

February 13, 1998

ENGROSSED SENATE BILL No. 367

DIGEST OF SB 367 (Updated February 12, 1998 12:45 pm - DI 96)

Citations Affected: IC 20-3; IC 20-3.1; IC 20-7.5; noncode.

Synopsis: Provides that it is not an unfair practice for a school employer to communicate with school employees concerning insurance coverage provided by the school employer that may affect the potential liability of school employees arising from the course of the school employees' employment. Reinstates collective bargaining and discussion rights for certificated school employees in the Indianapolis Public Schools (IPS) system with regard to matters that are currently bargainable or discussible for school employees in other school systems. Provides that summer remediation programs are provided within the IPS system. Eliminates merit pay provisions for IPS employees. Eliminates the evaluation of any school employee or administrator in IPS that is based in whole or in part upon the test scores of students. Authorizes the Indiana education employment relations board to impose certain requirements on a person who commits an unfair practice.

Effective: July 1, 1998.

Weatherwax

(HOUSE SPONSORS — LIGGETT, SCHOLER)

January 8, 1998, read first time and referred to Committee on Education.
January 29, 1998, reported favorably — Do Pass.
February 2, 1998, read second time, ordered engrossed. Engrossed.
February 3, 1998, read third time, passed. Yeas 49, nays 0.

HOUSE ACTION

February 10, 1998, read first time and referred to Committee on Labor and Employment.
February 12, 1998, amended, reported — Do Pass.

ES 367—LS 6995/DI 02+



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February 13, 1998

Second Regular Session 110th General Assembly (1998)

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 1997 General Assembly.

ENGROSSED SENATE BILL No. 367

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 20-3-11-32, AS AMENDED BY P.L.340-1995,
2 SECTION 52, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 UPON PASSAGE]: Sec. 32. The general school laws of this state and
4 all laws and parts of laws applicable to the general system of common
5 schools in school cities, so far as not inconsistent with the provisions
6 of this chapter, and ~~IC 20-3-1~~; and unless made inapplicable by
7 ~~IC 20-3-1~~, shall be in full force and effect in a school city to which this
8 chapter applies.

9 SECTION 2. IC 20-3.1-2-10, AS ADDED BY P.L.340-1995,
10 SECTION 53, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
11 UPON PASSAGE]: Sec. 10. "Expected performance level" refers to a
12 performance measure, used to place a school in academic receivership,
13 established by the board at a level not less than one (1) standard
14 deviation below the state average under the procedures set forth in
15 IC 20-7.5-1-4 and IC 20-7.5-1-5 for:

16 (1) student attendance rates;

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- 1 (2) remediation rates;
 2 (3) scores on assessment tests; and
 3 (4) graduation rates.
- 4 SECTION 3. IC 20-3.1-3-1, AS ADDED BY P.L.340-1995,
 5 SECTION 53, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 6 UPON PASSAGE]: Sec. 1. The following school city conditions and
 7 needs are found to exist on January 1, 1995:
- 8 (1) Education in the school city presents unique challenges.
 9 (2) Student achievement in the school city on statewide tests
 10 consistently has been significantly below:
 11 (A) the state average; and
 12 (B) achievement attained in school corporations adjacent to
 13 the school city.
 14 (3) The need for remediation of students in the school city
 15 consistently has been significantly higher than:
 16 (A) the state average; and
 17 (B) remediation levels in school corporations adjacent to the
 18 school city.
 19 (4) Graduation rates in the school city consistently have been
 20 significantly below:
 21 (A) the state average; and
 22 (B) graduation rates in school corporations adjacent to the
 23 school city.
 24 (5) Student attendance rates in the school city consistently have
 25 been below:
 26 (A) the state average; and
 27 (B) student attendance rates in school corporations adjacent to
 28 the school city.
 29 (6) There are individual schools in the school city whose students
 30 are achieving. However, **overall a degree of** student achievement
 31 in the school city is unsatisfactory.
 32 ~~(7) Improving education in the school city requires unique~~
 33 ~~legislative intervention.~~
 34 ~~(8)~~ (7) Educator-driven school level control of efforts to improve
 35 student achievement in their schools and a program of
 36 performance awards in the school city will encourage the
 37 development and use of:
 38 (A) innovative teaching methods;
 39 (B) improved opportunities for teacher professional
 40 development;
 41 (C) programs achieving greater levels of parental involvement;
 42 (D) more efficient administrative efforts; and

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- 1 (E) improved student achievement.
 2 ~~(9)~~ **(8)** Greater accountability among educators in their schools,
 3 including:
 4 (A) evaluations based on ~~student achievement measures and~~
 5 administrative efficiency criteria; and
 6 (B) annual reports to the public regarding student achievement
 7 information and administrative performance measures;
 8 will encourage the development and use of creative and
 9 innovative educational methods and improve student
 10 achievement.
 11 ~~(10)~~ **(9)** Providing a range of remediation opportunities to
 12 students in the school city who fail to meet state achievement
 13 standards or who are determined to be at risk of academic failure
 14 by the board will enhance the educational opportunities available
 15 to students and improve student performance.
 16 ~~(11)~~ **(10)** Enhanced intervention for schools whose students fail
 17 to meet expected performance levels will improve the educational
 18 opportunities and educational achievement in the school city.
 19 ~~(12)~~ **(11)** Allowing students to attend neighborhood schools and
 20 the development and implementation of a plan by the board to
 21 increase student performance and achievement in the school city
 22 are necessary to achieve these legislative objectives and to meet
 23 the unique challenges to education and improve student
 24 achievement in the school city.
 25 SECTION 4. IC 20-3.1-5-3, AS ADDED BY P.L.340-1995,
 26 SECTION 53, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 27 UPON PASSAGE]: Sec. 3. Each school shall report to the county
 28 office of family and children the names of **parents and** foster parents
 29 who have not completed a compact under this chapter.
 30 SECTION 5. IC 20-3.1-6-1, AS ADDED BY P.L.340-1995,
 31 SECTION 53, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 32 UPON PASSAGE]: Sec. 1. The student performance measures
 33 described in sections 2 through 4 of this chapter shall be used by the
 34 board to:
 35 (1) assess;
 36 (2) report; and
 37 (3) improve;
 38 the performance of schools ~~educators~~; and students in the school city.
 39 SECTION 6. IC 20-3.1-7-1, AS ADDED BY P.L.340-1995,
 40 SECTION 53, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 41 UPON PASSAGE]: Sec. 1. (a) **Subject to the procedures set forth in**
 42 **IC 20-7.5-1-4 and IC 20-7.5-1-5**, the board shall develop and

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1 implement a plan for the improvement of student achievement in the
2 schools within the school city.

