

SENATE BILL No. 143

DIGEST OF INTRODUCED BILL

Citations Affected: IC 20-19-2.

Synopsis: State board of education. Amends the membership of the state board of education. Makes a technical correction.

Effective: Upon passage.

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January 6, 2020, read first time and referred to Committee on Education and Career Development.



Second Regular Session of the 121st General Assembly (2020)

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 2019 Regular Session of the General Assembly.

SENATE BILL No. 143

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 20-19-2-2.1, AS ADDED BY P.L.224-2015,
2 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 UPON PASSAGE]: Sec. 2.1. (a) ~~This section applies beginning June~~
4 ~~1, 2015.~~

5 (b) (a) The Indiana state board of education is established.
6 (c) (b) The state board may appoint an executive director. The
7 executive director may, with the approval of the state board, hire
8 personnel necessary to carry out the duties and responsibilities of the
9 state board under this title. The state board shall be funded by an
10 appropriation from the general assembly.

11 (d) (c) The state board and the department are considered state
12 educational authorities within the meaning of the federal Family
13 Educational Rights and Privacy Act (20 U.S.C. 1232g and 34 CFR Part
14 99).

15 SECTION 2. IC 20-19-2-2.2, AS AMENDED BY THE
16 TECHNICAL CORRECTIONS BILL OF THE 2020 GENERAL
17 ASSEMBLY, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



1 UPON PASSAGE]: Sec. 2.2. (a) **Subject to section 2.5 of this**
 2 **chapter**, beginning June 1, 2015, **and ending July 1, 2023**, the state
 3 board consists of the following members:

4 (1) The state superintendent.

5 (2) Eight (8) members appointed by the governor. The following
 6 provisions apply to members of the state board appointed under
 7 this subdivision:

8 (A) At least six (6) members appointed under this subdivision
 9 must have professional experience in the field of education as
 10 provided in subsection (b).

11 (B) Members shall be appointed from different parts of
 12 Indiana with not more than one (1) member being appointed
 13 from a particular congressional district.

14 (C) Not more than five (5) members of the state board may be
 15 appointed from the membership of any one (1) political party.

16 (3) One (1) member, who is not a member of the general
 17 assembly, appointed by the speaker of the house of
 18 representatives.

19 (4) One (1) member, who is not a member of the general
 20 assembly, appointed by the president pro tempore of the senate.

21 **This subsection expires January 1, 2024.**

22 (b) For purposes of subsection (a), an individual is considered to
 23 have professional experience in the field of education if the individual
 24 has teaching or leadership experience at a postsecondary educational
 25 institution or is currently employed as, or is retired from a position as:

26 (1) a teacher;

27 (2) a principal;

28 (3) an assistant superintendent; or

29 (4) a superintendent.

30 **This subsection expires January 1, 2024.**

31 (c) **Subject to section 2.5 of this chapter, beginning July 1, 2020,**
 32 **the state board consists of the following members:**

33 (1) **The state superintendent.**

34 (2) **Two (2) members appointed by the governor.**

35 (3) **Three (3) members, who are not members 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 minority leader of the house of**
 40 **representatives.**

41 (5) **Three (3) members, who are not members of the general**
 42 **assembly, appointed by the president pro tempore of the**



1 senate.

2 (6) One (1) member, who is not a member of the general
3 assembly, appointed by the minority leader of the senate.

4 (d) To the extent possible, appointments under subsection (c)
5 should be made to incorporate representation from all the
6 geographic areas of Indiana.

7 (e) At least six (6) members appointed under subsection (c) must
8 have professional experience in the field of education. An
9 individual is considered to have professional experience in the field
10 of education if the individual has teaching or leadership experience
11 at a postsecondary educational institution or is currently employed
12 as, or is retired from a position as:

13 (1) a teacher;

14 (2) a principal;

15 (3) an assistant superintendent;

16 (4) a superintendent; or

17 (5) an executive in the field of education.

18 (f) A quorum consists of six (6) members of the state board. An
19 action of the state board is not official unless the action is authorized
20 by at least six (6) members.

