



April 10, 2015

ENGROSSED SENATE BILL No. 1

DIGEST OF SB 1 (Updated April 9, 2015 10:21 am - DI 116)

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

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 elect a chairperson annually from the members of the state board. Provides that at least six of the members of the state board appointed by the governor must be actively employed in the schools in Indiana and hold a valid teaching license. Provides that a state board member serves four year terms.

Effective: Upon passage.

Holdman, Hershman, Kruse
(HOUSE SPONSOR — MCMILLIN)

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 pursuant to Rule 68(b).

February 10, 2015, reported favorably — Do Pass.

February 12, 2015, read second time, amended, ordered engrossed.

February 13, 2015, engrossed.

February 16, 2015, Rule 35(c) Technical Corrections.

February 17, 2015, re-engrossed. Read third time, passed. Yeas 33, nays 17.

HOUSE ACTION

March 2, 2015, read first time and referred to Committee on Education.

April 9, 2015, amended, reported — Do Pass.

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April 10, 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.

ENGROSSED 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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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) Ten (10) members appointed by the governor. The**
 25 **following provisions apply to members of the state board**
 26 **appointed by the governor:**

27 **(A) At least six (6) members appointed under this**
 28 **subdivision must have professional experience in the field**
 29 **of education as provided in subsection (b).**

30 **(B) At least one (1) member must be appointed from each**
 31 **congressional district in Indiana.**

32 **(C) Not more than six (6) members of the state board**
 33 **appointed may be appointed from the membership of any**
 34 **one (1) political party.**

35 **(3) One (1) member, who is not a member of the general**
 36 **assembly, appointed by the speaker of the house of**
 37 **representatives.**

38 **(4) One (1) member, who is not a member of the general**
 39 **assembly, appointed by the president pro tempore of the**
 40 **senate.**

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



1 individual is currently employed as, or is retired from a position
2 as:

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

7 (c) A quorum consists of seven (7) members of the state board.
8 An action of the state board is not official unless the action is
9 authorized by at least seven (7) members.

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

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

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

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

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

32 (b) After June 30, 2015, a rule adopted by the state board
33 established by section 2 of this chapter (expired July 1, 2015) is
34 considered a rule adopted by the state board established by section
35 2.1 of this chapter. However, a rule described in IC 9-14-2-2(e) is
36 considered a rule of the bureau of motor vehicles.

37 (c) On July 1, 2015, the property and obligations of the state
38 board established by section 2 of this chapter (expired July 1, 2015)
39 are transferred to the state board established by section 2.1 of this
40 chapter.

41 (d) An action taken by the state board established by section 2
42 of this chapter (expired July 1, 2015) before July 1, 2015, shall be



1 **treated after June 30, 2015, as if it were originally taken by the**
2 **state board established by section 2.1 of this chapter.**

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

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

8 **and**

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

10 SECTION 8. [EFFECTIVE UPON PASSAGE] **(a) The definitions**
11 **used in IC 20 apply throughout this SECTION.**

12 **(b) Notwithstanding IC 20-19-2-2.2(a)(2), as added by this act,**
13 **state board members currently serving on the state board on June**
14 **30, 2015, who were appointed under IC 20-19-2-2, before its**
15 **expiration, shall serve for the remainder of the member's current**
16 **unexpired term. A vacancy shall be filled in the manner provided**
17 **in IC 20-19-2-2.2(g), as added by this act.**

18 **(c) Notwithstanding IC 20-19-2-2.2(f), as added by this act, the**
19 **term of office of a state board member initially appointed by the**
20 **speaker of the house of representatives under IC 20-19-2-2.2(a)(3),**
21 **as added by this act, is two (2) years. The term of office of a state**
22 **board member initially appointed by the president pro tempore of**
23 **the senate under IC 20-19-2-2.2(a)(4), as added by this act, is four**
24 **(4) years.**

25 **(d) This SECTION expires January 1, 2025.**

26 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.

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.)

COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred Senate Bill 1, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 3, line 24, delete "Four (4)" and insert "**Ten (10)**".

Page 3, line 24, after "governor." insert "**The following provisions apply to members of the state board appointed by the governor: (A)**".

Page 3, line 24, delete "two" and insert "**six**".

Page 3, line 25, delete "(2)" and insert "**(6)**".

Page 3, between lines 27 and 28, begin a new line double block indented and insert:

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

(C) Not more than six (6) members of the state board



appointed may be appointed from the membership of any one (1) political party."

Page 3, delete lines 28 through 42, begin a new line block indented and insert:

"(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."

Page 4, delete lines 1 through 5.

Page 4, line 13, delete ";" and insert ".".

Page 4, delete line 14.

Page 4, line 15, delete "five (5)" and insert "**seven (7)**".

Page 4, line 17, delete "five (5)" and insert "**seven (7)**".

Page 4, lines 25, delete "Each" and insert "**Except as otherwise provided in subsection (g), each**".

Page 4, line 26, delete "(a)(3)" and insert "**(a)(4)**".

Page 4, line 26, delete "at the will and pleasure of the member's respective" and insert "**a four (4) year term. The term begins on July 1.**".

Page 4, delete lines 27 through 29, begin a new paragraph and insert:

"(g) 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 member's appointing authority. A member appointed by an appointing authority under this subsection serves for the remainder of the unexpired term."

Page 5, delete lines 7 through 42.

Page 6, delete lines 1 through 11.

Page 6, between lines 18 and 19, begin a new paragraph and insert:

SECTION 3. [EFFECTIVE UPON PASSAGE] (a) The definitions used in IC 20 apply throughout this SECTION.

(b) Notwithstanding IC 20-19-2-2.2(a)(2), as added by this act, state board members currently serving on the state board on June 30, 2015, who were appointed under IC 20-19-2-2, before its expiration, shall serve for the remainder of the member's current unexpired term. A vacancy shall be filled in the manner provided in IC 20-19-2-2.2(g), as added by this act.

(c) Notwithstanding IC 20-19-2-2.2(f), as added by this act, the term of office of a state board member initially appointed by the



speaker of the house of representatives under IC 20-19-2-2.2(a)(3), as added by this act, is two (2) years. The term of office of a state board member initially appointed by the president pro tempore of the senate under IC 20-19-2-2.2(a)(4), as added by this act, is four (4) years.

(d) This SECTION expires January 1, 2025."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 1 as printed February 17, 2015.)

BEHNING

Committee Vote: yeas 8, nays 4.

