



Reprinted  
February 6, 2024

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## SENATE BILL No. 270

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DIGEST OF SB 270 (Updated February 5, 2024 5:06 pm - DI 143)

**Citations Affected:** IC 20-19; IC 20-26; IC 20-28; IC 20-34; IC 20-46; IC 21-18; noncode.

**Synopsis:** Various education matters. Requires the department of education to study: (1) creating clearinghouses for each region of Indiana; and (2) selecting an organization to design, operate, and maintain all the regional clearinghouses. Establishes limitations regarding the lease of school property. Amends the enrollment threshold regarding when a school building is considered underutilized. Makes changes regarding requiring (instead of allowing) a school building to be closed or made available for lease or purchase. Provides that school corporations that meet certain requirements regarding sharing operating referendum tax levy and school safety referendum (Continued next page)

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

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### Rogers, Raatz, Donato, Buchanan

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January 16, 2024, read first time and referred to Committee on Education and Career Development.  
January 25, 2024, amended, reported favorably — Do Pass; reassigned to Committee on Appropriations.  
February 1, 2024, amended, reported favorably — Do Pass.  
February 5, 2024, read second time, amended, ordered engrossed.

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SB 270—LS 6975/DI 110



## Digest Continued

tax levy revenue are not subject to the transfer of vacant school building provisions. Provides that no resolution, referenda, or distributed revenue prior to May 10, 2023, are effective to provide exemption from the transfer of vacant school building provisions. Exempts school corporations that have had a designation as a distressed political subdivision within the previous three years from the transfer of vacant school building provisions. Establishes additional requirements regarding notice, determinations, and appeals under the transfer of vacant school building provisions. Amends requirements with regard to: (1) bringing a civil action to enforce a final order to make a covered school building available for purchase or lease; (2) the time frame for which a school building must be used; and (3) transferring a school building back to a school corporation. Provides that, if a school corporation transfers a covered school building in violation of the transfer of vacant school building provisions, the transfer is void and allows for a court action with the award of attorney's fees. Specifies that training in the recognition of the signs and symptoms of seizures must be provided to certain school personnel. 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. Urges the legislative council to assign certain topics during the 2024 legislative interim. Makes conforming changes.

**SB 270—LS 6975/DI 110**



Reprinted  
February 6, 2024

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

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

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

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

## SENATE BILL No. 270

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

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

- 1 SECTION 1. IC 20-19-3-34 IS ADDED TO THE INDIANA CODE  
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE  
3 UPON PASSAGE]: **Sec. 34. (a) The department shall study the**  
4 **following:**  
5 **(1) Creating clearinghouses for each region of Indiana that**  
6 **enable all high schools, approved postsecondary educational**  
7 **institutions (as defined in IC 21-7-13-6(a)), and employers in**  
8 **the applicable region to exchange information through**  
9 **websites regarding internship opportunities and for which**  
10 **each user of a clearinghouse uses information forms that are**  
11 **standardized for that region.**  
12 **(2) Selecting an organization to design, operate, and maintain**  
13 **regional clearinghouses described in subdivision (1).**  
14 **(3) Defining regional clearinghouse reporting requirements.**  
15 **(b) In carrying out subsection (a), the department shall consult**

SB 270—LS 6975/DI 110



1 with the department of workforce development, the commission for  
 2 higher education, and regional groups of employers, schools, and  
 3 workforce development boards.

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

6 (1) Prepare a report regarding:

7 (A) information concerning the study under subsection (a),  
 8 including the costs of implementation, recognition or  
 9 creation of; and

10 (B) any recommendations regarding the implementation,  
 11 recognition, or creation of;

12 clearinghouses for each region as described in subsection (a).

13 (2) Submit the report prepared under subdivision (1) to the  
 14 legislative council in an electronic format under IC 5-14-6.

15 SECTION 2. IC 20-26-5-4, AS AMENDED BY P.L.201-2023,  
 16 SECTION 160, IS AMENDED TO READ AS FOLLOWS  
 17 [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) In carrying out the school  
 18 purposes of a school corporation, the governing body acting on the  
 19 school corporation's behalf has the following specific powers:

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

26 (2) To take charge of, manage, and conduct the educational affairs  
 27 of the school corporation and to establish, locate, and provide the  
 28 necessary schools, school libraries, other libraries where  
 29 permitted by law, other buildings, facilities, property, and  
 30 equipment.

31 (3) To appropriate from the school corporation's general fund  
 32 (before January 1, 2019) or the school corporation's operations  
 33 fund (after December 31, 2018) an amount, not to exceed the  
 34 greater of three thousand dollars (\$3,000) per budget year or one  
 35 dollar (\$1) per pupil, not to exceed twelve thousand five hundred  
 36 dollars (\$12,500), based on the school corporation's ADM of the  
 37 previous year (as defined in IC 20-43-1-7) to promote the best  
 38 interests of the school corporation through:

39 (A) the purchase of meals, decorations, memorabilia, or  
 40 awards;

41 (B) provision for expenses incurred in interviewing job  
 42 applicants; or



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- (C) developing relations with other governmental units.
- (4) To do the following:
  - (A) Acquire, construct, erect, maintain, hold, and contract for construction, erection, or maintenance of real estate, real estate improvements, or an interest in real estate or real estate improvements, as the governing body considers necessary for school purposes, including buildings, parts of buildings, additions to buildings, rooms, gymnasiums, auditoriums, playgrounds, playing and athletic fields, facilities for physical training, buildings for administrative, office, warehouse, repair activities, or housing school owned buses, landscaping, walks, drives, parking areas, roadways, easements and facilities for power, sewer, water, roadway, access, storm and surface water, drinking water, gas, electricity, other utilities and similar purposes, by purchase, either outright for cash (or under conditional sales or purchase money contracts providing for a retention of a security interest by the seller until payment is made or by notes where the contract, security retention, or note is permitted by applicable law), by exchange, by gift, by devise, by eminent domain, by lease with or without option to purchase, or by lease under IC 20-47-2, IC 20-47-3, or IC 20-47-5.
  - (B) Repair, remodel, remove, or demolish, or to contract for the repair, remodeling, removal, or demolition of the real estate, real estate improvements, or interest in the real estate or real estate improvements, as the governing body considers necessary for school purposes.
  - (C) Provide for conservation measures through utility efficiency programs or under a guaranteed savings contract as described in IC 36-1-12.5.
- (5) To acquire personal property or an interest in personal property as the governing body considers necessary for school purposes, including buses, motor vehicles, equipment, apparatus, appliances, books, furniture, and supplies, either by cash purchase or under conditional sales or purchase money contracts providing for a security interest by the seller until payment is made or by notes where the contract, security, retention, or note is permitted by applicable law, by gift, by devise, by loan, or by lease with or without option to purchase and to repair, remodel, remove, relocate, and demolish the personal property. All purchases and contracts specified under the powers authorized under subdivision (4) and this subdivision are subject solely to applicable law



