



January 26, 2024

SENATE BILL No. 270

DIGEST OF SB 270 (Updated January 24, 2024 4:52 pm - DI 110)

Citations Affected: IC 20-19; IC 20-24; IC 20-26; IC 20-28; IC 20-34; IC 20-35; IC 20-40; IC 20-46; IC 21-18.

Synopsis: Various education matters. Requires the department of education to study: (1) creating a clearinghouse for each region of Indiana; and (2) selecting a single nonprofit organization to design, operate, and maintain all the regional clearinghouses. Establishes limitations regarding the lease of school property. Amends the enrollment threshold regarding when a school building is considered underutilized. Makes changes regarding requiring (instead of allowing) a school building to be closed or made available for lease or purchase. Provides that school corporations that meet certain requirements regarding sharing operating referendum tax levy and school safety referendum tax levy revenue are not subject to the transfer of vacant school building provisions. Exempts school corporations that have had a designation as a distressed political subdivision within the previous three years from the transfer of vacant school building provisions. Establishes additional requirements regarding notice, determinations, and appeals under the transfer of vacant school building provisions. Amends requirements with regard to: (1) bringing a civil action to enforce a final order to make a covered school building available for purchase or lease; (2) the time frame for which a school building must be used; and (3) transferring a school building back to a school corporation. Provides that, if a school corporation transfers a covered school building in violation of the transfer of vacant school building
(Continued next page)

Effective: Upon passage; May 4, 2023 (retroactive); May 10, 2024; July 1, 2024.

Rogers, Buchanan

January 16, 2024, read first time and referred to Committee on Education and Career Development.

January 25, 2024, amended, reported favorably — Do Pass; reassigned to Committee on Appropriations.

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Digest Continued

provisions, the transfer is void and allows for a court action with the award of attorney's fees. Provides that the office of administrative law proceedings has jurisdiction over hearing officers authorized to conduct hearings required by the Individuals with Disabilities Education Act (IDEA). Specifies that training in the recognition of the signs and symptoms of seizures must be provided to certain school personnel. Provides that all school corporations who adopt a resolution for an operating referendum tax levy after May 10, 2024, must share revenue received from the levy with certain charter schools (instead of requiring only school corporations located in Lake County, Marion County, St. Joseph County, and Vanderburgh County). Requires the commission for higher education to: (1) study and make recommendations; and (2) submit a report; regarding allowing Ivy Tech Community College to award bachelor's degrees and Vincennes University to offer additional programs that lead to a bachelor's degree. Makes conforming changes.

SB 270—LS 6975/DI 110



January 26, 2024

Second Regular Session of the 123rd General Assembly (2024)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2023 Regular Session of the General Assembly.

SENATE BILL No. 270

A BILL FOR AN ACT to amend the Indiana Code concerning education.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 20-19-3-33 IS ADDED TO THE INDIANA CODE
2 AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE
3 UPON PASSAGE]: **Sec. 33. (a) The department shall study the**
4 **following:**
5 **(1) Creating a clearinghouse for each region of Indiana that**
6 **enables all high schools, approved postsecondary educational**
7 **institutions (as defined in IC 21-7-13-6(a)), and employers in**
8 **the applicable region to exchange information through a**
9 **website regarding internship opportunities and for which**
10 **each user of the clearinghouse uses information forms that**
11 **are standardized for all regions.**
12 **(2) Selecting a single nonprofit organization to design,**
13 **operate, and maintain all the regional clearinghouses**
14 **described in subdivision (1).**
15 **(b) In carrying out subsection (a), the department may consult**

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1 with the department of workforce development and the
2 commission for higher education.

3 (c) Not later than October 31, 2024, the department shall do the
4 following:

5 (1) Prepare a report regarding:

6 (A) information concerning the study under subsection (a),
7 including the costs of creating; and

8 (B) any recommendations regarding the creation of;

9 a clearinghouse for each region as described in subsection (a).

10 (2) Submit the report prepared under subdivision (1) to the
11 general assembly in an electronic format under IC 5-14-6.

12 SECTION 2. IC 20-24-7-6, AS AMENDED BY P.L.189-2023,
13 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
14 MAY 10, 2024]: Sec. 6. (a) With the approval of a majority of the
15 members of the governing body, a school corporation may distribute a
16 proportionate share of the school corporation's operations fund to a
17 charter school. A charter school may elect to distribute a proportionate
18 share of the charter school's operations fund to the school corporation
19 in whose district the charter school is located.

20 (b) Except as provided in ~~IC 20-46-1-21~~ and IC 20-46-9-22, a
21 governing body may distribute money that is received as part of a tax
22 levy collected under ~~IC 20-46-1~~ from the school corporation's
23 education fund to a charter school, excluding a virtual charter school,
24 in the manner provided by ~~IC 20-46-1-8(e)~~.

25 (c) (b) Except as provided in ~~IC 20-46-1-21~~ and IC 20-46-9-22, a
26 governing body may distribute money from the school safety
27 referendum tax levy fund to a charter school, excluding a virtual
28 charter school, in the manner prescribed by IC 20-46-9-6(b).

29 SECTION 3. IC 20-24-7-6.2, AS ADDED BY P.L.189-2023,
30 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
31 MAY 10, 2024]: Sec. 6.2. (a) This section applies to a levy resulting
32 from a resolution to place a referendum on the ballot adopted by the
33 governing body under IC 20-46-1-8, IC 20-46-1-8.5, IC 20-46-9-6, or
34 IC 20-46-9-7:

35 (1) after May 10, 2023, for counties described in IC 20-46-1-21(a)
36 and IC 20-46-9-22(a); and

37 (2) after May 10, 2024, for all counties as described in
38 IC 20-46-1-21(b).

39 (b) The county auditor in the county in which the applicable school
40 corporation is located shall distribute money that is received as part of
41 a tax levy collected under IC 20-46-1 to an applicable charter school,
42 excluding a virtual charter school, in the manner provided by



1 IC 20-46-1-21.

2 (c) The county auditor in the county in which the applicable school
3 corporation is located shall distribute money that is received as part of
4 a tax levy collected under IC 20-46-9 to an applicable charter school,
5 excluding a virtual charter school, in the manner prescribed by
6 IC 20-46-9-22.

7 (d) A charter school that may receive money from a school
8 corporation's tax levy collected under IC 20-46-1 or a school safety
9 referendum tax levy under IC 20-46-9 ~~may not promote a position on~~
10 **is prohibited from promoting** a referendum in the same manner as a
11 school corporation is prohibited from promoting a position on a
12 referendum under IC 20-46-1-20.

13 (e) If a charter school receives a distribution from a school
14 corporation from the school corporation's tax levy collected under
15 IC 20-46-1 or a school safety referendum tax levy under IC 20-46-9,
16 the charter school must post the following on the charter school's
17 website:

18 (1) The specific purposes for which the revenue received from the
19 tax levy will be used.

20 (2) An estimate of the annual dollar amounts that will be
21 expended for each purpose described in subdivision (1).

22 SECTION 4. IC 20-26-5-4, AS AMENDED BY P.L.201-2023,
23 SECTION 160, IS AMENDED TO READ AS FOLLOWS
24 [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) In carrying out the school
25 purposes of a school corporation, the governing body acting on the
26 school corporation's behalf has the following specific powers:

27 (1) In the name of the school corporation, to sue and be sued and
28 to enter into contracts in matters permitted by applicable law.
29 However, a governing body may not use funds received from the
30 state to bring or join in an action against the state, unless the
31 governing body is challenging an adverse decision by a state
32 agency, board, or commission.

33 (2) To take charge of, manage, and conduct the educational affairs
34 of the school corporation and to establish, locate, and provide the
35 necessary schools, school libraries, other libraries where
36 permitted by law, other buildings, facilities, property, and
37 equipment.

38 (3) To appropriate from the school corporation's general fund
39 (before January 1, 2019) or the school corporation's operations
40 fund (after December 31, 2018) an amount, not to exceed the
41 greater of three thousand dollars (\$3,000) per budget year or one
42 dollar (\$1) per pupil, not to exceed twelve thousand five hundred



1 dollars (\$12,500), based on the school corporation's ADM of the
 2 previous year (as defined in IC 20-43-1-7) to promote the best
 3 interests of the school corporation through:

4 (A) the purchase of meals, decorations, memorabilia, or
 5 awards;

6 (B) provision for expenses incurred in interviewing job
 7 applicants; or

8 (C) developing relations with other governmental units.

9 (4) To do the following:

10 (A) Acquire, construct, erect, maintain, hold, and contract for
 11 construction, erection, or maintenance of real estate, real estate
 12 improvements, or an interest in real estate or real estate
 13 improvements, as the governing body considers necessary for
 14 school purposes, including buildings, parts of buildings,
 15 additions to buildings, rooms, gymnasiums, auditoriums,
 16 playgrounds, playing and athletic fields, facilities for physical
 17 training, buildings for administrative, office, warehouse, repair
 18 activities, or housing school owned buses, landscaping, walks,
 19 drives, parking areas, roadways, easements and facilities for
 20 power, sewer, water, roadway, access, storm and surface
 21 water, drinking water, gas, electricity, other utilities and
 22 similar purposes, by purchase, either outright for cash (or
 23 under conditional sales or purchase money contracts providing
 24 for a retention of a security interest by the seller until payment
 25 is made or by notes where the contract, security retention, or
 26 note is permitted by applicable law), by exchange, by gift, by
 27 devise, by eminent domain, by lease with or without option to
 28 purchase, or by lease under IC 20-47-2, IC 20-47-3, or
 29 IC 20-47-5.

30 (B) Repair, remodel, remove, or demolish, or to contract for
 31 the repair, remodeling, removal, or demolition of the real
 32 estate, real estate improvements, or interest in the real estate
 33 or real estate improvements, as the governing body considers
 34 necessary for school purposes.

35 (C) Provide for conservation measures through utility
 36 efficiency programs or under a guaranteed savings contract as
 37 described in IC 36-1-12.5.

38 (5) To acquire personal property or an interest in personal
 39 property as the governing body considers necessary for school
 40 purposes, including buses, motor vehicles, equipment, apparatus,
 41 appliances, books, furniture, and supplies, either by cash purchase
 42 or under conditional sales or purchase money contracts providing



1 for a security interest by the seller until payment is made or by
 2 notes where the contract, security, retention, or note is permitted
 3 by applicable law, by gift, by devise, by loan, or by lease with or
 4 without option to purchase and to repair, remodel, remove,
 5 relocate, and demolish the personal property. All purchases and
 6 contracts specified under the powers authorized under subdivision
 7 (4) and this subdivision are subject solely to applicable law
 8 relating to purchases and contracting by municipal corporations
 9 in general and to the supervisory control of state agencies as
 10 provided in section 6 of this chapter.

