
SENATE BILL No. 239

AM023903 has been incorporated into January 16, 2026 printing.

Synopsis: Various education matters.

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January 16, 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.

SENATE BILL No. 239

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 4-21.5-2-4, AS AMENDED BY P.L.132-2019,
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2026]: Sec. 4. (a) This article does not apply to any of the
4 following agencies:
5 (1) The governor.
6 (2) The state board of accounts.
7 (3) The state educational institutions.
8 (4) The department of workforce development.
9 (5) The unemployment insurance review board of the department
10 of workforce development.
11 (6) The worker's compensation board of Indiana.
12 (7) The military officers or boards.
13 (8) The Indiana utility regulatory commission.
14 (9) The department of state revenue (excluding an agency action
15 related to the licensure of private employment agencies).

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(10) The department of local government finance.

(11) The Indiana board of tax review.

(12) The Indiana department of veterans' affairs.

(13) The Indiana veterans' affairs commission.

(14) The state board of education when issuing a final determination described in IC 20-26-7.1-4.

(b) This article does not apply to action related to railroad rate and tariff regulation by the Indiana department of transportation.

SECTION 2. IC 6-1.1-17-3.1, AS AMENDED BY P.L.136-2024.

SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 3.1. (a) This section:

(1) applies only to an operating referendum tax levy under IC 20-46-1 approved by the voters before January 1, 2023, that is imposed by a school corporation for taxes first due and payable in 2024 and 2025;

(2) does not apply to an operating referendum tax levy under JC 20-46-1;

(A) approved by the voters during a time that the school corporation imposing the levy was designated as a distressed political subdivision; or

(B) approved by the voters after December 31, 2022, and before January 1, 2025, that is imposed by a school corporation for taxes first due and payable in 2024 or 2025; and

and
does not apply to any other tax year.

(3) does not apply to any other tax year.

(b) As used in this section, "ADM" refers to the school corporation's average daily membership used to determine the state tuition support distribution under IC 20-43. In the case of a school corporation that has entered into an agreement with one (1) or more charter schools to participate as an innovation network charter school under IC 20-25.7-5, the term includes the average daily membership of **students described in IC 20-25.7-5-2(b)(2)** of any innovation network charter school that is treated as a school operated by the school corporation **with regard to students described in IC 20-25.7-5-2(b)(2)** when calculating the total amount of state tuition support to be distributed to the school corporation.

(c) Notwithstanding any increase in the assessed value of property from the previous assessment date, for taxes first due and payable in 2024, the total amount of operating referendum tax that may be levied by a school corporation may not exceed the lesser of:

(1) the maximum operating referendum tax that could have been levied by the school corporation if the maximum referendum rate

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1 was imposed for taxes first due and payable in 2023 multiplied
2 by one and three-hundredths (1.03); or
3 (2) the maximum operating referendum tax that could otherwise
4 be levied by the school corporation for taxes first due and
5 payable in 2024.

6 The tax rate for an operating referendum tax levy shall be decreased,
7 if necessary, to comply with this limitation.

(d) Notwithstanding any increase in the assessed value of property from the previous assessment date, for taxes first due and payable in 2025, the total amount of operating referendum tax that may be levied by a school corporation may not exceed the lesser of the following:

12 (1) The maximum operating referendum tax that could have
13 been levied by the school corporation if the maximum
14 referendum rate was imposed for taxes first due and payable in
15 the immediately preceding calendar year, as adjusted by this
16 section, multiplied by the result determined under STEP SEVEN
17 of the following formula:

18 STEP ONE: Subtract:

19 (i) the school corporation's spring count of ADM made
20 in the calendar year preceding by five (5) years the
21 calendar year in which the property taxes are first due

22 and payable; from
23 (ii) the school corporation's spring count of ADM
24 made in the immediately preceding calendar year.

STEP FOUR: Multiply the STEP THREE amount by one and five-tenths (1.5).

32 STEP FIVE: Add the STEP FOUR result and one and
33 six-hundredths (1.06).

34 STEP SIX: Determine the greater of the STEP FIVE result
35 or one and six-hundredths (1.06).
36 STEP SEVEN: Determine the lesser of the STEP SIX result
37 or one and one-hundred-one thousandths (1.101).

37 or one and twelve-hundredths (1.12).
38 (2) The maximum operating referendum tax that could otherwise
39 be levied by the school corporation for taxes first due and
40 payable in the current calendar year.

41 The tax rate for an operating referendum tax levy shall be decreased,
42 if necessary, to comply with this limitation.

