
SENATE BILL No. 239

AM023915 has been incorporated into January 27, 2026 printing.

Synopsis: Various education matters.

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SB 239—LS 7049/DI 152



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Reprinted
January 27, 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.

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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).

SB 239—LS 7049/DI 152



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- 1 (10) The department of local government finance.
- 2 (11) The Indiana board of tax review.
- 3 (12) The Indiana department of veterans' affairs.
- 4 (13) The Indiana veterans' affairs commission.
- 5 **(14) The state board of education when issuing a final**
- 6 **determination described in IC 20-26-7.1-4.**
- 7 (b) This article does not apply to action related to railroad rate and
- 8 tariff regulation by the Indiana department of transportation.
- 9 SECTION 2. IC 6-1.1-17-3.1, AS AMENDED BY P.L.136-2024,
- 10 SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 11 JULY 1, 2026]: Sec. 3.1. (a) This section:
- 12 (1) applies only to an operating referendum tax levy under
- 13 IC 20-46-1 approved by the voters before January 1, 2023, that
- 14 is imposed by a school corporation for taxes first due and
- 15 payable in 2024 and 2025;
- 16 (2) does not apply to an operating referendum tax levy under
- 17 IC 20-46-1:
- 18 (A) approved by the voters during a time that the school
- 19 corporation imposing the levy was designated as a
- 20 distressed political subdivision; or
- 21 (B) approved by the voters after December 31, 2022, and
- 22 before January 1, 2025, that is imposed by a school
- 23 corporation for taxes first due and payable in 2024 or 2025;
- 24 and
- 25 (3) does not apply to any other tax year.
- 26 (b) As used in this section, "ADM" refers to the school
- 27 corporation's average daily membership used to determine the state
- 28 tuition support distribution under IC 20-43. In the case of a school
- 29 corporation that has entered into an agreement with one (1) or more
- 30 charter schools to participate as an innovation network charter school
- 31 under IC 20-25.7-5, the term includes the average daily membership of
- 32 **students described in IC 20-25.7-5-2(b)(2) of any innovation network**
- 33 **charter school that is treated as a school operated by the school**
- 34 **corporation with regard to students described in**
- 35 **IC 20-25.7-5-2(b)(2) when calculating the total amount of state tuition**
- 36 **support to be distributed to the school corporation.**
- 37 (c) Notwithstanding any increase in the assessed value of property
- 38 from the previous assessment date, for taxes first due and payable in
- 39 2024, the total amount of operating referendum tax that may be levied
- 40 by a school corporation may not exceed the lesser of:
- 41 (1) the maximum operating referendum tax that could have been
- 42 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.

8 (d) Notwithstanding any increase in the assessed value of property
 9 from the previous assessment date, for taxes first due and payable in
 10 2025, the total amount of operating referendum tax that may be levied
 11 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.

25 STEP TWO: Divide the STEP ONE result by four (4).

26 STEP THREE: Divide the STEP TWO result by the school
 27 corporation's spring count of ADM made in the calendar
 28 year preceding by five (5) years the calendar year in which
 29 the property taxes are first due and payable.

30 STEP FOUR: Multiply the STEP THREE amount by one
 31 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 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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(e) The department of education shall provide to the department of local government finance each school corporation's applicable ADM counts as needed to make the determinations under this section.

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

(1) compile a list of business and industry partners that provide guaranteed incentives to high school students who earn the honors employment plus seal; and

(2) publish the list described in subdivision (1) on the department's website.

SECTION 4. IC 20-25.7-5-2, AS AMENDED BY P.L.213-2025, SECTION 169, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 2. (a) ~~The~~ **A** board may enter into an agreement with an organizer to:

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

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

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

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

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

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

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

(2) Subject to an administrative fee as described in subsection (g), a statement that the school corporation will distribute at least one hundred percent (100%) of state tuition support dollars that the school corporation receives ~~from student enrollment for~~ **students who:**

