



Charter School Guidance

SEA 93, SEA 301, HEA 1330, & HEA 1394

In the 2016 Legislative session, several laws were passed that effect charters schools. Below is a brief summary of those changes.

SEA 93 was passed by the Indiana General Assembly during the 2016 legislative session. The sections pertaining to Charter Schools becomes effective July 1, 2016.

Going forward, a charter school is considered in cessation of operation if the school closes, the charter school's charter is not renewed, or their charter has be revoked.

Prior to issuing a charter, the authorizer must hold a public meeting within the school corporation where the proposed charter school would be located. If the location of the proposed charter school has not been identified, the public hearing must take place within the county where the proposed charter would be located. This new law does not apply to authorizers that are the executive of a consolidated city.

A charter school is considered a school corporation for the purpose of any state and federal funding opportunities administered by the department or any other state agency.

Nonprofit colleges or university authorizers: Until January 1, 2017, the ultimate responsibility for choosing to authorize and for maintaining authorization rests with the nonprofit college's or university's board of trustees. However, after January 1, 2017, board of trustees for nonprofit or university authorizers must assign authorization authority and authorization responsibilities to a separate legal entity that functions under the direction of the nonprofit college's or university's board. A decision made under this subsection shall be communicated in writing to the Department of Education and to the State Board of Education. The newly created separate legal entity is subject to Indiana's public records laws and public meetings law. See Indiana Code §§ 5-14-1.5 and IC 5-14-3.

If a charter or school corporation fails to pay Federal Insurance Contributions Act (FICA) taxes imposed after June 30, 2016 in full to the IRS within thirty days after the due date; or fails to pay amounts that are deducted and withheld as taxes under IC 6-3-4-8 after June 30, 2016 within thirty days after the due date; the school business official or school finance officer shall report the school's delinquency to the governing body no less than forty-five days after the due date. The governing body, within thirty days after receiving the report, shall hold a public meeting. If a school corporation or charter school is delinquent twice within any 365 day period,



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not later than forty-five days after, the school corporation or charter school must notify the department, state budget agency, and the distressed unit appeals board of the delinquency.

SEA 301 was passed by the Indiana General Assembly during the 2016 legislative session. The law became effective upon passage.

Charter schools are now required, annually, to submit certain CTE data to the department. Specifically: 1. Career and technical education courses available to the students attending the high school. 2. The number of students enrolled in each course by grade level. 3. The number of students successfully completing each course. 4. The number of students who successfully completed a career and technical education course sequence and obtained employment in the career or technical field for which the student successfully completed a course sequence. The department of education and department of workforce development will use the data to create an annual report.

HEA 1330 was passed by the Indiana General Assembly during the 2016 legislative session. The sections pertaining to Charter Schools becomes effective July 1, 2016.

Simply narrows the scope of who is included in the ADM count dates by specifically adding, "charter school." Previously the language was worded, "In determining ADM, each pupil enrolled in a public school, and a nonpublic school is to be counted on a full time equivalency basis..."

HEA 1394 was passed by the Indiana General Assembly during the 2016 legislative session. The sections pertaining to Charter Schools becomes effective July 1, 2016.

If a charter school has more applications for a program, class, grade level, or building exceeds that capacity the charter school must have a random drawing at a public meeting. Each timely applicant is limited to one entry in the drawing. A charter school may not suspend or expel a student or request a student transfer based on any of the following reasons: disability, race, color, gender, national origin, religion, or ancestry. A charter school shall establish written discipline rules which must include a graduated system of discipline and may include appropriate dress code and an agreement for court assisted resolution of school suspension and expulsion cases. Charter schools must publicize the discipline rules within the charter school where the rules apply which may include making a copy of the rules available to students or parents, guardians, or custodians of students and delivering a copy to them. The publicity requirement is satisfied if the charter school makes a good faith effort to disseminate the rules to students or legal guardians.