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4 SECTION 3. IC 20-19-3-45.5 IS ADDED TO THE INDIANA
5 CODE AS A NEW SECTION TO READ AS FOLLOWS
6 [EFFECTIVE JULY 1, 2026]: **Sec. 45.5. Beginning July 1, 2027, and**
7 **each July 1 thereafter, the department shall:**

13 SECTION 4. IC 20-24-11-5 IS ADDED TO THE INDIANA
14 CODE AS A NEW SECTION TO READ AS FOLLOWS
15 [EFFECTIVE JULY 1, 2026]: Sec. 5. (a) An existing public
16 elementary or secondary school may be converted into a charter
17 school if the governing body of the school corporation:

28 (1) the school corporation; or

29 (2) a nonprofit corporation that:

30 (A) is established by the school corporation;

31 (B) is incorporated or registered in Indiana;

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1 **established by the school corporation under subsection (c)(2) may:**
 2 **(1) submit a separate proposal for each school to an**
 3 **authorizer; or**
 4 **(2) with the approval of the authorizer, operate two (2) or**
 5 **more schools under a single charter, provided that each**
 6 **school site:**
 7 **(A) is identified in the charter application and charter;**
 8 **and**
 9 **(B) is subject to the performance conditions,**
 10 **accountability measures, and renewal determinations**
 11 **established in the charter.**

12 **(e) A conversion charter school described in this section shall**
 13 **comply with the following:**

14 **(1) All legal requirements described in section 1(d) of this**
 15 **chapter.**

16 **(2) Except as provided in this section, all requirements for**
 17 **charter schools under this article.**

18 SECTION 5. IC 20-25.7-5-2, AS AMENDED BY P.L.213-2025,
 19 SECTION 169, IS AMENDED TO READ AS FOLLOWS
 20 [EFFECTIVE JULY 1, 2026]: Sec. 2. (a) ~~The~~ A board may enter into
 21 an agreement with an organizer to:

22 **(1) reconstitute an eligible school as a participating innovation**
 23 **network charter school; or to**

24 **(2) establish a participating innovation network charter school at**
 25 **a location:**

26 **(A) selected by the board; ~~within the boundary of the school~~**
 27 **~~corporation; or~~**

28 **(B) ~~within the geographic boundaries of any school~~**
 29 **~~corporation with which the organizer enters into an~~**
 30 **~~agreement under this chapter.~~**

31 Notwithstanding IC 20-26-7.1, a participating innovation network
 32 charter school may be established within a vacant school building.

33 (b) The terms of the agreement entered into between ~~the~~ **a board**
 34 **of a school corporation** and an organizer must specify the following:

35 **(1) A statement that the organizer authorizes the department to**
 36 **include the charter school's performance assessment results**
 37 **under IC 20-31-8 ~~for students who reside within the~~**
 38 **~~geographic boundaries of the school corporation~~ when**
 39 **calculating the school corporation's performance assessment**
 40 **under rules adopted by the state board.**

41 **(2) Subject to an administrative fee as described in subsection**
 42 **(g), a statement that the school corporation will distribute at least**

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1 one hundred percent (100%) of state tuition support dollars that
2 the school corporation receives ~~from student enrollment for~~
3 **students who:**

4 **(A) reside within the geographic boundaries of the**
5 **school corporation; and**

6 **(B) are enrolled** in the participating innovation network
7 charter school;

8 in accordance with the school funding formula to the
9 participating innovation network charter school (if the
10 participating innovation network charter school is, **with regard**
11 **to students described in this subsection**, treated in the same
12 manner as a school operated by the school corporation under
13 subsection (d)(2)).

14 (3) The performance goals and accountability metrics agreed
15 upon for the charter school in the charter agreement between the
16 organizer and the authorizer and a statement that the school
17 corporation is prohibited from setting additional performance
18 goals or accountability metrics.

19 (4) For an agreement entered into or renewed after June 30,
20 2023, the process the board is required to follow in determining
21 whether to renew the agreement.

22 (5) The amount of money levied as property taxes that will be
23 distributed by the school corporation to the organizer.

24 (6) Subject to section 5 of this chapter, the participating
25 innovation network charter school's enrollment and discipline
26 policies, including defined attendance areas and enrollment
27 zones.

28 (7) A statement that the innovation agreement shall not create an
29 obligation that would cause the organizer to be in violation of its
30 charter agreement (as described in IC 20-24-1-3).

31 (c) If an organizer and ~~the a~~ board enter into an agreement under
32 subsection (a), the organizer and the board shall notify the department
33 that the agreement has been made under this section within thirty (30)
34 days after the agreement is entered into.

35 (d) Upon receipt of the notification under subsection (c), for
36 school years starting after the date of the agreement:

37 (1) the department shall include the participating innovation
38 network charter school's performance assessment results under
39 IC 20-31-8 **for students who reside within the geographic**
40 **boundaries of the school corporation** when calculating the
41 school corporation's performance assessment under rules
42 adopted by the state board; **and**



(2) the department shall:

(A) treat the participating innovation network charter school in the same manner as a school operated by the school corporation **with regard to students residing within the geographic boundaries of the school corporation** when calculating the total amount of state funding to be distributed to the school corporation unless subsection (e) applies; and

(B) in determining the school corporation's enrollment, include only eligible pupils enrolled in the participating innovation network charter school who reside within the geographic boundaries of the school corporation.

(3) if requested by a participating innovation network charter school that reconstitutes an eligible school, the department may use student growth as the state board's exclusive means to determine the innovation network charter school's category or designation of school improvement under 511 IAC 6.2-10-10 for a period of three (3) years. Beginning with the 2019-2020 school year, the department may not use student growth as the state board's exclusive means to determine an innovation network charter school's category or designation of school improvement. This subdivision expires July 1, 2023.

