

## SENATE BILL No. 453

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### DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 9-14-2-2; IC 20-18-2-19; IC 20-19-2; IC 22-4.1-19-2.

**Synopsis:** State board of education. 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 once every six months and at the call of the chairperson. Provides that the state board shall elect a chairperson annually from the members of the state board. Requires the chairperson to provide notice of a state board meeting and make the agenda for the state board meeting available on the state board's and the department of education's Internet web sites at least 14 days before the meeting. Provides that a member of the state board may submit a request to the chairperson to amend the agenda at least seven days before the state board meeting. Provides that if the chairperson does not respond or refuses to amend the state board's agenda, the agenda may be amended to include the agenda item requested at the current or subsequent state board meeting with a majority vote of the state board. Provides that the state board may not take official action on an agenda item added at the current meeting until the next subsequent state board meeting.

**Effective:** Upon passage.

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## Holdman, Kenley

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

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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. 453

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

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

- 1 SECTION 1. IC 9-14-2-2, AS AMENDED BY P.L.107-2012,  
2 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 UPON PASSAGE]: Sec. 2. (a) The bureau may adopt and enforce rules  
4 under IC 4-22-2 that are necessary to carry out this title.  
5 (b) The rules adopted under IC 4-22-2 by the Indiana commission  
6 on proprietary education established by IC 21-17-2-1 (before its repeal)  
7 concerning truck driver training schools are considered, after  
8 December 31, 2011, rules of the bureau.  
9 (c) The rules adopted under IC 4-22-2 by the Indiana criminal  
10 justice institute established by IC 5-2-6-3 concerning commercial  
11 driver training schools are considered, after December 31, 2011, rules  
12 of the bureau.  
13 (d) The rules adopted under IC 4-22-2 by the department of state  
14 revenue established by IC 6-8.1-2-1 concerning a student of a truck  
15 driver training school and a truck driver training school are considered,  
16 after December 31, 2011, rules of the bureau.



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 **and after**  
 3 **June 30, 2015, by IC 20-19-2-2.1** concerning driver education are  
 4 considered, after December 31, 2011, rules of the bureau.

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

9 (1) **before July 1, 2015**, IC 20-19-2-2; **and**

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

11 SECTION 3. IC 20-19-2-2, AS ADDED BY P.L.1-2005, SECTION  
 12 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON  
 13 PASSAGE]: Sec. 2. (a) The Indiana state board of education is  
 14 established. The state board consists of:

15 (1) the state superintendent; and

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

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

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

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

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

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

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

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

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

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

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

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

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

42 (c) **The state board may hire an executive director and**



1 necessary staff to carry out the duties and responsibilities of the  
 2 state board. The state board shall be funded by an appropriation  
 3 from the general assembly. In addition, the general assembly may  
 4 require the legislative services agency to provide supplemental  
 5 administrative support or to perform specific functions in support  
 6 of the state board in a manner set forth in the state biennial budget.

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

- 11 (1) The state superintendent.  
 12 (2) Two (2) members appointed by the state superintendent.  
 13 (3) Four (4) members appointed by the governor.  
 14 (4) Six (6) members, who are not members of the general  
 15 assembly, selected in the following manner:  
 16 (A) Two (2) members must be appointed by the speaker of  
 17 the house of representatives.  
 18 (B) One (1) member must be appointed by the minority  
 19 leader of the house of representatives.  
 20 (C) Two (2) members must be appointed by the president  
 21 pro tempore of the senate.  
 22 (D) One (1) member must be appointed by the minority  
 23 leader of the senate.

24 (b) A quorum consists of seven (7) members of the state board.  
 25 An action of the state board is not official unless the action is  
 26 authorized by at least seven (7) members.

27 (c) The members of the state board shall elect a chairperson  
 28 annually from the members of the state board.

29 (d) Notwithstanding subsection (c), the state superintendent  
 30 shall serve as the initial chairperson of the state board at the first  
 31 meeting of the state board after June 30, 2015, for the purpose of  
 32 electing a chairperson under subsection (c). This subsection expires  
 33 January 1, 2016.

34 (e) Each member appointed under subsection (a)(2) through  
 35 (a)(4) serves at the will and pleasure of the member's respective  
 36 appointing authority. Vacancies in the appointments to the state  
 37 board shall be filled in like manner as if appointment to such  
 38 vacant offices were being made originally.

39 SECTION 6. IC 20-19-2-2.3 IS ADDED TO THE INDIANA CODE  
 40 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE  
 41 UPON PASSAGE]: Sec. 2.3. (a) After June 30, 2015, a reference to  
 42 the state board in a statute, rule, or other document is considered



1 a reference to the state board established by section 2.1 of this  
2 chapter.

3 (b) After June 30, 2015, a rule adopted by the state board  
4 established by section 2 of this chapter is considered a rule adopted  
5 by the state board established by section 2.1 of this chapter.  
6 However, a rule described in IC 9-14-2-2(e) is considered a rule of  
7 the bureau of motor vehicles.

8 (c) On July 1, 2015, the property and obligations of the state  
9 board established by section 2 of this chapter are transferred to the  
10 state board established by section 2.1 of this chapter.

11 (d) An action taken by the state board established by section 2  
12 of this chapter before July 1, 2015, shall be treated after June 30,  
13 2015, as if it were originally taken by the state board established by  
14 section 2.1 of this chapter.

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

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

21 (c) Notwithstanding IC 5-14-1.5-5 and except as otherwise  
22 provided in subsection (d), the chairperson must provide public  
23 notice of a state board meeting in the manner described in  
24 IC 5-14-1.5-5(b) and must make the agenda for a state board  
25 meeting available on both the state board's and the department's  
26 Internet web sites at least fourteen (14) days before the state board  
27 meeting.

28 (d) A board member may submit a request to the chairperson  
29 to add to or remove an agenda item from the agenda described in  
30 subsection (c) by submitting a request in writing to the chairperson  
31 at least seven (7) days before the state board meeting. If the  
32 chairperson agrees to the change to the agenda requested by the  
33 board member, the chairperson shall revise the agenda and make  
34 the revised agenda available on the state board's and the  
35 department's Internet web sites before the state board meeting. If  
36 the chairperson does not respond to or denies the member's  
37 request to add or remove an agenda item for the state board  
38 meeting, the member may request to amend the agenda for the  
39 current or subsequent state board meeting during a state board  
40 meeting. The state board shall vote on the board member's request.  
41 The agenda at the current or a subsequent state board meeting  
42 shall be changed to reflect the board member's request if the



1 requested change is approved by an affirmative vote of the  
2 majority of the state board members. However, if an agenda item  
3 is added to the agenda during the current state board meeting, the  
4 board may not take official action on the agenda item until the next  
5 subsequent state board meeting. The chairperson shall provide  
6 public notice of the agenda item under subsection (c).

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

11 (1) before July 1, 2015, IC 20-19-2-2; and

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

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

