

SENATE BILL No. 339

DIGEST OF INTRODUCED BILL

Citations Affected: IC 4-3-27-12; IC 20-19-2; IC 21-18-3; IC 21-18-6.

Synopsis: Education governance framework. Provides that, after December 31, 2020, members of the state board of education (state board) and the commission for higher education (commission) appointed by the governor must be approved by the general assembly. Establishes procedures for the general assembly to approve the governor's nominees for membership to the state board and the commission. Requires the state board, in consultation with the department of education, to submit an annual executive summary report to the legislative council and the members of the senate and house of representatives standing education committees. Provides that the commission, in collaboration with the governor's workforce cabinet (cabinet), and the department of workforce development, is required to submit an annual executive summary report to the legislative council and the members of the senate and house of representatives standing education committees. Requires the cabinet to provide the commission a copy of the cabinet's review or analysis of certain work related programs. Provides that, before November 1, 2020, the commission, in collaboration with the cabinet and the department of workforce development, shall provide the general assembly an overview of the accountability framework for all workforce and postsecondary education programs and provide recommendations for: (1) streamlining the workforce development and postsecondary educational framework; (2) improving the return on investments; and (3) introducing earning and employment outcomes accountability for each program overseen by the cabinet, the commission, or the department of workforce development. Makes technical corrections.

Effective: Upon passage; July 1, 2020.

Spartz

January 13, 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. 339

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 4-3-27-12, AS ADDED BY P.L.152-2018,
- 2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 3 UPON PASSAGE]: Sec. 12. (a) As used in this section, "workforce
- 4 related program" has the meaning set forth in IC 22-4.1-1-7.
- 5 (b) The governor, general assembly, and cabinet intend that each
- 6 workforce related program effectuates the purposes for which it was
- 7 enacted and that the cost of workforce related programs should be
- 8 included more readily in the biennial budgeting process.
- 9 (c) To provide the information needed to make informed policy
- 10 choices about the efficacy of each workforce related program, the
- 11 cabinet shall conduct a regular review, analysis, and evaluation of all
- 12 workforce related programs.
- 13 (d) The review, analysis, and evaluation must include information
- 14 about each workforce related program that is necessary to determine if
- 15 the goals of the workforce related program are being achieved, which
- 16 may include any of the following:
- 17 (1) The basic attributes and policy goals of the workforce related



- 1 program, including the statutory and programmatic goals of the
2 workforce related program, the original scope and purpose of the
3 workforce related program, and how the scope or purpose has
4 changed over time.
- 5 (2) The estimated cost to the state to administer the workforce
6 related program.
- 7 (3) The workforce related program's equity, simplicity,
8 competitiveness, public purpose, adequacy, and extent of
9 conformance with the original purposes of the legislation enacting
10 the workforce related program.
- 11 (4) The types of activities on which the workforce related
12 program is based and how effective the workforce related
13 program has been in promoting these targeted activities and in
14 assisting participants in the workforce related program.
- 15 (5) The count of the following:
- 16 (A) Participants that enter the workforce related program.
17 (B) Participants that complete the workforce related program.
18 (C) Providers of the workforce related program.
- 19 (6) The dollar amount allotted for the workforce related program
20 for the most recent state fiscal year.
- 21 (7) An estimate of the impact of the workforce related program,
22 including the following:
- 23 (A) A return on investment calculation for the workforce
24 related program. For purposes of this clause, "return on
25 investment calculation" means analyzing the cost to the state
26 of providing the workforce related program and analyzing the
27 benefits realized by the participants in the workforce related
28 program and to the state.
- 29 (B) A cost-benefit comparison among workforce related
30 programs.
- 31 (C) An estimate of the number of jobs that were the direct
32 result of the workforce related program.
- 33 (D) For the workforce related program, a statement by the
34 chief executive officer of the state agency that administers the
35 workforce related program as to whether the statutory and
36 programmatic goals of the workforce related program are
37 being met, with obstacles to these goals identified, if possible.
- 38 (8) The methodology and assumptions used in carrying out the
39 reviews, analyses, and evaluations required under this section.
- 40 (9) An estimate of the extent to which benefits of the workforce
41 related program remained in Indiana or flowed outside Indiana.
- 42 (10) Whether the effectiveness of the workforce related program



1 could be determined more definitively if the general assembly
 2 were to clarify or modify the workforce related program's goals
 3 and intended purpose.

