

SENATE BILL No. 270

DIGEST OF INTRODUCED BILL

Citations Affected: IC 2-5-53.5; IC 20-19-3; IC 20-24-7; IC 20-26; IC 20-28-5.5-1; IC 20-34-8-9; IC 20-35; IC 20-40-3-5; IC 20-46-1; IC 21-18-6-8.

Synopsis: Various education matters. Establishes the educational improvement task force to study the following: (1) Solutions to improve consistently academically failing schools. (2) Ways to address the lack of parental involvement. (3) Chronic absenteeism. Requires the department of education (department) to: (1) study or contract with a third party to study; and (2) submit a report regarding; the feasibility of a community bus system serving two or more public schools located in the same metropolitan area to transport each student to the school of the student's choice. Requires the department 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. Provides that an organizer that operates more than one charter school may: (1) file a single school financial report; and (2) file a single form for any state or federal funding program; for all the charter schools operated by the organizer. 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
(Continued next page)

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

Rogers

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



Digest Continued

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 provisions, the transfer is void and allows for a court action with the award of attorney's fees. Provides that the requirement to provide curricular materials at no cost does not prohibit assessing and collecting a fee for supplies and materials. 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.



Introduced

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 2-5-53.5 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
3 UPON PASSAGE]:
4 **Chapter 53.5. Educational Improvement Task Force**
5 **Sec. 1. As used in this chapter, "task force" refers to the**
6 **educational improvement task force established by section 2 of this**
7 **chapter.**
8 **Sec. 2. The educational improvement task force is established as**
9 **a temporary task force to serve the general assembly.**
10 **Sec. 3. The task force consists of the following seven (7)**
11 **members, who serve as voting members:**
12 **(1) Three (3) members of the senate, appointed as follows:**
13 **(A) Two (2) members appointed by the president pro**
14 **tempore of the senate, one (1) of whom shall serve as**
15 **co-chair of the task force.**



- 1 **(B) One (1) member appointed by the minority leader of**
 2 **the senate.**
- 3 **(2) Three (3) members of the house of representatives,**
 4 **appointed as follows:**
- 5 **(A) Two (2) members appointed by the speaker of the**
 6 **house of representatives, one (1) of whom shall serve as**
 7 **co-chair of the task force.**
- 8 **(B) One (1) member appointed by the minority leader of**
 9 **the house of representatives.**
- 10 **(3) The secretary of education or the secretary's designee.**
- 11 **Sec. 4. (a) A member serves at the will of the member's**
 12 **appointing authority. If a vacancy occurs on the task force, the**
 13 **appointing authority who appointed the member whose position is**
 14 **vacant shall appoint an individual to fill the vacancy.**
- 15 **(b) An individual appointed to fill a vacancy must meet the**
 16 **qualifications of the vacancy.**
- 17 **(c) An individual appointed to fill a vacancy serves for the**
 18 **remainder of the term of the member the individual is appointed**
 19 **to succeed.**
- 20 **Sec. 5. (a) Four (4) members of the task force constitute a**
 21 **quorum.**
- 22 **(b) The affirmative vote of at least a majority of the members at**
 23 **a meeting at which a quorum is present is necessary for the task**
 24 **force to take official action other than to meet and take testimony.**
- 25 **(c) The task force shall meet at the call of the co-chairs.**
- 26 **Sec. 6. All meetings of the task force shall be open to the public**
 27 **in accordance with and subject to IC 5-14-1.5. All records of the**
 28 **task force are subject to the requirements of IC 5-14-3.**
- 29 **Sec. 7. The task force shall study the following issues:**
- 30 **(1) Solutions to improve consistently academically failing**
 31 **schools.**
- 32 **(2) Ways to address the lack of parental involvement.**
- 33 **(3) Chronic absenteeism.**
- 34 **Sec. 8. The task force shall:**
- 35 **(1) develop recommendations for the legislative council**
 36 **concerning the issues set forth in section 7 of this chapter;**
 37 **(2) issue a report setting forth the recommendations**
 38 **developed under subdivision (1); and**
 39 **(3) not later than October 31, 2024, submit the report to the**
 40 **legislative council in an electronic format under IC 5-14-6.**
- 41 **Sec. 9. The legislative services agency shall provide staff support**
 42 **to the task force.**



1 **Sec. 10. (a)** Each legislative member and each lay member of the
 2 task force is entitled to receive the same per diem, mileage, and
 3 travel allowances paid to individuals serving as legislative and lay
 4 members, respectively, on an interim study committee established
 5 by the legislative council.

6 **(b)** A member of the task force who is a state employee is not
 7 entitled to a per diem. However, the member is entitled to receive
 8 the same travel allowances paid to members of the task force
 9 described in subsection (a).

10 **Sec. 11.** The task force's expenses, including the payment of per
 11 diem and reimbursements under section 10 of this chapter, are
 12 payable from amounts appropriated to the legislative council.

13 **Sec. 12. This chapter expires July 1, 2025.**

14 SECTION 2. IC 20-19-3-32 IS ADDED TO THE INDIANA CODE
 15 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 16 1, 2024]: **Sec. 32. (a)** The department shall study or contract with
 17 a third party to study the feasibility of a community bus system
 18 serving two (2) or more public schools, including charter schools,
 19 located in the same metropolitan area to transport each student to
 20 the school of the student's choice.

21 **(b)** The cost for the study under this section may not exceed an
 22 amount equal to fifty thousand dollars (\$50,000).

23 **(c)** Not later than July 1, 2025, the department shall submit a
 24 report regarding the results of the study to the general assembly in
 25 an electronic format under IC 5-14-6.

26 SECTION 3. IC 20-19-3-33 IS ADDED TO THE INDIANA CODE
 27 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE
 28 UPON PASSAGE]: **Sec. 33. (a)** The department shall study the
 29 following:

30 **(1)** Creating a clearinghouse for each region of Indiana that
 31 enables all high schools, approved postsecondary educational
 32 institutions (as defined in IC 21-7-13-6(a)), and employers in
 33 the applicable region to exchange information through a
 34 website regarding internship opportunities and for which
 35 each user of the clearinghouse uses information forms that
 36 are standardized for all regions.

37 **(2)** Selecting a single nonprofit organization to design,
 38 operate, and maintain all the regional clearinghouses
 39 described in subdivision (1).

40 **(b)** In carrying out subsection (a), the department may consult
 41 with the department of workforce development and the
 42 commission for higher education.



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

3 (1) Prepare a report regarding:

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

6 (B) any recommendations regarding the creation of;
7 a clearinghouse for each region as described in subsection (a).

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

10 SECTION 4. IC 20-24-7-1.5 IS ADDED TO THE INDIANA CODE
11 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
12 1, 2024]: Sec. 1.5. An organizer that operates more than one (1)
13 charter school may do the following:

14 (1) File a single school financial report (Form 9) that includes
15 data for all the charter schools operated by the organizer.

16 (2) To the extent permitted by federal law and
17 notwithstanding any other state law, file a single form for any
18 state or federal funding program for all the charter schools
19 operated by the organizer.

20 SECTION 5. IC 20-24-7-6, AS AMENDED BY P.L.189-2023,
21 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
22 MAY 10, 2024]: Sec. 6. (a) With the approval of a majority of the
23 members of the governing body, a school corporation may distribute a
24 proportionate share of the school corporation's operations fund to a
25 charter school. A charter school may elect to distribute a proportionate
26 share of the charter school's operations fund to the school corporation
27 in whose district the charter school is located.

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

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

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



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

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

5 (b) The county auditor in the county in which the applicable school
 6 corporation is located shall distribute money that is received as part of
 7 a tax levy collected under IC 20-46-1 to an applicable charter school,
 8 excluding a virtual charter school, in the manner provided by
 9 IC 20-46-1-21.

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

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

21 (e) If a charter school receives a distribution from a school
 22 corporation from the school corporation's tax levy collected under
 23 IC 20-46-1 or a school safety referendum tax levy under IC 20-46-9,
 24 the charter school must post the following on the charter school's
 25 website:

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

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

30 SECTION 7. IC 20-26-5-4, AS AMENDED BY P.L.201-2023,
 31 SECTION 160, IS AMENDED TO READ AS FOLLOWS
 32 [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) In carrying out the school
 33 purposes of a school corporation, the governing body acting on the
 34 school corporation's behalf has the following specific powers:

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

41 (2) To take charge of, manage, and conduct the educational affairs
 42 of the school corporation and to establish, locate, and provide the



