



January 22, 2026

HOUSE BILL No. 1423

DIGEST OF HB 1423 (Updated January 21, 2026 12:43 pm - DI 110)

Citations Affected: IC 5-13; IC 6-1.1; IC 20-18; IC 20-24; IC 20-25; IC 20-25.3; IC 20-26; IC 20-40; IC 20-46; IC 20-47; IC 20-48; IC 36-3.

Synopsis: Indianapolis public education corporation. Establishes the Indianapolis public education corporation (corporation) and board (corporation board). Establishes the duties and powers of the corporation and corporation board. Provides that the Indianapolis public schools school corporation (school city) is not subject to building closure or certain transfer of school building laws. Allows only certain authorizers to grant or renew charters for charter schools located within the geographic boundaries of the school city. Specifies authority and duties of the corporation related to imposition of property taxes. Provides that the corporation is authorized to pursue a controlled project, operating referendum, or school safety referendum (instead of the school city). Requires the county auditor to transfer to the corporation a percentage of the amount of revenue collected from the operations fund property tax levy that would otherwise be distributed to the school city and applicable charter schools. Establishes the corporation operations fund.

Effective: Upon passage; July 1, 2026.

Behning, McGuire

January 8, 2026, read first time and referred to Committee on Education.
January 22, 2026, amended, reported — Do Pass. Referred to Committee on Ways and Means pursuant to Rule 126.3.

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January 22, 2026

Second Regular Session of the 124th General Assembly (2026)

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 2025 Regular Session of the General Assembly.

HOUSE BILL No. 1423

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 5-13-6-3, AS AMENDED BY P.L.166-2014,
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 UPON PASSAGE]: Sec. 3. (a) All taxes collected by the county
4 treasurer shall be deposited as one (1) fund in the several depositories
5 selected for the deposit of county funds and, except as provided in
6 subsection (b), remain in the depositories until distributed at the
7 following semiannual distribution made by the county auditor.

8 (b) Every county treasurer who, by virtue of the treasurer's office, is
9 the collector of any taxes for any political subdivision wholly or partly
10 within the county shall, not later than thirty (30) days after receipt of a
11 written request for funds filed with the treasurer by a proper officer of
12 any political subdivision within the county, provide to the county
13 auditor the amount available for distribution, as certified for each
14 semiannual distribution under IC 6-1.1-27-2. The county auditor shall
15 advance to that political subdivision a portion of the taxes collected
16 before the semiannual distribution. The amount advanced may not
17 exceed the lesser of:

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- (1) ninety-five percent (95%) of the total amount collected at the time of the advance; or
- (2) ninety-five percent (95%) of the amount to be distributed at the semiannual distribution.

(c) Upon notice from the county treasurer of the amount to be advanced, the county auditor shall draw a warrant upon the county treasurer for the amount. The amount of the advance must be available immediately for the use of the political subdivision.

(d) At the semiannual distribution all the advances made to any political subdivision under subsection (b) shall be deducted from the total amount due any political subdivision as shown by the distribution.

(e) If a county auditor fails to make a distribution of tax collections by the deadline for distribution under subsection (b), a political subdivision that was to receive a distribution may recover interest on the undistributed tax collections under IC 6-1.1-27-1.

(f) Subject to this section, the Indianapolis public education corporation board established by IC 20-25.3-3-2 may file with the county treasurer a written request under this section for an advance of the funds certified for the first semiannual distribution in 2026 to be distributed to the corporation board under IC 20-46-8-11.2(j). The corporation board shall deposit money advanced by the county auditor in the public education corporation operations fund created by IC 20-25.3-6-1. This subsection expires July 1, 2027.

SECTION 2. IC 6-1.1-1-14.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 14.5. "Public education corporation"** refers to the Indianapolis public education corporation established by IC 20-25.3-3-1.

SECTION 3. IC 6-1.1-17-20, AS AMENDED BY P.L.230-2025, SECTION 43, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 20. (a) This section:

(1) applies to each governing body of a taxing unit that is not comprised of a majority of officials who are elected to serve on the governing body; **and**

(2) does not apply to the public education corporation.

For purposes of this section, an individual who qualifies to be appointed to a governing body or serves on a governing body because of the individual's status as an elected official of another taxing unit shall be treated as an official who was not elected to serve on the governing body.

(b) As used in this section, "taxing unit" has the meaning set forth



1 in IC 6-1.1-1-21, except that the term does not include a public library
2 or an entity whose tax levies are subject to review and modification by
3 a city-county legislative body under IC 36-3-6-9.

4 (c) If:

5 (1) the assessed valuation of a taxing unit is entirely contained
6 within a city or town; or
7 (2) the assessed valuation of a taxing unit is not entirely contained
8 within a city or town but:

9 (A) the taxing unit was originally established by the city or
10 town; or

11 (B) the majority of the individuals serving on the governing
12 body of the taxing unit are appointed by the city or town;

13 the governing body shall submit its proposed budget and property tax
14 levy to the city or town fiscal body. The proposed budget and levy shall
15 be submitted to the city or town fiscal body in the manner prescribed
16 by the department of local government finance before September 2 of
17 a year.

18 (d) If subsection (c) does not apply, the governing body of the taxing
19 unit shall submit its proposed budget and property tax levy to the
20 county fiscal body in the county where the taxing unit has the most
21 assessed valuation. The proposed budget and levy shall be submitted
22 to the county fiscal body in the manner prescribed by the department
23 of local government finance before September 2 of a year.

24 (e) The fiscal body of the city, town, or county (whichever applies)
25 shall review each budget and proposed tax levy and adopt a final
26 budget and tax levy for the taxing unit. The fiscal body may reduce or
27 modify but not increase the proposed budget or tax levy.

28 (f) If a taxing unit fails to file the information required in subsection
29 (c) or (d), whichever applies, with the appropriate fiscal body by the
30 time prescribed by this section, when calculating the maximum ad
31 valorem property tax levy under IC 6-1.1-18.5-3(a) for the taxing unit
32 for the ensuing budget year, instead of multiplying the maximum levy
33 growth quotient determined under IC 6-1.1-18.5-2(b) or
34 IC 6-1.1-18.5-2(e) (as applicable) for the year by the taxing unit's
35 maximum permissible ad valorem property tax levy for the preceding
36 calendar year as prescribed in STEP TWO of IC 6-1.1-18.5-3(a), for
37 purposes of STEP TWO of IC 6-1.1-18.5-3(a), the taxing unit's
38 maximum permissible ad valorem property tax levy for the preceding
39 calendar year must instead be multiplied by the result of the following:

40 STEP ONE: Determine:

41 (A) the result of STEP FOUR of IC 6-1.1-18.5-2(b) or STEP
42 FIVE of IC 6-1.1-18.5-2(e) (as applicable); minus



(B) one (1).

STEP TWO: Multiply:

(A) the STEP ONE result; by

(B) eight-tenths (0.8).

STEP THREE: Add one (1) to the STEP TWO result.

6 However, if the taxing unit files the information as required in
7 subsection (c) or (d), whichever applies, for the budget year
8 immediately following the budget year for which the formula under this
9 subsection is applied, when calculating the maximum ad valorem
10 property tax levy under IC 6-1.1-18.5-3(a) for the taxing unit for the
11 subsequent budget year, the taxing unit's maximum permissible ad
12 valorem property tax levy must be calculated as if the formula under
13 this subsection had not been applied for the affected budget year.

14 (g) If the appropriate fiscal body fails to complete the requirements
15 of subsection (e) before the adoption deadline in section 5 of this
16 chapter for any taxing unit subject to this section, when calculating the
17 maximum ad valorem property tax levy under IC 6-1.1-18.5-3(a) for
18 the city, town, or county for the ensuing budget year, instead of
19 multiplying the maximum levy growth quotient determined under
20 IC 6-1.1-18.5-2(b) or IC 6-1.1-18.5-2(e) (as applicable) for the year by
21 the city's, town's, or county's maximum permissible ad valorem
22 property tax levy for the preceding calendar year as prescribed in STEP
23 TWO of IC 6-1.1-18.5-3(a), for purposes of STEP TWO of
24 IC 6-1.1-18.5-3(a), the city's, town's, or county's maximum permissible
25 ad valorem property tax levy for the preceding calendar year must
26 instead be multiplied by the result of the following:

STEP ONE: Determine:

(A) the result of STEP FOUR of IC 6-1.1-18.5-2(b) or STEP

FIVE of IC 6-1.1-18.5-2(e) (as applicable); minus

(B) one (1).

STEP TWO: Multiply:

(A) the STEP ONE result; by

(B) eight-tenths (0.8).

STEP THREE: Add one (1) to the STEP TWO result.

35 However, if the city, town, or county files the information as required
36 in subsection (e) for the budget year immediately following the budget
37 year for which the formula under this subsection is applied, when
38 calculating the maximum ad valorem property tax levy under
39 IC 6-1.1-18.5-3(a) for the city, town, or county for the subsequent
40 budget year, the unit's maximum permissible ad valorem property tax
41 levy must be calculated as if the formula under this subsection had not
42 been applied for the affected budget year.



1 SECTION 4. IC 6-1.1-17-20.5, AS AMENDED BY P.L.113-2010,
2 SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 UPON PASSAGE]: Sec. 20.5. (a) This section:

4 (1) applies to the governing body of a taxing unit unless a
5 majority of the governing body is comprised of officials who are
6 elected to serve on the governing body; **and**

7 (2) **does not apply to the public education corporation.**

8 For purposes of this section, an individual who qualifies to be
9 appointed to a governing body or serves on a governing body because
10 of the individual's status as an elected official of another taxing unit
11 shall be treated as an official who was not elected to serve on the
12 governing body.

13 (b) As used in this section, "taxing unit" has the meaning set forth
14 in IC 6-1.1-1-21, except that the term does not include:

15 (1) a school corporation; or

16 (2) an entity whose tax levies are subject to review and
17 modification by a city-county legislative body under IC 36-3-6-9.

18 (c) If:

19 (1) the assessed valuation of a taxing unit is entirely contained
20 within a city or town; or

21 (2) the assessed valuation of a taxing unit is not entirely contained
22 within a city or town but the taxing unit was originally established
23 by the city or town;

24 the governing body of the taxing unit may not issue bonds or enter into
25 a lease payable in whole or in part from property taxes unless it obtains
26 the approval of the city or town fiscal body.

27 (d) However, in the case of a public library that is subject to this
28 section and is described in subsection (c), the public library may not
29 issue bonds or enter into a lease payable in whole or in part from
30 property taxes unless it obtains the approval of the county fiscal body,
31 rather than the city or town fiscal body, if more than fifty percent (50%)
32 of the parcels of real property within the jurisdiction of the public
33 library are located outside the city or town. The requirement that the
34 public library must obtain the approval of the county fiscal body (rather
35 than the city or town fiscal body) if more than fifty percent (50%) of
36 the parcels of real property within the jurisdiction of the public library
37 are located outside the city or town does not apply to the issuance of
38 bonds or the execution of a lease:

39 (1) for which a decision or preliminary determination was made
40 under IC 6-1.1-20 before December 31, 2010; or

41 (2) that is approved by the city or town fiscal body or the county
42 fiscal body before December 31, 2010.



6 SECTION 5. IC 6-1.1-17-21.5 IS ADDED TO THE INDIANA
7 CODE AS A NEW SECTION TO READ AS FOLLOWS
8 [EFFECTIVE UPON PASSAGE]: **Sec. 21.5.** After March 31, 2026,
9 the public education corporation has all the powers and shall
10 perform all the duties assigned to the school city (as defined in
11 IC 20-25-2-12) under this chapter related to the fixing and
12 reviewing of budgets, tax rates, and tax levies.

13 SECTION 6. IC 6-1.1-18.5-2, AS AMENDED BY P.L.68-2025,
14 SECTION 59, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
15 UPON PASSAGE]: Sec. 2. (a) As used in this section, "Indiana
16 nonfarm personal income" means the estimate of total nonfarm
17 personal income for Indiana in a calendar year as computed by the
18 federal Bureau of Economic Analysis using any actual data for the
19 calendar year and any estimated data determined appropriate by the
20 federal Bureau of Economic Analysis.

21 (b) Except as provided in subsections (c) and (e), for purposes of
22 determining a civil taxing unit's maximum permissible ad valorem
23 property tax levy for an ensuing calendar year, the civil taxing unit
24 shall use the maximum levy growth quotient determined in the last
25 STEP of the following STEPS:

26 STEP ONE: For each of the six (6) calendar years immediately
27 preceding the year in which a budget is adopted under
28 IC 6-1.1-17-5 for the ensuing calendar year, divide the Indiana
29 nonfarm personal income for the calendar year by the Indiana
30 nonfarm personal income for the calendar year immediately
31 preceding that calendar year, rounding to the nearest
32 one-thousandth (0.001).

33 STEP TWO: Determine the sum of the STEP ONE results.

36 STEP FOUR: Determine the lesser of the following:

37 (A) The STEP THREE quotient.

38 (B) One and six-hundredths (1.06).

39 (c) Except as provided in subsection (f), a school corporation, **or, in**
40 **the case of a school city (as defined in IC 20-25-2-12), the public**
41 **education corporation,** shall use for its operations fund maximum
42 levy calculation under IC 20-46-8-1 the maximum levy growth quotient



1 determined in the last STEP of the following STEPS:

2 STEP ONE: Determine for each school corporation, the average
3 annual growth in net assessed value using the three (3) calendar
4 years immediately preceding the year in which a budget is
5 adopted under IC 6-1.1-17-5 for the ensuing calendar year.

6 STEP TWO: Determine the greater of:

7 (A) zero (0); or

8 (B) the STEP ONE amount minus the sum of:

9 (i) the maximum levy growth quotient determined under
10 subsection (b) minus one (1); plus

11 (ii) two-hundredths (0.02).

12 STEP THREE: Determine the lesser of:

13 (A) the STEP TWO amount; or

14 (B) four-hundredths (0.04).

15 STEP FOUR: Determine the sum of:

16 (A) the STEP THREE amount; plus

17 (B) the maximum levy growth quotient determined under
18 subsection (b).

19 STEP FIVE: Determine the greater of:

20 (A) the STEP FOUR amount; or

21 (B) the maximum levy growth quotient determined under
22 subsection (b).

23 (d) The budget agency shall provide the maximum levy growth
24 quotient for the ensuing year to civil taxing units, school corporations,
25 **the public education corporation (in the case of a school city (as
26 defined in IC 20-25-2-12))**, and the department of local government
27 finance before July 1 of each year.

28 (e) This subsection applies only for purposes of determining the
29 maximum levy growth quotient to be used in determining a civil taxing
30 unit's maximum permissible ad valorem property tax levy in calendar
31 years 2024, 2025, and 2026. For purposes of determining the maximum
32 levy growth quotient in calendar years 2024, 2025, and 2026, instead
33 of the result determined in the last STEP in subsection (b), the
34 maximum levy growth quotient is determined in the last STEP of the
35 following STEPS:

36 STEP ONE: Determine the result of STEP FOUR of subsection
37 (b), calculated as if this subsection was not in effect.

38 STEP TWO: Subtract one (1) from the STEP ONE result.

39 STEP THREE: Multiply the STEP TWO result by eight-tenths
40 (0.8).

41 STEP FOUR: Add one (1) to the STEP THREE result.

42 STEP FIVE: Determine the lesser of:



- (A) the STEP FOUR result; or
- (B) one and four-hundredths (1.04).

3 (f) This subsection applies only for purposes of determining the
4 maximum levy growth quotient to be used in determining a school
5 corporation's, **or, in the case of a school city (as defined in**
6 **IC 20-25-2-12), the public education corporation's**, operations fund
7 maximum levy in calendar years 2024, 2025, and 2026. For purposes
8 of determining the maximum levy growth quotient in calendar years
9 2024, 2025, and 2026, instead of the result determined in the last STEP
10 in subsection (c), the maximum levy growth quotient is determined in
11 the last STEP of the following STEPS:

12 STEP ONE: Determine the result of STEP FIVE of subsection (c),
13 calculated as if this subsection was not in effect.

14 STEP TWO: Subtract one (1) from the STEP ONE result.

15 STEP THREE: Multiply the STEP TWO result by eight-tenths (0.8).
16

17 STEP FOUR: Add one (1) to the STEP THREE result.

18 STEP FIVE: Determine the lesser of:

19 (A) the STEP FOUR result; or
20 (B) one and four-hundredths (1.04).

21 SECTION 7. IC 6-1.1-20-0.3 IS ADDED TO THE INDIANA
22 CODE AS A NEW SECTION TO READ AS FOLLOWS
23 [EFFECTIVE UPON PASSAGE]: **Sec. 0.3. (a) Subject to subsection**
24 **(b), after March 31, 2026, a school city (as defined in**
25 **IC 20-25-2-12) may not exercise the powers and duties under this**
26 **chapter and instead the public education corporation assumes the**
27 **powers and duties of the school city as set forth in IC 20-25-3-5.**

31 SECTION 8. IC 20-18-2-14.5 IS ADDED TO THE INDIANA
32 CODE AS A NEW SECTION TO READ AS FOLLOWS
33 [EFFECTIVE UPON PASSAGE]: Sec. 14.5. "Public education
34 corporation" refers to the Indianapolis public education
35 corporation established by IC 20-25.3-3-1.

36 SECTION 9. IC 20-24-3-20 IS ADDED TO THE INDIANA CODE
37 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE
38 UPON PASSAGE]: **Sec. 20.** (a) Beginning April 1, 2026, a charter
39 may not be granted or renewed by an authorizer for a charter
40 school located within the geographic boundaries of the school city
41 (as defined in IC 20-25-2-12) except by one (1) of the following:

(1) The charter board.



(2) The executive (as defined in IC 36-1-2-5) of a consolidated city.

(3) The school city.

(b) A charter school that was granted a charter before April 1, 2026, by an authorizer other than an authorizer listed in subsection (a) may continue operating with that authorizer until the term of the charter expires or is terminated, whichever occurs earlier. After the termination or expiration of the charter, a charter for a charter school described in subsection (a) may only be granted or renewed by an authorizer described in subsection (a).

SECTION 10. IC 20-25-3-0.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 0.5.** The board of commissioners has all of the powers and duties established under this article except for the powers and duties granted to the Indianapolis public education corporation under IC 20-25.3.

SECTION 11. IC 20-25-4-23 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 23. Notwithstanding any other law, after March 31, 2026, the school city may not issue bonds or otherwise incur indebtedness payable in whole or in part from a pledge of property tax revenue, excise tax revenue, or local income tax revenue.

SECTION 12. IC 20-25.3 IS ADDED TO THE INDIANA CODE AS A NEW ARTICLE TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

ARTICLE 25.3. INDIANAPOLIS PUBLIC EDUCATION CORPORATION

Chapter 1. Scope of Authority

Sec. 1. The Indianapolis public education corporation exists and shall operate for the public purpose of establishing a unified student transportation, school property, and school performance system within the geographic boundaries of the school city that maximizes the efficient use of taxpayer provided resources, respects the decision making of individual public schools and the school city, and creates the best conditions for student learning and success.

Sec. 2. This article shall be liberally construed to effect the purposes of this article. If any other law or rule is inconsistent with this article, this article is controlling as to the administration and management of school property, transportation, and school performance within the geographic boundaries of the school city.



1 **undertaken under this article.**
 2

3 **Chapter 2. Definitions**

4 **Sec. 1. The definitions in:**

5 **(1) this chapter; and**

6 **(2) except as provided in section 2 of this chapter, IC 20-25-2;
 apply throughout this article.**

7 **Sec. 2. "Board of school commissioners" refers to the board of
 school commissioners established by IC 20-25-3-1.**

8 **Sec. 3. "Corporation" refers to the Indianapolis public
 education corporation established by IC 20-25.3-3-1.**

9 **Sec. 4. "Corporation board" refers to the Indianapolis public
 education corporation board established by IC 20-25.3-3-2.**

10 **Sec. 5. "Mayor" refers to the mayor of a consolidated city.**

11 **Sec. 6. "Participating school" means the following schools:**

12 **(1) A school maintained by the school city.**

13 **(2) The following that are located within the geographic
 boundaries of the school city:**

14 **(A) A participating innovation network school.**

15 **(B) A participating innovation network charter school.**

16 **(C) A charter school.**

17 **Sec. 7. "School property" means a building or real property
 that is:**

18 **(1) leased or owned by the school city or a participating
 school; and**

19 **(2) located within the geographic boundaries of the school
 city.**

20 **Chapter 3. Indianapolis Public Education Corporation**

21 **Sec. 1. There is established in a county containing a consolidated
 city for the public purposes set forth in this article a distinct
 municipal corporation to be known as the Indianapolis Public
 Education Corporation.**

22 **Sec. 2. (a) The corporation is governed by the Indianapolis
 public education corporation board appointed under this section.**

23 **(b) The corporation board is comprised of the following nine (9)
 members:**

24 **(1) Three (3) members appointed by the mayor who are
 leaders of participating innovation network charter schools or
 charter schools located within the geographic boundaries of
 the school city.**

25 **(2) Three (3) members appointed by the mayor who are
 members of the board of school commissioners.**

26 **(3) Three (3) members appointed by the mayor who have:**



(A) expertise in management, capital planning, facilities, transportation, or logistics; or

(B) experience in working with vulnerable student populations and communities.

(c) All members of the corporation board must reside within the geographic boundaries of the school city.

(d) The mayor shall appoint one (1) of the members of the corporation board as chairperson of the corporation board.

Sec. 3. (a) The term of office of an appointed member of the corporation board is six (6) years. The member's term begins on July 1 after the appointment.

(b) Each member holds office for the term of appointment and continues to serve after expiration of the appointment until a successor is appointed and qualified. A member is eligible for reappointment.

(c) If there is a vacancy in the corporation board, the mayor shall fill the vacancy for the unexpired term.

(d) A vacancy occurs if a member dies, resigns, changes residence of the county, or ceases to be a:

(1) leader of a participating innovation network charter school or charter school located within the geographic boundaries of the school city; or

(2) member of the board of commissioners.

(e) A member of the corporation board may be removed for cause by the mayor.

Sec. 4. (a) A majority of the corporation board members constitutes a quorum for a meeting. The corporation board may act by an affirmative vote of a majority of the corporation board.

(b) A vacancy in the membership of the corporation board does not impair the right of a quorum to exercise all rights and perform all duties of the corporation board.

Sec. 5. Meetings of the members of the corporation board shall be held at the call of the chairperson. The members shall meet at least once every three (3) months to attend to the business of the corporation.

Sec. 6. The members of the corporation board are not entitled to any salary, per diem, or other reimbursements or compensation to serve on the corporation board.

