

## School Referenda in Indiana

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### UPCOMING POLICY BRIEFS . .

- ✓ *Revisiting School District Consolidation Issues*
- ✓ *PL221: Is Indiana's Accountability Law Working or is it Another Passing Education Reform Fad?*
- ✓ *Trends in Alternative Teacher Certification*

### INTRODUCTION

Past reports by the Center for Evaluation & Education Policy (CEEP) have sought to examine various aspects of Indiana public school funding such as the mechanisms for funding (Michael, Spradlin, & Carson, 2009; Toutkoushian & Michael, 2005), school revenues and expenditures (CEEP, 2007, 2009), as well as numerous other reports whose subjects have implications on school and program funding.

This report focuses on another mechanism of public school funding which, while common in most other states, has only recently emerged in Indiana: school referenda. Before 2008, school referenda were rare, used only in specific cases for General Fund tax levies. As there were no referenda for school construction, opposition to school construction projects went through Indiana's unique petition and remonstrance process, although such projects often went unopposed (DeBoer, 2007).

In 2008, the Indiana General Assembly passed Public Law 146 (P.L. 146) (House Enrolled Act 1001-2008) that altered numerous aspects of taxes and school funding. This report examines several of these changes to General Fund referenda and the addition of school construction referenda and property tax caps. With the passage of these changes, school referenda began taking place in late 2008 and have steadily increased in occurrence.

This report will closely examine the results of General Fund and construction referenda which were voted upon in the communities of 14 school corporations in Indiana during the May 4, 2010 primary election. As part of this analysis, the total amounts and increases in property taxes sought in the referenda are identified, as well as basic demographic information of the school corporations. To conclude the analysis of the May 2010 referenda, the perspectives from the 14 superin-

tendents who oversaw the 16 referenda will then be presented which will reveal the primary reasons the referenda passed or failed.

To provide a foundation for analysis of the 2010 primary election referenda, Indiana's previous referenda from 2008 and 2009 will be discussed as well as a general review of practices regarding school referenda and passage rates in other states. This information, in conjunction with the analysis of 2010 Indiana primary election referenda, will provide a background to examine the factors that influence referenda outcomes and general trends indicating where General Fund and construction referenda may be heading in Indiana's near future.

### INDIANA'S (FORMER) PETITION AND REMONSTRANCE PROCESS

Prior to the passage of P.L. 146-2008, bond projects were governed not by the referendum process, but by a process unique to Indiana — the petition and remonstrance process. This process took effect only when voters sought to stop a local unit of government from issuing bonds for a "controlled" project. Controlled projects are those for which a local unit of government (e.g., local school board, city council) would issue bonds in excess of \$2 million. For example, controlled projects may include bonds issued for new school construction, renovation of public buildings, or road construction. Often, controlled projects excluded those projects which were not paid for using property taxes (Indiana Department of Local Government Finance, 2008).

The formal petition and remonstrance process consisted of two phases in which registered voters and real property owners would collect signatures either to petition for or remonstrate against a controlled project. Once a local unit of government published notice of its intent to issue bonds for a con-

trolled project, property owners or registered voters had 30 days to complete Phase I of the process. In order to complete Phase I, remonstrators (those opposed to the project) had to collect the signatures of either 100 registered voters or property owners in the district or signatures of five percent of registered voters, whichever was less (Indiana Department of Local Government Finance, 2008). Only registered voters or property owners in the district of the local government taxing unit were allowed to sign petitions or remonstrances in either Phase I or II.

If enough signatures were collected, Phase II began. At this juncture, the local governing body had the option to either carry on with the project (moving the petition and remonstrance process into Phase II) or abandon the project, ending the process (Indiana Department of Local Government Finance, 2008).

In Phase II, supporters and opponents of a project had 30 days to collect signatures for their position. State law governed Phase II closely. Each person carrying a petition or remonstrance (the person collecting signatures) had to be a property owner or registered voter, and each person had to carry their own forms. In addition to this requirement, these people had to provide an address of their real property or an address where they were registered to vote, sign the petition or remonstrance form, and sign and swear before a notary that they had personally witnessed every signature on their forms (Indiana Department of Local Government Finance, 2008).

After the 30-day period expired and all signatures were verified and the results certified, if the remonstrators collected the majority of signatures, the local government unit would be unable to proceed with the project for a minimum of one year (Indiana Department of Local Government Finance, 2008). However, if the petitioners were successful in collecting the majority of signatures, the project moved forward as planned. If a project was approved in the petition and remonstrance process, the only avenue of opposition remaining was to appeal the results of the process to the Indiana Tax Court or submit one's opposition in writing to the Property Tax Control Board (Indiana Department of Local Government Finance, 2008).

Between 1995 and 2007, there were 94 petition and remonstrance drives in Indiana. Voters and property owners successfully stopped 45, or 48 percent, of those projects while 52 percent, or 49, projects won approval. However, these figures do not represent the total

number of projects that actually occurred in this timeframe since only projects which were opposed were subject to the petition and remonstrance process; the majority of bond projects in Indiana went unopposed (DeBoer, 2007).

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## EFFECTS OF PUBLIC LAW 146-2008

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### Tax Caps and General Fund Referenda

Increasing property taxes in 2007 ignited strong voter protest in various parts of the state. One news article cites that Indianapolis homeowners had revolted for weeks after seeing tax bills increase nearly 35 percent before Gov. Daniels told Marion County to void the bills and reassess property values (Guinane, 2007a). Another article reporting on tax bills in northwest Porter County cited tax bills that increased an average of 20 percent, with some bills in the county rising 150 percent (Guinane, 2007b).

In response to these rising property tax rates, which ranged from 0.19 percent to 3.13 percent of assessed valuation throughout the state in 2007 (Merrick, 2010), property tax caps were included as a central piece of this legislation in 2008. Although not installed immediately, these tax caps were intended to reduce tax burdens on Indiana property owners. As of 2010, property tax liability is capped at an aggregate one percent of assessed valuation for residential homes, two percent of assessed valuation for farmland and rental properties, and three percent of assessed valuation on most other land, which includes businesses and manufacturing (IND CODE § 6-1.1-20.6-7.5, 2009; Merrick, 2010).

