



Adopted	Rejected
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COMMITTEE REPORT

YES:	7
NO:	4

MR. SPEAKER:

*Your Committee on Education, to which was referred Senate Bill 239, 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:*

- 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 IC 20-24-3-19 IS REPEALED [EFFECTIVE JULY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.~~

1 (b) As used in this section, "executive" has the meaning set forth in
2 IC 36-1-2-5.

3 (c) The county executive of the county in which the charter school
4 organizer is incorporated shall appoint one (1) individual to serve as a
5 member of the charter school board.

6 (d) In the case of a charter school organizer that operates more than
7 one (1) charter school located in more than one (1) county, the county
8 executive of the county in which the charter school is incorporated
9 shall appoint the member under this section.

10 (e) The following may not be appointed to a governing board under
11 this section:

12 (1) An individual currently serving on the governing body of a
13 school corporation.

14 (2) An individual currently employed by a school corporation.

15 (f) A county executive may designate an individual who already
16 serves on the governing board of the charter school as the county
17 executive's appointee under subsection (c).

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

22 (1) Be a written instrument.

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

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

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

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

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

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

31 (6) Provide for the following:

32 (A) A review by the authorizer of the charter school's
33 performance, including the progress of the charter school in
34 achieving the academic goals set forth in the charter, at least
35 one (1) time in each five (5) year period while the charter is in
36 effect.

37 (B) Renewal, if the authorizer and the organizer agree to renew
38 the charter.

- 1 (C) The renewal application must include guidance from the
 2 authorizer, and the guidance must include the performance
 3 criteria that will guide the authorizer's renewal decisions.
- 4 (D) The renewal application process must, at a minimum,
 5 provide an opportunity for the charter school to:
- 6 (i) present additional evidence, beyond the data contained in
 7 the performance report, supporting its case for charter
 8 renewal;
- 9 (ii) describe improvements undertaken or planned for the
 10 charter school; and
- 11 (iii) detail the charter school's plans for the next charter
 12 term.
- 13 (E) Not later than the end of the calendar year in which the
 14 charter school seeks renewal of a charter, the governing board
 15 of a charter school seeking renewal shall submit a renewal
 16 application to the charter authorizer under the renewal
 17 application guidance issued by the authorizer. The authorizer
 18 shall make a final ruling on the renewal application not later
 19 than April 1 after the filing of the renewal application.
- 20 (7) Specify the grounds for the authorizer to:
- 21 (A) revoke the charter before the end of the term for which the
 22 charter is granted; or
- 23 (B) not renew a charter.
- 24 (8) Set forth the methods by which the charter school will be held
 25 accountable for achieving the educational mission and goals of
 26 the charter school, including the following:
- 27 (A) Evidence of improvement in:
- 28 (i) assessment measures, including the statewide assessment
 29 program measures;
- 30 (ii) attendance rates;
- 31 (iii) graduation rates (if appropriate);
- 32 (iv) increased numbers of Indiana diplomas with a Core 40
 33 designation or increased numbers of Indiana diploma
 34 designations established under IC 20-19-2-21 and other
 35 college and career ready indicators including advanced
 36 placement participation and passage, dual credit
 37 participation and passage, and International Baccalaureate
 38 participation and passage (if appropriate);

- 1 (v) increased numbers of Indiana diplomas with Core 40
 2 with academic honors and technical honors designations (if
 3 appropriate);
 4 (vi) student academic growth;
 5 (vii) financial performance and stability; and
 6 (viii) governing board performance and stewardship,
 7 including compliance with applicable laws, rules and
 8 regulations, and charter terms.
 9 (B) Evidence of progress toward reaching the educational
 10 goals set by the organizer.
 11 (9) Describe the method to be used to monitor the charter
 12 school's:
 13 (A) compliance with applicable law; and
 14 (B) performance in meeting targeted educational performance.
 15 (10) Specify that the authorizer and the organizer may amend the
 16 charter during the term of the charter by mutual consent and
 17 describe the process for amending the charter.
 18 (11) Describe specific operating requirements, including all the
 19 matters set forth in the application for the charter.
 20 (12) Specify a date when the charter school will:
 21 (A) begin school operations; and
 22 (B) have students attending the charter school.
 23 (13) Specify that records of a charter school relating to the
 24 school's operation and charter are subject to inspection and
 25 copying to the same extent that records of a public school are
 26 subject to inspection and copying under IC 5-14-3.
 27 (14) Specify that records provided by the charter school to the
 28 department or authorizer that relate to compliance by the
 29 organizer with the terms of the charter or applicable state or
 30 federal laws are subject to inspection and copying in accordance
 31 with IC 5-14-3.
 32 (15) Specify that the charter school is subject to the requirements
 33 of IC 5-14-1.5.
 34 ~~(16) In the case of a charter school that is subject to~~
 35 ~~IC 20-24-3-19, the charter must confirm that at least one (1)~~
 36 ~~member of the governing board of the charter school will be~~
 37 ~~appointed in accordance with IC 20-24-3-19."~~
 38 Page 12, line 22, delete "building:" and insert "building or other

