

IC 20-31-9

Chapter 9. Consequences

IC 20-31-9-1

Inapplicability to nonpublic and charter schools

Sec. 1. This chapter does not apply to the following:

- (1) A nonpublic school.
- (2) A charter school.

As added by P.L.1-2005, SEC.15.

IC 20-31-9-2

School placed in lowest category or designation the first year

Sec. 2. (a) This section applies the first year that a school is placed in the lowest category or designation of school improvement.

(b) The state board shall place the school and the school corporation on notice that the school is in the lowest category or designation of school improvement. Upon receiving the notice, the governing body shall:

- (1) issue a public notice of the school's lack of improvement; and
- (2) hold a public hearing in which public testimony is received concerning the lack of improvement.

(c) The committee shall revise the school's plan. A revision under this subsection may include any of the following:

- (1) Shifting resources.
- (2) Changing personnel.
- (3) Requesting the state board to appoint an outside team to manage the school or assist in the development of a new plan.

(d) If the governing body approves a request for the state board to appoint an outside team under subsection (c)(3), the school is considered to be placed under section 3 of this chapter.

As added by P.L.1-2005, SEC.15.

IC 20-31-9-3

School placed in lowest category or designation; second year

Sec. 3. (a) This section applies if:

- (1) for a school initially placed in the lowest category or designation before July 1, 2016, in the third year after initial placement in the lowest category or designation, a school still remains in the lowest category or designation; or
- (2) for a school initially placed in the lowest category or designation after June 30, 2016, in the year after the year in which the school is initially placed in the lowest category or designation, a school remains in the lowest category or designation.

(b) The state board may establish and assign an expert team to the school. The expert team:

- (1) must include representatives from the community or region

that the school serves; and

(2) may include:

(A) school superintendents, members of governing bodies, and teachers from school corporations that are in high categories or designations; and

(B) special consultants or advisers.

(c) The expert team shall:

(1) assist the school in revising the school's plan; and

(2) recommend changes in the school that will promote improvement, including the reallocation of resources or requests for technical assistance.

(d) The governing body of the school corporation in which a school to which this section applies is located may petition the state board to immediately restructure the school by presenting a written plan to the state board setting forth the proposed intervention for the school. If the state board approves the petition and accepts the plan, the school:

(1) operates under the applicable provisions of IC 20-31-9.5; and

(2) is carried forward in the same performance category or designation in which the school is placed at the time the state board accepts the plan.

As added by P.L.1-2005, SEC.15. Amended by P.L.229-2011, SEC.188; P.L.223-2015, SEC.5.

IC 20-31-9-4

School placed in lowest category or designation; fourth year

Sec. 4. (a) This section applies if:

(1) for a school initially placed in the lowest category or designation of school improvement before July 1, 2016, in the fifth year after initial placement in the lowest category or designation, a school still remains in the lowest category or designation; or

(2) for a school initially placed in the lowest category or designation of school improvement after June 30, 2016, in the third year after initial placement in the lowest category or designation, a school remains in the lowest category or designation.

(b) The state board shall do the following:

(1) Hold at least one (1) public hearing in the school corporation where the school is located to consider and hear testimony concerning the following options for school improvement:

(A) Merging the school with a nearby school that is in a higher category.

(B) Assigning a special management team to operate all or part of the school.

(C) Approving the school corporation's plan to improve the

school through creation of a transformation zone.

(D) Approving the school corporation's plan to improve the school through creation of an innovation network school under IC 20-25.7-4.

(E) The department's recommendations for improving the school.

(F) Other options for school improvement expressed at the public hearing.

(G) Closing the school.

(2) If the state board determines that intervention will improve the school, implement at least one (1) of the options listed in subdivision (1).

(c) The state board may delay interventions under this section for one (1) year if the affected school demonstrates that, despite remaining in the lowest category or designation, a majority of students in the school demonstrated academic improvement during the preceding school year.

(d) Unless the school is closed or merged, a school that is subject to improvement under this section becomes a turnaround academy under IC 20-31-9.5.

(e) For a school initially placed in the lowest category or designation of school improvement after June 30, 2016, the school corporation shall provide a facilities master plan and an asset inventory for the school to the state board by December 31 following the fourth consecutive year in the lowest performance category or designation.

(f) The following procedures apply if the state board determines that a school should be closed under subsection (b)(1)(G):

(1) The state board shall request from the school corporation an alternative plan to the closure of the school. The school corporation shall provide the plan within sixty (60) days of the state board's request.

(2) At least two-thirds (2/3) of all members of the board vote to close the school.

(3) Before the closure of the school, the state board shall review a student reassignment plan from the school corporation.

As added by P.L.1-2005, SEC.15. Amended by P.L.229-2011, SEC.189; P.L.223-2015, SEC.6.

IC 20-31-9-9

School in fifth year of intervention; actions

Sec. 9. (a) Not later than December 31 of the fifth year of an intervention under this chapter, the state board shall take one (1) of the following actions:

(1) Return the school to the school corporation for operation.

(2) Direct the special management team to apply to a charter school authorizer for charter school status for the school.

(3) Implement a new intervention under section 4(b) of this

chapter.

(b) In making a determination under this section, the state board may consider all relevant factors, including the overall performance of the school corporation and the special management team.

(c) Before making a final determination to take an action under subsection (a), the state board shall hold at least one (1) public hearing in the school corporation in which the school is located during the fall semester of the fifth year of an intervention to consider and hear testimony.

(d) If the state board directs the special management team to apply for charter school status under subsection (a)(2), the school is entitled to continue to use the school's facilities in the same manner as a charter school that acquires school facilities under IC 20-26-7-1 is entitled to use school facilities.

As added by P.L.33-2014, SEC.5.