



January 27, 2006

# HOUSE BILL No. 1312

DIGEST OF HB 1312 (Updated January 25, 2006 7:51 pm - DI 109)

**Citations Affected:** IC 20-12; IC 20-18; IC 20-19; IC 20-26; IC 20-27; IC 20-28; IC 20-33; IC 21-2; IC 34-30; IC 36-1; noncode.

**Synopsis:** Various education matters. Allows the use of school-owned buses for nonprofit organizations under certain conditions. Allows school corporations to independently contract for school nurses and other certified or licensed personnel to provide student services and health services. Removes the requirement that a school nurse must have a bachelor's degree in nursing. Makes statutes governing nonrenewal of contracts applicable to assistant superintendents, principals, assistant principals, and directors of special education consistent with statutes governing the nonrenewal of a superintendent's contract. Increases the cost of public works projects subject to the bidding process. Allows payment of skilled maintenance personnel salaries and fringe benefits from the capital projects fund for all school corporations without limitations. Allows up to one year or the school corporation's next budget year for school corporations to abate school building inspection violations. Removes the requirement for state and local attendance officers. Extends eligibility for the twenty-first century scholars program to students in grade 7. Repeals superseded compulsory school attendance provisions. Provides that a nonpermanent teacher must be notified by June 1 that the school corporation's governing body will consider the nonrenewal of the teacher's contract. (The notification deadline under current law is May 1.) Provides that an initial school superintendent contract must be for a term of at least 36 months. Allows subsequent contracts to be of any duration. Allows school corporations to declare themselves deregulated and waive certain statutes and rules. Provides that a teacher must be notified on or after May 1 that the salary schedule may be changed by the school corporation. (The notification deadline under current law is May 1.)

**Effective:** July 1, 2006.

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January 10, 2006, read first time and referred to Committee on Education.  
January 26, 2006, amended, reported — Do Pass.

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HB 1312—LS 6993/DI 109+



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January 27, 2006

Second Regular Session 114th General Assembly (2006)

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 2005 Regular Session of the General Assembly.

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## HOUSE BILL No. 1312

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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 20-12-70-2 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. As used in this  
3 chapter, "eligible student" means a student who meets the following  
4 requirements:  
5 (1) Is a resident of Indiana.  
6 (2) Is enrolled in:  
7 (A) for the 2006-2007 school year, in grade 7 or 8; and  
8 (B) for the 2007-2008 school year and each subsequent  
9 school year, ~~grade 8~~ grade 7;  
10 at a public or an accredited nonpublic school.  
11 (3) Is eligible for free or reduced priced lunches under the  
12 national school lunch program.  
13 (4) Agrees in writing, together with the student's custodial parents  
14 or guardian, that the student will:  
15 (A) graduate from a secondary school located in Indiana that  
16 meets the admission criteria of an institution of higher  
17 learning;

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- 1 (B) not illegally use controlled substances (as defined in
- 2 IC 35-48-1-9);
- 3 (C) not commit a crime or infraction described in IC 9-30-5;
- 4 (D) not commit any other crime or delinquent act (as described
- 5 in IC 31-37-1-2 or IC 31-37-2-2 through IC 31-37-2-5 (or
- 6 IC 31-6-4-1(a)(1) through IC 31-6-4-1(a)(5) before their
- 7 repeal));
- 8 (E) when the eligible student is a senior in high school, timely
- 9 apply:
- 10 (i) to an institution of higher learning for admission; and
- 11 (ii) for any federal and state student financial assistance
- 12 available to the eligible student to attend an institution of
- 13 higher learning; and
- 14 (F) achieve a cumulative grade point average upon graduation
- 15 of at least 2.0 on a 4.0 grading scale (or its equivalent if
- 16 another grading scale is used) for courses taken during grades
- 17 9, 10, 11, and 12.

18 SECTION 2. IC 20-18-2-22, AS ADDED BY P.L.246-2005,  
 19 SECTION 126, IS AMENDED TO READ AS FOLLOWS  
 20 [EFFECTIVE JULY 1, 2006]: Sec. 22. (a) "Teacher" means a  
 21 professional person whose position in a school corporation requires  
 22 certain educational preparation and licensing.

23 (b) For purposes of IC 20-28, the term includes the following:

- 24 (1) A superintendent.
- 25 (2) A supervisor.
- 26 (3) A principal.
- 27 ~~(4) An attendance officer.~~
- 28 ~~(5) (4) A teacher.~~
- 29 ~~(6) (5) A librarian.~~

30 SECTION 3. IC 20-19-2-20 IS ADDED TO THE INDIANA CODE  
 31 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
 32 1, 2006]: **Sec. 20. (a) The state board shall analyze annually state,  
 33 local, and other:**

- 34 (1) statutes;
- 35 (2) rules;
- 36 (3) policies; and
- 37 (4) related requirements;

38 **that affect school corporations and public schools to identify the**  
 39 **statutes, rules, policies, and related requirements that restrict or**  
 40 **inhibit the ability of school corporations and public schools to**  
 41 **maximize the allocation of resources to, and focus efforts on,**  
 42 **student instruction and learning, or to develop and implement**

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**innovative approaches to improving student achievement.**

**(b) In conducting the analysis required under subsection (a), the state board may retain the assistance the state board considers necessary, including the assistance of the following:**

- (1) The office of management and budget.**
- (2) A government efficiency commission that addresses schools.**
- (3) Consultants.**

**(c) Following the annual identification of statutes, rules, policies, and related requirements under subsection (a), the state board may take one (1) or more of the following actions:**

- (1) Repeal the rules, policies, or requirements that are within the authority of the state board. A repeal under this subdivision may be undertaken:**
  - (A) at any time;**
  - (B) following public comment; and**
  - (C) by emergency rule.**
- (2) Recommend to the general assembly the repeal of statutes. The recommendations under this subdivision must be made:**
  - (A) annually not later than September 1; and**
  - (B) to the executive director of the legislative services agency in an electronic format under IC 5-14-6.**
- (3) Report to the governor, the general assembly, and the state superintendent concerning the statutes, rules, policies, and requirements that are not within the authority of the state board or general assembly. A report under this subdivision:**
  - (A) may be made at any time; and**
  - (B) when made to the general assembly, must be made to the executive director of the legislative services agency in an electronic format under IC 5-14-6.**

SECTION 4. IC 20-26-13-11, AS ADDED BY P.L.242-2005, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 11. (a) A student who has left school is not included in clauses (A) through (J) of STEP FIVE of the formula established in section 10 of this chapter unless the school corporation can provide written proof that the student has left the school for one (1) of the reasons set forth in clauses (A) through (J) of STEP FIVE of section 10 of this chapter. If the location of the student is unknown to the school, the principal of the school shall send a certified letter to the last known address of the student, inquiring about the student's whereabouts and status. If the student is not located after the certified letter is delivered or if no response is received, the principal may

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1 submit the student's information, including last known address, parent  
2 or guardian name, student testing number, and other pertinent data to  
3 the state attendance ~~officer~~. **official**. The state attendance ~~officer~~;  
4 **official**, using all available state data and any other means available,  
5 shall attempt to locate the student and report the student's location and  
6 school enrollment status to the principal so that the principal can  
7 appropriately send student records to the new school or otherwise  
8 document the student's status.

