

# SENATE BILL No. 275

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## 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 4-12-1-13; IC 4-15-2.2-1; IC 5-8-3.5-1; IC 5-14-3-3.5; IC 20-18-2-20; IC 20-19-1; P.L.219-2017, SECTION 17.

**Synopsis:** Superintendent of public instruction. Amends the date on which the office of the state superintendent of public instruction is abolished. Provides for the appointment of the secretary of education by the governor beginning January 11, 2021. (Current law provides that the governor does not appoint the secretary of education until January 11, 2025.)

**Effective:** July 1, 2019.

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## Raatz

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January 7, 2019, read first time and referred to Committee on Education and Career Development.

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First Regular Session of the 121st General Assembly (2019)

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 2018 Regular and Special Session of the General Assembly.

## SENATE BILL No. 275

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 3-5-2-48, AS AMENDED BY P.L.219-2017,  
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2019]: Sec. 48. "State office" refers to the following:  
4 (1) Before January 11, ~~2025~~, **2021**, the governor, lieutenant  
5 governor, 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 10, ~~2025~~, **2021**, the governor, lieutenant  
10 governor, secretary of state, auditor of state, treasurer of state,  
11 attorney general, justice of the supreme court, judge of the court  
12 of appeals, and judge of the tax court.  
13 SECTION 2. IC 3-8-1-33, AS AMENDED BY P.L.219-2017,  
14 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
15 JULY 1, 2019]: Sec. 33. (a) A candidate for an office listed in  
16 subsection (b) must file a statement of economic interests.  
17 (b) Whenever a candidate for any of the following offices is also



1 required to file a declaration of candidacy or is nominated by petition,  
 2 the candidate shall file a statement of economic interests before filing  
 3 the declaration of candidacy or declaration of intent to be a write-in  
 4 candidate, before the petition of nomination is filed, before the  
 5 certificate of nomination is filed, or before being appointed to fill a  
 6 candidate vacancy under IC 3-13-1 or IC 3-13-2:

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

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

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

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

21 SECTION 3. IC 3-8-4-2, AS AMENDED BY P.L.219-2017,  
 22 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 23 JULY 1, 2019]: Sec. 2. (a) A political party shall conduct a state  
 24 convention to nominate the candidates of the political party for the  
 25 following offices to be voted on at the next general election:

26 (1) Lieutenant governor.

27 (2) Secretary of state.

28 (3) Auditor of state.

29 (4) Treasurer of state.

30 (5) Attorney general.

31 ~~(6) Superintendent of public instruction. This subdivision does~~  
 32 ~~not apply after December 31, 2020.~~

33 (b) The convention may also:

34 (1) nominate candidates for presidential electors and alternate  
 35 presidential electors; and

36 (2) elect the delegates and alternate delegates to the national  
 37 convention of the political party.

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

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

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



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

3 SECTION 4. IC 3-10-2-6, AS AMENDED BY P.L.219-2017,  
4 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
5 JULY 1, 2019]: Sec. 6. The following public officials shall be elected  
6 in 2020 and every four (4) years thereafter:

7 (1) Governor.

8 (2) Lieutenant governor.

9 (3) Attorney general.

10 ~~(4) Superintendent of public instruction. This subdivision does~~  
11 ~~not apply after December 31, 2020.~~

12 SECTION 5. IC 3-11-2-12, AS AMENDED BY P.L.219-2017,  
13 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
14 JULY 1, 2019]: Sec. 12. The following offices shall be placed on the  
15 general election ballot in the following order after the public questions  
16 described in section 10(a) of this chapter:

17 (1) Federal and state offices:

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

19 (B) United States Senator.

20 (C) Governor and lieutenant governor.

21 (D) Secretary of state.

22 (E) Auditor of state.

23 (F) Treasurer of state.

24 (G) Attorney general.

25 ~~(H) Superintendent of public instruction. This clause does not~~  
26 ~~apply after December 31, 2020.~~

27 ~~(H)~~ (H) United States Representative.

28 (2) Legislative offices:

29 (A) State senator.

30 (B) State representative.