11 (6) To sell or exchange real or personal property or interest in real
 12 or personal property that, in the opinion of the governing body, is
 13 not necessary for school purposes, in accordance with IC 20-26-7
 14 and IC 20-26-7.1, to demolish or otherwise dispose of the
 15 property if, in the opinion of the governing body, the property is
 16 not necessary for school purposes and is worthless, and to pay the
 17 expenses for the demolition or disposition.

18 (7) **Except as provided under subsections (c) and (d)**, to lease
 19 any school property for a rental that the governing body considers
 20 reasonable or to permit the free use of school property for:

21 (A) civic or public purposes; or

22 (B) the operation of a school age child care program for
 23 children who are at least five (5) years of age and less than
 24 fifteen (15) years of age that operates before or after the school
 25 day, or both, and during periods when school is not in session;

26 **if the property is not needed for school purposes. the school**
 27 **property continues to be used primarily for classroom**
 28 **instruction by the school corporation, is not subject to closure**
 29 **under IC 20-26-7-47, and is not a covered school building that**
 30 **must be made available for lease or purchase under**
 31 **IC 20-26-7.1.** Under this subdivision, the governing body may
 32 enter into a ~~long term~~ lease **or use agreement** with a nonprofit
 33 corporation, community service organization, or other
 34 governmental entity, if the corporation, organization, or other
 35 governmental entity will use the property to be leased for civic or
 36 public purposes or for a school age child care program. However,
 37 if payment for the property subject to a ~~long term~~ lease **or use**
 38 **agreement** is made from money in the school corporation's debt
 39 service fund, all proceeds from the ~~long term~~ lease **or use**
 40 **agreement** must be deposited in the school corporation's debt
 41 service fund so long as payment for the property has not been
 42 made. The governing body may, at the governing body's option,



1 use the procedure specified in IC 36-1-11-10 in leasing property
 2 under this subdivision. **If the school property is not being used**
 3 **primarily for classroom instruction or is subject to closure**
 4 **under IC 20-26-7-47, the governing body must first comply**
 5 **with IC 20-26-7 and IC 20-26-7.1 before leasing the school**
 6 **property under this subdivision.**

7 (8) To do the following:

8 (A) Employ, contract for, and discharge superintendents,
 9 supervisors, principals, teachers, librarians, athletic coaches
 10 (whether or not they are otherwise employed by the school
 11 corporation and whether or not they are licensed under
 12 IC 20-28-5), business managers, superintendents of buildings
 13 and grounds, janitors, engineers, architects, physicians,
 14 dentists, nurses, accountants, teacher aides performing
 15 noninstructional duties, educational and other professional
 16 consultants, data processing and computer service for school
 17 purposes, including the making of schedules, the keeping and
 18 analyzing of grades and other student data, the keeping and
 19 preparing of warrants, payroll, and similar data where
 20 approved by the state board of accounts as provided below,
 21 and other personnel or services as the governing body
 22 considers necessary for school purposes.

23 (B) Fix and pay the salaries and compensation of persons and
 24 services described in this subdivision that are consistent with
 25 IC 20-28-9-1.5.

26 (C) Classify persons or services described in this subdivision
 27 and to adopt a compensation plan with a salary range that is
 28 consistent with IC 20-28-9-1.5.

29 (D) Determine the number of the persons or the amount of the
 30 services employed or contracted for as provided in this
 31 subdivision.

32 (E) Determine the nature and extent of the duties of the
 33 persons described in this subdivision.

34 The compensation, terms of employment, and discharge of
 35 teachers are, however, subject to and governed by the laws
 36 relating to employment, contracting, compensation, and discharge
 37 of teachers. The compensation, terms of employment, and
 38 discharge of bus drivers are subject to and governed by laws
 39 relating to employment, contracting, compensation, and discharge
 40 of bus drivers.

41 (9) Notwithstanding the appropriation limitation in subdivision
 42 (3), when the governing body by resolution considers a trip by an



1 employee of the school corporation or by a member of the
2 governing body to be in the interest of the school corporation,
3 including attending meetings, conferences, or examining
4 equipment, buildings, and installation in other areas, to permit the
5 employee to be absent in connection with the trip without any loss
6 in pay and to reimburse the employee or the member the
7 employee's or member's reasonable lodging and meal expenses
8 and necessary transportation expenses. To pay teaching personnel
9 for time spent in sponsoring and working with school related trips
10 or activities.

11 (10) Subject to IC 20-27-13, to transport children to and from
12 school, when in the opinion of the governing body the
13 transportation is necessary, including considerations for the safety
14 of the children. The transportation must be otherwise in
15 accordance with applicable law.

16 (11) To provide a lunch program for a part or all of the students
17 attending the schools of the school corporation, including the
18 establishment of kitchens, kitchen facilities, kitchen equipment,
19 lunch rooms, the hiring of the necessary personnel to operate the
20 lunch program, and the purchase of material and supplies for the
21 lunch program, charging students for the operational costs of the
22 lunch program, fixing the price per meal or per food item. To
23 operate the lunch program as an extracurricular activity, subject
24 to the supervision of the governing body. To participate in a
25 surplus commodity or lunch aid program.

26 (12) To:

27 (A) purchase curricular materials and to furnish curricular
28 materials without cost; and

29 (B) assess and collect a reasonable fee for lost or significantly
30 damaged curricular materials.

31 (13) To accept students transferred from other school corporations
32 and to transfer students to other school corporations in accordance
33 with applicable law.

34 (14) To make budgets, to appropriate funds, and to disburse the
35 money of the school corporation in accordance with applicable
36 law. To borrow money against current tax collections and
37 otherwise to borrow money, in accordance with IC 20-48-1.

38 (15) To purchase insurance or to establish and maintain a
39 program of self-insurance relating to the liability of the school
40 corporation or the school corporation's employees in connection
41 with motor vehicles or property and for additional coverage to the
42 extent permitted and in accordance with IC 34-13-3-20. To



1 purchase additional insurance or to establish and maintain a
 2 program of self-insurance protecting the school corporation and
 3 members of the governing body, employees, contractors, or agents
 4 of the school corporation from liability, risk, accident, or loss
 5 related to school property, school contract, school or school
 6 related activity, including the purchase of insurance or the
 7 establishment and maintenance of a self-insurance program
 8 protecting persons described in this subdivision against false
 9 imprisonment, false arrest, libel, or slander for acts committed in
 10 the course of the persons' employment, protecting the school
 11 corporation for fire and extended coverage and other casualty
 12 risks to the extent of replacement cost, loss of use, and other
 13 insurable risks relating to property owned, leased, or held by the
 14 school corporation. In accordance with IC 20-26-17, to:

15 (A) participate in a state employee health plan under
 16 IC 5-10-8-6.7;

17 (B) purchase insurance; or

18 (C) establish and maintain a program of self-insurance;

19 to benefit school corporation employees, including accident,
 20 sickness, health, or dental coverage, provided that a plan of
 21 self-insurance must include an aggregate stop-loss provision.

22 (16) To make all applications, to enter into all contracts, and to
 23 sign all documents necessary for the receipt of aid, money, or
 24 property from the state, the federal government, or from any other
 25 source.

26 (17) To defend a member of the governing body or any employee
 27 of the school corporation in any suit arising out of the
 28 performance of the member's or employee's duties for or
 29 employment with, the school corporation, if the governing body
 30 by resolution determined that the action was taken in good faith.
 31 To save any member or employee harmless from any liability,
 32 cost, or damage in connection with the performance, including the
 33 payment of legal fees, except where the liability, cost, or damage
 34 is predicated on or arises out of the bad faith of the member or
 35 employee, or is a claim or judgment based on the member's or
 36 employee's malfeasance in office or employment.

37 (18) To prepare, make, enforce, amend, or repeal rules,
 38 regulations, and procedures:

39 (A) for the government and management of the schools,
 40 property, facilities, and activities of the school corporation, the
 41 school corporation's agents, employees, and pupils and for the
 42 operation of the governing body; and



- 1 (B) that may be designated by an appropriate title such as
 2 "policy handbook", "bylaws", or "rules and regulations".
- 3 (19) To ratify and approve any action taken by a member of the
 4 governing body, an officer of the governing body, or an employee
 5 of the school corporation after the action is taken, if the action
 6 could have been approved in advance, and in connection with the
 7 action to pay the expense or compensation permitted under
 8 IC 20-26-1 through IC 20-26-5, IC 20-26-7, IC 20-26-12-1,
 9 IC 20-40-12, and IC 20-48-1 or any other law.
- 10 (20) To exercise any other power and make any expenditure in
 11 carrying out the governing body's general powers and purposes
 12 provided in this chapter or in carrying out the powers delineated
 13 in this section which is reasonable from a business or educational
 14 standpoint in carrying out school purposes of the school
 15 corporation, including the acquisition of property or the
 16 employment or contracting for services, even though the power or
 17 expenditure is not specifically set out in this chapter. The specific
 18 powers set out in this section do not limit the general grant of
 19 powers provided in this chapter except where a limitation is set
 20 out in IC 20-26-1 through IC 20-26-5, IC 20-26-7, IC 20-40-12,
 21 IC 20-40-18 (after December 31, 2018), and IC 20-48-1 by
 22 specific language or by reference to other law.
- 23 (b) A superintendent hired under subsection (a)(8):
 24 (1) is not required to hold a teacher's license under IC 20-28-5;
 25 and
 26 (2) is required to have obtained at least a master's degree from an
 27 accredited postsecondary educational institution.
- 28 **(c) The governing body acting on the school corporation's behalf**
 29 **may renew a lease or memorandum of understanding described in**
 30 **IC 20-26-7.1-3(d) with a nonprofit organization as described in**
 31 **IC 20-26-7.1-3(d).**
- 32 **(d) The governing body acting on the school corporation's**
 33 **behalf may lease any school property for a rental to one (1) or both**
 34 **of the following:**
 35 **(1) The Indiana School for the Blind and Visually Impaired**
 36 **established by IC 20-21-2-1.**
 37 **(2) The Indiana School for the Deaf established by**
 38 **IC 20-22-2-1.**
- 39 **This subsection expires June 30, 2030.**
- 40 SECTION 5. IC 20-26-7-47, AS ADDED BY P.L.189-2023,
 41 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 42 JULY 1, 2024]: Sec. 47. (a) The following definitions apply throughout