9 (b) If a school corporation cannot provide written proof that a  
10 student should be included in clauses (A) through (J) of STEP FIVE of  
11 section 10 of this chapter, the student is considered a dropout.

12 SECTION 5. IC 20-26-16 IS ADDED TO THE INDIANA CODE  
13 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
14 JULY 1, 2006]:

15 **Chapter 16. Deregulated School Corporations**

16 **Sec. 1. The governing body of a school corporation may**  
17 **designate the school corporation as a deregulated school**  
18 **corporation that is free to focus on improving the academic**  
19 **achievement of the school corporation's students by using freedom**  
20 **from regulation to:**

- 21 (1) **allocate resources toward; and**
- 22 (2) **focus efforts on;**
- 23 **student instruction and learning.**

24 **Sec. 2. (a) To designate a school corporation as a deregulated**  
25 **school corporation that is free to focus on improving academic**  
26 **improvement, a governing body shall submit notice of the school**  
27 **corporation's intent to become a deregulated school corporation to**  
28 **the state board. The notice must:**

- 29 (1) **be in writing;**
- 30 (2) **attest that the governing body has voted to become a**  
31 **deregulated school corporation that is free to focus on**  
32 **improving academic achievement; and**
- 33 (3) **inform the state board that the school corporation will**  
34 **become a deregulated school corporation on the July 1 next**  
35 **following the date of the notice.**

36 (b) **A notice under this section is effective upon receipt by the**  
37 **state board.**

38 **Sec. 3. A school corporation becomes a deregulated school**  
39 **corporation that is free to focus on improving academic**  
40 **achievement on the July 1 next following the date of the governing**  
41 **body's notice to the state board.**

42 **Sec. 4. The following apply to a deregulated school corporation:**

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1 (1) Except as specifically provided in this chapter, the  
 2 following do not apply to a deregulated school corporation:

3 (A) An Indiana statute applicable to a governing body or  
 4 school corporation.

5 (B) A rule or guideline adopted by the state board.

6 (C) A rule or guideline adopted by the advisory board of  
 7 the division of professional standards established by  
 8 IC 20-28-2-2, except for those rules that assist a teacher in  
 9 gaining or renewing a standard or advanced license.

10 (D) A local regulation or policy adopted by the governing  
 11 body of the deregulated school corporation, unless the  
 12 regulation or policy is specifically readopted by the  
 13 governing body after the governing body has voted to  
 14 become a deregulated school corporation.

15 (2) The school corporation and schools within the school  
 16 corporation must continue to comply with the following:

17 (A) Applicable federal laws.

18 (B) The Constitution of the State of Indiana.

19 (C) Federal and state laws that prohibit discrimination.

20 (D) Bidding, wage determination, and other statutes and  
 21 rules that apply to the use of public funds for the  
 22 construction, reconstruction, alteration, or renovation of  
 23 a public building.

24 (E) The following statutes:

25 (i) IC 5-11-1-9 (required audits by the state board of  
 26 accounts).

27 (ii) IC 20-26-5-6 (subject to regulation by state agencies).

28 (iii) IC 20-26-5-10 and IC 20-28-5-9 (criminal history).

29 (iv) IC 20-26-6-2 (unified accounting system).

30 (v) IC 20-28-4 (transition to teaching).

31 (vi) IC 20-28-6, IC 20-28-7, IC 20-28-8, IC 20-28-9, and  
 32 IC 20-28-10 (contracts with teachers and administrators,  
 33 salary, and conditions of employment).

34 (vii) IC 20-29 (collective bargaining).

35 (viii) IC 20-30-2 (calendar)

36 (ix) IC 20-30-3-2 and IC 20-30-3-4 (patriotic and  
 37 commemorative observances.)

38 (x) IC 20-30-5-0.5 (concerning the pledge of allegiance).

39 (xi) IC 20-30-5-10 (college preparation curriculum).

40 (xii) IC 20-30-11 (postsecondary enrollment program).

41 (xiii) IC 20-31 (accountability for school performance  
 42 and improvement).

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- 1 (xiv) IC 20-32 (student standards, assessment, and
- 2 performance).
- 3 (xv) IC 20-33-2 (compulsory school attendance).
- 4 (xvi) IC 20-33-3 (limitations on employment of children).
- 5 (xvii) IC 20-33-7 (parental access to education records).
- 6 (xviii) IC 20-33-8 (student discipline).
- 7 (xix) IC 20-33-9 (reporting of student violations of law).
- 8 (xx) IC 20-34-3 (health and safety measures).
- 9 (xxi) IC 20-35 (special education).
- 10 (xxii) IC 21 (school finance).

11 **Sec. 5. (a) A deregulated school corporation shall submit**  
 12 **periodic reports, at the times set by the state board, to the**  
 13 **department and state board, with the content and in formats**  
 14 **prescribed by the state board, containing the following**  
 15 **information:**

- 16 (1) Financial information.
- 17 (2) Student performance data, including the results of all
- 18 standardized testing, ISTEP program testing, and the
- 19 graduation examination.
- 20 (3) A description of the educational methods and teaching
- 21 methods employed.
- 22 (4) Daily attendance records.
- 23 (5) Graduation statistics, including the number of students
- 24 attaining Core 40 and academic honors diplomas.
- 25 (6) Student enrollment data, including the following:
- 26 (A) The number of students enrolled in the school
- 27 corporation and each school in the school corporation.
- 28 (B) The number of students suspended or expelled from
- 29 schools in the school corporation, including the reasons for
- 30 the suspensions or expulsions.
- 31 (C) The number of students who ceased to attend schools
- 32 in the school corporation, including the reasons for the
- 33 cessation.
- 34 (7) Any information necessary to comply with federal or state
- 35 reporting requirements.
- 36 (8) Any other information specified by the state board.

37 (b) A deregulated school corporation and each school within the  
 38 school corporation shall publish the annual performance report  
 39 required under IC 20-20-8.

