
SENATE BILL No. 341

DIGEST OF INTRODUCED BILL

Citations Affected: IC 20-31-8-3; IC 20-31-12.

Synopsis: School reorganization. Requires the state board of education to create a school performance category of "pending reorganization". Establishes a process for the reorganization of a school that is in the third or subsequent year of placement in the lowest performance category. Provides that the school may be reorganized by: (1) closing the school and transferring the students to a higher performing school in the same school corporation; (2) providing tuition payments for students to transfer to a higher performing school in another school corporation; (3) reorganizing the school as a charter school; or (4) any combination of (1) through (3). Provides that, as a condition to reorganizing the school, the school reorganization initiative (initiative) must include: (1) a vote by the majority of the governing body's members in favor of reorganization; (2) a petition in favor of the reorganization signed by at least 75% of the teachers at the designated school; (3) a petition in favor of the reorganization signed by at least 51% of the parents of students who attend the designated school; or (4) any combination of (1) through (3). Requires the individual initiating the initiative to submit a form to the department of education (department). Provides that if the initiative requires the transfer of students from the designated school to a higher performing school in the same school corporation, the individual who initiates the initiative must provide the department with verification (which is provided by the governing body) that the higher performing school has the capacity to provide classroom instruction for the additional students. Requires the department to post notice of the initiative on the department's Internet web site. Provides that a condition specified in the initiative
(Continued next page)

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Effective: Upon passage.

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January 8, 2013, read first time and referred to Committee on Education and Career Development.



Digest Continued

must be satisfied within 120 days. Provides that a subsequent initiative regarding the school may not be submitted to the department during the 120 days. Requires the department, after a school is reorganized, to place the school in the "pending reorganization" performance category. Provides that once a school has been reorganized, another petition for reorganizing the school may not be submitted for at least five years after the school year in which the reorganization takes place.

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Introduced

First Regular Session 118th General Assembly (2013)

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 2012 Regular Session of the General Assembly.

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SENATE BILL No. 341



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

9 (b) **The state board shall establish a category or designation of**
10 **"pending reorganization" for the purposes of IC 20-31-12-14 for**
11 **a school that is reorganized under IC 20-31-12.**

12 SECTION 2. IC 20-31-12 IS ADDED TO THE INDIANA CODE
13 AS A **NEW CHAPTER** TO READ AS FOLLOWS [EFFECTIVE
14 UPON PASSAGE]:

15 **Chapter 12. Designated School Reorganization Initiatives**



1 **Sec. 1. This chapter applies to a school if, in the third or a**
 2 **subsequent year after the school is initially placed in the lowest**
 3 **category or designation under IC 20-31-8-4, the school remains in**
 4 **the lowest category or designation.**

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

7 **Sec. 3. As used in this chapter, "designated school**
 8 **reorganization" means a reorganization of a designated school**
 9 **under this chapter using one (1) or more of the following methods:**

10 **(1) Closing the designated school and transferring the**
 11 **designated school's students to a higher performing school**
 12 **within the same school corporation.**

13 **(2) Providing tuition payments for students from the**
 14 **designated school who wish to transfer from the designated**
 15 **school to a higher performing public school in another school**
 16 **corporation.**

17 **(3) Restructuring the designated school as a charter school**
 18 **under IC 20-24.**

19 **Sec. 4. As used in this chapter, "designated school**
 20 **reorganization initiative" refers to an initiative to reorganize a**
 21 **designated school under this chapter.**

22 **Sec. 5. For the purposes of this chapter, a "household" consists**
 23 **of at least one (1) student who attends a designated school and a**
 24 **parent of the student.**

25 **Sec. 6. (a) A designated school may be reorganized in the**
 26 **manner provided in this chapter. The method and conditions under**
 27 **which a designated school is to be reorganized must be specified in**
 28 **the form submitted to the department under section 7 of this**
 29 **chapter.**

30 **(b) In order for a designated school reorganization initiative to**
 31 **be carried out under section 11 of this chapter, the designated**
 32 **school reorganization initiative must meet one (1) or more of the**
 33 **following conditions:**