Sec. 7. The corporation board shall keep the corporation board's documents in the office of the corporation or in an electronic format. The corporation board shall record the aye and nay vote on the final passage of any item of business and on any



1 other item if two (2) corporation board members request that the
2 votes be recorded by ayes and nays.

3 Sec. 8. (a) The corporation board shall adopt rules of procedure
4 for corporation board meetings. The corporation board may
5 suspend the rules of procedure by unanimous vote of the members
6 present at the meeting. The corporation board shall not suspend
7 the rules of procedure beyond the duration of the meeting at which
8 the suspension of rules occurs.

9 (b) The corporation board may exercise the powers to supervise
10 internal affairs common to municipal legislative and
11 administrative bodies.

12 Sec. 9. The corporation board shall exercise the executive and
13 legislative powers of the corporation.

14 Sec. 10. (a) The corporation board shall appoint an individual
15 recommended by the mayor as the executive director of the
16 corporation.

17 (b) The executive director:

18 (1) serves at the pleasure of the corporation board; and

19 (2) shall do the following:

20 (A) Administer, manage, and direct the affairs and
21 activities of the corporation and any employees of the
22 corporation in accordance with the policies and under the
23 control and direction of the members of the corporation
24 board.

25 (B) Approve all allowable expenses of the corporation or of
26 any employee or consultant, and expenses incidental to the
27 operation of the corporation.

28 (C) Perform other duties as may be directed by the
29 members of the corporation board in carrying out the
30 purposes of this article.

31 (c) The corporation board shall set the salaries of the executive
32 director and any employees of the corporation.

33 Sec. 11. (a) Notwithstanding section 3 of this chapter, the
34 following applies to the members initially appointed to the
35 corporation board:

36 (1) The mayor shall appoint members to the corporation
37 board not later than March 31, 2026.

38 (2) The term of each member begins on the date that the
39 member is appointed under subdivision (1).

40 (3) The terms of the members are as follows:

41 (A) One (1) member appointed under section 2(b)(1),
42 2(b)(2), and 2(b)(3) of this chapter shall each serve until



1 **July 1, 2029.**

2 **(B) One (1) member:**

3 (i) appointed under section 2(b)(1), 2(b)(2), and 2(b)(3) of
4 this chapter; and
5 (ii) who is not a member described in clause (A) or (C);
6 shall each serve until July 1, 2030.

7 **(C) One (1) member:**

8 (i) appointed under section 2(b)(1), 2(b)(2), and 2(b)(3) of
9 this chapter; and
10 (ii) who is not a member described in clause (A) or (B);
11 shall each serve until July 1, 2031.

12 **(b) This section expires January 1, 2032.**

13 **Chapter 4. General Duties and Powers**

14 **Sec. 1. The corporation, in its corporate name, may do the
15 following:**

- 16 (1) Sue and be sued in a court of competent jurisdiction.
- 17 (2) Enter into contracts.
- 18 (3) Acquire and dispose of real, personal, and mixed property
19 by deed, purchase, gift, grant, devise, lease, condemnation, or
20 otherwise.
- 21 (4) Make and adopt appropriate regulations, orders, rules,
22 and resolutions.
- 23 (5) Do all things reasonable or necessary to carry out the
24 work and perform the corporation's duties under this
25 chapter.

26 **Sec. 2. (a) In carrying out the purpose of the corporation, the
27 corporation board is granted all powers necessary or appropriate
28 to do the following:**

- 29 (1) Beginning with the 2028-2029 school year, control the
30 management and operation of school property.
- 31 (2) Establish, in collaboration with the nonprofit organization
32 leading the transportation and centralized school facilities
33 pilot program in Marion County, a unified transportation
34 plan in accordance with section 5 of this chapter and,
35 beginning with the 2028-2029 school year, lead and oversee
36 the provision of transportation of all students to and from
37 participating schools within the geographic boundaries of the
38 school city.
- 39 (3) Develop and implement a single school performance
40 framework in accordance with section 3 of this chapter that
41 applies to all participating schools.
- 42 (4) Manage a unified enrollment system applicable to all



1 participating school students.

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(9) 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 corporation board 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, or by lease with or without option to purchase, or by lease under IC 20-47-2 or IC 20-47-3



1 the repair, remodeling, removal, or demolition of the real
2 estate, real estate improvements, or interest in the real estate
3 or real estate improvements that the corporation owns, as the
4 corporation board considers necessary for school purposes.

5 (11) Acquire personal property or an interest in personal
6 property as the corporation board considers necessary for
7 school purposes, including buses, motor vehicles, equipment,
8 apparatus, and appliances, either by cash purchase or under
9 conditional sales or purchase money contracts providing for
10 a security interest by the seller until payment is made or by
11 notes where the contract, security, retention, or note is
12 permitted by applicable law, by gift, by devise, by loan, or by
13 lease with or without option to purchase and to repair,
14 remodel, remove, relocate, and demolish the personal
15 property. All purchases and contracts specified under the
16 powers authorized under subdivisions (9) and (10) and this
17 subdivision are subject solely to applicable law relating to
18 purchases and contracting by municipal corporations in
19 general and to the supervisory control of state agencies as
20 provided in section 8 of this chapter.

21 (12) To sell or exchange real or personal property or interest
22 in real or personal property that, in the opinion of the
23 corporation board, is not necessary for school purposes to
24 demolish or otherwise dispose of the property if, in the
25 opinion of the corporation board, the property is not
26 necessary for school purposes and is worthless, and to pay the
27 expenses for the demolition or disposition.

28 (13) Contract with or employ staff to execute the
29 corporation's duties.

30 (14) Fix and pay the salaries of the executive director and any
31 employees of the corporation.

31 employees of the corporation.
32 (15) Maintain an office or offices at a place or places within
33 the geographic boundaries of the school city as the
34 corporation board may designate.

35 (16) To make budgets, to appropriate funds, and to disburse
36 the money, as applicable, of the corporation in accordance
37 with the formula established under subdivision (6). To borrow
38 money against current tax collections and otherwise to
39 borrow money, in accordance with JC 20-48-1.

(17) Procure insurance against any loss in connection with its property and other assets, including loans and loan notes in amounts and from insurers as the corporation board may



1 **consider advisable.**

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

6 **(19) To defend a member of the corporation board or any**
7 **employee of the corporation in any suit arising out of the**
8 **performance of the member's or employee's duties for or**
9 **employment with, the corporation, if the corporation board**
10 **by resolution determined that the action was taken in good**
11 **faith. To save any member or employee harmless from any**
12 **liability, cost, or damage in connection with the performance,**
13 **including the payment of legal fees, except where the liability,**
14 **cost, or damage is predicated on or arises out of the bad faith**
15 **of the member or employee, or is a claim or judgment based**
16 **on the member's or employee's malfeasance as a member or**
17 **in employment.**

18 **(20) To prepare, make, enforce, amend, or repeal rules,**
19 **regulations, orders, and procedures:**

20 **(A) to carry out the purposes of the corporation; and**
21 **(B) that may be designated by an appropriate title such as**
22 **"policy handbook", "bylaws", or "rules and regulations".**

23 **(21) Regularly conduct assessments of school property.**

24 **(22) To exercise any other power and make any expenditure**
25 **in carrying out the general powers and purposes provided in**
26 **this article or in carrying out the powers delineated in this**
27 **section which is reasonable from a business or educational**
28 **standpoint in carrying out purposes of the corporation,**
29 **including the acquisition of property or the employment or**
30 **contracting for services, even though the power or**
31 **expenditure is not specifically set out in this chapter.**

32 **(b) The corporation board shall determine the percentage of**
33 **property tax revenue that the county auditor is required to**
34 **distribute to the corporation under IC 20-46-8-11.2(j) or**
35 **IC 20-46-8-12(m), as applicable. The amount determined under**
36 **this subsection may not exceed three percent (3%) of the total**
37 **amount of revenue to be distributed under IC 20-46-8-11.2(f),**
38 **IC 20-46-8-12(h), or IC 20-46-8-12(l), as applicable, to the school**
39 **city and to each charter school described in IC 20-46-8-12(m)(2)**
40 **for each settlement period described in IC 6-1.1-27-1.**

41 **(c) The corporation board shall, in collaboration with the school**
42 **city and the nonprofit organization leading the transportation and**



1 **centralized school facilities pilot program in Marion County, do**
 2 **the following:**

- 3 (1) Complete a feasibility study to determine the best
 4 approach for managing school property.
- 5 (2) Not later than November 30, 2026, submit to the legislative
 6 council in an electronic format under IC 5-14-6 a report that
 7 includes information regarding the corporation board's
 8 progress in completing the feasibility study under subdivision
 9 (1) and report under subdivision (3).
- 10 (3) Not later than November 30, 2027, prepare and submit a
 11 report regarding the feasibility study under subdivision (1) to
 12 the legislative council in an electronic format under IC 5-14-6.

13 This subsection expires July 1, 2028.

14 **Sec. 3. (a) The corporation board shall:**

- 15 (1) create a single school performance framework that applies
 16 to all participating schools; and
- 17 (2) implement the framework not later than the 2028-2029
 18 school year.

19 **(b) The school performance framework must:**

- 20 (1) set clear expectation for school performance;
- 21 (2) be based on multiple measures and metrics, including:
 - 22 (A) academic performance measures, including the
 23 performance assessment results under IC 20-31-8;
 - 24 (B) student assessment outcomes;
 - 25 (C) student discipline practices;
 - 26 (D) student enrollment;
 - 27 (E) physical condition of school property, including
 28 deferred maintenance;
 - 29 (F) short and long term financial health measures;
 - 30 (G) organizational health and governance measures; and
 - 31 (H) any additional measures relevant to student success as
 32 determined by the corporation board; and
- 33 (3) include a requirement to close chronically low performing
 34 participating schools.

35 **(c) Before a participating school may be closed as described in**
 36 **subsection (b)(3), the corporation shall:**

- 37 (1) consult with the department; and
- 38 (2) hold a public hearing within the geographic boundaries of
 39 the school city;

40 **regarding the proposed closure of the participating school.**

41 **(d) The corporation board shall submit to the legislative council**
 42 **in an electronic format under IC 5-14-6 the following:**



(1) Not later than August 1, 2026, a report that includes information regarding the corporation board's progress in creating a single school performance framework under this section, including information related to the progress on the plan to close inefficient school buildings.

(2) Not later than November 30, 2026, the single school performance framework created under this section.

Sec. 4. The corporation board may establish an advisory committee to assist the corporation board in creating and implementing the school performance framework described in section 3 of this chapter.

Sec. 5. (a) The corporation board shall do the following:

(1) Establish a unified transportation plan regarding the provision of transportation of all students to and from participating schools within the geographic boundaries of the school city.

(2) Include in the unified transportation plan the amount needed to fully fund the plan.

(3) Not later than November 30, 2026, submit to the legislative council in an electronic format under IC 5-14-6 a report that includes information regarding the corporation board's progress in completing the unified transportation plan.

(4) Not later than November 30, 2027, submit the unified transportation plan to the legislative council in an electronic format under IC 5-14-6.

(b) The corporation board shall implement the unified transportation plan beginning in the 2028-2029 school year.

Sec. 6. The school city and all participating schools:

- (1) are required to provide transportation to the students of the school city or participating schools through the unified transportation plan implemented by the corporation board;
- (2) shall enter into contracts with the corporation board; and
- (3) shall comply with any applicable regulations, orders, rules, and resolutions adopted by the corporation board.

Sec. 7. The corporation is subject to required audits by the state board of accounts under IC 5-11-1-9.

Sec. 8. All powers delegated to the corporation under this chapter are subject to all applicable laws subjecting a school corporation to regulation by a state agency, including the secretary of education, state board of accounts, state police department, fire prevention and building safety commission, department of local government finance, environmental rules board, state school bus



1 committee, Indiana department of health, and any local
 2 governmental agency to which the state has been delegated a
 3 specific authority in matters other than educational matters and
 4 other than finance, including plan commissions, zoning boards, and
 5 boards concerned with health and safety.

6 Sec. 9. Nothing in this article may be construed to impair a
 7 contract that was entered into before the effective date of this
 8 article. However, after the effective date of this article, the school
 9 city or a participating school may not enter into, renew, or extend
 10 a contract that is not in compliance with:

11 (1) this article;
 12 (2) a contract entered into by the school city or participating
 13 school under this article; or
 14 (3) any regulation, order, rule, or resolution adopted by the
 15 corporation board.

16 **Chapter 5. Financial and Administrative Powers and Duties**

17 Sec. 1. (a) Any indebtedness, liabilities, and obligations incurred
 18 before April 1, 2026, by the school city or any participating school,
 19 remain the debt, liability, or obligation of the school city or
 20 participating school and do not become the debt, liability, or
 21 obligation of and may not be assumed by the corporation. The
 22 rights of the bondholders remain unchanged.

23 (b) Any indebtedness, liabilities, and obligations incurred after
 24 March 31, 2026, by the corporation are the debt, liability, or
 25 obligation of the corporation.

26 Sec. 2. After March 31, 2026, the school city may not take any
 27 action under the procedures set forth in IC 5-1 and instead the
 28 corporation shall assume the powers and duties of the school city
 29 under IC 5-1.

30 Sec. 3. After March 31, 2026, the corporation has all the powers
 31 and shall perform all the duties assigned to the school city under
 32 IC 6-1.1-17 related to the fixing and reviewing of budgets, tax
 33 rates, and tax levies. The school city shall provide records and
 34 information as necessary for the corporation to carry out its duties.

35 Sec. 4. (a) Except as provided in subsections (b) and (c), after
 36 March 31, 2026, the school city may not take any action under the
 37 procedures set forth in IC 6-1.1-20 and instead the corporation
 38 shall assume the powers and duties of the school city under
 39 IC 6-1.1-20 in the territory of the school city.

40 (b) Notwithstanding subsection (a), property tax revenue
 41 received from a referendum debt service tax levy that is approved
 42 by the voters after March 31, 2026, shall be distributed to the



1 **school city in the manner provided under IC 6-1.1-20.**

2 (c) A referendum debt service tax levy that is approved by the
3 voters before April 1, 2026, shall continue to be imposed after
4 March 31, 2026, and the school city shall continue to use the
5 revenue from the referendum debt service levy to pay debt service
6 on the same terms, for the same period of time, and for the same
7 purposes for which it was originally approved by the voters.

8 **Sec. 5.** (a) Except as provided in subsections (b) and (c), after
9 March 31, 2026, the school city may not take any action under the
10 procedures set forth in IC 20-46-1 and instead the corporation
11 shall assume the powers and duties of the school city under
12 IC 20-46-1 in the territory of the school city.

13 (b) Notwithstanding subsection (a), property tax revenue
14 received from an operating referendum tax levy that is approved
15 by the voters after March 31, 2026, shall be distributed to the
16 school city and applicable charter schools in the manner provided
17 under IC 20-46-1.

18 (c) An operating referendum tax levy that is approved by the
19 voters before April 1, 2026, shall continue to be imposed after
20 March 31, 2026, through the end of the term and the school city
21 shall continue to use the revenue from the operating referendum
22 tax levy for the same purposes for which it was originally approved
23 by the voters through the end of the term of the referendum.

24 **Sec. 6.** Beginning July 1, 2026, the corporation shall assume the
25 powers and duties of the school city under IC 20-46-7, including
26 control and management of the corresponding fund created under
27 IC 20-40-9. Beginning with the January 1, 2027, assessment date,
28 and for each assessment date thereafter, the corporation shall
29 impose an annual property tax levy in the territory of the school
30 city. Property tax revenue received from the tax levy shall be used
31 to pay outstanding debts and obligations.

32 **Sec. 7.** (a) Except as provided in subsection (b), beginning July
33 1, 2026, the corporation shall assume the powers and duties of the
34 school city to impose a levy under IC 20-46-8. Beginning with the
35 January 1, 2027, assessment date, and for each assessment date
36 thereafter, the corporation shall impose an annual property tax
37 levy in the territory of the school city.

38 (b) Notwithstanding subsection (a), property tax revenue
39 received from a tax levy imposed under IC 20-46-8 for assessment
40 dates after December 31, 2026, shall be distributed to the school
41 city and applicable charter schools in the manner provided under
42 IC 20-46-8.



1 **Sec. 8. (a) Except as provided in subsection (b), after March 31,**
 2 **2026, the school city may not take any action under the procedures**
 3 **set forth in IC 20-46-9 and instead the corporation shall assume the**
 4 **powers and duties of the school city under IC 20-46-9 in the**
 5 **territory of the school city.**

6 **(b) Notwithstanding subsection (a), property tax revenue**
 7 **received from a school safety referendum tax levy that is approved**
 8 **by the voters after March 31, 2026, shall be distributed to the**
 9 **school city and applicable charter schools in the manner provided**
 10 **under IC 20-46-9.**

11 **Chapter 6. Indianapolis Public Education Corporation**
 12 **Operations Fund**

13 **Sec. 1. The corporation shall create a corporation operations**
 14 **fund to be used by the corporation for the purposes of the**
 15 **corporation.**

16 **Sec. 2. The corporation operations fund shall be used to deposit**
 17 **revenue received under IC 20-46-8-11.2(j) and IC 20-46-8-12(m).**

18 **Sec. 3. Expenditures from the corporation operations fund may**
 19 **be made only after appropriation in the annual budget or by an**
 20 **additional appropriation under IC 6-1.1-18-5.**

21 **Sec. 4. (a) Any balance in the corporation operations fund may**
 22 **be invested in the manner provided for investment of money by a**
 23 **political subdivision. The net proceeds from the investment become**
 24 **a part of the corporation operations fund.**

25 **(b) Any balance, or a part of the balance, remaining in the**
 26 **corporation operations fund at the end of a year may be retained**
 27 **in the corporation operations fund.**

28 **Sec. 5. The corporation may use money in the corporation**
 29 **operations fund to carry out the purposes of the corporation.**

30 SECTION 13. IC 20-26-7-47, AS AMENDED BY P.L.36-2024,
 31 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 32 UPON PASSAGE]: Sec. 47. (a) The following definitions apply
 33 throughout this section:

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

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

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

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



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

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

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

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

(b) This section:

(1) applies to a school corporation only if:

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

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

and
)) does no

IC 20-25-2-12).
(c) Each school year, the governing body of a school corporation shall review the usage of school buildings used by the school corporation to determine whether any school building should be closed for the ensuing school year and subsequent school years.

(d) A school corporation shall close a school building for the ensuing school year (and subsequent school years) if:

(1) at any time the school building had been used for classroom instruction;

instruction,
(2) in the current school year and the two (2) school years immediately preceding the current school year the school building was underutilized for classroom instruction purposes or other allowable uses specified by this section;

(3) as of the end of the school year before the school building is required to be closed under this section, the school corporation was not subject to a transitional plan adopted by the governing body and approved by the department to use the school building for an allowable use not later than the next school year after the school building is otherwise required to be closed under this section;



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

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

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

15 (1) The number of full-time equivalent students enrolled for
16 in-person instruction in the school building on instructional days
17 (as determined under IC 20-30-2) for instructional purposes,
18 averaged over the current school year and the two (2) school years
19 immediately preceding the current school year, is at least fifty
20 percent (50%) of:

21 (A) the known classroom design capacity of the school
22 building; or

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

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

38 (A) the known classroom design capacity of the school
39 building; or

40 (B) if the design capacity is not known, the average maximum
41 full-time equivalent enrollment in any of the last twenty-five
42 (25) years, as validated by records created or maintained by



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

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

25 district.
26 (5) 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 combination of office
30 space and storage. However, to be an allowable use under this
31 subdivision, at least fifty percent (50%) of the square footage of
32 the school building must be used for a combination of office
33 space and storage and:

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

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



district.

(f) Closure of a school building that is:

- (1) owned by the school corporation or any other entity that is related in any way to, or created by, the school corporation or the governing body; or
- (2) jointly owned in the same manner by two (2) or more school corporations;

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

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

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

(i) An interested person that is not otherwise a party to the proceeding may intervene in the proceeding under subsection (h) as a party. The school corporation has the burden of going forward with the evidence and the burden of proof to demonstrate that the school building does not meet the criteria for closure or the covered school building is not required to be made available under IC 20-26-7.1.

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

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

(A) is not contesting the petition; or

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

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

(k) If the school corporation:



13 (1) petitioner and any intervening party have submitted a reply
14 under subsection (1); or

15 (2) time period to reply under subsection (1) has expired.

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

25 SECTION 14. IC 20-26-7-48, AS ADDED BY P.L.189-2023,
26 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
27 UPON PASSAGE]: Sec. 48. (a) The following definitions apply
28 throughout this section:

29 (1) "Current school year" refers to a year in which the governing
30 body is required to conduct a review of school building usage
31 under section 47(c) of this chapter.

32 (2) "Enrollment" has the meaning set forth in section 47(a)(3) of
33 this chapter.

34 (b) This section:

35 (1) applies to a school corporation only if:

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



1 as a school building subject to closure under section 47 of this
2 chapter; and

3 **(2) does not apply to a school city (as defined in
4 IC 20-25-2-12).**

5 (c) Each school corporation shall annually report to the department,
6 in the form and on the schedule specified by the department, the
7 following information:

8 (1) A listing of all buildings owned or leased by the school
9 corporation that were originally designed as a school building.

10 (2) The following information for each building listed in
11 subdivision (1):

12 (A) Designed occupancy, regardless of current use.

13 (B) Current use (and percentage of use) for classroom
14 instruction, as special use classrooms, as office space, or as
15 storage or alternatively the building's status as transitioning
16 from one (1) use or combination of uses to another.

17 (C) The following information:

18 (i) Current average full-time equivalent student enrollment
19 for in-person instruction in the school building on
20 instructional days (as determined under IC 20-30-2) in a
21 school year.

22 (ii) Percentage of instructional use.

23 (iii) Percentage of use for other purposes.

24 (D) Self-evaluation of whether the building qualifies for
25 closure under section 47 of this chapter or the school board
26 otherwise intends to close the building and the date closure
27 will occur (if applicable).

28 SECTION 15. IC 20-26-7.1-1, AS AMENDED BY P.L.68-2025,
29 SECTION 209, IS AMENDED TO READ AS FOLLOWS
30 [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) For purposes of this
31 section, "charter school" does not include a virtual charter school or an
32 adult high school.

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

34 (1) A school building that since July 1, 2011, is leased or loaned
35 by the school corporation that owns the school building to another
36 entity, if the entity is not a building corporation or other entity that
37 is related in any way to, or created by, the school corporation or
38 the governing body.

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

40 (A) The county auditor distributes revenue after May 10, 2023,
41 as required under IC 20-46-1-21 or IC 20-46-1-22 to each
42 eligible charter school.



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

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.

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

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

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

(ii) elects to participate in the referendum.

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.

