February 12, 1999

SENATE BILL No. 481

DIGEST OF SB 481 (Updated February 10, 1999 5:33 pm - DI 71)

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

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 a state educational institution with an accredited school of education, or a private college or university with an accredited school of education that has received the approval of the state board of education to act as a sponsor. 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 least 80% 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

(Continued next page)

Effective: Upon passage.

Lubbers, Weatherwax

January 19, 1999, read first time and referred to Committee on Education.
February 11, 1999, amended, reported favorably — Do Pass.

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Digest Continued

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 51% of the teachers and 51% of the parents approve of the conversion. Makes conforming amendments to related sections.

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February 12, 1999

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:

SECTION 1. IC 20-5.5 IS ADDED TO THE INDIANA CODE AS A **NEW** ARTICLE TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

ARTICLE 5.5. CHARTER SCHOOLS

Chapter 1. Definitions

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

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

Sec. 3. "Charter" means a contract between an organizer and a sponsor for the establishment of a charter school.

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

(1) is nonsectarian and nonreligious; and

(2) operates under a charter.

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. "Home based instruction" means instruction that:

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

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

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

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

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

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

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

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

Sec. 15. "Sponsor" means:

(1) a governing body;

(2) the board of trustees of a state educational institution (as defined in IC 20-12-0.5-1) with an accredited school of education; or

(3) a private college or university with an accredited school of education if the private college or university has received the approval of the board to act as a sponsor.

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

Chapter 2. Description

Sec. 1. A charter school may be established under this article to provide innovative and autonomous programs that 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.

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(5) Provide parents, students, community members, and local entities with an expanded opportunity for involvement in the public school system.

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

(1) Disability.
(2) Race.
(3) Color.
(4) Gender.
(5) National origin.
(6) Religion.
(7) Ancestry.

Chapter 3. Establishment

Sec. 1. A sponsor may grant a charter to an organizer to operate a charter school under this article.

Sec. 2. A sponsor may not grant a charter to a for-profit organizer.

Sec. 3. An organizer may submit to the sponsor a proposal to establish a charter school. A proposal must contain, at least the following information:

(1) Identification of the organizer.
(2) A description of the organizer's organizational structure and governance plan.
(3) The following information for the proposed charter school:
(A) Name.
(B) Purposes.
(C) Governance structure.
(D) Management structure.
(E) Educational mission goals.
(F) Curriculum and instructional methods.
(G) Methods of pupil assessment.
(H) Admission policy and criteria, subject to IC 20-5.5-5.
(I) School calendar.
(J) Age or grade range of pupils to be enrolled.
(K) A description of staff responsibilities.
(L) A description and the address of the physical plant.
(M) Budget and financial plans.
(N) Personnel plan, including methods for selection, retention, and compensation of employees.
(O) Transportation plan.

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(P) Discipline program.

(Q) Plan for compliance with any applicable desegregation order.

(R) The date when the charter school is expected to:

(i) begin school operations; and

(ii) have students in attendance at the charter school.

(S) The arrangement for providing teachers and other staff with health insurance, retirement benefits, liability insurance, and other benefits.

(4) The manner in which an annual audit of the program operations of the charter school is to be conducted by the sponsor.

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

(1) Notify the school corporation in which the proposed charter school is located of the pending charter school application.

(2) Not later than thirty days before the public hearing required under subdivision (4), provide the school corporation identified in subdivision (1) with a copy of the charter school proposal submitted under section 3 of this chapter.

(3) Give notice under IC 5-3-1-2(b) of the public hearing required under this section.

(4) Make available to the public copies of the charter school application, or require the organizer to make copies available to the public.

(5) Hold a public hearing within reasonable geographic proximity to the location of the proposed charter school, in which testimony must be allowed from the organizer, the school corporation identified in subdivision (1), and members of the public.

(6) Conduct any meeting pertaining to the authorization or denial of a charter school proposal in settings that are open and reasonably available to the public.

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

(1) Make available to the public copies of the charter school application, or require the organizer to make copies available to the public.

(2) Give notice under IC 5-3-1-2(b) of the public hearing

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required under this section.

(3) Hold a public hearing within reasonable geographic proximity to the location of the proposed charter school, at which testimony must be allowed from the organizer and members of the public.

