



SENATE MOTION

MR. PRESIDENT:

I move that Senate Bill 518 be amended to read as follows:

- 1 Page 23, between lines 18 and 19, begin a new paragraph and insert:
- 2 "SECTION 7. IC 20-24-11.5 IS ADDED TO THE INDIANA CODE
- 3 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
- 4 JULY 1, 2025]:
- 5 **Chapter 11.5. Transfers of Charter School Buildings to School**
- 6 **Corporations**
- 7 **Sec. 1. For purposes of this chapter, "charter school" does not**
- 8 **include a virtual charter school or an adult high school.**
- 9 **Sec. 2. As used in this chapter, "covered school building" means**
- 10 **a school building that is owned by a charter school or the**
- 11 **governing body of the charter school that has at any time been**
- 12 **used for classroom instruction.**
- 13 **Sec. 3. As used in this chapter, "interested person" refers to**
- 14 **each school corporation in a county or geographical area where a**
- 15 **charter school with a covered school building subject to closure is**
- 16 **located.**
- 17 **Sec. 4. (a) Notwithstanding any other law, and except as**
- 18 **provided by subsection (b), before a charter school may sell,**
- 19 **exchange, lease, demolish, hold without operating, or dispose of a**
- 20 **covered school building, a governing body of the charter school**
- 21 **shall make available for lease or purchase by a school corporation**
- 22 **any covered school building owned by the charter school or any**
- 23 **other entity that is related in any way to, or created by, the charter**
- 24 **school or the governing body of the charter school, in order for the**
- 25 **covered school building to be used by a school corporation to**
- 26 **conduct prekindergarten through grade 12 classroom instruction.**
- 27 **(b) A charter school that vacates a covered school building in**
- 28 **order to:**

1 **(1) renovate the covered school building for a future allowable**
2 **use by the charter school; or**

3 **(2) demolish the covered school building, in whole or part, and**
4 **build a new school building or an addition to a school building**
5 **on the same site as the demolished building;**

6 **is not required to comply with this chapter.**

7 **Sec. 5. (a) Not later than thirty (30) days after the date a**
8 **governing body of a charter school determines at a public meeting**
9 **to cease using a covered school building for classroom instruction,**
10 **a charter school shall provide written notice to the department**
11 **regarding the date that the covered school building has ceased or**
12 **will cease being used for classroom instruction as described in this**
13 **subsection.**

14 **(b) If the charter school does not intend to make a covered**
15 **school building available for lease or purchase in accordance with**
16 **this chapter, the charter school shall state in the notice required**
17 **under subsection (a) the factual and legal basis for the charter**
18 **school's contention that the covered school building is not required**
19 **to be made available under this chapter. Any claim for exclusion**
20 **from a requirement to make the covered school building available**
21 **under this chapter that is not stated in the notice under this**
22 **subsection is waived.**

23 **(c) If a charter school does not provide notice to the department**
24 **under subsection (a), any claim for exclusion from a requirement**
25 **to make the covered school building available under this chapter**
26 **is waived.**

27 **(d) Not later than fifteen (15) days after the date that the**
28 **department receives a notice from a charter school under**
29 **subsection (a), the department shall provide written notice to all**
30 **interested persons regarding the notice from the charter school**
31 **submitted under subsection (a).**

32 **(e) If a notice from a charter school under subsection (a)**
33 **acknowledges that the covered school building will be made**
34 **available in accordance with this chapter, the department's notice**
35 **to interested persons shall provide that any notice of interest by an**
36 **interested person for the covered school building must be**
37 **submitted to the department not later than sixty (60) days after the**
38 **date the interested person receives the department's notice under**
39 **subsection (d).**

40 **(f) If a notice from a charter school under subsection (a)**
41 **includes a claim that the covered school building will not be made**
42 **available under this chapter, an interested person may submit to**
43 **the department, not later than thirty (30) days after the date the**
44 **interested person receives the notice from the department under**
45 **subsection (d), a rebuttal to the factual and legal basis for the**
46 **charter school's contention that the covered school building is not**
47 **required to be made available under this chapter.**

1 (g) The department shall, not later than sixty (60) days after the
2 date that a rebuttal is due under subsection (f), issue a
3 determination to the charter school and interested persons as to
4 whether the covered school building must be made available under
5 this chapter. The department shall publish a copy of the
6 department's determination on the department's website.

7 (h) Not later than thirty (30) days after the date that the
8 department issues a determination under subsection (g), a charter
9 school or interested person may appeal the determination to the
10 state board. An appeal to the state board shall be subject to the
11 procedure described in IC 20-26-11-15(b).

12 (i) Not later than fifteen (15) days after:

13 (1) the time expires for an appeal to the state board of a
14 department determination under subsection (g) that a covered
15 school building be made available; or

16 (2) a determination by the state board that a covered school
17 building is to be made available is issued;

18 the governing body of a charter school shall take the actions
19 specified by subsection (j).

20 (j) If a covered school building is to be made available, the
21 governing body of a charter school shall do the following:

22 (1) Make the covered school building available for inspection
23 by a school corporation that notifies the department that it is
24 interested in leasing or purchasing the covered school
25 building.

