

IC 20-19-2

Chapter 2. State Board of Education

IC 20-19-2-1

Repealed

(Repealed by P.L.73-2011, SEC.22.)

IC 20-19-2-2

State board of education

Sec. 2. (a) The Indiana state board of education is established. The state board consists of:

- (1) the state superintendent; and
- (2) ten (10) members appointed by the governor.

(b) The following provisions apply to members of the state board appointed by the governor:

- (1) At least four (4) of the members must be actively employed in the schools in Indiana and hold a valid teaching license.
- (2) At least one (1) member must be appointed from each congressional district in Indiana.
- (3) Not more than six (6) members of the state board may be appointed from the membership of any one (1) political party.
- (4) The term of office of a member begins on July 1. Except as provided in subdivision (5), the term of office of a member is four (4) years.
- (5) The governor may dismiss a member for just cause.
- (6) The governor may appoint a member to fill a vacancy occurring on the state board. A member appointed under this subdivision serves for the remainder of the unexpired term.

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

(d) The state superintendent serves as chairperson of the state board.

As added by P.L.1-2005, SEC.3.

IC 20-19-2-3

Repealed

(Repealed by P.L.73-2011, SEC.22.)

IC 20-19-2-4

Repealed

(Repealed by P.L.73-2011, SEC.22.)

IC 20-19-2-4.5

Advisory committee on career and technical education

Sec. 4.5. (a) The advisory committee on career and technical education is established to advise the state board on policy matters concerning career and technical education. The advisory committee on career and technical education consists of:

- (1) the state superintendent or the state superintendent's

designee; and

(2) seven (7) members appointed by the state superintendent.

(b) The following provisions apply to members of the advisory committee on career and technical education:

(1) At least four (4) of the members must be actively employed as area career and technical education directors in schools in Indiana and hold a valid career and technical education director license.

(2) Not more than one (1) member may be from any secondary area district in Indiana.

(3) Members serve at the pleasure of the state superintendent.

(c) The state superintendent or the state superintendent's designee serves as the chairperson of the advisory committee on career and technical education.

As added by P.L.7-2011, SEC.4.

IC 20-19-2-5

Hearing examiners

Sec. 5. If the state board is required to conduct hearings under IC 4-21.5-3, the state board may use hearing examiners who are not members of the state board to conduct the hearings.

As added by P.L.1-2005, SEC.3.

IC 20-19-2-6

Secretary; powers and duties; seal

Sec. 6. (a) The state board shall elect one (1) member to serve as secretary. The secretary shall:

(1) maintain custody of the state board's records, papers, and effects; and

(2) keep minutes of the state board's proceedings.

The records, papers, effects, and minutes of all meetings and actions of the state board shall be kept at the office of the state superintendent and are public records.

(b) The state board shall adopt and use a seal that contains the words "Indiana State Board of Education". A written description of the seal shall be recorded in the minutes of the state board and filed in the office of the secretary of state. The seal shall be used for the authentication of the acts of the state board and the important acts of the department.

As added by P.L.1-2005, SEC.3.

IC 20-19-2-7

Compensation of board members

Sec. 7. (a) Each member of the state board who is not an officer or employee of the state is entitled to an annual salary of two thousand dollars (\$2,000).

(b) Each member of the state board is entitled to reimbursement for traveling expenses and other expenses actually incurred in connection with the member's duties, as provided in the state travel policies and procedures established by the Indiana department of

administration and approved by the budget agency. The compensation of members employed in the public schools may not be decreased because of regular service on the state board.

As added by P.L.1-2005, SEC.3. Amended by P.L.73-2011, SEC.3.

IC 20-19-2-8

Adoption of administrative rules by state board

Sec. 8. (a) In addition to any other powers and duties prescribed by law, the state board shall adopt rules under IC 4-22-2 concerning, but not limited to, the following matters:

(1) The designation and employment of the employees and consultants necessary for the department. The state board shall fix the compensation of employees of the department, subject to the approval of the budget committee and the governor under IC 4-12-2.

(2) The establishment and maintenance of standards and guidelines for media centers, libraries, instructional materials centers, or any other area or system of areas in a school where a full range of information sources, associated equipment, and services from professional media staff are accessible to the school community. With regard to library automation systems, the state board may only adopt rules that meet the standards established by the state library board for library automation systems under IC 4-23-7.1-11(b).

(3) The establishment and maintenance of standards for student personnel and guidance services.

(4) The inspection of all public schools in Indiana to determine the condition of the schools. The state board shall establish standards governing the accreditation of public schools.

