

# SENATE BILL No. 93

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 20-6.1-4-26.

**Synopsis:** Teacher dismissal from extracurricular duties. Provides procedures, including a hearing, that the governing body of a school corporation must follow to dismiss a teacher from an extracurricular assignment, including coaching duties.

**Effective:** July 1, 2000.

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**Paul**

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November 18, 1999, read first time and referred to Committee on Education.

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Second Regular Session 111th General Assembly (2000)

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 1999 General Assembly.

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## SENATE BILL No. 93

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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 20-6.1-4-26 IS ADDED TO THE INDIANA CODE  
2 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
3 1, 2000]: **Sec. 26. (a) This section governs the dismissal of a  
4 permanent or semi-permanent teacher from an extracurricular  
5 assignment, including coaching duties.**  
6 **(b) The governing body of a school corporation shall adopt  
7 guidelines concerning the grounds for dismissing a teacher from an  
8 extracurricular assignment. The reasons may include the  
9 following:**  
10 **(1) Immorality.**  
11 **(2) Insubordination, which means a willful refusal to obey the  
12 state school laws or reasonable rules prescribed for the  
13 government of the school corporation.**  
14 **(3) Neglect of duty.**  
15 **(4) Incompetency or an inability to perform the  
16 extracurricular assignment.**  
17 **(5) Justifiable decrease in the number of extracurricular**



- 1 assignments.
- 2 (6) A conviction for:
- 3 (A) rape (IC 35-42-4-1), if the victim is less than eighteen
- 4 (18) years of age;
- 5 (B) criminal deviate conduct (IC 35-42-4-2), if the victim is
- 6 less than eighteen (18) years of age;
- 7 (C) child molesting (IC 35-42-4-3);
- 8 (D) child exploitation (IC 35-42-4-4(b));
- 9 (E) vicarious sexual gratification (IC 35-42-4-5);
- 10 (F) child solicitation (IC 35-42-4-6);
- 11 (G) child seduction (IC 35-42-4-7); or
- 12 (H) incest (IC 35-46-1-3), if the victim is less than eighteen
- 13 (18) years of age.
- 14 (7) Other good and just cause, including the best interest of
- 15 the school corporation.
- 16 (c) Pending a decision on dismissal of a teacher from an
- 17 extracurricular assignment, the governing body may suspend the
- 18 teacher from performing the extracurricular assignment. However,
- 19 while a teacher is suspended, the governing body may not withhold
- 20 from the teacher's salary payments or other employment related
- 21 benefits that the teacher was entitled to receive before the
- 22 suspension.
- 23 (d) The following procedures must be followed to dismiss a
- 24 permanent or semi-permanent teacher from an extracurricular
- 25 assignment:
- 26 (1) The governing body shall notify the teacher in writing of
- 27 the date, time, and place for the consideration by the school
- 28 corporation of dismissing the teacher from an extracurricular
- 29 assignment. This notification must occur not more than forty
- 30 (40) days nor less than thirty (30) days before the
- 31 consideration of dismissal.
- 32 (2) The governing body shall furnish the teacher, within five
- 33 (5) days after a written request from the teacher, a written
- 34 statement of the reasons for the consideration of dismissal.
- 35 (3) The teacher may file a written request for a hearing within
- 36 fifteen (15) days after receipt of the notice of the consideration
- 37 of dismissal.
- 38 (4) If the teacher files a request for a hearing, the teacher
- 39 shall be given a hearing before the governing body on a day
- 40 not earlier than five (5) days after filing of the request.
- 41 (5) The governing body shall give the teacher at least five (5)
- 42 days notice of the time and place of the hearing.



1           **(6) At the hearing, the teacher is entitled to the following:**

2           **(A) A full statement from the governing body of the**  
3           **reasons for the proposed dismissal.**

4           **(B) The opportunity to be heard on the reasons for the**  
5           **proposed dismissal.**

6           **(C) The opportunity to present the testimony of witnesses**  
7           **and other evidence bearing on the reasons for the proposed**  
8           **dismissal.**

9           **(7) The governing body may not dismiss a teacher from an**  
10           **extracurricular assignment until the following occur:**

11           **(A) A hearing is held, if a hearing is requested by the**  
12           **teacher.**

13           **(B) The superintendent of the school corporation gives a**  
14           **recommendation on the dismissal. The superintendent**  
15           **shall present a recommendation on the dismissal not later**  
16           **than five (5) days after the governing body notifies the**  
17           **superintendent that the recommendation is required.**

18           **(8) The governing body may appoint an agent who is not an**  
19           **employee of the school corporation, but who may be a**  
20           **member of the governing body or an attorney retained to**  
21           **administer the hearing proceedings under this section, for the**  
22           **purpose of issuing subpoenas for the attendance of witnesses**  
23           **for either party at the hearing. A subpoena issued under this**  
24           **section shall be:**

25           **(A) served by the party who seeks to compel the attendance**  
26           **of a witness; and**

27           **(B) upon application to the court by the party, enforced in**  
28           **the manner provided by law for the service and**  
29           **enforcement of subpoenas in a civil action.**

30           **(e) After complying with subsection (d) and in accordance with**  
31           **the guidelines adopted under subsection (b), the governing body**  
32           **may vote to dismiss a teacher from an extracurricular assignment.**  
33           **The governing body must take the vote on the date and at the time**  
34           **and place specified in subsection (d)(1). A majority vote that is**  
35           **evidenced in the minutes of the governing body is required for**  
36           **dismissal. The decision of the governing body is final on the matter.**

37           **(f) If a governing body dismisses a teacher from an**  
38           **extracurricular assignment in violation of this section, the teacher**  
39           **may bring an action against the governing body for an order**  
40           **requiring the reinstatement of the teacher in the extracurricular**  
41           **assignment and the restoration of the teacher's full rights in**  
42           **connection with the extracurricular assignment.**



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