- 1 this section:
- 2 (1) "Covered school building" has the meaning set forth in
- 3 IC 20-26-7.1-2.1.
- 4 (2) "Current school year" refers to a year in which the governing
- 5 body is required to conduct a review of school building usage
- 6 under subsection (c).
- 7 (3) "Enrollment" refers to the following:
- 8 (A) Except as provided in clause (B), students counted in
- 9 ADM (as defined in IC 20-43-1-6) in the first count date for a
- 10 school year fixed under IC 20-43-4-3.
- 11 (B) With regard to a school corporation, students counted in a
- 12 school corporation's fall count of ADM minus all students
- 13 counted in the fall count of ADM who are enrolled in eligible
- 14 schools that:
- 15 (i) have entered into an agreement with the school
- 16 corporation to participate as a participating innovation
- 17 network charter school under IC 20-25.7-5; and
- 18 (ii) are included in the school corporation's fall ADM count.
- 19 (4) "Interested person" has the meaning set forth in
- 20 IC 20-26-7.1-2.2.
- 21 (b) This section applies to a school corporation only if:
- 22 (1) the total student enrollment for in-person instruction in the
- 23 school corporation in the current school year is at least ten percent
- 24 (10%) less than the student enrollment for in-person instruction
- 25 in the school corporation in a school year that precedes the
- 26 current school year by five (5); and
- 27 (2) the school corporation in the current school year has more
- 28 than one (1) school building serving the same grade level as the
- 29 school building subject to closure under this section.
- 30 (c) Each school year, the governing body of a school corporation
- 31 shall review the usage of school buildings used by the school
- 32 corporation to determine whether any school building should be closed
- 33 for the ensuing school year and subsequent school years.
- 34 (d) A school corporation ~~may~~ **shall** close a school building for the
- 35 ensuing school year (and subsequent school years) if:
- 36 (1) at any time the school building had been used for classroom
- 37 instruction;
- 38 (2) in the current school year and the two (2) school years
- 39 immediately preceding the current school year the school building
- 40 was underutilized for classroom instruction purposes or other
- 41 allowable uses specified by this section;
- 42 (3) as of the end of the school year before the school building is



1 required to be closed under this section, the school corporation
 2 was not subject to a transitional plan adopted by the governing
 3 body and approved by the department to use the school building
 4 for an allowable use not later than the next school year after the
 5 school building is otherwise required to be closed under this
 6 section;

7 (4) in the case of a school building that was used in any part in the
 8 current school year for instructional purposes, the school
 9 corporation has another school building:

10 (A) with sufficient capacity to take the students using the
 11 school building being considered for closure; and

12 (B) that does not require more than twenty (20) minutes of
 13 travel time by car or bus from the school building being
 14 considered for closure; and

15 (5) the school building is not a school building described in
 16 IC 20-26-7.1-1, IC 20-26-7.1-3(b), IC 20-26-7.1-3(c), or
 17 IC 20-26-7.1-3(d).

18 (e) For purposes of this section, a school building is underutilized
 19 in a school year if the school building is not used for any of the
 20 following allowable uses:

21 (1) The number of full-time equivalent students enrolled for
 22 in-person instruction in the school building on instructional days
 23 (as determined under IC 20-30-2) for instructional purposes,
 24 averaged over the current school year and the two (2) school years
 25 immediately preceding the current school year, is at least ~~sixty~~
 26 ~~percent (60%)~~ **fifty percent (50%)** of:

27 (A) the known classroom design capacity of the school
 28 building; or

29 (B) if the design capacity is not known, the average maximum
 30 full-time equivalent enrollment in any of the last twenty-five
 31 (25) years, as validated by records created or maintained by
 32 the department.

33 (2) The school corporation demonstrates through facts included
 34 in a resolution that the school building is being used and that it is
 35 financially prudent to continue to use the school building,
 36 considering all community resources, for a distinct student
 37 population that reasonably cannot be served through integration
 38 with the general school population, such as students attending an
 39 alternative education program (as defined in IC 20-30-8-1).
 40 However, to be an allowable use under this subdivision, the
 41 average number of full-time equivalent students using the school
 42 building in a school year for instructional purposes must be at



- 1 least thirty percent (30%) of:
 2 (A) the known classroom design capacity of the school
 3 building; or
 4 (B) if the design capacity is not known, the average maximum
 5 full-time equivalent enrollment in any of the last twenty-five
 6 (25) years, as validated by records created or maintained by
 7 the department; and
 8 (if multiple school buildings are used for the same purposes)
 9 combining the student populations into fewer school buildings is
 10 not reasonably feasible.
- 11 (3) The school corporation demonstrates through facts included
 12 in a resolution that the school building is being used and that it is
 13 financially prudent to continue to use the school building,
 14 considering all community resources, for administrative or other
 15 school offices. However, to be an allowable use under this
 16 subdivision, at least fifty percent (50%) of the square footage of
 17 the school building must be used for offices, the personnel
 18 headquartered in the school building must consistently use the
 19 space for office purposes, and the occupancy cost of using the
 20 school building cannot be more than comparable office space that
 21 is available in the school district.
- 22 (4) The school corporation demonstrates through facts included
 23 in a resolution that the school building is being used and that it is
 24 financially prudent to continue to use the school building,
 25 considering all community resources, for storage. However, to be
 26 an allowable use under this subdivision, at least fifty percent
 27 (50%) of the square footage of the school building must be used
 28 for storage, on average the storage space must be used to capacity,
 29 and the cost of using the school building for storage must be less
 30 than comparable storage space that is available in the school
 31 district.
- 32 (5) The school corporation demonstrates through facts included
 33 in a resolution that the school building is being used and that it is
 34 financially prudent to continue to use the school building,
 35 considering all community resources, for a combination of office
 36 space and storage. However, to be an allowable use under this
 37 subdivision, at least fifty percent (50%) of the square footage of
 38 the school building must be used for a combination of office
 39 space and storage and:
 40 (A) the personnel headquartered in the school building must
 41 consistently use the office space for office purposes, and the
 42 occupancy cost of using the office space, calculated using the



- 1 costs of operating the school building, cannot be more than
 2 comparable office space that is available in the school district;
 3 and
 4 (B) on average, the storage space must be used to capacity and
 5 the cost of using the school building for storage must be less
 6 than comparable storage space that is available in the school
 7 district.
- 8 (f) Closure of a school building that is:
 9 (1) owned by the school corporation or any other entity that is
 10 related in any way to, or created by, the school corporation or the
 11 governing body; or
 12 (2) jointly owned in the same manner by two (2) or more school
 13 corporations;
 14 shall be carried out in conformity with IC 20-26-7.1.
- 15 (g) Before filing a petition under subsection (h), a charter school or
 16 state educational institution that is interested in a school corporation's
 17 school building must give written notice to the school corporation to
 18 determine whether an agreement can be reached regarding the school
 19 corporation making the school building available for lease or purchase
 20 under IC 20-26-7.1.
- 21 (h) If an agreement is not reached within forty-five (45) days after
 22 the date that the school corporation receives the notice under
 23 subsection (g), the charter school or state educational institution may
 24 petition the department to initiate or the department on its own may
 25 initiate a proceeding for a determination as to whether a school
 26 building meets the criteria for closure under this section or a covered
 27 school building that is no longer used for classroom instruction by a
 28 school corporation should be made available under IC 20-26-7.1. If a
 29 charter school or state educational institution petitions the department
 30 under this subsection, the charter school or state educational institution
 31 must provide a copy of the petition to the applicable school
 32 corporation.
- 33 (i) An interested person that is not otherwise a party to the
 34 proceeding may intervene in the proceeding under subsection (h) as a
 35 party. The school corporation has the burden of going forward with the
 36 evidence and the burden of proof to demonstrate that the school
 37 building does not meet the criteria for closure or the covered school
 38 building is not required to be made available under IC 20-26-7.1.
- 39 (j) Not more than sixty (60) days after receiving notice of a petition
 40 under subsection (h), the school corporation must:
 41 (1) file a response to the petition that notifies the department that
 42 the school corporation:



1 (A) is not contesting the petition; or
 2 (B) is contesting the petition and states the facts upon which
 3 the school corporation relies in contesting the petition; and
 4 (2) provide a copy of the response to the petitioner and any
 5 intervening party.
 6 (k) If the school corporation:
 7 (1) files a response that the school corporation is not contesting
 8 the petition; or
 9 (2) fails to submit a timely response under subsection (j);
 10 the department shall issue an order granting the petition. A petition and
 11 any response or reply are public documents.
 12 (l) If a school corporation contests a petition under subsection (j),
 13 a party to the proceeding has not more than sixty (60) days after the
 14 date that the school corporation files a response under subsection (j) to
 15 submit a reply to the school corporation's response.
 16 (m) The department shall make a determination regarding a petition
 17 under subsection (h) not more than one hundred twenty (120) days after
 18 the date that the:
 19 (1) petitioner and any intervening party have submitted a reply
 20 under subsection (l); or
 21 (2) time period to reply under subsection (l) has expired.
 22 (n) A school corporation or another party to the proceeding may file
 23 with the state board a petition requesting review of the department's
 24 determination. Upon receipt of a petition under this subsection, the
 25 state board shall review the department's determination. An appeal to
 26 the state board shall be subject to the procedure described in
 27 IC 20-26-11-15(b).
 28 (o) Upon the issuance of a final unappealable order granting a
 29 petition, the school corporation ~~may~~ **shall** make the school building
 30 available for lease or purchase in accordance with IC 20-26-7.1.
 31 SECTION 6. IC 20-26-7.1-1, AS AMENDED BY P.L.189-2023,
 32 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 33 MAY 4, 2023 (RETROACTIVE)]: Sec. 1. **(a) For purposes of this**
 34 **section, "charter school" does not include a virtual charter school**
 35 **or an adult high school.**
 36 **(b)** This chapter does not apply to the following:
 37 (1) A school building that since July 1, 2011, is leased or loaned
 38 by the school corporation that owns the school building to another
 39 entity, if the entity is not a building corporation or other entity that
 40 is related in any way to, or created by, the school corporation or
 41 the governing body.
 42 (2) A school corporation that distributes money that is received as