21 (g) Subject to subsection (e), Before January 11, 2021, the
22 members of the state board shall elect a chairperson and vice
23 chairperson annually from the members of the state board. The vice
24 chairperson shall act as chairperson in the absence of the chairperson.
25 **This subsection expires July 1, 2021.**

26 (e) Notwithstanding subsection (d), the state superintendent shall
27 serve as the chairperson of the state board until a chairperson is elected
28 under subsection (d) at the first meeting of the state board after
29 December 31, 2016, which shall be held not later than January 15,
30 2017. A vice chairperson shall be elected at the first meeting of the
31 state board after June 30, 2015, which shall be held not later than
32 August 1, 2015. This subsection expires July 1, 2018.

33 (h) After January 10, 2021, the state superintendent is the
34 chairperson of the state board.

35 (i) Except as otherwise provided in subsection (g); (f); (j),
36 each member appointed under subsection (a)(2) through (a)(4) (before
37 its expiration) and subsection (c)(2) through (c)(6) serves a four (4)
38 year term. The term begins on July 1.

39 (j) A member appointed under subsection (a)(2) through
40 (a)(4) (before its expiration) and subsection (c)(2) through (c)(6)
41 may be removed from the state board by the member's appointing
42 authority for just cause. Vacancies in the appointments to the state



1 board shall be filled by the appointing authority. A member appointed
2 under this subsection serves for the remainder of the unexpired term.

3 ~~(h)~~ ~~(g)~~ **(k)** The state board shall meet at a minimum at least one (1)
4 time each month. The state board shall establish the date of the next
5 monthly meeting during the monthly meeting of the state board. In
6 addition to the monthly meeting required under this subsection, the
7 state board shall meet at the call of the chairperson.

8 SECTION 3. IC 20-19-2-2.4, AS ADDED BY P.L.224-2015,
9 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
10 UPON PASSAGE]: Sec. 2.4. (a) The chairperson ~~and the vice~~
11 ~~chairperson are jointly~~ **is** responsible for establishing agendas for state
12 board meetings after receiving and considering recommended agenda
13 items from the members of the state board.

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

19 SECTION 4. IC 20-19-2-2.5 IS ADDED TO THE INDIANA CODE
20 AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE
21 UPON PASSAGE]: **Sec. 2.5. (a) Subject to section 2.2(j) of this**
22 **chapter, a member appointed under section 2.2(a) of this chapter**
23 **shall serve for the remainder of the member's unexpired term.**

24 **(b) The appointment of initial members under section 2.2(c) of**
25 **this chapter shall be as follows:**

26 **(1) The two (2) members appointed under section 2.2(a) of this**
27 **chapter whose terms expire in 2020 shall be replaced as**
28 **follows:**

29 **(A) The speaker of the house of representatives shall**
30 **appoint one (1) member.**

31 **(B) The president pro tempore of the senate shall appoint**
32 **one (1) member.**

33 **(2) The two (2) members appointed under section 2.2(a) of this**
34 **chapter whose terms expire in 2021 shall be replaced as**
35 **follows:**

36 **(A) The speaker of the house of representatives shall**
37 **appoint one (1) member.**

38 **(B) The president pro tempore of the senate shall appoint**
39 **one (1) member.**

40 **(3) The governor shall appoint two (2) members to replace the**
41 **two (2) members appointed under section 2.2(a) of this**
42 **chapter whose terms expire in 2022.**



1 **(4) The four (4) members appointed under section 2.2(a) of**
2 **this chapter whose terms expire in 2023 shall be replaced as**
3 **follows:**
4 **(A) The speaker of the house of representatives shall**
5 **appoint one (1) member.**
6 **(B) The president pro tempore of the senate shall appoint**
7 **one (1) member.**
8 **(C) The minority leader of the house of representatives**
9 **shall appoint one (1) member.**
10 **(D) The minority leader of the senate shall appoint one (1)**
11 **member.**
12 **(c) This section expires January 1, 2024.**
13 **SECTION 5. An emergency is declared for this act.**

