

PROPOSED AMENDMENT

SB 239 # 13

DIGEST

Education matters. Amends: (1) requirements and processes; and (2) effective dates; regarding required closure of school buildings and transfers of vacant school buildings provisions. Provides that certain reporting requirements by school corporations regarding school buildings begins July 1, 2027. Removes a provision that subjects a school corporation to state tuition support reduction for failing to report certain information regarding school buildings. Repeals a provision that provides for certain charter schools that the county executive of the county in which the charter school organizer is incorporated shall appoint one individual to serve as a member of the charter school board.

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- 1 Replace the effective date in SECTION 1 with "[EFFECTIVE
2 UPON PASSAGE]".
- 3 Replace the effective dates in SECTIONS 9 through 10 with
4 "[EFFECTIVE UPON PASSAGE]".
- 5 Replace the effective dates in SECTIONS 12 through 13 with
6 "[EFFECTIVE UPON PASSAGE]".
- 7 Page 4, line 6, delete "Beginning" and insert "**Not later than**".
- 8 Page 4, line 6, after "and" insert "**not later than**".
- 9 Page 4, between lines 12 and 13, begin a new paragraph and insert:
10 "SECTION 4. IC 20-24-3-19 IS REPEALED [EFFECTIVE JULY
11 1, 2026]. ~~Sec. 19. (a) This section applies to a charter school that~~
12 ~~receives property tax revenue under any statute referred to in~~
13 ~~IC 20-24-7-6.1 or IC 20-24-7-6.2.~~
- 14 ~~(b) As used in this section, "executive" has the meaning set forth in~~
15 ~~IC 36-1-2-5.~~
- 16 ~~(c) The county executive of the county in which the charter school~~
17 ~~organizer is incorporated shall appoint one (1) individual to serve as a~~
18 ~~member of the charter school board.~~
- 19 ~~(d) In the case of a charter school organizer that operates more than~~
20 ~~one (1) charter school located in more than one (1) county, the county~~
21 ~~executive of the county in which the charter school is incorporated~~
22 ~~shall appoint the member under this section.~~
- 23 ~~(e) The following may not be appointed to a governing board under~~

1 this section:

2 (1) An individual currently serving on the governing body of a
3 school corporation:

4 (2) An individual currently employed by a school corporation:

5 (f) A county executive may designate an individual who already
6 serves on the governing board of the charter school as the county
7 executive's appointee under subsection (c):

8 SECTION 5. IC 20-24-4-1, AS AMENDED BY P.L.214-2025,
9 SECTION 56, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
10 JULY 1, 2026]: Sec. 1. A charter must meet the following
11 requirements:

12 (1) Be a written instrument.

13 (2) Be executed by an authorizer and an organizer.

14 (3) Confer certain rights, franchises, privileges, and obligations
15 on a charter school.

16 (4) Confirm the status of a charter school as a public school.

17 (5) Subject to subdivision (6)(E), be granted for:

18 (A) not more than fifteen (15) years; and

19 (B) a fixed number of years agreed to by the authorizer and the
20 organizer.

21 (6) Provide for the following:

22 (A) A review by the authorizer of the charter school's
23 performance, including the progress of the charter school in
24 achieving the academic goals set forth in the charter, at least
25 one (1) time in each five (5) year period while the charter is in
26 effect.

27 (B) Renewal, if the authorizer and the organizer agree to renew
28 the charter.

29 (C) The renewal application must include guidance from the
30 authorizer, and the guidance must include the performance
31 criteria that will guide the authorizer's renewal decisions.

32 (D) The renewal application process must, at a minimum,
33 provide an opportunity for the charter school to:

34 (i) present additional evidence, beyond the data contained in
35 the performance report, supporting its case for charter
36 renewal;

37 (ii) describe improvements undertaken or planned for the
38 charter school; and

39 (iii) detail the charter school's plans for the next charter
40 term.