In addition to passing tax caps as part of P.L. 146, Governor Daniels and the Indiana General Assembly have successfully passed legislation in the past two legislatures which will allow Indiana voters to vote on amending the Indiana Constitution to preserve these caps, preventing future lawmakers from quickly changing them (Merrick, 2010).

These tax caps, however, do not apply to property tax increases approved by voters via referendum (IND CODE § 6-1.1-20.6-7.5(b), 2009). This allows schools which are in need of funds to place a referendum before voters to increase property taxes, regardless of whether taxes have reached capped levels or not. For

schools, these referenda include both General Fund referenda and construction referenda.

While General Fund referenda existed before the passage of P.L.146-2008, their purpose was limited, making them a rare occurrence (Kelly, 2009). This legislation substantially changed the language relating to these referenda, broadening the circumstances under which a school corporation could seek a referendum.

Through the passage of this legislation, school corporations may seek a referendum for two purposes. The first is that the school corporation determines it cannot carry on its mission and "public education duty" without the added revenue from an additional levy (IND CODE § 20-46-1-8(a1), 2009). The second purpose is that school corporations need the referendum to replace revenue lost because of property tax caps (IND CODE § 20-46-1-8(a2), 2009).

By law, school corporations may only seek an increased tax levy for seven years (often, for General Fund referenda, the "per year" revenue is most frequently cited; however, the seven-year total would represent the entire revenue of a General Fund referendum), and if approved the levy takes effect the calendar year following the referendum (IND CODE § 20-46-1, 2009). Should voters in a district reject the referendum, the school corporation must wait 12 months after the defeated referendum before it can hold another (IND CODE § 20-46-1-19, 2009).

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### Referenda for Construction Projects

Another substantial portion of this law provided a new mechanism for voters to approve or reject major school construction projects. While minor construction projects (elementary or middle school projects valued less than \$10 million or high school projects valued less than \$20 million) proceed along the petition and remonstrance process, should enough voters object, major projects in excess of those values move into the referendum process (IND CODE § 6-1.1-20, 2009).

Under the new section of the Indiana Code, a school corporation must make public notice of its intention to issue bonds or enter a lease for a construction project. If voters or property owners object, they may collect signatures in the same way described under Phase I of the petition and remonstrance process where voters must get the signatures of 100 registered voters or property owners or the signatures of

five percent of registered voters in the district in order to place a referendum on the ballot (IND CODE § 6-1.1-20-3.5(b), 2009).

As passed in 2008, if voters successfully applied for a referendum within 30 days of the school board's initial public notice, the referendum could occur during the primary, municipal, or general elections as well as a special election (Indiana House Enrolled Act 1001 § 194, 2008). However, the 2010 Indiana General Assembly passed a change to this removing special elections except in the case that no primary, municipal, or general election would be held in a given year. In this case, the special election would be held on the first Tuesday after the first Monday in May or November (Indiana House Enrolled Act 1086 § 98, 2010).

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***Since, in contrast to the petition and remonstrance process, the outcome of a referendum depends on all voters in a given election and not just on the voters that petitioners approach, it is natural that fewer referenda will be approved than under the petition and remonstrance process.***

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The law also provides a mechanism for school corporations to pursue a public referendum even if voters and property owners do not request one. At the time of the school board's preliminary decision to issue bonds for a construction project, rather than allowing voters to initiate the application for a referendum as described above, the school board can pass a resolution that the issuance of bonds is contingent on a referendum (IND CODE § 6-1.1-20-3.7, 2009). This section of the law also allows a school board to pass a resolution adopting a referendum if no voters apply for a referendum or if an insufficient number of voters apply for a referendum (IND CODE § 6-1.1-20-3.7(c), 2009).

Since, in contrast to the petition and remonstrance process, the outcome of a referendum depends on all voters in a given election and not just on the voters that petitioners approach, it is natural that fewer referenda will be approved than under the petition and

remonstrance process. The project cost thresholds for which the referenda process applies are also set low enough to capture the majority of school construction projects. As was the legislative intention, with this new mechanism, increases in property taxes due to school construction would be controlled more effectively by voters.

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## WHAT OTHER STATES DO

Since school funding and management largely falls on the state governments rather than the federal government, states have adopted their own particular systems to fund schools and the construction of new schools. As has been discussed, since the passage of P.L. 146-2008, Indiana has created a system in which most school construction projects are approved by voters in construction (bond) referenda and in which property tax increases above established caps must be approved by voters in General Fund (operating referenda). However, not all states follow similar procedures.

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## Construction Referenda

For construction referenda, 40 states require voters to approve the issue of bonds for school construction, and in seven more states, referenda are not required but voters can request to have bond issues placed on the ballot (DeBoer, 2007). Within these 47, states' laws differ on the types of construction referenda which require voter approval and on limits to the amount of tax increase that can be sought, making it difficult to detail practices in other states. As described previously, Indiana would most closely fit into the second group for construction referenda since a referendum most often occurs if voters successfully obtain enough signatures to require it.

As an example of other states' practices, Missouri places school districts into three classifications (urban, metropolitan, and non-metropolitan) and specifies that districts must place referenda on the ballot for most projects involving the renovation or construction of schools — one exception being that new school construction in urban districts is excluded from bond referenda (MO. REV. STAT. § 164, 2009). Unlike those in Indiana, Missouri school districts are permitted to hold referenda on special election dates other than the general election or primary election dates (MO. REV. STAT. § 115-123, 2009). In the remaining two states, Alaska and Massachusetts, school bonding issues are handled

by the state. According to Alaska state statute, one of the duties of the Department of Education and Early Development is to:

“review plans for construction of new public elementary and secondary schools and for additions to and major rehabilitation of existing public elementary and secondary schools and, in accordance with regulations adopted by the department, determine and approve the extent of eligibility for state aid of a school construction or major maintenance project.”

(ALASKA STAT. § 14.07.020(11))

Likewise, in Massachusetts, schools must receive approval of construction projects through the Massachusetts School Building Authority which provides funding for projects through the Massachusetts School Building Assistance Program (MASS. GEN. LAWS ch. 70B, § 3, 2004).