(e) If a participating innovation network school was established before January 1, 2016, and for the current school year has a complexity index that is greater than the complexity index for the school corporation that the innovation network school has contracted with, the innovation network school shall be treated as a charter school for purposes of determining tuition support. This subsection expires June 30, 2027.

(f) If the board or organizer fails to follow the process described in subsection (b)(4), the board or organizer may appeal to the state board. The state board shall hear the appeal in a public meeting and ensure that the board or organizer follows the renewal process specified in the agreement. The board may not terminate an agreement until the board has provided evidence to the state board that the board has complied with the renewal process specified in the agreement. The state board shall issue a decision on an appeal under this subsection not later than sixty (60) days after the date the board or organizer submitted the appeal to the state board.

(g) If an administrative fee is included in an agreement entered into or renewed **under this chapter** after June 30, 2023, 2026, under this section, **the fee may not exceed one percent (1%) of the total**

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1 amount of state tuition support that is distributed to the school
 2 corporation based on the participating innovation network charter
 3 school's student enrollment. each school corporation with which an
 4 organizer of a participating innovation network charter school has
 5 entered into an agreement may assess an administrative fee of not
 6 more than one percent (1%) of the tuition support dollars that the
 7 school corporation receives for students who:

8 (1) reside within the geographic boundaries of the school
 9 corporation; and
 10 (2) are enrolled in the participating innovation network
 11 charter school.

12 (h) An agreement entered into between the board and an organizer
 13 under this section may not be altered without written approval from the
 14 organizer.

15 SECTION 6. IC 20-25.7-5-2.5 IS ADDED TO THE INDIANA
 16 CODE AS A NEW SECTION TO READ AS FOLLOWS
 17 [EFFECTIVE JULY 1, 2026]: Sec. 2.5. **In addition to any state**
 18 **tuition support dollars a participating innovation network charter**
 19 **school receives from a school corporation under this chapter, the**
 20 **department shall treat the participating innovation network**
 21 **charter school as a charter school when calculating the tuition**
 22 **support to be distributed to the innovation network charter school**
 23 **for students of the innovation network charter school who do not**
 24 **reside within the geographic boundaries of a school corporation**
 25 **with which the innovation network charter school has an**
 26 **agreement under this chapter.**

27 SECTION 7. IC 20-25.7-5-5, AS AMENDED BY P.L.220-2021,
 28 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 29 JULY 1, 2026]: Sec. 5. (a) IC 20-24-5-5 (with the exception of
 30 IC 20-24-5-5(g)) does not apply to a participating innovation network
 31 charter school that enters into an agreement with the board to
 32 reconstitute or establish an eligible school.

33 (b) Except as provided in subsections (c) and (d), a participating
 34 innovation network charter school must enroll any eligible student who
 35 submits a timely application for enrollment.

36 (c) A participating innovation network charter school that
 37 reconstitutes or establishes an eligible school may limit new
 38 admissions to the participating innovation network charter school to:

39 (1) ensure that any student with legal settlement in the
 40 attendance area, or in the school corporation **any school**
 41 **corporation with which the participating innovation network**
 42 **charter school has entered into an agreement under this**



chapter if the school does not have a defined attendance area, may attend the charter school;

3 (2) ensure that a student who attends the participating innovation
4 network charter school during a school year may continue to
5 attend the charter school in subsequent years;

6 (3) allow the siblings of a student alumnus or a current student
7 who attends the participating innovation network charter school
8 to attend the charter school;

9 (4) allow preschool students who attend a Level 3 or Level 4
10 Paths to QUALITY program preschool to attend kindergarten at
11 the participating innovation network charter school if the
12 participating innovation network charter school and the school
13 corporation or preschool provider have entered into an
14 agreement to share services or facilities;

15 (5) allow each student who qualifies for free or reduced price
16 lunch under the national school lunch program to receive
17 preference for admission to the participating innovation network
18 charter school if the preference is specifically provided for in the
19 charter and is approved by the authorizer; and

(6) allow each student who attended a turnaround academy or attends a school that is located in the same school building as the participating innovation network charter school to receive preference for admission to the participating innovation network charter school if the preference is specifically provided for in the participating innovation network charter school's charter and is approved by the authorizer of the participating innovation network charter school.

28 (d) A participating innovation network charter school with a
29 curriculum that includes study in a foreign country may deny admission
30 to a student if:

31 (1) the student:

32 (A) has completed fewer than twenty-two (22) academic
33 credits required for graduation; and

34 (B) will be in the grade 11 cohort during the school year in
35 which the student seeks to enroll in the participating
36 innovation network charter school; or

37 (2) the student has been suspended (as defined in IC 20-33-8-7)
38 or expelled (as defined in IC 20-33-8-3) during the twelve (12)
39 months immediately preceding the student's application for
40 enrollment for:

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- (C) causing physical injury to a student, a school employee, or a visitor to the school; or
- (D) a violation of a school corporation's drug or alcohol rules.

For purposes of subdivision (2)(A), student discipline received under IC 20-33-8-25(b)(7) for a violation described in subdivision (2)(B) through (2)(D) must be included in the calculation of the number of school days that a student has been suspended.

