DIGEST OF HB 1641 (Updated April 10, 2019 6:10 pm - DI 110)

Citations Affected:  IC 20-18; IC 20-23; IC 20-24; IC 20-25; IC 20-25.7; IC 20-26; IC 20-27; IC 20-31; IC 20-35; IC 36-1; noncode.

Synopsis: Charter school matters. Increases the membership of the Indiana charter school board (board) from seven to nine. Authorizes the governor to appoint four members to the board, not more than two of whom may be members of the same political party. (Under current law, the governor appoints two members who may not be members of the same political party.) Provides that the affirmative votes of a majority of the members present are required for the board to take action as opposed to the affirmative votes of a majority of the voting members appointed to the board. Adds a representative from the Arc of Indiana to the list of members who must be included on the state advisory council on the education of children with disabilities. Allows a charter school to limit admissions to allow siblings of student alumni of a charter school or a charter school held by the same organizer to attend the same charter school. Provides that a student who attends a charter school co-located with the charter school may receive preference to admission to the charter school if the preference is specifically (Continued next page)

Effective: Upon passage; July 1, 2019.

Behning, Clere
(SENATE SPONSORS — KRUSE, BUCHANAN, RAATZ)

January 24, 2019, read first time and referred to Committee on Education.
February 11, 2019, amended, reported — Do Pass.
February 14, 2019, read second time, amended, ordered engrossed.
February 15, 2019, engrossed.
February 18, 2019, read third time, passed. Yeaes 58, nays 34.

SENATE ACTION
March 5, 2019, read first time and referred to Committee on Education and Career Development.
April 11, 2019, amended, reported favorably — Do Pass.
Digested Continued

provided for in the charter school's charter and is approved by the charter school's authorizer. Adds educational service centers to a provision relating to employee wage payment arrangements. Provides that the governing body of a school corporation may allow, by written authorization, the use of a school bus or a special purpose bus for the transportation of adults at least 65 years of age or disabled adults. Reduces the time frame that a school corporation must make a vacant or unused school building available to a charter school. Provides that, if a school corporation does not comply with the requirements regarding a vacant or unused school building and charter schools, the school corporation must submit any proceeds from the sale of the vacant or unused school building to the state board of education (state board) to provide grants under the charter school and innovation grant program. Requires a school corporation to sell certain vacant school buildings to an accredited nonpublic school or postsecondary educational institution for an amount not more than the minimum bid for the school building or an amount agreed to by both parties. Provides that, in determining whether to accept a proposal to purchase and redevelop a school building that has a square footage that exceeds 200,000 gross square feet and any adjacent property, the governing body must ensure that a charter school that has notified the governing body in writing of its interest in locating the charter school on the redeveloped site is provided adequate facilities on the redeveloped site. Provides that, if the state board directs a special management team to apply for charter school status for a school, the state board shall notify the charter school authorizer selected for application by the special management team of the state board's decision to direct the school to apply for charter status. Establishes a pilot program whereby a specific township can elect to disannex from an existing school corporation and annex to another existing school corporation.

EH 1641—LS 7242/DI 116
ENGROSSED

HOUSE BILL No. 1641

A BILL FOR AN ACT to amend the Indiana Code concerning education.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 20-18-2-16, AS AMENDED BY P.L.190-2018, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 16. (a) "School corporation", for purposes of this title (except IC 20-20-33, IC 20-26-1 through IC 20-26-5, IC 20-26-7, IC 20-26-7.1, IC 20-28-11.5, IC 20-30-8, IC 20-30-16, and IC 20-43), means a public school corporation established by Indiana law. The term includes a:

(1) school city;
(2) school town;
(3) consolidated school corporation;
(4) metropolitan school district;
(5) township school corporation;
(6) county school corporation;
(7) united school corporation; or
(8) community school corporation.
(b) "School corporation", for purposes of IC 20-26-1 through IC 20-26-5, and IC 20-26-7, and IC 20-26-7.1, has the meaning set forth in IC 20-26-2-4.

(c) "School corporation", for purposes of IC 20-20-33, IC 20-26.5, and IC 20-30-8, includes a charter school (as defined in IC 20-24-1-4).

(d) "School corporation", for purposes of IC 20-43, has the meaning set forth in IC 20-43-1-23.

(e) "School corporation", for purposes of IC 20-28-11.5, has the meaning set forth in IC 20-28-11.5-3.

(f) "School corporation", for purposes of IC 20-35, has the meaning set forth in IC 20-35-1-6.

(g) "School corporation", for purposes of IC 20-30-16, has the meaning set forth in IC 20-30-16-4.

SECTION 2. IC 20-23-5.5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]:

Chapter 5.5. Pilot Program for Annexation and Disannexation of a Township

Sec. 0.5. (a) A two (2) year pilot program is established to monitor, measure, and gather data concerning the financial impacts, including on transportation costs, of the disannexation of a territory from a relinquishing school corporation to an acquiring school corporation. The state board shall administer the pilot program.

(b) A disannexation under the pilot program may be initiated under section 9(a)(2) of this chapter only by the fiscal body and township executive of Greene Township, in St. Joseph County.

Sec. 1. (a) A disannexation may not occur under the pilot program if any of the following apply on the date a resolution is adopted under section 9 of this chapter:

(1) A building is located within the territory proposed to be disannexed that is being used as a school by the relinquishing school corporation.

(2) A building is located within the territory proposed to be disannexed on which there is bond indebtedness owed by the relinquishing school corporation.

(3) A building is located within the territory proposed to be disannexed that is the subject of a lease entered into by the relinquishing school corporation before April 15, 2019, to allow the relinquishing school corporation to use the building as a school.

(b) This chapter does not limit the ability of a school
corporation to proceed in an annexation under IC 20-23-5.

Sec. 2. As used in this chapter, "acquiring school corporation" means a school corporation that acquires territory as a result of disannexation under the pilot program established by section 0.5 of this chapter.

Sec. 3. As used in this chapter, "annex", "annexing", "annexation", and "school annexation" mean any action whereby the boundaries of an acquiring school corporation are changed so that additional territory, constituting all or part of any one (1) or more relinquishing school corporations, is transferred to the acquiring school corporation under the pilot program established by section 0.5 of this chapter.

Sec. 4. As used in this chapter, "disannex", "disannexing", "disannexation", and "school disannexation" mean any action whereby:
   (1) the boundaries of a school corporation are changed by removing territory from a relinquishing school corporation; and
   (2) the territory is transferred to an acquiring school corporation by annexation;
under the pilot program established by section 0.5 of this chapter.

Sec. 5. As used in this chapter, "relinquishing school corporation" means a school corporation that relinquishes territory to an acquiring school corporation by disannexation under the pilot program established by section 0.5 of this chapter.

Sec. 6. As used in this chapter, "school corporation" has the meaning set forth in IC 20-18-2-16(a).

Sec. 7. As used in this chapter, "territory" means the entire territory of a township.

Sec. 8. Except as provided in section 1 of this chapter, territory may be disannexed from a school corporation under the pilot program established by section 0.5 of this chapter.

Sec. 9. (a) Subject to approval of a plan described in subsection (c), a disannexation may be initiated by the adoption of a substantially identical disannexation resolution by:
   (1) an acquiring school corporation's governing body; and
   (2) the fiscal body of the township that is to be disannexed, with approval of the township executive.
   (b) The resolution described in subsection (a) must contain the following items:
      (1) The name of the school corporation from which the territory is to be disannexed.

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(2) A description of the territory to be disannexed.
(3) The name of the acquiring school corporation.
(4) The date the disannexation takes place.
(5) Any terms and conditions facilitating education of students
in the acquiring school corporation.
(c) Subject to section 14 of this chapter, the resolution must be
supported by a plan for the organization of the acquiring school
corporation that includes the following information:
(1) The willingness and ability of the acquiring school
corporation to accommodate and provide efficient and
equitable educational opportunity to students from the
territory.
(2) Proposed disposition of assets and liabilities of the
relinquishing school corporation to the acquiring school
corporation.
(3) Proposed allocation between the acquiring and
relinquishing school corporations of subsequently collected
school taxes levied on property in the annexed territory.
(4) Proposed amount, if any, to be paid by the acquiring
school corporation to the relinquishing school corporation on
account of property received from the relinquishing school
corporation.
(5) Additional information as required by the state board.
Dispositions, allocations, and amounts transferred under this
subsection must be equitable, as determined by the state board.
Dispositions, allocations, and amounts transferred shall be
considered equitable if the plan is approved by the state board
under section 10(a)(4) of this chapter.
(d) After adoption of the resolution:
(1) the resolution; and
(2) the plan for the organization of the acquiring school
corporation;
must be filed with the state board.
Sec. 10. (a) The state board shall:
(1) receive and examine each resolution and plan submitted
under section 9 of this chapter and approve each plan that
meets the standards of the state board;
(2) adopt a set of minimum considerations for a plan that
include:
(A) ensuring efficient and equitable educational
opportunities for all students of the acquiring school
corporation and relinquishing school corporation;
(B) the positive and negative effects on the acquiring and relinquishing school corporations;
(C) the economic interests of the acquiring and relinquishing school corporations related to changing the boundaries of the school corporations; and
(D) a determination of whether the disannexation is prohibited under section 1 of this chapter;
(3) not later than ninety (90) days after receipt of a plan, hold a public hearing in the county in which the largest part of the territory to be disannexed is located to allow residents of the affected territory to testify; and
(4) not later than sixty (60) days after the public hearing:
   (A) approve or disapprove in writing all or part of the plan; and
   (B) notify in writing, by certified mail with return receipt requested, the acquiring school corporation, the relinquishing school corporation, and the fiscal body of the township.

(b) The state board is not required to hold a public hearing on a plan that does not meet the minimum considerations required by the state board. If the state board determines a plan does not meet the minimum considerations required, the state board shall notify in writing, by certified mail with return receipt requested, the acquiring school corporation and the fiscal body of the township.

Sec. 11. (a) If the state board approves the plan under section 10(a)(4) of this chapter, the acquiring school corporation and fiscal body of the township proposed to be disannexed may:
(1) within sixty (60) days of the state board approval of the plan, file a petition in favor of the proposed disannexation of the territory (including the name of the territory) from the relinquishing school corporation (including the name of the relinquishing school corporation) to the acquiring school corporation (including the name of the acquiring school corporation) that is signed by at least fifty-one percent (51%) of the registered voters residing in the territory proposed to be disannexed with the clerk of the circuit court of the county or counties in which the territory proposed to be disannexed is located under section 12 of this chapter; or
(2) after approval of the plan, request that the state board certify the approved plan to the clerk of the circuit court of the county or counties in which the territory proposed to be disannexed is located under section 13 of this chapter. The
state board shall certify the approved plan to the clerk of the
circuit court of the county or counties in which the territory
proposed to be disannexed is located under section 13 of this
chapter.

(b) If a petition described in subsection (a)(1) is not filed within
sixty (60) days of the state board approval of the plan and a request
for certification under subsection (a)(2) has not already been made,
the state board shall certify the approved plan to the clerk of the
circuit court of the county or counties in which the territory
proposed to be disannexed is located under section 13 of this
chapter.

Sec. 12. (a) If a petition described in section 11(a)(1) of this
chapter is filed with the clerk of the circuit court of the county or
counties in which the territory proposed to be disannexed is
located, the clerk of the circuit court shall make a certification
under the clerk's hand and seal of the clerk's office as to whether
the petition is signed by at least fifty-one percent (51%) of the
registered voters residing in the territory proposed to be
disannexed.

(b) If the clerk of the circuit court certifies under subsection (a)
that the petition is signed by at least fifty-one percent (51%) of the
registered voters residing in the territory proposed to be
disannexed, the state board shall:

(1) immediately cause notice of the result to be published in
the county or counties where the disannexation will take
place; and

(2) declare the disannexation final and approve the
annexation of the territory to the acquiring school
corporation by adopting a resolution to that effect.

(c) Notice of the adoption of a resolution under subsection (b)(2)
must be published at least once in one (1) newspaper of general
circulation published in the county or counties where the
disannexation will take place.

Sec. 13. (a) If a petition is not filed as described in section
11(a)(1) of this chapter, or following a request described in section
11(a)(2) of this chapter, the state board shall certify the approved
plan to the clerk of the circuit court of the county or counties in
which the territory proposed to be disannexed is located.

(b) After receiving a certified plan under subsection (a), the
clerk of the circuit court shall make a certification under the
clerk's hand and seal of the clerk's office as to:

(1) the number of registered voters residing in:
(A) the territory proposed to be disannexed; or
(B) the part of the territory proposed to be disannexed that
is located in the county, as disclosed by the voter
registration records of the county; and
(2) the date of the filing of the plan with the clerk.
If a territory proposed to be disannexed includes only part of a
voting precinct, the clerk of the circuit court shall ascertain, from
any means available, the number of registered voters residing in
the part of the voting precinct that is within the territory proposed
to be disannexed.
(c) The clerk of the circuit court shall do the following:
(1) Certify to the county election board the public question of
whether the disannexation should take place.
(2) Order the county election board to place the following
question on the ballot in the territory of the proposed
disannexation:
"Shall _________ (insert the name of the territory) be
transferred from _________ (insert the relinquishing
school corporation) to _________ (insert the acquiring
school corporation)?".
(d) The county election board shall place the question set forth
in subsection (c)(2) on the ballot for the next primary election or
general election under IC 3-10-9 as a local public question.
(e) The county election board, under IC 5-3-1, shall give notice
of the public question on the ballot at the primary election or
general election. The notice must:
(1) clearly state that the election is being held to provide the
registered voters an opportunity to approve or reject a
proposal for the disannexation of territory from an existing
school corporation;
(2) state the name of the existing school corporation to which
the territory is proposed to be annexed; and
(3) designate the date, time, and voting place or places at
which the election will be held.
(f) The county election board shall place the public question on
the ballot in the form prescribed by IC 3-10-9-4. Except as
otherwise provided in this chapter, the election is governed by IC 3.
(g) The certified result of the local public question shall be filed
with the state board.
(h) If the majority of the voters voting in an election under this
section vote "yes" on the question of disannexation, the state board
shall:

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(1) immediately cause notice of the result to be published in
the county or counties where the disannexation will take
place; and
(2) declare the disannexation final and approve the
annexation of the territory to the acquiring school
corporation by adopting a resolution to that effect.

(i) Notice of the adoption of a resolution under subsection (h)(2)
must be published at least once in one (1) newspaper of general
circulation published in the county or counties where the
disannexation will take place.

Sec. 14. (a) A disannexation and annexation to an acquiring
school corporation under section 12 or 13 of this chapter take
effect on the July 1 following the date of the publication of the
notice in section 12(c) or 13(i) of this chapter by the state board,
except that the disannexed territory is considered part of the
acquiring school corporation for purposes of determining budgets,
property tax rates, and property tax levies beginning with the
acquiring school corporation's budget year beginning on the
January 1 immediately following the July 1 effective date of the
disannexation.