- 1 relating to purchases and contracting by municipal corporations  
 2 in general and to the supervisory control of state agencies as  
 3 provided in section 6 of this chapter.
- 4 (6) To sell or exchange real or personal property or interest in real  
 5 or personal property that, in the opinion of the governing body, is  
 6 not necessary for school purposes, in accordance with IC 20-26-7  
 7 and IC 20-26-7.1, to demolish or otherwise dispose of the  
 8 property if, in the opinion of the governing body, the property is  
 9 not necessary for school purposes and is worthless, and to pay the  
 10 expenses for the demolition or disposition.
- 11 (7) **Except as provided under subsections (c) and (d),** to lease  
 12 any school property for a rental that the governing body considers  
 13 reasonable or to permit the free use of school property for:
- 14 (A) civic or public purposes; or  
 15 (B) the operation of a school age child care program for  
 16 children who are at least five (5) years of age and less than  
 17 fifteen (15) years of age that operates before or after the school  
 18 day, or both, and during periods when school is not in session;  
 19 **if the property is not needed for school purposes. the school**  
 20 **property continues to be used primarily for classroom**  
 21 **instruction by the school corporation, is not subject to closure**  
 22 **under IC 20-26-7-47, and is not a covered school building that**  
 23 **must be made available for lease or purchase under**  
 24 **IC 20-26-7.1.** Under this subdivision, the governing body may  
 25 enter into a ~~long term~~ **lease or use agreement** with a nonprofit  
 26 corporation, community service organization, or other  
 27 governmental entity, if the corporation, organization, or other  
 28 governmental entity will use the property to be leased for civic or  
 29 public purposes or for a school age child care program. However,  
 30 if payment for the property subject to a ~~long term~~ **lease or use**  
 31 **agreement** is made from money in the school corporation's debt  
 32 service fund, all proceeds from the ~~long term~~ **lease or use**  
 33 **agreement** must be deposited in the school corporation's debt  
 34 service fund so long as payment for the property has not been  
 35 made. The governing body may, at the governing body's option,  
 36 use the procedure specified in IC 36-1-11-10 in leasing property  
 37 under this subdivision. **If the school property is not being used**  
 38 **primarily for classroom instruction or is subject to closure**  
 39 **under IC 20-26-7-47, the governing body must first comply**  
 40 **with IC 20-26-7 and IC 20-26-7.1 before leasing the school**  
 41 **property under this subdivision.**
- 42 (8) To do the following:



- 1 (A) Employ, contract for, and discharge superintendents,  
 2 supervisors, principals, teachers, librarians, athletic coaches  
 3 (whether or not they are otherwise employed by the school  
 4 corporation and whether or not they are licensed under  
 5 IC 20-28-5), business managers, superintendents of buildings  
 6 and grounds, janitors, engineers, architects, physicians,  
 7 dentists, nurses, accountants, teacher aides performing  
 8 noninstructional duties, educational and other professional  
 9 consultants, data processing and computer service for school  
 10 purposes, including the making of schedules, the keeping and  
 11 analyzing of grades and other student data, the keeping and  
 12 preparing of warrants, payroll, and similar data where  
 13 approved by the state board of accounts as provided below,  
 14 and other personnel or services as the governing body  
 15 considers necessary for school purposes.
- 16 (B) Fix and pay the salaries and compensation of persons and  
 17 services described in this subdivision that are consistent with  
 18 IC 20-28-9-1.5.
- 19 (C) Classify persons or services described in this subdivision  
 20 and to adopt a compensation plan with a salary range that is  
 21 consistent with IC 20-28-9-1.5.
- 22 (D) Determine the number of the persons or the amount of the  
 23 services employed or contracted for as provided in this  
 24 subdivision.
- 25 (E) Determine the nature and extent of the duties of the  
 26 persons described in this subdivision.
- 27 The compensation, terms of employment, and discharge of  
 28 teachers are, however, subject to and governed by the laws  
 29 relating to employment, contracting, compensation, and discharge  
 30 of teachers. The compensation, terms of employment, and  
 31 discharge of bus drivers are subject to and governed by laws  
 32 relating to employment, contracting, compensation, and discharge  
 33 of bus drivers.
- 34 (9) Notwithstanding the appropriation limitation in subdivision  
 35 (3), when the governing body by resolution considers a trip by an  
 36 employee of the school corporation or by a member of the  
 37 governing body to be in the interest of the school corporation,  
 38 including attending meetings, conferences, or examining  
 39 equipment, buildings, and installation in other areas, to permit the  
 40 employee to be absent in connection with the trip without any loss  
 41 in pay and to reimburse the employee or the member the  
 42 employee's or member's reasonable lodging and meal expenses



- 1 and necessary transportation expenses. To pay teaching personnel  
2 for time spent in sponsoring and working with school related trips  
3 or activities.
- 4 (10) Subject to IC 20-27-13, to transport children to and from  
5 school, when in the opinion of the governing body the  
6 transportation is necessary, including considerations for the safety  
7 of the children. The transportation must be otherwise in  
8 accordance with applicable law.
- 9 (11) To provide a lunch program for a part or all of the students  
10 attending the schools of the school corporation, including the  
11 establishment of kitchens, kitchen facilities, kitchen equipment,  
12 lunch rooms, the hiring of the necessary personnel to operate the  
13 lunch program, and the purchase of material and supplies for the  
14 lunch program, charging students for the operational costs of the  
15 lunch program, fixing the price per meal or per food item. To  
16 operate the lunch program as an extracurricular activity, subject  
17 to the supervision of the governing body. To participate in a  
18 surplus commodity or lunch aid program.
- 19 (12) To:
- 20 (A) purchase curricular materials and to furnish curricular  
21 materials without cost; and
- 22 (B) assess and collect a reasonable fee for lost or significantly  
23 damaged curricular materials.
- 24 (13) To accept students transferred from other school corporations  
25 and to transfer students to other school corporations in accordance  
26 with applicable law.
- 27 (14) To make budgets, to appropriate funds, and to disburse the  
28 money of the school corporation in accordance with applicable  
29 law. To borrow money against current tax collections and  
30 otherwise to borrow money, in accordance with IC 20-48-1.
- 31 (15) To purchase insurance or to establish and maintain a  
32 program of self-insurance relating to the liability of the school  
33 corporation or the school corporation's employees in connection  
34 with motor vehicles or property and for additional coverage to the  
35 extent permitted and in accordance with IC 34-13-3-20. To  
36 purchase additional insurance or to establish and maintain a  
37 program of self-insurance protecting the school corporation and  
38 members of the governing body, employees, contractors, or agents  
39 of the school corporation from liability, risk, accident, or loss  
40 related to school property, school contract, school or school  
41 related activity, including the purchase of insurance or the  
42 establishment and maintenance of a self-insurance program





1 protecting persons described in this subdivision against false  
2 imprisonment, false arrest, libel, or slander for acts committed in  
3 the course of the persons' employment, protecting the school  
4 corporation for fire and extended coverage and other casualty  
5 risks to the extent of replacement cost, loss of use, and other  
6 insurable risks relating to property owned, leased, or held by the  
7 school corporation. In accordance with IC 20-26-17, to:

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

10 (B) purchase insurance; or

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

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

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

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

32 (A) for the government and management of the schools,  
33 property, facilities, and activities of the school corporation, the  
34 school corporation's agents, employees, and pupils and for the  
35 operation of the governing body; and

36 (B) that may be designated by an appropriate title such as  
37 "policy handbook", "bylaws", or "rules and regulations".