40 **Sec. 6. (a) Before becoming a deregulated school corporation**  
 41 **under section 3 of this chapter, a governing body may waive any**  
 42 **statutes, rules, or policies that the governing body may waive**

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**under section 4 of this chapter.**

**(b) A governing body shall submit notice of the statutes, rules, or policies the governing body seeks to waive to the state board under section 2 of this chapter.**

**(c) Unless the state board, with the advice of the department, provides written notice to the governing body of reasons the governing body may not waive a specific statute, rule, or policy, a waiver under this section takes effect ninety (90) days after the state board receives notice of the waiver.**

**Sec. 7. The state board may revoke the deregulated status of a school corporation at any time if the state board determines that at least one (1) of the following has occurred:**

- (1) The school corporation fails to comply with applicable laws or conditions established under this chapter.**
- (2) The school corporation fails to meet the educational and financial goals for the school corporation established by federal or state law, or by the state board.**
- (3) The school corporation fails to comply with financial management, accounting, or reporting requirements.**

**Sec. 8. Not later than December 31, the state board shall issue a report to the governor and the general assembly concerning the status, actions, and academic and financial results of a deregulated school corporation. A report to the general assembly must be made to the executive director of the legislative services agency in an electronic format under IC 5-14-6.**

SECTION 6. IC 20-27-9-6, AS ADDED BY P.L. 1-2005, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 6. (a) In addition to the exemptions granted in this chapter and notwithstanding section 16 of this chapter, a school corporation may allow a school bus operated under a fleet or transportation contract and not owned in whole or in part by a public agency to be used for the transportation of a group or an organization for any distance, if that group or organization agrees to maintain the condition of the school bus and to maintain order on the school bus while in use.

(b) When authorizing transportation described in subsection (a), the school corporation shall require the owner of the school bus to:

- (1) obtain written authorization of the superintendent of the contracting school corporation;
- (2) clearly identify the school bus with the name of the sponsoring group; and
- (3) provide proof to the superintendent and the sponsoring group of financial responsibility, as required by IC 9-25 and

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1 IC 20-27-5-9 for the transportation.  
 2 (c) The governing body of a school corporation may allow, by  
 3 written authorization, the use of a school bus owned in whole or in part  
 4 by the school corporation for the transportation needs of:  
 5 (1) a fair or festival operated by or affiliated with a nonprofit  
 6 organization exempt from federal taxation under Section  
 7 501(c)(3) through 501(c)(7) of the Internal Revenue Code; or  
 8 (2) **any nonprofit organization exempt from federal taxation**  
 9 **under Section 501 (c)(3) through 501(c)(7) of the Internal**  
 10 **Revenue Code.**  
 11 (d) **When authorizing transportation described in subsection (c),**  
 12 **the school corporation may only charge the organization for fuel.**  
 13 SECTION 7. IC 20-28-6-2, AS ADDED BY P.L.1-2005, SECTION  
 14 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,  
 15 2006]: Sec. 2. (a) A contract entered into by a teacher and a school  
 16 corporation must:  
 17 (1) be in writing;  
 18 (2) be signed by both parties; and  
 19 (3) contain the:  
 20 (A) beginning date of the school term as determined annually  
 21 by the school corporation;  
 22 (B) number of days in the school term as determined annually  
 23 by the school corporation;  
 24 (C) total salary to be paid to the teacher during the school year;  
 25 and  
 26 (D) number of salary payments to be made to the teacher  
 27 during the school year.  
 28 (b) The contract may provide for the annual determination of the  
 29 teacher's annual compensation by a local salary schedule, which is part  
 30 of the contract. The salary schedule may be changed by the school  
 31 corporation on or ~~before~~ **after** May 1 of a year, with the changes  
 32 effective the next school year. A teacher affected by the changes shall  
 33 be furnished with printed copies of the changed schedule not later than  
 34 thirty (30) days after the schedule's adoption.  
 35 (c) A contract under this section is also governed by the following  
 36 statutes:  
 37 (1) IC 20-28-9-1 through IC 20-28-9-6.  
 38 (2) IC 20-28-9-9 through IC 20-28-9-11.  
 39 (3) IC 20-28-9-13.  
 40 (4) IC 20-28-9-14.  
 41 (d) A governing body shall provide the blank contract forms,  
 42 carefully worded by the state superintendent, and have them signed.

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1 The contracts are public records open to inspection by the residents of  
2 each school corporation.

3 (e) An action may be brought on a contract that conforms with  
4 subsections (a)(1), (a)(2), and (d).

5 SECTION 8. IC 20-28-7-9, AS ADDED BY P.L.1-2005, SECTION  
6 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,  
7 2006]: Sec. 9. Before a teacher is refused continuation of the contract  
8 under section 8 of this chapter, the teacher has the following rights,  
9 which shall be strictly construed:

10 (1) The principal of the school at which the teacher teaches must  
11 provide the teacher with an annual written evaluation of the  
12 teacher's performance before January 1 of each year. Upon the  
13 request of a nonpermanent teacher, delivered in writing to the  
14 principal not later than thirty (30) days after the teacher receives  
15 the evaluation required by this section, the principal shall provide  
16 the teacher with an additional written evaluation.

17 (2) On or before ~~May 1~~, **June 1**, the school corporation shall  
18 notify the teacher that the governing body will consider  
19 nonrenewal of the contract for the next school term. The  
20 notification must be:

- 21 (A) written; and
- 22 (B) delivered in person or mailed by registered or certified  
23 mail to the teacher at the teacher's last known address.

24 (3) Upon the request of the teacher, and not later than fifteen (15)  
25 days after the teacher's receipt of the notice of the consideration  
26 of contract nonrenewal, the governing body or the superintendent  
27 of the school corporation shall provide the teacher with a written  
28 statement, which:

- 29 (A) may be developed in an executive session; and
  - 30 (B) is not a public document;
- 31 giving the reasons for the nonrenewal of the teacher's contract.

32 SECTION 9. IC 20-28-8-3, AS ADDED BY P.L.1-2005, SECTION  
33 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,  
34 2006]: Sec. 3. (a) ~~Before February 1 of the year during which the~~  
35 ~~contract of an assistant superintendent, a principal, or an assistant~~  
36 ~~principal is due to expire, the governing body of the school corporation,~~  
37 ~~or an employee at the direction of the governing body, shall give~~  
38 ~~written notice of renewal or refusal to renew the individual's contract~~  
39 ~~for the ensuing school year.~~

40 (b) If notice is not given before February 1 of the year during which  
41 the contract is due to expire, the contract then in force shall be  
42 reinstated only for the ensuing school year.

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1 (c) This section does not prevent the modification or termination of  
2 a contract by mutual agreement of the assistant superintendent, the  
3 principal, or the assistant principal and the governing body. An  
4 assistant superintendent, a principal, or an assistant principal's  
5 contract terminates only on the following dates and under the  
6 following conditions:

7 (1) On any date, if the governing body and the assistant  
8 superintendent, principal, or assistant principal mutually  
9 consent.

10 (2) Before the expiration date set forth in the contract, if the  
11 governing body terminates the contract for cause under a  
12 statute that sets forth causes for dismissal of teachers.  
13 However, the governing body must give the assistant  
14 superintendent, principal, or assistant principal proper notice  
15 and, if the assistant superintendent, principal, or assistant  
16 principal requests a hearing at least ten (10) days before the  
17 termination, must grant the assistant superintendent,  
18 principal, or assistant principal a hearing at an official  
19 meeting of the governing body.

