

SENATE BILL No. 179

DIGEST OF INTRODUCED BILL

Citations Affected: IC 3-5-2-48; IC 3-8; IC 3-10-2-6; IC 3-11-2-12; IC 4-1-6-1; IC 4-2; IC 4-3-6-2; IC 5-14-3-3.5; IC 20-19-1; IC 20-24-3-12; IC 20-35-2-1.

Synopsis: Selection of superintendent of public instruction. Provides for the state superintendent of public instruction (superintendent) to be appointed by the governor after January 12, 2025. Provides that, after January 12, 2025, the governor appoints the members of the charter school review panel. (Under current law, the superintendent, or the governor jointly with the superintendent, appoints the members of the panel.) Provides that, after January 12, 2025, the governor appoints the director of special education. (Under current law, the governor appoints the director of special education upon the recommendation of the superintendent.) Provides that a statute relating to the residency of candidates for superintendent expires January 1, 2021.

Effective: July 1, 2017.

Buck

January 9, 2017, read first time and referred to Committee on Elections.



First Regular Session 120th General Assembly (2017)

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 2016 Regular Session of the General Assembly.

SENATE BILL No. 179



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

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

1 SECTION 1. IC 3-5-2-48 IS AMENDED TO READ AS FOLLOWS
2 [EFFECTIVE JULY 1, 2017]: Sec. 48. "State office" refers to **the**
3 **following:**

4 **(1) Before January 13, 2025, the** governor, lieutenant governor,
5 secretary of state, auditor of state, treasurer of state,
6 superintendent of public instruction, attorney general, justice of
7 the supreme court, judge of the court of appeals, and judge of the
8 tax court.

9 **(2) After January 12, 2025, the governor, lieutenant governor,**
10 **secretary of state, auditor of state, treasurer of state, attorney**
11 **general, justice of the supreme court, judge of the court of**
12 **appeals, and judge of the tax court.**

13 SECTION 2. IC 3-8-1-10.5 IS AMENDED TO READ AS
14 FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 10.5. **(a)** A candidate
15 for the office of state superintendent of public instruction must have
16 resided in Indiana for at least two (2) years before the election.

17 **(b) This section expires January 1, 2021.**



1 SECTION 3. IC 3-8-1-33, AS AMENDED BY P.L.123-2015,
 2 SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 3 JULY 1, 2017]: Sec. 33. (a) A candidate for an office listed in
 4 subsection (b) must file a statement of economic interests.

5 (b) Whenever a candidate for any of the following offices is also
 6 required to file a declaration of candidacy or is nominated by petition,
 7 the candidate shall file a statement of economic interests before filing
 8 the declaration of candidacy or declaration of intent to be a write-in
 9 candidate, before the petition of nomination is filed, before the
 10 certificate of nomination is filed, or before being appointed to fill a
 11 candidate vacancy under IC 3-13-1 or IC 3-13-2:

12 (1) Governor, lieutenant governor, secretary of state, auditor of
 13 state, treasurer of state, attorney general, and state superintendent
 14 of public instruction, in accordance with IC 4-2-6-8. **This**
 15 **subdivision does not apply to the state superintendent of**
 16 **public instruction after December 31, 2020.**

17 (2) Senator and representative in the general assembly, in
 18 accordance with IC 2-2.2-2.

19 (3) Justice of the supreme court, judge of the court of appeals,
 20 judge of the tax court, judge of a circuit court, judge of a superior
 21 court, judge of a probate court, and prosecuting attorney, in
 22 accordance with IC 33-23-11-14 and IC 33-23-11-15.

23 (4) A candidate for a local office or school board office, in
 24 accordance with IC 3-8-9, except a candidate for a local office
 25 described in subdivision (3).

26 SECTION 4. IC 3-8-4-2, AS AMENDED BY P.L.169-2015,
 27 SECTION 58, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 28 JULY 1, 2017]: Sec. 2. (a) A political party shall conduct a state
 29 convention to nominate the candidates of the political party for the
 30 following offices to be voted on at the next general election:

31 (1) Lieutenant governor.

32 (2) Secretary of state.

33 (3) Auditor of state.

34 (4) Treasurer of state.

35 (5) Attorney general.

36 (6) Superintendent of public instruction. **This subdivision does**
 37 **not apply after December 31, 2020.**

38 (b) The convention may also:

39 (1) nominate candidates for presidential electors and alternate
 40 electors; and

41 (2) elect the delegates and alternate delegates to the national
 42 convention of the political party.