(B) The amount of referendum tax levy revenue that the school corporation is required to share with each charter school under the resolution described in clause (A) is equal to the amount determined applying the applicable formula under IC 20-46-1-21 or IC 20-46-1-22.

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

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

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

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

(ii) elects to participate in the referendum;

in an amount equal to the amount determined applying the formula under IC 20-46-9-22(d).

(4) A school city (as defined in IC 20-25-2-12).

(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



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

4 SECTION 16. IC 20-40-9-4, AS ADDED BY P.L.2-2006,
 5 SECTION 163, IS AMENDED TO READ AS FOLLOWS
 6 [EFFECTIVE UPON PASSAGE]: Sec. 4. **(a)** The governing body of
 7 each school corporation shall establish a debt service fund.

8 **(b)** Beginning July 1, 2026, and notwithstanding any other law,
 9 the public education corporation is responsible for control and
 10 management of the debt service fund created by the governing
 11 body of a school city (as defined in IC 20-25-2-12), including
 12 making payments of debt service.

13 **(c)** After June 30, 2026, the public education corporation shall
 14 use money in the fund:

15 **(1)** first, subject to IC 20-25.3-5-1, for payment of any
 16 obligation described under section 6 of this chapter and
 17 incurred by the school city (as defined in IC 20-25-2-12); and
 18 **(2)** next, for payment of any obligation described under
 19 section 6 of this chapter and incurred by the public education
 20 corporation.

21 SECTION 17. IC 20-46-1-0.5 IS ADDED TO THE INDIANA
 22 CODE AS A NEW SECTION TO READ AS FOLLOWS
 23 [EFFECTIVE UPON PASSAGE]: Sec. 0.5. **(a)** Subject to subsection
 24 **(b)**, after March 31, 2026, a school city (as defined in
 25 IC 20-25-2-12) may not exercise the powers and duties under this
 26 chapter and instead the public education corporation assumes the
 27 powers and duties of the school city as set forth in IC 20-25.3-5.

28 **(b)** Notwithstanding subsection **(a)**, the county auditor shall:
 29 **(1)** determine the amounts of revenue to be distributed to the
 30 school city and any charter schools as provided in section 21
 31 or 22 of this chapter, as applicable; and
 32 **(2)** distribute revenue collected from a levy imposed under
 33 this chapter to the school city and any charter schools as
 34 provided in section 21 or 22 of this chapter, as applicable.

35 SECTION 18. IC 20-46-7-0.5 IS ADDED TO THE INDIANA
 36 CODE AS A NEW SECTION TO READ AS FOLLOWS
 37 [EFFECTIVE UPON PASSAGE]: Sec. 0.5. Beginning with property
 38 taxes first due and payable after December 31, 2027:

39 **(1)** a school city (as defined in IC 20-25-2-12) may not impose
 40 the property tax levy or otherwise exercise the powers and
 41 duties under this chapter; and
 42 **(2)** the public education corporation shall impose the annual



1 **property tax levy under this chapter in the territory of the**
 2 **school city and assumes the powers and duties of the school**
 3 **city under this chapter as set forth in IC 20-25.3-5, including**
 4 **making debt service payments.**

5 SECTION 19. IC 20-46-8-0.5 IS ADDED TO THE INDIANA
 6 CODE AS A NEW SECTION TO READ AS FOLLOWS
 7 [EFFECTIVE UPON PASSAGE]: Sec. 0.5. (a) **Subject to subsection**
 8 **(b), beginning with property taxes first due and payable after**
 9 **December 31, 2027:**

10 (1) **a school city (as defined in IC 20-25-2-12) may not impose**
 11 **the property tax levy or otherwise exercise the powers and**
 12 **duties under this chapter; and**

13 (2) **the public education corporation shall impose the annual**
 14 **property tax levy under this chapter in the territory of the**
 15 **school city and assumes the powers and duties of the school**
 16 **city under this chapter as set forth in IC 20-25.3-5.**

17 (b) **Notwithstanding subsection (a), beginning with property**
 18 **taxes first due and payable after December 31, 2025, the county**
 19 **auditor shall:**

20 (1) **determine the amounts of revenue to be distributed to the**
 21 **public education corporation, the school city, and any charter**
 22 **schools as provided in section 11.2 or 12 of this chapter, as**
 23 **applicable; and**

24 (2) **distribute revenue collected from a levy imposed under**
 25 **this chapter to the public education corporation, the school**
 26 **city, and any charter schools as provided in section 11.2 or 12**
 27 **of this chapter, as applicable.**

28 SECTION 20. IC 20-46-8-11.2, AS AMENDED BY P.L.68-2025,
 29 SECTION 225, IS AMENDED TO READ AS FOLLOWS
 30 [EFFECTIVE UPON PASSAGE]: Sec. 11.2. (a) This section applies
 31 only to revenue collected after June 30, 2024, and before January 1,
 32 2028, from a tax levy imposed under this chapter by a school
 33 corporation located in:

34 (1) Lake County;
 35 (2) Marion County;
 36 (3) St. Joseph County; or
 37 (4) Vanderburgh County.

38 However, this section does not apply to, and distributions are not
 39 required for, a school corporation that is designated as a distressed
 40 political subdivision under IC 6-1.1-20.3.

41 (b) For distributions made in:

42 (1) calendar year 2025, and subject to subsection (c); and



(2) calendar years 2026 and 2027, and subject to subsections (c), (h), and (i);

3 the county auditor shall distribute to each charter school that is eligible
4 for a distribution under subsection (d), and as provided under
5 subsection (f), an amount of revenue received from a tax levy imposed
6 by a school corporation under this chapter that is attributable to the
7 territory of the school corporation that is located within the boundaries
8 of a county listed in subsection (a).

11 (1) A virtual charter school.
12 (2) An adult high school.

13 (d) Not later than March 1, 2025, January 1, 2026, and January 1,
14 2027, the department, in consultation with the department of local
15 government finance, shall determine the corresponding percentages of
16 revenue received from the tax levy that are attributable to the territory
17 of the school corporation that is located within the boundaries of a
18 county listed in subsection (a) and must be distributed among the
19 school corporation and each eligible charter school according to the
20 following formula:

21 STEP ONE: Determine each charter school that:

22 (A) is located in the same county as the school corporation;
23 and
24 (B) provides not more than fifty percent (50%) virtual
25 instruction for its students.

26 STEP TWO: Determine, for each charter school described in
27 STEP ONE, the number of students who:

28 (A) have legal settlement within the school corporation;
29 (B) are currently included in the fall ADM for the charter
30 school; and
31 (C) receive not more than fifty percent (50%) virtual
32 instruction.

33 STEP THREE: Determine the sum of:
34 (A) the segments of the STEP TWO

34 (A) the aggregate of the STEP TWO results for all applicable
35 charter schools; plus
36 (B) the fall ADM count for the school corporation for students
37 receiving not more than fifty percent (50%) virtual instruction.

37 receiving not more than fifty percent (50%) virtual instruction.
38 STEP FOUR: For each charter school described in STEP ONE,
39 determine the result of:

40 (A) the applicable STEP TWO amount; divided by
41 (B) the STEP THREE amount;
42 expressed as a percentage.



1 STEP FIVE: Determine the sum of all the amounts computed
2 under STEP FOUR and subtract the result from one hundred
3 percent (100%).

4 (e) The department shall provide to the county auditor, immediately
5 after calculation under subsection (d):

6 (1) each charter school determined under STEP ONE of
7 subsection (d) and the charter school's corresponding percentage
8 calculated under STEP FOUR of subsection (d); and
9 (2) the percentage calculated under STEP FIVE of subsection (d)
10 for the school corporation.

11 (f) **Except as provided in subsection (j), and** subject to subsection
12 (i), the county auditor shall distribute to the school corporation and
13 each applicable charter school the amount determined, for each
14 settlement period described in IC 6-1.1-27-1, in the last STEP of the
15 following STEPS:

16 STEP ONE: For each school corporation, determine a base
17 property tax levy amount calculated as:

18 (A) the sum of the school corporation's operations fund
19 property tax levies that are attributable to the territory of the
20 school corporation that is located within the boundaries of a
21 county listed in subsection (a) and collected under this chapter
22 for the applicable settlement period as described in
23 IC 6-1.1-27-1 in calendar years 2021, 2022, and 2023; divided
24 by
25 (B) three (3).

26 STEP TWO: For each school corporation, determine an
27 incremental property tax levy amount calculated as:

28 (A) the school corporation's operations fund property tax levy
29 collections that are attributable to the territory of the school
30 corporation that is located within the boundaries of a county
31 listed in subsection (a) for the applicable settlement period as
32 described in IC 6-1.1-27-1 in the current calendar year; minus
33 (B) the school corporation's base property tax levy collections
34 determined for the applicable settlement period as described
35 in IC 6-1.1-27-1 under STEP ONE.

36 STEP THREE: For the school corporation and each applicable
37 charter school, determine the result of:

38 (A) the sum of:
39 (i) the incremental amount determined under STEP TWO;
40 plus
41 (ii) any distribution amount withheld under subsection (i);
42 multiplied by



(B) the following percentage:

- (i) In the case of an applicable charter school, the charter school's percentage under STEP FOUR of subsection (d).
- (ii) In the case of the school corporation, the school corporation's percentage under STEP FIVE of subsection (d).

(g) Before August 15, 2025, and August 15, 2026, the department shall provide to each school corporation and each eligible charter school an estimate of the amount of property tax levy revenue the school corporation and charter school are expected to receive under this section based on the most recent fall ADM count.

(h) This subsection applies to distributions of property tax revenue under this section in 2026 and 2027. In order to receive a distribution under this section in 2026 and 2027, the governing body of an eligible charter school shall, before October 15, 2025, and October 15, 2026, adopt a budget for the current school year. Not later than ten (10) days before its adoption, the budget must be fixed and presented to the charter board in a public meeting in the county in which the charter school is incorporated. A budget that is adopted under this subsection must be submitted to the charter authorizer for review and to the department of local government finance to be posted publicly on the computer gateway under IC 6-1.1-17-3 not later than:

- (1) to receive distributions in 2026, November 1, 2025; and
- (2) to receive distributions in 2027, November 1, 2026.

In addition to the adopted budget, the governing body of the charter school shall also submit to the charter authorizer, and to the department of local government finance to be posted publicly on the computer gateway under IC 6-1.1-17-3, the dates on which each requirement under this subsection was met and a statement from the governing body of the charter school attesting that those dates are true and accurate and that the budget was properly adopted under this subsection.

(i) This subsection applies to distributions of property tax revenue under this section in 2026 and 2027. If an eligible charter school does not satisfy the requirements of subsection (h) to receive distributions under this section during a calendar year, as determined by the department of local government finance, the charter school may not receive a distribution of property tax revenue in that calendar year and the county auditor shall withhold the charter school's distribution amount. The department of local government finance's determination of compliance consists only of a confirmation that the adopted budget and attestation statement are submitted not later than the applicable date under subsection (h). Any distribution amount that must be



1 withheld from distribution to any particular charter school under this
 2 subsection in:

3 (1) calendar year 2026 shall be added to the incremental amount
 4 as described in STEP TWO of subsection (f) and distributed
 5 among the school corporation and remaining charter schools
 6 according to subsection (f) in calendar year 2027; and
 7 (2) calendar year 2027 shall be added to the incremental amount
 8 as described in STEP TWO of subsection (f) and distributed
 9 among the school corporation and remaining charter schools
 10 according to subsection (f) in calendar year 2027.

11 **(j) This subsection applies only to distributions of property tax
 12 revenue in 2026 and to distributions of property tax revenue in
 13 2027 to:**

14 (1) a school city (as defined in IC 20-25-2-12); and

15 (2) a charter school that:

16 (A) is located in the territory of a school city (as defined in
 17 IC 20-25-2-12); and

18 (B) would otherwise receive a share of property tax
 19 revenue from the school city under this section.

20 Before making any distribution under subsection (f), the county
 21 auditor shall first distribute to the public education corporation for
 22 deposit in the public education corporation operations fund created
 23 under IC 20-25.3-6-1 an amount equal to the percentage
 24 determined by the Indianapolis public education corporation
 25 board under IC 20-25.3-4-2(b).

26 SECTION 21. IC 20-46-8-12, AS ADDED BY P.L.68-2025,
 27 SECTION 226, IS AMENDED TO READ AS FOLLOWS
 28 [EFFECTIVE JULY 1, 2026]: Sec. 12. (a) This section applies to
 29 revenue collected after December 31, 2027, from a tax levy imposed
 30 under this chapter only if the number of students who have legal
 31 settlement in a school corporation but attend a charter school,
 32 excluding virtual charter schools and adult high schools, and receive
 33 not more than fifty percent (50%) virtual instruction, is at least the
 34 greater of:

35 (1) one hundred (100) students; or

36 (2) two percent (2%) of the school corporation's spring ADM
 37 count, excluding students who receive more than fifty percent
 38 (50%) virtual instruction.

39 (b) As used in this section, "eligible charter school" means a charter
 40 school attended by a student who:

41 (1) has legal settlement in a school corporation that imposes a tax
 42 levy under this chapter; and



7 (1) A virtual charter school.

8 (2) An adult high school.

9 (d) Beginning in calendar year 2028, and in each calendar year
10 thereafter, and subject to subsection (j), the county auditor shall
11 distribute to each eligible charter school in the manner provided under
12 this section an amount of revenue received from a tax levy imposed by
13 a school corporation under this chapter.

19 (f) Not later than January 1, 2028, and not later than January 1 of
20 each year thereafter, the department, in consultation with the
21 department of local government finance, shall determine, for each
22 school corporation, the corresponding percentages of revenue received
23 from the tax levy that must be distributed among the school corporation
24 and each eligible charter school according to the following formula:

25 STEP ONE: Determine, for each eligible charter school, the
26 number of students who:

27 (A) have legal settlement within the school corporation;
28 (B) are currently included in the fall ADM count for the
29 charter school; and
30 (C) receive not more than fifty percent (50%) virtual
31 instruction.

32 STEP TWO: Determine the sum of:

33 (A) the aggregate of the STEP ONE results for all eligible
34 charter schools with respect to the school corporation; plus
35 (B) the fall ADM count for the school corporation for students
36 receiving not more than fifty percent (50%) virtual instruction.

37 STEP THREE: For each eligible charter school, determine the
38 result of:

39 (A) the applicable STEP ONE amount; divided by
40 (B) the STEP TWO amount;

41 expressed as a percentage.

42 STEP FOUR: Determine the sum of all the amounts computed



1 under STEP THREE and subtract the result from one hundred
2 percent (100%).
3 (g) The department shall provide to the county auditor, immediately
4 after calculation under subsection (f):
5 (1) each eligible charter school and the eligible charter school's
6 corresponding percentage calculated under STEP THREE of
7 subsection (f); and
8 (2) the percentage calculated under STEP FOUR of subsection (f)
9 for the school corporation.
10 (h) **Except as provided in subsection (m), and** subject to
11 subsections (j) and (l), the county auditor shall distribute to the school
12 corporation and each eligible charter school the amount determined in
13 the last STEP of the following STEPS:
14 STEP ONE: Determine the amount collected in the most recent
15 installment period by the school corporation from the school
16 corporation's operations fund levy imposed under this chapter.
17 STEP TWO: To determine the distribution for the school
18 corporation and each eligible charter school, determine the result
19 of:
20 (A) the sum of:
21 (i) the STEP ONE result; plus
22 (ii) any amount withheld in the previous year under
23 subsection (k); multiplied by
24 (B) the following percentage:
25 (i) In the case of an eligible charter school, the charter
26 school's percentage under STEP THREE of subsection (f).
27 (ii) In the case of the school corporation, the school
28 corporation's percentage under STEP FOUR of subsection
29 (f).
30 (i) Not later than August 15, 2027, and not later than August 15 of
31 each calendar year thereafter, the department shall provide to each
32 school corporation and each eligible charter school an estimate of the
33 amount of property tax levy revenue the school corporation and eligible
34 charter school are expected to receive under this section in the
35 subsequent calendar year based on the most recent fall ADM count.
36 (j) Beginning with distributions of property tax revenue under this
37 section in 2028 and thereafter, in order to receive a distribution under
38 this section, the governing body of an eligible charter school shall, not
39 later than October 15, 2027, and not later than October 15 of each
40 calendar year thereafter, adopt a budget for the current school year. Not
41 later than ten (10) days before its adoption, the budget must be fixed
42 and presented to the charter board in a public meeting in the county in



1 which the eligible charter school is incorporated. Not later than
2 November 1, 2027, and not later than November 1 of each calendar
3 year thereafter, the governing body of the charter school shall submit:

4 (1) the budget that is adopted under this subsection;
5 (2) the dates on which each requirement under this subsection
6 was met; and
7 (3) a statement from the governing body of the charter school
8 attesting that the dates provided in subdivision (2) are true and
9 accurate and that the budget was properly adopted under this
10 subsection;

11 to the charter authorizer for review and to the department of local
12 government finance to be posted publicly on the computer gateway
13 under IC 6-1.1-17-3.

14 (k) If an eligible charter school does not satisfy the requirements of
15 subsection (j) to receive distributions under this section during a
16 calendar year, as determined by the department of local government
17 finance, the eligible charter school may not receive a distribution of
18 property tax revenue in that calendar year and the county auditor shall
19 withhold the eligible charter school's distribution amount. The
20 department of local government finance's determination of compliance
21 consists only of a confirmation that the adopted budget and attestation
22 statement are submitted not later than the applicable date under
23 subsection (j). Any distribution amount withheld under this subsection
24 shall be:

25 (1) added to the property tax revenue collections as described in
26 STEP TWO of subsection (h); and
27 (2) distributed among the school corporation and remaining
28 eligible charter schools according to subsection (h);

29 in the calendar year that immediately follows the calendar year in
30 which the distribution amount was withheld.

31 (l) This subsection applies only to distributions under subsection (h)
32 in calendar years 2028, 2029, and 2030 to an eligible charter school.
33 **Except as provided in subsection (m),** instead of the amount
34 determined under subsection (h) for a distribution to a particular
35 eligible charter school from the revenue collected from the tax levy
36 imposed under this chapter by a particular school corporation, the
37 county auditor shall make distributions according to the following:

38 (1) For a distribution in 2028, the county auditor shall distribute
39 an amount for a particular eligible charter school equal to:
40 (A) the applicable result of STEP TWO of subsection (h) for
41 the eligible charter school; multiplied by
42 (B) twenty-five hundredths (0.25).



(2) For a distribution in 2029, the county auditor shall distribute an amount for a particular eligible charter school equal to:

(A) the applicable result of STEP TWO of subsection (h) for the eligible charter school; multiplied by
(B) five-tenths (0.5).

(3) For a distribution in 2030, the county auditor shall distribute an amount for a particular eligible charter school equal to:

(A) the applicable result of STEP TWO of subsection (h) for the eligible charter school; multiplied by
(B) seventy-five hundredths (0.75).

11 Any amount of property tax revenue collected from the tax levy
12 imposed under this chapter by a particular school corporation that
13 remains after making the distributions according to this subsection
14 shall be distributed to the school corporation and are in addition to the
15 amount distributed to the school corporation under subsection (h) for
16 the applicable year. This subsection expires July 1, 2032.

(m) This subsection applies only to distributions of revenue to:

(1) a school city (as defined in IC 20-25-2-12); and

(2) a charter school that:

(A) is located in the territory of a school city (as defined in IC 20-25-2-12); and

(B) would otherwise receive a share of property tax revenue from the school city under this section.

Before making any distribution under subsection (h) or (l), the county auditor shall first distribute to the public education corporation for deposit in the public education corporation operations fund created under IC 20-25.3-6-1 an amount equal to the percentage determined by the Indianapolis public corporation board under IC 20-25.3-4-2(b).

SECTION 22. IC 20-46-9-0.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 0.5.** (a) **Subject to subsection (b), after March 31, 2026, a school city (as defined in IC 20-25-2-12) may not exercise the powers and duties under this chapter and instead, the public education corporation assumes the powers and duties of the school city as set forth in IC 20-25-3-5.**

(b) Notwithstanding subsection (a), the county auditor shall:

(1) determine the amounts of revenue to be distributed to the school city and any charter schools as provided in this chapter; and

(2) distribute revenue collected from a levy imposed under this chapter to the school city and any charter schools as



provided in this chapter.

SECTION 23. IC 20-47-2-2.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2.5. As used in this chapter, "corporation board" refers to the Indianapolis public education corporation board established by IC 20-25.3-3-2.

SECTION 24. IC 20-47-2-3.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 3.5. As used in this chapter, "public education corporation" refers to the Indianapolis public education corporation established by IC 20-25.3-3-1.**

SECTION 25. IC 20-47-2-5, AS AMENDED BY P.L.233-2015, SECTION 304, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) A school corporation **or the public education corporation** may lease a school building or buildings for the use of:

(1) the school corporation **or public education corporation**; or
(2) a joint or consolidated school district of which the school corporation is a part or to which it contributes; for a term not to exceed thirty (30) years.

(b) A school corporation or the public education corporation may not enter into a lease under this section unless the governing body or the corporation board, after investigation, determines that a need exists for the school building and that the school corporation or public education corporation cannot provide the necessary funds to pay the cost or its proportionate share of the cost of the school building or buildings required to meet the present needs.

(c) If two (2) or more school corporations propose to jointly enter into a lease under this section, joint meetings of the governing bodies of the school corporations may be held, but action taken at a joint meeting is not binding on any of those school corporations unless approved by a majority of the governing body of those school corporations. A lease executed by two (2) or more school corporations as joint lessees must:

(1) set out the amount of the total lease rental to be paid by each lessee, which may be as agreed upon; and

(2) provide that:

(A) there is no right of occupancy by any lessee unless the total rental is paid as stipulated in the lease; and

(B) all rights of joint lessees under the lease are in proportion to the amount of lease rental paid by each lessee.

SECTION 26. IC 20-47-2-6, AS ADDED BY P.L.2-2006,



1 SECTION 170, IS AMENDED TO READ AS FOLLOWS
 2 [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) A school corporation, ~~or~~
 3 **school** corporations, ~~or~~ **the public education corporation** may enter
 4 into a lease under this chapter only with a corporation organized under
 5 Indiana law solely for the purpose of acquiring a site, erecting a
 6 suitable school building or buildings on that site, leasing the building
 7 or buildings to the school corporation, ~~or~~ **school** corporations, ~~or~~
 8 **public education corporation** collecting the rentals under the lease,
 9 and applying the proceeds of the lease in the manner provided in this
 10 chapter.