20 (3) On the expiration date set forth in the contract, if the  
21 governing body not later than January 1 of the year in which  
22 the contract expires gives notice to the assistant  
23 superintendent, principal, or assistant principal in writing,  
24 delivered in person or by registered mail.

25 (4) On the expiration date set forth in the contract, if the  
26 assistant superintendent, principal, or assistant principal not  
27 later than January 1 of the year in which the contract expires  
28 gives proper notice in writing to the governing body.

29 (b) If the governing body fails to give a termination notice under  
30 subsection (a), the assistant superintendent, principal, or assistant  
31 principal's contract is extended for twelve (12) months following  
32 the expiration date of the contract.

33 SECTION 10. IC 20-28-8-6, AS ADDED BY P.L.1-2005,  
34 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
35 JULY 1, 2006]: Sec. 6. A contract entered into by a governing body  
36 and its superintendent is subject to the following conditions:

37 (1) The basic contract must be in the form of the regular teacher's  
38 contract.

39 (2) The **initial** contract must be for a term of at least thirty-six  
40 (36) months. **However, a subsequent contract may be for a**  
41 **term of any duration.**

42 (3) The contract may be altered or rescinded for a new one at any

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1 time by mutual consent of the governing body and the  
2 superintendent. The consent of both parties must be in writing and  
3 must be expressed in a manner consistent with this section and  
4 sections 7 through 8 of this chapter.

5 (4) The rights of a superintendent as a teacher under any other law  
6 are not affected by the contract.

7 SECTION 11. IC 20-28-8-11, AS ADDED BY P.L.1-2005,  
8 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
9 JULY 1, 2006]: Sec. 11. (a) Before February † of the year during which  
10 the contract of a local director is due to expire, the managing body, or  
11 an employee at the direction of the managing body, shall give written  
12 notice of renewal or refusal to renew the local director's contract for the  
13 ensuing school year:

14 (b) If notice is not given before February † of the year during which  
15 the contract is due to expire, the contract then in force is reinstated only  
16 for the ensuing school year.

17 (c) This section does not prevent the modification or termination of  
18 a contract by mutual agreement of the local director and the managing  
19 body. **A local director's contract terminates only on the following  
20 dates and under the following conditions:**

21 **(1) On any date, if the governing body and the local director  
22 mutually consent.**

23 **(2) Before the expiration date set forth in the contract, if the  
24 governing body terminates the contract for cause under a  
25 statute that sets forth causes for dismissal of teachers.  
26 However, the governing body must give the local director  
27 proper notice and, if the local director requests a hearing at  
28 least ten (10) days before the termination, must grant the local  
29 director a hearing at an official meeting of the governing  
30 body.**

31 **(3) On the expiration date set forth in the contract, if the  
32 governing body not later than January 1 of the year in which  
33 the contract expires gives notice to the local director in  
34 writing, delivered in person or by registered mail.**

35 **(4) On the expiration date set forth in the contract, if the local  
36 director not later than January 1 of the year in which the  
37 contract expires gives proper notice in writing to the  
38 governing body.**

39 **(b) If the governing body fails to give a termination notice under  
40 subsection (a), the local director's contract is extended for twelve  
41 (12) months following the expiration date of the contract.**

42 SECTION 12. IC 20-33-2-18, AS ADDED BY P.L.1-2005,

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1 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
2 JULY 1, 2006]: Sec. 18. (a) If a parent of a student does not send the  
3 student to school because of the student's illness or mental or physical  
4 incapacity, it is unlawful for the parent to fail or refuse to produce a  
5 certificate of the illness or incapacity for ~~an attendance officer~~ **a school**  
6 **administrator or the school administrator's designee** not later than  
7 six (6) days after the certificate is demanded.

- 8 (b) The certificate required under this section must be signed by:  
9 (1) an Indiana physician;  
10 (2) an individual holding a license to practice osteopathy or  
11 chiropractic in Indiana; or  
12 (3) a Christian Science practitioner who resides in Indiana and is  
13 listed in the Christian Science Journal.

14 SECTION 13. IC 20-33-2-20, AS ADDED BY P.L.1-2005,  
15 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
16 JULY 1, 2006]: Sec. 20. (a) An accurate daily record of the attendance  
17 of each student who is subject to compulsory school attendance under  
18 this chapter shall be kept by every public and nonpublic school.

19 (b) In a public school, the record shall be open at all times for  
20 inspection by:

- 21 ~~(1) attendance officers;~~  
22 ~~(2) (1) school officials; and~~  
23 ~~(3) (2) agents of the department of labor; and~~  
24 **(3) agents of the department of education.**

25 Every teacher shall answer fully all lawful inquiries made by an  
26 ~~attendance officer~~, a school official, **an agent of the department of**  
27 **education**, or an agent of the department of labor.

28 (c) In a nonpublic school, the record shall be required to be kept  
29 solely to verify the enrollment and attendance of a student upon request  
30 of the:

- 31 (1) state superintendent; or  
32 (2) superintendent of the school corporation in which the  
33 nonpublic school is located.

34 SECTION 14. IC 20-33-2-23, AS ADDED BY P.L.1-2005,  
35 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
36 JULY 1, 2006]: Sec. 23. (a) Each school ~~attendance officer,~~  
37 **administrator (or the administrator's designee)**, sheriff, marshal,  
38 and police officer in Indiana may take into custody any child who:

- 39 (1) is required to attend school under this chapter; and  
40 (2) is found during school hours, unless accompanied:  
41 (A) by a parent; or  
42 (B) with the consent of a parent, by a relative by blood or

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1 marriage who is at least eighteen (18) years of age;  
2 in a public place, in a public or private conveyance, or in a place  
3 of business open to the public.

4 (b) When an officer **or administrator (or administrator's**  
5 **designee)** takes a child into custody under this section, the officer **or**  
6 **administrator (or administrator's designee)** shall immediately  
7 deliver the child to the principal of the public or nonpublic school in  
8 which the child is enrolled. If a child is not enrolled in any school, then  
9 the officer **or administrator (or administrator's designee)** shall  
10 deliver the child into the custody of the principal of the public school  
11 in the attendance area in which the child resides. If a child is taken to  
12 the appropriate school and the principal is unavailable, the acting chief  
13 administrative officer of the school shall take custody of the child.

14 (c) The powers conferred under this section may be exercised  
15 without warrant and without subsequent legal proceedings.

16 SECTION 15. IC 20-33-2-25, AS ADDED BY P.L.1-2005,  
17 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
18 JULY 1, 2006]: Sec. 25. The superintendent or ~~an attendance officer~~ a  
19 **school administrator (or the school administrator's designee)**  
20 having jurisdiction may report a child who is habitually absent from  
21 school in violation of this chapter to an intake officer of the juvenile  
22 court. The intake officer shall proceed in accord with IC 31-30 through  
23 IC 31-40.

