit by state board of accounts).**

Chapter 9. Oversight and Revocation

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

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

- (1) Results of all standardized testing.**

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- 1 (2) A description of the educational methods and teaching
- 2 methods employed.
- 3 (3) Daily attendance records.
- 4 (4) Graduation statistics.
- 5 (5) Student enrollment data, including the following:
- 6 (A) The number of students enrolled.
- 7 (B) The number of students expelled.
- 8 (C) The number of students who discontinued attendance
- 9 at the charter school and the reasons for the
- 10 discontinuation.

11 **Sec. 3. The sponsor shall oversee a charter school's compliance**
 12 **with:**

- 13 (1) the charter; and
- 14 (2) all applicable law.

15 **Sec. 4. Notwithstanding the provisions of the charter, a sponsor**
 16 **that grants a charter may revoke the charter at any time before the**
 17 **expiration of the term of the charter if the sponsor determines that**
 18 **at least one (1) of the following occurs:**

- 19 (1) The organizer fails to comply with the conditions
- 20 established in the charter.
- 21 (2) The charter school established by the organizer fails to
- 22 meet the educational goals set forth in the charter.
- 23 (3) The organizer fails to comply with all applicable laws.
- 24 (4) The organizer fails to meet generally accepted government
- 25 accounting principles.
- 26 (5) One (1) or more grounds for revocation exist as specified
- 27 in the charter.

28 **Sec. 5. A charter school shall report the following to the**
 29 **sponsor:**

- 30 (1) Attendance records.
- 31 (2) Student performance data.
- 32 (3) Financial information.
- 33 (4) Any information necessary to comply with state and
- 34 federal government requirements.
- 35 (5) Any other information specified in the charter.

36 **Chapter 10. Student Transfers From Charter Schools**

37 **Sec. 1. A public noncharter school that receives a transfer**
 38 **student from a charter school may not discriminate against the**
 39 **student in any way, including placing the student:**

- 40 (1) in an inappropriate age group according to the student's
- 41 ability;
- 42 (2) below the student's abilities; or

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(3) in a class where the student has already mastered the subject matter.

Chapter 11. Conversion of Existing Schools Into Charter Schools

Sec. 1. An existing public elementary or secondary school may be converted into a charter school if the following conditions apply:

(1) At least fifty percent (50%) of the teachers at the school have signed a petition requesting the conversion.

(2) At least fifty percent (50%) of the parents of students at the school have signed a petition requesting the conversion.

Sec. 2. If the conditions of section 1 of this chapter are met, the teachers and parents may appoint a committee to act as organizers for the charter school.

Sec. 3. The organizers shall submit a proposal under IC 20-5.5-3 to convert an existing school to a charter school.

SECTION 2. IC 20-7.5-1-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. As used in this chapter:

(a) "School corporation" means any local public school corporation established under Indiana law and, in the case of public vocational schools or schools for children with disabilities established or maintained by two (2) or more school corporations, shall refer to such schools.

(b) "Governing body" ~~shall mean:~~ **means:**

(1) the board or commission charged by law with the responsibility of administering the affairs of the school corporation; or

(2) the body that administers a charter school established under IC 20-5.5.

(c) "School employer" means:

(1) the governing body of each:

(A) school corporation; or

(B) charter school established under IC 20-5.5; and

(2) any person or persons authorized to act for the governing body of the school employer in dealing with its employees.

(d) "Superintendent" shall mean:

(1) the chief administrative officer of any:

(A) school corporation; or

(B) charter school established under IC 20-5.5; or

(2) any person or persons designated by the officer or by the governing body to act in the officer's behalf in dealing with school employees.

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1 (e) "School employee" means any full time certificated person in the
 2 employment of the school employer. A school employee shall be
 3 considered full time even though the employee does not work during
 4 school vacation periods, and accordingly works less than a full year.
 5 There shall be excluded from the meaning of school employee
 6 supervisors, confidential employees, employees performing security
 7 work and noncertificated employees.