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## General Fund Referenda

Because states' policies with respect to school funding vary widely, it is difficult to provide a precise summary of states' practices with respect to General Fund referenda. Several states in various regions of the country place a ceiling on property tax rates and require referenda for school districts to exceed those rates (PA Special Session Act. 1 of 2006 §333); (MO. REV. STAT. §164-021, 2009); (N.D. CENT CODE § 57-16). In other states, such as Arizona, school budgets are put on the ballot should they exceed an operating limit defined by law; at this time voters can reject the budget, forcing the school to select a budget within the limit (ARIZ. REV. STAT. § 15-481).

Knowing the practices of other states with respect to bond and operating referenda is most useful when the data show how many referenda these states have had and their respective passage rates is available. Due to the availability of their data and proximity to Indiana, referenda data from Illinois and Minnesota will be used.

In Illinois, which requires school construction projects to be approved by voters and requires referenda for schools to exceed set property tax caps, between 1973 and 2007, only 64 percent of school construction referenda were approved (DeBoer, 2007). Furthermore, Illinois averaged about 64 construction referenda per year between 1995 and 2007. As cited previously, in that same timeframe Indiana had only 94 petition and remon-



strance drives altogether, as most school construction projects went through unopposed.

For a broader picture of Illinois school referenda, since 1988 the Illinois Association of School Administrators (IASA) has compiled the results of all school referenda (Illinois has six “fund” categories and four bond categories) in each election. From 1988 to 2009, the IASA tallied a total of 3,063 school referenda, of which 1,396 won voter approval, for an average approval rate of 45.6 percent. Illinois averaged 139 school referenda per year between 1988 and 2009, although the actual number of referenda each year ranged from 256 in 1989 to 33 in 2009. No general trend in passage rates was observed in the time-frame and passage rates per year ranged from 69.7 percent in 1998 to 32.0 percent in 2005 and only seven years saw a passage rate above 50 percent (Illinois Association of School Administrators, 2010).

During the Minnesota 2009 General Election, school referenda (bond and levy) saw relative success. Of the 93 school referenda which occurred during that election, 62, or 66.7 percent, were approved with 31, or 33.3 percent, defeated. Levy referenda accounted for 83.9 percent of all referenda in that election; 49, or 62.8 percent, of 78 levy referenda were approved by voters. There were only 15 bond referenda in the 2009 Minnesota election, of which 13, or 86.7 percent passed (Weber, 2009). There results show that voters can be persuaded to support a majority of referenda even during difficult economic conditions which would tempt them to reject an increase in taxes.

## PAST SCHOOL REFERENDA IN INDIANA

School referenda under the new provisions of law were first put to voters at the end of 2008; from November 2008 through November 2009, 10 referenda passed, 16 were defeated by voters, and one was withdrawn. At the time of publication, limited data were available for all referenda through the Indiana Secretary of State’s office and the Indiana Department of Local Government Finance; however, the available information from these offices on these referenda can be examined to provide a comparison to 2010 referenda.

Before 2010, there were far more construction referenda than General Fund referenda. Of the 26 referenda occurring in 2007 and 2009, only six sought to increase property taxes for school districts’ General Funds. With five projects going to voters in 2008 and

15 more in 2009, Indiana voters saw over three times as many construction referenda. In 2008, of five referenda that year, all of which were for construction projects, four were approved by voters. Of the 21 referenda held in 2009, four of six General Fund referenda were passed and two of 15 construction referenda were passed (A. Stanley, personal communication, May 24, 2010).

An analysis of referenda information (including total amount requested in construction referenda and increase in property taxes sought per \$100 assessed valuation for General Fund referenda) provided by the Indiana Department of Local Government Finance provides additional relevant details in voter trends for referenda prior to 2010.

For General Fund referenda in 2009, the average increase in property taxes per \$100 assessed valuation was \$0.21. For the four of these referenda that passed, the average increase was lower, at \$0.19, and for the two referenda that failed the average increase was higher than the overall average for General Fund referenda at \$0.25 (A. Stanley, personal communication, May 24, 2010).

Though limited in number, the General Fund referenda do indicate that voters were more likely to approve a referendum the less it impacted their taxes. Failed General Fund referenda had an average tax increase \$0.04 higher than the average, while approved referenda carried an increase \$0.01 lower than the average.

For the 15 construction referenda in 2009, Indiana voters were asked for an approximate grand total of \$634 million, with an average amount per referendum of \$45.3 million. Representing 13 percent of the total funds sought, \$82.5 million in two referenda were approved by voters. The total amount of funds rejected in 13 construction referenda in 2009 was \$551.4 million (A. Stanley, personal communication, May 24, 2010).

Including the five construction referenda for 2008 considerably changes the pass/fail ratios regarding the total amounts passed or failed. Together, the 20 construction referenda in 2008 and 2009 sought \$1.2 billion from taxpayers. Despite only 30 percent of referenda passing, due to large amounts sought in 2008 in Indianapolis Public Schools and Evansville Vanderburgh School Corporation, the total amount approved by voters was \$617.3 million, representing 51.3 percent of the total funds sought (Gammill, 2008; A. Stanley, personal communication, May 24, 2010). The 15 referenda that failed represented 48.7 percent with \$586.4 million.

Information regarding past construction referenda demonstrates the impact of the economy on voters’ decisions, which will be discussed in a later section. While overall in 2008 and 2009, the majority funds were approved for construction projects, funds approved by voters for construction in 2009 represents only 13 percent of the total. This sharp decrease in the amount approved by voters demonstrates how, as the recession deepened in 2009, they became less willing to approve tax increases for construction. These trends observed in 2008 and 2009 referenda can also be seen in referenda in 2010.

## MAY 4, 2010, PRIMARY ELECTION REFERENDA

During the May primary in Indiana, 16 school referenda were held in 14 school corporations across the state (Noblesville School Corporation and Decatur County Community School Corporation each held two referenda). Of these referenda, nine were General Fund referenda and seven were construction referenda. Overall, half of the referenda were approved by voters, with five of nine General Fund referenda winning voter approval and three of seven construction referenda winning approval.