- 1 necessary schools, school libraries, other libraries where
 2 permitted by law, other buildings, facilities, property, and
 3 equipment.
- 4 (3) To appropriate from the school corporation's general fund
 5 (before January 1, 2019) or the school corporation's operations
 6 fund (after December 31, 2018) an amount, not to exceed the
 7 greater of three thousand dollars (\$3,000) per budget year or one
 8 dollar (\$1) per pupil, not to exceed twelve thousand five hundred
 9 dollars (\$12,500), based on the school corporation's ADM of the
 10 previous year (as defined in IC 20-43-1-7) to promote the best
 11 interests of the school corporation through:
- 12 (A) the purchase of meals, decorations, memorabilia, or
 - 13 awards;
 - 14 (B) provision for expenses incurred in interviewing job
 - 15 applicants; or
 - 16 (C) developing relations with other governmental units.
- 17 (4) To do the following:
- 18 (A) Acquire, construct, erect, maintain, hold, and contract for
 - 19 construction, erection, or maintenance of real estate, real estate
 - 20 improvements, or an interest in real estate or real estate
 - 21 improvements, as the governing body considers necessary for
 - 22 school purposes, including buildings, parts of buildings,
 - 23 additions to buildings, rooms, gymnasiums, auditoriums,
 - 24 playgrounds, playing and athletic fields, facilities for physical
 - 25 training, buildings for administrative, office, warehouse, repair
 - 26 activities, or housing school owned buses, landscaping, walks,
 - 27 drives, parking areas, roadways, easements and facilities for
 - 28 power, sewer, water, roadway, access, storm and surface
 - 29 water, drinking water, gas, electricity, other utilities and
 - 30 similar purposes, by purchase, either outright for cash (or
 - 31 under conditional sales or purchase money contracts providing
 - 32 for a retention of a security interest by the seller until payment
 - 33 is made or by notes where the contract, security retention, or
 - 34 note is permitted by applicable law), by exchange, by gift, by
 - 35 devise, by eminent domain, by lease with or without option to
 - 36 purchase, or by lease under IC 20-47-2, IC 20-47-3, or
 - 37 IC 20-47-5.
 - 38 (B) Repair, remodel, remove, or demolish, or to contract for
 - 39 the repair, remodeling, removal, or demolition of the real
 - 40 estate, real estate improvements, or interest in the real estate
 - 41 or real estate improvements, as the governing body considers
 - 42 necessary for school purposes.



- 1 (C) Provide for conservation measures through utility
 2 efficiency programs or under a guaranteed savings contract as
 3 described in IC 36-1-12.5.
- 4 (5) To acquire personal property or an interest in personal
 5 property as the governing body considers necessary for school
 6 purposes, including buses, motor vehicles, equipment, apparatus,
 7 appliances, books, furniture, and supplies, either by cash purchase
 8 or under conditional sales or purchase money contracts providing
 9 for a security interest by the seller until payment is made or by
 10 notes where the contract, security, retention, or note is permitted
 11 by applicable law, by gift, by devise, by loan, or by lease with or
 12 without option to purchase and to repair, remodel, remove,
 13 relocate, and demolish the personal property. All purchases and
 14 contracts specified under the powers authorized under subdivision
 15 (4) and this subdivision are subject solely to applicable law
 16 relating to purchases and contracting by municipal corporations
 17 in general and to the supervisory control of state agencies as
 18 provided in section 6 of this chapter.
- 19 (6) To sell or exchange real or personal property or interest in real
 20 or personal property that, in the opinion of the governing body, is
 21 not necessary for school purposes, in accordance with IC 20-26-7
 22 and IC 20-26-7.1, to demolish or otherwise dispose of the
 23 property if, in the opinion of the governing body, the property is
 24 not necessary for school purposes and is worthless, and to pay the
 25 expenses for the demolition or disposition.
- 26 (7) **Except as provided under subsections (c) and (d),** to lease
 27 any school property for a rental that the governing body considers
 28 reasonable or to permit the free use of school property for:
- 29 (A) civic or public purposes; or
- 30 (B) the operation of a school age child care program for
 31 children who are at least five (5) years of age and less than
 32 fifteen (15) years of age that operates before or after the school
 33 day, or both, and during periods when school is not in session;
 34 **if the property is not needed for school purposes. the school**
 35 **property continues to be used primarily for classroom**
 36 **instruction by the school corporation, is not subject to closure**
 37 **under IC 20-26-7-47, and is not a covered school building that**
 38 **must be made available for lease or purchase under**
 39 **IC 20-26-7.1.** Under this subdivision, the governing body may
 40 enter into a ~~long term~~ lease **or use agreement** with a nonprofit
 41 corporation, community service organization, or other
 42 governmental entity, if the corporation, organization, or other



1 governmental entity will use the property to be leased for civic or
 2 public purposes or for a school age child care program. However,
 3 if payment for the property subject to a **long term lease or use**
 4 **agreement** is made from money in the school corporation's debt
 5 service fund, all proceeds from the **long term lease or use**
 6 **agreement** must be deposited in the school corporation's debt
 7 service fund so long as payment for the property has not been
 8 made. The governing body may, at the governing body's option,
 9 use the procedure specified in IC 36-1-11-10 in leasing property
 10 under this subdivision. **If the school property is not being used**
 11 **primarily for classroom instruction or is subject to closure**
 12 **under IC 20-26-7-47, the governing body must first comply**
 13 **with IC 20-26-7 and IC 20-26-7.1 before leasing the school**
 14 **property under this subdivision.**

15 (8) To do the following:

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

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

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

37 (D) Determine the number of the persons or the amount of the
 38 services employed or contracted for as provided in this
 39 subdivision.

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

42 The compensation, terms of employment, and discharge of



- 1 teachers are, however, subject to and governed by the laws
2 relating to employment, contracting, compensation, and discharge
3 of teachers. The compensation, terms of employment, and
4 discharge of bus drivers are subject to and governed by laws
5 relating to employment, contracting, compensation, and discharge
6 of bus drivers.
- 7 (9) Notwithstanding the appropriation limitation in subdivision
8 (3), when the governing body by resolution considers a trip by an
9 employee of the school corporation or by a member of the
10 governing body to be in the interest of the school corporation,
11 including attending meetings, conferences, or examining
12 equipment, buildings, and installation in other areas, to permit the
13 employee to be absent in connection with the trip without any loss
14 in pay and to reimburse the employee or the member the
15 employee's or member's reasonable lodging and meal expenses
16 and necessary transportation expenses. To pay teaching personnel
17 for time spent in sponsoring and working with school related trips
18 or activities.
- 19 (10) Subject to IC 20-27-13, to transport children to and from
20 school, when in the opinion of the governing body the
21 transportation is necessary, including considerations for the safety
22 of the children. The transportation must be otherwise in
23 accordance with applicable law.
- 24 (11) To provide a lunch program for a part or all of the students
25 attending the schools of the school corporation, including the
26 establishment of kitchens, kitchen facilities, kitchen equipment,
27 lunch rooms, the hiring of the necessary personnel to operate the
28 lunch program, and the purchase of material and supplies for the
29 lunch program, charging students for the operational costs of the
30 lunch program, fixing the price per meal or per food item. To
31 operate the lunch program as an extracurricular activity, subject
32 to the supervision of the governing body. To participate in a
33 surplus commodity or lunch aid program.
- 34 (12) To:
- 35 (A) purchase curricular materials and to furnish curricular
36 materials without cost; and
37 (B) assess and collect a reasonable fee for lost or significantly
38 damaged curricular materials.
- 39 (13) To accept students transferred from other school corporations
40 and to transfer students to other school corporations in accordance
41 with applicable law.
- 42 (14) To make budgets, to appropriate funds, and to disburse the



1 money of the school corporation in accordance with applicable
2 law. To borrow money against current tax collections and
3 otherwise to borrow money, in accordance with IC 20-48-1.

4 (15) To purchase insurance or to establish and maintain a
5 program of self-insurance relating to the liability of the school
6 corporation or the school corporation's employees in connection
7 with motor vehicles or property and for additional coverage to the
8 extent permitted and in accordance with IC 34-13-3-20. To
9 purchase additional insurance or to establish and maintain a
10 program of self-insurance protecting the school corporation and
11 members of the governing body, employees, contractors, or agents
12 of the school corporation from liability, risk, accident, or loss
13 related to school property, school contract, school or school
14 related activity, including the purchase of insurance or the
15 establishment and maintenance of a self-insurance program
16 protecting persons described in this subdivision against false
17 imprisonment, false arrest, libel, or slander for acts committed in
18 the course of the persons' employment, protecting the school
19 corporation for fire and extended coverage and other casualty
20 risks to the extent of replacement cost, loss of use, and other
21 insurable risks relating to property owned, leased, or held by the
22 school corporation. In accordance with IC 20-26-17, to:

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

25 (B) purchase insurance; or

26 (C) establish and maintain a program of self-insurance;
27 to benefit school corporation employees, including accident,
28 sickness, health, or dental coverage, provided that a plan of
29 self-insurance must include an aggregate stop-loss provision.

