

PREVAILED	Roll Call No. _____
FAILED	Ayes _____
WITHDRAWN	Noes _____
RULED OUT OF ORDER	

HOUSE MOTION _____

MR. SPEAKER:

I move that House Bill 1219 be amended to read as follows:

- 1 Page 1, line 4, delete "IC 20-52-1" and insert "IC 20-24-13".
- 2 Page 2, line 12, delete "IC 20-5-2-1." and insert "**IC 20-24-13.**".
- 3 Page 2, delete lines 20 through 42, begin a new paragraph and
- 4 insert:
- 5 "SECTION 4. IC 20-24-13 IS ADDED TO THE INDIANA CODE
- 6 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
- 7 JULY 1, 2012]:
- 8 **Chapter 13. Conversion of a Public School into a Charter School**
- 9 **Sec. 1. This chapter does not apply to an elementary or a**
- 10 **secondary public school that is scheduled for closure by the**
- 11 **governing body of the school corporation in which the public**
- 12 **school is located.**
- 13 **Sec. 2. One (1) or more parents of students attending an**
- 14 **elementary or a secondary public school or an organizer may**
- 15 **petition the state board to authorize the conversion of the public**
- 16 **school into a charter school in conformity with the procedures in**
- 17 **this chapter.**
- 18 **Sec. 3. A petition under this chapter must:**
- 19 **(1) be submitted in the form and according to the submission**
- 20 **process established in rules adopted by the state board; and**
- 21 **(2) subject to this chapter, contain the information required**
- 22 **by rule adopted by the state board.**
- 23 **Sec. 4. To qualify for approval of a conversion, at least one (1)**
- 24 **parent per student of at least fifty-one percent (51%) of the**

1 students who attend the public school must approve of the
2 conversion of the public school into a charter school according to
3 the following procedures:

4 (1) Each parent approving the conversion must sign a
5 conversion signature form under penalties of perjury
6 affirming that the parent:

7 (A) is a parent of a student attending the public school; and

8 (B) approves of the conversion of the public school into a
9 charter school.

10 (2) The conversion signature form must be in a format
11 prescribed by the state board.

12 (3) More than one (1) signature form prescribed by the state
13 board may be used to obtain the signatures.

14 (4) All signatures must be obtained within ninety (90) days
15 after the first signature approving the conversion is obtained.

16 (5) Each signing parent must print or type the signing
17 parent's name and specify the name of the parent's child
18 attending the public school on the conversion signature form.

19 (6) If a parent has more than one (1) child attending the
20 public school, the parent may sign the conversion signature
21 form once for each child attending the public school.

22 (7) The conversion signature form must be filed with the
23 department. Each signature form must be verified under
24 penalties of perjury by at least one (1) individual who
25 obtained the signatures of parents in the manner prescribed
26 by the state board.

27 (8) The department shall determine whether the students
28 identified in a conversion signature form are students
29 attending the public school. The department shall certify its
30 determination to the state board.

31 (9) The state board may contact parents about their
32 signatures only in the case of a perceived discrepancy.

33 (10) If the state board determines that at least one (1) parent
34 per student of at least fifty-one percent (51%) of the students
35 who attend the public school have not signed the signature
36 forms, the state board shall give the individuals obtaining the
37 signatures at least thirty (30) days to add the signatures of
38 supportive parents.

39 (11) Not later than ten (10) business days after receiving
40 notice of the filing of a petition under this chapter with the
41 state board, the school corporation where the public school is
42 located shall provide the department with the name of each
43 student attending the public school that is the subject of the
44 petition. Upon request, the school corporation where the
45 public school is located shall provide the information needed
46 by the department or state board to carry out the
47 responsibilities of the department and state board under this

1 section. This subdivision does not authorize the release of
2 student names to any other individual or entity under a public
3 records request under IC 5-14-3 or by any other procedure.

4 **Sec. 5.** Signature forms may not be discarded over technicalities
5 if the clear intent of the signing parents of students attending the
6 public school is to support the conversion of the public school into
7 a charter school.