1 part of a tax levy collected under IC 20-46-1 or IC 20-46-9 to an
 2 applicable charter school.
 3 **(2) A school corporation to which all of the following apply:**
 4 **(A) The county auditor distributes revenue after May 10,**
 5 **2023, as required under IC 20-46-1-21 to each charter**
 6 **school described in IC 20-46-1-21(c).**
 7 **(B) If the school corporation listed in IC 20-46-9-22**
 8 **receives revenue from a school safety referendum tax levy**
 9 **under IC 20-46-9, the county auditor distributes revenue**
 10 **after May 10, 2023, as required under IC 20-46-9-22 to**
 11 **each charter school described in IC 20-46-9-22(b).**
 12 **(3) A school corporation to which all of the following apply:**
 13 **(A) The school corporation approves a resolution after**
 14 **May 10, 2023, to impose an operating referendum tax levy**
 15 **under IC 20-46-1 after May 10, 2023, that includes sharing**
 16 **the revenue from the referendum tax levy in the amounts**
 17 **described in clause (B) with each charter school that:**
 18 **(i) a student who resides within the attendance area of**
 19 **the school corporation attends; and**
 20 **(ii) elects to participate in the referendum.**
 21 **(B) The amount of referendum tax levy revenue that the**
 22 **school corporation is required to share with each charter**
 23 **school under the resolution described in clause (A) is equal**
 24 **to the amount determined applying the formula under**
 25 **IC 20-46-1-21(e).**
 26 **(C) The referendum tax levy described in clause (A) is**
 27 **approved by the voters.**
 28 **(D) The school corporation distributes the amounts**
 29 **described in clause (B) to each charter school described in**
 30 **clause (A).**
 31 **(E) If the school corporation receives revenue from a**
 32 **school safety referendum tax levy under IC 20-46-9, the**
 33 **school corporation shares the revenue from the school**
 34 **safety referendum tax levy with each charter school that:**
 35 **(i) a student who resides within the attendance area of**
 36 **the school corporation attends; and**
 37 **(ii) elects to participate in the referendum;**
 38 **in an amount equal to the amount determined applying the**
 39 **formula under IC 20-46-9-22(d).**
 40 SECTION 7. IC 20-26-7.1-3, AS AMENDED BY P.L.189-2023,
 41 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 42 JULY 1, 2024]: Sec. 3. (a) Except as provided in section 1 of this



1 chapter or subsection (b), (c), or (d), before a governing body may sell,
 2 exchange, lease, demolish, hold without operating, or dispose of a
 3 covered school building, a governing body shall make available for
 4 lease or purchase by a charter school or state educational institution
 5 any covered school building owned by the school corporation or any
 6 other entity that is related in any way to, or created by, the school
 7 corporation or the governing body, including a building corporation,
 8 that the governing body elects to close or the school corporation is
 9 required to close under IC 20-26-7-47, in order for the covered school
 10 building to be used by a:

11 (1) charter school to conduct prekindergarten through grade 12
 12 classroom instruction; or

13 (2) state educational institution for an academic purpose.

14 (b) The following are not required to comply with this chapter:

15 (1) A governing body that vacates a covered school building in
 16 order to:

17 (A) renovate the covered school building for a future
 18 allowable use by the school corporation as permitted under
 19 IC 20-26-7-47; or

20 (B) demolish the covered school building, in whole or part,
 21 and build a new school building or an addition to a school
 22 building on the same site as the demolished building.

23 (2) An emergency manager of a distressed school corporation
 24 under IC 6-1.1-20.3.

25 (3) The governing body of the School City of East Chicago school
 26 corporation for the Carrie Gosch Elementary School building.

27 **(4) A school corporation that has had a designation as a**
 28 **distressed political subdivision under IC 6-1.1-20.3 within the**
 29 **previous three (3) years.**

30 (c) This section does not apply to a covered school building in
 31 which a governing body under IC 20-26-5-4(a)(7) entered a lease prior
 32 to January 1, 2019, with a state accredited nonpublic school. In
 33 addition, the governing body may, during or at the expiration of the
 34 term of such lease, sell the school building leased under
 35 IC 20-26-5-4(a)(7) to the nonpublic school at a purchase price mutually
 36 agreed to by the governing body and the nonpublic school.

37 (d) This section does not apply to a covered school building of a
 38 school corporation to which the following apply:

39 (1) The school corporation had, before January 1, 2023, entered
 40 into a lease or memorandum of understanding with a nonprofit
 41 organization exempt from federal taxation under Section
 42 501(c)(3) through 501(c)(7) of the Internal Revenue Code for the



1 use of the covered school building.

2 (2) The lease or memorandum of understanding described in
3 subdivision (1):

4 (A) continues in effect;

5 (B) is renewed; or

6 (C) is replaced by a new lease or memorandum of
7 understanding that is entered into between the school
8 corporation and the nonprofit organization described in
9 subdivision (1).

10 (3) The nonprofit organization described in subdivision (1) uses
11 the covered school building for an educational purpose
12 throughout the term of any lease or memorandum of
13 understanding.

14 If at any time the conditions under subdivisions (2) and (3) are not met,
15 the covered school building is subject to IC 20-26-7-47 and this
16 chapter.

17 (e) A covered school building that a school corporation closes or is
18 required to close may not be retained by the school corporation for
19 storage or office use unless the conditions of IC 20-26-7-47(e)(3),
20 IC 20-26-7-47(e)(4), or IC 20-26-7-47(e)(5) are met.

21 SECTION 8. IC 20-26-7.1-4, AS AMENDED BY P.L.189-2023,
22 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
23 JULY 1, 2024]: Sec. 4. (a) ~~A school corporation shall notify the~~
24 ~~department~~ **Not later than thirty (30) days after the date the a governing**
25 **body elects to close of a school corporation determines at a public**
26 **meeting to cease using** a covered school building ~~and include with the~~
27 ~~notification whether the school corporation contends that the building~~
28 ~~should or should not be made available as provided by this chapter.~~
29 ~~The school corporation shall notify the department in the annual report~~
30 ~~required under IC 20-26-7-48 that the school corporation elects to or~~
31 ~~is required under IC 20-26-7-47 to close a covered school building. The~~
32 ~~notice must be in the annual report submitted under IC 20-26-7-48 after~~
33 ~~the school elects to or is required to close the covered school building.~~
34 ~~The department shall notify interested persons concerning the~~
35 ~~availability of a covered school building under subsection (d):~~ **for**
36 **classroom instruction on student instructional days (as described**
37 **in IC 20-30-2-2) for a school year as required under IC 20-30-2-3,**
38 **a school corporation shall provide written notice to the department**
39 **regarding the date that the covered school building has ceased or**
40 **will cease being used for classroom instruction as described in this**
41 **subsection.**

42 (b) If the school corporation does not intend to make a covered



1 school building available for lease or purchase in accordance with
2 this chapter, the school corporation shall state in the notice
3 required under subsection (a) the factual and legal basis for the
4 school corporation's contention that the covered school building is
5 not required to be made available under this chapter. Any claim
6 for exclusion from a requirement to make the covered school
7 building available under this chapter which is not stated in the
8 notice under this subsection is waived.

9 (c) If a school corporation does not provide notice to the
10 department under subsection (a), any claim for exclusion from a
11 requirement to make the covered school building available under
12 this chapter is waived.

13 (d) Not later than fifteen (15) days after the date that the
14 department receives a notice from a school corporation under
15 subsection (a), the department shall provide written notice to all
16 interested persons regarding the notice from the school
17 corporation submitted under subsection (a).

18 (e) If a notice from a school corporation under subsection (a)
19 acknowledges that the covered school building will be made
20 available in accordance with this chapter, the department's notice
21 to interested persons shall provide that any notice of interest by an
22 interested person for the covered school building must be
23 submitted to the department not later than sixty (60) days after the
24 date the interested person receives the department's notice under
25 subsection (d).

26 (f) If a notice from a school corporation under subsection (a)
27 includes a claim that the covered school building will not be made
28 available under this chapter, an interested person may submit to
29 the department, not later than thirty (30) days after the date the
30 interested person receives the notice from the department under
31 subsection (d), a rebuttal to the factual and legal basis for the
32 school corporation's contention that the covered school building is
33 not required to be made available under this chapter.

34 (g) The department shall, not later than sixty (60) days after the
35 date that a rebuttal is due under subsection (f), issue a
36 determination to the school corporation and interested persons as
37 to whether the covered school building must be made available
38 under this chapter. The department shall publish a copy of the
39 department's determination on the department's website.

40 (h) Not later than thirty (30) days after the date that the
41 department issues a determination under subsection (g), a school
42 corporation or interested person may appeal the determination to



1 **the state board. An appeal to the state board shall be subject to the**
 2 **procedure described in IC 20-26-11-15(b).**

3 **(b) (i) Not later than fifteen (15) days after:**

4 **(1) the department receives the earliest notice under subsection**
 5 **(a); or**

6 **(2) if the department determines that a covered school building**
 7 **qualifies for closure under IC 20-26-7-47, the date a final order to**
 8 **close a covered school building is issued under IC 20-26-7-47;**
 9 **the governing body shall take the actions specified by this subsection**
 10 **and subsection (c). The department shall order a school corporation to**
 11 **comply with this subsection and subsection (c) and request that the**
 12 **attorney general enforce the order under section 9(a) of this chapter.**

13 **(1) the time expires for an appeal of the state board of a**
 14 **department determination under subsection (g) or**
 15 **IC 20-26-7-47 that a covered school building be made**
 16 **available; or**

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

19 **the governing body shall take the actions specified by subsection**
 20 **(j). If the governing body fails to take the actions, the department**
 21 **shall request that the attorney general enforce the order under**
 22 **section 9(a) of this chapter.**

23 **(c) (j) If a covered school building is to be made available, the**
 24 **governing body shall do the following:**

25 **(1) Make the covered school building available for inspection by**
 26 **a charter school or state educational institution that notifies the**
 27 **department that it is interested in leasing or purchasing the**
 28 **covered school building.**

29 **(2) Make the following information available to a charter school**
 30 **or state educational institution described in subdivision (1):**

31 **(A) Estimates of the operating expenses for the covered school**
 32 **building for the past three (3) years.**

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

37 **(C) A legal description of the property.**

38 **(d) Not later than fifteen (15) days after the earlier of:**

39 **(1) receiving the earliest notice under subsection (a); or**

40 **(2) if the department determines that a covered school building**
 41 **qualifies for closure under IC 20-26-7-47, the date a final**
 42 **unappealable order to close a covered school building is issued**



1 under IC ~~20-26-7-47~~;
 2 the department shall place a notice on the department's website that the
 3 covered school building is available for purchase or lease under this
 4 chapter and provide written notification to each interested person,
 5 including the date when the covered school building will close, no
 6 longer be used, or become vacant.

7 **(k) If the governing body fails to take the actions required under**
 8 **subsection (j), a charter school having notified the school**
 9 **corporation of its interest in the covered school building is entitled**
 10 **to an injunction requiring the governing body to take the actions**
 11 **under subsection (j).**

12 ~~(e)~~ **(l)** The school corporation shall lease the covered school
 13 building to a charter school or state educational institution for one
 14 dollar (\$1) per year for as long as the state educational institution uses
 15 the covered school building for an academic purpose or the charter
 16 school uses the covered school building for classroom instruction, for
 17 a term at the state educational institution's or charter school's
 18 discretion, or sell the covered school building for one dollar (\$1), if the
 19 charter school or state educational institution does the following:

20 (1) Within ninety (90) days of receiving the department's notice
 21 under subsection (d), a charter school or state educational
 22 institution must submit a preliminary request to purchase or lease
 23 the covered school building.

