

# HOUSE BILL No. 1147

---

## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 20-19-2; IC 20-19-3-0.5.

**Synopsis:** Elimination of the state board of education. Eliminates the state board of education (state board). Transfers all powers, duties, agreements, and liabilities of the state board to the department of education. Requires the legislative services agency to prepare legislation for introduction in the 2020 regular session of the general assembly to organize and correct statutes affected by this act.

**Effective:** July 1, 2019.

---

---

## DeLaney

---

---

January 7, 2019, read first time and referred to Committee on Education.

---

---



First Regular Session of the 121st General Assembly (2019)

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 2018 Regular and Special Session of the General Assembly.

# HOUSE BILL No. 1147

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 IC 20-19-2-2.1 IS REPEALED [EFFECTIVE JULY  
2 1, 2019]. Sec. 2.1: (a) This section applies beginning June 1, 2015:  
3 (b) The Indiana state board of education is established:  
4 (c) The state board may appoint an executive director. The  
5 executive director may, with the approval of the state board, hire  
6 personnel necessary to carry out the duties and responsibilities of the  
7 state board under this title. The state board shall be funded by an  
8 appropriation from the general assembly.  
9 (d) The state board and the department are considered state  
10 educational authorities within the meaning of the federal Family  
11 Educational Rights and Privacy Act (20 U.S.C. 1232g and 34 CFR Part  
12 99).  
13 SECTION 2. IC 20-19-2-2.2 IS REPEALED [EFFECTIVE JULY  
14 1, 2019]. Sec. 2.2: (a) Beginning June 1, 2015, the state board consists  
15 of the following members:  
16 (1) The state superintendent.  
17 (2) Eight (8) members appointed by the governor. The following



1 provisions apply to members of the state board appointed under  
2 this subdivision:

3 (A) At least six (6) members appointed under this subdivision  
4 must have professional experience in the field of education as  
5 provided in subsection (b):

6 (B) Members shall be appointed from different parts of  
7 Indiana with not more than one (1) member being appointed  
8 from a particular congressional district:

9 (C) Not more than five (5) members of the state board may be  
10 appointed from the membership of any one (1) political party:

11 (3) One (1) member, who is not a member of the general  
12 assembly, appointed by the speaker of the house of  
13 representatives:

14 (4) One (1) member, who is not a member of the general  
15 assembly, appointed by the president pro tempore of the senate:

16 (b) For purposes of subsection (a), an individual is considered to  
17 have professional experience in the field of education if the individual  
18 has teaching or leadership experience at a postsecondary educational  
19 institution or is currently employed as; or is retired from a position as:

20 (1) a teacher;

21 (2) a principal;

22 (3) an assistant superintendent; or

23 (4) a superintendent.

24 (c) A quorum consists of six (6) members of the state board. An  
25 action of the state board is not official unless the action is authorized  
26 by at least six (6) members:

27 (d) Subject to subsection (c), the members of the state board shall  
28 elect a chairperson and vice chairperson annually from the members of  
29 the state board. The vice chairperson shall act as chairperson in the  
30 absence of the chairperson:

31 (e) Notwithstanding subsection (d), the state superintendent shall  
32 serve as the chairperson of the state board until a chairperson is elected  
33 under subsection (d) at the first meeting of the state board after  
34 December 31, 2016, which shall be held not later than January 15,  
35 2017. A vice chairperson shall be elected at the first meeting of the  
36 state board after June 30, 2015, which shall be held not later than  
37 August 1, 2015. This subsection expires July 1, 2018:

38 (f) Except as otherwise provided in subsection (g), each member  
39 appointed under subsection (a)(2) through (a)(4) serves a four (4) year  
40 term. The term begins on July 1:

41 (g) A member appointed under subsection (a)(2) through (a)(4) may  
42 be removed from the state board by the member's appointing authority



1 for just cause. Vacancies in the appointments to the state board shall be  
 2 filled by the appointing authority. A member appointed under this  
 3 subsection serves for the remainder of the unexpired term.

