



February 24, 2023

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## SENATE BILL No. 391

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DIGEST OF SB 391 (Updated February 22, 2023 3:37 pm - DI 110)

**Citations Affected:** IC 20-26.

**Synopsis:** Closure of school buildings. Establishes standards concerning when a school corporation may close an underutilized school building that had been used at any time for classroom instruction. Provides procedures regarding petitioning for a determination as to whether a school building meets criteria for closure or should be made available for sale or lease. Requires the department of education (department) to make a determination regarding a petition. Requires each school corporation to annually report to the department certain information regarding school buildings. Provides procedures for notifying charter schools, state educational institutions, and qualified nonprofit corporations through the department of the availability of a covered school building. Provides for appeals of certain orders or decisions to the state board of education. Provides that the department or charter school, state educational institution, or qualified nonprofit corporation may request the attorney general to commence a legal action to enforce a final order for the sale or lease of a covered school building or file a civil action to enforce the final order for the sale or lease after certain time periods. Makes other related changes. Repeals certain provisions regarding investigating complaints and enforcement by the attorney general.

**Effective:** July 1, 2023.

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### Rogers, Raatz, Buchanan

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January 19, 2023, read first time and referred to Committee on Education and Career Development.  
February 23, 2023, amended, reported favorably — Do Pass.

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SB 391—LS 7109/DI 51





February 24, 2023

First Regular Session of the 123rd General Assembly (2023)

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 2022 Regular Session of the General Assembly.

## SENATE BILL No. 391

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 20-26-7-5, AS AMENDED BY P.L.233-2015,  
2 SECTION 108, IS AMENDED TO READ AS FOLLOWS  
3 [EFFECTIVE JULY 1, 2023]: Sec. 5. **Except as otherwise provided**  
4 **in IC 20-26-7.1**, a school corporation (as defined in IC 36-1-2-17) may  
5 convey property owned by the school corporation to a civil city or other  
6 political subdivision for civic purposes if:  
7 (1) the governing body adopts a resolution recommending the  
8 transfer and conveyance of the school property;  
9 (2) the civil city or political subdivision agrees to accept the  
10 school property; and  
11 (3) the governing body executes a deed for the school property.  
12 SECTION 2. IC 20-26-7-39, AS ADDED BY P.L.1-2005,  
13 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
14 JULY 1, 2023]: Sec. 39. (a) **Except as otherwise provided in**  
15 **IC 20-26-7.1**, if:  
16 (1) a school corporation; and  
17 (2) the state, either in the name of the state or in the name of the

SB 391—LS 7109/DI 51



1 trustees of an agency of the state;  
 2 each own improved or unimproved real estate that lies within the  
 3 boundaries of the school corporation and that is not needed or required  
 4 for the purpose for which it was acquired, the school corporation and  
 5 the state may sell, trade, exchange, or convey to or with each other the  
 6 unneeded real estate upon such terms and conditions mutually agreed  
 7 upon and incorporated in an agreement between the trustees or board  
 8 of trustees of the school corporation and the state or, if the real estate  
 9 is held in the name of the trustees of an agency of the state, by the  
 10 trustees.

11 (b) A value must be assigned to each parcel of real estate involved  
 12 in the sale, trade, or exchange in the agreement. The assigned value  
 13 must be the fair market value of the real estate as determined by three  
 14 (3) appraisers appointed as follows:

15 (1) One (1) to be appointed by the board of trustees of the school  
 16 corporation.

17 (2) One (1) to be appointed by the state or, if the real estate is held  
 18 in the name of the trustees of an agency of the state, by the  
 19 trustees.

20 (3) One (1) to be appointed by the two (2).

21 (c) The agreement must provide for payment by the party owning  
 22 the real estate of the smaller value to the other party of the difference  
 23 of value of the properties.

24 SECTION 3. IC 20-26-7-47 IS ADDED TO THE INDIANA CODE  
 25 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
 26 1, 2023]: **Sec. 47. (a) The following definitions apply throughout  
 27 this section:**

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

30 (2) **"Current school year" refers to a year in which the  
 31 governing body is required to conduct a review of school  
 32 building usage under subsection (c).**

33 (3) **"Enrollment" refers to students counted in ADM (as  
 34 defined in IC 20-43-1-6) in the first count date for a school  
 35 year fixed under IC 20-43-4-3.**

36 (4) **"Interested person" has the meaning set forth in  
 37 IC 20-26-7.1-2.2.**

38 (5) **"Qualified nonprofit corporation" has the meaning set  
 39 forth in IC 20-26-7.1-2.7.**

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

41 **(1) the total student enrollment for in-person instruction in  
 42 the school corporation in the current school year is at least ten**



1           percent (10%) less than the student enrollment for in-person  
2           instruction in the school corporation in a school year that  
3           precedes the current school year by five (5); and

4           (2) the school corporation in the current school year has more  
5           than one (1) school building serving the same grade level as  
6           the school building subject to closure under this section.

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

11          (d) A school corporation may close a school building for the  
12          ensuing school year (and subsequent school years) if:

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

15           (2) in the current school year and the two (2) school years  
16           immediately preceding the current school year the school  
17           building was underutilized for classroom instruction purposes  
18           or other allowable uses specified by this section;

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

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

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

31                   (B) that does not require more than twenty (20) minutes of  
32                   travel time from the school building being considered for  
33                   closure; and

34           (5) the school building is not a school building described in  
35           IC 20-26-7.1-1, IC 20-26-7.1-3(b), or IC 20-26-7.1-3(c).

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

39           (1) The number of full-time equivalent students enrolled for  
40           in-person instruction in the school building on instructional  
41           days (as determined under IC 20-30-2) for instructional  
42           purposes, averaged over the current school year and the two



- 1 (2) school years immediately preceding the current school  
 2 year, is at least sixty percent (60%) of:  
 3 (A) the known classroom design capacity of the school  
 4 building; or  
 5 (B) if the design capacity is not known, the average  
 6 maximum full-time equivalent enrollment in any of the last  
 7 twenty-five (25) years, as validated by records created or  
 8 maintained by the department.
- 9 (2) The school corporation demonstrates through facts  
 10 included in a resolution that the school building is being used  
 11 and that it is financially prudent to continue to use the school  
 12 building, considering all community resources, for a distinct  
 13 student population that reasonably cannot be served through  
 14 integration with the general school population, such as  
 15 students attending an alternative education program (as  
 16 defined in IC 20-30-8-1). However, to be an allowable use  
 17 under this subdivision, the average number of full-time  
 18 equivalent students using the school building in a school year  
 19 for instructional purposes must be at least thirty percent  
 20 (30%) of:  
 21 (A) the known classroom design capacity of the school  
 22 building; or  
 23 (B) if the design capacity is not known, the average  
 24 maximum full-time equivalent enrollment in any of the last  
 25 twenty-five (25) years, as validated by records created or  
 26 maintained by the department; and  
 27 (if multiple school buildings are used for the same purposes)  
 28 combining the student populations into fewer school buildings  
 29 is not reasonably feasible.
- 30 (3) The school corporation demonstrates through facts  
 31 included in a resolution that the school building is being used  
 32 and that it is financially prudent to continue to use the school  
 33 building, considering all community resources, for  
 34 administrative or other school offices. However, to be an  
 35 allowable use under this subdivision, at least fifty percent  
 36 (50%) of the square footage of the school building must be  
 37 used for offices, the personnel headquartered in the school  
 38 building must consistently use the space for office purposes,  
 39 and the occupancy cost of using the school building cannot be  
 40 more than comparable office space that is available in the  
 41 school district.
- 42 (4) The school corporation demonstrates through facts



1 included in a resolution that the school building is being used  
 2 and that it is financially prudent to continue to use the school  
 3 building, considering all community resources, for storage.  
 4 However, to be an allowable use under this subdivision, at  
 5 least fifty percent (50%) of the square footage of the school  
 6 building must be used for storage, on average the storage  
 7 space must be used to capacity, and the cost of using the  
 8 school building for storage must be less than comparable  
 9 storage space that is available in the school district.