34 **(1) A majority of the members of the governing body of the**
 35 **school corporation in which the designated school is located**
 36 **must vote in favor of a designated school reorganization.**

37 **(2) At least seventy-five percent (75%) of the teachers at the**
 38 **designated school must sign a petition that is verified under**
 39 **section 10 of this chapter requesting a designated school**
 40 **reorganization.**

41 **(3) At least fifty-one percent (51%) of the parents of students**
 42 **that attend the designated school must sign, in the manner**

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prescribed in section 10 of this chapter, a petition requesting a designated school reorganization.

Sec. 7. (a) To initiate a designated school reorganization initiative under this chapter, the individual initiating the designated school reorganization must provide to the department, on a form prescribed by the department, the following:

(1) Contact information for the individual initiating the designated school reorganization initiative.

(2) A description of the method or methods, as set forth in section 3 of this chapter, under which the designated school is to be reorganized.

(3) A description of the condition or conditions that the designated school reorganization initiative must meet, as set forth in section 6(b) of this chapter.

(4) If one (1) of the conditions for the designated school reorganization initiative set forth under subdivision (3) includes a petition described in section 6(b)(2) or 6(b)(3) of this chapter, the number of teachers or parents who must sign the petition in order to meet the percentage requirements set forth in section 6(b) of this chapter.

(5) If one (1) of the methods under which the designated school is to be reorganized, as described in the form under subdivision (2), is the transfer of students to a higher performing school within the school corporation, as described in section 3(1) of this chapter, verification as described in subsection (b) that the higher performing school within the school corporation has the capacity to provide classroom instruction for the additional students.

(6) Any additional information the department determines is necessary to implement this chapter.

(b) If a designated school reorganization initiative includes as a method of reorganization the transfer of students to a higher performing school within the same school corporation, as described in section 3(1) of this chapter, the form submitted under subsection (a) must include verification, on a separate form developed by the department, from the governing body of the school corporation in which the designated school is located that a higher performing school within the same school corporation would have the capacity to provide classroom instruction to the students that would transfer to the higher performing school from the designated school if the designated school reorganization initiative is successful. Upon receiving a request for verification

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1 under this subsection, a governing body shall make a good faith
 2 effort to accurately verify whether a higher performing school
 3 within the school corporation would be able to provide the
 4 necessary classroom instruction for the transfer students from the
 5 designated school.

6 **Sec. 8.** The department shall maintain on the department's
 7 Internet web site the following:

8 (1) A copy of each form the department receives under section
 9 7 of this chapter.

10 (2) The date on which the department received the form
 11 described in section 7 of this chapter.

12 (3) The date the condition or conditions set forth on the form
 13 under section 7(a)(3) of this chapter must be satisfied under
 14 section 9 of this chapter.

15 (4) Any other information the department determines is
 16 necessary.

17 **Sec. 9. (a)** The condition or conditions set forth on the form
 18 under section 7(a)(3) of this chapter must be satisfied not less than
 19 one hundred twenty (120) days after the date the department
 20 receives the form under section 7 of this chapter. Upon receipt of
 21 the form, the department shall notify the individual who initiated
 22 the designated school reorganization initiative by mail of the date
 23 the form was received by the department and the date by which the
 24 condition or conditions set forth in the form under section 7(a)(3)
 25 of this chapter must be satisfied.

26 (b) A subsequent designated school reorganization initiative for
 27 the same designated school may not be initiated under this chapter
 28 during the period within which the condition or conditions of the
 29 earlier designated school reorganization initiative must be met
 30 under subsection (a), unless the earlier designated school
 31 reorganization initiative is withdrawn under subsection (c).

32 (c) The individual who initiates a designated school
 33 reorganization initiative under section 7 of this chapter may
 34 withdraw the designated school reorganization initiative at any
 35 time by providing notice to the department on a form prescribed
 36 by the department.

