

First Regular Session of the 122nd General Assembly (2021)

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 2020 Regular Session of the General Assembly.

HOUSE ENROLLED ACT No. 1564

AN ACT to amend the Indiana Code concerning education.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 2-5-29-1.6 IS REPEALED [EFFECTIVE JULY 1, 2021]. **Sec. 1-6: As used in this chapter, "office" refers to the office of the state superintendent of public instruction.**

SECTION 2. IC 2-5-29-3.6, AS ADDED BY P.L.113-2010, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 3.6. (a) This section applies to a student who attends either a public school or a nonpublic school.

(b) Attending a meeting of the council as a member is a lawful excuse for a student to be absent from school, when verified by a certificate of the ~~state superintendent of public instruction~~. **secretary of education**. A student excused from school attendance under this section may not be recorded as being absent on any date for which the excuse is operative and may not be penalized by the school in any manner.

SECTION 3. IC 2-5-36-4, AS AMENDED BY P.L.161-2018, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 4. The commission consists of eighteen (18) members as follows:

- (1) One (1) legislative member appointed by the speaker of the house of representatives.
- (2) One (1) legislative member appointed by the minority leader of the house of representatives.

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- (3) One (1) legislative member appointed by the president pro tempore of the senate.
- (4) One (1) legislative member appointed by the minority leader of the senate.
- (5) ~~The superintendent of public instruction;~~ **secretary of education.**
- (6) The director of the department of child services.
- (7) One (1) judge or justice with experience in juvenile law appointed by the chief justice of Indiana to serve on the commission for a period of four (4) years.
- (8) The executive director of the prosecuting attorneys council of Indiana.
- (9) The executive director of the public defender council of Indiana.
- (10) The secretary of family and social services.
- (11) The state health commissioner.
- (12) The director of the department of correction division of youth services.
- (13) One (1) representative of the juvenile probation system, appointed by the chief justice of Indiana for a period of four (4) years.
- (14) The director of the office of management and budget, or the director of the state budget agency, as selected by the governor.
- (15) A member of the governor's staff, to be appointed by the governor.
- (16) The chief administrative officer of the office of judicial administration.
- (17) The director of the division of mental health and addiction.
- (18) The attorney general, who shall serve as a nonvoting member.

SECTION 4. IC 3-5-2-48, AS AMENDED BY P.L.8-2019, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 48. "State office" refers to ~~the following:~~

- (1) ~~Before January 11, 2021, the governor, lieutenant governor, secretary of state, auditor of state, treasurer of state, superintendent of public instruction, attorney general, justice of the supreme court, judge of the court of appeals, and judge of the tax court.~~
- (2) ~~After January 10, 2021, the governor, lieutenant governor, secretary of state, auditor of state, treasurer of state, attorney general, justice of the supreme court, judge of the court of appeals, and judge of the tax court.~~

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SECTION 5. IC 4-1-6-1, AS AMENDED BY P.L.8-2019, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 1. As used in this chapter:

(1) "Personal information system" means any recordkeeping process, whether automated or manual, containing personal information and the name, personal number, or other identifying particulars of a data subject.

(2) "Personal information" means any information that describes, locates, or indexes anything about an individual or that affords a basis for inferring personal characteristics about an individual including, but not limited to, the individual's education, financial transactions, medical history, criminal or employment records, finger and voice prints, photographs, or the individual's presence, registration, or membership in an organization or activity or admission to an institution.

(3) "Data subject" means an individual about whom personal information is indexed or may be located under the individual's name, personal number, or other identifiable particulars, in a personal information system.

(4) "State agency" means every agency, board, commission, department, bureau, or other entity of the administrative branch of Indiana state government, except those which are the responsibility of the auditor of state, treasurer of state, secretary of state, attorney general, ~~superintendent of public instruction~~, and excepting the department of state police and state educational institutions. ~~After January 10, 2021, "state agency" includes an agency, a board, a commission, a department, a bureau, or another entity under the secretary of education.~~

(5) "Confidential" means information which has been so designated by statute or by promulgated rule or regulation based on statutory authority.

SECTION 6. IC 4-1-13-1, AS ADDED BY P.L.89-2017, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 1. (a) As used in this chapter, "state agency" means every agency, board, commission, department, bureau, or other entity of the administrative branch of Indiana state government.

(b) The term includes every agency, board, commission, department, bureau, or other entity that is the responsibility of the auditor of state, treasurer of state, secretary of state, **and** attorney general. ~~and superintendent of public instruction.~~

(c) The term includes a state educational institution.

SECTION 7. IC 4-2-1-1.5, AS AMENDED BY P.L.8-2019,

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SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 1.5. (a) Subject to subsection (b), the salary of each state elected official other than the governor is as follows:

(1) For the lieutenant governor, seventy-six thousand dollars (\$76,000) per year. However, the lieutenant governor is not entitled to receive per diem allowance for performance of duties as president of the senate.

(2) For the secretary of state, sixty-six thousand dollars (\$66,000) per year.

(3) For the auditor of state, sixty-six thousand dollars (\$66,000) per year.

(4) For the treasurer of state, sixty-six thousand dollars (\$66,000) per year.

(5) For the attorney general, seventy-nine thousand four hundred dollars (\$79,400) per year.

~~(6) For the state superintendent of public instruction, seventy-nine thousand four hundred dollars (\$79,400) per year. This subdivision does not apply after January 10, 2021.~~

(b) Beginning January 1, 2008, the part of the total salary of a state elected official is increased on January 1 of each year after a year in which the general assembly does not amend this section to provide a salary increase for the state elected official.

(c) The percentage by which salaries are increased under this section is equal to the statewide average percentage, as determined by the budget director, by which the salaries of state employees in the executive branch who are in the same or a similar salary bracket exceed, for the current state fiscal year, the salaries of executive branch state employees in the same or a similar salary bracket that were in effect on January 1 of the immediately preceding year.

(d) The amount of a salary increase under this section is equal to the amount determined by applying the percentage increase for the particular year to the salary of the state elected official, as previously adjusted under this section, that is in effect on January 1 of the immediately preceding year.

(e) A state elected official is not entitled to receive a salary increase under this section on January 1 of a state fiscal year in which state employees described in subsection (c) do not receive a statewide average salary increase.

(f) If a salary increase is required under this section, an amount sufficient to pay for the salary increase is appropriated from the state general fund.

SECTION 8. IC 4-2-6-1, AS AMENDED BY P.L.123-2015,

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SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 1. (a) As used in this chapter, and unless the context clearly denotes otherwise:

(1) "Advisory body" means an authority, a board, a commission, a committee, a task force, or other body designated by any name of the executive department that is authorized only to make nonbinding recommendations.

(2) "Agency" means an authority, a board, a branch, a bureau, a commission, a committee, a council, a department, a division, an office, a service, or other instrumentality of the executive, including the administrative, department of state government. The term includes a body corporate and politic set up as an instrumentality of the state and a private, nonprofit, government related corporation. The term does not include any of the following:

- (A) The judicial department of state government.
- (B) The legislative department of state government.
- (C) A state educational institution.
- (D) A political subdivision.

(3) "Appointing authority" means the following:

- (A) Except as provided in clause (B), the chief administrative officer of an agency. The term does not include a state officer.
- (B) For purposes of section 16 of this chapter, "appointing authority" means:
 - (i) an elected officer;
 - (ii) the chief administrative officer of an agency; or
 - (iii) an individual or group of individuals who have the power by law or by lawfully delegated authority to make appointments.

(4) "Assist" means to:

- (A) help;
- (B) aid;
- (C) advise; or
- (D) furnish information to;

a person. The term includes an offer to do any of the actions in clauses (A) through (D).

(5) "Business relationship" includes the following:

- (A) Dealings of a person with an agency seeking, obtaining, establishing, maintaining, or implementing:
 - (i) a pecuniary interest in a contract or purchase with the agency; or
 - (ii) a license or permit requiring the exercise of judgment or



discretion by the agency.

(B) The relationship a lobbyist has with an agency.

(C) The relationship an unregistered lobbyist has with an agency.

(6) "Commission" refers to the state ethics commission created under section 2 of this chapter.

(7) "Compensation" means any money, thing of value, or financial benefit conferred on, or received by, any person in return for services rendered, or for services to be rendered, whether by that person or another.

(8) "Direct line of supervision" means the chain of command in which the superior affects, or has the authority to affect, the terms and conditions of the subordinate's employment, including making decisions about work assignments, compensation, grievances, advancements, or performance evaluation.

(9) "Employee" means an individual, other than a state officer, who is employed by an agency on a full-time, a part-time, a temporary, an intermittent, or an hourly basis. The term includes an individual who contracts with an agency for personal services.

(10) "Employer" means any person from whom a state officer or employee or the officer's or employee's spouse received compensation.

(11) "Financial interest" means an interest:

(A) in a purchase, sale, lease, contract, option, or other transaction between an agency and any person; or

(B) involving property or services.

The term includes an interest arising from employment or prospective employment for which negotiations have begun. The term does not include an interest of a state officer or employee in the common stock of a corporation unless the combined holdings in the corporation of the state officer or the employee, that individual's spouse, and that individual's unemancipated children are more than one percent (1%) of the outstanding shares of the common stock of the corporation. The term does not include an interest that is not greater than the interest of the general public or any state officer or any state employee.

(12) "Information of a confidential nature" means information:

(A) obtained by reason of the position or office held; and

(B) which:

(i) a public agency is prohibited from disclosing under IC 5-14-3-4(a);

(ii) a public agency has the discretion not to disclose under



IC 5-14-3-4(b) and that the agency has not disclosed; or
 (iii) is not in a public record, but if it were, would be
 confidential.

(13) "Person" means any individual, proprietorship, partnership, unincorporated association, trust, business trust, group, limited liability company, or corporation, whether or not operated for profit, or a governmental agency or political subdivision.

(14) "Political subdivision" means a county, city, town, township, school district, municipal corporation, special taxing district, or other local instrumentality. The term includes an officer of a political subdivision.

(15) "Property" has the meaning set forth in IC 35-31.5-2-253.

(16) "Relative" means any of the following:

- (A) A spouse.
- (B) A parent or stepparent.
- (C) A child or stepchild.
- (D) A brother, sister, stepbrother, or stepsister.
- (E) A niece or nephew.
- (F) An aunt or uncle.
- (G) A daughter-in-law or son-in-law.

For purposes of this subdivision, an adopted child of an individual is treated as a natural child of the individual. For purposes of this subdivision, the terms "brother" and "sister" include a brother or sister by the half blood.

(17) "Represent" means to do any of the following on behalf of a person:

- (A) Attend an agency proceeding.
- (B) Write a letter.
- (C) Communicate with an employee of an agency.

(18) "Special state appointee" means a person who is:

- (A) not a state officer or employee; and
- (B) elected or appointed to an authority, a board, a commission, a committee, a council, a task force, or other body designated by any name that:
 - (i) is authorized by statute or executive order; and
 - (ii) functions in a policy or an advisory role in the executive (including the administrative) department of state government, including a separate body corporate and politic.

(19) "State officer" means any of the following:

- (A) The governor.
- (B) The lieutenant governor.
- (C) The secretary of state.

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(D) The auditor of state.

(E) The treasurer of state.

(F) The attorney general.

~~(G) The superintendent of public instruction.~~

(20) The masculine gender includes the masculine and feminine.

(21) The singular form of any noun includes the plural wherever appropriate.

(b) The definitions in IC 4-2-7 apply throughout this chapter.

SECTION 9. IC 4-2-6-2.5, AS AMENDED BY P.L.222-2005, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 2.5. (a) The commission has jurisdiction over the following persons:

(1) A current or former state officer.

(2) A current or former employee.

(3) A person who has or had a business relationship with an agency.

(4) A current or former special state appointee.

(b) If the office of a state officer is abolished, the following apply:

(1) The commission continues to have jurisdiction over a person who held the office before the office was abolished to the same extent that the commission would have had jurisdiction over the person if the office had not been abolished.

(2) The following continue to apply to a person who held the office before the office was abolished to the same extent that the following would have applied to the person if the office had not been abolished:

(A) This chapter.

(B) IC 4-2-7.

(C) IC 4-2-8.

SECTION 10. IC 4-2-6-8, AS AMENDED BY P.L.8-2019, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 8. (a) The following persons shall file a written financial disclosure statement:

(1) The governor, lieutenant governor, secretary of state, auditor of state, treasurer of state, **and** attorney general. ~~and state superintendent of public instruction. This subdivision does not apply to the state superintendent of public instruction after January 10, 2021.~~

(2) Any candidate for one (1) of the offices in subdivision (1) who is not the holder of one (1) of those offices.



- (3) Any person who is the appointing authority of an agency.
- (4) The director of each division of the Indiana department of administration.
- (5) Any purchasing agent within the procurement division of the Indiana department of administration.
- (6) Any agency employee, special state appointee, former agency employee, or former special state appointee with final purchasing authority.
- (7) The chief investment officer employed by the Indiana public retirement system.
- (8) Any employee of the Indiana public retirement system whose duties include the recommendation, selection, and management of:

- (A) the investments of the funds administered by the Indiana public retirement system;
- (B) the investment options offered in the annuity savings accounts in the public employees' retirement fund and the Indiana state teachers' retirement fund;
- (C) the investment options offered in the legislators' defined contribution plan; or
- (D) investment managers, investment advisors, and other investment service providers of the Indiana public retirement system.

- (9) An employee required to do so by rule adopted by the inspector general.

(b) The statement shall be filed with the inspector general as follows:

- (1) Not later than February 1 of every year, in the case of the state officers and employees enumerated in subsection (a).
- (2) If the individual has not previously filed under subdivision (1) during the present calendar year and is filing as a candidate for a state office listed in subsection (a)(1), before filing a declaration of candidacy under IC 3-8-2 or IC 3-8-4-11, petition of nomination under IC 3-8-6, or declaration of intent to be a write-in candidate under IC 3-8-2-2.5, or before a certificate of nomination is filed under IC 3-8-7-8, in the case of a candidate for one (1) of the state offices (unless the statement has already been filed when required under IC 3-8-4-11).
- (3) Not later than sixty (60) days after employment or taking office, unless the previous employment or office required the filing of a statement under this section.
- (4) Not later than thirty (30) days after leaving employment or

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office, unless the subsequent employment or office requires the filing of a statement under this section.

The statement must be made under affirmation.

(c) The statement shall set forth the following information for the preceding calendar year or, in the case of a state officer or employee who leaves office or employment, the period since a previous statement was filed:

- (1) The name and address of any person known:
 - (A) to have a business relationship with the agency of the state officer or employee or the office sought by the candidate; and
 - (B) from whom the state officer, candidate, or the employee, or that individual's spouse or unemancipated children received a gift or gifts having a total fair market value in excess of one hundred dollars (\$100).
- (2) The location of all real property in which the state officer, candidate, or the employee or that individual's spouse or unemancipated children has an equitable or legal interest either amounting to five thousand dollars (\$5,000) or more or comprising ten percent (10%) of the state officer's, candidate's, or the employee's net worth or the net worth of that individual's spouse or unemancipated children. An individual's primary personal residence need not be listed, unless it also serves as income property.
- (3) The names and the nature of the business of the employers of the state officer, candidate, or the employee and that individual's spouse.
- (4) The following information about any sole proprietorship owned or professional practice operated by the state officer, candidate, or the employee or that individual's spouse:
 - (A) The name of the sole proprietorship or professional practice.
 - (B) The nature of the business.
 - (C) Whether any clients are known to have had a business relationship with the agency of the state officer or employee or the office sought by the candidate.
 - (D) The name of any client or customer from whom the state officer, candidate, employee, or that individual's spouse received more than thirty-three percent (33%) of the state officer's, candidate's, employee's, or that individual's spouse's nonstate income in a year.
- (5) The name of any partnership of which the state officer, candidate, or the employee or that individual's spouse is a member

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and the nature of the partnership's business.

(6) The name of any corporation (other than a church) of which the state officer, candidate, or the employee or that individual's spouse is an officer or a director and the nature of the corporation's business.

(7) The name of any corporation in which the state officer, candidate, or the employee or that individual's spouse or unemancipated children own stock or stock options having a fair market value in excess of ten thousand dollars (\$10,000). However, if the stock is held in a blind trust, the name of the administrator of the trust must be disclosed on the statement instead of the name of the corporation. A time or demand deposit in a financial institution or insurance policy need not be listed.

(8) The name and address of the most recent former employer.

(9) Additional information that the person making the disclosure chooses to include.

Any such state officer, candidate, or employee may file an amended statement upon discovery of additional information required to be reported.

(d) A person who:

(1) fails to file a statement required by rule or this section in a timely manner; or

(2) files a deficient statement;

upon a majority vote of the commission, is subject to a civil penalty at a rate of not more than ten dollars (\$10) for each day the statement remains delinquent or deficient. The maximum penalty under this subsection is one thousand dollars (\$1,000).

(e) A person who intentionally or knowingly files a false statement commits a Class A infraction.

SECTION 11. IC 4-3-6-2, AS AMENDED BY P.L.8-2019, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 2. As used in this chapter:

(1) "Agency" means any executive or administrative department, commission, council, board, bureau, division, service, office, officer, administration, or other establishment in the executive or administrative branch of the state government not provided for by the constitution. The term "agency" does not include the secretary of state, the auditor of state, the treasurer of state, the lieutenant governor, ~~the state superintendent of public instruction~~, and the attorney general, nor the departments of which they are, by the statutes first adopted setting out their duties, the administrative heads. ~~After January 10, 2021, "agency" includes the state~~

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~~superintendent of public instruction.~~

(2) "Reorganization" means:

(A) the transfer of the whole or any part of any agency, or of the whole or any part of the functions of an agency, to the jurisdiction and control of any other agency;

(B) the abolition of all or any part of the functions of any agency;

(C) the consolidation or coordination of the whole or any part of any agency, or of the whole or any part of the functions of an agency, with the whole or any part of any other agency or the functions of an agency;

(D) the consolidation or coordination of any part of any agency or the functions of an agency, with any other part of the same agency or the functions of the agency;

(E) the authorization of any officer to delegate any of the officer's functions; or

(F) the abolition of the whole or any part of any agency which agency or part does not have, or upon the taking effect of a reorganization plan will not have, any functions.

SECTION 12. IC 4-3-25-4, AS AMENDED BY P.L.205-2017, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 4. The commission consists of the following twenty (20) members:

(1) A member of the governor's staff appointed by the governor.

(2) An appellate or trial court judge appointed by the chief justice of the supreme court to serve on the commission for a term of four (4) years.

(3) One (1) legislative member appointed by the president pro tempore of the senate.

(4) One (1) legislative member appointed by the minority leader of the senate.

(5) One (1) legislative member appointed by the speaker of the house of representatives.

(6) One (1) legislative member appointed by the minority leader of the house of representatives.

(7) The ~~superintendent of public instruction.~~ **secretary of education.**

(8) The director of the department of child services.

(9) The executive director of the Indiana prosecuting attorneys council.

(10) The executive director of the public defender council of Indiana.

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- (11) The secretary of family and social services.
- (12) The state health commissioner.
- (13) The commissioner of the department of correction.
- (14) The superintendent of the state police department.
- (15) The director of the office of management and budget or the budget director, as selected by the governor.
- (16) The executive director of the Indiana criminal justice institute.
- (17) The executive director of the professional licensing agency.
- (18) The attorney general, who shall serve as a nonvoting member.
- (19) One (1) member at large appointed by the governor.
- (20) The executive director of the Indiana housing and community development authority.

SECTION 13. IC 4-3-27-5, AS AMENDED BY P.L.132-2020, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 5. (a) The membership of the governor's workforce cabinet established under section 3 of this chapter consists of at least thirty-one (31) members as follows:

- (1) A chairperson appointed by the governor.
- (2) The secretary of career connections and talent, serving as a nonvoting member.
- (3) The commissioner of the department of workforce development.
- (4) The secretary of commerce or the secretary of commerce's designee, serving as a nonvoting member.
- (5) The commissioner of the Indiana commission for higher education.
- (6) ~~The superintendent of public instruction.~~ **secretary of education.**
- (7) The president of Ivy Tech Community College.
- (8) The president of Vincennes University.
- (9) One (1) member representing a research university appointed by the governor.
- (10) One (1) member representing a comprehensive university or an independent college appointed by the governor.
- (11) A member appointed by the governor who is an apprenticeship coordinator of a joint labor-management apprenticeship program approved by the United States Department of Labor, Employment and Training Administration, Office of Apprenticeship.
- (12) A member representing high school career and technical

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education educators or directors appointed by the governor in consultation with the Indiana Association of Career and Technical Education Districts.

(13) Either:

(A) a member representing manufacturing appointed by the governor in consultation with the Indiana Manufacturers Association; or

(B) an employee of the Indiana Manufacturers Association appointed by the governor.

(14) A member representing a minority business enterprise appointed by the governor.

(15) A member representing a women's business enterprise appointed by the governor.

(16) A member representing a veteran owned business appointed by the governor.

(17) A member representing the nonunion and construction trades appointed by the governor in consultation with the Associated Builders and Contractors, Inc., and the Indiana Builders Association.

(18) Either:

(A) a business owner appointed by the governor in consultation with the Indiana Chamber of Commerce; or

(B) an employee of the Indiana Chamber of Commerce appointed by the governor.

(19) A small business owner appointed by the governor in consultation with the National Federation of Independent Businesses.

(20) A member of a community-based organization appointed by the governor.

(21) Three (3) at-large business owners appointed by the governor, one (1) of whom is a business owner who employs less than fifty (50) employees. One (1) member appointed under this subdivision shall be from an organization representing technology.

