
HOUSE BILL No. 1486

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 4-2; IC 4-3-6-2; IC 5-14-3-3.5; IC 6-1.1-19-4.1; IC 20-1; IC 20-5.5-3-11.

Synopsis: Selection of superintendent of public instruction. Provides for the superintendent of public instruction to be appointed by the governor. Repeals a statute relating to the residency of candidates for election for superintendent of public instruction. Deletes a provision describing the term of office of the superintendent of public instruction.

Effective: July 1, 2005.

Behning

January 18, 2005, read first time and referred to Committee on Elections and Apportionment.

C
o
p
y



First Regular Session 114th General Assembly (2005)

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 *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2004 Regular Session of the General Assembly.

C
o
p
y

HOUSE BILL No. 1486



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 IS AMENDED TO READ AS FOLLOWS
2 [EFFECTIVE JULY 1, 2005]: Sec. 48. "State office" refers to governor,
3 lieutenant governor, secretary of state, auditor of state, treasurer of
4 state, ~~superintendent of public instruction~~; attorney general, justice of
5 the supreme court, judge of the court of appeals, and judge of the tax
6 court.

7 SECTION 2. IC 3-8-1-33, AS AMENDED BY P.L.14-2004,
8 SECTION 52, AND AS AMENDED BY P.L.98-2004, SECTION 31,
9 IS CORRECTED AND AMENDED TO READ AS FOLLOWS
10 [EFFECTIVE JULY 1, 2005]: Sec. 33. (a) A candidate for an office
11 listed in subsection (b) must file a statement of economic interests.

12 (b) Whenever a candidate for any of the following offices is also
13 required to file a declaration of candidacy or is nominated by petition,
14 the candidate shall file a statement of economic interests before filing
15 the declaration of candidacy or declaration of intent to be a write-in
16 candidate, before the petition of nomination is filed, before the
17 certificate of nomination is filed, or before being appointed to fill a



1 candidate vacancy under IC 3-13-1 or IC 3-13-2:
 2 (1) Governor, lieutenant governor, secretary of state, auditor of
 3 state, treasurer of state, **and** attorney general, **and state**
 4 **superintendent of public instruction**; in accordance with
 5 IC 4-2-6-8.
 6 (2) Senator and representative in the general assembly, in
 7 accordance with IC 2-2.1-3-2.
 8 (3) Justice of the supreme court, *clerk of the supreme court*; judge
 9 of the court of appeals, judge of the tax court, judge of a circuit
 10 court, judge of a superior court, judge of a county court, judge of
 11 a probate court, and prosecuting attorney, in accordance with
 12 IC 33-23-11-14 and IC 33-23-11-15.
 13 SECTION 3. IC 3-8-4-2 IS AMENDED TO READ AS FOLLOWS
 14 [EFFECTIVE JULY 1, 2005]: Sec. 2. (a) A political party shall conduct
 15 a state convention to nominate the candidates of the political party for
 16 the following offices to be voted on at the next general election:
 17 (1) Lieutenant governor.
 18 (2) Secretary of state.
 19 (3) Auditor of state.
 20 (4) Treasurer of state.
 21 (5) Attorney general.
 22 ~~(6) Superintendent of public instruction.~~
 23 (b) The convention shall also:
 24 (1) nominate candidates for presidential electors and alternate
 25 electors; and
 26 (2) elect the delegates and alternate delegates to the national
 27 convention of the political party.
 28 SECTION 4. IC 3-10-2-6 IS AMENDED TO READ AS FOLLOWS
 29 [EFFECTIVE JULY 1, 2005]: Sec. 6. The following public officials
 30 shall be elected in ~~2000~~ **2008** and every four (4) years thereafter:
 31 (1) Governor.
 32 (2) Lieutenant governor.
 33 (3) Attorney general.
 34 ~~(4) Superintendent of public instruction.~~
 35 SECTION 5. IC 3-11-2-12, AS AMENDED BY P.L.14-2004,
 36 SECTION 98, AND AS AMENDED BY P.L.98-2004, SECTION 37,
 37 IS CORRECTED AND AMENDED TO READ AS FOLLOWS
 38 [EFFECTIVE JULY 1, 2005]: Sec. 12. The following offices shall be
 39 placed on the general election ballot in the following order:
 40 (1) Federal and state offices:
 41 (A) President and Vice President of the United States.
 42 (B) United States Senator.