Observance of:

(A) IC 20-31-4;

(B) IC 20-28-5-2;

(C) IC 20-28-6-3 through IC 20-28-6-7;

(D) IC 20-28-11.5; and

(E) IC 20-31-3, IC 20-32-4, IC 20-32-5, and IC 20-32-8;

is a prerequisite to the accreditation of a school. Local public school officials shall make the reports required of them and otherwise cooperate with the state board regarding required inspections. Nonpublic schools may also request the inspection for classification purposes. Compliance with the building and site guidelines adopted by the state board is not a prerequisite of accreditation.

(5) The distribution of funds and revenues appropriated for the support of schools in the state.

(6) The state board may not establish an accreditation system for nonpublic schools that is less stringent than the accreditation system for public schools.

(7) A separate system for recognizing nonpublic schools under IC 20-19-2-10. Recognition of nonpublic schools under this subdivision constitutes the system of regulatory standards that

apply to nonpublic schools that seek to qualify for the system of recognition.

(8) The establishment and enforcement of standards and guidelines concerning the safety of students participating in cheerleading activities.

(9) Subject to IC 20-28-2, the preparation and licensing of teachers.

(b) Before final adoption of any rule, the state board shall make a finding on the estimated fiscal impact that the rule will have on school corporations.

As added by P.L.1-2005, SEC.3. Amended by P.L.65-2005, SEC.2; P.L.146-2008, SEC.450; P.L.101-2009, SEC.14; P.L.73-2011, SEC.4; P.L.90-2011, SEC.5; P.L.145-2011, SEC.25; P.L.13-2013, SEC.53; P.L.286-2013, SEC.11.

IC 20-19-2-9

Repealed

(Repealed by P.L.73-2011, SEC.22.)

IC 20-19-2-10

Policy; recognition of educational programs of nonpublic schools; accreditation; waiver of accreditation for certain schools

Sec. 10. (a) It is the policy of the state that the state:

- (1) recognizes that nonpublic schools provide education to children in Indiana;
- (2) has an interest in ensuring that all Indiana children are well educated in both curricular and extracurricular programs; and
- (3) should facilitate the transferability of comparable academic credit between appropriate nonpublic schools and state supported educational institutions.

(b) The state board shall implement a system of recognition of the educational programs of nonpublic schools to fulfill the policy set forth in subsection (a).

(c) The system of recognition described under subsection (b) must:

- (1) be voluntary in nature with respect to the nonpublic school;
- (2) recognize the characteristics that distinguish nonpublic schools from public schools; and
- (3) be a recognition system that is separate from the accreditation standards required of public schools and available to nonpublic schools under section 8(a)(5) of this chapter.

(d) This section does not prohibit a nonpublic school from seeking accreditation under section 8(a)(5) of this chapter.

(e) The state board shall adopt rules under IC 4-22-2 to implement this section.

(f) The department shall waive accreditation standards for an accredited nonpublic alternative school that enters into a contract with a school corporation to provide alternative education services for students who have:

- (1) dropped out of high school;
- (2) been expelled; or

(3) been sent to the nonpublic alternative school due to the students' lack of success in the public school environment; to accommodate the nonpublic alternative school's program and student population. A nonpublic alternative school to which this subsection applies is not subject to being placed in a category or designation under IC 20-31-8-4. However, the nonpublic alternative school must comply with all state reporting requirements and submit a school improvement growth model on the anniversary date of the nonpublic alternative school's original accreditation.
As added by P.L.1-2005, SEC.3. Amended by P.L.65-2012, SEC.1.

IC 20-19-2-11

School improvement and achievement plans; rules

Sec. 11. (a) As used in this section, "plan" refers to a strategic and continuous school improvement and achievement plan developed under IC 20-31-5.

(b) A plan must:

- (1) conform to the requirements of IC 20-31-5; and
- (2) include a professional development program that conforms to IC 20-20-31.

(c) The governing body may do the following for a school that participates in a plan:

- (1) Invoke a waiver of a rule adopted by the state board under IC 20-31-5-5(b).
- (2) Develop a plan for the admission of students who do not reside in the school's attendance area but have legal settlement in the school corporation.

(d) In approving a school corporation's actions under this section, the state board shall consider whether the governing body has done the following:

- (1) Approved a school's plan.
- (2) Demonstrated the support of the exclusive representative only for the professional development program component of the plan.

(e) The state board may waive any statute or rule relating to curriculum in accordance with IC 20-31-5-5.

(f) As part of the plan, the governing body may develop and implement a policy to do the following:

- (1) Allow the transfer of a student who resides in the school's attendance area but whose parent requests that the student attend another school in the school corporation of legal settlement.
- (2) Inform parents of their rights under this section.

(g) The state board shall adopt rules under IC 4-22-2 to implement this section.

As added by P.L.1-2005, SEC.3. Amended by P.L.73-2011, SEC.5.