(22) A school principal, appointed by the governor.

(23) A school superintendent, appointed by the governor.

(24) The commissioner of the department of correction, serving as a nonvoting member.

(25) The secretary of family and social services, serving as a nonvoting member.

(26) A member of the house of representatives appointed by the speaker of the house of representatives who serves as a nonvoting

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member.

(27) A member of the senate appointed by the president pro tempore of the senate who serves as a nonvoting member.

(28) Any additional members designated and appointed by the governor.

(b) The members appointed under subsection (a)(13) through (a)(21) must be geographically diverse.

SECTION 14. IC 4-12-1-13, AS AMENDED BY P.L.8-2019, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 13. (a) During the interval between sessions of the general assembly, the budget agency shall make regular or, at the request of the governor, special inspections of the respective institutions of the state supported by public funds. The budget agency shall report regularly to the governor relative to the physical condition of such institutions, and any contemplated action of the institution on a new or important matter, and on any other subject which the budget agency may deem pertinent or on which the governor may require information. The budget agency shall likewise familiarize itself with the best and approved practices in each of such institutions and supply such information to other institutions to make their operation more efficient and economical.

(b) Except as to officers and employees of state educational institutions, the executive secretary of the governor, the administrative assistants to the governor, the elected officials, and persons whose salaries or compensation are fixed by the governor pursuant to law, the annual compensation of all persons employed by agencies of the state shall be subject to the approval of the budget agency. Except as otherwise provided by IC 4-15-2.2, the budget agency shall establish classifications and schedules for fixing compensation, salaries, and wages of all classes and types of employees of any state agency or state agencies, and any and all other such classifications affecting compensation as the budget agency shall deem necessary or desirable. The classifications and schedules thus established shall be filed in the office of the budget agency. Requests by an appointing authority for salary and wage adjustments or personal service payments coming within such classifications and schedules shall become effective when approved by, and upon the terms of approval fixed by, the budget agency. All personnel requests pertaining to the staffing of programs or agencies supported in whole or in part by federal funds are subject to review and approval by the state personnel department under IC 4-15-2.2.

(c) The budget agency shall review and approve, for the sufficiency

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of funds, all payments for personal services which are submitted to the auditor of state for payment.

(d) The budget agency shall review all contracts for personal services or other services and no contract for personal services or other services may be entered into by any agency of the state before the written approval of the budget agency is given. Each demand for payment submitted by an agency to the auditor of state under these contracts must be accompanied by a copy of the budget agency approval. No payment may be made by the auditor of state without such approval. However, this subsection does not apply to a contract entered into by:

- (1) a state educational institution; or
- (2) an agency of the state if the contract is not required to be approved by the budget agency under IC 4-13-2-14.1.

(e) The budget agency shall review and approve the policy and procedures governing travel prepared by the department of administration under IC 4-13-1, before the travel policies and procedures are distributed.

(f) Except as provided in subsections (g), (h), and (i), the budget agency may adopt such policies and procedures not inconsistent with law as it may deem advisable to facilitate and carry out the powers and duties of the agency, including the execution and administration of all appropriations made by law. IC 4-22-2 does not apply to these policies and procedures.

(g) The budget agency may not enforce or apply any policy or procedure, unless specifically authorized by this chapter or an applicable statute, against or in relation to the following officials or agencies, unless the official or agency consents to comply with the policy or procedure, or emergency circumstances justify extraordinary measures to protect the state's budget or fiscal reserves:

- (1) The judicial department of the state.
- (2) The general assembly, the legislative services agency, or any other entity of the legislative department of the state.
- (3) The attorney general.
- (4) The auditor of state.
- (5) The secretary of state.
- ~~(6) The superintendent of public instruction. This subdivision does not apply after January 10, 2021.~~
- ~~(7)~~ **(6)** The treasurer of state.

(h) The budget agency may not enforce a policy or procedure against an official or an agency specified in subsection (g)(1) through ~~(g)(7)~~ **(g)(6)** by refusing to allot money from the personal

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services/fringe benefits contingency fund to the official or agency.

(i) The budget agency may not withhold or refuse to allot appropriations for a state educational institution without review by the budget committee.

SECTION 15. IC 4-15-2.2-1, AS AMENDED BY P.L.8-2019, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 1. (a) Except as provided in subsection (b), this chapter applies to employees of a governmental entity that exercises any of the executive powers of the state under the direction of the governor or lieutenant governor.

(b) This chapter does not apply to the following:

- (1) The legislative department of state government.
- (2) The judicial department of state government.
- (3) The following state elected officers and their personal staffs:
 - (A) The governor.
 - (B) The lieutenant governor.
 - (C) The secretary of state.
 - (D) The treasurer of state.
 - (E) The auditor of state.
 - ~~(F) The superintendent of public instruction. This clause does not apply after January 10, 2021.~~
 - ~~(G)~~ **(F)** The attorney general.
- (4) A body corporate and politic of the state created by state statute.
- (5) A political subdivision (as defined in IC 36-1-2-13).
- (6) An inmate who is working in a state penal, charitable, correctional, or benevolent institution.
- (7) The state police department.

(c) This subsection does not apply to a political subdivision, the ports of Indiana (established by IC 8-10-1-3), or the northern Indiana commuter transportation district (established under IC 8-5-15). The chief executive officer of a governmental entity that is exempt from this chapter under subsection (b) may elect to have this chapter apply to all or a part of the entity's employees by submitting a written notice of the election to the director.

SECTION 16. IC 4-23-12-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 1. There is hereby created a commission to be known as the Indiana commission for arts and humanities in education. ~~On and after July 1, 1974, the~~ **The** commission ~~shall consist~~ **consists** of eight (8) members and the ~~state superintendent of public instruction.~~ **secretary of education.** The eight (8) members shall be appointed by the governor and shall serve for a

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term of four (4) years. ~~provided~~ However, ~~that~~ four (4) of the commissioners who are initially appointed shall serve for two (2) years. In the event of a vacancy, the governor shall appoint a successor to complete the unexpired term. In making such appointments, due consideration shall be given to any recommendation made by any other organization concerned with or engaged in arts and humanities in education. Insofar as is practical, members of the commission shall be selected so as to give representation to the various geographical areas of the state and to interested organizations. The ~~state superintendent~~ **secretary of education** shall serve as ~~chairman~~ **chairperson** of the commission.

The meetings of the commission shall be held at least semi-annually and at such other times as may be necessary. All meetings shall be upon call of the ~~chairman~~ **chairperson**.

The members of the commission shall not be required to devote their full time to commission duties, but shall devote such time as is necessary to carry out said duties under this chapter. Members of the commission shall serve without pay, but shall be reimbursed for their reasonable and necessary expenses actually incurred in carrying out their duties. Five (5) members of the commission shall constitute a quorum for the transaction of the business of the commission.

SECTION 17. IC 4-23-12-3, AS AMENDED BY P.L.215-2016, SECTION 98, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 3. The chief administrative officer of the commission shall be the ~~state superintendent of public instruction~~ **secretary of education**. The chief administrative officer shall provide office facilities and personnel to keep adequate records pertaining to the commission's business and may designate a professional employee of the department of education as executive secretary. It shall be the duty of the executive secretary to conduct business as directed by the commission.

SECTION 18. IC 4-23-25.1-6, AS ADDED BY P.L.87-2019, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JUNE 30, 2021]: Sec. 6. (a) The commission consists of the following seventeen (17) members:

- (1) Seven (7) members who represent an organization whose mission involves education, culture, women's history, or civic engagement, appointed by the governor.
- (2) One (1) member of the house of representatives, appointed by the speaker of the house of representatives.
- (3) One (1) member of the house of representatives, appointed by the minority leader of the house of representatives.

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(4) One (1) member of the senate, appointed by the president pro tempore of the senate.

(5) One (1) member of the senate, appointed by the minority leader of the senate.

(6) The lieutenant governor or the lieutenant governor's designee.

(7) The chief justice of Indiana or the chief justice's designee.

(8) The chairperson of the Indiana commission for women or the chairperson's designee.

(9) The ~~state superintendent of public instruction or the superintendent's~~ **secretary of education or the secretary's** designee.

(10) The chief executive officer of the Indiana state museum and historic sites corporation or the chief executive officer's designee.

(11) The director of the Indiana archives and records administration or the director's designee.

(b) A legislative member of the commission appointed under subsection (a)(2) through (a)(5) is a nonvoting advisory member.

SECTION 19. IC 4-23-27-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 3. The board consists of the following members:

(1) The secretary of the family and social services administration.

(2) The state health commissioner.

(3) The insurance commissioner of Indiana.

(4) The state personnel director.

(5) The budget director.

(6) The ~~state superintendent of public instruction.~~ **secretary of education.**

(7) The director of the division of mental health and addiction.

SECTION 20. IC 4-23-28-4, AS AMENDED BY P.L.1-2006, SECTION 84, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 4. (a) The commission consists of twenty (20) members appointed as follows:

(1) Two (2) members of the senate who may not be affiliated with the same political party, to be appointed by the president pro tempore of the senate.

(2) Two (2) members of the house of representatives who may not be affiliated with the same political party, to be appointed by the speaker of the house of representatives.

(3) Four (4) members of the Hispanic/Latino community who are not members of the general assembly, to be appointed by the president pro tempore of the senate.

(4) Four (4) members of the Hispanic/Latino community who are

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not members of the general assembly, to be appointed by the speaker of the house of representatives.

(5) The secretary of family and social services or a designee of the secretary who is a Hispanic or Latino employee of the office of the secretary of family and social services.

(6) The commissioner of the state department of health or a designee of the commissioner who is a Hispanic or Latino employee of the state department of health.

(7) The ~~state superintendent of public instruction~~ **secretary of education** or a designee of the ~~superintendent~~ **secretary** who is a Hispanic or Latino employee of the department of education.

(8) The commissioner of the department of correction or a designee of the commissioner who is a Hispanic or Latino employee of the department of correction.

(9) The director of the civil rights commission or a designee of the director who is a Hispanic or Latino employee of the civil rights commission.

(10) The lieutenant governor or a designee of the lieutenant governor who is a Hispanic or Latino employee of the lieutenant governor.

(11) A Hispanic or Latino business person, appointed by the governor.

(12) The commissioner of workforce development or a designee of the commissioner who is a Hispanic or Latino employee of the department of workforce development, who shall serve as an ex officio member of the commission.

In making their appointments under this section, the president pro tempore of the senate and the speaker of the house of representatives shall attempt to have the greatest possible number of counties represented on the commission.

(b) If a legislative member of the commission ceases to be a member of the chamber from which the member was appointed, the member also ceases to be a member of the commission.

(c) A member of the commission may be removed at any time by the appointing authority who appointed the member.

(d) If a vacancy on the commission occurs, the appointing authority who appointed the former member whose position has become vacant shall appoint an individual to fill the vacancy.

SECTION 21. IC 4-23-29-8, AS AMENDED BY P.L.7-2015, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 8. (a) The board of directors of the council is established.

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(b) The following ex officio members are nonvoting members of the board:

- (1) The ~~state superintendent of public instruction~~ **secretary of education** or the ~~superintendent's~~ **secretary's** designee.
- (2) The secretary of family and social services or the secretary's designee.
- (3) The commissioner of the state department of health or the commissioner's designee.

(c) The following ex officio members are voting members of the board:

- (1) The executive director of the Indiana protection and advocacy services commission.
- (2) The executive director of the university center for excellence as designated under the act.

(d) The governor shall appoint the following fifteen (15) members to the board for terms of three (3) years or until a successor is appointed:

- (1) Three (3) individuals with developmental disabilities.
- (2) Three (3) individuals who are:
 - (A) parents of children with developmental disabilities; or
 - (B) immediate relatives or guardians of adults with developmental disabilities.
- (3) Two (2) individuals who may be:
 - (A) individuals with developmental disabilities; or
 - (B) parents, immediate relatives, or guardians of individuals with developmental disabilities.
- (4) One (1) individual who is institutionalized or was previously institutionalized or the parent, immediate relative, or guardian of an individual who is institutionalized or was previously institutionalized.
- (5) Two (2) individuals with disabilities representing local community or statewide organizations whose stated mission includes fostering the productivity, inclusion, and independence of people with developmental disabilities.
- (6) Two (2) individuals who represent:
 - (A) the community; or
 - (B) a business that has demonstrated a commitment to implementing the federal Americans with Disabilities Act (42 U.S.C. 12101 et seq.).
- (7) Two (2) individuals who represent providers of services to persons with disabilities, including the following:
 - (A) Special education programs.

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- (B) Independent living centers.
- (C) Community based programs.
- (D) Health care.
- (E) Preschool, early intervention programs, or area agencies on aging.

(e) Of the individuals initially appointed by the governor, at least seven (7) must be chosen from names submitted by the council for consideration.

(f) Individuals appointed by the governor under subsection (d)(1) through (d)(5) serve at the pleasure of the governor and must have demonstrated an active involvement in the development of disability policy by:

- (1) serving on boards or commissions; or
- (2) advocating;

on behalf of persons with disabilities.

(g) A member may not serve more than two (2) consecutive three (3) year terms. The governor shall make appointments not later than October 1 of each year.

(h) Each member of the board who is not a state employee is entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b). Members are also entitled to reimbursement for traveling expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

(i) The governor shall appoint a chairperson of the board, who has at least one (1) year of experience as a board member, from among the members appointed by the governor.

(j) The board shall adopt policies and procedures to carry out the board's duties under:

- (1) the act; and
- (2) this chapter.

(k) The affirmative votes of a majority of the voting members appointed to the board are required for the board to take action on any measure.

SECTION 22. IC 4-23-30.2-9, AS AMENDED BY P.L.161-2018, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 9. (a) The board consists of the following members:

- (1) The secretary of family and social services, or the secretary's designee.
- (2) ~~The state superintendent of public instruction;~~ **secretary of**

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education or the ~~state superintendent's~~ **secretary's** designee.

(3) The director of the department of child services, or the director's designee.

(4) The commissioner of the department of correction, or the commissioner's designee.

(5) The director of the Indiana criminal justice institute, or the director's designee.

(6) The director of the budget agency, or the director's designee.

(7) An executive assistant to the governor designated by the governor, who shall serve as the board's chairperson.

(8) The commissioner of the department of workforce development, or the commissioner's designee.

(9) The director of the state personnel department, or the director's designee.

(10) The director of the civil rights commission, or the director's designee.

(11) The director of the division of mental health and addiction or the director's designee.

(12) The director of the office of Medicaid policy and planning or the director's designee.

(13) A representative of the office of judicial administration.

(14) A representative of the public defender council of Indiana.

(15) A representative of the prosecuting attorneys council of Indiana.

(16) A representative of the office of guardian ad litem and court appointed special advocate services.

(b) The affirmative votes of a majority of the members appointed to the board are required for the board to take action on any measure, including reports.

(c) The board shall meet every two (2) months or more often, at the call of the chairperson.

(d) The board shall provide quarterly reports to the governor, the general assembly, and the Indiana criminal justice institute on the progress of the board and on issues affecting the provision of services to members of a vulnerable population. The report to the general assembly must be in an electronic format under IC 5-14-6.

SECTION 23. IC 4-23-31-3, AS ADDED BY P.L.133-2012, SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 3. The commission consists of nineteen (19) members appointed as follows:

(1) Two (2) members of the senate, who are not members of the same political party, appointed by the president pro tempore of

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the senate with the advice of the minority leader of the senate.

(2) Two (2) members of the house of representatives, who are not members of the same political party, appointed by the speaker of the house of representatives with the advice of the minority leader of the house of representatives.

(3) The director of the division of family resources or the director's designee.

(4) The director of the division of mental health and addiction or the director's designee.

(5) The commissioner of the state department of health or the commissioner's designee.

(6) The ~~superintendent of public instruction~~ **secretary of education** or the ~~superintendent's~~ **secretary's** designee.

(7) The commissioner of the department of correction or the commissioner's designee.

(8) The director of the civil rights commission or the director's designee.

(9) The commissioner of the Indiana department of administration or the commissioner's designee.

(10) The lieutenant governor or the lieutenant governor's designee.

(11) A minority business person, appointed by the governor.

(12) Three (3) persons appointed by the president pro tempore of the senate who are not members of the general assembly. Not more than two (2) persons appointed under this subdivision may be members of the same political party.

(13) Three (3) persons appointed by the speaker of the house of representatives who are not members of the general assembly. Not more than two (2) persons appointed under this subdivision may be members of the same political party.

SECTION 24. IC 4-23-32-4, AS ADDED BY P.L.133-2012, SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 4. (a) The commission consists of fifteen (15) voting members and two (2) nonvoting members. The voting members of the commission consist of the following:

(1) Six (6) Native American Indians, each from a different geographic region of Indiana.

(2) Two (2) Native American Indians who have knowledge in Native American traditions and spiritual issues.

(3) The commissioner of the department of correction or the commissioner's designee.

(4) The commissioner of the commission for higher education or

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the commissioner's designee.

(5) The commissioner of the state department of health or the commissioner's designee.

(6) The secretary of family and social services or the secretary's designee.

(7) The director of the department of natural resources or the director's designee.

(8) The ~~state superintendent of public instruction~~ **secretary of education** or the ~~superintendent's~~ **secretary's** designee.

(9) The commissioner of the department of workforce development or the commissioner's designee.

(b) The nonvoting members of the commission consist of the following:

(1) One (1) member of the house of representatives appointed by the speaker of the house of representatives.

(2) One (1) member of the senate appointed by the president pro tempore of the senate.

(c) The governor shall appoint each Native American Indian member of the commission to a term of four (4) years, and any vacancy occurring shall be filled by the governor for the unexpired term. Before appointing a Native American Indian member to the commission, the governor shall solicit nominees from Indiana associations that represent Native American Indians in the geographic region from which the member will be selected. Not more than one (1) member may represent the same tribe or Native American Indian organization or association.

(d) A member of the commission may be removed by the member's appointing authority.

SECTION 25. IC 5-8-3.5-1, AS AMENDED BY P.L.8-2019, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 1. (a) An officer who wants to resign shall give written notice of the officer's resignation as follows:

(1) The governor and lieutenant governor shall notify the principal clerk of the house of representatives and the principal secretary of the senate to act in accordance with Article 5, Section 10 of the Constitution of the State of Indiana. The clerk and the secretary shall file a copy of the notice with the office of the secretary of state.

(2) A member of the general assembly shall notify the following, whichever applies:

(A) A member of the senate shall notify the president pro tempore of the senate.

(B) A member of the house of representatives shall notify the

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speaker of the house of representatives.

(3) The following officers commissioned by the governor under IC 4-3-1-5 shall notify the governor:

(A) An elector or alternate elector for President and Vice President of the United States.

(B) The secretary of state, the auditor of state, the treasurer of state, ~~before January 11, 2021, the superintendent of public instruction~~, or the attorney general.

(C) An officer elected by the general assembly, the senate, or the house of representatives.

(D) A justice of the Indiana supreme court, judge of the Indiana court of appeals, or judge of the Indiana tax court.

(E) A judge of a circuit, city, county, probate, superior, town, or township small claims court.

(F) A prosecuting attorney.

(G) A circuit court clerk.

(H) A county auditor, county recorder, county treasurer, county sheriff, county coroner, or county surveyor.

(4) An officer of a political subdivision (as defined by IC 36-1-2-13) other than an officer listed in subdivision (3) shall notify the circuit court clerk of the county containing the largest percentage of population of the political subdivision.

(5) An officer not listed in subdivisions (1) through (4) shall notify the person or entity from whom the officer received the officer's appointment.

(b) A person or an entity that receives notice of a resignation and does not have the power to fill the vacancy created by the resignation shall, not later than seventy-two (72) hours after receipt of the notice of resignation, give notice of the vacancy to the person or entity that has the power to:

(1) fill the vacancy; or

(2) call a caucus for the purpose of filling the vacancy.

SECTION 26. IC 5-10.3-7-9.6, AS ADDED BY P.L.220-2011, SECTION 81, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 9.6. (a) The state shall initiate the contributions required by section 9 of this chapter, as amended by P.L.35-1985, as part of salary and fringe benefit adjustments provided for state employees after June 30, 1986.

(b) The state shall initiate the contributions required by section 9 of this chapter for each governor, lieutenant governor, **and** attorney general **and state superintendent of public instruction** elected or appointed to office after November 7, 1988.

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(c) The state shall initiate, for compensation paid after June 30, 1987, the contributions required under section 9 of this chapter for the following persons whose compensation is paid in whole or in part from state funds:

- (1) Prosecuting attorneys.
- (2) Deputy prosecuting attorneys.
- (3) Juvenile court referees and full-time magistrates appointed under IC 31-6-9-2 (before its repeal, now codified at IC 31-31-3).
- (4) The master commissioners and full-time magistrates appointed under IC 33-4-1-2.1 (before its repeal, now codified at IC 33-33-2-3), IC 33-4-1-74.3 (before its repeal, now codified at IC 33-33-75-2), IC 33-4-1-75.1 (as amended by P.L.378-1987(ss), before its repeal, now codified at IC 33-33-71-3), and IC 33-4-1-82.1 (before its repeal, now codified at IC 33-33-82-3).
- (5) The court commissioner and a full-time magistrate appointed under IC 33-5-29.5-7.1 (as amended by P.L.378-1987(ss), before its repeal, now codified at IC 33-33-45-10).

SECTION 27. IC 5-10.4-1-14 IS REPEALED [EFFECTIVE JULY 1, 2021]. ~~Sec. 14. "State superintendent" refers to the state superintendent of public instruction.~~

SECTION 28. IC 5-10.4-7-9, AS ADDED BY P.L.2-2006, SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 9. Expenses of the ~~state superintendent~~ **secretary of education** necessary in administering section 8 of this chapter must be paid from the funds of the board on a voucher approved by the director.