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

34 (17) To defend a member of the governing body or any employee
35 of the school corporation in any suit arising out of the
36 performance of the member's or employee's duties for or
37 employment with, the school corporation, if the governing body
38 by resolution determined that the action was taken in good faith.
39 To save any member or employee harmless from any liability,
40 cost, or damage in connection with the performance, including the
41 payment of legal fees, except where the liability, cost, or damage
42 is predicated on or arises out of the bad faith of the member or



- 1 employee, or is a claim or judgment based on the member's or
- 2 employee's malfeasance in office or employment.
- 3 (18) To prepare, make, enforce, amend, or repeal rules,
- 4 regulations, and procedures:
- 5 (A) for the government and management of the schools,
- 6 property, facilities, and activities of the school corporation, the
- 7 school corporation's agents, employees, and pupils and for the
- 8 operation of the governing body; and
- 9 (B) that may be designated by an appropriate title such as
- 10 "policy handbook", "bylaws", or "rules and regulations".
- 11 (19) To ratify and approve any action taken by a member of the
- 12 governing body, an officer of the governing body, or an employee
- 13 of the school corporation after the action is taken, if the action
- 14 could have been approved in advance, and in connection with the
- 15 action to pay the expense or compensation permitted under
- 16 IC 20-26-1 through IC 20-26-5, IC 20-26-7, IC 20-26-12-1,
- 17 IC 20-40-12, and IC 20-48-1 or any other law.
- 18 (20) To exercise any other power and make any expenditure in
- 19 carrying out the governing body's general powers and purposes
- 20 provided in this chapter or in carrying out the powers delineated
- 21 in this section which is reasonable from a business or educational
- 22 standpoint in carrying out school purposes of the school
- 23 corporation, including the acquisition of property or the
- 24 employment or contracting for services, even though the power or
- 25 expenditure is not specifically set out in this chapter. The specific
- 26 powers set out in this section do not limit the general grant of
- 27 powers provided in this chapter except where a limitation is set
- 28 out in IC 20-26-1 through IC 20-26-5, IC 20-26-7, IC 20-40-12,
- 29 IC 20-40-18 (after December 31, 2018), and IC 20-48-1 by
- 30 specific language or by reference to other law.
- 31 (b) A superintendent hired under subsection (a)(8):
- 32 (1) is not required to hold a teacher's license under IC 20-28-5;
- 33 and
- 34 (2) is required to have obtained at least a master's degree from an
- 35 accredited postsecondary educational institution.
- 36 **(c) The governing body acting on the school corporation's behalf**
- 37 **may renew a lease or memorandum of understanding described in**
- 38 **IC 20-26-7.1-3(d) with a nonprofit organization as described in**
- 39 **IC 20-26-7.1-3(d).**
- 40 **(d) The governing body acting on the school corporation's**
- 41 **behalf may lease any school property for a rental to one (1) or both**
- 42 **of the following:**



1 **(1) The Indiana School for the Blind and Visually Impaired**
 2 **established by IC 20-21-2-1.**

3 **(2) The Indiana School for the Deaf established by**
 4 **IC 20-22-2-1.**

5 **This subsection expires June 30, 2030.**

6 SECTION 8. IC 20-26-7-47, AS ADDED BY P.L.189-2023,
 7 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 8 JULY 1, 2024]: Sec. 47. (a) The following definitions apply throughout
 9 this section:

10 (1) "Covered school building" has the meaning set forth in
 11 IC 20-26-7.1-2.1.

12 (2) "Current school year" refers to a year in which the governing
 13 body is required to conduct a review of school building usage
 14 under subsection (c).

15 (3) "Enrollment" refers to the following:

16 (A) Except as provided in clause (B), students counted in
 17 ADM (as defined in IC 20-43-1-6) in the first count date for a
 18 school year fixed under IC 20-43-4-3.

19 (B) With regard to a school corporation, students counted in a
 20 school corporation's fall count of ADM minus all students
 21 counted in the fall count of ADM who are enrolled in eligible
 22 schools that:

23 (i) have entered into an agreement with the school
 24 corporation to participate as a participating innovation
 25 network charter school under IC 20-25.7-5; and

26 (ii) are included in the school corporation's fall ADM count.

27 (4) "Interested person" has the meaning set forth in
 28 IC 20-26-7.1-2.2.

29 (b) This section applies to a school corporation only if:

30 (1) the total student enrollment for in-person instruction in the
 31 school corporation in the current school year is at least ten percent
 32 (10%) less than the student enrollment for in-person instruction
 33 in the school corporation in a school year that precedes the
 34 current school year by five (5); and

35 (2) the school corporation in the current school year has more
 36 than one (1) school building serving the same grade level as the
 37 school building subject to closure under this section.

38 (c) Each school year, the governing body of a school corporation
 39 shall review the usage of school buildings used by the school
 40 corporation to determine whether any school building should be closed
 41 for the ensuing school year and subsequent school years.

42 (d) A school corporation ~~may~~ **shall** close a school building for the



- 1 ensuing school year (and subsequent school years) if:
- 2 (1) at any time the school building had been used for classroom
- 3 instruction;
- 4 (2) in the current school year and the two (2) school years
- 5 immediately preceding the current school year the school building
- 6 was underutilized for classroom instruction purposes or other
- 7 allowable uses specified by this section;
- 8 (3) as of the end of the school year before the school building is
- 9 required to be closed under this section, the school corporation
- 10 was not subject to a transitional plan adopted by the governing
- 11 body and approved by the department to use the school building
- 12 for an allowable use not later than the next school year after the
- 13 school building is otherwise required to be closed under this
- 14 section;
- 15 (4) in the case of a school building that was used in any part in the
- 16 current school year for instructional purposes, the school
- 17 corporation has another school building:
- 18 (A) with sufficient capacity to take the students using the
- 19 school building being considered for closure; and
- 20 (B) that does not require more than twenty (20) minutes of
- 21 travel time by car or bus from the school building being
- 22 considered for closure; and
- 23 (5) the school building is not a school building described in
- 24 IC 20-26-7.1-1, IC 20-26-7.1-3(b), IC 20-26-7.1-3(c), or
- 25 IC 20-26-7.1-3(d).
- 26 (e) For purposes of this section, a school building is underutilized
- 27 in a school year if the school building is not used for any of the
- 28 following allowable uses:
- 29 (1) The number of full-time equivalent students enrolled for
- 30 in-person instruction in the school building on instructional days
- 31 (as determined under IC 20-30-2) for instructional purposes,
- 32 averaged over the current school year and the two (2) school years
- 33 immediately preceding the current school year, is at least ~~sixty~~
- 34 **percent (60%) fifty percent (50%)** of:
- 35 (A) the known classroom design capacity of the school
- 36 building; or
- 37 (B) if the design capacity is not known, the average maximum
- 38 full-time equivalent enrollment in any of the last twenty-five
- 39 (25) years, as validated by records created or maintained by
- 40 the department.
- 41 (2) The school corporation demonstrates through facts included
- 42 in a resolution that the school building is being used and that it is



1 financially prudent to continue to use the school building,
 2 considering all community resources, for a distinct student
 3 population that reasonably cannot be served through integration
 4 with the general school population, such as students attending an
 5 alternative education program (as defined in IC 20-30-8-1).
 6 However, to be an allowable use under this subdivision, the
 7 average number of full-time equivalent students using the school
 8 building in a school year for instructional purposes must be at
 9 least thirty percent (30%) of:

10 (A) the known classroom design capacity of the school
 11 building; or

12 (B) if the design capacity is not known, the average maximum
 13 full-time equivalent enrollment in any of the last twenty-five
 14 (25) years, as validated by records created or maintained by
 15 the department; and

16 (if multiple school buildings are used for the same purposes)
 17 combining the student populations into fewer school buildings is
 18 not reasonably feasible.

19 (3) The school corporation demonstrates through facts included
 20 in a resolution that the school building is being used and that it is
 21 financially prudent to continue to use the school building,
 22 considering all community resources, for administrative or other
 23 school offices. However, to be an allowable use under this
 24 subdivision, at least fifty percent (50%) of the square footage of
 25 the school building must be used for offices, the personnel
 26 headquartered in the school building must consistently use the
 27 space for office purposes, and the occupancy cost of using the
 28 school building cannot be more than comparable office space that
 29 is available in the school district.

30 (4) The school corporation demonstrates through facts included
 31 in a resolution that the school building is being used and that it is
 32 financially prudent to continue to use the school building,
 33 considering all community resources, for storage. However, to be
 34 an allowable use under this subdivision, at least fifty percent
 35 (50%) of the square footage of the school building must be used
 36 for storage, on average the storage space must be used to capacity,
 37 and the cost of using the school building for storage must be less
 38 than comparable storage space that is available in the school
 39 district.

40 (5) The school corporation demonstrates through facts included
 41 in a resolution that the school building is being used and that it is
 42 financially prudent to continue to use the school building,



1 considering all community resources, for a combination of office
 2 space and storage. However, to be an allowable use under this
 3 subdivision, at least fifty percent (50%) of the square footage of
 4 the school building must be used for a combination of office
 5 space and storage and:

6 (A) the personnel headquartered in the school building must
 7 consistently use the office space for office purposes, and the
 8 occupancy cost of using the office space, calculated using the
 9 costs of operating the school building, cannot be more than
 10 comparable office space that is available in the school district;
 11 and

12 (B) on average, the storage space must be used to capacity and
 13 the cost of using the school building for storage must be less
 14 than comparable storage space that is available in the school
 15 district.

16 (f) Closure of a school building that is:

17 (1) owned by the school corporation or any other entity that is
 18 related in any way to, or created by, the school corporation or the
 19 governing body; or

20 (2) jointly owned in the same manner by two (2) or more school
 21 corporations;

22 shall be carried out in conformity with IC 20-26-7.1.

23 (g) Before filing a petition under subsection (h), a charter school or
 24 state educational institution that is interested in a school corporation's
 25 school building must give written notice to the school corporation to
 26 determine whether an agreement can be reached regarding the school
 27 corporation making the school building available for lease or purchase
 28 under IC 20-26-7.1.