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

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

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

(1) begin school operations; and

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

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

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

(1) The receipt of a proposal.

(2) The acceptance of a proposal.

(3) The rejection of a proposal, including the reasons for the rejection, the number of members of the sponsor favoring the proposal, and the number of members of the sponsor not favoring the proposal.

(b) The department shall annually do the following:

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

(2) Submit the report to the general assembly.

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

(1) amend the charter school proposal and resubmit the proposal to the same sponsor; or

(2) submit a charter school proposal to another sponsor.

Sec. 10. A school that has qualified for the Indiana schools academic improvement program under IC 20-1-1-6.3 may revise its qualification plan for submission under this chapter as a charter school proposal.

Chapter 4. The Charter

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Sec. 1. A charter must do the following:

(1) Be a written instrument.

(2) Be executed by a sponsor and an organizer.

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

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

(5) Be granted for:

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

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

(6) Provide for:

(A) a review by the sponsor of the charter school's performance, including the progress of the charter school in achieving the academic goals set forth in the charter, at least one (1) time in each five (5) year period while the charter is in effect; and

(B) renewal, if the sponsor and the organizer agree to renew the charter.

(7) Specify the grounds for the sponsor to:

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

(B) not renew a charter.

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

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

(B) Evidence of progress toward reaching the educational goals set by the sponsor.

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

(A) compliance with applicable law; and

(B) performance in meeting targeted educational performance.

(10) Specify that the sponsor and the organizer may amend the charter during the term of the charter by mutual consent and describe the process for amending the charter.

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

(12) Specify a date when the charter school will:

(A) begin school operations; and

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

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

(14) Specify that records provided by the charter school to the department or sponsor that relate to compliance by the operator with the terms of the charter or applicable state or federal laws are subject to inspection and copying in accordance with IC 5-14-3.

(15) Specify that the charter school is subject to the requirements of IC 5-14-1.5.

Chapter 5. Student Admissions and Enrollment

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

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

(1) intellectual ability;

(2) a measure of achievement or aptitude; or

(3) athletic ability.

Sec. 3. (a) Except as provided in subsections (b) and (c), a charter school must enroll any eligible student who submits a timely application for enrollment.

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

(c) A charter school may limit new admissions to the charter school to:

(1) ensure that a student who attends the charter school during a school year may continue to attend the charter school in subsequent years; and

(2) allow the siblings of a student who attends a charter school to attend the charter school.

Chapter 6. Employment

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

Sec. 2. Individuals shall choose to be teachers at a charter school

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voluntarily, and a charter school shall choose such individuals to be its teachers voluntarily.

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

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

(1) A teacher must have a four (4) year college degree from an accredited institution.

(2) Not less than eighty percent (80%) of the teachers in a charter school must hold a license to teach in a public school.

(3) A teacher who teaches in a core curriculum area of language arts, mathematics, science, or social studies must hold a license to teach in a public school.

(4) Not more than twenty percent (20%) of a charter school's teaching staff may be individuals who:

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

(B) possess specific knowledge or skills that are critical to the mission of the charter school.

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

(A) regular performance reviews; and

(B) professional development activities;

as determined and identified by the organizer.

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

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

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

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

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

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

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

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

(c) A person who:

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

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

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is a member of the public employees' retirement fund.

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

Sec. 6. The decision by a sponsor whether to grant a charter shall not be subject to restraint by the collective bargaining agreement.

Sec. 7. As a school corporation grants a charter to a charter school and individuals choose and are chosen by the charter school to teach in the charter school, the school corporation may make personnel adjustments among its teachers in its noncharter schools it believes are necessary or appropriate to match existing resources with existing needs in its noncharter schools. If, as part of such adjustments, the school corporation eliminates a teaching position within the corporation, the legal or contractual provisions, if any, otherwise applicable to a teacher in one (1) of its noncharter schools whose contract with the school corporation is canceled as a result of the elimination of the position within the school corporation shall continue to apply to that teacher.

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

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

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

Chapter 7. Fiscal Matters

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

(b) The organizer has exclusive control of:

(1) funds received by the charter school; and

(2) financial matters of the charter school.

