

Adopted	Rejected
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COMMITTEE REPORT

YES:	8
NO:	5

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:*

- 1 Page 1, between the enacting clause and line 1, begin a new
- 2 paragraph and insert:
- 3 "SECTION 1. IC 20-3-11-32, AS AMENDED BY P.L.340-1995,
- 4 SECTION 52, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 5 UPON PASSAGE]: Sec. 32. The general school laws of this state and
- 6 all laws and parts of laws applicable to the general system of common
- 7 schools in school cities, so far as not inconsistent with the provisions
- 8 of this chapter, ~~and IC 20-3-1, and unless made inapplicable by~~
- 9 ~~IC 20-3-1~~, shall be in full force and effect in a school city to which this
- 10 chapter applies.
- 11 SECTION 2. IC 20-3.1-2-10, AS ADDED BY P.L.340-1995,
- 12 SECTION 53, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 13 UPON PASSAGE]: Sec. 10. "Expected performance level" refers to a

1 performance measure, used to place a school in academic receivership,
 2 established by the board at a level not less than one (1) standard
 3 deviation below the state average under the procedures set forth in
 4 **IC 20-7.5-1-4 and IC 20-7.5-1-5** for:

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

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

- 13 (1) Education in the school city presents unique challenges.
- 14 (2) Student achievement in the school city on statewide tests
 15 consistently has been significantly below:
 - 16 (A) the state average; and
 - 17 (B) achievement attained in school corporations adjacent to
 18 the school city.
- 19 (3) The need for remediation of students in the school city
 20 consistently has been significantly higher than:
 - 21 (A) the state average; and
 - 22 (B) remediation levels in school corporations adjacent to the
 23 school city.
- 24 (4) Graduation rates in the school city consistently have been
 25 significantly below:
 - 26 (A) the state average; and
 - 27 (B) graduation rates in school corporations adjacent to the
 28 school city.
- 29 (5) Student attendance rates in the school city consistently have
 30 been below:
 - 31 (A) the state average; and
 - 32 (B) student attendance rates in school corporations adjacent
 33 to the school city.
- 34 (6) There are individual schools in the school city whose
 35 students are achieving. However, ~~overall~~ **a degree of** student
 36 achievement in the school city is unsatisfactory.
- 37 ~~(7) Improving education in the school city requires unique~~
 38 ~~legislative intervention.~~

- 1 ~~(8)~~ **(7)** Educator-driven school level control of efforts to improve
 2 student achievement in their schools and a program of
 3 performance awards in the school city will encourage the
 4 development and use of:
- 5 (A) innovative teaching methods;
 - 6 (B) improved opportunities for teacher professional
 7 development;
 - 8 (C) programs achieving greater levels of parental
 9 involvement;
 - 10 (D) more efficient administrative efforts; and
 - 11 (E) improved student achievement.
- 12 ~~(9)~~ **(8)** Greater accountability among educators in their schools,
 13 including:
- 14 (A) evaluations based on ~~student achievement measures and~~
 15 administrative efficiency criteria; and
 - 16 (B) annual reports to the public regarding student
 17 achievement information and administrative performance
 18 measures;
- 19 will encourage the development and use of creative and
 20 innovative educational methods and improve student
 21 achievement.
- 22 ~~(10)~~ **(9)** Providing a range of remediation opportunities to
 23 students in the school city who fail to meet state achievement
 24 standards or who are determined to be at risk of academic failure
 25 by the board will enhance the educational opportunities available
 26 to students and improve student performance.
- 27 ~~(11)~~ **(10)** Enhanced intervention for schools whose students fail
 28 to meet expected performance levels will improve the
 29 educational opportunities and educational achievement in the
 30 school city.
- 31 ~~(12)~~ **(11)** Allowing students to attend neighborhood schools and
 32 the development and implementation of a plan by the board to
 33 increase student performance and achievement in the school city
 34 are necessary to achieve these legislative objectives and to meet
 35 the unique challenges to education and improve student
 36 achievement in the school city.
- 37 SECTION 4. IC 20-3.1-5-3, AS ADDED BY P.L.340-1995,
 38 SECTION 53, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

1 UPON PASSAGE]: Sec. 3. Each school shall report to the county
 2 office of family and children the names of **parents and** foster parents
 3 who have not completed a compact under this chapter.

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

- 9 (1) assess;
- 10 (2) report; and
- 11 (3) improve;

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

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

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

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

25 (1) Provide for efforts to increase support of the schools by the
 26 parents of students and the neighborhood communities
 27 surrounding the schools.

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

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

33 (A) traditional or innovative methods and approaches to
 34 improve student achievement; and

35 (B) efficient and cost effective management efforts in the
 36 school;

37 that are consistent with general guidelines established by the
 38 board.

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

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

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

8 ~~(7)~~ (6) Provide a range of opportunity for remediation of students
9 who:

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

11 (B) are at risk of academic failure.

