

HOUSE BILL No. 1360

DIGEST OF INTRODUCED BILL

Citations Affected: IC 5-9-4-8; IC 20-23.

Synopsis: School corporation governing body. Provides for the election and appointment of members of certain school corporations in which members of the governing body are appointed. Specifies that: (1) three members of the governing body are appointed from a city within the school corporation; and (2) two members are elected from the unincorporated area within the school corporation. Establishes a commission to nominate the candidates for the governing body.

Effective: July 1, 2024.

Soliday

January 10, 2024, read first time and referred to Committee on Education.



Second Regular Session of the 123rd General Assembly (2024)

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 2023 Regular Session of the General Assembly.

HOUSE BILL No. 1360



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 5-9-4-8, AS AMENDED BY P.L.184-2023,
2 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2024]: Sec. 8. (a) Except as provided in subsection (b) and
4 IC 36-5-6-9, during the officeholder's leave of absence, the
5 officeholder's office must be filled by a temporary appointment made
6 under:
7 (1) IC 3-13-4;
8 (2) IC 3-13-5;
9 (3) IC 3-13-6;
10 (4) IC 3-13-7;
11 (5) IC 3-13-8;
12 (6) IC 3-13-9;
13 (7) IC 3-13-10;
14 (8) IC 3-13-11;
15 (9) IC 20-23-4;
16 (10) IC 20-26;
17 (11) IC 20-23-12.1;



- 1 (12) IC 20-23-14;
 2 (13) IC 20-23-15;
 3 (14) IC 20-23-17;
 4 (15) IC 20-23-17.2;
 5 **(16) IC 20-23-19;**
 6 ~~(16)~~ **(17)** IC 20-25-3;
 7 ~~(17)~~ **(18)** IC 20-25-4; or
 8 ~~(18)~~ **(19)** IC 20-25-5;
- 9 in the same manner as a vacancy created by a resignation is filled. A
 10 temporary appointment may be made in accordance with the applicable
 11 statute after the written notice required under section 7 of this chapter
 12 has been filed.
- 13 (b) For an officeholder who:
 14 (1) is:
 15 (A) a justice of the supreme court, a judge of the court of
 16 appeals, or a judge of the tax court; or
 17 (B) a judge of a circuit, city, probate, or superior court; and
 18 (2) is taking a leave of absence under this chapter;
 19 the supreme court shall appoint a judge pro tempore to fill the
 20 officeholder's office in accordance with the court's rules and
 21 procedures.
- 22 (c) The person selected or appointed under subsection (a) or (b)
 23 serves until the earlier of:
 24 (1) the date the officeholder's leave of absence ends as provided
 25 in section 10 of this chapter; or
 26 (2) the officeholder's term of office expires.
- 27 (d) The person selected or appointed to an office under subsection
 28 (a) or (b):
 29 (1) assumes all the rights and duties of; and
 30 (2) is entitled to the compensation established for;
 31 the office for the period of the temporary appointment.
- 32 SECTION 2. IC 20-23-8-5, AS AMENDED BY P.L.184-2023,
 33 SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 34 JULY 1, 2024]: Sec. 5. As used in this chapter, "school corporation"
 35 means a local public school corporation established under the laws of
 36 Indiana. The term does not include a school corporation covered by
 37 IC 20-23-12.1, IC 20-23-17, ~~or~~ IC 20-23-17.2, **or IC 20-23-19.**
- 38 SECTION 3. IC 20-23-19 IS ADDED TO THE INDIANA CODE
 39 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 40 JULY 1, 2024]:
 41 **Chapter 19. Election of Governing Body Members in Certain**
 42 **School Corporations**



1 **Sec. 1. This chapter applies to a school corporation in which:**

2 **(1) all of the members of the governing body are, as of June**
3 **30, 2024, appointed; and**

4 **(2) at least thirty percent (30%) but not more than fifty**
5 **percent (50%) of the students in the school corporation reside**
6 **outside the boundaries of a city.**

7 **Sec. 2. For purposes of this chapter, "commission" means the**
8 **governing body nominating commission established by section 11**
9 **of this chapter.**

10 **Sec. 3. For purposes of this chapter, "executive" has the**
11 **meaning set forth in IC 36-1-2-5.**

12 **Sec. 4. For purposes of this chapter, "fiscal body" has the**
13 **meaning set forth in IC 36-1-2-6.**

14 **Sec. 5. For purposes of this chapter, "governing body" means**
15 **the governing body of a school corporation described in section**
16 **8(a) of this chapter.**

