

SENATE BILL No. 1

DIGEST OF INTRODUCED BILL

Citations Affected: IC 9-14-2-2; IC 20-18-2-19; IC 20-19-2; IC 22-4.1-19-2.

Synopsis: State board of education governance. Makes changes to the composition of the state board of education (state board). Provides that the state board may hire staff and administrative support. Provides that the state board shall meet once every six months and at the call of the chairperson. Provides that the state board shall elect a chairperson annually from the members of the state board. Requires the chairperson to provide notice of a state board meeting and make the agenda for the state board meeting available on the state board's and the department of education's Internet web sites at least 14 days before the meeting. Provides that a member of the state board may submit a request to the chairperson to amend the agenda at least seven days before the state board meeting. Provides that if the chairperson does not respond or refuses to amend the state board's agenda, the agenda may be amended to include the agenda item requested at the current or subsequent state board meeting with a majority vote of the state board. Provides that the state board may not take official action on an agenda item added at the current meeting until the next subsequent state board meeting.

Effective: Upon passage.

Holdman

January 13, 2015, read first time and referred to Committee on Rules & Legislative Procedure.



First Regular Session 119th General Assembly (2015)

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 2014 Regular Session and 2014 Second Regular Technical Session of the General Assembly.

SENATE BILL No. 1

A BILL FOR AN ACT to amend the Indiana Code concerning education.

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

- 1 SECTION 1. IC 9-14-2-2, AS AMENDED BY P.L.107-2012,
2 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 UPON PASSAGE]: Sec. 2. (a) The bureau may adopt and enforce rules
4 under IC 4-22-2 that are necessary to carry out this title.
5 (b) The rules adopted under IC 4-22-2 by the Indiana commission
6 on proprietary education established by IC 21-17-2-1 (before its repeal)
7 concerning truck driver training schools are considered, after
8 December 31, 2011, rules of the bureau.
9 (c) The rules adopted under IC 4-22-2 by the Indiana criminal
10 justice institute established by IC 5-2-6-3 concerning commercial
11 driver training schools are considered, after December 31, 2011, rules
12 of the bureau.
13 (d) The rules adopted under IC 4-22-2 by the department of state
14 revenue established by IC 6-8.1-2-1 concerning a student of a truck
15 driver training school and a truck driver training school are considered,
16 after December 31, 2011, rules of the bureau.



(e) The rules adopted under IC 4-22-2 by the Indiana state board of education established **before July 1, 2015**, by IC 20-19-2-2 **and after June 30, 2015, by IC 20-19-2-2.1** concerning driver education are considered, after December 31, 2011, rules of the bureau.

SECTION 2. IC 20-18-2-19, AS ADDED BY P.L.1-2005, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 19. "State board" refers to the Indiana state board of education established by:

(1) before July 1, 2015, IC 20-19-2-2; and

(2) after June 30, 2015, IC 20-19-2-2.1.

SECTION 3. IC 20-19-2-2, AS ADDED BY P.L.1-2005, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) The Indiana state board of education is established. The state board consists of:

(1) the state superintendent; and

(2) ten (10) members appointed by the governor.

(b) The following provisions apply to members of the state board appointed by the governor:

(1) At least four (4) of the members must be actively employed in the schools in Indiana and hold a valid teaching license.

(2) At least one (1) member must be appointed from each congressional district in Indiana.

(3) Not more than six (6) members of the state board may be appointed from the membership of any one (1) political party.

(4) The term of office of a member begins on July 1. Except as provided in subdivision (5), the term of office of a member is four (4) years.

(5) The governor may dismiss a member for just cause.

(6) The governor may appoint a member to fill a vacancy occurring on the state board. A member appointed under this subdivision serves for the remainder of the unexpired term.

(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 state superintendent serves as chairperson of the state board.

(e) This section expires July 1, 2015.

SECTION 4. IC 20-19-2-2.1 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 2.1. (a) This section applies beginning July 1, 2015.**

(b) The Indiana state board of education is established.

