



COMMITTEE REPORT

MADAM PRESIDENT:

The Senate Committee on Education and Career Development, to which was referred Senate Bill No. 358, 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:

- 1 Replace the effective date in SECTION 7 with "[EFFECTIVE
2 UPON PASSAGE]".
- 3 Page 1, delete lines 1 through 17, begin a new paragraph and insert:
4 "SECTION 1. IC 20-26-7.1-1, AS ADDED BY P.L.270-2019,
5 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
6 UPON PASSAGE]: Sec. 1. This chapter does not apply to a **the**
7 **following:**
- 8 **(1) A school building that ~~on~~ has since July 1, 2011, ~~is been~~**
9 **continuously leased ~~or loaned~~ by the school corporation that**
10 **owns the school building to ~~another~~ an entity if the entity that is**
11 **not a building corporation or other entity that is related in any way**
12 **to, or created by, the school corporation or the governing body.**
- 13 **(2) A school building that is the only building owned by a**
14 **school corporation.**
- 15 **(3) A school building that is vacant as a result of consolidation**
16 **of two (2) or more school corporations.**
- 17 SECTION 2. IC 20-26-7.1-1.5 IS ADDED TO THE INDIANA
18 CODE AS A NEW SECTION TO READ AS FOLLOWS
19 [EFFECTIVE UPON PASSAGE]: **Sec. 1.5. As used in this chapter,**
20 **"authorizer" has the meaning set forth in IC 20-24-1-2.5.**

1 SECTION 3. IC 20-26-7.1-2, AS ADDED BY P.L.270-2019,
 2 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 3 UPON PASSAGE]: Sec. 2. As used in this chapter, "charter school"
 4 has the meaning set forth in IC 20-24-1-4 and includes an entity that
 5 has filed an application with an authorizer and is seeking approval from
 6 the authorizer to operate a charter school under IC 20-24-3-
 7 **organization" means an entity that:**

- 8 (1) operates a charter school (as defined in IC 20-24-1-4);
 9 (2) has submitted a proposal to an authorizer seeking
 10 approval to establish a charter school under IC 20-24; or
 11 (3) has filed with an authorizer a letter of intent to operate a
 12 charter school.

13 SECTION 4. IC 20-26-7.1-2.5 IS ADDED TO THE INDIANA
 14 CODE AS A NEW SECTION TO READ AS FOLLOWS
 15 [EFFECTIVE UPON PASSAGE]: **Sec. 2.5. As used in this chapter,**
 16 **"underutilized" means a school building in which the number of**
 17 **students enrolled in the school is less than fifty percent (50%) of**
 18 **the number of students enrolled at the highest enrollment for the**
 19 **building, as reported by the department.**

20 SECTION 5. IC 20-26-7.1-3, AS AMENDED BY P.L.92-2020,
 21 SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 22 UPON PASSAGE]: Sec. 3. (a) **This subsection applies to any school**
 23 **building that:**

- 24 (1) is owned by a school corporation; and
 25 (2) has at any time been used for classroom instruction.

26 Before a governing body school corporation may sell, or exchange,
 27 lease, demolish, hold without operating, or dispose of a school
 28 building, described in this section in accordance with IC 20-25-4-14;
 29 IC 20-26-5-4(a)(7); or IC 20-26-7-1; and except as provided in this
 30 chapter, a governing body the school corporation shall make the
 31 building available for lease or purchase to any by a charter school any
 32 school building owned by the school corporation or any other entity
 33 that is related in any way to, or created by, the school corporation or the
 34 governing body, including but not limited to a building corporation;
 35 that:

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

38 in order for the charter school to conduct kindergarten through grade
 39 12 classroom instruction:
 40 **organization in accordance with this chapter.**

