

SENATE BILL No. 146

DIGEST OF INTRODUCED BILL

Citations Affected: IC 20-1-1; IC 20-8.1-3-18.

Synopsis: Student members on state board of education. Provides for the appointment of two high school students as nonvoting members of the state board of education. Establishes a recommendation committee to recommend students for appointment by the governor.

Effective: July 1, 2003.

Bowser

January 7, 2003, read first time and referred to Committee on Rules and Legislative Procedure.

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First Regular Session 113th General Assembly (2003)

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 2002 Regular or Special Session of the General Assembly.

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SENATE BILL No. 146



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 20-1-1-1 IS AMENDED TO READ AS FOLLOWS
2 [EFFECTIVE JULY 1, 2003]: Sec. 1. (a) The Indiana state board of
3 education is established. The board shall consist of ~~ten (10)~~ **the state**
4 **superintendent of public instruction and twelve (12)** members
5 appointed by the governor. ~~and the state superintendent of public~~
6 ~~instruction.~~ Of the ~~ten (10)~~ **twelve (12)** members appointed by the
7 governor, a minimum of four (4) members must be persons who are
8 actively employed in the schools in Indiana and who hold a valid
9 teaching license. At least one (1) member must be appointed from each
10 congressional district in Indiana. **Two (2) members must be student**
11 **members appointed under section 1.1 of this chapter. The student**
12 **members are nonvoting members.** No more than six (6) **voting**
13 members of the board may be appointed from the membership of any
14 one (1) political party. A quorum consists of six (6) **voting** members of
15 the board, and an action of the board is not official unless it is
16 authorized by at least six (6) **voting** members. The **state** superintendent



1 of public instruction shall serve as chairman of the board. **Except for**
 2 **the student members**, appointed board members shall serve for a term
 3 of four (4) years, unless dismissed before the expiration of four (4)
 4 years by the governor for just cause. **The student members shall serve**
 5 **for a term of two (2) years. However, a student member who is**
 6 **appointed in grade 12 shall serve for a term of one (1) year.** Any
 7 appointment to fill a vacancy occurring on the board shall be for the
 8 unexpired term.

9 (b) The **state** superintendent of public instruction shall appoint six
 10 (6) persons who shall serve on the advisory committee on textbook
 11 adoption. The state superintendent of public instruction or ~~his~~ **the state**
 12 **superintendent's** designee shall serve as a voting member of the
 13 committee. At least four (4) of the members of the advisory committee
 14 on textbook adoptions shall be actively employed in the schools in
 15 Indiana and hold a valid teaching license. No more than four (4) of the
 16 members of the committee may be appointed from the membership of
 17 any one (1) political party. The state superintendent or ~~his~~ **the state**
 18 **superintendent's** designee shall serve as chairman of the committee.
 19 Committee members shall serve at the pleasure of the superintendent
 20 of public instruction.

21 (c) The board and the committee shall meet at such times as they
 22 determine. The terms of office of the appointive members of the board
 23 shall commence on July 1.

24 (d) The board may establish other advisory committees as necessary
 25 to provide technical and professional assistance to the board.

26 (e) Whenever the board is required to conduct hearings under
 27 IC 4-21.5-3, the board may use hearing examiners who are not
 28 members of the board to conduct the hearings.

29 SECTION 2. IC 20-1-1-1.1 IS ADDED TO THE INDIANA CODE
 30 AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JULY
 31 1, 2003]: **Sec. 1.1. (a) As used in this section, "committee" refers to**
 32 **the student member recommendation committee established by**
 33 **subsection (b).**

34 (b) **The student member recommendation committee is**
 35 **established to recommend candidates for appointment to the**
 36 **student member positions on the Indiana state board of education.**
 37 **The committee consists of the following members appointed by the**
 38 **organization or department to be represented:**

39 (1) **Four (4) youth members, including:**

40 (A) **two (2) members representing the Association of High**
 41 **School Student Councils; and**

