

SENATE BILL No. 24

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; 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 10, 2021. Provides that, after January 10, 2021, the governor appoints the members of the education roundtable and the superintendent serves as the chair of the roundtable. (Under current law, the governor and the superintendent jointly appoint the members and serve as co-chairs.) Provides that, after January 10, 2021, 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 10, 2021, 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 state superintendent of public instruction expires January 1, 2017.

Effective: July 1, 2015.

Buck

January 6, 2015, read first time and referred to Committee on Rules & Legislative Procedure.



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. 24

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, 2015]: Sec. 48. "State office" refers to **the**
3 **following:**
4 **(1) Before January 11, 2021, 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 10, 2021, 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, 2015]: 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.



1 **(b) This section expires January 1, 2017.**

2 SECTION 3. IC 3-8-1-33, AS AMENDED BY P.L.90-2012,
3 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4 JULY 1, 2015]: Sec. 33. (a) A candidate for an office listed in
5 subsection (b) must file a statement of economic interests.

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

13 (1) Governor, lieutenant governor, secretary of state, auditor of
14 state, treasurer of state, attorney general, and state superintendent
15 of public instruction, in accordance with IC 4-2-6-8. **This**
16 **subdivision does not apply to the state superintendent of**
17 **public instruction after December 31, 2016.**

18 (2) Senator and representative in the general assembly, in
19 accordance with IC 2-2.1-3-2.

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

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

27 SECTION 4. IC 3-8-4-2 IS AMENDED TO READ AS FOLLOWS
28 [EFFECTIVE JULY 1, 2015]: Sec. 2. (a) A political party shall conduct
29 a state convention to nominate the candidates of the political party for
30 the 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, 2016.**

38 (b) The convention shall 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 SECTION 5. IC 3-10-2-6, AS AMENDED BY P.L.230-2005,
 2 SECTION 38, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 3 JULY 1, 2015]: Sec. 6. The following public officials shall be elected
 4 in 2008 and every four (4) years thereafter:

- 5 (1) Governor.
- 6 (2) Lieutenant governor.
- 7 (3) Attorney general.
- 8 (4) Superintendent of public instruction. **This subdivision does**
 9 **not apply after December 31, 2016.**

10 SECTION 6. IC 3-11-2-12, AS AMENDED BY P.L.77-2014,
 11 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 12 JULY 1, 2015]: Sec. 12. The following offices shall be placed on the
 13 general election ballot in the following order after the public questions
 14 described in section 10(a) of this chapter:

- 15 (1) Federal and state offices:
 - 16 (A) President and Vice President of the United States.
 - 17 (B) United States Senator.
 - 18 (C) Governor and lieutenant governor.
 - 19 (D) Secretary of state.
 - 20 (E) Auditor of state.
 - 21 (F) Treasurer of state.
 - 22 (G) Attorney general.
 - 23 (H) Superintendent of public instruction. **This clause does not**
 24 **apply after December 31, 2016.**
 - 25 (I) United States Representative.
- 26 (2) Legislative offices:
 - 27 (A) State senator.
 - 28 (B) State representative.
- 29 (3) Circuit offices and county judicial offices:
 - 30 (A) Judge of the circuit court, and unless otherwise specified
 31 under IC 33, with each division separate if there is more than
 32 one (1) judge of the circuit court.
 - 33 (B) Judge of the superior court, and unless otherwise specified
 34 under IC 33, with each division separate if there is more than
 35 one (1) judge of the superior court.
 - 36 (C) Judge of the probate court.
 - 37 (D) Prosecuting attorney.
 - 38 (E) Clerk of the circuit court.
- 39 (4) County offices:
 - 40 (A) County auditor.
 - 41 (B) County recorder.
 - 42 (C) County treasurer.