11 (b) A lessor corporation described in subsection (a):

- 12 (1) must, except as provided in subdivision (2), act entirely
 without profit to the lessor corporation or its officers, directors,
 and stockholders;
- 13 (2) is entitled to the return of capital actually invested, plus
 interest or dividends on outstanding securities or loans, not to
 exceed five percent (5%) per annum and the cost of maintaining
 the lessor corporation's corporate existence and keeping its
 property free of encumbrance; and
- 14 (3) upon receipt of any amount of lease rentals exceeding the
 amount described in subdivision (2), apply the excess funds to the
 redemption and cancellation of the lessor corporation's
 outstanding securities or loans as soon as may be done.

24 SECTION 27. IC 20-47-2-7, AS ADDED BY P.L.2-2006,
 25 SECTION 170, IS AMENDED TO READ AS FOLLOWS
 26 [EFFECTIVE UPON PASSAGE]: Sec. 7. (a) A lease entered into
 27 under this chapter must include the following provisions:

- 28 (1) An option for the school corporation, ~~or~~ **school** corporations,
 ~~or~~ **the public education corporation** to renew the lease for a
 further term on similar conditions.
- 29 (2) An option for the school corporation, ~~or~~ **school** corporations,
 ~~or~~ **public education corporation** to purchase the property
 covered by the lease after six (6) years from the execution of the
 lease and before the expiration of the term of the lease, on the
 date or dates in each year as may be fixed in the lease. The
 purchase price:
 - 30 (A) must be equal to the amount required to enable the lessor
 corporation owning the property to liquidate by paying all
 indebtedness, with accrued and unpaid interest, redeeming and
 retiring any stock at par, and paying the expenses and charges
 of liquidation; and
 - 31 (B) may not exceed the capital actually invested in the



1 property by the lessor corporation represented by outstanding
 2 securities or existing indebtedness, plus the cost of transferring
 3 the property and liquidating the lessor corporation.

4 (b) A lease entered into under this chapter may not provide or be
 5 construed to provide that a school corporation **or the public education**
 6 **corporation** is under any obligation to purchase a leased school
 7 building or buildings, or under any obligation in respect to any
 8 creditors, shareholders, or other security holders of the lessor
 9 corporation.

10 SECTION 28. IC 20-47-2-10, AS ADDED BY P.L.2-2006,
 11 SECTION 170, IS AMENDED TO READ AS FOLLOWS
 12 [EFFECTIVE UPON PASSAGE]: Sec. 10. A school corporation, **or**
 13 **school** corporations, **or the public education corporation** may, in
 14 anticipation of the acquisition of a site and the construction and
 15 erection of a school building or buildings, enter into a lease with a
 16 lessor corporation before the actual acquisition of the site and the
 17 construction and erection of the building or buildings. However, a lease
 18 entered into under this section may not provide for the payment of any
 19 lease rental by the lessee or lessees until the building or buildings are
 20 ready for occupancy, at which time the stipulated lease rental may
 21 begin. The contractor must furnish to the lessor corporation a bond
 22 satisfactory to the lessor corporation conditioned upon the final
 23 completion of the building or buildings within the period specified in
 24 the contract.

25 SECTION 29. IC 20-47-2-11, AS ADDED BY P.L.2-2006,
 26 SECTION 170, IS AMENDED TO READ AS FOLLOWS
 27 [EFFECTIVE UPON PASSAGE]: Sec. 11. (a) After the lessor
 28 corporation and the school corporation, **or school** corporations, **or the**
 29 **public education corporation** have agreed upon the terms and
 30 conditions of a lease proposed to be entered into under this chapter, and
 31 before the final execution of the lease, a notice shall be given by
 32 publication to all persons interested of a hearing or joint hearing to be
 33 held before the governing body or governing bodies of the school
 34 corporation or corporations **or the corporation board** authorized to
 35 approve the lease. The hearing must be not earlier than:

36 (1) ten (10) days after publication of the notice, if new
 37 construction is proposed; or

38 (2) thirty (30) days after publication of the notice, if improvement
 39 or expansion is proposed.

40 (b) The notice required by subsection (a) must:

41 (1) be published one (1) time in:

42 (A) a newspaper of general circulation printed in the English



language in the school corporation;

(B) a newspaper described in clause (A) in each school corporation if the proposed lease is a joint lease; or

(C) if no such paper is published in the school corporation, in any newspaper of general circulation published in the county;

(2) name the date, time, and place of the hearing; and

(3) set forth a brief summary of the principal terms of the lease agreed upon, including the:

(A) location of the property to be leased;

(B) name of the proposed lessor corporation;

(C) character of the property to be leased;

(D) rental to be paid; and

(E) number of years the lease is to be in effect.

14 The cost of publishing the notice shall be borne by the lessor
15 corporation.

21 SECTION 30. IC 20-47-2-12, AS ADDED BY P.L.2-2006,
22 SECTION 170, IS AMENDED TO READ AS FOLLOWS
23 [EFFECTIVE UPON PASSAGE]: Sec. 12. (a) At the hearing, all
24 interested persons have a right to be heard upon the necessity for the
25 execution of the proposed lease and whether the rental to be paid to the
26 lessor corporation under the proposed lease is a fair and reasonable
27 rental for the proposed building. The hearing may be adjourned to a
28 later date or dates.

29 (b) Within thirty (30) days following the termination of the hearing,
30 the governing body or bodies of the school corporation or corporations
31 **or the corporation board** may by a majority vote of all members of
32 the governing body or bodies **or corporation board**:

33 (1) authorize the execution of the proposed lease as originally
34 agreed upon; or
35 (2) make modifications to the proposed lease that are agreed upon
36 with the lessor corporation.

37 However, the lease rentals as set out in the published notice may not be
38 increased in any modifications approved under subdivision (2).

39 SECTION 31. IC 20-47-2-13, AS AMENDED BY P.L.38-2021,
40 SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
41 UPON PASSAGE]: Sec. 13. (a) If the execution of the lease as
42 originally agreed upon or as modified by agreement is authorized by



1 the governing body or bodies of the school corporation or corporations
2 **or the corporation board**, the governing body **or corporation board**
3 shall give notice of the signing of the lease by publication one (1) time
4 in:
5 (1) a newspaper of general circulation printed in the English
6 language in the school corporation;
7 (2) a newspaper described in subdivision (1) in each school
8 corporation if the proposed lease is a joint lease; or
9 (3) if no such newspaper is published in the school corporation,
10 in any newspaper of general circulation published in the county.
11 (b) This subsection does not apply to a lease for which a school
12 corporation **or the public education corporation** after June 30, 2008,
13 makes a preliminary determination as described in IC 6-1.1-20-3.1 or
14 IC 6-1.1-20-3.5 or a decision as described in IC 6-1.1-20-5, or, in the
15 case of a lease not subject to IC 6-1.1-20-3.1, IC 6-1.1-20-3.5, or
16 IC 6-1.1-20-5, adopts a resolution or ordinance authorizing the lease
17 after June 30, 2008. Within thirty (30) days after the publication of
18 notice under subsection (a), fifty (50) or more taxpayers in the school
19 corporation or corporations who:
20 (1) will be affected by the proposed lease; and
21 (2) are of the opinion that:
22 (A) necessity does not exist for the execution of the lease; or
23 (B) the proposed rental provided for in the lease is not a fair
24 and reasonable rental;
25 may file a petition in the office of the county auditor of the county in
26 which the school corporation or corporations are located. The petition
27 must set forth the taxpayers' objections to the lease and facts showing
28 that the execution of the lease is unnecessary or unwise or that the lease
29 rental is not fair and reasonable, as the case may be.
30 (c) Upon the filing of a petition under subsection (b), the county
31 auditor shall immediately certify a copy of the petition, together with
32 any other data that is necessary to present the questions involved, to the
33 department of local government finance. Upon receipt of the certified
34 petition and data, if any, the department of local government finance
35 shall fix a time, date, and place for the hearing of the matter, which
36 may not be less than five (5) nor more than thirty (30) days thereafter.
37 The department of local government finance shall:
38 (1) conduct the hearing in the school corporation or corporations,
39 in the county where the school corporation or corporations are
40 located, or through electronic means; and
41 (2) give notice of the hearing to the members of the governing
42 body or bodies of the school corporation or corporations **or the**



1 **corporation board** and to the first fifty (50) taxpayers who
 2 signed the petition under subsection (b) by a letter signed by the
 3 commissioner or deputy commissioner of the department of local
 4 government finance and enclosed with full prepaid postage
 5 addressed to the taxpayer petitioners at their usual place of
 6 residence, at least five (5) days before the hearing.

7 The decision of the department of local government finance on the
 8 appeal upon the necessity for the execution of the lease and as to
 9 whether the rental is fair and reasonable, is final.

10 SECTION 32. IC 20-47-2-14, AS AMENDED BY P.L.146-2008,
 11 SECTION 516, IS AMENDED TO READ AS FOLLOWS
 12 [EFFECTIVE UPON PASSAGE]: Sec. 14. An action to contest the
 13 validity of the lease or to enjoin the performance of any of the terms
 14 and conditions of the lease may not be instituted at any time later than:

- 15 (1) thirty (30) days after publication of notice of the execution of
 the lease by the governing body or bodies of the school
 corporation or corporations **or the corporation board**; or
- 16 (2) if an appeal is allowed under section 13 of this chapter and has
 been taken to the department of local government finance, thirty
 (30) days after the decision of the department of local government
 finance.

22 SECTION 33. IC 20-47-2-15, AS ADDED BY P.L.113-2006,
 23 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 24 UPON PASSAGE]: Sec. 15. The lessor corporation shall acquire, own,
 25 and hold in fee simple the land on which a school building or buildings
 26 are to be erected under this chapter. A school corporation **or the public**
 27 **education corporation** that proposes to lease such a school building,
 28 either alone or jointly with another school corporation, and owns the
 29 land on which it desires that the building or buildings be erected may
 30 sell and transfer that land to the lessor corporation in fee simple,
 31 subject to the following conditions:

32 (1) Before the sale may take place, the governing body of the
 33 school corporation **or the corporation board** must file a petition
 34 with the circuit court of the county in which the school
 35 corporation is located, requesting the appointment of:

- 36 (A) one (1) disinterested freeholder of the school corporation
 as an appraiser; and
- 37 (B) two (2) disinterested appraisers licensed under IC 25-34.1;
 who are residents of Indiana to determine the fair market value of
 the land. One (1) of the appraisers described in clause (B) must
 reside not more than fifty (50) miles from the land.

38 (2) Upon their appointment, the three (3) appraisers shall proceed



1 to fix the fair market value of the land and shall report the amount
 2 fixed to the circuit court within two (2) weeks after their
 3 appointment.

4 (3) The school corporation **or public education corporation** may
 5 sell the land to the lessor corporation for an amount not less than
 6 the amount fixed as the fair market value by the three (3)
 7 appraisers, which shall be paid in cash upon delivery of the deed
 8 by the school corporation **or public education corporation** to the
 9 lessor corporation. However, if the land was acquired by the
 10 school corporation **or public education corporation** within three
 11 (3) years immediately preceding the date of the filing of the
 12 petition with the circuit court, the land may not be sold for an
 13 amount less than the amount paid by the school corporation **or**
 14 **public education corporation** for the land.

15 SECTION 34. IC 20-47-2-17, AS ADDED BY P.L.2-2006,
 16 SECTION 170, IS AMENDED TO READ AS FOLLOWS
 17 [EFFECTIVE UPON PASSAGE]: Sec. 17. (a) As used in this section,
 18 "bonds" includes bonds, debentures, or other evidences of
 19 indebtedness.

20 (b) A lessor corporation having outstanding bonds that by their
 21 terms are redeemable before their maturities may issue bonds in the
 22 manner provided by section 16 of this chapter to refund the outstanding
 23 bonds. The refunding bonds may be issued in an amount not exceeding
 24 the sum of:

25 (1) the principal amount of the outstanding bonds;
 26 (2) any premium required to be paid upon redemption of the
 27 outstanding bonds; and
 28 (3) the estimated expenses to be incurred in connection with the
 29 issuance of the refunding bonds.

30 (c) The sum of the net interest cost to the lessor corporation of the
 31 refunding bonds plus the premium required to be paid in connection
 32 with the redemption of the outstanding bonds and the estimated
 33 expenses to be incurred in connection with the issuance of the
 34 refunding bonds may not exceed the total interest that would have been
 35 payable by the lessor corporation on the bonds being refunded from the
 36 date of redemption to the maturity of the bonds being refunded. Net
 37 interest cost on the refunding bonds is the amount determined by
 38 computing the total interest on all the refunding bonds to their
 39 maturities and deducting from that amount the premium bid, if any.

40 (d) Refunding bonds issued under this section:
 41 (1) are legal and proper investments;
 42 (2) are exempt from taxation; and



4 in the same manner, under the same conditions, and subject to the same
5 limitations as any other bonds issued by lessor corporations under
6 section 16 of this chapter. However, no proceedings or actions by the
7 lessee nor approval by any board, commission, or agency are required
8 in connection with the refunding, and the refunding authorized in this
9 section does not affect the obligation of the lessee to pay the lease
10 rental under the lease of the building or buildings.

14 (f) In connection with the issuance of refunding bonds, the lessee
15 school corporation, **or** school corporations, **or** **public education**
16 **corporation** may enter into an amendment to the lease with the lessor
17 corporation providing for an extension of the time set forth in the lease
18 before the option of the lessee or lessees to purchase may be exercised
19 to a time agreed upon between the lessee school corporation, **or** school
20 corporations, **or** **public education corporation** and the lessor
21 corporation.

22 SECTION 35. IC 20-47-2-18, AS ADDED BY P.L.2-2006,
23 SECTION 170, IS AMENDED TO READ AS FOLLOWS
24 [EFFECTIVE UPON PASSAGE]: Sec. 18. (a) As used in this section,
25 "bonds" means bonds, debentures, or other evidences of indebtedness.

26 (b) As used in this section, "improvement" or "improvements"
27 means one (1) or more of the following:

28 (1) Construction of a school building.

29 (2) An addition to a school building owned by a lessor
30 corporation or owned by the school corporation **or public**
31 **education corporation** to which a lessor corporation has leased
32 property under this chapter, and any remodeling incidental to that
33 addition.

34 (3) Remodeling of or construction of appurtenances to a school
35 building owned by a lessor corporation.

36 (c) A lessor corporation having outstanding bonds that by their
37 terms are redeemable before their maturities may issue bonds in the
38 manner provided under section 16 of this chapter to refund the
39 outstanding bonds and construction of improvements.

40 (d) Refunding and improvement bonds issued under this section:



4 in the same manner, under the same conditions, and subject to the same
5 limitations as any other bonds issued by lessor corporations under
6 section 16 of this chapter.

11 (1) an extension of the time set forth in the lease before the option
12 of the lessee or lessees to purchase may be exercised to a time
13 agreed upon between the lessee school corporation, **or** school
14 corporations, **or public education corporation** and the lessor
15 corporation;

19 (3) increased lease rental payments after the completion of the
20 improvements.

21 (f) No proceedings or actions by the lessee nor approval by any
22 board, commission, or agency are required in connection with a
23 refunding under this section, and the refunding does not affect the
24 obligation of the lessee to pay the lease rental under the lease of the
25 building or buildings. However, all provisions, restrictions, and
26 limitations of this chapter that are not inconsistent with this section,
27 including the petition of school patrons, notice of hearing, hearing,
28 notice of execution, and right to file an objecting petition, apply to an
29 amendment of the lease increasing the lease rental payments as if the
30 amendment were an original lease.

31 (g) An action to contest the validity of refunding and improvement
32 bonds issued under this section may not be brought after the fifteenth
33 day following the receipt of bids for the bonds.

34 SECTION 36. IC 20-47-2-19, AS ADDED BY P.L.2-2006,
35 SECTION 170, IS AMENDED TO READ AS FOLLOWS
36 [EFFECTIVE UPON PASSAGE]: Sec. 19. A school corporation **or the**
37 **public education corporation** that decides to exercise an option to
38 purchase a school building under this chapter may issue general
39 obligation bonds to procure funds to pay the cost of acquisition.
40 General obligation bonds issued under this section must be authorized,
41 issued, and sold in the manner provided for the authorization, issuance,
42 and sale of bonds by school corporations **or the public education**



1 **corporation** for school building purposes.

2 SECTION 37. IC 20-47-2-20, AS AMENDED BY P.L.244-2017,
 3 SECTION 108, IS AMENDED TO READ AS FOLLOWS
 4 [EFFECTIVE UPON PASSAGE]: Sec. 20. A school corporation **or the**
 5 **public education corporation** that executes a lease under this chapter
 6 shall annually appropriate from its debt service fund or **general fund**
 7 (~~before January 1, 2019~~ **or** operations fund (~~after December 31, 2018~~)
 8 an amount sufficient to pay the lease rental required under the lease.
 9 The appropriation is reviewable by other bodies vested by law with
 10 such authority to ascertain that the specified amount is sufficient to
 11 meet the lease rental required under the lease. The first specific
 12 appropriation shall be made at the first budget period following the
 13 date of the execution of the lease, and the first annual appropriation
 14 must be sufficient to pay the estimated amount of the first annual lease
 15 rental payment to be made under the lease. Thereafter, the annual
 16 appropriations provided for in this section shall be made, and payments
 17 shall be made from the debt service fund.

18 SECTION 38. IC 20-47-2-21, AS AMENDED BY P.L.79-2017,
 19 SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 20 UPON PASSAGE]: Sec. 21. Property owned by a lessor corporation
 21 entering into a lease with a school corporation, **or school** corporations,
 22 **or the public education school corporation** under this chapter, and
 23 all stock and other securities (including the interest or dividends)
 24 issued by a lessor corporation, are exempt from all state, county, and
 25 other taxes, except the financial institutions tax (IC 6-5.5).

26 SECTION 39. IC 20-47-2-22, AS ADDED BY P.L.2-2006,
 27 SECTION 170, IS AMENDED TO READ AS FOLLOWS
 28 [EFFECTIVE UPON PASSAGE]: Sec. 22. This chapter shall be
 29 construed as being supplemental to all other laws covering the
 30 acquisition, use, and maintenance of school buildings by school
 31 corporations **or the public education corporation**. However, as to
 32 school buildings constructed, acquired, leased, or purchased under this
 33 chapter, it is not necessary to comply with other laws concerning the
 34 acquisition, use, and maintenance of school buildings by school
 35 corporations **or the public education corporation** except as
 36 specifically required in this chapter.

37 SECTION 40. IC 20-47-2-23, AS AMENDED BY P.L.244-2017,
 38 SECTION 109, IS AMENDED TO READ AS FOLLOWS
 39 [EFFECTIVE UPON PASSAGE]: Sec. 23. (a) Upon the termination of
 40 a lease entered into under this chapter, the lessor corporation shall
 41 return to the school corporation **or the public education corporation**
 42 any money held by the lessor corporation that exceeds the amount



1 needed to retire bonds issued under this chapter and to dissolve the
 2 lessor corporation.

3 (b) A school corporation **or the public education corporation** shall
 4 deposit the money received under subsection (a) in its debt service fund
 5 or operations fund.

6 SECTION 41. IC 20-47-3-1.3 IS ADDED TO THE INDIANA
 7 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 8 [EFFECTIVE UPON PASSAGE]: Sec. 1.3. **As used in this chapter,**
 9 **"corporation board"** refers to the Indianapolis public education
 10 **corporation board established by IC 20-25.3-3-2.**

11 SECTION 42. IC 20-47-3-1.5 IS ADDED TO THE INDIANA
 12 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 13 [EFFECTIVE UPON PASSAGE]: Sec. 1.5. **As used in this chapter,**
 14 **"public education corporation"** refers to the Indianapolis public
 15 **education corporation established by IC 20-25.3-3-1.**

16 SECTION 43. IC 20-47-3-3, AS AMENDED BY P.L.233-2015,
 17 SECTION 305, IS AMENDED TO READ AS FOLLOWS
 18 [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) A school corporation **or**
 19 **the public education corporation** may lease a school building or
 20 buildings for the use of:

21 (1) the school corporation **or public education corporation**; or
 22 (2) a joint or consolidated school district of which the school
 23 corporation is a part or to which it contributes;
 24 for a term not to exceed fifty (50) years.

25 (b) A school corporation **or the public education corporation** may
 26 not enter into a lease under this section unless the governing body **or**
 27 **corporation board**, after investigation, determines that a need exists
 28 for the school building.

29 (c) If two (2) or more school corporations propose to jointly enter
 30 into a lease under this section, joint meetings of the governing bodies
 31 of the school corporations may be held, but action taken at a joint
 32 meeting is not binding on any of those school corporations unless
 33 approved by a majority of the governing body of each of those school
 34 corporations. A lease executed by two (2) or more school corporations
 35 as joint lessees must:

36 (1) set out the amount of the total lease rental to be paid by each
 37 lessee, which may be as agreed upon; and

38 (2) provide that:

39 (A) there is no right of occupancy by any lessee unless the
 40 total rental is paid as stipulated in the lease; and

41 (B) all rights of joint lessees under the lease are in proportion
 42 to the amount of lease rental paid by each lessee.



1 SECTION 44. IC 20-47-3-4, AS ADDED BY P.L.2-2006,
2 SECTION 170, IS AMENDED TO READ AS FOLLOWS
3 [EFFECTIVE UPON PASSAGE]: Sec. 4. A school corporation, **or**
4 **school** corporations, **or the public education corporation** may enter
5 into a lease or lease with option to purchase under this chapter only
6 with:

7 (1) a corporation organized under Indiana law or admitted to do
8 business in Indiana; or
9 (2) a religious organization (or the organization's agent) that is
10 exempt from federal income taxation under Section 501 of the
11 Internal Revenue Code.

12 SECTION 45. IC 20-47-3-5, AS AMENDED BY P.L.146-2008,
13 SECTION 517, IS AMENDED TO READ AS FOLLOWS
14 [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) Except as provided in
15 subsections (d) and (e), a lease must provide that the school
16 corporation, **or** **school** corporations, **or the public education**
17 **corporation** have an option to:

18 (1) renew the lease for a further term on like conditions; and
19 (2) purchase the property covered by the lease;
20 with the terms and conditions of the purchase to be specified in the
21 lease, subject to the approval of the department of local government
22 finance.

23 (b) If the option to purchase the property covered by the lease is
24 exercised, the school corporation, **or** **school** corporations, **or** **public**
25 **education corporation** to procure funds to pay the purchase price, may
26 issue and sell bonds under the provisions of the general statute
27 governing the issue and sale of bonds of the school corporation, **or**
28 **school** corporations, **or** **public education corporation**. The purchase
29 price may not be more than the purchase price set forth in the lease
30 plus:

31 (1) two percent (2%) of the purchase price as prepayment penalty
32 for purchase within the first five (5) years of the lease term; or
33 (2) one percent (1%) of the purchase price as prepayment penalty
34 for purchase in the second five (5) years of the lease term;
35 and thereafter the purchase shall be without prepayment penalty.