10 (5) The school corporation demonstrates through facts  
 11 included in a resolution that the school building is being used  
 12 and that it is financially prudent to continue to use the school  
 13 building, considering all community resources, for a  
 14 combination of office space and storage. However, to be an  
 15 allowable use under this subdivision, at least fifty percent  
 16 (50%) of the square footage of the school building must be  
 17 used for a combination of office space and storage and:

18 (A) the personnel headquartered in the school building  
 19 must consistently use the office space for office purposes,  
 20 and the occupancy cost of using the office space, calculated  
 21 using the costs of operating the school building, cannot be  
 22 more than comparable office space that is available in the  
 23 school district; and

24 (B) on average, the storage space must be used to capacity  
 25 and the cost of using the school building for storage must  
 26 be less than comparable storage space that is available in  
 27 the school district.

28 (f) Closure of a school building that:

29 (1) is owned by the school corporation or any other entity that  
 30 is related in any way to, or created by, the school corporation  
 31 or the governing body; or

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

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

35 (g) Before filing a petition under subsection (h), a charter  
 36 school, state educational institution, or qualified nonprofit  
 37 corporation that is interested in a school corporation's school  
 38 building must give written notice to the school corporation to  
 39 determine whether an agreement can be reached regarding the  
 40 school corporation making the school building available for lease  
 41 or purchase under IC 20-26-7.1.

42 (h) If an agreement is not reached within forty-five (45) days



1 after the date that the school corporation receives the notice under  
 2 subsection (g), the charter school, state educational institution, or  
 3 qualified nonprofit corporation may petition the department or the  
 4 department on its own may initiate a proceeding for a  
 5 determination as to whether a school building meets the criteria for  
 6 closure under this section or a covered school building that is no  
 7 longer used for classroom instruction by a school corporation  
 8 should be made available under IC 20-26-7.1. If a charter school,  
 9 state educational institution, or qualified nonprofit corporation  
 10 petitions the department under this subsection, the charter school,  
 11 state educational institution, or qualified nonprofit corporation  
 12 must provide a copy of the petition to the applicable school  
 13 corporation.

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

21 (j) Not more than sixty (60) days after receiving notice of a  
 22 petition under subsection (h), the school corporation must:

23 (1) file a response to the petition that notifies the department  
 24 that the school corporation:

25 (A) is not contesting the petition; or

26 (B) is contesting the petition and states the facts upon  
 27 which the school corporation relies in contesting the  
 28 petition; and

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

31 (k) If the school corporation:

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

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

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

37 (l) If a school corporation contests a petition under subsection  
 38 (j), a party to the proceeding has not more than sixty (60) days  
 39 after the date that the school corporation files a response under  
 40 subsection (j) to submit a reply to the school corporation's  
 41 response.

42 (m) The department shall make a determination regarding a





1 petition under subsection (h) not more than one hundred twenty  
2 (120) days after the date that the:

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

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

6 (n) A school corporation or another party to the proceeding may  
7 file with the state board a petition requesting review of the  
8 department's determination. Upon receipt of a petition under this  
9 subsection, the state board shall review the department's  
10 determination. An appeal to the state board shall be subject to the  
11 procedure described in IC 20-26-11-15(b).

12 (o) Upon the issuance of a final unappealable order granting a  
13 petition, the school corporation may make the school building  
14 available for lease or purchase in accordance with IC 20-26-7.1.

15 SECTION 4. IC 20-26-7-48 IS ADDED TO THE INDIANA CODE  
16 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
17 1, 2023]: Sec. 48. (a) The following definitions apply throughout  
18 this section:

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

22 (2) "Enrollment" refers to students counted in ADM (as  
23 defined in IC 20-43-1-6) in the first count date for a school  
24 year fixed under IC 20-43-4-3.

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

26 (1) the total student enrollment for in-person instruction in  
27 the school corporation in the current school year is at least ten  
28 percent (10%) less than the student enrollment for in-person  
29 instruction in the school corporation in a school year that  
30 precedes the current school year by five (5); and

31 (2) the school corporation in the current school year has more  
32 than one (1) school building serving the same grade level as a  
33 school building subject to closure under section 47 of this  
34 chapter.

35 (c) Each school corporation shall annually report to the  
36 department in the form and on the schedule specified the following  
37 information by the department:

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

40 (2) The following information for each building listed in  
41 subdivision (1):

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



1           **(B) Current use (and percentage of use) for classroom**  
 2 **instruction, as special use classrooms, as office space, or as**  
 3 **storage or alternatively the building's status as**  
 4 **transitioning from one (1) use or combination of uses to**  
 5 **another.**

6           **(C) The following information:**

7           **(i) Current average full-time equivalent student**  
 8 **enrollment for in-person instruction in the school**  
 9 **building on instructional days (as determined under**  
 10 **IC 20-30-2) in a school year.**

11           **(ii) Percentage of instructional use.**

12           **(iii) Percentage of use for other purposes.**

13           **(D) Self-evaluation of whether the building qualifies for**  
 14 **closure under section 47 of this chapter or the school board**  
 15 **otherwise intends to close the building and the date closure**  
 16 **will occur (if applicable).**

17           SECTION 5. IC 20-26-7.1-2.1 IS ADDED TO THE INDIANA  
 18 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 19 [EFFECTIVE JULY 1, 2023]: **Sec. 2.1. As used in this chapter,**  
 20 **"covered school building" means a school building that is owned**  
 21 **by a school corporation or any other entity that is related in any**  
 22 **way to, or created by, the school corporation or the governing**  
 23 **body, including a building corporation, and that has at any time**  
 24 **been used for classroom instruction.**

25           SECTION 6. IC 20-26-7.1-2.2 IS ADDED TO THE INDIANA  
 26 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 27 [EFFECTIVE JULY 1, 2023]: **Sec. 2.2. As used in this chapter,**  
 28 **"interested person" refers to the following:**

29           **(1) Each state educational institution.**

30           **(2) Each charter school in a county where a school**  
 31 **corporation with a covered school building subject to closure**  
 32 **is located.**

33           **(3) All charter school authorizers (excluding school**  
 34 **corporation authorizers as defined in IC 20-24-1-2.5(1)).**

35           **(4) Each trade or professional organization representing**  
 36 **charter schools listed as an organization representing charter**  
 37 **school on the website of the department or otherwise known**  
 38 **to a school corporation with a covered school building subject**  
 39 **to closure.**

40           **(5) The Indiana charter school board.**

41           **(6) Each charter school that is not described in subdivision (2)**  
 42 **or qualified nonprofit corporation that has provided a written**



1            **notice of interest in a covered school building to the**  
 2            **department.**

3            SECTION 7. IC 20-26-7.1-2.7 IS ADDED TO THE INDIANA  
 4 CODE AS A **NEW SECTION** TO READ AS FOLLOWS  
 5 [EFFECTIVE JULY 1, 2023]: **Sec. 2.7. As used in this chapter,**  
 6 **"qualified nonprofit corporation" means a nonprofit corporation**  
 7 **that:**

- 8            **(1) is qualified as tax exempt under Section 501(c)(3) of the**  
 9            **Internal Revenue Code;**  
 10           **(2) is not owned or otherwise controlled by a school**  
 11           **corporation or employee of a school corporation; and**  
 12           **(3) has engaged in exempt educational purpose activities for**  
 13           **at least two (2) years.**

14           SECTION 8. IC 20-26-7.1-2.8 IS ADDED TO THE INDIANA  
 15 CODE AS A **NEW SECTION** TO READ AS FOLLOWS  
 16 [EFFECTIVE JULY 1, 2023]: **Sec. 2.8. When a notice is given to an**  
 17 **authorizer under this chapter or IC 20-26-7-47, the authorizer is**  
 18 **responsible for notifying all charter schools authorized by or**  
 19 **applying for authorization by the authorizer. The authorizer must**  
 20 **provide the notice to charter schools not more than ten (10) days**  
 21 **after the authorizer received the notice.**

22           SECTION 9. IC 20-26-7.1-3, AS AMENDED BY P.L.155-2021,  
 23 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 24 JULY 1, 2023]: **Sec. 3. (a) This subsection applies to any school**  
 25 **building that is owned by a school corporation or any other entity that**  
 26 **is related in any way to; or created by; the school corporation or the**  
 27 **governing body, including but not limited to a building corporation;**  
 28 **and that has at any time been used for classroom instruction. Except as**  
 29 **provided in section 1 of this chapter or subsection (b)(1); (b) or (c),**  
 30 **before a governing body may sell, exchange, lease, demolish, hold**  
 31 **without operating, or dispose of a covered school building, a governing**  
 32 **body shall do the following:**