38 (19) To ratify and approve any action taken by a member of the  
39 governing body, an officer of the governing body, or an employee  
40 of the school corporation after the action is taken, if the action  
41 could have been approved in advance, and in connection with the  
42 action to pay the expense or compensation permitted under



- 1 IC 20-26-1 through IC 20-26-5, IC 20-26-7, IC 20-26-12-1,  
 2 IC 20-40-12, and IC 20-48-1 or any other law.
- 3 (20) To exercise any other power and make any expenditure in  
 4 carrying out the governing body's general powers and purposes  
 5 provided in this chapter or in carrying out the powers delineated  
 6 in this section which is reasonable from a business or educational  
 7 standpoint in carrying out school purposes of the school  
 8 corporation, including the acquisition of property or the  
 9 employment or contracting for services, even though the power or  
 10 expenditure is not specifically set out in this chapter. The specific  
 11 powers set out in this section do not limit the general grant of  
 12 powers provided in this chapter except where a limitation is set  
 13 out in IC 20-26-1 through IC 20-26-5, IC 20-26-7, IC 20-40-12,  
 14 IC 20-40-18 (after December 31, 2018), and IC 20-48-1 by  
 15 specific language or by reference to other law.
- 16 (b) A superintendent hired under subsection (a)(8):  
 17 (1) is not required to hold a teacher's license under IC 20-28-5;  
 18 and  
 19 (2) is required to have obtained at least a master's degree from an  
 20 accredited postsecondary educational institution.
- 21 **(c) The governing body acting on the school corporation's behalf**  
 22 **may renew a lease or memorandum of understanding described in**  
 23 **IC 20-26-7.1-3(d) with a nonprofit organization as described in**  
 24 **IC 20-26-7.1-3(d).**
- 25 **(d) The governing body acting on the school corporation's**  
 26 **benefit may lease any school property for a rental to one (1) or both**  
 27 **of the following:**  
 28 **(1) The Indiana School for the Blind and Visually Impaired**  
 29 **established by IC 20-21-2-1.**  
 30 **(2) The Indiana School for the Deaf established by**  
 31 **IC 20-22-2-1.**
- 32 **This subsection expires June 30, 2030.**
- 33 SECTION 3. IC 20-26-7-47, AS ADDED BY P.L.189-2023,  
 34 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 35 JULY 1, 2024]: Sec. 47. (a) The following definitions apply throughout  
 36 this section:  
 37 (1) "Covered school building" has the meaning set forth in  
 38 IC 20-26-7.1-2.1.  
 39 (2) "Current school year" refers to a year in which the governing  
 40 body is required to conduct a review of school building usage  
 41 under subsection (c).  
 42 (3) "Enrollment" refers to the following:



- 1 (A) Except as provided in clause (B), students counted in  
 2 ADM (as defined in IC 20-43-1-6) in the first count date for a  
 3 school year fixed under IC 20-43-4-3.
- 4 (B) With regard to a school corporation, students counted in a  
 5 school corporation's fall count of ADM minus all students  
 6 counted in the fall count of ADM who are enrolled in eligible  
 7 schools that:
- 8 (i) have entered into an agreement with the school  
 9 corporation to participate as a participating innovation  
 10 network charter school under IC 20-25.7-5; and  
 11 (ii) are included in the school corporation's fall ADM count.
- 12 (4) "Interested person" has the meaning set forth in  
 13 IC 20-26-7.1-2.2.
- 14 (b) This section applies to a school corporation only if:
- 15 (1) the total student enrollment for in-person instruction in the  
 16 school corporation in the current school year is at least ten percent  
 17 (10%) less than the student enrollment for in-person instruction  
 18 in the school corporation in a school year that precedes the  
 19 current school year by five (5); and  
 20 (2) the school corporation in the current school year has more  
 21 than one (1) school building serving the same grade level as the  
 22 school building subject to closure under this section.
- 23 (c) Each school year, the governing body of a school corporation  
 24 shall review the usage of school buildings used by the school  
 25 corporation to determine whether any school building should be closed  
 26 for the ensuing school year and subsequent school years.
- 27 (d) A school corporation ~~may~~ **shall** close a school building for the  
 28 ensuing school year (and subsequent school years) if:
- 29 (1) at any time the school building had been used for classroom  
 30 instruction;
- 31 (2) in the current school year and the two (2) school years  
 32 immediately preceding the current school year the school building  
 33 was underutilized for classroom instruction purposes or other  
 34 allowable uses specified by this section;
- 35 (3) as of the end of the school year before the school building is  
 36 required to be closed under this section, the school corporation  
 37 was not subject to a transitional plan adopted by the governing  
 38 body and approved by the department to use the school building  
 39 for an allowable use not later than the next school year after the  
 40 school building is otherwise required to be closed under this  
 41 section;
- 42 (4) in the case of a school building that was used in any part in the



- 1 current school year for instructional purposes, the school  
 2 corporation has another school building:
- 3 (A) with sufficient capacity to take the students using the  
 4 school building being considered for closure; and
- 5 (B) that does not require more than twenty (20) minutes of  
 6 travel time by car or bus from the school building being  
 7 considered for closure; and
- 8 (5) the school building is not a school building described in  
 9 IC 20-26-7.1-1, IC 20-26-7.1-3(b), IC 20-26-7.1-3(c), or  
 10 IC 20-26-7.1-3(d).
- 11 (e) For purposes of this section, a school building is underutilized  
 12 in a school year if the school building is not used for any of the  
 13 following allowable uses:
- 14 (1) The number of full-time equivalent students enrolled for  
 15 in-person instruction in the school building on instructional days  
 16 (as determined under IC 20-30-2) for instructional purposes,  
 17 averaged over the current school year and the two (2) school years  
 18 immediately preceding the current school year, is at least ~~sixty~~  
 19 **percent (60%) fifty percent (50%)** of:
- 20 (A) the known classroom design capacity of the school  
 21 building; or
- 22 (B) if the design capacity is not known, the average maximum  
 23 full-time equivalent enrollment in any of the last twenty-five  
 24 (25) years, as validated by records created or maintained by  
 25 the department.
- 26 (2) The school corporation demonstrates through facts included  
 27 in a resolution that the school building is being used and that it is  
 28 financially prudent to continue to use the school building,  
 29 considering all community resources, for a distinct student  
 30 population that reasonably cannot be served through integration  
 31 with the general school population, such as students attending an  
 32 alternative education program (as defined in IC 20-30-8-1).  
 33 However, to be an allowable use under this subdivision, the  
 34 average number of full-time equivalent students using the school  
 35 building in a school year for instructional purposes must be at  
 36 least thirty percent (30%) of:
- 37 (A) the known classroom design capacity of the school  
 38 building; or
- 39 (B) if the design capacity is not known, the average maximum  
 40 full-time equivalent enrollment in any of the last twenty-five  
 41 (25) years, as validated by records created or maintained by  
 42 the department; and



1 (if multiple school buildings are used for the same purposes)  
 2 combining the student populations into fewer school buildings is  
 3 not reasonably feasible.

4 (3) The school corporation demonstrates through facts included  
 5 in a resolution that the school building is being used and that it is  
 6 financially prudent to continue to use the school building,  
 7 considering all community resources, for administrative or other  
 8 school offices. However, to be an allowable use under this  
 9 subdivision, at least fifty percent (50%) of the square footage of  
 10 the school building must be used for offices, the personnel  
 11 headquartered in the school building must consistently use the  
 12 space for office purposes, and the occupancy cost of using the  
 13 school building cannot be more than comparable office space that  
 14 is available in the school district.

15 (4) The school corporation demonstrates through facts included  
 16 in a resolution that the school building is being used and that it is  
 17 financially prudent to continue to use the school building,  
 18 considering all community resources, for storage. However, to be  
 19 an allowable use under this subdivision, at least fifty percent  
 20 (50%) of the square footage of the school building must be used  
 21 for storage, on average the storage space must be used to capacity,  
 22 and the cost of using the school building for storage must be less  
 23 than comparable storage space that is available in the school  
 24 district.

25 (5) The school corporation demonstrates through facts included  
 26 in a resolution that the school building is being used and that it is  
 27 financially prudent to continue to use the school building,  
 28 considering all community resources, for a combination of office  
 29 space and storage. However, to be an allowable use under this  
 30 subdivision, at least fifty percent (50%) of the square footage of  
 31 the school building must be used for a combination of office  
 32 space and storage and:

33 (A) the personnel headquartered in the school building must  
 34 consistently use the office space for office purposes, and the  
 35 occupancy cost of using the office space, calculated using the  
 36 costs of operating the school building, cannot be more than  
 37 comparable office space that is available in the school district;  
 38 and

39 (B) on average, the storage space must be used to capacity and  
 40 the cost of using the school building for storage must be less  
 41 than comparable storage space that is available in the school  
 42 district.