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

SB 239—LS 7049/DI 152



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1 **(B) are enrolled** in the participating innovation network
2 charter school;
3 in accordance with the school funding formula to the
4 participating innovation network charter school (if the
5 participating innovation network charter school is, **with regard**
6 **to students described in this subsection**, treated in the same
7 manner as a school operated by the school corporation under
8 subsection (d)(2)).
9 (3) The performance goals and accountability metrics agreed
10 upon for the charter school in the charter agreement between the
11 organizer and the authorizer and a statement that the school
12 corporation is prohibited from setting additional performance
13 goals or accountability metrics.
14 (4) For an agreement entered into or renewed after June 30,
15 2023, the process the board is required to follow in determining
16 whether to renew the agreement.
17 (5) The amount of money levied as property taxes that will be
18 distributed by the school corporation to the organizer.
19 (6) Subject to section 5 of this chapter, the participating
20 innovation network charter school's enrollment and discipline
21 policies, including defined attendance areas and enrollment
22 zones.
23 (7) A statement that the innovation agreement shall not create an
24 obligation that would cause the organizer to be in violation of its
25 charter agreement (as described in IC 20-24-1-3).
26 (c) If an organizer and ~~the~~ **a** board enter into an agreement under
27 subsection (a), the organizer and the board shall notify the department
28 that the agreement has been made under this section within thirty (30)
29 days after the agreement is entered into.
30 (d) Upon receipt of the notification under subsection (c), for
31 school years starting after the date of the agreement:
32 (1) the department shall include the participating innovation
33 network charter school's performance assessment results under
34 IC 20-31-8 **for students who reside within the geographic**
35 **boundaries of the school corporation** when calculating the
36 school corporation's performance assessment under rules
37 adopted by the state board; **and**
38 (2) the department shall:
39 **(A)** treat the participating innovation network charter school
40 in the same manner as a school operated by the school
41 corporation **with regard to students residing within the**
42 **geographic boundaries of the school corporation** when

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1 calculating the total amount of state funding to be
 2 distributed to the school corporation unless subsection (e)
 3 applies; and

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

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

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

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

35 (g) If an administrative fee is included in an agreement entered
 36 into or renewed **under this chapter** after June 30, ~~2023,~~ **2026**, under
 37 this section, ~~the fee may not exceed one percent (1%) of the total~~
 38 ~~amount of state tuition support that is distributed to the school~~
 39 ~~corporation based on the participating innovation network charter~~
 40 ~~school's student enrollment. **each school corporation with which an**~~
 41 **organizer of a participating innovation network charter school has**
 42 **entered into an agreement may assess an administrative fee of not**

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SB 239—LS 7049/DI 152



1 **more than one percent (1%) of the tuition support dollars that the**
 2 **school corporation receives for students who:**
 3 **(1) reside within the geographic boundaries of the school**
 4 **corporation; and**
 5 **(2) are enrolled in the participating innovation network**
 6 **charter school.**
 7 (h) An agreement entered into between the board and an organizer
 8 under this section may not be altered without written approval from the
 9 organizer.
 10 SECTION 5. IC 20-25.7-5-2.5 IS ADDED TO THE INDIANA
 11 CODE AS A NEW SECTION TO READ AS FOLLOWS
 12 [EFFECTIVE JULY 1, 2026]: **Sec. 2.5. In addition to any state**
 13 **tuition support dollars a participating innovation network charter**
 14 **school receives from a school corporation under this chapter, the**
 15 **department shall treat the participating innovation network**
 16 **charter school as a charter school when calculating the tuition**
 17 **support to be distributed to the innovation network charter school**
 18 **for students of the innovation network charter school who do not**
 19 **reside within the geographic boundaries of a school corporation**
 20 **with which the innovation network charter school has an**
 21 **agreement under this chapter.**
 22 SECTION 6. IC 20-25.7-5-5, AS AMENDED BY P.L.220-2021,
 23 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 24 JULY 1, 2026]: Sec. 5. (a) IC 20-24-5-5 (with the exception of
 25 IC 20-24-5-5(g)) does not apply to a participating innovation network
 26 charter school that enters into an agreement with the board to
 27 reconstitute or establish an eligible school.
 28 (b) Except as provided in subsections (c) and (d), a participating
 29 innovation network charter school must enroll any eligible student who
 30 submits a timely application for enrollment.
 31 (c) A participating innovation network charter school that
 32 reconstitutes or establishes an eligible school may limit new
 33 admissions to the participating innovation network charter school to:
 34 (1) ensure that any student with legal settlement in the
 35 attendance area, or in ~~the school corporation~~ **any school**
 36 **corporation with which the participating innovation network**
 37 **charter school has entered into an agreement under this**
 38 **chapter** if the school does not have a defined attendance area,
 39 may attend the charter school;
 40 (2) ensure that a student who attends the participating innovation
 41 network charter school during a school year may continue to
 42 attend the charter school in subsequent years;