24 (2) Subject to subsection ~~(f)~~; **(m)**, within ninety (90) days of
 25 receiving the department's notice under subsection ~~(d)~~; **(i)**, a
 26 charter school or state educational institution must submit to the
 27 school corporation the following information:

28 (A) The name of the charter school or state educational
 29 institution that is interested in leasing or purchasing the
 30 covered school building.

31 (B) A time frame, which may not exceed ~~two (2)~~ **three (3)**
 32 years from the date that the covered school building is to be
 33 closed, no longer used, or no longer occupied, in which the:

34 (i) charter school intends to begin providing classroom
 35 instruction in the covered school building; or

36 (ii) state educational institution intends to begin using the
 37 covered school building for an academic purpose.

38 (C) A resolution, adopted by the board of the charter school or
 39 state educational institution stating that the board of the
 40 charter school or state educational institution has determined
 41 that, after the charter school or state educational institution has
 42 made any necessary repairs or modifications, the covered



1 school building will be sufficient to meet the charter school's
 2 or state educational institution's needs and can be operated
 3 within the charter school's or state educational institution's
 4 budget.

5 ~~(f)~~ **(m)** If the department does not receive any preliminary requests
 6 to purchase or lease a covered school building within the time frame
 7 described in subsection ~~(e)(1)~~; **(l)(1)**, the department shall send
 8 notification to the school corporation that the department has not
 9 received any preliminary requests to purchase or lease the covered
 10 school building. Upon receipt of the notification under this subsection,
 11 the school corporation may sell or otherwise dispose of the covered
 12 school building in accordance with IC 36-1-11, IC 20-25-4-14, and
 13 IC 20-26-5-4(a)(7).

14 ~~(g)~~ **(n)** If only one (1) charter school submits a preliminary request
 15 to purchase or lease the covered school building, the department shall
 16 notify the school corporation of the identity of the charter school and
 17 direct the school corporation to complete a sale or lease to the charter
 18 school in accordance with subsection ~~(k)~~; **(r)**. In the event that two (2)
 19 or more charter schools submit a preliminary request to purchase or
 20 lease a covered school building within the time frame described in
 21 subsection ~~(e)(1)~~; **(l)(1)**, the department shall send notification to each
 22 interested person and the school corporation that the department has
 23 received two (2) or more preliminary requests under this section. An
 24 authorizer committee shall be established, with each statewide
 25 authorizer that has authorized one (1) or more charter schools
 26 appointing a representative, and the committee shall establish the
 27 chairperson and procedures for the committee. Within sixty (60) days
 28 of receiving notice under this subsection, the committee shall select
 29 which charter school may proceed under subsection ~~(k)~~ **(r)** to purchase
 30 or lease the covered school building or determine if two (2) or more
 31 charter schools should co-locate within the covered school building.
 32 The committee shall base the committee's decision on the following
 33 criteria:

- 34 (1) Preference shall be given to existing charter schools that have
 35 a proven track record of student academic performance.
 36 (2) If two (2) or more charter schools of proven academic
 37 performance are competing and only one (1) charter school is
 38 operating in the county in which the covered school building is
 39 located, the charter school in the same county as the covered
 40 school building shall be given preference.

41 In the event that the committee determines that two (2) or more charter
 42 schools should co-locate in the covered school building, the charter



1 schools have sixty (60) days to submit a memorandum of
 2 understanding stating that the charter schools shall be jointly and
 3 severally liable for the obligations related to the sale or lease of the
 4 covered school building, and specifying how the charter schools will
 5 utilize the covered school building and share responsibility for
 6 operational, maintenance, and renovation expenses. If the charter
 7 schools are unable to agree, the charter schools shall be deemed to have
 8 revoked their prior request regarding the lease or sale of the covered
 9 school building. The committee shall give notice of the committee's
 10 decision to the school corporation and each interested person. A charter
 11 school that is not selected by the committee may appeal the decision to
 12 the state board not more than thirty (30) days after receipt of the
 13 committee's decision. The state board shall issue a final order in the
 14 appeal not more than sixty (60) days after receipt of a properly filed
 15 appeal. Notice of the appeal and the final order in the appeal must be
 16 given to the school corporation.

17 ~~(h)~~ **(o)** If a charter school does not submit a preliminary request to
 18 purchase or lease the covered school building and only one (1) state
 19 educational institution submits a preliminary request to purchase or
 20 lease the covered school building, the department shall:

21 (1) notify the school corporation of the identity of the state
 22 educational institution; and

23 (2) direct the school corporation to complete a sale or lease to the
 24 state educational institution in accordance with subsection ~~(k)~~:

25 **(r)**.

26 ~~(i)~~ **(p)** If one (1) or more state educational institutions submit
 27 preliminary requests to purchase or lease a covered school building, a
 28 selection committee shall be established consisting of one (1) member
 29 appointed by the executive of the largest city or town in the county in
 30 which the covered school building is located, one (1) member
 31 appointed by the city or town council of the largest city or town in the
 32 county in which the covered school building is located, one (1) member
 33 appointed by the county commissioners of the county in which the
 34 covered school building is located, one (1) member appointed by the
 35 county council of the county in which the covered school building is
 36 located, and one (1) member appointed by the chamber of commerce
 37 of the county in which the covered school building is located.

38 ~~(j)~~ **(q)** Not later than sixty (60) days after the date that a member is
 39 appointed under subsection ~~(i)~~; **(p)**, the committee shall:

40 (1) select which state educational institution may proceed to
 41 purchase or lease the covered school building; or

42 (2) determine whether more than one (1) state educational



1 institution should co-locate within the covered school building.
 2 In making the committee's determination, the committee shall give
 3 preference to a state educational institution whose proposed use of the
 4 covered school building is assessed as having the greatest educational
 5 benefit for prekindergarten through grade 12 education. A committee
 6 determination under this subsection may not be appealed.

7 ~~(k)~~ **(r)** A school corporation shall lease the covered school building
 8 for one dollar (\$1) per year to the charter school or state educational
 9 institution for as long as the:

- 10 (1) charter school uses the covered school building for classroom
 11 instruction for any combination of kindergarten through grade 12;
 12 or
 13 (2) state educational institution uses the covered school building
 14 for an academic purpose.

15 The term of the lease shall be established at the charter school's or state
 16 educational institution's discretion and include an option for the state
 17 educational institution or charter school to purchase the covered school
 18 building for one dollar (\$1). Alternatively, the school corporation shall
 19 sell the covered school building to the charter school or state
 20 educational institution for one dollar (\$1), if the charter school or state
 21 educational institution has met the requirements set forth in subsection
 22 ~~(e)~~ **(l)** and uses the covered school building in the manner prescribed
 23 by this subsection. If the charter school or state educational institution
 24 selected to lease or purchase the covered school building has met the
 25 requirements under subsection ~~(e)~~; **(l)**, the school corporation has not
 26 more than ninety (90) days after the date notice of a final unappealable
 27 decision is received by the school corporation to complete the lease or
 28 sale of the covered school building to the charter school or state
 29 educational institution. If the transaction is not completed within ninety
 30 (90) days, the department or the selected charter school or state
 31 educational institution may, under section 9 of this chapter, request that
 32 the attorney general enforce the sale or lease or may file suit to enforce
 33 the sale or lease. If a charter school or state educational institution has
 34 not met the requirements under subsection ~~(e)~~; **(l)**, the school
 35 corporation may sell or otherwise dispose of the covered school
 36 building in accordance with IC 36-1-11, IC 20-25-4-14, and
 37 IC 20-26-5-4(a)(7).

38 SECTION 9. IC 20-26-7.1-5, AS AMENDED BY P.L.189-2023,
 39 SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 40 JULY 1, 2024]: Sec. 5. (a) If:

- 41 (1) a covered school building is sold to a charter school or state
 42 educational institution under section 4 of this chapter; and



1 (2) the charter school or state educational institution described in
 2 subdivision (1) no longer intends to use the covered school
 3 building for the purposes described in section ~~4(e)~~ **4(l)** of this
 4 chapter;

5 the charter school or state educational institution shall offer to transfer
 6 the covered school building back to the school corporation that initially
 7 sold the covered school building to the charter school or state
 8 educational institution.

9 (b) If a school corporation described in subsection (a) declines the
 10 offer to transfer a covered school building back to the school
 11 corporation, the charter school or state educational institution may sell
 12 or transfer the covered school building to a third party. If a charter
 13 school or state educational institution sells or transfers a covered
 14 school building to a third party under this subsection, the charter school
 15 or state educational institution must transfer an amount equal to the
 16 gain in the property minus the adjusted basis (including costs of
 17 improvements to the covered school building) to the school corporation
 18 that initially sold the covered school building to the charter school or
 19 state educational institution. Gain and adjusted basis shall be
 20 determined in the manner prescribed by the Internal Revenue Code and
 21 the applicable Internal Revenue Service regulations and guidelines.

22 (c) A charter school or state educational institution that purchases
 23 a covered school building assumes total control of the covered school
 24 building and must maintain the covered school building, including
 25 utilities, insurance, maintenance, and repairs. In the event a:

26 (1) charter school does not use the covered school building for
 27 classroom instruction; or
 28 (2) state educational institution does not use the covered school
 29 building for an academic purpose;

30 within two (2) years after acquiring the covered school building, the
 31 covered school building shall revert to the school corporation, which
 32 may sell or otherwise dispose of the covered school building under
 33 IC 36-1-11.

