

PREVAILED	Roll Call No. _____
FAILED	Ayes _____
WITHDRAWN	Noes _____
RULED OUT OF ORDER	

# HOUSE MOTION \_\_\_\_\_

MR. SPEAKER:

I move that Engrossed Senate Bill 384 be amended to read as follows:

- 1 Page 4, between lines 1 and 2, begin a new paragraph and insert:
- 2 "SECTION 3. IC 20-26-7-1, AS AMENDED BY P.L.91-2011,
- 3 SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 4 JULY 1, 2012]: Sec. 1. **(a) As used in this section:**
- 5 **(1) "charter school" includes an entity seeking final approval**
- 6 **from a sponsor to operate a charter school; and**
- 7 **(2) "school calendar year" refers to the period during which**
- 8 **student instructional days are conducted under IC 20-30-2-2.**
- 9 ~~(a)~~ **(b)** If a governing body of a school corporation determines that
- 10 any real or personal property:
- 11 (1) is no longer needed for school purposes; or
- 12 (2) should, in the interests of the school corporation, be
- 13 exchanged for other property;
- 14 the governing body may sell or exchange the property in accordance
- 15 with IC 36-1-11 **and subsections (d) through (n).**
- 16 ~~(b)~~ **(c)** Money derived from the sale or exchange of property under
- 17 this section shall be placed in any school fund:
- 18 (1) established under applicable law; and
- 19 (2) that the governing body considers appropriate.
- 20 ~~(c)~~ **(d)** A governing body may not make a covenant that prohibits
- 21 the sale of real property to another educational institution.
- 22 ~~(d)~~ **(e)** This subsection does not apply to a school building that on
- 23 July 1, 2011, is leased or loaned by the school corporation that owns
- 24 the school building to another entity **until the term of the lease or**

1 **loan in effect on July 1, 2011, expires.** A governing body shall make  
 2 available for lease or purchase to any charter school ~~(as defined in~~  
 3 ~~IC 20-24-1-4)~~ any school building owned by the school corporation  
 4 that:

5 (1) ~~either: (A)~~ is not **regularly** used in ~~whole or in part during~~  
 6 **the school calendar year** for classroom instruction **or student**  
 7 **extracurricular activities** at the time the charter school seeks to  
 8 lease the building ~~or and (B)~~ **that** appears on the list compiled by  
 9 the department under subsection ~~(e); (f); and~~

10 (2) was previously used for classroom instruction; **and**  
 11 **(3) is not under contract for construction or improvement on**  
 12 **the date the charter school seeks to lease the school building**  
 13 **to allow, within two (2) years, the regular use of the school**  
 14 **building during the school calendar year for classroom**  
 15 **instruction or student extracurricular activities.**

16 ~~in order for the charter school to conduct classroom instruction:~~

17 ~~(e)~~ **(f)** Each governing body shall inform the department whenever  
 18 a school building that was previously used for classroom instruction is  
 19 closed, unused, or unoccupied. The department shall maintain a list of  
 20 closed, unused, or unoccupied school buildings and make the list  
 21 available on the department's Internet web site. Each school  
 22 corporation shall provide a list of closed, unused, or unoccupied  
 23 buildings to the department by the date set by the department. The  
 24 department must update the list **at least once** each year before August  
 25 31.

26 **(g) If a superintendent or governing body fails to place an**  
 27 **unused school building on the department's list under subsection**  
 28 **(f) or to transfer control of an unused school building on the list to**  
 29 **a charter school that properly requests the school building, the**  
 30 **department shall order the governing body to hold a public hearing**  
 31 **to discuss the failure to place the unused school building on the**  
 32 **department's list or to transfer control of the unused school**  
 33 **building. The governing body shall send the minutes of the hearing**  
 34 **to the department to demonstrate the governing body's compliance**  
 35 **with the order. One hundred eighty (180) days after the date of the**  
 36 **department's order, if the governing body has not held the**  
 37 **required public hearing, the department may withhold a part of**  
 38 **the state funding due to the school corporation until the hearing**  
 39 **has been held.**

40 ~~(f)~~ **(h)** A school building that appears for the first time on the  
 41 department's list under subsection ~~(e)~~ **(f)** shall be designated as  
 42 "Unavailable until (a date two (2) years after the school building first  
 43 appears on the list)" if the governing body of the school corporation  
 44 that owns the school building indicates the school building may be  
 45 reclaimed during that period for classroom instruction, which must  
 46 begin not later than one (1) year after the school building is reclaimed.

1 If the school building remains unused for classroom instruction one (1)  
 2 year after being reclaimed, the governing body shall place the school  
 3 building on the department's list. A governing body may reclaim a  
 4 school building only one (1) time under this subsection.

5 ~~(g)~~ **(i)** If a charter school wishes to use a school building on the list  
 6 created under subsection ~~(e)~~; **(f)**, the charter school shall send a letter  
 7 of intent to the department. The department shall notify the school  
 8 corporation of the charter school's intent, and the school corporation  
 9 that owns the school building shall lease the school building to the  
 10 charter school for one dollar (\$1) per year for as long as the charter  
 11 school uses the school building for classroom instruction or for a term  
 12 at the charter school's discretion, or sell the school building to the  
 13 charter school for one dollar (\$1). The charter school must begin to use  
 14 the school building for classroom instruction not later than two (2)  
 15 years after acquiring the school building. If the school building is not  
 16 used for classroom instruction within two (2) years after acquiring the  
 17 school building, the school building shall be placed on the department's  
 18 list under subsection ~~(e)~~; **(f)**. If during the term of the lease the charter  
 19 school closes or ceases using the school building for classroom  
 20 instruction, the school building shall be placed on the department's list  
 21 under subsection ~~(e)~~; **(f)**.

22 ~~(h)~~ **(j)** During the term of a lease under subsection ~~(g)~~; **(i)**, the  
 23 charter school is responsible for the direct expenses related to the  
 24 school building leased, including utilities, insurance, maintenance,  
 25 repairs, and remodeling. The school corporation is responsible for any  
 26 debt incurred for or liens that attached to the school building before the  
 27 charter school leased the school building.

28 **(k) A school corporation retains any debt associated with a**  
 29 **school building if the school corporation sells the building to a**  
 30 **charter school under subsection (i).**

31 ~~(i)~~ **(l)** If a school building appears on the department's list under  
 32 subsection ~~(e)~~ **(f)** for at least forty-eight (48) months, the school  
 33 corporation may sell or otherwise dispose of the school building in any  
 34 manner the governing body considers appropriate.

35 **(m) A school corporation or governing body may not lease or**  
 36 **sell any closed, unused, or unoccupied school building except as**  
 37 **specifically provided in this section.**

38 **(n) If any closed, unused, or unoccupied school building is or has**  
 39 **been leased or sold in contravention of this section, the lease or sale**

- 1 **is invalid and the building must be placed on the department's list**
- 2 **under subsection (f) immediately."**
- 3     Renumber all SECTIONS consecutively.  
      (Reference is to ESB 384 as printed February 27, 2012.)

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Representative Behning