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



- 1 the petition; or  
 2 (2) fails to submit a timely response under subsection (j);  
 3 the department shall issue an order granting the petition. A petition and  
 4 any response or reply are public documents.
- 5 (l) If a school corporation contests a petition under subsection (j),  
 6 a party to the proceeding has not more than sixty (60) days after the  
 7 date that the school corporation files a response under subsection (j) to  
 8 submit a reply to the school corporation's response.
- 9 (m) The department shall make a determination regarding a petition  
 10 under subsection (h) not more than one hundred twenty (120) days after  
 11 the date that the:
- 12 (1) petitioner and any intervening party have submitted a reply  
 13 under subsection (l); or  
 14 (2) time period to reply under subsection (l) has expired.
- 15 (n) A school corporation or another party to the proceeding may file  
 16 with the state board a petition requesting review of the department's  
 17 determination. Upon receipt of a petition under this subsection, the  
 18 state board shall review the department's determination. An appeal to  
 19 the state board shall be subject to the procedure described in  
 20 IC 20-26-11-15(b).
- 21 (o) Upon the issuance of a final unappealable order granting a  
 22 petition, the school corporation ~~may~~ **shall** make the school building  
 23 available for lease or purchase in accordance with IC 20-26-7.1.
- 24 SECTION 4. IC 20-26-7.1-1, AS AMENDED BY P.L.189-2023,  
 25 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 26 MAY 4, 2023 (RETROACTIVE)]: Sec. 1. **(a) For purposes of this  
 27 section, "charter school" does not include a virtual charter school  
 28 or an adult high school.**
- 29 **(b)** This chapter does not apply to the following:
- 30 (1) A school building that since July 1, 2011, is leased or loaned  
 31 by the school corporation that owns the school building to another  
 32 entity, if the entity is not a building corporation or other entity that  
 33 is related in any way to, or created by, the school corporation or  
 34 the governing body.
- 35 ~~(2) A school corporation that distributes money that is received as  
 36 part of a tax levy collected under IC 20-46-1 or IC 20-46-9 to an  
 37 applicable charter school.~~
- 38 **(2) A school corporation to which all of the following apply:**  
 39 **(A) The county auditor distributes revenue after May 10,  
 40 2023, as required under IC 20-46-1-21 to each charter  
 41 school described in IC 20-46-1-21(b).**  
 42 **(B) If the school corporation listed in IC 20-46-9-22**



- 1 receives revenue from a school safety referendum tax levy  
 2 under IC 20-46-9, the county auditor distributes revenue  
 3 after May 10, 2023, as required under IC 20-46-9-22 to  
 4 each charter school described in IC 20-46-9-22(b).
- 5 The above subdivisions are intended to apply retroactively.  
 6 No referendums or distributed revenue prior to May 10, 2023,  
 7 are effective to provide exemption from this chapter.
- 8 **(3) A school corporation to which all of the following apply:**  
 9 **(A) The school corporation approves a resolution after**  
 10 **May 10, 2023, to impose an operating referendum tax levy**  
 11 **under IC 20-46-1 after May 10, 2023, that includes sharing**  
 12 **the revenue from the referendum tax levy in the amounts**  
 13 **described in clause (B) with each charter school that:**  
 14 **(i) a student who resides within the attendance area of**  
 15 **the school corporation attends; and**  
 16 **(ii) elects to participate in the referendum.**
- 17 The above subdivisions are intended to apply retroactively.  
 18 No resolutions, referendums, or distributed revenue prior to  
 19 May 10, 2023, are effective to provide exemption from this  
 20 chapter.
- 21 **(B) The amount of referendum tax levy revenue that the**  
 22 **school corporation is required to share with each charter**  
 23 **school under the resolution described in clause (A) is equal**  
 24 **to the amount determined applying the formula under**  
 25 **IC 20-46-1-21(d).**
- 26 **(C) The referendum tax levy described in clause (A) is**  
 27 **approved by the voters.**
- 28 **(D) The school corporation distributes the amounts**  
 29 **described in clause (B) to each charter school described in**  
 30 **clause (A).**
- 31 **(E) If the school corporation receives revenue from a**  
 32 **school safety referendum tax levy under IC 20-46-9, the**  
 33 **school corporation shares the revenue from the school**  
 34 **safety referendum tax levy with each charter school that:**  
 35 **(i) a student who resides within the attendance area of**  
 36 **the school corporation attends; and**  
 37 **(ii) elects to participate in the referendum;**  
 38 **in an amount equal to the amount determined applying the**  
 39 **formula under IC 20-46-9-22(d).**
- 40 **(c) In order for any payment to a charter school to qualify as**  
 41 **sharing of proceeds from a referendum for purposes of exemption**  
 42 **from IC 20-26-7.1, the referendum must have been passed with**





1 **prior notice to voters of all amounts of referendum proceeds to be**  
 2 **paid to charter schools. Any claim of exemption based on payment**  
 3 **of proceeds from a referendum passed without such notice is void.**

4 SECTION 5. IC 20-26-7.1-3, AS AMENDED BY P.L.189-2023,  
 5 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 6 JULY 1, 2024]: Sec. 3. (a) Except as provided in section 1 of this  
 7 chapter or subsection (b), (c), or (d), before a governing body may sell,  
 8 exchange, lease, demolish, hold without operating, or dispose of a  
 9 covered school building, a governing body shall make available for  
 10 lease or purchase by a charter school or state educational institution  
 11 any covered school building owned by the school corporation or any  
 12 other entity that is related in any way to, or created by, the school  
 13 corporation or the governing body, including a building corporation,  
 14 that the governing body elects to close or the school corporation is  
 15 required to close under IC 20-26-7-47, in order for the covered school  
 16 building to be used by a:

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

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

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

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

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

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

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

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

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

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



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

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

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

10 (A) continues in effect;

11 (B) is renewed; or

12 (C) is replaced by a new lease or memorandum of  
13 understanding that is entered into between the school  
14 corporation and the nonprofit organization described in  
15 subdivision (1).

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

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

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

27 SECTION 6. IC 20-26-7.1-4, AS AMENDED BY P.L.189-2023,  
28 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
29 JULY 1, 2024]: Sec. 4. (a) ~~A school corporation shall notify the~~  
30 ~~department~~ Not later than thirty (30) days after the date ~~the a~~ governing  
31 body elects to close **of a school corporation determines at a public**  
32 **meeting to cease using** a covered school building ~~and include with the~~  
33 ~~notification whether the school corporation contends that the building~~  
34 ~~should or should not be made available as provided by this chapter.~~  
35 The school corporation shall notify the department in the annual report  
36 required under IC 20-26-7-48 that the school corporation elects to or  
37 is required under IC 20-26-7-47 to close a covered school building. The  
38 notice must be in the annual report submitted under IC 20-26-7-48 after  
39 the school elects to or is required to close the covered school building.  
40 The department shall notify interested persons concerning the  
41 availability of a covered school building under subsection (d): **for**  
42 **classroom instruction on student instructional days (as described**



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

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

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

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

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

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

40 (g) The department shall, not later than sixty (60) days after the  
41 date that a rebuttal is due under subsection (f), issue a  
42 determination to the school corporation and interested persons as



1 to whether the covered school building must be made available  
 2 under this chapter. The department shall publish a copy of the  
 3 department's determination on the department's website.

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

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

10 (1) the department receives the earliest notice under subsection  
 11 (a); or

12 (2) if the department determines that a covered school building  
 13 qualifies for closure under IC 20-26-7-47, the date a final order to  
 14 close a covered school building is issued under IC 20-26-7-47;

15 the governing body shall take the actions specified by this subsection  
 16 and subsection (c). The department shall order a school corporation to  
 17 comply with this subsection and subsection (c) and request that the  
 18 attorney general enforce the order under section 9(a) of this chapter.