29 (h) If an agreement is not reached within forty-five (45) days after
 30 the date that the school corporation receives the notice under
 31 subsection (g), the charter school or state educational institution may
 32 petition the department to initiate or the department on its own may
 33 initiate a proceeding for a determination as to whether a school
 34 building meets the criteria for closure under this section or a covered
 35 school building that is no longer used for classroom instruction by a
 36 school corporation should be made available under IC 20-26-7.1. If a
 37 charter school or state educational institution petitions the department
 38 under this subsection, the charter school or state educational institution
 39 must provide a copy of the petition to the applicable school
 40 corporation.

41 (i) An interested person that is not otherwise a party to the
 42 proceeding may intervene in the proceeding under subsection (h) as a



1 party. The school corporation has the burden of going forward with the
 2 evidence and the burden of proof to demonstrate that the school
 3 building does not meet the criteria for closure or the covered school
 4 building is not required to be made available under IC 20-26-7.1.

5 (j) Not more than sixty (60) days after receiving notice of a petition
 6 under subsection (h), the school corporation must:

7 (1) file a response to the petition that notifies the department that
 8 the school corporation:

9 (A) is not contesting the petition; or

10 (B) is contesting the petition and states the facts upon which
 11 the school corporation relies in contesting the petition; and

12 (2) provide a copy of the response to the petitioner and any
 13 intervening party.

14 (k) If the school corporation:

15 (1) files a response that the school corporation is not contesting
 16 the petition; or

17 (2) fails to submit a timely response under subsection (j);

18 the department shall issue an order granting the petition. A petition and
 19 any response or reply are public documents.

20 (l) If a school corporation contests a petition under subsection (j),
 21 a party to the proceeding has not more than sixty (60) days after the
 22 date that the school corporation files a response under subsection (j) to
 23 submit a reply to the school corporation's response.

24 (m) The department shall make a determination regarding a petition
 25 under subsection (h) not more than one hundred twenty (120) days after
 26 the date that the:

27 (1) petitioner and any intervening party have submitted a reply
 28 under subsection (l); or

29 (2) time period to reply under subsection (l) has expired.

30 (n) A school corporation or another party to the proceeding may file
 31 with the state board a petition requesting review of the department's
 32 determination. Upon receipt of a petition under this subsection, the
 33 state board shall review the department's determination. An appeal to
 34 the state board shall be subject to the procedure described in
 35 IC 20-26-11-15(b).

36 (o) Upon the issuance of a final unappealable order granting a
 37 petition, the school corporation ~~may~~ **shall** make the school building
 38 available for lease or purchase in accordance with IC 20-26-7.1.

39 SECTION 9. IC 20-26-7.1-1, AS AMENDED BY P.L.189-2023,
 40 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 41 MAY 4, 2023 (RETROACTIVE)]: Sec. 1. **(a) For purposes of this**
 42 **section, "charter school" does not include a virtual charter school**



1 **or an adult high school.**

2 **(b)** This chapter does not apply to the following:

3 (1) A school building that since July 1, 2011, is leased or loaned
4 by the school corporation that owns the school building to another
5 entity, if the entity is not a building corporation or other entity that
6 is related in any way to, or created by, the school corporation or
7 the governing body.

8 ~~(2) A school corporation that distributes money that is received as~~
9 ~~part of a tax levy collected under IC 20-46-1 or IC 20-46-9 to an~~
10 ~~applicable charter school.~~

11 **(2) A school corporation to which all of the following apply:**

12 **(A) The county auditor distributes revenue after May 10,**
13 **2023, as required under IC 20-46-1-21 to each charter**
14 **school described in IC 20-46-1-21(c).**

15 **(B) If the school corporation listed in IC 20-46-9-22**
16 **receives revenue from a school safety referendum tax levy**
17 **under IC 20-46-9, the county auditor distributes revenue**
18 **after May 10, 2023, as required under IC 20-46-9-22 to**
19 **each charter school described in IC 20-46-9-22(b).**

20 **(3) A school corporation to which all of the following apply:**

21 **(A) The school corporation approves a resolution after**
22 **May 10, 2023, to impose an operating referendum tax levy**
23 **under IC 20-46-1 after May 10, 2023, that includes sharing**
24 **the revenue from the referendum tax levy in the amounts**
25 **described in clause (B) with each charter school that:**

26 **(i) a student who resides within the attendance area of**
27 **the school corporation attends; and**

28 **(ii) elects to participate in the referendum.**

29 **(B) The amount of referendum tax levy revenue that the**
30 **school corporation is required to share with each charter**
31 **school under the resolution described in clause (A) is equal**
32 **to the amount determined applying the formula under**
33 **IC 20-46-1-21(e).**

34 **(C) The referendum tax levy described in clause (A) is**
35 **approved by the voters.**

36 **(D) The school corporation distributes the amounts**
37 **described in clause (B) to each charter school described in**
38 **clause (A).**

39 **(E) If the school corporation receives revenue from a**
40 **school safety referendum tax levy under IC 20-46-9, the**
41 **school corporation shares the revenue from the school**
42 **safety referendum tax levy with each charter school that:**



- 1 **(i) a student who resides within the attendance area of**
- 2 **the school corporation attends; and**
- 3 **(ii) elects to participate in the referendum;**
- 4 **in an amount equal to the amount determined applying the**
- 5 **formula under IC 20-46-9-22(d).**

6 SECTION 10. IC 20-26-7.1-3, AS AMENDED BY P.L.189-2023,
 7 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 8 JULY 1, 2024]: Sec. 3. (a) Except as provided in section 1 of this
 9 chapter or subsection (b), (c), or (d), before a governing body may sell,
 10 exchange, lease, demolish, hold without operating, or dispose of a
 11 covered school building, a governing body shall make available for
 12 lease or purchase by a charter school or state educational institution
 13 any covered school building owned by the school corporation or any
 14 other entity that is related in any way to, or created by, the school
 15 corporation or the governing body, including a building corporation,
 16 that the governing body elects to close or the school corporation is
 17 required to close under IC 20-26-7-47, in order for the covered school
 18 building to be used by a:

- 19 (1) charter school to conduct prekindergarten through grade 12
- 20 classroom instruction; or
- 21 (2) state educational institution for an academic purpose.
- 22 (b) The following are not required to comply with this chapter:
- 23 (1) A governing body that vacates a covered school building in
- 24 order to:
 - 25 (A) renovate the covered school building for a future
 - 26 allowable use by the school corporation as permitted under
 - 27 IC 20-26-7-47; or
 - 28 (B) demolish the covered school building, in whole or part,
 - 29 and build a new school building or an addition to a school
 - 30 building on the same site as the demolished building.
- 31 (2) An emergency manager of a distressed school corporation
- 32 under IC 6-1.1-20.3.
- 33 (3) The governing body of the School City of East Chicago school
- 34 corporation for the Carrie Gosch Elementary School building.
- 35 **(4) A school corporation that has had a designation as a**
- 36 **distressed political subdivision under IC 6-1.1-20.3 within the**
- 37 **previous three (3) years.**

38 (c) This section does not apply to a covered school building in
 39 which a governing body under IC 20-26-5-4(a)(7) entered a lease prior
 40 to January 1, 2019, with a state accredited nonpublic school. In
 41 addition, the governing body may, during or at the expiration of the
 42 term of such lease, sell the school building leased under



1 IC 20-26-5-4(a)(7) to the nonpublic school at a purchase price mutually
2 agreed to by the governing body and the nonpublic school.

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

5 (1) The school corporation had, before January 1, 2023, entered
6 into a lease or memorandum of understanding with a nonprofit
7 organization exempt from federal taxation under Section
8 501(c)(3) through 501(c)(7) of the Internal Revenue Code for the
9 use of the covered school building.

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

- 12 (A) continues in effect;
- 13 (B) is renewed; or
- 14 (C) is replaced by a new lease or memorandum of
15 understanding that is entered into between the school
16 corporation and the nonprofit organization described in
17 subdivision (1).

18 (3) The nonprofit organization described in subdivision (1) uses
19 the covered school building for an educational purpose
20 throughout the term of any lease or memorandum of
21 understanding.

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

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

29 SECTION 11. IC 20-26-7.1-4, AS AMENDED BY P.L.189-2023,
30 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
31 JULY 1, 2024]: Sec. 4. (a) ~~A school corporation shall notify the~~
32 ~~department~~ **Not later than thirty (30) days after the date the a governing**
33 **body elects to close of a school corporation determines at a public**
34 **meeting to cease using** a covered school building **and include with the**
35 **notification whether the school corporation contends that the building**
36 **should or should not be made available as provided by this chapter.**
37 ~~The school corporation shall notify the department in the annual report~~
38 ~~required under IC 20-26-7-48 that the school corporation elects to or~~
39 ~~is required under IC 20-26-7-47 to close a covered school building. The~~
40 ~~notice must be in the annual report submitted under IC 20-26-7-48 after~~
41 ~~the school elects to or is required to close the covered school building.~~
42 ~~The department shall notify interested persons concerning the~~



1 availability of a covered school building under subsection (d): for
2 classroom instruction on student instructional days (as described
3 in IC 20-30-2-2) for a school year as required under IC 20-30-2-3,
4 a school corporation shall provide written notice to the department
5 regarding the date that the covered school building has ceased or
6 will cease being used for classroom instruction as described in this
7 subsection.