C
o
p
y



- 1 (C) Governor and lieutenant governor.
 2 (D) Secretary of state.
 3 (E) Auditor of state.
 4 (F) Treasurer of state.
 5 (G) Attorney general.
 6 ~~(H) Superintendent of public instruction.~~
 7 ~~(I) Clerk of the supreme court.~~
 8 ~~(J) (H) United States Representative.~~
 9 (2) Legislative offices:
 10 (A) State senator.
 11 (B) State representative.
 12 (3) Circuit offices and county judicial offices:
 13 (A) Judge of the circuit court, and unless otherwise specified
 14 under IC 33, with each division separate if there is more than
 15 one (1) judge of the circuit court.
 16 (B) Judge of the superior court, and unless otherwise specified
 17 under IC 33, with each division separate if there is more than
 18 one (1) judge of the superior court.
 19 (C) Judge of the probate court.
 20 (D) Judge of the county court, with each division separate, as
 21 required by IC 33-30-3-3.
 22 (E) Prosecuting attorney.
 23 (F) Clerk of the circuit court.
 24 (4) County offices:
 25 (A) County auditor.
 26 (B) County recorder.
 27 (C) County treasurer.
 28 (D) County sheriff.
 29 (E) County coroner.
 30 (F) County surveyor.
 31 (G) County assessor.
 32 (H) County commissioner.
 33 (I) County council member.
 34 (5) Township offices:
 35 (A) Township assessor.
 36 (B) Township trustee.
 37 (C) Township board member.
 38 (D) Judge of the small claims court.
 39 (E) Constable of the small claims court.
 40 (6) City offices:
 41 (A) Mayor.
 42 (B) Clerk or clerk-treasurer.

C
O
P
Y



- 1 (C) Judge of the city court.
- 2 (D) City-county council member or common council member.
- 3 (7) Town offices:
- 4 (A) Clerk-treasurer.
- 5 (B) Judge of the town court.
- 6 (C) Town council member.

7 SECTION 6. IC 4-2-1-1 IS AMENDED TO READ AS FOLLOWS
 8 [EFFECTIVE JULY 1, 2005]: Sec. 1. The salary of the elected officials
 9 of the state is as follows:

- 10 (1) For the governor, ninety-five thousand dollars (\$95,000) per
 11 year.
- 12 (2) For the lieutenant governor, seventy-six thousand dollars
 13 (\$76,000) per year. However, the lieutenant governor is not
 14 entitled to receive per diem allowance for performance of duties
 15 as president of the senate.
- 16 (3) For the secretary of state, sixty-six thousand dollars (\$66,000)
 17 per year.
- 18 (4) For the auditor of state, sixty-six thousand dollars (\$66,000)
 19 per year.
- 20 (5) For the treasurer of state, sixty-six thousand dollars (\$66,000)
 21 per year.
- 22 (6) For the attorney general, seventy-nine thousand four hundred
 23 dollars (\$79,400) per year.
- 24 (7) For the clerk of the supreme court, before January 1, 2007,
 25 sixty thousand dollars (\$60,000) per year.
- 26 ~~(8) For the state superintendent of public instruction, seventy-nine~~
 27 ~~thousand four hundred dollars (\$79,400) per year.~~

28 SECTION 7. IC 4-2-6-8 IS AMENDED TO READ AS FOLLOWS
 29 [EFFECTIVE JULY 1, 2005]: Sec. 8. (a) The following persons shall
 30 file a written financial disclosure statement:

- 31 (1) The governor, lieutenant governor, secretary of state, auditor
 32 of state, treasurer of state, **and** attorney general. ~~and state~~
 33 ~~superintendent of public instruction.~~
- 34 (2) Any candidate for one (1) of the offices in subdivision (1) who
 35 is not the holder of one (1) of those offices.
- 36 (3) Any person who is the appointing authority of an agency.
- 37 (4) The director of each division of the department of
 38 administration.
- 39 (5) Any purchasing agent within the procurement division of the
 40 department of administration.
- 41 (6) An employee required to do so by rule adopted by the
 42 commission.