12 ~~(8)~~ (7) Require action to raise the level of performance of a
13 school if the school's students fail to achieve expected
14 performance levels or performance objectives established for the
15 school.

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

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

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

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

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

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

32 (1) For students:

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

35 (B) improvement in attendance rates; and

36 (C) improvement in progress toward graduation.

37 (2) For teachers,

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

- 1 assessment programs;
- 2 ~~(B)~~ improvement in the number and percentage of students
- 3 achieving state achievement standards and, if applicable,
- 4 performance levels set by the board, on assessment tests;
- 5 ~~(C)~~ improvement in student progress toward graduation;
- 6 ~~(D)~~ improvement in student attendance rates for the school
- 7 year;
- 8 ~~(E)~~ improvement in individual teacher attendance rates;
- 9 ~~(F)~~ improvement in communication with parents and
- 10 parental involvement in classroom and extracurricular
- 11 activities; and
- 12 ~~(G)~~ other objectives developed by the board.

13 **improvement in objectives that are identified under the**

14 **procedures set forth in IC 20-7.5-1-4 and IC 20-7.5-1-5.**

- 15 (3) For the school: and the school administrators:
- 16 (A) improvement in student scores on assessment tests,
- 17 aggregated by class and grade;
- 18 (B) improvement in the number and percentage of students
- 19 achieving state achievement standards and, if applicable,
- 20 performance levels set by the board, on assessment tests,
- 21 aggregated by class and grade;
- 22 (C) improvement in student graduation rates and in progress
- 23 toward graduation; **and**
- 24 (D) improvement in student attendance rates.

- 25 **(4) For the school administrators:**
- 26 ~~(E)~~ (A) management of general fund expenditures per
- 27 student and total expenditures per student;
- 28 ~~(F)~~ improvement in teacher attendance rates; and
- 29 ~~(G)~~ (B) other objectives developed by the board.

30 SECTION 11. IC 20-3.1-9-1, AS ADDED BY P.L.340-1995,

31 SECTION 53, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

32 UPON PASSAGE]: Sec. 1. (a) **Subject to the procedures set forth in**

33 **IC 20-7.5-1-4 and IC 20-7.5-1-5**, the plan developed and implemented

34 by the board under IC 20-3.1-7 must contain general guidelines for

35 decisions by the educators in each school to improve student

36 achievement in the school.

- 37 (b) The board's plan shall provide for the publication to other
- 38 schools within the school city and to the general community those

1 processes, innovations, and approaches that have led individual schools
2 to significant improvement in student achievement.

3 SECTION 12. IC 20-3.1-9-2, AS ADDED BY P.L.340-1995,
4 SECTION 53, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
5 UPON PASSAGE]: Sec. 2. (a) Educators in each school are
6 responsible for improving student achievement in the school and,
7 **subject to the procedures set forth in IC 20-7.5-1-4 and**
8 **IC 20-7.5-1-5**, may develop the educators' own school plan to achieve
9 improvement that:

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

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

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

- 21 (1) determine the educational resources, goods, and services that
22 are necessary and appropriate for improving student
23 performance in the school; and
24 (2) obtain or purchase the educational resources, goods, and
25 services.

26 (b) Purchases and acquisitions under this section are subject to:

- 27 (1) the general guidelines developed by the board; and
28 (2) the school's budget.

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

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

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

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

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

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

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

14 **(1) provide for the improvement of the performance of the**
 15 **individuals evaluated;**

16 **(2) provide for the growth and development of the**
 17 **individuals evaluated;**

18 **(3) require periodic assessment of the effectiveness of the**
 19 **plan;**

20 **(4) provide that nonpermanent and semipermanent teachers**
 21 **receive:**

22 **(A) an evaluation on or before December 31 each year;**
 23 **and**

24 **(B) if requested by the teacher, an additional evaluation**
 25 **on or before March 1 of the following year; and**

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

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

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

31 **(A) For teachers,**

32 **(i) the development and maintenance of parental**
 33 **involvement in classroom and extracurricular**
 34 **activities;**

35 **(ii) student achievement on assessment tests and**
 36 **assessment programs; and**

37 **(iii) the teacher's attendance rates;**

38 **criteria identified through the procedures set forth in**

1 **IC 20-7.5-1-4 and IC 20-7.5-1-5.**

2 (B) For administrators:

3 (i) student attendance rates;

4 (ii) graduation rates;

5 (iii) the number of teachers for each student at the
6 school;

7 (iv) the number of certified administrators for each
8 student at the school; **and**

9 (v) classroom expenditures per student as determined
10 by a formula to be established by the board. ~~and~~

11 ~~(vi) Scholastic Aptitude Test scores:~~

12 ~~(C) Other objective standards developed by the board for
13 measuring student, teacher, and administrator performance:~~

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

19 ~~(3) Require periodic assessment of the effectiveness of the plan:~~

20 ~~(4) Provide that teachers receive an evaluation twice during each
21 school year:~~

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

26 (1) comply with guidelines established by ~~and the board;~~

27 (2) be approved by the board; **and**

28 **(3) as it relates to certificated employees under IC 20-7.5, be
29 established under the procedures set forth in IC 20-7.5-1-4
30 and IC 20-7.5-1-5.**

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

34 (1) request and receive competitive proposals from:

35 (A) a school of the school city; **or**

36 ~~(B) another public educational institution; or~~

37 ~~(C) (B) a group of educators from the school city;~~

38 to provide summer remediation services under guidelines and

1 specified performance standards established by the **state** board;
 2 and
 3 (2) contract with one (1) or more providers listed in subdivision
 4 (1) to provide summer remediation services to students in the
 5 school city.

