

# SENATE BILL No. 496

---

## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 20-26-7-1; IC 20-31.

**Synopsis:** Parental initiatives for school reorganization. Requires a school corporation to sell surplus real property to another educational institution if the educational institution is the highest bidder. Requires the state board of education to create a school performance category of pending reorganization. Provides that parents of a school that is in the third or subsequent year of placement in the lowest performance category may petition to reorganize the school by: (1) closing the school and transferring the students to a higher performing school in the same school corporation; (2) reorganizing the school as a charter school; or (3) providing tuition payments for students who wish to transfer from the school to another school corporation or a nonpublic school. Requires the governing body of the school corporation to carry out the reorganization if the parents of at least 51% of the students in the school sign the petition. Requires the department of education to place such a school in the pending reorganization performance category. Provides that once a school has been reorganized, another petition for reorganization may not be submitted for at least five years after the school year in which the reorganization takes place.

**Effective:** July 1, 2011.

---

---

**Kruse, Hershman**

---

---

January 13, 2011, read first time and referred to Committee on Education and Career Development.

---

---

C  
o  
p  
y



First Regular Session 117th General Assembly (2011)

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 2010 Regular Session of the General Assembly.

C  
O  
P  
Y

## SENATE BILL No. 496



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 20-26-7-1, AS AMENDED BY P.L.234-2007,
- 2 SECTION 227, IS AMENDED TO READ AS FOLLOWS
- 3 [EFFECTIVE JULY 1, 2011]: Sec. 1. (a) If a governing body of a
- 4 school corporation determines that any real or personal property:
- 5 (1) is no longer needed for school purposes; or
- 6 (2) should, in the interests of the school corporation, be
- 7 exchanged for other property;
- 8 the governing body may sell or exchange the property in accordance
- 9 with IC 36-1-11.
- 10 (b) Money derived from the sale or exchange of property under this
- 11 section shall be placed in any school fund:
- 12 (1) established under applicable law; and
- 13 (2) that the governing body considers appropriate.
- 14 (c) A governing body:
- 15 (1) may not make a covenant that prohibits the sale of real
- 16 property to another educational institution; **and**
- 17 (2) **shall sell real property under this section to another**



1           **educational institution if the educational institution is the**  
2           **highest bidder.**  
3           SECTION 2. IC 20-31-8-3, AS ADDED BY P.L.1-2005, SECTION  
4           15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,  
5           2011]: Sec. 3. The state board shall establish a number of categories or  
6           designations of school improvement based on the improvement that a  
7           school makes in performance of the measures determined by the board  
8           with the advice of the education roundtable. The categories or  
9           designations must:  
10           (1) reflect various levels of improvement; **and**  
11           (2) **include a category or designation that indicates a school**  
12           **has a reorganization under IC 20-31-12 pending.**  
13           SECTION 3. IC 20-31-12 IS ADDED TO THE INDIANA CODE  
14           AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
15           JULY 1, 2011]:  
16           **Chapter 12. Parental Initiatives for School Reorganization**  
17           **Sec. 1. This chapter applies if, in the third or a subsequent year**  
18           **after initial placement in the lowest category or designation under**  
19           **IC 20-31-9, a school remains in the lowest category or designation.**  
20           **Sec. 2. As used in this chapter, "designated school" refers to a**  
21           **school described in section 1 of this chapter.**  
22           **Sec. 3. As used in this chapter, "household" means a student**  
23           **who attends a designated school and a parent of the student.**  
24           **Sec. 4. The parents of students who attend a designated school**  
25           **may petition the governing body to reorganize the designated**  
26           **school under this chapter using one (1) of the following methods:**  
27           (1) Closing the designated school and transferring the  
28           students to a higher performing school within the same school  
29           corporation.  
30           (2) Restructuring the designated school as a charter school  
31           under IC 20-24.  
32           (3) Providing tuition payments for students from the  
33           designated school who wish to transfer from the designated  
34           school to a public school in another school corporation or a  
35           nonpublic school.  
36           **Sec. 5. The following apply to a petition under section 4 of this**  
37           **chapter:**  
38           (1) **The petition must state which reorganization option under**  
39           **section 4 of this chapter the petitioners seek.**  
40           (2) **The petition may be signed only by a parent in a household**  
41           **and by only one (1) parent.**  
42           (3) **A parent in a household may sign the petition the number**

C  
O  
P  
Y



1 of times that equals the number of students who reside in the  
 2 household and attend the designated school.  
 3 (4) Each signature must include the signer's printed name and  
 4 address.  
 5 (5) A completed petition must be submitted to the governing  
 6 body.  
 7 Sec. 6. (a) After the governing body receives a completed  
 8 petition, the governing body shall deliver the petition to the  
 9 principal of the designated school. The principal shall:  
 10 (1) verify:  
 11 (A) each signature as being that of a parent in a household;  
 12 and  
 13 (B) that the number of times an adult member signed the  
 14 petition does not exceed the number of students in the  
 15 household who attend the designated school; and  
 16 (2) return the verified petition to the governing body not later  
 17 than fifteen (15) days after receiving the petition.  
 18 (b) If a petition that has been verified under subsection (a)  
 19 contains a number of signatures equal to at least fifty-one percent  
 20 (51%) of the number of students in the designated school, the  
 21 governing body shall carry out the reorganization option sought in  
 22 the petition.  
 23 (c) If a petition is verified and returned to the governing body  
 24 after June 30 and before January 1, the reorganization set forth in  
 25 the petition must be carried out beginning in the school year next  
 26 following the date on which the petition was returned to the  
 27 governing body. If a petition is verified and returned to the  
 28 governing body after December 31 and before July 1, the  
 29 reorganization set forth in the petition must be carried out in the  
 30 school year following the school year next following the date on  
 31 which the petition was returned to the governing body.  
 32 Sec. 7. (a) This section applies to a reorganization that  
 33 restructures a designated school as a charter school under  
 34 IC 20-24.  
 35 (b) The governing body of the school corporation in which the  
 36 designated school is located shall serve as the sponsor for the  
 37 charter school, unless the organizers desire a different sponsor.  
 38 Sec. 8. (a) This section applies to a reorganization that provides  
 39 for tuition payments for students who wish to transfer from the  
 40 designated school.  
 41 (b) The department shall administer the tuition payments  
 42 required under this chapter.

COPY



1           **Sec. 9. After a petition for reorganization of a designated school**  
2 **has been verified under section 6 of this chapter, the department:**  
3           **(1) shall remove the designated school from the lowest**  
4 **performance category or designation and place the designated**  
5 **school into a category or designation of pending**  
6 **reorganization; and**  
7           **(2) may not place the designated school into a performance**  
8 **category or designation until the school year that next follows**  
9 **the school year in which the reorganization takes place.**  
10          **Sec. 10. After a designated school has been reorganized, a**  
11 **petition for the reorganization of the designated school under this**  
12 **chapter may not be submitted to the governing body for at least**  
13 **five (5) years after the school year in which the reorganization**  
14 **takes place.**

**C**  
**O**  
**P**  
**Y**