C
o
p
y



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42

- (b) The statement shall be filed with the commission as follows:
 - (1) Not later than February 1 of every year, in the case of the state officers and employees enumerated in subsection (a).
 - (2) If the individual has not previously filed under subdivision (1) during the present calendar year and is filing as a candidate for a state office listed in subsection (a)(1), before filing a declaration of candidacy under IC 3-8-2 or IC 3-8-4-11, petition of nomination under IC 3-8-6, or declaration of intent to be a write-in candidate under IC 3-8-2-2.5, or before a certificate of nomination is filed under IC 3-8-7-8, in the case of a candidate for one (1) of the state offices (unless the statement has already been filed when required under IC 3-8-4-11).
 - (3) Not later than sixty (60) days after employment or taking office, unless the previous employment or office required the filing of a statement under this section.
 - (4) Not later than thirty (30) days after leaving employment or office, unless the subsequent employment or office requires the filing of a statement under this section.
- The statement must be made under affirmation.
- (c) The statement shall set forth the following information for the preceding calendar year or, in the case of a state officer or employee who leaves office or employment, the period since a previous statement was filed:
 - (1) The name and address of any person known:
 - (A) to have a business relationship with the agency of the state officer or employee or the office sought by the candidate; and
 - (B) from whom the state officer, candidate, or the employee, or that individual's spouse or unemancipated children received a gift or gifts having a total fair market value in excess of one hundred dollars (\$100).
 - (2) The location of all real property in which the state officer, candidate, or the employee or that individual's spouse or unemancipated children has an equitable or legal interest either amounting to five thousand dollars (\$5,000) or more or comprising ten percent (10%) of the state officer's, candidate's, or the employee's net worth or the net worth of that individual's spouse or unemancipated children. An individual's primary personal residence need not be listed, unless it also serves as income property.
 - (3) The names and the nature of the business of the employers of the state officer, candidate, or the employee and that individual's spouse.

C
O
P
Y



- 1 (4) The following information about any sole proprietorship
- 2 owned or professional practice operated by the state officer,
- 3 candidate, or the employee or that individual's spouse:
- 4 (A) The name of the sole proprietorship or professional
- 5 practice.
- 6 (B) The nature of the business.
- 7 (C) Whether any clients are known to have had a business
- 8 relationship with the agency of the state officer or employee or
- 9 the office sought by the candidate.
- 10 (D) The name of any client or customer from whom the state
- 11 officer, candidate, employee, or that individual's spouse
- 12 received more than thirty-three percent (33%) of the state
- 13 officer's, candidate's, employee's, or that individual's spouse's
- 14 nonstate income in a year.
- 15 (5) The name of any partnership of which the state officer,
- 16 candidate, or the employee or that individual's spouse is a member
- 17 and the nature of the partnership's business.
- 18 (6) The name of any corporation (other than a church) of which
- 19 the state officer, candidate, or the employee or that individual's
- 20 spouse is an officer or a director and the nature of the
- 21 corporation's business.
- 22 (7) The name of any corporation in which the state officer,
- 23 candidate, or the employee or that individual's spouse or
- 24 unemancipated children own stock or stock options having a fair
- 25 market value in excess of ten thousand dollars (\$10,000). A time
- 26 or demand deposit in a financial institution or insurance policy
- 27 need not be listed.
- 28 (8) The name and address of the most recent former employer.
- 29 (9) Additional information that the person making the disclosure
- 30 chooses to include.