4 (11) Whether measuring the workforce related program's impact
 5 is significantly limited due to data constraints and whether any
 6 changes in statute would facilitate data collection in a way that
 7 would allow for better review, analysis, or evaluation.

8 (12) An estimate of the indirect economic benefit or activity
 9 stimulated by the workforce related program.

10 (13) Any additional review, analysis, or evaluation that the
 11 cabinet considers advisable, including comparisons with
 12 workforce related programs offered by other states if those
 13 comparisons would add value to the review, analysis, and
 14 evaluation.

15 (e) The cabinet may request a state official or a state agency or a
 16 body corporate and politic to furnish information necessary to complete
 17 the workforce related program review, analysis, and evaluation
 18 required by this chapter. An official or entity presented with a request
 19 from the cabinet under this section shall cooperate with the cabinet in
 20 providing the requested information. An official or entity may require
 21 that the cabinet adhere to the provider's rules, if any, that concern the
 22 confidential nature of the information.

23 (f) The cabinet shall, before October 1 of each year, submit a report
 24 to the governor, the legislative council in an electronic format under
 25 IC 5-14-6, **the commission for higher education**, and the interim
 26 study committee on fiscal policy established by IC 2-5-1.3-4 containing
 27 the results of the cabinet's review, analysis, and evaluation under this
 28 chapter. The report must include at least the following for each
 29 workforce related program reviewed:

30 (1) An explanation of the workforce related program.

31 (2) The history of the workforce related program.

32 (3) An estimate for each state fiscal year of the next biennial
 33 budget of the cost of the workforce related program.

34 (4) A detailed description of the review, analysis, and evaluation
 35 for the workforce related program.

36 (5) Information to be used by the governor and general assembly
 37 to determine whether the workforce related program should be
 38 continued, modified, or terminated, the basis for the
 39 recommendation, and the expected impact of the
 40 recommendation.

41 (6) Information to be used by the governor and general assembly
 42 to better align the workforce related program with the original



1 intent of the legislation that enacted the workforce related
 2 program. The report required by this section must not disclose any
 3 proprietary or otherwise confidential information.

4 SECTION 2. IC 20-19-2-2.1, AS ADDED BY P.L.224-2015,
 5 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 6 UPON PASSAGE]: Sec. 2.1. ~~(a) This section applies beginning June~~
 7 ~~1, 2015.~~

8 ~~(b)~~ (a) The Indiana state board of education is established.

9 ~~(c)~~ (b) The state board may appoint an executive director. The
 10 executive director may, with the approval of the state board, hire
 11 personnel necessary to carry out the duties and responsibilities of the
 12 state board under this title. The state board shall be funded by an
 13 appropriation from the general assembly.

14 ~~(d)~~ (c) The state board and the department are considered state
 15 educational authorities within the meaning of the federal Family
 16 Educational Rights and Privacy Act (20 U.S.C. 1232g and 34 CFR Part
 17 99).

18 SECTION 3. IC 20-19-2-2.2, AS AMENDED BY THE
 19 TECHNICAL CORRECTIONS BILL OF THE 2020 GENERAL
 20 ASSEMBLY, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 21 UPON PASSAGE]: Sec. 2.2. (a) Beginning June 1, 2015, the state
 22 board consists of the following members:

23 (1) The state superintendent.

24 (2) Eight (8) members appointed by the governor. **Members**
 25 **appointed under this subdivision after December 31, 2020,**
 26 **must be approved by the general assembly under section 2.5**
 27 **of this chapter.** The following provisions apply to members of
 28 the state board appointed under this subdivision:

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

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

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

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

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

42 (b) For purposes of subsection (a), an individual is considered to



1 have professional experience in the field of education if the individual
 2 has teaching or leadership experience at a postsecondary educational
 3 institution or is currently employed as, or is retired from a position as:

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

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

11 (d) Subject to subsection (e), the members of the state board shall
 12 elect a chairperson and vice chairperson annually from the members of
 13 the state board. The vice chairperson shall act as chairperson in the
 14 absence of the chairperson.