- 1 (D) County sheriff.
 2 (E) County coroner.
 3 (F) County surveyor.
 4 (G) County assessor.
 5 (H) County commissioner. This clause applies only to a county
 6 that is not subject to IC 36-2-2.5.
 7 (I) Single county executive. This clause applies only to a
 8 county that is subject to IC 36-2-2.5.
 9 (J) County council member.
 10 (5) Township offices:
 11 (A) Township assessor (only in a township referred to in
 12 IC 36-6-5-1(d)).
 13 (B) Township trustee.
 14 (C) Township board member.
 15 (D) Judge of the small claims court.
 16 (E) Constable of the small claims court.
 17 (6) City offices:
 18 (A) Mayor.
 19 (B) Clerk or clerk-treasurer.
 20 (C) Judge of the city court.
 21 (D) City-county council member or common council member.
 22 (7) Town offices:
 23 (A) Clerk-treasurer.
 24 (B) Judge of the town court.
 25 (C) Town council member.
- 26 SECTION 7. IC 4-1-6-1, AS AMENDED BY P.L.2-2007,
 27 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 28 JULY 1, 2015]: Sec. 1. As used in this chapter, the term:
 29 (a) "Personal information system" means any ~~recordkeeping~~ **record**
 30 **keeping** process, whether automated or manual, containing personal
 31 information and the name, personal number, or other identifying
 32 particulars of a data subject.
 33 (b) "Personal information" means any information that describes,
 34 locates, or indexes anything about an individual or that affords a basis
 35 for inferring personal characteristics about an individual including, but
 36 not limited to, ~~his~~ **the individual's** education, financial transactions,
 37 medical history, criminal or employment records, finger and voice
 38 prints, photographs, or ~~his~~ **the individual's** presence, registration, or
 39 membership in an organization or activity or admission to an
 40 institution.
 41 (c) "Data subject" means an individual about whom personal
 42 information is indexed or may be located under ~~his~~ **the individual's**



1 name, personal number, or other identifiable particulars, in a personal
2 information system.

3 (d) "State agency" means every agency, board, commission,
4 department, bureau, or other entity of the administrative branch of
5 Indiana state government, except those which are the responsibility of
6 the auditor of state, treasurer of state, secretary of state, attorney
7 general, superintendent of public instruction, and excepting the
8 department of state police and state educational institutions. **After**
9 **January 10, 2021, "state agency" includes an agency, a board, a**
10 **commission, a department, a bureau, or another entity under the**
11 **superintendent of public instruction.**

12 (e) "Confidential" means information which has been so designated
13 by statute or by promulgated rule or regulation based on statutory
14 authority.

15 SECTION 8. IC 4-2-1-1.5, AS ADDED BY P.L.43-2007, SECTION
16 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,
17 2015]: Sec. 1.5. (a) Subject to subsection (b), the salary of ~~the each~~
18 state elected ~~officials~~ **official** other than the governor is as follows:

19 (1) For the lieutenant governor, seventy-six thousand dollars
20 (\$76,000) per year. However, the lieutenant governor is not
21 entitled to receive per diem allowance for performance of duties
22 as president of the senate.

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

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

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

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

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

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

38 (c) The percentage by which salaries are increased under this
39 section is equal to the statewide average percentage, as determined by
40 the budget director, by which the salaries of state employees in the
41 executive branch who are in the same or a similar salary bracket
42 exceed, for the current state fiscal year, the salaries of executive branch



1 state employees in the same or a similar salary bracket that were in
2 effect on January 1 of the immediately preceding year.

3 (d) The amount of a salary increase under this section is equal to the
4 amount determined by applying the percentage increase for the
5 particular year to the salary of the state elected official, as previously
6 adjusted under this section, that is in effect on January 1 of the
7 immediately preceding year.

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

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

15 SECTION 9. IC 4-2-6-8, AS AMENDED BY P.L.23-2011,
16 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
17 JULY 1, 2015]: Sec. 8. (a) The following persons shall file a written
18 financial disclosure statement:

19 (1) The governor, lieutenant governor, secretary of state, auditor
20 of state, treasurer of state, attorney general and state
21 superintendent of public instruction. **This subdivision does not**
22 **apply to the state superintendent of public instruction after**
23 **January 10, 2021.**

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

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

27 (4) The director of each division of the **Indiana** department of
28 administration.

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

31 (6) Any agency employee, special state appointee, former agency
32 employee, or former special state appointee with final purchasing
33 authority.

34 (7) The chief investment officer employed by the Indiana public
35 retirement system.