31 Any such state officer, candidate, or employee may file an amended
 32 statement upon discovery of additional information required to be
 33 reported.

- 34 (d) A person who:
 - 35 (1) fails to file a statement required by rule or this section in a
 - 36 timely manner; or
 - 37 (2) files a deficient statement;
- 38 upon a majority vote of the commission, is subject to a civil penalty at
- 39 a rate of not more than ten dollars (\$10) for each day the statement
- 40 remains delinquent or deficient. The maximum penalty under this
- 41 subsection is one thousand dollars (\$1,000).

- 42 (e) A person who intentionally or knowingly files a false statement

C
O
P
Y



1 commits a Class A infraction.

2 SECTION 8. IC 4-3-6-2 IS AMENDED TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2005]: Sec. 2. As used in this chapter:

4 (1) "Agency" means any executive or administrative department,
5 commission, council, board, bureau, division, service, office, officer,
6 administration, or other establishment in the executive or
7 administrative branch of the state government not provided for by the
8 constitution. The term "agency" does not include the secretary of state,
9 the auditor of state, the treasurer of state, the lieutenant governor, ~~the~~
10 ~~state superintendent of public instruction~~, and the attorney general, nor
11 the departments of which they are, by the statutes first adopted setting
12 out their duties, the administrative heads.

13 (2) "Reorganization" means:

14 (A) the transfer of the whole or any part of any agency, or of the
15 whole or any part of the functions thereof, to the jurisdiction and
16 control of any other agency;

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

18 (C) the consolidation or coordination of the whole or any part of
19 any agency, or of the whole or any part of the functions thereof,
20 with the whole or any part of any other agency or the functions
21 thereof;

22 (D) the consolidation or coordination of any part of any agency or
23 the functions thereof with any other part of the same agency or the
24 functions thereof;

25 (E) the authorization of any officer to delegate any of ~~his~~ **the**
26 **officer's** functions; or

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

30 SECTION 9. IC 5-14-3-3.5 IS AMENDED TO READ AS
31 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3.5. (a) As used in this
32 section, "state agency" has the meaning set forth in IC 4-13-1-1. The
33 term does not include the office of the following elected state officials:

34 (1) Secretary of state.

35 (2) Auditor.

36 (3) Treasurer.

37 (4) Attorney general.

38 ~~(5) Superintendent of public instruction.~~

39 However, each state office described in subdivisions (1) through ~~(5)~~ (4)
40 and the judicial department of state government may use the computer
41 gateway administered by the intelenet commission established under
42 IC 5-21-2, subject to the requirements of this section.

C
o
p
y



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

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

8 (1) The contract between the state agency and the third party must
9 provide for the protection of public records in accordance with
10 subsection (d).

11 (2) The contract between the state agency and the third party may
12 provide for the payment of a reasonable fee to the state agency by
13 either:

- 14 (A) the third party; or
- 15 (B) the person.

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

- 18 (1) Unauthorized enhanced access to public records.
- 19 (2) Unauthorized alteration of public records.
- 20 (3) Disclosure of confidential public records.

21 (e) A state agency shall provide enhanced access to public records
22 only through the computer gateway administered by the intelenet
23 commission established under IC 5-21-2, except as permitted by the
24 data process oversight commission established under IC 4-23-16-1.

25 SECTION 10. IC 6-1.1-19-4.1 IS AMENDED TO READ AS
26 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 4.1. (a) To assist the
27 department of local government finance in deciding the merits of any
28 appeal filed under IC 6-1.1-17 or under this chapter with the
29 department by, or in respect of, any school corporation, there is
30 established the school property tax control board. This board shall
31 consist of five (5) voting members and two (2) ex officio nonvoting
32 members. In addition, the school property tax control board may
33 include not more than four (4) additional voting members who shall be
34 appointed as follows:

35 (1) One (1) member is to be appointed by the president pro
36 tempore of the senate and must be a business official of a school
37 corporation who is not employed by a school corporation that is
38 undergoing a construction project.