(c) The state board may hire an executive director and



necessary staff to carry out the duties and responsibilities of the state board. The state board shall be funded by an appropriation from the general assembly. In addition, the general assembly may require the legislative services agency to provide supplemental administrative support or to perform specific functions in support of the state board in a manner set forth in the state biennial budget.

SECTION 5. IC 20-19-2-2.2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2.2. (a) Beginning July 1, 2015, the state board consists of the following members:

(1) The state superintendent.

(2) Eight (8) members appointed by the governor.

(3) Two (2) members, who are not members of the general assembly, selected in the following manner:

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

(B) One (1) member must be appointed by the president pro tempore of the senate.

(b) 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.

(c) The members of the state board shall elect a chairperson annually from the members of the state board.

(d) Notwithstanding subsection (c), the state superintendent shall serve as the initial chairperson of the state board at the first meeting of the state board after June 30, 2015, for the purpose of electing a chairperson under subsection (c). This subsection expires January 1, 2016.

(e) Each member appointed under subsection (a)(2) through (a)(3) serves at the will and pleasure of the member's respective appointing authority. Vacancies in the appointments to the state board shall be filled in like manner as if appointment to such vacant offices were being made originally.

SECTION 6. IC 20-19-2-2.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2.3. (a) After June 30, 2015, a reference to the state board in a statute, rule, or other document is considered a reference to the state board established by section 2.1 of this chapter.

(b) After June 30, 2015, a rule adopted by the state board established by section 2 of this chapter is considered a rule adopted by the state board established by section 2.1 of this chapter.



1 However, a rule described in IC 9-14-2-2(e) is considered a rule of
2 the bureau of motor vehicles.

3 (c) On July 1, 2015, the property and obligations of the state
4 board established by section 2 of this chapter are transferred to the
5 state board established by section 2.1 of this chapter.

6 (d) An action taken by the state board established by section 2
7 of this chapter before July 1, 2015, shall be treated after June 30,
8 2015, as if it were originally taken by the state board established by
9 section 2.1 of this chapter.

10 SECTION 7. IC 20-19-2-2.4 IS ADDED TO THE INDIANA CODE
11 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE
12 UPON PASSAGE]: Sec. 2.4. (a) This section applies to a state board
13 meeting held after June 30, 2015.

14 (b) The state board shall meet at least once every six (6) months
15 and at the call of the chairperson.

16 (c) Notwithstanding IC 5-14-1.5-5 and except as otherwise
17 provided in subsection (d), the chairperson shall provide public
18 notice of a state board meeting in the manner described in
19 IC 5-14-1.5-5(b) and shall make the agenda for a state board
20 meeting available on both the state board's and the department's
21 Internet web sites at least fourteen (14) days before the state board
22 meeting.

23 (d) A board member may submit a request to the chairperson
24 to add or remove an agenda item from the agenda described in
25 subsection (c) by submitting a request in writing to the chairperson
26 at least seven (7) days before the state board meeting. If the
27 chairperson agrees to the change to the agenda requested by the
28 board member, the chairperson shall revise the agenda and make
29 the revised agenda available on the state board's and the
30 department's Internet web sites before the state board meeting. If
31 the chairperson does not respond to or denies the member's
32 request to add or remove an agenda item for the state board
33 meeting, the member may request to amend the agenda for the
34 current or subsequent state board meeting during a state board
35 meeting. The state board shall vote on the board member's request.
36 The agenda at the current or a subsequent state board meeting
37 shall be changed to reflect the board member's request if the
38 requested change is approved by an affirmative vote of the
39 majority of the state board members. However, if an agenda item
40 is added to the agenda during the current state board meeting, the
41 board may not take official action on the agenda item until the next
42 subsequent state board meeting. The chairperson shall provide



1 **public notice of the agenda item under subsection (c).**
2 SECTION 8. IC 22-4.1-19-2, AS ADDED BY P.L.7-2011,
3 SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4 UPON PASSAGE]: Sec. 2. As used in this chapter, "state board" refers
5 to the Indiana state board of education established by:
6 **(1) before July 1, 2015, IC 20-19-2-2; and**
7 **(2) after June 30, 2015, IC 20-19-2-2.1.**
8 SECTION 9. **An emergency is declared for this act.**