- 1 (E) Not later than the end of the calendar year in which the
 2 charter school seeks renewal of a charter, the governing board
 3 of a charter school seeking renewal shall submit a renewal
 4 application to the charter authorizer under the renewal
 5 application guidance issued by the authorizer. The authorizer
 6 shall make a final ruling on the renewal application not later
 7 than April 1 after the filing of the renewal application.
- 8 (7) Specify the grounds for the authorizer to:
- 9 (A) revoke the charter before the end of the term for which the
 10 charter is granted; or
 11 (B) not renew a charter.
- 12 (8) Set forth the methods by which the charter school will be held
 13 accountable for achieving the educational mission and goals of
 14 the charter school, including the following:
- 15 (A) Evidence of improvement in:
- 16 (i) assessment measures, including the statewide assessment
 17 program measures;
 18 (ii) attendance rates;
 19 (iii) graduation rates (if appropriate);
 20 (iv) increased numbers of Indiana diplomas with a Core 40
 21 designation or increased numbers of Indiana diploma
 22 designations established under IC 20-19-2-21 and other
 23 college and career ready indicators including advanced
 24 placement participation and passage, dual credit
 25 participation and passage, and International Baccalaureate
 26 participation and passage (if appropriate);
 27 (v) increased numbers of Indiana diplomas with Core 40
 28 with academic honors and technical honors designations (if
 29 appropriate);
 30 (vi) student academic growth;
 31 (vii) financial performance and stability; and
 32 (viii) governing board performance and stewardship,
 33 including compliance with applicable laws, rules and
 34 regulations, and charter terms.
- 35 (B) Evidence of progress toward reaching the educational
 36 goals set by the organizer.
- 37 (9) Describe the method to be used to monitor the charter
 38 school's:
- 39 (A) compliance with applicable law; and
 40 (B) performance in meeting targeted educational performance.

- 1 (10) Specify that the authorizer and the organizer may amend the
 2 charter during the term of the charter by mutual consent and
 3 describe the process for amending the charter.
- 4 (11) Describe specific operating requirements, including all the
 5 matters set forth in the application for the charter.
- 6 (12) Specify a date when the charter school will:
 7 (A) begin school operations; and
 8 (B) have students attending the charter school.
- 9 (13) Specify that records of a charter school relating to the
 10 school's operation and charter are subject to inspection and
 11 copying to the same extent that records of a public school are
 12 subject to inspection and copying under IC 5-14-3.
- 13 (14) Specify that records provided by the charter school to the
 14 department or authorizer that relate to compliance by the
 15 organizer with the terms of the charter or applicable state or
 16 federal laws are subject to inspection and copying in accordance
 17 with IC 5-14-3.
- 18 (15) Specify that the charter school is subject to the requirements
 19 of IC 5-14-1.5.
- 20 ~~(16) In the case of a charter school that is subject to~~
 21 ~~IC 20-24-3-19, the charter must confirm that at least one (1)~~
 22 ~~member of the governing board of the charter school will be~~
 23 ~~appointed in accordance with IC 20-24-3-19."~~
- 24 Page 12, line 22, delete "building:" and insert "building or other
 25 school buildings:".
- 26 Page 15, line 28, after "response." insert "The petition shall be
 27 resolved in accordance with IC 20-26-7.1-4(g) through
 28 IC 20-26-7.1-4(v).".
- 29 Page 15, delete lines 29 through 42, begin a new paragraph and
 30 insert:
 31 "~~(m)~~ The department shall make a determination regarding a
 32 petition under subsection ~~(h)~~ not more than one hundred twenty ~~(120)~~
 33 days after the date that the:
 34 ~~(1)~~ petitioner and any intervening party have submitted a reply
 35 under subsection ~~(1)~~; or
 36 ~~(2)~~ time period to reply under subsection ~~(1)~~ has expired:
 37 ~~(n)~~ A school corporation or another party to the proceeding may file
 38 with the state board a petition requesting review of the department's
 39 determination. Upon receipt of a petition under this subsection, the
 40 state board shall review the department's determination. An appeal to

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

3 (o) Upon the issuance of a final unappealable order granting a
4 petition, the school corporation shall make the school building
5 available for lease or purchase in accordance with IC 20-26-7.1."

6 Page 16, delete lines 1 through 23.

7 Page 16, line 42, delete "Each" and insert "**Beginning July 1, 2027,**
8 each".

9 Page 17, delete lines 23 through 42, begin a new paragraph and
10 insert:

11 "SECTION 13. IC 20-26-7.1-4, AS AMENDED BY P.L.1-2025,
12 SECTION 188, IS AMENDED TO READ AS FOLLOWS
13 [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) Not later than thirty (30)
14 days after the date a governing body of a school corporation determines
15 at a public meeting to cease using a covered school building for
16 classroom instruction on student instructional days (as described in
17 IC 20-30-2-2) for a school year as required under IC 20-30-2-3, a
18 school corporation shall provide written notice to the department
19 regarding the date that the covered school building has ceased or will
20 cease being used for classroom instruction as described in this
21 subsection.