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

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

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

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

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

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

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

39 (B) Written information regarding the condition of the covered  
 40 school building, including the age of the roof and the HVAC  
 41 system, and any known conditions which, in the governing  
 42 body's opinion, require prompt repair or replacement.



1 (C) A legal description of the property.  
 2 (d) Not later than fifteen (15) days after the earlier of:  
 3 (1) receiving the earliest notice under subsection (a); or  
 4 (2) if the department determines that a covered school building  
 5 qualifies for closure under IC 20-26-7-47, the date a final  
 6 unappealable order to close a covered school building is issued  
 7 under IC 20-26-7-47;  
 8 the department shall place a notice on the department's website that the  
 9 covered school building is available for purchase or lease under this  
 10 chapter and provide written notification to each interested person;  
 11 including the date when the covered school building will close, no  
 12 longer be used, or become vacant.  
 13 (k) If the governing body fails to take the actions required under  
 14 subsection (j), a charter school having notified the school  
 15 corporation of its interest in the covered school building is entitled  
 16 to an injunction requiring the governing body to take the actions  
 17 under subsection (j).  
 18 (e) (l) The school corporation shall lease the covered school  
 19 building to a charter school or state educational institution for one  
 20 dollar (\$1) per year for as long as the state educational institution uses  
 21 the covered school building for an academic purpose or the charter  
 22 school uses the covered school building for classroom instruction, for  
 23 a term at the state educational institution's or charter school's  
 24 discretion, or sell the covered school building for one dollar (\$1), if the  
 25 charter school or state educational institution does the following:  
 26 (1) Within ninety (90) days of receiving the department's notice  
 27 under subsection (d), a charter school or state educational  
 28 institution must submit a preliminary request to purchase or lease  
 29 the covered school building.  
 30 (2) Subject to subsection (f); (m), within ninety (90) days of  
 31 receiving the department's notice under subsection (d), a charter  
 32 school or state educational institution must submit to the school  
 33 corporation the following information:  
 34 (A) The name of the charter school or state educational  
 35 institution that is interested in leasing or purchasing the  
 36 covered school building.  
 37 (B) A time frame, which may not exceed ~~two (2)~~ **three (3)**  
 38 years from the date that the covered school building is to be  
 39 closed, no longer used, or no longer occupied, in which the:  
 40 (i) charter school intends to begin providing classroom  
 41 instruction in the covered school building; or  
 42 (ii) state educational institution intends to begin using the



1 covered school building for an academic purpose.

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

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

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

- 40 (1) Preference shall be given to existing charter schools that have  
 41 a proven track record of student academic performance.  
 42 (2) If two (2) or more charter schools of proven academic



- 1 performance are competing and only one (1) charter school is  
 2 operating in the county in which the covered school building is  
 3 located, the charter school in the same county as the covered  
 4 school building shall be given preference.
- 5 In the event that the committee determines that two (2) or more charter  
 6 schools should co-locate in the covered school building, the charter  
 7 schools have sixty (60) days to submit a memorandum of  
 8 understanding stating that the charter schools shall be jointly and  
 9 severally liable for the obligations related to the sale or lease of the  
 10 covered school building, and specifying how the charter schools will  
 11 utilize the covered school building and share responsibility for  
 12 operational, maintenance, and renovation expenses. If the charter  
 13 schools are unable to agree, the charter schools shall be deemed to have  
 14 revoked their prior request regarding the lease or sale of the covered  
 15 school building. The committee shall give notice of the committee's  
 16 decision to the school corporation and each interested person. A charter  
 17 school that is not selected by the committee may appeal the decision to  
 18 the state board not more than thirty (30) days after receipt of the  
 19 committee's decision. The state board shall issue a final order in the  
 20 appeal not more than sixty (60) days after receipt of a properly filed  
 21 appeal. Notice of the appeal and the final order in the appeal must be  
 22 given to the school corporation.
- 23 ~~(h)~~ **(o)** If a charter school does not submit a preliminary request to  
 24 purchase or lease the covered school building and only one (1) state  
 25 educational institution submits a preliminary request to purchase or  
 26 lease the covered school building, the department shall:
- 27 (1) notify the school corporation of the identity of the state  
 28 educational institution; and  
 29 (2) direct the school corporation to complete a sale or lease to the  
 30 state educational institution in accordance with subsection ~~(k)~~.  
 31 **(r)**.
- 32 ~~(i)~~ **(p)** If one (1) or more state educational institutions submit  
 33 preliminary requests to purchase or lease a covered school building, a  
 34 selection committee shall be established consisting of one (1) member  
 35 appointed by the executive of the largest city or town in the county in  
 36 which the covered school building is located, one (1) member  
 37 appointed by the city or town council of the largest city or town in the  
 38 county in which the covered school building is located, one (1) member  
 39 appointed by the county commissioners of the county in which the  
 40 covered school building is located, one (1) member appointed by the  
 41 county council of the county in which the covered school building is  
 42 located, and one (1) member appointed by the chamber of commerce



1 of the county in which the covered school building is located.

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

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

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

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

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

16 (1) charter school uses the covered school building for classroom  
17 instruction for any combination of kindergarten through grade 12;

18 or

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

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





1 IC 20-26-5-4(a)(7).  
 2 SECTION 7. IC 20-26-7.1-5, AS AMENDED BY P.L.189-2023,  
 3 SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 4 JULY 1, 2024]: Sec. 5. (a) If:  
 5 (1) a covered school building is sold to a charter school or state  
 6 educational institution under section 4 of this chapter; and  
 7 (2) the charter school or state educational institution described in  
 8 subdivision (1) no longer intends to use the covered school  
 9 building for the purposes described in section ~~4(c)~~ **4(I)** of this  
 10 chapter;  
 11 the charter school or state educational institution shall offer to transfer  
 12 the covered school building back to the school corporation that initially  
 13 sold the covered school building to the charter school or state  
 14 educational institution.  
 15 (b) If a school corporation described in subsection (a) declines the  
 16 offer to transfer a covered school building back to the school  
 17 corporation, the charter school or state educational institution may sell  
 18 or transfer the covered school building to a third party. If a charter  
 19 school or state educational institution sells or transfers a covered  
 20 school building to a third party under this subsection, the charter school  
 21 or state educational institution must transfer an amount equal to the  
 22 gain in the property minus the adjusted basis (including costs of  
 23 improvements to the covered school building) to the school corporation  
 24 that initially sold the covered school building to the charter school or  
 25 state educational institution. Gain and adjusted basis shall be  
 26 determined in the manner prescribed by the Internal Revenue Code and  
 27 the applicable Internal Revenue Service regulations and guidelines.  
 28 (c) A charter school or state educational institution that purchases  
 29 a covered school building assumes total control of the covered school  
 30 building and must maintain the covered school building, including  
 31 utilities, insurance, maintenance, and repairs. In the event a:  
 32 (1) charter school does not use the covered school building for  
 33 classroom instruction; or  
 34 (2) state educational institution does not use the covered school  
 35 building for an academic purpose;  
 36 within two (2) years after acquiring the covered school building, the  
 37 covered school building shall revert to the school corporation, which  
 38 may sell or otherwise dispose of the covered school building under  
 39 IC 36-1-11.  
 40 SECTION 8. IC 20-26-7.1-5.3, AS ADDED BY P.L.189-2023,  
 41 SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 42 JULY 1, 2024]: Sec. 5.3. (a) This section applies to a covered school



1 building to which the following apply:

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

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

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

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

18 ~~(1) the known~~ classroom design capacity of the school building,  
19 **or**

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

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

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

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

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

41 SECTION 9. IC 20-26-7.1-9, AS AMENDED BY P.L.189-2023,  
42 SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



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

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

20 **(1) school corporation;**  
 21 **(2) department; and**  
 22 **(3) office of the attorney general;**  
 23 may file a civil action to enforce this chapter.