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

Sec. 2. For purposes of computing:

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(1) state tuition support; or

(2) state funding for any purpose;

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

Sec. 3. (a) This section applies to a charter school that has a governing body as sponsor of the school.

(b) The governing body shall distribute the following to the organizer:

(1) A proportionate share of tuition support and any other funding received from the state for the students enrolled in the charter school.

(2) A proportionate share of state and federal funds received for students with disabilities or staff services for students with disabilities for the students with disabilities enrolled in the charter school.

(3) A proportionate share of funds received under federal or state categorical aid programs for students who are eligible for the federal or state aid enrolled in the charter school.

(4) A proportionate share of local support for the students enrolled in the charter school.

Sec. 4. (a) This section applies to a charter school that has a sponsor that is not the governing body of the school corporation in which the charter school is located.

(b) The department shall distribute the following to the organizer:

(1) Tuition support and other state funding for any purpose for students in the charter school.

(2) A proportionate share of state and federal funds received for students with disabilities or staff services for students with disabilities for the students with disabilities enrolled in the charter school.

(3) A proportionate share of funds received under federal or state categorical aid programs for students who are eligible for the federal or state aid enrolled in the charter school.

(c) Not later than the date established by the department for determining average daily membership under IC 21-3-1.6-1.1(d), the organizer shall submit to the governing body of the school corporation in which the charter school is located a report of the total number of students enrolled in the charter school. Upon receipt of the report, the governing body shall distribute to the organizer a proportionate share of local support for the students enrolled in the charter school.

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

Sec. 6. An organizer may apply for and accept for a charter school:

(1) independent financial grants; or

(2) funds from public or private sources other than the department.

Chapter 8. Powers and Exemptions

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

(1) Sue and be sued in its own name.

(2) For educational purposes, acquire real and personal property or an interest in real and personal property by purchase, gift, grant, devise, or bequest.

(3) Convey property.

(4) Enter into contracts in its own name, including contracts for services.

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

(1) Operate at a site or for grades other than as specified in the charter.

(2) Charge tuition to any student residing within the school corporation's geographic boundaries. However, a charter school may charge tuition for:

(A) a preschool program, unless charging tuition for the preschool program is barred under federal law; or

(B) a latch key program;

if the charter school provides those programs.

(3) Except for a foreign exchange student who is not a United States citizen, enroll a pupil who is not a resident of Indiana.

(4) Be located in a private residence.

(5) Provide home based instruction.

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

(1) applicable federal and state laws;

(2) the charter; and

(3) the Constitution of the State of Indiana.

Sec. 4. Except as specifically provided in this article and the statutes listed in section 5 of this chapter, the following do not apply to a charter school:

(1) Any Indiana statute applicable to a governing body or

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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 20-8.1-5.1-13, IC 20-8.1-5.1-15, and IC 20-8.1-5.1-15.5 (student due process and judicial review).

(10) IC 20-8.1-7 and IC 20-8.1-8 (health and safety measures).

(11) IC 20-8.1-9-3 (exemption from school fees for eligible families and fee reimbursement).

(12) IC 20-8.1-9-5 (notice to parents concerning financial assistance).

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

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

(15) 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).

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

(17) 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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(2) A description of the educational methods and teaching methods employed.

(3) Daily attendance records.

(4) Graduation statistics.

(5) Student enrollment data, including the following:

(A) The number of students enrolled.

(B) The number of students expelled.

(C) The number of students who discontinued attendance at the charter school and the reasons for the discontinuation.

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

(1) the charter; and

(2) all applicable law.

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

(1) The organizer fails to comply with the conditions established in the charter.

(2) The charter school established by the organizer fails to meet the educational goals set forth in the charter.

(3) The organizer fails to comply with all applicable laws.

(4) The organizer fails to meet generally accepted government accounting principles.

(5) One (1) or more grounds for revocation exist as specified in the charter.

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

(1) Attendance records.

(2) Student performance data.

(3) Financial information.

(4) Any information necessary to comply with state and federal government requirements.

(5) Any other information specified in the charter.

Sec. 6. The organizer of a charter school shall publish an annual performance report that provides the information required under IC 20-1-21-8 in the same manner that a school corporation publishes an annual report under IC 20-1-21.