(f) This subsection applies to an existing charter school that enters into an innovation network agreement with the a board. During the charter school's first year of operation as a participating innovation network charter school, the charter school may limit admission to:

22 (1) those students who were enrolled in the charter school on the
23 date it entered into the innovation network agreement; and
24 (2) siblings of students described in subdivision (1).

25 (g) This subsection applies if the number of applications for a
26 program, class, grade level, or building exceeds the capacity of the
27 program, class, grade level, or building. If a participating innovation
28 network charter school receives a greater number of applications than
29 there are spaces for students, each timely applicant must be given an
30 equal chance of admission. The participating innovation network
31 charter school that is not in a county containing a consolidated city
32 must determine which of the applicants will be admitted to the
33 participating innovation network charter school or the program, class,
34 grade level, or building by random drawing in a public meeting with
35 each timely applicant limited to one (1) entry in the drawing. However,
36 the participating innovation network charter school located in a county
37 with a consolidated city shall determine which of the applicants will be
38 admitted to the participating innovation network charter school or the
39 program, class, grade level, or building by using a publicly verifiable
40 random selection process.

41 SECTION 8. IC 20-25.7-5-6, AS ADDED BY P.L.162-2024,
42 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

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1 JULY 1, 2026]: Sec. 6. (a) Subject to an administrative fee as described
 2 in section 2(g) of this chapter, a school corporation that enters into an
 3 agreement with an organizer under this chapter shall distribute at least
 4 one hundred percent (100%) of state tuition support dollars that the
 5 school corporation receives from **student enrollment students who:**

6 **(1) reside in the geographic boundaries of the school**
 7 **corporation; and**

8 **(2) are enrolled** in the participating innovation network charter
 9 school;

10 in accordance with the school funding formula to the participating
 11 innovation network charter school.

12 (b) Unless an agreement entered into before July 1, 2024, between
 13 a board and an organizer provides otherwise, all participating
 14 innovation network charter schools operating under existing
 15 agreements with boards as of July 1, 2024, will receive funds as
 16 required under subsection (a).

17 SECTION 9. IC 20-26-7-47, AS AMENDED BY P.L.36-2024,
 18 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 19 JULY 1, 2026]: Sec. 47. (a) The following definitions apply throughout
 20 this section:

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

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

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

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

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

34 (i) have entered into an agreement with the school
 35 corporation to participate as a participating innovation
 36 network charter school under IC 20-25.7-5; and
 37 (ii) are included in the school corporation's fall ADM
 38 count.

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

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

42 (1) the total student enrollment for in-person instruction in the



1 school corporation in the current school year is at least ten
2 percent (10%) less than the student enrollment for in-person
3 instruction in the school corporation in a school year that
4 precedes the current school year by five (5); and
5 (2) the school corporation in the current school year has more
6 than one (1) school building serving the same grade level as the
7 school building subject to closure under this section.

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

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

14 (1) at any time the school building had been used for classroom
15 instruction;
16 (2) in the current school year and the two (2) school years
17 immediately preceding the current school year the school
18 building was underutilized for classroom instruction purposes or
19 other allowable uses specified by this section;

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

27 (4) in the case of a school building that was used in any part in
28 the current school year for instructional purposes, the school
29 corporation has another school building:

30 (A) with sufficient capacity to take the students using the
31 school building being considered for closure; and
32 (B) that does not require more than twenty (20) minutes of
33 travel time by car or bus from the school building being
34 considered for closure; and

35 (5) the school building is not a school building described in
36 IC 20-26-7.1-1, IC 20-26-7.1-3(b), IC 20-26-7.1-3(c), or
37 IC 20-26-7.1-3(d).

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

41 (1) The number of full-time equivalent students enrolled for
42 in-person instruction in the school building on instructional days



1 (as determined under IC 20-30-2) for instructional purposes,
2 averaged over the current school year and the two (2) school
3 years immediately preceding the current school year, is at least
4 fifty percent (50%) of:

5 (A) the known classroom design capacity of the school
6 building; or
7 (B) if the design capacity is not known, the average
8 maximum full-time equivalent enrollment in any of the last
9 twenty-five (25) years, as validated by records created or
10 maintained by the department.

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

22 (A) the known classroom design capacity of the school
23 building; or
24 (B) if the design capacity is not known, the average
25 maximum full-time equivalent enrollment in any of the last
26 twenty-five (25) years, as validated by records created or
27 maintained by the department; and

28 (if multiple school buildings are used for the same purposes)
29 combining the student populations into fewer school buildings
30 is not reasonably feasible.

31 (3) The school corporation demonstrates through facts included
32 in a resolution that the school building is being used and that it
33 is financially prudent to continue to use the school building,
34 considering all community resources, for administrative or other
35 school offices. However, to be an allowable use under this
36 subdivision, at least fifty percent (50%) of the square footage of
37 the school building must be used for offices, the personnel
38 headquartered in the school building must consistently use the
39 space for office purposes, and the occupancy cost of using the
40 school building cannot be more than comparable office space
41 that is available in the school district.