SECTION 29. IC 5-14-3-3.5, AS AMENDED BY P.L.8-2019, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 3.5. (a) As used in this section, "state agency" has the meaning set forth in IC 4-13-1-1. The term does not include the office of the following elected state officials:

- (1) Secretary of state.
- (2) Auditor.
- (3) Treasurer.
- (4) Attorney general.
- ~~(5) Superintendent of public instruction. This subdivision does not apply after January 10, 2021.~~

However, each state office described in subdivisions (1) through ~~(5)~~ (4) and the judicial department of state government may use the computer gateway administered by the office of technology established by IC 4-13.1-2-1, subject to the requirements of this section.

(b) As an additional means of inspecting and copying public

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records, a state agency may provide enhanced access to public records maintained by the state agency.

(c) If the state agency has entered into a contract with a third party under which the state agency provides enhanced access to the person through the third party's computer gateway or otherwise, all of the following apply to the contract:

(1) The contract between the state agency and the third party must provide for the protection of public records in accordance with subsection (d).

(2) The contract between the state agency and the third party may provide for the payment of a reasonable fee to the state agency by either:

(A) the third party; or

(B) the person.

(d) A contract required by this section must provide that the person and the third party will not engage in the following:

(1) Unauthorized enhanced access to public records.

(2) Unauthorized alteration of public records.

(3) Disclosure of confidential public records.

(e) A state agency shall provide enhanced access to public records only through the computer gateway administered by the office of technology.

SECTION 30. IC 6-1.1-20.3-4, AS AMENDED BY P.L.241-2017, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 4. (a) The distressed unit appeal board is established.

(b) The distressed unit appeal board consists of the following members:

(1) The director of the office of management and budget or the director's designee. The director or the director's designee shall serve as chairperson of the distressed unit appeal board.

(2) The commissioner of the department of local government finance or the commissioner's designee.

(3) The state examiner of the state board of accounts or the state examiner's designee.

(4) The ~~state superintendent of public instruction~~ **secretary of education** or the ~~superintendent's~~ **secretary's** designee.

(5) An individual appointed by the governor.

(6) A member of the house of representatives appointed by the speaker of the house of representatives, who shall serve as a nonvoting member.

(7) A member of the senate appointed by the president pro

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tempore of the senate, who shall serve as a nonvoting member.

(8) A member to serve a one (1) year term in each even-numbered year who:

(A) is a member of the house of representatives; and

(B) is appointed by the minority leader of the house of representatives.

The member is a nonvoting member.

(9) A member to serve a one (1) year term in each odd-numbered year who:

(A) is a member of the senate; and

(B) is appointed by the minority leader of the senate.

The member is a nonvoting member.

(c) Each member of the board who is not a member of the general assembly is entitled to reimbursement for:

(1) traveling expenses as provided under IC 4-13-1-4; and

(2) other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

(d) Each member of the board who is a member of the general assembly is entitled to receive the same per diem, mileage, and travel allowances paid to legislative members of interim study committees. Per diem, mileage, and travel allowances paid under this section shall be paid from appropriations made to the legislative council or the legislative services agency.

SECTION 31. IC 6-1.1-20.3-6.8, AS AMENDED BY P.L.10-2019, SECTION 37, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 6.8. (a) This section applies only to the Gary Community School Corporation.

(b) The general assembly finds that the provisions of this section:

(1) are necessary to address the unique issues faced by the Gary Community School Corporation; and

(2) are not precedent for and may not be appropriate for addressing issues faced by other school corporations.

(c) As used in this section, the following definitions apply:

(1) "Chief academic officer" means the chief academic officer appointed under subsection (j).

(2) "Chief financial officer" means the chief financial officer appointed under subsection (i).

(3) "School corporation" refers to the Gary Community School Corporation.

(d) The Gary Community School Corporation is designated as a

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distressed political subdivision for purposes of this chapter until the school corporation's designation as a distressed political subdivision is terminated as provided in section 13(b) of this chapter. This designation as a distressed political subdivision is effective regardless of whether the school corporation has submitted a petition requesting to be designated as a distressed political subdivision. Until the school corporation's designation as a distressed political subdivision is terminated as provided in section 13(b) of this chapter, the Gary Community School Corporation advisory board may not hold a public meeting more often than once every three (3) months. This limit on the number of meetings of the advisory board does not apply to the emergency manager. The emergency manager shall hold a monthly forum to provide an update on the Gary Community School Corporation within the school district that is open to the general public. During the period that the Gary Community School Corporation is designated as a distressed political subdivision, the advisory board may vote to:

- (1) fill vacancies;
- (2) select officers; or
- (3) make appointments;

of the advisory board, and to present awards, recognition, and certificates to employees or supporters of the school corporation.

(e) Until the school corporation's designation as a distressed political subdivision is terminated as provided in section 13(b) of this chapter, the following apply to the emergency manager appointed under section 7.5 of this chapter for the school corporation:

- (1) The emergency manager has the powers and duties specified in this chapter.
- (2) The emergency manager shall consider recommendations from the fiscal management board and the advisory board, but the emergency manager has full responsibility and authority related to financial and academic matters of the school corporation, and the emergency manager may act, as specified in this chapter, on these financial and academic matters without the approval of the fiscal management board or the advisory board.
- (3) Notwithstanding section 7.5(d) of this chapter, the distressed unit appeal board shall:
 - (A) determine the compensation of the emergency manager, chief financial officer, and chief academic officer; and
 - (B) subject to subsections (i) and (j), pay the emergency manager's, chief financial officer's, and chief academic officer's compensation and reimburse the emergency manager,



chief financial officer, and chief academic officer for actual and necessary expenses from funds appropriated to the distressed unit appeal board.

(4) Before appointing the emergency manager, the distressed unit appeal board shall interview at least one (1) resident of the city of Gary as a candidate for the position. If the distressed unit appeal board is not able to interview a resident of the city of Gary as a candidate for the position, the distressed unit appeal board shall interview at least one (1) individual who is a resident of Lake County or northwest Indiana as a candidate for the position.

The appointment of the emergency manager for the school corporation is terminated on the date the school corporation's designation as a distressed political subdivision is terminated as provided in section 13(b) of this chapter.

(f) In addition to any other actions that the distressed unit appeal board may take under this chapter concerning a distressed political subdivision, for a distressed school corporation, the distressed unit appeal board may also do any of the following:

(1) The distressed unit appeal board may delay or suspend, for a period determined by the board, any payments of principal or interest, or both, that would otherwise be due from the school corporation on loans or advances from the common school fund.

(2) The distressed unit appeal board may recommend to the state board of finance that the state board of finance make an interest free loan to the school corporation from the common school fund. The distressed unit appeal board shall determine the payment schedule and the commencement date for the loan. If the distressed unit appeal board makes a recommendation that such a loan be made, the state board of finance may, notwithstanding IC 20-49, make such a loan for a term of not more than ten (10) years.

(3) The distressed unit appeal board may establish benchmarks of financial improvement for the school corporation.

(4) The distressed unit appeal board may provide a grant or grants to the school corporation from funds appropriated to the distressed unit appeal board, in amounts determined by the distressed unit appeal board, to assist the school corporation in overcoming short term financial problems.

(5) The distressed unit appeal board may make a recommendation to the general assembly concerning the possible restructuring of advances made to the school corporation from the common school fund, including forgiveness of principal and interest on those



advances.

(g) The fiscal management board is established. The fiscal management board consists of the following members:

- (1) One (1) member appointed by the advisory board.
- (2) One (1) member appointed by the mayor of the city of Gary.
- (3) One (1) member, who must have experience working with or for an urban school corporation, appointed by the ~~superintendent of public instruction~~ **secretary of education**.
- (4) One (1) member, who must have experience working with or for an urban school corporation, appointed by the state board of education.

(h) The following apply to the fiscal management board and to the members of the fiscal management board:

- (1) The term of office of a member of the fiscal management board is four (4) years, beginning on the date of appointment. A member of the fiscal management board may be reappointed to the fiscal management board. A member of the fiscal management board may be removed for cause by the appointing authority.
- (2) A member of the fiscal management board must have the following:
 - (A) At least three (3) years experience in financial management.
 - (B) A meaningful background and work experience in finance and business.
 - (C) An understanding of government contracts.
 - (D) Knowledge and experience in organizational effectiveness, operations management, and implementing best practices.
 - (E) Experience in budget development and oversight.
 - (F) A demonstrated commitment to high professional and ethical standards and a diverse workplace.
 - (G) An understanding of tax and other compliance implications.
- (3) A member of the advisory board may not serve as a member of the fiscal management board.
- (4) The fiscal management board:
 - (A) shall make recommendations to the emergency manager; and
 - (B) shall advise the emergency manager as requested by the emergency manager.
- (5) The members of the fiscal management board are not entitled to any compensation for their service on the fiscal management

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board.

(6) The fiscal management board is abolished, and the terms of the members of the fiscal management board are terminated, on the date the school corporation's designation as a distressed political subdivision is terminated as provided in section 13(b) of this chapter.

(7) Under the supervision of the emergency manager, the fiscal management board shall serve as a liaison to and shall work jointly with the distressed unit appeal board, the mayor of the city of Gary, and the department of education to develop a transition plan to address issues or questions related to:

(A) the designation of the school corporation as a distressed political subdivision and the transfer of powers and duties to the emergency manager under this chapter; and

(B) the potential impact of the transition on the community and the school corporation.

(8) Under the supervision of the emergency manager, the fiscal management board shall work jointly with the distressed unit appeal board, the mayor of the city of Gary, and the department of education to provide information on a regular basis to parents, students, employees of the school corporation, and the public on the status of the transition.

(i) The emergency manager shall employ a chief financial officer for the school corporation. The chief financial officer is an employee of the school corporation. The chief financial officer shall report to the emergency manager and shall assist the emergency manager appointed for the school corporation and the fiscal management board in carrying out the day to day financial operations of the school corporation. Before July 1, 2019, the compensation of the chief financial officer shall be determined by the distressed unit appeal board. Before July 1, 2019, the compensation of the chief financial officer shall be paid from the funds appropriated to the distressed unit appeal board. After June 30, 2019, the compensation of the chief financial officer shall be determined by and paid by the school corporation. The chief financial officer:

(1) must possess, through both education and experience, an understanding of finance and financial management; and

(2) must possess any other experience and must meet any other requirements as required by the distressed unit appeal board to ensure that the chief financial officer is qualified to carry out the financial restructuring of the school corporation.

Before employing a chief financial officer under this subsection, the emergency manager shall interview at least one (1) resident of the city

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of Gary as a candidate for the position. If the emergency manager is not able to interview a resident of the city of Gary as a candidate for the position, the emergency manager shall interview at least one (1) individual who is a resident of Lake County or northwest Indiana as a candidate for the position.

(j) The emergency manager shall employ a chief academic officer for the school corporation, after consultation with the department of education, who must have experience working with or for an urban school corporation. The chief academic officer is an employee of the school corporation. The chief academic officer shall report to the emergency manager and shall assist the emergency manager appointed for the school corporation and the fiscal management board in carrying out the academic matters of the school corporation. Before July 1, 2019, the compensation of the chief academic officer shall be determined by the distressed unit appeal board. Before July 1, 2019, the compensation of the chief academic officer shall be paid from the funds appropriated to the distressed unit appeal board. After June 30, 2019, the compensation of the chief academic officer shall be determined by and paid by the school corporation. The chief academic officer must:

- (1) hold a valid license to teach in a public school under IC 20-28-5;
- (2) possess, through both education and experience, an understanding of curriculum and academics; and
- (3) possess any other experience and meet any other requirements as required by the distressed unit appeal board to ensure that the chief academic officer is qualified to carry out the academic goals of the school corporation.

Before employing a chief academic officer under this subsection, the emergency manager shall interview at least one (1) resident of the city of Gary as a candidate for the position. If the emergency manager is not able to interview a resident of the city of Gary as a candidate for the position, the emergency manager shall interview at least one (1) individual who is a resident of Lake County or northwest Indiana as a candidate for the position.

(k) The chief financial officer and chief academic officer shall assist the emergency manager in carrying out the emergency manager's duties under this chapter.

(l) The annual budget adopted by the emergency manager for the school corporation must dedicate a significant part of the school corporation's budget to eliminating the school corporation's outstanding financial obligations. The emergency manager shall attempt to negotiate with the creditors of the school corporation to establish a plan

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specifying the schedule for paying each creditor. The emergency manager shall submit the plan to the distressed unit appeal board for approval. The distressed unit appeal board must:

- (1) review the plan submitted by the emergency manager; and
- (2) not later than sixty (60) days after the plan is submitted, either:
 - (A) approve the plan as submitted by the emergency manager; or
 - (B) modify the plan as submitted by the emergency manager and then approve the modified plan.

(m) The emergency manager shall consider any recommendations from the fiscal management board, the advisory board, and the mayor of the city of Gary in developing the school corporation's annual budget. The distressed unit appeal board must review and approve the school corporation's annual budget that is proposed by the emergency manager. When the emergency manager submits the school corporation's proposed annual budget to the distressed unit appeal board, the emergency manager shall provide copies of the proposed annual budget to the fiscal management board and the advisory board.

(n) After considering any recommendations from the fiscal management board, the advisory board, and the mayor of the city of Gary, the emergency manager shall do the following:

- (1) Conduct a financial and compliance audit of the operations of the school corporation.
- (2) Develop a written financial plan for the school corporation. The object of the plan must be to achieve financial stability for the school corporation, and the plan must include provisions for paying all of the school corporation's outstanding obligations and for paying all future obligations of the school corporation (including any federal, state, or local taxes or assessments) in a timely manner.

(o) In addition to the report required by section 8.5(c)(5) of this chapter, the emergency manager, the chief financial officer, and the chief academic officer shall report quarterly to the distressed unit appeal board in a format specified by the distressed unit appeal board.

The report must include:

- (1) information concerning the actions that the school corporation is taking to improve the financial condition of the school corporation; and
- (2) any other information required by the distressed unit appeal board.

The emergency manager shall report more frequently than quarterly if

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requested by the distressed unit appeal board. The emergency manager shall provide copies of the report to the fiscal management board, the advisory board, and the mayor of the city of Gary. The emergency manager shall present each report at a public meeting of the fiscal management board.

(p) The school corporation shall do the following:

(1) Publish a copy of each report under subsection (o) on the school corporation's Internet web site, along with a link to the main page of the Indiana transparency Internet web site established under IC 5-14-3.7 to provide access to financial data for local schools.

(2) Make copies of each report available free of charge to the public upon request.

(3) Provide copies of each report to the mayor of the city of Gary. The mayor shall make copies of the reports available free of charge to the public upon request.

(q) The chief academic officer shall develop an education plan to provide academic services to students in the school corporation and to achieve academic progress. The education plan must include at least the following components:

(1) An academic program designed to meet Indiana's academic standards and to assist students in meeting those academic standards.

(2) A plan to improve the academic performance of all students, including improvement in the performance of students on standardized tests.

(3) A plan to engage parents in school performance and school activities, including regular meetings at each school involving administrators, teachers, parents, and interested members of the community.

(4) A plan to implement performance standards that will attract students and families to the school corporation.

(5) A plan specifying how the school corporation will work directly with the city of Gary:

(A) to make the schools a successful component of life within the city; and

(B) to develop a sense of pride and progress in the operations and accomplishments of the school corporation.

The chief financial officer and the chief academic officer shall submit a report to the advisory board each quarter. The chief financial officer and chief academic officer shall meet at least quarterly with the executive committee of the bargaining unit to inform the executive

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committee of the academic progress of the school corporation.

SECTION 32. IC 6-8.1-9-4, AS AMENDED BY P.L.99-2016, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 4. (a) Every individual (other than a nonresident) who files an individual income tax return and who is entitled to a refund from the department of state revenue because of the overpayment of income tax for a taxable year may designate on the individual's annual state income tax return that either a specific amount or all of the refund to which the individual is entitled shall be paid over to one (1) or more of the funds described in subsection (c). If the refund to which the individual is entitled is less than the total amount designated to be paid over to one (1) or more of the funds described in subsection (c), all of the refund to which the individual is entitled shall be paid over to the designated funds, but in an amount or amounts reduced proportionately for each designated fund. If an individual designates all of the refund to which the individual is entitled to be paid over to one (1) or more of the funds described in subsection (c) without designating specific amounts, the refund to which the individual is entitled shall be paid over to each fund described in subsection (c) in an amount equal to the refund divided by the number of funds described in subsection (c), rounded to the lowest cent, with any part of the refund remaining due to the effects of rounding to be deposited in the nongame fund.

(b) Every husband and wife (other than nonresidents) who file a joint income tax return and who are entitled to a refund from the department of state revenue because of the overpayment of income tax for a taxable year may designate on their annual state income tax return that either a specific amount or all of the refund to which they are entitled shall be paid over to one (1) or more of the funds described in subsection (c). If the refund to which a husband and wife are entitled is less than the total amount designated to be paid over to one (1) or more of the funds described in subsection (c), all of the refund to which the husband and wife are entitled shall be paid over to the designated funds, but in an amount or amounts reduced proportionately for each designated fund. If a husband and wife designate all of the refund to which the husband and wife are entitled to be paid over to one (1) or more of the funds described in subsection (c) without designating specific amounts, the refund to which the husband and wife are entitled shall be paid over to each fund described in subsection (c) in an amount equal to the refund divided by the number of funds described in subsection (c), rounded to the lowest cent, with any part of the refund remaining due to the effects of rounding to be deposited in the

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nongame fund.

(c) Designations under subsection (a) or (b) may be directed only to the following funds:

- (1) The nongame fund.
- (2) The state general fund for exclusive use in funding public education for kindergarten through grade 12.
- (3) The military family relief fund.

(d) The instructions for the preparation of individual income tax returns shall contain a description of the purposes of the following:

- (1) The nongame and endangered species program. The description of this program shall be written in cooperation with the department of natural resources.
- (2) The funding of public education for kindergarten through grade 12. The description of this purpose shall be written in cooperation with the ~~state superintendent of public instruction~~ **secretary of education**.
- (3) The funding for financial assistance to qualified service members (as defined in IC 10-17-12-7.5) and their families. The description of this purpose shall be written in cooperation with the Indiana department of veterans' affairs.

(e) The department shall interpret a designation on a return under subsection (a) or (b) that is illegible or otherwise not reasonably discernible to the department as if the designation had not been made.

SECTION 33. IC 9-18.5-15-5, AS ADDED BY P.L.198-2016, SECTION 327, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 5. The fees collected under this chapter shall be distributed as follows:

- (1) Twenty-five percent (25%) to the ~~state superintendent of public instruction~~ **secretary of education** to administer the school intervention and career counseling development program and fund under IC 20-20-17.
- (2) Seventy-five percent (75%) as provided under section 6 of this chapter.

SECTION 34. IC 10-21-1-3, AS AMENDED BY P.L.211-2019, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 3. (a) The secured school safety board is established to approve or disapprove applications for matching grants to fund programs described in section 2(a)(1) of this chapter and grants described in section 2(a)(2) of this chapter to fund the initial set up costs for an active event warning system.

(b) The board consists of seven (7) members appointed as follows:

- (1) The executive director of the department of homeland security

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or the executive director's designee. The executive director of the department of homeland security or the executive director's designee serves as the chairperson of the board.

(2) The attorney general or the attorney general's designee.

(3) The superintendent of the state police department or the superintendent's designee.

(4) A local law enforcement officer appointed by the governor.

(5) The ~~state superintendent of public instruction~~ **secretary of education** or the ~~superintendent's~~ **secretary's** designee.

(6) The director of the criminal justice institute or the director's designee.

(7) An employee of a local school corporation or a charter school appointed by the governor.

(c) The board shall establish criteria to be used in evaluating applications for grants from the fund. These criteria must:

(1) be consistent with the fund's goals; and

(2) provide for an equitable distribution of grants to school corporations, charter schools, and accredited nonpublic schools located throughout Indiana.

SECTION 35. IC 11-10-5-1, AS AMENDED BY P.L.1-2005, SECTION 121, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 1. The department shall, after consulting with the ~~state superintendent of public instruction~~ **secretary of education** and the Indiana commission on vocational and technical education of the department of workforce development, implement academic and vocational education curricula and programs for confined offenders, by utilizing qualified personnel employed by the department or by arranging for instruction to be given by public or private educational agencies in Indiana. The department shall include special education programs, which shall be governed under IC 20-35-2. To provide funding for development and implementation of academic and vocational education curricula and programs, the department may accept gifts and apply for and receive grants from any source.

SECTION 36. IC 12-21-4-3, AS AMENDED BY P.L.28-2012, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 3. The council consists of the following twenty-nine (29) members, not less than fifty percent (50%) of whom must be individuals who are not state employees or providers of mental health services:

(1) The director.

(2) The ~~state superintendent of public instruction~~ **secretary of education** or the ~~superintendent's~~ **secretary's** designee.

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- (3) The director of the office of Medicaid policy and planning, or the director's designee.
- (4) The director of the bureau of rehabilitation services or the director's designee.
- (5) The executive director of the Indiana housing and community development authority created by IC 5-20-1-3 or the executive director's designee.
- (6) The director of the criminal justice institute or the director's designee.
- (7) The director of the department of child services or the director's designee.
- (8) Twenty-two (22) individuals who:
 - (A) are appointed by the secretary;
 - (B) have a recognized knowledge of or interest in the programs administered by the division, including representatives of parents of children with serious emotional disturbances;
 - (C) are appointed for a term of four (4) years; and
 - (D) serve until a successor is appointed.