34 SECTION 10. IC 20-26-7.1-5.3, AS ADDED BY P.L.189-2023,
 35 SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 36 JULY 1, 2024]: Sec. 5.3. (a) This section applies to a covered school
 37 building to which the following apply:

38 (1) **The covered school building was purchased or leased by a**
 39 **charter school under this chapter.**

40 (2) **The total student enrollment for in-person instruction in**
 41 **the school building in the current school year is at least ten**
 42 **percent (10%) less than the student enrollment for in-person**



- 1 **instruction in the school building in a school year that**
 2 **precedes the current school year by five (5).**
- 3 (b) A school corporation may not petition the department under
 4 subsection (c) within the first five (5) years after a charter school
 5 purchased or initially leased a covered school building under this
 6 chapter.
- 7 (c) **Subject to subsection (f)**, if the number of full-time equivalent
 8 students enrolled for in-person instruction in a school building on
 9 instructional days (as determined under IC 20-30-2) for instructional
 10 purposes for a school year is not at least ~~sixty fifty~~ percent ~~(60%)~~
 11 **(50%)** of
 12 ~~(1) the known~~ classroom design capacity of the school building,
 13 or
 14 ~~(2) if the design capacity is not known, the average maximum~~
 15 ~~full-time equivalent enrollment in any of the last twenty-five (25)~~
 16 ~~years, as validated by records created or maintained by the~~
 17 ~~department;~~
- 18 the school corporation that leased or sold the school building to the
 19 charter school may file a petition with the department requesting that
 20 the charter school transfer the school building back to the school
 21 corporation.
- 22 (d) Before filing a petition under subsection (c), the school
 23 corporation must give written notice to the charter school to determine
 24 whether an agreement can be reached regarding transferring the school
 25 building to the school corporation.
- 26 (e) A petition filed under this section is subject to the same
 27 procedures under IC 20-26-7-47 as a petition filed under
 28 IC 20-26-7-47(h).
- 29 **(f) For purposes of determining classroom design capacity**
 30 **under subsection (c), if a charter school reconfigures a school**
 31 **building after the charter school leases or purchases the school**
 32 **building, the classroom design capacity must be determined based**
 33 **on the reconfigured school building and not the classroom design**
 34 **capacity of the school building at the time of the lease or purchase.**
- 35 SECTION 11. IC 20-26-7.1-9, AS AMENDED BY P.L.189-2023,
 36 SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 37 JULY 1, 2024]: Sec. 9. (a) The attorney general, in consultation with
 38 the department and state board, is authorized to take any action
 39 necessary to enforce a department or state board order under
 40 IC 20-26-7-47 or this chapter (or an order issued by the attorney
 41 general under this chapter (as effective before July 1, 2023)), including
 42 equitable actions to enjoin or mandate an action of a school



1 corporation. No final court order shall be issued until the school
2 corporation has had ninety (90) days after the department or state board
3 has issued a final order to complete a sale or lease of the covered
4 school building.

5 **(b)** If the attorney general does not commence legal action for an
6 injunction to enforce a final order to make a covered school building
7 available for purchase or lease under this chapter within one hundred
8 (100) days after the date the final order was issued, ~~the a~~ charter school
9 or state educational institution that ~~submitted the preliminary notice of~~
10 ~~interest to acquire or lease the covered school building~~ **provides, any**
11 **time before one hundred (100) days after the date the final order**
12 **was issued, a written notice of interest to purchase or lease the**
13 **school building to the:**

14 **(1) school corporation;**

15 **(2) department; and**

16 **(3) office of the attorney general;**

17 may file a civil action to enforce this chapter.

18 ~~(b)~~ **(c)** In addition to the remedy under ~~subsection~~ **subsections (a)**
19 **and (b),** if a school corporation does not comply with the requirements
20 to sell or lease a covered school building under this chapter, the school
21 corporation shall submit any proceeds from the sale of the covered
22 school building to the state board, which shall be distributed equally
23 between each charter school located in the attendance area of the
24 school corporation. If no charter schools are located in the attendance
25 area, the state board must use the proceeds to provide grants under the
26 charter school and innovation grant program under IC 20-24-13. The
27 attorney general is authorized to initiate any legal action necessary to
28 ensure compliance with this chapter, **including ensuring compliance**
29 **by the department regarding providing notification to interested**
30 **persons under section 4 of this chapter.**

31 **(d) If a school corporation transfers a covered school building**
32 **in violation of this chapter, the transfer is void. The attorney**
33 **general or a charter school may bring an action in court against**
34 **the school corporation and the transferee to enjoin the violation of**
35 **this chapter and void the transfer of the covered school building.**
36 **If a charter school brings an action under this subsection and the**
37 **court finds a school corporation transferred a covered school**
38 **building in violation of this chapter, the court shall award**
39 **reasonable attorney's fees to the charter school.**

40 SECTION 12. IC 20-26-7.1-11 IS ADDED TO THE INDIANA
41 CODE AS A NEW SECTION TO READ AS FOLLOWS
42 [EFFECTIVE JULY 1, 2024]: **Sec. 11. IC 20-26-7-47 and this**



1 **chapter shall be liberally construed to serve the legislative purpose**
 2 **of making closed covered school buildings available for use by**
 3 **charter schools.**

4 SECTION 13. IC 20-28-5.5-1, AS AMENDED BY P.L.250-2023,
 5 SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 6 JULY 1, 2024]: Sec. 1. (a) Subject to section 1.5 of this chapter, the
 7 state board shall determine the timing, frequency, whether training
 8 requirements can be combined or merged, and the method of training,
 9 including whether the training should be required for purposes of
 10 obtaining or renewing a license under IC 20-28-5, or, in consultation
 11 with teacher preparation programs (as defined in IC 20-28-3-1(b)), as
 12 part of the completion requirements for a teacher preparation program
 13 for training required under the following sections:

14 IC 20-26-5-34.2.

15 IC 20-28-3-4.5.

16 IC 20-28-3-6.

17 IC 20-28-3-7.

18 IC 20-34-7-6.

19 IC 20-34-7-7.

20 IC 20-34-8-9.

21 However, nothing in this subsection shall be construed to authorize the
 22 state board to suspend or otherwise eliminate training requirements
 23 described in this subsection.

24 (b) Subject to section 1.5 of this chapter, in addition to the training
 25 described in subsection (a), the department shall, in a manner
 26 prescribed by the state board:

27 (1) ensure a teacher has training in:

28 (A) cardiopulmonary resuscitation that includes:

29 (i) a test demonstration on a mannequin; **and**

30 (ii) **recognition of the signs and symptoms of seizures and**
 31 **the appropriate actions to respond to the signs and**
 32 **symptoms of seizures;**

33 (B) removing a foreign body causing an obstruction in an
 34 airway;

35 (C) the Heimlich maneuver; and

36 (D) the use of an automated external defibrillator;

37 (2) ensure a teacher holds a valid certification in each of the
 38 procedures described in subdivision (1) issued by:

39 (A) the American Red Cross;

40 (B) the American Heart Association; or

41 (C) a comparable organization or institution approved by the
 42 state board; or



- 1 (3) determine if a teacher has physical limitations that make it
 2 impracticable to complete a course or certification described in
 3 subdivision (1) or (2).
 4 The state board shall determine the timing, frequency, whether training
 5 requirements can be combined or merged, and the method of training
 6 or certification, including whether the training or certification should
 7 be required for purposes of obtaining or renewing a license under
 8 IC 20-28-5, or, in consultation with teacher preparation programs (as
 9 defined in IC 20-28-3-1(b)), as part of the completion requirements for
 10 a teacher preparation program. However, the frequency of the training
 11 may not be more frequent and the method of training may not be more
 12 stringent than required in IC 20-28-5-3(c) through IC 20-28-5-3(e), as
 13 in effect on January 1, 2020. Nothing in this subsection shall be
 14 construed to authorize the state board to suspend or otherwise eliminate
 15 training requirements described in this subsection.
- 16 (c) The state board may recommend to the general assembly, in a
 17 report in an electronic format under IC 5-14-6, to eliminate training
 18 requirements described in subsection (a) or (b).
- 19 (d) In determining the training requirements for a school
 20 corporation, charter school, or state accredited nonpublic school for
 21 training required under:
 22 (1) IC 20-26-5-34.2;
 23 (2) IC 20-28-3-4.5;
 24 (3) IC 20-28-3-6; or
 25 (4) IC 20-28-3-7;
 26 the state board may consider whether a particular teacher received the
 27 training described in this subsection as part of the teacher's licensing
 28 requirements or at a teacher preparation program when determining
 29 whether the particular teacher is required to receive the training by the
 30 school corporation, charter school, or state accredited nonpublic
 31 school.
- 32 SECTION 14. IC 20-34-8-9, AS AMENDED BY P.L.187-2023,
 33 SECTION 2, AND AS AMENDED BY P.L.250-2023, SECTION 39,
 34 AND AS AMENDED BY THE TECHNICAL CORRECTIONS BILL
 35 OF THE 2024 GENERAL ASSEMBLY, IS CORRECTED AND
 36 AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]:
 37 Sec. 9. (a) This section applies to:
 38 (1) a head coach or assistant coach who coaches an athletic
 39 activity;
 40 (2) a marching band leader; ~~or~~
 41 (3) a drama or musical leader; or
 42 ~~(3)~~ (4) a leader of an extracurricular activity in which students



- 1 have an increased risk of sudden cardiac arrest activity as
 2 determined by the department in consultation with an
 3 organization that specializes in the prevention of sudden cardiac
 4 arrest.
- 5 (b) An individual described in subsection (a) shall complete the
 6 sudden cardiac arrest training course offered by a provider approved by
 7 the department in a manner specified by the state board under
 8 IC 20-28-5.5-1 or IC 20-28-5.5-1.5. *The sudden cardiac arrest training*
 9 *course described in this subsection must include training in the:*
- 10 (1) *use of an automated external defibrillator (AED); and*
 11 (2) **recognition of the signs and symptoms of seizures and the**
 12 **appropriate actions to respond to the signs and symptoms of**
 13 **seizures.**
- 14 An individual described in subsection (a) may not coach or lead the
 15 ~~athletic activity~~ *event in which students have an increased risk of*
 16 *sudden cardiac arrest* until the individual completes the training course
 17 required under this subsection. The provider shall provide the school
 18 with a certificate of completion to the school corporation, charter
 19 school, or state accredited nonpublic school for each individual who
 20 completes a course under this subsection.
- 21 (c) Each school corporation, charter school, or state accredited
 22 nonpublic school shall maintain all certificates of completion awarded
 23 under subsection (b) for each individual described in subsection (a).
- 24 (d) An individual described in subsection (a) who complies with this
 25 section and provides coaching or leadership services in good faith is
 26 not personally liable for damages in a civil action as a result of a
 27 sudden cardiac arrest incurred by an applicable student participating in
 28 an ~~athletic activity~~ *event in which students have an increased risk of*
 29 *sudden cardiac arrest* for which the head coach, assistant coach,
 30 marching band leader, *drama or musical leader*, or other applicable
 31 leader provided coaching or leadership services, except for an act or
 32 omission by the individual described in subsection (a) that constitutes
 33 gross negligence or willful or wanton misconduct.
- 34 (e) *An individual described in subsection (a) may ensure that an*
 35 *operational automated external defibrillator (AED) is present at each*
 36 *event in which students have an increased risk of sudden cardiac*
 37 *arrest for which the individual described in subsection (a) is providing*
 38 *coaching or leadership.*
- 39 (f) *An automated external defibrillator (AED) described in*
 40 *subsection (e) may be:*
- 41 (1) *deployed in accordance with the venue specific emergency*
 42 *action plan for sudden cardiac arrest developed under subsection*