15 ~~(e) Notwithstanding subsection (d), the state superintendent shall~~
 16 ~~serve as the chairperson of the state board until a chairperson is elected~~
 17 ~~under subsection (d) at the first meeting of the state board after~~
 18 ~~December 31, 2016, which shall be held not later than January 15,~~
 19 ~~2017. A vice chairperson shall be elected at the first meeting of the~~
 20 ~~state board after June 30, 2015, which shall be held not later than~~
 21 ~~August 1, 2015. This subsection expires July 1, 2018.~~

22 ~~(f)~~ (e) Except as otherwise provided in subsection ~~(g)~~; (f), each
 23 member appointed under subsection (a)(2) through (a)(4) serves a four
 24 (4) year term. The term begins on July 1.

25 ~~(g)~~ (f) A member appointed under subsection (a)(2) through (a)(4)
 26 may be removed from the state board by the member's appointing
 27 authority for just cause. **Except as provided in section 2.5(f) of this**
 28 **chapter**, vacancies in the appointments to the state board shall be filled
 29 by the appointing authority. A member appointed under this subsection
 30 **or section 2.5(f) of this chapter** serves for the remainder of the
 31 unexpired term.

32 ~~(h)~~ (g) The state board shall meet at a minimum at least one (1) time
 33 each month. The state board shall establish the date of the next monthly
 34 meeting during the monthly meeting of the state board. In addition to
 35 the monthly meeting required under this subsection, the state board
 36 shall meet at the call of the chairperson.

37 SECTION 4. IC 20-19-2-2.5 IS ADDED TO THE INDIANA CODE
 38 AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE
 39 UPON PASSAGE]: **Sec. 2.5. (a) Members appointed by the**
 40 **governor under section 2.2(a)(2) of this chapter after December 31,**
 41 **2020, must be approved by the general assembly as provided in this**
 42 **section.**



1 **(b) At least fifteen (15) days before the beginning of any session**
 2 **of the general assembly, the governor shall provide the general**
 3 **assembly, in an electronic format under IC 5-14-6:**

4 **(1) a list of nominees for membership to the state board that**
 5 **the governor proposes to appoint under section 2.2(a)(2) of**
 6 **this chapter; and**

7 **(2) biographical information pertaining to nominees described**
 8 **in subdivision (1), including resumes and curricula vitae.**

9 **(c) Unless otherwise waived by:**

10 **(1) a majority of the:**

11 **(A) president pro tempore of senate;**

12 **(B) minority floor leader of the senate; and**

13 **(C) chairperson of the senate standing education**
 14 **committee; and**

15 **(2) a majority of the:**

16 **(A) speaker of the house of representatives;**

17 **(B) minority floor leader of the house of representatives;**
 18 **and**

19 **(C) chairperson of the house of representatives standing**
 20 **education committee;**

21 **a hearing shall be conducted under subsection (d).**

22 **(d) Except as provided in subsection (c), a joint committee**
 23 **consisting of members of the senate education standing committee**
 24 **and the house of representatives standing education committee**
 25 **shall review the governor's nominations described in subsection**
 26 **(b), in which a nominee, as well as the public, may offer statements**
 27 **and answer questions posed by the committee members. The**
 28 **legislative council shall appoint a chairperson for the joint**
 29 **committee and provide for any rules necessary for the conduct of**
 30 **the joint committee. At the hearing, the committee must vote on**
 31 **whether to recommend confirmation of the nominee by the full**
 32 **senate under subsection (e). Nominees must be approved by an**
 33 **affirmative vote of the majority of members of the joint committee.**

34 **(e) If a nominee is approved by the joint committee described in**
 35 **subsection (d), the nominee must be approved by an affirmative**
 36 **vote of the majority of members of the senate. If the nominee is**
 37 **approved by the majority of the members of the senate under this**
 38 **subsection, the governor shall appoint the member to the state**
 39 **board under section 2.2(a)(2) of this chapter within thirty (30) days**
 40 **of the sine die adjournment of the general assembly.**

41 **(f) The governor may make interim appointments necessary to**
 42 **fill vacancies in membership of the state board described in section**



1 2.2(a)(2) of this chapter. However, an interim appointment expires
 2 when a nominee is appointed by the governor under subsection (e),
 3 not to exceed thirty (30) days after the sine die adjournment of the
 4 general assembly.

5 (g) If a nominee fails to be approved by the general assembly as
 6 provided by this section, the nominee is not be eligible to fill
 7 another vacancy in the membership of the state board under
 8 section 2.2(a)(2) of this chapter for a period of one (1) year from
 9 the date on which the nominee is disqualified for membership to
 10 the state board under this section.

