



February 17, 2015

SENATE BILL No. 1

DIGEST OF SB 1 (Updated February 16, 2015 4:31 pm - DI 116)

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.

Holdman, Hershman

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.
February 10, 2015, reported favorably — Do Pass.
February 12, 2015, read second time, amended, ordered engrossed.
February 13, 2015, engrossed.
February 16, 2015, read third time, Rule 35(c) Technical Corrections.

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February 17, 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

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.

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(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 (**expired July 1, 2015**) 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 (**expired July 1, 2015**);

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.

(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 as provided in subsection (b).

(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 as provided in subsection (b).

(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 as provided in subsection (b).

(b) For purposes of subsection (a), an individual is considered to have professional experience in the field of education if the individual 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;

at a school corporation.

(c) 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.

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

(e) Notwithstanding subsection (d), 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 (d). This subsection expires January 1, 2016.

(f) 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 (expired July 1, 2015) is considered a rule adopted by the state board established by section 2.1 of this chapter. However, a rule described in IC 9-14-2-2(e) is considered a rule of the bureau of motor vehicles.

(c) On July 1, 2015, the property and obligations of the state board established by section 2 of this chapter (expired July 1, 2015)



1 are transferred to the state board established by section 2.1 of this
2 chapter.

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

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

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

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

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

41 SECTION 8. IC 20-19-2-2.5 IS ADDED TO THE INDIANA CODE
42 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE



1 UPON PASSAGE]: **Sec. 2.5. For purposes of this chapter, an**
2 **individual is considered to be affiliated with a political party only**
3 **if either of the following apply:**

4 **(1) The individual voted in the two (2) most recent primary**
5 **elections held by the party with which the individual claims**
6 **affiliation.**

7 **(2) If the individual did not vote in the two (2) most recent**
8 **primary elections or voted in only one (1) of those elections,**
9 **the individual must be certified as a member of the party with**
10 **which the individual claims affiliation by that party's state**
11 **chairman.**

12 SECTION 9. IC 22-4.1-19-2, AS ADDED BY P.L.7-2011,
13 SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
14 UPON PASSAGE]: Sec. 2. As used in this chapter, "state board" refers
15 to the Indiana state board of education established by:

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

17 **and**

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

19 SECTION 10. 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.

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

COMMITTEE REPORT

Madam President: The Senate Committee on Tax & Fiscal Policy, 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 DO PASS.

(Reference is to SB 1 as printed February 4, 2015.)

HERSHMAN, Chairperson

Committee Vote: Yeas 9, Nays 4



SENATE MOTION

Madam President: I move that Senate Bill 1 be amended to read as follows:

Page 3, line 26, delete "." and insert "**as provided in subsection (b).**".

Page 3, line 36, delete "." and insert "**as provided in subsection (b).**".

Page 4, line 2, delete "." and insert "**as provided in subsection (b).**".

Page 4, between lines 2 and 3, begin a new paragraph and insert:

"(b) For purposes of subsection (a), an individual is considered to have professional experience in the field of education if the individual 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**

at a school corporation."

Page 4, line 3, delete "(b)" and insert "**(c)**".

Page 4, line 6, delete "(c)" and insert "**(d)**".

Page 4, line 8, delete "(d)" and insert "**(e)**".

Page 4, line 8, delete "(c)," and insert "**(d),**".

Page 4, line 11, delete "(c)." and insert "**(d).**".

Page 4, line 13, delete "(e)" and insert "**(f)**".

(Reference is to SB 1 as printed February 11, 2015.)

HOLDMAN

 SENATE MOTION

Madam President: I move that Senate Bill 1 be amended to read as follows:

Page 5, between lines 28 and 29, begin a new paragraph and insert:

"SECTION 8. IC 20-19-2-2.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2.5. For purposes of this chapter, an individual is considered to be affiliated with a political party only if either of the following apply:

- (1) The individual voted in the two (2) most recent primary**

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elections held by the party with which the individual claims affiliation.

(2) If the individual did not vote in the two (2) most recent primary elections or voted in only one (1) of those elections, the individual must be certified as a member of the party with which the individual claims affiliation by that party's state chairman."

Renumber all SECTIONS consecutively.

(Reference is to SB 1 as printed February 11, 2015.)

BRODEN

COMMITTEE REPORT

Madam President: The Senate Committee on Rules and Legislative Procedure reports that pursuant to Senate Rule 35(c), the following technical corrections are to be made to Engrossed Senate Bill 1.

Page 4, line 13, after "superintendent" insert ";".

LONG

(Reference is to ESB 1 as reprinted February 13, 2015.)