- 33           **(1) This subdivision applies after June 30, 2021. The governing**  
 34 **body shall obtain a certification from the attorney general's office**  
 35 **under section 8.5 of this chapter.**  
 36           **(2) The governing body shall make available for lease or purchase**  
 37 **by a charter school, or after June 30, 2021, a state educational**  
 38 **institution, or qualified nonprofit corporation any covered**  
 39 **school building owned by the school corporation or any other**  
 40 **entity that is related in any way to, or created by, the school**  
 41 **corporation or the governing body, including but not limited to a**  
 42 **building corporation, that**



1 (A) is vacant or unused; and  
 2 (B) was previously used for classroom instruction;  
 3 **the governing body elects to close or the school corporation is**  
 4 **required to close under IC 20-26-7-47, in order for the covered**  
 5 **school building to be used by a:**  
 6 (1) charter school to conduct ~~kindergarten~~ **prekindergarten**  
 7 through grade 12 classroom instruction; ~~or to be used by a~~  
 8 (2) state educational institution for an academic purpose; ~~or~~  
 9 (3) **qualified nonprofit corporation for educational purposes.**  
 10 (b) The following are not required to comply with this chapter:  
 11 (1) A governing body that vacates a **covered** school building in  
 12 order to:  
 13 (A) renovate the **covered** school building for a future  
 14 **allowable** use by the school corporation **as permitted under**  
 15 **IC 20-26-7-47; or**  
 16 (B) demolish the **covered** school building and build a new  
 17 school building on the same site as the demolished building.  
 18 (2) An emergency manager of a distressed school corporation  
 19 under IC 6-1.1-20.3.  
 20 (3) The governing body of the School City of East Chicago school  
 21 corporation for the Carrie Gosch Elementary School building.  
 22 (c) ~~Notwithstanding subsection (a), a lease entered into by This~~  
 23 **section does not apply to a covered school building in which a**  
 24 **governing body under IC 20-26-5-4(a)(7) entered a lease prior to**  
 25 **January 1, 2019, with a state accredited nonpublic school. ~~shall remain~~**  
 26 **~~in full force and effect.~~ In addition, the governing body may, during or**  
 27 **at the expiration of the term of such lease, sell the school building**  
 28 **leased under IC 20-26-5-4(a)(7) to the nonpublic school at a purchase**  
 29 **price mutually agreed to by the governing body and the nonpublic**  
 30 **school.**  
 31 (d) **A covered school building that a school corporation closes or**  
 32 **is required to close may not be retained by the school corporation**  
 33 **for storage or office use unless the conditions of**  
 34 **IC 20-26-7-47(e)(3), IC 20-26-7-47(e)(4), or IC 20-26-7-47(e)(5) are**  
 35 **met.**  
 36 SECTION 10. IC 20-26-7.1-4, AS AMENDED BY P.L.155-2021,  
 37 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 38 JULY 1, 2023]: Sec. 4. (a) **A school corporation may notify the**  
 39 **department anytime after the governing body elects to close a**  
 40 **covered school building. The school corporation shall notify the**  
 41 **department in the annual report required under IC 20-26-7-48 that**  
 42 **the school corporation elects to or is required under IC 20-26-7-47**



1 to close a covered school building. The notice must be in the annual  
2 report submitted under IC 20-26-7-48 after the school elects to or  
3 is required to close the covered school building. The department  
4 shall notify interested persons concerning the availability of a  
5 covered school building under subsection (d).

6 (b) Not later than ~~ten (10)~~ fifteen (15) days after: passing a  
7 resolution or taking other official action to close, no longer use, or no  
8 longer occupy a school building that was previously used for classroom  
9 instruction under section 3 of this chapter,

10 (1) the department receives the earliest notice under  
11 subsection (a); or

12 (2) if the department determines that a covered school  
13 building qualifies for closure under IC 20-26-7-47, the date a  
14 final order to close a covered school building is issued under  
15 IC 20-26-7-47;

16 the governing body shall take the actions specified by this subsection  
17 and subsection (c). The department may order a school  
18 corporation to comply with this subsection and subsection (c) and  
19 request that the attorney general enforce the order under section  
20 9(a) of this chapter.

21 (1) notify the department of the official action and the effective  
22 date that the school building will be closed, no longer used, or no  
23 longer occupied;

24 (c) The governing body shall do the following:

25 (2) (1) Make the covered school building available for inspection  
26 by a charter school, or state educational institution, or qualified  
27 nonprofit corporation that notifies the department that it is  
28 interested in leasing or purchasing the covered school building.  
29 described under section 3 of this chapter; and

30 (3) (2) Make the following information available to a charter  
31 school, or state educational institution, or qualified nonprofit  
32 corporation described in subdivision (2): (1):

33 (A) Estimates of the operating expenses for the covered  
34 school building for the past three (3) years.

35 (B) Written information regarding the condition of the  
36 covered school building, including the age of the roof and the  
37 HVAC system, and any known conditions which, in the  
38 governing body's opinion, require prompt repair or  
39 replacement.

40 (C) A legal description of the property.

41 (b) (d) ~~Within~~ Not later than five (5) fifteen (15) days of after the  
42 earlier of:



1 (1) receiving the earliest notice under subsection (a)(1);  
 2 subsection (a); or

3 (2) if the department determines that a covered school  
 4 building qualifies for closure under IC 20-26-7-47, the date a  
 5 final unappealable order to close a covered school building is  
 6 issued under IC 20-26-7-47;

7 the department shall place a notice on the department's website that  
 8 the covered school building is available for purchase or lease under  
 9 this chapter and provide written notification to each state educational  
 10 institution, charter school authorizer (excluding school corporation  
 11 authorizers as defined in IC 20-24-1-2.5(1)); and statewide  
 12 organizations representing charter schools in Indiana of the school  
 13 corporation's resolution or official action described in subsection (a);  
 14 interested person, including the date when the covered school  
 15 building will close, no longer be used, or become vacant.

16 (e) The school corporation shall lease the covered school  
 17 building to a charter school, or state educational institution, or  
 18 qualified nonprofit corporation for one dollar (\$1) per year for as  
 19 long as the state educational institution uses the covered school  
 20 building for an academic purpose, or the charter school uses the  
 21 covered school building for classroom instruction, or the qualified  
 22 nonprofit corporation uses the covered school building for  
 23 educational purposes, for a term at the state educational institution's,  
 24 or charter school's, or qualified nonprofit corporation's discretion,  
 25 or sell the covered school building for one dollar (\$1), if the charter  
 26 school, or state educational institution, or qualified nonprofit  
 27 corporation does the following:

28 (1) Within ~~thirty (30)~~ **ninety (90)** days of receiving the  
 29 department's notice under subsection ~~(b); (d)~~, a charter school, or  
 30 state educational institution, **or qualified nonprofit corporation**  
 31 must submit a preliminary request to purchase or lease the  
 32 covered school building.

33 (2) Subject to subsection ~~(d); (f)~~, within ninety (90) days of  
 34 receiving the department's notice under subsection ~~(b); (d)~~, a  
 35 charter school, or state educational institution, **or qualified**  
 36 **nonprofit corporation** must submit to the school corporation the  
 37 following information:

38 (A) The name of the charter school, or state educational  
 39 institution, **or qualified nonpublic corporation** that is  
 40 interested in leasing or purchasing the ~~vacant or unused~~  
 41 covered school building.

42 (B) A time frame, which may not exceed two (2) years from



1 the date that the **covered** school building is to be closed, no  
 2 longer used, or no longer occupied, in which the:

3 (i) charter school intends to begin providing classroom  
 4 instruction in the ~~vacant or unused~~ **covered** school building;

5 **or**

6 (ii) state educational institution intends to begin using the  
 7 **covered school** building for an academic purpose; **or**

8 **(iii) qualified nonprofit corporation intends to begin**  
 9 **using the covered school building for educational**  
 10 **purposes.**

11 (C) A resolution, adopted by the board of the charter school,  
 12 ~~or~~ state educational institution, **or qualified nonprofit**  
 13 **corporation** stating that the board of the charter school, ~~or~~ the  
 14 state educational institution, **or qualified nonprofit**  
 15 **corporation** has determined that, after the charter school, ~~or~~  
 16 state educational institution, **or qualified nonprofit**  
 17 **corporation** has made any necessary repairs or modifications,  
 18 the **covered** school building will be sufficient to meet the  
 19 charter school's, ~~or~~ state educational institution's, **or qualified**  
 20 **nonprofit corporation's** needs and can be operated within the  
 21 charter school's, ~~or~~ state educational institution's, **or qualified**  
 22 **nonprofit corporation's** budget.