36 (c) However:
37 (1) if the school corporation, **or** **school** corporations, **or the**
38 **public education corporation** have not exercised an option to
39 purchase the property covered by the lease at the expiration of the
40 lease; and
41 (2) upon the full discharge and performance by the school
42 corporation, **or** **school** corporations, **or** **public education**



1 **corporation** of their obligations under the lease;
 2 the property covered by the lease becomes the absolute property of the
 3 school corporation, **or school** corporations, **or public education**
 4 **corporation**, and the lessor corporation shall execute proper
 5 instruments conveying to the school corporation, **or school**
 6 corporations, **or public education corporation** good and merchantable
 7 title to that property.

8 (d) The following provisions apply to a school corporation that is
 9 located in Dubois County and enters into a lease with a religious
 10 organization or the organization's agent as authorized under section 4
 11 of this chapter:

12 (1) The lease is not required to include on behalf of the school
 13 corporation an option to purchase the property covered by the
 14 lease.

15 (2) The lease must include an option to renew the lease.

16 (3) The property covered by the lease is not required to become
 17 the absolute property of the school corporation as provided in
 18 subsection (c).

19 (e) In the case of a lease for which a school corporation **or the**
 20 **public education corporation**:

21 (1) after June 30, 2008, makes a preliminary determination as
 22 described in IC 6-1.1-20-3.1 or IC 6-1.1-20-3.5 or a decision as
 23 described in IC 6-1.1-20-5; or

24 (2) in the case of a lease not subject to IC 6-1.1-20-3.1,
 25 IC 6-1.1-20-3.5, or IC 6-1.1-20-5, adopts a resolution or ordinance
 26 authorizing the lease after June 30, 2008;

27 the terms and conditions of the purchase that are specified in the lease
 28 are not subject to the approval of the department of local government
 29 finance.

30 SECTION 46. IC 20-47-3-8, AS AMENDED BY P.L.146-2008,
 31 SECTION 518, IS AMENDED TO READ AS FOLLOWS
 32 [EFFECTIVE UPON PASSAGE]: Sec. 8. (a) Except as provided in
 33 subsection (b), a school corporation, **or school** corporations, **or the**
 34 **public education corporation** may, in anticipation of the acquisition
 35 of a site and the construction and erection of a school building or
 36 buildings, and, subject to the approval of the department of local
 37 government finance, enter into a lease with a lessor corporation before
 38 the actual acquisition of the site and the construction and erection of
 39 the building or buildings. However, the lease entered into by the school
 40 corporation, **or school** corporations, **or public education corporation**
 41 may not provide for the payment of any lease rental by the lessee or
 42 lessees until the building or buildings are ready for occupancy, at



1 which time the stipulated lease rental may begin. The lessor
 2 corporation shall furnish a bond to the approval of the lessee or lessees
 3 conditioned on the final completion of the building or buildings within
 4 a period not to exceed one (1) year from the date of the execution of the
 5 lease, unavoidable delays excepted.

6 (b) In the case of a lease for which a school corporation **or the**
 7 **public education corporation:**

8 (1) after June 30, 2008, makes a preliminary determination as
 9 described in IC 6-1.1-20-3.1 or IC 6-1.1-20-3.5 or a decision as
 10 described in IC 6-1.1-20-5; or
 11 (2) in the case of a lease not subject to IC 6-1.1-20-3.1,
 12 IC 6-1.1-20-3.5, or IC 6-1.1-20-5, adopts a resolution or ordinance
 13 authorizing the lease after June 30, 2008;

14 the approval of the department of local government finance is not
 15 required.

16 SECTION 47. IC 20-47-3-9, AS ADDED BY P.L.2-2006,
 17 SECTION 170, IS AMENDED TO READ AS FOLLOWS
 18 [EFFECTIVE UPON PASSAGE]: Sec. 9. (a) After the lessor
 19 corporation and the school corporation, **or school** corporations, **or**
 20 **public education corporation** have agreed upon the terms and
 21 conditions of a lease proposed to be entered into under this chapter, and
 22 before the final execution of the lease, a notice shall be given by
 23 publication to all persons interested of a hearing or joint hearing to be
 24 held before the governing body or governing bodies of the school
 25 corporations **or the corporation board** authorized to approve the
 26 lease. The hearing must be not earlier than:

27 (1) ten (10) days after publication of the notice, if new
 28 construction is proposed; or
 29 (2) thirty (30) days after publication of the notice, if improvement
 30 or expansion is proposed.

31 (b) The notice required by subsection (a) must:

32 (1) be published one (1) time in:
 33 (A) a newspaper of general circulation printed in the English
 34 language in the school corporation;
 35 (B) a newspaper described in clause (A) in each school
 36 corporation if the proposed lease is a joint lease; or
 37 (C) if no such paper is published in the school corporation, in
 38 any newspaper of general circulation published in the county;
 39 (2) name the date, time, and place of the hearing; and
 40 (3) set forth a brief summary of the principal terms of the lease
 41 agreed upon, including the:
 42 (A) location of the property to be leased;



- (B) name of the proposed lessor corporation;
- (C) character of the property to be leased;
- (D) rental to be paid; and
- (E) number of years the lease is to be in effect.

The cost of publication of the notice shall be paid by the lessor corporation.

12 SECTION 48. IC 20-47-3-10, AS ADDED BY P.L.2-2006,
13 SECTION 170, IS AMENDED TO READ AS FOLLOWS
14 [EFFECTIVE UPON PASSAGE]: Sec. 10. (a) At the hearing, all
15 interested persons have a right to be heard upon the necessity for the
16 execution of the proposed lease and whether the rental to be paid to the
17 lessor corporation under the proposed lease is a fair and reasonable
18 rental for the proposed building. The hearing may be adjourned to a
19 later date or dates.

24 (1) authorize the execution of the lease as originally agreed upon;
25 or
26 (2) make modifications to the proposed lease as agreed upon with
27 the lessor corporation.

28 However, the lease rentals as set out in the published notice may not be
29 increased.

30 SECTION 49. IC 20-47-3-11, AS AMENDED BY P.L.38-2021,
31 SECTION 68, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
32 UPON PASSAGE]: Sec. 11. (a) If the execution of the lease as
33 originally agreed upon or as modified by agreement is authorized by
34 the governing body or bodies of the school corporation or corporations
35 **or the corporation board**, the governing body **or corporation board**
36 shall give notice of the signing of the lease by publication one (1) time
37 in:

38 (1) a newspaper of general circulation printed in the English
39 language in the school corporation;
40 (2) a newspaper described in subdivision (1) in each school
41 corporation if the proposed lease is a joint lease; or
42 (3) if no such newspaper is published in the school corporation,



1 in any newspaper of general circulation published in the county.

2 (b) This subsection does not apply to leases for which a school
3 corporation **or the public education corporation** after June 30, 2008,
4 makes a preliminary determination as described in IC 6-1.1-20-3.1 or
5 IC 6-1.1-20-3.5 or a decision as described in IC 6-1.1-20-5, or, in the
6 case of leases not subject to IC 6-1.1-20-3.1, IC 6-1.1-20-3.5, or
7 IC 6-1.1-20-5, adopts a resolution or ordinance authorizing the lease
8 after June 30, 2008. Within thirty (30) days after the publication of
9 notice under subsection (a), ten (10) or more taxpayers in the school
10 corporation or corporations who:

11 (1) will be affected by the proposed lease; and

12 (2) are of the opinion that:

13 (A) no necessity exists for the execution of the lease; or
14 (B) the proposed rental provided for in the lease is not a fair
15 and reasonable rental;

16 may file a petition in the office of the county auditor of the county in
17 which the school corporation or corporations are located. The petition
18 must set forth the taxpayers' objections to the lease and facts showing
19 that the execution of the lease is unnecessary or unwise, or that the
20 lease rental is not fair and reasonable, as the case may be.

21 (c) Upon the filing of a petition under subsection (b), the county
22 auditor shall immediately certify a copy of the petition and any other
23 data that is necessary to present the questions involved to the
24 department of local government finance. Upon receipt of the certified
25 petition and data, if any, the department of local government finance
26 shall fix a date, time, and place for the hearing of the matter, which
27 may not be less than five (5) nor more than thirty (30) days after receipt
28 of the petition and data, if any. The department of local government
29 finance shall:

30 (1) conduct the hearing in the school corporation or corporations,
31 in the county where the school corporation or corporations are
32 located, or through electronic means; and

33 (2) give notice of the hearing to the members of the governing
34 body or bodies of the school corporation or corporations **or the**
35 **corporation board** and to the first ten (10) taxpayer petitioners
36 upon the petition by a letter signed by the commissioner or deputy
37 commissioner of the department of local government finance, and
38 enclosed with full prepaid postage addressed to the taxpayer
39 petitioners at their usual place of residence, at least five (5) days
40 before the hearing.

41 The decision of the department of local government finance on the
42 appeal upon the necessity for the execution of the lease, and as to



1 whether the rental is fair and reasonable, is final.

2 SECTION 50. IC 20-47-3-12, AS AMENDED BY P.L.146-2008,
3 SECTION 520, IS AMENDED TO READ AS FOLLOWS
4 [EFFECTIVE UPON PASSAGE]: Sec. 12. An action to contest the
5 validity of the lease or to enjoin the performance of any of the terms
6 and conditions of the lease may not be instituted at any time later than:

7 (1) thirty (30) days after publication of notice of the execution of
8 the lease by the governing body or bodies of the school
9 corporation or corporations **or the corporation board**; or
10 (2) if an appeal is allowed under section 11 of this chapter and has
11 been taken to the department of local government finance, thirty
12 (30) days after the decision of the department of local government
13 finance.

14 SECTION 51. IC 20-47-3-13, AS AMENDED BY P.L.113-2006,
15 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
16 UPON PASSAGE]: Sec. 13. The lessor corporation shall acquire, own,
17 and hold in fee simple the land on which a school building or buildings
18 are to be erected under this chapter. A school corporation **or the public**
19 **education corporation** that proposes to lease a school building, either
20 alone or jointly with another school corporation, and owns the land on
21 which it desires to be erected the building or buildings may sell and
22 transfer that land to the lessor corporation in fee simple, subject to the
23 following conditions:

24 (1) Before the sale may take place, the governing body of the
25 school corporation **or the corporation board** must file a petition
26 with the circuit court of the county in which the school
27 corporation is located, requesting the appointment of:

28 (A) one (1) disinterested freeholder of the school corporation
29 as an appraiser; and

30 (B) two (2) disinterested appraisers licensed under IC 25-34.1;
31 who are residents of Indiana to determine the fair market value of
32 the land. One (1) of the appraisers described in clause (B) must
33 reside not more than fifty (50) miles from the land.

34 (2) Upon appointment, the three (3) appraisers shall proceed to fix
35 the fair market value of the land and shall report the amount fixed
36 to the circuit court within two (2) weeks after the appointment.

37 (3) The school corporation **or the public education corporation**
38 may sell the land to the lessor corporation for an amount not less
39 than the amount fixed by the three (3) appraisers as the fair
40 market value, which shall be paid in cash upon delivery of the
41 deed by the school corporation **or the public education**
42 **corporation** to the lessor corporation. However, if the land was



1 acquired by the school corporation **or public education**
 2 **corporation** within three (3) years immediately preceding the
 3 date of the filing of the petition with the circuit court, the land
 4 may not be sold for an amount less than the amount paid by the
 5 school corporation **or public education corporation** for the land.

6 SECTION 52. IC 20-47-3-14, AS ADDED BY P.L.2-2006,
 7 SECTION 170, IS AMENDED TO READ AS FOLLOWS
 8 [EFFECTIVE UPON PASSAGE]: Sec. 14. A school corporation **or the**
 9 **public education corporation** that executes a lease under this chapter
 10 shall annually appropriate and pay out of the debt service fund an
 11 amount sufficient to pay the lease rental required under the lease. The
 12 appropriation and rate are reviewable by other bodies vested by law
 13 with the authority to determine that the levy is sufficient to raise the
 14 amount required to meet the rental required under the lease.

15 SECTION 53. IC 20-47-3-15, AS ADDED BY P.L.2-2006,
 16 SECTION 170, IS AMENDED TO READ AS FOLLOWS
 17 [EFFECTIVE UPON PASSAGE]: Sec. 15. School buildings leased by
 18 a lessor corporation entering into a lease with a school corporation, **or**
 19 **school corporations, or the public education corporation** under this
 20 chapter are exempt from all state, county, and other taxes. However,
 21 the rental payments to a lessor corporation under the terms of such a
 22 lease are subject to all applicable taxes under Indiana law.

23 SECTION 54. IC 20-47-3-16, AS ADDED BY P.L.2-2006,
 24 SECTION 170, IS AMENDED TO READ AS FOLLOWS
 25 [EFFECTIVE UPON PASSAGE]: Sec. 16. This chapter shall be
 26 construed as being supplemental to all other laws covering the
 27 acquisition, use, and maintenance of school buildings by school
 28 corporations **or the public education corporation**. However, as to
 29 school buildings constructed or leased under this chapter, it is not
 30 necessary to comply with the provisions of other laws concerning the
 31 acquisition, use, and maintenance of school buildings by school
 32 corporations **or the public education corporation** except as
 33 specifically required in this chapter.

34 SECTION 55. IC 20-47-3-18, AS AMENDED BY P.L.244-2017,
 35 SECTION 110, IS AMENDED TO READ AS FOLLOWS
 36 [EFFECTIVE UPON PASSAGE]: Sec. 18. (a) Upon the termination of
 37 a lease entered into under this chapter, the lessor corporation shall
 38 return to the school corporation **or public education corporation** any
 39 money held by the lessor corporation that exceeds the amount needed
 40 to retire bonds issued under this chapter and to dissolve the lessor
 41 corporation.

42 (b) A school corporation **or the public education corporation** shall



1 deposit the money received under subsection (a) in its debt service fund
 2 or its operations fund.

3 SECTION 56. IC 20-47-4-1, AS ADDED BY P.L.2-2006,
 4 SECTION 170, IS AMENDED TO READ AS FOLLOWS
 5 [EFFECTIVE UPON PASSAGE]: Sec. 1. This chapter applies to the
 6 lease by a school corporation **or the public education corporation** of
 7 an existing school building or improved school building under
 8 IC 20-47-2 or IC 20-47-3.

9 SECTION 57. IC 20-47-4-3.5 IS ADDED TO THE INDIANA
 10 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 11 [EFFECTIVE UPON PASSAGE]: **Sec. 3.5. As used in this chapter,**
 12 **"public education corporation" refers to the Indianapolis public**
 13 **education corporation established by IC 20-25.3-3-1.**

14 SECTION 58. IC 20-47-4-5, AS ADDED BY P.L.2-2006,
 15 SECTION 170, IS AMENDED TO READ AS FOLLOWS
 16 [EFFECTIVE UPON PASSAGE]: Sec. 5. A lessor corporation
 17 qualified or formed to acquire a site, erect a school building on the site,
 18 and lease the school building to a school corporation **or the public**
 19 **education corporation** under IC 20-47-2 or IC 20-47-3 may:

- 20 (1) be qualified or formed to acquire, improve, or expand an
 existing school building;
- 21 (2) acquire, improve, or expand an existing school building;
- 22 (3) finance an existing school building or improved school
 building; and
- 23 (4) lease an existing school building or improved school building
 to a school corporation **or the public education corporation**
 under applicable law.

24 SECTION 59. IC 20-47-4-6, AS AMENDED BY P.L.146-2008,
 25 SECTION 521, IS AMENDED TO READ AS FOLLOWS
 26 [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) A lessor corporation may
 27 acquire and finance an existing school building, other than as provided
 28 in section 5 of this chapter, and lease the existing school building to a
 29 school corporation **or the public education corporation**. A school
 30 corporation **or the public education corporation** shall comply with:

- 31 (1) IC 20-47-2 or IC 20-47-3;
- 32 (2) the petition and remonstrance provisions under IC 6-1.1-20 (if
 required); and
- 33 (3) the local public question provisions under IC 6-1.1-20 (if
 required).
- 34 (b) A lease made under this section may provide for the payment of
 lease rentals by the school corporation **or public education**
 corporation for the use of the existing school building.



(c) Lease rental payments made under the lease do not constitute a debt of the school corporation **or public education corporation** for purposes of the Constitution of the State of Indiana.

(d) A new school building may be substituted for the existing school building under the lease if the substitution was included in the notices given under IC 20-47-2, IC 20-47-3, and IC 6-1.1-20. A new school building must be substituted for the existing school building upon completion of the new school building.

SECTION 60. IC 20-47-4-7, AS ADDED BY P.L.2-2006, SECTION 170, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. A school corporation **or the public education corporation** may not pay a legal or other professional fee as the result of an exchange or a substitution under section 5 or 6 of this chapter.

SECTION 61. IC 20-47-4-8, AS ADDED BY P.L.2-2006, SECTION 170, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. (a) Except as provided in subsection (b), the lease or contract of lease of an existing school building or improved school building to a school corporation **or the public education corporation** as authorized by this chapter must comply with all applicable terms of IC 20-47-2 or IC 20-47-3, including:

(1) the notice of hearing on the lease;

(2) public hearing;

(3) notice of execution of lease; and

(4) the submission of plans and specifications for the improvement or expansion of the existing school building for approval by the state agencies designated in IC 20-47-2 or IC 20-47-3 or otherwise required by law or rule.

(b) If a school corporation **or the public education corporation** is occupying and using an existing school building during the renovation, remodeling, or expansion of the building, the lease or contract of lease may provide for the payment of lease rental by the school corporation **or public education corporation** for the use of the building during renovation, remodeling, or expansion.

SECTION 62. IC 20-47-4-9, AS ADDED BY P.L.2-2006, SECTION 170, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 9. The sale price of an existing school building must be determined under the provisions of IC 20-47-2 or IC 20-47-3 relating to the sale of land to a lessor corporation. Except as provided in this section, IC 20-26-7 and any other law relating to the sale of the property of school corporations **or the public education**



1 **corporation** or other public property do not apply to the sale of an
 2 existing school building to a lessor corporation under this chapter.

3 SECTION 63. IC 20-47-4-10, AS AMENDED BY P.L.244-2017,
 4 SECTION 111, IS AMENDED TO READ AS FOLLOWS
 5 [EFFECTIVE UPON PASSAGE]: Sec. 10. A school corporation **or the**
 6 **public education corporation** that sells an existing school building
 7 under section 6 of this chapter shall deposit the proceeds of the sale in
 8 the school corporation's **or the public education corporation's**
 9 operations fund and use the proceeds only for:

10 (1) new construction of school buildings;
 11 (2) related site acquisition; and
 12 (3) related site development.

13 However, any amount of the proceeds of the sale that are not used for
 14 a purpose described in subdivisions (1) through (3) within one (1) year
 15 after the school corporation **or public education corporation** receives
 16 the proceeds must be transferred to the school corporation's **or public**
 17 **education corporation's** debt service fund.

18 SECTION 64. IC 20-48-3-0.5 IS ADDED TO THE INDIANA
 19 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 20 [EFFECTIVE UPON PASSAGE]: **Sec. 0.5. After March 31, 2026, the**
 21 **public education corporation may exercise the same powers, duties,**
 22 **and responsibilities granted to the school city under this chapter as**
 23 **set forth in IC 20-25.3.**

24 SECTION 65. IC 36-3-6-9, AS AMENDED BY P.L.137-2012,
 25 SECTION 118, IS AMENDED TO READ AS FOLLOWS
 26 [EFFECTIVE UPON PASSAGE]: Sec. 9. (a) **This section does not**
 27 **apply to the Indianapolis public education corporation established**
 28 **by IC 20-25.3-3-1.**

29 (b) Except as provided in subsection (d), (e), the city-county
 30 legislative body shall review the proposed operating and maintenance
 31 budgets and tax levies and adopt final operating and maintenance
 32 budgets and tax levies for each of the following entities in the county:

33 (1) An airport authority operating under IC 8-22-3.
 34 (2) A public library operating under IC 36-12.
 35 (3) A capital improvement board of managers operating under
 36 IC 36-10.
 37 (4) A public transportation corporation operating under IC 36-9-4.
 38 (5) A health and hospital corporation established under
 39 IC 16-22-8.
 40 (6) Any other taxing unit (as defined in IC 6-1.1-1-21) that is
 41 located in the county and has a governing body that is not
 42 comprised of a majority of officials who are elected to serve on



1 the governing body.

2 Except as provided in subsection ~~(e)~~, **(d)**, the city-county legislative
3 body may reduce or modify but not increase a proposed operating and
4 maintenance budget or tax levy under this section.

5 **(b) (c)** The board of each entity listed in subsection ~~(a)~~ **(b)** shall,
6 after adoption of its proposed budget and tax levies, submit them, along
7 with detailed accounts, to the city clerk before September 2.

8 **(c) (d)** The city-county legislative body or, when subsection ~~(d)~~ **(e)** applies,
9 the fiscal body of an excluded city or town shall review the
10 issuance of bonds of an entity listed in subsection ~~(a)~~ **(b)**. Approval of
11 the city-county legislative body or, when subsection ~~(d)~~ **(e)** applies, the
12 fiscal body of an excluded city or town is required for the issuance of
13 bonds. The city-county legislative body or the fiscal body of an
14 excluded city or town may not reduce or modify a budget or tax levy of
15 an entity listed in subsection ~~(a)~~ **(b)** in a manner that would:

16 (1) limit or restrict the rights vested in the entity to fulfill the
17 terms of any agreement made with the holders of the entity's
18 bonds; or

19 (2) in any way impair the rights or remedies of the holders of the
20 entity's bonds.

21 **(d) (e)** If the assessed valuation of a taxing unit is entirely contained
22 within an excluded city or town (as described in IC 36-3-1-7) that is
23 located in a county having a consolidated city, the governing body of
24 the taxing unit shall submit its proposed operating and maintenance
25 budget and tax levies to the city or town fiscal body for approval and
26 not the city-county legislative body. Except as provided in subsection
27 ~~(e)~~, **(d)**, the fiscal body of the excluded city or town may reduce or
28 modify but not increase a proposed operating and maintenance budget
29 or tax levy under this section.

30 **SECTION 66. An emergency is declared for this act.**



COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred House Bill 1423, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 5-13-6-3, AS AMENDED BY P.L.166-2014, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) All taxes collected by the county treasurer shall be deposited as one (1) fund in the several depositories selected for the deposit of county funds and, except as provided in subsection (b), remain in the depositories until distributed at the following semiannual distribution made by the county auditor.