Indiana voters in seven school corporations (eight referenda) approved approximately \$297.3 million (using seven-year totals for General Fund referenda) of funds sought in General Fund or construction referenda, compared to \$117.6 million (again, using seven-year totals) of funds sought in seven other school corporations (eight referenda) which voters rejected. Those referenda which were approved had an average increase in property taxes of \$0.27 compared to the \$0.30 average increase for defeated referenda, indicating that Indiana taxpayers seemed to favor those referenda which had less impact on their tax bills. Although, as demonstrated by West Lafayette Community School Corporation and the School Town of Speedway (whose referenda were approved with the two highest requested increases in tax rates), seeking greater increases does not automatically mean a referendum will be defeated by voters; this also shows the complexity of influences on voters in referenda.

The fact that the majority of General Fund referenda were approved compared to a majority of construction referenda being defeated could be indicative of current economic conditions. With many voters tightening their personal budgets and the state making cuts to its spending, voters might

have been less likely to approve construction referenda, seeing those projects as more of a “want” than a “need.” Meanwhile, General Fund referenda might have been approved at a greater rate because voters viewed those tax increases as a “need” to prevent schools from cutting teachers and increasing class sizes.

The 16 school referenda held during the May primary, compared to the 26 referenda that were held in 2008 and 2009, also indicate that school referenda are becoming more frequent; it is likely that by the end of 2010 the total number of school referenda will exceed the previous year’s total. With current economic conditions it is not surprising that more school corporations are increasingly looking to school referenda as a means to balance their budgets.

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## Reasons for Referenda

While there are numerous reasons a school corporation might consider holding either a construction referendum or a General Fund referendum, aside from the necessary reasons previously discussed and outlined in P.L. 146-2008, current economic conditions are contributing to school corporations’ decisions to put referenda to voters.

In 2009, the Indiana General Assembly passed the biennial budget for fiscal years 2010 and 2011 (FY10 and FY11). In the original budget as passed, the state forecasted a decrease in revenue for 2009 but revenue increases in 2010 and 2011 (Indiana State Budget Agency, 2009). However, in December 2009 the state, acknowledging that economic conditions were not improving as previously expected, issued an updated forecast of state revenues for the biennium. The new forecast placed FY10 revenue at \$12.1 billion, a 7.9 percent decrease from the previous May forecast of \$13.1 billion. A decreased revenue forecast has also been issued for FY11 with the updated forecast showing revenue of \$12.8 billion for FY11 as opposed to the May forecast of \$13.6 billion, a decrease of 5.8 percent (Dukes et al., 2009).

After receiving the worse-than-expected revenue forecasts, Indiana Governor Mitch Daniels announced statewide budget cuts in executive branch agencies, a six percent (\$150 million) cut to higher education, and finally, a \$300 million cut to K-12 education spending (Bradner, 2009). Continued decreases in actual revenues led the governor to announce additional cuts in April 2010 to state agencies, totaling an additional five percent (Bradner, 2010). It is unclear whether K-12 education

funding will be cut again, though a decrease in funding is anticipated by many.

In addition to issues with decreased revenues, some schools in Indiana will have to adjust to differences in state funding due to changes enacted to the school funding formula as part of the biennial budget passed in 2009. Michael, Spradlin, and Carson detailed these changes in CEEP’s 2009 Education Policy Brief, *Changes in Indiana School Funding*. The authors noted changes to Average Daily Membership (ADM) figures used in calculations, the Foundation Level, the Complexity Index, the Transition to Foundation calculation, the Restoration Grant, and the Small School Grant. While not necessarily reflecting the analysis done by CEEP in the brief, a commentary from Gerald Mohr, Executive Director of the Indiana Association of School Principals, notes that changes in school funding in the state budget may result in funding cuts to schools serving minority, low-income, and rural students (Michael, Spradlin, & Carson, 2009). These budgetary and economic factors coupled with the effects of P.L. 146-2008 have resulted in greater numbers of school corporations reducing their General Fund budgets, closing schools, laying off staff, and seeking additional funds from taxpayers via school referenda, all of which have resulted in the noticeable increase in the number of General Fund referenda in 2010.

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## General Fund Referenda

Of the nine General Fund referenda, six occurred in the Indianapolis metropolitan area, two in southern Indiana, and one in central Indiana outside of the Indianapolis metropolitan area; none occurred in northern Indiana. Only one referendum, in West Lafayette, was approved by voters outside of the Indianapolis metropolitan area. Within the metro area, five of seven referenda were approved; only referenda in Western Boone School Corporation and Eastern Hancock County Community School Corporation were defeated. The results of all General Fund referenda in the primary are summarized in Table 1.

Overall, approximately \$33.6 million dollars in increased property taxes per year for seven years were requested by the nine school corporations. The total amount of funds sought ranged from \$400,000 per year in Eastern Hancock County (which was defeated) to \$12 million per year in the Carmel Clay School Corporation (which was approved) and the total amount sought by a school corporation

averaged \$3.7 million per year. The average increase in property taxes per \$100 assessed valuation was \$0.26.

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***With many voters tightening their personal budgets and the state making cuts to its spending, voters might have been less likely to approve construction referenda, seeing those projects as more of a “want” than a “need.”***

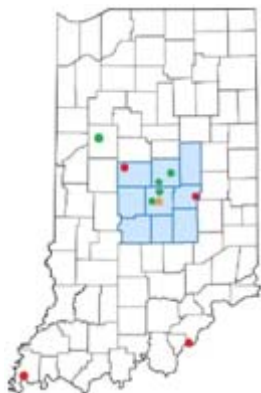
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Within the Indianapolis metropolitan area, the total amount of funds sought was \$25.9 million per year with an average total amount sought of \$4.3 million per year. Despite the fact that funds sought within the metropolitan area represent 77.1 percent of all funds sought in General Fund referenda and the average total sought is greater than the overall state average, the average increase in property taxes sought by the six metropolitan area referenda is lower than the overall state average at \$0.23. One possible explanation for this is that higher average property values and/or greater numbers of property taxpayers in these six school corporations mean that smaller increases in property taxes will generate a greater amount of funds.

Outside of the Indianapolis metropolitan area, three General Fund referenda took place with a total amount sought of \$7.7 million per year and an average amount per school corporation of \$2.6 million per year. The average increase in property taxes sought is higher than the overall state average at \$0.31. The one of these three referenda to pass increased the property tax rate by \$0.43 per \$100 assessed valuation and will generate a total of \$3.7 million per year for the West Lafayette Community School Corporation.