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

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

29 (ii) A letter from the charter school's authorizer or  
 30 prospective authorizer that indicates that the charter school's  
 31 authorizer or prospective authorizer has reviewed the items  
 32 described in clauses ~~(B)~~ through ~~(C)~~ and that the projected  
 33 enrollment of the charter school when all of the grade levels  
 34 are added or fully implemented will be at least sixty percent  
 35 (60%) of the maximum annual student enrollment of the  
 36 school building during the past twenty-five (25) years as  
 37 validated by records maintained or created by the  
 38 department.

39 ~~(d)~~ **(f)** If the department does not receive any preliminary requests  
 40 to purchase or lease a **covered** school building within the time frame  
 41 described in subsection ~~(c)(1)~~; and ~~except as provided in section 7 of~~  
 42 ~~this chapter~~; **(e)(1)**, the department shall send notification to the school



1 corporation that the department has not received any preliminary  
 2 requests to purchase or lease the **covered** school building. Upon receipt  
 3 of the notification under this subsection, the school corporation may  
 4 sell or otherwise dispose of the **covered** school building in accordance  
 5 with IC 36-1-11, IC 20-25-4-14, and IC 20-26-5-4(a)(7). and section  
 6 8 of this chapter.

7 ~~(e)~~ **(g) If only one (1) charter school submits a preliminary**  
 8 **request to purchase or lease the covered school building, the**  
 9 **department shall notify the school corporation of the identity of the**  
 10 **charter school and direct the school corporation to complete a sale**  
 11 **or lease to the charter school in accordance with subsection (k).**  
 12 ~~Except as provided in subsection (g);~~ In the event that two (2) or more  
 13 charter schools ~~but no state educational institutions;~~ submit a  
 14 preliminary request to purchase or lease a **covered** school building  
 15 within the time frame described in subsection ~~(e)(1); (e)(1)~~, the  
 16 department shall send notification to ~~an authorizer described in~~  
 17 ~~IC 20-24-1-2.5(3) and each statewide charter school authorizer and~~  
 18 ~~statewide organization representing charter schools in Indiana~~  
 19 ~~(excluding school corporation authorizers as defined in~~  
 20 ~~IC 20-24-1-2.5(1));~~ **each interested person** and the school corporation  
 21 that the department has received two (2) or more preliminary requests  
 22 under this section. An authorizer committee shall be established, with  
 23 each statewide authorizer that has authorized one (1) or more charter  
 24 schools appointing a representative, and the committee shall establish  
 25 the chairperson and procedures for the committee. Within sixty (60)  
 26 days of receiving notice under this subsection, the committee shall  
 27 select which charter school may proceed under subsection ~~(e)(2) (k)~~ to  
 28 purchase or lease the **covered** school building or determine if two (2)  
 29 or more charter schools should co-locate within the **covered** school  
 30 building. The committee shall ~~give priority to a charter school located~~  
 31 ~~within one (1) mile of the vacant or unused school building.~~ **base the**  
 32 **committee's decision on the following criteria:**

- 33 **(1) Preference shall be given to existing charter schools that**  
 34 **have a proven track record of student academic performance.**  
 35 **(2) If two (2) or more charter schools of proven academic**  
 36 **performance are competing and only one (1) charter school is**  
 37 **operating in the county in which the covered school building**  
 38 **is located, the charter school in the same county as the**  
 39 **covered school building shall be given preference.**

40 In the event that the committee determines that two (2) or more charter  
 41 schools should co-locate in the **covered** school building, ~~and;~~ if  
 42 applicable, that the combined enrollment of the charter schools will





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

19 (f) If two (2) or more state educational institutions but no charter  
 20 schools submit timely preliminary requests under subsection (c)(1)  
 21 regarding a school building, the secretary of education shall appoint  
 22 three (3) representatives of other state educational institutions. The  
 23 appointed representatives shall act as a committee to determine which  
 24 of the state educational institutions that have submitted preliminary  
 25 requests as described in this subsection is best able to meet the needs  
 26 of the students in the locality in which the school building is located.  
 27 Not later than sixty (60) days after the date that the secretary of  
 28 education appoints the committee of representatives under this  
 29 subsection, the committee of representatives shall:

30 (1) select which state educational institution may proceed to  
 31 purchase or lease the building; or

32 (2) determine if two (2) or more state educational institutions  
 33 should co-locate within the school building:

34 (g) If one (1) or more charter schools and one (1) or more state  
 35 educational institutions submit timely preliminary requests under  
 36 subsection (c)(1) regarding a school building, the charter school shall  
 37 be provided preference to the school building. If more than one (1)  
 38 charter school submits timely preliminary requests under subsection  
 39 (c)(1) regarding a school building, the determination of which charter  
 40 school may obtain the school building shall be resolved in the manner  
 41 prescribed in subsection (c).

42 (h) If a charter school does not submit a preliminary request to



1 purchase or lease the covered school building and only one (1) state  
 2 educational institution or qualified nonprofit corporation submits  
 3 a preliminary request to purchase or lease the covered school  
 4 building, the department shall:

5 (1) notify the school corporation of the identity of the state  
 6 educational institution or qualified nonprofit corporation;  
 7 and

8 (2) direct the school corporation to complete a sale or lease to  
 9 the state educational institution or qualified nonprofit  
 10 corporation in accordance with subsection (k).

11 (i) If one (1) or more:

12 (1) state educational institutions;

13 (2) qualified nonprofit corporations; or

14 (3) state educational institutions and qualified nonprofit  
 15 corporations;

16 submit preliminary requests to purchase or lease a covered school  
 17 building, a selection committee shall be established consisting of  
 18 one (1) member appointed by the executive of the largest city or  
 19 town in the county in which the covered school building is located,  
 20 one (1) member appointed by the city or town council of the largest  
 21 city or town in the county in which the covered school building is  
 22 located, one (1) member appointed by the county commissioners of  
 23 the county in which the covered school building is located, one (1)  
 24 member appointed by the county council of the county in which the  
 25 covered school building is located, and one (1) member appointed  
 26 by the chamber of commerce of the county in which the covered  
 27 school building is located.

28 (j) Not later than sixty (60) days after the date that a member is  
 29 appointed under subsection (i), the committee shall:

30 (1) select which qualifying nonprofit corporation or state  
 31 educational institution may proceed to purchase or lease the  
 32 covered school building; or

33 (2) determine if:

34 (A) more than one (1) state educational institution;

35 (B) more than one (1) qualified nonprofit corporation; or

36 (C) a state educational institution and qualified nonprofit  
 37 corporation;

38 should co-locate within the covered school building.