42 (4) The school corporation demonstrates through facts included



1 in a resolution that the school building is being used and that it
2 is financially prudent to continue to use the school building,
3 considering all community resources, for storage. However, to be
4 an allowable use under this subdivision, at least fifty percent
5 (50%) of the square footage of the school building must be used
6 for storage, on average the storage space must be used to
7 capacity, and the cost of using the school building for storage
8 must be less than comparable storage space that is available in
9 the school district.

10 (5) The school corporation demonstrates through facts included
11 in a resolution that the school building is being used and that it
12 is financially prudent to continue to use the school building,
13 considering all community resources, for a combination of office
14 space and storage. However, to be an allowable use under this
15 subdivision, at least fifty percent (50%) of the square footage of
16 the school building must be used for a combination of office
17 space and storage and:

18 (A) the personnel headquartered in the school building must
19 consistently use the office space for office purposes, and the
20 occupancy cost of using the office space, calculated using
21 the costs of operating the school building, cannot be more
22 than comparable office space that is available in the school
23 district; and

24 (B) on average, the storage space must be used to capacity
25 and the cost of using the school building for storage must be
26 less than comparable storage space that is available in the
27 school district.

28 (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

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

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

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

41 (h) If an agreement is not reached within forty-five (45) days after
42 the date that the school corporation receives the notice under

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1 subsection (g), the charter school or state educational institution may
 2 petition the department to initiate or the department on its own may
 3 initiate a proceeding for a determination as to whether a school
 4 building meets the criteria for closure under this section or a covered
 5 school building that is no longer used for classroom instruction by a
 6 school corporation should be made available under IC 20-26-7.1. If a
 7 charter school or state educational institution petitions the department
 8 under this subsection, the charter school or state educational institution
 9 must provide a copy of the petition to the applicable school
 10 corporation.

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

17 (j) Not more than ~~sixty (60)~~ **thirty (30)** days after receiving notice
 18 of a petition under subsection (h), the school corporation must:

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

21 (A) is not contesting the petition; or
 22 (B) is contesting the petition and states the facts upon which
 23 the school corporation relies in contesting the petition; and
 24 (2) provide a copy of the response to the petitioner and any
 25 intervening party.

26 (k) If the school corporation:

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

29 (2) fails to submit a timely response under subsection (j);
 30 the department shall issue an order granting the petition. A petition and
 31 any response or reply are public documents.

32 (l) If a school corporation contests a petition under subsection (j),
 33 a party to the proceeding has not more than ~~sixty (60)~~ **thirty (30)** days
 34 after the date that the school corporation files a response under
 35 subsection (j) to submit a reply to the school corporation's response.

36 (m) The department shall make a determination regarding a
 37 petition under subsection (h) not more than ~~one hundred twenty (120)~~
 38 **sixty (60)** days after the date that the:

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

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

42 (n) **Not later than sixty (60) days after the date that the**



1 **department issues a determination under subsection (m)**, a school
 2 corporation or another party to the proceeding may file with the state
 3 board a petition requesting review of the department's determination.
 4 Upon receipt of a petition under this subsection, the state board shall
 5 review the department's determination. An appeal to the state board
 6 shall be subject to the procedure described in IC 20-26-11-15(b).

7 (o) Upon the issuance of a final unappealable order granting a
 8 petition, the school corporation shall make the school building
 9 available for lease or purchase in accordance with IC 20-26-7.1. **The**
 10 **school corporation has not more than ten (10) days after the date**
 11 **the notice of a final unappealable order is received by the school**
 12 **corporation to complete the lease or sale of the covered school**
 13 **building to the charter school or state educational institution.**

14 (p) If the transaction described in subsection (o) is not
 15 completed within ten (10) days, the charter school or state
 16 educational institution may bring a civil action against the school
 17 corporation. The court shall award to a charter school or state
 18 educational institution who prevails in an action under this
 19 subsection the following:

20 (1) Injunctive relief.
 21 (2) Liquidated damages computed at a rate of ten thousand
 22 dollars (\$10,000) per day for each day that exceeds the ten
 23 (10) day time frame described in subsection (o).

24 (q) A lease or sale of a covered school building to a charter
 25 school or a state educational institution under this section includes
 26 transfer of the following school corporation assets related to the
 27 covered school building:

28 (1) Furniture.
 29 (2) Kitchen equipment.
 30 (3) Interior and exterior maintenance equipment.
 31 (4) Property associated with the covered school building and
 32 owned by the school corporation, including property used for
 33 school activities, athletics, recreational facilities, and
 34 parking.

35 SECTION 10. IC 20-26-7-48, AS ADDED BY P.L.189-2023,
 36 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 37 JULY 1, 2026]: Sec. 48. (a) The following definitions apply throughout
 38 this section:

39 (1) "Current school year" refers to a year in which the governing
 40 body is required to conduct a review of school building usage
 41 under section 47(c) of this chapter.
 42 (2) "Enrollment" has the meaning set forth in section 47(a)(3) of



1 this chapter.

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

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

15 (1) A listing of all buildings owned or leased by the school
16 corporation that were originally designed as a school building.
17 (2) The following information for each building listed in
18 subdivision (1):

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

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

24 (C) The following information:

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

29 (ii) Percentage of instructional use.