(b) Except as provided in subsection (c), the relinquishing school
corporation and taxpayers of the disannexed territory remain
liable for any indebtedness of the relinquishing school corporation
in effect on the date the disannexation is effective under this
chapter. The amount of outstanding indebtedness for which
taxpayers of the disannexed territory that has been transferred
remain liable under this section consists of the portion of
indebtedness that is in the same proportion as the assessed
valuation of the real property in the disannexed territory bears to
the assessed valuation of all the real property in the relinquishing
school corporation, as determined for the last assessment date
before the disannexation occurs. The department of local
government finance shall determine the amount, if any, of
outstanding indebtedness for which taxpayers of the disannexed
territory that has been transferred remain liable under this section.
The disannexed territory constitutes a special taxing district for
only the purposes of imposing and collecting a property tax levy for
payment of the amount of the disannexed territory's portion of the
outstanding indebtedness. The relinquishing school corporation
shall each year impose and collect the property tax levy in the
disannexed territory in an amount determined by the department
of local government finance to be used only for payment of the
disannexed territory's portion of the outstanding indebtedness.

    (c) After a disannexation is effective under this chapter, the
following apply to debt incurred by the relinquishing school
 corporation during the period beginning on the date on which a
resolution is adopted by an acquiring school corporation under
section 9 of this chapter and ending on the date the disannexation
is effective under subsection (a):

    (1) The acquiring school corporation to which the territory is
transferred is not liable for and is not required to pay any
part of that indebtedness.
    (2) A property tax may not be imposed on the taxpayers of the
transferred territory to pay any part of that indebtedness.
    (3) The territory that is transferred does not constitute a
special taxing district for purposes of paying any part of that
indebtedness.

Sec. 15. If the relinquishing school corporation owns a building
that is located within the territory to be disannexed that:

    (1) is not used in whole or in part for classroom instruction at
the time a disannexation is initiated; and
    (2) was previously used for classroom instruction;
the relinquishing school corporation shall comply with
IC 20-26-7.1, including making the building available for lease or
purchase to any charter school or neighboring school corporation
for one dollar ($1) per year, before the relinquishing school
corporation may sell or exchange, in accordance with
IC 20-25-4-14, IC 20-26-5-4(7), or IC 20-26-7-1, the building.

Sec. 16. (a) Within sixty (60) days after a disannexation takes
place, the governing body of the acquiring school corporation and
relinquishing school corporation shall adopt a plan determining the
manner in which each governing body shall be constituted. The
plan shall be adopted in accordance with the requirements and
procedures of IC 20-23-8, except as set out in subsection (b).

    (b) The adoption of a plan by the governing body in accordance
with IC 20-23-8-10 and its submission to the state board under
IC 20-23-8-15 are the only procedures required when an existing
plan is changed as follows:

    (1) All governing body members are elected at large, and
there are no governing body member residency districts.
    (2) Governing body members are elected from governing
body member residency districts, and the annexed territory
is added to or deleted from one (1) or more districts.
    (3) A governing body member is appointed from a given area

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or district, and the annexed territory is added to or deleted from one (1) or more districts or areas.

(4) A governing body member is elected solely by the voters in a school governing body member district, but the addition or deletion of the annexed territory to or from an existing district does not constitute a denial of equal protection of the laws.

If a school corporation elects or appoints members of its governing body both from a school governing body member district encompassing the entire school corporation and from smaller districts, the governing body of the acquiring school corporation shall add the annexed territory both to the district consisting of the entire school corporation and to one (1) or more smaller districts. In a comparable situation, the relinquishing school corporation shall delete the annexed territory both from the district consisting of the entire school corporation and from any smaller district or districts. The change in the plan becomes effective upon its approval by the state board. The application of this subsection does not limit the initiation of, or further changes in, any plan under IC 20-23-8.

Sec. 17. A disannexation that takes effect under this chapter during the period of the pilot program remains in effect after the expiration of the pilot program.

Sec. 18. Before July 1, 2021, the state board shall report any data and information gathered from the pilot program to the legislative council in an electronic format under IC 5-14-6.

Sec. 19. This chapter expires July 1, 2021.

SECTION 3. IC 20-24-2.1-1, AS AMENDED BY P.L.280-2013, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 1. (a) The Indiana charter school board is established for the purpose of authorizing charter schools throughout Indiana.

(b) The charter board is a statewide charter school authorizer composed of the following seven (7) nine (9) members appointed to four (4) year terms:

(1) Two (2) Four (4) members who may not be members of the same political party, appointed by the governor. Not more than two (2) members appointed under this subdivision may be members of the same political party.

(2) One (1) member who has previous experience with or on behalf of charter schools appointed by the state superintendent.

(3) Four (4) members, who may not be legislators, appointed as
follows:

(A) One (1) member appointed by the president pro tempore of the senate.

(B) One (1) member appointed by the minority leader of the senate.

(C) One (1) member appointed by the speaker of the house of representatives.

(D) One (1) member appointed by the minority leader of the house of representatives.

A member appointed under this subsection may not be removed by the member's appointing authority without cause before the end of the full four (4) year term.

(c) The governor shall appoint the chairperson of the charter board.

(d) A majority of the members appointed to the charter board constitutes a quorum. The affirmative votes of a majority of the voting members appointed to the charter board present are required for the charter board to take action.

(e) Each member of the charter board who is not a state employee is entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b). The member is also entitled to reimbursement for traveling expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

(f) Members appointed to the charter board must collectively possess strong experience and expertise in:

(1) public and nonprofit governance;

(2) management;

(3) finance;

(4) public school leadership;

(5) higher education;

(6) school assessments, curriculum, and instruction; and

(7) public education law.

SECTION 4. IC 20-24-5-5, AS AMENDED BY P.L.215-2018(ss), SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 5. (a) Except as provided in subsections (b), (c), (d), (e), and (f), a charter school must enroll any eligible student who submits a timely application for enrollment.

(b) This subsection applies if the number of applications for a program, class, grade level, or building exceeds the capacity of the program, class, grade level, or building. If a charter school receives a greater number of applications than there are spaces for students, each
timely applicant must be given an equal chance of admission. The
organizer must determine which of the applicants will be admitted to
the charter school or the program, class, grade level, or building by
random drawing in a public meeting, with each timely applicant limited
to one (1) entry in the drawing. However, the organizer of a charter
school located in a county with a consolidated city shall determine
which of the applicants will be admitted to the charter school or the
program, class, grade level, or building by using a publicly verifiable
random selection process.

(c) A charter school may limit new admissions to the charter school
to:

1. ensure that a student who attends the charter school during a
   school year may continue to attend the charter school in
   subsequent years;
2. ensure that a student who attends a charter school during a
   school year may continue to attend a different charter school held
   by the same organizer in subsequent years;
3. allow the siblings of a student alumnus or a current student
   who attends a charter school or a charter school held by the same
   organizer to attend the same charter school the student is
   attending or the student alumnus attended;
4. allow preschool students who attend a Level 3 or Level 4
   Paths to QUALITY program preschool to attend kindergarten at
   a charter school if the charter school and the preschool provider
   have entered into an agreement to share services or facilities; and
5. allow each student who qualifies for free or reduced price
   lunch under the national school lunch program to receive
   preference for admission to a charter school if the preference is
   specifically provided for in the charter school's charter and is
   approved by the authorizer; and
6. allow each student who attends a charter school that is
   co-located with the charter school to receive preference for
   admission to the charter school if the preference is specifically
   provided for in the charter school's charter and is approved
   by the charter school's authorizer.

(d) This subsection applies to an existing school that converts to a
charter school under IC 20-24-11. During the school year in which the
existing school converts to a charter school, the charter school may
limit admission to:

1. those students who were enrolled in the charter school on the
date of the conversion; and
2. siblings of students described in subdivision (1).
(e) A charter school may give enrollment preference to children of
the charter school's founders, governing body members, and charter
school employees, as long as the enrollment preference under this
subsection is not given to more than ten percent (10%) of the charter
school's total population.

(f) A charter school may not suspend or expel a charter school
student or otherwise request a charter school student to transfer to
another school on the basis of the following:

(1) Disability.
(2) Race.
(3) Color.
(4) Gender.
(5) National origin.
(6) Religion.
(7) Ancestry.

A charter school student may be expelled or suspended only in a
manner consistent with discipline rules established under IC 20-24-5.5.

SECTION 5. IC 20-24-8-1, AS ADDED BY P.L.1-2005, SECTION
8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,
2019]: Sec. 1. A charter school may do the following:

(1) Sue and be sued in its own name.
(2) For educational purposes, acquire real and personal property
or an interest in real and personal property by purchase, gift,
grant, devise, or bequest, or interlocal cooperation under
IC 36-1-7.
(3) Convey property.
(4) Enter into contracts in its own name, including contracts for
services.

SECTION 6. IC 20-25-4-14, AS ADDED BY P.L.1-2005,
SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
UPON PASSAGE]: Sec. 14. (a) Except as provided in IC 20-26-7.1,
a school city may:

(1) sell real estate;
(2) transfer personal property; and
(3) execute deeds of conveyance and instruments of transfer with
or without covenants of warranty;

if, in the opinion of the board, the real estate or personal property
cannot be advantageously used for school or library purposes and can
be sold for its fair cash value.

(b) A determination by the board that real estate or personal
property cannot be advantageously used under subsection (a) must be
entered into the record of the minutes of the school city's board.
SECTION 7. IC 20-25.7-5-2, AS AMENDED BY P.L.86-2018, SECTION 174, IS AMENDED TO READ AS FOLLOWS

[EFFECTIVE UPON PASSAGE]: Sec. 2. (a) The board may enter into an agreement with an organizer to reconstitute an eligible school as a participating innovation network charter school or to establish a participating innovation network charter school at a location selected by the board within the boundary of the school corporation. Notwithstanding IC 20-26-7-1, 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 board 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 when calculating the school corporation's performance assessment under rules adopted by the state board.

2. The amount of state funding, including tuition support (if the participating innovation network charter school is treated in the same manner as a school operated by the school corporation under subsection (d)(2)), and money levied as property taxes that will be distributed by the school corporation to the organizer.

3. The performance goals and accountability metrics agreed upon for the charter school in the charter agreement between the organizer and the authorizer.

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

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

1. The department shall include the participating innovation network charter school's performance assessment results under IC 20-31-8 when calculating the school corporation's performance assessment under rules adopted by the state board;

2. The department shall treat the participating innovation network charter school in the same manner as a school operated by the school corporation when calculating the total amount of state funding to be distributed to the school corporation unless subsection (e) applies; and

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.

(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, 2019.

SECTION 8. IC 20-26-1-1, AS AMENDED BY P.L.185-2017,
SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
UPON PASSAGE]: Sec. 1. Except as otherwise provided, IC 20-26-1
through IC 20-26-5, and IC 20-26-7, and IC 20-26-7.1 apply to all
school corporations.

SECTION 9. IC 20-26-2-1, AS ADDED BY P.L.1-2005, SECTION
10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON
PASSAGE]: Sec. 1. Notwithstanding IC 20-18-2, the definitions in this
chapter apply in IC 20-26-1 through IC 20-26-5, and IC 20-26-7, and
IC 20-26-7.1.

SECTION 10. IC 20-26-5-4, AS AMENDED BY P.L.244-2017,
SECTION 42, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
UPON PASSAGE]: Sec. 4. (a) In carrying out the school purposes of
a school corporation, the governing body acting on the school
corporation's behalf has the following specific powers:

(1) In the name of the school corporation, to sue and be sued and
to enter into contracts in matters permitted by applicable law.
However, a governing body may not use funds received from the
state to bring or join in an action against the state, unless the
governing body is challenging an adverse decision by a state
agency, board, or commission.

(2) To take charge of, manage, and conduct the educational affairs
of the school corporation and to establish, locate, and provide the
necessary schools, school libraries, other libraries where
permitted by law, other buildings, facilities, property, and
equipment.

(3) To appropriate from the school corporation's general fund
(before January 1, 2019) or the school corporation's operations
fund (after December 31, 2018) an amount, not to exceed the
greater of three thousand dollars ($3,000) per budget year or one
dollar ($1) per pupil, not to exceed twelve thousand five hundred
dollars ($12,500), based on the school corporation's ADM of the
previous year (as defined in IC 20-43-1-7) to promote the best
interests of the school corporation through:
(A) the purchase of meals, decorations, memorabilia, or
awards;
(B) provision for expenses incurred in interviewing job
applicants; or
(C) developing relations with other governmental units.
(4) To do the following:
(A) Acquire, construct, erect, maintain, hold, and contract for
construction, erection, or maintenance of real estate, real estate
improvements, or an interest in real estate or real estate
improvements, as the governing body considers necessary for
school purposes, including buildings, parts of buildings,
additions to buildings, rooms, gymnasiums, auditoriums,
playgrounds, playing and athletic fields, facilities for physical
training, buildings for administrative, office, warehouse, repair
activities, or housing school owned buses, landscaping, walks,
drives, parking areas, roadways, easements and facilities for
power, sewer, water, roadway, access, storm and surface
water, drinking water, gas, electricity, other utilities and
similar purposes, by purchase, either outright for cash (or
under conditional sales or purchase money contracts providing
for a retention of a security interest by the seller until payment
is made or by notes where the contract, security retention, or
note is permitted by applicable law), by exchange, by gift, by
device, by eminent domain, by lease with or without option to
purchase, or by lease under IC 20-47-2, IC 20-47-3, or
IC 20-47-5.
(B) Repair, remodel, remove, or demolish, or to contract for
the repair, remodeling, removal, or demolition of the real
estate, real estate improvements, or interest in the real estate
or real estate improvements, as the governing body considers
necessary for school purposes.
(C) Provide for conservation measures through utility
efficiency programs or under a guaranteed savings contract as
described in IC 36-1-12.5.
(5) To acquire personal property or an interest in personal
property as the governing body considers necessary for school
purposes, including buses, motor vehicles, equipment, apparatus,
appliances, books, furniture, and supplies, either by cash purchase
or under conditional sales or purchase money contracts providing
for a security interest by the seller until payment is made or by
notes where the contract, security, retention, or note is permitted
by applicable law, by gift, by devise, by loan, or by lease with or
without option to purchase and to repair, remodel, remove,
relocate, and demolish the personal property. All purchases and
contracts specified under the powers authorized under subdivision
(4) and this subdivision are subject solely to applicable law
relating to purchases and contracting by municipal corporations
in general and to the supervisory control of state agencies as
provided in section 6 of this chapter.

(6) To sell or exchange real or personal property or interest in real
or personal property that, in the opinion of the governing body, is
not necessary for school purposes, in accordance with IC 20-26-7
and IC 20-26-7.1, to demolish or otherwise dispose of the
property if, in the opinion of the governing body, the property is
not necessary for school purposes and is worthless, and to pay the
demolition or disposition.