31 (3) Circuit offices and county judicial offices:

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

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

38 (C) Judge of the probate court.

39 (D) Prosecuting attorney.

40 (E) Clerk of the circuit court.

41 (4) County offices:

42 (A) County auditor.



- 1 (B) County recorder.  
 2 (C) County treasurer.  
 3 (D) County sheriff.  
 4 (E) County coroner.  
 5 (F) County surveyor.  
 6 (G) County assessor.  
 7 (H) County commissioner. This clause applies only to a county  
 8 that is not subject to IC 36-2-2.5.  
 9 (I) Single county executive. This clause applies only to a  
 10 county that is subject to IC 36-2-2.5.  
 11 (J) County council member, except as provided in section 12.4  
 12 of this chapter.  
 13 (5) Township offices:  
 14 (A) Township assessor (only in a township referred to in  
 15 IC 36-6-5-1(d)).  
 16 (B) Township trustee.  
 17 (C) Township board member, except as provided in section  
 18 12.4 of this chapter.  
 19 (D) Judge of the small claims court.  
 20 (E) Constable of the small claims court.  
 21 (6) City offices:  
 22 (A) Mayor.  
 23 (B) Clerk or clerk-treasurer.  
 24 (C) Judge of the city court.  
 25 (D) City-county council member or common council member,  
 26 except as provided in section 12.4 of this chapter.  
 27 (7) Town offices:  
 28 (A) Clerk-treasurer.  
 29 (B) Judge of the town court.  
 30 (C) Town council member, except as provided in section 12.4  
 31 of this chapter.

32 SECTION 6. IC 4-1-6-1, AS AMENDED BY P.L.219-2017,  
 33 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 34 JULY 1, 2019]: Sec. 1. As used in this chapter: ~~the term:~~

35 ~~(a)~~ (1) "Personal information system" means any recordkeeping  
 36 process, whether automated or manual, containing personal  
 37 information and the name, personal number, or other identifying  
 38 particulars of a data subject.

39 ~~(b)~~ (2) "Personal information" means any information that  
 40 describes, locates, or indexes anything about an individual or that  
 41 affords a basis for inferring personal characteristics about an  
 42 individual including, but not limited to, the individual's education,



1 financial transactions, medical history, criminal or employment  
 2 records, finger and voice prints, photographs, or the individual's  
 3 presence, registration, or membership in an organization or  
 4 activity or admission to an institution.

5 ~~(e)~~ (3) "Data subject" means an individual about whom personal  
 6 information is indexed or may be located under the individual's  
 7 name, personal number, or other identifiable particulars, in a  
 8 personal information system.

9 ~~(d)~~ (4) "State agency" means every agency, board, commission,  
 10 department, bureau, or other entity of the administrative branch  
 11 of Indiana state government, except those which are the  
 12 responsibility of the auditor of state, treasurer of state, secretary  
 13 of state, attorney general, superintendent of public instruction,  
 14 and excepting the department of state police and state educational  
 15 institutions. After January 10, ~~2025~~, **2021**, "state agency" includes  
 16 an agency, a board, a commission, a department, a bureau, or  
 17 another entity under the ~~superintendent of public instruction~~  
 18 **secretary of education.**

19 ~~(e)~~ (5) "Confidential" means information which has been so  
 20 designated by statute or by promulgated rule or regulation based  
 21 on statutory authority.

22 SECTION 7. IC 4-2-1-1.5, AS AMENDED BY P.L.219-2017,  
 23 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 24 JULY 1, 2019]: Sec. 1.5. (a) Subject to subsection (b), the salary of  
 25 each state elected official other than the governor is as follows:

26 (1) For the lieutenant governor, seventy-six thousand dollars  
 27 (\$76,000) per year. However, the lieutenant governor is not  
 28 entitled to receive per diem allowance for performance of duties  
 29 as president of the senate.

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

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

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

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

38 (6) For the state superintendent of public instruction, seventy-nine  
 39 thousand four hundred dollars (\$79,400) per year. This  
 40 subdivision does not apply after January 10, ~~2025~~, **2021.**

41 (b) Beginning January 1, 2008, the part of the total salary of a state  
 42 elected official is increased on January 1 of each year after a year in



1 which the general assembly does not amend this section to provide a  
2 salary increase for the state elected official.