The nine General Fund referenda in the primary alone compared to the six General Fund referenda in 2009 show that, in total, in 2010 there will be a significant increase in General Fund referenda. This increase is consistent with previously discussed changes to the state school funding formula and the current economic conditions which are forcing schools to examine all possibilities to balance budgets. Given the fiscal climate, as school corpora-

**TABLE 1. General Fund Referenda on May 4, 2010**



School Corporation	Total Amount Sought Per Year*	Increase in Property Tax Rate Sought (per \$100 valuation)	Pass	Fail
Carmel Clay School Corporation	\$12,000,000	\$0.16	58%	42%
Noblesville Schools	\$5,000,000	\$0.2115	63%	37%
West Lafayette Community School Corporation	\$3,700,000	\$0.43	66%	34%
MSD of Washington Township	\$4,000,000	\$0.08	72%	28%
School Town of Speedway	\$3,500,000	\$0.59	86%	14%
Western Boone School Corporation	\$1,000,000	\$0.19	31%	69%
Clarksville Community School Corporation	\$1,000,000	\$0.24	45%	55%
Eastern Hancock County Community School Corporation	\$400,000	\$0.1657	32%	68%
MSD of Mt. Vernon	\$3,000,000	\$0.251	34%	66%

\*All May 4, 2010 General Fund referenda sought tax revenues for the maximum of seven years. Per-year totals should be multiplied by seven for the maximum amount of funds that would be generated through a referendum.

Map Note: Blue-shaded counties represent the Indianapolis metropolitan area, green marks show the locations of referenda that passed, and red marks show the locations of referenda that failed

Sources: Referenda details compiled through an e-mail survey of those school corporations' superintendents. Results of each referendum compiled by Mr. Paul Gabriel, CFO of Center Grove Community School Corporation.

tions begin forming budgets for the 2011-2012 school year this summer, it would be reasonable to assume that the number of school corporations that consider a General Fund referendum will continue to increase. CEEP will be conducting a survey of school district superintendents to see if this will be the case.

### Construction Referenda

Unlike General Fund referenda, referenda for construction projects took place mostly outside of the Indianapolis metropolitan area. Of the seven construction referenda, two, in Noblesville and Pike Township, occurred within the metro area; both of these referenda passed by wide margins, 20 and 38 percentage points, respectively. Three other construction referenda occurring in central Indiana failed. Another in northeast Indiana also failed while one in northwest Indiana was approved by voters — it was the only construction referendum to pass outside of the Indianapolis metropolitan area. The results of construction referenda are summarized in Table 2.

For all seven referenda, the total amount of funds sought by school corporations was \$179.7 million, an average of \$25.7 million per school corporation. The average increase in property taxes sought for these seven referenda was \$0.31 per \$100 assessed valuation. Referenda ranged from \$13.5 million

requested in the Rossville Consolidated School District to \$63.6 million requested in Noblesville Schools.

In the Indianapolis metropolitan area, because of the large amount of funds requested by Noblesville Schools, the two referenda in that area represented 47 percent of all funds requested in construction referenda in the state on May 4. The two referenda totaled \$85.1 million, averaged \$42.5 million, and represented an average increase of property taxes of \$0.21.

For the remaining referenda occurring outside of the Indianapolis area, the total amount of funds sought was \$94.6 million, an average of \$18.9 million per school corporation. The average increase in property taxes sought was higher outside of the metropolitan area at \$0.35 per \$100 assessed valuation. As with General Fund referenda, it is possible that the average increase in taxes sought outside of the metropolitan area is higher due to a lower average assessed valuation and fewer property taxpayers in those school corporations; however, in order to confirm this, more in-depth analyses on average assessed valuations in these school corporations is needed.

### SUPERINTENDENT INPUT ON REFERENDA

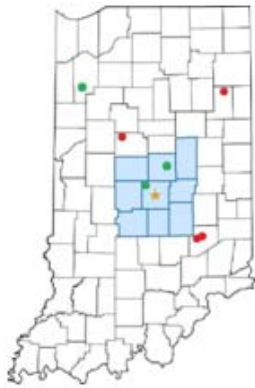
#### Input on Approved Referenda

Following the primary election on May 4 and the school referenda, CEEP e-mailed all superintendents whose school corporations had a referendum seeking their input. Those superintendents who saw their referenda approved were asked what the purpose of the newly approved funds would be as well as to what they attributed the success of their referenda.

Superintendent responses for the purpose of funds sought in their approved referenda were unsurprising. By definition, the purpose of funds sought in approved construction referenda are slated to go towards construction of new buildings and the renovation of older buildings. For approved General Fund referenda, there could naturally be a variety of objectives, depending on the school corporation's purpose for additional funding; however, given the budgetary and economic influences previously discussed, all superintendents' responses indicated maintaining current educational programs and preventing cutting teaching positions and other staff. Superintendent Libbie Conner of Noblesville Schools even cited in her response that her school corporation has already made cuts for the 2010-11 school year since new funds



**TABLE 2. Construction Referenda on May 4, 2010**



School Corporation	Total Amount Sought	Increase in Property Tax Sought (per \$100 valuation)	Pass	Fail
Noblesville Schools	\$63,600,000	\$0.19	60%	40%
MSD of Pike Township	\$21,475,000	\$0.2375	69%	31%
Rensselaer Central Schools Corporation	\$14,835,000	\$0.2278	53%	47%
Decatur County Community Schools	\$36,140,000	\$0.533	43%	57%
Decatur County Community Schools	\$14,360,000	\$0.196	37%	63%
Northern Wells Community Schools	\$15,845,000	\$0.22	49%	51%
Rossville Consolidated School District	\$13,455,000	\$0.59	40%	60%

Note: Blue-shaded counties represent the Indianapolis metropolitan area, green marks show the locations of referenda that passed, and red marks show the locations of referenda that failed

Sources: Referenda details compiled through an e-mail survey of those school corporations' superintendents. Results of each referendum compiled by Mr. Paul Gabriel, CFO of Center Grove Community School Corporation.

from her corporation's referenda will not have effect until the following school year. Only one superintendent, Dr. Jeff Swensson of Carmel Clay School Corporation, cited adding new teaching positions as one of the several purposes of his referendum's funds.