SECTION 37. IC 16-33-3-8.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 8.5. (a) A placement review committee for the center is established. The committee consists of one (1) representative of each of the following:

- (1) The office of the secretary of family and social services.
- (2) The state department.
- (3) ~~The superintendent of public instruction.~~ **secretary of education.**

(b) The placement review committee shall meet on a quarterly basis to review the following:

- (1) Applications to the center denied through the process described in section 8 of this chapter.
- (2) All instances of dismissal from the center for reasons other than graduation, voluntary transition to another educational facility, or voluntary departure from the center.

(c) The director shall serve as an advisor to the placement review committee. The director shall provide the placement review committee with information and justification for all application denials and dismissals under review.

(d) The placement review committee may recommend that application denials or dismissals be reconsidered.

SECTION 38. IC 16-46-11.1-5, AS AMENDED BY P.L.2-2007, SECTION 196, IS AMENDED TO READ AS FOLLOWS

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[EFFECTIVE JULY 1, 2021]: Sec. 5. (a) The commission consists of the following fifteen (15) members:

- (1) One (1) member representing the state department.
- (2) One (1) member representing local health departments.
- (3) One (1) member representing the medical profession.
- (4) One (1) member representing postsecondary educational institutions in Indiana.
- (5) Two (2) members representing patient advocacy groups.
- (6) One (1) member representing community organizations.
- (7) One (1) member representing interpreter professional associations.
- (8) One (1) member representing translator professional associations.
- (9) One (1) member representing hospitals.
- (10) One (1) member representing the interagency state council on black and minority health.
- (11) One (1) member representing the department of correction who is nominated by the commissioner of the department of correction.
- (12) One (1) member representing the department of education who is nominated by the ~~state superintendent of public instruction~~ **secretary of education**.
- (13) One (1) member representing the office of Medicaid policy and planning who is nominated by the director of the office of Medicaid policy and planning.
- (14) The executive director of the health professions bureau or the executive director's designee.

The state health commissioner shall appoint the members of the commission designated by subdivisions (1) through (13). The appointments made under this subsection must be made in a manner to maintain cultural and language diversity.

(b) The state health commissioner shall designate:

- (1) one (1) member as chairperson of the commission; and
- (2) one (1) member as vice chairperson of the commission.

(c) Except for the member of the commission designated by subsection (a)(14), a member is appointed to a term of two (2) years or until a successor is appointed. A member may be reappointed to an unlimited number of terms.

(d) Except for the member of the commission designated by subsection (a)(14), if a member:

- (1) resigns;
- (2) dies; or

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(3) is removed from the commission; before the expiration of the member's term, the state health commissioner shall appoint a new member to serve for the remainder of the term.

(e) The expenses of the commission shall be paid from funds appropriated to the state department.

(f) Each member of the commission who is a state employee is entitled to reimbursement for traveling expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

(g) The affirmative votes of a majority of the members appointed to the commission are required for the commission to take action on any measure.

(h) The commission shall meet quarterly or on the call of the chairperson.

SECTION 39. IC 16-46-16-1, AS ADDED BY P.L.33-2018, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 1. (a) The state department shall develop a strategic plan to identify and significantly reduce the prevalence of diabetes and prediabetes in Indiana.

(b) In developing the strategic plan under subsection (a), the state department shall collaborate with the office of the secretary of family and social services.

(c) The state department shall establish workgroups to assist in the development of the strategic plan. The members of a workgroup may include the following:

- (1) The commissioner or the commissioner's designee.
- (2) The secretary of family and social services or the secretary's designee.
- (3) The ~~state superintendent of public instruction~~ **secretary of education** or the ~~state superintendent's~~ **secretary's** designee.
- (4) The dean of the Indiana University Richard M. Fairbanks School of Public Health or the dean's designee.
- (5) Health care providers specializing in diabetes prevention, screening, treatment, research, or education.
- (6) Health care providers who provide direct patient care.
- (7) Representatives of any medical, nursing, or dental school located in Indiana.
- (8) Middle school, high school, or college level health instructors.
- (9) Individuals diagnosed with diabetes or at risk for diabetes.

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(10) Public health advocates who work with diabetes or diabetes prevention.

(11) Representatives of community based and faith based organizations involved in providing education, awareness, or support relating to diabetes.

(12) Any other persons the state department determines are necessary.

(13) Public health advocates who work with individuals with kidney disease.

(14) Representatives of organizations that address minority health and health disparities.

(d) The state department shall update the strategic plan every two (2) years.

SECTION 40. IC 20-18-2-18.1 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: **Sec. 18.1. "Secretary of education" refers to the secretary of education appointed by the governor under IC 20-19-1-1.1.**

SECTION 41. IC 20-18-2-20 IS REPEALED [EFFECTIVE JULY 1, 2021]. **Sec. 20: "State superintendent" refers to:**

(1) before January 11, 2021, the state superintendent of public instruction; and

(2) after January 10, 2021, the secretary of education appointed by the governor under IC 20-19-1-1.1.

SECTION 42. IC 20-18-3-2 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2021 (RETROACTIVE)]: **Sec. 2. (a) On January 11, 2021, all powers, duties, agreements, and liabilities of the state superintendent of public instruction are transferred to the secretary of education, as the successor to the state superintendent of public instruction.**

(b) On January 11, 2021, all records and property of the state superintendent of public instruction, including appropriations and other funds under the control or supervision of the state superintendent of public instruction, are transferred to the secretary of education, as the successor to the state superintendent of public instruction.

(c) After January 10, 2021, and except as provided under IC 20-26-15, a reference to the state superintendent of public instruction in a statute, rule, or other document is considered a reference to the secretary of education, as the successor to the state superintendent of public instruction.

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(d) This section expires July 1, 2031.

SECTION 43. IC 20-19-1-2, AS ADDED BY P.L.1-2005, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 2. The ~~state superintendent~~ **secretary of education** is designated to, and may cooperate with, the Agricultural Marketing Service of the United States Department of Agriculture and with other federal relief agencies in the distribution of surplus agricultural commodities to the following:

- (1) School corporations.
- (2) Nonprofit nonpublic schools.
- (3) Township and county relief agencies.
- (4) Other nonprofit public and private institutions to which by law the commodities may be distributed.

SECTION 44. IC 20-19-1-3, AS ADDED BY P.L.1-2005, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 3. The ~~state superintendent~~ **secretary of education** has administrative duties and authority concerning the school lunch programs under IC 20-26-9.

SECTION 45. IC 20-19-2-2.2, AS AMENDED BY P.L.82-2020, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 2.2. (a) ~~Beginning June 1, 2015~~; The state board consists of the following members:

- (1) The ~~state superintendent~~ **secretary of education**.
- (2) Eight (8) members appointed by the governor. The following provisions apply to members of the state board appointed under this subdivision:
 - (A) At least six (6) members appointed under this subdivision must have professional experience in the field of education as provided in subsection (b).
 - (B) Members shall be appointed from different parts of Indiana with not more than one (1) member being appointed from a particular congressional district.
 - (C) Not more than five (5) members of the state board may be appointed from the membership of any one (1) political party.
 - (D) Subject to subsection (h), at least one (1) member shall be a practicing licensed special education teacher or special education director at the time the member is appointed.
- (3) One (1) member, who is not a member of the general assembly, appointed by the speaker of the house of representatives.
- (4) One (1) member, who is not a member of the general assembly, appointed by the president pro tempore of the senate.

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

- (1) a teacher;
- (2) a principal;
- (3) an assistant superintendent; or
- (4) a superintendent.

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

(d) The members of the state board shall elect a chairperson and vice chairperson annually from the members of the state board. The vice chairperson shall act as chairperson in the absence of the chairperson.

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

(f) A member appointed under subsection (a)(2) through (a)(4) may be removed from the state board by the member's appointing authority for just cause. Vacancies in the appointments to the state board shall be filled by the appointing authority. A member appointed under this subsection serves for the remainder of the unexpired term.

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

(h) This subsection expires July 1, 2024. The governor shall appoint a member who has the qualifications described in subsection (a)(2)(D) for the first appointment made by the governor to fill a vacancy on the state board after March 31, 2020.

SECTION 46. IC 20-19-2-4.5, AS ADDED BY P.L.7-2011, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 4.5. (a) The advisory committee on career and technical education is established to advise the state board on policy matters concerning career and technical education. The advisory committee on career and technical education consists of:

- (1) the ~~state superintendent~~ **secretary of education** or the ~~state superintendent's secretary's~~ designee; and
- (2) seven (7) members appointed by the ~~state superintendent.~~ **secretary of education.**

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(b) The following provisions apply to members of the advisory committee on career and technical education:

- (1) At least four (4) of the members must be actively employed as area career and technical education directors in schools in Indiana and hold a valid career and technical education director license.
- (2) Not more than one (1) member may be from any secondary area district in Indiana.
- (3) Members serve at the pleasure of the ~~state superintendent~~
secretary of education.

(c) The ~~state superintendent~~ **secretary of education** or the ~~state superintendent's secretary's~~ designee serves as the chairperson of the advisory committee on career and technical education.

SECTION 47. IC 20-19-2-6, AS ADDED BY P.L.1-2005, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 6. (a) The state board shall elect one (1) member to serve as secretary. The secretary shall:

- (1) maintain custody of the state board's records, papers, and effects; and
- (2) keep minutes of the state board's proceedings.

The records, papers, effects, and minutes of all meetings and actions of the state board shall be kept at the office of the ~~state superintendent~~ **secretary of education** and are public records.

(b) The state board shall adopt and use a seal that contains the words "Indiana State Board of Education". A written description of the seal shall be recorded in the minutes of the state board and filed in the office of the secretary of state. The seal shall be used for the authentication of the acts of the state board and the important acts of the department.

SECTION 48. IC 20-19-2-22.5 IS REPEALED [EFFECTIVE JULY 1, 2021]. Sec. 22.5. (a) As used in this section, "EDR working group" refers to the education dispute resolution working group established under subsection (b):

(b) The state board shall establish the education dispute resolution working group to collaborate and develop recommendations concerning topics described in subsection (g). The EDR working group consists of the following:

- (1) The following members appointed by the state board:
 - (A) A representative of Indiana Disability Rights, recommended by the organization.
 - (B) A representative of The Arc of Indiana, recommended by the organization.
 - (C) An employee of the department, recommended by the state

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superintendent of public instruction.

(D) A representative of the Indiana Council of Administrators of Special Education (ICASE); recommended by the organization.

(E) A representative of the Indiana School Boards Association; recommended by the organization.

(F) A representative of the Indiana Association of Public School Superintendents; recommended by the organization.

(G) A representative of INSOURCE; recommended by the organization.

(H) The member of the state board described in section 2.2(a)(3) of this chapter.

(I) The member of the state board described in section 2.2(a)(4) of this chapter.

(2) The following two (2) members nominated by one (1) of the representatives described in subdivision (1)(A); (1)(B); (1)(C); or (1)(G) and approved by the majority of the members described in subdivision (1):

(A) A parent of a student with a disability.

(B) A parent of a student who is not receiving special education services.

A member described in this subdivision may not be a current or retired employee of a school corporation or have another affiliation with a school other than having a child attending a school.

(c) The state board shall appoint a member described in subsection (b)(1)(H) or (b)(1)(I) to serve as chairperson for the EDR working group. The state board shall provide administrative and staffing support for the EDR working group.

(d) The first meeting of the EDR working group shall occur by August 1, 2019; and be convened by the chairperson of the EDR working group. Except for the appointment of the two (2) members described in subsection (b)(2); the affirmative votes of at least six (6) members of the EDR working group are necessary for the EDR working group to take action.

(e) All EDR working group meetings shall be open to the public.

(f) The department shall prepare an initial report for the EDR working group's consideration at its first meeting of readily obtainable information related to the cost of educational disputes; including but not limited to the cost of hearing officers serving in the capacity of hearing officers or mediators pursuant to 511 IAC 7.

(g) On or before November 1, 2019; the EDR working group shall

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study and make recommendations to the department, the state board, and, in an electronic format under IC 5-14-6, the general assembly regarding the following topics or other state education laws:

(1) The complaint and investigation requirements set forth in 511 IAC 7-45-1 that could reduce costs to school corporations and parents of students with disabilities:

(2) The recruitment, training, and payment of administrative law judges or hearing officers:

(3) A system of access to low cost legal advocacy regarding educational disputes that encourages efficient resolution of disputes and does not incentivize protraction:

(4) Implications to the receipt of federal funding regarding changes made to 511 IAC 7:

(5) Information and communication strategies to parents of students with disabilities and school corporations for resolving disputes concerning special education issues:

(6) Patterns of complaints that emerge regarding special education rights and services, in order for the department to develop strategies to better resolve issues that lead to a particular pattern of complaints:

(7) Appropriateness of nondisclosure agreements in settlements involving special education and public schools:

(8) Whether the department shall establish a special education board of appeals to review administrative hearings or findings:

(9) Whether a dispute resolution ombudsman within the department would reduce costs relating to legal advocacy and facilitate more efficient resolution of disputes:

(h) In developing its recommendations under subsection (g), the EDR working group shall consider:

(1) not deterring legitimate complaints;

(2) successful approaches from other states;

(3) a process to develop a statewide or regional education dispute resolution ombudsmen concept to facilitate efficient resolution of disputes;

(4) administrative law judge (including independent hearing officer) recruitment, training, and payment; and

(5) ensuring that recommendations made by the EDR working group are consistent with cooperative federalism:

The EDR working group shall consider any opinions rendered by the United States Department of Education:

(i) This section expires December 31, 2020:

SECTION 49. IC 20-19-3-2, AS ADDED BY P.L.1-2005,

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SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 2. The ~~state superintendent~~ **secretary of education** is the director of the department.

SECTION 50. IC 20-19-3-3, AS ADDED BY P.L.1-2005, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 3. The ~~state superintendent~~ **secretary of education**:

- (1) subject to IC 20-19-2-8(a)(1); and
- (2) with the approval of the budget agency;

may hire the personnel necessary to perform the duties of the department under this title.

SECTION 51. IC 20-20-5.5-3, AS AMENDED BY P.L.92-2020, SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 3. (a) The ~~state superintendent~~ **secretary of education** shall notify the governing bodies of each school corporation, charter school, and state accredited nonpublic school immediately of:

- (1) the initial publication and annual update on the department's Internet web site of the report described in section 2(c) of this chapter, including the Internet web site address where the report is published; and
- (2) updates of the following types of information in the report described in section 2(c) of this chapter:
 - (A) The addition of materials.
 - (B) The removal of materials.
 - (C) Changes in the per unit price of curricular materials that exceed five percent (5%).

(b) A notification under this section must state that:

- (1) the reviews of curricular materials included in the report described in section 2(c) of this chapter are departmental reviews only; and
- (2) each governing body has authority to adopt curricular materials for a school corporation.

SECTION 52. IC 20-20-8-7, AS ADDED BY P.L.169-2005, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 7. The ~~state superintendent~~ **secretary of education** and the state board, in consultation with school corporations, educational organizations, appropriate state agencies, and other organizations and individuals having an interest in education, shall develop and periodically revise the following for the benchmarks and indicators of performance under section 8 of this chapter and the additional components of the performance report:

- (1) Reporting procedures, including the following:

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(A) A determination of the information that a school corporation must compile and the information that the department must compile.

(B) A determination of the information required on a school by school basis and the information required on a school corporation basis.

(C) A common format suitable for publication, including tables, graphics, and explanatory text. The common format must allow the inclusion of additional information described in section 6(3)(A) of this chapter that is submitted by a school corporation, including a charter school.

(2) Operational definitions.

(3) Standards for implementation.

(4) Additional components for the report that may be benchmarks, indicators of performance, or other information.

SECTION 53. IC 20-20-40-11, AS AMENDED BY P.L.92-2020, SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 11. (a) The commission on seclusion and restraint in schools is established.

(b) The commission has the following ten (10) members:

(1) The designee of the ~~state superintendent~~, **secretary of education**, who serves at the pleasure of the ~~state superintendent~~. **secretary of education.**

(2) A representative of the Autism Society of Indiana, chosen by the organization, who serves a two (2) year term.

(3) A representative of the Arc of Indiana, chosen by the organization, who serves a two (2) year term.

(4) A representative of the Indiana Council of Administrators of Special Education, chosen by the organization, who serves a two (2) year term.

(5) A representative of Mental Health America of Indiana, chosen by the organization, who serves a two (2) year term.

(6) A parent of a student with a disability, nominated by a member described in subdivisions (2), (3), and (5) and approved by a majority of the members described in subdivisions (1) through (5) and (8) through (10), who serves a two (2) year term.

(7) A parent of a student who does not have a disability, nominated by a member described in subdivisions (2), (3), and (5) and approved by a majority of the members described in subdivisions (1) through (5) and (8) through (10), who serves a two (2) year term.

(8) One (1) state accredited nonpublic school administrator

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nominated by the Indiana Non-public Education Association, who serves a two (2) year term.

(9) One (1) public school superintendent nominated by the Indiana Association of Public School Superintendents, who serves a two (2) year term.

(10) One (1) member of the Indiana School Resource Officers Association chosen by the organization, who serves a two (2) year term.

(c) Each member of the commission who is not a state employee is entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b). A member who is not a state employee is also entitled to reimbursement for traveling expenses and other expenses actually incurred in connection with the member's duties, as provided in the state travel policies and procedures established by the Indiana department of administration and approved by the budget agency.

SECTION 54. IC 20-20-40-12, AS ADDED BY P.L.122-2013, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 12. (a) The designee of the **state superintendent secretary of education** under section 11(b)(1) of this chapter serves as chairperson of the commission.

(b) The commission shall meet at least annually on the call of the chairperson, and may meet as often as is necessary. The chairperson shall provide not less than fourteen (14) days notice of a meeting to the members of the commission and to the public.

(c) The affirmative votes of at least five (5) members of the commission are necessary for the commission to take action. The votes of the commission must be recorded.

(d) All commission meetings shall be open to the public, and each meeting must include opportunities for public comment.

(e) The department shall provide staff support for the commission.

SECTION 55. IC 20-20-45-10, AS ADDED BY P.L.132-2018, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 10. Notwithstanding any other law or policy to the contrary, ~~before August 1, 2018;~~ the **state superintendent of public instruction secretary of education** shall enter into **and maintain** a contract for professional development services with an organization that provides a nationally recognized training program for professional development in computer science education from early learning through postsecondary education.

SECTION 56. IC 20-21-2-7, AS ADDED BY P.L.218-2005, SECTION 56, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 7. (a) A placement review committee for the

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school is established. The placement review committee consists of one

(1) representative of each of the following:

- (1) The board.
- (2) The office of the secretary of family and social services.
- (3) The ~~state superintendent~~ **secretary of education**.

(b) The placement review committee shall meet upon petition of an interested party to review the following:

- (1) Applications to the school denied through the process described in section 6 of this chapter.
- (2) All instances of dismissal from the school for reasons other than graduation, voluntary transition to another educational facility, or voluntary departure from the school.

(c) The executive shall serve as an adviser to the placement review committee. The executive shall provide the placement review committee with information and justification for all application denials and dismissals under review.

(d) The placement review committee may recommend that application denials or dismissals be reconsidered.

SECTION 57. IC 20-22-2-7, AS ADDED BY P.L.218-2005, SECTION 65, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 7. (a) A placement review committee for the school is established. The placement review committee consists of one (1) representative of each of the following:

- (1) The board.
- (2) The office of the secretary of family and social services.
- (3) The ~~state superintendent~~ **secretary of education**.

(b) The placement review committee shall meet upon petition of an interested party to review the following:

- (1) Applications to the school denied through the process described in section 6 of this chapter.
- (2) All instances of dismissal from the school for reasons other than graduation, voluntary transition to another educational facility, or voluntary departure from the school.

(c) The executive shall serve as an adviser to the placement review committee. The executive shall provide the placement review committee with information and justification for all application denials and dismissals under review.

(d) The placement review committee may recommend that application denials or dismissals be reconsidered.

SECTION 58. IC 20-23-4-12, AS AMENDED BY P.L.179-2011, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 12. (a) In formulating a preliminary reorganization

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plan and with respect to each of the community school corporations that are a part of the reorganization plan, the county committee shall determine the following:

- (1) The name of the community school corporation.
 - (2) Subject to subsection (e), a general description of the boundaries of the community school corporation.
 - (3) With respect to the board of school trustees, the following:
 - (A) Whether the number of members is:
 - (i) three (3);
 - (ii) five (5); or
 - (iii) seven (7).
 - (B) Whether the members are elected or appointed.
 - (C) If the members are appointed:
 - (i) when the appointments are made; and
 - (ii) who makes the appointments.
 - (D) If the members are elected, that the election is at the general election at which county officials are elected.
 - (E) Subject to sections 21 and 22 of this chapter, the manner in which members are elected or appointed.
 - (4) The compensation, if any, of the members of the regular and interim board of school trustees, which may not exceed the amount provided in IC 20-26-4-7.
 - (5) Subject to subsection (f), qualifications required of the members of the board of school trustees, including limitations on:
 - (A) residence; and
 - (B) term of office.
 - (6) If an existing school corporation is divided in the reorganization, the disposition of assets and liabilities.
 - (7) The disposition of school aid bonds, if any.
- (b) If existing school corporations are not divided in the reorganization, the:
- (1) assets;
 - (2) liabilities; and
 - (3) obligations;
- of the existing school corporations shall be transferred to and assumed by the new community school corporation of which they are a part, regardless of whether the plan provides for transfer and assumption.
- (c) The preliminary plan must be supported by a summary statement of the following:
- (1) The educational improvements the plan's adoption will make possible.
 - (2) Data showing the:

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- (A) assessed valuation;
 - (B) number of resident students in ADA in grades 1 through 12;
 - (C) assessed valuation per student referred to in clause (B); and
 - (D) property tax levies;
- of each existing school corporation to which the plan applies.