22 (b) If the school corporation does not intend to make a covered
23 school building available for lease or purchase in accordance with this
24 chapter, the school corporation shall state in the notice required under
25 subsection (a) the factual and legal basis for the school corporation's
26 contention that the covered school building is not required to be made
27 available under this chapter. **The school corporation has the burden**
28 **of going forward with the evidence and the burden of proof to**
29 **demonstrate that the covered school building is not required to be**
30 **made available under this chapter.** Any claim for exclusion from a
31 requirement to make the covered school building available under this
32 chapter which is not stated in the notice under this subsection is
33 waived.

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

38 (d) Not later than fifteen (15) days after the date that the department
39 receives a notice from a school corporation under subsection (a), the
40 department shall provide written notice to all interested persons

1 regarding the notice from the school corporation submitted under
2 subsection (a).

3 (e) If a notice from a school corporation under subsection (a)
4 acknowledges that the covered school building will be made available
5 in accordance with this chapter, the department's notice to interested
6 persons shall provide that any notice of interest by an interested person
7 for the covered school building must be submitted to the department
8 not later than sixty (60) days after the date the interested person
9 receives the department's notice under subsection (d).

10 (f) If a notice from a school corporation under subsection (a)
11 includes a claim that the covered school building will not be made
12 available under this chapter, an interested person may submit to the
13 department, not later than thirty (30) days after the date the interested
14 person receives the notice from the department under subsection (d),
15 a rebuttal to the factual and legal basis for the school corporation's
16 contention that the covered school building is not required to be made
17 available under this chapter.

18 (g) The department shall, not later than sixty (60) days after the date
19 that **a response is filed under IC 20-26-7-47(l) or** a rebuttal is ~~due~~
20 **submitted** under subsection (f), issue a determination to the ~~school~~
21 **corporation and interested persons parties to the proceeding** as to
22 whether the covered school building must be made available under this
23 chapter. The department shall publish a copy of the ~~department's~~
24 determination on the department's website.

25 (h) Not later than ~~thirty (30)~~ **sixty (60)** days after the date that the
26 department issues a determination under subsection (g), a ~~school~~
27 **corporation or interested person party to the proceeding** may appeal
28 ~~the determination to file with~~ the state board **a petition requesting**
29 **review of the department's determination.** An appeal to the state
30 board shall be subject to the procedure described in IC 20-26-11-15(b).

31 (i) Not later than ~~fifteen (15)~~ days after:

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

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

37 ~~the governing body shall take the actions specified by subsection (j). If~~
38 ~~the governing body fails to take the actions, the department shall~~
39 ~~request that the attorney general enforce the order under section 9(a)~~
40 ~~of this chapter.~~

1 **(i) The state board shall issue a final determination on an appeal**
 2 **filed under subsection (h) not later than forty-five (45) days after**
 3 **the date on which an appeal is filed.**

4 **(j) If a petition requesting review under subsection (h) has not**
 5 **been concluded by a final determination by the state board under**
 6 **subsection (i) within two (2) years after the initial notice of interest**
 7 **in acquiring the covered school building was submitted by a party**
 8 **to the proceeding, a party to the proceeding may request that the**
 9 **department determine whether a school building:**

10 **(1) is not required to be made available for lease or purchase**
 11 **to a party to the proceeding under this chapter; or**

12 **(2) is required to be conveyed to a party to the proceeding in**
 13 **accordance with this chapter.**

14 **The department shall make a determination on a request submitted**
 15 **under this subsection not later than thirty (30) days after the date**
 16 **the department receives the request. After the department issues**
 17 **an order under this subsection, the pending petition requesting**
 18 **review shall be deemed resolved by final order and there shall be**
 19 **no administrative or judicial review of the order.**

20 **(k) If a party to the proceeding chooses to appeal a final**
 21 **determination issued by the state board under subsection (i), the**
 22 **appeal may only be filed in the court of appeals and must be filed**
 23 **not later than thirty (30) days after the date the final determination**
 24 **is issued by the state board. A school corporation that files an**
 25 **appeal of the state board's final determination and is determined**
 26 **to be the nonprevailing party by the court of appeals shall be**
 27 **responsible for the reasonable attorney's fees incurred by the**
 28 **prevailing party.**

29 ~~(j)~~ **(l) Not later than fifteen (15) days after the department**
 30 **provides notice to interested parties under subsection (d) that a**
 31 **covered school building is to be made available, closed, the governing**
 32 **body shall do the following:**

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

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

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

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

5 (C) A legal description of the property.