30 (iii) Percentage of use for other purposes.

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

(d) A school corporation that fails to report the information described in subsection (c) to the department within the schedule specified by the department shall be subject to a state tuition support monthly distribution reduction of twenty-five percent (25%) until the report is provided to the department. A school corporation is entitled to recover the state tuition support lost as a result of a reduction described in this subsection.

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1 SECTION 11. IC 20-26-7.1-3, AS AMENDED BY P.L.36-2024,
 2 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 3 JULY 1, 2026]: Sec. 3. (a) Except as provided in section 1 of this
 4 chapter or subsection (b), (c), or (d), before a governing body may sell,
 5 exchange, lease, demolish, hold without operating, or dispose of a
 6 covered school building, a governing body shall make available for
 7 lease or purchase by a charter school or state educational institution
 8 any covered school building owned by the school corporation or any
 9 other entity that is related in any way to, or created by, the school
 10 corporation or the governing body, including a building corporation,
 11 that the governing body elects to close or the school corporation is
 12 required to close under IC 20-26-7-47, in order for the covered school
 13 building to be used by a:

- 14 (1) charter school to conduct prekindergarten through grade 12
 15 classroom instruction; for an educational purpose; or
 16 (2) state educational institution for an academic purpose.
- 17 (b) The following are not required to comply with this chapter:
 - 18 (1) A governing body that vacates a covered school building in
 19 order to:
 - 20 (A) renovate the covered school building for a future
 21 allowable use by the school corporation as permitted under
 22 IC 20-26-7-47; or
 - 23 (B) demolish the covered school building, in whole or part,
 24 and build a new school building or an addition to a school
 25 building on the same site as the demolished building.
 - 26 (2) An emergency manager of a distressed school corporation
 27 under IC 6-1.1-20.3.
 - 28 (3) The governing body of the School City of East Chicago
 29 school corporation for the Carrie Gosch Elementary School
 30 building.
 - 31 (4) A school corporation that has had a designation as a
 32 distressed political subdivision under IC 6-1.1-20.3 within the
 33 previous three (3) years.
- 34 (c) This section does not apply to a covered school building in
 35 which a governing body under IC 20-26-5-4(a)(7) entered a lease prior
 36 to January 1, 2019, with a state accredited nonpublic school. In
 37 addition, the governing body may, during or at the expiration of the
 38 term of such lease, sell the school building leased under
 39 IC 20-26-5-4(a)(7) to the nonpublic school at a purchase price mutually
 40 agreed to by the governing body and the nonpublic school.
- 41 (d) This section does not apply to a covered school building of a
 42 school corporation to which the following apply:

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

(A) continues in effect;

(B) is renewed; or

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

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

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

25 SECTION 12. IC 20-26-7.1-4, AS AMENDED BY P.L.1-2025,
26 SECTION 188, IS AMENDED TO READ AS FOLLOWS
27 [EFFECTIVE JULY 1, 2026]: Sec. 4. (a) Not later than thirty (30) days
28 after the date a governing body of a school corporation determines:

31 to cease using a covered school building for classroom instruction on
32 student instructional days (as described in IC 20-30-2-2) for a school
33 year as required under IC 20-30-2-3, a school corporation shall provide
34 written notice to the department regarding the date that the covered
35 school building has ceased or will cease being used for classroom
36 instruction as described in this subsection.

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1 **of going forward with the evidence and the burden of proof to**
 2 **demonstrate that the covered school building is not required to be**
 3 **made available under this chapter.** Any claim for exclusion from a
 4 requirement to make the covered school building available under this
 5 chapter which is not stated in the notice under this subsection is
 6 waived.

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

11 (d) Not later than fifteen (15) days after the date that the
 12 department receives a notice from a school corporation under
 13 subsection (a), the department shall provide written notice to all
 14 interested persons regarding the notice from the school corporation
 15 submitted under subsection (a).

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

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

31 (g) The department shall, not later than sixty (60) days after the
 32 date that a rebuttal is due under subsection (f), issue a determination to
 33 the school corporation and interested persons as to whether the covered
 34 school building must be made available under this chapter. The
 35 department shall publish a copy of the department's determination on
 36 the department's website.

37 (h) Not later than **thirty (30) sixty (60)** days after the date that the
 38 department issues a determination under subsection (g), a school
 39 corporation or interested person may appeal the determination to the
 40 state board. An appeal to the state board shall be subject to the
 41 procedure described in IC 20-26-11-15(b) **and shall be considered**
 42 **final and binding on the parties to the proceeding.**

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

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

13 **(†) (k) Not later than fifteen (15) days after:**

14 (1) the time expires for an appeal to the state board of a
 15 department determination under subsection (g) or IC 20-26-7-47
 16 that a covered school building be made available; or
 17 (2) a **final** determination by the state board that a covered school
 18 building is to be made available is issued;

19 the governing body shall take the actions specified by subsection (†).

20 **(l) If the governing body fails to take the actions, the department shall**
 21 **request that the attorney general enforce the order under section 9(a)**
 22 **of this chapter.**

23 **(†) (l) If Not later than fifteen (15) days after the department**
 24 **provides notice to all interested parties under subsection (d) that**
 25 **a covered school building is to be made available, the governing body**
 26 **shall do the following:**

27 (1) Make the covered school building available for inspection by
 28 a charter school or state educational institution that notifies the
 29 department that it is interested in leasing or purchasing the
 30 covered school building.