(3) The:

- (A) assessed valuation;
 - (B) resident ADA; and
 - (C) assessed valuation per student;
- data referred to in subdivision 2(A) through 2(C) that would have applied for each proposed community school corporation if the corporation existed in the year the preliminary plan is prepared or notice of a hearing or hearings on the preliminary plan is given by the county committee.

(4) Any other data or information the county committee considers appropriate or that may be required by the state board in its rules.

(d) The county committee:

(1) shall base the assessed valuations and tax levies referred to in subsection (c)(2) through (c)(3) on the valuations applying to taxes collected in:

- (A) the year the preliminary plan is prepared; or
- (B) the year notice of a hearing or hearings on the preliminary plan is given by the county committee;

(2) may base the resident ADA figures on the calculation of the figures under the rules under which they are submitted to the ~~state superintendent~~ **secretary of education** by existing school corporations; and

(3) shall set out the resident ADA figures for:

- (A) the school year in progress if the figures are available for that year; or
- (B) the immediately preceding school year if the figures are not available for the school year in progress.

The county committee may obtain the data and information referred to in this subsection from any source the committee considers reliable. If the county committee attempts in good faith to comply with this subsection, the summary statement referred to in subsection (c) is sufficient regardless of whether the statement is exactly accurate.

(e) The general description referred to in subsection (a)(2) may consist of an identification of an existing school corporation that is to be included in its entirety in the community school corporation. If a

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boundary does not follow the boundary of an existing civil unit of government or school corporation, the description must set out the boundary:

- (1) as near as reasonably possible by:
 - (A) streets;
 - (B) rivers; and
 - (C) other similar boundaries;
 that are known by common names; or
- (2) if descriptions as described in subdivision (1) are not possible, by section lines or other legal description.

The description is not defective if there is a good faith effort by the county committee to comply with this subsection or if the boundary may be ascertained with reasonable certainty by a person skilled in the area of real estate description. The county committee may require the services of the county surveyor in preparing a description of a boundary line.

- (f) A member of the board of school trustees:
 - (1) may not serve an appointive or elective term of more than four (4) years; and
 - (2) may serve more than one (1) consecutive appointive or elective term.

SECTION 59. IC 20-23-4-19, AS AMENDED BY P.L.233-2015, SECTION 56, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 19. (a) If the creation of a community school corporation out of an existing corporation:

- (1) would not involve a change in its territorial boundaries or in its board of school trustees or other governing body, other than a change in the time of election or appointment or the time the board members take office; and
- (2) is consistent with the standards set up under this chapter and the standards set out in this section;

the state board may on its own motion or on petition of the governing body of the existing school corporation at any time with hearing in the county where the school corporation is located, after notice by publication at least once in one (1) newspaper of general circulation published in the county where the school corporation is located, at least ten (10) but not more than thirty (30) days before the date of a hearing, and without action of the county committee declare the existing school corporation to be a community school corporation by adopting a resolution to this effect. The existing school corporation qualifies as to size and financial resources if it has an ADA of at least two hundred seventy (270) students in grades 9 through 12 or at least one thousand

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(1,000) students in grades 1 through 12, and has an assessed valuation per student of at least five thousand dollars (\$5,000).

(b) For purposes of this section, the following terms have the following meanings:

(1) "County tax" means a property tax:

(A) that is levied at an equal rate in the entire county in which any school corporation is located, other than a tax qualifying as a countywide tax within the meaning of Acts 1959, c.328, s.2, or any similar statute; and

(B) for which the net proceeds of which are distributed to school corporations in the county.

(2) "Assessed valuation" of any school corporation means the net assessed value of its real and personal property as of March 1, 1964, adjusted in the same manner as the assessed valuation is adjusted for each county by the department of local government finance under Acts 1949, c.247, s.5, as amended, unless that statute has been repealed or no longer provides for an adjustment. If a county has a county tax, the assessed valuation of each school corporation in the county shall be increased by the amount of assessed valuation, if any, that would be required to raise an amount of money, equal to the excess of the amount distributed to any school corporation from the county tax over the amount collected from the county tax in the school corporation, using total taxes levied by the school corporation in terms of rate:

(A) excluding the countywide tax under Acts 1959, c.328, s.2, or any similar statute; and

(B) including all other taxes levied by or for the school corporation.

The increased valuation shall be based on the excess distributed to the school corporation from the county tax levied for the year 1964 and the total taxes levied for the year, or if the county tax is first applied or is raised for years after 1964, then the excess distributions and total taxes levied for the year in which the tax is first applied or raised. If the excess distribution and total taxes levied cannot be determined accurately on or before the adoption of the resolution provided in this section, excess distribution and taxes levied shall be estimated by the department of local government finance using the last preceding assessed valuations and tax rates or such other information as that department determines, certifying the increased assessment to the state board before such time. In all cases, the excess distribution shall be determined upon the assumption that the county tax is one



hundred percent (100%) collected and all collections are distributed.

(3) "Assessed valuation per student" of any school corporation means the assessed valuation of any school corporation divided by its ADA in grades 1 through 12.

(4) "ADA" in any school corporation means the average daily attendance of students who are residents in the school corporation and in the particular grades to which the term refers for the school year 1964-1965 in accordance with the applicable regulations of the ~~state superintendent~~, **secretary of education**, used in determining average daily attendance in the distribution of the tuition funds by the state to its various school corporations where funds are distributed on such basis and irrespective of whether the figures are the actual resident daily attendance of the school for the school year.

(c) The community school corporation automatically comes into being on either July 1 or January 1 following the date of approval, whichever is earlier. The state board shall mail by certified mail, return receipt requested, a copy of the resolution certified by the county committee's chairperson or secretary to:

- (1) the recorder of the county from which the county committee having jurisdiction of the existing school corporation was appointed; and
- (2) the county committee.

The resolution may change the time of election or appointment of the board of trustees of the school corporation or the time the trustees take office. The recorder shall without cost record the certified resolution in the miscellaneous records of the county. The recording constitutes a permanent record of the action of the state board and may be relied on by any person. Unless the resolution provides that an interim member of the board of trustees shall not be appointed, the board of trustees in office on the date of the action continues to constitute the board of trustees of the school corporation until their successors are qualified, and the terms of their respective office and board membership remain unchanged except to the extent the resolution otherwise provides. For purposes of this chapter and IC 20-23-16-1 through IC 20-23-16-5, a community school corporation shall be regarded as a school corporation created under section 16 of this chapter.

SECTION 60. IC 20-23-4-38, AS AMENDED BY P.L.233-2015, SECTION 60, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 38. (a) Whenever an entire county has been reorganized under this chapter or IC 20-23-16-1 through

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IC 20-23-16-5, by the creation of a community school corporation or corporations for the entire county, the county committee shall be dissolved. Where the term of any member of a county committee expires before the time of dissolution of the county committee, the judge shall fill a vacancy by replacement or reappointment for a term of four (4) years in accordance with sections 11 through 15 of this chapter. In the event the membership of an entire county committee shall at any time be vacant by resignation or otherwise, the judge shall appoint a new county committee in accordance with sections 11 through 15 of this chapter.

(b) After a county committee has been dissolved, if the local governing body or the ~~state superintendent~~ **secretary of education** considers further reorganization necessary to improve educational opportunities for the students in the county, the local school trustees or the ~~state superintendent~~ **secretary of education** shall submit proposed changes to the state board. If the changes proposed by the local governing body or the ~~state superintendent~~ **secretary of education** are approved by the state board, the proposal becomes effective under the procedure specified in sections 20 through 24 of this chapter so far as the same are applicable.

SECTION 61. IC 20-23-6-6, AS AMENDED BY P.L.244-2017, SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 6. (a) On the day and hour named in the notice filed under section 5 of this chapter, polls shall be opened and the votes of the registered voters shall be taken upon the public question of consolidating school corporations. The election shall be governed by IC 3, except as provided in this chapter.

(b) The county election board shall conduct the election. The public question shall be placed on the ballot in the form prescribed by IC 3-10-9-4 and must state "Shall (here insert the names of the school corporations that the resolution proposes to consolidate) be consolidated into a consolidated school corporation?".

(c) A brief statement of the provisions in the resolution for appointment or election of a governing body may be placed on the ballot in the form prescribed by IC 3-10-9-4. A certificate of the votes cast for and against the consolidation of the school corporations shall be filed with:

- (1) the governing body of the school corporations subject to the election;
- (2) the ~~state superintendent~~; **secretary of education**; and
- (3) the county recorder of each county in which a consolidated school corporation is located;

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together with a copy of the resolution.

(d) If a majority of the votes cast at each of the elections is in favor of the consolidation of two (2) or more school corporations, the trustees of the school corporations shall proceed to consolidate the schools and provide the necessary buildings and equipment. In any school corporation where a petition was not filed and an election was not held, the failure on the part of the voters to file a petition for an election shall be considered to give the consent of the voters of the school corporation to the consolidation as set out in the resolution.

(e) If the special election is not conducted at a primary or general election, the expense of the election shall be borne by the school corporation or each of the school corporations subject to the election and shall be paid out of the school corporation's operations fund.

SECTION 62. IC 20-23-8-13, AS AMENDED BY P.L.119-2012, SECTION 147, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 13. (a) This section applies to a school corporation located in a city having a population of more than eighty thousand (80,000) but less than eighty thousand four hundred (80,400).

(b) The city legislative body may adopt an ordinance to increase the membership of the governing body of a school corporation to seven (7) members.

(c) The ordinance must provide the following:

- (1) The additional members of the governing body are to be appointed by the city executive.
- (2) If the plan is subsequently changed to provide for the election of governing body members:
 - (A) the membership of the governing body may not be less than seven (7); and
 - (B) the members of the governing body are to be elected.
- (3) The initial terms of the members appointed under this section.
- (4) The effective date of the ordinance.

(d) An ordinance adopted under this section:

- (1) supersedes a part of the plan that conflicts with the ordinance;
- (2) must be filed with the ~~state superintendent~~ **secretary of education** under section 22 of this chapter; and
- (3) may only be amended or repealed by the city legislative body.

SECTION 63. IC 20-23-8-22, AS ADDED BY P.L.1-2005, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 22. (a) A school corporation shall file with the ~~state superintendent~~ **secretary of education**:

- (1) a transcript showing the acts and resolutions related to the

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school corporation's formation; and

(2) a description, if not otherwise contained in the transcript under subdivision (1), of the structure and manner of selection of its governing body.

(b) The transcript or description under subsection (a) shall be filed not more than sixty (60) days after the school corporation's creation or the school corporation's adoption of a new plan.

(c) A school corporation shall file with the ~~state superintendent~~, **secretary of education** before August 1 of each year a list of names and addresses of:

(1) members of its governing body; and

(2) the school corporation's officers along with the expiration of the officer's respective terms.

(d) A school corporation shall file any change to a list under subsection (c) not later than thirty (30) days after the change occurs.

SECTION 64. IC 20-23-12-11, AS AMENDED BY P.L.213-2018(ss), SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 11. Before August 1 of each year, the school corporation shall file with the ~~state superintendent~~ **secretary of education** a list of the:

(1) names and addresses of members of the school corporation's advisory board;

(2) names and addresses of the school corporation's officers; and

(3) expiration dates of the terms of the school corporation's members and officers.

The school corporation shall file any change in the list not later than thirty (30) days after the change occurs.

SECTION 65. IC 20-23-17-7, AS ADDED BY P.L.179-2011, SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 7. (a) Before August 1 of each year, the school corporation shall file with the ~~state superintendent~~ **secretary of education** the following information:

(1) A list containing the names and addresses of each member of the governing body and the date of the expiration of each member's term of office.

(2) A list containing the names and addresses of each of the school corporation's officers and the date of the expiration of each officer's term of office.

(b) The school corporation shall notify the ~~state superintendent~~ **secretary of education** of any change in the information previously filed under subsection (a) not later than thirty (30) days after the change occurs.

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SECTION 66. IC 20-23-17.2-11, AS ADDED BY P.L.179-2011, SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 11. (a) Before August 1 of each year, the school corporation shall file with the ~~state superintendent~~ **secretary of education** the following information:

- (1) A list containing the names and addresses of each member of the governing body of the school corporation and the date of the expiration of each member's term of office.
- (2) A list containing the names and addresses of each of the school corporation's officers and the date of the expiration of each officer's term of office.

(b) The school corporation shall notify the ~~state superintendent~~ **secretary of education** of any change in the information previously filed under subsection (a) not later than thirty (30) days after the change occurs.

SECTION 67. IC 20-23-18-9 IS REPEALED [EFFECTIVE JULY 1, 2021]. ~~Sec. 9: Not later than June 30, 2020, the governing body of the Muncie Community school corporation shall provide to the distressed unit appeal board, the state superintendent of public instruction, and the Indiana commissioner for higher education a report on the plan for the long term fiscal viability and academic innovation of the Muncie Community school corporation. The plan must include goals, metrics, and benchmarks for evaluating the effectiveness of the plan.~~

SECTION 68. IC 20-23-18-10, AS ADDED BY P.L.213-2018(ss), SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 10. (a) Not later than October 31, 2021, and by October 31 in each subsequent year, the governing body of the Muncie Community school corporation shall provide a report to the chairperson of the distressed unit appeal board, the ~~superintendent of public instruction,~~ **secretary of education**, and the Indiana commissioner for higher education.

- (b) The report required in subsection (a) must outline the following:
- (1) Progress toward goals, metrics, and benchmarks concerning fiscal viability and academic innovation.
 - (2) Innovative methods of instruction being used in the Muncie Community school corporation.
 - (3) A comparison of the results obtained by the innovative methods of instruction with conventional methods of instruction.
 - (4) Any recommendations concerning the innovative methods of instruction and their general applicability for public schools.

SECTION 69. IC 20-24-2.1-1, AS AMENDED BY P.L.270-2019,

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SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 1. (a) The Indiana charter school board is established for the purpose of authorizing charter schools throughout Indiana.

(b) The charter board is a statewide charter school authorizer composed of the following nine (9) members appointed to four (4) year terms:

- (1) Four (4) members appointed by the governor. Not more than two (2) members appointed under this subdivision may be members of the same political party.
- (2) One (1) member who has previous experience with or on behalf of charter schools appointed by the ~~state superintendent~~ **secretary of education**.
- (3) Four (4) members, who may not be legislators, appointed as follows:
 - (A) One (1) member appointed by the president pro tempore of the senate.
 - (B) One (1) member appointed by the minority leader of the senate.
 - (C) One (1) member appointed by the speaker of the house of representatives.
 - (D) One (1) member appointed by the minority leader of the house of representatives.

A member appointed under this subsection may not be removed by the member's appointing authority without cause before the end of the full four (4) year term.

(c) The governor shall appoint the chairperson of the charter board.

(d) A majority of the members appointed to the charter board constitutes a quorum. The affirmative votes of a majority of the members present are required for the charter board to take action.

(e) Each member of the charter board who is not a state employee is entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b). The member is also entitled to reimbursement for traveling expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

(f) Members appointed to the charter board must collectively possess strong experience and expertise in:

- (1) public and nonprofit governance;
- (2) management;
- (3) finance;

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- (4) public school leadership;
- (5) higher education;
- (6) school assessments, curriculum, and instruction; and
- (7) public education law.

SECTION 70. IC 20-26-5-6, AS AMENDED BY P.L.113-2014, SECTION 111, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 6. All powers delegated to the governing body of a school corporation under section 1 or 4 of this chapter are subject to all laws subjecting the school corporation to regulation by a state agency, including the ~~state superintendent,~~ **secretary of education**, state board of accounts, state police department, fire prevention and building safety commission, department of local government finance, environmental rules board, state school bus committee, state department of health, and any local governmental agency to which the state has been delegated a specific authority in matters other than educational matters and other than finance, including plan commissions, zoning boards, and boards concerned with health and safety.

SECTION 71. IC 20-26-9-7, AS ADDED BY P.L.1-2005, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 7. (a) The ~~state superintendent~~ **secretary of education** may accept and direct the disbursement of funds appropriated by any act of the United States Congress and apportioned to the state for use in connection with school lunch programs.

(b) The ~~state superintendent~~ **secretary of education** shall deposit all funds received from the federal government with the treasurer of state in a special account or accounts to facilitate the administration of the program. The treasurer of state shall make disbursements from the account or accounts upon direction of the ~~state superintendent.~~ **secretary of education.**

SECTION 72. IC 20-26-9-8, AS ADDED BY P.L.1-2005, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 8. (a) The ~~state superintendent~~ **secretary of education** may enter into agreements with a school board or with any other agency or person, prescribe regulations, employ personnel, and take any action that the ~~state superintendent~~ **secretary of education** may consider necessary to provide for the establishment, maintenance, operation, and expansion of a school lunch program and to direct the disbursement of federal and state funds under any federal or state law.

(b) The ~~state superintendent~~ **secretary of education** may give technical advice and assistance to a school corporation in connection with the establishment and operation of a school lunch program and

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may assist in training personnel engaged in the operation of the program. The **state superintendent secretary of education** and any school corporation or sponsoring agency may accept any gift for use in connection with a school lunch program.

SECTION 73. IC 20-26-9-10, AS AMENDED BY P.L.197-2013, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 10. (a) The **state superintendent secretary of education** shall prescribe rules for keeping accounts and records and making reports by or under the supervision of a governing body.

(b) The accounts and records shall:

- (1) be available for inspection and audit at all times by authorized officials; and
- (2) be preserved for at least five (5) years, as the **state superintendent secretary of education** may prescribe.

(c) The **state superintendent secretary of education** shall conduct or cause to be conducted any audits, inspections, and administrative reviews of completed applications, acts, records, and operations of a school lunch program necessary to do the following:

- (1) Determine whether agreements with the governing body and rules under this chapter are being complied with.
- (2) Ensure that a school lunch program is effectively administered.
- (3) Ensure that participants meet all requirements to participate in the school lunch program.

SECTION 74. IC 20-26-9-11, AS ADDED BY P.L.1-2005, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 11. The **state superintendent secretary of education** may, to the extent that funds are available and in cooperation with other appropriate agencies and organizations, do the following:

- (1) Conduct studies of methods of improving and expending school lunch programs and promoting nutritional education in the schools.
- (2) Conduct appraisals of the nutritive benefits of school lunch programs.
- (3) Report the findings and recommendations periodically to the governor.

SECTION 75. IC 20-26-11-3, AS AMENDED BY P.L.38-2020, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 3. The **state superintendent secretary of education** shall prepare the form of agreement to be used under section 2(a)(2) of this chapter and a form to be executed by any individual with

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whom the student is living under section 2(a)(2), 2(a)(3), 2(a)(4), or 2(a)(6) of this chapter. The execution of the form by the individual and its continuance in force is a condition to the application of section 2(a)(2), 2(a)(3), 2(a)(4), or 2(a)(6) of this chapter. The form must contain an agreement of the individual that the individual shall, with respect to dealing with the school corporation and for all other purposes under this article, assume all the duties and be subject to all the liabilities of a parent of the student in the same manner as if the individual were the student's parent. On the execution of that form and for as long as it remains in force, the individual has these duties and liabilities.

SECTION 76. IC 20-26-11-5, AS AMENDED BY P.L.89-2005, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 5. (a) The parents of any student, regardless of the student's age, or the student after the student has become eighteen (18) years of age may request a transfer from a school corporation in which the student has a legal settlement to a transferee school corporation in Indiana or another state if the student may be better accommodated in the public schools of the transferee corporation. Whether the student can be better accommodated depends on such matters as:

- (1) crowded conditions of the transferee or transferor corporation; and
- (2) curriculum offerings at the high school level that are important to the vocational or academic aspirations of the student.

(b) The request for transfer must be made in writing to the transferor corporation, which shall immediately mail a copy to the transferee corporation. The request for transfer must be made at the times provided under rules adopted by the state board. The transfer is effected if both the transferee and the transferor corporations approve the transfer not more than thirty (30) days after that mailing. If the transferor school corporation fails to act on the transfer request within thirty (30) days after the request is received, the transfer is considered approved. The transfer is denied when either school corporation mails a written denial by certified mail to the requesting parents or student at their last known address.

(c) If a request for transfer is denied under subsection (b), an appeal may be taken to the state board by the requesting parents or student, if commenced not more than ten (10) days after the denial. An appeal is commenced by mailing a notice of appeal by certified mail to the superintendent of each school corporation and the state board. The ~~state superintendent~~ **secretary of education** shall develop forms for this purpose, and the transferor corporation shall assist the parents or

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student in the mechanics of commencing the appeal. An appeal hearing must comply with section 15 of this chapter.