8 (b) If the school corporation does not intend to make a covered
9 school building available for lease or purchase in accordance with
10 this chapter, the school corporation shall state in the notice
11 required under subsection (a) the factual and legal basis for the
12 school corporation's contention that the covered school building is
13 not required to be made available under this chapter. Any claim
14 for exclusion from a requirement to make the covered school
15 building available under this chapter which is not stated in the
16 notice under this subsection is waived.

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

21 (d) Not later than fifteen (15) days after the date that the
22 department receives a notice from a school corporation under
23 subsection (a), the department shall provide written notice to all
24 interested persons regarding the notice from the school
25 corporation submitted under subsection (a).

26 (e) If a notice from a school corporation under subsection (a)
27 acknowledges that the covered school building will be made
28 available in accordance with this chapter, the department's notice
29 to interested persons shall provide that any notice of interest by an
30 interested person for the covered school building must be
31 submitted to the department not later than sixty (60) days after the
32 date the interested person receives the department's notice under
33 subsection (d).

34 (f) If a notice from a school corporation under subsection (a)
35 includes a claim that the covered school building will not be made
36 available under this chapter, an interested person may submit to
37 the department, not later than thirty (30) days after the date the
38 interested person receives the notice from the department under
39 subsection (d), a rebuttal to the factual and legal basis for the
40 school corporation's contention that the covered school building is
41 not required to be made available under this chapter.

42 (g) The department shall, not later than sixty (60) days after the



1 date that a rebuttal is due under subsection (f), issue a
 2 determination to the school corporation and interested persons as
 3 to whether the covered school building must be made available
 4 under this chapter. The department shall publish a copy of the
 5 department's determination on the department's website.

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

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

12 (1) the department receives the earliest notice under subsection
 13 (a); or

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

21 (1) the time expires for an appeal of the state board of a
 22 department determination under subsection (g) or
 23 IC 20-26-7-47 that a covered school building be made
 24 available; or

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

27 the governing body shall take the actions specified by subsection
 28 (j). If the governing body fails to take the actions, the department
 29 shall request that the attorney general enforce the order under
 30 section 9(a) of this chapter.

31 (e) (j) If a covered school building is to be made available, the
 32 governing body shall do the following:

33 (1) Make the covered school building available for inspection by
 34 a charter school or state educational institution that notifies the
 35 department that it is interested in leasing or purchasing the
 36 covered school building.

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

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

41 (B) Written information regarding the condition of the covered
 42 school building, including the age of the roof and the HVAC



1 system, and any known conditions which, in the governing
2 body's opinion, require prompt repair or replacement.

3 (C) A legal description of the property.

4 ~~(d) Not later than fifteen (15) days after the earlier of:~~

5 ~~(1) receiving the earliest notice under subsection (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~~
8 ~~unappealable order to close a covered school building is issued~~
9 ~~under IC 20-26-7-47;~~

10 the department shall place a notice on the department's website that the
11 covered school building is available for purchase or lease under this
12 chapter and provide written notification to each interested person;
13 including the date when the covered school building will close, no
14 longer be used, or become vacant.

15 **(k) If the governing body fails to take the actions required under**
16 **subsection (j), a charter school having notified the school**
17 **corporation of its interest in the covered school building is entitled**
18 **to an injunction requiring the governing body to take the actions**
19 **under subsection (j).**

20 ~~(e)~~ **(l)** The school corporation shall lease the covered school
21 building to a charter school or state educational institution for one
22 dollar (\$1) per year for as long as the state educational institution uses
23 the covered school building for an academic purpose or the charter
24 school uses the covered school building for classroom instruction, for
25 a term at the state educational institution's or charter school's
26 discretion, or sell the covered school building for one dollar (\$1), if the
27 charter school or state educational institution does the following:

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

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

36 (A) The name of the charter school or state educational
37 institution that is interested in leasing or purchasing the
38 covered school building.

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

42 (i) charter school intends to begin providing classroom



1 instruction in the covered school building; or

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

4 (C) A resolution, adopted by the board of the charter school or
5 state educational institution stating that the board of the
6 charter school or state educational institution has determined
7 that, after the charter school or state educational institution has
8 made any necessary repairs or modifications, the covered
9 school building will be sufficient to meet the charter school's
10 or state educational institution's needs and can be operated
11 within the charter school's or state educational institution's
12 budget.

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

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

42 (1) Preference shall be given to existing charter schools that have



1 a proven track record of student academic performance.

2 (2) If two (2) or more charter schools of proven academic
3 performance are competing and only one (1) charter school is
4 operating in the county in which the covered school building is
5 located, the charter school in the same county as the covered
6 school building shall be given preference.

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

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

29 (1) notify the school corporation of the identity of the state
30 educational institution; and

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

33 **(r)**.

34 ~~(i)~~ **(p)** If one (1) or more state educational institutions submit
35 preliminary requests to purchase or lease a covered school building, a
36 selection committee shall be established consisting of one (1) member
37 appointed by the executive of the largest city or town in the county in
38 which the covered school building is located, one (1) member
39 appointed by the city or town council of the largest city or town in the
40 county in which the covered school building is located, one (1) member
41 appointed by the county commissioners of the county in which the
42 covered school building is located, one (1) member appointed by the



1 county council of the county in which the covered school building is
 2 located, and one (1) member appointed by the chamber of commerce
 3 of the county in which the covered school building is located.

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

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

8 (2) determine whether more than one (1) state educational
 9 institution should co-locate within the covered school building.

10 In making the committee's determination, the committee shall give
 11 preference to a state educational institution whose proposed use of the
 12 covered school building is assessed as having the greatest educational
 13 benefit for prekindergarten through grade 12 education. A committee
 14 determination under this subsection may not be appealed.

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

18 (1) charter school uses the covered school building for classroom
 19 instruction for any combination of kindergarten through grade 12;
 20 or

21 (2) state educational institution uses the covered school building
 22 for an academic purpose.

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



1 corporation may sell or otherwise dispose of the covered school
 2 building in accordance with IC 36-1-11, IC 20-25-4-14, and
 3 IC 20-26-5-4(a)(7).

4 SECTION 12. IC 20-26-7.1-5, AS AMENDED BY P.L.189-2023,
 5 SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 6 JULY 1, 2024]: Sec. 5. (a) If:

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

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

13 the charter school or state educational institution shall offer to transfer
 14 the covered school building back to the school corporation that initially
 15 sold the covered school building to the charter school or state
 16 educational institution.

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

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

34 (1) charter school does not use the covered school building for
 35 classroom instruction; or

36 (2) state educational institution does not use the covered school
 37 building for an academic purpose;

38 within two (2) years after acquiring the covered school building, the
 39 covered school building shall revert to the school corporation, which
 40 may sell or otherwise dispose of the covered school building under
 41 IC 36-1-11.

42 SECTION 13. IC 20-26-7.1-5.3, AS ADDED BY P.L.189-2023,



1 SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
2 JULY 1, 2024]: Sec. 5.3. (a) This section applies to a covered school
3 building **to which the following apply:**

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

6 **(2) The total student enrollment for in-person instruction in**
7 **the school building in the current school year is at least ten**
8 **percent (10%) less than the student enrollment for in-person**
9 **instruction in the school building in a school year that**
10 **precedes the current school year by five (5).**

11 (b) A school corporation may not petition the department under
12 subsection (c) within the first five (5) years after a charter school
13 purchased or initially leased a covered school building under this
14 chapter.

15 (c) **Subject to subsection (f)**, if the number of full-time equivalent
16 students enrolled for in-person instruction in a school building on
17 instructional days (as determined under IC 20-30-2) for instructional
18 purposes for a school year is not at least ~~sixty~~ **fifty** percent ~~(60%)~~
19 **(50%)** of

20 ~~(1) the known~~ classroom design capacity of the school building,

21 ~~or~~

22 ~~(2) if the design capacity is not known, the average maximum~~
23 ~~full-time equivalent enrollment in any of the last twenty-five (25)~~
24 ~~years, as validated by records created or maintained by the~~
25 ~~department;~~

26 the school corporation that leased or sold the school building to the
27 charter school may file a petition with the department requesting that
28 the charter school transfer the school building back to the school
29 corporation.

30 (d) Before filing a petition under subsection (c), the school
31 corporation must give written notice to the charter school to determine
32 whether an agreement can be reached regarding transferring the school
33 building to the school corporation.

34 (e) A petition filed under this section is subject to the same
35 procedures under IC 20-26-7-47 as a petition filed under
36 IC 20-26-7-47(h).

37 **(f) For purposes of determining classroom design capacity**
38 **under subsection (c), if a charter school reconfigures a school**
39 **building after the charter school leases or purchases the school**
40 **building, the classroom design capacity must be determined based**
41 **on the reconfigured school building and not the classroom design**
42 **capacity of the school building at the time of the lease or purchase.**



1 SECTION 14. IC 20-26-7.1-9, AS AMENDED BY P.L.189-2023,
 2 SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 3 JULY 1, 2024]: Sec. 9. (a) The attorney general, in consultation with
 4 the department and state board, is authorized to take any action
 5 necessary to enforce a department or state board order under
 6 IC 20-26-7-47 or this chapter (or an order issued by the attorney
 7 general under this chapter (as effective before July 1, 2023)), including
 8 equitable actions to enjoin or mandate an action of a school
 9 corporation. No final court order shall be issued until the school
 10 corporation has had ninety (90) days after the department or state board
 11 has issued a final order to complete a sale or lease of the covered
 12 school building.