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

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

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

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

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

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

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

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

37 (C) A resolution, adopted by the board of the charter school or
 38 state educational institution stating that the board of the
 39 charter school or state educational institution has determined
 40 that, after the charter school or state educational institution has

1 made any necessary repairs or modifications, the covered
 2 school building will be sufficient to meet the charter school's
 3 or state educational institution's needs and can be operated
 4 within the charter school's or state educational institution's
 5 budget.

6 ~~(m)~~ **(o)** If the department does not receive any preliminary requests
 7 to purchase or lease a covered school building within the time frame
 8 described in subsection ~~(f)(1)~~; **(n)(1)**, the department shall send
 9 notification to the school corporation that the department has not
 10 received any preliminary requests to purchase or lease the covered
 11 school building. Upon receipt of the notification under this subsection,
 12 the school corporation may **sell or lease the covered school building**
 13 **to the county or municipal government in which the school**
 14 **corporation is located for a mutually agreed upon price. If the**
 15 **county or municipal government does not purchase or lease the**
 16 **covered school building, the school corporation may sell or**
 17 otherwise dispose of the covered school building in accordance with
 18 IC 36-1-11, IC 20-25-4-14, and IC 20-26-5-4(a)(7).

19 ~~(n)~~ **(p)** If only one (1) charter school submits a preliminary request
 20 to purchase or lease the covered school building, the department shall
 21 notify the school corporation of the identity of the charter school and
 22 direct the school corporation to complete a sale or lease to the charter
 23 school in accordance with subsection ~~(r)~~; **(t)**. In the event that two (2)
 24 or more charter schools submit a preliminary request to purchase or
 25 lease a covered school building within the time frame described in
 26 subsection ~~(f)(1)~~; **(n)(1)**, the department shall send notification to each
 27 interested person and the school corporation that the department has
 28 received two (2) or more preliminary requests under this section. An
 29 authorizer committee shall be established, with each statewide
 30 authorizer that has authorized one (1) or more charter schools
 31 appointing a representative, and the committee shall establish the
 32 chairperson and procedures for the committee. Within sixty (60) days
 33 of receiving notice under this subsection, the committee shall select
 34 which charter school may proceed under subsection ~~(r)~~ **(t)** to purchase
 35 or lease the covered school building or determine if two (2) or more
 36 charter schools should co-locate within the covered school building.
 37 The committee shall base the committee's decision on the following
 38 criteria:

39 (1) Preference shall be given to existing charter schools that have
 40 a proven track record of student academic performance.

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

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

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

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

30 (2) direct the school corporation to complete a sale or lease to the
 31 state educational institution in accordance with subsection ~~(r)~~ **(t)**.

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

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

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

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

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

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

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

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

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

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

1 sale or lease or may file suit to enforce the sale or lease. If a charter
 2 school or state educational institution has not met the requirements
 3 under subsection ~~(t)~~, **(n)**, the school corporation may sell or otherwise
 4 dispose of the covered school building in accordance with IC 36-1-11,
 5 IC 20-25-4-14, and IC 20-26-5-4(a)(7).

6 **(u) In addition to a request that the attorney general enforce the**
 7 **sale or lease or file suit to enforce the sale or lease of a covered**
 8 **school building under subsection (t), if the transaction described in**
 9 **subsection (t) is not completed within thirty (30) days after the date**
 10 **the notice of a final unappealable decision is received by the school**
 11 **corporation, the charter school or state educational institution may**
 12 **bring a civil action against the school corporation. The court may**
 13 **award to a charter school or state educational institution that**
 14 **prevails in an action under this subsection the following:**

15 **(1) Injunctive relief.**

16 **(2) Liquidated damages computed at a rate of ten thousand**
 17 **dollars (\$10,000) per day for each day that exceeds the thirty**
 18 **(30) day time frame described in subsection (t).**

19 **(v) A lease or sale of a covered school building to a charter**
 20 **school or a state educational institution under this section includes**
 21 **transfer of:**

22 **(1) those assets that are fixtures of the covered school**
 23 **building; and**

24 **(2) adjacent parking lots and playgrounds."**

25 Delete pages 18 through 23.

26 Page 24, delete lines 1 through 15.

27 Page 26, delete lines 21 through 24, begin a new paragraph and
 28 insert:

29 **"(g) As a condition precedent for a school corporation to receive**
 30 **a school building back from a charter school, the school**
 31 **corporation shall pay the charter school the cost of capital**
 32 **improvements the charter school made to the school building**
 33 **minus depreciation."**

34 Page 27, after line 25, begin a new paragraph and insert:

35 **"SECTION 17. An emergency is declared for this act."**

36 Renumber all SECTIONS consecutively.

(Reference is to SB 239 as reprinted January 27, 2026.)