

PREVAILED

Roll Call No. \_\_\_\_\_

FAILED

Ayes \_\_\_\_\_

WITHDRAWN

Noes \_\_\_\_\_

RULED OUT OF ORDER

# HOUSE MOTION \_\_\_\_\_

MR. SPEAKER:

I move that House Bill 1074 be amended to read as follows:

- 1           Page 1, between the enacting clause and line 1, begin a new  
2 paragraph and insert:  
3           "SECTION 1. IC 3-5-2-9.5 IS ADDED TO THE INDIANA CODE  
4 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
5 1, 2011]: **Sec. 9.5. "Charter school" means a charter school (as  
6 defined in IC 20-24-1-4) that is subject to IC 20-24-12.**  
7           SECTION 3. IC 3-5-2-44 IS AMENDED TO READ AS FOLLOWS  
8 [EFFECTIVE JULY 1, 2011]: Sec. 44. "School board" means the  
9 **following:**  
10           **(1) The** fiscal body of a school corporation.  
11           **(2) The board of directors (as defined in IC 20-24-1-2.5) for a**  
12           **charter school.**  
13           SECTION 4. IC 3-5-2-45 IS AMENDED TO READ AS FOLLOWS  
14 [EFFECTIVE JULY 1, 2011]: Sec. 45. "School board office" refers to  
15 an elected position on **the following:**  
16           **(1) The** school board of a school corporation.  
17           **(2) The board of directors (as defined in IC 20-24-1-2.5) for a**  
18           **charter school.**  
19           SECTION 5. IC 3-5-2-47 IS AMENDED TO READ AS FOLLOWS  
20 [EFFECTIVE JULY 1, 2011]: Sec. 47. "School district" means the  
21 **following:**  
22           **(1) As applied to the school board of a school corporation, the**  
23           taxing district of a school corporation.  
24           **(2) As applied to the school board for a charter school, the**

1           **taxing district of the school corporation in which a charter**  
 2           **school is located."**

3           Page 1, line 4, after "the" insert "**board of directors of a charter**  
 4           **school that is subject to selection under IC 20-24-12 or the"**.

5           Page 3, line 32, delete "IC 20-23" and insert "**IC 20-23,**  
 6           **IC 20-24-12,"**.

7           Page 25, between lines 37 and 38, begin a new paragraph and insert:

8           "SECTION 27. IC 20-24-1-2.5 IS ADDED TO THE INDIANA  
 9           CODE AS A **NEW SECTION TO READ AS FOLLOWS**  
 10           [EFFECTIVE JULY 1, 2011]: **Sec. 2.5. "Board of directors" means**  
 11           **the person or group of persons vested with overall management of**  
 12           **the affairs of a charter school.**

13           SECTION 29. IC 20-24-3-2.5 IS ADDED TO THE INDIANA  
 14           CODE AS A **NEW SECTION TO READ AS FOLLOWS**  
 15           [EFFECTIVE JULY 1, 2011]: **Sec. 2.5. (a) An organizer's**  
 16           **constitution, charter, articles, or bylaws must provide that overall**  
 17           **management of a charter school is vested in a board of directors.**

18           **(b) The initial interim board of directors of a charter school**  
 19           **may be selected in any manner that a nonprofit corporation may**  
 20           **use under IC 23-17-12.**

21           **(c) If:**

22           **(1) the charter school's organizer elects to organize its board**  
 23           **of directors under IC 20-24-12; or**

24           **(2) a referendum has been held in the school corporation in**  
 25           **which the charter school is located in which a majority of the**  
 26           **votes cast approves choosing the members of the board of**  
 27           **directors as provided in IC 20-24-12;**

28           **the board of directors of a charter school shall be selected as**  
 29           **provided in IC 20-24-12, beginning with the next general election**  
 30           **held in each of the precincts in the school corporation where the**  
 31           **charter school is located after the election or the referendum. The**  
 32           **terms of any previously selected members of the board of directors**  
 33           **terminates when the successor member is selected under**  
 34           **IC 20-24-12.**

35           SECTION 30. IC 20-24-12 IS ADDED TO THE INDIANA CODE  
 36           AS A **NEW CHAPTER TO READ AS FOLLOWS** [EFFECTIVE  
 37           JULY 1, 2011]:

38           **Chapter 12. Public Election and Appointment of Board of**  
 39           **Directors**

40           **Sec. 1. This chapter applies to a charter school if:**

41           **(1) the charter school's organizer elects to organize its board**  
 42           **of directors under this chapter; or**

43           **(2) a referendum has been held in the school corporation in**  
 44           **which the charter school is located in which a majority of the**  
 45           **votes cast approves choosing the members of the board of**  
 46           **directors as provided in this chapter.**

47           **Sec. 2. (a) A public question on the organization of the board of**

1 directors of a charter school shall be submitted to the registered  
 2 voters of the school corporation in which the charter school is  
 3 located at the general election held on the later of the following, if  
 4 the charter school's organizer has not elected to organize its board  
 5 of directors under this chapter:

6 (1) The general election to be held in November 2012, if the  
 7 charter school is operating under a charter on August 2, 2012.