- 1 (i);
 2 (2) except as provided in subsection (g), located on the premises
 3 where the event in which students have an increased risk of
 4 sudden cardiac arrest occurs; and
 5 (3) present for the duration of the event in which students have an
 6 increased risk of sudden cardiac arrest.
- 7 (g) One (1) automated external defibrillator (AED) may be shared
 8 by two (2) or more events in which students have an increased risk of
 9 sudden cardiac arrest if the following conditions are met:
- 10 (1) The events in which students have an increased risk of sudden
 11 cardiac arrest occur at the same time.
 12 (2) The events in which students have an increased risk of sudden
 13 cardiac arrest occur in locations that are in close proximity to
 14 each other, as determined by the department.
 15 (3) The automated external defibrillator (AED) is placed in a
 16 designated location that is between the events in which students
 17 have an increased risk of sudden cardiac arrest and meets the
 18 requirement of subsection (f)(3).
 19 (4) Each individual described in subsection (a) who conducts an
 20 event in which students have an increased risk of sudden cardiac
 21 arrest described in this subsection is aware of the designated
 22 location of the automated external defibrillator (AED).
- 23 (h) At each event in which students have an increased risk of sudden
 24 cardiac arrest, an individual described in subsection (a) may inform
 25 all individuals who are coaching or providing leadership at the event
 26 in which students have an increased risk of sudden cardiac arrest of
 27 the location of the automated external defibrillator (AED).
- 28 (i) A school corporation, charter school, and state accredited
 29 nonpublic school may do the following:
- 30 (1) Ensure that an automated external defibrillator (AED)
 31 described in subsection (e) is properly maintained.
 32 (2) Develop a venue specific emergency action plan for sudden
 33 cardiac arrest that:
- 34 (A) establishes a goal of responding within three (3) minutes
 35 to a sudden cardiac arrest occurring within the venue; and
 36 (B) requires the performance of periodic drills at times and
 37 locations determined by the governing body.
 38 (3) Distribute the plan described in subdivision (2) to the school
 39 board.
 40 (4) Share the plan described in subdivision (2) with each
 41 individual described in subsection (a).
 42 (5) Post the plan described in subdivision (2) in a conspicuous



- 1 *place so that it is visible by any participants of an activity at the*
 2 *venue.*
 3 *(6) Before the beginning of the season of each event in which*
 4 *students have an increased risk of sudden cardiac arrest, share*
 5 *the plan described in subdivision (2) with all applicable students.*
 6 *(j) A school corporation, a charter school, a state accredited*
 7 *nonpublic school (as defined in IC 20-18-2-18.7), or an accredited*
 8 *nonpublic school (as defined in IC 10-21-1-1) may apply for a grant*
 9 *under IC 10-21-1-2(a)(1)(C)(viii) to purchase an automated external*
 10 *defibrillator (AED) if the school corporation, charter school, state*
 11 *accredited nonpublic school or accredited nonpublic school develops*
 12 *a venue specific emergency action plan for sudden cardiac arrest.*

13 SECTION 15. IC 20-35-2-1, AS AMENDED BY P.L.43-2021,
 14 SECTION 114, IS AMENDED TO READ AS FOLLOWS
 15 [EFFECTIVE JULY 1, 2024]: Sec. 1. (a) There is established under the
 16 state board a division of special education. The division shall exercise
 17 all the power and duties set out in this chapter, IC 20-35-3 through
 18 IC 20-35-6, and IC 20-35-8.

19 (b) The governor shall appoint, upon the recommendation of the
 20 secretary of education, a director of special education who serves at the
 21 pleasure of the governor. The amount of compensation of the director
 22 shall be determined by the budget agency with the approval of the
 23 governor. The director has the following duties:

- 24 (1) To do the following:
 25 (A) Have general supervision of special education programs
 26 and services, including those conducted by school
 27 corporations, charter schools, the Indiana School for the Blind
 28 and Visually Impaired, the Indiana School for the Deaf, the
 29 department of correction, and the division of mental health and
 30 addiction to ensure compliance with federal and state special
 31 education laws and rules.
 32 (B) Take appropriate action to ensure school corporations,
 33 charter schools, and the department remain eligible for federal
 34 special education funds.
 35 **(C) Oversee the training of hearing officers and establish**
 36 **guidelines as described in IC 20-35-14-5.**
 37 (2) With the consent of the secretary of education and the budget
 38 agency, to appoint and determine salaries for any assistants and
 39 other personnel needed to enable the director to accomplish the
 40 duties of the director's office.

41 SECTION 16. IC 20-35-14 IS ADDED TO THE INDIANA CODE
 42 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE



1 JULY 1, 2024];

2 **Chapter 14. Employment of Independent Hearing Officers**

3 **Sec. 1. As used in this chapter, "IDEA" refers to the federal**
 4 **Individuals with Disabilities Education Act, 20 U.S.C. 1400 et seq.**

5 **Sec. 2. As used in this chapter, "office" has the meaning set**
 6 **forth in IC 4-15-10.5-6.**

7 **Sec. 3. (a) The office has jurisdiction over hearing officers**
 8 **authorized to conduct hearings required by the IDEA.**

9 **(b) The office is granted jurisdiction to conduct hearings**
 10 **described in subsection (a) as permitted under IC 4-15-10.5-12.**

11 **Sec. 4. Not later than August 1, 2024, the department and the**
 12 **office shall enter into a memorandum of understanding regarding**
 13 **the transition to hearing officers employed by the office as**
 14 **full-time, salaried, state employees to act as and satisfy the**
 15 **requirements regarding independent hearing officers under the**
 16 **IDEA.**

17 **Sec. 5. The director of special education appointed under**
 18 **IC 20-35-2-1 shall:**

19 **(1) oversee the training of hearing officers; and**

20 **(2) establish guidelines for hearing officers who conduct**
 21 **hearings under this chapter, including guidelines to ensure**
 22 **compliance with state and federal special education laws and**
 23 **rules.**

24 **Sec. 6. Funds distributed to the state of Indiana under the IDEA**
 25 **may be used for hearing officers described in this chapter, as**
 26 **allowed by federal law.**

27 SECTION 17. IC 20-40-3-5, AS AMENDED BY P.L.189-2023,
 28 SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 29 MAY 10, 2024]: Sec. 5. ~~(a)~~ Money in the fund may be used for any
 30 lawful school expenses, including making a transfer to the school
 31 corporation's education fund (IC 20-40-2) or operations fund
 32 (IC 20-40-18).

33 ~~(b) Except as provided in IC 20-46-1-21, a school corporation may~~
 34 ~~distribute proceeds of a tax levy collected under IC 20-46-1 that is~~
 35 ~~transferred to the school corporation's education fund to a charter~~
 36 ~~school, excluding a virtual charter school, that is located within the~~
 37 ~~attendance area of the school corporation.~~

38 SECTION 18. IC 20-46-1-8, AS AMENDED BY P.L.189-2023,
 39 SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 40 MAY 10, 2024]: Sec. 8. (a) Subject to subsections (e) ~~and (f) and (g)~~
 41 ~~and this chapter, the governing body of a school corporation may adopt~~
 42 ~~a resolution to place a referendum under this chapter on the ballot for~~



- 1 any of the following purposes:
- 2 (1) The governing body of the school corporation determines that
- 3 it cannot, in a calendar year, carry out its public educational duty
- 4 unless it imposes a referendum tax levy under this chapter.
- 5 (2) The governing body of the school corporation determines that
- 6 a referendum tax levy under this chapter should be imposed to
- 7 replace property tax revenue that the school corporation will not
- 8 receive because of the application of the credit under
- 9 IC 6-1.1-20.6.
- 10 ~~(3) Except for resolutions described in subsection (b), the~~
- 11 ~~governing body makes the determination required under~~
- 12 ~~subdivision (1) or (2) and determines to share a portion of the~~
- 13 ~~referendum proceeds with a charter school, excluding a virtual~~
- 14 ~~charter school, in the manner prescribed in subsection (c).~~
- 15 (b) A resolution for a referendum for a county described in section
- 16 21 of this chapter that is adopted after May 10, 2023, shall specify that
- 17 a portion of the proceeds collected from the proposed levy will be
- 18 distributed to applicable charter schools in the manner described under
- 19 section 21 of this chapter.
- 20 (c) The governing body of the school corporation shall certify a
- 21 copy of the resolution to place a referendum on the ballot to the
- 22 following:
- 23 (1) The department of local government finance, including:
- 24 (A) the language for the question required by section 10 of this
- 25 chapter, or in the case of a resolution to extend a referendum
- 26 levy certified to the department of local government finance
- 27 after March 15, 2016, section 10.1 of this chapter; and
- 28 (B) a copy of the revenue spending plan adopted under
- 29 subsection (g).
- 30 The language of the public question must include the estimated
- 31 average percentage increases certified by the county auditor under
- 32 section 10(e) or 10.1(f) of this chapter, as applicable. The
- 33 governing body of the school corporation shall also provide the
- 34 county auditor's certification described in section 10(e) or 10.1(f)
- 35 of this chapter, as applicable. The department of local government
- 36 finance shall post the values certified by the county auditor to the
- 37 department's website. The department shall review the language
- 38 for compliance with section 10 or 10.1 of this chapter, whichever
- 39 is applicable, and either approve or reject the language. The
- 40 department shall send its decision to the governing body of the
- 41 school corporation not more than ten (10) days after the resolution
- 42 is submitted to the department. If the language is approved, the



- 1 governing body of the school corporation shall certify a copy of
 2 the resolution, including the language for the question and the
 3 department's approval.
- 4 (2) The county fiscal body of each county in which the school
 5 corporation is located (for informational purposes only).
- 6 (3) The circuit court clerk of each county in which the school
 7 corporation is located.
- 8 (d) If a school safety referendum tax levy under IC 20-46-9 has been
 9 approved by the voters in a school corporation at any time in the
 10 previous three (3) years, the school corporation may not:
- 11 (1) adopt a resolution to place a referendum under this chapter on
 12 the ballot; or
- 13 (2) otherwise place a referendum under this chapter on the ballot.
- 14 ~~(e) Except as provided in section 21 of this chapter, the resolution~~
 15 ~~described in subsection (a) must indicate whether proceeds in the~~
 16 ~~school corporation's education fund collected from a tax levy under this~~
 17 ~~chapter will be used to provide a distribution to a charter school or~~
 18 ~~charter schools, excluding a virtual charter school, under IC 20-40-3-5~~
 19 ~~as well as the amount that will be distributed to the particular charter~~
 20 ~~school or charter schools. A school corporation may request from the~~
 21 ~~designated charter school or charter schools any financial~~
 22 ~~documentation necessary to demonstrate the financial need of the~~
 23 ~~charter school or charter schools.~~
- 24 (f) ~~(e)~~ This subsection applies to a resolution described in
 25 ~~subsection (a) for a county described in section 21(a)~~ **section 21** of this
 26 chapter that is adopted after May 10, 2023. The resolution ~~described in~~
 27 ~~subsection (a)~~ shall include a projection of the amount that the school
 28 corporation expects to be distributed to a particular charter school,
 29 excluding virtual charter schools or adult high schools, under section
 30 21 of this chapter if the charter school voluntarily elects to participate
 31 in the referendum in the manner described in subsection ~~(f)~~: **(h)**. At
 32 least sixty (60) days before the resolution ~~described in subsection (a)~~
 33 is voted on by the governing body, the school corporation shall contact
 34 the department to determine the number of students in kindergarten
 35 through grade 12 who have legal settlement in the school corporation
 36 but attend a charter school, excluding virtual charter schools or adult
 37 high schools, and who receive not more than fifty percent (50%) virtual
 38 instruction. The department shall provide the school corporation with
 39 the number of students with legal settlement in the school corporation
 40 who attend a charter school and who receive not more than fifty percent
 41 (50%) virtual instruction, which shall be disaggregated for each
 42 particular charter school, excluding a virtual charter school or adult



1 high school. The projection may include an expected increase in
 2 charter schools during the term the levy is imposed under this chapter.
 3 The department of local government finance shall prescribe the manner
 4 in which the projection shall be calculated. The governing body shall
 5 take into consideration the projection when adopting the revenue
 6 spending plan under subsection ~~(g)~~: **(f)**.