3 (b) A plan developed and implemented under this chapter must be
4 consistent with this article.

5 SECTION 7. IC 20-3.1-7-2, AS ADDED BY P.L.340-1995,
6 SECTION 53, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
7 UPON PASSAGE]: Sec. 2. The plan developed and implemented
8 under this chapter must do the following:

9 (1) Provide for efforts to increase support of the schools by the
10 parents of students and the neighborhood communities
11 surrounding the schools.

12 (2) Establish performance objectives for educators and students
13 in each school within the school city **as described in**
14 **IC 20-3.1-8-1.**

15 (3) Provide opportunity and support for the educators in each
16 school to develop a school plan, including:

17 (A) traditional or innovative methods and approaches to
18 improve student achievement; and

19 (B) efficient and cost effective management efforts in the
20 school;

21 that are consistent with general guidelines established by the
22 board.

23 (4) Require annual reports identifying the progress of student
24 achievement for each school as described in IC 20-3.1-10.

25 (5) Provide for the effective evaluation of each school within the
26 school city and the school's educators, including the consideration
27 of student achievement in the school.

28 ~~(6) Develop performance awards under IC 20-3.1-12 for~~
29 ~~extraordinary and outstanding performance by educators.~~

30 ~~(7)~~ (6) Provide a range of opportunity for remediation of students
31 who:

32 (A) fail to meet state achievement standards; or

33 (B) are at risk of academic failure.

34 ~~(8)~~ (7) Require action to raise the level of performance of a school
35 if the school's students fail to achieve expected performance
36 levels or performance objectives established for the school.

37 SECTION 8. IC 20-3.1-7-3, AS ADDED BY P.L.340-1995,
38 SECTION 53, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
39 UPON PASSAGE]: Sec. 3. The board shall:

40 (1) develop and publish the plan required under this chapter not
41 later than ~~December 31, 1995;~~ **December 31, 1998;** and

42 (2) implement the plan not later than July 1, ~~1996;~~ **1999.**

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1 SECTION 9. IC 20-3.1-7-4, AS ADDED BY P.L.340-1995,
 2 SECTION 53, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 3 UPON PASSAGE]: Sec. 4. (a) If the board revises the plan after the
 4 plan is published, the board shall publish the revisions.

5 **(b) Revisions to the plan are subject to the procedures set forth**
 6 **in IC 20-7.5-1-4 and IC 20-7.5-1-5.**

7 SECTION 10. IC 20-3.1-8-1, AS ADDED BY P.L.340-1995,
 8 SECTION 53, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 9 UPON PASSAGE]: Sec. 1. The board shall establish annual
 10 performance objectives for each school, including the following:

11 (1) For students:

12 (A) improvement in scores on statewide assessment tests and
 13 assessment programs;

14 (B) improvement in attendance rates; and

15 (C) improvement in progress toward graduation.

16 (2) For teachers,

17 ~~(A) improvement in student scores on assessment tests and~~
 18 ~~assessment programs;~~

19 ~~(B) improvement in the number and percentage of students~~
 20 ~~achieving state achievement standards and, if applicable,~~
 21 ~~performance levels set by the board, on assessment tests;~~

22 ~~(C) improvement in student progress toward graduation;~~

23 ~~(D) improvement in student attendance rates for the school~~
 24 ~~year;~~

25 ~~(E) improvement in individual teacher attendance rates;~~

26 ~~(F) improvement in communication with parents and parental~~
 27 ~~involvement in classroom and extracurricular activities; and~~

28 ~~(G) other objectives developed by the board.~~

29 **improvement in objectives that are identified under the**
 30 **procedures set forth in IC 20-7.5-1-4 and IC 20-7.5-1-5.**

31 (3) For the school: ~~and the school administrators:~~

32 (A) improvement in student scores on assessment tests,
 33 aggregated by class and grade;

34 (B) improvement in the number and percentage of students
 35 achieving state achievement standards and, if applicable,
 36 performance levels set by the board, on assessment tests,
 37 aggregated by class and grade;

38 (C) improvement in student graduation rates and in progress
 39 toward graduation; **and**

40 (D) improvement in student attendance rates.

41 **(4) For the school administrators:**

42 ~~(E)~~ (A) management of general fund expenditures per student

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- 1 and total expenditures per student;
 2 ~~(F)~~ improvement in teacher attendance rates; and
 3 ~~(G)~~ **(B)** other objectives developed by the board.
- 4 SECTION 11. IC 20-3.1-9-1, AS ADDED BY P.L.340-1995,
 5 SECTION 53, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 6 UPON PASSAGE]: Sec. 1. (a) **Subject to the procedures set forth in**
 7 **IC 20-7.5-1-4 and IC 20-7.5-1-5**, the plan developed and implemented
 8 by the board under IC 20-3.1-7 must contain general guidelines for
 9 decisions by the educators in each school to improve student
 10 achievement in the school.
- 11 (b) The board's plan shall provide for the publication to other
 12 schools within the school city and to the general community those
 13 processes, innovations, and approaches that have led individual schools
 14 to significant improvement in student achievement.
- 15 SECTION 12. IC 20-3.1-9-2, AS ADDED BY P.L.340-1995,
 16 SECTION 53, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 17 UPON PASSAGE]: Sec. 2. (a) Educators in each school are
 18 responsible for improving student achievement in the school and,
 19 **subject to the procedures set forth in IC 20-7.5-1-4 and**
 20 **IC 20-7.5-1-5**, may develop the educators' own school plan to achieve
 21 improvement that:
- 22 (1) conforms to the guidelines issued by the board; and
 23 (2) has a cost that does not exceed the amount allocated to the
 24 school under section 5 of this chapter.
- 25 (b) **Under a plan described in subsection (a)**, educators may use
 26 traditional or innovative techniques that the educators believe will best
 27 maintain a secure and supportive educational environment and improve
 28 student achievement.
- 29 SECTION 13. IC 20-3.1-9-6, AS ADDED BY P.L.340-1995,
 30 SECTION 53, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 31 UPON PASSAGE]: Sec. 6. (a) **Under a plan described in section 2**
 32 **of this chapter**, each school's educators may:
- 33 (1) determine the educational resources, goods, and services that
 34 are necessary and appropriate for improving student performance
 35 in the school; and
 36 (2) obtain or purchase the educational resources, goods, and
 37 services.
- 38 (b) Purchases and acquisitions under this section are subject to:
 39 (1) the general guidelines developed by the board; and
 40 (2) the school's budget.
- 41 SECTION 14. IC 20-3.1-9-8, AS ADDED BY P.L.340-1995,
 42 SECTION 53, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

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1 UPON PASSAGE]: Sec. 8. (a) If, as a result of a school's efforts to
 2 incur less expense than was budgeted in a fiscal year, the school has
 3 excess general fund money after the school's expenses for the fiscal
 4 year are paid in full, the school retains control of the excess.