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

- 1 (1) A **governing body school corporation** that vacates a school
 2 building in order to:
- 3 (A) renovate the school building for future use by the school
 4 corporation; or
- 5 (B) demolish the school building and build a new school
 6 building on the same site as the demolished building.
- 7 (2) An emergency manager of a distressed school corporation
 8 under IC 6-1.1-20.3.
- 9 (3) The ~~governing body of the~~ School City of East Chicago school
 10 corporation for the Carrie Gosch Elementary School building.
- 11 **(4) A school corporation that uses at least fifty percent (50%)**
 12 **of a school building for:**
- 13 **(A) storage;**
 14 **(B) administrative use;**
 15 **(C) a preschool;**
 16 **(D) alternative education;**
 17 **(E) a school health clinic; or**
 18 **(F) any combination of clauses (A) through (E);**
 19 **and the school corporation does not own any other building**
 20 **that can accommodate the uses described in clauses (A)**
 21 **through (F) for which the school building is being used.**
- 22 **(5) A school corporation that:**
- 23 **(A) has an underutilized school building; and**
 24 **(B) does not own another building with sufficient capacity**
 25 **to receive the number of students enrolled at the**
 26 **underutilized school building.**
- 27 (c) Notwithstanding subsection (a), a lease entered into by a
 28 ~~governing body school corporation~~ under IC 20-26-5-4(a)(7) prior to
 29 July 1, 2019, with a state accredited nonpublic school shall remain in
 30 full force and effect. In addition, the ~~governing body school~~
 31 **corporation** may, during or at the expiration of the term of such lease,
 32 sell the school building leased under IC 20-26-5-4(a)(7) to the
 33 nonpublic school at a purchase price mutually agreed to by the
 34 ~~governing body school corporation~~ and the nonpublic school.
- 35 SECTION 6. IC 20-26-7.1-4, AS AMENDED BY THE
 36 TECHNICAL CORRECTIONS BILL OF THE 2021 GENERAL
 37 ASSEMBLY, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 38 UPON PASSAGE]: Sec. 4. (a) Not later than ~~ten (10)~~ **thirty (30)** days
 39 after ~~passing the date a school corporation passes~~ a resolution or
 40 ~~taking takes~~ other official action to close, no longer use, or no longer
 41 occupy a school building that was previously used for classroom
 42 instruction, the ~~governing body school corporation~~ shall:

- 1 (1) notify the department of the official action and the effective
 2 date that the school building will be closed, no longer used, or no
 3 longer occupied;
- 4 (2) make the school building available for inspection by a charter
 5 **school organization that notifies provides, not later than sixty**
 6 **(60) days after the date the charter organization receives a**
 7 **notice under subsection (b), preliminary notice to the**
 8 **department and the school corporation that it the charter**
 9 **organization is interested in leasing or purchasing the school**
 10 **building; described under section 3 of this chapter; and**
- 11 (3) make the following information available to a charter ~~school~~
 12 **organization** described in subdivision (2):
- 13 (A) Estimates of the operating expenses for the school
 14 building for the past three (3) years.
- 15 **(B) A copy of any building maintenance records.**
- 16 ~~(B)~~ **(C)** Written information regarding the condition of the
 17 building, including the age of the roof and the HVAC system,
 18 and any known conditions which, in the ~~governing body's~~
 19 **school corporation's** opinion, require prompt repair or
 20 replacement.
- 21 ~~(C)~~ **(D)** A description of the property as shown on the ~~current~~
 22 ~~tax statement.~~ **legal description.**
- 23 **(E) A copy of any available:**
- 24 **(i) building drawings and floor plans; and**
- 25 **(ii) property surveys.**
- 26 (b) ~~Within five (5) Not later than ten (10) days of receiving after~~
 27 **the date the department receives the notice under subsection (a)(1),**
 28 the department shall:
- 29 **(1) provide written notification of the availability of a school**
 30 **building to:**
- 31 **(A) each charter school located in a county in which the**
 32 **school corporation is located;**
- 33 **(B) each charter school authorizer (excluding school**
 34 **corporation authorizers as defined in IC 20-24-1-2.5(1)); and**
- 35 **(C) all statewide organizations representing charter schools in**
 36 **Indiana; of the school corporation's resolution or official action**
 37 **described in subsection (a); including and**
- 38 **(2) post on the department's Internet web site the written**
 39 **notification described in subdivision (1) and include the date**
 40 **when on which the school building will close, no longer be used,**
 41 **or become vacant.**
- 42 ~~(c) The school corporation shall lease the school building to a~~

1 charter school for one dollar (\$1) per year for as long as the charter
 2 school uses the school building for classroom instruction for a term at
 3 the charter school's discretion; or sell the school building for one dollar
 4 (\$1); if the charter school does the following:

5 (1) Within thirty (30) days of receiving the department's notice
 6 under subsection (b); a charter school must submit a preliminary
 7 request to purchase or lease the school building:

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

11 (A) The name of the charter school that is interested in leasing
 12 or purchasing the vacant or unused school building:

13 (B) A time frame, which may not exceed two (2) years from
 14 the date that the school building is to be closed; no longer
 15 used; or no longer occupied; in which the charter school
 16 intends to begin providing classroom instruction in the vacant
 17 or unused school building:

18 (C) A resolution; adopted by the board of the charter school
 19 stating that the board has determined that, after the charter
 20 school has made any necessary repairs or modifications; the
 21 school building will be sufficient to meet the charter school's
 22 needs and can be operated within the charter school'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 (c) **Until the time that a charter organization leases or acquires**
 40 **a school building or the charter organization's rights in a school**
 41 **building are waived under this chapter, a school corporation shall**
 42 **be:**

- 1 **(1) responsible for maintenance of a building described in this**
 2 **chapter, including protection against fire, theft, and weather**
 3 **conditions;**
 4 **(2) responsible for completing any repairs necessary to**
 5 **restore the building to the same condition that the building**
 6 **was in on the last day of classroom instruction; and**
 7 **(3) financially responsible for any damage or destruction to**
 8 **the building prior to the charter organization taking**
 9 **possession of the building.**

10 **(d) A charter organization shall waive all rights regarding a**
 11 **school building described in subsection (a) if the charter**
 12 **organization does not:**

- 13 **(1) provide, not later than sixty (60) days after the date the**
 14 **charter organization receives the notice under subsection**
 15 **(b)(1), the preliminary notice of interest to the school**
 16 **corporation as described in subsection (a)(2); and**
 17 **(2) provide, not later than two hundred seventy-five (275)**
 18 **days after the school corporation completes its duties of**
 19 **disclosure relating to the building, written notice to the school**
 20 **corporation that the charter organization intends to lease or**
 21 **buy the building.**

22 **(e) A school corporation that receives a notice described in**
 23 **subsection (d) from a charter organization regarding a school**
 24 **building shall take all actions necessary on its part to enable the**
 25 **charter organization to:**

- 26 **(1) purchase the building for one dollar (\$1); or**
 27 **(2) lease the building for one dollar (\$1) per year, with an**
 28 **option to purchase the building at any time for an additional**
 29 **one dollar (\$1).**

30 **However, a school building that is subject to mortgage debt may**
 31 **only be leased to a charter organization and not purchased. A**
 32 **school building purchased or leased as described in this subsection**
 33 **must include all personal property used in the operation of the**
 34 **building other than removable furniture.**

35 **(f) A charter organization may terminate the lease of a school**
 36 **building that is entered into or renewed under this section after**
 37 **June 30, 2021, if the charter organization provides to the school**
 38 **corporation, at least six (6) months before the charter organization**
 39 **intends to terminate the lease, written notice that the charter**
 40 **organization is terminating the lease.**

41 ~~(d)~~ **(g) If:**

- 42 **(1) the department does not receive any preliminary requests**

1 **notice** to purchase or lease a school building within the time
 2 frame described in subsection (c)(1) and except as provided in
 3 section 7 of this chapter; **(d)(1); or**

4 **(2) a charter organization provided the preliminary notice but**
 5 **has not provided a notice of intent to purchase within the time**
 6 **frame described in subsection (d)(2);**

7 the department shall send notification to the school corporation that the
 8 department has not received any preliminary requests to purchase or
 9 lease the school building: **all charter school organization rights to**
 10 **the building under this chapter have been waived.** Upon receipt of
 11 the notification under this subsection, the school corporation may sell
 12 or otherwise dispose of the school building in accordance with
 13 IC 36-1-11, IC 20-25-4-14, ~~or IC 20-26-5-4(7)~~; and section 8 of this
 14 chapter. **IC 20-26-5-4(a)(7).**