(7) To lease any school property for a rental that the governing
body considers reasonable or to permit the free use of school
property for:
   (A) civic or public purposes; or
   (B) the operation of a school age child care program for
      children who are at least five (5) years of age and less than
      fifteen (15) years of age that operates before or after the school
day, or both, and during periods when school is not in session;
      if the property is not needed for school purposes. Under this
      subdivision, the governing body may enter into a long term lease
      with a nonprofit corporation, community service organization, or
      other governmental entity, if the corporation, organization, or
      other governmental entity will use the property to be leased for
civic or public purposes or for a school age child care program.
      However, if payment for the property subject to a long term lease
is made from money in the school corporation's debt service fund,
all proceeds from the long term lease must be deposited in the
school corporation's debt service fund so long as payment for the
property has not been made. The governing body may, at the
governing body's option, use the procedure specified in
IC 36-1-11-10 in leasing property under this subdivision.

(8) To do the following:
   (A) Employ, contract for, and discharge superintendents,
supervisors, principals, teachers, librarians, athletic coaches
(whether or not they are otherwise employed by the school
corporation and whether or not they are licensed under
IC 20-28-5), business managers, superintendents of buildings
and grounds, janitors, engineers, architects, physicians,
dentists, nurses, accountants, teacher aides performing
noninstructional duties, educational and other professional
consultants, data processing and computer service for school
purposes, including the making of schedules, the keeping and
analyzing of grades and other student data, the keeping and
preparing of warrants, payroll, and similar data where
approved by the state board of accounts as provided below,
and other personnel or services as the governing body
considers necessary for school purposes.

(B) Fix and pay the salaries and compensation of persons and
services described in this subdivision that are consistent with
IC 20-28-9-1.5.

(C) Classify persons or services described in this subdivision
and to adopt a compensation plan with a salary range that is
consistent with IC 20-28-9-1.5.

(D) Determine the number of the persons or the amount of the
services employed or contracted for as provided in this
subdivision.

(E) Determine the nature and extent of the duties of the
persons described in this subdivision.

The compensation, terms of employment, and discharge of
teachers are, however, subject to and governed by the laws
relating to employment, contracting, compensation, and discharge
of teachers. The compensation, terms of employment, and
discharge of bus drivers are subject to and governed by laws
relating to employment, contracting, compensation, and discharge
of bus drivers.

(9) Notwithstanding the appropriation limitation in subdivision
(3), when the governing body by resolution considers a trip by an
employee of the school corporation or by a member of the
governing body to be in the interest of the school corporation,
including attending meetings, conferences, or examining
equipment, buildings, and installation in other areas, to permit the
employee to be absent in connection with the trip without any loss
in pay and to reimburse the employee or the member the
employee's or member's reasonable lodging and meal expenses
and necessary transportation expenses. To pay teaching personnel
for time spent in sponsoring and working with school related trips
or activities.

(10) Subject to IC 20-27-13, to transport children to and from
school, when in the opinion of the governing body the transportation is necessary, including considerations for the safety of the children. The transportation must be otherwise in accordance with applicable law.

(11) To provide a lunch program for a part or all of the students attending the schools of the school corporation, including the establishment of kitchens, kitchen facilities, kitchen equipment, lunch rooms, the hiring of the necessary personnel to operate the lunch program, and the purchase of material and supplies for the lunch program, charging students for the operational costs of the lunch program, fixing the price per meal or per food item. To operate the lunch program as an extracurricular activity, subject to the supervision of the governing body. To participate in a surplus commodity or lunch aid program.

(12) To purchase curricular materials, to furnish curricular materials without cost or to rent curricular materials to students, and to participate in a curricular materials aid program, all in accordance with applicable law.

(13) To accept students transferred from other school corporations and to transfer students to other school corporations in accordance with applicable law.

(14) To make budgets, to appropriate funds, and to disburse the money of the school corporation in accordance with applicable law. To borrow money against current tax collections and otherwise to borrow money, in accordance with IC 20-48-1.

(15) To purchase insurance or to establish and maintain a program of self-insurance relating to the liability of the school corporation or the school corporation's employees in connection with motor vehicles or property and for additional coverage to the extent permitted and in accordance with IC 34-13-3-20. To purchase additional insurance or to establish and maintain a program of self-insurance protecting the school corporation and members of the governing body, employees, contractors, or agents of the school corporation from liability, risk, accident, or loss related to school property, school contract, school or school related activity, including the purchase of insurance or the establishment and maintenance of a self-insurance program protecting persons described in this subdivision against false imprisonment, false arrest, libel, or slander for acts committed in the course of the persons' employment, protecting the school corporation for fire and extended coverage and other casualty risks to the extent of replacement cost, loss of use, and other
insurable risks relating to property owned, leased, or held by the
school corporation. In accordance with IC 20-26-17, to:

(A) participate in a state employee health plan under
IC 5-10-8-6.7;
(B) purchase insurance; or
(C) establish and maintain a program of self-insurance;
to benefit school corporation employees, including accident,
sickness, health, or dental coverage, provided that a plan of
self-insurance must include an aggregate stop-loss provision.
(16) To make all applications, to enter into all contracts, and to
sign all documents necessary for the receipt of aid, money, or
property from the state, the federal government, or from any other
source.
(17) To defend a member of the governing body or any employee
of the school corporation in any suit arising out of the
performance of the member's or employee's duties for or
employment with, the school corporation, if the governing body
by resolution determined that the action was taken in good faith.
To save any member or employee harmless from any liability,
cost, or damage in connection with the performance, including the
payment of legal fees, except where the liability, cost, or damage
is predicated on or arises out of the bad faith of the member or
employee, or is a claim or judgment based on the member's or
employee's malfeasance in office or employment.
(18) To prepare, make, enforce, amend, or repeal rules,
regulations, and procedures:
(A) for the government and management of the schools,
property, facilities, and activities of the school corporation, the
school corporation's agents, employees, and pupils and for the
operation of the governing body; and
(B) that may be designated by an appropriate title such as
"policy handbook", "bylaws", or "rules and regulations".
(19) To ratify and approve any action taken by a member of the
governing body, an officer of the governing body, or an employee
of the school corporation after the action is taken, if the action
could have been approved in advance, and in connection with the
action to pay the expense or compensation permitted under
IC 20-26-1 through IC 20-26-5, IC 20-26-7, IC 20-40-12, and
IC 20-48-1 or any other law.
(20) To exercise any other power and make any expenditure in
carrying out the governing body's general powers and purposes
provided in this chapter or in carrying out the powers delineated
in this section which is reasonable from a business or educational standpoint in carrying out school purposes of the school corporation, including the acquisition of property or the employment or contracting for services, even though the power or expenditure is not specifically set out in this chapter. The specific powers set out in this section do not limit the general grant of powers provided in this chapter except where a limitation is set out in IC 20-26-1 through IC 20-26-5, IC 20-26-7, IC 20-40-12, IC 20-40-18 (after December 31, 2018), and IC 20-48-1 by specific language or by reference to other law.

(b) A superintendent hired under subsection (a)(8):
   (1) is not required to hold a teacher's license under IC 20-28-5; and
   (2) is required to have obtained at least a master's degree from an accredited postsecondary educational institution.

SECTION 11. IC 20-26-5-12, AS AMENDED BY P.L.2-2006, SECTION 118, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 12. Except for IC 20-26-4-1, IC 20-26-4-4, and IC 20-26-4-5, the powers given each school corporation in IC 20-26-1 through IC 20-26-5, IC 20-26-7, IC 20-40-12, and IC 20-48-1 and the limitations on those powers set out in IC 20-26-1 through IC 20-26-5, IC 20-26-7, IC 20-40-12, IC 20-48-1, IC 20-40-18 may not be construed to limit the authority of the governing body given by any other statute or rule.

SECTION 12. IC 20-26-5-32.2, AS AMENDED BY P.L.6-2012, SECTION 132, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 32.2. (a) Notwithstanding IC 22-2-5-1, a school corporation, educational service center, or charter school and:
   (1) an employee if there is no representative described under subdivision (2) or (3) for that employee;
   (2) the exclusive representative of its certificated employees with respect to those employees; or
   (3) a labor organization representing its noncertificated employees with respect to those employees;
   may agree in writing to a wage payment arrangement.

   (b) A wage payment arrangement under subsection (a) may provide that compensation earned during a school year may be paid:
      (1) using equal installments or any other method; and
      (2) over:
         (A) all or part of that school year; or
         (B) any other period that begins not earlier than the first day of
that school year and ends not later than thirteen (13) months
after the wage payment arrangement period begins.

Such an arrangement may provide that compensation earned in a
calendar year is paid in the next calendar year, so long as all the
compensation is paid within the thirteen (13) month period beginning
with the first day of the school year.

(c) A wage payment arrangement under subsection (a) must be
structured in such a manner so that it is not considered:

(1) a nonqualified deferred compensation plan for purposes of
Section 409A of the Internal Revenue Code; or

(2) deferred compensation for purposes of Section 457(f) of the
Internal Revenue Code.

(d) Absent an agreement under subsection (a), a school corporation,
educational service center, or charter school remains subject to
IC 22-2-5-1.

(e) Wage payments required under a wage payment arrangement
entered into under subsection (a) are enforceable under IC 22-2-5-2.

(f) If an employee leaves employment for any reason, either
permanently or temporarily, the amount due the employee under
IC 22-2-5-1 and IC 22-2-9-2 is the total amount of wages earned and
unpaid. If the employment relationship ends at the conclusion of a
school year, the school corporation, educational service center, or
charter school may pay the employee the remaining wages owed as
provided in the written wage payment arrangement.

(g) Employment with a school corporation, educational service
center, or charter school may not be conditioned upon the acceptance
of a wage payment arrangement under subsection (a).

(h) An employee may revoke a wage payment arrangement under
subsection (a) at the beginning of each school year.

(i) A wage payment arrangement under this chapter may not contain
any terms beyond those permitted to be bargained under IC 20-29-6-4.

SECTION 13. IC 20-26-7-1, AS AMENDED BY P.L.140-2018,
SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
UPON PASSAGE]: Sec. 1. (a) As used in this section, "charter school"
has the meaning set forth in IC 20-24-1-4 and includes a group or entity
seeking approval from an authorizer to operate a charter school under
IC 20-24-3.

(b) (a) Except as otherwise provided in this section, IC 20-26-7.1,
if a governing body of a school corporation determines that any real or
personal property:

(1) is no longer needed for school purposes; or

(2) should, in the interests of the school corporation, be
exchanged for other property;

the governing body may sell or exchange the property in accordance
with IC 36-1-11.

(e) (b) Money derived from the sale or exchange of property under
this section shall be placed in the school corporation's operations fund.

(d) (c) A governing body may not enter into a lease agreement or
make a covenant that prohibits the sale of real property to another
educational institution.

(c) This subsection does not apply to a school building that on July
1; 2011; is leased or loaned by the school corporation that owns the
school building to another entity; if the entity is not a building
corporation or other entity that is related in any way to; or created by;
the school corporation or the governing body: Except as provided in
subsections (k) through (p); a governing body shall make available for
lease or purchase to any charter school any school building 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; including
but not limited to a building corporation; that:

(1) either:
(A) is not used in whole or in part for classroom instruction at
the time the charter school seeks to lease the building; or
(B) appears on the list compiled by the department under
subsection (f); and
(2) was previously used for classroom instruction;

in order for the charter school to conduct classroom instruction:

(f) Not later than August 1 each calendar year, each governing body
shall inform the department if a school building that was previously
used for classroom instruction is closed; unused; or unoccupied: The
department shall maintain a list of closed; unused; or unoccupied
school buildings and make the list available on the department's
Internet web site: Each school corporation shall provide a list of closed;
unused; or unoccupied buildings to the department by the date set by
the department: The department must update the list not later than
fifteen (15) days after being notified of a closed; unused; or unoccupied
building.

(g) A school building that appears for the first time on the
department's list under subsection (f) shall be designated as
"Unavailable until (a date two (2) years after the school building first
appears on the list)" if the governing body of the school corporation
that owns the school building indicates to the department; on a form
prescribed by the department; that the school building may be
reclaimed during that period for classroom instruction: If a governing

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body does not indicate that a school building may be reclaimed; the

governing body shall designate the school building as "Available" on
the department's list. The governing body may change the designation
of a building from unavailable to available at any time: If the
designation of a school building is "Available" on the department's list,
the governing body of the school corporation that owns the school
building may reclaim the school building for classroom instruction at
any time before the submission of a letter of intent by a charter school
under subsection (h) by indicating to the department, on a form
prescribed by the department, that the school desires to reclaim the
building for classroom instruction: The department shall remove the
school building from the department's list under subsection (f): If a
school building remains unused for classroom instruction one (1) year
after being reclaimed under this subsection, the governing body shall
designate the school building as "Available" on the department's list.
A governing body may reclaim a school building only one (1) time
under this subsection:

(h) If a charter school wishes to use a school building on the list
created under subsection (f); the charter school shall send a letter of
intent to the department. Within thirty (30) days after receiving a letter
from a charter school, the department shall notify the school
corporation of the charter school's intent; and; within thirty (30) days
after receiving notification from the department, the school corporation
that owns the school building shall lease the school building to the
charter school for one dollar ($1) per year for as long as the charter
school uses the school building for classroom instruction or for a term
at the charter school's discretion; or sell the school building to the
charter school for one dollar ($1): The charter school must begin to use
the school building for classroom instruction not later than two (2)
years after acquiring the school building: If the school building is not
used for classroom instruction within two (2) years after acquiring the
school building, the school building shall be placed on the department's
list under subsection (f): If during the term of the lease the charter
school closes or ceases using the school building for classroom
instruction; the school building shall be placed on the department's list
under subsection (f): If a school building is sold to a charter school
under this subsection and the charter school or any entity related to the
charter school subsequently sells or transfers the school building to a
third party; the charter school or related entity must transfer an amount
equal to the gain in the property minus the adjusted basis (including
costs of improvements to the school building) to the school corporation
that initially sold the vacant school building to the charter school: Gain
and adjusted basis shall be determined in the manner prescribed by the Internal Revenue Code and the applicable Internal Revenue Service regulations and guidelines:

(i) During the term of a lease under subsection (h), the charter school is responsible for the direct expenses related to the school building leased; including utilities, insurance, maintenance, repairs, and remodeling. The school corporation is responsible for any debt incurred for or liens that attached to the school building before the charter school leased the school building:

(j) With the exception of a waiver provided in this section, when a school building is designated as "Available" under subsection (g); the school building must remain designated as "Available"; unless it is reclaimed under subsection (g); and may not be sold or otherwise disposed of for at least two (2) years. When the two (2) year period has elapsed; the school corporation may sell or otherwise dispose of the school building in accordance with IC 36-1-11:

(k) Notwithstanding subsection (e); a governing body may request a waiver from the department from the requirements of subsection (e); In order for a governing body to receive a waiver under subsection (n); the governing body must apply to the department; on a form prescribed by the department; for the waiver. The application must include a statement that the governing body believes that a charter school would not be interested in leasing or purchasing the vacant or unused school building:

(l) If the department receives a waiver request under subsection (k); the department; within five (5) days after receiving the waiver request under subsection (k); shall notify each charter school authorizer and statewide organization representing charter schools in Indiana by certified mail of the waiver request received under subsection (k); The notice must include a copy of the governing body's waiver request:

(m) Not later than thirty (30) days after a charter school authorizer or statewide organization representing charter schools in Indiana receives a notice described in subsection (i); the charter school authorizer or a statewide organization representing charter schools may submit a qualified objection to the governing body's request for a waiver under subsection (k). The qualified objection must be submitted to the department in writing: In order for an objection to be considered a qualified objection by the department; the objection must include:

(1) the name of the charter school that is interested in leasing or purchasing the vacant or unused school building; and
(2) a time frame; which may not exceed one (1) year from the date of the objection; in which the charter school intends to begin
providing classroom instruction in the vacant or unused school building.