5 (b) The school shall use excess general fund money retained under
 6 this section during the following school year for:

- 7 (1) professional development of the school's educators; and
 8 (2) other classroom instructional purposes;

9 under the general guidelines developed by the board **and as provided**
 10 **for in the plan.**

11 (c) The board may not consider a school's excess general fund
 12 money retained under this section when setting or approving the
 13 school's budget for subsequent years.

14 SECTION 15. IC 20-3.1-11-1, AS ADDED BY P.L.340-1995,
 15 SECTION 53, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 16 UPON PASSAGE]: Sec. 1. IC 20-6.1-9 ~~does not apply~~ **applies** to a
 17 school city.

18 SECTION 16. IC 20-3.1-11-3, AS ADDED BY P.L.340-1995,
 19 SECTION 53, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 20 UPON PASSAGE]: Sec. 3. (a) A staff performance evaluation plan
 21 must: ~~do~~

- 22 (1) **provide for the improvement of the performance of the**
 23 **individuals evaluated;**
 24 (2) **provide for the growth and development of the individuals**
 25 **evaluated;**
 26 (3) **require periodic assessment of the effectiveness of the**
 27 **plan;**
 28 (4) **provide that nonpermanent and semipermanent teachers**
 29 **receive:**

- 30 (A) **an evaluation on or before December 31 each year; and**
 31 (B) **if requested by the teacher, an additional evaluation on**
 32 **or before March 1 of the following year; and**

- 33 (5) **comply with IC 20-6.1-9.**

34 (b) **In addition to the requirements of subsection (a), the staff**
 35 **performance evaluation must comply with** the following:

- 36 (1) **The plan shall** provide for evaluation of each employee's
 37 performance based upon the following:

- 38 (A) For teachers,
 39 (i) **the development and maintenance of parental**
 40 **involvement in classroom and extracurricular activities;**
 41 (ii) **student achievement on assessment tests and assessment**
 42 **programs; and**



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- 1 ~~(iii) the teacher's attendance rates-~~
 2 **criteria identified through the procedures set forth in**
 3 **IC 20-7.5-1-4 and IC 20-7.5-1-5.**
 4 (B) For administrators:
 5 (i) student attendance rates;
 6 (ii) graduation rates;
 7 (iii) the number of teachers for each student at the school;
 8 (iv) the number of certified administrators for each student
 9 at the school; **and**
 10 (v) classroom expenditures per student as determined by a
 11 formula to be established by the board. **and**
 12 ~~(vi) Scholastic Aptitude Test scores-~~
 13 ~~(C) Other objective standards developed by the board for~~
 14 ~~measuring student, teacher, and administrator performance-~~
 15 (2) **The plan may not provide for the continuing professional**
 16 **development and improvement of the performance of the**
 17 **individuals evaluated: an evaluation that is based in whole or**
 18 **in part on the ISTEP test scores or the Scholastic Aptitude**
 19 **Test scores of the students in the school corporation.**
 20 ~~(3) Require periodic assessment of the effectiveness of the plan-~~
 21 ~~(4) Provide that teachers receive an evaluation twice during each~~
 22 ~~school year-~~
 23 SECTION 17. IC 20-3.1-11-6, AS ADDED BY P.L.340-1995,
 24 SECTION 53, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 25 UPON PASSAGE]: Sec. 6. Each staff performance evaluation plan
 26 must:
 27 (1) comply with guidelines established by **and the board;**
 28 (2) be approved by the board; **and**
 29 (3) **as it relates to certificated employees under IC 20-7.5, be**
 30 **established under the procedures set forth in IC 20-7.5-1-4**
 31 **and IC 20-7.5-1-5.**
 32 SECTION 18. IC 20-3.1-13-2, AS ADDED BY P.L.340-1995,
 33 SECTION 53, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 34 UPON PASSAGE]: Sec. 2. The board may:
 35 (1) request and receive competitive proposals from:
 36 (A) a school of the school city; **or**
 37 ~~(B) another public educational institution; or~~
 38 ~~(C) (B) a group of educators from the school city;~~
 39 to provide summer remediation services under guidelines and
 40 specified performance standards established by the **state** board;
 41 and
 42 (2) contract with one (1) or more providers listed in subdivision



1 (1) to provide summer remediation services to students in the
2 school city.

3 SECTION 19. IC 20-3.1-13-4, AS ADDED BY P.L.340-1995,
4 SECTION 53, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
5 UPON PASSAGE]: Sec. 4. (a) Summer remediation services provided
6 by contractors under section 2 of this chapter shall be at no tuition cost
7 to the student.

8 (b) Upon the request of the parent of a student described in section
9 4 of this chapter, the school city shall provide the parent with a summer
10 remediation subsidy in an amount equal to fifty percent (50%) of the
11 lowest per student cost of summer remediation services provided by a
12 contractor under section 2 of this chapter.

13 (c) A parent to whom a summer remediation subsidy is provided
14 may use the subsidy to purchase summer remediation services from a
15 provider located within Marion County. The parent may choose to use
16 the remediation subsidy at an accredited public school. If the amount
17 of tuition for the remediation services is greater than the amount of the
18 remediation subsidy provided to the parent, the parent is responsible
19 for the additional amount.

20 (d) The allocated remediation subsidy is payable to a provider of
21 remediation services upon the provider's enrollment of the student in
22 the remediation program.

23 (e) Payment of a remediation subsidy fulfills the obligation under
24 this chapter of the school city to provide remediation services to a
25 student.

26 (f) If a student who has received a remediation subsidy does not
27 complete a remediation program, the provider of remediation services
28 shall make a refund of the remediation subsidy on a pro rata basis to
29 the school city.

30 SECTION 20. IC 20-3.1-14-4, AS ADDED BY P.L.340-1995,
31 SECTION 53, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
32 UPON PASSAGE]: Sec. 4. **Subject to the procedures set forth in**
33 **IC 20-7.5-1-4 and IC 20-7.5-1-5 (as each is applicable) and**
34 **IC 20-6.1-4 concerning the cancellation of employment contracts**
35 **and** before August 1 of a school year for which a school is placed in
36 academic receivership, the superintendent and the board shall require
37 the following:

- 38 (1) Evaluation of each administrator at the school.
39 (2) Evaluation of each teacher at the school.
40 (3) Evaluation of the school's educational plan **as described in**
41 **IC 20-3.1-9.**
42 (4) Consideration of personnel, management, plan, and policy



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1 changes for the school to improve student performance at the
2 school.