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

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

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

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

22 SECTION 8. IC 4-2-6-8, AS AMENDED BY P.L.219-2017,  
23 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
24 JULY 1, 2019]: Sec. 8. (a) The following persons shall file a written  
25 financial disclosure statement:

26 (1) The governor, lieutenant governor, secretary of state, auditor  
27 of state, treasurer of state, attorney general, and state  
28 superintendent of public instruction. This subdivision does not  
29 apply to the state superintendent of public instruction after  
30 January 10, ~~2025~~ **2021**.

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

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

34 (4) The director of each division of the Indiana department of  
35 administration.

36 (5) Any purchasing agent within the procurement division of the  
37 Indiana department of administration.

38 (6) Any agency employee, special state appointee, former agency  
39 employee, or former special state appointee with final purchasing  
40 authority.

41 (7) The chief investment officer employed by the Indiana public  
42 retirement system.



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





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



1 administrator of the trust must be disclosed on the statement  
 2 instead of the name of the corporation. A time or demand deposit  
 3 in a financial institution or insurance policy need not be listed.

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

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

7 Any such state officer, candidate, or employee may file an amended  
 8 statement upon discovery of additional information required to be  
 9 reported.

10 (d) A person who:

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

13 (2) files a deficient statement;

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

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

20 SECTION 9. IC 4-3-6-2, AS AMENDED BY P.L.219-2017,  
 21 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 22 JULY 1, 2019]: Sec. 2. As used in this chapter:

23 (1) "Agency" means any executive or administrative department,  
 24 commission, council, board, bureau, division, service, office,  
 25 officer, administration, or other establishment in the executive or  
 26 administrative branch of the state government not provided for by  
 27 the constitution. The term "agency" does not include the secretary  
 28 of state, the auditor of state, the treasurer of state, the lieutenant  
 29 governor, the state superintendent of public instruction, and the  
 30 attorney general, nor the departments of which they are, by the  
 31 statutes first adopted setting out their duties, the administrative  
 32 heads. After January 10, ~~2025~~, **2021**, "agency" includes the state  
 33 superintendent of public instruction.

34 (2) "Reorganization" means:

35 (A) the transfer of the whole or any part of any agency, or of  
 36 the whole or any part of the functions of an agency, to the  
 37 jurisdiction and control of any other agency;

38 (B) the abolition of all or any part of the functions of any  
 39 agency;

40 (C) the consolidation or coordination of the whole or any part  
 41 of any agency, or of the whole or any part of the functions of  
 42 an agency, with the whole or any part of any other agency or



1 the functions of an agency;

2 (D) the consolidation or coordination of any part of any agency  
3 or the functions of an agency, with any other part of the same  
4 agency or the functions of the agency;

5 (E) the authorization of any officer to delegate any of the  
6 officer's functions; or

7 (F) the abolition of the whole or any part of any agency which  
8 agency or part does not have, or upon the taking effect of a  
9 reorganization plan will not have, any functions.

10 SECTION 10. IC 4-12-1-13, AS AMENDED BY P.L.219-2017,  
11 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
12 JULY 1, 2019]: Sec. 13. (a) During the interval between sessions of the  
13 general assembly, the budget agency shall make regular or, at the  
14 request of the governor, special inspections of the respective  
15 institutions of the state supported by public funds. The budget agency  
16 shall report regularly to the governor relative to the physical condition  
17 of such institutions, and any contemplated action of the institution on  
18 a new or important matter, and on any other subject which ~~such the~~  
19 **budget** agency may deem pertinent or on which the governor may  
20 require information. The budget agency shall likewise familiarize itself  
21 with the best and approved practices in each of such institutions and  
22 supply such information to other institutions to make their operation  
23 more efficient and economical.