24 SECTION 16. IC 20-33-2-26, AS ADDED BY P.L.1-2005,  
25 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
26 JULY 1, 2006]: Sec. 26. (a) It is the duty of each:

- 27 (1) superintendent;
- 28 ~~(2) attendance officer;~~ and
- 29 ~~(3) state attendance official;~~

30 **(2) school administrator (or school administrator's designee);**  
31 to enforce this chapter in their respective jurisdictions and to execute  
32 the affidavits authorized under this section. The duty is several, and the  
33 failure of one (1) or more to act does not excuse another official from  
34 the obligation to enforce this chapter.

35 (b) An affidavit against a parent for a violation of this chapter shall  
36 be prepared and filed in the same manner and under the procedure  
37 prescribed for filing affidavits for the prosecution of public offenses.

38 (c) An affidavit under this section shall be filed in the circuit court  
39 of the county in which the affected child resides. The prosecuting  
40 attorney shall file and prosecute actions under this section as in other  
41 criminal cases. The court shall promptly hear cases brought under this  
42 section.

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1 SECTION 17. IC 20-33-2-47, AS ADDED BY P.L.1-2005,  
2 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2006]: Sec. 47. (a) A school corporation may develop and  
4 implement a system of notifying the parent of a student when:

- 5 (1) the student fails to attend school; and
  - 6 (2) the student does not have an excused absence for that day.
- 7 (b) A school corporation or an accredited nonpublic school shall  
8 report to the local health department **and the department of education**  
9 the percentage of student absences above a threshold determined by the  
10 department by rule adopted under IC 4-22-2.

11 (c) If a school corporation implements a notification system under  
12 this chapter, the ~~attendance officer or the attendance officer's designee~~  
13 **school administrator (or the school administrator's designee)** shall  
14 make a reasonable effort to contact by telephone the parent of each  
15 student who has failed to attend school and does not have an excused  
16 absence for that day.

17 (d) If ~~an attendance officer or an attendance officer's designee a~~  
18 **school administrator (or the school administrator's designee)** has  
19 made a reasonable effort to contact a parent under subsection (c), the  
20 school corporation is immune from liability for any damages suffered  
21 by the parent claimed because of failure to contact the parent.

22 SECTION 18. IC 21-2-15-4, AS AMENDED BY P.L.246-2005,  
23 SECTION 189, IS AMENDED TO READ AS FOLLOWS  
24 [EFFECTIVE JULY 1, 2006]: Sec. 4. (a) As used in this subsection,  
25 "calendar year distribution" means the sum of:

- 26 (1) all distributions to a school corporation under:
  - 27 (A) IC 6-1.1-19-1.5;
  - 28 (B) IC 21-1-30;
  - 29 (C) IC 21-3-1.7;
  - 30 (D) IC 21-3-2.1; and
  - 31 (E) IC 21-3-12;
- 32 for the calendar year; plus
- 33 (2) the school corporation's excise tax revenue (as defined in  
34 IC 21-3-1.7-2) for the immediately preceding calendar year.

35 (b) A school corporation may establish a capital projects fund.

36 (c) With respect to any facility used or to be used by the school  
37 corporation (other than a facility used or to be used primarily for  
38 interscholastic or extracurricular activities, except as provided in  
39 subsection (j)), the fund may be used to pay for the following:

- 40 (1) Planned construction, repair, replacement, or remodeling.
- 41 (2) Site acquisition.
- 42 (3) Site development.

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- 1 (4) Repair, replacement, or site acquisition that is necessitated by
- 2 an emergency.
- 3 (d) The fund may be used to pay for the purchase, lease, repair, or
- 4 maintenance of equipment to be used by the school corporation (other
- 5 than vehicles to be used for any purpose and equipment to be used
- 6 primarily for interscholastic or extracurricular activities, except as
- 7 provided in subsection (j)).
- 8 (e) The fund may be used for any of the following purposes:
- 9 (1) To purchase, lease, upgrade, maintain, or repair one (1) or
- 10 more of the following:
- 11 (A) Computer hardware.
- 12 (B) Computer software.
- 13 (C) Wiring and computer networks.
- 14 (D) Communication access systems used to connect with
- 15 computer networks or electronic gateways.
- 16 (2) To pay for the services of full-time or part-time computer
- 17 maintenance employees.
- 18 (3) To conduct nonrecurring inservice technology training of
- 19 school employees.
- 20 (4) To fund the payment of advances, together with interest on the
- 21 advances, from the common school fund for educational
- 22 technology programs under IC 21-1-5.
- 23 (5) To fund the acquisition of any equipment or services
- 24 necessary:
- 25 (A) to implement the technology preparation curriculum under
- 26 IC 20-30-12;
- 27 (B) to participate in a program to provide educational
- 28 technologies, including computers, in the homes of students
- 29 (commonly referred to as "the buddy system project") under
- 30 IC 20-20-13-6, the 4R's technology program under
- 31 IC 20-20-15-4, or any other program under the educational
- 32 technology program described in IC 20-20-13; or
- 33 (C) to obtain any combination of equipment or services
- 34 described in clauses (A) and (B).
- 35 (f) The fund may be used to purchase:
- 36 (1) building sites;
- 37 (2) buildings in need of renovation;
- 38 (3) building materials; and
- 39 (4) equipment;
- 40 for the use of vocational building trades classes to construct new
- 41 buildings and to remodel existing buildings.
- 42 (g) The fund may be used for leasing or renting of existing real

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1 estate, excluding payments authorized under IC 21-5-11 and  
2 IC 21-5-12.

3 (h) The fund may be used to pay for services of the school  
4 corporation employees that are bricklayers, stone masons, cement  
5 masons, tile setters, glaziers, insulation workers, asbestos removers,  
6 painters, paperhangers, drywall applicators and tapers, plasterers, pipe  
7 fitters, roofers, structural and steel workers, metal building assemblers,  
8 heating and air conditioning installers, welders, carpenters, electricians,  
9 or plumbers, as these occupations are defined in the United States  
10 Department of Labor, Employment and Training Administration,  
11 Dictionary of Occupational Titles, Fourth Edition, Revised 1991, if:

12 (1) the employees perform construction of, renovation of,  
13 remodeling of, repair of, or maintenance on the facilities and  
14 equipment specified in subsections (b) and (c);

15 (2) the school corporation's total annual salary and benefits paid  
16 by the school corporation to employees described in this  
17 subsection are at least six hundred thousand dollars (\$600,000);  
18 and

19 (3) the payment of the employees described in this subsection is  
20 included as part of the proposed capital projects fund plan  
21 described in section 5(a) of this chapter.