1 school buildings:".

2 Page 15, line 28, after "response." insert "**The petition shall be**
3 **resolved in accordance with IC 20-26-7.1-4(g) through**
4 **IC 20-26-7.1-4(v).**".

5 Page 15, delete lines 29 through 42, begin a new paragraph and
6 insert:

7 "(m) The department shall make a determination regarding a
8 petition under subsection (h) not more than one hundred twenty (120)
9 days after the date that the:

10 (1) petitioner and any intervening party have submitted a reply
11 under subsection (f); or

12 (2) time period to reply under subsection (f) has expired:

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

19 (o) Upon the issuance of a final unappealable order granting a
20 petition, the school corporation shall make the school building
21 available for lease or purchase in accordance with IC 20-26-7.1-1".

22 Page 16, delete lines 1 through 23.

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

25 Page 17, delete lines 23 through 42, begin a new paragraph and
26 insert:

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

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

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

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

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

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

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

36 (g) The department shall, not later than sixty (60) days after the date
 37 that **a response is filed under IC 20-26-7-47(l) or** a rebuttal is ~~due~~
 38 **submitted** under subsection (f), issue a determination to the school

1 corporation and interested persons **parties to the proceeding** as to
 2 whether the covered school building must be made available under this
 3 chapter. The department shall publish a copy of the department's
 4 determination on the department's website.

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

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

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

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

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

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

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

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

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

34 **The department shall make a determination on a request submitted**
 35 **under this subsection not later than thirty (30) days after the date**
 36 **the department receives the request. After the department issues**
 37 **an order under this subsection, the pending petition requesting**
 38 **review shall be deemed resolved by final order and there shall be**

1 **no administrative or judicial review of the order.**

2 **(k) If a party to the proceeding chooses to appeal a final**
 3 **determination issued by the state board under subsection (i), the**
 4 **appeal may only be filed in the court of appeals and must be filed**
 5 **not later than thirty (30) days after the date the final determination**
 6 **is issued by the state board. A school corporation that files an**
 7 **appeal of the state board's final determination and is determined**
 8 **to be the nonprevailing party by the court of appeals shall be**
 9 **responsible for the reasonable attorney's fees incurred by the**
 10 **prevailing party.**

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

15 (1) Make the covered school building available for inspection by
 16 a charter school or state educational institution that notifies the
 17 department that it is interested in leasing or purchasing the
 18 covered school building.

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

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

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

27 (C) A legal description of the property.

28 ~~(k)~~ **(m) If the governing body fails to take the actions required under**
 29 **subsection (j), (l), a charter school having notified the school**
 30 **corporation of its interest in the covered school building is entitled to**
 31 **an injunction requiring the governing body to take the actions under**
 32 **subsection (j): (l).**

33 ~~(j)~~ **(n) The school corporation shall lease the covered school**
 34 **building to a charter school or state educational institution for one**
 35 **dollar (\$1) per year for as long as the state educational institution uses**
 36 **the covered school building for an academic purpose or the charter**
 37 **school uses the covered school building for classroom instruction, for**
 38 **a term at the state educational institution's or charter school's**

1 discretion, or sell the covered school building for one dollar (\$1), if the
2 charter school or state educational institution does the following:

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

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

11 (A) The name of the charter school or state educational
12 institution that is interested in leasing or purchasing the
13 covered school building.

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

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

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

21 (C) A resolution, adopted by the board of the charter school or
22 state educational institution stating that the board of the
23 charter school or state educational institution has determined
24 that, after the charter school or state educational institution has
25 made any necessary repairs or modifications, the covered
26 school building will be sufficient to meet the charter school's
27 or state educational institution's needs and can be operated
28 within the charter school's or state educational institution's
29 budget.