24 (b) Except as to officers and employees of state educational  
25 institutions, the executive secretary of the governor, the administrative  
26 assistants to the governor, the elected officials, and persons whose  
27 salaries or compensation are fixed by the governor pursuant to law, the  
28 annual compensation of all persons employed by agencies of the state  
29 shall be subject to the approval of the budget agency. Except as  
30 otherwise provided by IC 4-15-2.2, the budget agency shall establish  
31 classifications and schedules for fixing compensation, salaries and  
32 wages of all classes and types of employees of any state agency or state  
33 agencies, and any and all other such classifications affecting  
34 compensation as the budget agency shall deem necessary or desirable.  
35 The classifications and schedules thus established shall be filed in the  
36 office of the budget agency. Requests by an appointing authority for  
37 salary and wage adjustments or personal service payments coming  
38 within such classifications and schedules shall become effective when  
39 approved by, and upon the terms of approval fixed by, the budget  
40 agency. All personnel requests pertaining to the staffing of programs  
41 or agencies supported in whole or in part by federal funds are subject  
42 to review and approval by the state personnel department under



- 1 IC 4-15-2.2.
- 2 (c) The budget agency shall review and approve, for the sufficiency  
3 of funds, all payments for personal services which are submitted to the  
4 auditor of state for payment.
- 5 (d) The budget agency shall review all contracts for personal  
6 services or other services and no contract for personal services or other  
7 services may be entered into by any agency of the state before the  
8 written approval of the budget agency is given. Each demand for  
9 payment submitted by an agency to the auditor of state under these  
10 contracts must be accompanied by a copy of the budget agency  
11 approval. No payment may be made by the auditor of state without  
12 such approval. However, this subsection does not apply to a contract  
13 entered into by:
- 14 (1) a state educational institution; or
  - 15 (2) an agency of the state if the contract is not required to be  
16 approved by the budget agency under IC 4-13-2-14.1.
- 17 (e) The budget agency shall review and approve the policy and  
18 procedures governing travel prepared by the department of  
19 administration under IC 4-13-1, before the travel policies and  
20 procedures are distributed.
- 21 (f) Except as provided in subsections (g), (h), and (i), the budget  
22 agency may adopt such policies and procedures not inconsistent with  
23 law as it may deem advisable to facilitate and carry out the powers and  
24 duties of the agency, including the execution and administration of all  
25 appropriations made by law. IC 4-22-2 does not apply to these policies  
26 and procedures.
- 27 (g) The budget agency may not enforce or apply any policy or  
28 procedure, unless specifically authorized by this chapter or an  
29 applicable statute, against or in relation to the following officials or  
30 agencies, unless the official or agency consents to comply with the  
31 policy or procedure, or emergency circumstances justify extraordinary  
32 measures to protect the state's budget or fiscal reserves:
- 33 (1) The judicial department of the state.
  - 34 (2) The general assembly, the legislative services agency, or any  
35 other entity of the legislative department of the state.
  - 36 (3) The attorney general.
  - 37 (4) The auditor of state.
  - 38 (5) The secretary of state.
  - 39 (6) The superintendent of public instruction. This subdivision  
40 does not apply after January 10, ~~2025~~; **2021**.
  - 41 (7) The treasurer of state.
- 42 (h) The budget agency may not enforce a policy or procedure



1 against an official or an agency specified in subsection (g)(1) through  
 2 (g)(7) by refusing to allot money from the personal services/fringe  
 3 benefits contingency fund to the official or agency.

4 (i) The budget agency may not withhold or refuse to allot  
 5 appropriations for a state educational institution without review by the  
 6 budget committee.

7 SECTION 11. IC 4-15-2.2-1, AS AMENDED BY P.L.219-2017,  
 8 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 9 JULY 1, 2019]: Sec. 1. (a) Except as provided in subsection (b), this  
 10 chapter applies to employees of a governmental entity that exercises  
 11 any of the executive powers of the state under the direction of the  
 12 governor or lieutenant governor.

13 (b) This chapter does not apply to the following:

14 (1) The legislative department of state government.

15 (2) The judicial department of state government.

16 (3) The following state elected officers and their personal staffs:

17 (A) The governor.

18 (B) The lieutenant governor.

19 (C) The secretary of state.

20 (D) The treasurer of state.

21 (E) The auditor of state.