15 (e) In the event that two (2) or more charter schools submit a
 16 preliminary request to purchase or lease a school building within the
 17 time frame described in subsection (c)(1); the department shall send
 18 notification to an authorizer described in IC 20-24-1-2.5(3) and each
 19 statewide charter school authorizer and statewide organization
 20 representing charter schools in Indiana (excluding school corporation
 21 authorizers as defined in IC 20-24-1-2.5(1)) and the school corporation
 22 that the department has received two (2) or more preliminary requests
 23 under this section: An authorizer committee shall be established; with
 24 each statewide authorizer that has authorized one (1) or more charter
 25 schools appointing a representative; and the committee shall establish
 26 the chairperson and procedures for the committee. Within sixty (60)
 27 days of receiving notice under this subsection; the committee shall
 28 select which charter school may proceed under subsection (c)(2) to
 29 purchase or lease the school building or determine if two (2) or more
 30 charter schools should co-locate within the school building. The
 31 committee shall give priority to a charter school located within one (1)
 32 mile of the vacant or unused school building. In the event that the
 33 committee determines that two (2) or more charter schools should
 34 co-locate in the school building and; if applicable; that the combined
 35 enrollment of the charter schools will meet or exceed the requirements
 36 in subsection (c)(2)(D); the charter schools have sixty (60) days to
 37 submit a memorandum of understanding stating that the charter schools
 38 shall be jointly and severally liable for the obligations related to the
 39 sale or lease of the school building; and specifying how the charter
 40 schools will utilize the school building and share responsibility for
 41 operational; maintenance; and renovation expenses. If the charter
 42 schools are unable to agree; the charter schools shall be deemed to have

1 revoked their prior request regarding the lease or sale of the school
2 building.

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

16 (h) **If two (2) or more charter organizations submit timely**
17 **preliminary notices under subsection (d)(1) regarding a school**
18 **building, the secretary of education shall appoint three (3)**
19 **authorizers that have no business relationship with the charter**
20 **organizations that are seeking to lease or purchase the building.**
21 **The appointed authorizers shall act as a committee to determine**
22 **which of the charter organizations that have submitted notices as**
23 **described in this subsection is best able to meet the needs of the**
24 **students in the locality in which the school building is located. Not**
25 **later than sixty (60) days after the date that the secretary of**
26 **education appoints the authorizers under this subsection, the**
27 **committee of authorizers shall select which charter organization**
28 **may proceed to purchase or lease the school building.**

29 SECTION 7. IC 20-26-7.1-5, AS ADDED BY P.L.270-2019,
30 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
31 UPON PASSAGE]: Sec. 5. (a) If a school building is sold to a charter
32 ~~school~~ **organization** under ~~section 3 or 4~~ of this chapter and the charter
33 ~~school,~~ **organization,** or any subsequent owner, subsequently sells or
34 transfers the school building to a third party, the charter ~~school~~
35 **organization** or subsequent owner must transfer an amount equal to
36 the gain in the property minus the adjusted basis (including costs of
37 improvements to the school building) to the school corporation that
38 initially sold the ~~vacant school~~ building to the charter ~~school.~~
39 **organization.** Gain and adjusted basis shall be determined in the
40 manner prescribed by the Internal Revenue Code and the applicable
41 Internal Revenue Service regulations and guidelines.

42 (b) A charter ~~school~~ **organization** that purchases a school building

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

8 SECTION 8. IC 20-26-7.1-6, AS ADDED BY P.L.270-2019,
 9 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 10 UPON PASSAGE]: Sec. 6. During the term of a lease under section 4
 11 of this chapter, the charter **school organization** is responsible for the
 12 direct expenses related to the school building leased, including utilities,
 13 insurance, maintenance, repairs, and remodeling. ~~If the lease involves~~
 14 ~~co-locating charter schools, the obligations under the lease of the~~
 15 ~~school building shall be joint and several:~~ The school corporation is
 16 responsible for any debt incurred for or liens that attached to the school
 17 building before the charter **school organization** leased the school
 18 building.

19 SECTION 9. IC 20-26-7.1-7 IS REPEALED [EFFECTIVE UPON
 20 PASSAGE]. Sec. 7: (a) As used in this section, "accredited nonpublic
 21 school" means a nonpublic school that:

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

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

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

38 (d) The accredited nonpublic school or postsecondary educational
 39 institution must submit its letter of intent to purchase the school
 40 building within thirty (30) days of the date the school corporation
 41 passes a resolution or takes other official action to close, no longer use,
 42 or no longer occupy a school building that was previously used for

1 classroom instruction. However, in the event that a charter school has
 2 submitted a preliminary request to purchase or lease a school building,
 3 the accredited nonpublic school or postsecondary educational
 4 institution may send a letter of intent to purchase or lease the school
 5 building within ninety (90) days of the date that the school corporation
 6 passed a resolution or took official action to close, no longer use, or no
 7 longer occupy a school building.