3 (5) Identification of significant management, personnel, plan, or
4 policy changes that in the board's judgment must be implemented
5 to improve the school's performance.

6 SECTION 21. IC 20-3.1-14-5, AS ADDED BY P.L.340-1995,
7 SECTION 53, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
8 UPON PASSAGE]: Sec. 5. (a) **Subject to the requirements of**
9 **subsection (b)**, if a school is placed in academic receivership, the
10 superintendent and the board must take action to raise the school's level
11 of performance on each of the performance indicators listed in section
12 1 of this chapter.

13 (b) The actions that the superintendent and the board may take to
14 raise the performance of a school in academic receivership ~~include the~~
15 ~~following:~~

- 16 (1) ~~Shifting resources of the school city to the school;~~
- 17 (2) ~~Changing or removing the school principal, teachers,~~
18 ~~administrators, or other staff;~~
- 19 (3) ~~Establishing a new educational plan for the school;~~
- 20 (4) ~~Requiring the superintendent or another school city appointee~~
21 ~~to administer the school until the academic receivership status of~~
22 ~~the school is removed;~~
- 23 (5) ~~Contracting with a for-profit or nonprofit organization or~~
24 ~~individual to manage the school;~~
- 25 (6) ~~Closing the school;~~
- 26 (7) ~~Any other management, personnel, or policy changes that the~~
27 ~~superintendent and board expect in the following school year to:~~
28 (A) ~~raise the performance of the school; and~~
29 (B) ~~avoid continuing academic receivership status for the~~
30 ~~school;~~

31 **must be taken in accordance with the procedures set forth in:**

- 32 (1) **IC 20-7.5-1-4 and IC 20-7.5-1-5; and**
- 33 (2) **IC 20-6.1-4 as it pertains to the cancellation of**
34 **employment contracts.**

35 (c) The provisions of this chapter, if inconsistent with any other law
36 relating to education, teachers, or common schools, govern.

37 SECTION 22. IC 20-3.1-15-1, AS ADDED BY P.L.340-1995,
38 SECTION 53, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
39 UPON PASSAGE]: Sec. 1. To provide the board with the necessary
40 flexibility and resources to carry out this article, the following apply:

- 41 (1) ~~The board may eliminate or modify existing policies and~~
42 ~~create new policies, and alter policies from time to time, subject~~

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1 to this article and the plan developed under ~~IC 20-3.1-7.~~

2 (2) ~~IC 20-7.5~~ does not apply to matters set forth in this article.
3 The matters set forth in this article may not be the subject of
4 collective bargaining or discussion under ~~IC 20-7.5.~~

5 (3) ~~An exclusive representative certified under IC 20-7.5~~ to
6 represent certified employees of the school city, or any other
7 entity voluntarily recognized by the board as a representative of
8 employees providing educational services in the schools, may
9 bargain collectively only concerning salary, wages, and salary and
10 wage related fringe benefits. ~~The exclusive representative may not~~
11 ~~bargain collectively or discuss performance awards under~~
12 ~~IC 20-3.1-12.~~

13 (4) (1) The board of school commissioners may waive the
14 following statutes and rules for any school in the school city
15 without the need for administrative, regulatory, or legislative
16 approval:

17 (A) The following rules concerning curriculum and
18 instructional time:

19 511 IAC 6.1-3-4

20 511 IAC 6.1-5-0.5

21 511 IAC 6.1-5-1

22 511 IAC 6.1-5-2.5

23 511 IAC 6.1-5-3.5

24 511 IAC 6.1-5-4

25 (B) The following rules concerning pupil/teacher ratios:

26 511 IAC 6-2-1(b)(2)

27 511 IAC 6.1-4-1

28 (C) The following statutes and rules concerning textbooks, and
29 rules adopted under the statutes:

30 IC 20-10.1-9-1

31 IC 20-10.1-9-18

32 IC 20-10.1-9-21

33 IC 20-10.1-9-23

34 IC 20-10.1-9-27

35 IC 20-10.1-10-1

36 IC 20-10.1-10-2

37 511 IAC 6.1-5-5

38 (D) The following rules concerning school principals:

39 511 IAC 6-2-1(c)(4)

40 511 IAC 6.1-4-2

41 (E) 511 IAC 2-2, concerning school construction and
42 remodeling.

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~~(5)~~ (2) Notwithstanding any other law, a school city may do the following:

(A) Lease school transportation equipment to others for nonschool use when the equipment is not in use for a school city purpose.

(B) Establish a professional development and technology fund to be used for:

- (i) professional development; or
- (ii) technology, including video distance learning.

(C) Transfer funds obtained from sources other than state or local government taxation among any account of the school corporation, including a professional development and technology fund established under clause (B).

~~(6)~~ (3) Transfer funds obtained from property taxation among the general fund (established under IC 21-2-11) and the school transportation fund (established under IC 21-2-11.5), subject to the following:

(A) The sum of the property tax rates for the general fund and the school transportation fund after a transfer occurs under this subdivision may not exceed the sum of the property tax rates for the general fund and the school transportation fund before a transfer occurs under this clause.

(B) This clause does not allow a school corporation to transfer to any other fund money from the debt service fund (established under IC 21-2-4).

SECTION 23. THE FOLLOWING ARE REPEALED [EFFECTIVE UPON PASSAGE]: IC 20-3.1-2-15; IC 20-3.1-12.

SECTION 24. [EFFECTIVE UPON PASSAGE] (a) **Between the effective date of this act and the implementation of the plan for the improvement of student achievement that is established under IC 20-3.1-7-1, as amended by this act, a school employer who is subject to IC 20-3.1, as amended by this act:**

(1) may not cancel the contract of a school employee for any reason other than a reason set forth in IC 20-6.1-4-10 or IC 20-6.1-4-10.5; and

(2) is subject to IC 20-6.1-4-11 when canceling the contract of a school employee.

(b) This SECTION expires July 1, 2001.

SECTION 25. IC 20-7.5-1-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 7. ~~Unfair Practices:~~

(a) It shall be an unfair practice for a school employer to **do the following:**

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- 1 (1) Interfere with, restrain, or coerce school employees in the
- 2 exercise of the rights guaranteed in section 6 of this chapter.
- 3 (2) Dominate, interfere, or assist in the formation or
- 4 administration of any school employee organization or contribute
- 5 financial or other support to it. ~~provided, that~~ **However**, subject
- 6 to rules and regulations made by the governing body, a school
- 7 employer may permit school employees to confer with the school
- 8 employer or with any school employee organization during
- 9 working hours without loss of time or pay.
- 10 (3) Encourage or discourage membership in any school employee
- 11 organization through discrimination in regard to hiring or tenure
- 12 of employment or any term or condition of employment.
- 13 (4) Discharge or otherwise discriminate against a school
- 14 employee because he has filed a complaint, affidavit, petition, or
- 15 given any information or testimony under this chapter.
- 16 (5) Refuse to bargain collectively or discuss with an exclusive
- 17 representative as required by any provisions of this chapter.
- 18 (6) Fail or refuse to comply with any provision of this chapter.