39 (2) One (1) member is to be appointed by the president pro
40 tempore of the senate and must be an engineer knowledgeable in
41 the construction of school buildings but who is not actively
42 employed by an engineering firm that is involved in a school

C
o
p
y



1 building construction project or who is not otherwise a party to a
 2 contract for engineering services for a school building
 3 construction project.
 4 (3) One (1) member is to be appointed by the speaker of the house
 5 of representatives and must be an architect knowledgeable in the
 6 design of school buildings but who is not actively employed by an
 7 architectural firm that is involved in a school building
 8 construction project or who is not otherwise a party to a contract
 9 for architectural services for a school building construction
 10 project.
 11 (4) One (1) member is to be appointed by the speaker of the house
 12 of representatives and must be a financial adviser who is not
 13 actively employed as a financial adviser to a school corporation
 14 that is involved in a school building construction project or who
 15 is not otherwise a party to a contract for financial advisory
 16 services for a school building construction project.
 17 Of the mandatory five (5) voting members, one (1) shall be appointed
 18 by the state board of accounts, one (1) shall be appointed by the
 19 department of local government finance, and three (3) shall be
 20 appointed by the governor. ~~The governor may seek the~~
 21 ~~recommendation of the state superintendent of public instruction with~~
 22 ~~regard to one (1) of the governor's appointments.~~ Each of the remaining
 23 ~~two (2)~~ governor's appointees must be a citizen of Indiana who neither
 24 holds an elective or appointive office in the government of the state nor
 25 is regularly employed by the state. Each of the mandatory five (5)
 26 voting members and any additional voting members who may be
 27 appointed serves at the will of the appointing board or person. The
 28 speaker of the house of representatives shall appoint one (1) member
 29 of the house as one (1) of the ex officio nonvoting members of the tax
 30 control board. The president pro tempore of the senate shall appoint
 31 one (1) senator as the other ex officio nonvoting member of the tax
 32 control board. Each of the ex officio nonvoting members of the tax
 33 control board shall serve at the will of the appointing officer. A
 34 vacancy in the membership of the tax control board shall be filled by
 35 the appointing authority who made the appointment to the seat that is
 36 vacated. No member of the tax control board shall receive
 37 compensation for services as such a member, except as provided in
 38 subsections (g) and (h). Each of the members of the tax control board
 39 shall, before proceeding to the discharge of the member's duties as a
 40 member of the tax control board, subscribe and swear to a writing
 41 declaring the member's intention to support the Constitution of the
 42 United States and the Constitution of the State of Indiana and the

C
o
p
y



1 member's intention to faithfully, honestly, and impartially discharge the
 2 member's duties as a member of the tax control board.

3 (b) The tax control board shall meet, as business may require, in
 4 rooms provided by the department of local government finance. The
 5 department of local government finance shall provide the tax control
 6 board with such staff and secretarial assistance as the tax control board
 7 may reasonably require. At each organizational meeting of the tax
 8 control board, which shall be held annually, the tax control board shall
 9 elect one (1) of its members chairman and another secretary.

10 (c) The department of local government finance shall promptly
 11 deliver to the tax control board every appeal petition that is filed under
 12 IC 6-1.1-17 or under this chapter with the department by, or in respect
 13 of, any school corporation. The department of local government finance
 14 shall also promptly deliver to the tax control board other materials
 15 related to the appeal petition as the department shall then or thereafter
 16 possess. Upon receiving an appeal petition, the tax control board shall
 17 proceed immediately to examine the petition and to consider the merits
 18 of the school corporation's appeal.

19 (d) The tax control board may conduct hearings on any appeal
 20 petition that is before the tax control board, and the tax control board
 21 may require any officer or member of the school corporation whose
 22 appeal petition is under consideration by the tax control board to
 23 appear before the tax control board or to produce, before the tax control
 24 board, any books and records that the tax control board considers
 25 pertinent to the appeal, or both.