Chapter 10. Student Transfers From Charter Schools

Sec. 1. A public noncharter school that receives a transfer student from a charter school may not discriminate against the

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student in any way, including placing the student:

(1) in an inappropriate age group according to the student's ability;

(2) below the student's abilities; or

(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-one percent (51%) of the teachers at the school have signed a petition requesting the conversion.

(2) At least fifty-one percent (51%) 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**

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(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.

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

(f) "Certificated employee" means a person:

(1) whose contract with the school corporation requires that ~~he~~ **the person** hold a license or permit from the state board of education or a commission thereof as provided in IC 20-6.1; **or**

(2) employed as a teacher by a charter school established under IC 20-5.5.

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

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

(1) authority, acting for the school corporation, to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline school employees;

(2) responsibility to direct school employees and adjust their grievances; or

(3) responsibility to effectively recommend the action described in ~~subsections~~ **subdivision** (1) through (2);

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

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

(j) "Employees performing security work" means any school employee whose primary responsibility is the protection of personal and real property owned or leased by the school corporation or who

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performs police or quasipolice powers.

(k) "School employee organization" means any organization which has school employees as members and one (1) of whose primary purposes is representing school employees in dealing with their school employer, and includes any person or persons authorized to act on behalf of such organizations.

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

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

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

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

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the operation of the schools and the school corporation.

(p) "Strike" means concerted failure to report for duty, willful absence from one's position, stoppage of work, or abstinence in whole or in part from the full, faithful, and proper performance of the duties of employment, without the lawful approval of the school employer, or in any concerted manner interfering with the operation of the school employer for any purpose.

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

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

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SENATE MOTION

Mr. President: I move that Senator Weatherwax be added as coauthor of Senate Bill 481.

LUBBERS

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COMMITTEE REPORT

Mr. President: The Senate Committee on Education, to which was referred Senate Bill No. 481, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 2, line 25, delete "an" and insert "**a state educational**".

Page 2, line 25, delete "of higher learning" and insert "**(as defined in IC 20-12-0.5-1)**".

Page 2, line 27, delete "an individual who is:" and insert "**a private college or university with an accredited school of education if the private college or university has received the approval of the board to act as a sponsor.**".

Page 2, delete lines 28 through 30.

Page 3, delete line 36.

Page 3, line 37, delete "(K)" and insert "**(J)**".

Page 3, line 38, delete "(L)" and insert "**(K)**".

Page 3, line 39, delete "(M)" and insert "**(L)**".

Page 3, line 40, delete "(N)" and insert "**(M)**".

Page 3, line 41, delete "(O)" and insert "**(N)**".

Page 4, line 1, delete "(P)" and insert "**(O)**".

Page 4, line 2, delete "(Q)" and insert "**(P)**".

Page 4, line 3, delete "(R)" and insert "**(Q)**".

Page 4, line 5, delete "(S)" and insert "**(R)**".

Page 4, line 8, delete "(T)" and insert "**(S)**".

Page 4, line 13, delete "governing body" and insert "**sponsor**".

Page 4, between lines 23 and 24, begin a new line block indented and insert:

"**(3) Give notice under IC 5-3-1-2(b) of the public hearing required under this section.**".

Page 4, line 24, delete "(3)" and insert "**(4)**".

Page 4, line 27, delete "(4)" and insert "**(5)**".

Page 4, line 32, delete "(5)" and insert "**(6)**".

Page 4, between lines 40 and 41, begin a new line block indented and insert:

"**(2) Give notice under IC 5-3-1-2(b) of the public hearing required under this section.**".

Page 4, line 41, delete "(2)" and insert "**(3)**".

Page 5, between lines 34 and 35, begin a new paragraph and insert:

"**Sec. 10. A school that has qualified for the Indiana schools academic improvement program under IC 20-1-1-6.3 may revise its qualification plan for submission under this chapter as a charter**

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school proposal.".

Page 6, line 4, after "for" insert "**:**

(A) a review by the sponsor of the charter school's performance, including the progress of the charter school in achieving the academic goals set forth in the charter, at least one (1) time in each five (5) year period while the charter is in effect; and

(B)".

Page 7, line 9, delete "subsection (b)" and insert "**subsections (b) and (c)**".

