

# HOUSE BILL No. 1514

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 20-23-12.

**Synopsis:** School board membership in Gary. Reduces the number of members of the governing body of the Gary Community School Corporation from seven to five, beginning January 1, 2017. Provides that if a vacancy occurs on the governing body before January 1, 2017, the vacancy shall not be filled unless the vacancy reduces the number of members to fewer than five. Provides that three members of the governing body are elected at large by the voters of the school corporation and two members are appointed by the city executive. Provides that the individuals elected to the governing body at the 2014 general election serve as the three elected members of the governing body beginning January 1, 2017. Repeals and provides for expiration of statutes consistent with the new structure of the governing body.

**Effective:** July 1, 2015.

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January 20, 2015, read first time and referred to Committee on Education.

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First Regular Session of the 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.

## HOUSE BILL No. 1514

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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 20-23-12-3, AS AMENDED BY P.L.179-2011,  
2 SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2015]: Sec. 3. (a) The governing body of the school  
4 corporation consists of seven (7) members elected as follows:  
5 (1) On a nonpartisan basis.  
6 (2) In a general election in the county.  
7 (b) Six (6) of the members shall be elected from the school districts  
8 drawn under section 4 of this chapter. Each member:  
9 (1) is elected from the school district in which the member  
10 resides; and  
11 (2) upon election and in conducting the business of the governing  
12 body, represents the interests of the entire school corporation.  
13 (c) One (1) of the members elected:  
14 (1) is the at-large member of the governing body;  
15 (2) may reside in any of the districts drawn under section 4 of this



1 chapter; and

2 (3) upon election and in conducting the business of the governing  
3 body, represents the interests of the entire school corporation.

4 **(d) This section expires January 1, 2017.**

5 SECTION 2. IC 20-23-12-3.1 IS ADDED TO THE INDIANA  
6 CODE AS A NEW SECTION TO READ AS FOLLOWS  
7 [EFFECTIVE JULY 1, 2015]: **Sec. 3.1. (a) After December 31, 2016,**  
8 **the governing body of the school corporation consists of five (5)**  
9 **members.**

10 **(b) Three (3) members of the governing body shall be elected as**  
11 **follows:**

12 **(1) At large by all the voters of the school corporation.**

13 **(2) On a nonpartisan basis.**

14 **(c) The executive of the city shall appoint two (2) individuals to**  
15 **be members of the governing body before each of the member's**  
16 **term of office begins.**

17 **(d) The term of office of a member of the governing body (both**  
18 **elected and appointed):**

19 **(1) is four (4) years; and**

20 **(2) begins January 1 after the election of members of the**  
21 **governing body.**

22 **(e) Upon assuming office and in conducting the business of the**  
23 **governing body, a member shall represent the interests of the**  
24 **entire school corporation.**

25 SECTION 3. IC 20-23-12-3.2 IS ADDED TO THE INDIANA  
26 CODE AS A NEW SECTION TO READ AS FOLLOWS  
27 [EFFECTIVE JULY 1, 2015]: **Sec. 3.2. (a) Notwithstanding:**

28 **(1) section 3 of this chapter (before its expiration); and**

29 **(2) section 9 of this chapter (before its repeal);**

30 **an election shall not be held for members of the governing body at**  
31 **the 2016 general election.**

32 **(b) An individual elected at the 2014 general election under**  
33 **section 9(2) of this chapter (before its repeal) serves as a member**  
34 **of the governing body under section 3.1(b) of this chapter and is**  
35 **entitled to serve as a member of the governing body through**  
36 **December 31, 2018. The successor of such an individual:**

37 **(1) shall be elected at the 2018 general election; and**

38 **(2) serves a term of four (4) years, beginning January 1, 2019.**

39 **(c) Notwithstanding section 10 of this chapter, as in effect before**  
40 **July 1, 2015, and as amended after June 30, 2015, if:**

41 **(1) a vacancy occurs in the office of a member of the**  
42 **governing body after June 30, 2015; and**



1           (2) the vacancy does not reduce the membership of the  
2           governing body to fewer than five (5) members;  
3           the vacancy shall not be filled.

4           (d) The city executive shall appoint the members of the  
5           governing body under section 3.1(c) of this chapter before January  
6           1, 2017. An individual appointed under this subsection takes office  
7           January 1, 2017, and serves a four (4) year term as provided in this  
8           chapter. The city executive may appoint an individual who is  
9           serving on the governing body before January 1, 2017, under  
10          section 9(1) or 9(3) of this chapter (before that section's repeal).

11          (e) This section expires January 1, 2023.

12          SECTION 4. IC 20-23-12-4, AS ADDED BY P.L.1-2005,  
13          SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
14          JULY 1, 2015]: Sec. 4. (a) The districts are drawn on the same lines as  
15          the common council districts referred to in IC 36-4-6-3.

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

17          SECTION 5. IC 20-23-12-5, AS AMENDED BY P.L.1-2006,  
18          SECTION 318, IS AMENDED TO READ AS FOLLOWS  
19          [EFFECTIVE JULY 1, 2015]: Sec. 5. (a) The six (6) members who are  
20          elected for a position on the governing body described under section  
21          3(b) of this chapter are determined as follows:

22          (1) Each prospective candidate must file a nomination petition  
23          with the board of elections and registration not earlier than one  
24          hundred four (104) days and not later than noon seventy-four (74)  
25          days before the election at which the members are to be elected  
26          that includes the following information:

27                  (A) The name of the prospective candidate.