8 **Sec. 6.** Parents shall be free from:

- 9 (1) harassment, threats, and intimidation from any person or
10 entity related to circulation or signature of a petition; and
11 (2) actions or statements that are designed to discourage a
12 parent from signing a petition or to obtain a revocation of a
13 signature on a petition.

14 **Sec. 7.** Neither a school corporation nor any employee or
15 contractor of a school corporation shall be used to support or
16 oppose any efforts by petitioning parents.

17 **Sec. 8.** A parent may enforce sections 5, 6, and 7 of this chapter
18 by filing an appropriate action in a court with jurisdiction over the
19 area where the public school is located.

20 **Sec. 9.** A petitioner under this chapter must identify the
21 proposed sponsor, organizer, and the education management
22 organization for the proposed charter school. The state board may
23 not require a petitioner under this chapter to designate the
24 sponsor, organizer, or education management organization for the
25 conversion charter school before submitting a petition to the state
26 board. However, not later than ninety (90) days after submitting a
27 petition to the state board, the petitioners must provide the state
28 board with the identity of the proposed sponsor, organizer, and the
29 education management organization for the proposed charter
30 school. The organizer selected for a proposed charter school may
31 be an organizer of another charter school or an organizer created
32 by the parents seeking to convert the public school into a charter
33 school.

34 **Sec. 10.** Before approving or disproving the conversion of a
35 public school into a charter school, the state board shall conduct at
36 least one (1) public hearing in the school corporation where the
37 school is located to consider and hear testimony concerning the
38 conversion of the public school into a charter school.

39 **Sec. 11.** The state board shall approve the conversion of a public
40 school into a charter school, if the petition submitted for the
41 conversion and any other information available to the state board
42 demonstrates that the requirements under sections 3, 4, 9, and 10
43 of this chapter have been met.

44 **Sec. 12.** An approval under section 11 of this chapter is
45 contingent on the granting of a charter to the organizer approved
46 by the state board for the proposed charter school not later than
47 July 1 of the calendar year immediately following the calendar

1 year in which the petition is approved by the state board.

2 **Sec. 13. A public school:**

3 **(1) that is approved for conversion to a charter school under**
4 **section 12 of this chapter; and**

5 **(2) to which a charter is granted under this article;**

6 **shall be treated as a charter school for all purposes under this**
7 **article. The charter school is subject to the same accountability and**
8 **other standards in place for other charter schools in Indiana.**

9 **Sec. 14. If a public school subject to this chapter is granted a**
10 **charter by a sponsor, the school corporation where the public**
11 **school is located shall permit the conversion charter school to use**
12 **the public school building and equipment and provide utilities and**
13 **other services in conformity with the terms specified by the state**
14 **board, after consultation with the school corporation and the**
15 **organizer for the charter school.**

16 **Sec. 15. If a public school is converted to a charter school, the**
17 **local school corporation and the new charter school shall maintain**
18 **records regarding the contents of and outcomes from parental**
19 **petitions in order to ensure adequate implementation, as specified**
20 **in the rules adopted by the state board.**

21 **Sec. 16. Parents who do not want their children to attend a**
22 **charter school or turn around academy established under this**
23 **chapter have the right to enroll their children in a different**
24 **publicly funded school in the same school corporation district.**

25 **Sec. 17. The state board may adopt rules under IC 4-22-2 to**
26 **implement this chapter. The state board may adopt temporary**
27 **rules in the manner provided for the adoption of emergency rules**
28 **under IC 4-22-2-37.1 to implement this chapter. A temporary rule**
29 **adopted under this section expires on the earliest of the following:**

30 **(1) The date specified in the temporary rule.**

31 **(2) The date that another temporary rule adopted under this**
32 **section or a rule adopted under IC 4-22-2 repeals or otherwise**
33 **supersedes the temporary rule.**

34 **(3) July 1, 2014."**

35 Delete page 3.

36 Renumber all SECTIONS consecutively.

(Reference is to HB 1219 as printed January 11, 2012.)

Representative Behning