
HOUSE BILL No. 1321

DIGEST OF INTRODUCED BILL

Citations Affected: IC 20-23; IC 20-25-3-4; IC 20-31.

Synopsis: School corporation accountability. Requires the state board of education (state board) to develop and perform an annual analysis showing how school corporation spending correlates to student progress. Requires the department of education to include a copy of the annual analysis on the department's Internet web site. Requires a governing body of a school corporation in the first year that the school corporation is placed in the lowest two categories or designations of improvement to hold a public hearing. Requires the governing body to revise a school's strategic and continuous school improvement plan. Requires a state board to assign an expert team to review a school corporation in the second year that the school corporation is placed in the lowest two categories or designations of improvement. Requires the state board to hold a public meeting to consider state intervention in the third year that the school corporation is placed in the lowest category or designation of improvement. Requires the state board to hold a public meeting to consider state intervention in the fourth year that the school corporation is placed in the lowest two categories or designations of improvement. Provides that after the public meeting, the state board may: (1) merge the school corporation with a nearby school corporation; (2) assign a special management team or lead partner to operate all or part of the school corporation; (3) implement the department's recommendations for improving the school corporation; (4) dissolve the governing board of the school corporation and install a state appointed board; (5) transfer the school corporation's authority to another entity; (6) require state board approval of the school corporation's annual budget; or (7) implement other options for school corporation intervention. Makes conforming amendments.

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Effective: July 1, 2012.

Behning

January 11, 2012, read first time and referred to Committee on Education.



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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HOUSE BILL No. 1321



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 20-23-4-28, AS ADDED BY P.L.1-2005,
- 2 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 3 JULY 1, 2012]: Sec. 28. (a) Subsections (b) through (g) do not apply
- 4 to a community school corporation created before March 12, 1965. A
- 5 community school corporation created before March 12, 1965, shall
- 6 operate in accordance with the plan under which it was created and the
- 7 statutes applicable to that plan, as if Acts 1965, c.336, s.4 had not been
- 8 enacted.
- 9 (b) If the members of the governing body are to be appointed, they
- 10 shall be appointed in accordance with one (1) of the options described
- 11 in subsection (c). The option must be set out in the plan with sufficient
- 12 description to permit the plan to be operable with respect to each
- 13 community school corporation. The description may be partly or wholly
- 14 by reference to the applicable option provided in this section.
- 15 (c) The options described in subsection (b) are the following:
- 16 (1) Members of the governing body may reside anywhere in the
- 17 community school corporation.



- 1 (2) The community school corporation shall be divided into two
 2 (2) or more governing body member districts, any one (1) of
 3 which may embrace the entire community school corporation.
 4 Each member:
 5 (A) serves from a particular district; and
 6 (B) must be a resident of the district.
 7 The plan must set out the number to be appointed from each
 8 district and may provide for an equal number of members from
 9 each district.
 10 (d) The plan, under either option in subsection (c), may provide that
 11 the first appointments of the governing body members are for staggered
 12 terms of not more than four (4) years. Thereafter, **except as provided**
 13 **in IC 20-31-9-8 and IC 20-31-9-9**, appointments shall be made for
 14 terms of four (4) years. All terms of office for appointive governing
 15 body members expire June 30 in the applicable year.
 16 (e) A plan providing for the appointment of members of the
 17 governing body must designate the appointing authority. The authority
 18 may be the same for each governing body member and must be one (1)
 19 or more of the following:
 20 (1) The judge of the circuit or superior court.
 21 (2) The city executive.
 22 (3) The legislative body of a city.
 23 (4) The board of commissioners of a county.
 24 (5) The county fiscal body.
 25 (6) The town legislative body.
 26 (7) The township executive.
 27 (8) The township legislative body.
 28 (9) A township executive and legislative body jointly.
 29 (10) More than one (1) township executive and legislative body
 30 jointly.
 31 (f) If an appointment is to be made by:
 32 (1) a body, the appointment must be made by a majority vote of
 33 the body in official session;
 34 (2) township executives, the appointment must be made by a
 35 majority vote of the executives taken in joint session; and
 36 (3) township legislative bodies, the appointment must be made by
 37 a majority vote of the total number of township legislative body
 38 members by a majority vote of the members, taken in joint
 39 session.
 40 (g) If a member of the governing body, whether of the interim
 41 governing body or regular governing body, is to be appointed, and the
 42 beginning of the appointive member's term of office coincides with the

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1 date an individual assumes the office of the official who is to make the
 2 appointment, the appointment shall be made by the latter individual. If
 3 the appointing official or body fails to appoint a member of the first
 4 governing body within five (5) days after a community school
 5 corporation comes into being, or, for members appointed after the first
 6 board is appointed, within five (5) days after a member is to take office,
 7 the member of the governing body shall be appointed:

8 (1) by the judge of the circuit court; or

9 (2) in the case of a united school corporation, by the judge of the
 10 circuit court of the county having the most students enrolled in the
 11 united school corporation.