42 (B) **two (2) members representing the Indiana Youth**

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- 1 **Commission for Service and Leadership.**
 2 **(2) One (1) adult member representing the Indiana**
 3 **Association of Secondary Schools.**
 4 **(3) One (1) adult member representing the Indiana State**
 5 **Teachers Association.**
 6 **(4) One (1) adult member representing the Indiana State**
 7 **Superintendents Association.**
 8 **(5) One (1) adult member representing the department of**
 9 **education.**
 10 **(6) One (1) adult member representing the Indiana Federation**
 11 **of Teachers.**
 12 **(7) One (1) adult member representing the Indiana**
 13 **Association of School Principals.**
 14 **The chairperson must be an adult member elected by the members.**
 15 **The members shall serve without compensation. A member serves**
 16 **until a successor member is appointed.**
 17 **(c) The committee shall develop a form for the written**
 18 **applications to be submitted to the committee by students seeking**
 19 **appointment as the student members of the Indiana state board of**
 20 **education under section 1 of this chapter. The committee shall**
 21 **receive applications submitted on the form.**
 22 **(d) The committee shall screen applications submitted under**
 23 **subsection (c). When one (1) or two (2) vacancies in the student**
 24 **member positions on the Indiana state board of education are**
 25 **impending, the committee shall select ten (10) candidates from the**
 26 **applicants according to the criteria set forth in subsections (e) and**
 27 **(f).**
 28 **(e) To be selected as a candidate under subsection (d), an**
 29 **applicant must meet the following criteria:**
 30 **(1) An applicant must be a high school student enrolled in an**
 31 **Indiana high school.**
 32 **(2) An applicant must submit the written application**
 33 **developed under subsection (c) to the student member**
 34 **recommendation committee established by subsection (b).**
 35 **(3) An applicant must submit two (2) letters of**
 36 **recommendation, including:**
 37 **(A) one (1) letter from the principal of the high school in**
 38 **which the applicant is enrolled; and**
 39 **(B) one (1) letter from a parent or guardian of the**
 40 **applicant.**
 41 **(4) An applicant's parent or grandparent may not:**
 42 **(A) work for a bona fide political party (as defined in**

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- 1 IC 3-5-2-5.5); or
 2 (B) hold a position appointed by a bona fide political party
 3 (as defined in IC 3-5-2-5.5).
 4 (5) An applicant must maintain a grade point average that is
 5 equivalent to the grade point average that is required by the
 6 applicant's school for participation in extracurricular
 7 activities.
 8 (f) The committee shall consider the following additional
 9 criteria in selecting the ten (10) candidates under subsection (d):
 10 (1) Diversity in the size of the schools in which candidates are
 11 enrolled.
 12 (2) Diversity in qualities and background of candidates.
 13 (3) Commitment and motivation of a candidate.
 14 (4) Emotional maturity of a candidate.
 15 (5) Diversity in the educational experiences of candidates.
 16 (6) Level of support for a candidate's appointment by the
 17 candidate's high school.
 18 (7) The candidate's source of transportation.
 19 (8) A report from a member of the candidate's community
 20 who assesses the candidate's ability to serve on the Indiana
 21 state board of education.
 22 (g) The committee shall recommend the ten (10) candidates
 23 selected under subsection (d) to the governor.
 24 (h) The governor shall appoint two (2) student members to the
 25 Indiana state board of education as follows:
 26 (1) One (1) member who attends school in a school
 27 corporation that is located:
 28 (A) north of U.S. Highway 40; and
 29 (B) in an Indiana county that is different from the Indiana
 30 county in which the school corporation that is attended by
 31 the member described in subdivision (2) is located.
 32 (2) One (1) member who attends school in a school
 33 corporation that is located:
 34 (A) south of U.S. Highway 40; and
 35 (B) in an Indiana county that is different from the Indiana
 36 county in which the school corporation that is attended by
 37 the member described in subdivision (1) is located.
 38 One (1) student member must attend school in a school corporation
 39 with an ADM (as defined in IC 21-3-1.6-1.1) that is greater than
 40 the median ADM determined by the department of education
 41 under subsection (i), and the other student member must attend
 42 school in a school corporation with an ADM that is not more than

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1 **the median ADM determined by the department of education**
 2 **under subsection (i).**

3 **(i) The department of education shall annually determine the**
 4 **median ADM of the school corporations in Indiana.**

5 SECTION 3. IC 20-8.1-3-18, AS AMENDED BY P.L.146-1999,
 6 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 7 JULY 1, 2003]: Sec. 18. (a) Service as a page for or as an honoree of
 8 the Indiana general assembly constitutes a lawful excuse for a pupil to
 9 be absent from school. For each day of page service or as an honoree
 10 of the Indiana general assembly, verified by the certificate of the
 11 secretary of the senate or the chief clerk of the house of representatives,
 12 a student excused from school attendance under this subsection shall
 13 not be recorded as being absent on any date for which the excuse is
 14 operative, nor shall the student be penalized by the school in any
 15 manner. This section applies to all pupils, whether they attend public,
 16 private, or parochial schools.

