



February 4, 2015

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# SENATE BILL No. 1

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DIGEST OF SB 1 (Updated February 2, 2015 7:37 pm - DI 51)

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

**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 at least 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.

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## Holdman

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

February 3, 2015, amended, reported favorably — Do Pass; reassigned to Committee on Tax & Fiscal Policy.

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SB 1—LS 7458/DI 116





February 4, 2015

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

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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.

SB 1—LS 7458/DI 116



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

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

10 (1) **before July 1, 2015**, IC 20-19-2-2 (**expired July 1, 2015**);

11 **and**

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

13 SECTION 3. IC 20-19-2-2, AS ADDED BY P.L.1-2005, SECTION  
 14 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON  
 15 PASSAGE]: Sec. 2. (a) The Indiana state board of education is  
 16 established. The state board consists of:

17 (1) the state superintendent; and

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

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

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

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

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

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

29 (4) years.

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

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

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

37 (d) The state superintendent serves as chairperson of the state board.

38 (e) **This section expires July 1, 2015.**

39 SECTION 4. IC 20-19-2-2.1 IS ADDED TO THE INDIANA CODE  
 40 AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE  
 41 UPON PASSAGE]: **Sec. 2.1. (a) This section applies beginning July**  
 42 **1, 2015.**



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

2           **(c) The state board may hire an executive director and**  
 3 **necessary staff to carry out the duties and responsibilities of the**  
 4 **state board. The state board shall be funded by an appropriation**  
 5 **from the general assembly.**

6           **(d) In addition, the state board may request that the legislative**  
 7 **services agency conduct one (1) or more audits or evaluations of**  
 8 **federal or state supported education programs. If the legislative**  
 9 **council or its designee approves the request, the legislative council**  
 10 **or its designee and the state board shall enter into a written**  
 11 **agreement that sets forth the scope and terms of the engagement.**  
 12 **The agreement must authorize, in a manner that complies with**  
 13 **applicable law and regulations, employees and contractors of the**  
 14 **legislative services agency who are engaged in the audits or**  
 15 **evaluations to access education records, as determined by the**  
 16 **legislative services agency, for the purpose of planning, conducting,**  
 17 **and issuing reports for the audits or evaluations covered by the**  
 18 **agreement.**

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

23           **(1) The state superintendent.**

24           **(2) Four (4) members appointed by the governor. At least two**  
 25 **(2) members appointed under this subdivision must have**  
 26 **professional experience in the field of education.**

27           **(3) Four (4) members, who are not members of the general**  
 28 **assembly, selected in the following manner:**

29           **(A) Two (2) members must be appointed by the speaker of**  
 30 **the house of representatives in consultation with the house**  
 31 **minority floor leader. The following applies to members**  
 32 **appointed under this clause:**

33           **(i) Not more than one (1) member may be appointed**  
 34 **from the membership of any one (1) political party.**

35           **(ii) At least one (1) member must have professional**  
 36 **experience in the field of education.**

37           **(B) Two (2) members must be appointed by the president**  
 38 **pro tempore of the senate in consultation with the senate**  
 39 **minority floor leader. The following applies to members**  
 40 **appointed under this clause:**

41           **(i) Not more than one (1) member may be appointed**  
 42 **from the membership of any one (1) political party.**



- 1                   (ii) At least one (1) member must have professional  
2                   experience in the field of education.
- 3                   (b) A quorum consists of five (5) members of the state board. An  
4                   action of the state board is not official unless the action is  
5                   authorized by at least five (5) members.
- 6                   (c) The members of the state board shall elect a chairperson  
7                   annually from the members of the state board.
- 8                   (d) Notwithstanding subsection (c), the state superintendent  
9                   shall serve as the initial chairperson of the state board at the first  
10                  meeting of the state board after June 30, 2015, for the purpose of  
11                  electing a chairperson under subsection (c). This subsection expires  
12                  January 1, 2016.
- 13                  (e) Each member appointed under subsection (a)(2) through  
14                  (a)(3) serves at the will and pleasure of the member's respective  
15                  appointing authority. Vacancies in the appointments to the state  
16                  board shall be filled in like manner as if appointment to such  
17                  vacant offices were being made originally.
- 18                  SECTION 6. IC 20-19-2-2.3 IS ADDED TO THE INDIANA CODE  
19                  AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE  
20                  UPON PASSAGE]: Sec. 2.3. (a) After June 30, 2015, a reference to  
21                  the state board in a statute, rule, or other document is considered  
22                  a reference to the state board established by section 2.1 of this  
23                  chapter.
- 24                  (b) After June 30, 2015, a rule adopted by the state board  
25                  established by section 2 of this chapter (expired July 1, 2015) is  
26                  considered a rule adopted by the state board established by section  
27                  2.1 of this chapter. However, a rule described in IC 9-14-2-2(e) is  
28                  considered a rule of the bureau of motor vehicles.
- 29                  (c) On July 1, 2015, the property and obligations of the state  
30                  board established by section 2 of this chapter (expired July 1, 2015)  
31                  are transferred to the state board established by section 2.1 of this  
32                  chapter.
- 33                  (d) An action taken by the state board established by section 2  
34                  of this chapter (expired July 1, 2015) before July 1, 2015, shall be  
35                  treated after June 30, 2015, as if it were originally taken by the  
36                  state board established by section 2.1 of this chapter.
- 37                  SECTION 7. IC 20-19-2-2.4 IS ADDED TO THE INDIANA CODE  
38                  AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE  
39                  UPON PASSAGE]: Sec. 2.4. (a) This section applies to a state board  
40                  meeting held after June 30, 2015.
- 41                  (b) The state board shall meet at least once every six (6) months  
42                  and at the call of the chairperson.