39 In making the committee's determination, the committee shall give  
 40 preference to a qualifying nonprofit corporation or state  
 41 educational institution whose proposed use of the covered school  
 42 building is assessed as having the greatest educational benefit for



1 **prekindergarten through grade 12 education. A committee**  
 2 **determination under this subsection may not be appealed.**

3 ~~(h)~~ **(k)** A school corporation shall lease the **covered** school building  
 4 for one dollar (\$1) per year to the charter school, ~~or the~~ state  
 5 educational institution, **or qualified nonprofit corporation** for as long  
 6 as the:

7 **(1)** charter school uses the **covered** school building for classroom  
 8 instruction for any combination of kindergarten through grade 12;  
 9 ~~or a~~

10 **(2)** state educational institution uses the **covered school** building  
 11 for an academic purpose; **or**

12 **(3) qualified nonprofit corporation uses the covered school**  
 13 **building for educational purposes.**

14 The term of the lease shall be established at the charter school's, ~~or~~  
 15 state educational institution's, **or qualified nonprofit corporation's**  
 16 discretion and include an option for the state educational institution, ~~or~~  
 17 charter school, **or qualified nonprofit corporation** to purchase the  
 18 **covered** school building for one dollar (\$1). Alternatively, the school  
 19 corporation shall sell the **covered** school building to the charter school,  
 20 ~~or the~~ state educational institution, **or qualified nonprofit corporation**  
 21 for one dollar (\$1), if the charter school, ~~or the~~ state educational  
 22 institution, **or qualified nonprofit corporation** has met the  
 23 requirements set forth in subsection ~~(e)~~ **(e)** and uses the ~~vacant or~~  
 24 ~~unused~~ **covered** school building in the manner prescribed by this  
 25 subsection. **If the charter school, state educational institution, or**  
 26 **qualified nonprofit corporation selected to lease or purchase the**  
 27 **covered school building has met the requirements under subsection**  
 28 **(e), the school corporation has not more than ninety (90) days after**  
 29 **the date notice of a final unappealable decision is received by the**  
 30 **school corporation to complete the lease or sale of the covered**  
 31 **school building to the charter school, state educational institution,**  
 32 **or qualified nonprofit corporation. If the transaction is not**  
 33 **completed within ninety (90) days, the department or the selected**  
 34 **charter school, state educational institution, or qualified nonprofit**  
 35 **corporation may, under section 9 of this chapter, request that the**  
 36 **attorney general enforce the sale or lease or may file suit to enforce**  
 37 **the sale or lease. If a charter school, or state educational institution, or**  
 38 **qualified nonprofit corporation has not met the requirements under**  
 39 **subsection ~~(e)~~; (e), the school corporation may subject to section 7 of**  
 40 **this chapter, sell or otherwise dispose of the covered** school building  
 41 in accordance with IC 36-1-11, IC 20-25-4-14, and IC 20-26-5-4(a)(7).  
 42 and section 8 of this chapter.



1 SECTION 11. IC 20-26-7.1-4.5, AS ADDED BY P.L.155-2021,  
 2 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 3 JULY 1, 2023]: Sec. 4.5. (a) After a governing body passes a resolution  
 4 or takes official action to close, no longer use, or no longer occupy a  
 5 **covered** school building ~~that was previously used for classroom~~  
 6 ~~instruction under section 3 of this chapter, or the covered school~~  
 7 **building is required to be closed under IC 20-26-7-47**, a school  
 8 corporation is responsible for meeting the requirements described in  
 9 subsection (b) until the applicable **covered** school building is:

- 10 (1) sold or leased to a charter school, ~~or~~ state educational  
 11 institution, **or qualified nonprofit corporation;**  
 12 (2) ~~sold to an accredited nonpublic school or postsecondary~~  
 13 ~~educational institution other than a state educational institution~~  
 14 ~~under section 7 of this chapter; or~~  
 15 (3) **(2)** eligible to be sold or otherwise disposed in accordance  
 16 with IC 36-1-11, IC 20-25-4-14 **and** IC 20-26-5-4(a)(7). ~~and~~  
 17 ~~section 8 of this chapter.~~

18 (b) During the period described in subsection (a), a school  
 19 corporation is:

- 20 (1) responsible for the maintenance of a ~~vacant or unused~~  
 21 **covered** school building, including;  
 22 (A) protection against theft or vandalism;  
 23 (B) fire protection; and  
 24 (C) ensuring the vacant or unused school building is not  
 25 damaged during adverse weather conditions;  
 26 (2) responsible for maintaining the physical condition of the  
 27 ~~vacant or unused covered~~ school building in the same physical  
 28 condition the applicable **covered** school building was on the last  
 29 day that it was used for classroom instruction; and  
 30 (3) financially responsible for any damage or destruction that  
 31 occurs to the ~~vacant or unused covered~~ school building.

32 SECTION 12. IC 20-26-7.1-5, AS AMENDED BY P.L.155-2021,  
 33 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 34 JULY 1, 2023]: Sec. 5. (a) ~~If a school building is sold to a charter~~  
 35 ~~school or state educational institution under section 3 or 4 of this~~  
 36 ~~chapter and the charter school or the state educational institution; or~~  
 37 ~~any subsequent owner; subsequently sells or transfers~~

- 38 **(1) a covered school building is sold to a charter school, state**  
 39 **educational institution, or qualified nonprofit corporation**  
 40 **under section 4 of this chapter; and**  
 41 **(2) the charter school, state educational institution, or**  
 42 **qualified nonprofit corporation described in subdivision (1)**



1           no longer intends to use the covered school building for the  
 2           purposes described in section 4(e) of this chapter;  
 3           the charter school, state educational institution, or qualified  
 4           nonprofit corporation shall offer to transfer the covered school  
 5           building back to the school corporation that initially sold the  
 6           covered school building to the charter school, state educational  
 7           institution, or qualified nonprofit corporation.

8           (b) If a school corporation described in subsection (a) declines  
 9           the offer to transfer a covered school building back to the school  
 10          corporation, the charter school, state educational institution, or  
 11          qualified nonprofit corporation may sell or transfer the covered  
 12          school building to a third party. ~~the~~ If a charter school, ~~or~~ state  
 13          educational institution, ~~or~~ subsequent owner, or qualified nonprofit  
 14          corporation sells or transfers a covered school building to a third  
 15          party under this subsection, the charter school, state educational  
 16          institution, or qualified nonprofit corporation must transfer an  
 17          amount equal to the gain in the property minus the adjusted basis  
 18          (including costs of improvements to the covered school building) to  
 19          the school corporation that initially sold the ~~vacant~~ covered school  
 20          building to the charter school, ~~or~~ the state educational institution, or  
 21          qualified nonprofit corporation. Gain and adjusted basis shall be  
 22          determined in the manner prescribed by the Internal Revenue Code and  
 23          the applicable Internal Revenue Service regulations and guidelines.

24          ~~(b)~~(c) A charter school, ~~or~~ state educational institution, or qualified  
 25          nonprofit corporation that purchases a covered school building  
 26          assumes total control of the covered school building and must maintain  
 27          the covered school building, including utilities, insurance,  
 28          maintenance, and repairs. In the event a:

29               (1) charter school does not use the covered school building for  
 30               classroom instruction; ~~or~~

31               (2) state educational institution does not use the covered school  
 32               building for an academic purpose; ~~or~~

33               (3) qualified nonprofit corporation does not use the covered  
 34               school building for educational purposes;

35          within two (2) years after acquiring the covered school building, the  
 36          covered school building shall revert to the school corporation, which  
 37          may sell or otherwise dispose of the covered school building under  
 38          IC 36-1-11.

39          SECTION 13. IC 20-26-7.1-6, AS AMENDED BY P.L.155-2021,  
 40          SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 41          JULY 1, 2023]: Sec. 6. During the term of a lease under section 4 of  
 42          this chapter, the charter school, ~~or~~ the state educational institution, or



1 **qualified nonprofit corporation** is responsible for the direct expenses  
 2 related to the **covered** school building leased, including utilities,  
 3 insurance, maintenance, repairs, and remodeling. If the lease involves  
 4 co-locating charter schools or a co-location with a state educational  
 5 institution, the obligations under the lease of the **covered** school  
 6 building shall be joint and several. The school corporation is  
 7 responsible for any debt incurred for or liens that attached to the  
 8 **covered** school building before the charter school, **state educational**  
 9 **institution, or qualified nonprofit corporation** leased the **covered**  
 10 school building.

11 SECTION 14. IC 20-26-7.1-7 IS REPEALED [EFFECTIVE JULY  
 12 1, 2023]. Sec. 7. (a) As used in this section, "accredited nonpublic  
 13 school" means a nonpublic school that:

- 14 (1) has voluntarily become accredited under IC 20-31-4.1; or
- 15 (2) is accredited by a national or regional accrediting agency that  
 16 is recognized by the state board.

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

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

31 (d) The accredited nonpublic school or postsecondary educational  
 32 institution, other than a state educational institution, must submit its  
 33 letter of intent to purchase the school building within thirty (30) days  
 34 of the date the school corporation passes a resolution or takes other  
 35 official action to close, no longer use, or no longer occupy a school  
 36 building that was previously used for classroom instruction. However,  
 37 in the event that a charter school or state educational institution has  
 38 submitted a preliminary request to purchase or lease a school building,  
 39 the accredited nonpublic school or postsecondary educational  
 40 institution other than a state educational institution may send a letter of  
 41 intent to purchase or lease the school building within ninety (90) days  
 42 of the date that the school corporation passed a resolution or took



1 official action to close, no longer use, or no longer occupy a school  
2 building.

