



March 30, 2007

**ENGROSSED  
HOUSE BILL No. 1489**

DIGEST OF HB 1489 (Updated March 28, 2007 4:33 pm - DI 71)

**Citations Affected:** IC 20-28.

**Synopsis:** Cancellation of nonpermanent teacher contracts. Allows a nonpermanent teacher ten days to request a conference with the governing body after receiving a notice of the governing body's consideration of the nonrenewal of the teacher's contract. Specifies that, if the nonrenewal of the teacher's contract is not due to a reduction in force, the notice of consideration of nonrenewal must inform the teacher that the teacher may request a conference within 10 days of receipt of the notice. Provides that the governing body may not take action concerning the nonrenewal of the teacher's contract until after the ten day period has ended.

**Effective:** July 1, 2007.

**Cheney, Behning, Soliday,  
Cheatham**

(SENATE SPONSORS — LUBBERS, TALLIAN)

January 23, 2007, read first time and referred to Committee on Education.  
February 19, 2007, reported — Do Pass.  
February 23, 2007, read second time, amended, ordered engrossed.  
February 26, 2007, engrossed. Read third time, passed. Yeas 94, nays 0.

SENATE ACTION

March 5, 2007, read first time and referred to Committee on Education and Career Development.  
March 29, 2007, amended, reported favorably — Do Pass.

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March 30, 2007

First Regular Session 115th General Assembly (2007)

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 2006 Regular Session of the General Assembly.

## ENGROSSED HOUSE BILL No. 1489

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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 20-28-7-9, AS ADDED BY P.L.1-2005, SECTION  
2 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,  
3 2007]: Sec. 9. (a) Before a teacher is refused continuation of the  
4 contract under section 8 of this chapter, the teacher has the following  
5 rights, which shall be strictly construed:
- 6 (1) The principal of the school at which the teacher teaches must  
7 provide the teacher with an annual written evaluation of the  
8 teacher's performance before January 1 of each year. Upon the  
9 request of a nonpermanent teacher, delivered in writing to the  
10 principal not later than thirty (30) days after the teacher receives  
11 the evaluation required by this section, the principal shall provide  
12 the teacher with an additional written evaluation.
  - 13 (2) On or before May 1, the school corporation shall notify the  
14 teacher that the governing body will consider nonrenewal of the  
15 contract for the next school term. The notification must be:
    - 16 (A) written; and
    - 17 (B) delivered in person or mailed by registered or certified

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1 mail to the teacher at the teacher's last known address.  
 2 **(b) The notice in subsection (a)(2) must include a written**  
 3 **statement, which:**  
 4 **(1) may be developed in executive session; and**  
 5 **(2) is not a public document;**  
 6 **giving the reasons for the consideration of the nonrenewal of the**  
 7 **teacher's contract.**  
 8 **(c) For reasons other than a reduction in force, the notice in**  
 9 **subsection (a)(2) must inform the teacher that, not later than ten**  
 10 **(10) days after the teacher's receipt of the notice, the teacher may**  
 11 **request a conference under section 10 of this chapter.**  
 12 **(d) If the reason for nonrenewal is reduction in force, the**  
 13 **teacher may request a conference as provided in section 10 of this**  
 14 **chapter.**  
 15 ~~(3) Upon the request of the teacher, and not later than fifteen (15)~~  
 16 ~~days after the teacher's receipt of the notice of the consideration~~  
 17 ~~of contract nonrenewal; the governing body or the superintendent~~  
 18 ~~of the school corporation shall provide the teacher with a written~~  
 19 ~~statement, which:~~  
 20 ~~(A) may be developed in an executive session; and~~  
 21 ~~(B) is not a public document;~~  
 22 ~~giving the reasons for the nonrenewal of the teacher's contract.~~  
 23 SECTION 2. IC 20-28-7-10, AS ADDED BY P.L.1-2005,  
 24 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 25 JULY 1, 2007]: Sec. 10. (a) A teacher who receives notice of  
 26 **consideration** of the nonrenewal of the teacher's contract under section  
 27 9 of this chapter may request a conference under this section.  
 28 (b) A conference shall be held:  
 29 (1) with the governing body; or  
 30 (2) at the direction of the governing body, with the superintendent  
 31 of the school corporation or the superintendent's designee;  
 32 not more than ten (10) days after the day the governing body receives  
 33 a teacher's request for a conference. If the first conference is not with  
 34 the governing body, the teacher may request a second conference,  
 35 which must be held with the governing body at a time mutually  
 36 agreeable to both parties and not more than twenty (20) days after the  
 37 day the governing body receives the request for a second conference,  
 38 or before the end of the school year, whichever is earlier.  
 39 (c) The governing body may, in addition to a conference under this  
 40 section, require that the superintendent of the school corporation or the  
 41 superintendent's designee and the teacher summarize in writing the  
 42 position of each party with respect to the continuation of the contract.

