

HOUSE BILL No. 1405

DIGEST OF INTRODUCED BILL

Citations Affected: IC 20-3-21; IC 20-4-10.1-1.

Synopsis: Gary school board elections. Provides that a general statute relating to changing the structure of the governing body of a school corporation does not apply to the governing body of the Gary school corporation. Provides standards for election of the members of the governing body of the Gary school corporation on a nonpartisan basis. Provides that a candidate who violated the standards and is elected may be removed from office. Provides that the school corporation is still required to provide the superintendent of public instruction with information about the members of its governing board. Makes technical changes.

Effective: Upon passage; July 1, 1999.

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January 12, 1999, read first time and referred to Committee on Elections and Apportionment.

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Introduced

First Regular Session 111th General Assembly (1999)

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 1998 General Assembly.

HOUSE BILL No. 1405

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

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

1 SECTION 1. IC 20-3-21-1 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 1. **IC 20-4-10.1 does**
3 **not apply to a school corporation or the governing body of a school**
4 **corporation covered by** this chapter. ~~applies to a school corporation~~
5 ~~for which a referendum has been held:~~

6 (1) ~~as required by statute; and~~
7 (2) ~~in which a majority of the votes cast approve electing the~~
8 ~~members of the governing body.~~

9 SECTION 2. IC 20-3-21-3 IS AMENDED TO READ AS
10 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 3. (a) The governing
11 body of the school corporation consists of seven (7) members. Six (6)
12 members shall be elected as follows:

13 (1) On a nonpartisan basis. **This subdivision requires all of the**
14 **following:**

15 (A) **A candidate for election to the governing body may not**
16 **do any of the following:**

17 (i) **Seek the endorsement or assistance of a political party**



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1 in the candidate's election to the governing body.

2 (ii) State in any campaign communications that the
3 candidate is endorsed by a political party, an individual
4 who holds a public office, or an individual seeking
5 election to a public office.

6 (iii) Solicit campaign contributions from a political
7 party, an individual who holds a public office, or an
8 individual seeking election to a public office. A candidate
9 for election to the governing body who receives a
10 contribution from a political party, an individual who
11 holds a public office, or an individual seeking election to
12 a public office shall return the contribution not later
13 than five (5) business days after receiving the
14 contribution.

15 A candidate for the governing body who violates this
16 clause and who is elected may be removed from office
17 under IC 34-17.

18 (B) A political party may not directly or indirectly
19 campaign for or against a candidate for election to the
20 governing body.

21 (2) In a primary election held in the county.

22 (3) At-large by the registered voters of the entire school
23 corporation.

24 (b) The membership shall be comprised of the following:

25 (1) Six (6) of the members shall be elected from the school
26 districts under section 4 of this chapter in which the members
27 reside but who shall, upon election and in conducting the business
28 of the governing body, represent the interests of the entire school
29 corporation.

30 (2) One (1) of the members shall be appointed by the mayor of the
31 largest city contained within the school corporation. The member
32 must have knowledge or experience and be familiar with issues
33 related to school business, school finance, and school
34 administration. The member must have resided within the school
35 corporation boundaries the previous five (5) years.

36 Upon election and in conducting the business of the governing body,
37 a member shall represent the interests of the entire school corporation.

38 SECTION 3. IC 20-3-21-9 IS AMENDED TO READ AS
39 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 9. The members shall
40 be elected as follows:

41 (1) Three (3) of the members elected under section 3(b)(1) of this
42 chapter shall be elected at the primary election to be held in ~~1992~~

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1 **2000** and every four (4) years thereafter.

2 (2) Three (3) of the members elected under section 3(b)(1) of this
3 chapter shall be elected at the primary election to be held in ~~1994~~
4 **2002** and every four (4) years thereafter.

5 SECTION 4. IC 20-3-21-11 IS ADDED TO THE INDIANA CODE
6 AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY**
7 **1, 1999]: Sec. 11. Before August 1 of each year, the school**
8 **corporation shall file with the state superintendent of public**
9 **instruction a list of:**

10 **(1) the names and addresses of members of the school**
11 **corporation's governing body;**

12 **(2) the names and addresses of the school corporation's**
13 **officers; and**

14 **(3) the expiration of the terms of the school corporation's**
15 **members and officers.**

16 **The school corporation shall file any changes in the list within**
17 **thirty (30) days after the changes occur.**

18 SECTION 5. IC 20-4-10.1-1 IS AMENDED TO READ AS
19 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 1. As used in this
20 chapter, the following terms shall have the following meanings:

21 (a) "School corporation" shall mean any local public school
22 corporation established under the laws of ~~the state of~~ Indiana.
23 ~~excluding, however, The term does not include a school townships~~
24 **township or a school corporation covered by IC 20-3-21.**

25 (b) "Governing body" shall mean the board or commission charged
26 by law with the responsibility of administering the affairs of a school
27 corporation.

28 ~~(c)~~ (c) "Plan" shall mean the manner in which the governing body
29 of a school corporation is constituted, including, but not limited to, the
30 number, qualifications, length of terms, manner, and time of selection
31 (whether by appointment or by election) of the members of the
32 governing body.

33 ~~(e)~~ (d) "Clerk of the circuit court" or "clerk" shall mean the clerk of
34 the circuit court of the county in which a school corporation is located.
35 Where the school corporation is located in more than one (1) county,
36 such term shall refer to the clerks in each of the several counties in
37 which the school corporation is located.

38 ~~(f)~~ (e) "County election board" shall mean the county election board
39 in the county in which the school corporation is located. Where the
40 school corporation is located in more than one (1) county, it shall mean
41 the county election boards of the counties in which the school
42 corporation is located, acting jointly.



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1 ~~(g)~~ (f) "Judge of the circuit court" and the "circuit court" shall mean
 2 the judge of the circuit court and the circuit court of the county,
 3 respectively, in which the school corporation is located. Where it is
 4 located in more than one (1) county, such terms shall refer to the judge
 5 of the circuit court and the circuit court of the county in which the
 6 largest number of registered voters of the school corporation are
 7 residents.

8 ~~(h)~~ (g) "Voter", with respect to any petition, shall mean a registered
 9 voter in the school corporation as determined in this chapter.

10 SECTION 6. [EFFECTIVE UPON PASSAGE] (a) **As used in this**
 11 **SECTION, "school corporation" refers to a school corporation**
 12 **covered by IC 20-3-21, as amended by this act.**

13 (b) **Notwithstanding IC 20-3-21-3, as amended by this act, the**
 14 **member of the governing body appointed by the mayor of the**
 15 **largest city contained within the school corporation under**
 16 **IC 20-3-21-3(b)(2) shall first be appointed by the mayor after May**
 17 **2, 2000, and before July 1, 2000.**

18 (c) **This SECTION expires July 1, 2002.**

19 SECTION 7. **An emergency is declared for this act.**

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