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

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



1 **court finds a school corporation transferred a covered school**  
 2 **building in violation of this chapter, the court shall award**  
 3 **reasonable attorney's fees to the charter school.**

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

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

20 IC 20-26-5-34.2.

21 IC 20-28-3-4.5.

22 IC 20-28-3-6.

23 IC 20-28-3-7.

24 IC 20-34-7-6.

25 IC 20-34-7-7.

26 IC 20-34-8-9.

27 However, nothing in this subsection shall be construed to authorize the  
 28 state board to suspend or otherwise eliminate training requirements  
 29 described in this subsection.

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

33 (1) ensure a teacher has training in:

34 (A) cardiopulmonary resuscitation that includes:

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

36 (ii) **recognition of the signs and symptoms of seizures and**  
 37 **the appropriate actions to respond to the signs and**  
 38 **symptoms of seizures;**

39 (B) removing a foreign body causing an obstruction in an  
 40 airway;

41 (C) the Heimlich maneuver; and

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



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

3 (A) the American Red Cross;

4 (B) the American Heart Association; or

5 (C) a comparable organization or institution approved by the  
6 state board; or

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

10 The state board shall determine the timing, frequency, whether training  
11 requirements can be combined or merged, and the method of training  
12 or certification, including whether the training or certification should  
13 be required for purposes of obtaining or renewing a license under  
14 IC 20-28-5, or, in consultation with teacher preparation programs (as  
15 defined in IC 20-28-3-1(b)), as part of the completion requirements for  
16 a teacher preparation program. However, the frequency of the training  
17 may not be more frequent and the method of training may not be more  
18 stringent than required in IC 20-28-5-3(c) through IC 20-28-5-3(e), as  
19 in effect on January 1, 2020. Nothing in this subsection shall be  
20 construed to authorize the state board to suspend or otherwise eliminate  
21 training requirements described in this subsection.

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

25 (d) In determining the training requirements for a school  
26 corporation, charter school, or state accredited nonpublic school for  
27 training required under:

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

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

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

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

32 the state board may consider whether a particular teacher received the  
33 training described in this subsection as part of the teacher's licensing  
34 requirements or at a teacher preparation program when determining  
35 whether the particular teacher is required to receive the training by the  
36 school corporation, charter school, or state accredited nonpublic  
37 school.

38 SECTION 12. IC 20-34-8-9, AS AMENDED BY P.L.187-2023,  
39 SECTION 2, AND AS AMENDED BY P.L.250-2023, SECTION 39,  
40 AND AS AMENDED BY THE TECHNICAL CORRECTIONS BILL  
41 OF THE 2024 GENERAL ASSEMBLY, IS CORRECTED AND  
42 AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]:

**SB 270—LS 6975/DI 110**



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



1 *arrest for which the individual described in subsection (a) is providing*  
 2 *coaching or leadership.*

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

5 *(1) deployed in accordance with the venue specific emergency*  
 6 *action plan for sudden cardiac arrest developed under subsection*  
 7 *(i);*

8 *(2) except as provided in subsection (g), located on the premises*  
 9 *where the event in which students have an increased risk of*  
 10 *sudden cardiac arrest occurs; and*

11 *(3) present for the duration of the event in which students have an*  
 12 *increased risk of sudden cardiac arrest.*

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

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

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

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

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

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

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

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

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

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

42 *(B) requires the performance of periodic drills at times and*



- 1                    *locations determined by the governing body.*
- 2                    *(3) Distribute the plan described in subdivision (2) to the school*
- 3                    *board.*
- 4                    *(4) Share the plan described in subdivision (2) with each*
- 5                    *individual described in subsection (a).*
- 6                    *(5) Post the plan described in subdivision (2) in a conspicuous*
- 7                    *place so that it is visible by any participants of an activity at the*
- 8                    *venue.*
- 9                    *(6) Before the beginning of the season of each event in which*
- 10                   *students have an increased risk of sudden cardiac arrest, share*
- 11                   *the plan described in subdivision (2) with all applicable students.*
- 12                   *(j) A school corporation, a charter school, a state accredited*
- 13                   *nonpublic school (as defined in IC 20-18-2-18.7), or an accredited*
- 14                   *nonpublic school (as defined in IC 10-21-1-1) may apply for a grant*
- 15                   *under IC 10-21-1-2(a)(1)(C)(viii) to purchase an automated external*
- 16                   *defibrillator (AED) if the school corporation, charter school, state*
- 17                   *accredited nonpublic school or accredited nonpublic school develops*
- 18                   *a venue specific emergency action plan for sudden cardiac arrest.*
- 19                   SECTION 13. IC 20-46-1-8, AS AMENDED BY P.L.189-2023,
- 20                   SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 21                   MAY 10, 2024]: Sec. 8. (a) Subject to subsections (e), (f), and (g) and
- 22                   this chapter, the governing body of a school corporation may adopt a
- 23                   resolution to place a referendum under this chapter on the ballot for any
- 24                   of the following purposes:
- 25                   (1) The governing body of the school corporation determines that
- 26                   it cannot, in a calendar year, carry out its public educational duty
- 27                   unless it imposes a referendum tax levy under this chapter.
- 28                   (2) The governing body of the school corporation determines that
- 29                   a referendum tax levy under this chapter should be imposed to
- 30                   replace property tax revenue that the school corporation will not
- 31                   receive because of the application of the credit under
- 32                   IC 6-1.1-20.6.
- 33                   (3) Except for resolutions described in subsection (b), the
- 34                   governing body makes the determination required under
- 35                   subdivision (1) or (2) and determines to share a portion of the
- 36                   referendum proceeds with a charter school, excluding a virtual
- 37                   charter school, in the manner prescribed in subsection (e).
- 38                   (b) A resolution for a referendum for a county described in section
- 39                   21 of this chapter that is adopted after May 10, 2023, shall specify that
- 40                   a portion of the proceeds collected from the proposed levy will be
- 41                   distributed to applicable charter schools in the manner described under
- 42                   section 21 of this chapter.





1 (c) The governing body of the school corporation shall certify a  
 2 copy of the resolution to place a referendum on the ballot to the  
 3 following:

4 (1) The department of local government finance, including:

5 (A) the language for the question required by section 10 of this  
 6 chapter, or in the case of a resolution to extend a referendum  
 7 levy certified to the department of local government finance  
 8 after March 15, 2016, section 10.1 of this chapter; and

9 (B) a copy of the revenue spending plan adopted under  
 10 subsection (g).

11 The language of the public question must include the estimated  
 12 average percentage increases certified by the county auditor under  
 13 section 10(e) or 10.1(f) of this chapter, as applicable. The  
 14 governing body of the school corporation shall also provide the  
 15 county auditor's certification described in section 10(e) or 10.1(f)  
 16 of this chapter, as applicable. The department of local government  
 17 finance shall post the values certified by the county auditor to the  
 18 department's website. The department shall review the language  
 19 for compliance with section 10 or 10.1 of this chapter, whichever  
 20 is applicable, and either approve or reject the language. The  
 21 department shall send its decision to the governing body of the  
 22 school corporation not more than ten (10) days after the resolution  
 23 is submitted to the department. If the language is approved, the  
 24 governing body of the school corporation shall certify a copy of  
 25 the resolution, including the language for the question and the  
 26 department's approval.

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

29 (3) The circuit court clerk of each county in which the school  
 30 corporation is located.