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

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

18 SECTION 15. IC 20-26-7.1-8 IS REPEALED [EFFECTIVE JULY  
19 1, 2023]. Sec. 8: (a) This section applies to the sale of a vacant or  
20 unused school building with more than two hundred thousand  
21 (200,000) gross square feet under IC 36-1-11, as permitted by this  
22 chapter.

23 (b) In determining whether to accept a proposal to purchase and  
24 redevelop the school building and any adjacent property, the governing  
25 body must ensure that a charter school that is located within one (1)  
26 mile of the site to be redeveloped and has notified the governing body  
27 in writing of its interest in locating the charter school on the  
28 redeveloped site is provided with the opportunity to lease adequate  
29 facilities on the redeveloped site at fifty percent (50%) or less than the  
30 current market rate for the redeveloped property or a rate agreed upon  
31 by the parties.

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

37 SECTION 16. IC 20-26-7.1-8.5 IS REPEALED [EFFECTIVE JULY  
38 1, 2023]. Sec. 8.5: (a) This section applies after June 30, 2021.

39 (b) Except as provided in section 3(b)(1) of this chapter, if a  
40 governing body passes a resolution to sell, exchange, lease, demolish,  
41 hold without operation, or dispose of a school building, the governing  
42 body of the school corporation must receive a certification from the



1 attorney general to ensure that the governing body is in compliance  
 2 with the requirements of this chapter. The governing body of the school  
 3 corporation shall submit an application, not later than fifteen (15) days  
 4 after the governing body passes the resolution described in this  
 5 subsection; to the attorney general in a manner prescribed by the  
 6 attorney general. The attorney general shall approve or deny a  
 7 certification within thirty (30) days of the date the request for  
 8 certification is received by the attorney general. If the attorney general  
 9 denies a certification under this section, the attorney general shall  
 10 provide the specific reason why the request for certification was  
 11 denied. If a governing body's request for certification is denied under  
 12 this subsection, the governing body may reapply for certification upon  
 13 remedying the reason for the attorney general's certification denial.

14 (c) A contract entered by a school corporation to sell, lease,  
 15 demolish, or otherwise dispose of a school building without receiving  
 16 a certification from attorney general under this section is null and void.

17 (d) The attorney general shall submit all certification findings to the  
 18 department, which shall post the attorney general's certification  
 19 findings on the department's Internet web site.

20 SECTION 17. IC 20-26-7.1-9, AS AMENDED BY P.L.155-2021,  
 21 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 22 JULY 1, 2023]: Sec. 9. (a) The attorney general shall investigate  
 23 complaints that a school corporation has not complied with the  
 24 requirements under this chapter if the complaint is filed within one (1)  
 25 year of the date in which the governing body is alleged to have taken  
 26 an official action that does not comply with this chapter. The attorney  
 27 general shall notify the school corporation of the investigation within  
 28 five (5) business days of receipt of a complaint under this section. The  
 29 attorney general shall complete the investigation within sixty (60) days  
 30 of the date of the complaint. The school corporation must provide any  
 31 information requested by the attorney general necessary to conduct the  
 32 investigation. Upon completion of the investigation, the attorney  
 33 general shall issue findings indicating whether the complaint is either  
 34 substantiated or unsubstantiated.

35 (b) Subject to subsection (d), in the event that a complaint is  
 36 substantiated, (a) The attorney general, in consultation with the  
 37 department and state board, is authorized to take any action necessary  
 38 to remedy a substantiated complaint, which may include actions to be  
 39 performed by the state board or the department to ensure compliance  
 40 of a school corporation under this section.

41 (c) Upon completion of the investigation under subsection (a), the  
 42 attorney general shall publish findings of an investigation under





1 subsection (a) on the attorney general's Internet web site. In the event  
 2 a complaint is substantiated, a copy of the findings shall be sent to the  
 3 state board and the department. **enforce a department or state board**  
 4 **order under IC 20-26-7-47 or this chapter (or an order issued by**  
 5 **the attorney general under IC 20-26-7.1 (as effective before July 1,**  
 6 **2023)), including equitable actions to enjoin or mandate an action**  
 7 **of a school corporation. No final court order shall be issued until**  
 8 **the school corporation has had ninety (90) days after the**  
 9 **department or state board has issued a final order to complete a**  
 10 **sale or lease of the covered school building. If the attorney general**  
 11 **does not commence legal action for an injunction to enforce a final**  
 12 **order to make a covered school building available for purchase or**  
 13 **lease under this chapter within one hundred (100) days after the**  
 14 **date the final order was issued, the charter school, state**  
 15 **educational institution, or qualified nonprofit corporation that**  
 16 **submitted the preliminary notice of interest to acquire or lease the**  
 17 **covered school building may file a civil action to enforce this**  
 18 **chapter.**

19 ~~(d)~~ **(b) In addition to the remedy under subsection (a),** if a school  
 20 corporation does not comply with the requirements to sell **or lease** a  
 21 **vacant covered** school building ~~provided in~~ **under** this chapter, ~~as~~  
 22 ~~determined by the attorney general under subsection (a);~~ the school  
 23 corporation shall submit any proceeds from the sale of the ~~vacant~~  
 24 **covered** school building to the state board, which shall be distributed  
 25 equally between each charter school located in the attendance area of  
 26 the school corporation. If no charter schools are located in the  
 27 attendance area, the state board must use the proceeds to provide grants  
 28 under the charter school and innovation grant program under  
 29 IC 20-24-13. The attorney general is authorized to initiate any legal  
 30 action necessary to ensure compliance with this ~~section.~~ **chapter.**

31 SECTION 18. IC 20-26-7.1-10 IS ADDED TO THE INDIANA  
 32 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 33 [EFFECTIVE JULY 1, 2023]: **Sec. 10. (a) The following may adopt**  
 34 **rules under IC 4-22-2 to carry out this chapter:**

- 35 (1) The department.
- 36 (2) The state board.
- 37 (3) The attorney general.

38 **(b) An action to complete the closure of a covered school**  
 39 **building or sell or lease a covered school building to a charter**  
 40 **school or state educational institution after June 30, 2023, that is**  
 41 **based on an action initiated in compliance with IC 20-26-7.1 (as**  
 42 **effective before July 1, 2023) is validated and legalized to the same**



1 extent as if all actions were taken under this chapter (as effective  
2 after June 30, 2023).



## COMMITTEE REPORT

Madam President: The Senate Committee on Education and Career Development, to which was referred Senate Bill No. 391, 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:

Page 2, between lines 27 and 28, begin a new line block indented and insert:

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

Page 2, line 28, delete "(1)" and insert "(2)".

Page 2, line 31, delete "(2)" and insert "(3)".

Page 2, line 34, delete "(3)" and insert "(4)".

Page 2, between lines 35 and 36, begin a new line block indented and insert:

**"(5) "Qualified nonprofit corporation" has the meaning set forth in IC 20-26-7.1-2.7."**

Page 2, line 37, after "enrollment" insert **"for in-person instruction"**.

Page 2, line 39, after "enrollment" insert **"for in-person instruction"**.

Page 3, line 6, delete "shall" and insert **"may"**.

Page 3, delete lines 34 through 42, begin a new line block indented and insert:

**"(1) The number of full-time equivalent students enrolled for in-person instruction in the school building on instructional days (as determined under IC 20-30-2) for instructional purposes, averaged over the current school year and the two (2) school years immediately preceding the current school year, is at least sixty percent (60%) of:**

**(A) the known classroom design capacity of the school building; or**

**(B) if the design capacity is not known, the average maximum full-time equivalent enrollment in any of the last twenty-five (25) years, as validated by records created or maintained by the department."**

Page 4, delete lines 1 through 5.

Page 5, delete lines 32 through 42, begin a new paragraph and insert:

**"(g) Before filing a petition under subsection (h), a charter school, state educational institution, or qualified nonprofit**



corporation that is interested in a school corporation's school building must give written notice to the school corporation to determine whether an agreement can be reached regarding the school corporation making the school building available for lease or purchase under IC 20-26-7.1.