1 (c) If a political party's state convention does not:

2 (1) nominate candidates for presidential electors and alternate
3 electors; or

4 (2) elect the delegates and alternate delegates to the national
5 convention of the political party;

6 the candidates shall be nominated or the delegates elected as provided
7 in the state party's rules.

8 SECTION 5. IC 3-10-2-6, AS AMENDED BY P.L.216-2015,
9 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
10 JULY 1, 2017]: Sec. 6. The following public officials shall be elected
11 in 2016 and every four (4) years thereafter:

12 (1) Governor.

13 (2) Lieutenant governor.

14 (3) Attorney general.

15 (4) Superintendent of public instruction. **This subdivision does**
16 **not apply after December 31, 2020.**

17 SECTION 6. IC 3-11-2-12, AS AMENDED BY P.L.21-2016,
18 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
19 JULY 1, 2017]: Sec. 12. The following offices shall be placed on the
20 general election ballot in the following order after the public questions
21 described in section 10(a) of this chapter:

22 (1) Federal and state offices:

23 (A) President and Vice President of the United States.

24 (B) United States Senator.

25 (C) Governor and lieutenant governor.

26 (D) Secretary of state.

27 (E) Auditor of state.

28 (F) Treasurer of state.

29 (G) Attorney general.

30 (H) Superintendent of public instruction. **This clause does not**
31 **apply after December 31, 2020.**

32 (I) United States Representative.

33 (2) Legislative offices:

34 (A) State senator.

35 (B) State representative.

36 (3) Circuit offices and county judicial offices:

37 (A) Judge of the circuit court, and unless otherwise specified
38 under IC 33, with each division separate if there is more than
39 one (1) judge of the circuit court.

40 (B) Judge of the superior court, and unless otherwise specified
41 under IC 33, with each division separate if there is more than
42 one (1) judge of the superior court.



- 1 (C) Judge of the probate court.
 2 (D) Prosecuting attorney.
 3 (E) Clerk of the circuit court.
 4 (4) County offices:
 5 (A) County auditor.
 6 (B) County recorder.
 7 (C) County treasurer.
 8 (D) County sheriff.
 9 (E) County coroner.
 10 (F) County surveyor.
 11 (G) County assessor.
 12 (H) County commissioner. This clause applies only to a county
 13 that is not subject to IC 36-2-2.5.
 14 (I) Single county executive. This clause applies only to a
 15 county that is subject to IC 36-2-2.5.
 16 (J) County council member, except as provided in section 12.4
 17 of this chapter.
 18 (5) Township offices:
 19 (A) Township assessor (only in a township referred to in
 20 IC 36-6-5-1(d)).
 21 (B) Township trustee.
 22 (C) Township board member, except as provided in section
 23 12.4 of this chapter.
 24 (D) Judge of the small claims court.
 25 (E) Constable of the small claims court.
 26 (6) City offices:
 27 (A) Mayor.
 28 (B) Clerk or clerk-treasurer.
 29 (C) Judge of the city court.
 30 (D) City-county council member or common council member,
 31 except as provided in section 12.4 of this chapter.
 32 (7) Town offices:
 33 (A) Clerk-treasurer.
 34 (B) Judge of the town court.
 35 (C) Town council member, except as provided in section 12.4
 36 of this chapter.
 37 SECTION 7. IC 4-1-6-1, AS AMENDED BY P.L.215-2016,
 38 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 39 JULY 1, 2017]: Sec. 1. As used in this chapter, the term:
 40 (a) "Personal information system" means any ~~recordkeeping~~ **record**
 41 **keeping** process, whether automated or manual, containing personal
 42 information and the name, personal number, or other identifying



1 particulars of a data subject.

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

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

14 (d) "State agency" means every agency, board, commission,
15 department, bureau, or other entity of the administrative branch of
16 Indiana state government, except those which are the responsibility of
17 the auditor of state, treasurer of state, secretary of state, attorney
18 general, superintendent of public instruction, and excepting the
19 department of state police and state educational institutions. **After**
20 **January 12, 2025, "state agency" includes an agency, a board, a**
21 **commission, a department, a bureau, or another entity under the**
22 **superintendent of public instruction.**

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

26 SECTION 8. IC 4-2-1-1.5, AS ADDED BY P.L.43-2007, SECTION
27 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,
28 2017]: Sec. 1.5. (a) Subject to subsection (b), the salary of ~~the each~~
29 state elected ~~officials~~ **official** other than the governor is as follows:

30 (1) For the lieutenant governor, seventy-six thousand dollars
31 (\$76,000) per year. However, the lieutenant governor is not
32 entitled to receive per diem allowance for performance of duties
33 as president of the senate.