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1 (d) At a conference under this section:  
2 (1) the governing body, the superintendent of the school  
3 corporation, or the superintendent's designee shall provide full  
4 and complete information supporting the reasons given for  
5 noncontinuance; and  
6 (2) the teacher shall provide any information demonstrating that  
7 noncontinuance of the contract is improper.  
8 (e) A conference under this section with the governing body shall  
9 be in executive session unless the teacher requests a public conference.  
10 The teacher may have a representative at any conference.  
11 (f) The governing body shall vote on the continuation of the  
12 teacher's contract not more than ten (10) days after a conference under  
13 this section.

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## COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred House Bill 1489, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

PORTER, Chair

Committee Vote: yeas 6, nays 4.

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 HOUSE MOTION

Mr. Speaker: I move that Senate Bill 1489 be amended to read as follows:

Page 1, line 3, after "Sec. 9." insert "(a)".

Page 1, line 15, after "must" delete ":".

Page 1, line 15, reset in roman "be:".

Page 1, line 16, delete "be".

Page 1, line 16, reset in roman "and".

Page 1, line 17, delete "be".

Page 2, line 1, delete ";" and insert ".".

Page 2, line 1, delete "and".

Page 2, delete lines 2 through 8, begin a new paragraph, and insert:  
**"(b) The notice in subsection (a)(2) must include a written statement, which:**

**(1) may be developed in executive session; and**

**(2) is not a public document;**

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

**(c) For reasons other than a reduction in force, the notice in subsection (a)(2) must inform the teacher that, not later than ten (10) days after the teacher's receipt of the notice, the teacher may request a conference under section 10 of this chapter.**

**(d) If the reason for nonrenewal is reduction in force, the teacher may request a conference as provided in section 10 of this chapter."**

Page 2, strike lines 9 through 16, begin a new paragraph, and insert:  
 "SECTION 2. IC 20-28-7-10, AS ADDED BY P.L.1-2005, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 10. (a) A teacher who receives notice of **consideration** of the nonrenewal of the teacher's contract under section 9 of this chapter may request a conference under this section.

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(b) A conference shall be held:

(1) with the governing body; or

(2) at the direction of the governing body, with the superintendent of the school corporation or the superintendent's designee;

not more than ten (10) days after the day the governing body receives a teacher's request for a conference. If the first conference is not with the governing body, the teacher may request a second conference, which must be held with the governing body at a time mutually agreeable to both parties and not more than twenty (20) days after the day the governing body receives the request for a second conference, or before the end of the school year, whichever is earlier.

(c) The governing body may, in addition to a conference under this section, require that the superintendent of the school corporation or the superintendent's designee and the teacher summarize in writing the position of each party with respect to the continuation of the contract.

(d) At a conference under this section:

(1) the governing body, the superintendent of the school corporation, or the superintendent's designee shall provide full and complete information supporting the reasons given for noncontinuance; and

(2) the teacher shall provide any information demonstrating that noncontinuance of the contract is improper.

(e) A conference under this section with the governing body shall be in executive session unless the teacher requests a public conference. The teacher may have a representative at any conference.

(f) The governing body shall vote on the continuation of the teacher's contract not more than ten (10) days after a conference under this section."

(Reference is to HB 1489 as printed February 20, 2007.)

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COMMITTEE REPORT

Madam President: The Senate Committee on Education and Career Development, to which was referred House Bill No. 1489, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 2, line 6, after "for" insert "**the consideration of**".

and when so amended that said bill do pass.

(Reference is to HB 1489 as reprinted February 24, 2007.)

LUBBERS, Chairperson

Committee Vote: Yeas 8, Nays 0.

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