February 18, 2011

SENATE BILL No. 496

DIGEST OF SB 496 (Updated February 16, 2011 3:28 pm - DI 71)

Citations Affected: IC 20-26; IC 20-31.

Synopsis: Parental initiatives for school reorganization. Requires a school corporation to sell surplus real property to another educational institution if the educational institution is the highest bidder. Requires the state board of education to create a school performance category of pending reorganization. Provides that parents of a school that is in the fifth or subsequent year of placement in the lowest performance category may petition to reorganize the school by: (1) closing the school and transferring the students to a higher performing school in the same school corporation; or (2) reorganizing the school as a charter school. Requires the governing body of the school corporation to carry out the reorganization if the parents of at least 51% of the students in the school sign the petition. Requires the department of education to place such a school in the pending reorganization performance category. Provides that once a school has been reorganized, another petition for reorganization may not be submitted for at least five years after the school year in which the reorganization takes place.

Effective: Upon passage.

Kruse, Hershman, Yoder, Banks

January 13, 2011, read first time and referred to Committee on Education and Career Development.
February 17, 2011, amended, reported favorably — Do Pass.

C o p y

February 18, 2011

First Regular Session 117th General Assembly (2011)

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 2010 Regular Session of the General Assembly.

C o p y

SENATE BILL No. 496

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 20-26-7-1, AS AMENDED BY P.L.234-2007, SECTION 227, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) If a governing body of a school corporation determines that any real or personal property:

(1) is no longer needed for school purposes; or

(2) should, in the interests of the school corporation, be exchanged for other property;

the governing body may sell or exchange the property in accordance with IC 36-1-11.

(b) Money derived from the sale or exchange of property under this section shall be placed in any school fund:

(1) established under applicable law; and

(2) that the governing body considers appropriate.

(c) A governing body:

(1) may not make a covenant that prohibits the sale of real property to another educational institution; **and**

(2) shall sell real property under this section to another

educational institution if the educational institution is the highest bidder.

SECTION 2. IC 20-31-8-3, AS ADDED BY P.L.1-2005, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. The state board shall establish a number of categories or designations of school improvement based on the improvement that a school makes in performance of the measures determined by the board with the advice of the education roundtable. The categories or designations must:

(1) reflect various levels of improvement; **and**

(2) include a category or designation that indicates a school has a reorganization under IC 20-31-12 pending.

SECTION 3. IC 20-31-12 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 12. Parental Initiatives for School Reorganization

Sec. 1. This chapter applies if, in the fifth or a subsequent year after initial placement in the lowest category or designation under IC 20-31-9, a school remains in the lowest category or designation.

Sec. 2. As used in this chapter, "designated school" refers to a school described in section 1 of this chapter.

Sec. 3. As used in this chapter, "household" means a student who attends a designated school and a parent of the student.

Sec. 4. The parents of students who attend a designated school may petition the governing body to reorganize the designated school under this chapter using one (1) of the following methods:

(1) Closing the designated school and transferring the students to a higher performing school within the same school corporation.

(2) Restructuring the designated school as a charter school under IC 20-24.

Sec. 5. The following apply to a petition under section 4 of this chapter:

(1) The petition must state which reorganization option under section 4 of this chapter the petitioners seek.

(2) The petition may be signed only by a parent in a household and by only one (1) parent.

(3) A parent in a household may sign the petition the number of times that equals the number of students who reside in the household and attend the designated school.

(4) Each signature must include the signer's printed name and address.

C o p y

(5) A completed petition must be submitted to the governing body.

Sec. 6. (a) After the governing body receives a completed petition, the governing body shall deliver the petition to the principal of the designated school. The principal shall:

(1) verify:

(A) each signature as being that of a parent in a household; and

(B) that the number of times an adult member signed the petition does not exceed the number of students in the household who attend the designated school; and

(2) return the verified petition to the governing body not later than fifteen (15) days after receiving the petition.

(b) If a petition that has been verified under subsection (a) contains a number of signatures equal to at least fifty-one percent (51%) of the number of students in the designated school, the governing body shall carry out the reorganization option sought in the petition.

(c) If a petition is verified and returned to the governing body after June 30 and before January 1, the reorganization set forth in the petition must be carried out beginning in the school year next following the date on which the petition was returned to the governing body. If a petition is verified and returned to the governing body after December 31 and before July 1, the reorganization set forth in the petition must be carried out in the school year following the school year next following the date on which the petition was returned to the governing body.

Sec. 7. (a) This section applies to a reorganization that restructures a designated school as a charter school under IC 20-24.

(b) The governing body of the school corporation in which the designated school is located shall serve as the sponsor for the charter school, unless the organizers desire a different sponsor.

Sec. 8. After a petition for reorganization of a designated school has been verified under section 6 of this chapter, the department:

(1) shall remove the designated school from the lowest performance category or designation and place the designated school into a category or designation of pending reorganization; and

(2) may not place the designated school into a performance category or designation until the school year that next follows the school year in which the reorganization takes place.

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Sec. 9. After a designated school has been reorganized, a petition for the reorganization of the designated school under this chapter may not be submitted to the governing body for at least five (5) years after the school year in which the reorganization takes place.

SECTION 4. **An emergency is declared for this act.**

C o p y

COMMITTEE REPORT

Madam President: The Senate Committee on Education and Career Development, to which was referred Senate Bill No. 496, 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 1, line 3, delete "JULY 1, 2011]:" and insert "UPON PASSAGE]:".

Page 2, line 4, delete "JULY 1," and insert "UPON PASSAGE]:".

Page 2, line 5, delete "2011]:".

Page 2, line 15, delete "JULY 1, 2011]:" and insert "UPON PASSAGE]:".

Page 2, line 17, delete "third" and insert "**fifth**".

Page 2, delete lines 32 through 35.

Page 3, delete lines 38 through 42.

Page 4, line 1, delete "9." and insert "**8.**".

Page 4, line 10, delete "10." and insert "**9.**".

Page 4, after line 14, begin a new paragraph and insert:

"SECTION 4. **An emergency is declared for this act.**".

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 496 as introduced.)

KRUSE, Chairperson

Committee Vote: Yeas 6, Nays 3.

C o p y