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- 1 (3) allow the siblings of a student alumnus or a current student
- 2 who attends the participating innovation network charter school
- 3 to attend the charter school;
- 4 (4) allow preschool students who attend a Level 3 or Level 4
- 5 Paths to QUALITY program preschool to attend kindergarten at
- 6 the participating innovation network charter school if the
- 7 participating innovation network charter school and the school
- 8 corporation or preschool provider have entered into an
- 9 agreement to share services or facilities;
- 10 (5) allow each student who qualifies for free or reduced price
- 11 lunch under the national school lunch program to receive
- 12 preference for admission to the participating innovation network
- 13 charter school if the preference is specifically provided for in the
- 14 charter and is approved by the authorizer; and
- 15 (6) allow each student who attended a turnaround academy or
- 16 attends a school that is located in the same school building as the
- 17 participating innovation network charter school to receive
- 18 preference for admission to the participating innovation network
- 19 charter school if the preference is specifically provided for in the
- 20 participating innovation network charter school's charter and is
- 21 approved by the authorizer of the participating innovation
- 22 network charter school.
- 23 (d) A participating innovation network charter school with a
- 24 curriculum that includes study in a foreign country may deny admission
- 25 to a student if:
- 26 (1) the student:
- 27 (A) has completed fewer than twenty-two (22) academic
- 28 credits required for graduation; and
- 29 (B) will be in the grade 11 cohort during the school year in
- 30 which the student seeks to enroll in the participating
- 31 innovation network charter school; or
- 32 (2) the student has been suspended (as defined in IC 20-33-8-7)
- 33 or expelled (as defined in IC 20-33-8-3) during the twelve (12)
- 34 months immediately preceding the student's application for
- 35 enrollment for:
- 36 (A) ten (10) or more school days;
- 37 (B) a violation under IC 20-33-8-16;
- 38 (C) causing physical injury to a student, a school employee,
- 39 or a visitor to the school; or
- 40 (D) a violation of a school corporation's drug or alcohol
- 41 rules.
- 42 For purposes of subdivision (2)(A), student discipline received under

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1 IC 20-33-8-25(b)(7) for a violation described in subdivision (2)(B)
 2 through (2)(D) must be included in the calculation of the number of
 3 school days that a student has been suspended.

4 (e) A participating innovation network charter school may give
 5 enrollment preferences to children of the participating innovation
 6 network charter school's founders, governing board members, and
 7 participating innovation network charter school employees, as long as
 8 the enrollment preference under this subsection is not given to more
 9 than ten percent (10%) of the participating innovation charter school's
 10 total population and there is sufficient capacity for a program, class,
 11 grade level, or building to ensure that any student with legal settlement
 12 in the attendance area may attend the school.

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

17 (1) those students who were enrolled in the charter school on the
 18 date it entered into the innovation network agreement; and

19 (2) siblings of students described in subdivision (1).

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

36 SECTION 7. IC 20-25.7-5-6, AS ADDED BY P.L.162-2024,
 37 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 38 JULY 1, 2026]: Sec. 6. (a) Subject to an administrative fee as described
 39 in section 2(g) of this chapter, a school corporation that enters into an
 40 agreement with an organizer under this chapter shall distribute at least
 41 one hundred percent (100%) of state tuition support dollars that the
 42 school corporation receives from ~~student enrollment~~ **students who:**

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SB 239—LS 7049/DI 152



- 1 **(1) reside in the geographic boundaries of the school**
- 2 **corporation; and**
- 3 **(2) are enrolled** in the participating innovation network charter
- 4 school;

5 in accordance with the school funding formula to the participating
6 innovation network charter school.

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

12 SECTION 8. IC 20-26-7-47, AS AMENDED BY P.L.36-2024,
13 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
14 JULY 1, 2026]: Sec. 47. (a) The following definitions apply throughout
15 this section:

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

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

21 (3) "Enrollment" refers to the following:
22 (A) Except as provided in clause (B), students counted in
23 ADM (as defined in IC 20-43-1-6) in the first count date for
24 a school year fixed under IC 20-43-4-3.

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

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

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

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

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

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

42 (2) the school corporation in the current school year has more

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1 than one (1) school building serving the same grade level as the
2 school building subject to closure under this section.