19 **(b) It is not an unfair practice for a school employer to provide**
 20 **factual information to school employees concerning insurance**
 21 **coverage provided by the school employer that may affect the**
 22 **potential liability of a school employee arising from the course of**
 23 **the school employee's employment.**

24 ~~(b)~~ **(c) It shall be an unfair practice for a school employee**
 25 **organization or its agents to do the following:**

- 26 (1) Interfere with, restrain, or coerce:
- 27 ~~(a)~~ **(A)** school employees in the exercise of the rights
- 28 guaranteed by this chapter; or
- 29 ~~(b)~~ **(B)** a school employer in the selection of its representatives
- 30 for the purpose of bargaining collectively, **or** discussing or
- 31 adjusting grievances.

32 This ~~paragraph~~ **subdivision** shall not impair the right of a school
 33 employee organization to prescribe its own rules with respect to
 34 the acquisition or retention of membership therein.

- 35 (2) Cause or attempt to cause a school employer to discriminate
- 36 against an employee in violation of subsection (a).
- 37 (3) Refuse to bargain collectively with a school employer, if the
- 38 school employee organization is the exclusive representative.
- 39 (4) Fail or refuse to comply with any provision of this chapter.

40 ~~(c)~~ **(d) Nothing herein in this section** shall in any way restrict the
 41 right of either the school employer or the school employee organization
 42 to bring suit for specific performance ~~and/or~~ **or** breach of performance

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1 of a collective bargaining contract in any court having jurisdiction
2 thereof.

3 SECTION 26. IC 20-7.5-1-11 IS AMENDED TO READ AS
4 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 11. (a) Unfair practices
5 shall be remediable in the manner provided in this section. Any school
6 employer or any school employee who believes he is aggrieved by an
7 unfair practice may file a complaint under oath to such effect, setting
8 out a summary of the facts involved and specifying the section of this
9 chapter alleged to have been violated.

10 (b) ~~Hereafter,~~ The board shall give notice to the person or
11 organization against whom the complaint is directed and shall
12 determine the matter raised in the complaint, and appeals may be taken
13 in accordance with IC 4-21.5-3.

14 (c) Testimony may be taken and findings and conclusions may be
15 made by a hearing examiner or **an** agent of the board who may be a
16 member ~~thereof.~~ **of the board.**

17 (d) The board, but not a hearing examiner or **an** agent ~~thereof,~~ **of**
18 **the board,** may enter ~~such an~~ interlocutory ~~orders~~ **order** after
19 summary hearing as it ~~deems necessary in carrying to carry~~ out the
20 intent of this chapter.

21 (e) **If, at the conclusion of the hearing, the board, hearing**
22 **examiner, or agent of the board determines, based on a**
23 **preponderance of the evidence admitted at the hearing, that the**
24 **person named in the complaint has engaged in an unfair practice**
25 **under section 7 of this chapter, the board:**

26 (1) shall:

- 27 (A) state its findings of fact and conclusions of law; and
28 (B) issue an order requiring the person to cease the unfair
29 practice; and

30 (2) may:

- 31 (A) take other appropriate action, including ordering the
32 reinstatement with back pay of an employee; and
33 (B) require the person who has engaged in the unfair
34 practice to report to the board concerning compliance with
35 the board's order.

36 (f) **If, at the conclusion of the hearing, the board, hearing**
37 **examiner, or agent of the board determines, based on a**
38 **preponderance of the evidence admitted at the hearing, that the**
39 **person named in the complaint has not engaged in an unfair**
40 **practice under section 7 of this chapter, the board shall:**

- 41 (1) state its findings of fact and conclusions of law; and
42 (2) dismiss the complaint.



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1 **(g) If, at the conclusion of the hearing, the board, hearing**
2 **examiner, or agent of the board determines that an employee was**
3 **dismissed or suspended for cause, an order reinstating the**
4 **employee or awarding the employee back pay may not be issued.**
5 **SECTION 27. An emergency is declared for this act.**

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COMMITTEE REPORT

Mr. President: The Senate Committee on Education, to which was referred Senate Bill 367, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is made to Senate Bill 367 as introduced.)

WEATHERWAX, Chairperson

Committee Vote: Yeas 7, Nays 2.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Labor and Employment, to which was referred Senate Bill 367, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 20-3-11-32, AS AMENDED BY P.L.340-1995, SECTION 52, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 32. The general school laws of this state and all laws and parts of laws applicable to the general system of common schools in school cities, so far as not inconsistent with the provisions of this chapter, ~~and IC 20-3-1, and unless made inapplicable by IC 20-3-1,~~ shall be in full force and effect in a school city to which this chapter applies.

SECTION 2. IC 20-3.1-2-10, AS ADDED BY P.L.340-1995, SECTION 53, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10. "Expected performance level" refers to a performance measure, used to place a school in academic receivership, established by the board at a level not less than one (1) standard deviation below the state average under the procedures set forth in **IC 20-7.5-1-4 and IC 20-7.5-1-5** for:

- (1) student attendance rates;
- (2) remediation rates;
- (3) scores on assessment tests; and
- (4) graduation rates.

SECTION 3. IC 20-3.1-3-1, AS ADDED BY P.L.340-1995, SECTION 53, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. The following school city conditions and needs are found to exist on January 1, 1995:

- (1) Education in the school city presents unique challenges.
- (2) Student achievement in the school city on statewide tests consistently has been significantly below:
 - (A) the state average; and
 - (B) achievement attained in school corporations adjacent to the school city.
- (3) The need for remediation of students in the school city consistently has been significantly higher than:
 - (A) the state average; and
 - (B) remediation levels in school corporations adjacent to the school city.
- (4) Graduation rates in the school city consistently have been

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significantly below:

- (A) the state average; and
 - (B) graduation rates in school corporations adjacent to the school city.
- (5) Student attendance rates in the school city consistently have been below:
- (A) the state average; and
 - (B) student attendance rates in school corporations adjacent to the school city.
- (6) There are individual schools in the school city whose students are achieving. However, **overall a degree of** student achievement in the school city is unsatisfactory.
- ~~(7) Improving education in the school city requires unique legislative intervention.~~
- ~~(8) (7) Educator-driven school level control of efforts to improve student achievement in their schools and a program of performance awards in the school city will encourage the development and use of:~~
- (A) innovative teaching methods;
 - (B) improved opportunities for teacher professional development;
 - (C) programs achieving greater levels of parental involvement;
 - (D) more efficient administrative efforts; and
 - (E) improved student achievement.
- ~~(9) (8) Greater accountability among educators in their schools, including:~~
- (A) evaluations based on **student achievement measures and** administrative efficiency criteria; and
 - (B) annual reports to the public regarding student achievement information and administrative performance measures;
- will encourage the development and use of creative and innovative educational methods and improve student achievement.
- ~~(10) (9) Providing a range of remediation opportunities to students in the school city who fail to meet state achievement standards or who are determined to be at risk of academic failure by the board will enhance the educational opportunities available to students and improve student performance.~~
- ~~(11) (10) Enhanced intervention for schools whose students fail to meet expected performance levels will improve the educational opportunities and educational achievement in the school city.~~
- ~~(12) (11) Allowing students to attend neighborhood schools and~~

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the development and implementation of a plan by the board to increase student performance and achievement in the school city are necessary to achieve these legislative objectives and to meet the unique challenges to education and improve student achievement in the school city.

SECTION 4. IC 20-3.1-5-3, AS ADDED BY P.L.340-1995, SECTION 53, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. Each school shall report to the county office of family and children the names of **parents and** foster parents who have not completed a compact under this chapter.

SECTION 5. IC 20-3.1-6-1, AS ADDED BY P.L.340-1995, SECTION 53, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. The student performance measures described in sections 2 through 4 of this chapter shall be used by the board to:

- (1) assess;
- (2) report; and
- (3) improve;

the performance of schools ~~educators~~, and students in the school city.

SECTION 6. IC 20-3.1-7-1, AS ADDED BY P.L.340-1995, SECTION 53, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) **Subject to the procedures set forth in IC 20-7.5-1-4 and IC 20-7.5-1-5**, the board shall develop and implement a plan for the improvement of student achievement in the schools within the school city.

(b) A plan developed and implemented under this chapter must be consistent with this article.

SECTION 7. IC 20-3.1-7-2, AS ADDED BY P.L.340-1995, SECTION 53, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. The plan developed and implemented under this chapter must do the following:

- (1) Provide for efforts to increase support of the schools by the parents of students and the neighborhood communities surrounding the schools.
- (2) Establish performance objectives for educators and students in each school within the school city **as described in IC 20-3.1-8-1**.
- (3) Provide opportunity and support for the educators in each school to develop a school plan, including:
 - (A) traditional or innovative methods and approaches to improve student achievement; and
 - (B) efficient and cost effective management efforts in the



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school;

that are consistent with general guidelines established by the board.

(4) Require annual reports identifying the progress of student achievement for each school as described in IC 20-3.1-10.

(5) Provide for the effective evaluation of each school within the school city and the school's educators, including the consideration of student achievement in the school.

~~(6) Develop performance awards under IC 20-3.1-12 for extraordinary and outstanding performance by educators.~~

~~(7)~~ (6) Provide a range of opportunity for remediation of students who:

(A) fail to meet state achievement standards; or

(B) are at risk of academic failure.

~~(8)~~ (7) Require action to raise the level of performance of a school if the school's students fail to achieve expected performance levels or performance objectives established for the school.

SECTION 8. IC 20-3.1-7-3, AS ADDED BY P.L.340-1995, SECTION 53, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. The board shall:

(1) develop and publish the plan required under this chapter not later than ~~December 31, 1995;~~ **December 31, 1998;** and

(2) implement the plan not later than July 1, ~~1996;~~ **1999.**

SECTION 9. IC 20-3.1-7-4, AS ADDED BY P.L.340-1995, SECTION 53, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) If the board revises the plan after the plan is published, the board shall publish the revisions.

(b) Revisions to the plan are subject to the procedures set forth in IC 20-7.5-1-4 and IC 20-7.5-1-5.

SECTION 10. IC 20-3.1-8-1, AS ADDED BY P.L.340-1995, SECTION 53, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. The board shall establish annual performance objectives for each school, including the following:

(1) For students:

(A) improvement in scores on statewide assessment tests and assessment programs;

(B) improvement in attendance rates; and

(C) improvement in progress toward graduation.

(2) For teachers,

~~(A) improvement in student scores on assessment tests and assessment programs;~~

~~(B) improvement in the number and percentage of students~~



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achieving state achievement standards and, if applicable, performance levels set by the board, on assessment tests;
~~(C)~~ improvement in student progress toward graduation;
~~(D)~~ improvement in student attendance rates for the school year;
~~(E)~~ improvement in individual teacher attendance rates;
~~(F)~~ improvement in communication with parents and parental involvement in classroom and extracurricular activities; and
~~(G)~~ other objectives developed by the board.

improvement in objectives that are identified under the procedures set forth in IC 20-7.5-1-4 and IC 20-7.5-1-5.

(3) For the school: ~~and the school administrators:~~

- (A) improvement in student scores on assessment tests, aggregated by class and grade;
- (B) improvement in the number and percentage of students achieving state achievement standards and, if applicable, performance levels set by the board, on assessment tests, aggregated by class and grade;
- (C) improvement in student graduation rates and in progress toward graduation; **and**
- (D) improvement in student attendance rates.

(4) For the school administrators:

- ~~(E)~~ (A) management of general fund expenditures per student and total expenditures per student;
- ~~(F)~~ improvement in teacher attendance rates; and
- ~~(G)~~ (B) other objectives developed by the board.

SECTION 11. IC 20-3.1-9-1, AS ADDED BY P.L.340-1995, SECTION 53, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) **Subject to the procedures set forth in IC 20-7.5-1-4 and IC 20-7.5-1-5**, the plan developed and implemented by the board under IC 20-3.1-7 must contain general guidelines for decisions by the educators in each school to improve student achievement in the school.

(b) The board's plan shall provide for the publication to other schools within the school city and to the general community those processes, innovations, and approaches that have led individual schools to significant improvement in student achievement.

SECTION 12. IC 20-3.1-9-2, AS ADDED BY P.L.340-1995, SECTION 53, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) Educators in each school are responsible for improving student achievement in the school and, **subject to the procedures set forth in IC 20-7.5-1-4 and**



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IC 20-7.5-1-5, may develop the educators' own school plan to achieve improvement that:

- (1) conforms to the guidelines issued by the board; and
- (2) has a cost that does not exceed the amount allocated to the school under section 5 of this chapter.

(b) **Under a plan described in subsection (a)**, educators may use traditional or innovative techniques that the educators believe will best maintain a secure and supportive educational environment and improve student achievement.