31 (d) If a school safety referendum tax levy under IC 20-46-9 has been  
 32 approved by the voters in a school corporation at any time in the  
 33 previous three (3) years, the school corporation may not:

34 (1) adopt a resolution to place a referendum under this chapter on  
 35 the ballot; or

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

37 (e) Except as provided in section 21 of this chapter, the resolution  
 38 described in subsection (a) must indicate whether proceeds in the  
 39 school corporation's education fund collected from a tax levy under this  
 40 chapter will be used to provide a distribution to a charter school or  
 41 charter schools, excluding a virtual charter school, under IC 20-40-3-5  
 42 as well as the amount that will be distributed to the particular charter



1 school or charter schools. A school corporation may request from the  
 2 designated charter school or charter schools any financial  
 3 documentation necessary to demonstrate the financial need of the  
 4 charter school or charter schools. **Distribution to a charter school of  
 5 proceeds from a referendum held before May 10, 2023, does not  
 6 provide exemption from this chapter.**

7 (f) This subsection applies to a resolution described in subsection  
 8 (a) for a county described in section 21(a) of this chapter that is  
 9 adopted after May 10, 2023. The resolution described in subsection (a)  
 10 shall include a projection of the amount that the school corporation  
 11 expects to be distributed to a particular charter school, excluding  
 12 virtual charter schools or adult high schools, under section 21 of this  
 13 chapter if the charter school voluntarily elects to participate in the  
 14 referendum in the manner described in subsection (i). At least sixty  
 15 (60) days before the resolution described in subsection (a) is voted on  
 16 by the governing body, the school corporation shall contact the  
 17 department to determine the number of students in kindergarten  
 18 through grade 12 who have legal settlement in the school corporation  
 19 but attend a charter school, excluding virtual charter schools or adult  
 20 high schools, and who receive not more than fifty percent (50%) virtual  
 21 instruction. The department shall provide the school corporation with  
 22 the number of students with legal settlement in the school corporation  
 23 who attend a charter school and who receive not more than fifty percent  
 24 (50%) virtual instruction, which shall be disaggregated for each  
 25 particular charter school, excluding a virtual charter school or adult  
 26 high school. The projection may include an expected increase in  
 27 charter schools during the term the levy is imposed under this chapter.  
 28 The department of local government finance shall prescribe the manner  
 29 in which the projection shall be calculated. The governing body shall  
 30 take into consideration the projection when adopting the revenue  
 31 spending plan under subsection (g).

32 (g) As part of the resolution described in subsection (a), the  
 33 governing body of the school corporation shall adopt a revenue  
 34 spending plan for the proposed referendum tax levy that includes:

- 35 (1) an estimate of the amount of annual revenue expected to be  
 36 collected if a levy is imposed under this chapter;
- 37 (2) the specific purposes for which the revenue collected from a  
 38 levy imposed under this chapter will be used;
- 39 (3) an estimate of the annual dollar amounts that will be expended  
 40 for each purpose described in subdivision (2); and
- 41 (4) for a resolution for a referendum that is adopted after May 10,  
 42 2023, for a county described in section 21(a) of this chapter, the



1 projected revenue that shall be distributed to charter schools as  
 2 provided in subsections (f) and (i). The revenue spending plan  
 3 shall also take into consideration deviations in the proposed  
 4 revenue spending plan if the actual charter school distributions  
 5 exceed or are lower than the projected charter school distributions  
 6 described in subsection (f). The resolution shall include for each  
 7 charter school that elects to participate under subsection (i)  
 8 information described in subdivisions (1) through (3).

9 (h) A school corporation shall specify in its proposed budget the  
 10 school corporation's revenue spending plan adopted under subsection  
 11 (g) and annually present the revenue spending plan at its public hearing  
 12 on the proposed budget under IC 6-1.1-17-3.

13 (i) This subsection applies to a resolution described in subsection  
 14 (a) for a county described in section 21(a) of this chapter that is  
 15 adopted after May 10, 2023. At least forty-five (45) days before the  
 16 resolution described in subsection (a) is voted on by the governing  
 17 body, the school corporation shall contact each charter school,  
 18 excluding virtual charter schools or adult high schools, disclosed by the  
 19 department to the school corporation under subsection (f) to determine  
 20 whether the charter school will participate in the referendum. The  
 21 charter school must respond in writing to the school corporation at least  
 22 fifteen (15) days prior to the date that the resolution described in  
 23 subsection (a) is to be voted on by the governing body. If the charter  
 24 school elects to not participate in the referendum, the school  
 25 corporation may exclude distributions to the charter school under  
 26 section 21 of this chapter and from the projection described in  
 27 subsection (f). If the charter school elects to participate in the  
 28 referendum, the charter school may receive distributions under section  
 29 21 of this chapter and must be included in the projection described in  
 30 subsection (f). In addition, a charter school that elects to participate  
 31 in the referendum under this subsection shall contribute a proportionate  
 32 share of the cost to conduct the referendum based on the total  
 33 combined ADM of the school corporation and any participating charter  
 34 schools.

35 (j) This subsection applies to a resolution described in subsection  
 36 (a) for a county described in section 21(a) of this chapter that is  
 37 adopted after May 10, 2023. At least thirty (30) days before the  
 38 resolution described in subsection (a) is voted on by the governing  
 39 body, the school corporation that is pursuing the resolution and any  
 40 charter school that has elected to participate under subsection (i), shall  
 41 post a referendum disclosure statement on each school's respective  
 42 website that contains the following information:



- 1 (1) The salaries of all employees employed by the school  
 2 corporation or charter school listed from highest salary to lowest  
 3 salary.  
 4 (2) An acknowledgment that the school corporation or charter  
 5 school is not committing any crime described in IC 35-44.1-1.  
 6 (3) A link to the school corporation's or charter school's most  
 7 recent state board of accounts audit on the state board of accounts'  
 8 website.  
 9 (4) The current enrollment of the school corporation or charter  
 10 school disaggregated by student group and race.  
 11 (5) The school corporation's or charter school's high school  
 12 graduation rate.  
 13 (6) The school corporation's or charter school's annual retention  
 14 rate for teachers for the previous five (5) years.

15 SECTION 14. IC 21-18-6-8 IS ADDED TO THE INDIANA CODE  
 16 AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE**  
 17 **UPON PASSAGE]: Sec. 8. (a) The commission shall do the**  
 18 **following:**

- 19 (1) **Study and make recommendations regarding allowing:**  
 20 (A) **Ivy Tech Community College to award bachelor's**  
 21 **degrees; and**  
 22 (B) **Vincennes University to offer additional programs that**  
 23 **lead to a bachelor's degree.**  
 24 (2) **Not later than October 31, 2024, do the following:**  
 25 (A) **Prepare a report regarding the study and**  
 26 **recommendations described in subdivision (1).**  
 27 (B) **Submit the report to the general assembly in an**  
 28 **electronic format under IC 5-14-6.**  
 29 (b) **This section expires January 1, 2025.**

30 SECTION 15. [EFFECTIVE UPON PASSAGE] (a) **The legislative**  
 31 **council is urged to assign to the appropriate study committee**  
 32 **during the 2024 legislative interim the topic of studying the charter**  
 33 **school authorization process to determine opportunities for**  
 34 **efficiency and equity.**

- 35 (b) **This SECTION expires January 1, 2025.**

36 SECTION 16. **An emergency is declared for this act.**



## COMMITTEE REPORT

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

- Page 1, delete lines 1 through 15.
- Delete page 2.
- Page 3, delete lines 1 through 25.
- Page 4, delete lines 10 through 19.
- Page 29, delete lines 12 through 39.
- Renumber all SECTIONS consecutively.

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

(Reference is to SB 270 as introduced.)

RAATZ, Chairperson

Committee Vote: Yeas 9, Nays 4.

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 COMMITTEE REPORT

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

- Page 2, line 11, delete "general assembly" and insert "**legislative council**".
- Page 31, delete lines 13 through 42.
- Page 32, delete lines 1 through 26.
- Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 270 as printed January 26, 2024.)