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

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

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

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

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

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

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

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

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

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

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

42 (A) the known classroom design capacity of the school

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1 building; or
 2 (B) if the design capacity is not known, the average
 3 maximum full-time equivalent enrollment in any of the last
 4 twenty-five (25) years, as validated by records created or
 5 maintained by the department.
 6 (2) The school corporation demonstrates through facts included
 7 in a resolution that the school building is being used and that it
 8 is financially prudent to continue to use the school building,
 9 considering all community resources, for a distinct student
 10 population that reasonably cannot be served through integration
 11 with the general school population, such as students attending an
 12 alternative education program (as defined in IC 20-30-8-1).
 13 However, to be an allowable use under this subdivision, the
 14 average number of full-time equivalent students using the school
 15 building in a school year for instructional purposes must be at
 16 least thirty percent (30%) of:
 17 (A) the known classroom design capacity of the school
 18 building; or
 19 (B) if the design capacity is not known, the average
 20 maximum full-time equivalent enrollment in any of the last
 21 twenty-five (25) years, as validated by records created or
 22 maintained by the department; and
 23 (if multiple school buildings are used for the same purposes)
 24 combining the student populations into fewer school buildings
 25 is not reasonably feasible.
 26 (3) The school corporation demonstrates through facts included
 27 in a resolution that the school building is being used and that it
 28 is financially prudent to continue to use the school building,
 29 considering all community resources, for administrative or other
 30 school offices. However, to be an allowable use under this
 31 subdivision, at least fifty percent (50%) of the square footage of
 32 the school building must be used for offices, the personnel
 33 headquartered in the school building must consistently use the
 34 space for office purposes, and the occupancy cost of using the
 35 school building cannot be more than comparable office space
 36 that is available in the school district.
 37 (4) The school corporation demonstrates through facts included
 38 in a resolution that the school building is being used and that it
 39 is financially prudent to continue to use the school building,
 40 considering all community resources, for storage. However, to be
 41 an allowable use under this subdivision, at least fifty percent
 42 (50%) of the square footage of the school building must be used

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1 for storage, on average the storage space must be used to
 2 capacity, and the cost of using the school building for storage
 3 must be less than comparable storage space that is available in
 4 the school district.

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

13 (A) the personnel headquartered in the school building must
 14 consistently use the office space for office purposes, and the
 15 occupancy cost of using the office space, calculated using
 16 the costs of operating the school building, cannot be more
 17 than comparable office space that is available in the school
 18 district; and

19 (B) on average, the storage space must be used to capacity
 20 and the cost of using the school building for storage must be
 21 less than comparable storage space that is available in the
 22 school district.

23 (f) Closure of a school building that is:

24 (1) owned by the school corporation or any other entity that is
 25 related in any way to, or created by, the school corporation or the
 26 governing body; or

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

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

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

36 (h) If an agreement is not reached within forty-five (45) days after
 37 the date that the school corporation receives the notice under
 38 subsection (g), the charter school or state educational institution may
 39 petition the department to initiate or the department on its own may
 40 initiate a proceeding for a determination as to whether a school
 41 building meets the criteria for closure under this section or a covered
 42 school building that is no longer used for classroom instruction by a

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1 school corporation should be made available under IC 20-26-7.1. If a
 2 charter school or state educational institution petitions the department
 3 under this subsection, the charter school or state educational institution
 4 must provide a copy of the petition to the applicable school
 5 corporation.

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

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

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

16 (A) is not contesting the petition; or

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

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

21 (k) If the school corporation:

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

24 (2) fails to submit a timely response under subsection (j);

25 the department shall issue an order granting the petition. A petition and
 26 any response or reply are public documents.

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

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

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

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

37 (n) **Not later than sixty (60) days after the date that the**
 38 **department issues a determination under subsection (m)**, a school
 39 corporation or another party to the proceeding may file with the state
 40 board a petition requesting review of the department's determination.
 41 Upon receipt of a petition under this subsection, the state board shall
 42 review the department's determination. An appeal to the state board

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1 shall be subject to the procedure described in IC 20-26-11-15(b).