13 **(b) If the attorney general does not commence legal action for an**
 14 **injunction to enforce a final order to make a covered school building**
 15 **available for purchase or lease under this chapter within one hundred**
 16 **(100) days after the date the final order was issued, the a charter school**
 17 **or state educational institution that submitted the preliminary notice of**
 18 **interest to acquire or lease the covered school building provides, any**
 19 **time before one hundred (100) days after the date the final order**
 20 **was issued, a written notice of interest to purchase or lease the**
 21 **school building to the:**

22 **(1) school corporation;**

23 **(2) department; and**

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

25 may file a civil action to enforce this chapter.

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

39 **(d) If a school corporation transfers a covered school building**
 40 **in violation of this chapter, the transfer is void. The attorney**
 41 **general or a charter school may bring an action in court against**
 42 **the school corporation and the transferee to enjoin the violation of**



1 **this chapter and void the transfer of the covered school building.**
 2 **If a charter school brings an action under this subsection and the**
 3 **court finds a school corporation transferred a covered school**
 4 **building in violation of this chapter, the court shall award**
 5 **reasonable attorney's fees to the charter school.**

6 SECTION 15. IC 20-26-7.1-11 IS ADDED TO THE INDIANA
 7 CODE AS A NEW SECTION TO READ AS FOLLOWS
 8 [EFFECTIVE JULY 1, 2024]: **Sec. 11. IC 20-26-7-47 and this**
 9 **chapter shall be liberally construed to serve the legislative purpose**
 10 **of making closed covered school buildings available for use by**
 11 **charter schools.**

12 SECTION 16. IC 20-26-12-1, AS AMENDED BY P.L.201-2023,
 13 SECTION 163, IS AMENDED TO READ AS FOLLOWS
 14 [EFFECTIVE JULY 1, 2024]: Sec. 1. (a) Except as provided in
 15 subsection (b) but notwithstanding any other law, each governing body
 16 of a school corporation and each organizer of a charter school shall
 17 purchase from a publisher, either individually or through a purchasing
 18 cooperative of school corporations, as applicable, the curricular
 19 materials selected by the proper local officials, and shall provide at no
 20 cost the curricular materials to each student enrolled in the school
 21 corporation or charter school. Curricular materials provided to a
 22 student under this section remain the property of the governing body of
 23 the school corporation or organizer of the charter school.

24 (b) This section does not prohibit a governing body of a school
 25 corporation or an organizer of a charter school from assessing and
 26 collecting a reasonable fee for lost or significantly damaged curricular
 27 materials in accordance with rules established by the state board under
 28 subsection ~~(c)~~ **(d)**. Fees collected under this subsection must be
 29 deposited in the separate curricular materials account established under
 30 IC 20-40-22-9 for the school in which the student was enrolled at the
 31 time the fee was imposed.

32 **(c) This section does not prohibit a governing body of a school**
 33 **corporation or an organizer of a charter school from assessing and**
 34 **collecting a reasonable fee for supplies and materials that:**

35 **(1) are not curricular materials; and**

36 **(2) supplement the instruction in a particular course of study.**

37 ~~(c)~~ **(d)** The state board shall adopt rules under IC 4-22-2, including
 38 emergency rules in the manner provided in IC 4-22-2-37.1, to
 39 implement this section.

40 SECTION 17. IC 20-28-5.5-1, AS AMENDED BY P.L.250-2023,
 41 SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 42 JULY 1, 2024]: Sec. 1. (a) Subject to section 1.5 of this chapter, the



1 state board shall determine the timing, frequency, whether training
 2 requirements can be combined or merged, and the method of training,
 3 including whether the training should be required for purposes of
 4 obtaining or renewing a license under IC 20-28-5, or, in consultation
 5 with teacher preparation programs (as defined in IC 20-28-3-1(b)), as
 6 part of the completion requirements for a teacher preparation program
 7 for training required under the following sections:

8 IC 20-26-5-34.2.

9 IC 20-28-3-4.5.

10 IC 20-28-3-6.

11 IC 20-28-3-7.

12 IC 20-34-7-6.

13 IC 20-34-7-7.

14 IC 20-34-8-9.

15 However, nothing in this subsection shall be construed to authorize the
 16 state board to suspend or otherwise eliminate training requirements
 17 described in this subsection.

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

21 (1) ensure a teacher has training in:

22 (A) cardiopulmonary resuscitation that includes:

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

24 (ii) **recognition of the signs and symptoms of seizures and**
 25 **the appropriate actions to respond to the signs and**
 26 **symptoms of seizures;**

27 (B) removing a foreign body causing an obstruction in an
 28 airway;

29 (C) the Heimlich maneuver; and

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

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

33 (A) the American Red Cross;

34 (B) the American Heart Association; or

35 (C) a comparable organization or institution approved by the
 36 state board; or

37 (3) determine if a teacher has physical limitations that make it
 38 impracticable to complete a course or certification described in
 39 subdivision (1) or (2).

40 The state board shall determine the timing, frequency, whether training
 41 requirements can be combined or merged, and the method of training
 42 or certification, including whether the training or certification should



1 be required for purposes of obtaining or renewing a license under
 2 IC 20-28-5, or, in consultation with teacher preparation programs (as
 3 defined in IC 20-28-3-1(b)), as part of the completion requirements for
 4 a teacher preparation program. However, the frequency of the training
 5 may not be more frequent and the method of training may not be more
 6 stringent than required in IC 20-28-5-3(c) through IC 20-28-5-3(e), as
 7 in effect on January 1, 2020. Nothing in this subsection shall be
 8 construed to authorize the state board to suspend or otherwise eliminate
 9 training requirements described in this subsection.

10 (c) The state board may recommend to the general assembly, in a
 11 report in an electronic format under IC 5-14-6, to eliminate training
 12 requirements described in subsection (a) or (b).

13 (d) In determining the training requirements for a school
 14 corporation, charter school, or state accredited nonpublic school for
 15 training required under:

16 (1) IC 20-26-5-34.2;

17 (2) IC 20-28-3-4.5;

18 (3) IC 20-28-3-6; or

19 (4) IC 20-28-3-7;

20 the state board may consider whether a particular teacher received the
 21 training described in this subsection as part of the teacher's licensing
 22 requirements or at a teacher preparation program when determining
 23 whether the particular teacher is required to receive the training by the
 24 school corporation, charter school, or state accredited nonpublic
 25 school.

26 SECTION 18. IC 20-34-8-9, AS AMENDED BY P.L.187-2023,
 27 SECTION 2, AND AS AMENDED BY P.L.250-2023, SECTION 39,
 28 AND AS AMENDED BY THE TECHNICAL CORRECTIONS BILL
 29 OF THE 2024 GENERAL ASSEMBLY, IS CORRECTED AND
 30 AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]:

31 Sec. 9. (a) This section applies to:

32 (1) a head coach or assistant coach who coaches an athletic
 33 activity;

34 (2) a marching band leader; ~~or~~

35 (3) a drama or musical leader; or

36 ~~(4)~~ (4) a leader of an extracurricular activity in which students
 37 have an increased risk of sudden cardiac arrest activity as
 38 determined by the department in consultation with an
 39 organization that specializes in the prevention of sudden cardiac
 40 arrest.

41 (b) An individual described in subsection (a) shall complete the
 42 sudden cardiac arrest training course offered by a provider approved by



1 the department in a manner specified by the state board under
 2 IC 20-28-5.5-1 or IC 20-28-5.5-1.5. *The sudden cardiac arrest training*
 3 *course described in this subsection must include training in the:*

- 4 **(1) use of an automated external defibrillator (AED); and**
 5 **(2) recognition of the signs and symptoms of seizures and the**
 6 **appropriate actions to respond to the signs and symptoms of**
 7 **seizures.**

8 An individual described in subsection (a) may not coach or lead the
 9 *athletic activity event in which students have an increased risk of*
 10 *sudden cardiac arrest* until the individual completes the training course
 11 required under this subsection. The provider shall provide the school
 12 with a certificate of completion to the school corporation, charter
 13 school, or state accredited nonpublic school for each individual who
 14 completes a course under this subsection.

15 (c) Each school corporation, charter school, or state accredited
 16 nonpublic school shall maintain all certificates of completion awarded
 17 under subsection (b) for each individual described in subsection (a).

18 (d) An individual described in subsection (a) who complies with this
 19 section and provides coaching or leadership services in good faith is
 20 not personally liable for damages in a civil action as a result of a
 21 sudden cardiac arrest incurred by an applicable student participating in
 22 an *athletic activity event in which students have an increased risk of*
 23 *sudden cardiac arrest* for which the head coach, assistant coach,
 24 marching band leader, *drama or musical leader*, or other applicable
 25 leader provided coaching or leadership services, except for an act or
 26 omission by the individual described in subsection (a) that constitutes
 27 gross negligence or willful or wanton misconduct.