11 SECTION 5. IC 20-19-2-14.1, IS ADDED TO THE INDIANA
 12 CODE AS A NEW SECTION TO READ AS FOLLOWS
 13 [EFFECTIVE UPON PASSAGE]: **Sec. 14.1. On or before November**
 14 **1, 2020, and each November 1 thereafter, the state board, in**
 15 **consultation with the department, shall submit an annual executive**
 16 **summary report to the legislative council and to each member of**
 17 **the senate and house of representatives standing education**
 18 **committees in an electronic format under IC 5-14-6. The annual**
 19 **executive summary report shall include the following:**

20 (1) All guidance issued by the state board and the department
 21 in the twelve (12) months preceding the date of the annual
 22 report.

23 (2) A summary of results for all educational outcomes as
 24 established under IC 20-31 or any other relevant school
 25 accountability requirements.

26 (3) All administrative rules proposed, adopted, amended, or
 27 repealed by the state board or the department in the twelve
 28 (12) months preceding the date of the annual report.

29 (4) All executive orders or directives relevant to kindergarten
 30 through grade 12 education in Indiana in the twelve (12)
 31 months preceding the date of the annual report.

32 SECTION 6. IC 21-18-3-1, AS ADDED BY P.L.2-2007, SECTION
 33 259, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON
 34 PASSAGE]: **Sec. 1. (a) The membership of the commission is:**

35 (1) before January 1, 2021, appointed by the governor; and
 36 (2) after December 31, 2020, except for members described in
 37 subsection (b)(3) or (b)(4), appointed by the governor after
 38 the governor's nominee is approved by the general assembly
 39 under section 1.1 of this chapter.

40 (b) The commission consists of fourteen (14) members appointed
 41 by the governor as follows:

42 (1) Each member must be a citizen of Indiana.



- 1 (2) Each congressional district must be represented by at least one
 2 (1) member who resides in the congressional district.
 3 (3) One (1) member must be a student.
 4 (4) One (1) member must be a full-time faculty member of a state
 5 educational institution.

6 SECTION 7. IC 21-18-3-1.1 IS ADDED TO THE INDIANA CODE
 7 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE
 8 UPON PASSAGE]: **Sec. 1.1. (a) This section does not apply to
 9 appointments to the commission by the governor described in
 10 section 1(b)(3) or 1(b)(4) of this chapter.**

11 **(b) Members appointed by the governor under section 1 of this
 12 chapter, excluding members described in section 1(b)(3) and
 13 1(b)(4) of this chapter, after December 31, 2020, must be approved
 14 by the general assembly as provided in this section.**

15 **(c) At least fifteen (15) days before the beginning of any session
 16 of the general assembly, the governor shall provide the general
 17 assembly, in an electronic format under IC 5-14-6:**

- 18 **(1) a list of nominees for membership to the commission that
 19 the governor proposes to appoint under section 1 of this
 20 chapter; and
 21 (2) biographical information pertaining to nominees described
 22 in subdivision (1), including resumes and curricula vitae.**

23 **(d) Unless otherwise waived by:**

- 24 **(1) a majority of the:**
 25 **(A) president pro tempore of the senate;**
 26 **(B) minority floor leader of the senate; and**
 27 **(C) chairperson of the senate standing education
 28 committee; and
 29 (2) a majority of the:**
 30 **(A) speaker of the house of representatives;**
 31 **(B) minority floor leader of the house of representatives;**
 32 **and
 33 (C) chairperson of the house of representatives standing
 34 education committee;**

35 **a hearing shall be conducted under subsection (e).**

36 **(e) Except as provided in subsection (d), a joint committee
 37 consisting of members of the senate education standing committee
 38 and the house of representatives standing education committee
 39 shall review the governor's nominations described in subsection
 40 (c), in which a nominee, as well as the public, may offer statements
 41 and answer questions posed by the committee members. The
 42 legislative council shall appoint a chairperson for the joint**



1 committee and provide for any rules necessary for the conduct of
 2 the joint committee. At the hearing, the committee must vote on
 3 whether to recommend confirmation of the nominee by the full
 4 senate under subsection (f). Nominees must be approved by an
 5 affirmative vote of the majority of members of the joint committee.

