



INDIANA STATE BOARD OF EDUCATION

To: Indiana State Board of Education
From: Chad E. Ranney, Deputy General Counsel
Date: August 1, 2018
RE: Governing Body Change: Paoli Community School Corporation

MEMORANDUM

Recommendation: deny governing body reorganization, as petition submitted fails to meet the requirements set forth in IC 20-23-8.

Pursuant to IC 20-23-8-10, a registered voter of the Paoli Community School Corporation (“Paoli”), filed a petition to initiate a plan to change the composition of Paoli’s governing body. The petition, which was signed by at least ten percent (10%) of the voters of Paoli, was submitted to the Orange County Circuit Court Clerk on June 5, 2018. *See* IC 20-23-8-11. Paoli failed to act on the petition within thirty (30) days as required by IC 20-23-8-12. As such, the plan is deemed to have been disapproved. *See* IC 20-23-8-12. Subsequent to the plan’s disapproval, Paoli submitted the petition to the State Board of Education (“Board”) pursuant to IC 20-23-8-14(c).

Under IC 20-23-8-15(b), the Board shall do the following:

- (1) review a plan;
- (2) revise a plan, if possible to:
 - (A) cure ambiguities; and
 - (B) ensure that the plan complies with the limitations set out in section 8 of this chapter;
- (3) if a plan provides for electoral districts, verify that the districts are, as near as practicable, equal in population according to the decennial census immediately preceding the first petition or resolution initiating the plan; and
- (4) certify a plan, with revisions, to the governing body and to the clerk.

Furthermore, the Board shall publish notice of the plan in accordance with section 14 of IC 20-23-8, **unless the Board determines that the plan or the petition does not meet the requirements of IC 20-23-8.** *See* IC 20-23-8-15(c).

After reviewing the plan, Board staff has determined it is not possible to cure ambiguities and ensure the plan complies with the requirements set forth in IC 20-23-8 as the petition only contains the following language, “Petition to change Paoli Community School Board election process so everyone votes for candidates regardless of your place of residence.” Such a limited statement fails to satisfy the requirements set forth in IC 20-23-8.