(n) If the department receives a qualified objection under subsection (m), the vacant or unused school building shall remain on the department's list under subsection (f) with the designation with which the building is listed under subsection (g) at the time the department receives the waiver request. If the department does not receive a qualified objection; the department shall grant the governing body's request for a waiver. A governing body that receives a waiver under this subsection may sell or otherwise dispose of the unused or vacant school building in accordance with IC 36-1-11.

(o) The governing body of the School City of East Chicago school corporation may request a waiver from the department from the requirements of subsection (e) for the Carrie Gosch Elementary School building: If requested; the department shall grant the waiver. To receive the waiver, the governing body must apply to the department on a form prescribed by the department.

(p) An emergency manager of a distressed school corporation under IC 6-1.1-20.3 or a fiscally impaired school corporation under IC 6-1.1-20.3 may sell an existing school building without complying with the requirements of subsection (e):

SECTION 14. IC 20-26-7.1 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 7.1. Transfers of Vacant School Buildings to Charter Schools

Sec. 1. This chapter does not apply to a school building that on July 1, 2011, is leased or loaned by the school corporation that owns the school building to another entity, if the entity is not a building corporation or other entity that is related in any way to, or created by, the school corporation or the governing body.

Sec. 2. As used in this chapter, "charter school" has the meaning set forth in IC 20-24-1-4 and includes an entity that has filed an application with an authorizer and is seeking approval from the authorizer to operate a charter school under IC 20-24-3.

Sec. 3. (a) Before a governing body may sell or exchange a building described in this section in accordance with IC 20-25-4-14, IC 20-26-5-4(7), or IC 20-26-7-1, and except as provided in this chapter, a governing body shall make available for lease or purchase to any charter school any school building 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,
including but not limited to a building corporation, that:

(1) is vacant or unused; and
(2) was previously used for classroom instruction;

in order for the charter school to conduct kindergarten through grade 12 classroom instruction.

(b) The following are not required to comply with the requirements provided in section 4 of this chapter:

(1) A governing body that vacates a school building in order to:

(A) renovate the school building for future use by the school corporation; or
(B) demolish the school building and build a new school building on the same site as the demolished building.

(2) An emergency manager of a distressed school corporation under IC 6-1.1-20.3.

(3) The governing body of the School City of East Chicago school corporation for the Carrie Gosch Elementary School building.

(c) Notwithstanding subsection (a), a lease entered into by a governing body under IC 20-26-5-4(7) prior to July 1, 2019, with an accredited nonpublic school shall remain in full force and effect. In addition, the governing body may, during or at the expiration of the term of such lease, sell the school building leased under IC 20-26-5-4(7) to the nonpublic school at a purchase price mutually agreed to by the governing body and the nonpublic school.

Sec. 4. (a) Not later than ten (10) days after passing a resolution or taking other official action to close, no longer use, or no longer occupy a school building that was previously used for classroom instruction, the governing body shall:

(1) notify the department of the official action and the effective date that the school building will be closed, no longer used, or no longer occupied;
(2) make the school building available for inspection by a charter school that notifies the department that it is interested in leasing or purchasing the school building described under section 3 of this chapter; and
(3) make the following information available to a charter school described in subdivision (2):

(A) Estimates of the operating expenses for the school building for the past three (3) years.
(B) Written information regarding the condition of the
building, including the age of the roof and the HVAC system, and any known conditions which, in the governing body's opinion, require prompt repair or replacement.
(C) A description of the property as shown on the current tax statement.

(b) Within five (5) days of receiving notice under subsection (a)(1), the department shall provide written notification to each charter school authorizer (excluding school corporation authorizers as defined in IC 20-24-1-2.5(1)) and statewide organizations representing charter schools in Indiana of the school corporation's resolution or official action described in subsection (a), including the date when the school building will close, no longer be used, or become vacant.

(c) The school corporation shall lease the school building to a charter school for one dollar ($1) per year for as long as the charter school uses the school building for classroom instruction for a term at the charter school's discretion, or sell the school building for one dollar ($1), if the charter school does the following:

(1) Within thirty (30) days of receiving the department's notice under subsection (b), a charter school must submit a preliminary request to purchase or lease the school building.
(2) Subject to subsection (d), within ninety (90) days of receiving the department's notice under subsection (b), a charter school must submit to the school corporation the following information:

(A) The name of the charter school that is interested in leasing or purchasing the vacant or unused school building.
(B) A time frame, which may not exceed two (2) years from the date that the school building is to be closed, no longer used, or no longer occupied, in which the charter school intends to begin providing classroom instruction in the vacant or unused school building.
(C) A resolution, adopted by the board of the charter school stating that the board has determined that, after the charter school has made any necessary repairs or modifications, the school building will be sufficient to meet the charter school's needs and can be operated within the charter school's budget.
(D) This clause applies to a vacant or unused school building with more than two hundred thousand (200,000) gross square feet. In addition to the information provided
in clauses (A) through (C), a charter school shall submit
the following:
(i) The charter school's projected enrollment when all of
the grade levels are added.
(ii) A letter from the charter school's authorizer or
prospective authorizer that indicates that the charter
school's authorizer or prospective authorizer has
reviewed the items described in clauses (B) through (C).
(d) If the department does not receive any preliminary requests
to purchase or lease a school building within the time frame
described in subsection (c)(1) and except as provided in section 7
of this chapter, the department shall send notification to the school
corporation that the department has not received any preliminary
requests to purchase or lease the school building. Upon receipt of
the notification under this subsection, the school corporation may
sell or otherwise dispose of the school building in accordance with
IC 36-1-11, IC 20-25-4-14, IC 20-26-5-4(7), and section 8 of this
chapter.
(e) In the event that two (2) or more charter schools submit a
preliminary request to purchase or lease a school building within
the time frame described in subsection (c)(1), the department shall
send notification to an authorizer described in IC 20-24-1-2.5(3)
and each statewide charter school authorizer and statewide
organization representing charter schools in Indiana (excluding
school corporation authorizers as defined in IC 20-24-1-2.5(1)) and
the school corporation that the department has received two (2) or
more preliminary requests under this section. An authorizer
committee shall be established, with each statewide authorizer that
has authorized one (1) or more charter schools appointing a
representative, and the committee shall establish the chairperson
and procedures for the committee. Within sixty (60) days of
receiving notice under this subsection, the committee shall select
which charter school may proceed to purchase or lease the school
building or determine if two (2) or more charter schools should
co-locate within the school building. The committee shall give
priority to a charter school located within one (1) mile of the
vacant or unused school building. In the event that the committee
determines that two (2) or more charter schools should co-locate
in the school building, the charter schools have sixty (60) days to
submit a memorandum of understanding stating that the charter
schools shall be jointly and severally liable for the obligations
related to the sale or lease of the school building, and specifying

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how the charter schools will utilize the school building and share responsibility for operational, maintenance, and renovation expenses. If the charter schools are unable to agree, the charter schools shall be deemed to have revoked their prior request regarding the lease or sale of the school building.

(f) A school corporation shall lease the school building for one dollar ($1) per year for as long as the charter school uses the school building for classroom instruction for any combination of kindergarten through grade 12 for a term at the charter school's discretion, or sell the school building to the charter school for one dollar ($1), if the charter school has met the requirements set forth in subsection (c) and uses the vacant or unused school building to provide classroom instruction to students in any combination of kindergarten through grade 12. If a charter school has not met the requirements under subsection (c), the school corporation may, subject to section 7 of this chapter, sell or otherwise dispose of the school building in accordance with IC 36-1-11, IC 20-25-4-14, IC 20-26-5-4(7), and section 8 of this chapter.

Sec. 5. (a) If a school building is sold to a charter school under section 3 or 4 of this chapter and the charter school, or any subsequent owner, subsequently sells or transfers the school building to a third party, the charter school or subsequent owner must transfer an amount equal to the gain in the property minus the adjusted basis (including costs of improvements to the school building) to the school corporation that initially sold the vacant school building to the charter school. Gain and adjusted basis shall be determined in the manner prescribed by the Internal Revenue Code and the applicable Internal Revenue Service regulations and guidelines.

(b) A charter school that purchases a school building assumes total control of the school building and must maintain the school building, including utilities, insurance, maintenance, and repairs. In the event a charter school does not use the school building for classroom instruction within two (2) years after acquiring the school building, the school building shall revert to the school corporation, which may sell or otherwise dispose of the school building under IC 36-1-11.

Sec. 6. During the term of a lease under section 4 of this chapter, the charter school is responsible for the direct expenses related to the school building leased, including utilities, insurance, maintenance, repairs, and remodeling. If the lease involves co-locating charter schools, the obligations under the lease of the
school building shall be joint and several. The school corporation
is responsible for any debt incurred for or liens that attached to the
school building before the charter school leased the school
building.

Sec. 7. (a) This section applies to a school building with a gross
square footage of two hundred thousand (200,000) square feet or
less.

(b) If the school corporation receives notification from the
department that the department has not received any preliminary
requests to purchase or lease a vacant or unused school building
under section 4(c)(1) of this chapter or a charter school has not met
the requirements under section 4(c)(2) or 4(e) of this chapter, the
school corporation must sell the school building to an accredited
nonpublic school or postsecondary educational institution that
sends a letter of intent to the school corporation to purchase the
vacant or unused school building for an amount not more than the
minimum bid for the vacant or unused school building determined
in accordance with IC 36-1-11, or an amount agreed to by both
parties.

(c) The accredited nonpublic school or postsecondary
educational institution must submit its letter of intent to purchase
the school building within thirty (30) days of the date the school
corporation passes a resolution or takes other official action to
close, no longer use, or no longer occupy a school building that was
previously used for classroom instruction. However, in the event
that a charter school has submitted a preliminary request to
purchase or lease a school building, the accredited nonpublic
school or postsecondary educational institution may send a letter
of intent to purchase or lease the school building within ninety (90)
days of the date that the school corporation passed a resolution or
took official action to close, no longer use, or no longer occupy a
school building.

(d) Within forty-five (45) days of notice of the minimum bid, the
accredited nonpublic school or postsecondary educational
institution must provide a binding offer to the school corporation
to purchase the property in its current condition and provide a
nonrefundable down payment equal to five percent (5%) of the
minimum bid or an amount agreed to by both parties. In the event
that two (2) or more binding offers are submitted to the school
corporation under this subsection, the school corporation may
select which offer to accept.

(e) If the sale of the property does not close within one hundred

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eighty (180) days of the school corporation's receipt of the binding offer, and the delay in closing is not caused by the school corporation or its representatives, the school corporation may refund the down payment and sell or otherwise dispose of the school building under IC 20-25-4-14, IC 20-26-5-4(7), or IC 36-1-11.

Sec. 8. (a) This section applies to the sale of a vacant or unused school building with more than two hundred thousand (200,000) gross square feet under IC 36-1-11, as permitted by this chapter.

(b) In determining whether to accept a proposal to purchase and redevelop the school building and any adjacent property, the governing body must ensure that a charter school that has notified the governing body in writing of its interest in locating the charter school on the redeveloped site is provided adequate facilities on the redeveloped site.

(c) In the event that a charter school does not enter into a lease for the appropriate facilities as part of the initial development of the school building parcel, this section shall no longer be binding on the school corporation or the purchaser of the property, which shall not be required to make the space available for use by another charter school.

Sec. 9. If a school corporation does not comply with the requirements provided in this chapter, the school corporation shall submit any proceeds from the sale of the vacant school building to the state board to provide grants under the charter school and innovation grant program under IC 20-24-13.

SECTION 15. IC 20-26-16-1, AS ADDED BY P.L.132-2007, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 1. This chapter applies to a school corporation, including a school city (as defined in IC 20-25-2-12) and a charter school.

SECTION 16. IC 20-26-16-2, AS ADDED BY P.L.132-2007, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 2. The governing body of a school corporation or charter school may establish a school corporation or charter school police department under this chapter.

SECTION 17. IC 20-26-16-3, AS ADDED BY P.L.132-2007, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 3. The governing body of a school corporation or the equivalent for a charter school may do the following for the school corporation or charter school police department:

(1) Appoint school corporation or charter school police officers.
(2) Prescribe the duties and direct the conduct of school corporation or charter school police officers.
(3) Prescribe distinctive uniforms.
(4) Provide emergency vehicles.

SECTION 18. IC 20-26-16-4, as added by P.L.132-2007, section 7, is amended to read as follows [effective July 1, 2019]: Sec. 4. An individual appointed as a school corporation or charter school police officer must successfully complete at least:
(1) the pre-basic training course established under IC 5-2-1-9(f);
and
(2) the minimum basic training and educational requirements adopted by the law enforcement training board under IC 5-2-1-9 as necessary for employment as a law enforcement officer.

SECTION 19. IC 20-26-16-5, as added by P.L.132-2007, section 7, is amended to read as follows [effective July 1, 2019]: Sec. 5. (a) Notwithstanding section 4 of this chapter and IC 5-2-1-9, an individual appointed as a school corporation police officer before July 1, 2007, must complete, not later than July 1, 2010, at least:
(1) the pre-basic training course established under IC 5-2-1-9(f);
and
(2) the minimum basic training and educational requirements adopted by the law enforcement training board under IC 5-2-1-9 as necessary for employment as a law enforcement officer.
(b) As set forth in IC 5-2-1-9, an individual appointed as a school corporation or charter school police officer may not:
(1) make an arrest;
(2) conduct a search or a seizure of a person or property; or
(3) carry a firearm;
unless the school corporation or charter school police officer successfully completes a pre-basic training course under IC 5-2-1-9(f).

SECTION 20. IC 20-26-16-6, as added by P.L.132-2007, section 7, is amended to read as follows [effective July 1, 2019]: Sec. 6. (a) A school corporation or charter school police officer appointed under this chapter:
(1) is a law enforcement officer (as defined in IC 5-2-1-2(1));
(2) must take an appropriate oath of office in a form and manner prescribed by the governing body or the equivalent for a charter school;
(3) serves at the governing body's (or the equivalent for a charter school) pleasure; and
(4) performs the duties that the governing body or the equivalent
for a charter school assigns.

(b) School corporation or charter school police officers appointed under this chapter have general police powers, including the power to arrest, without process, all persons who within their view commit any offense. They have the same common law and statutory powers, privileges, and immunities as sheriffs and constables, except that they are empowered to serve civil process only to the extent authorized by the employing governing body or the equivalent for a school corporation; however, any powers may be expressly forbidden them by the governing body (or the equivalent for a charter school) employing them. In addition to any other powers or duties, such police officers shall enforce and assist the educators and administrators of their school corporation or charter school in the enforcement of the rules and regulations of the school corporation or charter school and assist and cooperate with other law enforcement agencies and officers.