12 SECTION 2. IC 20-23-4-30, AS AMENDED BY P.L.179-2011,
 13 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 14 JULY 1, 2012]: Sec. 30. (a) This section applies to each school
 15 corporation.

16 (b) If a tie vote occurs among any of the candidates, the tie vote
 17 shall be resolved under IC 3-12-9-4.

18 (c) If after the first governing body takes office, there is a vacancy
 19 on the governing body for any reason, including the failure of the
 20 sufficient number of petitions for candidates being filed, whether the
 21 vacating member was elected or appointed, the remaining members of
 22 the governing body, whether or not a majority of the governing body,
 23 shall by a majority vote fill the vacancy by appointing a person from
 24 within the boundaries of the community school corporation to serve for
 25 the term or balance of the term. An individual appointed under this
 26 subsection must possess the qualifications provided for a regularly
 27 elected or appointed governing body member filling the office. If:

28 (1) a tie vote occurs among the members of the governing body
 29 under this subsection or IC 3-12-9-4; or

30 (2) the governing body fails to act within thirty (30) days after any
 31 vacancy occurs;

32 the judge of the circuit court in the county where the majority of
 33 registered voters of the school corporation reside shall make the
 34 appointment.

35 (d) A vacancy in the governing body occurs if a member ceases to
 36 be a resident of any community school corporation. A vacancy does not
 37 occur when the member moves from a district of the school corporation
 38 from which the member was elected or appointed if the member
 39 continues to be a resident of the school corporation.

40 (e) At the first general election in which members of the governing
 41 body are elected:

42 (1) a simple majority of the candidates elected as members of the

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1 governing body who receive the greatest number of votes shall be
 2 elected for four (4) year terms; and

3 (2) the balance of the candidates elected as members of the
 4 governing body receiving the next greatest number of votes shall
 5 be elected for two (2) year terms.

6 Thereafter, **except as provided in IC 20-31-9-8 and IC 20-31-9-9**, all
 7 school board members shall be elected for four (4) year terms.

8 (f) Elected governing body members take office and assume their
 9 duties on January 1 after their election.

10 SECTION 3. IC 20-23-7-8.1, AS ADDED BY P.L.179-2011,
 11 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 12 JULY 1, 2012]: Sec. 8.1. (a) The registered voters of the metropolitan
 13 school district shall elect the members of the metropolitan board of
 14 education at general elections held biennially, beginning with the next
 15 general election that is held more than sixty (60) days after the creation
 16 of the metropolitan school district as provided in this chapter.

17 (b) Each nominee for the board must file a petition of nomination
 18 signed by the nominee and by ten (10) registered voters residing in the
 19 same board member district as the nominee. The petition must be filed
 20 in accordance with IC 3-8-2.5 with the circuit court clerk of each
 21 county in which the metropolitan school district is located.

22 (c) Nominees for the board shall be listed on the general election
 23 ballot:

- 24 (1) in the form prescribed by IC 3-11-2;
- 25 (2) by board member districts; and
- 26 (3) without party designation.

27 The ballot must state the number of board members to be voted on and
 28 the maximum number of members that may be elected from each board
 29 member district as provided under section 5 of this chapter. A ballot
 30 that contains more votes than the maximum number allowed from a
 31 board member district is invalid.

32 (d) The precinct election boards in each county serving at the
 33 general election shall conduct the election for school board members.

34 (e) Voting and tabulation of votes shall be conducted in accordance
 35 with IC 3, and the candidates who receive the most votes are elected to
 36 the board.

37 (f) If there are more candidates from a particular board member
 38 district than may be elected from the board member district under
 39 section 5 of this chapter:

- 40 (1) the number of candidates elected is the greatest number that
 41 may be elected from the board member district;
- 42 (2) the candidates elected are those who, among the candidates

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1 from the board member district, receive the most votes; and

2 (3) the other candidates from the board member district are
3 eliminated.