36 (8) Any employee of the Indiana public retirement system whose
37 duties include the recommendation, selection, and management
38 of:

39 (A) the investments of the funds administered by the Indiana
40 public retirement system;

41 (B) the investment options offered in the annuity savings
42 accounts in the public employees' retirement fund and the



- 1 Indiana state teachers' retirement fund;
 2 (C) the investment options offered in the legislators' defined
 3 contribution plan; or
 4 (D) investment managers, investment advisors, and other
 5 investment service providers of the Indiana public retirement
 6 system.
- 7 (9) An employee required to do so by rule adopted by the
 8 inspector general.
- 9 (b) The statement shall be filed with the inspector general as
 10 follows:
- 11 (1) Not later than February 1 of every year, in the case of the state
 12 officers and employees enumerated in subsection (a).
 13 (2) If the individual has not previously filed under subdivision (1)
 14 during the present calendar year and is filing as a candidate for a
 15 state office listed in subsection (a)(1), before filing a declaration
 16 of candidacy under IC 3-8-2 or IC 3-8-4-11, petition of
 17 nomination under IC 3-8-6, or declaration of intent to be a
 18 write-in candidate under IC 3-8-2-2.5, or before a certificate of
 19 nomination is filed under IC 3-8-7-8, in the case of a candidate for
 20 one (1) of the state offices (unless the statement has already been
 21 filed when required under IC 3-8-4-11).
 22 (3) Not later than sixty (60) days after employment or taking
 23 office, unless the previous employment or office required the
 24 filing of a statement under this section.
 25 (4) Not later than thirty (30) days after leaving employment or
 26 office, unless the subsequent employment or office requires the
 27 filing of a statement under this section.
- 28 The statement must be made under affirmation.
- 29 (c) The statement shall set forth the following information for the
 30 preceding calendar year or, in the case of a state officer or employee
 31 who leaves office or employment, the period since a previous statement
 32 was filed:
- 33 (1) The name and address of any person known:
 34 (A) to have a business relationship with the agency of the state
 35 officer or employee or the office sought by the candidate; and
 36 (B) from whom the state officer, candidate, or the employee,
 37 or that individual's spouse or unemancipated children received
 38 a gift or gifts having a total fair market value in excess of one
 39 hundred dollars (\$100).
 40 (2) The location of all real property in which the state officer,
 41 candidate, or the employee or that individual's spouse or
 42 unemancipated children has an equitable or legal interest either



1 amounting to five thousand dollars (\$5,000) or more or
2 comprising ten percent (10%) of the state officer's, candidate's, or
3 the employee's net worth or the net worth of that individual's
4 spouse or unemancipated children. An individual's primary
5 personal residence need not be listed, unless it also serves as
6 income property.

7 (3) The names and the nature of the business of the employers of
8 the state officer, candidate, or the employee and that individual's
9 spouse.

10 (4) The following information about any sole proprietorship
11 owned or professional practice operated by the state officer,
12 candidate, or the employee or that individual's spouse:

13 (A) The name of the sole proprietorship or professional
14 practice.

15 (B) The nature of the business.

16 (C) Whether any clients are known to have had a business
17 relationship with the agency of the state officer or employee or
18 the office sought by the candidate.

19 (D) The name of any client or customer from whom the state
20 officer, candidate, employee, or that individual's spouse
21 received more than thirty-three percent (33%) of the state
22 officer's, candidate's, employee's, or that individual's spouse's
23 nonstate income in a year.

24 (5) The name of any partnership of which the state officer,
25 candidate, or the employee or that individual's spouse is a member
26 and the nature of the partnership's business.

27 (6) The name of any corporation (other than a church) of which
28 the state officer, candidate, or the employee or that individual's
29 spouse is an officer or a director and the nature of the
30 corporation's business.

31 (7) The name of any corporation in which the state officer,
32 candidate, or the employee or that individual's spouse or
33 unemancipated children own stock or stock options having a fair
34 market value in excess of ten thousand dollars (\$10,000).
35 However, if the stock is held in a blind trust, the name of the
36 administrator of the trust must be disclosed on the statement
37 instead of the name of the corporation. A time or demand deposit
38 in a financial institution or insurance policy need not be listed.

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

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

42 Any such state officer, candidate, or employee may file an amended



1 statement upon discovery of additional information required to be
2 reported.