(c) Such police officers may exercise the powers granted under this section only upon any property owned, leased, or occupied by the school corporation or charter school, including the streets passing through and adjacent to the property. Additional jurisdiction may be established by agreement with the chief of police of the municipality or sheriff of the county or the appropriate law enforcement agency where the property is located, dependent upon the jurisdiction involved.

SECTION 21. IC 20-27-9-2, AS ADDED BY P.L.1-2005, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 2. The governing body of a school corporation may allow, by written authorization, the use of a school bus or a special purpose bus for the transportation of adults at least sixty-five (65) years of age or disabled adults.

SECTION 22. IC 20-27-9-5, AS AMENDED BY P.L.228-2017, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 5. (a) A special purpose bus may be used:

(1) by a school corporation to provide regular transportation of a student between one (1) school and another school but not between the student's residence and the school;

(2) to transport students and their supervisors, including coaches, managers, and sponsors to athletic or other extracurricular school activities and field trips;

(3) by a school corporation to provide transportation between an individual's residence and the school for an individual enrolled in a special program for the habilitation or rehabilitation of persons with a developmental or physical disability, and, if applicable, the
individual's sibling; and

(4) to transport homeless students under IC 20-27-12; and

(5) to transport adults under section 2 of this chapter.

(b) The mileage limitation of section 3 of this chapter does not apply
to special purpose buses.

(c) The operator of a special purpose bus must be at least
twenty-one (21) years of age, be authorized by the school corporation,
and meet the following requirements:

(1) If the special purpose bus has a capacity of less than sixteen
passengers, the operator must hold a valid:

(A) operator's;

(B) chauffeur's;

(C) public passenger chauffeur's; or

(D) commercial driver's;

license.

(2) If the special purpose bus has a capacity of more than fifteen
passengers, the operator must meet the requirements for a

(d) A special purpose bus is not required to be constructed,
equipped, or painted as specified for school buses under this article or
by the rules of the committee.

(e) An owner or operator of a special purpose bus, other than a
special purpose bus owned or operated by a school corporation or a
nonpublic school, is subject to IC 8-2.1.

SECTION 23. IC 20-31-9-9, AS ADDED BY P.L.33-2014,
SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
UPON PASSAGE]: Sec. 9. (a) Not later than December 31 of the fifth
year of an intervention under this chapter, the state board shall take one
of the following actions:

(1) Return the school to the school corporation for operation.

(2) Direct the special management team to apply to a charter
school authorizer for charter school status for the school.

(3) Implement a new intervention under section 4(b) of this
chapter.

(b) In making a determination under this section, the state board
may consider all relevant factors, including the overall performance of
the school corporation and the special management team.

(c) Before making a final determination to take an action under
subsection (a), the state board shall hold at least one (1) public hearing
in the school corporation in which the school is located during the fall
semester of the fifth year of an intervention to consider and hear
testimony.
(d) If the state board directs the special management team to apply for charter school status under subsection (a)(2), the school is entitled to continue to use the school's facilities in the same manner as a charter school that acquires school facilities under IC 20-26-7.1 is entitled to use school facilities.

(e) If the state board directs the special management team to apply for charter school status under subsection (a)(2), the state board shall notify the charter school authorizer selected for application by the special management team of the state board's decision to direct the school to apply for charter status.

SECTION 24. IC 20-35-3-1, AS AMENDED BY P.L.2-2007, SECTION 232, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 1. (a) The state superintendent shall appoint a state advisory council on the education of children with disabilities. The state advisory council's duties consist of providing policy guidance concerning special education and related services for children with disabilities. The state superintendent shall appoint at least seventeen (17) members who serve for a term of four (4) years. Vacancies shall be filled in the same manner for the unexpired balance of the term.

(b) The members of the state advisory council must be:

(1) citizens of Indiana;
(2) representative of the state's population; and
(3) selected on the basis of their involvement in or concern with the education of children with disabilities.

(c) A majority of the members of the state advisory council must be individuals with disabilities or the parents of children with disabilities. Members must include the following:

(1) Parents of children with disabilities.
(2) Individuals with disabilities.
(3) Teachers.
(4) Representatives of postsecondary educational institutions that prepare special education and related services personnel.
(5) State and local education officials.
(6) Administrators of programs for children with disabilities.
(7) Representatives of state agencies involved in the financing or delivery of related services to children with disabilities, including the following:

(A) The commissioner of the state department of health or the commissioner's designee.
(B) The director of the division of disability and rehabilitative services or the director's designee.
(C) The director of the division of mental health and addiction or the director's designee.
(D) The director of the department of child services or the director's designee.
(8) Representatives of nonpublic schools and freeway schools.
(9) One (1) or more representatives of vocational, community, or business organizations concerned with the provision of transitional services to children with disabilities.
(10) Representatives of the department of correction.
(11) A representative from each of the following:
   (A) The Indiana School for the Blind and Visually Impaired board.
   (B) The Indiana School for the Deaf board.

(12) A representative from the Arc of Indiana.
(d) The responsibilities of the state advisory council are as follows:
   (1) To advise the state superintendent and the state board regarding all rules pertaining to children with disabilities.
   (2) To recommend approval or rejection of completed comprehensive plans submitted by school corporations acting individually or on a joint school services program basis with other corporations.
   (3) To advise the department of unmet needs within Indiana in the education of children with disabilities.
   (4) To provide public comment on rules proposed by the state board regarding the education of children with disabilities.
   (5) To advise the department in developing evaluations and reporting data to the United States Secretary of Education under 20 U.S.C. 1418.
   (6) To advise the department in developing corrective action plans to address findings identified in federal monitoring reports under 20 U.S.C. 1400 et seq.
   (7) To advise the department in developing and implementing policies related to the coordination of services for children with disabilities.
(e) The state advisory council shall do the following:
   (1) Organize with a chairperson selected by the state superintendent.
   (2) Meet as often as necessary to conduct the council's business at the call of the chairperson, upon ten (10) days written notice, but not less than four (4) times a year.
(f) Members of the state advisory council are entitled to reasonable amounts for expenses necessarily incurred in the performance of their
(g) The state superintendent shall do the following:
   (1) Designate the director to act as executive secretary of the state advisory council.
   (2) Furnish all professional and clerical assistance necessary for the performance of the state advisory council's powers and duties.

(h) The affirmative votes of a majority of the members appointed to the state advisory council are required for the state advisory council to take action.

SECTION 25. IC 36-1-11-1, AS AMENDED BY P.L.286-2013, SECTION 128, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 1. (a) Except as provided in subsection (b), this chapter applies to the disposal of property by:
   (1) political subdivisions; and
   (2) agencies of political subdivisions.

(b) This chapter does not apply to the following:
   (1) The disposal of property under an urban homesteading program under IC 36-7-17 or IC 36-7-17.1.
   (2) The lease of school buildings under IC 20-47.
   (3) The sale of land to a lessor in a lease-purchase contract under IC 36-1-10.
   (4) The disposal of property by a redevelopment commission established under IC 36-7.
   (5) The leasing of property by a board of aviation commissioners established under IC 8-22-2 or an airport authority established under IC 8-22-3.
   (6) The disposal of a municipally owned utility under IC 8-1.5.
   (7) Except as provided in sections 5.5 and 5.6 of this chapter, the sale or lease of property by a unit to an Indiana nonprofit corporation organized for educational, literary, scientific, religious, or charitable purposes that is exempt from federal income taxation under Section 501 of the Internal Revenue Code or the sale or reletting of that property by the nonprofit corporation.
   (8) The disposal of surplus property by a hospital established and operated under IC 16-22-1 through IC 16-22-5, IC 16-22-8, IC 16-23-1, or IC 16-24-1.
   (9) The sale or lease of property acquired under IC 36-7-13 for industrial development.
   (10) The sale, lease, or disposal of property by a local hospital authority under IC 5-1-4.
   (11) The sale or other disposition of property by a county or
municipality to finance housing under IC 5-20-2.

(12) The disposition of property by a soil and water conservation
district under IC 14-32.

(13) The sale, lease, or disposal of property by the health and
hospital corporation established and operated under IC 16-22-8.

(14) The disposal of personal property by a library board under
IC 36-12-3-5(c).

(15) The sale or disposal of property by the historic preservation
commission under IC 36-7-11.1.

(16) The disposal of an interest in property by a housing authority
under IC 36-7-18.


(18) The disposal of property used for park purposes under
IC 36-10-7-8.

(19) The disposal of curricular materials that will no longer be
used by school corporations under IC 20-26-12.

(20) The disposal of residential structures or improvements by a
municipal corporation without consideration to:

(A) a governmental entity; or
(B) a nonprofit corporation that is organized to expand the
supply or sustain the existing supply of good quality,
affordable housing for residents of Indiana having low or
moderate incomes.

(21) The disposal of historic property without consideration to a
nonprofit corporation whose charter or articles of incorporation
allows the corporation to take action for the preservation of
historic property. As used in this subdivision, "historic property"
means property that is:

(A) listed on the National Register of Historic Places; or
(B) eligible for listing on the National Register of Historic
Places, as determined by the division of historic preservation
and archeology of the department of natural resources.

(22) The disposal of real property without consideration to:

(A) a governmental agency; or
(B) a nonprofit corporation that exists for the primary purpose
of enhancing the environment;
when the property is to be used for compliance with a permit or
an order issued by a federal or state regulatory agency to mitigate
an adverse environmental impact.

(23) The disposal of property to a person under an agreement
between the person and a political subdivision or an agency of a
political subdivision under IC 5-23.
(24) The disposal of residential real property pursuant to a federal aviation regulation (14 CFR 150) Airport Noise Compatibility Planning Program as approved by the Federal Aviation Administration.

SECTION 26. [EFFECTIVE UPON PASSAGE] (a) IC 20-26-7.1, as added by this act, applies to a school building that:

(1) was included on the list compiled by the department of education under IC 20-26-7-1(f), before the amendment of IC 20-26-7-1 by this act; or

(2) was required to be added to the list not later than August 1, 2019, under IC 20-26-7-1(f), before the amendment of IC 20-26-7-1 by this act.

(b) This SECTION expires July 1, 2024.

SECTION 27. An emergency is declared for this act.
COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred House Bill 1641, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 4, line 11, strike "and".
Page 4, line 16, delete "." and insert "; and".
Page 4, between lines 16 and 17, begin a new line block indented and insert:

"(6) allow each student who attends a charter school that is co-located with the charter school to receive preference for admission to the charter school if the preference is specifically provided for in the charter school's charter and is approved by the charter school's authorizer.".

Page 4, delete lines 41 through 42.
Page 5, delete lines 1 through 21.
Page 13, between lines 17 and 18, begin a new paragraph and insert:

"SECTION 11. IC 20-26-5-32.2, AS AMENDED BY P.L.6-2012, SECTION 132, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 32.2. (a) Notwithstanding IC 22-2-5-1, a school corporation, educational service center, or charter school and:

(1) an employee if there is no representative described under subdivision (2) or (3) for that employee;
(2) the exclusive representative of its certificated employees with respect to those employees; or
(3) a labor organization representing its noncertificated employees with respect to those employees;

may agree in writing to a wage payment arrangement.

(b) A wage payment arrangement under subsection (a) may provide that compensation earned during a school year may be paid:

(1) using equal installments or any other method; and
(2) over:

(A) all or part of that school year; or
(B) any other period that begins not earlier than the first day of that school year and ends not later than thirteen (13) months after the wage payment arrangement period begins.

Such an arrangement may provide that compensation earned in a calendar year is paid in the next calendar year, so long as all the compensation is paid within the thirteen (13) month period beginning with the first day of the school year.

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(c) A wage payment arrangement under subsection (a) must be structured in such a manner so that it is not considered:

(1) a nonqualified deferred compensation plan for purposes of Section 409A of the Internal Revenue Code; or
(2) deferred compensation for purposes of Section 457(f) of the Internal Revenue Code.

(d) Absent an agreement under subsection (a), a school corporation, educational service center, or charter school remains subject to IC 22-2-5-1.

(e) Wage payments required under a wage payment arrangement entered into under subsection (a) are enforceable under IC 22-2-5-2.

(f) If an employee leaves employment for any reason, either permanently or temporarily, the amount due the employee under IC 22-2-5-1 and IC 22-2-9-2 is the total amount of wages earned and unpaid. If the employment relationship ends at the conclusion of a school year, the school corporation, educational service center, or charter school may pay the employee the remaining wages owed as provided in the written wage payment arrangement.

(g) Employment with a school corporation, educational service center, or charter school may not be conditioned upon the acceptance of a wage payment arrangement under subsection (a).

(h) An employee may revoke a wage payment arrangement under subsection (a) at the beginning of each school year.

(i) A wage payment arrangement under this chapter may not contain any terms beyond those permitted to be bargained under IC 20-29-6-4.

Page 13, line 34, after "not" insert "enter into a lease agreement or".

Page 17, delete lines 7 through 42, begin a new paragraph and insert:

"SECTION 12. IC 20-26-7.1 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]:


Sec. 1. This chapter does not apply to a school building that on July 1, 2011, is leased or loaned by the school corporation that owns the school building to another entity, if the entity is not a building corporation or other entity that is related in any way to, or created by, the school corporation or the governing body.

Sec. 2. The following definitions apply throughout this chapter:

(1)"Charter school" has the meaning set forth in IC 20-24-1-4
and includes an entity that has filed an application with an authorizer and is seeking approval from the authorizer to operate a charter school under IC 20-24-3.

(2) "Neighboring school corporation" refers to a school corporation that shares a common boundary with the school corporation that owns a vacant or unused school building under this chapter.

Sec. 3. (a) Before a governing body may sell or exchange a building described in this section in accordance with IC 20-25-4-14, IC 20-26-5-4(7), or IC 20-26-7-1, and except as provided in subsections (b), (c), and (d), a governing body shall make available for lease or purchase to any charter school or neighboring school corporation any school building 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, including but not limited to a building corporation, that:

(1) is not used in whole or in part for classroom instruction at the time the charter school or neighboring school corporation seeks to lease the building; and

(2) was previously used for classroom instruction; in order for the charter school or neighboring school corporation to conduct classroom instruction.

(b) The following are not required to comply with the requirements provided in section 4 of this chapter:

(1) A governing body that vacates a school building in order to renovate or demolish the school building and build a new school building on the same site as the demolished building.

(2) An emergency manager of a distressed school corporation under IC 6-1.1-20.3.

(3) The governing body of the School City of East Chicago school corporation for the Carrie Gosch Elementary School building.

(c) Notwithstanding subsection (a), a lease entered into by a governing body under IC 20-26-5-4(7) prior to July 1, 2019, with an accredited nonpublic school shall remain in full force and effect. In addition, the governing body may, during or at the expiration of the term of such lease, sell the school building leased under IC 20-26-5-4(7) to the nonpublic school at a purchase price mutually agreed to by the governing body and the nonpublic school.