4 (g) If there is a tie vote among the candidates for the board, the
5 judge of the circuit court in the county where the majority of the
6 registered voters of the metropolitan school district reside shall select
7 one (1) of the candidates who shall be declared and certified elected.

8 (h) If, at any time after the first board member election, a vacancy
9 on the board occurs for any reason, including an insufficient number of
10 petitions for candidates being filed, and regardless of whether the
11 vacating member was elected or appointed, the remaining members of
12 the board, whether or not a majority of the board, shall by a majority
13 vote fill the vacancy by:

14 (1) appointing a person from the board member district from
15 which the person who vacated the board was elected; or

16 (2) if the person was appointed, appointing a person from the
17 board member district from which the last elected predecessor of
18 the person was elected.

19 If a majority of the remaining members of the board is unable to agree
20 or the board fails to act within thirty (30) days after a vacancy occurs,
21 the judge of the circuit court in the county where the majority of
22 registered voters of the metropolitan school district reside shall make
23 the appointment.

24 (i) At a general election held on the earlier of:

25 (1) more than sixty (60) days after an elected board member
26 vacates membership on the board; or

27 (2) immediately before the end of the term for which the vacating
28 member was elected;

29 a successor to a board member appointed under subsection (h) shall be
30 elected. Unless the successor takes office at the end of the term of the
31 vacating member, the member shall serve only for the balance of the
32 vacating member's term. In an election for a successor board member
33 to fill a vacancy for a two (2) year balance of a term, candidates for
34 board membership need not file for or with reference to the vacancy.
35 However, as required by IC 3-11-2, candidates for at-large seats must
36 be distinguished on the ballot from candidates for district seats. If there
37 is more than one (1) at-large seat on the ballot due to this vacancy, the
38 elected candidate who receives the fewest votes at the election at which
39 the successor is elected shall serve for a two (2) year term.

40 (j) At the first general election where members of the board are
41 elected under this section, the elected candidates who constitute a
42 simple majority of the elected candidates and who receive the most

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1 votes shall be elected for four (4) year terms, and the other elected
2 candidates shall be elected for two (2) year terms.

3 (k) **Except as provided in IC 20-31-9-8 and IC 20-31-9-9**, board
4 members shall be elected for four (4) year terms after the first election
5 and shall take office January 1 following their election.

6 SECTION 4. IC 20-23-12-8, AS AMENDED BY P.L.179-2011,
7 SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
8 JULY 1, 2012]: Sec. 8. (a) **Except as provided in IC 20-31-9-8 and**
9 **IC 20-31-9-9**, the term of each person elected to serve on the
10 governing body is four (4) years.

11 (b) The term of each person elected to serve on the governing body
12 begins the January 1 that next follows the person's election.

13 SECTION 5. IC 20-23-13-2.1, AS ADDED BY P.L.179-2011,
14 SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
15 JULY 1, 2012]: Sec. 2.1. (a) As used in this section, "county election
16 board" includes a board of elections and registration established under
17 IC 3-6-5.2.

18 (b) **Except as provided in IC 20-31-9-8 and IC 20-31-9-9**, the
19 voters of the school corporation shall elect the members of the
20 governing body at a general election for a term of four (4) years. The
21 members shall be elected from the city at large without reference to
22 district.

23 (c) Each candidate for election to the governing body must file a
24 petition of nomination with the county election board in each county in
25 which a school corporation subject to this chapter is located. The
26 petition of nomination must comply with IC 3-8-2.5 and the following
27 requirements:

28 (1) The petition must be signed by at least two hundred (200)
29 legal voters of the school corporation.

30 (2) Each petition may nominate only one (1) candidate.

31 (3) The number of petitions signed by a legal voter may not
32 exceed the number of school trustees to be elected.

33 (d) After all the petitions described in subsection (c) are filed with
34 the county election board, the board shall publish the names of those
35 nominated in accordance with IC 5-3-1 and shall certify the
36 nominations in the manner required by law. IC 3 governs the election
37 to the extent that it is not inconsistent with this chapter.

