
HOUSE BILL No. 1012

DIGEST OF INTRODUCED BILL

Citations Affected: IC 20-26-7-1.

Synopsis: Sale of a public school building. Provides that a school corporation may sell a vacant or unused school building after the school building is made available for sale or lease to a charter school for at least two years. (Current law provides that a vacant or unused school building may be sold to an entity other than a charter school after 48 months.) Provides that a governing body of a school corporation may request a waiver from the department of education (department) from the requirement that a vacant school building must be made available to a charter school. Provides that, not later than 30 days after a governing body of a school corporation sends notice of a waiver request to a charter school sponsor or a statewide organization that represents charter schools, the sponsor or organization may submit a qualified objection to the waiver request to the department. Provides that the department must deny a waiver request if it receives a qualified objection. Provides that the department must maintain a list of the name and address of each charter school sponsor and statewide organization representing charter schools on the department's Internet web site. Provides that if the department does not receive a qualified objection from a charter school or statewide organization representing charter schools, the governing body may dispose of the vacant or unused school building in any lawful manner. Provides that the definition of a charter school includes an entity or group seeking approval from a sponsor to operate a charter school.

Effective: Upon passage.

Lehman, Pond

January 7, 2013, read first time and referred to Committee on Education.

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First Regular Session 118th General Assembly (2013)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2012 Regular Session of the General Assembly.

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HOUSE BILL No. 1012



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

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

- 1 SECTION 1. IC 20-26-7-1, AS AMENDED BY P.L.91-2011,
- 2 SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 3 UPON PASSAGE]: Sec. 1. **(a) As used in this section, "charter**
- 4 **school" has the meaning set forth in IC 20-24-1-4 and includes a**
- 5 **group or entity seeking approval from a sponsor to operate a**
- 6 **charter school under IC 20-24-3.**
- 7 ~~(a)~~ **(b) Except as otherwise provided in this section,** if a
- 8 governing body of a school corporation determines that any real or
- 9 personal property:
- 10 (1) is no longer needed for school purposes; or
- 11 (2) should, in the interests of the school corporation, be
- 12 exchanged for other property;
- 13 the governing body may sell or exchange the property in accordance
- 14 with IC 36-1-11.
- 15 ~~(b)~~ **(c) Money derived from the sale or exchange of property under**
- 16 **this section shall be placed in any school fund:**
- 17 (1) established under applicable law; and



(2) that the governing body considers appropriate.

~~(e)~~ (d) A governing body may not make a covenant that prohibits the sale of real property to another educational institution.

~~(d)~~ (e) 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. **Except as provided in subsections (k) through (m)**, a governing body shall make available for lease or purchase to any charter school ~~(as defined in IC 20-24-1-4)~~ any school building owned by the school 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 ~~(e)~~; (f); and

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

~~(e)~~ (f) Each governing body shall inform the department whenever 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 each year before August 31.

~~(f)~~ (g) A school building that appears for the first time on the department's list under subsection ~~(e)~~ (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. ~~which must begin not later than one (1) year after the school building is reclaimed.~~ **If a governing 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 a school building that is designated as unavailable on the department's list remains unused for classroom instruction one (1) year after being reclaimed under this subsection, the governing body shall place 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.**

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

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

24 ~~(i)~~ **(j)** If a school building appears on the department's list under
 25 subsection ~~(e)~~ for at least forty-eight (48) months, is designated as
 26 "Available" under subsection **(g)** for at least two (2) years, the
 27 school corporation may sell or otherwise dispose of the school building
 28 in any manner the governing body considers appropriate. **in**
 29 **accordance with IC 36-1-11.**

30 **(k) Notwithstanding subsection (e), a governing body may**
 31 **request a waiver from the department from the requirements of**
 32 **subsection (e). In order for a governing body to receive a waiver**
 33 **under subsection (m), the governing body must:**

34 **(1) send notice by certified mail to each:**

35 **(A) charter school sponsor; and**

36 **(B) statewide organization representing charter schools;**
 37 **that is identified by the department under subsection (n); and**

38 **(2) apply to the department, on a form prescribed by the**
 39 **department, for the waiver. The application must include:**

40 **(A) a statement that the governing body believes that a**
 41 **charter school would not be interested in leasing or**
 42 **purchasing the vacant or unused school building;**



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1 (B) verification that the notice required under subdivision

2 (1) has been provided; and

3 (C) any information the department determines is
4 necessary to grant a waiver under subsection (m).

5 (l) Not later than thirty (30) days after a governing body sends
6 notice under subsection (k), a charter school sponsor or a statewide
7 organization representing charter schools may submit a qualified
8 objection to the governing body's request for a waiver under
9 subsection (k). The qualified objection must be submitted to the
10 department on a form prescribed by the department and in a
11 manner prescribed by the department. In order for an objection to
12 be considered a qualified objection by the department, the
13 objection must include:

14 (1) the name of the charter school that is interested in leasing
15 or purchasing the vacant or unused school building;

16 (2) the tentative time frame in which the charter school
17 intends to begin providing classroom instruction in the vacant
18 or unused school building; and

19 (3) any additional information the department determines is
20 necessary.

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

31 (n) The department shall maintain on the department's Internet
32 web site a list of the name and address of each:

33 (1) charter school sponsor; and

34 (2) statewide organization representing charter schools;
35 to which a governing body is required to send notice under
36 subsection (k)(1).

37 SECTION 2. An emergency is declared for this act.

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