SECTION 77. IC 20-26-14-4 IS REPEALED [EFFECTIVE JULY 1, 2021]. Sec. 4: As used in this chapter, "state superintendent" refers to the state superintendent of public instruction:

SECTION 78. IC 20-26-14-6, AS AMENDED BY P.L.92-2010, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 6. (a) The association must establish a case review panel that meets the following requirements:

- (1) The panel has nine (9) members.
- (2) The ~~state superintendent~~ **secretary of education** or the ~~state superintendent's secretary's~~ designee is a member of the panel and is the chairperson of the panel.
- (3) The ~~state superintendent~~ **secretary of education** appoints as members of the panel persons having the following qualifications:
 - (A) Four (4) parents of high school students.
 - (B) Two (2) high school principals.
 - (C) Two (2) high school athletic directors.
- (4) The ~~state superintendent~~ **secretary of education** shall administer the functions of the panel.
- (5) A member of the panel serves for a four (4) year term, subject to the following:
 - (A) An appointee who ceases to meet the member's qualification under subdivision (3) ceases to be a member of the panel.
 - (B) The ~~state superintendent~~ **secretary of education** shall appoint fifty percent (50%) of the initial appointees under each clause in subdivision (3) for terms of two (2) years, so that terms of the panel are staggered.
- (6) The panel must meet monthly, unless there are no cases before the panel. The panel may meet more frequently at the call of the chairperson. However, the chairperson must call a meeting within five (5) business days, or as soon thereafter as a quorum can be assembled, after the panel receives a case in which time is a factor in relation to the scheduling of an athletic competition.
- (7) A quorum of the panel is five (5) members. The affirmative vote of the greater of the majority present or four (4) members of the panel is required for the panel to take action.

(b) A student's parent who disagrees with a decision of the association concerning the application or interpretation of a rule of the association to the student shall have the right to do one (1) of the following:

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- (1) Accept the decision.
 - (2) Refer the case to the panel. The parent must refer the case to the panel not later than thirty (30) days after the date of the association's decision.
- (c) After a case is referred under subsection (b)(2), the panel must do the following:
- (1) Collect testimony and information on the case, including testimony and information from both the association and the parent.
 - (2) Place the case on the panel's agenda and consider the case at a meeting of the panel.
 - (3) Not later than ten (10) business days after the meeting at which the panel considers the case, issue a written decision that does one (1) of the following:
 - (A) Upholds the association's decision on the case.
 - (B) Modifies the association's decision on the case.
 - (C) Nullifies the association's decision on the case.
- (d) Subject to section 7 of this chapter, the association must implement the decision of the panel on each case. However, a decision of the panel:
- (1) applies only to the case before the panel; and
 - (2) does not affect any rule of the association or decision under any rule concerning any student other than the student whose parent referred the case to the panel.
- (e) The association shall pay all costs attributable to the operation of the panel, including travel and a stipend of at least fifty dollars (\$50) for each meeting for panel members.
- SECTION 79. IC 20-26-15-4, AS AMENDED BY P.L.92-2020, SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 4. (a) Subject to subsection (c), the state board and the governing body of a school corporation must enter into a contract that complies with this chapter to designate a school corporation as a freeway school corporation or a school within a school corporation as a freeway school if a school corporation:
- (1) petitions the state board for designation as a freeway school corporation or to have a school within the school corporation designated as a freeway school; and
 - (2) agrees to comply with this chapter.
- (b) A school corporation becomes a freeway school corporation and a school becomes a freeway school when the contract is signed, **before July 1, 2020**, by:
- (1) the state superintendent of **public instruction**, acting for the

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state board after a majority of the members of the state board have voted in a public session to enter into the contract; and

(2) the president of the governing body of the school corporation, acting for the governing body of the school corporation after a majority of the members of the governing body have voted in a public session to enter into the contract.

(c) The state board and the governing body of a school corporation may not enter into, renew, or otherwise extend a contract under this chapter after June 30, 2020.

SECTION 80. IC 20-26-15-13, AS AMENDED BY P.L.92-2020, SECTION 37, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 13. (a) Subject to subsection (f), a nonpublic school may enter into a contract with the state board to become a freeway school.

(b) The state board and the governing body of a nonpublic school must enter into a contract that complies with this chapter to designate the nonpublic school as a freeway school if the nonpublic school:

(1) petitions the state board for designation as a freeway school; and

(2) agrees to comply with this chapter.

(c) A nonpublic school becomes a freeway school when the contract is signed, **before July 1, 2020**, by:

(1) the state superintendent **of public instruction**, acting for the state board after a majority of the members of the board have voted in a public session to enter into the contract; and

(2) the president of the governing body of the nonpublic school, acting for the governing body of the nonpublic school after a majority of the members of the governing body have voted to enter into the contract.

(d) The state board shall accredit a nonpublic school that:

(1) becomes a freeway school under this chapter; and

(2) complies with the terms of the contract.

(e) The state board may accredit a nonpublic school under this section at the time the nonpublic school enters into the contract under subsection (a).

(f) The state board and the governing body of a nonpublic school may not enter into, renew, or otherwise extend a contract under this chapter after June 30, 2020.

SECTION 81. IC 20-27-3-1, AS AMENDED BY P.L.23-2020, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 1. (a) The state school bus committee is established. The committee has the following voting members:

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(1) The ~~state superintendent~~ **secretary of education** or the ~~state superintendent's secretary's~~ authorized representative, who serves as chairperson of the committee.

(2) The commissioner of the bureau of motor vehicles, or the commissioner's authorized representative.

(3) The administrator of the motor carrier services division of the department of state revenue.

(4) The director of the criminal justice institute.

(5) A school bus driver appointed by the ~~state superintendent~~ **secretary of education** upon the recommendation of the Indiana State Association of School Bus Drivers, Inc.

(6) A superintendent of a school corporation appointed by the ~~state superintendent~~ **secretary of education** upon the recommendation of the Indiana Association of Public School Superintendents.

(7) A member of the governing body of a school corporation appointed by the ~~state superintendent~~ **secretary of education** upon the recommendation of the Indiana School Boards Association.

(8) A representative of the Indiana School for the Blind and Visually Impaired or the Indiana School for the Deaf appointed by the ~~state superintendent:~~ **secretary of education.**

(9) A member of the School Transportation Association of Indiana appointed by the ~~state superintendent~~ **secretary of education** upon the recommendation of the School Transportation Association of Indiana.

(b) The ~~state superintendent~~ **secretary of education** shall designate a secretary from the department who shall keep the official record of the meetings and of official transactions of the committee.

SECTION 82. IC 20-27-3-2, AS ADDED BY P.L.1-2005, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 2. (a) The following nonvoting members shall advise the voting members of the committee:

(1) A member of the Indiana Association of School Bus Distributors selected by the executive committee of that association.

(2) A member of the state police department selected by the state police superintendent.

(3) A member of the Indiana Transportation Association selected by the executive committee of that association.

(4) A member of the Indiana Township Association selected by the executive committee of that association.

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(5) A school business official appointed by the **state superintendent secretary of education** upon the recommendation of the Indiana Association of School Business Officials.

(b) An individual is not qualified to serve as a nonvoting member of the committee until proper credentials of the individual's appointment have been filed with the chairperson of the committee. Each nonvoting member shall be notified of all committee meetings and may attend each meeting and offer advice to the voting members of the committee.

SECTION 83. IC 20-27-8-10, AS ADDED BY P.L.1-2005, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 10. (a) An individual who does not have at least thirty (30) days experience in driving a school bus during the three (3) year period immediately preceding the effective date of the individual's assignment as a school bus driver for a public or nonpublic school that is accredited by the state board within Indiana shall satisfactorily complete a preservice school bus driver safety education training course. The course may not exceed forty (40) hours.

(b) Course attendance must be completed:

- (1) before the assignment of an individual required to take the course as a school bus driver; or
- (2) if immediate assignment is necessary, upon the completion of the next scheduled course following the assignment.

(c) The **state superintendent secretary of education** shall provide instructors, adequate meeting facilities, registration forms, a uniform course of instruction, and all other necessary materials for the preservice school bus driver safety education meetings.

SECTION 84. IC 20-27-8-13, AS AMENDED BY P.L.233-2015, SECTION 203, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 13. (a) The committee shall provide a uniform system for the registration of school bus drivers who are required to attend the annual safety meetings or workshops. This registration system must do the following:

- (1) Accurately reflect the attendance of each school bus driver at each session of the annual meeting or workshop.
- (2) Provide a registration form indicating the school bus driver's name and legal address, and the name of the school the school bus driver represents.

(b) The **state superintendent secretary of education** shall supervise registration of school bus drivers at the annual safety meetings or workshops.

SECTION 85. IC 20-27-11-2, AS ADDED BY P.L.1-2005,

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SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 2. (a) Except as provided in subsection (b), a student who resides on state owned property and attends a public school away from the student's residence shall be furnished transportation in a public school bus to and from the student's residence and the public school the student attends. Expenses for the transportation shall be paid out of the state general fund, without further appropriation, on allowance by the ~~state superintendent~~ **secretary of education**.

(b) This section does not apply to students who reside on property owned by Indiana University, Purdue University, Ball State University, or Indiana State University.

SECTION 86. IC 20-28-5-4, AS ADDED BY P.L.1-2005, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 4. (a) An individual who applies for a license or a license renewal to teach in a public school shall subscribe to the following oath or affirmation, which may be administered by the governing body:

"I solemnly swear (or affirm) that I will support the Constitution of the United States of America and the Constitution of the State of Indiana."

(b) Two (2) copies of the oath or affirmation shall be executed as follows:

(1) One (1) copy shall be filed with the ~~state superintendent~~ **secretary of education** when the license application is made.

(2) The individual who subscribes to the oath or affirmation shall retain the other copy.

(c) The oath or affirmation must be filed with the ~~state superintendent~~ **secretary of education** before a license may be issued.

SECTION 87. IC 20-28-5-7, AS AMENDED BY P.L.246-2005, SECTION 158, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 7. On the written recommendation of the ~~state superintendent~~ **secretary of education**, the department may suspend or revoke a license for:

- (1) immorality;
- (2) misconduct in office;
- (3) incompetency; or
- (4) willful neglect of duty.

For each suspension or revocation, the department shall comply with IC 4-21.5-3.

SECTION 88. IC 20-28-5-8, AS AMENDED BY P.L.80-2019, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

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JULY 1, 2021]: Sec. 8. (a) This section applies when a prosecuting attorney knows that a licensed employee of a public school or a nonpublic school has been convicted of an offense listed in subsection (c). The prosecuting attorney shall immediately give written notice of the conviction to the following:

(1) The ~~state superintendent~~ **secretary of education**.

(2) Except as provided in subdivision (3), the superintendent of the school corporation that employs the licensed employee or the equivalent authority if a nonpublic school employs the licensed employee.

(3) The presiding officer of the governing body of the school corporation that employs the licensed employee, if the convicted licensed employee is the superintendent of the school corporation.

(b) The superintendent of a school corporation, presiding officer of the governing body, or equivalent authority for a nonpublic school shall immediately notify the ~~state superintendent~~ **secretary of education** when the individual knows that a current or former licensed employee of the public school or nonpublic school has been convicted of an offense listed in subsection (c), or when the governing body or equivalent authority for a nonpublic school takes any final action in relation to an employee who engaged in any offense listed in subsection (c).

(c) Except as provided in section 8.5 of this chapter, the department shall permanently revoke the license of a person who is known by the department to have been convicted of any of the following felonies:

(1) Kidnapping (IC 35-42-3-2).

(2) Criminal confinement (IC 35-42-3-3).

(3) Rape (IC 35-42-4-1).

(4) Criminal deviate conduct (IC 35-42-4-2) (before its repeal).

(5) Child molesting (IC 35-42-4-3).

(6) Child exploitation (IC 35-42-4-4(b) or IC 35-42-4-4(c)).

(7) Vicarious sexual gratification (IC 35-42-4-5).

(8) Child solicitation (IC 35-42-4-6).

(9) Child seduction (IC 35-42-4-7).

(10) Sexual misconduct with a minor (IC 35-42-4-9).

(11) Incest (IC 35-46-1-3).

(12) Dealing in or manufacturing cocaine or a narcotic drug (IC 35-48-4-1).

(13) Dealing in methamphetamine (IC 35-48-4-1.1).

(14) Manufacturing methamphetamine (IC 35-48-4-1.2).

(15) Dealing in a schedule I, II, or III controlled substance (IC 35-48-4-2).

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- (16) Dealing in a schedule IV controlled substance (IC 35-48-4-3).
- (17) Dealing in a schedule V controlled substance (IC 35-48-4-4).
- (18) Dealing in a counterfeit substance (IC 35-48-4-5).
- (19) Dealing in marijuana, hash oil, hashish, or salvia as a felony (IC 35-48-4-10).
- (20) An offense under IC 35-48-4 involving the manufacture or sale of a synthetic drug (as defined in IC 35-31.5-2-321), a synthetic drug lookalike substance (as defined in IC 35-31.5-2-321.5 (before its repeal on July 1, 2019)) under IC 35-48-4-10.5 (before its repeal on July 1, 2019), a controlled substance analog (as defined in IC 35-48-1-9.3), or a substance represented to be a controlled substance (as described in IC 35-48-4-4.6).
- (21) Possession of child pornography (IC 35-42-4-4(d) or IC 35-42-4-4(e)).
- (22) Homicide (IC 35-42-1).
- (23) Voluntary manslaughter (IC 35-42-1-3).
- (24) Reckless homicide (IC 35-42-1-5).
- (25) Battery as any of the following:
 - (A) A Class A felony (for a crime committed before July 1, 2014) or a Level 2 felony (for a crime committed after June 30, 2014).
 - (B) A Class B felony (for a crime committed before July 1, 2014) or a Level 3 felony (for a crime committed after June 30, 2014).
 - (C) A Class C felony (for a crime committed before July 1, 2014) or a Level 5 felony (for a crime committed after June 30, 2014).
- (26) Aggravated battery (IC 35-42-2-1.5).
- (27) Robbery (IC 35-42-5-1).
- (28) Carjacking (IC 35-42-5-2) (before its repeal).
- (29) Arson as a Class A felony or Class B felony (for a crime committed before July 1, 2014) or as a Level 2, Level 3, or Level 4 felony (for a crime committed after June 30, 2014) (IC 35-43-1-1(a)).
- (30) Burglary as a Class A felony or Class B felony (for a crime committed before July 1, 2014) or as a Level 1, Level 2, Level 3, or Level 4 felony (for a crime committed after June 30, 2014) (IC 35-43-2-1).
- (31) Human trafficking (IC 35-42-3.5).
- (32) Dealing in a controlled substance resulting in death (IC



35-42-1-1.5).

(33) Attempt under IC 35-41-5-1 to commit an offense listed in this subsection.

(34) Conspiracy under IC 35-41-5-2 to commit an offense listed in this subsection.

(d) The department shall permanently revoke the license of a person who is known by the department to have been convicted of a federal offense or an offense in another state that is comparable to a felony listed in subsection (c).

(e) A license may be suspended by the **state superintendent secretary of education** as specified in IC 20-28-7.5.

(f) The department shall develop a data base of information on school corporation employees who have been reported to the department under this section.

(g) Upon receipt of information from the office of judicial administration in accordance with IC 33-24-6-3 concerning persons convicted of an offense listed in subsection (c), the department shall:

(1) cross check the information received from the office of judicial administration with information concerning licensed teachers (as defined in IC 20-18-2-22(b)) maintained by the department; and

(2) if a licensed teacher (as defined in IC 20-18-2-22(b)) has been convicted of an offense described in subsection (c), revoke the licensed teacher's license.

SECTION 89. IC 20-28-6-2, AS AMENDED BY P.L.118-2016, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 2. (a) A contract entered into by a teacher and a school corporation must:

(1) be in writing;

(2) be signed by both parties; and

(3) contain the:

(A) beginning date of the school term as determined annually by the school corporation;

(B) number of days in the school term as determined annually by the school corporation;

(C) total salary to be paid to the teacher during the school year;

(D) number of salary payments to be made to the teacher during the school year; and

(E) number of hours per day the teacher is expected to work, as discussed pursuant to IC 20-29-6-7.

(b) The contract may provide for the annual determination of the teacher's annual compensation based on a local compensation plan

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specifying a salary range, which is part of the contract. The compensation plan may be changed by the school corporation before the later of May 1 of a year, with the changes effective the next school year, or the date specified in a collective bargaining agreement applicable to the next school year. A teacher affected by the changes shall be furnished with printed copies of the changed compensation plan not later than thirty (30) days after the adoption of the compensation plan.

(c) A contract under this section is also governed by the following statutes:

- (1) IC 20-28-9-5 through IC 20-28-9-6.
- (2) IC 20-28-9-9 through IC 20-28-9-11.
- (3) IC 20-28-9-13.
- (4) IC 20-28-9-14.

(d) A governing body shall provide the blank contract forms, carefully worded by the ~~state superintendent~~, **secretary of education**, and have them signed. The contracts are public records open to inspection by the residents of each school corporation.

(e) An action may be brought on a contract that conforms with subsections (a)(1), (a)(2), and (d).

SECTION 90. IC 20-28-6-3, AS AMENDED BY P.L.2-2006, SECTION 137, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 3. The ~~state superintendent~~ **secretary of education** shall do the following:

- (1) Prescribe the following forms:
 - (A) The uniform teacher's contract in the following alternate forms:
 - (i) The regular teacher's contract.
 - (ii) The temporary teacher's contract.
 - (B) The supplemental service teacher's contract.
- (2) Furnish each school corporation with the forms.
- (3) Require each school corporation to include in the school corporation's semiannual report on ADA a statement that the school corporation is in compliance with IC 20-28-5-2, sections 4 through 7 of this chapter, IC 20-28-9-7, and IC 20-28-9-8.

SECTION 91. IC 20-28-6-5, AS ADDED BY P.L.1-2005, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 5. The regular teacher's contract must be used statewide without amendment and must contain, in addition to the items in section 2(a)(3) of this chapter:

- (1) the manner of salary payment; and
- (2) any provisions relating to the government of the school that

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the ~~state superintendent~~ **secretary of education** includes.

SECTION 92. IC 20-28-8-2, AS AMENDED BY P.L.152-2019, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 2. A contract of employment shall be entered into between the governing body of the school corporation and a principal or assistant principal subject to the following conditions:

- (1) The basic contract must be the regular teacher's contract as prescribed by the ~~state superintendent~~ **secretary of education**.
- (2) This subdivision applies to contracts entered into or renewed after June 30, 2019. The initial contract must be for a term of at least one (1) year and not more than three (3) years. However, a contract may be extended for not more than an additional three (3) years beyond the term of the original contract.
- (3) The contract may be altered, modified, or rescinded in favor of a new contract at any time by mutual consent of the governing body of the school corporation and the principal or assistant principal, if the contract, when reduced to writing, is consistent with this chapter.

SECTION 93. IC 20-28-8-10, AS ADDED BY P.L.1-2005, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 10. A contract of employment shall be entered into between the managing body and a local director subject to the following conditions:

- (1) The basic contract must be the regular teacher's contract as prescribed by the ~~state superintendent~~ **secretary of education**.
- (2) The minimum term of the initial contract must be the equivalent of two (2) school years.
- (3) The contract may be altered, modified, or rescinded in favor of a new contract at any time by mutual consent of the managing body and the local director if the written contract is consistent with this chapter.

SECTION 94. IC 20-28-10-13, AS ADDED BY P.L.1-2005, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 13. (a) A governing body may not adopt residence requirements for teachers or other school employees in the governing body's employment, assignment, or reassignment for services in a prescribed area.

(b) A school corporation that violates subsection (a) is ineligible for state funds under all enactments regarding that subject. The ~~state superintendent~~ **secretary of education** and other state officials shall administer the funds accordingly on the submission of sworn proof of the existence of the discriminatory residence requirements.

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SECTION 95. IC 20-28-10-19, AS ADDED BY P.L.1-2005, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 19. (a) Each governing body and its administrators shall arrange each teacher's daily working schedule to provide at least thirty (30) minutes between 10 a.m. and 2 p.m. for a period free of duties.

(b) The ~~state superintendent~~ **secretary of education** shall report each failure to comply with subsection (a) to the state board, which shall immediately inform the governing body of each alleged violation.

(c) If the school corporation persistently fails or refuses to comply with subsection (a) for one (1) year, the state board shall:

- (1) lower the grade of accreditation of the school corporation; and
- (2) publish notice of that action in at least one (1) newspaper published in the county.

SECTION 96. IC 20-30-2-8, AS ADDED BY P.L.2-2006, SECTION 140, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 8. The ~~state superintendent~~ **secretary of education** may encourage the development and establishment of innovative or exemplary school calendars.

SECTION 97. IC 20-30-5-4, AS AMENDED BY P.L.192-2018, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 4. (a) Each public school and nonpublic school shall provide within the two (2) weeks preceding a general election for all students in grades 6 through 12 five (5) full recitation periods of class discussion concerning:

- (1) the system of government in Indiana and in the United States;
- (2) methods of voting;
- (3) party structures;
- (4) election laws; and
- (5) the responsibilities of citizen participation in government and in elections.

(b) Except as provided in IC 20-32-4-13, a student may not receive an Indiana diploma unless the student has completed a two (2) semester course in American history.

(c) If a public school superintendent violates this section, the ~~state superintendent~~ **secretary of education** shall receive and record reports of the violations. The general assembly may examine these reports.

SECTION 98. IC 20-30-5-5, AS ADDED BY P.L.1-2005, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 5. (a) Each public school teacher and nonpublic school teacher who is employed to instruct in the regular courses of grades 1 through 12 shall present the teacher's instruction with special

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emphasis on:

- (1) honesty;
- (2) morality;
- (3) courtesy;
- (4) obedience to law;
- (5) respect for the national flag and the Constitution of the State of Indiana and the Constitution of the United States;
- (6) respect for parents and the home;
- (7) the dignity and necessity of honest labor; and
- (8) other lessons of a steadying influence that tend to promote and develop an upright and desirable citizenry.

(b) The ~~state superintendent~~ **secretary of education** shall prepare outlines or materials for the instruction described in subsection (a) and incorporate the instruction in the regular courses of grades 1 through 12.

SECTION 99. IC 20-30-5-9, AS ADDED BY P.L.1-2005, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 9. (a) The principles of hygiene and sanitary science must be taught in grade 5 of each public school and may be taught in other grades. This instruction must explain the ways that dangerous communicable diseases are spread and the sanitary methods for disease prevention and restriction.