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

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

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

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

42 (6) For the state superintendent of public instruction, seventy-nine



1 thousand four hundred dollars (\$79,400) per year. **This**
 2 **subdivision does not apply after January 12, 2025.**

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

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

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

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

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

26 SECTION 9. IC 4-2-6-8, AS AMENDED BY P.L.23-2011,
 27 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 28 JULY 1, 2017]: Sec. 8. (a) The following persons shall file a written
 29 financial disclosure statement:

30 (1) The governor, lieutenant governor, secretary of state, auditor
 31 of state, treasurer of state, attorney general and state
 32 superintendent of public instruction. **This subdivision does not**
 33 **apply to the state superintendent of public instruction after**
 34 **January 12, 2025.**

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

37 (3) Any person who is the appointing authority of an agency.

38 (4) The director of each division of the **Indiana** department of
 39 administration.

40 (5) Any purchasing agent within the procurement division of the
 41 **Indiana** department of administration.

42 (6) Any agency employee, special state appointee, former agency



- 1 employee, or former special state appointee with final purchasing
2 authority.
- 3 (7) The chief investment officer employed by the Indiana public
4 retirement system.
- 5 (8) Any employee of the Indiana public retirement system whose
6 duties include the recommendation, selection, and management
7 of:
- 8 (A) the investments of the funds administered by the Indiana
9 public retirement system;
- 10 (B) the investment options offered in the annuity savings
11 accounts in the public employees' retirement fund and the
12 Indiana state teachers' retirement fund;
- 13 (C) the investment options offered in the legislators' defined
14 contribution plan; or
- 15 (D) investment managers, investment advisors, and other
16 investment service providers of the Indiana public retirement
17 system.
- 18 (9) An employee required to do so by rule adopted by the
19 inspector general.
- 20 (b) The statement shall be filed with the inspector general as
21 follows:
- 22 (1) Not later than February 1 of every year, in the case of the state
23 officers and employees enumerated in subsection (a).
- 24 (2) If the individual has not previously filed under subdivision (1)
25 during the present calendar year and is filing as a candidate for a
26 state office listed in subsection (a)(1), before filing a declaration
27 of candidacy under IC 3-8-2 or IC 3-8-4-11, petition of
28 nomination under IC 3-8-6, or declaration of intent to be a
29 write-in candidate under IC 3-8-2-2.5, or before a certificate of
30 nomination is filed under IC 3-8-7-8, in the case of a candidate for
31 one (1) of the state offices (unless the statement has already been
32 filed when required under IC 3-8-4-11).
- 33 (3) Not later than sixty (60) days after employment or taking
34 office, unless the previous employment or office required the
35 filing of a statement under this section.
- 36 (4) Not later than thirty (30) days after leaving employment or
37 office, unless the subsequent employment or office requires the
38 filing of a statement under this section.
- 39 The statement must be made under affirmation.
- 40 (c) The statement shall set forth the following information for the
41 preceding calendar year or, in the case of a state officer or employee
42 who leaves office or employment, the period since a previous statement



- 1 was filed:
2 (1) The name and address of any person known:
3 (A) to have a business relationship with the agency of the state
4 officer or employee or the office sought by the candidate; and
5 (B) from whom the state officer, candidate, or the employee,
6 or that individual's spouse or unemancipated children received
7 a gift or gifts having a total fair market value in excess of one
8 hundred dollars (\$100).
9 (2) The location of all real property in which the state officer,
10 candidate, or the employee or that individual's spouse or
11 unemancipated children has an equitable or legal interest either
12 amounting to five thousand dollars (\$5,000) or more or
13 comprising ten percent (10%) of the state officer's, candidate's, or
14 the employee's net worth or the net worth of that individual's
15 spouse or unemancipated children. An individual's primary
16 personal residence need not be listed, unless it also serves as
17 income property.
18 (3) The names and the nature of the business of the employers of
19 the state officer, candidate, or the employee and that individual's
20 spouse.
21 (4) The following information about any sole proprietorship
22 owned or professional practice operated by the state officer,
23 candidate, or the employee or that individual's spouse:
24 (A) The name of the sole proprietorship or professional
25 practice.
26 (B) The nature of the business.
27 (C) Whether any clients are known to have had a business
28 relationship with the agency of the state officer or employee or
29 the office sought by the candidate.
30 (D) The name of any client or customer from whom the state
31 officer, candidate, employee, or that individual's spouse
32 received more than thirty-three percent (33%) of the state
33 officer's, candidate's, employee's, or that individual's spouse's
34 nonstate income in a year.
35 (5) The name of any partnership of which the state officer,
36 candidate, or the employee or that individual's spouse is a member
37 and the nature of the partnership's business.
38 (6) The name of any corporation (other than a church) of which
39 the state officer, candidate, or the employee or that individual's
40 spouse is an officer or a director and the nature of the
41 corporation's business.
42 (7) The name of any corporation in which the state officer,