Page 7, delete lines 18 through 20, begin a new paragraph and insert:

"**(c) A charter school may limit new admissions to the charter school to:**

(1) ensure that a student who attends the charter school during a school year may continue to attend the charter school in subsequent years; and

(2) allow the siblings of a student who attends a charter school to attend the charter school.".

Page 7, line 33, delete "seventy-five percent (75%)" and insert "**eighty percent (80%)**".

Page 7, between lines 35 and 36, begin a new line block indented and insert:

"**(3) A teacher who teaches in a core curriculum area of language arts, mathematics, science, or social studies must hold a license to teach in a public school.**".

Page 7, line 36, delete "(3)" and insert "**(4)**".

Page 7, line 36, delete "twenty-five percent (25%)" and insert "**twenty percent (20%)**".

Page 7, line 40, delete "and that are either:" and insert "**.**".

Page 7, delete lines 41 through 42.

Page 8, delete line 1.

Page 8, line 2, delete "(4)" and insert "**(5)**".

Page 8, line 2, delete "(3)" and insert "**(4)**".

Page 8, line 7, delete "(5)" and insert "**(6)**".

Page 8, line 34, delete "school corporation" and insert "**sponsor**".

Page 9, delete lines 31 through 42, begin a new paragraph and insert:

"**Sec. 3. (a) This section applies to a charter school that has a governing body as sponsor of the school.**

(b) The governing body shall distribute the following to the organizer:

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(1) A proportionate share of tuition support and any other funding received from the state for the students enrolled in the charter school.

(2) A proportionate share of state and federal funds received for students with disabilities or staff services for students with disabilities for the students with disabilities enrolled in the charter school.

(3) A proportionate share of funds received under federal or state categorical aid programs for students who are eligible for the federal or state aid enrolled in the charter school.

(4) A proportionate share of local support for the students enrolled in the charter school.

Sec. 4. (a) This section applies to a charter school that has a sponsor that is not the governing body of the school corporation in which the charter school is located.

(b) The department shall distribute the following to the organizer:

(1) Tuition support and other state funding for any purpose for students in the charter school.

(2) A proportionate share of state and federal funds received for students with disabilities or staff services for students with disabilities for the students with disabilities enrolled in the charter school.

(3) A proportionate share of funds received under federal or state categorical aid programs for students who are eligible for the federal or state aid enrolled in the charter school.

(c) Not later than the date established by the department for determining average daily membership under IC 21-3-1.6-1.1(d), the organizer shall submit to the governing body of the school corporation in which the charter school is located a report of the total number of students enrolled in the charter school. Upon receipt of the report, the governing body shall distribute to the organizer a proportionate share of local support for the students enrolled in the charter school.".

Page 10, delete lines 1 through 2.

Page 10, line 3, delete "6." and insert "**5.**".

Page 10, line 4, delete "must" and insert "**may**".

Page 10, line 7, delete "7." and insert "**6.**".

Page 11, between lines 21 and 22, begin a new line block indented and insert:

"**(9) IC 20-8.1-5.1-13, IC 20-8.1-5.1-15, and IC 20-8.1-5.1-15.5 (student due process and judicial review).**".

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Page 11, line 22, delete "(9)" and insert "**(10)**".
Page 11, line 23, delete "(10)" and insert "**(11)**".
Page 11, line 25, delete "(11)" and insert "**(12)**".
Page 11, line 27, delete "(12)" and insert "**(13)**".
Page 11, line 28, delete "(13)" and insert "**(14)**".
Page 11, line 30, delete "(14)" and insert "**(15)**".
Page 11, line 34, delete "(15)" and insert "**(16)**".
Page 11, line 35, delete "(16)" and insert "**(17)**".
Page 12, between lines 35 and 36, begin a new paragraph and insert:
"**Sec. 6. The organizer of a charter school shall publish an annual performance report that provides the information required under IC 20-1-21-8 in the same manner that a school corporation publishes an annual report under IC 20-1-21.**".
Page 13, line 7, delete "fifty percent (50%)" and insert "**fifty-one percent (51%)**".
Page 13, line 9, delete "fifty percent (50%)" and insert "**fifty-one percent (51%)**".

and when so amended that said bill do pass.

(Reference is to SB 481 as introduced.)

WEATHERWAX, Chairperson

Committee Vote: Yeas 7, Nays 4.

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