17 (b) The governing body of each school corporation and the chief
 18 administrative official of each private secondary school system shall
 19 authorize the absence and excuse of each secondary school student who
 20 serves on the precinct election board or as a helper to a political
 21 candidate or to a political party on the date of each general, city or
 22 town, special, and primary election at which the student works. Prior
 23 to the date of the election, the student must submit a document signed
 24 by one (1) of the student's parents or guardians giving permission to
 25 participate in the election as provided in this section, and the student
 26 must verify to school authorities the performance of services by
 27 submitting a document signed by the candidate, political party
 28 chairman, campaign manager, or precinct officer. The document must
 29 describe generally the duties of the student on the date of the election.
 30 A student excused from school attendance under this subsection shall
 31 not be recorded as being absent on any date for which the excuse is
 32 operative, nor shall the student be penalized by the school in any
 33 manner.

34 (c) The governing body of each school corporation or the chief
 35 administrative officer of each private school system shall authorize the
 36 absence and excuse of a student who is issued a subpoena to appear in
 37 court as a witness in a judicial proceeding. A student excused under
 38 this subsection shall not be recorded as being absent on any date for
 39 which the excuse is operative, nor shall the student be penalized by the
 40 school in any manner. The appropriate school authority may require
 41 that the student submit the subpoena to the appropriate school authority
 42 for verification.



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1 (d) The governing body of each school corporation or the chief
 2 administrative officer of each private school system shall authorize the
 3 absence and excuse of each secondary school student who is ordered
 4 to active duty with the Indiana National Guard for not more than ten
 5 (10) days in a school year. For verification, the student must submit to
 6 school authorities a copy of the orders to active duty and a copy of the
 7 orders releasing the student from active duty. A student excused from
 8 school attendance under this subsection shall not be recorded as being
 9 absent on any date for which the excuse is operative, nor shall the
 10 student be penalized by the school in any manner.

11 (e) **The governing body of a school corporation or the chief**
 12 **administrative officer of a private school system shall authorize the**
 13 **absence and excuse of a student during the time that the student**
 14 **serves as:**

15 (1) a student member of the Indiana state board of education
 16 under IC 20-1-1-1; or

17 (2) a youth member of the student member recommendation
 18 committee under IC 20-1-1-1.1.

19 For verification, the student must submit to school authorities a
 20 document verifying the attendance of the student at a meeting of
 21 the Indiana state board of education or the student member
 22 recommendation committee. The document must be signed by the
 23 chairperson of the Indiana state board of education or the student
 24 member recommendation committee. A student excused from
 25 school attendance under this subsection shall not be recorded as
 26 being absent on any date for which the excuse is operative, nor
 27 shall the student be penalized by the school in any manner.

28 SECTION 4. [EFFECTIVE JULY 1, 2003] (a) As used in this
 29 SECTION, "committee" refers to the student member
 30 recommendation committee established by IC 20-1-1-1.1, as added
 31 by this act.

32 (b) Not later than September 1, 2003, the department of
 33 education and the organizations referred to in IC 20-1-1-1.1(b), as
 34 added by this act, shall make the appointments to the committee
 35 required by IC 20-1-1-1.1(b), as added by this act.

36 (c) Not later than October 1, 2003, the committee shall meet to
 37 elect a chairperson and begin development of the application form
 38 required under IC 20-1-1-1.1(c), as added by this act.

39 (d) Not later than January 1, 2004, the committee shall begin to
 40 accept applications from students interested in appointment as a
 41 student member of the Indiana state board of education under
 42 IC 20-1-1-1, as amended by this act.



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- 1 **(e) Not later than May 1, 2004, the committee shall make**
- 2 **recommendations to the governor under IC 20-1-1-1.1(g), as added**
- 3 **by this act.**
- 4 **(f) Not later than June 30, 2004, the governor shall appoint the**
- 5 **student members of the Indiana state board of education under**
- 6 **IC 20-1-1-1.1(h), as added by this act.**
- 7 **(g) Notwithstanding IC 20-1-1-1, as amended by this act, the**
- 8 **terms of the student members of the Indiana state board of**
- 9 **education appointed under IC 20-1-1-1.1(h), as added by this act,**
- 10 **begin July 1, 2004.**
- 11 **(h) This SECTION expires July 2, 2004.**

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