7 ~~(g)~~ **(f)** As part of the resolution described in subsection (a), the
 8 governing body of the school corporation shall adopt a revenue
 9 spending plan for the proposed referendum tax levy that includes:

- 10 (1) an estimate of the amount of annual revenue expected to be
 11 collected if a levy is imposed under this chapter;
 12 (2) the specific purposes for which the revenue collected from a
 13 levy imposed under this chapter will be used;
 14 (3) an estimate of the annual dollar amounts that will be expended
 15 for each purpose described in subdivision (2); and
 16 (4) for a resolution for a referendum that is adopted after May 10,
 17 2023, ~~for a county as~~ described in section ~~21(a)~~ **21** of this chapter,
 18 the projected revenue that shall be distributed to charter schools
 19 as provided in subsections ~~(f)~~ **(e)** and ~~(i)~~: **(h)**. The revenue
 20 spending plan shall also take into consideration deviations in the
 21 proposed revenue spending plan if the actual charter school
 22 distributions exceed or are lower than the projected charter school
 23 distributions described in subsection ~~(f)~~: **(e)**. The resolution shall
 24 include for each charter school that elects to participate under
 25 subsection ~~(i)~~ **(h)** information described in subdivisions (1)
 26 through (3).

27 ~~(i)~~ **(g)** A school corporation shall specify in its proposed budget the
 28 school corporation's revenue spending plan adopted under subsection
 29 ~~(g)~~ **(f)** and annually present the revenue spending plan at its public
 30 hearing on the proposed budget under IC 6-1.1-17-3.

31 ~~(i)~~ **(h)** This subsection applies to a resolution described in
 32 subsection (a) ~~for a county described in section 21(a)~~ **21** of this chapter
 33 that is adopted after May 10, 2023. At least forty-five (45) days before
 34 the resolution ~~described in subsection (a)~~ is voted on by the governing
 35 body, the school corporation shall contact each charter school,
 36 excluding virtual charter schools or adult high schools, disclosed by the
 37 department to the school corporation under subsection ~~(f)~~ **(e)** to
 38 determine whether the charter school will participate in the
 39 referendum. The charter school must respond in writing to the school
 40 corporation at least fifteen (15) days prior to the date that the resolution
 41 ~~described in subsection (a)~~ is to be voted on by the governing body. If
 42 the charter school elects to not participate in the referendum, the school



1 corporation may exclude distributions to the charter school under
 2 section 21 of this chapter and from the projection described in
 3 subsection ~~(f)~~: **(e)**. If the charter school elects to participate in the
 4 referendum, the charter school ~~may~~ **must** receive distributions under
 5 section 21 of this chapter and must be included in the projection
 6 described in subsection ~~(f)~~: **(e)**. In addition, a charter school that elects
 7 to participate in the referendum under this subsection shall contribute
 8 a proportionate share of the cost to conduct the referendum based on
 9 the total combined ADM of the school corporation and any
 10 participating charter schools.

11 ~~(j)~~ **(i)** This subsection applies to a resolution described in ~~subsection~~
 12 ~~(a) for a county described in~~ section ~~21(a)~~ **21** of this chapter that is
 13 adopted after May 10, 2023. At least thirty (30) days before the
 14 resolution ~~described in subsection (a)~~ is voted on by the governing
 15 body, the school corporation that is pursuing the resolution and any
 16 charter school that has elected to participate under subsection ~~(f)~~: **(h)**,
 17 shall post a referendum disclosure statement on each school's
 18 respective website that contains the following information:

- 19 (1) The salaries of all employees employed by the school
 20 corporation or charter school listed from highest salary to lowest
 21 salary.
- 22 (2) An acknowledgment that the school corporation or charter
 23 school is not committing any crime described in IC 35-44.1-1.
- 24 (3) A link to the school corporation's or charter school's most
 25 recent state board of accounts audit on the state board of accounts'
 26 website.
- 27 (4) The current enrollment of the school corporation or charter
 28 school disaggregated by student group and race.
- 29 (5) The school corporation's or charter school's high school
 30 graduation rate.
- 31 (6) The school corporation's or charter school's annual retention
 32 rate for teachers for the previous five (5) years.

33 SECTION 19. IC 20-46-1-8.5, AS AMENDED BY P.L.189-2023,
 34 SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 35 MAY 10, 2024]: Sec. 8.5. (a) A resolution to extend a referendum levy
 36 must be:

- 37 (1) adopted by the governing body of a school corporation; and
- 38 (2) approved in a referendum under this chapter;
 39 before December 31 of the final calendar year in which the school
 40 corporation's previously approved referendum levy is imposed under
 41 this chapter.

42 (b) For a resolution adopted under this section:



- 1 (1) after May 10, 2023, for a county described in section 21(a) of
2 this chapter; **and**
3 **(2) after May 10, 2024, for all counties as described in section**
4 **21(b) of this chapter;**
5 the resolution must include the projected charter school distributions
6 described in section ~~8(f)~~ **8(e)** of this chapter and indicate the
7 distributions to applicable charter schools in accordance with section
8 21 of this chapter.
- 9 SECTION 20. IC 20-46-1-21, AS ADDED BY P.L.189-2023,
10 SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
11 MAY 10, 2024]: Sec. 21. (a) This section applies to revenue received
12 from a resolution that is approved by the governing body to impose a
13 referendum levy under section 8 or 8.5 of this chapter after May 10,
14 2023, **and before May 10, 2024**, for a school corporation located in:
15 (1) Lake County;
16 (2) Marion County;
17 (3) St. Joseph County; or
18 (4) Vanderburgh County.
- 19 **(b) This section applies to revenue received from a resolution**
20 **that is approved by the governing body to impose a referendum**
21 **levy under section 8 or 8.5 of this chapter after May 10, 2024, for**
22 **a school corporation.**
- 23 ~~(b)~~ **(c)** The county auditor in which the school corporation is located
24 shall distribute an amount under subsection ~~(d)~~ **(e)** to each charter
25 school, excluding virtual charter schools or adult high schools, that a
26 student who resides within the attendance area of the school
27 corporation attends if the charter school elects to participate in the
28 referendum under section ~~8(i)~~ **8(h)** of this chapter. The department
29 shall provide the county auditor with data and information necessary
30 for the county auditor to determine:
31 (1) which charter schools are eligible to receive a distribution
32 under this section; and
33 (2) the number of students who reside within the attendance area
34 of the school corporation who are included in the ADM for each
35 charter school, excluding virtual charter schools or adult high
36 schools, described in subdivision (1).
- 37 ~~(c)~~ **(d)** The following schools are not eligible to receive a
38 distribution under this section:
39 (1) A virtual charter school.
40 (2) An adult high school.
- 41 ~~(d)~~ **(e)** For the purposes of the calculations made in this subsection,
42 each eligible school that has entered into an agreement with a school



1 corporation to participate as a participating innovation network charter
2 school under IC 20-25.7-5 is considered to have an ADM that is
3 separate from the school corporation. The amount that the county
4 auditor shall distribute to a charter school, excluding virtual charter
5 schools or adult high schools, under this section is the amount
6 determined in the last STEP of the following STEPS:

7 STEP ONE: Determine, for each charter school, excluding virtual
8 charter schools or adult high schools, that is eligible to receive a
9 distribution under this section, the number of students who reside
10 within the attendance area of the school corporation who are
11 currently included in the ADM of the charter school.

12 STEP TWO: Determine the sum of:
13 (A) the current ADM count for the school corporation; plus
14 (B) total number of all students who reside within the
15 attendance area of the school corporation who are currently
16 included in the ADM of a charter school, excluding virtual
17 charter schools or adult high schools.

18 STEP THREE: Determine the result of:
19 (A) the STEP ONE amount; divided by
20 (B) the STEP TWO amount.

21 STEP FOUR: Determine the result of:
22 (A) the STEP THREE amount; multiplied by
23 (B) the amount collected by the county auditor during the most
24 recent installment period.

25 SECTION 21. IC 21-18-6-8 IS ADDED TO THE INDIANA CODE
26 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE
27 UPON PASSAGE]: **Sec. 8. (a) The commission shall do the
28 following:**

- 29 **(1) Study and make recommendations regarding allowing:**
 - 30 **(A) Ivy Tech Community College to award bachelor's**
 - 31 **degrees; and**
 - 32 **(B) Vincennes University to offer additional programs that**
 - 33 **lead to a bachelor's degree.**
- 34 **(2) Not later than October 31, 2024, do the following:**
 - 35 **(A) Prepare a report regarding the study and**
 - 36 **recommendations described in subdivision (1).**
 - 37 **(B) Submit the report to the general assembly in an**
 - 38 **electronic format under IC 5-14-6.**

39 **(b) This section expires January 1, 2025.**
40 SECTION 22. An emergency is declared for this act.



COMMITTEE REPORT

Madam President: The Senate Committee on Education and Career Development, to which was referred Senate Bill No. 270, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, delete lines 1 through 15.

Delete page 2.

Page 3, delete lines 1 through 25.

Page 4, delete lines 10 through 19.

Page 29, delete lines 12 through 39.

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass and be reassigned to the Senate Committee on Appropriations.

(Reference is to SB 270 as introduced.)

RAATZ, Chairperson

Committee Vote: Yeas 9, Nays 4.