30 ~~(m)~~ **(o)** If the department does not receive any preliminary requests
31 to purchase or lease a covered school building within the time frame
32 described in subsection ~~(f)(1)~~, **(n)(1)**, the department shall send
33 notification to the school corporation that the department has not
34 received any preliminary requests to purchase or lease the covered
35 school building. Upon receipt of the notification under this subsection,
36 the school corporation may **sell or lease the covered school building**
37 **to the county or municipal government in which the school**
38 **corporation is located for a mutually agreed upon price. If the**

1 **county or municipal government does not purchase or lease the**
 2 **covered school building, the school corporation may sell or**
 3 otherwise dispose of the covered school building in accordance with
 4 IC 36-1-11, IC 20-25-4-14, and IC 20-26-5-4(a)(7).

5 ~~(n)~~ **(p)** If only one (1) charter school submits a preliminary request
 6 to purchase or lease the covered school building, the department shall
 7 notify the school corporation of the identity of the charter school and
 8 direct the school corporation to complete a sale or lease to the charter
 9 school in accordance with subsection ~~(n)~~ **(t)**. In the event that two (2)
 10 or more charter schools submit a preliminary request to purchase or
 11 lease a covered school building within the time frame described in
 12 subsection ~~(n)~~ **(t)**, ~~(n)~~ **(1)**, the department shall send notification to each
 13 interested person and the school corporation that the department has
 14 received two (2) or more preliminary requests under this section. An
 15 authorizer committee shall be established, with each statewide
 16 authorizer that has authorized one (1) or more charter schools
 17 appointing a representative, and the committee shall establish the
 18 chairperson and procedures for the committee. Within sixty (60) days
 19 of receiving notice under this subsection, the committee shall select
 20 which charter school may proceed under subsection ~~(n)~~ **(t)** to purchase
 21 or lease the covered school building or determine if two (2) or more
 22 charter schools should co-locate within the covered school building.
 23 The committee shall base the committee's decision on the following
 24 criteria:

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

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

32 In the event that the committee determines that two (2) or more charter
 33 schools should co-locate in the covered school building, the charter
 34 schools have sixty (60) days to submit a memorandum of
 35 understanding stating that the charter schools shall be jointly and
 36 severally liable for the obligations related to the sale or lease of the
 37 covered school building, and specifying how the charter schools will
 38 utilize the covered school building and share responsibility for

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

12 ~~(o)~~ **(q)** If a charter school does not submit a preliminary request to
 13 purchase or lease the covered school building and only one (1) state
 14 educational institution submits a preliminary request to purchase or
 15 lease the covered school building, the department shall:

16 (1) notify the school corporation of the identity of the state
 17 educational institution; and

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

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

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

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

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

38 In making the committee's determination, the committee shall give

1 preference to a state educational institution whose proposed use of the
 2 covered school building is assessed as having the greatest educational
 3 benefit for prekindergarten through grade 12 education. A committee
 4 determination under this subsection may not be appealed.

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

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

10 or

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

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

36 **(u) In addition to a request that the attorney general enforce the**
 37 **sale or lease or file suit to enforce the sale or lease of a covered**
 38 **school building under subsection (t), if the transaction described in**

1 subsection (t) is not completed within thirty (30) days after the date
2 the notice of a final unappealable decision is received by the school
3 corporation, the charter school or state educational institution may
4 bring a civil action against the school corporation. The court may
5 award to a charter school or state educational institution that
6 prevails in an action under this subsection the following:

- 7 (1) Injunctive relief.
- 8 (2) Liquidated damages computed at a rate of ten thousand
- 9 dollars (\$10,000) per day for each day that exceeds the thirty
- 10 (30) day time frame described in subsection (t).

11 (v) A lease or sale of a covered school building to a charter
12 school or a state educational institution under this section includes
13 transfer of:

- 14 (1) those assets that are fixtures of the covered school
- 15 building; and
- 16 (2) adjacent parking lots and playgrounds."

17 Delete pages 18 through 23.

18 Page 24, delete lines 1 through 15.

19 Page 26, delete lines 21 through 24, begin a new paragraph and
20 insert:

21 "(g) As a condition precedent for a school corporation to receive
22 a school building back from a charter school, the school
23 corporation shall pay the charter school the cost of capital
24 improvements the charter school made to the school building
25 minus depreciation."

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

27 "SECTION 17. An emergency is declared for this act."

28 Renumber all SECTIONS consecutively.

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

and when so amended that said bill do pass.

Representative Behning