(h) If an agreement is not reached within forty-five (45) days after the date that the school corporation receives the notice under subsection (g), the charter school, state educational institution, or qualified nonprofit corporation may petition the department or the department on its own may initiate a proceeding for a determination as to whether a school building meets the criteria for closure under this section or a covered school building that is no longer used for classroom instruction by a school corporation should be made available under IC 20-26-7.1. If a charter school, state educational institution, or qualified nonprofit corporation petitions the department under this subsection, the charter school, state educational institution, or qualified nonprofit corporation must provide a copy of the petition to the applicable school corporation.

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

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

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

(A) is not contesting the petition; or

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

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

(k) If the school corporation:

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

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

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



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

(m) The department shall make a determination regarding a petition under subsection (h) not more than one hundred twenty (120) days after the date that the:

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

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

(n) A school corporation or another party to the proceeding may file with the state board a petition requesting review of the department's determination. Upon receipt of a petition under this subsection, the state board shall review the department's determination. An appeal to the state board shall be subject to the procedure described in IC 20-26-11-15(b).

(o) Upon the issuance of a final unappealable order granting a petition, the school corporation may make the school building available for lease or purchase in accordance with IC 20-26-7.1."

Page 6, delete lines 1 through 33.

Page 7, line 3, after "enrollment" insert "for in-person instruction".

Page 7, line 5, after "enrollment" insert "for in-person instruction".

Page 7, line 25, delete "students" and insert "student".

Page 7, line 26, after "enrollment" insert "for in-person instruction".

Page 8, between lines 15 and 16, begin a new line block indented and insert:

"(6) Each charter school that is not described in subdivision (2) or qualified nonprofit corporation that has provided a written notice of interest in a covered school building to the department.

SECTION 7. IC 20-26-7.1-2.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 2.7. As used in this chapter, "qualified nonprofit corporation" means a nonprofit corporation that:

(1) is qualified as tax exempt under Section 501(c)(3) of the Internal Revenue Code;

(2) is not owned or otherwise controlled by a school corporation or employee of a school corporation; and

(3) has engaged in exempt educational purpose activities for



**at least two (2) years."**

Page 8, delete lines 24 through 42, begin a new paragraph and insert:

"SECTION 8. IC 20-26-7.1-3, AS AMENDED BY P.L.155-2021, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 3. (a) ~~This subsection applies to any school building that is owned by a 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, and that has at any time been used for classroom instruction. Except as provided in section 1 of this chapter or subsection (b)(1); (b) or (c), before a governing body may sell, exchange, lease, demolish, hold without operating, or dispose of a covered school building, a governing body shall do the following:~~

~~(1) This subdivision applies after June 30, 2021. The governing body shall obtain a certification from the attorney general's office under section 8.5 of this chapter.~~

~~(2) The governing body shall make available for lease or purchase by a charter school, or after June 30, 2021, a state educational institution, or **qualified nonprofit corporation** any covered 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~~

~~(A) is vacant or unused; and~~

~~(B) was previously used for classroom instruction;~~

**the governing body elects to close or the school corporation is required to close under IC 20-26-7-47, in order for the covered school building to be used by a:**

**(1) charter school to conduct kindergarten prekindergarten through grade 12 classroom instruction; or to be used by a**

**(2) state educational institution for an academic purpose; or**

**(3) qualified nonprofit corporation for educational purposes.**

(b) The following are not required to comply with this chapter:

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

(A) renovate the **covered** school building for a future **allowable** use by the school corporation **as permitted under IC 20-26-7-47**; or

(B) demolish the **covered** 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 This section does not apply to a covered school building in which a governing body under IC 20-26-5-4(a)(7) entered a lease prior to January 1, 2019, with a state 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(a)(7) to the nonpublic school at a purchase price mutually agreed to by the governing body and the nonpublic school.

**(d) A covered school building that a school corporation closes or is required to close may not be retained by the school corporation for storage or office use unless the conditions of IC 20-26-7-47(e)(3), IC 20-26-7-47(e)(4), or IC 20-26-7-47(e)(5) are met."**

Page 9, delete lines 1 through 28.

Page 10, line 10, delete "shall" and insert "**may**".

Page 10, delete lines 17 through 33, begin a new paragraph and insert:

**"(c) The governing body shall do the following:**

~~(2)~~ **(1) Make the covered school building available for inspection by a charter school, or state educational institution, or qualified nonprofit corporation that notifies the department that it is interested in leasing or purchasing the covered school building. described under section 3 of this chapter; and**

~~(3)~~ **(2) Make the following information available to a charter school, or state educational institution, or qualified nonprofit corporation described in subdivision (2): (1):**

(A) Estimates of the operating expenses for the **covered** school building for the past three (3) years.

(B) Written information regarding the condition of the **covered school** 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 legal description of the property."

Page 11, delete lines 9 through 42, begin a new paragraph and insert:

~~(e)~~ **(e) The school corporation shall lease the covered school building to a charter school, or state educational institution, or**



**qualified nonprofit corporation** for one dollar (\$1) per year for as long as the state educational institution uses the **covered school building** for an academic purpose, ~~or~~ the charter school uses the **covered school building** for classroom instruction, **or the qualified nonprofit corporation uses the covered school building for educational purposes**, for a term at the state educational institution's, ~~or~~ charter school's, **or qualified nonprofit corporation's** discretion, or sell the **covered school building** for one dollar (\$1), if the charter school, ~~or~~ state educational institution, **or qualified nonprofit corporation** does the following:

- (1) Within ~~thirty (30)~~ **ninety (90)** days of receiving the department's notice under subsection ~~(b); (d)~~, a charter school, ~~or~~ state educational institution, **or qualified nonprofit corporation** must submit a preliminary request to purchase or lease the **covered school building**.
- (2) Subject to subsection ~~(d); (f)~~, within ninety (90) days of receiving the department's notice under subsection ~~(b); (d)~~, a charter school, ~~or~~ state educational institution, **or qualified nonprofit corporation** must submit to the school corporation the following information:
  - (A) The name of the charter school, ~~or~~ state educational institution, **or qualified nonpublic corporation** that is interested in leasing or purchasing the ~~vacant or unused covered~~ **covered school building**.
  - (B) A time frame, which may not exceed two (2) years from the date that the **covered school building** is to be closed, no longer used, or no longer occupied, in which the:
    - (i) charter school intends to begin providing classroom instruction in the ~~vacant or unused covered~~ **covered school building**;
    - ~~or~~
    - (ii) state educational institution intends to begin using the **covered school building** for an academic purpose; **or**
    - (iii) **qualified nonprofit corporation intends to begin using the covered school building for educational purposes.**
  - (C) A resolution, adopted by the board of the charter school, ~~or~~ state educational institution, **or qualified nonprofit corporation** stating that the board of the charter school, ~~or~~ the state educational institution, **or qualified nonprofit corporation** has determined that, after the charter school, ~~or~~ state educational institution, **or qualified nonprofit corporation** has made any necessary repairs or modifications,





the **covered** school building will be sufficient to meet the charter school's, ~~or~~ state educational institution's, **or qualified nonprofit corporation's** needs and can be operated within the charter school's, ~~or~~ state educational institution's, **or qualified nonprofit corporation'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~~) and that the projected enrollment of the charter school when all of the grade levels are added or fully implemented will be at least sixty percent (60%) of the maximum annual student enrollment of the school building during the past twenty-five (25) years as validated by records maintained or created by the department."

Page 12, delete lines 1 through 18.

Page 12, line 31, delete "identify" and insert "**identity**".

Page 12, line 33, delete "(j)." and insert "**(k)**".

Page 12, line 34, strike "Except as provided in subsection".

Page 12, line 34, delete "(i), in" and insert "In".

Page 12, line 35, strike "but no state educational institutions,".

Page 13, line 7, delete "(e)(2)" and insert "**(k)**".

Page 13, line 14, delete "performance" and insert "**performance**".

Page 13, delete line 15.

Page 13, line 17, delete "and socio-emotional learning success".

Page 13, line 18, delete "competing," and insert "**competing and only one (1) charter school is operating in the county in which the covered school building is located,**".