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

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

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

40 (C) A legal description of the property.

41 **(†) (m) If the governing body fails to take the actions required**
 42 **under subsection (†); (l), a charter school having notified the school**



1 corporation of its interest in the covered school building is entitled to
 2 an injunction requiring the governing body to take the actions under
 3 subsection ~~(f)~~ (l).

4 ~~(f)~~ (n) The school corporation shall lease the covered school
 5 building to a charter school or state educational institution for one
 6 dollar (\$1) per year for as long as the state educational institution uses
 7 the covered school building for an academic purpose or the charter
 8 school uses the covered school building for ~~classroom instruction~~; **an**
 9 **educational purpose**, for a term at the state educational institution's or
 10 charter school's discretion, or sell the covered school building for one
 11 dollar (\$1), if the charter school or state educational institution does the
 12 following:

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

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

21 (A) The name of the charter school or state educational
 22 institution that is interested in leasing or purchasing the
 23 covered school building.

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

27 (i) charter school intends to begin ~~providing classroom~~
 28 ~~instruction in using~~ the covered school building **for an**
 29 **educational purpose**; or

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

32 (C) A resolution, adopted by the board of the charter school
 33 or state educational institution stating that the board of the
 34 charter school or state educational institution has
 35 determined that, after the charter school or state educational
 36 institution has made any necessary repairs or modifications,
 37 the covered school building will be sufficient to meet the
 38 charter school's or state educational institution's needs and
 39 can be operated within the charter school's or state
 40 educational institution's budget.

41 ~~(m)~~ (o) If the department does not receive any preliminary requests
 42 to purchase or lease a covered school building within the time frame



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

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

- 32 (1) Preference shall be given to existing charter schools that have
 33 a proven track record of student academic performance.
- 34 (2) If two (2) or more charter schools of proven academic
 35 performance are competing and only one (1) charter school is
 36 operating in the county in which the covered school building is
 37 located, the charter school in the same county as the covered
 38 school building shall be given preference.

39 In the event that the committee determines that two (2) or more charter
 40 schools should co-locate in the covered school building, the charter
 41 schools have sixty (60) days to submit a memorandum of
 42 understanding stating that the charter schools shall be jointly and



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

15 (t) (q) If a charter school does not submit a preliminary request to
 16 purchase or lease the covered school building and only one (1) state
 17 educational institution submits a preliminary request to purchase or
 18 lease the covered school building, the department shall:

19 (1) notify the school corporation of the identity of the state
 20 educational institution; and
 21 (2) direct the school corporation to complete a sale or lease to
 22 the state educational institution in accordance with subsection
 23 (t). (t).

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

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

38 (1) select which state educational institution may proceed to
 39 purchase or lease the covered school building; or
 40 (2) determine whether more than one (1) state educational
 41 institution should co-locate within the covered school building.

42 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 (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
 10 12; 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 (t) 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 (t), the school corporation has not
 24 more than ninety (90) ten (10) 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) ten (10) 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 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 (t), 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
 37 the 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
 39 subsection (t) is not completed within ten (10) days after the date
 40 the notice of a final unappealable decision is received by the school
 41 corporation, the charter school or state educational institution may
 42 bring a civil action against the school corporation. The court shall



1 **award to a charter school or state educational institution that
2 prevails in an action under this subsection the following:**

3 **(1) Injunctive relief.**

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

7 **(v) A lease or sale of a covered school building to a charter
8 school or a state educational institution under this section includes
9 transfer of the following school corporation assets related to the
10 covered school building:**

11 **(1) Furniture.**

12 **(2) Kitchen equipment.**

13 **(3) Interior and exterior maintenance equipment.**

14 **(4) Property associated with the covered school building and
15 owned by the school corporation, including property used for
16 school activities, athletics, recreational facilities, and
17 parking.**

18 SECTION 13. IC 20-26-7.1-5, AS AMENDED BY P.L.135-2025,
19 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
20 JULY 1, 2026]: Sec. 5. (a) If:

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

23 (2) the charter school or state educational institution described
24 in subdivision (1) no longer intends to use the covered school
25 building for the purposes described in section 4(f) 4(n) of this
26 chapter;

27 the charter school or state educational institution shall offer to transfer
28 the covered school building back to the school corporation that initially
29 sold the covered school building to the charter school or state
30 educational institution.

31 (b) If a school corporation described in subsection (a) declines the
32 offer to transfer a covered school building back to the school
33 corporation, the charter school or state educational institution may sell
34 or transfer the covered school building to a third party. If a charter
35 school or state educational institution sells or transfers a covered
36 school building to a third party under this subsection, the charter school
37 or state educational institution must transfer an amount equal to the
38 gain in the property minus the adjusted basis (including costs of
39 improvements to the covered school building) to the school corporation
40 that initially sold the covered school building to the charter school or
41 state educational institution. Gain and adjusted basis shall be
42 determined in the manner prescribed by the Internal Revenue Code and

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1 the applicable Internal Revenue Service regulations and guidelines.