4 (h) The state board shall meet at a minimum at least one (1) time  
 5 each month. The state board shall establish the date of the next monthly  
 6 meeting during the monthly meeting of the state board. In addition to  
 7 the monthly meeting required under this subsection, the state board  
 8 shall meet at the call of the chairperson.

9 SECTION 3. IC 20-19-2-2.3 IS REPEALED [EFFECTIVE JULY  
 10 1, 2019]. Sec. 2.3: (a) After May 31, 2015, a reference to the state  
 11 board in a statute, rule, or other document is considered a reference to  
 12 the state board established by section 2.1 of this chapter.

13 (b) After May 31, 2015, a rule adopted by the state board  
 14 established by section 2 of this chapter (expired June 1, 2015) is  
 15 considered a rule adopted by the state board established by section 2.1  
 16 of this chapter. However, a rule concerning driver education is  
 17 considered a rule of the bureau of motor vehicles.

18 (c) On June 1, 2015, the property and obligations of the state board  
 19 established by section 2 of this chapter (expired June 1, 2015) are  
 20 transferred to the state board established by section 2.1 of this chapter.

21 (d) An action taken by the state board established by section 2 of  
 22 this chapter (expired June 1, 2015) before June 1, 2015, shall be treated  
 23 after May 31, 2015, as if it were originally taken by the state board  
 24 established by section 2.1 of this chapter.

25 SECTION 4. IC 20-19-2-2.4 IS REPEALED [EFFECTIVE JULY  
 26 1, 2019]. Sec. 2.4: (a) The chairperson and the vice chairperson are  
 27 jointly responsible for establishing agendas for state board meetings  
 28 after receiving and considering recommended agenda items from the  
 29 members of the state board.

30 (b) Notwithstanding IC 5-14-1.5-5, the chairperson shall provide  
 31 public notice of a state board meeting in the manner described in  
 32 IC 5-14-1.5-5(b) and shall make the agenda for a state board meeting  
 33 available on both the state board's and the department's Internet web  
 34 sites at least five (5) days before the state board meeting.

35 SECTION 5. IC 20-19-2-7 IS REPEALED [EFFECTIVE JULY 1,  
 36 2019]. Sec. 7: (a) Each member of the state board who is not an officer  
 37 or employee of the state is entitled to an annual salary of two thousand  
 38 dollars (\$2,000).

39 (b) Each member of the state board is entitled to reimbursement for  
 40 traveling expenses and other expenses actually incurred in connection  
 41 with the member's duties, as provided in the state travel policies and  
 42 procedures established by the Indiana department of administration and



1 approved by the budget agency. The compensation of members  
 2 employed in the public schools may not be decreased because of  
 3 regular service on the state board.

4 SECTION 6. IC 20-19-3-0.5 IS ADDED TO THE INDIANA CODE  
 5 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
 6 1, 2019]: **Sec. 0.5. (a) On July 1, 2019, all powers, duties,  
 7 agreements, and liabilities of the state board are transferred to the  
 8 department, as the successor agency.**

9 **(b) On July 1, 2019, all records and property of the state board,  
 10 including appropriations and other funds under the control or  
 11 supervision of the state board, are transferred to the department,  
 12 as the successor agency.**

13 **(c) After July 1, 2019, any amounts owed to the state board  
 14 before July 1, 2019, are considered to be owed to the department,  
 15 as the successor agency.**

16 **(d) The rules adopted by the state board before July 1, 2019, are  
 17 considered, after June 30, 2019, rules of the department.**

18 **(e) After July 1, 2019, a reference to the state board in a statute,  
 19 rule, or other document is considered a reference to the  
 20 department, as the successor agency.**

21 **(f) Proceedings pending before the state board on July 1, 2019,  
 22 shall be transferred from the state board to the department and  
 23 treated as if initiated by the department.**

24 **(g) An action taken by the state board before July 1, 2019, shall  
 25 be treated after June 30, 2019, as if it were originally taken by the  
 26 department.**

27 SECTION 7. [EFFECTIVE JULY 1, 2019] **(a) The legislative  
 28 services agency shall prepare legislation for introduction in the  
 29 2020 regular session of the general assembly to make appropriate  
 30 changes in statutes that are required by this act.**

31 **(b) This SECTION expires December 31, 2021.**