2 (o) Upon the issuance of a final unappealable order granting a
3 petition, the school corporation shall make the school building
4 available for lease or purchase in accordance with IC 20-26-7.1. **The**
5 **school corporation has not more than thirty (30) days after the**
6 **date the notice of a final unappealable order is received by the**
7 **school corporation to complete the lease or sale of the covered**
8 **school building to the charter school or state educational**
9 **institution.**

10 (p) **If the transaction described in subsection (o) is not**
11 **completed within thirty (30) days, the charter school or state**
12 **educational institution may bring a civil action against the school**
13 **corporation. The court may award to a charter school or state**
14 **educational institution who prevails in an action under this**
15 **subsection the following:**

16 (1) **Injunctive relief.**

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

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

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

25 (2) **adjacent parking lots and playgrounds.**

26 SECTION 9. IC 20-26-7-48, AS ADDED BY P.L.189-2023,
27 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
28 JULY 1, 2026]: Sec. 48. (a) The following definitions apply throughout
29 this section:

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

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

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

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

41 (2) the school corporation in the current school year has more
42 than one (1) school building serving the same grade level as a

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1 school building subject to closure under section 47 of this
2 chapter.

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

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

8 (2) The following information for each building listed in
9 subdivision (1):

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

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

15 (C) The following information:

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

20 (ii) Percentage of instructional use.

21 (iii) Percentage of use for other purposes.

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

26 **(d) A school corporation that fails to report the information**
27 **described in subsection (c) to the department when requested by**
28 **the department and within the schedule specified by the**
29 **department shall be subject to a state tuition support monthly**
30 **distribution reduction of twenty-five percent (25%) until the report**
31 **is provided to the department. A school corporation is entitled to**
32 **recover the state tuition support lost as a result of a reduction**
33 **described in this subsection. The department shall issue the**
34 **recovered state tuition within fifteen (15) days of receiving the**
35 **report.**

36 SECTION 10. IC 20-26-7.1-4, AS AMENDED BY P.L.1-2025,
37 SECTION 188, IS AMENDED TO READ AS FOLLOWS
38 [EFFECTIVE JULY 1, 2026]: Sec. 4. (a) Not later than thirty (30) days
39 after the date a governing body of a school corporation determines at
40 a public meeting to cease using a covered school building for
41 classroom instruction on student instructional days (as described in
42 IC 20-30-2-2) for a school year as required under IC 20-30-2-3, a

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1 school corporation shall provide written notice to the department
 2 regarding the date that the covered school building has ceased or will
 3 cease being used for classroom instruction as described in this
 4 subsection.

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

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

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

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

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

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

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SB 239—LS 7049/DI 152



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1 the school corporation and interested persons as to whether the covered
 2 school building must be made available under this chapter. The
 3 department shall publish a copy of the department's determination on
 4 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 may appeal the determination to the
 8 state board. An appeal to the state board shall be subject to the
 9 procedure described in IC 20-26-11-15(b) **and shall be considered**
 10 **final and binding on the parties to the proceeding.**

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

14 (j) **If the school corporation or interested person chooses to**
 15 **appeal a final determination issued by the state board under**
 16 **subsection (i), the appeal may only be filed in the court of appeals**
 17 **and must be filed not later than thirty (30) days after the date the**
 18 **final determination is issued by the state board. A school**
 19 **corporation that files an appeal of the state board's final**
 20 **determination and is determined to be the nonprevailing party by**
 21 **the court of appeals shall be responsible for the reasonable**
 22 **attorney's fees incurred by the prevailing party.**

23 (j) ~~(k)~~ **(k)** Not later than fifteen (15) days after:

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

27 (2) a **final** determination by the state board that a covered school
 28 building is to be made available is issued;

29 the governing body shall take the actions specified by subsection (j)-
 30 (l). If the governing body fails to take the actions, the department shall
 31 request that the attorney general enforce the order under section 9(a)
 32 of this chapter.

33 (j) ~~(l)~~ **(l)** **Not later than fifteen (15) days after the department**
 34 **provides notice to all interested parties under subsection (d) that**
 35 **a covered school building is to be made available, the governing body**
 36 **shall do the following:**

37 (1) Make the covered school building available for inspection by
 38 a charter school or state educational institution that notifies the
 39 department that it is interested in leasing or purchasing the
 40 covered school building.