38 (e) The county election board shall prepare the ballot for the general
39 election at which members of the governing body are to be elected so
40 that the names of the candidates nominated appear on the ballot:

41 (1) in alphabetical order;

42 (2) without party designation; and

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- 1 (3) in the form prescribed by IC 3-11-2.
- 2 (f) The county election board shall not publish or place on the ballot
- 3 the name of a candidate who is not eligible under this chapter for
- 4 membership on the governing body.
- 5 (g) Each voter may vote for as many candidates as there are
- 6 members of the governing body to be elected.
- 7 SECTION 6. IC 20-23-14-8, AS AMENDED BY P.L.179-2011,
- 8 SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 9 JULY 1, 2012]: Sec. 8. (a) **Except as provided in IC 20-31-9-8 and**
- 10 **IC 20-31-9-9**, the term of each person elected to serve on the
- 11 governing body is four (4) years.
- 12 (b) The term of each person elected to serve on the governing body
- 13 begins on the January 1 that next follows the person's election.
- 14 SECTION 7. IC 20-23-15-11, AS ADDED BY P.L.1-2005,
- 15 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 16 JULY 1, 2012]: Sec. 11. (a) Except as otherwise provided in this
- 17 section **or in IC 20-31-9-8 and IC 20-31-9-9**, a person elected to serve
- 18 on the governing body:
- 19 (1) begins the person's term on January 1 of the year following the
- 20 person's election; and
- 21 (2) serves a four (4) year term.
- 22 (b) The two (2) members of the governing body who were last
- 23 selected under the selection process in effect for the school corporation
- 24 before a referendum is held under this chapter shall serve as at-large
- 25 members through December 31 of the year in which the second general
- 26 election is held to elect members of the governing body under this
- 27 chapter. However, if this subsection applies to more than two (2)
- 28 members, the circuit court judge for the county shall select two (2) of
- 29 these members to serve as at-large members through December 31 of
- 30 the year in which the second general election is held to elect members
- 31 of the governing body under this chapter.
- 32 (c) The terms of all other members of the governing body who were
- 33 selected to serve on the governing body before a referendum is held
- 34 under this chapter expire December 31 of the year in which the
- 35 referendum is held.
- 36 (d) In the initial general election held to elect members of the
- 37 governing body under this chapter, five (5) of the members shall be
- 38 elected by voters from their districts as follows:
- 39 (1) Three (3) of the members elected shall serve for four (4) year
- 40 terms.
- 41 (2) Two (2) of the members elected shall serve for two (2) year
- 42 terms.

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1 (e) In the second general election held to elect members of the
 2 governing body under this chapter, four (4) of the members shall be
 3 elected as follows:

4 (1) Two (2) of the members shall be elected by voters from their
 5 district and shall serve four (4) year terms.

6 (2) Two (2) of the members shall be elected at large and shall
 7 serve four (4) year terms.

8 SECTION 8. IC 20-23-17-4, AS ADDED BY P.L.179-2011,
 9 SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 10 JULY 1, 2012]: Sec. 4. **Except as provided in IC 20-31-9-8 and**
 11 **IC 20-31-9-9**, the term of each individual chosen to serve on the
 12 governing body is four (4) years, beginning January 1 following the
 13 individual's election or appointment.

14 SECTION 9. IC 20-23-17.2-8, AS ADDED BY P.L.179-2011,
 15 SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 16 JULY 1, 2012]: Sec. 8. **Except as provided in IC 20-31-9-8 and**
 17 **IC 20-31-9-9**, the term of each person elected to serve on the
 18 governing body of the school corporation is four (4) years, beginning
 19 January 1 following the election.

20 SECTION 10. IC 20-25-3-4, AS AMENDED BY P.L.179-2011,
 21 SECTION 32, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 22 JULY 1, 2012]: Sec. 4. (a) **Except as provided in IC 20-31-9-8 or**
 23 **IC 20-31-9-9**, the board consists of seven (7) members. A member:

24 (1) must be elected on a nonpartisan basis in general elections
 25 held in the county as specified in this section; and

26 (2) serves a four (4) year term.

27 (b) Five (5) members shall be elected from the school board districts
 28 in which the members reside, and two (2) members must be elected at
 29 large. Not more than two (2) of the members who serve on the board
 30 may reside in the same school board district.

31 (c) If a candidate runs for one (1) of the district positions on the
 32 board, only eligible voters residing in the candidate's district may vote
 33 for that candidate. If a person is a candidate for one (1) of the at-large
 34 positions, eligible voters from all the districts may vote for that
 35 candidate.