26 (2) Make the following information available to a school
27 corporation described in subdivision (1):

28 (A) Estimates of the operating expenses for the covered
29 school building for the past three (3) years.

30 (B) Written information regarding the condition of the
31 covered school building, including the age of the roof and
32 the HVAC system, and any known conditions which, in the
33 governing body's opinion, require prompt repair or
34 replacement.

35 (C) A legal description of the property.

36 (k) If the governing body of a charter school fails to take the
37 actions required under subsection (j), a school corporation having
38 notified the charter school of its interest in the covered school
39 building is entitled to an injunction requiring the governing body
40 of a charter school to take the actions under subsection (j).

41 (l) The charter school shall lease the covered school building to
42 a school corporation for one dollar (\$1) per year for as long as the
43 school corporation uses the covered school building for an
44 academic purpose or the school corporation uses the covered
45 school building for classroom instruction, for a term at the school
46 corporation's discretion, or sell the covered school building for one
47 dollar (\$1), if the school corporation does the following:

1 **(1) Within ninety (90) days of receiving the department's**
2 **notice under subsection (d), a school corporation must submit**
3 **a preliminary request to purchase or lease the covered school**
4 **building.**

5 **(2) Subject to subsection (m), within ninety (90) days of**
6 **receiving the department's notice under subsection (d), school**
7 **corporation must submit to the charter school the following**
8 **information:**

9 **(A) The name of the school corporation that is interested**
10 **in leasing or purchasing the covered school building.**

11 **(B) A time frame, which may not exceed three (3) years**
12 **from the date that the covered school building is to be**
13 **closed, no longer used, or no longer occupied, in which the**
14 **school corporation intends to begin providing classroom**
15 **instruction in the covered school building or for an**
16 **academic purpose.**

17 **(C) A resolution, adopted by the governing body of the**
18 **school corporation stating that the governing body of the**
19 **school corporation has determined that, after the school**
20 **corporation has made any necessary repairs or**
21 **modifications, the covered school building will be sufficient**
22 **to meet the school corporation's needs and can be operated**
23 **within the school corporation's budget.**

24 **(m) If the department does not receive any preliminary requests**
25 **to purchase or lease a covered school building within the time**
26 **frame described in subsection (l)(1), the department shall send**
27 **notification to the charter school that the department has not**
28 **received any preliminary requests to purchase or lease the covered**
29 **school building. Upon receipt of the notification under this**
30 **subsection, the charter school may sell or otherwise dispose of the**
31 **covered school building at the discretion of the charter school.**

32 **(n) If only one (1) school corporation submits a preliminary**
33 **request to purchase or lease the covered school building, the**
34 **department shall notify the charter school of the identity of the**
35 **school corporation and direct the charter school to complete a sale**
36 **or lease to the school corporation in accordance with subsection**
37 **(o). In the event that two (2) or more school corporations submit a**
38 **preliminary request to purchase or lease a covered school building**
39 **within the time frame described in subsection (l)(1), the**
40 **department shall determine which school corporation may acquire**
41 **the building.**

42 **(o) A charter school shall lease the covered school building for**
43 **one dollar (\$1) per year to the school corporation for as long as the**
44 **school corporation uses the covered school building for classroom**
45 **instruction for any combination of kindergarten through grade 12.**
46 **The term of the lease shall be established at the school corporations**
47 **discretion and include an option for the school corporation to**

1 purchase the covered school building for one dollar (\$1).
 2 Alternatively, the charter school shall sell the covered school
 3 building to the school corporation for one dollar (\$1), if the school
 4 corporation has met the requirements set forth in subsection (l)
 5 and uses the covered school building in the manner prescribed by
 6 this subsection.

7 **Sec. 6. (a) If:**

8 (1) a covered school building is sold to a school corporation
 9 under section 5 of this chapter; and

10 (2) the school corporation described in subdivision (1) no
 11 longer intends to use the covered school building for the
 12 purposes described in section 5(l) of this chapter;

13 the school corporation shall offer to transfer the covered school
 14 building back to the charter school that initially sold the covered
 15 school building to the school corporation.

16 (b) If a charter school described in subsection (a) declines the
 17 offer to transfer a covered school building back to the charter
 18 school, the school corporation may sell or otherwise dispose of the
 19 covered school building in accordance with IC 36-1-11.

20 **Sec. 7. During the term of a lease under section 5 of this chapter,**
 21 **the school corporation is responsible for the direct expenses related**
 22 **to the covered school building leased, including utilities, insurance,**
 23 **maintenance, repairs, and remodeling. The charter school is**
 24 **responsible for any debt incurred for or liens that attached to the**
 25 **covered school building before the school corporation leased the**
 26 **covered school building.**

27 **Sec. 8. The following may adopt rules under IC 4-22-2 to carry**
 28 **out this chapter:**

29 (1) The department.

30 (2) The state board."

31 Renumber all SECTIONS consecutively.

(Reference is to SB 518 as printed February 12, 2025.)

Senator QADDOURA