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

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

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

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

14 (d) A person who:

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

17 (2) files a deficient statement;

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

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

24 SECTION 10. IC 4-3-6-2, AS AMENDED BY P.L.215-2016,
 25 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 26 JULY 1, 2017]: Sec. 2. As used in this chapter:

27 (1) "Agency" means any executive or administrative department,
 28 commission, council, board, bureau, division, service, office,
 29 officer, administration, or other establishment in the executive or
 30 administrative branch of the state government not provided for by
 31 the constitution. The term "agency" does not include the secretary
 32 of state, the auditor of state, the treasurer of state, the lieutenant
 33 governor, the state superintendent of public instruction, and the
 34 attorney general, nor the departments of which they are, by the
 35 statutes first adopted setting out their duties, the administrative
 36 heads. **After January 12, 2025, "agency" includes the state
 37 superintendent of public instruction.**

38 (2) "Reorganization" means:

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

42 (B) the abolition of all or any part of the functions of any



- 1 agency;
- 2 (C) the consolidation or coordination of the whole or any part
- 3 of any agency, or of the whole or any part of the functions of
- 4 an agency, with the whole or any part of any other agency or
- 5 the functions of a an agency;
- 6 (D) the consolidation or coordination of any part of any agency
- 7 or the functions of an agency, with any other part of the same
- 8 agency or the functions of the agency;
- 9 (E) the authorization of any officer to delegate any of the
- 10 officer's functions; or
- 11 (F) the abolition of the whole or any part of any agency which
- 12 agency or part does not have, or upon the taking effect of a
- 13 reorganization plan will not have, any functions.

14 SECTION 11. IC 5-14-3-3.5, AS AMENDED BY P.L.177-2005,

15 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

16 JULY 1, 2017]: Sec. 3.5. (a) As used in this section, "state agency" has

17 the meaning set forth in IC 4-13-1-1. The term does not include the

18 office of the following elected state officials:

- 19 (1) Secretary of state.
- 20 (2) Auditor.
- 21 (3) Treasurer.
- 22 (4) Attorney general.
- 23 (5) Superintendent of public instruction. **This subdivision does**
- 24 **not apply after January 12, 2025.**

25 However, each state office described in subdivisions (1) through (5)

26 and the judicial department of state government may use the computer

27 gateway administered by the office of technology established by

28 IC 4-13.1-2-1, subject to the requirements of this section.

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

30 records, a state agency may provide enhanced access to public records

31 maintained by the state agency.

32 (c) If the state agency has entered into a contract with a third party

33 under which the state agency provides enhanced access to the person

34 through the third party's computer gateway or otherwise, all of the

35 following apply to the contract:

- 36 (1) The contract between the state agency and the third party must
- 37 provide for the protection of public records in accordance with
- 38 subsection (d).
- 39 (2) The contract between the state agency and the third party may
- 40 provide for the payment of a reasonable fee to the state agency by
- 41 either:
- 42 (A) the third party; or