36 (d) If a candidate files to run for a position on the board, the
 37 candidate must specify whether the candidate is running for a district
 38 or an at-large position.

39 (e) A candidate who runs for a district or an at-large position wins
 40 if the candidate receives the greatest number of votes of all the
 41 candidates for the position.

42 (f) Districts shall be established within the school city by the state

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1 board. The districts must be drawn on the basis of precinct lines, and
 2 as nearly as practicable, of equal population with the population of the
 3 largest district not to exceed the population of the smallest district by
 4 more than five percent (5%). District lines must not cross precinct
 5 lines. The state board shall establish:

6 (1) balloting procedures for the election under IC 3; and

7 (2) other procedures required to implement this section.

8 (g) A member of the board serves under section 3 of this chapter.

9 (h) In accordance with subsection (k), a vacancy in the board shall
 10 be filled temporarily by the board as soon as practicable after the
 11 vacancy occurs. The member chosen by the board to fill a vacancy
 12 holds office until the member's successor is elected and qualified. The
 13 successor shall be elected at the next regular school board election
 14 occurring after the date on which the vacancy occurs. The successor
 15 fills the vacancy for the remainder of the term.

16 (i) An individual elected to serve on the board begins the
 17 individual's term on January 1 immediately following the individual's
 18 election.

19 (j) Notwithstanding any law to the contrary, each voter must cast a
 20 vote for a school board candidate or school board candidates by voting
 21 system or paper ballot. However, the same method used to cast votes
 22 for all other offices for which candidates have qualified to be on the
 23 election ballot must be used for the board offices.

24 (k) If a vacancy in the board exists because of the death of a
 25 member, the remaining members of the board shall meet and select an
 26 individual to fill the vacancy in accordance with subsection (h) after
 27 the secretary of the board receives notice of the death under IC 5-8-6.

28 SECTION 11. IC 20-31-8-3, AS ADDED BY P.L.1-2005,
 29 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 30 JULY 1, 2012]: Sec. 3. The state board shall establish a number of
 31 categories or designations of ~~school~~ improvement based on the
 32 improvement that a school **or school corporation** makes in
 33 performance of the measures determined by the board with the advice
 34 of the education roundtable. The categories or designations must reflect
 35 various levels of improvement.

36 SECTION 12. IC 20-31-8-4, AS ADDED BY P.L.1-2005,
 37 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 38 JULY 1, 2012]: Sec. 4. The state board shall place each school **and**
 39 **school corporation** in a category or designation of ~~school~~
 40 improvement based on the department's findings from the assessment
 41 of the improvement of each school **and school corporation** under
 42 section 2 of this chapter. The state board must place those schools **and**

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1 **school corporations** that do not show improvement and in which less
 2 than ninety percent (90%) of the students meet academic standards in
 3 the lowest category or designation.

4 SECTION 13. IC 20-31-9-5 IS ADDED TO THE INDIANA CODE
 5 AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JULY
 6 1, 2012]: **Sec. 5. (a) The state board shall develop and perform an**
 7 **annual analysis showing how school corporation spending**
 8 **correlates to student progress. The analysis must identify school**
 9 **corporations using resource allocation practices that contribute to**
 10 **high academic performance and cost effective operations. The**
 11 **analysis may include the use of student growth or improvement.**

12 **(b) The department shall include a copy of the annual analysis**
 13 **on the department's Internet web site.**

14 **(c) The state board shall adopt rules under IC 4-22-2 to**
 15 **implement this section.**

16 SECTION 14. IC 20-31-9-6 IS ADDED TO THE INDIANA CODE
 17 AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JULY
 18 1, 2012]: **Sec. 6. (a) This section applies the first year a school**
 19 **corporation is placed in either of the two (2) lowest categories or**
 20 **designations of improvement.**

21 **(b) The state board shall place the school corporation on notice**
 22 **that it is in one (1) of the two (2) lowest categories or designations**
 23 **of improvement. Upon receiving the notice, the governing body**
 24 **shall:**

25 **(1) issue a public notice of the corporation's lack of**
 26 **improvement; and**

27 **(2) hold a public hearing in which public testimony is received**
 28 **concerning the lack of improvement.**

29 **The governing body shall send a copy of the meeting minutes to the**
 30 **state board not later than forty-five (45) days after the public**
 31 **meeting.**

