

HOUSE BILL No. 1358

DIGEST OF INTRODUCED BILL

Citations Affected: IC 20-24; IC 20-52.

Synopsis: Parental initiatives for school reorganization. Establishes the following parental initiatives for school reorganization of low performing schools: (1) The conversion of an existing public school into a charter school. (2) A petition to have the state board of education consider intervention and establish a lead partner to support the operation of the school. Repeals current provisions concerning the conversion of existing public schools into charter schools.

Effective: July 1, 2013.

Huston, Behning

January 22, 2013, read first time and referred to Committee on Education.

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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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HOUSE BILL No. 1358



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 20-24-1-5, AS ADDED BY P.L.1-2005, SECTION
2 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,
3 2013]: Sec. 5. "Conversion charter school" means a charter school
4 established under ~~IC 20-24-11~~ **IC 20-52-3** by the conversion of an
5 existing school into a charter school. The term includes a new school
6 to which students from other schools in the school corporation are
7 assigned or transferred.

8 SECTION 2. IC 20-24-5-5, AS AMENDED BY P.L.91-2011,
9 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
10 JULY 1, 2013]: Sec. 5. (a) Except as provided in subsections (b), (c),
11 and (d), a charter school must enroll any eligible student who submits
12 a timely application for enrollment.

13 (b) This subsection applies if the number of applications for a
14 program, class, grade level, or building exceeds the capacity of the
15 program, class, grade level, or building. If a charter school receives a
16 greater number of applications than there are spaces for students, each
17 timely applicant must be given an equal chance of admission. The



1 organizer must determine which of the applicants will be admitted to
 2 the charter school or the program, class, grade level, or building by
 3 random drawing in a public meeting.

4 (c) A charter school may limit new admissions to the charter school
 5 to:

6 (1) ensure that a student who attends the charter school during a
 7 school year may continue to attend the charter school in
 8 subsequent years; and

9 (2) allow the siblings of a student who attends a charter school to
 10 attend the charter school.

11 (d) This subsection applies to an existing school that converts to a
 12 charter school under ~~IC 20-24-11~~ **IC 20-52-3**. During the school year
 13 in which the existing school converts to a charter school, the charter
 14 school may limit admission to:

15 (1) those students who were enrolled in the charter school on the
 16 date of the conversion; and

17 (2) siblings of students described in subdivision (1).

18 SECTION 3. IC 20-24-11 IS REPEALED [EFFECTIVE JULY 1,
 19 2013]. (Conversion of Existing Public Schools Into Charter Schools).

20 SECTION 4. IC 20-52 IS ADDED TO THE INDIANA CODE AS
 21 A NEW ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1,
 22 2013]:

23 **ARTICLE 52. PARENTAL INITIATIVES FOR SCHOOL**
 24 **REORGANIZATION**

25 **Chapter 1. Application**

26 **Sec. 1. This article applies if, in the second or a subsequent year**
 27 **after initial placement in either of the two (2) lowest categories or**
 28 **designations under IC 20-31-9, a school remains in either of the**
 29 **two (2) lowest categories or designations.**

30 **Chapter 2. Definitions**

31 **Sec. 1. The definitions in this chapter apply throughout this**
 32 **article.**

33 **Sec. 2. The definitions in IC 20-24-1 apply throughout this**
 34 **article.**

35 **Sec. 3. "Designated school" refers to a school to which this**
 36 **article applies.**

37 **Sec. 4. "Household" means a unit consisting of a student who**
 38 **attends a designated school and a parent of the student.**

39 **Sec. 5. "Lead partner" means an organization that employs**
 40 **research based strategies to yield demonstrable and sustainable**
 41 **results.**

42 **Chapter 3. Low Performing Schools; Parental Options**



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1 **Sec. 1.** This chapter does not apply to an existing public
 2 elementary or secondary school that has been scheduled for closure
 3 by the governing body of the school corporation in which the
 4 school is located.

5 **Sec. 2. (a)** An existing public elementary or secondary school
 6 that is a designated school may be converted into a charter school
 7 if:

8 (1) the parents of at least fifty-one percent (51%) of the
 9 students who attend the designated school have signed a
 10 petition requesting the conversion, which must be completed
 11 not later than ninety (90) days after the date of the first
 12 signature; or

13 (2) the governing body votes to convert an existing school
 14 within the school corporation.

15 (b) The parents of at least fifty-one percent (51%) of the
 16 students who attend a designated school may petition the state
 17 board to place the school immediately under IC 20-31-9-4 and have
 18 the school operated by a lead partner. The petition must be
 19 completed with the requisite signatures not later than ninety (90)
 20 days after the date of the first signature.

21 **Sec. 3.** A petition under this chapter must satisfy the
 22 requirements set forth in IC 20-52-4.

23 **Chapter 4. Parental Petitions**

24 **Sec. 1.** A petition under IC 20-52-3-2 must satisfy the following
 25 requirements:

26 (1) The petition must state which reorganization option the
 27 petitioners seek.