8 (f) "Certificated employee" means a person:

- 9 (1) whose contract with the school corporation requires that ~~he~~
 10 **the person** hold a license or permit from the state board of
 11 education or a commission thereof as provided in IC 20-6.1; **or**
 12 **(2) employed as a teacher by a charter school established**
 13 **under IC 20-5.5.**

14 (g) "Noncertificated employee" means any school employee whose
 15 employment is not dependent upon the holding of a license or permit
 16 as provided in IC 20-6.1.

17 (h) "Supervisor" means any individual who has:

- 18 (1) authority, acting for the school corporation, to hire, transfer,
 19 suspend, lay off, recall, promote, discharge, assign, reward, or
 20 discipline school employees;
 21 (2) responsibility to direct school employees and adjust their
 22 grievances; or
 23 (3) responsibility to effectively recommend the action described
 24 in ~~subsections~~ **subdivision** (1) through (2);

25 that is not of a merely routine or clerical nature but requires the use of
 26 independent judgment. The term includes superintendents, assistant
 27 superintendents, business managers and supervisors, directors with
 28 school corporationwide responsibilities, principals and vice principals,
 29 and department heads who have responsibility for evaluating teachers.

30 (i) "Confidential employee" means a school employee whose
 31 unrestricted access to confidential personnel files or whose functional
 32 responsibilities or knowledge in connection with the issues involved in
 33 dealings between the school corporation and its employees would make
 34 the confidential employee's membership in a school employee
 35 organization incompatible with the employee's official duties.

36 (j) "Employees performing security work" means any school
 37 employee whose primary responsibility is the protection of personal
 38 and real property owned or leased by the school corporation or who
 39 performs police or quasipolice powers.

40 (k) "School employee organization" means any organization which
 41 has school employees as members and one (1) of whose primary
 42 purposes is representing school employees in dealing with their school

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1 employer, and includes any person or persons authorized to act on
2 behalf of such organizations.

3 (l) "Exclusive representative" means the school employee
4 organization which has been certified for the purposes of this chapter
5 by the board or recognized by a school employer as the exclusive
6 representative of the employees in an appropriate unit as provided in
7 section 10 of this chapter, or the person or persons duly authorized to
8 act on behalf of such representative.

9 (m) "Board" means the Indiana education employment relations
10 board provided by this chapter.

11 (n) "Bargain collectively" means the performance of the mutual
12 obligation of the school employer and the exclusive representative to
13 meet at reasonable times to negotiate in good faith with respect to items
14 enumerated in section 4 of this chapter and to execute a written
15 contract incorporating any agreement relating to such matters. Such
16 obligation shall not include the final approval of any contract
17 concerning these or any other items. Agreements reached through
18 collective bargaining are binding as a contract only if ratified by the
19 governing body of the school corporation and the exclusive
20 representative. The obligation to bargain collectively does not require
21 the school employer or the exclusive representative to agree to a
22 proposal of the other or to make a concession to the other.

23 (o) "Discuss" means the performance of the mutual obligation of the
24 school corporation through its superintendent and the exclusive
25 representative to meet at reasonable times to discuss, to provide
26 meaningful input, to exchange points of view, with respect to items
27 enumerated in section 5 of this chapter. This obligation shall not,
28 however, require either party to enter into a contract, to agree to a
29 proposal, or to require the making of a concession. A failure to reach
30 an agreement on any matter of discussion shall not require the use of
31 any part of the impasse procedure, as provided in section 13 of this
32 chapter. Neither the obligation to bargain collectively nor to discuss
33 any matter shall prevent any school employee from petitioning the
34 school employer, the governing body, or the superintendent for a
35 redress of the employee's grievances either individually or through the
36 exclusive representative, nor shall either such obligation prevent the
37 school employer or the superintendent from conferring with any
38 citizen, taxpayer, student, school employee, or other person considering
39 the operation of the schools and the school corporation.

40 (p) "Strike" means concerted failure to report for duty, willful
41 absence from one's position, stoppage of work, or abstinence in whole
42 or in part from the full, faithful, and proper performance of the duties

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1 of employment, without the lawful approval of the school employer, or
2 in any concerted manner interfering with the operation of the school
3 employer for any purpose.

4 (q) "Deficit financing" with respect to any budget year shall mean
5 expenditures in excess of money legally available to the employer.

6 SECTION 3. **An emergency is declared for this act.**

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