Those superintendents whose corporations sought funds to maintain programs and teaching positions largely noted pro-education communities and community-wide efforts to communicate the need for the referenda as the principal reasons their referenda were approved. One superintendent, Dr. James Mervilde of M.S.D. of Washington Township, also noted that his school corporation's referendum would be tax neutral due to a reduction by the same rate in the Capital Projects Fund. Another, Mr. Ned Speicher of Rensselaer Central School Corporation, also attributed his referendum's success to the fact that it would be tax neutral due to retiring debt. An additional reason for a referendum's success as cited by Dr. Rocky Killion, Superintendent of West Lafayette School Corporation, was his district's decision to hire a political strategist to assist in the corporation's campaign.

Conner, whose corporation saw a construction referendum defeated in 2009 and had two referenda approved during the 2010 primary, explained that "it is essential to have a good communication plan and timeline before you begin the campaign" for a referendum. She explained further that with a construction referendum, school employees are prevented by state law from openly advocating for or against the referendum after the school corporation's 1028 hearing, in which a local school board approves putting the referendum on the ballot. After the hearing school employees are

only permitted to provide basic information and answer questions. Therefore, Superintendent Conner stated, it is "important to get a plan, get it out to the community...and keep offering it as information." With General Fund referenda, she explained that school employees are not barred from advocating in favor of the referendum. As a final comment, Superintendent Conner doubted that Noblesville School's construction referendum would have passed had school employees not been able to stay in front of the public for the General Fund referendum.

### Input on Defeated Referenda

In the same e-mail survey of superintendents who oversaw a referendum in their school corporations, those superintendents whose referenda were defeated by voters were asked an expanded set of questions. The survey still requested their input on the intended purpose of the funds sought in the referenda and to what they attributed the failure of their referenda, but in addition, the survey also included questions on whether the school corporation would consider another referendum, what it would do differently, and in the case of failed General Fund referenda, how the school corporation would now balance its budget.

Superintendents who oversaw those construction referenda mostly cited renovation projects as the intended use of the money; however, new construction was also mentioned. Dr. Daniel Roach, of Decatur County Community School Corporation, where two construction referenda were held, noted that one of the referenda was intended for additions to existing high school buildings. In

Rossville Consolidated School District, funds would have gone towards construction and renovation projects; however, whether new construction was involved in the plans was unclear. For defeated General Fund referenda, as with those that passed, funds sought were intended to maintain programs and to prevent cutting teaching positions. Superintendent Keith Spurgeon of M.S.D. of Mt. Vernon specifically cited the need to recover funds lost through the state funding formula due to the Transition to Foundation factor previously mentioned.

Considering the fact that defeated referenda had an average increase in property taxes higher than the average for approved referenda, it is not surprising that superintendents cited voter resistance to higher taxes as a factor in their defeat. Six of the seven surveyed superintendents of defeated referenda specifically cited this; for three it was the only factor. Another significant factor identified by three superintendents was organized community opposition. Dr. Daniel Roach of Decatur County School Corporation noted a local community group which formed a political action committee; Dr. Judi Hendrix of Western Boone School Corporation referenced another organized community group as well as farmers who were opposed to the tax increase; and Dr. Scott Mills of Northern Wells Community School Corporation mentioned an organized opposition led by two former teachers who thought the proposal was filled with "wants" and not "needs."

Dr. Scott Mills also provided several other factors that he believes contributed to his school corporation's referendum defeat. He discussed public discontent with a school board decision that put \$1 million in leftover

building funds towards improvements to football and soccer fields. He added that the money was from a 2005 project and spent in 2007, indicating that public discontent with school boards' past actions can affect referenda. He also indicated that district tax bills were distributed with errors. He said that while the amount owed in the bill was correct, the figure indicating the percentage change from the previous year was misstated, leading taxpayers to think their bills had increased much more than they actually had. Finally, Dr. Mills noted that his corporation is in the process of cutting 20 teachers, a remark which he followed with the perceived public opinion, "How can you raise money for a renovation at the same time you are cutting staff?" This line of thought could prove troubling to school corporations seeking construction referenda while they are trying to cut budgets due to economic conditions.

When asked whether their school corporations would consider putting another referendum on the ballot in 12 months, Superintendents Randy Harris, Eastern Hancock County, and Dr. James Hanna, Rossville Consolidated, said they would not and another, Dr. Scott Mills, Northern Wells, replied that it is not likely. The other four superintendents who oversaw defeated referenda were not sure what their corporations would decide at this time. No superintendent stated that their corporation would definitely pursue another referendum.

Despite not knowing how their school corporations would move forward with respect to another referendum, five of the seven provided ideas on what would change were they to hold another. In the case of a construction referendum, Dr. Mills noted they would likely have to cut parts of the project, reducing costs to make it more appealing to voters. For General Fund referenda, ideas put forth by superintendents included hiring a professional marketing consultant, counteracting misinformation more effectively, and starting the campaign sooner to get more facts to the public. Superintendent Keith Spurgeon took a different perspective, saying that his corporation — M.S.D. of Mt. Vernon — might not need to do anything differently and noted that voters in his district may just need to see the extent of cuts that will result from not having a referendum to recoup lost revenue.

For the four school corporations where General Fund referenda failed, plans are already being developed to balance budgets. In M.S.D. of Mt. Vernon, no specific plans have been confirmed, although cuts for the coming school year have already been made. The bud-

get for the 2011-12 school year will be looked at this summer. Western Boone School Corporation is looking at a proposed list of 48 staff members (including 14 teachers) who could be cut in addition to making five percent cuts to other funds. Eastern Hancock County has already made cuts to their budget under the assumption the referendum would fail and in expectation of further cuts from the state; they are currently evaluating whether they will be able to bring back any of the teachers that they layoff. Clarksville Community School Corporation will recommend the closure of an elementary school in addition to eliminating 15 teaching positions and a separation of service for four classified staff.