(b) Every county treasurer who, by virtue of the treasurer's office, is the collector of any taxes for any political subdivision wholly or partly within the county shall, not later than thirty (30) days after receipt of a written request for funds filed with the treasurer by a proper officer of any political subdivision within the county, provide to the county auditor the amount available for distribution, as certified for each semiannual distribution under IC 6-1.1-27-2. The county auditor shall advance to that political subdivision a portion of the taxes collected before the semiannual distribution. The amount advanced may not exceed the lesser of:

- (1) ninety-five percent (95%) of the total amount collected at the time of the advance; or
- (2) ninety-five percent (95%) of the amount to be distributed at the semiannual distribution.

(c) Upon notice from the county treasurer of the amount to be advanced, the county auditor shall draw a warrant upon the county treasurer for the amount. The amount of the advance must be available immediately for the use of the political subdivision.

(d) At the semiannual distribution all the advances made to any political subdivision under subsection (b) shall be deducted from the total amount due any political subdivision as shown by the distribution.

(e) If a county auditor fails to make a distribution of tax collections by the deadline for distribution under subsection (b), a political subdivision that was to receive a distribution may recover interest on the undistributed tax collections under IC 6-1.1-27-1.

(f) Subject to this section, the Indianapolis public education corporation board established by IC 20-25.3-3-2 may file with the



county treasurer a written request under this section for an advance of the funds certified for the first semiannual distribution in 2026 to be distributed to the corporation board under IC 20-46-8-11.2(j). The corporation board shall deposit money advanced by the county auditor in the public education corporation operations fund created by IC 20-25.3-6-1. This subsection expires July 1, 2027."

Page 1, between lines 5 and 6, begin a new paragraph and insert:

"SECTION 3. IC 6-1.1-17-20, AS AMENDED BY P.L.230-2025, SECTION 43, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 20. (a) This section:

(1) applies to each governing body of a taxing unit that is not comprised of a majority of officials who are elected to serve on the governing body; **and**

(2) does not apply to the public education corporation.

For purposes of this section, an individual who qualifies to be appointed to a governing body or serves on a governing body because of the individual's status as an elected official of another taxing unit shall be treated as an official who was not elected to serve on the governing body.

(b) As used in this section, "taxing unit" has the meaning set forth in IC 6-1.1-1-21, except that the term does not include a public library or an entity whose tax levies are subject to review and modification by a city-county legislative body under IC 36-3-6-9.

(c) If:

(1) the assessed valuation of a taxing unit is entirely contained within a city or town; or

(2) the assessed valuation of a taxing unit is not entirely contained within a city or town but:

(A) the taxing unit was originally established by the city or town; or

(B) the majority of the individuals serving on the governing body of the taxing unit are appointed by the city or town; the governing body shall submit its proposed budget and property tax levy to the city or town fiscal body. The proposed budget and levy shall be submitted to the city or town fiscal body in the manner prescribed by the department of local government finance before September 2 of a year.

(d) If subsection (c) does not apply, the governing body of the taxing unit shall submit its proposed budget and property tax levy to the county fiscal body in the county where the taxing unit has the most assessed valuation. The proposed budget and levy shall be submitted



to the county fiscal body in the manner prescribed by the department of local government finance before September 2 of a year.

(e) The fiscal body of the city, town, or county (whichever applies) shall review each budget and proposed tax levy and adopt a final budget and tax levy for the taxing unit. The fiscal body may reduce or modify but not increase the proposed budget or tax levy.

(f) If a taxing unit fails to file the information required in subsection (c) or (d), whichever applies, with the appropriate fiscal body by the time prescribed by this section, when calculating the maximum ad valorem property tax levy under IC 6-1.1-18.5-3(a) for the taxing unit for the ensuing budget year, instead of multiplying the maximum levy growth quotient determined under IC 6-1.1-18.5-2(b) or IC 6-1.1-18.5-2(e) (as applicable) for the year by the taxing unit's maximum permissible ad valorem property tax levy for the preceding calendar year as prescribed in STEP TWO of IC 6-1.1-18.5-3(a), for purposes of STEP TWO of IC 6-1.1-18.5-3(a), the taxing unit's maximum permissible ad valorem property tax levy for the preceding calendar year must instead be multiplied by the result of the following:

STEP ONE: Determine:

- (A) the result of STEP FOUR of IC 6-1.1-18.5-2(b) or STEP FIVE of IC 6-1.1-18.5-2(e) (as applicable); minus
- (B) one (1).

STEP TWO: Multiply:

- (A) the STEP ONE result; by
- (B) eight-tenths (0.8).

STEP THREE: Add one (1) to the STEP TWO result.

However, if the taxing unit files the information as required in subsection (c) or (d), whichever applies, for the budget year immediately following the budget year for which the formula under this subsection is applied, when calculating the maximum ad valorem property tax levy under IC 6-1.1-18.5-3(a) for the taxing unit for the subsequent budget year, the taxing unit's maximum permissible ad valorem property tax levy must be calculated as if the formula under this subsection had not been applied for the affected budget year.

(g) If the appropriate fiscal body fails to complete the requirements of subsection (e) before the adoption deadline in section 5 of this chapter for any taxing unit subject to this section, when calculating the maximum ad valorem property tax levy under IC 6-1.1-18.5-3(a) for the city, town, or county for the ensuing budget year, instead of multiplying the maximum levy growth quotient determined under IC 6-1.1-18.5-2(b) or IC 6-1.1-18.5-2(e) (as applicable) for the year by the city's, town's, or county's maximum permissible ad valorem



property tax levy for the preceding calendar year as prescribed in STEP TWO of IC 6-1.1-18.5-3(a), for purposes of STEP TWO of IC 6-1.1-18.5-3(a), the city's, town's, or county's maximum permissible ad valorem property tax levy for the preceding calendar year must instead be multiplied by the result of the following:

STEP ONE: Determine:

- (A) the result of STEP FOUR of IC 6-1.1-18.5-2(b) or STEP FIVE of IC 6-1.1-18.5-2(e) (as applicable); minus
- (B) one (1).

STEP TWO: Multiply:

- (A) the STEP ONE result; by
- (B) eight-tenths (0.8).

STEP THREE: Add one (1) to the STEP TWO result.

However, if the city, town, or county files the information as required in subsection (e) for the budget year immediately following the budget year for which the formula under this subsection is applied, when calculating the maximum ad valorem property tax levy under IC 6-1.1-18.5-3(a) for the city, town, or county for the subsequent budget year, the unit's maximum permissible ad valorem property tax levy must be calculated as if the formula under this subsection had not been applied for the affected budget year.

SECTION 4. IC 6-1.1-17-20.5, AS AMENDED BY P.L.113-2010, SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 20.5. (a) This section:

(1) applies to the governing body of a taxing unit unless a majority of the governing body is comprised of officials who are elected to serve on the governing body; **and**

(2) does not apply to the public education corporation.

For purposes of this section, an individual who qualifies to be appointed to a governing body or serves on a governing body because of the individual's status as an elected official of another taxing unit shall be treated as an official who was not elected to serve on the governing body.

(b) As used in this section, "taxing unit" has the meaning set forth in IC 6-1.1-1-21, except that the term does not include:

- (1) a school corporation; or
- (2) an entity whose tax levies are subject to review and modification by a city-county legislative body under IC 36-3-6-9.

(c) If:

- (1) the assessed valuation of a taxing unit is entirely contained within a city or town; or
- (2) the assessed valuation of a taxing unit is not entirely contained



within a city or town but the taxing unit was originally established by the city or town; the governing body of the taxing unit may not issue bonds or enter into a lease payable in whole or in part from property taxes unless it obtains the approval of the city or town fiscal body.

(d) However, in the case of a public library that is subject to this section and is described in subsection (c), the public library may not issue bonds or enter into a lease payable in whole or in part from property taxes unless it obtains the approval of the county fiscal body, rather than the city or town fiscal body, if more than fifty percent (50%) of the parcels of real property within the jurisdiction of the public library are located outside the city or town. The requirement that the public library must obtain the approval of the county fiscal body (rather than the city or town fiscal body) if more than fifty percent (50%) of the parcels of real property within the jurisdiction of the public library are located outside the city or town does not apply to the issuance of bonds or the execution of a lease:

(1) for which a decision or preliminary determination was made under IC 6-1.1-20 before December 31, 2010; or

(2) that is approved by the city or town fiscal body or the county fiscal body before December 31, 2010.

(e) This subsection applies to a taxing unit not described in subsection (c) or (d). The governing body of the taxing unit may not issue bonds or enter into a lease payable in whole or in part from property taxes unless it obtains the approval of the county fiscal body in the county where the taxing unit has the most net assessed valuation.".

Page 6, line 35, delete "four (4)" and insert "**six (6)**".

Page 7, delete lines 7 through 8, begin a new paragraph and insert:

"(e) A member of the corporation board may be removed for cause by the mayor."

Page 8, delete lines 1 through 2.

Page 8, line 3, delete "(2)" and insert "**(1)**".

Page 8, line 4, delete "(3)" and insert "**(2)**".

Page 8, line 22, delete "June 1," and insert "**March 31**,".

Page 8, line 28, delete "2028." and insert "**2029**.".

Page 8, line 33, delete "2029." and insert "**2030**.".

Page 8, line 38, delete "2030." and insert "**2031**.".

Page 8, line 39, delete "3031." and insert "**2032**.".

Page 9, line 11, after "2." insert "**(a)**".

Page 9, line 14, delete "Control" and insert "**Beginning with the 2028-2029 school year, control**".



Page 9, delete lines 15 through 18, begin a new line block indented and insert:

"(2) Establish, in collaboration with the nonprofit organization leading the transportation and centralized school facilities pilot program in Marion County, a unified transportation plan in accordance with section 5 of this chapter and, beginning with the 2028-2029 school year, lead and oversee the provision of transportation of all students to and from participating schools within the geographic boundaries of the school city.".

Page 9, line 20, delete "described in" and insert "**in accordance with**".

Page 9, line 22, delete "Establish and manage" and insert "**Manage**".

Page 10, line 20, delete "purchase." and insert "**purchase, or by lease under IC 20-47-2 or IC 20-47-3.**"

Page 12, between lines 10 and 11, begin a new paragraph and insert:

"(b) The corporation board shall determine the percentage of property tax revenue that the county auditor is required to distribute to the corporation under IC 20-46-8-11.2(j) or IC 20-46-8-12(m), as applicable. The amount determined under this subsection may not exceed three percent (3%) of the total amount of revenue to be distributed under IC 20-46-8-11.2(f), IC 20-46-8-12(h), or IC 20-46-8-12(l), as applicable, to the school city and to each charter school described in IC 20-46-8-12(m)(2) for each settlement period described in IC 6-1.1-27-1.

(c) The corporation board shall, in collaboration with the school city and the nonprofit organization leading the transportation and centralized school facilities pilot program in Marion County, do the following:

- (1) Complete a feasibility study to determine the best approach for managing school property.**
- (2) Not later than November 30, 2026, submit to the legislative council in an electronic format under IC 5-14-6 a report that includes information regarding the corporation board's progress in completing the feasibility study under subdivision (1) and report under subdivision (3).**
- (3) Not later than November 30, 2027, prepare and submit a report regarding the feasibility study under subdivision (1) to the legislative council in an electronic format under IC 5-14-6.**

This subsection expires July 1, 2028."

Page 12, line 14, delete "2027-2028" and insert "**2028-2029**".



Page 12, between lines 31 and 32, begin a new paragraph and insert:

"(c) Before a participating school may be closed as described in subsection (b)(3), the corporation shall:

- (1) consult with the department; and**
- (2) hold a public hearing within the geographic boundaries of the school city;**

regarding the proposed closure of the participating school.

(d) The corporation board shall submit to the legislative council in an electronic format under IC 5-14-6 the following:

(1) Not later than August 1, 2026, a report that includes information regarding the corporation board's progress in creating a single school performance framework under this section, including information related to the progress on the plan to close inefficient school buildings.

(2) Not later than November 30, 2026, the single school performance framework created under this section."

Page 12, delete lines 36 through 40, begin a new paragraph and insert:

"Sec. 5. (a) The corporation board shall do the following:

(1) Establish a unified transportation plan regarding the provision of transportation of all students to and from participating schools within the geographic boundaries of the school city.

(2) Include in the unified transportation plan the amount needed to fully fund the plan.

(3) Not later than November 30, 2026, submit to the legislative council in an electronic format under IC 5-14-6 a report that includes information regarding the corporation board's progress in completing the unified transportation plan.

(4) Not later than November 30, 2027, submit the unified transportation plan to the legislative council in an electronic format under IC 5-14-6.

(b) The corporation board shall implement the unified transportation plan beginning in the 2028-2029 school year."

Page 13, line 2, delete "established" and insert "implemented".

Page 13, delete lines 30 through 36, begin a new paragraph and insert:

"Sec. 1. (a) Any indebtedness, liabilities, and obligations incurred before April 1, 2026, by the school city or any participating school, remain the debt, liability, or obligation of the school city or participating school and do not become the debt, liability, or obligation of and may not be assumed by the



corporation. The rights of the bondholders remain unchanged.

(b) Any indebtedness, liabilities, and obligations incurred after March 31, 2026, by the corporation are the debt, liability, or obligation of the corporation."

Page 15, between lines 21 and 22, begin a new paragraph and insert:

"Chapter 6. Indianapolis Public Education Corporation Operations Fund

Sec. 1. The corporation shall create a corporation operations fund to be used by the corporation for the purposes of the corporation.

Sec. 2. The corporation operations fund shall be used to deposit revenue received under IC 20-46-8-11.2(j) and IC 20-46-8-12(m).

Sec. 3. Expenditures from the corporation operations fund may be made only after appropriation in the annual budget or by an additional appropriation under IC 6-1.1-18-5.

Sec. 4. (a) Any balance in the corporation operations fund may be invested in the manner provided for investment of money by a political subdivision. The net proceeds from the investment become a part of the corporation operations fund.

(b) Any balance, or a part of the balance, remaining in the corporation operations fund at the end of a year may be retained in the corporation operations fund.

Sec. 5. The corporation may use money in the corporation operations fund to carry out the purposes of the corporation."

Page 23, between lines 4 and 5, begin a new paragraph and insert:

"(c) After June 30, 2026, the public education corporation shall use money in the fund:

- (1) first, subject to IC 20-25.3-5-1, for payment of any obligation described under section 6 of this chapter and incurred by the school city (as defined in IC 20-25-2-12); and**
- (2) next, for payment of any obligation described under section 6 of this chapter and incurred by the public education corporation."**

Page 24, line 1, after "(a)," insert "beginning with property taxes first due and payable after December 31, 2025,"

Page 24, line 3, delete "school city" and insert "public education corporation, the school city,"

Page 24, line 6, delete "school city" and insert "public education corporation, the school city,"

Page 24, between lines 7 and 8, begin a new paragraph and insert:

"SECTION 20. IC 20-46-8-11.2, AS AMENDED BY P.L.68-2025, SECTION 225, IS AMENDED TO READ AS FOLLOWS



[EFFECTIVE UPON PASSAGE]: Sec. 11.2. (a) This section applies only to revenue collected after June 30, 2024, and before January 1, 2028, from a tax levy imposed under this chapter by a school corporation located in:

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

However, this section does not apply to, and distributions are not required for, a school corporation that is designated as a distressed political subdivision under IC 6-1.1-20.3.

(b) For distributions made in:

- (1) calendar year 2025, and subject to subsection (c); and
- (2) calendar years 2026 and 2027, and subject to subsections (c), (h), and (i);

the county auditor shall distribute to each charter school that is eligible for a distribution under subsection (d), and as provided under subsection (f), an amount of revenue received from a tax levy imposed by a school corporation under this chapter that is attributable to the territory of the school corporation that is located within the boundaries of a county listed in subsection (a).

(c) The following schools are not eligible to receive a distribution under this section:

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

(d) Not later than March 1, 2025, January 1, 2026, and January 1, 2027, the department, in consultation with the department of local government finance, shall determine the corresponding percentages of revenue received from the tax levy that are attributable to the territory of the school corporation that is located within the boundaries of a county listed in subsection (a) and must be distributed among the school corporation and each eligible charter school according to the following formula:

STEP ONE: Determine each charter school that:

- (A) is located in the same county as the school corporation; and
- (B) provides not more than fifty percent (50%) virtual instruction for its students.

STEP TWO: Determine, for each charter school described in STEP ONE, the number of students who:

- (A) have legal settlement within the school corporation;
- (B) are currently included in the fall ADM for the charter



school; and

(C) receive not more than fifty percent (50%) virtual instruction.

STEP THREE: Determine the sum of:

(A) the aggregate of the STEP TWO results for all applicable charter schools; plus

(B) the fall ADM count for the school corporation for students receiving not more than fifty percent (50%) virtual instruction.

STEP FOUR: For each charter school described in STEP ONE, determine the result of:

(A) the applicable STEP TWO amount; divided by

(B) the STEP THREE amount;

expressed as a percentage.

STEP FIVE: Determine the sum of all the amounts computed under STEP FOUR and subtract the result from one hundred percent (100%).

(e) The department shall provide to the county auditor, immediately after calculation under subsection (d):

(1) each charter school determined under STEP ONE of subsection (d) and the charter school's corresponding percentage calculated under STEP FOUR of subsection (d); and

(2) the percentage calculated under STEP FIVE of subsection (d) for the school corporation.

(f) **Except as provided in subsection (j), and** subject to subsection (i), the county auditor shall distribute to the school corporation and each applicable charter school the amount determined, for each settlement period described in IC 6-1.1-27-1, in the last STEP of the following STEPS:

STEP ONE: For each school corporation, determine a base property tax levy amount calculated as:

(A) the sum of the school corporation's operations fund property tax levies that are attributable to the territory of the school corporation that is located within the boundaries of a county listed in subsection (a) and collected under this chapter for the applicable settlement period as described in IC 6-1.1-27-1 in calendar years 2021, 2022, and 2023; divided by

(B) three (3).

STEP TWO: For each school corporation, determine an incremental property tax levy amount calculated as:

(A) the school corporation's operations fund property tax levy collections that are attributable to the territory of the school



corporation that is located within the boundaries of a county listed in subsection (a) for the applicable settlement period as described in IC 6-1.1-27-1 in the current calendar year; minus (B) the school corporation's base property tax levy collections determined for the applicable settlement period as described in IC 6-1.1-27-1 under STEP ONE.

STEP THREE: For the school corporation and each applicable charter school, determine the result of:

(A) the sum of:

- (i) the incremental amount determined under STEP TWO; plus
- (ii) any distribution amount withheld under subsection (i); multiplied by

(B) the following percentage:

- (i) In the case of an applicable charter school, the charter school's percentage under STEP FOUR of subsection (d).
- (ii) In the case of the school corporation, the school corporation's percentage under STEP FIVE of subsection (d).

(g) Before August 15, 2025, and August 15, 2026, the department shall provide to each school corporation and each eligible charter school an estimate of the amount of property tax levy revenue the school corporation and charter school are expected to receive under this section based on the most recent fall ADM count.

(h) This subsection applies to distributions of property tax revenue under this section in 2026 and 2027. In order to receive a distribution under this section in 2026 and 2027, the governing body of an eligible charter school shall, before October 15, 2025, and October 15, 2026, adopt a budget for the current school year. Not later than ten (10) days before its adoption, the budget must be fixed and presented to the charter board in a public meeting in the county in which the charter school is incorporated. A budget that is adopted under this subsection must be submitted to the charter authorizer for review and to the department of local government finance to be posted publicly on the computer gateway under IC 6-1.1-17-3 not later than:

- (1) to receive distributions in 2026, November 1, 2025; and
- (2) to receive distributions in 2027, November 1, 2026.

In addition to the adopted budget, the governing body of the charter school shall also submit to the charter authorizer, and to the department of local government finance to be posted publicly on the computer gateway under IC 6-1.1-17-3, the dates on which each requirement under this subsection was met and a statement from the governing body



of the charter school attesting that those dates are true and accurate and that the budget was properly adopted under this subsection.

(i) This subsection applies to distributions of property tax revenue under this section in 2026 and 2027. If an eligible charter school does not satisfy the requirements of subsection (h) to receive distributions under this section during a calendar year, as determined by the department of local government finance, the charter school may not receive a distribution of property tax revenue in that calendar year and the county auditor shall withhold the charter school's distribution amount. The department of local government finance's determination of compliance consists only of a confirmation that the adopted budget and attestation statement are submitted not later than the applicable date under subsection (h). Any distribution amount that must be withheld from distribution to any particular charter school under this subsection in:

- (1) calendar year 2026 shall be added to the incremental amount as described in STEP TWO of subsection (f) and distributed among the school corporation and remaining charter schools according to subsection (f) in calendar year 2027; and
- (2) calendar year 2027 shall be added to the incremental amount as described in STEP TWO of subsection (f) and distributed among the school corporation and remaining charter schools according to subsection (f) in calendar year 2027.

(j) This subsection applies only to distributions of property tax revenue in 2026 and to distributions of property tax revenue in 2027 to:

- (1) a school city (as defined in IC 20-25-2-12); and**
- (2) a charter school that:**
 - (A) is located in the territory of a school city (as defined in IC 20-25-2-12); and**
 - (B) would otherwise receive a share of property tax revenue from the school city under this section.**

Before making any distribution under subsection (f), the county auditor shall first distribute to the public education corporation for deposit in the public education corporation operations fund created under IC 20-25.3-6-1 an amount equal to the percentage determined by the Indianapolis public education corporation board under IC 20-25.3-4-2(b).

SECTION 21. IC 20-46-8-12, AS ADDED BY P.L.68-2025, SECTION 226, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 12. (a) This section applies to revenue collected after December 31, 2027, from a tax levy imposed



under this chapter only if the number of students who have legal settlement in a school corporation but attend a charter school, excluding virtual charter schools and adult high schools, and receive not more than fifty percent (50%) virtual instruction, is at least the greater of:

- (1) one hundred (100) students; or
- (2) two percent (2%) of the school corporation's spring ADM count, excluding students who receive more than fifty percent (50%) virtual instruction.

(b) As used in this section, "eligible charter school" means a charter school attended by a student who:

- (1) has legal settlement in a school corporation that imposes a tax levy under this chapter; and
- (2) receives not more than fifty percent (50%) virtual instruction.

However, the term does not include a virtual charter school or an adult high school.

(c) The following schools are not eligible to receive, and may not be considered in a calculation made for purposes of, a distribution under this section:

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

(d) Beginning in calendar year 2028, and in each calendar year thereafter, and subject to subsection (j), the county auditor shall distribute to each eligible charter school in the manner provided under this section an amount of revenue received from a tax levy imposed by a school corporation under this chapter.

(e) For the purposes of the calculations made in this section, each eligible charter school that has entered into an agreement with a school corporation to participate as a participating innovation network charter school under IC 20-25.7-5 is considered to have an ADM that is separate from the school corporation.