17 **Sec. 6. For purposes of this chapter, "township trustee" means**
18 **the township trustee of the township with the largest number of**
19 **residents living within a city that has a school corporation**
20 **described in section 1 of this chapter.**

21 **Sec. 7. IC 20-23-8 does not apply to a school corporation or the**
22 **governing body of a school corporation governed by this chapter.**

23 **Sec. 8. (a) The governing body of a school corporation consists**
24 **of the following five (5) members:**

25 **(1) One (1) member appointed by the executive from the list**
26 **of candidates nominated under section 13(b)(3)(B) of this**
27 **chapter.**

28 **(2) Two (2) members appointed by the fiscal body from the**
29 **list of candidates nominated under section 13(b)(3)(B) of this**
30 **chapter.**

31 **(3) Two (2) members elected under section 14 of this chapter.**

32 **(b) The term of each member of the governing body begins**
33 **January 1 immediately following the individual's election or**
34 **appointment.**

35 **(c) The following apply to a member appointed under subsection**
36 **(a)(1) and (a)(2):**

37 **(1) The fiscal body shall appoint one (1) member to replace**
38 **the member of the governing body whose term will expire on**
39 **July 1, 2024. The member appointed under this subdivision**
40 **shall serve an initial term that begins on July 2, 2024, and**
41 **ends on December 31, 2026. An individual subsequently**
42 **appointed to this office shall serve a term of four (4) years.**



1 **(2) The executive shall appoint one (1) member to replace the**
 2 **member of the governing body whose term will expire on July**
 3 **1, 2025. The member appointed under this subdivision shall**
 4 **serve an initial term that begins on July 2, 2025, and ends on**
 5 **December 31, 2027. An individual subsequently appointed to**
 6 **this office shall serve a term of four (4) years.**

7 **(3) The fiscal body shall appoint one (1) member to replace**
 8 **the member of the governing body whose term will expire on**
 9 **July 1, 2027. The member appointed under this subdivision**
 10 **shall serve an initial term that begins on July 2, 2027, and**
 11 **ends on December 31, 2031. An individual subsequently**
 12 **appointed to this office shall serve a term of four (4) years.**

13 **Sec. 9. Upon assuming office and in conducting the business of**
 14 **the governing body, a member of the governing body shall**
 15 **represent the interests of the entire school corporation.**

16 **Sec. 10. (a) The following applies to the two (2) members of the**
 17 **governing body described in section 8(a)(3) of this chapter:**

18 **(1) A candidate seeking election to the governing body shall**
 19 **file a petition of nomination with the circuit court clerk not**
 20 **earlier than the date specified in IC 3-8-2.5-4(a)(1) and not**
 21 **later than the date specified in IC 3-8-2.5-4(a)(2). The petition**
 22 **of nomination must include the following information:**

23 **(A) The name of the candidate.**

24 **(B) The candidate's residence address.**

25 **(C) A certification that the candidate meets the**
 26 **qualifications for candidacy imposed by this chapter.**

27 **(2) A candidate must:**

28 **(A) reside within the boundaries of the school corporation;**
 29 **and**

30 **(B) not reside within the boundaries of the city.**

31 **(b) The following applies to the three (3) members of the**
 32 **governing body described in section 8(a)(1) and 8(a)(2) of this**
 33 **chapter:**

34 **(1) A candidate seeking nomination to the governing body**
 35 **shall file a petition of nomination with the clerk-treasurer of**
 36 **a city within the boundaries of the school corporation not**
 37 **earlier than the date specified in IC 3-8-2.5-4(a)(1) and not**
 38 **later than the date specified in IC 3-8-2.5-4(a)(2). The petition**
 39 **of nomination must include the following information:**

