

SENATE BILL No. 248

DIGEST OF INTRODUCED BILL

Citations Affected: IC 20-30-2.5.

Synopsis: Referendum on use of balanced school calendar. Requires a school corporation to conduct a referendum of the registered voters who reside in the school corporation before establishing a balanced calendar at any school. Provides that if a majority of the voters voting in the referendum do not vote in favor of a balanced calendar, the school corporation must wait at least one year to conduct another referendum. Provides for a referendum to discontinue the use of a balanced calendar by a school corporation if a petition signed by at least 5% of the registered voters who reside in the school corporation is filed with the circuit court clerk of the county containing the greatest number of registered voters who are residents of the school corporation.

Effective: July 1, 2012.

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January 4, 2012, read first time and referred to Committee on Elections.

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Second Regular Session 117th General Assembly (2012)

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 2011 Regular Session of the General Assembly.

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SENATE BILL No. 248



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 20-30-2.5 IS ADDED TO THE INDIANA CODE
- 2 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
- 3 JULY 1, 2012]:
- 4 **Chapter 2.5. School Calendar Referendum**
- 5 **Sec. 1. As used in this chapter, "balanced calendar" refers to a**
- 6 **calendar for a school year in which:**
- 7 **(1) any break between instructional days does not exceed six**
- 8 **(6) weeks; or**
- 9 **(2) the instructional days are divided into quarters.**
- 10 **Sec. 2. After June 30, 2012, a school corporation must comply**
- 11 **with this chapter before establishing a balanced calendar for at**
- 12 **least one (1) school:**
- 13 **(1) for the first time; or**
- 14 **(2) after a school year in which no school in the school**
- 15 **corporation uses a balanced calendar.**
- 16 **Sec. 3. The governing body of a school corporation shall:**
- 17 **(1) adopt a resolution to place a referendum providing for a**



1 balanced calendar on the ballot; and
 2 (2) certify to the circuit court clerk of each county in which
 3 the school corporation is located a copy of the resolution,
 4 including the language for the question required by section 4
 5 of this chapter.

6 Sec. 4. The question to be submitted to the voters in the
 7 referendum must read as follows:

8 "Shall the (insert the name of the school corporation),
 9 beginning with the (insert year) school year, adopt a
 10 year-round calendar for one (1) or more of its schools?"

11 Sec. 5. Each circuit court clerk, upon receiving the question
 12 certified by the governing body of a school corporation under
 13 section 3 of this chapter, shall call a meeting of the county election
 14 board to make arrangements for the referendum.

15 Sec. 6. The referendum shall be held in the next primary
 16 election, general election, or municipal election in which all the
 17 registered voters who are residents of the school corporation are
 18 entitled to vote after the certification of the question under
 19 IC 3-10-9-3.

20 Sec. 7. (a) If a primary election, general election, or municipal
 21 election will not be held during the first year in which the question
 22 is eligible to be placed on the ballot under this chapter, the school
 23 corporation may request that the question be placed on the ballot
 24 at a special election.

25 (b) If a school corporation makes a request under subsection (a),
 26 the question shall be placed on the ballot at a special election to be
 27 held on the first Tuesday after the first Monday in May or
 28 November, whichever date is earlier and allows for the applicable
 29 certification under subsection (c).

30 (c) For a special election held in May, certification must occur
 31 not later than noon sixty (60) days before the special election. For
 32 a special election held in November, certification must occur not
 33 later than August 1.

34 (d) If the referendum is not conducted at a primary election,
 35 general election, or municipal election, the school corporation in
 36 which the referendum is held shall pay all costs of holding the
 37 referendum.

38 Sec. 8. Each county election board shall:

39 (1) place the question certified to the circuit court clerk by the
 40 governing body of the school corporation on the ballot in the
 41 form prescribed by IC 3-10-9-4; and

42 (2) deliver an adequate supply of ballots and voting

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1 equipment to the precinct election board of each precinct in
2 which the referendum is to be held.