(d) This subsection applies to a vacant or unused school building with more than two hundred fifty thousand (250,000) gross square
feet. A school corporation shall make appropriate space available as part of the school corporation's disposition of the school building, or to cause the acquirer of the school building to make appropriate space available as part of the acquirer's initial development of the school building site, for lease by the charter school or neighboring school corporation on the real estate occupied by the unused or vacant school building at fifty percent (50%) or less than the current market rate for similar property. In the event that the charter school or neighboring school corporation does not enter into a lease for the appropriate space as part of the initial development of the school building parcel, the school corporation or the acquirer of the school building is not required to make the space available for use by another charter school or neighboring school corporation.

Sec. 4. (a) Not later than ten (10) days after passing a resolution or taking other official action to close, no longer use, or no longer occupy a school building that was previously used for classroom instruction, the governing body shall:

1. notify the department of the official action and the effective date that the school building will be closed, no longer used, or no longer occupied;
2. make the school building available for inspection by a charter school or neighboring school corporation that notifies the department that it is interested in leasing or purchasing the school building described under section 3 of this chapter; and
3. make the following information available to a charter school or neighboring school corporation described in subdivision (2):
   A. Estimates of the operating expenses for the school building for the past three (3) years.
   B. Written information regarding the condition of the building, including the age of the roof and the HVAC system, and any known conditions which, in the governing body's opinion, require prompt repair or replacement.
   C. A description of the property as shown on the current tax statement.

(b) Within five (5) days of receiving notice under subsection (a)(1), the department shall provide written notification to each neighboring school corporation, each charter school authorizer (excluding school corporation authorizers as defined in IC 20-24-1-2.5(1)), and statewide organizations representing

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charter schools in Indiana of the school corporation's resolution or official action described in subsection (a), including the date when the school building will close, no longer be used, or become vacant.

(c) A charter school or neighboring school corporation may lease the school building for one dollar ($1) per year for as long as the charter school or neighboring school corporation uses the school building for classroom instruction or for a term at the neighboring school corporation or charter school's discretion, or purchase the school building from the school corporation for one dollar ($1), if the charter school or neighboring school corporation does the following:

(1) Within thirty (30) days of receiving the department's notice under subsection (b), a charter school or neighboring school corporation must submit a preliminary request to purchase or lease the school building.

(2) Subject to subsection (d), within ninety (90) days of receiving the department's notice under subsection (b), a charter school or neighboring school corporation must submit to the school corporation the following information:

(A) The name of the charter school or neighboring school corporation that is interested in leasing or purchasing the vacant or unused school building.

(B) A time frame, which may not exceed two (2) years from the date that the school building is to be closed, no longer used, or no longer occupied, in which the charter school or neighboring school corporation intends to begin providing classroom instruction in the vacant or unused school building.

(C) A resolution, adopted by the board of the charter school or a resolution of the governing body of a neighboring school corporation stating that the board has determined that, after the charter school or neighboring school corporation has made any necessary repairs or modifications, the school building will be sufficient to meet the neighboring school corporation or charter school's needs and can be operated within the neighboring school corporation or charter school's budget.

(D) This clause applies to a vacant or unused school building with more than two hundred fifty thousand (250,000) gross square feet. In addition to the information provided in clauses (A) through (C), a charter school shall submit the following:
(i) The charter school's projected enrollment when all of the grade levels are added.

(ii) A letter from the charter school's authorizer or prospective authorizer that indicates that the charter school's authorizer or prospective authorizer has reviewed the items described in clauses (B) through (D) and that the projected enrollment of the charter school when all of the grade levels are added or fully implemented will be fifty percent (50%) or greater than the capacity of the school building as validated by the state fire marshal.

(d) If the department does not receive any preliminary requests to purchase or lease a school building within the time frame described in subsection (e)(1) and except as provided in section 7 of this chapter, the department shall send notification to the school corporation that the department has not received any preliminary requests to purchase or lease the school building. Upon receipt of the notification under this subsection, the school corporation may sell or otherwise dispose of the school building in accordance with IC 36-1-11.

(e) In the event that two (2) or more charter schools submit a preliminary request to purchase or lease a charter school within the time frame described in subsection (e)(1), the department shall send notification to an authorizer described in IC 20-24-1-2.5(3) and each statewide charter school authorizer and statewide organization representing charter schools in Indiana (excluding school corporation authorizers as defined in IC 20-24-1-2.5(1)) and the school corporation that the department has received two (2) or more preliminary requests under this section. An authorizer committee shall be established, with each statewide authorizer appointing a representative, with the committee to establish the chair person, and procedures for the committee. Within sixty (60) days of receiving notice under this subsection, the committee shall select which charter school may proceed to purchase or lease the school building or determine if two (2) or more charter schools should co-locate within the school building. In the event that the committee determines that two (2) or more charter schools should co-locate in the school building, the charter school or charter schools have sixty (60) days to submit a memorandum of understanding stating that the charter schools shall be jointly and severally liable for the obligations related to the sale or lease of the school building, and specifying how the charter schools will utilize
the school building and share responsibility for operational, maintenance, and renovation expenses.

(f) A school corporation shall lease the school building for one dollar ($1) per year for as long as the charter school or neighboring school corporation uses the school building for classroom instruction or for a term at the neighboring school corporation or charter school's discretion, or sell the school building to the charter school or neighboring school corporation for one dollar ($1), if the charter school or neighboring school corporation has met the requirements set forth in subsection (c). If a charter school or neighboring school corporation has not met the requirements under subsection (c), the school corporation may, subject to section 7 of this chapter, sell or otherwise dispose of the school building in accordance with IC 36-1-11.

Sec. 5. (a) If a school building is sold to a charter school or neighboring school corporation under section 4 of this chapter and the neighboring school corporation, charter school, or any entity related to the neighboring school corporation or charter school subsequently sells or transfers the school building to a third party, the charter school, neighboring school corporation, or related entity must transfer an amount equal to the gain in the property minus the adjusted basis (including costs of improvements to the school building) to the school corporation that initially sold the vacant school building to the charter school. Gain and adjusted basis shall be determined in the manner prescribed by the Internal Revenue Code and the applicable Internal Revenue Service regulations and guidelines.

(b) In the event a charter school or neighboring school corporation does not use the school building for classroom instruction within two (2) years after acquiring the school building, the school building shall revert to the school corporation, which may sell or otherwise dispose of the school building under IC 36-1-11.

Sec. 6. During the term of a lease under section 4 of this chapter, the charter school or neighboring school corporation is responsible for the direct expenses related to the school building leased, including utilities, insurance, maintenance, repairs, and remodeling. The school corporation is responsible for any debt incurred for or liens that attached to the school building before the charter school or neighboring school corporation leased the school building.

Sec. 7. Notwithstanding IC 36-1-11, if the school corporation
does receive notification from the department that the department has not received any preliminary requests to purchase or lease a vacant or unused school building under section 4(c)(1) of this chapter or a charter school or neighboring school corporation has not met the requirements under section 4(c)(2) or 4(e) of this chapter, the school corporation must sell a vacant school building to a nonpublic school, postsecondary educational institution, or nonprofit organization that sends a letter of intent to the school corporation to purchase the vacant or unused school building for an amount not more than the fair market value of the vacant or unused school building determined in accordance with IC 36-1-11. The nonpublic school, postsecondary educational institution, or nonprofit organization must submit its letter of intent to purchase the school building within thirty (30) days of the date the school corporation passing a resolution or taking other official action to close, no longer use, or no longer occupy a school building that was previously used for classroom instruction. However, in the event that a charter school or neighboring school corporation has submitted a preliminary request to purchase or lease a school building, the nonpublic school, postsecondary educational institution, or nonprofit organization may send a letter of intent to purchase or lease the school building within ninety (90) days of the date that the school corporation passed a resolution or took official action to close, no longer use, or no longer occupy a school building.

Sec. 8. If a school corporation does not comply with the requirements provided in this chapter, the school corporation shall submit any proceeds from the sale of the vacant school building to the state board to provide grants under the charter school and innovation grant program under IC 20-24-13."

Delete pages 18 through 20.
Page 21, delete lines 1 through 19.
Page 21, between lines 19 and 20, begin a new paragraph and insert:
"SECTION 13. IC 20-26-16-1, AS ADDED BY P.L.132-2007, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 1. This chapter applies to a school corporation, including a school city (as defined in IC 20-25-2-12) and a charter school.

SECTION 14. IC 20-26-16-2, AS ADDED BY P.L.132-2007, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 2. The governing body of a school corporation or charter school may establish a school corporation or charter school
police department under this chapter.

SECTION 15. IC 20-26-16-3, AS ADDED BY P.L.132-2007, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 3. The governing body of a school corporation or the equivalent for a charter school may do the following for the school corporation or charter school police department:
   (1) Appoint school corporation or charter school police officers.
   (2) Prescribe the duties and direct the conduct of school corporation or charter school police officers.
   (3) Prescribe distinctive uniforms.
   (4) Provide emergency vehicles.

SECTION 16. IC 20-26-16-4, AS ADDED BY P.L.132-2007, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 4. An individual appointed as a school corporation or charter school police officer must successfully complete at least:
   (1) the pre-basic training course established under IC 5-2-1-9(f); and
   (2) the minimum basic training and educational requirements adopted by the law enforcement training board under IC 5-2-1-9 as necessary for employment as a law enforcement officer.

SECTION 17. IC 20-26-16-5, AS ADDED BY P.L.132-2007, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 5. (a) Notwithstanding section 4 of this chapter and IC 5-2-1-9, an individual appointed as a school corporation police officer before July 1, 2007, must complete, not later than July 1, 2010, at least:
   (1) the pre-basic training course established under IC 5-2-1-9(f); and
   (2) the minimum basic training and educational requirements adopted by the law enforcement training board under IC 5-2-1-9 as necessary for employment as a law enforcement officer.
   (b) As set forth in IC 5-2-1-9, an individual appointed as a school corporation or charter school police officer may not:
   (1) make an arrest;
   (2) conduct a search or a seizure of a person or property; or
   (3) carry a firearm;
   unless the school corporation or charter school police officer successfully completes a pre-basic training course under IC 5-2-1-9(f).

SECTION 18. IC 20-26-16-6, AS ADDED BY P.L.132-2007, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 6. (a) A school corporation or charter school police officer appointed under this chapter:
(1) is a law enforcement officer (as defined in IC 5-2-1-2(1));
(2) must take an appropriate oath of office in a form and manner prescribed by the governing body or the equivalent for a charter school;
(3) serves at the governing body's or the equivalent for a charter school) pleasure; and
(4) performs the duties that the governing body or the equivalent for a charter school assigns.

(b) School corporation or charter school police officers appointed under this chapter have general police powers, including the power to arrest, without process, all persons who within their view commit any offense. They have the same common law and statutory powers, privileges, and immunities as sheriffs and constables, except that they are empowered to serve civil process only to the extent authorized by the employing governing body or the equivalent for a school corporation; however, any powers may be expressly forbidden them by the governing body (or the equivalent for a charter school) employing them. In addition to any other powers or duties, such police officers shall enforce and assist the educators and administrators of their school corporation or charter school in the enforcement of the rules and regulations of the school corporation or charter school and assist and cooperate with other law enforcement agencies and officers.

(c) Such police officers may exercise the powers granted under this section only upon any property owned, leased, or occupied by the school corporation or charter school, including the streets passing through and adjacent to the property. Additional jurisdiction may be established by agreement with the chief of police of the municipality or sheriff of the county or the appropriate law enforcement agency where the property is located, dependent upon the jurisdiction involved.

SECTION 19. IC 20-27-9-2, AS ADDED BY P.L.1-2005, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 2. The governing body of a school corporation may allow, by written authorization, the use of a school bus or a special purpose bus for the transportation of adults at least sixty-five (65) years of age or disabled adults.

SECTION 14. IC 20-27-9-5, AS AMENDED BY P.L.228-2017, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 5. (a) A special purpose bus may be used:
(1) by a school corporation to provide regular transportation of a student between one (1) school and another school but not between the student's residence and the school;
(2) to transport students and their supervisors, including coaches, managers, and sponsors to athletic or other extracurricular school activities and field trips;
(3) by a school corporation to provide transportation between an individual's residence and the school for an individual enrolled in a special program for the habilitation or rehabilitation of persons with a developmental or physical disability, and, if applicable, the individual's sibling; and
(4) to transport homeless students under IC 20-27-12; and
(5) to transport adults under section 2 of this chapter.
(b) The mileage limitation of section 3 of this chapter does not apply to special purpose buses.
(c) The operator of a special purpose bus must be at least twenty-one (21) years of age, be authorized by the school corporation, and meet the following requirements:
(1) If the special purpose bus has a capacity of less than sixteen passengers, the operator must hold a valid:
   (A) operator's;
   (B) chauffeur's;
   (C) public passenger chauffeur's; or
   (D) commercial driver's;
   license.
(2) If the special purpose bus has a capacity of more than fifteen passengers, the operator must meet the requirements for a school bus driver set out in IC 20-27-8.
(d) A special purpose bus is not required to be constructed, equipped, or painted as specified for school buses under this article or by the rules of the committee.
(e) An owner or operator of a special purpose bus, other than a special purpose bus owned or operated by a school corporation or a nonpublic school, is subject to IC 8-2.1."
Page 23, delete line 42.
Delete pages 24 through 26.
Page 27, delete lines 1 through 31.
Renumber all SECTIONS consecutively.
and when so amended that said bill do pass.

(Reference is to HB 1641 as introduced.)

BEHNING

Committee Vote: yeas 9, nays 4.

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HOUSE MOTION

Mr. Speaker: I move that House Bill 1641 be amended to read as follows:

Page 18, line 30, after "conduct" insert "kindergarten through grade 12".

Page 22, line 14, delete "or" and insert "for any combination of kindergarten through grade 12".

Page 22, line 18, delete "(c)." and insert "(c) and uses the vacant or unused school building to provide classroom instruction to students in any combination of kindergarten through grade 12."

Page 22, line 36, after "(b)" insert "A charter school or neighboring school corporation that purchases a school building assumes total control of the school building and must ensure that the charter school or neighboring school corporation maintains the school building, including utilities, insurance, maintenance, and repairs."

(Reference is to HB 1641 as printed February 12, 2019.)

BENNING

HOUSE MOTION

Mr. Speaker: I move that House Bill 1641 be amended to read as follows:

Page 3, between lines 19 and 20, begin a new paragraph and insert: "SECTION 3. IC 20-24-4-1, AS AMENDED BY P.L.192-2018, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 1. (a) A charter must meet the following requirements:

(1) Be a written instrument.
(2) Be executed by an authorizer and an organizer.
(3) Confer certain rights, franchises, privileges, and obligations on a charter school.
(4) Confirm the status of a charter school as a public school.
(5) Subject to subdivision (6)(E), be granted for:
   (A) not less than three (3) years or more than seven (7) five (5) years; and
   (B) a fixed number of years agreed to by the authorizer and the organizer.
(6) Provide for the following:
(A) A review by the authorizer of the charter school's performance, including the progress of the charter school in achieving the academic goals set forth in the charter, at least one (1) time in each five (5) year period while the charter is in effect.