22 However, the number of employees that are covered by this subsection  
23 is limited to the number of employee positions described in this  
24 subsection that existed on January 1, ~~1993~~ 2006. For purposes of this  
25 subsection, maintenance does not include janitorial or comparable  
26 routine services normally provided in the daily operation of the  
27 facilities or equipment.

28 (i) The fund may be used to pay for energy saving contracts entered  
29 into by a school corporation under IC 36-1-12.5.

30 (j) Money from the fund may be used to pay for the construction,  
31 repair, replacement, remodeling, or maintenance of a school sports  
32 facility. However, a school corporation's expenditures in a calendar  
33 year under this subsection may not exceed five percent (5%) of the  
34 property tax revenues levied for the fund in the calendar year.

35 (k) Money from the fund may be used to carry out a plan developed  
36 under IC 16-41-37.5.

37 (l) This subsection applies during the period beginning January 1,  
38 2006, and ending December 31, 2007. Money from the fund may be  
39 used to pay for up to one hundred percent (100%) of the following  
40 costs of a school corporation:

- 41 (1) Utility services.
- 42 (2) Property or casualty insurance.

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1 (3) Both utility services and property or casualty insurance.  
 2 A school corporation's expenditures under this subsection may not  
 3 exceed in 2006 two and seventy-five hundredths percent (2.75%) and  
 4 in 2007 three and five-tenths percent (3.5%) of the school corporation's  
 5 2005 calendar year distribution.

6 SECTION 19. IC 34-30-2-85.2, AS AMENDED BY P.L.1-2005,  
 7 SECTION 221, IS AMENDED TO READ AS FOLLOWS  
 8 [EFFECTIVE JULY 1, 2006]: Sec. 85.2. IC 20-33-2-47(d) (Concerning  
 9 ~~attendance officer or officer's designee~~ **a school administrator or the**  
 10 **school administrator's designee** for failure to contact a parent or  
 11 guardian regarding a student's absences).

12 SECTION 20. IC 36-1-12-4 IS AMENDED TO READ AS  
 13 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. (a) This section  
 14 applies whenever the cost of a public work project will be:

15 (1) at least ~~seventy-five thousand dollars (\$75,000)~~ **one hundred**  
 16 **thousand dollars (\$100,000)** in:

- 17 (A) a consolidated city or second class city;
- 18 (B) a county containing a consolidated city or second class
- 19 city; or
- 20 (C) a regional water or sewage district established under
- 21 IC 13-26;

22 (2) at least ~~fifty thousand dollars (\$50,000)~~ **seventy-five**  
 23 **thousand dollars (\$75,000)** in:

- 24 (A) a third class city or town with a population of more than
- 25 five thousand (5,000); or
- 26 (B) a county containing a third class city or town with a
- 27 population of more than five thousand (5,000); or

28 (3) at least ~~twenty-five thousand dollars (\$25,000)~~ **fifty thousand**  
 29 **dollars (\$50,000)** in a political subdivision or an agency not  
 30 described in subdivision (1) or (2).

31 (b) The board must comply with the following procedure:

32 (1) The board shall prepare general plans and specifications  
 33 describing the kind of public work required, but shall avoid  
 34 specifications which might unduly limit competition. If the  
 35 project involves the resurfacing (as defined by IC 8-14-2-1) of a  
 36 road, street, or bridge, the specifications must show how the  
 37 weight or volume of the materials will be accurately measured  
 38 and verified.

39 (2) The board shall file the plans and specifications in a place  
 40 reasonably accessible to the public, which shall be specified in the  
 41 notice required by subdivision (3).

42 (3) Upon the filing of the plans and specifications, the board shall

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1 publish notice in accordance with IC 5-3-1 calling for sealed  
 2 proposals for the public work needed.  
 3 (4) The notice must specify the place where the plans and  
 4 specifications are on file and the date fixed for receiving bids.  
 5 (5) The period of time between the date of the first publication  
 6 and the date of receiving bids shall be governed by the size of the  
 7 contemplated project in the discretion of the board, but it may not  
 8 be more than six (6) weeks.  
 9 (6) If the cost of a project is one hundred thousand dollars  
 10 (\$100,000) or more, the board shall require the bidder to submit  
 11 a financial statement, a statement of experience, a proposed plan  
 12 or plans for performing the public work, and the equipment that  
 13 the bidder has available for the performance of the public work.  
 14 The statement shall be submitted on forms prescribed by the state  
 15 board of accounts.  
 16 (7) The board may not require a bidder to submit a bid before the  
 17 meeting at which bids are to be received. The meeting for  
 18 receiving bids must be open to the public. All bids received shall  
 19 be opened publicly and read aloud at the time and place  
 20 designated and not before.  
 21 (8) Except as provided in subsection (c), the board shall:  
 22 (A) award the contract for public work or improvements to the  
 23 lowest responsible and responsive bidder; or  
 24 (B) reject all bids submitted.  
 25 (9) If the board awards the contract to a bidder other than the  
 26 lowest bidder, the board must state in the minutes or memoranda,  
 27 at the time the award is made, the factors used to determine which  
 28 bidder is the lowest responsible and responsive bidder and to  
 29 justify the award. The board shall keep a copy of the minutes or  
 30 memoranda available for public inspection.  
 31 (10) In determining whether a bidder is responsive, the board may  
 32 consider the following factors:  
 33 (A) Whether the bidder has submitted a bid or quote that  
 34 conforms in all material respects to the specifications.  
 35 (B) Whether the bidder has submitted a bid that complies  
 36 specifically with the invitation to bid and the instructions to  
 37 bidders.  
 38 (C) Whether the bidder has complied with all applicable  
 39 statutes, ordinances, resolutions, or rules pertaining to the  
 40 award of a public contract.  
 41 (11) In determining whether a bidder is a responsible bidder, the  
 42 board may consider the following factors:

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- 1 (A) The ability and capacity of the bidder to perform the work.
- 2 (B) The integrity, character, and reputation of the bidder.
- 3 (C) The competence and experience of the bidder.
- 4 (12) The board shall require the bidder to submit an affidavit:
- 5 (A) that the bidder has not entered into a combination or
- 6 agreement:
- 7 (i) relative to the price to be bid by a person;
- 8 (ii) to prevent a person from bidding; or
- 9 (iii) to induce a person to refrain from bidding; and
- 10 (B) that the bidder's bid is made without reference to any other
- 11 bid.

12 (c) Notwithstanding subsection (b)(8), a county may award sand,  
 13 gravel, asphalt paying materials, or crushed stone contracts to more  
 14 than one (1) responsible and responsive bidder if the specifications  
 15 allow for bids to be based upon service to specific geographic areas and  
 16 the contracts are awarded by geographic area. The geographic areas do  
 17 not need to be described in the specifications.