2 (c) A charter school or state educational institution that purchases

3 a covered school building assumes total control of the covered school

4 building and must maintain the covered school building, including

5 utilities, insurance, maintenance, and repairs. Except as provided in

6 subsection (d), in the event a:

7 (1) charter school does not use the covered school building for

8 **classroom instruction; an educational purpose;** or

9 (2) state educational institution does not use the covered school

10 building for an academic purpose;

11 within ~~two~~ **three** (3) years after acquiring the covered school

12 building, the covered school building shall revert to the school

13 corporation, which may sell or otherwise dispose of the covered school

14 building under IC 36-1-11.

15 (d) In the event a:

16 (1) charter school does not use the covered school building for

17 **classroom instruction; an educational purpose;** or

18 (2) state educational institution does not use the covered school

19 building for an academic purpose;

20 as a result of being engaged in ongoing renovations for an acquired

21 covered school building, within ~~two~~ **three** (3) years after acquiring

22 an occupancy permit for the covered school building, the covered

23 school building shall revert to the school corporation, which may sell

24 or otherwise dispose of the covered school building under IC 36-1-11.

25 SECTION 14. IC 20-26-7.1-5.3, AS AMENDED BY P.L.36-2024,

26 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

27 JULY 1, 2026]: Sec. 5.3. (a) This section applies to a covered school

28 building to which the following apply:

29 (1) The covered school building was purchased or leased by a

30 charter school under this chapter.

31 (2) The total student enrollment for in-person instruction in the

32 school building in the current school year is at least ten percent

33 (10%) less than the student enrollment for in-person instruction

34 in the school building in a school year that precedes the current

35 school year by five (5).

36 (b) A school corporation may not petition the department under

37 subsection (c) within the first five (5) years after a charter school

38 purchased or initially leased a covered school building under this

39 chapter.

40 (c) Subject to subsection (f), if:

41 (A) the number of full-time equivalent students enrolled for

42 in-person instruction in a school building on instructional days

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1 (as determined under IC 20-30-2) for instructional purposes for
 2 a school year is not at least fifty percent (50%) of the classroom
 3 design capacity of the school building; **and**

4 **(B) it is consistent with the needs of the school corporation's
 5 strategic plan;**

6 the school corporation that leased or sold the school building to the
 7 charter school may file a petition with the department requesting that
 8 the charter school transfer the school building back to the school
 9 corporation.

10 (d) Before filing a petition under subsection (c), the school
 11 corporation must give written notice to the charter school to determine
 12 whether an agreement can be reached regarding transferring the school
 13 building to the school corporation.

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

17 (f) For purposes of determining classroom design capacity under
 18 subsection (c), if a charter school reconfigures a school building after
 19 the charter school leases or purchases the school building, the
 20 classroom design capacity must be determined based on the
 21 reconfigured school building and not the classroom design capacity of
 22 the school building at the time of the lease or purchase.

23 **(g) A school corporation that receives a school building back
 24 from a charter school pursuant to a petition filed under subsection
 25 (c) shall pay the charter school for capital improvements the
 26 charter school made to the school building minus depreciation.**

27 SECTION 15. IC 20-32-6.5-3, AS ADDED BY P.L.180-2025,
 28 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 29 JULY 1, 2026]: Sec. 3. (a) Beginning with the 2026-2027 school year,
 30 if a school determines that a student in kindergarten through grade 8 is
 31 at risk of not achieving grade level proficiency in mathematics as
 32 determined by an analysis of the student's data from:

33 (1) a grade level screener approved by the department; or
 34 (2) a through-year statewide assessment;

35 the school must provide intervention that meets the requirements under
 36 subsection (b).

37 (b) A school shall provide intervention to a student described in
 38 subsection (a) that meets the following conditions:

39 (1) The intervention includes a multitiered system of support that
 40 progresses from less to more intensive support based on the
 41 student's individual needs.

42 (2) The intervention is aligned to daily Tier I instruction and



1 standard level learning progressions.
2 (3) The intervention is:
3 (A) targeted;
4 (B) differentiated; and
5 (C) supplemental to Tier I instruction.
6 (4) The intervention:
7 (A) is aligned with evidence based instructional strategies
8 to promote conceptual understanding, procedural fluency,
9 and real world problem solving; and
10 (B) allows a student opportunities to interact, show
11 progress, and demonstrate understanding through rigorous
12 grade level content.
13 (5) The intervention includes continual assessment and in depth
14 analysis of each student's data to inform the flexible movement
15 in and out of Tiers II and III.
16 (c) **Not later than fifteen (15) days after a school makes a**
17 **determination under subsection (a) that a student is at risk, the**
18 **school shall provide notice to a parent of the student regarding the**
19 **determination. The notification may contain the following:**
20 (1) Specific information about how the student is performing.
21 (2) Information about the intervention the student will
22 receive from the school.
23 (3) A list or description of any recommended resources
24 available for use at home to support the student's academic
25 growth in mathematics.
26 (c) (d) The department shall provide guidance on the multitiered
27 system that a school is required to provide under subsection (b).

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