32 **(c) The governing body shall revise a school's strategic and**
 33 **continuous school improvement plan under IC 20-31-5. A revision**
 34 **of a school's strategic and continuous school improvement plan**
 35 **may include any of the following:**

36 **(1) Shifting resources.**

37 **(2) Changing personnel.**

38 **(3) Requesting the state board to assist in the development of**
 39 **a new strategic and continuous school improvement plan.**

40 SECTION 15. IC 20-31-9-7 IS ADDED TO THE INDIANA CODE
 41 AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JULY
 42 1, 2012]: **Sec. 7. (a) This section applies if, in the second year after**

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1 a school corporation's initial placement in either of the two (2)
2 lowest categories or designations, a school corporation remains in
3 either of the two (2) lowest categories or designations.

4 (b) The state board shall establish an expert team and assign the
5 team to the school corporation to conduct a quality review of the
6 school corporation. The expert team:

7 (1) must include representatives from the community or
8 region that the school serves; and

9 (2) may include:

10 (A) school superintendents, members of a school
11 corporation's governing body, and teachers from a school
12 corporation that is in a high category of designation; and

13 (B) special consultants or advisors.

14 (c) The expert team shall assist the school corporation:

15 (1) in revising a school's strategic and continuous
16 improvement plan; and

17 (2) implementing specific improvements in performance
18 measures determined by the department.

19 (d) A school corporation to which this section applies remains
20 subject to this section until the school corporation:

21 (1) is placed in a category or designation other than the lowest
22 two (2) categories or designations for two (2) consecutive
23 years; or

24 (2) becomes subject to section 8 or 9 of this chapter.

25 SECTION 16. IC 20-31-9-8 IS ADDED TO THE INDIANA CODE
26 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
27 1, 2012]: Sec. 8. (a) This section applies if, in the third year after a
28 school corporation's initial placement in the lowest category or
29 designation, a school corporation remains in the lowest category or
30 designation.

31 (b) The state board shall hold at least one (1) public hearing in
32 the school corporation to take testimony concerning the feasibility
33 of taking any of the following actions for providing a quality
34 education to the affected students in the school corporation:

35 (1) Merging the school corporation with a nearby school
36 corporation that is not in the lowest two (2) categories or
37 designations.

38 (2) Assisting a special management team or lead partner to
39 operate all or part of the school corporation.

40 (3) Implementing the department's recommendations for
41 improving the school corporation.

42 (4) Dissolving the governing board of the school corporation

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1 and installing a state appointed governing board.
 2 (5) Transferring the school corporation's authority to another
 3 entity.
 4 (6) Requiring state board approval of the school corporation's
 5 annual budget.
 6 (7) Implementing other options for school corporation
 7 intervention, including those expressed at the public hearing.
 8 (c) Notwithstanding any other law, if the state board determines
 9 that taking at least one (1) of the actions listed in subsection (b) will
 10 improve the school corporation, the state board may take at least
 11 one (1) of the actions listed in subsection (b).
 12 SECTION 17. IC 20-31-9-9 IS ADDED TO THE INDIANA CODE
 13 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 14 1, 2012]: **Sec. 9. (a) This section applies if in the fourth year after a**
 15 **school corporation is initially placed in the lowest two (2)**
 16 **categories or designations, the school corporation remains in any**
 17 **combination of placement in either of the two (2) lowest categories**
 18 **or designations.**
 19 (b) The state board shall hold at least one (1) public hearing in
 20 the school corporation to take testimony concerning the feasibility
 21 of taking any of the following actions for providing a quality
 22 education to the affected students in the school corporation:
 23 (1) Merging the school corporation with a nearby school
 24 corporation that is not in the lowest two (2) categories or
 25 designations.
 26 (2) Assisting a special management team or lead partner to
 27 operate all or part of the school corporation.
 28 (3) Implementing the department's recommendations for
 29 improving the school corporation.
 30 (4) Dissolving the governing board of the school corporation
 31 and installing a state appointed governing board.
 32 (5) Transferring the school corporation's authority to another
 33 entity.
 34 (6) Requiring state board approval of the school corporation's
 35 annual budget.
 36 (7) Taking other actions to provide a quality education for the
 37 affected students in the school corporation, including those
 38 expressed at the public hearing.
 39 (c) Notwithstanding any other law, if the state board determines
 40 that taking at least one (1) of the actions listed in subsection (b) will
 41 improve the school corporation, the state board may take at least
 42 one (1) of the actions listed in subsection (b).

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