28 (e) *An individual described in subsection (a) may ensure that an*
 29 *operational automated external defibrillator (AED) is present at each*
 30 *event in which students have an increased risk of sudden cardiac*
 31 *arrest for which the individual described in subsection (a) is providing*
 32 *coaching or leadership.*

33 (f) *An automated external defibrillator (AED) described in*
 34 *subsection (e) may be:*

- 35 (1) *deployed in accordance with the venue specific emergency*
 36 *action plan for sudden cardiac arrest developed under subsection*
 37 *(i);*
 38 (2) *except as provided in subsection (g), located on the premises*
 39 *where the event in which students have an increased risk of*
 40 *sudden cardiac arrest occurs; and*
 41 (3) *present for the duration of the event in which students have an*
 42 *increased risk of sudden cardiac arrest.*



1 (g) *One (1) automated external defibrillator (AED) may be shared*
 2 *by two (2) or more events in which students have an increased risk of*
 3 *sudden cardiac arrest if the following conditions are met:*

4 (1) *The events in which students have an increased risk of sudden*
 5 *cardiac arrest occur at the same time.*

6 (2) *The events in which students have an increased risk of sudden*
 7 *cardiac arrest occur in locations that are in close proximity to*
 8 *each other, as determined by the department.*

9 (3) *The automated external defibrillator (AED) is placed in a*
 10 *designated location that is between the events in which students*
 11 *have an increased risk of sudden cardiac arrest and meets the*
 12 *requirement of subsection (f)(3).*

13 (4) *Each individual described in subsection (a) who conducts an*
 14 *event in which students have an increased risk of sudden cardiac*
 15 *arrest described in this subsection is aware of the designated*
 16 *location of the automated external defibrillator (AED).*

17 (h) *At each event in which students have an increased risk of sudden*
 18 *cardiac arrest, an individual described in subsection (a) may inform*
 19 *all individuals who are coaching or providing leadership at the event*
 20 *in which students have an increased risk of sudden cardiac arrest of*
 21 *the location of the automated external defibrillator (AED).*

22 (i) *A school corporation, charter school, and state accredited*
 23 *nonpublic school may do the following:*

24 (1) *Ensure that an automated external defibrillator (AED)*
 25 *described in subsection (e) is properly maintained.*

26 (2) *Develop a venue specific emergency action plan for sudden*
 27 *cardiac arrest that:*

28 (A) *establishes a goal of responding within three (3) minutes*
 29 *to a sudden cardiac arrest occurring within the venue; and*

30 (B) *requires the performance of periodic drills at times and*
 31 *locations determined by the governing body.*

32 (3) *Distribute the plan described in subdivision (2) to the school*
 33 *board.*

34 (4) *Share the plan described in subdivision (2) with each*
 35 *individual described in subsection (a).*

36 (5) *Post the plan described in subdivision (2) in a conspicuous*
 37 *place so that it is visible by any participants of an activity at the*
 38 *venue.*

39 (6) *Before the beginning of the season of each event in which*
 40 *students have an increased risk of sudden cardiac arrest, share*
 41 *the plan described in subdivision (2) with all applicable students.*

42 (j) *A school corporation, a charter school, a state accredited*



1 *nonpublic school (as defined in IC 20-18-2-18.7), or an accredited*
 2 *nonpublic school (as defined in IC 10-21-1-1) may apply for a grant*
 3 *under IC 10-21-1-2(a)(1)(C)(viii) to purchase an automated external*
 4 *defibrillator (AED) if the school corporation, charter school, state*
 5 *accredited nonpublic school or accredited nonpublic school develops*
 6 *a venue specific emergency action plan for sudden cardiac arrest.*

7 SECTION 19. IC 20-35-2-1, AS AMENDED BY P.L.43-2021,
 8 SECTION 114, IS AMENDED TO READ AS FOLLOWS
 9 [EFFECTIVE JULY 1, 2024]: Sec. 1. (a) There is established under the
 10 state board a division of special education. The division shall exercise
 11 all the power and duties set out in this chapter, IC 20-35-3 through
 12 IC 20-35-6, and IC 20-35-8.

13 (b) The governor shall appoint, upon the recommendation of the
 14 secretary of education, a director of special education who serves at the
 15 pleasure of the governor. The amount of compensation of the director
 16 shall be determined by the budget agency with the approval of the
 17 governor. The director has the following duties:

18 (1) To do the following:

19 (A) Have general supervision of special education programs
 20 and services, including those conducted by school
 21 corporations, charter schools, the Indiana School for the Blind
 22 and Visually Impaired, the Indiana School for the Deaf, the
 23 department of correction, and the division of mental health and
 24 addiction to ensure compliance with federal and state special
 25 education laws and rules.

26 (B) Take appropriate action to ensure school corporations,
 27 charter schools, and the department remain eligible for federal
 28 special education funds.

29 **(C) Oversee the training of hearing officers and establish**
 30 **guidelines as described in IC 20-35-14-5.**

31 (2) With the consent of the secretary of education and the budget
 32 agency, to appoint and determine salaries for any assistants and
 33 other personnel needed to enable the director to accomplish the
 34 duties of the director's office.

35 SECTION 20. IC 20-35-14 IS ADDED TO THE INDIANA CODE
 36 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 37 JULY 1, 2024]:

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

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

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



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

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

5 **Sec. 4. Not later than August 1, 2024, the department and the**
 6 **office shall enter into a memorandum of understanding regarding**
 7 **the transition to hearing officers employed by the office as**
 8 **full-time, salaried, state employees to act as and satisfy the**
 9 **requirements regarding independent hearing officers under the**
 10 **IDEA.**

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

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

14 **(2) establish guidelines for hearing officers who conduct**
 15 **hearings under this chapter, including guidelines to ensure**
 16 **compliance with state and federal special education laws and**
 17 **rules.**

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

21 SECTION 21. IC 20-40-3-5, AS AMENDED BY P.L.189-2023,
 22 SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 23 MAY 10, 2024]: Sec. 5. ~~(a)~~ Money in the fund may be used for any
 24 lawful school expenses, including making a transfer to the school
 25 corporation's education fund (IC 20-40-2) or operations fund (IC
 26 20-40-18).

27 ~~(b) Except as provided in IC 20-46-1-21, a school corporation may~~
 28 ~~distribute proceeds of a tax levy collected under IC 20-46-1 that is~~
 29 ~~transferred to the school corporation's education fund to a charter~~
 30 ~~school; excluding a virtual charter school; that is located within the~~
 31 ~~attendance area of the school corporation.~~

32 SECTION 22. IC 20-46-1-8, AS AMENDED BY P.L.189-2023,
 33 SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 34 MAY 10, 2024]: Sec. 8. (a) Subject to subsections (e) **and (f) and (g)**
 35 **and this chapter, the governing body of a school corporation may adopt**
 36 **a resolution to place a referendum under this chapter on the ballot for**
 37 **any of the following purposes:**

38 **(1) The governing body of the school corporation determines that**
 39 **it cannot, in a calendar year, carry out its public educational duty**
 40 **unless it imposes a referendum tax levy under this chapter.**

41 **(2) The governing body of the school corporation determines that**
 42 **a referendum tax levy under this chapter should be imposed to**



1 replace property tax revenue that the school corporation will not
 2 receive because of the application of the credit under
 3 IC 6-1.1-20.6.

4 ~~(3) Except for resolutions described in subsection (b), the~~
 5 ~~governing body makes the determination required under~~
 6 ~~subdivision (1) or (2) and determines to share a portion of the~~
 7 ~~referendum proceeds with a charter school, excluding a virtual~~
 8 ~~charter school, in the manner prescribed in subsection (e).~~

9 (b) A resolution for a referendum for a county described in section
 10 21 of this chapter that is adopted after May 10, 2023, shall specify that
 11 a portion of the proceeds collected from the proposed levy will be
 12 distributed to applicable charter schools in the manner described under
 13 section 21 of this chapter.

14 (c) The governing body of the school corporation shall certify a
 15 copy of the resolution to place a referendum on the ballot to the
 16 following:

- 17 (1) The department of local government finance, including:
 18 (A) the language for the question required by section 10 of this
 19 chapter, or in the case of a resolution to extend a referendum
 20 levy certified to the department of local government finance
 21 after March 15, 2016, section 10.1 of this chapter; and
 22 (B) a copy of the revenue spending plan adopted under
 23 subsection (g).

24 The language of the public question must include the estimated
 25 average percentage increases certified by the county auditor under
 26 section 10(e) or 10.1(f) of this chapter, as applicable. The
 27 governing body of the school corporation shall also provide the
 28 county auditor's certification described in section 10(e) or 10.1(f)
 29 of this chapter, as applicable. The department of local government
 30 finance shall post the values certified by the county auditor to the
 31 department's website. The department shall review the language
 32 for compliance with section 10 or 10.1 of this chapter, whichever
 33 is applicable, and either approve or reject the language. The
 34 department shall send its decision to the governing body of the
 35 school corporation not more than ten (10) days after the resolution
 36 is submitted to the department. If the language is approved, the
 37 governing body of the school corporation shall certify a copy of
 38 the resolution, including the language for the question and the
 39 department's approval.

40 (2) The county fiscal body of each county in which the school
 41 corporation is located (for informational purposes only).

42 (3) The circuit court clerk of each county in which the school



1 corporation is located.