40 **(A) The name of the candidate.**

41 **(B) The candidate's residence address.**

42 **(C) A certification that the candidate meets the**



- 1 **qualifications for candidacy imposed by this chapter.**
 2 **(2) A candidate must reside within the boundaries of:**
 3 **(A) the school corporation; and**
 4 **(B) a city.**
 5 **(c) The circuit court clerk or clerk-treasurer, as applicable, shall**
 6 **promptly transmit a petition of nomination filed under subsection**
 7 **(a)(1) or (b)(1) to the members of the commission.**
 8 **Sec. 11. (a) There is established a governing body nominating**
 9 **commission.**
 10 **(b) The fiscal body shall provide all facilities, equipment,**
 11 **supplies, and services necessary for the administration of the duties**
 12 **imposed upon the commission. The members of the commission**
 13 **shall serve without compensation. However, the fiscal body shall**
 14 **reimburse members of the commission for their actual expenses**
 15 **incurred in performing their duties.**
 16 **Sec. 12. (a) The commission consists of the following members:**
 17 **(1) One (1) member appointed by the executive.**
 18 **(2) Two (2) members appointed by the fiscal body.**
 19 **(3) One (1) member appointed by the township trustee.**
 20 **(4) One (1) member appointed by a parent teacher association**
 21 **in a school district located:**
 22 **(A) within the boundaries of the school corporation; and**
 23 **(B) outside the boundaries of a city located in the school**
 24 **corporation.**
 25 **(b) A majority of the members of the commission constitutes a**
 26 **quorum.**
 27 **(c) The members of the commission:**
 28 **(1) must:**
 29 **(A) reside within the boundaries of the school corporation;**
 30 **(B) reflect the composition of the community;**
 31 **(C) have a background in business or education at the**
 32 **executive level; and**
 33 **(D) have previous board or committee experience; and**
 34 **(2) may not:**
 35 **(A) have a prior felony conviction; or**
 36 **(B) hold:**
 37 **(i) a salaried public office; or**
 38 **(ii) an office in a political party organization.**
 39 **Sec. 13. (a) The commission shall hold a meeting not later than**
 40 **fourteen (14) days after the date specified in IC 3-8-2.5-4(a)(2).**
 41 **(b) Subject to subsection (c), the commission shall:**
 42 **(1) consider the petitions for nomination submitted under**



1 section 10 of this chapter;

2 (2) nominate:

3 (A) three (3) candidates for consideration at the election to
4 be held under section 14 of this chapter; and

5 (B) five (5) candidates for consideration for appointment
6 under section 8(a)(1) and 8(a)(2) of this chapter; and

7 (3) not later than seven (7) days after the meeting, submit the
8 names of the candidates nominated under:

9 (A) subdivision (2)(A) to the county election board for
10 placement on the general election ballot; and

11 (B) subdivision (2)(B) to the executive and fiscal body for
12 consideration for appointment under section 8(a)(1) and
13 8(a)(2) of this chapter.

14 (c) An individual who has served as a member of the
15 commission within four (4) years of the date of the meeting held
16 under subsection (a) may not be nominated under subsection (b).

17 Sec. 14. The following apply to the election of a member
18 described in section 8(a)(3) of this chapter:

19 (1) Only eligible voters residing:

20 (A) within the boundaries of the school corporation; and

21 (B) outside the boundaries of a city located in the school
22 corporation;

23 may vote in the election.

24 (2) Members are elected at large by the eligible voters
25 described in subdivision (1).

26 (3) The following apply to the first of the two (2) members
27 elected under this section:

28 (A) The term of a member of the governing body
29 appointed by the township trustee before July 1, 2024,
30 expires on December 31, 2024.

31 (B) The successor for the office described in clause (A)
32 must be elected at the 2024 general election.

33 (C) The candidate who receives the highest number of
34 votes in the election under clause (B) is elected to the
35 governing body and serves a term of four (4) years,
36 beginning January 1, 2025.

37 (D) A subsequent election for the office described in this
38 subdivision must occur at the general election in 2028,
39 2032, 2036, 2040, 2044, and every four (4) years thereafter.

40 (4) The following apply to the second of the two (2) members
41 elected under this section:

42 (A) This clause applies to a member of the governing body:



- 1 (i) appointed by the fiscal body before July 1, 2024; and
2 (ii) whose term is scheduled to expire July 1, 2026.
3 The member's term is extended by operation of law and
4 expires December 31, 2026.
5 (B) The successor for the office described in clause (A)
6 must be elected at the 2026 general election.
7 (C) The candidate who receives the highest number of
8 votes in the election under clause (B) is elected to the
9 governing body and serves a term of four (4) years,
10 beginning January 1, 2027.
11 (D) A subsequent election for the office described in this
12 subdivision must occur at the general election in 2030,
13 2034, 2038, 2042, 2046, and every four (4) years thereafter.
- 14 **Sec. 15. (a) A vacancy in the office of a member of the governing**
15 **body shall be filled temporarily by the remaining members of the**
16 **governing body as soon as practicable after the vacancy occurs.**
17 (b) A vacancy in the office of a member of the commission shall
18 be filled by the appointing authority that appointed the member
19 whose office is vacant.
20 (c) An individual filling a vacancy under this section serves until
21 the expiration of the term of the member whose position the
22 individual fills.