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

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

(D) The renewal application process must, at a minimum, provide an opportunity for the charter school to:
   (i) present additional evidence, beyond the data contained in the performance report, supporting its case for charter renewal;
   (ii) describe improvements undertaken or planned for the charter school; and
   (iii) detail the charter school's PLANS for the next charter term.

(E) Not later than the end of the calendar year in which the charter school seeks renewal of a charter, the governing board of a charter school seeking renewal shall submit a renewal application to the charter authorizer under the renewal application guidance issued by the authorizer. The authorizer shall make a final ruling on the renewal application not later than April 1 after the filing of the renewal application. A renewal granted under this clause is not subject to the three (3) year minimum described in subdivision (5). The April 1 deadline does not apply to any review or appeal of a final ruling. After the final ruling is issued, the charter school may obtain further review by the authorizer of the authorizer's final ruling in accordance with the terms of the charter school's charter and the protocols of the authorizer.

(7) Specify the grounds for the authorizer to:
(A) revoke the charter before the end of the term for which the charter is granted; or
(B) not renew a charter.

(8) Set forth the methods by which the charter school will be held accountable for achieving the educational mission and goals of the charter school, including the following:
   (A) Evidence of improvement in:
      (i) assessment measures, including the statewide assessment
program measures;
(ii) attendance rates;
(iii) graduation rates (if appropriate);
(iv) increased numbers of Indiana diplomas with a Core 40 designation and other college and career ready indicators including advanced placement participation and passage, dual credit participation and passage, and International Baccalaureate participation and passage (if appropriate);
(v) increased numbers of Indiana diplomas with Core 40 with academic honors and technical honors designations (if appropriate);
(vi) student academic growth;
(vii) financial performance and stability; and
(viii) governing board performance and stewardship, including compliance with applicable laws, rules and regulations, and charter terms.

(B) Evidence of progress toward reaching the educational goals set by the organizer.

(9) Describe the method to be used to monitor the charter school's:
(A) compliance with applicable law; and
(B) performance in meeting targeted educational performance.

(10) Specify that the authorizer and the organizer may amend the charter during the term of the charter by mutual consent and describe the process for amending the charter.

(11) Describe specific operating requirements, including all the matters set forth in the application for the charter.

(12) Specify a date when the charter school will:
(A) begin school operations; and
(B) have students attending the charter school.

(13) Specify that records of a charter school relating to the school's operation and charter are subject to inspection and copying to the same extent that records of a public school are subject to inspection and copying under IC 5-14-3.

(14) Specify that records provided by the charter school to the department or authorizer that relate to compliance by the organizer with the terms of the charter or applicable state or federal laws are subject to inspection and copying in accordance with IC 5-14-3.

(15) Specify that the charter school is subject to the requirements of IC 5-14-1.5.

(16) This subdivision applies to a charter established or renewed...
for an adult high school after June 30, 2014. The charter must require:

(A) that the school will offer flexible scheduling;
(B) that students will not complete the majority of instruction of the school's curriculum online or through remote instruction;
(C) that the school will offer dual credit or industry certification course work that aligns with career pathways as recommended by the Indiana career council established by IC 22-4.5-9-3; and
(D) a plan:
   (i) to support successful program completion and to assist transition of graduates to the workforce or to a postsecondary education upon receiving a diploma from the adult high school; and
   (ii) to review individual student accomplishments and success after a student receives a diploma from the adult high school.

(b) A charter school shall set annual performance targets in conjunction with the charter school's authorizer. The annual performance targets shall be designed to help each school meet applicable federal, state, and authorizer expectations."

Renumber all SECTIONS consecutively.

(Reference is to HB 1641 as printed February 12, 2019.)

SMITH V

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COMMITTEE REPORT

Madam President: The Senate Committee on Education and Career Development, to which was referred House Bill No. 1641, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Replace the effective date in SECTION 1 with "[EFFECTIVE UPON PASSAGE]".
Replace the effective dates in SECTIONS 5 through 10 with "[EFFECTIVE UPON PASSAGE]".
Replace the effective date in SECTION 12 with "[EFFECTIVE UPON PASSAGE]".
Replace the effective date in SECTION 22 with "[EFFECTIVE UPON PASSAGE]".

Page 2, between lines 13 and 14, begin a new paragraph and insert:
"SECTION 2. IC 20-23-5.5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]:

Chapter 5.5. Pilot Program for Annexation and Disannexation of a Township

Sec. 0.5. (a) A two (2) year pilot program is established to monitor, measure, and gather data concerning the financial impacts, including on transportation costs, of the disannexation of a territory from a relinquishing school corporation to an acquiring school corporation. The state board shall administer the pilot program.

(b) A disannexation under the pilot program may be initiated under section 9(a)(2) of this chapter only by the fiscal body and township executive of Greene Township, in St. Joseph County.

Sec. 1. (a) A disannexation may not occur under the pilot program if any of the following apply on the date a resolution is adopted under section 9 of this chapter:

(1) A building is located within the territory proposed to be disannexed that is being used as a school by the relinquishing school corporation.
(2) A building is located within the territory proposed to be disannexed on which there is bond indebtedness owed by the relinquishing school corporation.
(3) A building is located within the territory proposed to be disannexed that is the subject of a lease entered into by the relinquishing school corporation before April 15, 2019, to allow the relinquishing school corporation to use the building as a school.

(b) This chapter does not limit the ability of a school corporation to proceed in an annexation under IC 20-23-5.

Sec. 2. As used in this chapter, "acquiring school corporation" means a school corporation that acquires territory as a result of disannexation under the pilot program established by section 0.5 of this chapter.

Sec. 3. As used in this chapter, "annex", "annexing", "annexation", and "school annexation" mean any action whereby the boundaries of an acquiring school corporation are changed so that additional territory, constituting all or part of any one (1) or more relinquishing school corporations, is transferred to the
acquiring school corporation under the pilot program established by section 0.5 of this chapter.

Sec. 4. As used in this chapter, "disannex", "disannexing", "disannexation", and "school disannexation" mean any action whereby:

(1) the boundaries of a school corporation are changed by removing territory from a relinquishing school corporation; and

(2) the territory is transferred to an acquiring school corporation by annexation;

under the pilot program established by section 0.5 of this chapter.

Sec. 5. As used in this chapter, "relinquishing school corporation" means a school corporation that relinquishes territory to an acquiring school corporation by disannexation under the pilot program established by section 0.5 of this chapter.

Sec. 6. As used in this chapter, "school corporation" has the meaning set forth in IC 20-18-2-16(a).

Sec. 7. As used in this chapter, "territory" means the entire territory of a township.

Sec. 8. Except as provided in section 1 of this chapter, territory may be disannexed from a school corporation under the pilot program established by section 0.5 of this chapter.

Sec. 9. (a) Subject to approval of a plan described in subsection (c), a disannexation may be initiated by the adoption of a substantially identical disannexation resolution by:

(1) an acquiring school corporation's governing body; and

(2) the fiscal body of the township that is to be disannexed, with approval of the township executive.

(b) The resolution described in subsection (a) must contain the following items:

(1) The name of the school corporation from which the territory is to be disannexed.

(2) A description of the territory to be disannexed.

(3) The name of the acquiring school corporation.

(4) The date the disannexation takes place.

(5) Any terms and conditions facilitating education of students in the acquiring school corporation.

(c) Subject to section 14 of this chapter, the resolution must be supported by a plan for the organization of the acquiring school corporation that includes the following information:

(1) The willingness and ability of the acquiring school corporation to accommodate and provide efficient and
equitable educational opportunity to students from the
territory.
(2) Proposed disposition of assets and liabilities of the
relinquishing school corporation to the acquiring school
corporation.
(3) Proposed allocation between the acquiring and
relinquishing school corporations of subsequently collected
school taxes levied on property in the annexed territory.
(4) Proposed amount, if any, to be paid by the acquiring
school corporation to the relinquishing school corporation on
account of property received from the relinquishing school
corporation.
(5) Additional information as required by the state board.

Dispositions, allocations, and amounts transferred under this
subsection must be equitable, as determined by the state board.
Dispositions, allocations, and amounts transferred shall be
considered equitable if the plan is approved by the state board
under section 10(a)(4) of this chapter.

(d) After adoption of the resolution:
(1) the resolution; and
(2) the plan for the organization of the acquiring school
corporation;
must be filed with the state board.

Sec. 10. (a) The state board shall:
(1) receive and examine each resolution and plan submitted
under section 9 of this chapter and approve each plan that
meets the standards of the state board;
(2) adopt a set of minimum considerations for a plan that
include:
(A) ensuring efficient and equitable educational
opportunities for all students of the acquiring school
corporation and relinquishing school corporation;
(B) the positive and negative effects on the acquiring and
relinquishing school corporations;
(C) the economic interests of the acquiring and
relinquishing school corporations related to changing the
boundaries of the school corporations; and
(D) a determination of whether the disannexation is
prohibited under section 1 of this chapter;
(3) not later than ninety (90) days after receipt of a plan, hold
a public hearing in the county in which the largest part of the
territory to be disannexed is located to allow residents of the

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affected territory to testify; and
(4) not later than sixty (60) days after the public hearing:
   (A) approve or disapprove in writing all or part of the
   plan; and
   (B) notify in writing, by certified mail with return receipt
   requested, the acquiring school corporation, the
   relinquishing school corporation, and the fiscal body of the
   township.

(b) The state board is not required to hold a public hearing on
a plan that does not meet the minimum considerations required by
the state board. If the state board determines a plan does not meet
the minimum considerations required, the state board shall notify
in writing, by certified mail with return receipt requested, the
acquiring school corporation and the fiscal body of the township.

Sec. 11. (a) If the state board approves the plan under section
10(a)(4) of this chapter, the acquiring school corporation and fiscal
body of the township proposed to be disannexed may:
(1) within sixty (60) days of the state board approval of the
plan, file a petition in favor of the proposed disannexation of
the territory (including the name of the territory) from the
relinquishing school corporation (including the name of the
relinquishing school corporation) to the acquiring school
corporation (including the name of the acquiring school
corporation) that is signed by at least fifty-one percent (51%)
of the registered voters residing in the territory proposed to
be disannexed with the clerk of the circuit court of the county
or counties in which the territory proposed to be disannexed
is located under section 12 of this chapter; or
(2) after approval of the plan, request that the state board
certify the approved plan to the clerk of the circuit court of the
county or counties in which the territory proposed to be
disannexed is located under section 13 of this chapter. The
state board shall certify the approved plan to the clerk of the
circuit court of the county or counties in which the territory
proposed to be disannexed is located under section 13 of this
chapter.

(b) If a petition described in subsection (a)(1) is not filed within
sixty (60) days of the state board approval of the plan and a request
for certification under subsection (a)(2) has not already been made,
the state board shall certify the approved plan to the clerk of the
circuit court of the county or counties in which the territory
proposed to be disannexed is located under section 13 of this
chapter.

Sec. 12. (a) If a petition described in section 11(a)(1) of this chapter is filed with the clerk of the circuit court of the county or counties in which the territory proposed to be disannexed is located, the clerk of the circuit court shall make a certification under the clerk's hand and seal of the clerk's office as to whether the petition is signed by at least fifty-one percent (51%) of the registered voters residing in the territory proposed to be disannexed.

(b) If the clerk of the circuit court certifies under subsection (a) that the petition is signed by at least fifty-one percent (51%) of the registered voters residing in the territory proposed to be disannexed, the state board shall:

(1) immediately cause notice of the result to be published in the county or counties where the disannexation will take place; and

(2) declare the disannexation final and approve the annexation of the territory to the acquiring school corporation by adopting a resolution to that effect.

(c) Notice of the adoption of a resolution under subsection (b)(2) must be published at least once in one (1) newspaper of general circulation published in the county or counties where the disannexation will take place.

Sec. 13. (a) If a petition is not filed as described in section 11(a)(1) of this chapter, or following a request described in section 11(a)(2) of this chapter, the state board shall certify the approved plan to the clerk of the circuit court of the county or counties in which the territory proposed to be disannexed is located.

(b) After receiving a certified plan under subsection (a), the clerk of the circuit court shall make a certification under the clerk's hand and seal of the clerk's office as to:

(1) the number of registered voters residing in:
   (A) the territory proposed to be disannexed; or
   (B) the part of the territory proposed to be disannexed that is located in the county, as disclosed by the voter registration records of the county; and

(2) the date of the filing of the plan with the clerk.

If a territory proposed to be disannexed includes only part of a voting precinct, the clerk of the circuit court shall ascertain, from any means available, the number of registered voters residing in the part of the voting precinct that is within the territory proposed to be disannexed.
(c) The clerk of the circuit court shall do the following:
   (1) Certify to the county election board the public question of whether the disannexation should take place.
   (2) Order the county election board to place the following question on the ballot in the territory of the proposed disannexation:
      "Shall ________ (insert the name of the territory) be transferred from ________ (insert the relinquishing school corporation) to ________ (insert the acquiring school corporation)?"

(d) The county election board shall place the question set forth in subsection (c)(2) on the ballot for the next primary election or general election under IC 3-10-9 as a local public question.

(e) The county election board, under IC 5-3-1, shall give notice of the public question on the ballot at the primary election or general election. The notice must:
   (1) clearly state that the election is being held to provide the registered voters an opportunity to approve or reject a proposal for the disannexation of territory from an existing school corporation;
   (2) state the name of the existing school corporation to which the territory is proposed to be annexed; and
   (3) designate the date, time, and voting place or places at which the election will be held.

(f) The county election board shall place the public question on the ballot in the form prescribed by IC 3-10-9-4. Except as otherwise provided in this chapter, the election is governed by IC 3.

(g) The certified result of the local public question shall be filed with the state board.

(h) If the majority of the voters voting in an election under this section vote "yes" on the question of disannexation, the state board shall:
   (1) immediately cause notice of the result to be published in the county or counties where the disannexation will take place; and
   (2) declare the disannexation final and approve the annexation of the territory to the acquiring school corporation by adopting a resolution to that effect.

(i) Notice of the adoption of a resolution under subsection (h)(2) must be published at least once in one (1) newspaper of general circulation published in the county or counties where the disannexation will take place.

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Sec. 14. (a) A disannexation and annexation to an acquiring school corporation under section 12 or 13 of this chapter take effect on the July 1 following the date of the publication of the notice in section 12(c) or 13(i) of this chapter by the state board, except that the disannexed territory is considered part of the acquiring school corporation for purposes of determining budgets, property tax rates, and property tax levies beginning with the acquiring school corporation's budget year beginning on the January 1 immediately following the July 1 effective date of the disannexation.