1 (c) Notwithstanding IC 5-14-1.5-5 and except as otherwise  
 2 provided in subsection (d), the chairperson shall provide public  
 3 notice of a state board meeting in the manner described in  
 4 IC 5-14-1.5-5(b) and shall make the agenda for a state board  
 5 meeting available on both the state board's and the department's  
 6 Internet web sites at least fourteen (14) days before the state board  
 7 meeting.

8 (d) A board member may submit a request to the chairperson  
 9 to add or remove an agenda item from the agenda described in  
 10 subsection (c) by submitting a request in writing to the chairperson  
 11 at least seven (7) days before the state board meeting. If the  
 12 chairperson agrees to the change to the agenda requested by the  
 13 board member, the chairperson shall revise the agenda and make  
 14 the revised agenda available on the state board's and the  
 15 department's Internet web sites before the state board meeting. If  
 16 the chairperson does not respond to or denies the member's  
 17 request to add or remove an agenda item for the state board  
 18 meeting, the member may request to amend the agenda for the  
 19 current or subsequent state board meeting during a state board  
 20 meeting. The state board shall vote on the board member's request.  
 21 The agenda at the current or a subsequent state board meeting  
 22 shall be changed to reflect the board member's request if the  
 23 requested change is approved by an affirmative vote of the  
 24 majority of the state board members. However, if an agenda item  
 25 is added to the agenda during the current state board meeting, the  
 26 board may not take official action on the agenda item until the next  
 27 subsequent state board meeting. The chairperson shall provide  
 28 public notice of the agenda item under subsection (c).

29 SECTION 8. IC 22-4.1-19-2, AS ADDED BY P.L.7-2011,  
 30 SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 31 UPON PASSAGE]: Sec. 2. As used in this chapter, "state board" refers  
 32 to the Indiana state board of education established by:

- 33 (1) before July 1, 2015, IC 20-19-2-2 (expired July 1, 2015);  
 34 and  
 35 (2) after June 30, 2015, IC 20-19-2-2.1.

36 SECTION 9. An emergency is declared for this act.



## COMMITTEE REPORT

Madam President: The Senate Committee on Rules and Legislative Procedure, to which was referred Senate Bill No. 1, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 2, line 2, after "IC 20-19-2-2" insert "**(expired July 1, 2015)**".

Page 2, line 9, delete "IC 20-19-2-2;" and insert "**IC 20-19-2-2 (expired July 1, 2015);**".

Page 2, delete lines 37 through 42, begin a new paragraph and insert:

"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.**

**(d) In addition, the state board may request that the legislative services agency conduct one (1) or more audits or evaluations of federal or state supported education programs. If the legislative council or its designee approves the request, the legislative council or its designee and the state board shall enter into a written agreement that sets forth the scope and terms of the engagement. The agreement must authorize, in a manner that complies with applicable law and regulations, employees and contractors of the legislative services agency who are engaged in the audits or evaluations to access education records, as determined by the legislative services agency, for the purpose of planning, conducting, and issuing reports for the audits or evaluations covered by the agreement.**

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) Four (4) members appointed by the governor. At least two**

**(2) members appointed under this subdivision must have professional experience in the field of education.**

**(3) Four (4) members, who are not members of the general**





assembly, selected in the following manner:

**(A) Two (2) members must be appointed by the speaker of the house of representatives in consultation with the house minority floor leader. The following applies to members appointed under this clause:**

**(i) Not more than one (1) member may be appointed from the membership of any one (1) political party.**

**(ii) At least one (1) member must have professional experience in the field of education.**

**(B) Two (2) members must be appointed by the president pro tempore of the senate in consultation with the senate minority floor leader. The following applies to members appointed under this clause:**

**(i) Not more than one (1) member may be appointed from the membership of any one (1) political party.**

**(ii) At least one (1) member must have professional experience in the field of education.**

**(b) A quorum consists of five (5) members of the state board. An action of the state board is not official unless the action is authorized by at least five (5) 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."**

Page 3, delete lines 1 through 33.

Page 3, line 41, after "chapter" insert "(expired July 1, 2015)".

Page 4, line 4, after "chapter" insert "(expired July 1, 2015)".

Page 4, line 7, after "chapter" insert "(expired July 1, 2015)".



Page 5, line 6, delete "IC 20-19-2-2;" and insert "IC 20-19-2-2  
(expired July 1, 2015);".

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 1 as introduced.)

LONG, Chairperson

Committee Vote: Yeas 7, Nays 4.

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Report of the President  
Pro Tempore

Madam President: Pursuant to Senate Rule 68(b), I hereby report that, subsequent to the adoption of the Rules and Legislative Procedure Committee Report on Tuesday, February 3rd, 2015, SB 1 was reassigned to the Committee on Tax & Fiscal Policy.

LONG