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



- 1 (A) Estimates of the operating expenses for the covered
- 2 school building for the past three (3) years.
- 3 (B) Written information regarding the condition of the
- 4 covered school building, including the age of the roof and
- 5 the HVAC system, and any known conditions which, in the
- 6 governing body's opinion, require prompt repair or
- 7 replacement.
- 8 (C) A legal description of the property.
- 9 ~~(k)~~ **(m)** If the governing body fails to take the actions required
- 10 under subsection ~~(j)~~; **(l)**, a charter school having notified the school
- 11 corporation of its interest in the covered school building is entitled to
- 12 an injunction requiring the governing body to take the actions under
- 13 subsection ~~(j)~~; **(l)**.
- 14 ~~(h)~~ **(n)** The school corporation shall lease the covered school
- 15 building to a charter school or state educational institution for one
- 16 dollar (\$1) per year for as long as the state educational institution uses
- 17 the covered school building for an academic purpose or the charter
- 18 school uses the covered school building for classroom instruction, for
- 19 a term at the state educational institution's or charter school's
- 20 discretion, or sell the covered school building for one dollar (\$1), if the
- 21 charter school or state educational institution does the following:
- 22 (1) Within ninety (90) days of receiving the department's notice
- 23 under subsection (d), a charter school or state educational
- 24 institution must submit a preliminary request to purchase or
- 25 lease the covered school building.
- 26 (2) Subject to subsection ~~(m)~~; **(o)**, within ninety (90) days of
- 27 receiving the department's notice under subsection (d), a charter
- 28 school or state educational institution must submit to the school
- 29 corporation the following information:
- 30 (A) The name of the charter school or state educational
- 31 institution that is interested in leasing or purchasing the
- 32 covered school building.
- 33 (B) A time frame, which may not exceed three (3) years
- 34 from the date that the covered school building is to be
- 35 closed, no longer used, or no longer occupied, in which the:
- 36 (i) charter school intends to begin providing classroom
- 37 instruction in the covered school building; or
- 38 (ii) state educational institution intends to begin using
- 39 the covered school building for an academic purpose.
- 40 (C) A resolution, adopted by the board of the charter school
- 41 or state educational institution stating that the board of the
- 42 charter school or state educational institution has

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

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

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

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

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1 performance are competing and only one (1) charter school is
 2 operating in the county in which the covered school building is
 3 located, the charter school in the same county as the covered
 4 school building shall be given preference.

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

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

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

29 (2) direct the school corporation to complete a sale or lease to
 30 the state educational institution in accordance with subsection

31 ~~(r)~~ (t).

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

SB 239—LS 7049/DI 152



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

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

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

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

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

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

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

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

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

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SB 239—LS 7049/DI 152



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1 IC 20-25-4-14, and IC 20-26-5-4(a)(7).
 2 **(u) In addition to a request that the attorney general enforce**
 3 **the sale or lease or file suit to enforce the sale or lease of a covered**
 4 **school building under subsection (t), if the transaction described in**
 5 **subsection (t) is not completed within thirty (30) days after the date**
 6 **the notice of a final unappealable decision is received by the school**
 7 **corporation, the charter school or state educational institution may**
 8 **bring a civil action against the school corporation. The court may**
 9 **award to a charter school or state educational institution that**
 10 **prevails in an action under this subsection the following:**

- 11 **(1) Injunctive relief.**
- 12 **(2) Liquidated damages computed at a rate of ten thousand**
- 13 **dollars (\$10,000) per day for each day that exceeds the ten**
- 14 **(10) day time frame described in subsection (t).**

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

- 18 **(1) those assets that are fixtures of the covered school**
- 19 **building; and**
- 20 **(2) adjacent parking lots and playgrounds.**

21 SECTION 11. IC 20-26-7.1-5, AS AMENDED BY P.L.135-2025,
 22 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 23 JULY 1, 2026]: Sec. 5. (a) If:

- 24 (1) a covered school building is sold to a charter school or state
- 25 educational institution under section 4 of this chapter; and
- 26 (2) the charter school or state educational institution described
- 27 in subdivision (1) no longer intends to use the covered school
- 28 building for the purposes described in section ~~4(t)~~ **4(n)** of this
- 29 chapter;

30 the charter school or state educational institution shall offer to transfer
 31 the covered school building back to the school corporation that initially
 32 sold the covered school building to the charter school or state
 33 educational institution.

34 (b) If a school corporation described in subsection (a) declines the
 35 offer to transfer a covered school building back to the school
 36 corporation, the charter school or state educational institution may sell
 37 or transfer the covered school building to a third party. If a charter
 38 school or state educational institution sells or transfers a covered
 39 school building to a third party under this subsection, the charter school
 40 or state educational institution must transfer an amount equal to the
 41 gain in the property minus the adjusted basis (including costs of
 42 improvements to the covered school building) to the school corporation

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1 that initially sold the covered school building to the charter school or
 2 state educational institution. Gain and adjusted basis shall be
 3 determined in the manner prescribed by the Internal Revenue Code and
 4 the applicable Internal Revenue Service regulations and guidelines.