28                  (B) The district in which the prospective candidate resides.

29                  (C) The signatures of at least one hundred (100) registered  
30                  voters residing in the school corporation.

31                  (D) The fact that the prospective candidate is running for a  
32                  district position.

33                  (E) A certification that the prospective candidate meets the  
34                  qualifications for candidacy imposed by this chapter.

35          (2) Only eligible voters residing in the district may vote for a  
36          candidate.

37          (3) The candidate within each district who receives the greatest  
38          number of votes in the district is elected.

39          (b) The at-large member members of the governing body elected  
40          under section 3(e) 3.1 of this chapter is are determined as follows:

41                  (1) Each prospective candidate must file a **petition of** nomination  
42                  petition with the clerk of the circuit court clerk at least



1 seventy-four (74) days before the election at which the ~~at-large~~  
 2 member is to be elected. The petition must include the following  
 3 information:

4 (A) The name of the prospective candidate.

5 (B) The signatures of at least one hundred (100) registered  
 6 voters residing within the school corporation.

7 ~~(C) The fact that the prospective candidate is running for the~~  
 8 ~~at-large position on the governing body.~~

9 ~~(D)~~ (C) A certification that the prospective candidate meets  
 10 the qualifications for candidacy imposed by this chapter.

11 (2) Only eligible voters residing in the school corporation may  
 12 vote for a candidate.

13 (3) ~~The candidate who:~~

14 ~~(A) runs for the at-large position on the governing body; and~~

15 ~~(B) receives the greatest number of votes in the school~~  
 16 ~~corporation;~~

17 is elected to the at-large position.

18 **(3) Three (3) candidates shall be elected at large. The three (3)**  
 19 **candidates who receive the greatest number of votes among**  
 20 **all candidates running are elected as members of the**  
 21 **governing body.**

22 SECTION 6. IC 20-23-12-6, AS ADDED BY P.L.1-2005,  
 23 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 24 JULY 1, 2015]: Sec. 6. (a) ~~A candidate who runs for a position on the~~  
 25 ~~governing body described under section 3(b) of this chapter must reside~~  
 26 ~~in the school corporation district for which the candidate filed.~~

27 ~~(b) A candidate who runs for the at-large an elected position on the~~  
 28 ~~governing body described in section 3(c) of this chapter must reside in~~  
 29 ~~the school corporation.~~

30 SECTION 7. IC 20-23-12-8 IS REPEALED [EFFECTIVE JULY 1,  
 31 2015]. Sec. 8. (a) ~~The term of each person elected to serve on the~~  
 32 ~~governing body is four (4) years.~~

33 ~~(b) The term of each person elected to serve on the governing body~~  
 34 ~~begins on the date set in the school corporation's organization plan. The~~  
 35 ~~date set in the organization plan for an elected member of the~~  
 36 ~~governing body to take office may not be more than fourteen (14)~~  
 37 ~~months after the date of the member's election. If the school~~  
 38 ~~corporation's organization plan does not set a date for an elected~~  
 39 ~~member of the governing body to take office, the member takes office~~  
 40 ~~January 1 that immediately follows the person's election.~~

41 SECTION 8. IC 20-23-12-9 IS REPEALED [EFFECTIVE JULY 1,  
 42 2015]. Sec. 9: The members are elected as follows:



1 (1) Three (3) of the members elected under section 3(b) of this  
 2 chapter are elected at the general election to be held in 2012 and  
 3 every four (4) years thereafter.

4 (2) Three (3) of the members elected under section 3(b) of this  
 5 chapter are elected at the general election to be held in 2014 and  
 6 every four (4) years thereafter.

7 (3) The at-large member elected under section 3(c) of this chapter  
 8 is elected at the general election to be held in 2012 and every four  
 9 (4) years thereafter.

10 SECTION 9. IC 20-23-12-10, AS ADDED BY P.L.1-2005,  
 11 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 12 JULY 1, 2015]: Sec. 10. (a) A vacancy on the governing body is  
 13 created when:

14 (1) a member:

15 (A) dies;

16 (B) resigns from the governing body;

17 (C) ceases to be a resident of the school corporation;

18 (D) fails to attend, except for reason of chronic illness, six (6)  
 19 regularly scheduled meetings of the governing body in any  
 20 twelve (12) month period; or

21 (E) **before January 1, 2017**, ceases to be a resident of the  
 22 school district in which the member was elected; or

23 (2) a vacancy is created under any other law.

24 (b) The governing body shall temporarily fill a vacancy ~~on~~ **in the**  
 25 **office of an elected member of** the governing body as soon as  
 26 practicable after the vacancy occurs.

27 (c) **A vacancy in the office of a member of the governing body**  
 28 **appointed under section 3.1(c) of this chapter shall be filled by the**  
 29 **city executive as soon as practicable after the vacancy occurs.**

30 (d) **An individual filling a vacancy under this section serves until**  
 31 **the expiration of the term of the member whose position the**  
 32 **individual fills.**