6 (f) If a nominee is approved by the joint committee described in
 7 subsection (e), the nominee must be approved by an affirmative
 8 vote of the majority of members of the senate. If the nominee is
 9 approved by the majority of the members of the senate under this
 10 subsection, the governor shall appoint the member to the
 11 commission under section 1 of this chapter within thirty (30) days
 12 of the sine die adjournment of the general assembly.

13 (g) The governor may make interim appointments necessary to
 14 fill vacancies in membership of the commission described in section
 15 1 of this chapter. However, an interim appointment expires when
 16 a nominee is appointed by the governor under subsection (e), not
 17 to exceed thirty (30) days after the sine die adjournment of the
 18 general assembly.

19 (g) If a nominee fails to be approved by the general assembly as
 20 provided by this section, the nominee is not be eligible to fill
 21 another vacancy in the membership of the commission under
 22 section 1 of this chapter for a period of one (1) year from the date
 23 on which the nominee is disqualified for membership to the
 24 commission under this section.

25 SECTION 8. IC 21-18-3-6, AS ADDED BY P.L.2-2007, SECTION
 26 259, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON
 27 PASSAGE]: Sec. 6. (a) Appointments to the commission are for a term
 28 of four (4) years except:

- 29 (1) the student member; and
- 30 (2) the full-time faculty member;

31 who are appointed to a term of two (2) years.

32 (b) The governor shall promptly make appointments to fill vacancies
 33 for members described in sections 1(b)(3) and 1(b)(4) of this
 34 chapter for the duration of unexpired terms in the same manner as the
 35 original appointments.

36 (c) The term of a member begins on July 1 of the year of
 37 appointment and continues until a successor has been appointed.

38 SECTION 9. IC 21-18-6-7, IS ADDED TO THE INDIANA CODE
 39 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE
 40 UPON PASSAGE]: Sec. 7. Before November 1, 2020, and before
 41 each November 1 of each year thereafter, the commission, in
 42 collaboration with the governor's workforce cabinet and the



1 department of workforce development, shall submit an annual
 2 executive summary report to the legislative council and to each
 3 member of the senate and house of representatives standing
 4 education committees in an electronic format under IC 5-14-6. The
 5 annual executive summary report must include the following:

6 (1) All administrative rules proposed, adopted, amended, or
 7 repealed by the governor's workforce cabinet, the
 8 commission, and the department of workforce development in
 9 the twelve (12) months preceding the date of the annual
 10 report.

11 (2) All guidance issued by the governor's workforce cabinet,
 12 the commission, and the department of workforce
 13 development in the twelve (12) months preceding the date of
 14 the annual report.

15 (3) A summary of results of postsecondary outcomes of each
 16 program overseen by the governor's workforce cabinet, the
 17 commission, and the department of workforce development.

18 (4) A detailed report on any federal money received and how
 19 the money was allocated.

20 (5) All executive orders or directives relevant to
 21 postsecondary education in Indiana in the twelve (12) months
 22 preceding the date of the annual report.

23 SECTION 10. IC 21-18-6-7.1, IS ADDED TO THE INDIANA
 24 CODE AS A NEW SECTION TO READ AS FOLLOWS
 25 [EFFECTIVE UPON PASSAGE]: **Sec. 7.1. Before November 1, 2020,**
 26 **the commission, in collaboration with the governor's workforce**
 27 **cabinet and the department of workforce development, shall**
 28 **provide the general assembly, in an electronic format under**
 29 **IC 5-14-6, an overview of the accountability framework for all**
 30 **workforce and postsecondary education programs and provide**
 31 **recommendations, if any, for:**

32 (1) streamlining the workforce development and
 33 postsecondary education accountability framework;

34 (2) improving the return on investments for the state of
 35 Indiana; and

36 (3) introducing earning and employment outcomes
 37 accountability for each program overseen by the governor's
 38 workforce cabinet, the commission, or the department of
 39 workforce development.

40 SECTION 11. [EFFECTIVE JULY 1, 2020] (a) The legislative
 41 services agency shall prepare legislation for introduction in the
 42 2021 regular session of the general assembly to correct the



1 **statutory law as necessary to be in conformity with this act.**
2 **(b) This SECTION expires July 1, 2022.**
3 **SECTION 12. An emergency is declared for this act.**