(f) Not later than January 1, 2028, and not later than January 1 of each year thereafter, the department, in consultation with the department of local government finance, shall determine, for each school corporation, the corresponding percentages of revenue received from the tax levy that must be distributed among the school corporation and each eligible charter school according to the following formula:

STEP ONE: Determine, for each eligible charter school, the number of students who:

- (A) have legal settlement within the school corporation;
- (B) are currently included in the fall ADM count for the charter school; and



(C) receive not more than fifty percent (50%) virtual instruction.

STEP TWO: Determine the sum of:

- (A) the aggregate of the STEP ONE results for all eligible charter schools with respect to the school corporation; plus
- (B) the fall ADM count for the school corporation for students receiving not more than fifty percent (50%) virtual instruction.

STEP THREE: For each eligible charter school, determine the result of:

- (A) the applicable STEP ONE amount; divided by
- (B) the STEP TWO amount;

expressed as a percentage.

STEP FOUR: Determine the sum of all the amounts computed under STEP THREE and subtract the result from one hundred percent (100%).

(g) The department shall provide to the county auditor, immediately after calculation under subsection (f):

- (1) each eligible charter school and the eligible charter school's corresponding percentage calculated under STEP THREE of subsection (f); and
- (2) the percentage calculated under STEP FOUR of subsection (f) for the school corporation.

(h) **Except as provided in subsection (m), and** subject to subsections (j) and (l), the county auditor shall distribute to the school corporation and each eligible charter school the amount determined in the last STEP of the following STEPS:

STEP ONE: Determine the amount collected in the most recent installment period by the school corporation from the school corporation's operations fund levy imposed under this chapter.

STEP TWO: To determine the distribution for the school corporation and each eligible charter school, determine the result of:

- (A) the sum of:
 - (i) the STEP ONE result; plus
 - (ii) any amount withheld in the previous year under subsection (k); multiplied by

- (B) the following percentage:
 - (i) In the case of an eligible charter school, the charter school's percentage under STEP THREE of subsection (f).
 - (ii) In the case of the school corporation, the school corporation's percentage under STEP FOUR of subsection (f).



(i) Not later than August 15, 2027, and not later than August 15 of each calendar year thereafter, the department shall provide to each school corporation and each eligible charter school an estimate of the amount of property tax levy revenue the school corporation and eligible charter school are expected to receive under this section in the subsequent calendar year based on the most recent fall ADM count.

(j) Beginning with distributions of property tax revenue under this section in 2028 and thereafter, in order to receive a distribution under this section, the governing body of an eligible charter school shall, not later than October 15, 2027, and not later than October 15 of each calendar year thereafter, adopt a budget for the current school year. Not later than ten (10) days before its adoption, the budget must be fixed and presented to the charter board in a public meeting in the county in which the eligible charter school is incorporated. Not later than November 1, 2027, and not later than November 1 of each calendar year thereafter, the governing body of the charter school shall submit:

- (1) the budget that is adopted under this subsection;
- (2) the dates on which each requirement under this subsection was met; and
- (3) a statement from the governing body of the charter school attesting that the dates provided in subdivision (2) are true and accurate and that the budget was properly adopted under this subsection;

to the charter authorizer for review and to the department of local government finance to be posted publicly on the computer gateway under IC 6-1.1-17-3.

(k) If an eligible charter school does not satisfy the requirements of subsection (j) to receive distributions under this section during a calendar year, as determined by the department of local government finance, the eligible charter school may not receive a distribution of property tax revenue in that calendar year and the county auditor shall withhold the eligible charter school's distribution amount. The department of local government finance's determination of compliance consists only of a confirmation that the adopted budget and attestation statement are submitted not later than the applicable date under subsection (j). Any distribution amount withheld under this subsection shall be:

- (1) added to the property tax revenue collections as described in STEP TWO of subsection (h); and
- (2) distributed among the school corporation and remaining eligible charter schools according to subsection (h);

in the calendar year that immediately follows the calendar year in



which the distribution amount was withheld.

(l) This subsection applies only to distributions under subsection (h) in calendar years 2028, 2029, and 2030 to an eligible charter school. **Except as provided in subsection (m)**, instead of the amount determined under subsection (h) for a distribution to a particular eligible charter school from the revenue collected from the tax levy imposed under this chapter by a particular school corporation, the county auditor shall make distributions according to the following:

- (1) For a distribution in 2028, the county auditor shall distribute an amount for a particular eligible charter school equal to:
 - (A) the applicable result of STEP TWO of subsection (h) for the eligible charter school; multiplied by
 - (B) twenty-five hundredths (0.25).
- (2) For a distribution in 2029, the county auditor shall distribute an amount for a particular eligible charter school equal to:
 - (A) the applicable result of STEP TWO of subsection (h) for the eligible charter school; multiplied by
 - (B) five-tenths (0.5).
- (3) For a distribution in 2030, the county auditor shall distribute an amount for a particular eligible charter school equal to:
 - (A) the applicable result of STEP TWO of subsection (h) for the eligible charter school; multiplied by
 - (B) seventy-five hundredths (0.75).

Any amount of property tax revenue collected from the tax levy imposed under this chapter by a particular school corporation that remains after making the distributions according to this subsection shall be distributed to the school corporation and are in addition to the amount distributed to the school corporation under subsection (h) for the applicable year. This subsection expires July 1, 2032.

(m) This subsection applies only to distributions of revenue to:

- (1) a school city (as defined in IC 20-25-2-12); and**
- (2) a charter school that:**
 - (A) is located in the territory of a school city (as defined in IC 20-25-2-12); and**
 - (B) would otherwise receive a share of property tax revenue from the school city under this section.**

Before making any distribution under subsection (h) or (l), the county auditor shall first distribute to the public education corporation for deposit in the public education corporation operations fund created under IC 20-25.3-6-1 an amount equal to the percentage determined by the Indianapolis public corporation board under IC 20-25.3-4-2(b).".



Page 24, between lines 21 and 22, begin a new paragraph and insert:

"SECTION 23. IC 20-47-2-2.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2.5. As used in this chapter, "corporation board" refers to the Indianapolis public education corporation board established by IC 20-25.3-3-2.

SECTION 24. IC 20-47-2-3.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3.5. As used in this chapter, "public education corporation" refers to the Indianapolis public education corporation established by IC 20-25.3-3-1.

SECTION 25. IC 20-47-2-5, AS AMENDED BY P.L.233-2015, SECTION 304, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) A school corporation **or the public education corporation may lease a school building or buildings for the use of:**

(1) the school corporation **or public education corporation**; or
 (2) a joint or consolidated school district of which the school corporation is a part or to which it contributes;
 for a term not to exceed thirty (30) years.

(b) A school corporation **or the public education corporation** may not enter into a lease under this section unless the governing body **or the corporation board**, after investigation, determines that a need exists for the school building and that the school corporation **or public education corporation** cannot provide the necessary funds to pay the cost or its proportionate share of the cost of the school building or buildings required to meet the present needs.

(c) If two (2) or more school corporations propose to jointly enter into a lease under this section, joint meetings of the governing bodies of the school corporations may be held, but action taken at a joint meeting is not binding on any of those school corporations unless approved by a majority of the governing body of those school corporations. A lease executed by two (2) or more school corporations as joint lessees must:

(1) set out the amount of the total lease rental to be paid by each lessee, which may be as agreed upon; and
 (2) provide that:
 (A) there is no right of occupancy by any lessee unless the total rental is paid as stipulated in the lease; and
 (B) all rights of joint lessees under the lease are in proportion to the amount of lease rental paid by each lessee.

SECTION 26. IC 20-47-2-6, AS ADDED BY P.L.2-2006,



SECTION 170, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) A school corporation, ~~or~~ **school** corporations, **or the public education corporation** may enter into a lease under this chapter only with a corporation organized under Indiana law solely for the purpose of acquiring a site, erecting a suitable school building or buildings on that site, leasing the building or buildings to the school corporation, ~~or~~ **school** corporations, **or public education corporation** collecting the rentals under the lease, and applying the proceeds of the lease in the manner provided in this chapter.

(b) A lessor corporation described in subsection (a):

- (1) must, except as provided in subdivision (2), act entirely without profit to the lessor corporation or its officers, directors, and stockholders;
- (2) is entitled to the return of capital actually invested, plus interest or dividends on outstanding securities or loans, not to exceed five percent (5%) per annum and the cost of maintaining the lessor corporation's corporate existence and keeping its property free of encumbrance; and
- (3) upon receipt of any amount of lease rentals exceeding the amount described in subdivision (2), apply the excess funds to the redemption and cancellation of the lessor corporation's outstanding securities or loans as soon as may be done.

SECTION 27. IC 20-47-2-7, AS ADDED BY P.L.2-2006, SECTION 170, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. (a) A lease entered into under this chapter must include the following provisions:

- (1) An option for the school corporation, ~~or~~ **school** corporations, **or the public education corporation** to renew the lease for a further term on similar conditions.
- (2) An option for the school corporation, ~~or~~ **school** corporations, **or public education corporation** to purchase the property covered by the lease after six (6) years from the execution of the lease and before the expiration of the term of the lease, on the date or dates in each year as may be fixed in the lease. The purchase price:
 - (A) must be equal to the amount required to enable the lessor corporation owning the property to liquidate by paying all indebtedness, with accrued and unpaid interest, redeeming and retiring any stock at par, and paying the expenses and charges of liquidation; and
 - (B) may not exceed the capital actually invested in the



property by the lessor corporation represented by outstanding securities or existing indebtedness, plus the cost of transferring the property and liquidating the lessor corporation.

(b) A lease entered into under this chapter may not provide or be construed to provide that a school corporation **or the public education corporation** is under any obligation to purchase a leased school building or buildings, or under any obligation in respect to any creditors, shareholders, or other security holders of the lessor corporation.

SECTION 28. IC 20-47-2-10, AS ADDED BY P.L.2-2006, SECTION 170, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10. A school corporation, **or school** corporations, **or the public education corporation** may, in anticipation of the acquisition of a site and the construction and erection of a school building or buildings, enter into a lease with a lessor corporation before the actual acquisition of the site and the construction and erection of the building or buildings. However, a lease entered into under this section may not provide for the payment of any lease rental by the lessee or lessees until the building or buildings are ready for occupancy, at which time the stipulated lease rental may begin. The contractor must furnish to the lessor corporation a bond satisfactory to the lessor corporation conditioned upon the final completion of the building or buildings within the period specified in the contract.

SECTION 29. IC 20-47-2-11, AS ADDED BY P.L.2-2006, SECTION 170, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 11. (a) After the lessor corporation and the school corporation, **or school** corporations, **or the public education corporation** have agreed upon the terms and conditions of a lease proposed to be entered into under this chapter, and before the final execution of the lease, a notice shall be given by publication to all persons interested of a hearing or joint hearing to be held before the governing body or governing bodies of the school corporation or corporations **or the corporation board** authorized to approve the lease. The hearing must be not earlier than:

- (1) ten (10) days after publication of the notice, if new construction is proposed; or
- (2) thirty (30) days after publication of the notice, if improvement or expansion is proposed.

(b) The notice required by subsection (a) must:

- (1) be published one (1) time in:
 - (A) a newspaper of general circulation printed in the English



language in the school corporation;

- (B) a newspaper described in clause (A) in each school corporation if the proposed lease is a joint lease; or
- (C) if no such paper is published in the school corporation, in any newspaper of general circulation published in the county;

- (2) name the date, time, and place of the hearing; and
- (3) set forth a brief summary of the principal terms of the lease agreed upon, including the:

- (A) location of the property to be leased;
- (B) name of the proposed lessor corporation;
- (C) character of the property to be leased;
- (D) rental to be paid; and
- (E) number of years the lease is to be in effect.

The cost of publishing the notice shall be borne by the lessor corporation.

(c) The proposed lease, drawings, plans, specifications, and estimates for the school building or buildings must be available for inspection by the public during the ten (10) day or thirty (30) day period described in subsection (a) and at the hearing under section 12 of this chapter.

SECTION 30. IC 20-47-2-12, AS ADDED BY P.L.2-2006, SECTION 170, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 12. (a) At the hearing, all interested persons have a right to be heard upon the necessity for the execution of the proposed lease and whether the rental to be paid to the lessor corporation under the proposed lease is a fair and reasonable rental for the proposed building. The hearing may be adjourned to a later date or dates.

(b) Within thirty (30) days following the termination of the hearing, the governing body or bodies of the school corporation or corporations **or the corporation board** may by a majority vote of all members of the governing body or bodies **or corporation board**:

- (1) authorize the execution of the proposed lease as originally agreed upon; or
- (2) make modifications to the proposed lease that are agreed upon with the lessor corporation.

However, the lease rentals as set out in the published notice may not be increased in any modifications approved under subdivision (2).

SECTION 31. IC 20-47-2-13, AS AMENDED BY P.L.38-2021, SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 13. (a) If the execution of the lease as originally agreed upon or as modified by agreement is authorized by



the governing body or bodies of the school corporation or corporations **or the corporation board**, the governing body **or corporation board** shall give notice of the signing of the lease by publication one (1) time in:

- (1) a newspaper of general circulation printed in the English language in the school corporation;
- (2) a newspaper described in subdivision (1) in each school corporation if the proposed lease is a joint lease; or
- (3) if no such newspaper is published in the school corporation, in any newspaper of general circulation published in the county.

(b) This subsection does not apply to a lease for which a school corporation **or the public education corporation** after June 30, 2008, makes a preliminary determination as described in IC 6-1.1-20-3.1 or IC 6-1.1-20-3.5 or a decision as described in IC 6-1.1-20-5, or, in the case of a lease not subject to IC 6-1.1-20-3.1, IC 6-1.1-20-3.5, or IC 6-1.1-20-5, adopts a resolution or ordinance authorizing the lease after June 30, 2008. Within thirty (30) days after the publication of notice under subsection (a), fifty (50) or more taxpayers in the school corporation or corporations who:

- (1) will be affected by the proposed lease; and
- (2) are of the opinion that:
 - (A) necessity does not exist for the execution of the lease; or
 - (B) the proposed rental provided for in the lease is not a fair and reasonable rental;

may file a petition in the office of the county auditor of the county in which the school corporation or corporations are located. The petition must set forth the taxpayers' objections to the lease and facts showing that the execution of the lease is unnecessary or unwise or that the lease rental is not fair and reasonable, as the case may be.

(c) Upon the filing of a petition under subsection (b), the county auditor shall immediately certify a copy of the petition, together with any other data that is necessary to present the questions involved, to the department of local government finance. Upon receipt of the certified petition and data, if any, the department of local government finance shall fix a time, date, and place for the hearing of the matter, which may not be less than five (5) nor more than thirty (30) days thereafter. The department of local government finance shall:

- (1) conduct the hearing in the school corporation or corporations, in the county where the school corporation or corporations are located, or through electronic means; and
- (2) give notice of the hearing to the members of the governing body or bodies of the school corporation or corporations **or the**



corporation board and to the first fifty (50) taxpayers who signed the petition under subsection (b) by a letter signed by the commissioner or deputy commissioner of the department of local government finance and enclosed with full prepaid postage addressed to the taxpayer petitioners at their usual place of residence, at least five (5) days before the hearing.

The decision of the department of local government finance on the appeal upon the necessity for the execution of the lease and as to whether the rental is fair and reasonable, is final.

SECTION 32. IC 20-47-2-14, AS AMENDED BY P.L.146-2008, SECTION 516, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 14. An action to contest the validity of the lease or to enjoin the performance of any of the terms and conditions of the lease may not be instituted at any time later than:

- (1) thirty (30) days after publication of notice of the execution of the lease by the governing body or bodies of the school corporation or corporations **or the corporation board**; or
- (2) if an appeal is allowed under section 13 of this chapter and has been taken to the department of local government finance, thirty (30) days after the decision of the department of local government finance.

SECTION 33. IC 20-47-2-15, AS ADDED BY P.L.113-2006, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 15. The lessor corporation shall acquire, own, and hold in fee simple the land on which a school building or buildings are to be erected under this chapter. A school corporation **or the public education corporation** that proposes to lease such a school building, either alone or jointly with another school corporation, and owns the land on which it desires that the building or buildings be erected may sell and transfer that land to the lessor corporation in fee simple, subject to the following conditions:

- (1) Before the sale may take place, the governing body of the school corporation **or the corporation board** must file a petition with the circuit court of the county in which the school corporation is located, requesting the appointment of:
 - (A) one (1) disinterested freeholder of the school corporation as an appraiser; and
 - (B) two (2) disinterested appraisers licensed under IC 25-34.1; who are residents of Indiana to determine the fair market value of the land. One (1) of the appraisers described in clause (B) must reside not more than fifty (50) miles from the land.
- (2) Upon their appointment, the three (3) appraisers shall proceed



to fix the fair market value of the land and shall report the amount fixed to the circuit court within two (2) weeks after their appointment.

(3) The school corporation **or public education corporation** may sell the land to the lessor corporation for an amount not less than the amount fixed as the fair market value by the three (3) appraisers, which shall be paid in cash upon delivery of the deed by the school corporation **or public education corporation** to the lessor corporation. However, if the land was acquired by the school corporation **or public education corporation** within three (3) years immediately preceding the date of the filing of the petition with the circuit court, the land may not be sold for an amount less than the amount paid by the school corporation **or public education corporation** for the land.

SECTION 34. IC 20-47-2-17, AS ADDED BY P.L.2-2006, SECTION 170, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 17. (a) As used in this section, "bonds" includes bonds, debentures, or other evidences of indebtedness.

(b) A lessor corporation having outstanding bonds that by their terms are redeemable before their maturities may issue bonds in the manner provided by section 16 of this chapter to refund the outstanding bonds. The refunding bonds may be issued in an amount not exceeding the sum of:

- (1) the principal amount of the outstanding bonds;
- (2) any premium required to be paid upon redemption of the outstanding bonds; and
- (3) the estimated expenses to be incurred in connection with the issuance of the refunding bonds.

(c) The sum of the net interest cost to the lessor corporation of the refunding bonds plus the premium required to be paid in connection with the redemption of the outstanding bonds and the estimated expenses to be incurred in connection with the issuance of the refunding bonds may not exceed the total interest that would have been payable by the lessor corporation on the bonds being refunded from the date of redemption to the maturity of the bonds being refunded. Net interest cost on the refunding bonds is the amount determined by computing the total interest on all the refunding bonds to their maturities and deducting from that amount the premium bid, if any.

(d) Refunding bonds issued under this section:

- (1) are legal and proper investments;
- (2) are exempt from taxation; and



(3) may be sold without registration with or approval of the securities division of the office of the secretary of state or securities commissioner;

in the same manner, under the same conditions, and subject to the same limitations as any other bonds issued by lessor corporations under section 16 of this chapter. However, no proceedings or actions by the lessee nor approval by any board, commission, or agency are required in connection with the refunding, and the refunding authorized in this section does not affect the obligation of the lessee to pay the lease rental under the lease of the building or buildings.

(e) An action to contest the validity of refunding bonds issued under this section may not be brought after the fifteenth day following the receipt of bids for the bonds.

(f) In connection with the issuance of refunding bonds, the lessee school corporation, **or** school corporations, **or** **public education corporation** may enter into an amendment to the lease with the lessor corporation providing for an extension of the time set forth in the lease before the option of the lessee or lessees to purchase may be exercised to a time agreed upon between the lessee school corporation, **or** school corporations, **or** **public education corporation** and the lessor corporation.

SECTION 35. IC 20-47-2-18, AS ADDED BY P.L.2-2006, SECTION 170, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 18. (a) As used in this section, "bonds" means bonds, debentures, or other evidences of indebtedness.

(b) As used in this section, "improvement" or "improvements" means one (1) or more of the following:

(1) Construction of a school building.

(2) An addition to a school building owned by a lessor corporation or owned by the school corporation **or** **public education corporation** to which a lessor corporation has leased property under this chapter, and any remodeling incidental to that addition.

(3) Remodeling of or construction of appurtenances to a school building owned by a lessor corporation.

(c) A lessor corporation having outstanding bonds that by their terms are redeemable before their maturities may issue bonds in the manner provided under section 16 of this chapter to refund the outstanding bonds and construction of improvements.

(d) Refunding and improvement bonds issued under this section:

(1) are legal and proper investments;
 (2) are exempt from taxation; and



(3) may be sold without registration with or approval of the securities division of the office of the secretary of state or the securities commissioner;

in the same manner, under the same conditions, and subject to the same limitations as any other bonds issued by lessor corporations under section 16 of this chapter.

(e) In connection with the issuance of refunding and improvement bonds, the lessee school corporation, **or** school corporations, **or** **public education corporation** may enter into an amendment to the lease with the lessor corporation providing for:

(1) an extension of the time set forth in the lease before the option of the lessee or lessees to purchase may be exercised to a time agreed upon between the lessee school corporation, **or** school corporations, **or** **public education corporation** and the lessor corporation;

(2) an extension of the term of the lease, not to exceed ten (10) years, to include the improvements in the description of the leased property; and

(3) increased lease rental payments after the completion of the improvements.

(f) No proceedings or actions by the lessee nor approval by any board, commission, or agency are required in connection with a refunding under this section, and the refunding does not affect the obligation of the lessee to pay the lease rental under the lease of the building or buildings. However, all provisions, restrictions, and limitations of this chapter that are not inconsistent with this section, including the petition of school patrons, notice of hearing, hearing, notice of execution, and right to file an objecting petition, apply to an amendment of the lease increasing the lease rental payments as if the amendment were an original lease.

(g) An action to contest the validity of refunding and improvement bonds issued under this section may not be brought after the fifteenth day following the receipt of bids for the bonds.

SECTION 36. IC 20-47-2-19, AS ADDED BY P.L.2-2006, SECTION 170, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 19. A school corporation **or** **the public education corporation** that decides to exercise an option to purchase a school building under this chapter may issue general obligation bonds to procure funds to pay the cost of acquisition. General obligation bonds issued under this section must be authorized, issued, and sold in the manner provided for the authorization, issuance, and sale of bonds by school corporations **or** **the public education**



corporation for school building purposes.

SECTION 37. IC 20-47-2-20, AS AMENDED BY P.L.244-2017, SECTION 108, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 20. A school corporation **or the public education corporation** that executes a lease under this chapter shall annually appropriate from its debt service fund or **general fund** (before January 1, 2019) **or operations fund (after December 31, 2018)** an amount sufficient to pay the lease rental required under the lease. The appropriation is reviewable by other bodies vested by law with such authority to ascertain that the specified amount is sufficient to meet the lease rental required under the lease. The first specific appropriation shall be made at the first budget period following the date of the execution of the lease, and the first annual appropriation must be sufficient to pay the estimated amount of the first annual lease rental payment to be made under the lease. Thereafter, the annual appropriations provided for in this section shall be made, and payments shall be made from the debt service fund.