IC 20-19-2-12

Guidelines on selection of school sites and construction, repair, or alteration of school buildings and facilities; consideration of guidelines; department review of plans; department

recommendation

Sec. 12. (a) The state board shall, in the manner provided by IC 4-22-2, adopt rules setting forth nonbinding guidelines for the selection of school sites and the construction, alteration, and repair of school buildings, athletic facilities, and other categories of facilities related to the operation and administration of school corporations.

The nonbinding guidelines must include:

- (1) preferred location and building practices for school corporations, including standards for enhancing health, student safety, accessibility, energy efficiency, operating efficiency, and instructional efficacy;
- (2) guidelines concerning minimum acreage, cost per square foot or cost per ADM (as defined in IC 20-18-2-2), technology infrastructure, building materials, per student square footage, and other general space requirements, including space for academics, administration and staff support, arts education and auditoriums, libraries, cafeterias, athletics and physical education, transportation facilities, and maintenance and repair facilities; and
- (3) additional guidelines that the state board considers necessary for efficient and cost effective construction of school facilities.

The state building commissioner, the office of management and budget, and the department of local government finance shall, upon request of the board, provide technical assistance as necessary for the development of the guidelines.

(b) The state board shall annually compile, in a document capable of easy revision, the:

- (1) guidelines described in subsection (a); and
- (2) rules of the:
 - (A) fire prevention and building safety commission; and
 - (B) state department of health;

that govern site selection and the construction, alteration, and repair of school buildings.

(c) A school corporation shall consider the guidelines adopted under subsection (a) when developing plans and specifications for a facility described in subsection (a). Before submitting completed written plans and specifications for the selection of a school building site or the construction or alteration of a school building to the division of fire and building safety for issuance of a design release under IC 22-15-3, a school corporation shall do the following:

- (1) Submit the proposed plans and specifications to the department. Within thirty (30) days after the department receives the plans and specifications, the department shall:
 - (A) review the plans and specifications to determine whether they comply with the guidelines adopted under subsection (a); and
 - (B) provide written recommendations concerning the plans and specifications to the school corporation, which must include findings as to any material differences between the plans and specifications and the guidelines adopted under

subsection (a).

(2) After the earlier of:

(A) receipt of the recommendations provided under subdivision (1)(B); or

(B) the date that is thirty (30) days after the date the department received the plans and specifications under subdivision (1)(A);

issue a public document that describes the recommendations, if any, and any material differences between the plans and specifications prepared by the school corporation and the guidelines adopted under subsection (a), as determined under the guidelines adopted by the state board.

(3) After publishing a notice of the public hearing under IC 5-3-1, conduct a public hearing to receive public comment concerning the school corporation's plans and specifications.

After the public hearing and without conducting another public hearing under this subsection, the governing body may revise the plans and specifications or submit the plans and specifications to the division of fire and building safety without making changes. The school corporation shall revise the public document described in subdivision (2) to identify any changes in the plans and specifications after the public document's initial preparation.

As added by P.L.1-2005, SEC.3. Amended by P.L.1-2006, SEC.313; P.L.146-2008, SEC.451; P.L.218-2014, SEC.4.

IC 20-19-2-13

Limitation of state board authority concerning construction, alteration, or repair of school buildings

Sec. 13. The state board may not approve or disapprove plans and specifications for the construction, alteration, or repair of school buildings, except as necessary under the following:

(1) The terms of a federal grant or a federal law.

(2) IC 20-35-4-2 concerning the authorization of a special school for children with disabilities.

However, the state board shall adopt guidelines concerning plans and specifications as required by section 12 of this chapter.

As added by P.L.1-2005, SEC.3. Amended by P.L.146-2008, SEC.452.

IC 20-19-2-14

Duties of state board

Sec. 14. The state board shall do the following:

(1) Establish the educational goals of the state, developing standards and objectives for local school corporations.

(2) Assess the attainment of the established goals.

(3) Assure compliance with established standards and objectives.

(4) Coordinate with the commission for higher education (IC 21-18-1) and the department of workforce development (IC 22-4.1-2) to develop entrepreneurship education programs for

elementary and secondary education, higher education, and individuals in the work force.

(5) Make recommendations to the governor and general assembly concerning the educational needs of the state, including financial needs.

(6) Provide for reviews to ensure the validity and reliability of the ISTEP program.

As added by P.L.1-2005, SEC.3. Amended by P.L.172-2011, SEC.120; P.L.286-2013, SEC.12.

IC 20-19-2-14.5

Adoption of Indiana college and career readiness educational standards; implementation

Sec. 14.5. (a) As used in this section:

(1) "college and career readiness educational standards" means the standards that a high school graduate must meet to obtain the requisite knowledge and skill to transition without remediation to postsecondary education or training, and ultimately into a sustainable career; and

(2) "cut scores" means the scores that define a student's performance on an assessment, including passing, failing, or falling into a performance category.