3 **Sec. 9. The individuals entitled to vote in the referendum are all**
4 **of the registered voters who reside in the school corporation.**

5 **Sec. 10. Title 3 applies to the conduct of the referendum election,**
6 **except for a provision that conflicts with this chapter or cannot be**
7 **practicably applied.**

8 **Sec. 11. (a) Each precinct election board shall count the**
9 **affirmative votes and the negative votes cast in the referendum and**
10 **shall certify those two (2) totals to the county election board of**
11 **each county in which the referendum is held.**

12 **(b) The circuit court clerk of each county shall, immediately**
13 **after the votes cast in the referendum have been counted, certify**
14 **the results of the referendum to the governing body of the school**
15 **corporation.**

16 **Sec. 12. (a) A school corporation may establish a balanced**
17 **calendar for one (1) or more of its schools only if a majority of the**
18 **individuals who voted in the referendum conducted under this**
19 **chapter voted "yes" on the referendum question.**

20 **(b) If a majority of the individuals who voted in the referendum**
21 **conducted under this chapter did not vote "yes" on the referendum**
22 **question:**

23 **(1) the school corporation may not establish a balanced**
24 **calendar for any school; and**

25 **(2) another referendum under this chapter may not be held**
26 **for at least one (1) year after the date of the referendum that**
27 **failed.**

28 **Sec. 13. A school corporation that establishes a balanced**
29 **calendar under this chapter may discontinue the use of a balanced**
30 **calendar without complying with this chapter.**

31 **Sec. 14. (a) If a petition that:**

32 **(1) is signed by at least five percent (5%) of the number of**
33 **registered voters who reside in the school corporation; and**

34 **(2) sets forth:**

35 **(A) a question in the form prescribed by subsection (b) and**
36 **IC 3-10-9-4; and**

37 **(B) a date for an election on the question;**

38 **is filed with the circuit court clerk of the county containing the**
39 **greatest number of registered voters who are residents of the**
40 **school corporation, the question of discontinuing the use of a**
41 **balanced calendar by the school corporation shall be submitted to**
42 **the registered voters who reside in the school corporation.**

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1 (b) The question to be submitted to the voters in the referendum
2 must read as follows:

3 "Shall the (insert the name of the school corporation),
4 beginning with the (insert year) school year, discontinue the
5 use of a year-round calendar for its schools?".

6 (c) The circuit court clerk of the county where the petition
7 described in subsection (a) was filed shall certify the public
8 question to the county election board of each county in which the
9 school corporation is located. The county election board shall place
10 the public question on the ballot at the first primary election,
11 general election, or municipal election in which all the registered
12 voters who are residents of the school corporation are entitled to
13 vote after the certification of the question under IC 3-10-9-3. If a
14 primary election, general election, or municipal election will not be
15 held during the first year in which the question is eligible to be
16 placed on the ballot under this section, the county election board
17 shall conduct the election not later than ninety (90) days after
18 certification.

19 (d) Title 3 applies to the conduct of the referendum election,
20 except for a provision that conflicts with this section or cannot be
21 practicably applied.

22 (e) Each precinct election board shall count the affirmative
23 votes and the negative votes cast in the referendum and shall
24 certify those two (2) totals to the county election board of each
25 county in which the referendum is held.

26 (f) The circuit court clerk of each county shall, immediately
27 after the votes cast in the referendum have been counted, certify
28 the results of the referendum to the governing body of the school
29 corporation.

30 (g) A school corporation shall discontinue the use of a balanced
31 calendar if a majority of the individuals who voted in the
32 referendum conducted under this section voted "yes" on the
33 referendum question.

34 (h) If a majority of the individuals who voted in the referendum
35 conducted under this section did not vote "yes" on the referendum
36 question:

37 (1) the school corporation is not required to discontinue the
38 use of a balanced calendar; and

39 (2) another petition under this section may not be filed for at
40 least one (1) year after the date of the referendum that failed.

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