

PREVAILED	Roll Call No. _____
FAILED	Ayes _____
WITHDRAWN	Noes _____
RULED OUT OF ORDER	

# HOUSE MOTION \_\_\_\_\_

MR. SPEAKER:

I move that Engrossed Senate Bill 1 be amended to read as follows:

- 1 Page 3, line 2, after "(5)" insert "**(3)**".
- 2 Page 3, line 2, reset in roman "A teacher."
- 3 Page 3, line 3, after "(6)" insert "**(4)**".
- 4 Page 3, line 3, reset in roman "A librarian."
- 5 Page 6, between lines 1 and 2, begin a new paragraph and insert:
- 6 "SECTION 9. IC 20-24-6-10, AS ADDED BY P.L.1-2005,
- 7 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 8 JULY 1, 2011]: Sec. 10. (a) The governing body:
- 9 (1) must grant a transfer of not more than two (2) years; and
- 10 (2) may grant a transfer for a period in addition to the period
- 11 required in subdivision (1);
- 12 to a teacher of a noncharter school in the school corporation who
- 13 wishes to teach and has been accepted to teach at a nonconversion
- 14 charter school.
- 15 (b) During the term of the transfer under subsection (a):
- 16 (1) the teacher's seniority status under law continues as if the
- 17 teacher were an employee of a noncharter school in the school
- 18 corporation; and
- 19 (2) the teacher's years as a charter school employee shall not be
- 20 considered for purposes of permanent or semipermanent status
- 21 with the school corporation under IC 20-28-6, ~~IC 20-28-7,~~
- 22 **IC 20-28-7.5,** or IC 20-28-8."
- 23 Page 6, between lines 15 and 16, begin a new paragraph and insert:

1 "SECTION 12. IC 20-24-8-5, AS AMENDED BY P.L.154-2009,  
 2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 3 JULY 1, 2011]: Sec. 5. The following statutes and rules and guidelines  
 4 adopted under the following statutes apply to a charter school:

- 5 (1) IC 5-11-1-9 (required audits by the state board of accounts).  
 6 (2) IC 20-39-1-1 (unified accounting system).  
 7 (3) IC 20-35 (special education).  
 8 (4) IC 20-26-5-10 (criminal history).  
 9 (5) IC 20-26-5-6 (subject to laws requiring regulation by state  
 10 agencies).  
 11 ~~(6) IC 20-28-7-14 (void teacher contract when two (2) contracts~~  
 12 ~~are signed).~~  
 13 ~~(7)~~ (6) IC 20-28-10-12 (nondiscrimination for teacher marital  
 14 status).  
 15 ~~(8)~~ (7) IC 20-28-10-14 (teacher freedom of association).  
 16 ~~(9)~~ (8) IC 20-28-10-17 (school counselor immunity).  
 17 ~~(10)~~ (9) For conversion charter schools only, IC 20-28-6,  
 18 ~~IC 20-28-7, IC 20-28-7.5, IC 20-28-8, IC 20-28-9, and~~  
 19 IC 20-28-10.  
 20 ~~(11)~~ (10) IC 20-33-2 (compulsory school attendance).  
 21 ~~(12)~~ (11) IC 20-33-3 (limitations on employment of children).  
 22 ~~(13)~~ (12) IC 20-33-8-19, IC 20-33-8-21, and IC 20-33-8-22  
 23 (student due process and judicial review).  
 24 ~~(14)~~ (13) IC 20-33-8-16 (firearms and deadly weapons).  
 25 ~~(15)~~ (14) IC 20-34-3 (health and safety measures).  
 26 ~~(16)~~ (15) IC 20-33-9 (reporting of student violations of law).  
 27 ~~(17)~~ (16) IC 20-30-3-2 and IC 20-30-3-4 (patriotic  
 28 commemorative observances).  
 29 ~~(18)~~ (17) IC 20-31-3, IC 20-32-4, IC 20-32-5, IC 20-32-6,  
 30 IC 20-32-8, or any other statute, rule, or guideline related to  
 31 standardized testing (assessment programs, including remediation  
 32 under the assessment programs).  
 33 ~~(19)~~ (18) IC 20-33-7 (parental access to education records).  
 34 ~~(20)~~ (19) IC 20-31 (accountability for school performance and  
 35 improvement).  
 36 ~~(21)~~ (20) IC 20-30-5-19 (personal financial responsibility  
 37 instruction)."