SECTION 13. IC 20-3.1-9-6, AS ADDED BY P.L.340-1995, SECTION 53, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) **Under a plan described in section 2 of this chapter**, each school's educators may:

- (1) determine the educational resources, goods, and services that are necessary and appropriate for improving student performance in the school; and
 - (2) obtain or purchase the educational resources, goods, and services.
- (b) Purchases and acquisitions under this section are subject to:
- (1) the general guidelines developed by the board; and
 - (2) the school's budget.

SECTION 14. IC 20-3.1-9-8, AS ADDED BY P.L.340-1995, SECTION 53, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. (a) If, as a result of a school's efforts to incur less expense than was budgeted in a fiscal year, the school has excess general fund money after the school's expenses for the fiscal year are paid in full, the school retains control of the excess.

(b) The school shall use excess general fund money retained under this section during the following school year for:

- (1) professional development of the school's educators; and
- (2) other classroom instructional purposes;

under the general guidelines developed by the board **and as provided for in the plan.**

(c) The board may not consider a school's excess general fund money retained under this section when setting or approving the school's budget for subsequent years.

SECTION 15. IC 20-3.1-11-1, AS ADDED BY P.L.340-1995, SECTION 53, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. IC 20-6.1-9 ~~does not apply~~ **applies** to a school city.

SECTION 16. IC 20-3.1-11-3, AS ADDED BY P.L.340-1995, SECTION 53, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



UPON PASSAGE]: Sec. 3. (a) A staff performance evaluation plan must: ~~do~~

- (1) provide for the improvement of the performance of the individuals evaluated;
- (2) provide for the growth and development of the individuals evaluated;
- (3) require periodic assessment of the effectiveness of the plan;
- (4) provide that nonpermanent and semipermanent teachers receive:
 - (A) an evaluation on or before December 31 each year; and
 - (B) if requested by the teacher, an additional evaluation on or before March 1 of the following year; and
- (5) comply with IC 20-6.1-9.

(b) In addition to the requirements of subsection (a), the staff performance evaluation must comply with the following:

- (1) The plan shall provide for evaluation of each employee's performance based upon the following:
 - (A) For teachers,
 - (i) the development and maintenance of parental involvement in classroom and extracurricular activities;
 - (ii) student achievement on assessment tests and assessment programs; and
 - (iii) the teacher's attendance rates:

criteria identified through the procedures set forth in IC 20-7.5-1-4 and IC 20-7.5-1-5.

- (B) For administrators:
 - (i) student attendance rates;
 - (ii) graduation rates;
 - (iii) the number of teachers for each student at the school;
 - (iv) the number of certified administrators for each student at the school; **and**
 - (v) classroom expenditures per student as determined by a formula to be established by the board. **and**
 - (vi) Scholastic Aptitude Test scores:
- (C) Other objective standards developed by the board for measuring student, teacher, and administrator performance.

- (2) The plan may not provide for the continuing professional development and improvement of the performance of the individuals evaluated: **an evaluation that is based in whole or in part on the ISTEP test scores or the Scholastic Aptitude Test scores of the students in the school corporation.**



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- (3) Require periodic assessment of the effectiveness of the plan.
- (4) Provide that teachers receive an evaluation twice during each school year.

SECTION 17. IC 20-3.1-11-6, AS ADDED BY P.L.340-1995, SECTION 53, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. Each staff performance evaluation plan must:

- (1) comply with guidelines established by ~~and the board~~;
- (2) be approved by the board; ~~and~~
- (3) **as it relates to certificated employees under IC 20-7.5, be established under the procedures set forth in IC 20-7.5-1-4 and IC 20-7.5-1-5.**

SECTION 18. IC 20-3.1-13-2, AS ADDED BY P.L.340-1995, SECTION 53, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. The board may:

- (1) request and receive competitive proposals from:
 - (A) a school of the school city; ~~or~~
 - ~~(B) another public educational institution; or~~
 - ~~(C) (B) a group of educators from the school city;~~
 to provide summer remediation services under guidelines and specified performance standards established by the **state** board; and
- (2) contract with one (1) or more providers listed in subdivision (1) to provide summer remediation services to students in the school city.

SECTION 19. IC 20-3.1-13-4, AS ADDED BY P.L.340-1995, SECTION 53, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. ~~(a)~~ Summer remediation services provided by contractors under section 2 of this chapter shall be at no tuition cost to the student.

~~(b)~~ Upon the request of the parent of a student described in section 1 of this chapter, the school city shall provide the parent with a summer remediation subsidy in an amount equal to fifty percent (50%) of the lowest per student cost of summer remediation services provided by a contractor under section 2 of this chapter.

~~(c)~~ A parent to whom a summer remediation subsidy is provided may use the subsidy to purchase summer remediation services from a provider located within Marion County. The parent may choose to use the remediation subsidy at an accredited public school. If the amount of tuition for the remediation services is greater than the amount of the remediation subsidy provided to the parent, the parent is responsible for the additional amount.



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(d) The allocated remediation subsidy is payable to a provider of remediation services upon the provider's enrollment of the student in the remediation program.

(e) Payment of a remediation subsidy fulfills the obligation under this chapter of the school city to provide remediation services to a student.

(f) If a student who has received a remediation subsidy does not complete a remediation program, the provider of remediation services shall make a refund of the remediation subsidy on a pro rata basis to the school city.

SECTION 20. IC 20-3.1-14-4, AS ADDED BY P.L.340-1995, SECTION 53, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. **Subject to the procedures set forth in IC 20-7.5-1-4 and IC 20-7.5-1-5 (as each is applicable) and IC 20-6.1-4 concerning the cancellation of employment contracts and** before August 1 of a school year for which a school is placed in academic receivership, the superintendent and the board shall require the following:

- (1) Evaluation of each administrator at the school.
- (2) Evaluation of each teacher at the school.
- (3) Evaluation of the school's educational plan **as described in IC 20-3.1-9.**
- (4) Consideration of personnel, management, plan, and policy changes for the school to improve student performance at the school.
- (5) Identification of significant management, personnel, plan, or policy changes that in the board's judgment must be implemented to improve the school's performance.

SECTION 21. IC 20-3.1-14-5, AS ADDED BY P.L.340-1995, SECTION 53, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) **Subject to the requirements of subsection (b),** if a school is placed in academic receivership, the superintendent and the board must take action to raise the school's level of performance on each of the performance indicators listed in section 1 of this chapter.

