

SENATE MOTION

MADAM PRESIDENT:

I move that Senate Bill 413 be amended to read as follows:

- 1 Page 15, delete lines 3 through 42, begin a new paragraph and
2 insert:
3 "SECTION 23. IC 20-26-7-1, AS AMENDED BY P.L.91-2011,
4 SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
5 JULY 1, 2012]: Sec. 1. **(a) As used in this section:**
6 **(1) "charter school" includes an entity seeking final approval**
7 **from a sponsor to operate a charter school; and**
8 **(2) "school calendar year" refers to the period during which**
9 **student instructional days are conducted under IC 20-30-2-2.**
10 ~~(a)~~ **(b)** If a governing body of a school corporation determines that
11 any real or personal property:
12 (1) is no longer needed for school purposes; or
13 (2) should, in the interests of the school corporation, be
14 exchanged for other property;
15 the governing body may sell or exchange the property in accordance
16 with IC 36-1-11 **and subsections (d) through (m).**
17 ~~(b)~~ **(c)** Money derived from the sale or exchange of property under
18 this section shall be placed in any school fund:
19 (1) established under applicable law; and
20 (2) that the governing body considers appropriate.
21 ~~(c)~~ **(d)** A governing body may not make a covenant that prohibits
22 the sale of real property to another educational institution.
23 ~~(d)~~ **(e)** This subsection does not apply to a school building that on
24 July 1, 2011, is leased or loaned by the school corporation that owns
25 the school building to another entity, **until the term of the lease or**
26 **loan in effect on July 1, 2011, expires.** A governing body shall make
27 available for lease or purchase to any charter school ~~(as defined in~~
28 ~~IC 20-24-1-4)~~ any school building owned by the school corporation
29 that:
30 (1) ~~either: (A) is not~~ **regularly used in whole or in part during**

1 **the school calendar year** for classroom instruction **or student**
 2 **extracurricular activities** at the time the charter school seeks to
 3 lease the building ~~or and (B)~~ appears on the list compiled by the
 4 department under subsection ~~(e); (f); and~~
 5 (2) was previously used for classroom instruction; **and**
 6 **(3) is not under contract for construction or improvement on**
 7 **the date the charter school seeks to lease the school building,**
 8 **unless the governing body plans to enter into a contract for**
 9 **construction or improvement to allow the regular use of the**
 10 **school building during the school calendar year for classroom**
 11 **instruction or student extracurricular activities within two (2)**
 12 **years.**

13 in order for the charter school to conduct classroom instruction:

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

23 **(g) The failure of a superintendent to place an unused school**
 24 **building on the department's list under subsection (f) or to transfer**
 25 **control of an unused school building on the list to a charter school**
 26 **that properly requests the school building is considered willful**
 27 **neglect of duty under IC 20-28-5-7.**

28 ~~(f)~~ **(f)** A school building that appears for the first time on the
 29 department's list under subsection (e) shall be designated as
 30 "Unavailable until (a date two (2) years after the school building first
 31 appears on the list)" if the governing body of the school corporation
 32 that owns the school building indicates the school building may be
 33 reclaimed during that period for classroom instruction, which must
 34 begin not later than one ~~(1)~~ year after the school building is reclaimed.
 35 If the school building remains unused for classroom instruction one ~~(1)~~
 36 year after being reclaimed, the governing body shall place the school
 37 building on the department's list. A governing body may reclaim a
 38 school building only one ~~(1)~~ time under this subsection.

39 ~~(g)~~ **(h)** If a charter school wishes to use a school building on the list
 40 created under subsection ~~(e); (f)~~, the charter school shall send a letter
 41 of intent to the department. The department shall notify the school
 42 corporation of the charter school's intent, and the school corporation
 43 that owns the school building shall lease the school building to the
 44 charter school for one dollar (\$1) per year for as long as the charter
 45 school uses the school building for classroom instruction or for a term
 46 at the charter school's discretion, or sell the school building to the

1 charter school for one dollar (\$1). The charter school must begin to use
 2 the school building for classroom instruction not later than two (2)
 3 years after acquiring the school building. If the school building is not
 4 used for classroom instruction within two (2) years after acquiring the
 5 school building, the school building shall be placed on the department's
 6 list under subsection ~~(e)~~ **(f)**. If during the term of the lease the charter
 7 school closes or ceases using the school building for classroom
 8 instruction, the school building shall be placed on the department's list
 9 under subsection ~~(e)~~ **(f)**.

10 ~~(h)~~ **(i)** During the term of a lease under subsection ~~(g)~~ **(h)**, the
 11 charter school is responsible for the direct expenses related to the
 12 school building leased, including utilities, insurance, maintenance,
 13 repairs, and remodeling. The school corporation is responsible for any
 14 debt incurred for or liens that attached to the school building before the
 15 charter school leased the school building.

16 **(j) A school corporation retains any debt associated with a**
 17 **school building if the school corporation sells the building to a**
 18 **charter school under subsection (h).**

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

23 **(l) A school corporation or governing body may not lease or sell**
 24 **any closed, unused, or unoccupied school building except as**
 25 **specifically provided in this section.**

26 **(m) If any closed, unused, or unoccupied school building is or**
 27 **has been leased or sold in contravention of this section, the lease or**
 28 **sale is or shall be invalid and the building must be placed on the**
 29 **department's list under subsection (f) immediately."**

30 Delete page 16.
 31 Page 17, delete lines 1 through 21.
 32 Renumber all SECTIONS consecutively.
 (Reference is to SB 413 as printed January 27, 2012.)

Senator YODER