(b) The state health commissioner and the ~~state superintendent~~ **secretary of education** shall jointly compile a leaflet describing the principles of hygiene, sanitary science, and disease prevention and shall supply the leaflets to each superintendent, who shall:

- (1) supply the leaflets to each school; and
- (2) require the teachers to comply with this section.

(c) Each prosecuting attorney to whom the state department of health or the state department of health's agents report any violation of this section shall commence proceedings against the violator.

(d) Any student who objects in writing, or any student less than eighteen (18) years of age whose parent or guardian objects in writing, to health and hygiene courses because the courses conflict with the student's religious teachings is entitled to be excused from receiving medical instruction or instruction in hygiene or sanitary science without penalties concerning grades or graduation.

SECTION 100. IC 20-30-9-6, AS ADDED BY P.L.1-2005, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 6. The ~~state superintendent~~ **secretary of education** shall carry out a bilingual-bicultural program for the improvement of educational opportunities for non-English dominant

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students by doing the following:

- (1) Supporting and planning pilot and demonstration projects that are designed to test and demonstrate the effectiveness of programs for improving educational opportunities for non-English dominant students.
- (2) Assisting in the establishment and operation of programs that are designed to stimulate:
 - (A) the provision of educational services not available to non-English dominant students in sufficient quantity or quality; and
 - (B) the development and establishment of exemplary programs to serve as models for regular school programs in which non-English dominant students are educated.
- (3) Assisting in the establishment and operation of pre-service and in-service training programs for persons serving non-English dominant students as educational personnel.
- (4) Encouraging the dissemination of information and materials relating to and the evaluation of the effectiveness of education programs that may offer educational opportunities to non-English dominant students. For activities described in this section, preference shall be given to the training of non-English dominant students, including innovative programs related to the educational needs of the non-English dominant students.

SECTION 101. IC 20-30-9-7, AS AMENDED BY P.L.286-2013, SECTION 97, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 7. The ~~state superintendent~~ **secretary of education** may assist and stimulate school corporations in developing and establishing bilingual-bicultural educational services and programs specifically designed to improve educational opportunities for non-English dominant students. Funds may be used for the following:

- (1) To provide educational services not available to the non-English dominant students in sufficient quantity or quality, including:
 - (A) remedial and compensatory instruction, psychological, and other services designed to assist and encourage non-English dominant students to enter, remain in, or reenter elementary or secondary school;
 - (B) comprehensive academic instruction and career and technical instruction;
 - (C) instructional materials (such as library books, curricular materials, and other printed or published or audiovisual materials) and equipment;

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- (D) comprehensive guidance, counseling, and testing services;
 - (E) special education programs for persons with disabilities;
 - (F) preschool programs; and
 - (G) other services that meet the purposes of this subdivision.
- (2) To establish and operate exemplary and innovative educational programs and resource centers that involve new educational approaches, methods, and techniques designed to enrich programs of elementary and secondary education for non-English dominant students.

SECTION 102. IC 20-31-3-4, AS AMENDED BY P.L.222-2015, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 4. The ~~state superintendent~~ **secretary of education** shall appoint an academic standards committee composed of subject area teachers, higher education representatives with subject matter expertise, and parents during the period when a subject area is undergoing revision.

SECTION 103. IC 20-31-7-5, AS ADDED BY P.L.1-2005, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 5. The general assembly shall determine the statewide amount available for grants in appropriations during a biennium. The maximum amount available to a school is determined by referencing the number of full-time certified teaching positions for the school. The department, under the direction of the ~~state superintendent~~, **secretary of education**, shall determine the available amounts and distribute the grants earned.

SECTION 104. IC 20-31-11-1, AS ADDED BY P.L.1-2005, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 1. The state board shall implement the performance based award and incentive program to recognize and reward schools that have exhibited relative improvement toward the performance benchmarks and indicators of performance listed in IC 20-20-8-8 that are considered appropriate for the school by the ~~state superintendent~~ **secretary of education** and the state board.

SECTION 105. IC 20-32-5.1-6, AS AMENDED BY P.L.82-2020, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 6. (a) The state board shall:

- (1) authorize and oversee the department's development and implementation of the Indiana's Learning Evaluation Assessment Readiness Network (ILEARN) program, including:
 - (A) establishment of criteria for requests for proposals for statewide assessments developed or authorized under this chapter;

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(B) establishment of criteria for membership of evaluation teams; and

(C) establishment of criteria for content and format of the statewide assessment; and

(2) require the department to conduct ongoing analysis of whether the statewide assessment results are predictive of success in college and career training programs.

(b) The passing scores on a statewide assessment must be determined by statistically valid and reliable methods as determined by independent experts selected by the state board.

(c) The state board, in consultation with The Arc of Indiana and Indiana Council of Administrators of Special Education (ICASE), shall select one (1) or more individuals who specialize in special education who shall, in turn, be consulted with by the state board as part of the state board's oversight of the development and implementation of the Indiana's Learning Evaluation Assessment Readiness Network (ILEARN) program.

(d) The ~~state superintendent~~, **secretary of education**, with the approval of the state board, is responsible for the development, implementation, and monitoring of the Indiana's Learning Evaluation Assessment Readiness Network (ILEARN) program.

(e) The department shall prepare detailed design specifications for the statewide assessment developed under this chapter that must do the following:

(1) Take into account the academic standards adopted under IC 20-31-3.

(2) Include testing of students' higher level cognitive thinking in each subject area tested.

(f) A statewide assessment described in section 7 of this chapter may be in a form that allows the department and the state board, to the extent possible, to compare the proficiency of Indiana students to the proficiency of students in other states. A statewide assessment may consist of original test items for Indiana's exclusive use if the state board determines that:

(1) developing original test items for Indiana's exclusive use will result in cost savings; or

(2) it would be impractical to develop a statewide assessment adequately aligned to Indiana's academic standards without including original test items developed for Indiana's exclusive use.

SECTION 106. IC 20-32-8.5-1, AS ADDED BY P.L.109-2010, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

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JULY 1, 2021]: Sec. 1. The ~~state superintendent~~, **secretary of education**, in conjunction with the state board, shall develop a plan to improve reading skills of students and implement appropriate remediation techniques for students.

SECTION 107. IC 20-32-8.5-3, AS ADDED BY P.L.109-2010, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 3. (a) For any component of the plan that has a fiscal impact, the ~~state superintendent~~ **secretary of education** shall present those components of the plan to the general assembly:

- (1) for consideration of the plan; and
- (2) to determine the amount of any appropriation in the state budget for the state fiscal years beginning in 2011 and 2012 that is necessary to carry out the plan.

(b) To the extent a component of the plan does not have a fiscal impact, that component of the plan may be implemented after the state board holds a public hearing at which there is full public discussion and review by the state board.

SECTION 108. IC 20-33-2-20, AS AMENDED BY P.L.109-2015, SECTION 41, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 20. (a) An accurate daily record of the attendance of each student who is subject to compulsory school attendance under this chapter shall be kept by every public and nonpublic school.

(b) In a public school, the record shall be open at all times for inspection by:

- (1) attendance officers;
- (2) school officials;
- (3) agents of the department of labor;
- (4) security police officers appointed under IC 36-8-3-7; and
- (5) school corporation police officers appointed under IC 20-26-16.

Every teacher shall answer fully all lawful inquiries made by an attendance officer, a school official, an agent of the department of labor, a security police officer appointed under IC 36-8-3-7, or a school corporation police officer appointed under IC 20-26-16.

(c) In a nonpublic school, the record shall be required to be kept solely to verify the enrollment and attendance of a student upon request of the:

- (1) ~~state superintendent~~, **secretary of education**; or
- (2) superintendent of the school corporation in which the nonpublic school is located.

SECTION 109. IC 20-33-2-21, AS AMENDED BY P.L.233-2015, SECTION 249, IS AMENDED TO READ AS FOLLOWS

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[EFFECTIVE JULY 1, 2021]: Sec. 21. (a) Each principal or school administrator in a nonpublic school that is attended by a student who is subject to the compulsory school attendance law under this chapter shall furnish, on request of the ~~state superintendent~~, **secretary of education**, the number of students by grade level attending the school.

(b) If:

- (1) a student withdraws from a nonpublic school; and
- (2) no public or other nonpublic school has requested the student's educational records within fifteen (15) school days after the date the student withdrew from school;

the nonpublic school shall report to the ~~state superintendent~~ **secretary of education** or the superintendent of the school corporation in which the nonpublic school is located, the name and address of the student and the date the student withdrew from school.

SECTION 110. IC 20-33-2-42, AS AMENDED BY P.L.90-2011, SECTION 46, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 42. The ~~state superintendent~~ **secretary of education** shall:

- (1) prescribe duties for the state attendance officer not provided by law;
- (2) design and require use of a system of attendance reports, records, and forms necessary for the enforcement of this chapter; and
- (3) perform all other duties necessary for the complete enforcement of this chapter.

SECTION 111. IC 20-33-2-43, AS ADDED BY P.L.1-2005, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 43. (a) The ~~state superintendent~~ **secretary of education** shall appoint a state attendance officer. The state attendance officer serves at the pleasure of the ~~state superintendent~~ **secretary of education** and may be removed by the ~~state superintendent~~ **secretary of education** at any time.

(b) The state attendance officer shall:

- (1) exercise general supervision over the attendance officers of Indiana;
- (2) visit the various attendance districts throughout Indiana;
- (3) inspect the work of the attendance officers; and
- (4) investigate the manner in which this chapter is being enforced.

(c) The state attendance officer may initiate court action whenever necessary for the enforcement of this chapter.

SECTION 112. IC 20-33-5-14, AS AMENDED BY P.L.286-2013, SECTION 116, IS AMENDED TO READ AS FOLLOWS

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[EFFECTIVE JULY 1, 2021]: Sec. 14. (a) The school curricular materials reimbursement contingency fund is established to reimburse school corporations, eligible parents of children who attend accredited nonpublic schools, and emancipated minors who attend accredited nonpublic schools as provided in section 9 of this chapter for assistance provided under this chapter. The fund consists of money appropriated to the fund by the general assembly. The ~~state superintendent~~ **secretary of education** shall administer the fund.

(b) The treasurer of state shall invest the money in the school curricular materials reimbursement contingency fund not currently needed to meet the obligations of the fund in the same manner as other public funds may be invested.

SECTION 113. IC 20-34-3-13, AS AMENDED BY P.L.89-2013, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 13. (a) If a school corporation is unable to comply with section 12(e) of this chapter, the governing body may, before November 1 of a school year, request from the ~~state superintendent~~ **secretary of education** a waiver of the requirements of section 12(e) of this chapter.

(b) The waiver request under subsection (a) must:

- (1) be in writing;
- (2) include the reason or reasons that necessitated the waiver request; and
- (3) indicate the extent to which the governing body attempted to comply with the requirements under section 12(e) of this chapter.

(c) The ~~state superintendent~~ **secretary of education** shall take action on the waiver request not later than thirty (30) days after receiving the waiver request.

(d) The ~~state superintendent~~ **secretary of education** may:

- (1) approve the waiver request;
- (2) deny the waiver request; or
- (3) provide whatever relief that may be available to enable the school corporation to comply with the requirements under section 12(e) of this chapter.

(e) If the ~~state superintendent~~ **secretary of education** approves the waiver request, the governing body shall conduct an annual screening test of the visual acuity of each student upon the student's enrollment in or transfer to grade 1.

(f) The governing body of each school corporation shall make and maintain records of all waivers requested by the governing body under this section.

(g) The ~~state superintendent~~ **secretary of education** shall make and

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continuously maintain records of all actions taken by the ~~state superintendent~~ **secretary of education** concerning all waivers requested under this section.

(h) A request for a waiver under this section must be made annually.

SECTION 114. IC 20-35-2-1, AS AMENDED BY P.L.233-2015, SECTION 275, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 1. (a) There is established under the state board a division of special education. The division shall exercise all the power and duties set out in this chapter, IC 20-35-3 through IC 20-35-6, and IC 20-35-8.

(b) The governor shall appoint, upon the recommendation of the ~~state superintendent~~, **secretary of education**, a director of special education who serves at the pleasure of the governor. The amount of compensation of the director shall be determined by the budget agency with the approval of the governor. The director has the following duties:

(1) To do the following:

(A) Have general supervision of special education programs and services, including those conducted by school corporations, charter schools, the Indiana School for the Blind and Visually Impaired, the Indiana School for the Deaf, the department of correction, and the division of mental health and addiction to ensure compliance with federal and state special education laws and rules.

(B) Take appropriate action to ensure school corporations, charter schools, and the department remain eligible for federal special education funds.

(2) With the consent of the ~~state superintendent~~ **secretary of education** and the budget agency, to appoint and determine salaries for any assistants and other personnel needed to enable the director to accomplish the duties of the director's office.

SECTION 115. IC 20-35-3-1, AS AMENDED BY P.L.270-2019, SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 1. (a) The ~~state superintendent~~ **secretary of education** shall appoint a state advisory council on the education of children with disabilities. The state advisory council's duties consist of providing policy guidance concerning special education and related services for children with disabilities. The ~~state superintendent~~ **secretary of education** shall appoint at least seventeen (17) members who serve for a term of four (4) years. Vacancies shall be filled in the same manner for the unexpired balance of the term.

(b) The members of the state advisory council must be:

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- (1) citizens of Indiana;
- (2) representative of the state's population; and
- (3) selected on the basis of their involvement in or concern with the education of children with disabilities.

(c) A majority of the members of the state advisory council must be individuals with disabilities or the parents of children with disabilities.

Members must include the following:

- (1) Parents of children with disabilities.
- (2) Individuals with disabilities.
- (3) Teachers.
- (4) Representatives of postsecondary educational institutions that prepare special education and related services personnel.
- (5) State and local education officials.
- (6) Administrators of programs for children with disabilities.
- (7) Representatives of state agencies involved in the financing or delivery of related services to children with disabilities, including the following:

(A) The commissioner of the state department of health or the commissioner's designee.

(B) The director of the division of disability and rehabilitative services or the director's designee.

(C) The director of the division of mental health and addiction or the director's designee.

(D) The director of the department of child services or the director's designee.

- (8) Representatives of nonpublic schools and freeway schools.
- (9) One (1) or more representatives of vocational, community, or business organizations concerned with the provision of transitional services to children with disabilities.
- (10) Representatives of the department of correction.
- (11) A representative from each of the following:
 - (A) The Indiana School for the Blind and Visually Impaired board.
 - (B) The Indiana School for the Deaf board.
- (12) A representative from the Arc of Indiana.

(d) The responsibilities of the state advisory council are as follows:

- (1) To advise the ~~state superintendent~~ **secretary of education** and the state board regarding all rules pertaining to children with disabilities.
- (2) To recommend approval or rejection of completed comprehensive plans submitted by school corporations acting individually or on a joint school services program basis with other



corporations.

(3) To advise the department of unmet needs within Indiana in the education of children with disabilities.

(4) To provide public comment on rules proposed by the state board regarding the education of children with disabilities.

(5) To advise the department in developing evaluations and reporting data to the United States Secretary of Education under 20 U.S.C. 1418.

(6) To advise the department in developing corrective action plans to address findings identified in federal monitoring reports under 20 U.S.C. 1400 et seq.

(7) To advise the department in developing and implementing policies related to the coordination of services for children with disabilities.

(e) The state advisory council shall do the following:

(1) Organize with a chairperson selected by the ~~state superintendent~~ **secretary of education**.

(2) Meet as often as necessary to conduct the council's business at the call of the chairperson, upon ten (10) days written notice, but not less than four (4) times a year.

(f) Members of the state advisory council are entitled to reasonable amounts for expenses necessarily incurred in the performance of their duties.

(g) The ~~state superintendent~~ **secretary of education** shall do the following:

(1) Designate the director to act as executive secretary of the state advisory council.

(2) Furnish all professional and clerical assistance necessary for the performance of the state advisory council's powers and duties.

(h) The affirmative votes of a majority of the members appointed to the state advisory council are required for the state advisory council to take action.

SECTION 116. IC 20-35-4-4, AS ADDED BY P.L.1-2005, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 4. (a) For the administration and field service of the division, there is appropriated annually out of the excise funds of the alcohol and tobacco commission an amount to administer this chapter as determined by the general assembly.

(b) Money appropriated under this section shall be deposited into a special fund in the state treasury to be known as the special education fund. The special education fund shall be:

(1) administered by the ~~state superintendent~~ **secretary of**

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education; and

(2) used only for the administration of IC 20-35-2 through IC 20-35-6 and IC 20-35-8.

SECTION 117. IC 20-35-4-11, AS AMENDED BY P.L.233-2015, SECTION 283, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 11. (a) The governing bodies of one (1) or more school corporations establishing and maintaining educational facilities and services for students with disabilities, as described in this chapter, shall, in connection with establishing and maintaining the facilities and services, exercise similar powers and duties as are prescribed by law for the establishment, maintenance, and management of other recognized educational facilities and services.

(b) The governing bodies shall:

(1) include only eligible children in the program; and

(2) comply with all the requirements of:

(A) this chapter; and

(B) all rules established by the ~~state superintendent~~ **secretary of education** and the state board.

SECTION 118. IC 20-35-6-2, AS ADDED BY P.L.1-2005, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 2. (a) The ~~state superintendent~~ **secretary of education** may contract with in-state or out-of-state public and private schools, state agencies, or child caring institutions (as defined in IC 12-7-2-29(1)) to pay, with any funds appropriated for this purpose, the excess costs of educating children of school age:

(1) who have been identified as eligible for special education services; and

(2) whose disability is of such intensity as to preclude achievement in the existing local public school setting.

The state shall pay the costs of the services that exceed the regular cost of educating children of the same age and grade level in the child's school corporation. The school corporation shall pay the share of the total tuition cost that is the regular per capita cost of general education in that school corporation.

(b) School corporations shall pay their share of the total tuition costs for children with disabilities served under this section.

(c) The state board shall adopt rules under IC 4-22-2 necessary to implement this section.

SECTION 119. IC 20-35.5-6-3, AS ADDED BY P.L.95-2018, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 3. (a) A school corporation or charter school may petition the ~~state superintendent of public instruction;~~ **secretary of**

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education, or the ~~superintendent's~~ **secretary's** designee, for a waiver necessary to hire an individual that does not meet the training requirements established by the department to be an authorized reading specialist trained in dyslexia. The written petition must be submitted to the department on a form and in a manner prescribed by the department and must specify the reasons the school corporation or charter school is seeking the waiver.

(b) The department may grant a petition submitted under subsection (a) if:

- (1) the individual is unable to meet the training requirements to become an authorized reading specialist trained in dyslexia within the required time period; or
- (2) an authorized reading specialist trained in dyslexia leaves the specialist's position with the school corporation or charter school and the school corporation or charter school is not able to timely employ or designate another authorized reading specialist trained in dyslexia.

(c) Waivers granted under subsection (b) may be granted for a period not to exceed one (1) year.

SECTION 120. IC 20-36-4-5, AS AMENDED BY P.L.2-2007, SECTION 237, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 5. (a) An advisory board for the academy is established.

(b) Fifteen (15) members shall be appointed to the advisory board as follows:

- (1) The ~~state superintendent~~ **secretary of education** as an ex officio member.
- (2) The chairman of the curriculum committee of the state board as an ex officio member.
- (3) The commissioner of the commission for higher education as an ex officio member.
- (4) Seven (7) members appointed by the ~~state superintendent~~ **secretary of education** as follows:
 - (A) Two (2) members who are classroom teachers.
 - (B) Two (2) members who are public school administrators.
 - (C) One (1) member who represents the parents of public school students.
 - (D) Two (2) members who are former students of the academy.
- (5) Five (5) members appointed by the governor as follows:
 - (A) Two (2) representatives from state educational institutions.
 - (B) One (1) representative from a private postsecondary educational institution in Indiana.

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(C) Two (2) individuals representing business and industry.

(c) At the expiration of the terms of the initial appointees, their successors shall be appointed to four (4) year terms beginning on July 1 in the year of their appointments. A member may be reappointed to the advisory board.

(d) A vacancy in any appointive term under this section shall be filled for the unexpired part of the term by appointment of the officer who appointed the person creating the vacancy.

(e) On July 1 of each year, the **state superintendent secretary of education** shall designate a member to serve as chairperson. The advisory board shall elect other officers annually to serve terms from July 1 through June 30.

(f) An advisory board member is not entitled to the minimum salary per diem as provided in IC 4-10-11-2.1(b) while performing the member's duties. A member is entitled to reimbursement for traveling expenses and other expenses actually incurred in connection with the member's duties, as provided in the state travel policies and procedures established by the Indiana department of administration and approved by the budget agency.

(g) The chairperson shall call the meetings of the advisory board.

(h) A majority of the advisory board constitutes a quorum for the purpose of doing business.

SECTION 121. IC 20-37-2-9, AS AMENDED BY P.L.234-2007, SECTION 130, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 9. (a) A career and technical education youth organization fund is established to assist in carrying out the purposes of this chapter. The fund shall be administered by the **state superintendent secretary of education**.

(b) The **state superintendent secretary of education** may award grants from the career and technical education youth organization fund for combined career and technical activities of the organizations that are an integral part of the instructional program in career and technical education. Areas of career and technical instruction for which grants may be awarded include:

- (1) agriculture;
- (2) business and office occupations;
- (3) health occupations;
- (4) distributive education;
- (5) home economics; and
- (6) trade industrial education.