18 SECTION 21. THE FOLLOWING ARE REPEALED [EFFECTIVE  
 19 JULY 1, 2006]: IC 20-33-2-31; IC 20-33-2-32; IC 20-33-2-33;  
 20 IC 20-33-2-34; IC 20-33-2-35; IC 20-33-2-36; IC 20-33-2-37;  
 21 IC 20-33-2-38; IC 20-33-2-39; IC 20-33-2-40; IC 20-33-2-41;  
 22 IC 20-33-2-42; IC 20-33-2-43.

23 SECTION 22. [EFFECTIVE JULY 1, 2006] (a) **As used in this**  
 24 **SECTION, "state board" refers to the Indiana state board of**  
 25 **education established by IC 20-19-2-2.**

26 (b) **The state board shall adopt rules to amend the personnel**  
 27 **and health services rules adopted by the state board and codified**  
 28 **at 511 IAC 4-1.5. The state board shall adopt rules required by this**  
 29 **subsection in the same manner as emergency rules are adopted**  
 30 **under IC 4-22-2-37.1. The rules adopted by the state board under**  
 31 **this subsection must allow a school corporation to enter into an**  
 32 **independent contract with an individual who holds at least:**

- 33 (1) **an associate degree in nursing; or**
  - 34 (2) **a license issued under IC 25-23;**
- 35 **to provide student services or health services. The rules adopted**  
 36 **under this subsection expire on the date the rules are adopted by**  
 37 **the state board under IC 4-22-2, or January 1, 2007, whichever is**  
 38 **earlier.**

39 SECTION 23. [EFFECTIVE JULY 1, 2006] (a) **Notwithstanding**  
 40 **any other law, if, as a result of an inspection of a school building**  
 41 **under IC 22-14-2-11, the state fire marshal, or the fire marshal's**  
 42 **designee, determines that there is a safety violation, a school**

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1 corporation may be allowed a reasonable time for the abatement  
2 of the violation up to a year following the determination or the  
3 school corporation's next budget year, whichever is earlier.

4 (b) The expense of the abatement may be paid out of funds  
5 appropriated for such purposes within the next budget year  
6 following a violation determination described under subsection (a).

7 SECTION 24. An emergency is declared for this act.

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## COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred House Bill 1312, 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, line 7, delete "6, 7," and insert "7".

Page 1, line 9, delete "6;" and insert "7;".

Page 2, between lines 29 and 30, begin a new paragraph and insert:

"SECTION 3. IC 20-19-2-20 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 20. (a) The state board shall analyze annually state, local, and other:**

- (1) statutes;
- (2) rules;
- (3) policies; and
- (4) related requirements;

**that affect school corporations and public schools to identify the statutes, rules, policies, and related requirements that restrict or inhibit the ability of school corporations and public schools to maximize the allocation of resources to, and focus efforts on, student instruction and learning, or to develop and implement innovative approaches to improving student achievement.**

**(b) In conducting the analysis required under subsection (a), the state board may retain the assistance the state board considers necessary, including the assistance of the following:**

- (1) The office of management and budget.
- (2) A government efficiency commission that addresses schools.
- (3) Consultants.

**(c) Following the annual identification of statutes, rules, policies, and related requirements under subsection (a), the state board may take one (1) or more of the following actions:**

- (1) Repeal the rules, policies, or requirements that are within the authority of the state board. A repeal under this subdivision may be undertaken:

- (A) at any time;
- (B) following public comment; and
- (C) by emergency rule.

- (2) Recommend to the general assembly the repeal of statutes. The recommendations under this subdivision must be made:

- (A) annually not later than September 1; and
- (B) to the executive director of the legislative services

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agency in an electronic format under IC 5-14-6.

(3) Report to the governor, the general assembly, and the state superintendent concerning the statutes, rules, policies, and requirements that are not within the authority of the state board or general assembly. A report under this subdivision:

(A) may be made at any time; and

(B) when made to the general assembly, must be made to the executive director of the legislative services agency in an electronic format under IC 5-14-6."

Page 3, between lines 10 and 11, begin a new paragraph and insert: "SECTION 6. IC 20-26-16 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]:

**Chapter 16. Deregulated School Corporations**

**Sec. 1. The governing body of a school corporation may designate the school corporation as a deregulated school corporation that is free to focus on improving the academic achievement of the school corporation's students by using freedom from regulation to:**

(1) allocate resources toward; and

(2) focus efforts on;

student instruction and learning.

**Sec. 2. (a) To designate a school corporation as a deregulated school corporation that is free to focus on improving academic improvement, a governing body shall submit notice of the school corporation's intent to become a deregulated school corporation to the state board. The notice must:**

(1) be in writing;

(2) attest that the governing body has voted to become a deregulated school corporation that is free to focus on improving academic achievement; and

(3) inform the state board that the school corporation will become a deregulated school corporation on the July 1 next following the date of the notice.

**(b) A notice under this section is effective upon receipt by the state board.**

**Sec. 3. A school corporation becomes a deregulated school corporation that is free to focus on improving academic achievement on the July 1 next following the date of the governing body's notice to the state board.**

**Sec. 4. The following apply to a deregulated school corporation:**

(1) Except as specifically provided in this chapter, the

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following do not apply to a deregulated school corporation:

- (A) An Indiana statute applicable to a governing body or school corporation.
  - (B) A rule or guideline adopted by the state board.
  - (C) A rule or guideline adopted by the advisory board of the division of professional standards established by IC 20-28-2-2, except for those rules that assist a teacher in gaining or renewing a standard or advanced license.
  - (D) A local regulation or policy adopted by the governing body of the deregulated school corporation, unless the regulation or policy is specifically readopted by the governing body after the governing body has voted to become a deregulated school corporation.
- (2) The school corporation and schools within the school corporation must continue to comply with the following:
- (A) Applicable federal laws.
  - (B) The Constitution of the State of Indiana.
  - (C) Federal and state laws that prohibit discrimination.
  - (D) Bidding, wage determination, and other statutes and rules that apply to the use of public funds for the construction, reconstruction, alteration, or renovation of a public building.
  - (E) The following statutes:
    - (i) IC 5-11-1-9 (required audits by the state board of accounts).
    - (ii) IC 20-26-5-6 (subject to regulation by state agencies).
    - (iii) IC 20-26-5-10 and IC 20-28-5-9 (criminal history).
    - (iv) IC 20-26-6-2 (unified accounting system).
    - (v) IC 20-28-4 (transition to teaching).
    - (vi) IC 20-28-6, IC 20-28-7, IC 20-28-8, IC 20-28-9, and IC 20-28-10 (contracts with teachers and administrators, salary, and conditions of employment).
    - (vii) IC 20-29 (collective bargaining).
    - (viii) IC 20-30-2 (calendar)
    - (ix) IC 20-30-3-2 and IC 20-30-3-4 (patriotic and commemorative observances.)
    - (x) IC 20-30-5-0.5 (concerning the pledge of allegiance).
    - (xi) IC 20-30-5-10 (college preparation curriculum).
    - (xii) IC 20-30-11 (postsecondary enrollment program).
    - (xiii) IC 20-31 (accountability for school performance and improvement).
    - (xiv) IC 20-32 (student standards, assessment, and

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performance).