2 (d) If a school safety referendum tax levy under IC 20-46-9 has been

3 approved by the voters in a school corporation at any time in the

4 previous three (3) years, the school corporation may not:

5 (1) adopt a resolution to place a referendum under this chapter on

6 the ballot; or

7 (2) otherwise place a referendum under this chapter on the ballot.

8 ~~(e) Except as provided in section 21 of this chapter, the resolution~~

9 ~~described in subsection (a) must indicate whether proceeds in the~~

10 ~~school corporation's education fund collected from a tax levy under this~~

11 ~~chapter will be used to provide a distribution to a charter school or~~

12 ~~charter schools, excluding a virtual charter school, under IC 20-40-3-5~~

13 ~~as well as the amount that will be distributed to the particular charter~~

14 ~~school or charter schools. A school corporation may request from the~~

15 ~~designated charter school or charter schools any financial~~

16 ~~documentation necessary to demonstrate the financial need of the~~

17 ~~charter school or charter schools.~~

18 ~~(f)~~ (e) This subsection applies to a resolution described in

19 subsection (a) for a county described in section 21(a) **section 21** of this

20 chapter that is adopted after May 10, 2023. The resolution ~~described in~~

21 ~~subsection (a)~~ shall include a projection of the amount that the school

22 corporation expects to be distributed to a particular charter school,

23 excluding virtual charter schools or adult high schools, under section

24 21 of this chapter if the charter school voluntarily elects to participate

25 in the referendum in the manner described in subsection ~~(f)~~: **(h)**. At

26 least sixty (60) days before the resolution ~~described in subsection (a)~~

27 is voted on by the governing body, the school corporation shall contact

28 the department to determine the number of students in kindergarten

29 through grade 12 who have legal settlement in the school corporation

30 but attend a charter school, excluding virtual charter schools or adult

31 high schools, and who receive not more than fifty percent (50%) virtual

32 instruction. The department shall provide the school corporation with

33 the number of students with legal settlement in the school corporation

34 who attend a charter school and who receive not more than fifty percent

35 (50%) virtual instruction, which shall be disaggregated for each

36 particular charter school, excluding a virtual charter school or adult

37 high school. The projection may include an expected increase in

38 charter schools during the term the levy is imposed under this chapter.

39 The department of local government finance shall prescribe the manner

40 in which the projection shall be calculated. The governing body shall

41 take into consideration the projection when adopting the revenue

42 spending plan under subsection ~~(g)~~: **(f)**.



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

4 (1) an estimate of the amount of annual revenue expected to be
 5 collected if a levy is imposed under this chapter;

6 (2) the specific purposes for which the revenue collected from a
 7 levy imposed under this chapter will be used;

8 (3) an estimate of the annual dollar amounts that will be expended
 9 for each purpose described in subdivision (2); and

10 (4) for a resolution for a referendum that is adopted after May 10,
 11 2023, ~~for a county as~~ described in section ~~21(a)~~ **21** of this chapter,
 12 the projected revenue that shall be distributed to charter schools
 13 as provided in subsections ~~(f)~~ **(e)** and ~~(i)~~ **(h)**. The revenue
 14 spending plan shall also take into consideration deviations in the
 15 proposed revenue spending plan if the actual charter school
 16 distributions exceed or are lower than the projected charter school
 17 distributions described in subsection ~~(f)~~ **(e)**. The resolution shall
 18 include for each charter school that elects to participate under
 19 subsection ~~(i)~~ **(h)** information described in subdivisions (1)
 20 through (3).

21 ~~(h)~~ **(g)** A school corporation shall specify in its proposed budget the
 22 school corporation's revenue spending plan adopted under subsection
 23 ~~(g)~~ **(f)** and annually present the revenue spending plan at its public
 24 hearing on the proposed budget under IC 6-1.1-17-3.

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



1 to participate in the referendum under this subsection shall contribute
 2 a proportionate share of the cost to conduct the referendum based on
 3 the total combined ADM of the school corporation and any
 4 participating charter schools.

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

13 (1) The salaries of all employees employed by the school
 14 corporation or charter school listed from highest salary to lowest
 15 salary.

16 (2) An acknowledgment that the school corporation or charter
 17 school is not committing any crime described in IC 35-44.1-1.

18 (3) A link to the school corporation's or charter school's most
 19 recent state board of accounts audit on the state board of accounts'
 20 website.

21 (4) The current enrollment of the school corporation or charter
 22 school disaggregated by student group and race.

23 (5) The school corporation's or charter school's high school
 24 graduation rate.

25 (6) The school corporation's or charter school's annual retention
 26 rate for teachers for the previous five (5) years.

27 SECTION 23. IC 20-46-1-8.5, AS AMENDED BY P.L.189-2023,
 28 SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 29 MAY 10, 2024]: Sec. 8.5. (a) A resolution to extend a referendum levy
 30 must be:

31 (1) adopted by the governing body of a school corporation; and

32 (2) approved in a referendum under this chapter;

33 before December 31 of the final calendar year in which the school
 34 corporation's previously approved referendum levy is imposed under
 35 this chapter.

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

37 (1) after May 10, 2023, for a county described in section 21(a) of
 38 this chapter; **and**

39 **(2) after May 10, 2024, for all counties as described in section**
 40 **21(b) of this chapter;**

41 the resolution must include the projected charter school distributions
 42 described in section ~~8(f)~~ **8(e)** of this chapter and indicate the



1 distributions to applicable charter schools in accordance with section
2 21 of this chapter.

3 SECTION 24. IC 20-46-1-21, AS ADDED BY P.L.189-2023,
4 SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
5 MAY 10, 2024]: Sec. 21. (a) This section applies to revenue received
6 from a resolution that is approved by the governing body to impose a
7 referendum levy under section 8 or 8.5 of this chapter after May 10,
8 2023, **and before May 10, 2024**, for a school corporation located in:

- 9 (1) Lake County;
10 (2) Marion County;
11 (3) St. Joseph County; or
12 (4) Vanderburgh County.

13 **(b) This section applies to revenue received from a resolution**
14 **that is approved by the governing body to impose a referendum**
15 **levy under section 8 or 8.5 of this chapter after May 10, 2024, for**
16 **a school corporation.**

17 ~~(b)~~ **(c)** The county auditor in which the school corporation is located
18 shall distribute an amount under subsection ~~(d)~~ **(e)** to each charter
19 school, excluding virtual charter schools or adult high schools, that a
20 student who resides within the attendance area of the school
21 corporation attends if the charter school elects to participate in the
22 referendum under section ~~8(i)~~ **8(h)** of this chapter. The department
23 shall provide the county auditor with data and information necessary
24 for the county auditor to determine:

- 25 (1) which charter schools are eligible to receive a distribution
26 under this section; and
27 (2) the number of students who reside within the attendance area
28 of the school corporation who are included in the ADM for each
29 charter school, excluding virtual charter schools or adult high
30 schools, described in subdivision (1).

31 ~~(c)~~ **(d)** The following schools are not eligible to receive a
32 distribution under this section:

- 33 (1) A virtual charter school.
34 (2) An adult high school.

35 ~~(d)~~ **(e)** For the purposes of the calculations made in this subsection,
36 each eligible school that has entered into an agreement with a school
37 corporation to participate as a participating innovation network charter
38 school under IC 20-25.7-5 is considered to have an ADM that is
39 separate from the school corporation. The amount that the county
40 auditor shall distribute to a charter school, excluding virtual charter
41 schools or adult high schools, under this section is the amount
42 determined in the last STEP of the following STEPS:



- 1 STEP ONE: Determine, for each charter school, excluding virtual
 2 charter schools or adult high schools, that is eligible to receive a
 3 distribution under this section, the number of students who reside
 4 within the attendance area of the school corporation who are
 5 currently included in the ADM of the charter school.
- 6 STEP TWO: Determine the sum of:
 7 (A) the current ADM count for the school corporation; plus
 8 (B) total number of all students who reside within the
 9 attendance area of the school corporation who are currently
 10 included in the ADM of a charter school, excluding virtual
 11 charter schools or adult high schools.
- 12 STEP THREE: Determine the result of:
 13 (A) the STEP ONE amount; divided by
 14 (B) the STEP TWO amount.
- 15 STEP FOUR: Determine the result of:
 16 (A) the STEP THREE amount; multiplied by
 17 (B) the amount collected by the county auditor during the most
 18 recent installment period.
- 19 SECTION 25. IC 21-18-6-8 IS ADDED TO THE INDIANA CODE
 20 AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE**
 21 **UPON PASSAGE]: Sec. 8. (a) The commission shall do the**
 22 **following:**
 23 **(1) Study and make recommendations regarding allowing:**
 24 **(A) Ivy Tech Community College to award bachelor's**
 25 **degrees; and**
 26 **(B) Vincennes University to offer additional programs that**
 27 **lead to a bachelor's degree.**
 28 **(2) Not later than October 31, 2024, do the following:**
 29 **(A) Prepare a report regarding the study and**
 30 **recommendations described in subdivision (1).**
 31 **(B) Submit the report to the general assembly in an**
 32 **electronic format under IC 5-14-6.**
 33 **(b) This section expires January 1, 2025.**
 34 SECTION 26. An emergency is declared for this act.