(b) Before July 1, 2014, the state board shall adopt Indiana college and career readiness educational standards, voiding the previously adopted set of educational standards. The educational standards must do the following:

(1) Meet national and international benchmarks for college and career readiness standards and be aligned with postsecondary educational expectations.

(2) Use the highest standards in the United States.

(3) Comply with federal standards to receive a flexibility waiver under 20 U.S.C. 7861, as in effect on January 1, 2014.

(4) Prepare Indiana students for college and career success, including the proper preparation for nationally recognized college entrance examinations such as the ACT and SAT.

(5) Maintain Indiana sovereignty.

(6) Provide strict safeguards to protect the confidentiality of student data.

(c) The department shall administer ISTEP assessments under IC 20-32-5 during the 2013-2015 biennium. During the 2015-2016 school year, subject to subsection (e), the state board shall authorize the department to administer either the ISTEP assessment under IC 20-32-5 or a comparable assessment program that is aligned with the educational standards adopted by the state board under subsection (b).

(d) Before the state board may authorize an assessment program under subsection (c), the state board shall submit the proposed assessment program to the budget committee for review.

(e) This subsection does not apply to an agreement with the United States Department of Education concerning a waiver from federal

requirements. After June 30, 2013, the state, or the state board on behalf of the state, may not enter into or renew an agreement with any organization, entity, group, or consortium that requires the state to cede any measure of autonomy or control of education standards and assessments, including cut scores.

(f) The state board may adopt emergency rules in the manner provided in IC 4-22-2-37.1 to implement this section. As provided in IC 4-22-2-37.1 for an emergency rule adopted under this section to be effective after one (1) extension period, the rule must be adopted in conformity with the procedures under IC 4-22-2-24 through IC 4-22-2-36.

As added by P.L.286-2013, SEC.13. Amended by P.L.31-2014, SEC.1.

IC 20-19-2-15

Freeway school corporation and freeway school

Sec. 15. The state board shall comply with IC 20-26-15 to establish a freeway school corporation and a freeway school.

As added by P.L.1-2005, SEC.3.

IC 20-19-2-16

Federal aid concerning children with disabilities

Sec. 16. (a) The state accepts the provisions and benefits of laws enacted by the Congress of the United States that provide for aid to children with disabilities.

(b) The state board is designated as the proper authority and may accept any federal funds appropriated to aid in the education of children with disabilities. The state board shall comply with all the requirements of:

- (1) federal law concerning any federal funds relating to special educational activities; and
- (2) any amendments to those laws or rules and regulations issued under and in conformity with those laws and not inconsistent with this chapter.

As added by P.L.1-2005, SEC.3.

IC 20-19-2-17

Federal aid concerning career and technical education

Sec. 17. The provisions of an act of Congress entitled "An act to provide for the promotion of vocational education; to provide for cooperation with the states in the promotion of such education in agriculture and the trades and industries; to provide for cooperation with the states in the preparation of teachers of career and technical education subjects; and to appropriate money and regulate its expenditure," are accepted by the state as to the following:

- (1) Appropriations for the salaries of:
 - (A) teachers;
 - (B) supervisors; or
 - (C) directors;of agricultural subjects.

(2) Appropriations for salaries for teachers of trade and industrial subjects.

(3) Appropriations for the training of teachers of career and technical education subjects.

As added by P.L.1-2005, SEC.3. Amended by P.L.234-2007, SEC.87.

IC 20-19-2-18

State treasurer as custodian for career and technical education funds

Sec. 18. (a) The treasurer of state is designated as the custodian for career and technical education.

(b) The treasurer of state shall do the following:

(1) Receive money paid to the state from the United States treasury under the act of Congress described in section 17 of this chapter.

(2) Pay the money described in subdivision (1), upon the warrant of the auditor of state, when the money is certified by the state board.

As added by P.L.1-2005, SEC.3. Amended by P.L.234-2007, SEC.88.

IC 20-19-2-19

Federal funds for career and technical education; use of funds subject to allocation by general assembly

Sec. 19. (a) The state board shall receive, distribute, and account for all funds received for career and technical education under the Carl D. Perkins Vocational and Applied Technology Act (20 U.S.C. 2301 et seq.).

(b) The state board may not expend or distribute funds received under subsection (a) unless those funds have been allocated by the general assembly.

As added by P.L.1-2005, SEC.3. Amended by P.L.234-2007, SEC.89; P.L.7-2011, SEC.5.

IC 20-19-2-20

High school fast track program diploma designed by board

Sec. 20. The state board shall design a high school diploma to be granted to individuals who successfully complete a high school fast track program under IC 21-43-8.

As added by P.L.185-2006, SEC.6. Amended by P.L.1-2007, SEC.141; P.L.2-2007, SEC.199; P.L.3-2008, SEC.114; P.L.125-2013, SEC.1.