(xv) IC 20-33-2 (compulsory school attendance).

(xvi) IC 20-33-3 (limitations on employment of children).

(xvii) IC 20-33-7 (parental access to education records).

(xviii) IC 20-33-8 (student discipline).

(xix) IC 20-33-9 (reporting of student violations of law).

(xx) IC 20-34-3 (health and safety measures).

(xxi) IC 20-35 (special education).

(xxii) IC 21 (school finance).

Sec. 5. (a) A deregulated school corporation shall submit periodic reports, at the times set by the state board, to the department and state board, with the content and in formats prescribed by the state board, containing the following information:

(1) Financial information.

(2) Student performance data, including the results of all standardized testing, ISTEP program testing, and the graduation examination.

(3) A description of the educational methods and teaching methods employed.

(4) Daily attendance records.

(5) Graduation statistics, including the number of students attaining Core 40 and academic honors diplomas.

(6) Student enrollment data, including the following:

(A) The number of students enrolled in the school corporation and each school in the school corporation.

(B) The number of students suspended or expelled from schools in the school corporation, including the reasons for the suspensions or expulsions.

(C) The number of students who ceased to attend schools in the school corporation, including the reasons for the cessation.

(7) Any information necessary to comply with federal or state reporting requirements.

(8) Any other information specified by the state board.

(b) A deregulated school corporation and each school within the school corporation shall publish the annual performance report required under IC 20-20-8.

Sec. 6. (a) Before becoming a deregulated school corporation under section 3 of this chapter, a governing body may waive any statutes, rules, or policies that the governing body may waive under section 4 of this chapter.

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(b) A governing body shall submit notice of the statutes, rules, or policies the governing body seeks to waive to the state board under section 2 of this chapter.

(c) Unless the state board, with the advice of the department, provides written notice to the governing body of reasons the governing body may not waive a specific statute, rule, or policy, a waiver under this section takes effect ninety (90) days after the state board receives notice of the waiver.

Sec. 7. The state board may revoke the deregulated status of a school corporation at any time if the state board determines that at least one (1) of the following has occurred:

- (1) The school corporation fails to comply with applicable laws or conditions established under this chapter.
- (2) The school corporation fails to meet the educational and financial goals for the school corporation established by federal or state law, or by the state board.
- (3) The school corporation fails to comply with financial management, accounting, or reporting requirements.

Sec. 8. Not later than December 31, the state board shall issue a report to the governor and the general assembly concerning the status, actions, and academic and financial results of a deregulated school corporation. A report to the general assembly must be made to the executive director of the legislative services agency in an electronic format under IC 5-14-6."

Page 3, line 40, delete "gasoline." and insert "fuel."

Page 3, between lines 40 and 41, begin a new paragraph and insert: "SECTION 7. IC 20-28-6-2, AS ADDED BY P.L.1-2005, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. (a) A contract entered into by a teacher and a school corporation must:

- (1) be in writing;
  - (2) be signed by both parties; and
  - (3) contain the:
    - (A) beginning date of the school term as determined annually by the school corporation;
    - (B) number of days in the school term as determined annually by the school corporation;
    - (C) total salary to be paid to the teacher during the school year; and
    - (D) number of salary payments to be made to the teacher during the school year.
- (b) The contract may provide for the annual determination of the

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teacher's annual compensation by a local salary schedule, which is part of the contract. The salary schedule may be changed by the school corporation on or ~~before~~ **after** May 1 of a year, with the changes effective the next school year. A teacher affected by the changes shall be furnished with printed copies of the changed schedule not later than thirty (30) days after the schedule's adoption.

(c) A contract under this section is also governed by the following statutes:

- (1) IC 20-28-9-1 through IC 20-28-9-6.
- (2) IC 20-28-9-9 through IC 20-28-9-11.
- (3) IC 20-28-9-13.
- (4) IC 20-28-9-14.

(d) A governing body shall provide the blank contract forms, carefully worded by the state superintendent, and have them signed. The contracts are public records open to inspection by the residents of each school corporation.

(e) An action may be brought on a contract that conforms with subsections (a)(1), (a)(2), and (d).

SECTION 5. IC 20-28-7-9, AS ADDED BY P.L.1-2005, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 9. Before a teacher is refused continuation of the contract under section 8 of this chapter, the teacher has the following rights, which shall be strictly construed:

- (1) The principal of the school at which the teacher teaches must provide the teacher with an annual written evaluation of the teacher's performance before January 1 of each year. Upon the request of a nonpermanent teacher, delivered in writing to the principal not later than thirty (30) days after the teacher receives the evaluation required by this section, the principal shall provide the teacher with an additional written evaluation.
- (2) On or before ~~May 1~~, **June 1**, the school corporation shall notify the teacher that the governing body will consider nonrenewal of the contract for the next school term. The notification must be:
  - (A) written; and
  - (B) delivered in person or mailed by registered or certified mail to the teacher at the teacher's last known address.
- (3) Upon the request of the teacher, and not later than fifteen (15) days after the teacher's receipt of the notice of the consideration of contract nonrenewal, the governing body or the superintendent of the school corporation shall provide the teacher with a written statement, which:

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(A) may be developed in an executive session; and

(B) is not a public document;

giving the reasons for the nonrenewal of the teacher's contract."

Page 4, between lines 41 and 42, begin a new paragraph and insert:

"SECTION 7. IC 20-28-8-6, AS ADDED BY P.L. 1-2005, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 6. A contract entered into by a governing body and its superintendent is subject to the following conditions:

(1) The basic contract must be in the form of the regular teacher's contract.

(2) The **initial** contract must be for a term of at least thirty-six (36) months. **However, a subsequent contract may be for a term of any duration.**

(3) The contract may be altered or rescinded for a new one at any time by mutual consent of the governing body and the superintendent. The consent of both parties must be in writing and must be expressed in a manner consistent with this section and sections 7 through 8 of this chapter.

(4) The rights of a superintendent as a teacher under any other law are not affected by the contract."

Page 10, reset in roman lines 8 through 10.

Page 10, line 12, reset in roman "(3)".

Page 10, line 12, delete "(2)".

Page 10, line 17, strike "1993." and insert "**2006.**".

Page 11, line 9, delete "fifty".

Page 11, line 9, delete "(\$150,000)" and insert "**(\$100,000)**".

Page 13, line 26, delete "or license".

Page 13, line 27, delete "certificate or".

Page 13, line 27, delete "by a professional" and insert "**under IC 25-23;**".

Page 13, delete line 28.

Page 13, line 29, delete "serves" and insert "**services**".

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1312 as introduced.)

BEHNING, Chair

Committee Vote: yeas 6, nays 5.

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