5 (c) A charter school or state educational institution that purchases
 6 a covered school building assumes total control of the covered school
 7 building and must maintain the covered school building, including
 8 utilities, insurance, maintenance, and repairs. Except as provided in
 9 subsection (d), in the event a:

10 (1) charter school does not use the covered school building for
 11 classroom instruction; or

12 (2) state educational institution does not use the covered school
 13 building for an academic purpose;

14 within ~~two (2)~~ **three (3)** years after acquiring the covered school
 15 building, the covered school building shall revert to the school
 16 corporation, which may sell or otherwise dispose of the covered school
 17 building under IC 36-1-11.

18 (d) In the event a:

19 (1) charter school does not use the covered school building for
 20 classroom instruction; or

21 (2) state educational institution does not use the covered school
 22 building for an academic purpose;

23 as a result of being engaged in ongoing renovations for an acquired
 24 covered school building, within ~~two (2)~~ **three (3)** years after acquiring
 25 an occupancy permit for the covered school building, the covered
 26 school building shall revert to the school corporation, which may sell
 27 or otherwise dispose of the covered school building under IC 36-1-11.

28 SECTION 12. IC 20-26-7.1-5.3, AS AMENDED BY P.L.36-2024,
 29 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 30 JULY 1, 2026]: Sec. 5.3. (a) This section applies to a covered school
 31 building to which the following apply:

32 (1) The covered school building was purchased or leased by a
 33 charter school under this chapter.

34 (2) The total student enrollment for in-person instruction in the
 35 school building in the current school year is at least ten percent
 36 (10%) less than the student enrollment for in-person instruction
 37 in the school building in a school year that precedes the current
 38 school year by five (5).

39 (b) A school corporation may not petition the department under
 40 subsection (c) within the first five (5) years after a charter school
 41 purchased or initially leased a covered school building under this
 42 chapter.

SB 239—LS 7049/DI 152



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1 (c) Subject to subsection (f), if:
 2 (A) the number of full-time equivalent students enrolled for
 3 in-person instruction in a school building on instructional days
 4 (as determined under IC 20-30-2) for instructional purposes for
 5 a school year is not at least fifty percent (50%) of the classroom
 6 design capacity of the school building; **and**
 7 **(B) it is consistent with the needs of the school corporation's**
 8 **strategic plan;**
 9 the school corporation that leased or sold the school building to the
 10 charter school may file a petition with the department requesting that
 11 the charter school transfer the school building back to the school
 12 corporation.
 13 (d) Before filing a petition under subsection (c), the school
 14 corporation must give written notice to the charter school to determine
 15 whether an agreement can be reached regarding transferring the school
 16 building to the school corporation.
 17 (e) A petition filed under this section is subject to the same
 18 procedures under IC 20-26-7-47 as a petition filed under
 19 IC 20-26-7-47(h).
 20 (f) For purposes of determining classroom design capacity under
 21 subsection (c), if a charter school reconfigures a school building after
 22 the charter school leases or purchases the school building, the
 23 classroom design capacity must be determined based on the
 24 reconfigured school building and not the classroom design capacity of
 25 the school building at the time of the lease or purchase.
 26 **(g) A school corporation that receives a school building back**
 27 **from a charter school pursuant to a petition filed under subsection**
 28 **(c) shall pay the charter school for capital improvements the**
 29 **charter school made to the school building minus depreciation.**
 30 SECTION 13. IC 20-32-6.5-3, AS ADDED BY P.L.180-2025,
 31 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 32 JULY 1, 2026]: Sec. 3. (a) Beginning with the 2026-2027 school year,
 33 if a school determines that a student in kindergarten through grade 8 is
 34 at risk of not achieving grade level proficiency in mathematics as
 35 determined by an analysis of the student's data from:
 36 (1) a grade level screener approved by the department; or
 37 (2) a through-year statewide assessment;
 38 the school must provide intervention that meets the requirements under
 39 subsection (b).
 40 (b) A school shall provide intervention to a student described in
 41 subsection (a) that meets the following conditions:
 42 (1) The intervention includes a multitiered system of support that

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

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