- 1 (B) the person.
- 2 (d) A contract required by this section must provide that the person
- 3 and the third party will not engage in the following:
- 4 (1) Unauthorized enhanced access to public records.
- 5 (2) Unauthorized alteration of public records.
- 6 (3) Disclosure of confidential public records.
- 7 (e) A state agency shall provide enhanced access to public records
- 8 only through the computer gateway administered by the office of
- 9 technology.
- 10 SECTION 12. IC 20-19-1-1, AS ADDED BY P.L.1-2005,
- 11 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 12 JULY 1, 2017]: Sec. 1. (a) **Before January 1, 2021**, the state
- 13 superintendent shall be elected under IC 3-10-2-6 by the voters of
- 14 Indiana.
- 15 (b) The term of office of the state superintendent is four (4) years:
- 16 (1) beginning on the second Monday in January after election;
- 17 and
- 18 (2) continuing until a successor is elected **or appointed** and
- 19 qualified.
- 20 (c) **This section expires January 13, 2025.**
- 21 SECTION 13. IC 20-19-1-1.1 IS ADDED TO THE INDIANA
- 22 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
- 23 [EFFECTIVE JULY 1, 2017]: **Sec. 1.1. (a) After January 12, 2025,**
- 24 **the governor shall appoint an individual to be the state**
- 25 **superintendent.**
- 26 (b) **The individual appointed under this section serves at the**
- 27 **pleasure of and at a salary determined by the governor.**
- 28 (c) **The state superintendent is the chief executive officer of the**
- 29 **department.**
- 30 SECTION 14. IC 20-24-3-12, AS AMENDED BY P.L.280-2013,
- 31 SECTION 32, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 32 JULY 1, 2017]: Sec. 12. (a) This section applies if the authorizer
- 33 rejects a proposal.
- 34 (b) The organizer may appeal the decision of the authorizer to the
- 35 charter school review panel established by subsection (c).
- 36 (c) The charter school review panel is established. The members of
- 37 the panel are as follows:
- 38 (1) The governor or the governor's designee.
- 39 (2) The state superintendent, who shall chair the panel.
- 40 (3) A member of the state board appointed by the state
- 41 superintendent. **After January 12, 2025, the governor shall**
- 42 **make the appointment under this subdivision.**



1 (4) A person with financial management experience appointed by
2 the governor.

3 (5) A community leader with knowledge of charter school issues
4 appointed jointly by the governor and the state superintendent.

5 **After January 12, 2025, the governor shall make the**
6 **appointment under this subdivision.**

7 A member shall serve a two (2) year term and may be reappointed to
8 the panel upon expiration of the member's term.

9 (d) All decisions of the panel shall be determined by a majority vote
10 of the panel's members.

11 (e) Upon the request of an organizer, the panel shall meet to
12 consider the organizer's proposal and the authorizer's reasons for
13 rejecting the proposal. The panel must allow the organizer and
14 authorizer to participate in the meeting.

15 (f) After the panel meets under subsection (e), the panel shall make
16 one (1) of the following findings and issue the finding to the organizer
17 and the authorizer:

18 (1) A finding that supports the authorizer's rejection of the
19 proposal.

20 (2) A finding that:

21 (A) recommends that the organizer amend the proposal; and

22 (B) specifies the changes to be made in the proposal if the
23 organizer elects to amend the proposal.

24 (3) A finding that approves the proposal.

25 The panel shall issue the finding not later than forty-five (45) days after
26 the panel receives the request for review.

27 (g) If the panel makes a finding described in subsection (f)(1), the
28 finding is final.

29 (h) If the panel makes a finding described in subsection (f)(2), the
30 organizer may amend the proposal according to the panel's
31 recommendations and resubmit the proposal directly to the panel.

32 (i) If the panel makes a finding described in subsection (f)(3), the
33 proposal is considered conditionally approved. The approval shall be
34 considered final upon delivery to the panel of written notice from the
35 organizer and an eligible authorizer that the authorizer has agreed to
36 serve as an authorizer for the proposal approved by the panel.

37 (j) Proposals approved under this section shall not be counted under
38 any numerical limits placed upon an authorizer or set of authorizers.

39 SECTION 15. IC 20-35-2-1, AS AMENDED BY P.L.233-2015,
40 SECTION 275, IS AMENDED TO READ AS FOLLOWS
41 [EFFECTIVE JULY 1, 2017]: Sec. 1. (a) There is established under the
42 state board a division of special education. The division shall exercise



1 all the power and duties set out in this chapter, IC 20-35-3 through
2 IC 20-35-6, and IC 20-35-8.

3 (b) The governor shall appoint, upon the recommendation of the
4 state superintendent, a director of special education who serves at the
5 pleasure of the governor. **After January 12, 2025, the governor shall**
6 **appoint the director of special education.** The amount of
7 compensation of the director shall be determined by the budget agency
8 with the approval of the governor. The director has the following
9 duties:

10 (1) To do the following:

11 (A) Have general supervision of special education programs
12 and services, including those conducted by school
13 corporations, charter schools, the Indiana School for the Blind
14 and Visually Impaired, the Indiana School for the Deaf, the
15 department of correction, and the division of mental health and
16 addiction to ensure compliance with federal and state special
17 education laws and rules.

18 (B) Take appropriate action to ensure school corporations,
19 charter schools, and the department remain eligible for federal
20 special education funds.

21 (2) With the consent of the state superintendent and the budget
22 agency, to appoint and determine salaries for any assistants and
23 other personnel needed to enable the director to accomplish the
24 duties of the director's office.