8 (2) The next general election held after the charter school  
 9 begins operating under a charter.

10 (b) The county election board of each county in which a charter  
 11 school is located shall place the following public question on the  
 12 ballot for each charter school located in the school corporation:

13 "Shall the [INSERT NAME OF CHARTER SCHOOL] be  
 14 governed by a five member board of directors with three  
 15 elected members and two appointed members?".

16 (c) If a majority of those voting on the public question vote in  
 17 favor of the public question, the organizer shall amend its articles  
 18 of incorporation and bylaws and the charter school sponsor shall  
 19 amend the charter school's charter to provide for a board of  
 20 directors that is selected under this chapter, beginning with the  
 21 next general election held in each of the precincts in the school  
 22 corporation where the charter school is located.

23 (d) If a majority of those voting on the public question do not  
 24 approve the public question, the members of the board of directors  
 25 shall be selected in any manner permitted by the organizer's  
 26 articles of incorporation and bylaws.

27 (e) IC 3 applies to a public question under this section to the  
 28 extent that IC 3 does not conflict with this section.

29 **Sec. 3. (a) The board of directors of the charter school consists**  
 30 **of five (5) members chosen as follows:**

31 (1) Three (3) members shall be elected by the voters of the  
 32 school corporation where the charter school is located at a  
 33 general election to be held in the county and every four (4)  
 34 years thereafter.

35 (2) One (1) member shall be appointed by:

36 (A) the city executive, if the charter school is located in a  
 37 city;

38 (B) the town executive, if the charter school is located in a  
 39 town; or

40 (C) the county executive, if the charter school is located in  
 41 an unincorporated area.

42 (3) One (1) member shall be appointed by:

43 (A) the city legislative body, if the charter school is located  
 44 in a city;

45 (B) the town legislative body, if the charter school is  
 46 located in a town; or

47 (C) the county legislative body, if the charter school is

- 1                   **located in an unincorporated area.**
- 2                   **(b) The members elected under subsection (a)(1) shall be elected**  
 3 **as follows:**
- 4                   **(1) On a nonpartisan basis.**
- 5                   **(2) In a general election held in the county.**
- 6                   **(3) By the registered voters of the entire school corporation.**
- 7                   **(c) The following apply to an election of members of the board**  
 8 **of directors of the charter school under subsection (a)(1):**
- 9                   **(1) Each candidate must file a petition of nomination with the**  
 10 **circuit court clerk not later than seventy-four (74) days before**  
 11 **the election at which members are to be elected. The petition**  
 12 **of nomination must include the following information:**
- 13                   **(A) The name of the candidate.**
- 14                   **(B) A certification that the candidate meets the**  
 15 **qualifications for candidacy imposed by this chapter.**
- 16                   **(2) Only eligible voters residing in the school corporation may**  
 17 **vote for a candidate seeking election.**
- 18                   **Sec. 4. The term of each individual chosen to serve on the board**  
 19 **of directors is four (4) years, beginning January 1 following the**  
 20 **individual's election or appointment. However, the charter of the**  
 21 **charter school may provide for the members to be elected and**  
 22 **appointed on a staggered basis so that three (3) members are**  
 23 **subject to election or appointment in the same year and two (2)**  
 24 **members are subject to election or appointment two (2) years later.**
- 25                   **Sec. 5. Upon assuming office and in conducting the business of**  
 26 **the board of directors, a member shall represent the interests of**  
 27 **the entire charter school.**
- 28                   **Sec. 6. (a) A vacancy in the office of an elected member of the**  
 29 **board of directors shall be filled temporarily by the legislative body**  
 30 **eligible to appoint a member under section 3 of this chapter as soon**  
 31 **as practicable after the vacancy occurs.**
- 32                   **(b) A vacancy in the office of an appointed member of the board**  
 33 **of directors of the charter school shall be filled by the appointing**  
 34 **authority that appointed the member whose office is vacant.**
- 35                   **(c) An individual filling a vacancy under this section serves until**  
 36 **the expiration of the term of the member whose position the**  
 37 **individual fills.**
- 38                   **Sec. 7. (a) Before August 1 of each year, the charter school shall**  
 39 **file with the department the following information:**
- 40                   **(1) A list containing the names and addresses of each member**  
 41 **of the board of directors and the date of the expiration of each**  
 42 **member's term of office.**
- 43                   **(2) A list containing the names and addresses of each of the**  
 44 **charter school's officers and the date of the expiration of each**  
 45 **officer's term of office.**
- 46                   **(b) The charter school shall notify the department of any change**  
 47 **in the information previously filed under subsection (a) not later**

- 1 **than thirty (30) days after the change occurs."**
- 2 Renumber all SECTIONS consecutively.  
(Reference is to HB 1074 as printed February 18, 2011.)

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Representative Bartlett