37 **Sec. 10. (a)** This section applies to a designated school
 38 reorganization initiative that requires, as a condition set forth in
 39 the form under section 7(a)(3) of this chapter, a petition described
 40 in either section 6(b)(2) or 6(b)(3) of this chapter.

41 (b) The following apply to a petition described in section 6(b)(3)
 42 of this chapter:

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

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

7 (3) Each signature must include the signer's printed name and
8 address.

9 (c) A completed petition described in section 6(b)(2) or 6(b)(3)
10 of this chapter must be submitted to the governing body of the
11 school corporation in which the designated school is located along
12 with a copy of the form submitted to the department under section
13 7(a) of this chapter. After the governing body receives a copy of the
14 form described in section 7(a) of this chapter and any completed
15 petition described in section 6(b)(2) or 6(b)(3) of this chapter, the
16 governing body shall deliver the petition to the state board for
17 verification of the signatures. The state board shall verify the
18 signatures contained in the petition.

19 (d) After the state board verifies the signatures under subsection
20 (c), the state board shall provide written notification to the
21 governing body and the individual who submitted the form under
22 section 7 of this chapter that the signatures of the petitions
23 described in section 6(b)(2) or 6(b)(3) of this chapter, as applicable,
24 have been verified.

25 (e) If a petition received by the governing body under subsection
26 (c) is verified by the state board and the condition or conditions set
27 forth in the form under section 7(a)(3) of this chapter are satisfied
28 under section 6(b)(2) or 6(b)(3) of this chapter, the condition or
29 conditions pertaining to the petition are deemed satisfied.

30 Sec. 11. (a) If the condition or conditions set forth in the form
31 under section 7(a)(3) of this chapter are satisfied not later than the
32 period set forth in section 9 of this chapter, the governing body
33 shall carry out the reorganization method or methods that are set
34 forth in the form under section 7(a)(2) of this chapter and sought
35 in the petition. The governing body must notify the department of
36 whether the designated school reorganization is successful.

37 (b) If the condition or conditions set forth in the form under
38 section 7(a)(3) of this chapter are satisfied after June 30 and before
39 January 1, the designated school reorganization method or
40 methods set forth in the form under section 7(a)(2) of this chapter
41 must be carried out beginning in the next school year following the
42 date on which the condition or conditions are satisfied. If the

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1 condition or conditions set forth in the form under section 7(a)(3)
 2 of this chapter are satisfied after December 31 and before July 1,
 3 the designated school reorganization method or methods set forth
 4 in the form under section 7(a)(2) of this chapter must be carried
 5 out in the school year following the next school year following the
 6 date on which the conditions are satisfied.

7 Sec. 12. (a) This section applies to a designated school
 8 reorganization that, as described in section 3(3) of this chapter,
 9 restructures a designated school as a charter school under
 10 IC 20-24.

11 (b) The governing body of the school corporation in which the
 12 designated school is located, or any other charter school sponsor
 13 (as defined in IC 20-24-1-9), must serve as the sponsor for the
 14 charter school.

15 Sec. 13. (a) This section applies to a designated school
 16 reorganization that, as described in section 3(2) of this chapter,
 17 provides for tuition payments for students who wish to transfer
 18 from the designated school.

19 (b) The department shall administer the tuition payments
 20 required under this chapter.

21 Sec. 14. After the department receives notice under section 11(a)
 22 of this chapter that a designated school has been reorganized under
 23 this chapter, the department:

24 (1) shall remove the designated school from the lowest
 25 performance category or designation and place the designated
 26 school into the category or designation of "pending
 27 reorganization"; and

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

32 Sec. 15. After a designated school has been reorganized under
 33 this chapter, a subsequent designated school reorganization
 34 initiative may not be initiated for the school under this chapter for
 35 at least five (5) years after the school year in which the
 36 reorganization takes place.

37 Sec. 16. The state board may adopt under IC 4-22-2 any rules
 38 necessary to administer this chapter.

39 SECTION 3. An emergency is declared for this act.

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