SECTION 38. IC 20-47-2-21, AS AMENDED BY P.L.79-2017, SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 21. Property owned by a lessor corporation entering into a lease with a school corporation, **or school corporations, or the public education school corporation** under this chapter, and all stock and other securities (including the interest or dividends) issued by a lessor corporation, are exempt from all state, county, and other taxes, except the financial institutions tax (IC 6-5.5).

SECTION 39. IC 20-47-2-22, AS ADDED BY P.L.2-2006, SECTION 170, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 22. This chapter shall be construed as being supplemental to all other laws covering the acquisition, use, and maintenance of school buildings by school corporations **or the public education corporation**. However, as to school buildings constructed, acquired, leased, or purchased under this chapter, it is not necessary to comply with other laws concerning the acquisition, use, and maintenance of school buildings by school corporations **or the public education corporation** except as specifically required in this chapter.

SECTION 40. IC 20-47-2-23, AS AMENDED BY P.L.244-2017, SECTION 109, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 23. (a) Upon the termination of a lease entered into under this chapter, the lessor corporation shall return to the school corporation **or the public education corporation** any money held by the lessor corporation that exceeds the amount



needed to retire bonds issued under this chapter and to dissolve the lessor corporation.

(b) A school corporation **or the public education corporation** shall deposit the money received under subsection (a) in its debt service fund or operations fund.

SECTION 41. IC 20-47-3-1.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 1.3. As used in this chapter, "corporation board" refers to the Indianapolis public education corporation board established by IC 20-25.3-3-2.**

SECTION 42. IC 20-47-3-1.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 1.5. As used in this chapter, "public education corporation" refers to the Indianapolis public education corporation established by IC 20-25.3-3-1.**

SECTION 43. IC 20-47-3-3, AS AMENDED BY P.L.233-2015, SECTION 305, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) A school corporation **or the public education corporation** may lease a school building or buildings for the use of:

(1) the school corporation **or public education corporation**; or
 (2) a joint or consolidated school district of which the school corporation is a part or to which it contributes;
 for a term not to exceed fifty (50) years.

(b) A school corporation **or the public education corporation** may not enter into a lease under this section unless the governing body **or corporation board**, after investigation, determines that a need exists for the school building.

(c) If two (2) or more school corporations propose to jointly enter into a lease under this section, joint meetings of the governing bodies of the school corporations may be held, but action taken at a joint meeting is not binding on any of those school corporations unless approved by a majority of the governing body of each of those school corporations. A lease executed by two (2) or more school corporations as joint lessees must:

(1) set out the amount of the total lease rental to be paid by each lessee, which may be as agreed upon; and
 (2) provide that:
 (A) there is no right of occupancy by any lessee unless the total rental is paid as stipulated in the lease; and
 (B) all rights of joint lessees under the lease are in proportion to the amount of lease rental paid by each lessee.



SECTION 44. IC 20-47-3-4, AS ADDED BY P.L.2-2006, SECTION 170, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. A school corporation, **or school** corporations, **or the public education corporation** may enter into a lease or lease with option to purchase under this chapter only with:

- (1) a corporation organized under Indiana law or admitted to do business in Indiana; or
- (2) a religious organization (or the organization's agent) that is exempt from federal income taxation under Section 501 of the Internal Revenue Code.

SECTION 45. IC 20-47-3-5, AS AMENDED BY P.L.146-2008, SECTION 517, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) Except as provided in subsections (d) and (e), a lease must provide that the school corporation, **or school** corporations, **or the public education corporation** have an option to:

- (1) renew the lease for a further term on like conditions; and
- (2) purchase the property covered by the lease;

with the terms and conditions of the purchase to be specified in the lease, subject to the approval of the department of local government finance.

(b) If the option to purchase the property covered by the lease is exercised, the school corporation, **or school** corporations, **or public education corporation** to procure funds to pay the purchase price, may issue and sell bonds under the provisions of the general statute governing the issue and sale of bonds of the school corporation, **or school** corporations, **or public education corporation**. The purchase price may not be more than the purchase price set forth in the lease plus:

- (1) two percent (2%) of the purchase price as prepayment penalty for purchase within the first five (5) years of the lease term; or
- (2) one percent (1%) of the purchase price as prepayment penalty for purchase in the second five (5) years of the lease term; and thereafter the purchase shall be without prepayment penalty.

(c) However:

- (1) if the school corporation, **or school** corporations, **or the public education corporation** have not exercised an option to purchase the property covered by the lease at the expiration of the lease; and
- (2) upon the full discharge and performance by the school corporation, **or school** corporations, **or public education**



corporation of their obligations under the lease; the property covered by the lease becomes the absolute property of the school corporation, **or school** corporations, **or public education corporation**, and the lessor corporation shall execute proper instruments conveying to the school corporation, **or school** corporations, **or public education corporation** good and merchantable title to that property.

(d) The following provisions apply to a school corporation that is located in Dubois County and enters into a lease with a religious organization or the organization's agent as authorized under section 4 of this chapter:

(1) The lease is not required to include on behalf of the school corporation an option to purchase the property covered by the lease.

(2) The lease must include an option to renew the lease.

(3) The property covered by the lease is not required to become the absolute property of the school corporation as provided in subsection (c).

(e) In the case of a lease for which a school corporation **or the public education corporation**:

(1) after June 30, 2008, makes a preliminary determination as described in IC 6-1.1-20-3.1 or IC 6-1.1-20-3.5 or a decision as described in IC 6-1.1-20-5; or

(2) in the case of a lease not subject to IC 6-1.1-20-3.1, IC 6-1.1-20-3.5, or IC 6-1.1-20-5, adopts a resolution or ordinance authorizing the lease after June 30, 2008;

the terms and conditions of the purchase that are specified in the lease are not subject to the approval of the department of local government finance.

SECTION 46. IC 20-47-3-8, AS AMENDED BY P.L.146-2008, SECTION 518, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. (a) Except as provided in subsection (b), a school corporation, **or school** corporations, **or the public education corporation** may, in anticipation of the acquisition of a site and the construction and erection of a school building or buildings, and, subject to the approval of the department of local government finance, enter into a lease with a lessor corporation before the actual acquisition of the site and the construction and erection of the building or buildings. However, the lease entered into by the school corporation, **or school** corporations, **or public education corporation** may not provide for the payment of any lease rental by the lessee or lessees until the building or buildings are ready for occupancy, at



which time the stipulated lease rental may begin. The lessor corporation shall furnish a bond to the approval of the lessee or lessees conditioned on the final completion of the building or buildings within a period not to exceed one (1) year from the date of the execution of the lease, unavoidable delays excepted.

(b) In the case of a lease for which a school corporation **or the public education corporation**:

- (1) after June 30, 2008, makes a preliminary determination as described in IC 6-1.1-20-3.1 or IC 6-1.1-20-3.5 or a decision as described in IC 6-1.1-20-5; or
- (2) in the case of a lease not subject to IC 6-1.1-20-3.1, IC 6-1.1-20-3.5, or IC 6-1.1-20-5, adopts a resolution or ordinance authorizing the lease after June 30, 2008;

the approval of the department of local government finance is not required.

SECTION 47. IC 20-47-3-9, AS ADDED BY P.L.2-2006, SECTION 170, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 9. (a) After the lessor corporation and the school corporation, **or school corporations, or public education corporation** have agreed upon the terms and conditions of a lease proposed to be entered into under this chapter, and before the final execution of the lease, a notice shall be given by publication to all persons interested of a hearing or joint hearing to be held before the governing body or governing bodies of the school corporations **or the corporation board** authorized to approve the lease. The hearing must be not earlier than:

- (1) ten (10) days after publication of the notice, if new construction is proposed; or
- (2) thirty (30) days after publication of the notice, if improvement or expansion is proposed.

(b) The notice required by subsection (a) must:

- (1) be published one (1) time in:
 - (A) a newspaper of general circulation printed in the English language in the school corporation;
 - (B) a newspaper described in clause (A) in each school corporation if the proposed lease is a joint lease; or
 - (C) if no such paper is published in the school corporation, in any newspaper of general circulation published in the county;
- (2) name the date, time, and place of the hearing; and
- (3) set forth a brief summary of the principal terms of the lease agreed upon, including the:
 - (A) location of the property to be leased;



- (B) name of the proposed lessor corporation;
- (C) character of the property to be leased;
- (D) rental to be paid; and
- (E) number of years the lease is to be in effect.

The cost of publication of the notice shall be paid by the lessor corporation.

(c) The proposed lease, drawings, plans, specifications, and estimates for the school building or buildings must be available for inspection by the public during the ten (10) day or thirty (30) day period described in subsection (a) and at the hearing under section 10 of this chapter.

SECTION 48. IC 20-47-3-10, AS ADDED BY P.L.2-2006, SECTION 170, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10. (a) At the hearing, all interested persons have a right to be heard upon the necessity for the execution of the proposed lease and whether the rental to be paid to the lessor corporation under the proposed lease is a fair and reasonable rental for the proposed building. The hearing may be adjourned to a later date or dates.

(b) Not later than thirty (30) days following the termination of the hearing, the governing body or bodies of the school corporation or corporations **or the corporation board** may by a majority vote of all members of the governing body or bodies **or the corporation board**:

- (1) authorize the execution of the lease as originally agreed upon; or
- (2) make modifications to the proposed lease as agreed upon with the lessor corporation.

However, the lease rentals as set out in the published notice may not be increased.

SECTION 49. IC 20-47-3-11, AS AMENDED BY P.L.38-2021, SECTION 68, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 11. (a) If the execution of the lease as originally agreed upon or as modified by agreement is authorized by the governing body or bodies of the school corporation or corporations **or the corporation board**, the governing body **or corporation board** shall give notice of the signing of the lease by publication one (1) time in:

- (1) a newspaper of general circulation printed in the English language in the school corporation;
- (2) a newspaper described in subdivision (1) in each school corporation if the proposed lease is a joint lease; or
- (3) if no such newspaper is published in the school corporation,



in any newspaper of general circulation published in the county.

(b) This subsection does not apply to leases for which a school corporation **or the public education corporation** after June 30, 2008, makes a preliminary determination as described in IC 6-1.1-20-3.1 or IC 6-1.1-20-3.5 or a decision as described in IC 6-1.1-20-5, or, in the case of leases not subject to IC 6-1.1-20-3.1, IC 6-1.1-20-3.5, or IC 6-1.1-20-5, adopts a resolution or ordinance authorizing the lease after June 30, 2008. Within thirty (30) days after the publication of notice under subsection (a), ten (10) or more taxpayers in the school corporation or corporations who:

- (1) will be affected by the proposed lease; and
- (2) are of the opinion that:

- (A) no necessity exists for the execution of the lease; or
- (B) the proposed rental provided for in the lease is not a fair and reasonable rental;

may file a petition in the office of the county auditor of the county in which the school corporation or corporations are located. The petition must set forth the taxpayers' objections to the lease and facts showing that the execution of the lease is unnecessary or unwise, or that the lease rental is not fair and reasonable, as the case may be.

(c) Upon the filing of a petition under subsection (b), the county auditor shall immediately certify a copy of the petition and any other data that is necessary to present the questions involved to the department of local government finance. Upon receipt of the certified petition and data, if any, the department of local government finance shall fix a date, time, and place for the hearing of the matter, which may not be less than five (5) nor more than thirty (30) days after receipt of the petition and data, if any. The department of local government finance shall:

- (1) conduct the hearing in the school corporation or corporations, in the county where the school corporation or corporations are located, or through electronic means; and
- (2) give notice of the hearing to the members of the governing body or bodies of the school corporation or corporations **or the corporation board** and to the first ten (10) taxpayer petitioners upon the petition by a letter signed by the commissioner or deputy commissioner of the department of local government finance, and enclosed with full prepaid postage addressed to the taxpayer petitioners at their usual place of residence, at least five (5) days before the hearing.

The decision of the department of local government finance on the appeal upon the necessity for the execution of the lease, and as to



whether the rental is fair and reasonable, is final.

SECTION 50. IC 20-47-3-12, AS AMENDED BY P.L.146-2008, SECTION 520, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 12. An action to contest the validity of the lease or to enjoin the performance of any of the terms and conditions of the lease may not be instituted at any time later than:

- (1) thirty (30) days after publication of notice of the execution of the lease by the governing body or bodies of the school corporation or corporations **or the corporation board**; or
- (2) if an appeal is allowed under section 11 of this chapter and has been taken to the department of local government finance, thirty (30) days after the decision of the department of local government finance.

SECTION 51. IC 20-47-3-13, AS AMENDED BY P.L.113-2006, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 13. The lessor corporation shall acquire, own, and hold in fee simple the land on which a school building or buildings are to be erected under this chapter. A school corporation **or the public education corporation** that proposes to lease a school building, either alone or jointly with another school corporation, and owns the land on which it desires to be erected the building or buildings may sell and transfer that land to the lessor corporation in fee simple, subject to the following conditions:

- (1) Before the sale may take place, the governing body of the school corporation **or the corporation board** must file a petition with the circuit court of the county in which the school corporation is located, requesting the appointment of:
 - (A) one (1) disinterested freeholder of the school corporation as an appraiser; and
 - (B) two (2) disinterested appraisers licensed under IC 25-34.1; who are residents of Indiana to determine the fair market value of the land. One (1) of the appraisers described in clause (B) must reside not more than fifty (50) miles from the land.
- (2) Upon appointment, the three (3) appraisers shall proceed to fix the fair market value of the land and shall report the amount fixed to the circuit court within two (2) weeks after the appointment.
- (3) The school corporation **or the public education corporation** may sell the land to the lessor corporation for an amount not less than the amount fixed by the three (3) appraisers as the fair market value, which shall be paid in cash upon delivery of the deed by the school corporation **or the public education corporation** to the lessor corporation. However, if the land was



acquired by the school corporation **or public education corporation** within three (3) years immediately preceding the date of the filing of the petition with the circuit court, the land may not be sold for an amount less than the amount paid by the school corporation **or public education corporation** for the land.

SECTION 52. IC 20-47-3-14, AS ADDED BY P.L.2-2006, SECTION 170, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 14. A school corporation **or the public education corporation** that executes a lease under this chapter shall annually appropriate and pay out of the debt service fund an amount sufficient to pay the lease rental required under the lease. The appropriation and rate are reviewable by other bodies vested by law with the authority to determine that the levy is sufficient to raise the amount required to meet the rental required under the lease.

SECTION 53. IC 20-47-3-15, AS ADDED BY P.L.2-2006, SECTION 170, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 15. School buildings leased by a lessor corporation entering into a lease with a school corporation, **or school corporations, or the public education corporation** under this chapter are exempt from all state, county, and other taxes. However, the rental payments to a lessor corporation under the terms of such a lease are subject to all applicable taxes under Indiana law.

SECTION 54. IC 20-47-3-16, AS ADDED BY P.L.2-2006, SECTION 170, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 16. This chapter shall be construed as being supplemental to all other laws covering the acquisition, use, and maintenance of school buildings by school corporations **or the public education corporation**. However, as to school buildings constructed or leased under this chapter, it is not necessary to comply with the provisions of other laws concerning the acquisition, use, and maintenance of school buildings by school corporations **or the public education corporation** except as specifically required in this chapter.

SECTION 55. IC 20-47-3-18, AS AMENDED BY P.L.244-2017, SECTION 110, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 18. (a) Upon the termination of a lease entered into under this chapter, the lessor corporation shall return to the school corporation **or public education corporation** any money held by the lessor corporation that exceeds the amount needed to retire bonds issued under this chapter and to dissolve the lessor corporation.

(b) A school corporation **or the public education corporation** shall



deposit the money received under subsection (a) in its debt service fund or its operations fund.

SECTION 56. IC 20-47-4-1, AS ADDED BY P.L.2-2006, SECTION 170, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. This chapter applies to the lease by a school corporation **or the public education corporation** of an existing school building or improved school building under IC 20-47-2 or IC 20-47-3.

SECTION 57. IC 20-47-4-3.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 3.5. As used in this chapter, "public education corporation" refers to the Indianapolis public education corporation established by IC 20-25.3-3-1.**

SECTION 58. IC 20-47-4-5, AS ADDED BY P.L.2-2006, SECTION 170, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. A lessor corporation qualified or formed to acquire a site, erect a school building on the site, and lease the school building to a school corporation **or the public education corporation** under IC 20-47-2 or IC 20-47-3 may:

- (1) be qualified or formed to acquire, improve, or expand an existing school building;
- (2) acquire, improve, or expand an existing school building;
- (3) finance an existing school building or improved school building; and
- (4) lease an existing school building or improved school building to a school corporation **or the public education corporation** under applicable law.

SECTION 59. IC 20-47-4-6, AS AMENDED BY P.L.146-2008, SECTION 521, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) A lessor corporation may acquire and finance an existing school building, other than as provided in section 5 of this chapter, and lease the existing school building to a school corporation **or the public education corporation**. A school corporation **or the public education corporation** shall comply with:

- (1) IC 20-47-2 or IC 20-47-3;
- (2) the petition and remonstrance provisions under IC 6-1.1-20 (if required); and
- (3) the local public question provisions under IC 6-1.1-20 (if required).

(b) A lease made under this section may provide for the payment of lease rentals by the school corporation **or public education corporation** for the use of the existing school building.



(c) Lease rental payments made under the lease do not constitute a debt of the school corporation **or public education corporation** for purposes of the Constitution of the State of Indiana.

(d) A new school building may be substituted for the existing school building under the lease if the substitution was included in the notices given under IC 20-47-2, IC 20-47-3, and IC 6-1.1-20. A new school building must be substituted for the existing school building upon completion of the new school building.

SECTION 60. IC 20-47-4-7, AS ADDED BY P.L.2-2006, SECTION 170, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. A school corporation **or the public education corporation** may not pay a legal or other professional fee as the result of an exchange or a substitution under section 5 or 6 of this chapter.

SECTION 61. IC 20-47-4-8, AS ADDED BY P.L.2-2006, SECTION 170, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. (a) Except as provided in subsection (b), the lease or contract of lease of an existing school building or improved school building to a school corporation **or the public education corporation** as authorized by this chapter must comply with all applicable terms of IC 20-47-2 or IC 20-47-3, including:

- (1) the notice of hearing on the lease;
- (2) public hearing;
- (3) notice of execution of lease; and
- (4) the submission of plans and specifications for the improvement or expansion of the existing school building for approval by the state agencies designated in IC 20-47-2 or IC 20-47-3 or otherwise required by law or rule.

(b) If a school corporation **or the public education corporation** is occupying and using an existing school building during the renovation, remodeling, or expansion of the building, the lease or contract of lease may provide for the payment of lease rental by the school corporation **or the public education corporation** for the use of the building during renovation, remodeling, or expansion.

SECTION 62. IC 20-47-4-9, AS ADDED BY P.L.2-2006, SECTION 170, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 9. The sale price of an existing school building must be determined under the provisions of IC 20-47-2 or IC 20-47-3 relating to the sale of land to a lessor corporation. Except as provided in this section, IC 20-26-7 and any other law relating to the sale of the property of school corporations **or the public education**



corporation or other public property do not apply to the sale of an existing school building to a lessor corporation under this chapter.

SECTION 63. IC 20-47-4-10, AS AMENDED BY P.L.244-2017, SECTION 111, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10. A school corporation **or the public education corporation** that sells an existing school building under section 6 of this chapter shall deposit the proceeds of the sale in the school corporation's **or the public education corporation's** operations fund and use the proceeds only for:

- (1) new construction of school buildings;
- (2) related site acquisition; and
- (3) related site development.

However, any amount of the proceeds of the sale that are not used for a purpose described in subdivisions (1) through (3) within one (1) year after the school corporation **or public education corporation** receives the proceeds must be transferred to the school corporation's **or public education corporation's** debt service fund.".

Page 24, line 24, delete "a" and insert "**the public education corporation may exercise the same**".

Page 24, delete lines 25 through 26.

Page 24, line 27, delete "of" and insert "**granted to**".

Page 24, line 28, delete "article" and insert "**chapter**".

Page 24, between lines 28 and 29, begin a new paragraph and insert:

"SECTION 65. IC 36-3-6-9, AS AMENDED BY P.L.137-2012, SECTION 118, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 9. (a) **This section does not apply to the Indianapolis public education corporation established by IC 20-25.3-3-1.**

(b) Except as provided in subsection **(d), (e)**, the city-county legislative body shall review the proposed operating and maintenance budgets and tax levies and adopt final operating and maintenance budgets and tax levies for each of the following entities in the county:

- (1) An airport authority operating under IC 8-22-3.
- (2) A public library operating under IC 36-12.
- (3) A capital improvement board of managers operating under IC 36-10.
- (4) A public transportation corporation operating under IC 36-9-4.
- (5) A health and hospital corporation established under IC 16-22-8.
- (6) Any other taxing unit (as defined in IC 6-1.1-1-21) that is located in the county and has a governing body that is not comprised of a majority of officials who are elected to serve on



the governing body.

Except as provided in subsection ~~(e)~~; **(d)**, the city-county legislative body may reduce or modify but not increase a proposed operating and maintenance budget or tax levy under this section.

(f) **(c)** The board of each entity listed in subsection ~~(a)~~ **(b)** shall, after adoption of its proposed budget and tax levies, submit them, along with detailed accounts, to the city clerk before September 2.

(f) **(d)** The city-county legislative body or, when subsection ~~(d)~~ **(e)** applies, the fiscal body of an excluded city or town shall review the issuance of bonds of an entity listed in subsection ~~(a)~~ **(b)**. Approval of the city-county legislative body or, when subsection ~~(d)~~ **(e)** applies, the fiscal body of an excluded city or town is required for the issuance of bonds. The city-county legislative body or the fiscal body of an excluded city or town may not reduce or modify a budget or tax levy of an entity listed in subsection ~~(a)~~ **(b)** in a manner that would:

- (1) limit or restrict the rights vested in the entity to fulfill the terms of any agreement made with the holders of the entity's bonds; or
- (2) in any way impair the rights or remedies of the holders of the entity's bonds.

(f) **(e)** If the assessed valuation of a taxing unit is entirely contained within an excluded city or town (as described in IC 36-3-1-7) that is located in a county having a consolidated city, the governing body of the taxing unit shall submit its proposed operating and maintenance budget and tax levies to the city or town fiscal body for approval and not the city-county legislative body. Except as provided in subsection ~~(e)~~; **(d)**, the fiscal body of the excluded city or town may reduce or modify but not increase a proposed operating and maintenance budget or tax levy under this section.".

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1423 as introduced.)

BEHNING

Committee Vote: yeas 9, nays 4.

HB 1423—LS 7118/DI 110