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

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

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

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

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

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

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

1 academic receivership, the superintendent and the board shall require
2 the following:

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

13 SECTION 21. IC 20-3.1-14-5, AS ADDED BY P.L.340-1995,
14 SECTION 53, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
15 UPON PASSAGE]: Sec. 5. (a) **Subject to the requirements of**
16 **subsection (b)**, if a school is placed in academic receivership, the
17 superintendent and the board must take action to raise the school's level
18 of performance on each of the performance indicators listed in section
19 1 of this chapter.

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

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

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

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

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

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

10 ~~(1) The board may eliminate or modify existing policies and~~
 11 ~~create new policies; and alter policies from time to time; subject~~
 12 ~~to this article and the plan developed under IC 20-3.1-7.~~

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

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

24 ~~(4)~~ **(1)** The board of school commissioners may waive the
 25 following statutes and rules for any school in the school city
 26 without the need for administrative, regulatory, or legislative
 27 approval:

28 (A) The following rules concerning curriculum and
 29 instructional time:

- 30 511 IAC 6.1-3-4
- 31 511 IAC 6.1-5-0.5
- 32 511 IAC 6.1-5-1
- 33 511 IAC 6.1-5-2.5
- 34 511 IAC 6.1-5-3.5
- 35 511 IAC 6.1-5-4

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

- 37 511 IAC 6-2-1(b)(2)
- 38 511 IAC 6.1-4-1

- 1 (C) The following statutes and rules concerning textbooks,
- 2 and rules adopted under the statutes:
- 3 IC 20-10.1-9-1
- 4 IC 20-10.1-9-18
- 5 IC 20-10.1-9-21
- 6 IC 20-10.1-9-23
- 7 IC 20-10.1-9-27
- 8 IC 20-10.1-10-1
- 9 IC 20-10.1-10-2
- 10 511 IAC 6.1-5-5
- 11 (D) The following rules concerning school principals:
- 12 511 IAC 6-2-1(c)(4)
- 13 511 IAC 6.1-4-2
- 14 (E) 511 IAC 2-2, concerning school construction and
- 15 remodeling.
- 16 ~~(5)~~ (2) Notwithstanding any other law, a school city may do the
- 17 following:
- 18 (A) Lease school transportation equipment to others for
- 19 nonschool use when the equipment is not in use for a school
- 20 city purpose.
- 21 (B) Establish a professional development and technology
- 22 fund to be used for:
- 23 (i) professional development; or
- 24 (ii) technology, including video distance learning.
- 25 (C) Transfer funds obtained from sources other than state or
- 26 local government taxation among any account of the school
- 27 corporation, including a professional development and
- 28 technology fund established under clause (B).
- 29 ~~(6)~~ (3) Transfer funds obtained from property taxation among the
- 30 general fund (established under IC 21-2-11) and the school
- 31 transportation fund (established under IC 21-2-11.5), subject to
- 32 the following:
- 33 (A) The sum of the property tax rates for the general fund
- 34 and the school transportation fund after a transfer occurs
- 35 under this subdivision may not exceed the sum of the
- 36 property tax rates for the general fund and the school
- 37 transportation fund before a transfer occurs under this
- 38 clause.

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

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

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

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

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

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

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

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

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

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

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

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

38 (e) **If, at the conclusion of the hearing, the board, hearing**

1 **examiner, or agent of the board determines, based on a**
2 **preponderance of the evidence admitted at the hearing, that the**
3 **person named in the complaint has engaged in an unfair practice**
4 **under section 7 of this chapter, the board:**

5 **(1) shall:**
6 **(A) state its findings of fact and conclusions of law; and**
7 **(B) issue an order requiring the person to cease the**
8 **unfair practice; and**

9 **(2) may:**
10 **(A) take other appropriate action, including ordering**
11 **the reinstatement with back pay of an employee; and**
12 **(B) require the person who has engaged in the unfair**
13 **practice to report to the board concerning compliance**
14 **with the board's order.**

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

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

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

26 **SECTION 27. An emergency is declared for this act."**
27 **Renumber all SECTIONS consecutively.**
 (Reference is to SB 367 as printed January 30, 1998.)

and when so amended that said bill do pass.

Representative Liggett