26 (e) If an officer or a member fails or refuses to appear at a hearing
 27 of the tax control board after having been given a written notice from
 28 the tax control board requiring the officer's or member's attendance, or
 29 fails or refuses to produce for the tax control board's use the books and
 30 records that the tax control board has, by written notice, required the
 31 officer or member to produce, the tax control board may file an
 32 affidavit in the circuit court in which jurisdiction of the person of the
 33 officer or member may be had, setting forth the facts of the failure or
 34 refusal. Upon the filing of the affidavit, the circuit court shall promptly
 35 issue a summons, and the sheriff of the county within which the circuit
 36 court is sitting shall serve the summons. The summons shall command
 37 the officer or member to appear before the tax control board, to provide
 38 information to the tax control board, or to produce books and records
 39 for the tax control board's use, as the case may be. Disobedience of the
 40 summons is punishable as a contempt of the circuit court that issued
 41 the summons.

42 (f) All expenses incident to the filing of the affidavit and the

C
O
P
Y



1 issuance and service of the summons under this section shall be
2 charged to the officer or member against whom the summons is issued,
3 unless the circuit court finds that the action of the officer or member
4 was taken in good faith and with reasonable cause. If the court finds
5 that the officer or member acted in good faith and with reasonable
6 cause or if an affidavit has been filed without the issuance of a
7 summons, the expenses shall:

8 (1) be charged against the county in which the affidavit has been
9 filed; and

10 (2) be allowed by the proper fiscal officers of that county.

11 (g) Each member of the tax control board who is not a state
12 employee is entitled to receive both of the following:

13 (1) The minimum salary per diem provided by IC 4-10-11-2.1(b).

14 (2) Reimbursement for travel expenses and other expenses
15 actually incurred in connection with the member's duties, as
16 provided in the state travel policies and procedures established by
17 the Indiana department of administration and approved by the
18 budget agency.

19 (h) Each member of the tax control board who is a state employee
20 is entitled to reimbursement for travel expenses and other expenses
21 actually incurred in connection with the member's duties, as provided
22 in the state travel policies and procedures established by the Indiana
23 department of administration and approved by the budget agency.

24 SECTION 11. IC 20-1-11.5-2 IS AMENDED TO READ AS
25 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. (a) The **governor**
26 **shall appoint the** superintendent of public instruction. ~~shall be elected~~
27 ~~under IC 3-10-2-6 by the voters of the state.~~

28 (b) ~~The term of office of the superintendent is four (4) years,~~
29 ~~beginning on the second Monday in January after election and~~
30 ~~continuing until a successor is elected and qualified. serves at the~~
31 ~~pleasure of the governor.~~

32 (c) **The governor shall fix the salary of the superintendent.**

33 (d) **The individual appointed as superintendent shall take an**
34 **oath of office and post a bond in the amount required by the**
35 **governor.**

36 (e) **The superintendent is the chief executive officer of the**
37 **department.**

38 SECTION 12. IC 20-1-20.5-4 IS AMENDED TO READ AS
39 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 4. The roundtable
40 consists of the following members:

41 (1) A number of members appointed ~~jointly~~ by the governor. ~~and~~
42 ~~the superintendent of public instruction.~~ These members must be

C
o
p
y



1 representatives of:

2 (A) business and community leaders;

3 (B) elementary and secondary education, including programs

4 for exceptional learners (as defined in IC 20-10.2-2-5.5); and

5 (C) higher education.

6 The number of members appointed under clause (A) must be

7 equal to the number of members appointed under clauses (B) and

8 (C).

9 (2) Two (2) members appointed by the president pro tempore of

10 the senate from different political parties.

11 (3) Two (2) members appointed by the speaker of the house of

12 representatives from different political parties.

13 SECTION 13. IC 20-1-20.5-6 IS AMENDED TO READ AS

14 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 6. (a) ~~The governor and~~

15 ~~the~~ superintendent of public instruction ~~shall jointly serve~~ **serves** as

16 ~~cochairpersons~~ **chair** of the roundtable. The roundtable shall meet

17 upon the call of the ~~cochairpersons~~ **chair**.