3 (d) A person who:

- 4 (1) fails to file a statement required by rule or this section in a
5 timely manner; or
6 (2) files a deficient statement;

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

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

13 SECTION 10. IC 4-3-6-2 IS AMENDED TO READ AS FOLLOWS
14 [EFFECTIVE JULY 1, 2015]: Sec. 2. As used in this chapter:

15 (1) "Agency" means any executive or administrative department,
16 commission, council, board, bureau, division, service, office, officer,
17 administration, or other establishment in the executive or
18 administrative branch of the state government not provided for by the
19 constitution. The term "agency" does not include the secretary of state,
20 the auditor of state, the treasurer of state, the lieutenant governor, the
21 state superintendent of public instruction, and the attorney general, nor
22 the departments of which they are, by the statutes first adopted setting
23 out their duties, the administrative heads. **After January 10, 2021,**
24 **"agency" includes the state superintendent of public instruction.**

25 (2) "Reorganization" means:

- 26 (A) the transfer of the whole or any part of any agency, or of the
27 whole or any part of the functions thereof, to the jurisdiction and
28 control of any other agency;
29 (B) the abolition of all or any part of the functions of any agency;
30 (C) the consolidation or coordination of the whole or any part of
31 any agency, or of the whole or any part of the functions thereof,
32 with the whole or any part of any other agency or the functions
33 thereof;
34 (D) the consolidation or coordination of any part of any agency or
35 the functions thereof with any other part of the same agency or the
36 functions thereof;
37 (E) the authorization of any officer to delegate any of **his the**
38 **officer's** functions; or
39 (F) the abolition of the whole or any part of any agency which
40 agency or part does not have, or upon the taking effect of a
41 reorganization plan will not have, any functions.

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



1 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
2 JULY 1, 2015]: Sec. 3.5. (a) As used in this section, "state agency" has
3 the meaning set forth in IC 4-13-1-1. The term does not include the
4 office of the following elected state officials:

- 5 (1) Secretary of state.
- 6 (2) Auditor.
- 7 (3) Treasurer.
- 8 (4) Attorney general.
- 9 (5) Superintendent of public instruction. **This subdivision does**
10 **not apply after January 10, 2021.**

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

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

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

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

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

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

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

38 SECTION 12. IC 20-19-1-1, AS ADDED BY P.L.1-2005,
39 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
40 JULY 1, 2015]: Sec. 1. (a) **Before January 1, 2017**, the state
41 superintendent shall be elected under IC 3-10-2-6 by the voters of
42 Indiana.



- 1 (b) The term of office of the state superintendent is four (4) years:
 2 (1) beginning on the second Monday in January after election;
 3 and
 4 (2) continuing until a successor is elected **or appointed** and
 5 qualified.

6 **(c) This section expires July 1, 2021.**

7 SECTION 13. IC 20-19-1-1.1 IS ADDED TO THE INDIANA
 8 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 9 [EFFECTIVE JULY 1, 2015]: **Sec. 1.1. (a) After January 10, 2021,**
 10 **the governor shall appoint an individual to be the state**
 11 **superintendent.**

12 **(b) The individual appointed under this section serves at the**
 13 **pleasure of and at a salary determined by the governor.**

14 **(c) The state superintendent is the chief executive officer of the**
 15 **department.**

16 SECTION 14. IC 20-19-4-3, AS AMENDED BY P.L.64-2012,
 17 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 18 JULY 1, 2015]: Sec. 3. (a) The roundtable consists of the following
 19 members:

20 (1) A number of members appointed jointly by the governor and
 21 the state superintendent. **After January 10, 2021, the governor**
 22 **appoints the members under this subdivision.** These members
 23 must be representatives of:

- 24 (A) business and community leaders;
 25 (B) elementary and secondary education, including programs
 26 for exceptional learners (as defined in IC 20-31-2-6); and
 27 (C) higher education.

28 The number of members appointed under clause (A) must be
 29 equal to the number of members appointed under clauses (B) and
 30 (C).

31 (2) Two (2) members appointed by the president pro tempore of
 32 the senate from different political parties.

33 (3) Two (2) members appointed by the speaker of the house of
 34 representatives from different political parties.

35 (b) The roundtable shall create an advisory committee on early
 36 childhood education. The members of the advisory committee must be
 37 early childhood education leaders from around the state. The advisory
 38 committee shall provide professional and technical assistance
 39 concerning topics related to early childhood education to the
 40 roundtable.

41 SECTION 15. IC 20-24-3-12, AS AMENDED BY P.L.280-2013,
 42 SECTION 32, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



1 JULY 1, 2015]: Sec. 12. (a) This section applies if the authorizer
2 rejects a proposal.

3 (b) The organizer may appeal the decision of the authorizer to the
4 charter school review panel established by subsection (c).