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

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

22 SECTION 10. IC 20-26-7.1-8 IS REPEALED [EFFECTIVE UPON
 23 PASSAGE]. Sec. 8: (a) This section applies to the sale of a vacant or
 24 unused school building with more than two hundred thousand
 25 (200,000) gross square feet under IC 36-1-11, as permitted by this
 26 chapter.

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

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

41 SECTION 11. IC 20-26-7.1-9, AS ADDED BY P.L.270-2019,
 42 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

1 UPON PASSAGE]: Sec. 9. If **(a) At the request of** a school
 2 corporation does not comply with the requirements provided in or
 3 **charter organization, any dispute under** this chapter the school
 4 corporation shall submit any proceeds from the sale of the vacant
 5 school building to the state board to provide grants under the charter
 6 school and innovation grant program under IC 20-24-13: **is subject to**
 7 **mediation or arbitration.**

8 **(b) The parties to a dispute under this chapter shall share**
 9 **equally the costs of mediation or arbitration.**

10 **(c) A charter organization shall have a private right of action to**
 11 **enforce a school corporation to comply with the requirements**
 12 **under this chapter.**

13 **(d) A charter organization that prevails in a private right of**
 14 **action is entitled to reasonable court costs, costs for arbitration and**
 15 **mediation, and attorney's fees.**

16 **(e) An action under this chapter may be enforced by**
 17 **injunction."**

18 Delete pages 2 through 6.

19 Page 7, delete lines 1 through 35.

20 Page 7, line 38, delete "in 2022," and insert "**with the 2021-2022**
 21 **school year,"**

22 Page 8, line 3, delete "The maximum student capacity." and insert
 23 "**The number of students enrolled at the highest enrollment for the**
 24 **building, as reported by the department."**

25 Page 8, line 6, delete "utilization." and insert "**utilization, as**
 26 **determined by dividing the number of students enrolled in the**
 27 **school by the number of students enrolled at the highest enrollment**
 28 **for the building, as reported by the department."**

29 Page 8, delete lines 8 through 42, begin a new line block indented
 30 and insert:

31 **"(5) If the school corporation requested and was granted a**
 32 **waiver under section 11 of this chapter, information**
 33 **regarding:**

34 **(A) implementation of the school corporation's plan**
 35 **submitted under section 11 of this chapter; and**

36 **(B) current use of the school building.**

37 SECTION 13. IC 20-26-7.1-11 IS ADDED TO THE INDIANA
 38 CODE AS A NEW SECTION TO READ AS FOLLOWS
 39 [EFFECTIVE UPON PASSAGE]: Sec. 11. **(a) If the department**
 40 **determines that a school building is underutilized for two (2)**
 41 **consecutive fall ADM counts, the department shall:**

42 **(1) place the school building in underutilized status; and**

1 **(2) notify the school corporation that the school corporation**
 2 **is required to offer the building for sale or lease to a charter**
 3 **organization not later than the end of the school year in which**
 4 **the department makes the determination.**

5 **(b) The department may consider factors other than, or in**
 6 **addition to, a school corporation's report submitted under section**
 7 **10 of this chapter in determining that a school building is**
 8 **underutilized as described in subsection (a).**

9 **(c) Not later than sixty (60) days after the date that the school**
 10 **corporation receives a notice under subsection (a), the school**
 11 **corporation may submit a request to the department to remove the**
 12 **school building from underutilized status. If a school corporation**
 13 **submits a request under this subsection, the school corporation**
 14 **must submit with the request a plan to bring the building out of**
 15 **underutilized status.**

16 **(d) If:**

17 **(1) the school corporation does not submit a request and a**
 18 **plan under subsection (c); or**

19 **(2) the request is denied by the department;**

20 **the department shall provide written notice of the availability of**
 21 **the school building as described in section 4(b) of this chapter and**
 22 **the requirements and process under section 4 of this chapter apply**
 23 **to the building.**

24 **SECTION 14. An emergency is declared for this act."**

25 Delete page 9.

26 Renumber all SECTIONS consecutively.

(Reference is to SB 358 as introduced.)

and when so amended that said bill do pass .

Committee Vote: Yeas 9, Nays 4.

Senator Raatz, Chairperson