(b) The actions that the superintendent and the board may take to raise the performance of a school in academic receivership ~~include the~~ following:

- (1) ~~Shifting resources of the school city to the school.~~
- (2) ~~Changing or removing the school principal, teachers, administrators, or other staff.~~
- (3) ~~Establishing a new educational plan for the school.~~



- (4) Requiring the superintendent or another school city appointee to administer the school until the academic receivership status of the school is removed.
- (5) Contracting with a for-profit or nonprofit organization or individual to manage the school.
- (6) Closing the school.
- (7) Any other management, personnel, or policy changes that the superintendent and board expect in the following school year to:
 - (A) raise the performance of the school; and
 - (B) avoid continuing academic receivership status for the school.

must be taken in accordance with the procedures set forth in:

- (1) IC 20-7.5-1-4 and IC 20-7.5-1-5; and
- (2) IC 20-6.1-4 as it pertains to the cancellation of employment contracts.

(c) The provisions of this chapter, if inconsistent with any other law relating to education, teachers, or common schools, govern.

SECTION 22. IC 20-3.1-15-1, AS ADDED BY P.L.340-1995, SECTION 53, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. To provide the board with the necessary flexibility and resources to carry out this article, the following apply:

- (1) The board may eliminate or modify existing policies and create new policies; and alter policies from time to time; subject to this article and the plan developed under IC 20-3.1-7.
- (2) IC 20-7.5 does not apply to matters set forth in this article. The matters set forth in this article may not be the subject of collective bargaining or discussion under IC 20-7.5.
- (3) An exclusive representative certified under IC 20-7.5 to represent certified employees of the school city; or any other entity voluntarily recognized by the board as a representative of employees providing educational services in the schools; may bargain collectively only concerning salary, wages, and salary and wage related fringe benefits. The exclusive representative may not bargain collectively or discuss performance awards under IC 20-3.1-12.

(4) (1) The board of school commissioners may waive the following statutes and rules for any school in the school city without the need for administrative, regulatory, or legislative approval:

- (A) The following rules concerning curriculum and instructional time:
 - 511 IAC 6.1-3-4



511 IAC 6.1-5-0.5

511 IAC 6.1-5-1

511 IAC 6.1-5-2.5

511 IAC 6.1-5-3.5

511 IAC 6.1-5-4

(B) The following rules concerning pupil/teacher ratios:

511 IAC 6-2-1(b)(2)

511 IAC 6.1-4-1

(C) The following statutes and rules concerning textbooks, and rules adopted under the statutes:

IC 20-10.1-9-1

IC 20-10.1-9-18

IC 20-10.1-9-21

IC 20-10.1-9-23

IC 20-10.1-9-27

IC 20-10.1-10-1

IC 20-10.1-10-2

511 IAC 6.1-5-5

(D) The following rules concerning school principals:

511 IAC 6-2-1(c)(4)

511 IAC 6.1-4-2

(E) 511 IAC 2-2, concerning school construction and remodeling.

~~(5)~~ **(2)** Notwithstanding any other law, a school city may do the following:

(A) Lease school transportation equipment to others for nonschool use when the equipment is not in use for a school city purpose.

(B) Establish a professional development and technology fund to be used for:

(i) professional development; or

(ii) technology, including video distance learning.

(C) Transfer funds obtained from sources other than state or local government taxation among any account of the school corporation, including a professional development and technology fund established under clause (B).

~~(6)~~ **(3)** Transfer funds obtained from property taxation among the general fund (established under IC 21-2-11) and the school transportation fund (established under IC 21-2-11.5), subject to the following:

(A) The sum of the property tax rates for the general fund and the school transportation fund after a transfer occurs under this

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subdivision may not exceed the sum of the property tax rates for the general fund and the school transportation fund before a transfer occurs under this clause.

(B) This clause does not allow a school corporation to transfer to any other fund money from the debt service fund (established under IC 21-2-4).

SECTION 23. THE FOLLOWING ARE REPEALED [EFFECTIVE UPON PASSAGE]: IC 20-3.1-2-15; IC 20-3.1-12.

SECTION 24. [EFFECTIVE UPON PASSAGE] (a) **Between the effective date of this act and the implementation of the plan for the improvement of student achievement that is established under IC 20-3.1-7-1, as amended by this act, a school employer who is subject to IC 20-3.1, as amended by this act:**

(1) **may not cancel the contract of a school employee for any reason other than a reason set forth in IC 20-6.1-4-10 or IC 20-6.1-4-10.5; and**

(2) **is subject to IC 20-6.1-4-11 when canceling the contract of a school employee.**

(b) **This SECTION expires July 1, 2001."**

Page 2, line 7, delete "communicate with" and insert: **"provide factual information to"**.

Page 2, after line 31, begin a new paragraph and insert:

"SECTION 26. IC 20-7.5-1-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 11. (a) Unfair practices shall be remediable in the manner provided in this section. Any school employer or any school employee who believes he is aggrieved by an unfair practice may file a complaint under oath to such effect, setting out a summary of the facts involved and specifying the section of this chapter alleged to have been violated.

(b) ~~Thereafter,~~ The board shall give notice to the person or organization against whom the complaint is directed and shall determine the matter raised in the complaint, and appeals may be taken in accordance with IC 4-21.5-3.

(c) Testimony may be taken and findings and conclusions may be made by a hearing examiner or **an** agent of the board who may be a member ~~thereof~~: **of the board**.

(d) The board, but not a hearing examiner or **an** agent ~~thereof~~, **of the board**, may enter ~~such an~~ interlocutory ~~orders~~ **order** after summary hearing as it ~~deems necessary in carrying to carry~~ out the intent of this chapter.

(e) **If, at the conclusion of the hearing, the board, hearing examiner, or agent of the board determines, based on a**



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preponderance of the evidence admitted at the hearing, that the person named in the complaint has engaged in an unfair practice under section 7 of this chapter, the board:

(1) shall:

- (A) state its findings of fact and conclusions of law; and
- (B) issue an order requiring the person to cease the unfair practice; and

(2) may:

- (A) take other appropriate action, including ordering the reinstatement with back pay of an employee; and
- (B) require the person who has engaged in the unfair practice to report to the board concerning compliance with the board's order.

(f) If, at the conclusion of the hearing, the board, hearing examiner, or agent of the board determines, based on a preponderance of the evidence admitted at the hearing, that the person named in the complaint has not engaged in an unfair practice under section 7 of this chapter, the board shall:

- (1) state its findings of fact and conclusions of law; and
- (2) dismiss the complaint.

(g) If, at the conclusion of the hearing, the board, hearing examiner, or agent of the board determines that an employee was dismissed or suspended for cause, an order reinstating the employee or awarding the employee back pay may not be issued.

SECTION 27. An emergency is declared for this act."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to Senate Bill 367 as printed January 30, 1998.)

LIGGETT, Chair

Committee Vote: yeas 8, nays 5.

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