28 (2) A petition for conversion into a charter school:

29 (A) may include the name of a specific, existing charter
 30 school operator that proposes to operate the school and
 31 completed charter applications for the school; or

32 (B) may be circulated without the name of a specific
 33 charter school operator. If the petition is circulated
 34 without the name of a charter school operator, a proposed
 35 charter school operator must be selected not later than
 36 ninety (90) days after the petition is submitted to the state
 37 board for approval under section 4 of this chapter.

38 The proposed charter school operator may be a group of
 39 parents.

40 (3) A petition for operation of the school by a lead partner:

41 (A) may include the name of a specific external education
 42 intervention organization that seeks to be a lead partner

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for the school and a proposal from the organization; or
(B) may be circulated without the name of a specific proposed lead partner. If the petition is circulated without the name of a proposed lead partner, the lead partner must be selected not later than ninety (90) days after the petition is submitted to the state board for approval under section 4 of this chapter.

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

(5) 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.

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

(7) A petition must include the requisite signatures acquired in the requisite time frame set forth in IC 20-52-3-2.

(8) A completed petition containing the requisite signatures acquired in the requisite time frame must be submitted to the governing body.

Sec. 2. (a) A parent may not be harassed, threatened, or otherwise intimidated when circulating a petition, signing a petition, or refusing to sign a petition.

(b) The resources of the designated school or the school corporation may not be used to support or oppose a petition.

Sec. 3. (a) After the governing body receives a completed petition containing the requisite signatures, the governing body shall deliver the petition and the roster of students who attend the designated school, including the addresses and the names of the parents of the students, to the state board. The state board shall verify:

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

(2) 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.

(b) In verifying signatures under subsection (a), the state board shall accept a signature if the intent of the parent to sign can be determined.

(c) If, after verification under subsection (a), the number of verified signatures falls below fifty-one percent (51%) of the number of students in the school, the group circulating the petition must be given an additional thirty (30) days to collect additional

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1 signatures and return the modified petition to the state board.

2 **Sec. 4. (a)** If a petition that has been verified under section 3 of
3 this chapter contains a number of signatures equal to at least
4 fifty-one percent (51%) of the number of students in the designated
5 school, the state board shall approve or deny the petition.

6 **(b)** The state board shall maintain accurate records of each
7 petition submitted under this chapter.

8 **(c)** The state board may deny a petition if the petition has been
9 submitted for a reason other than academic improvement or
10 student safety.

11 **Chapter 5. Conversion to a Charter School**

12 **Sec. 1. (a)** After the state board has approved a petition to
13 convert a designated school to a charter school under IC 20-52-4-4,
14 the charter school operator selected by the petitioning group must
15 obtain a sponsor that approves the charter application.

16 **(b)** If parents successfully complete a petition for a designated
17 school that has been placed in either of the two (2) lowest
18 categories or designations under IC 20-31-8-4 for four (4)
19 consecutive years, the governing body may not serve as that
20 charter school's sponsor.

21 **Sec. 2.** Unless the petition specifies otherwise or the state board
22 specifies a different date, the conversion of a designated school to
23 a charter school becomes effective on the first day of the school
24 year that begins in the calendar year immediately following the
25 calendar year in which the petition was approved.

26 **Sec. 3.** The school corporation in which the conversion charter
27 school is located shall share all student records for the designated
28 school with the charter school operator.

29 **Sec. 4. (a)** A conversion charter school shall accept all students
30 who attended the school before its conversion and who wish to
31 attend the conversion charter school.

32 **(b)** Students who attended the conversion charter school before
33 the school's conversion and who do not wish to attend the
34 conversion charter school shall be assigned to other schools
35 operated by the school corporation.

36 **Sec. 5.** IC 20-24 applies to the operation of a conversion charter
37 school.

38 **Chapter 6. Operation with a Lead Partner**

39 **Sec. 1.** Unless the petition specifies otherwise or the state board
40 specifies a different date, the operation of a designated school with
41 the support of a lead partner becomes effective on the first day of
42 the school year that begins in the calendar year immediately

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following the calendar year in which the petition was approved.

Sec. 2. The school corporation in which the designated school is located shall share all student records for the designated school with the lead partner.

Sec. 3. The lead partner shall:

- (1) hold regular community meetings, of which notice must be given throughout the school corporation, to report on the school's operation; and**
- (2) issue at least two (2) reports of school progress each school year.**

Chapter 7. Rules

Sec. 1. The state board shall adopt rules under IC 4-22-2 and may adopt emergency rules in the manner provided under IC 4-22-2-37.1 to carry out this article. Rules adopted under this section must include the following:

- (1) Formats for petitions.**
- (2) Petition submission requirements.**
- (3) Petition signature verification processes and requirements.**
- (4) Qualifications for conversion charter school operators and lead partners.**
- (5) Reporting requirements to the state board and communities for conversion charter school operators and lead partners.**

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