Page 13, delete lines 41 through 42, begin a new paragraph and insert:

"(~~f~~) If two (2) or more state educational institutions but no charter schools submit timely preliminary requests under subsection (~~e~~)(~~1~~) regarding a school building; the secretary of education shall appoint three (~~3~~) representatives of other state educational institutions. The appointed representatives shall act as a committee to determine which of the state educational institutions that have submitted preliminary



requests as described in this subsection is best able to meet the needs of the students in the locality in which the school building is located. Not later than sixty (60) days after the date that the secretary of education appoints the committee of representatives under this subsection, the committee of representatives shall:

- (1) select which state educational institution may proceed to purchase or lease the building; or
- (2) determine if two (2) or more state educational institutions should co-locate within the school building.

(g) If one (1) or more charter schools and one (1) or more state educational institutions submit timely preliminary requests under subsection (c)(1) regarding a school building, the charter school shall be provided preference to the school building. If more than one (1) charter school submits timely preliminary requests under subsection (c)(1) regarding a school building, the determination of which charter school may obtain the school building shall be resolved in the manner prescribed in subsection (e).

(h) If a charter school does not submit a preliminary request to purchase or lease the covered school building and only one (1) state educational institution or qualified nonprofit corporation submits a preliminary request to purchase or lease the covered school building, the department shall:

- (1) notify the school corporation of the identity of the state educational institution or qualified nonprofit corporation; and
- (2) direct the school corporation to complete a sale or lease to the state educational institution or qualified nonprofit corporation in accordance with subsection (k).

(i) If one (1) or more:

- (1) state educational institutions;
- (2) qualified nonprofit corporations; or
- (3) state educational institutions and qualified nonprofit corporations;

submit preliminary requests to purchase or lease a covered school building, a selection committee shall be established consisting of one (1) member appointed by the executive of the largest city or town in the county in which the covered school building is located, one (1) member appointed by the city or town council of the largest city or town in the county in which the covered school building is located, one (1) member appointed by the county commissioners of the county in which the covered school building is located, one (1) member appointed by the county council of the county in which the



covered school building is located, and one (1) member appointed by the chamber of commerce of the county in which the covered school building is located.

(j) Not later than sixty (60) days after the date that a member is appointed under subsection (i), the committee shall:

(1) select which qualifying nonprofit corporation or state educational institution may proceed to purchase or lease the covered school building; or

(2) determine if:

(A) more than one (1) state educational institution;

(B) more than one (1) qualified nonprofit corporation; or

(C) a state educational institution and qualified nonprofit corporation;

should co-locate within the covered school building.

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

~~(h)~~ (k) A school corporation shall lease the covered school building for one dollar (\$1) per year to the charter school, ~~or the~~ state educational institution, **or qualified nonprofit corporation** for as long as the:

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

~~or a~~

(2) state educational institution uses the covered school building for an academic purpose; or

(3) **qualified nonprofit corporation uses the covered school building for educational purposes.**

The term of the lease shall be established at the charter school's, ~~or~~ state educational institution's, **or qualified nonprofit corporation's** discretion and include an option for the state educational institution, ~~or~~ charter school, **or qualified nonprofit corporation** to purchase the covered school building for one dollar (\$1). Alternatively, the school corporation shall sell the covered school building to the charter school, ~~or the~~ state educational institution, **or qualified nonprofit corporation** for one dollar (\$1), if the charter school, ~~or the~~ state educational institution, **or qualified nonprofit corporation** has met the requirements set forth in subsection ~~(e)~~ (e) and uses the ~~vacant or unused~~ covered school building in the manner prescribed by this



subsection. **If the charter school, state educational institution, or qualified nonprofit corporation selected to lease or purchase the covered school building has met the requirements under subsection (e), the school corporation has not more than ninety (90) days after the date notice of a final unappealable decision is received by the school corporation to complete the lease or sale of the covered school building to the charter school, state educational institution, or qualified nonprofit corporation. If the transaction is not completed within ninety (90) days, the department or the selected charter school, state educational institution, or qualified nonprofit corporation may, under section 9 of this chapter, request that the attorney general enforce the sale or lease or may file suit to enforce the sale or lease.** If a charter school, or state educational institution, or **qualified nonprofit corporation** has not met the requirements under subsection ~~(c)~~; **(e)**, the school corporation may ~~subject to section 7 of this chapter~~, sell or otherwise dispose of the **covered** school building in accordance with IC 36-1-11, IC 20-25-4-14, **and** IC 20-26-5-4(a)(7). ~~and section 8 of this chapter."~~

Delete page 14.

Page 15, delete lines 1 through 32.

Page 15, line 42, delete "school" and insert "school,".

Page 15, line 42, after "school" strike "or".

Page 16, line 1, delete "institution;" and insert "**institution, or qualified nonprofit corporation;**".

Page 16, delete lines 22 through 42, begin a new paragraph and insert:

"SECTION 11. IC 20-26-7.1-5, AS AMENDED BY P.L.155-2021, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 5. (a) If: a school building is sold to a charter school or state educational institution under section 3 or 4 of this chapter and the charter school or the state educational institution, or any subsequent owner, subsequently sells or transfers

(1) a covered school building is sold to a charter school, state educational institution, or qualified nonprofit corporation under section 4 of this chapter; and

(2) the charter school, state educational institution, or qualified nonprofit corporation described in subdivision (1) no longer intends to use the covered school building for the purposes described in section 4(e) of this chapter;

the charter school, state educational institution, or qualified nonprofit corporation shall offer to transfer the covered school building back to the school corporation that initially sold the



covered school building to the charter school, state educational institution, or qualified nonprofit corporation.

(b) If a school corporation described in subsection (a) declines the offer to transfer a covered school building back to the school corporation, the charter school, state educational institution, or qualified nonprofit corporation may sell or transfer the covered school building to a third party. ~~the~~ If a charter school, or state educational institution, or subsequent owner, or qualified nonprofit corporation sells or transfers a covered school building to a third party under this subsection, the charter school, state educational institution, or qualified nonprofit corporation must transfer an amount equal to the gain in the property minus the adjusted basis (including costs of improvements to the covered school building) to the school corporation that initially sold the ~~vacant~~ covered school building to the charter school, or the state educational institution, or qualified nonprofit corporation. 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)~~(c) A charter school, or state educational institution, or qualified nonprofit corporation that purchases a covered school building assumes total control of the covered school building and must maintain the covered school building, including utilities, insurance, maintenance, and repairs. In the event a:

- (1) charter school does not use the covered school building for classroom instruction; or
- (2) state educational institution does not use the covered school building for an academic purpose; or
- (3) qualified nonprofit corporation does not use the covered school building for educational purposes;

within two (2) years after acquiring the covered school building, the covered school building shall revert to the school corporation, which may sell or otherwise dispose of the covered school building under IC 36-1-11."

Page 17, delete lines 1 through 6.

Page 17, line 10, delete "school" and insert "school,".

Page 17, line 10, strike "or the".

Page 17, line 10, delete "institution" and insert "institution, or qualified nonprofit corporation".

Page 17, line 17, delete "charter school" and insert "charter school, state educational institution, or qualified nonprofit corporation".

Page 20, delete lines 16 through 42, begin a new line blocked left and insert:



"the school corporation has had ninety (90) days after the department or state board has issued a final order to complete a sale or lease of the covered school building. If the attorney general does not commence legal action for an injunction to enforce a final order to make a covered school building available for purchase or lease under this chapter within one hundred (100) days after the date the final order was issued, the charter school, state educational institution, or qualified nonprofit corporation that submitted the preliminary notice of interest to acquire or lease the covered school building may file a civil action to enforce this chapter.

~~(d)~~ **(b)** In addition to the remedy under subsection (a), if a school corporation does not comply with the requirements to sell **or lease a vacant covered** school building ~~provided in~~ **under** this chapter, as determined by the attorney general under subsection (a); the school corporation shall submit any proceeds from the sale of the ~~vacant covered~~ school building to the state board, which shall be distributed equally between each charter school located in the attendance area of the school corporation. If no charter schools are located in the attendance area, the state board must use the proceeds to provide grants under the charter school and innovation grant program under IC 20-24-13. The attorney general is authorized to initiate any legal action necessary to ensure compliance with this ~~section.~~ **chapter.**"

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 391 as introduced.)

RAATZ, Chairperson

Committee Vote: Yeas 8, Nays 4.