(c) There is appropriated from the state general fund to the **state superintendent secretary of education** a sum to be determined

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annually by the general assembly to implement this section.

SECTION 122. IC 20-38-1-2, AS ADDED BY P.L.1-2005, SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 2. (a) The ~~state superintendent~~, **secretary of education**, or a person authorized to act in behalf of the ~~state superintendent~~, **secretary of education**, is the education official selected by this state to negotiate and enter into, on behalf of this state, contracts under the interstate agreement set forth in section 1 of this chapter.

(b) The designated education official, acting jointly with similar officers of other party states, may adopt rules to carry out more effectively the terms of the interstate agreement.

(c) The designated education official is authorized, empowered, and directed to cooperate with all departments, agencies, and officers of state government and its subdivisions in facilitating the proper administration of the following:

- (1) The interstate agreement.
- (2) A supplementary agreement entered into by this state under the interstate agreement.

SECTION 123. IC 20-39-2-1, AS ADDED BY P.L.2-2006, SECTION 162, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 1. (a) The ~~state superintendent~~ **secretary of education** shall exercise the supervision over school funds and revenues that is necessary to ascertain their safety, secure their preservation, and secure their application to the proper object.

(b) The ~~state superintendent~~ **secretary of education** may cause to be instituted, in the name of the state of Indiana, for the use of the proper fund or revenue, all suits necessary for the recovery of any part of the funds or revenues. The prosecuting attorney shall prosecute all the suits at the insistence of the ~~state superintendent~~ **secretary of education** and without charge against the funds or revenue.

SECTION 124. IC 20-39-2-2, AS ADDED BY P.L.2-2006, SECTION 162, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 2. The ~~state superintendent~~ **secretary of education** may require from the county auditors, school examiners, county treasurers, township trustees, county clerks, and county treasurers:

- (1) copies of all reports required to be made by them; and
- (2) all other information in relation to the duties of their respective offices, so far as those duties relate to the:
 - (A) condition of the school funds, school revenues, and property of the common schools; and

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(B) condition and management of the common schools;
that the ~~state superintendent~~ **secretary of education** determines is important.

SECTION 125. IC 20-39-2-3, AS ADDED BY P.L.2-2006, SECTION 162, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 3. The ~~state superintendent~~ **secretary of education** may prepare and transmit to the proper officers:

- (1) suitable forms and rules for making all reports;
- (2) necessary blanks for all reports; and
- (3) all necessary instructions;

for the better organization and government of common schools and conducting all necessary proceedings under this chapter and IC 20-42.

SECTION 126. IC 20-39-4-6, AS ADDED BY P.L.2-2006, SECTION 162, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 6. The report prepared under section 5 of this chapter must be entered on the records of the board of county commissioners. Copies of the report must be:

- (1) signed by the members of the board of county commissioners, the county auditor, and the county treasurer; and
- (2) sent to the:
 - (A) auditor of state; and
 - (B) ~~state superintendent.~~ **secretary of education.**

SECTION 127. IC 20-42-1-8, AS ADDED BY P.L.2-2006, SECTION 165, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 8. The payment of annual interest must be full and complete every year. The payment must appear in the county auditor's report to the ~~state superintendent.~~ **secretary of education.** The ~~state superintendent~~ **secretary of education** shall, at any time when the ~~state superintendent~~ **secretary of education** discovers from the report, or otherwise, that there is a deficit in the amount collected, for want of prompt collection or otherwise, direct the attention of the board of county commissioners and the county auditor to the fact. The board of commissioners shall provide for the deficit in their respective counties.

SECTION 128. IC 20-42-2-6, AS AMENDED BY P.L.39-2008, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 6. The payment of annual interest must be full and complete every year. The payment must appear in the county auditor's or treasurer of state's report to the ~~state superintendent.~~ **secretary of education.** The ~~state superintendent~~ **secretary of education** shall, at any time when the ~~state superintendent~~ **secretary of education**

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discovers that there is a deficit in the amount collected, direct the attention of the board of county commissioners and the county auditor to the fact. The board of commissioners shall provide for the deficit in the commissioners' respective counties.

SECTION 129. IC 20-42-2-8, AS AMENDED BY P.L.39-2008, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 8. The county auditor or treasurer of state shall report the amount apportioned to the ~~state superintendent~~, **secretary of education**, verified by affidavit.

SECTION 130. IC 20-43-2-5, AS ADDED BY P.L.2-2006, SECTION 166, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 5. If a school corporation operates on a twelve (12) month school year program, as approved by the ~~state superintendent~~, **secretary of education**, the distribution of state support for the program shall be made under an adjusted formula to be approved by the ~~state superintendent~~. **secretary of education**. The adjustment formula shall grant to each school corporation operating an approved twelve (12) month school year an amount of money that must be on the same basis as the distribution for the regular support program, prorated per diem to reflect the extended school term.

SECTION 131. IC 20-43-4-4, AS AMENDED BY P.L.217-2017, SECTION 123, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 4. (a) The state board shall monitor changes that occur after the count of ADM in the number of students enrolled in programs for children with disabilities. The state board shall:

- (1) before December 2 of that same year; and
- (2) before April 2 of the following calendar year;

make an adjusted count of students enrolled in programs for children with disabilities. The ~~state superintendent~~ **secretary of education** shall certify the December adjusted count to the budget committee before February 5 of the following year and the April adjusted count not later than May 31 immediately after the date of the April adjusted count. The state board may adjust the school's count of students enrolled in programs for children with disabilities if the state board determines that the count is unrepresentative of the school corporation's enrollment.

(b) The department shall distribute special education grants under IC 20-43-7 using only the count specified in IC 20-43-7-1.

SECTION 132. IC 20-45-7-19, AS AMENDED BY P.L.217-2017, SECTION 135, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 19. Before July 11 of each year, the ~~state superintendent~~ **secretary of education** shall certify to the county

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auditor:

- (1) the consolidated ADA ratio of the qualified school corporations;
- (2) the number of pupils in the fall count under IC 20-43-4 of each qualified school corporation for the school year ending in the calendar year; and
- (3) an estimate of these statistics for the succeeding school year.

SECTION 133. IC 20-45-7-30, AS ADDED BY P.L.2-2006, SECTION 168, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 30. The department of local government finance and the **state superintendent secretary of education** shall make certifications of any information in their possession, or any other certifications required by this chapter that will facilitate its execution.

SECTION 134. IC 20-45-8-18, AS AMENDED BY P.L.217-2017, SECTION 136, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 18. (a) Before July 11 of each year, the **state superintendent secretary of education** shall deliver to the county auditor a certified statement of the fall count of pupils under IC 20-43-4 in grades 1 through 12 residing in each qualified school corporation for the school year ending in the calendar year.

(b) Upon the receipt of the information, the county auditor shall compute the amount to be distributed to each of the qualified school corporations from the receipts of the tax levy, based on the formula set forth in this chapter.

(c) The county auditor shall annually issue a warrant to the county treasurer ordering the payment to the respective qualified school corporations the various amounts in the fund at each semiannual tax settlement period during the year in which the tax has been collected.

(d) The qualified school corporations and the proper officials and employees of the qualified school corporations shall receive the receipts distributed by the county treasurer in the same manner as other tax receipts are received.

SECTION 135. IC 20-45-8-28, AS ADDED BY P.L.2-2006, SECTION 168, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 28. The department of local government finance and the **state superintendent secretary of education** shall make certifications of any information in their possession, or any other certifications required by this chapter that will facilitate this chapter's execution.

SECTION 136. IC 20-49-2-3, AS ADDED BY P.L.2-2006, SECTION 172, IS AMENDED TO READ AS FOLLOWS

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[EFFECTIVE JULY 1, 2021]: Sec. 3. (a) The state board shall carry out this chapter.

(b) The ~~state superintendent~~ **secretary of education** shall, from funds appropriated for administering this chapter, provide office space and employees to enable the state board to perform the duties required under this chapter.

(c) The state board may adopt rules under IC 4-22-2 necessary for the proper administration of the veterans memorial school construction fund and for carrying out this chapter.

SECTION 137. IC 21-7-13-31.3 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JULY 1, 2021]: **Sec. 31.3. "Secretary of education" refers to the secretary of education appointed by the governor under IC 20-19-1-1.1.**

SECTION 138. IC 21-7-13-34 IS REPEALED [EFFECTIVE JULY 1, 2021]. ~~Sec. 34. "State superintendent" has the meaning set forth in IC 20-18-2-20.~~

SECTION 139. IC 21-9-4-1, AS AMENDED BY P.L.2-2007, SECTION 247, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 1. (a) The board of directors of the authority is established. The board consists of the following:

- (1) The following four (4) ex officio members or directors:
 - (A) The treasurer of state.
 - (B) The ~~state superintendent of public instruction~~ **secretary of education.**
 - (C) The Indiana commissioner for higher education.
 - (D) The budget director.
- (2) Five (5) appointed members or directors who:
 - (A) are appointed by the governor; and
 - (B) have knowledge, skill, and experience in academic, business, financial, or education fields.

(b) During a member's term of service on the board, an appointed member of the board may not be an official or employee of the state.

(c) Not more than three (3) of the appointed members of the board may belong to the same political party.

(d) An appointed member serves a four (4) year term. An appointed member shall hold over after the expiration of the member's term until the member's successor is appointed and qualified.

(e) The governor may reappoint an appointed member of the board.

(f) A vacancy shall be filled for the balance of an unexpired term in the same manner as the original appointment.

(g) The treasurer of state shall serve as chairman of the board. The

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board shall annually elect one (1) of its ex officio members as vice chairman, and may elect any other officer that the board desires.

(h) The governor may remove an appointed member for misfeasance, malfeasance, willful neglect of duty, or other cause after notice and a public hearing, unless the member expressly waives the notice and hearing in writing.

SECTION 140. IC 21-12-1-5, AS ADDED BY P.L.2-2007, SECTION 253, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 5. "Approved secondary school" means:

- (1) a public high school located in Indiana; and
- (2) any school, located in or outside Indiana, that in the judgment of the ~~state superintendent~~ **secretary of education** provides a course of instruction at the secondary level and maintains standards of instruction substantially equivalent to those of public high schools located in Indiana.

SECTION 141. IC 21-18.5-5-2, AS AMENDED BY P.L.273-2013, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 2. (a) The board for proprietary education consists of the following seven (7) members:

- (1) The ~~state superintendent~~ **secretary of education** or the ~~superintendent's secretary's~~ designee.
- (2) The executive officer of the commission for higher education or the executive officer's designee.
- (3) Five (5) members appointed by the governor.
 - (b) The members appointed by the governor under subsection (a) serve for a term of four (4) years.
 - (c) Not more than three (3) of the members appointed by the governor may be members of the same political party.
 - (d) Of the five (5) members appointed by the governor:
 - (1) one (1) must have been engaged for a period of at least five (5) years immediately preceding appointment in an executive or a managerial position in a postsecondary proprietary educational institution subject to IC 21-18.5-6;
 - (2) one (1) must have been engaged in administering or managing an industrial employee training program for a period of at least five (5) years immediately preceding appointment; and
 - (3) three (3) must be representatives of the public at large who are not representatives of the types of postsecondary credit bearing proprietary educational institutions to be authorized.

For purposes of subdivision (3), an elected or appointed state or local official or a member of a private or public school may not be appointed

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as a representative of the public at large.

(e) An appointment to fill a vacancy occurring on the board for proprietary education is for the unexpired term.

SECTION 142. IC 21-41-11-6, AS ADDED BY P.L.2-2014, SECTION 99, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 6. (a) There is established an advisory board for the institute to advise and assist the director appointed under section 5 of this chapter.

(b) The advisory board consists of eight (8) members appointed by the president of the university, and one (1) member appointed by the ~~state superintendent of public instruction~~ **secretary of education**. Each of the following groups must be represented by at least one (1) member of the advisory board:

- (1) Practicing public school principals.
- (2) Members of the general assembly.
- (3) Experts in administration, supervision, curriculum development, or evaluation who are members of the faculty of a state supported university.
- (4) Practicing school superintendents.
- (5) Practicing public school teachers.
- (6) Members of the business or industry community.
- (7) Parents of public school age children.

(c) The advisory board shall:

- (1) annually elect a chairperson;
- (2) advise the director about the curriculum of the institute;
- (3) review the plan developed by the director under section 7 of this chapter;
- (4) approve an evaluation plan for the institute;
- (5) review the director's plan for continuing education;
- (6) review the institute budget and make recommendations to the director;
- (7) set criteria for the selection of institute participants;
- (8) review the operation of the institute and make recommendations to the director;
- (9) assist the director in compiling the annual report for submission to the general assembly;
- (10) consider coordinating the programs and curriculum offered at the institute with the programs and curriculum required in principal certification programs offered at postsecondary educational institutions in Indiana; and
- (11) complete other tasks requested of the advisory board by the president of the university or the director.

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(d) Each member of the advisory board serves a four (4) year term beginning on May 1 in the year the member is appointed.

(e) The president of the university shall fill a vacancy on the advisory board:

- (1) for the unexpired part of the term; and
- (2) in a manner that preserves the composition of the advisory board under subsection (b).

SECTION 143. IC 31-33-18-2, AS AMENDED BY P.L.112-2020, SECTION 59, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 2. The reports and other material described in section 1(a) of this chapter and the unredacted reports and other material described in section 1(b) of this chapter shall be made available only to the following:

- (1) Persons authorized by this article.
- (2) A legally mandated public or private child protective agency investigating a report of child abuse or neglect or treating a child or family that is the subject of a report or record.
- (3) Any of the following who are investigating a report of a child who may be a victim of child abuse or neglect:
 - (A) A police officer or other law enforcement agency.
 - (B) A prosecuting attorney.
 - (C) A coroner, in the case of the death of a child.
- (4) A physician who has before the physician a child whom the physician reasonably suspects may be a victim of child abuse or neglect.
- (5) An individual legally authorized to place a child in protective custody if:
 - (A) the individual has before the individual a child whom the individual reasonably suspects may be a victim of abuse or neglect; and
 - (B) the individual requires the information in the report or record to determine whether to place the child in protective custody.
- (6) An agency having the legal responsibility or authorization to care for, treat, or supervise a child who is the subject of a report or record or a parent, guardian, custodian, or other person who is responsible for the child's welfare.
- (7) An individual named in the report or record who is alleged to be abused or neglected or, if the individual named in the report is a child or is otherwise incompetent, the individual's guardian ad litem or the individual's court appointed special advocate, or both.
- (8) Each parent, guardian, custodian, or other person responsible

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for the welfare of a child named in a report or record and an attorney of the person described under this subdivision, with protection for the identity of reporters and other appropriate individuals.

(9) A court, for redaction of the record in accordance with section 1.5 of this chapter, or upon the court's finding that access to the records may be necessary for determination of an issue before the court. However, except for disclosure of a redacted record in accordance with section 1.5 of this chapter, access is limited to in camera inspection unless the court determines that public disclosure of the information contained in the records is necessary for the resolution of an issue then pending before the court.

(10) A grand jury upon the grand jury's determination that access to the records is necessary in the conduct of the grand jury's official business.

(11) An appropriate state or local official responsible for child protection services or legislation carrying out the official's official functions.

(12) The community child protection team appointed under IC 31-33-3 (or IC 31-6-11-14 before its repeal), upon request, to enable the team to carry out the team's purpose under IC 31-33-3.

(13) A person about whom a report has been made, with protection for the identity of:

(A) any person reporting known or suspected child abuse or neglect; and

(B) any other person if the person or agency making the information available finds that disclosure of the information would be likely to endanger the life or safety of the person.

(14) An employee of the department, a caseworker, or a juvenile probation officer conducting a criminal history check under IC 31-26-5, IC 31-34, or IC 31-37 to determine the appropriateness of an out-of-home placement for a:

(A) child at imminent risk of placement;

(B) child in need of services; or

(C) delinquent child.

The results of a criminal history check conducted under this subdivision must be disclosed to a court determining the placement of a child described in clauses (A) through (C).

(15) A local child fatality review team established under IC 16-49-2.

(16) The statewide child fatality review committee established by IC 16-49-4.

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- (17) The department.
- (18) The division of family resources, if the investigation report:
 - (A) is classified as substantiated; and
 - (B) concerns:
 - (i) an applicant for a license to operate;
 - (ii) a person licensed to operate;
 - (iii) an employee of; or
 - (iv) a volunteer providing services at;a child care center licensed under IC 12-17.2-4 or a child care home licensed under IC 12-17.2-5.
- (19) A citizen review panel established under IC 31-25-2-20.4.
- (20) The department of child services ombudsman established by IC 4-13-19-3.
- (21) The ~~state superintendent of public instruction~~ **secretary of education** with protection for the identity of:
 - (A) any person reporting known or suspected child abuse or neglect; and
 - (B) any other person if the person or agency making the information available finds that disclosure of the information would be likely to endanger the life or safety of the person.
- (22) The state child fatality review coordinator employed by the state department of health under IC 16-49-5-1.
- (23) A person who operates a child caring institution, group home, or secure private facility if all the following apply:
 - (A) The child caring institution, group home, or secure private facility is licensed under IC 31-27.
 - (B) The report or other materials concern:
 - (i) an employee of;
 - (ii) a volunteer providing services at; or
 - (iii) a child placed at;the child caring institution, group home, or secure private facility.
 - (C) The allegation in the report occurred at the child caring institution, group home, or secure private facility.
- (24) A person who operates a child placing agency if all the following apply:
 - (A) The child placing agency is licensed under IC 31-27.
 - (B) The report or other materials concern:
 - (i) a child placed in a foster home licensed by the child placing agency;
 - (ii) a person licensed by the child placing agency to operate a foster family home;



- (iii) an employee of the child placing agency or a foster family home licensed by the child placing agency; or
- (iv) a volunteer providing services at the child placing agency or a foster family home licensed by the child placing agency.

(C) The allegations in the report occurred in the foster family home or in the course of employment or volunteering at the child placing agency or foster family home.

- (25) The National Center for Missing and Exploited Children.
- (26) A local domestic violence fatality review team established under IC 12-18-8, as determined by the department to be relevant to the death or near fatality that the local domestic violence fatality review team is reviewing.
- (27) The statewide domestic violence fatality review committee established under IC 12-18-9-3, as determined by the department to be relevant to the death or near fatality that the statewide domestic violence fatality review committee is reviewing.
- (28) The statewide maternal mortality review committee established under IC 16-50-1-3, as determined by the department to be relevant to the case of maternal morbidity or maternal mortality that the statewide maternal mortality review committee is reviewing.
- (29) A local fetal-infant mortality review team established under IC 16-49-6, as determined by the department to be relevant to the case of fetal or infant fatality that the local fetal-infant mortality review team is reviewing.
- (30) A suicide and overdose fatality review team established under IC 16-49.5-2, as determined by the department to be relevant to the case of a suicide or overdose fatality that the suicide and overdose fatality review team is reviewing.

SECTION 144. IC 34-29-2-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 1. The following persons are privileged from arrest on civil process, and from obeying any subpoena to testify:

- (1) All officers of the general assembly during their attendance, at the general assembly and during the time they are going to, and returning from the place of meeting, not to exceed one (1) day for every twenty-five (25) miles of the usually traveled route.
- (2) All voters during attendance at, going to, and returning from elections.
- (3) Members of the board of county commissioners, during the session of their board, and while going to and returning from the

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session of the board.

(4) Justices, while engaged in hearing or determining any trial.

(5) All persons while engaged in necessary attendance at a court and in going to and returning from the court.

(6) The governor, treasurer of state, secretary of state, **and** auditor of state. ~~and superintendent of public instruction.~~

(7) All persons while actually engaged in the discharge of military duty.

SECTION 145. IC 35-50-10-1, AS AMENDED BY P.L.80-2019, SECTION 32, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 1. (a) As used in this section, "offense requiring license revocation" means an offense listed in IC 20-28-5-8(c).

(b) If an individual is or was a teacher in a school corporation, charter school, or nonpublic school and is convicted of an offense requiring license revocation, the judge who presided over the trial or accepted a plea agreement shall give written notice of the conviction to the ~~state superintendent of public instruction~~ **secretary of education** and the chief administrative officer of the school corporation, charter school, or nonpublic school, or, if the individual is employed in a public school, the superintendent of the school district in which the individual is employed.

(c) Notice under subsection (b) must occur not later than seven (7) days after the date the judgment is entered.

(d) The notification sent to a school or school district under subsection (b) must include only the felony for which the individual was convicted.

(e) If a judge later modifies the individual's sentence after giving notice under this section, the judge shall notify the school or the school district of the modification.

(f) After receiving a notification under subsection (b), the ~~state superintendent of public instruction~~ **secretary of education** shall initiate procedures to revoke the individual's license to teach.

SECTION 146. IC 36-10-12-8, AS AMENDED BY P.L.2-2006, SECTION 194, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 8. (a) The board of school trustees of a town may provide financial assistance to a children's museum. The assistance shall be:

(1) paid from the funds of the school town; and

(2) in an amount each year not to exceed the product of twenty-five cents (\$0.25) multiplied by the ADA (as defined in IC 20-18-2-1.5(a)) of children enrolled in grades 1 through 8 in the public schools of the town as reported in the last preceding

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annual report to the ~~state superintendent of public instruction.~~
secretary of education.

(b) The assistance under subsection (a) is payable annually. The board of school trustees may continue the assistance annually if the board of trustees or other governing body of the children's museum has accepted by resolution the provisions of this chapter and has filed a certified copy of the resolution with the board of school trustees before the date of the first payment.

SECTION 147. An emergency is declared for this act.

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Speaker of the House of Representatives

President of the Senate

President Pro Tempore

Governor of the State of Indiana

Date: _____ Time: _____

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