22 (F) The superintendent of public instruction. This clause does  
 23 not apply after January 10, ~~2025~~ **2021**.

24 (G) The attorney general.

25 (4) A body corporate and politic of the state created by state  
 26 statute.

27 (5) A political subdivision (as defined in IC 36-1-2-13).

28 (6) An inmate who is working in a state penal, charitable,  
 29 correctional, or benevolent institution.

30 (7) The state police department.

31 (c) This subsection does not apply to a political subdivision, the  
 32 ports of Indiana (established by IC 8-10-1-3), or the northern Indiana  
 33 commuter transportation district (established under IC 8-5-15). The  
 34 chief executive officer of a governmental entity that is exempt from this  
 35 chapter under subsection (b) may elect to have this chapter apply to all  
 36 or a part of the entity's employees by submitting a written notice of the  
 37 election to the director.

38 SECTION 12. IC 5-8-3.5-1 IS AMENDED TO READ AS  
 39 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 1. (a) An officer who  
 40 wants to resign shall give written notice of the officer's resignation as  
 41 follows:

42 (1) The governor and lieutenant governor shall notify the



1 principal clerk of the house of representatives and the principal  
 2 secretary of the senate to act in accordance with Article 5, Section  
 3 10 of the Constitution of the State of Indiana. The clerk and the  
 4 secretary shall file a copy of the notice with the office of the  
 5 secretary of state.

6 (2) A member of the general assembly shall notify the following,  
 7 whichever applies:

8 (A) A member of the senate shall notify the president pro  
 9 tempore of the senate.

10 (B) A member of the house of representatives shall notify the  
 11 speaker of the house of representatives.

12 (3) The following officers commissioned by the governor under  
 13 IC 4-3-1-5 shall notify the governor:

14 (A) An elector or alternate elector for President and Vice  
 15 President of the United States.

16 (B) The secretary of state, **the** auditor of state, **the** treasurer of  
 17 state, **before January 11, 2021, the** superintendent of public  
 18 instruction, or **the** attorney general.

19 (C) An officer elected by the general assembly, the senate, or  
 20 the house of representatives.

21 (D) A justice of the Indiana supreme court, judge of the  
 22 Indiana court of appeals, or judge of the Indiana tax court.

23 (E) A judge of a circuit, city, county, probate, superior, town,  
 24 or township small claims court.

25 (F) A prosecuting attorney.

26 (G) A circuit court clerk.

27 (H) A county auditor, county recorder, county treasurer,  
 28 county sheriff, county coroner, or county surveyor.

29 (4) An officer of a political subdivision (as defined by  
 30 IC 36-1-2-13) other than an officer listed in subdivision (3) shall  
 31 notify the circuit court clerk of the county containing the largest  
 32 percentage of population of the political subdivision.

33 (5) An officer not listed in subdivisions (1) through (4) shall  
 34 notify the person or entity from whom the officer received the  
 35 officer's appointment.

36 (b) A person or an entity that receives notice of a resignation and  
 37 does not have the power to fill the vacancy created by the resignation  
 38 shall, not later than seventy-two (72) hours after receipt of the notice  
 39 of resignation, give notice of the vacancy to the person or entity that  
 40 has the power to:

41 (1) fill the vacancy; or

42 (2) call a caucus for the purpose of filling the vacancy.



1 SECTION 13. IC 5-14-3-3.5, AS AMENDED BY P.L.219-2017,  
 2 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 3 JULY 1, 2019]: Sec. 3.5. (a) As used in this section, "state agency" has  
 4 the meaning set forth in IC 4-13-1-1. The term does not include the  
 5 office of the following elected state officials:

- 6 (1) Secretary of state.
- 7 (2) Auditor.
- 8 (3) Treasurer.
- 9 (4) Attorney general.

10 (5) Superintendent of public instruction. This subdivision does  
 11 not apply after January 10, ~~2025~~ **2021**.

12 However, each state office described in subdivisions (1) through (5)  
 13 and the judicial department of state government may use the computer  
 14 gateway administered by the office of technology established by  
 15 IC 4-13.1-2-1, subject to the requirements of this section.