### ANALYSIS OF WHY REFERENDA PASSED OR FAILED

Indiana's 16 school referenda in the May 4 primary were spread across various parts of the state and as such are representative of various, diverse communities in Indiana. Since each community is unique, broad conclusions about what determines the success or failure of a referendum cannot be made. However, with the input of the superintendents who oversaw the referenda, a brief, general analysis indicates potential reasons that some referenda were approved by voters and others were not.

In the majority of approved referenda, superintendents commented on the organized community effort to educate the public on the need for the referenda. In a dissertation on factors in the success or failure of school bond (construction) referenda, Kraus finds that "the importance of presenting the information, regardless of format, in an honest, accurate, and simple way was deemed to be of critical value" (Kraus, 2009). Extrapolating from his research shows that in these Indiana referenda, the efforts of the school corporations to communicate with their communities may have been a deciding factor. Dr. Judi Hendrix's comment that, were her school corporation to hold another referendum, they would likely start campaigning sooner to get more facts out to the public, follows this line of research and suggests that proceeding this way could possibly lead to a more favorable result.

Looking at Indiana's referenda without specific details of the school corporations' campaigns, it is difficult to draw conclusions on how school corporations can better communicate with their communities. However, aside

from the positive outcomes of those referenda where superintendents cited community education efforts, other superintendent comments reflect the need for better communication with corporations' voters. For example, while Superintendent Spurgeon commented that his community may just need to see the extent of budget cuts to understand the need for a referendum, it is reasonable to say that M.S.D. of Mt. Vernon could have done more to convince the public of the need for increased taxes to fund the schools. While some voters are diligent in researching matters before they vote, many do not, and without a concerted effort on the part of the school corporation to inform them of the need for a tax increase, those voters are likely to reject it without a second thought.

As already mentioned, economic conditions appear to have played a significant role in these school referenda. With school budgets across the state facing sizeable cuts due to either changes in the state school funding formula or to budget cuts imposed by the state, school corporations putting General Fund referenda on the ballot have increased substantially over 2009. The nine General Fund referenda in the 2010 primary alone surpass the number for all of 2009.

Coinciding with economic conditions, voters in the 2010 primary seemed to favor referenda which increased taxes to a lesser degree and thus cost individual taxpayers less. While all approved referenda will collect \$297.3 million (as opposed to \$117.6 million in defeated referenda, with both figures using seven-year totals for General Fund referenda), the average tax increase for approved referenda is \$0.03 less than the average tax increase for those referenda that were defeated (\$0.27 vs. \$0.30).

While this is logical and would serve as a reminder to school corporations that taxpayers would generally favor smaller tax increases, it does not always hold true. When examining the General Fund and the construction referenda separately, General Fund referenda which passed had a greater average tax rate increase per \$100 assessed valuation than failed referenda (\$0.29 vs. \$0.21); the average tax increase sought in all General Fund referenda was \$0.26. Construction referenda which passed had a lesser tax increase than those which failed (\$0.24 vs. \$0.35) when compared to the overall average for construction referenda of \$0.31. It should be noted that while these trends appear in the data, the actual differences are small and that other factors would likely supersede the cost and requested tax increase.



A quick review of general demographic data for the 14 school corporations also reveals some interesting facts, showing that urban, suburban, and expanding school districts were more likely to approve a referendum than rural districts and districts which saw little growth or a decrease in enrollment (see Table 3). Looking at IDOE demographic types, 88 percent of rural school corporations saw their referenda fail while 88 percent of referenda in urban or suburban corporations were approved. For rural school corporations, only Rensselaer Central School Corporation's referendum was approved and for urban and suburban school corporations, only Clarksville Community School Corporation's referendum was defeated. The low passage rate in rural school corporations echoes Dr. Judi Hendrix's comment that farmers were more opposed to tax increases, an unsurprising fact considering that tax caps on farms were set higher than on residential property.

When looking at the percentage change in enrollment between the 1999-00 and 2008-09 school years, another conclusion about referenda outcomes can be drawn. No school corporation with a decrease in enrollment in this timeframe won voter approval on their referenda. However, the converse does not necessarily hold true. Increase in enrollment does not appear to be a reliable predictor of referenda outcomes. For example, Rensselaer Consolidated, a rural corporation, won approval and had a 5.2 percent increase in enrollment, but M.S.D. of Mt. Vernon and Rossville Consolidated, both rural corporations, had greater percentage increases in enrollment but saw their referenda fail.

Since each community and has unique needs, demographics alone cannot predict the outcome of a referendum, but they do suggest a useful conclusion. As explained previously, school corporations where referenda were approved (all except one were urban and suburban) sought a lower average increase in property taxes than school corporations whose referenda were defeated (all except one were rural), despite approved referenda having a greater total value. This could be because in urban and suburban locales, for example, a \$10 million referendum will be paid for by a greater number of property taxpayers than in a rural locale, resulting in a lower average increase to property taxes.

**TABLE 3. School Corporation Demographic Information**

School Corporation	Referendum Result	IDOE Demographic Type	Percentage Change in Student Enrollment from 1999-2000 to 2008-09
Clarksville Community School Corp.	Failed	Urban	-2.26%
Decatur County Community School Corp. (2 referenda)	Failed	Rural	2.20%
Eastern Hancock County Community School Corp.	Failed	Rural	-4.59%
MSD of Mt. Vernon	Failed	Rural	39.75%
Northern Wells Community School Corp.	Failed	Rural	-6.65%
Rossville Consolidated School District	Failed	Rural	12.34%
Western Boone School Corp.	Failed	Rural	0.37%
Carmel Clay School Corp.	Passed	Urban	31.74%
MSD of Pike Township	Passed	Urban	15.69%
MSD of Washington Township	Passed	Urban	2.28%
Noblesville School Corp. (2 referenda)	Passed	Suburban	39.88%
Rensselaer Central School Corp.	Passed	Rural	5.18%
School Town of Speedway	Passed	Urban	2.91%
West Lafayette Community School Corp.	Passed	Urban	6.29%

Note: Decatur County Community School Corp. had two referenda which both failed and Noblesville School Corp. had two, both of which passed.  
Sources: IDOE, 2009a; IDOE 2009b.