(b) Except as provided in subsection (c), the relinquishing school corporation and taxpayers of the disannexed territory remain liable for any indebtedness of the relinquishing school corporation in effect on the date the disannexation is effective under this chapter. The amount of outstanding indebtedness for which taxpayers of the disannexed territory that has been transferred remain liable under this section consists of the portion of indebtedness that is in the same proportion as the assessed valuation of the real property in the disannexed territory bears to the assessed valuation of all the real property in the relinquishing school corporation, as determined for the last assessment date before the disannexation occurs. The department of local government finance shall determine the amount, if any, of outstanding indebtedness for which taxpayers of the disannexed territory that has been transferred remain liable under this section. The disannexed territory constitutes a special taxing district for only the purposes of imposing and collecting a property tax levy for payment of the amount of the disannexed territory's portion of the outstanding indebtedness. The relinquishing school corporation shall each year impose and collect the property tax levy in the disannexed territory in an amount determined by the department of local government finance to be used only for payment of the disannexed territory's portion of the outstanding indebtedness.

(c) After a disannexation is effective under this chapter, the following apply to debt incurred by the relinquishing school corporation during the period beginning on the date on which a resolution is adopted by an acquiring school corporation under section 9 of this chapter and ending on the date the disannexation is effective under subsection (a):

(1) The acquiring school corporation to which the territory is transferred is not liable for and is not required to pay any part of that indebtedness.

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(2) A property tax may not be imposed on the taxpayers of the transferred territory to pay any part of that indebtedness.

(3) The territory that is transferred does not constitute a special taxing district for purposes of paying any part of that indebtedness.

Sec. 15. If the relinquishing school corporation owns a building that is located within the territory to be disannexed that:

(1) is not used in whole or in part for classroom instruction at the time a disannexation is initiated; and

(2) was previously used for classroom instruction;

the relinquishing school corporation shall comply with IC 20-26-7.1, including making the building available for lease or purchase to any charter school or neighboring school corporation for one dollar ($1) per year, before the relinquishing school corporation may sell or exchange, in accordance with IC 20-25-4-14, IC 20-26-5-4(7), or IC 20-26-7-1, the building.

Sec. 16. (a) Within sixty (60) days after a disannexation takes place, the governing body of the acquiring school corporation and relinquishing school corporation shall adopt a plan determining the manner in which each governing body shall be constituted. The plan shall be adopted in accordance with the requirements and procedures of IC 20-23-8, except as set out in subsection (b).

(b) The adoption of a plan by the governing body in accordance with IC 20-23-8-10 and its submission to the state board under IC 20-23-8-15 are the only procedures required when an existing plan is changed as follows:

(1) All governing body members are elected at large, and there are no governing body member residency districts.

(2) Governing body members are elected from governing body member residency districts, and the annexed territory is added to or deleted from one (1) or more districts.

(3) A governing body member is appointed from a given area or district, and the annexed territory is added to or deleted from one (1) or more districts or areas.

(4) A governing body member is elected solely by the voters in a school governing body member district, but the addition or deletion of the annexed territory to or from an existing district does not constitute a denial of equal protection of the laws.

If a school corporation elects or appoints members of its governing body both from a school governing body member district encompassing the entire school corporation and from smaller

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districts, the governing body of the acquiring school corporation shall add the annexed territory both to the district consisting of the entire school corporation and to one (1) or more smaller districts. In a comparable situation, the relinquishing school corporation shall delete the annexed territory both from the district consisting of the entire school corporation and from any smaller district or districts. The change in the plan becomes effective upon its approval by the state board. The application of this subsection does not limit the initiation of, or further changes in, any plan under IC 20-23-8.

Sec. 17. A disannexation that takes effect under this chapter during the period of the pilot program remains in effect after the expiration of the pilot program.

Sec. 18. Before July 1, 2021, the state board shall report any data and information gathered from the pilot program to the legislative council in an electronic format under IC 5-14-6.

Sec. 19. This chapter expires July 1, 2021.

Sec. 20. A disannexation that takes effect under this chapter during the period of the pilot program remains in effect after the expiration of the pilot program.

Sec. 21. Before July 1, 2021, the state board shall report any data and information gathered from the pilot program to the legislative council in an electronic format under IC 5-14-6.
building corporation or other entity that is related in any way to, or created by, the school corporation or the governing body.

Sec. 2. As used in this chapter, "charter school" has the meaning set forth in IC 20-24-1-4 and includes an entity that has filed an application with an authorizer and is seeking approval from the authorizer to operate a charter school under IC 20-24-3.

Sec. 3. (a) Before a governing body may sell or exchange a building described in this section in accordance with IC 20-25-4-14, IC 20-26-5-4(7), or IC 20-26-7-1, and except as provided in this chapter, a governing body shall make available for lease or purchase to any charter school any school building 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, including but not limited to a building corporation, that:

(1) is vacant or unused; and
(2) was previously used for classroom instruction;
in order for the charter school to conduct kindergarten through grade 12 classroom instruction.

(b) The following are not required to comply with the requirements provided in section 4 of this chapter:

(1) A governing body that vacates a school building in order to:

(A) renovate the school building for future use by the school corporation; or
(B) demolish the school building and build a new school building on the same site as the demolished building.

(2) An emergency manager of a distressed school corporation under IC 6-1.1-20.3.

(3) The governing body of the School City of East Chicago school corporation for the Carrie Gosch Elementary School building.

(c) Notwithstanding subsection (a), a lease entered into by a governing body under IC 20-26-5-4(7) prior to July 1, 2019, with an accredited nonpublic school shall remain in full force and effect. In addition, the governing body may, during or at the expiration of the term of such lease, sell the school building leased under IC 20-26-5-4(7) to the nonpublic school at a purchase price mutually agreed to by the governing body and the nonpublic school.

Sec. 4. (a) Not later than ten (10) days after passing a resolution or taking other official action to close, no longer use, or no longer occupy a school building that was previously used for classroom
instruction, the governing body shall:

(1) notify the department of the official action and the effective date that the school building will be closed, no longer used, or no longer occupied;
(2) make the school building available for inspection by a charter school that notifies the department that it is interested in leasing or purchasing the school building described under section 3 of this chapter; and
(3) make the following information available to a charter school described in subdivision (2):
   (A) Estimates of the operating expenses for the school building for the past three (3) years.
   (B) Written information regarding the condition of the building, including the age of the roof and the HVAC system, and any known conditions which, in the governing body's opinion, require prompt repair or replacement.
   (C) A description of the property as shown on the current tax statement.

(b) Within five (5) days of receiving notice under subsection (a)(1), the department shall provide written notification to each charter school authorizer (excluding school corporation authorizers as defined in IC 20-24-1-2.5(1)) and statewide organizations representing charter schools in Indiana of the school corporation's resolution or official action described in subsection (a), including the date when the school building will close, no longer be used, or become vacant.

(c) The school corporation shall lease the school building to a charter school for one dollar ($1) per year for as long as the charter school uses the school building for classroom instruction for a term at the charter school's discretion, or sell the school building for one dollar ($1), if the charter school does the following:

(1) Within thirty (30) days of receiving the department's notice under subsection (b), a charter school must submit a preliminary request to purchase or lease the school building.
(2) Subject to subsection (d), within ninety (90) days of receiving the department's notice under subsection (b), a charter school must submit to the school corporation the following information:
   (A) The name of the charter school that is interested in leasing or purchasing the vacant or unused school building.
   (B) A time frame, which may not exceed two (2) years from
the date that the school building is to be closed, no longer used, or no longer occupied, in which the charter school intends to begin providing classroom instruction in the vacant or unused school building.

(C) A resolution, adopted by the board of the charter school stating that the board has determined that, after the charter school has made any necessary repairs or modifications, the school building will be sufficient to meet the charter school's needs and can be operated within the charter school's budget.

(D) This clause applies to a vacant or unused school building with more than two hundred thousand (200,000) gross square feet. In addition to the information provided in clauses (A) through (C), a charter school shall submit the following:

(i) The charter school's projected enrollment when all of the grade levels are added.

(ii) A letter from the charter school's authorizer or prospective authorizer that indicates that the charter school's authorizer or prospective authorizer has reviewed the items described in clauses (B) through (C).

(d) If the department does not receive any preliminary requests to purchase or lease a school building within the time frame described in subsection (c)(1) and except as provided in section 7 of this chapter, the department shall send notification to the school corporation that the department has not received any preliminary requests to purchase or lease the school building. Upon receipt of the notification under this subsection, the school corporation may sell or otherwise dispose of the school building in accordance with IC 36-1-11, IC 20-25-4-14, IC 20-26-5-4(7), and section 8 of this chapter.

(e) In the event that two (2) or more charter schools submit a preliminary request to purchase or lease a school building within the time frame described in subsection (c)(1), the department shall send notification to an authorizer described in IC 20-24-1-2.5(3) and each statewide charter school authorizer and statewide organization representing charter schools in Indiana (excluding school corporation authorizers as defined in IC 20-24-1-2.5(1)) and the school corporation that the department has received two (2) or more preliminary requests under this section. An authorizer committee shall be established, with each statewide authorizer that has authorized one (1) or more charter schools appointing a
representative, and the committee shall establish the chairperson and procedures for the committee. Within sixty (60) days of receiving notice under this subsection, the committee shall select which charter school may proceed to purchase or lease the school building or determine if two (2) or more charter schools should co-locate within the school building. The committee shall give priority to a charter school located within one (1) mile of the vacant or unused school building. In the event that the committee determines that two (2) or more charter schools should co-locate in the school building, the charter schools have sixty (60) days to submit a memorandum of understanding stating that the charter schools shall be jointly and severally liable for the obligations related to the sale or lease of the school building, and specifying how the charter schools will utilize the school building and share responsibility for operational, maintenance, and renovation expenses. If the charter schools are unable to agree, the charter schools shall be deemed to have revoked their prior request regarding the lease or sale of the school building.

(f) A school corporation shall lease the school building for one dollar ($1) per year for as long as the charter school uses the school building for classroom instruction for any combination of kindergarten through grade 12 for a term at the charter school's discretion, or sell the school building to the charter school for one dollar ($1), if the charter school has met the requirements set forth in subsection (c) and uses the vacant or unused school building to provide classroom instruction to students in any combination of kindergarten through grade 12. If a charter school has not met the requirements under subsection (c), the school corporation may, subject to section 7 of this chapter, sell or otherwise dispose of the school building in accordance with IC 36-1-11, IC 20-25-4-14, IC 20-26-5-4(7), and section 8 of this chapter.

Sec. 5. (a) If a school building is sold to a charter school under section 3 or 4 of this chapter and the charter school, or any subsequent owner, subsequently sells or transfers the school building to a third party, the charter school or subsequent owner must transfer an amount equal to the gain in the property minus the adjusted basis (including costs of improvements to the school building) to the school corporation that initially sold the vacant school building to the charter school. Gain and adjusted basis shall be determined in the manner prescribed by the Internal Revenue Code and the applicable Internal Revenue Service regulations and guidelines.

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(b) A charter school that purchases a school building assumes total control of the school building and must maintain the school building, including utilities, insurance, maintenance, and repairs. In the event a charter school does not use the school building for classroom instruction within two (2) years after acquiring the school building, the school building shall revert to the school corporation, which may sell or otherwise dispose of the school building under IC 36-1-11.

Sec. 6. During the term of a lease under section 4 of this chapter, the charter school is responsible for the direct expenses related to the school building leased, including utilities, insurance, maintenance, repairs, and remodeling. If the lease involves co-locating charter schools, the obligations under the lease of the school building shall be joint and several. The school corporation is responsible for any debt incurred for or liens that attached to the school building before the charter school leased the school building.

Sec. 7. (a) This section applies to a school building with a gross square footage of two hundred thousand (200,000) square feet or less.

(b) If the school corporation receives notification from the department that the department has not received any preliminary requests to purchase or lease a vacant or unused school building under section 4(c)(1) of this chapter or a charter school has not met the requirements under section 4(c)(2) or 4(e) of this chapter, the school corporation must sell the school building to an accredited nonpublic school or postsecondary educational institution that sends a letter of intent to the school corporation to purchase the vacant or unused school building for an amount not more than the minimum bid for the vacant or unused school building determined in accordance with IC 36-1-11, or an amount agreed to by both parties.

(c) The accredited nonpublic school or postsecondary educational institution must submit its letter of intent to purchase the school building within thirty (30) days of the date the school corporation passes a resolution or takes other official action to close, no longer use, or no longer occupy a school building that was previously used for classroom instruction. However, in the event that a charter school has submitted a preliminary request to purchase or lease a school building, the accredited nonpublic school or postsecondary educational institution may send a letter of intent to purchase or lease the school building within ninety (90)
days of the date that the school corporation passed a resolution or took official action to close, no longer use, or no longer occupy a school building.

(d) Within forty-five (45) days of notice of the minimum bid, the accredited nonpublic school or postsecondary educational institution must provide a binding offer to the school corporation to purchase the property in its current condition and provide a nonrefundable down payment equal to five percent (5%) of the minimum bid or an amount agreed to by both parties. In the event that two (2) or more binding offers are submitted to the school corporation under this subsection, the school corporation may select which offer to accept.

(e) If the sale of the property does not close within one hundred eighty (180) days of the school corporation's receipt of the binding offer, and the delay in closing is not caused by the school corporation or its representatives, the school corporation may refund the down payment and sell or otherwise dispose of the school building under IC 20-25-4-14, IC 20-26-5-4(7), or IC 36-1-11.

Sec. 8. (a) This section applies to the sale of a vacant or unused school building with more than two hundred thousand (200,000) gross square feet under IC 36-1-11, as permitted by this chapter.

(b) In determining whether to accept a proposal to purchase and redevelop the school building and any adjacent property, the governing body must ensure that a charter school that has notified the governing body in writing of its interest in locating the charter school on the redeveloped site is provided adequate facilities on the redeveloped site.

(c) In the event that a charter school does not enter into a lease for the appropriate facilities as part of the initial development of the school building parcel, this section shall no longer be binding on the school corporation or the purchaser of the property, which shall not be required to make the space available for use by another charter school.

Sec. 9. If a school corporation does not comply with the requirements provided in this chapter, the school corporation shall submit any proceeds from the sale of the vacant school building to the state board to provide grants under the charter school and innovation grant program under IC 20-24-13."

Delete pages 21 through 25.
Page 26, delete lines 1 through 40.
Page 30, between lines 19 and 20, begin a new paragraph and insert:

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"(e) If the state board directs the special management team to apply for charter school status under subsection (a)(2), the state board shall notify the charter school authorizer selected for application by the special management team of the state board's decision to direct the school to apply for charter status.".

Page 34, after line 13, begin a new paragraph and insert:
"SECTION 26. [EFFECTIVE UPON PASSAGE] (a) IC 20-26-7.1, as added by this act, applies to a school building that:
(1) was included on the list compiled by the department of education under IC 20-26-7-1(f), before the amendment of IC 20-26-7-1 by this act; or
(2) was required to be added to the list not later than August 1, 2019, under IC 20-26-7-1(f), before the amendment of IC 20-26-7-1 by this act.
(b) This SECTION expires July 1, 2024.
SECTION 27. An emergency is declared for this act.".

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1641 as reprinted February 15, 2019.)

RAATZ, Chairperson

Committee Vote: Yeas 7, Nays 2.