18 (b) A quorum of the roundtable must be present to conduct business.

19 A quorum consists of a majority of the voting members appointed to

20 the roundtable. The roundtable may not take an official action unless

21 the official action has been approved by at least a majority of the voting

22 members appointed to serve on the roundtable.

23 SECTION 14. IC 20-5.5-3-11 IS AMENDED TO READ AS

24 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 11. (a) This section

25 applies if the sponsor rejects a proposal.

26 (b) The organizer may appeal the decision of the sponsor to the

27 charter school review panel created under subsection (c).

28 (c) The charter school review panel is created. The members of the

29 panel are **the following**:

30 (1) ~~the governor or~~ The governor's designee.

31 (2) The state superintendent of public instruction, who shall chair

32 the panel.

33 (3) A member of the board appointed by the state superintendent

34 of public instruction.

35 (4) A person with financial management experience appointed by

36 the governor. ~~and~~

37 (5) A community leader with knowledge of charter school issues

38 appointed ~~jointly~~ by the governor. ~~and the state superintendent of~~

39 ~~public instruction~~.

40 Members shall serve a two (2) year term and may be reappointed to the

41 panel upon expiration of their terms.

42 (d) All decisions of the panel shall be determined by a majority vote

C
O
P
Y



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42

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

(f) After the panel meets under subsection (e), the panel shall make one (1) of the following three (3) findings and issue the finding to the organizer and the sponsor:

- (1) A finding that supports the sponsor's rejection of the proposal.
- (2) A finding that:
 - (A) recommends that the organizer amend the proposal; and
 - (B) specifies the changes to be made in the proposal if the organizer elects to amend the proposal.
- (3) A finding that approves the proposal.

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

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

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

(i) If the panel makes a finding described in subsection (f)(3), the proposal is considered conditionally approved. The approval shall be considered final upon the delivery to the panel of written notice from the organizer and an eligible sponsor, as identified in IC 20-5.5-1-15, that the sponsor has agreed to serve as a sponsor for the proposal approved by the panel.

(j) Proposals approved under this section shall not be counted under any numerical limits placed upon a sponsor or set of sponsors.

SECTION 15. IC 3-8-1-10.5 IS REPEALED [EFFECTIVE JULY 1, 2005].

SECTION 16. [EFFECTIVE JULY 1, 2005] **(a) As used in this SECTION, "incumbent superintendent" refers to the individual elected to the office at the November 2, 2004, general election.**

(b) As used in this SECTION, "office" refers to the office of the superintendent of public instruction.

(c) The following apply to the incumbent superintendent:

- (1) Notwithstanding IC 20-1-11.5-2, as amended by this act, the incumbent superintendent is entitled to serve in the office before January 12, 2009, unless the office becomes vacant as provided by law.**
- (2) The salary of the incumbent superintendent is seventy-nine**

C
O
P
Y



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21

thousand four hundred dollars (\$79,400) per year.

(3) Notwithstanding the amendments to IC 4-2-6-8 by this act, the incumbent superintendent shall file a written financial disclosure statement as provided in IC 4-2-6 before its amendment by this act. IC 4-2-6 applies to the incumbent superintendent to the extent the statute applied to the office before its amendment by this act.

(4) Notwithstanding IC 4-3-6-2, as amended by this act, the term "agency" does not include the incumbent superintendent.

(5) Notwithstanding IC 5-14-3-3.5, as amended by this act:

(A) "state agency" does not include the incumbent superintendent; and

(B) the incumbent superintendent may use the computer gateway administered by the intelenet commission established under IC 5-21-2, subject to the requirements of IC 5-14-3-3.5, as amended by this act.

(d) If the incumbent superintendent vacates the office, the governor shall appoint an individual to be superintendent of public instruction as provided in IC 20-1-11.5-2, as amended by this act.

(e) This SECTION expires July 1, 2009.

C
o
p
y