MISHLER, Chairperson

Committee Vote: Yeas 11, Nays 3.

SB 270—LS 6975/DI 110



## SENATE MOTION

Madam President: I move that Senate Bill 270 be amended to read as follows:

Page 1, line 1, delete "IC 20-19-3-33" and insert "IC 20-19-3-34".

Page 1, line 3, delete "Sec. 33." and insert "**Sec. 34.**".

Page 20, line 25, reset in roman "(d)".

Page 20, line 25, delete "(i)".

Page 33, line 35, beginning with "(g)" begin a new paragraph.

(Reference is to SB 270 as printed February 2, 2024.)

ROGERS

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 SENATE MOTION

Madam President: I move that Senate Bill 270 be amended to read as follows:

Page 1, delete lines 1 through 15, begin a new paragraph and insert:

"SECTION 1. IC 20-19-3-34 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE UPON PASSAGE]: **Sec. 34. (a) The department shall study the following:**

**(1) Creating clearinghouses for each region of Indiana that enable all high schools, approved postsecondary educational institutions (as defined in IC 21-7-13-6(a)), and employers in the applicable region to exchange information through websites regarding internship opportunities and for which each user of a clearinghouse uses information forms that are standardized for that region.**

**(2) Selecting an organization to design, operate, and maintain regional clearinghouses described in subdivision (1).**

**(3) Defining regional clearinghouse reporting requirements.**

**(b) In carrying out subsection (a), the department shall consult with the department of workforce development, the commission for higher education, and regional groups of employers, schools, and workforce development boards.**

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

**(1) Prepare a report regarding:**

**(A) information concerning the study under subsection (a), including the costs of implementation, recognition or**



**creation of; and**  
**(B) any recommendations regarding the implementation, recognition, or creation of; clearinghouses for each region as described in subsection (a).**  
**(2) Submit the report prepared under subdivision (1) to the legislative council in an electronic format under IC 5-14-6."**

Delete page 2.

Page 3, delete lines 1 through 21.

Page 15, line 6, delete "IC 20-46-1-21(c)" and insert "**IC 20-46-1-21(b)**".

Page 15, between lines 11 and 12, begin a new line block indented and insert:

**"The above subdivisions are intended to apply retroactively. No referendums or distributed revenue prior to May 10, 2023, are effective to provide exemption from this chapter."**

Page 15, between lines 20 and 21, begin a new line block indented and insert:

**"The above subdivisions are intended to apply retroactively. No resolutions, referendums, or distributed revenue prior to May 10, 2023, are effective to provide exemption from this chapter."**

Page 15, line 25, delete "IC 20-46-1-21(e)" and insert "**IC 20-46-1-21(d)**".

Page 15, between lines 39 and 40, begin a new paragraph and insert:

**"(c) In order for any payment to a charter school to qualify as sharing of proceeds from a referendum for purposes of exemption from IC 20-26-7.1, the referendum must have been passed with prior notice to voters of all amounts of referendum proceeds to be paid to charter schools. Any claim of exemption based on payment of proceeds from a referendum passed without such notice is void."**

Page 31, delete lines 13 through 42, begin a new paragraph and insert:

"SECTION 16. IC 20-46-1-8, AS AMENDED BY P.L.189-2023, SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE MAY 10, 2024]: Sec. 8. (a) Subject to subsections (e), (f), and (g) and this chapter, the governing body of a school corporation may adopt a resolution to place a referendum under this chapter on the ballot for any of the following purposes:

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



(2) The governing body of the school corporation determines that a referendum tax levy under this chapter should be imposed to replace property tax revenue that the school corporation will not receive because of the application of the credit under IC 6-1.1-20.6.

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

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

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

(1) The department of local government finance, including:

(A) the language for the question required by section 10 of this chapter, or in the case of a resolution to extend a referendum levy certified to the department of local government finance after March 15, 2016, section 10.1 of this chapter; and

(B) a copy of the revenue spending plan adopted under subsection (g).

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

(2) The county fiscal body of each county in which the school





corporation is located (for informational purposes only).

(3) The circuit court clerk of each county in which the school corporation is located.

(d) If a school safety referendum tax levy under IC 20-46-9 has been approved by the voters in a school corporation at any time in the previous three (3) years, the school corporation may not:

(1) adopt a resolution to place a referendum under this chapter on the ballot; or

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

(e) Except as provided in section 21 of this chapter, the resolution described in subsection (a) must indicate whether proceeds in the school corporation's education fund collected from a tax levy under this chapter will be used to provide a distribution to a charter school or charter schools, excluding a virtual charter school, under IC 20-40-3-5 as well as the amount that will be distributed to the particular charter school or charter schools. A school corporation may request from the designated charter school or charter schools any financial documentation necessary to demonstrate the financial need of the charter school or charter schools. **Distribution to a charter school of proceeds from a referendum held before May 10, 2023, does not provide exemption from this chapter.**

(f) This subsection applies to a resolution described in subsection (a) for a county described in section 21(a) of this chapter that is adopted after May 10, 2023. The resolution described in subsection (a) shall include a projection of the amount that the school corporation expects to be distributed to a particular charter school, excluding virtual charter schools or adult high schools, under section 21 of this chapter if the charter school voluntarily elects to participate in the referendum in the manner described in subsection (i). At least sixty (60) days before the resolution described in subsection (a) is voted on by the governing body, the school corporation shall contact the department to determine the number of students in kindergarten through grade 12 who have legal settlement in the school corporation but attend a charter school, excluding virtual charter schools or adult high schools, and who receive not more than fifty percent (50%) virtual instruction. The department shall provide the school corporation with the number of students with legal settlement in the school corporation who attend a charter school and who receive not more than fifty percent (50%) virtual instruction, which shall be disaggregated for each particular charter school, excluding a virtual charter school or adult high school. The projection may include an expected increase in charter schools during the term the levy is imposed under this chapter.



The department of local government finance shall prescribe the manner in which the projection shall be calculated. The governing body shall take into consideration the projection when adopting the revenue spending plan under subsection (g).

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

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

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

(i) This subsection applies to a resolution described in subsection (a) for a county described in section 21(a) of this chapter that is adopted after May 10, 2023. At least forty-five (45) days before the resolution described in subsection (a) is voted on by the governing body, the school corporation shall contact each charter school, excluding virtual charter schools or adult high schools, disclosed by the department to the school corporation under subsection (f) to determine whether the charter school will participate in the referendum. The charter school must respond in writing to the school corporation at least fifteen (15) days prior to the date that the resolution described in subsection (a) is to be voted on by the governing body. If the charter school elects to not participate in the referendum, the school corporation may exclude distributions to the charter school under section 21 of this chapter and from the projection described in subsection (f). If the charter school elects to participate in the



referendum, the charter school may receive distributions under section 21 of this chapter and must be included in the projection described in subsection (f). In addition, a charter school that elects to participate in the referendum under this subsection shall contribute a proportionate share of the cost to conduct the referendum based on the total combined ADM of the school corporation and any participating charter schools.

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

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

Delete pages 32 through 36.

Page 37, delete lines 1 through 10.

Re-number all SECTIONS consecutively.

(Reference is to SB 270 as printed February 2, 2024.)

ROGERS



SENATE MOTION

Madam President: I move that Senate Bill 270 be amended to read as follows:

Page 37, between lines 25 and 26, begin a new paragraph and insert:

**"SECTION 20. [EFFECTIVE UPON PASSAGE] (a) The legislative council is urged to assign to the appropriate study committee during the 2024 legislative interim the topic of studying the charter school authorization process to determine opportunities for efficiency and equity.**

**(b) This SECTION expires January 1, 2025."**

Renumber all SECTIONS consecutively.

(Reference is to SB 270 as printed February 2, 2024.)

HUNLEY