5 (c) The charter school review panel is established. The members of
6 the panel are as follows:

7 (1) The governor or the governor's designee.

8 (2) The state superintendent, who shall chair the panel.

9 (3) A member of the state board appointed by the state
10 superintendent. **After January 10, 2021, the governor shall**
11 **make the appointment under this subdivision.**

12 (4) A person with financial management experience appointed by
13 the governor.

14 (5) A community leader with knowledge of charter school issues
15 appointed jointly by the governor and the state superintendent.
16 **After January 10, 2021, the governor shall make the**
17 **appointment under this subdivision.**

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

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

22 (e) Upon the request of an organizer, the panel shall meet to
23 consider the organizer's proposal and the authorizer's reasons for
24 rejecting the proposal. The panel must allow the organizer and
25 authorizer to participate in the meeting.

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

29 (1) A finding that supports the authorizer's rejection of the
30 proposal.

31 (2) A finding that:

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

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

35 (3) A finding that approves the proposal.

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

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

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



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

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

8 SECTION 16. IC 20-35-2-1, AS AMENDED BY P.L.234-2007,
 9 SECTION 121, IS AMENDED TO READ AS FOLLOWS
 10 [EFFECTIVE JULY 1, 2015]: Sec. 1. (a) There is established under the
 11 state board a division of special education. The division shall exercise
 12 all the power and duties set out in this chapter, IC 20-35-3 through
 13 IC 20-35-6, and IC 20-35-8.

14 (b) The governor shall appoint, upon the recommendation of the
 15 state superintendent, a director of special education who serves at the
 16 pleasure of the governor. **After January 10, 2021, the governor shall**
 17 **appoint the director of special education.** The amount of
 18 compensation of the director shall be determined by the budget agency
 19 with the approval of the governor. The director has the following
 20 duties:

21 (1) To do the following:

22 (A) Have general supervision of all programs, classes, and
 23 schools for children with disabilities, including those
 24 conducted by public schools, the Indiana School for the Blind
 25 and Visually Impaired, the Indiana School for the Deaf, the
 26 department of correction, the state department of health, the
 27 division of disability and rehabilitative services, and the
 28 division of mental health and addiction.

29 (B) Coordinate the work of schools described in clause (A).

30 For programs for preschool children with disabilities as required
 31 under IC 20-35-4-9, have general supervision over programs,
 32 classes, and schools, including those conducted by the schools or
 33 other state or local service providers as contracted for under
 34 IC 20-35-4-9. However, general supervision does not include the
 35 determination of admission standards for the state departments,
 36 boards, or agencies authorized to provide programs or classes
 37 under this chapter.

38 (2) To adopt, with the approval of the state board, rules governing
 39 the curriculum and instruction, including licensing of personnel
 40 in the field of education, as provided by law.

41 (3) To inspect and rate all schools, programs, or classes for
 42 children with disabilities to maintain proper standards of



- 1 personnel, equipment, and supplies.
- 2 (4) With the consent of the state superintendent and the budget
- 3 agency, to appoint and determine salaries for any assistants and
- 4 other personnel needed to enable the director to accomplish the
- 5 duties of the director's office.
- 6 (5) To adopt, with the approval of the state board, the following:
- 7 (A) Rules governing the identification and evaluation of
- 8 children with disabilities and their placement under an
- 9 individualized education program in a special education
- 10 program.
- 11 (B) Rules protecting the rights of a child with a disability and
- 12 the parents of the child with a disability in the identification,
- 13 evaluation, and placement process.
- 14 (6) To make recommendations to the state board concerning
- 15 standards and case load ranges for related services to assist each
- 16 teacher in meeting the individual needs of each child according
- 17 to that child's individualized education program. The
- 18 recommendations may include the following:
- 19 (A) The number of teacher aides recommended for each
- 20 exceptionality included within the class size ranges.
- 21 (B) The role of the teacher aide.
- 22 (C) Minimum training recommendations for teacher aides and
- 23 recommended procedures for the supervision of teacher aides.
- 24 (7) To cooperate with the interagency coordinating council
- 25 established by IC 12-12.7-2-7 to ensure that the preschool special
- 26 education programs required by IC 20-35-4-9 are consistent with
- 27 the early intervention services program described in IC 12-12.7-2.
- 28 (c) The director or the state board may exercise authority over career
- 29 and technical education programs for children with disabilities through
- 30 a letter of agreement with the department of workforce development.