## CONCLUSIONS AND RECOMMENDATIONS

Only since the passage of P.L. 146 in 2008 has Indiana joined the ranks of the majority of other states in allowing voters to determine through referenda, in certain situations, the funding a school corporation will receive. That law, which allowed voters in certain situations to request referenda for school construction projects and which mandated referenda for school corporations seeking to increase property taxes which would exceed established property tax caps, has, in effect, established a new mechanism of school funding which deserves careful study and examination.

### Conclusion

As observed, 47 other states either require or allow voters to request construction referenda, and many others have set tax caps and require referenda to exceed those caps. In states such as Illinois and Missouri, construction and General Fund referenda occur with greater frequency than petition and remonstrance drives

did in Indiana before 2008. This increased voter oversight was designed to benefit local voters by giving them more say in school budgets, which seems to explain why research indicates that open communication with the community appears to increase the likelihood of having a referendum approved.

Input from Indiana superintendents seems to establish a relationship between successful referenda and the communication between the school corporation and the community, especially if organized opposition existed in a community. One superintendent noted that some opposition in his district felt the referendum would fund "wants" and not "needs," indicating that should construction or General Fund referenda arise out of a school corporation's "need," they must be sure to effectively, and honestly, communicate that need to their community.

### Recommendations

1. Research has shown, and input from superintendents with successful referenda seems to support, that communication between the school corporation and the community is very important to a referendum's outcome. Since honest and successful communication can overcome many factors (e.g., misinformation) that work against a referendum's

approval, school corporations which intend to pursue a referendum should fully understand Indiana state restrictions on school corporation campaigning before either General Fund or construction referenda which may or may not impact their ability to communicate with their community.

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## Conclusion

Data from Illinois and Missouri elections show that referenda success is mixed. In a 2009 Minnesota election, two-thirds of all school referenda won voter approval, and in Illinois, from 1973 to 2007, the majority of school construction referenda passed. In Illinois, overall from 1988 to 2009, fewer than 50 percent of all school referenda passed; however, year-to-year swings in passage rates sometimes saw as many as 70 percent winning approval. These data indicate that voters in other states are sometimes willing to provide additional funding to schools when requested.

Viewing general trends in Indiana's school referenda, it is easy to see the effects recent economic and budgetary conditions are having. Since referenda began being held in 2008, progressively more General Fund referenda are occurring as budgetary issues caused by the recession work their way through the system. Additionally, in 2009, during the height of the recession, approval of construction referenda was at its lowest at 13 percent approval (80 percent were approved in 2008 and 43 percent approved in the 2010 primary).

If economic recovery ensues, it would be expected that more construction referenda will see approval, but school corporations should anticipate a degree of skepticism on the part of some voters who may still be struggling with their personal finances. For General Fund referenda, looking forward, high numbers of referenda would be expected as long as revenues continue to fall short of expectations.

However, as the data and previous review of available literature suggest, it is difficult to establish over-arching conclusions as to the factors that could lead to success or failure at the ballot box. While the influence of the economy is evident in the overall 28.6 percent passage rate of Indiana referenda in 2009, referenda in the 2009 Minnesota general election show greater voter approval of approximately 66 percent, perhaps indicating less of an influence from economic factors.

While this report only represents a brief examination of available information on school referenda as they have emerged in Indiana, extant research shows that numerous factors, often community-specific, affect referenda outcomes.

## Recommendations

1. Although not examined in this report, it would be reasonable for a school corporation's performance and improvement (or lack thereof) to have an effect on public opinion moving into a referendum, possibly influencing a voter's decision. Further study and review of available literature should continue to examine the potential effects of this factor and school corporations with low performance or lack of improvement should be mindful of this possible influence when proposing a referendum.

2. Further study which can examine the influence of potential factors such as partisanship, unemployment, age distribution, diversity, existing tax rates, the recency of last referendum vote, and positions of local newspaper editors should be conducted on Indiana's school referenda. More in-depth study of these and other potential factors would allow a more comprehensive understanding of the school referenda phenomenon in Indiana and whether referenda benefit schools and communities or serve as an obstacle to high-quality education.

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## Conclusion

As opposed to Illinois and Missouri referenda data, data related to Indiana school referenda were at times difficult to find or obtain independently without placing requests with state offices. As of yet, no unified public database exists in Indiana for basic school referenda data such as total amount of funds requested and the increase in property taxes requested in a referendum. To fill this need and make more readily available this basic, yet valuable, data to researchers, school administrators, and interested voters, CEEP has organized an online database of information it deems the most relevant and valuable to the public. (See Web Resources on page 12 of this policy brief for Web address.)

## Recommendations

1. Research shows that different campaign strategies have different effects in different communities and that sometimes a greater number of strategies does not lead to success (Kraus, 2009). To assist in researching which

strategies might be effective in their own communities, school corporations should utilize CEEP's future database on Indiana school referenda data which may allow school corporations to locate communities in Indiana similar to their own which saw either success or failure at the ballot box.

2. To provide a greater number of resources to school corporations which may seek referenda in the future, the state, whether through the Department of Local Government Finance, the Elections Division of the Secretary of State's Office, or the Department of Education, should make publicly available its information regarding past and planned school referenda, such as the tax rate increase and the total amount sought by a school corporation as well as the text of the ballot question. The state needs to ensure that this information is reliable and released in a timely manner so that school corporations, researchers, and community members, have the information available to carry out further study of referenda in Indiana and the factors which influence voters in these referenda.

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## WEB RESOURCES

**Database of Indiana School Referenda (Center for Evaluation & Education Policy)**  
<http://ceep.indiana.edu/DISR/>

**Indiana Code**  
<http://www.in.gov/legislative/ic/code/>

**Indiana House Enrolled Act 1001-2008 (P.L. 146-2008)**  
<http://www.in.gov/legislative/bills/2008/HE/HE1001.1.html>

**Indiana Referenda Information - Indiana Department of Local Government Finance**  
<http://www.in.gov/dlgf/8083.htm>

**Illinois School Referenda Results (Illinois Association of School Administrators)**  
[http://www.iasaedu.org/index.php?option=com\\_content&view=article&id=167:illinois-school-referenda-election-results&catid=58:the-project&Itemid=163](http://www.iasaedu.org/index.php?option=com_content&view=article&id=167:illinois-school-referenda-election-results&catid=58:the-project&Itemid=163)

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