16 (b) As an additional means of inspecting and copying public  
 17 records, a state agency may provide enhanced access to public records  
 18 maintained by the state agency.

19 (c) If the state agency has entered into a contract with a third party  
 20 under which the state agency provides enhanced access to the person  
 21 through the third party's computer gateway or otherwise, all of the  
 22 following apply to the contract:

- 23 (1) The contract between the state agency and the third party must  
 24 provide for the protection of public records in accordance with  
 25 subsection (d).
- 26 (2) The contract between the state agency and the third party may  
 27 provide for the payment of a reasonable fee to the state agency by  
 28 either:  
 29 (A) the third party; or  
 30 (B) the person.

31 (d) A contract required by this section must provide that the person  
 32 and the third party will not engage in the following:

- 33 (1) Unauthorized enhanced access to public records.
- 34 (2) Unauthorized alteration of public records.
- 35 (3) Disclosure of confidential public records.

36 (e) A state agency shall provide enhanced access to public records  
 37 only through the computer gateway administered by the office of  
 38 technology.

39 SECTION 14. IC 20-18-2-20, AS AMENDED BY P.L.219-2017,  
 40 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 41 JULY 1, 2019]: Sec. 20. "State superintendent" refers to: ~~the~~

- 42 (1) before January 11, ~~2025~~ **2021**, ~~the~~ state superintendent of



1 public instruction; and

2 (2) after January 10, ~~2025~~, **2021**, the secretary of education  
3 appointed by the governor under IC 20-19-1-1.1.

4 SECTION 15. IC 20-19-1-1 IS REPEALED [EFFECTIVE JULY 1,  
5 2019]. ~~Sec. 1. (a) Before January 1, 2021, the state superintendent shall  
6 be elected under IC 3-10-2-6 by the voters of Indiana:~~

7 ~~(b) The term of office of the state superintendent is four (4) years:~~

8 ~~(1) beginning on the second Monday in January after election;  
9 and~~

10 ~~(2) continuing until a successor is elected or appointed and  
11 qualified.~~

12 ~~(c) This section expires July 1, 2025.~~

13 SECTION 16. IC 20-19-1-1.1, AS ADDED BY P.L.219-2017,  
14 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
15 JULY 1, 2019]: Sec. 1.1. (a) After January 10, ~~2025~~, **2021**, the  
16 governor shall appoint an individual to be the secretary of education.

17 (b) For purposes of Article 5, Section 10 and Article 8, Section 8 of  
18 the Constitution of the State of Indiana, the secretary of education is the  
19 state superintendent of public instruction.

20 (c) The individual appointed under this section serves at the  
21 pleasure of and at a salary determined by the governor.

22 (d) An individual may not be appointed by the governor to be  
23 secretary of education under subsection (a) unless the individual:

24 (1) has resided in Indiana for at least two (2) years before the  
25 appointment;

26 (2) has demonstrated personal and professional leadership  
27 success, preferably in the administration of public education;

28 (3) possesses an earned advanced degree, preferably in education  
29 or educational administration, awarded from a regionally or  
30 nationally accredited college or university; and

31 (4) either:

32 (A) at the time of taking office is licensed or otherwise  
33 employed as a teacher, principal, or superintendent;

34 (B) has held a license as a teacher, superintendent, or  
35 principal, or any combination of these licenses, for at least five  
36 (5) years at any time before taking office; or

37 (C) has a total of at least five (5) years of work experience as  
38 any of the following, or any combination of the following,  
39 before taking office:

40 (i) Teacher.

41 (ii) Superintendent.

42 (iii) Principal.





1                   (iv) Executive in the field of education.  
2                   (e) The secretary of education is the chief executive officer of the  
3 department.  
4                   SECTION 17. P.L.219-2017, SECTION 17, IS AMENDED TO  
5 READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: SECTION 17. (a)  
6 The legislative services agency shall prepare legislation for  
7 introduction in the ~~2025~~ **2021** regular session of the general assembly  
8 to organize and correct statutes **relating to the superintendent of**  
9 **public instruction** affected by this act.  
10                  (b) This SECTION expires December 31, ~~2025~~ **2021**.