38 Page 12, line 16, delete "IC 20-28-7," and insert "**IC 20-28-7.5**,".

39 Page 12, line 19, delete "." and insert "**, subject to the approval of**  
 40 **the governing body.**".

41 Page 20, line 21, strike "IC 20-28-7-7." and insert "**IC 20-28-7.5**".

42 Page 21, delete lines 36 through 42, begin a new paragraph and  
 43 insert:

44 "SECTION 32. IC 20-28-6-7, AS ADDED BY P.L.1-2005,  
 45 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 46 JULY 1, 2011]: Sec. 7. (a) As used in this section, "teacher" includes

- 1 an individual who:
- 2 (1) holds a substitute teacher's license; and
- 3 (2) provides instruction in a joint summer school program under
- 4 IC 20-30-7-5.
- 5 (b) The supplemental service teacher's contract shall be used when
- 6 a teacher provides professional service in evening school or summer
- 7 school employment, except when a teacher or other individual is
- 8 employed to supervise or conduct noncredit courses or activities.
- 9 (c) If a teacher serves more than one hundred twenty (120) days on
- 10 a supplemental service teacher's contract in a school year, the following
- 11 apply:
- 12 (1) Sections 1, 2, 3, and 8 of this chapter.
- 13 (2) IC 20-28-10-1 through IC 20-28-10-2.
- 14 (3) ~~IC 20-28-7-3 through IC 20-28-7-5.~~ **IC 20-28-7.5.**
- 15 (4) ~~IC 20-28-7-7 through IC 20-28-7-12.~~
- 16 (5) ~~IC 20-28-7-14.~~
- 17 (6) ~~(4)~~ **(4)** IC 20-28-10-1 through IC 20-28-10-5.
- 18 (d) The salary of a teacher on a supplemental service contract must
- 19 equal the salary of a teacher on the regular salary schedule of the
- 20 school corporation where the teacher will serve. Part-time service on
- 21 the supplemental service contract is computed on the basis of six (6)
- 22 hours as a full day of service."
- 23 Page 22, delete lines 1 through 21.
- 24 Page 22, line 25, delete "this section is not subject to section 8 of
- 25 this chapter." and insert "**section 8 of this chapter is not subject to**
- 26 **this section.**".
- 27 Page 22, line 35, delete "consecutive".
- 28 Page 23, delete lines 35 through 42.
- 29 Delete page 24.
- 30 Page 25, delete lines 1 through 9.
- 31 Page 25, line 34, delete "IC 20-28-9-1(c)" and insert "**IC**
- 32 **20-28-9-1(b)**".
- 33 Page 25, line 35, delete "as one (1) of the criteria" and insert ".".
- 34 Page 25, delete lines 36 through 38.
- 35 Page 26, line 9, delete "ratings in" and insert "**rating in three (3)**
- 36 **years of**".
- 37 Page 29, line 2, after "factors" insert "**together**".
- 38 Page 29, between lines 38 and 39, begin a new paragraph and insert:
- 39 "SECTION 39. IC 20-28-9-21, AS ADDED BY P.L.1-2005,
- 40 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 41 JULY 1, 2011]: Sec. 21. (a) This section and sections 22 through 23 of
- 42 this chapter apply to the suspension of a teacher without pay when the
- 43 procedure for the cancellation of the teacher's contract under
- 44 ~~IC 20-28-7-3 through IC 20-28-7-5~~ **IC 20-28-7.5** does not apply.
- 45 (b) A teacher may be suspended from duty without pay only for the
- 46 following reasons:

- 1 (1) Immorality.  
 2 (2) Insubordination, which means the willful refusal to obey the  
 3 state school laws or reasonable rules prescribed for the  
 4 government of the school corporation.  
 5 (3) Neglect of duty.  
 6 (4) Substantial inability to perform teaching duties.  
 7 (5) Good and just cause.
- 8 SECTION 40. IC 20-28-10-1, AS ADDED BY P.L.1-2005,  
 9 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 10 JULY 1, 2011]: Sec. 1. (a) A school corporation may grant a teacher a  
 11 leave of absence not to exceed one (1) year for:  
 12 (1) a sabbatical;  
 13 (2) a disability leave; or  
 14 (3) a sick leave.  
 15 (b) The school corporation may grant consecutive leaves to a  
 16 teacher.  
 17 (c) A school corporation may grant partial compensation for a leave  
 18 in an amount the school corporation determines. However, if a teacher  
 19 on a sabbatical serves an employer that agrees to reimburse the school  
 20 corporation in whole or in part of the amount of the teacher's regular  
 21 salary, the school corporation may grant full or partial compensation.  
 22 (d) A teacher who is pregnant shall be granted a leave of absence for  
 23 the period provided in and subject to section 5 of this chapter.  
 24 (e) Except where a contract is not required under ~~IC 20-28-7~~  
 25 **IC 20-28-7.5** in a situation that occurs before or after the  
 26 commencement of leave, the teacher and the school corporation shall  
 27 execute a regular teacher's contract for each school year in which any  
 28 part of the teacher's leave is granted.  
 29 (f) The teacher has the right to return to a teaching position for  
 30 which the teacher is certified or otherwise qualified under the rules of  
 31 the state board."
- 32 Page 30, between lines 32 and 33, begin a new paragraph and insert:  
 33 "SECTION 42. IC 20-28-10-4, AS ADDED BY P.L.1-2005,  
 34 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 35 JULY 1, 2011]: Sec. 4. (a) A school corporation may place a teacher,  
 36 with or without written request, on a disability or sick leave not to  
 37 exceed one (1) year.  
 38 (b) A teacher placed on a disability or sick leave without a written  
 39 request is entitled to a hearing on that action under ~~IC 20-28-7-1~~ and  
 40 ~~IC 20-28-7-3~~ through ~~IC 20-28-7-5~~: **IC 20-28-7.5**."
- 41 Page 34, line 42, after "board" insert ", and to the public via the  
 42 **department's Internet web site**,".
- 43 Page 37, between lines 35 and 36, begin a new paragraph and insert:  
 44 "SECTION 54. IC 20-35-5-9, AS ADDED BY P.L.1-2005,  
 45 SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 46 JULY 1, 2011]: Sec. 9. A teacher who:

1 (1) is employed by a special education cooperative; and  
 2 (2) previously taught in a participating school corporation;  
 3 retains all rights and privileges under IC 20-28-6, ~~IC 20-28-7,~~  
 4 **IC 20-28-7.5**, IC 20-28-8, IC 20-28-9, and IC 20-28-10 to the same  
 5 extent as if the teacher had continued teaching in the participating  
 6 school corporation.

7 SECTION 55. IC 20-35-5-10, AS ADDED BY P.L.1-2005,  
 8 SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 9 JULY 1, 2011]: Sec. 10. A teacher who:

10 (1) is employed by a special education cooperative; and  
 11 (2) does not have existing years of service in any of the  
 12 participating school corporations;  
 13 shall be considered to be employed by the special education  
 14 cooperative and is entitled to the same rights and privileges under  
 15 IC 20-28-6, ~~IC 20-28-7,~~ **IC 20-28-7.5**, IC 20-28-8, IC 20-28-9, and  
 16 IC 20-28-10 as if the teacher were employed by a school corporation.

17 SECTION 56. IC 20-35-5-12, AS ADDED BY P.L.1-2005,  
 18 SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 19 JULY 1, 2011]: Sec. 12. If:

20 (1) a teacher loses the teacher's job in a special education  
 21 cooperative due to:  
 22 (A) a reduction in services of;  
 23 (B) a reorganization of;  
 24 (C) the discontinuance of; or  
 25 (D) a withdrawal in whole or in part of a participating school  
 26 corporation from;  
 27 the special education cooperative; and  
 28 (2) the teacher is employed by a participating school corporation  
 29 as described in section 11 of this chapter;  
 30 the teacher retains the rights and privileges under IC 20-28-6,  
 31 ~~IC 20-28-7,~~ **IC 20-28-7.5**, IC 20-28-8, IC 20-28-9, and IC 20-28-10  
 32 that the teacher held at the time the teacher lost the job in the special  
 33 education cooperative as described in subdivision (1)."

34 Page 37, line 40, delete "IC 20-28-11." and insert "IC 20-28-11;  
 35 IC 20-29-6-11."

36 Renumber all SECTIONS consecutively.  
 (Reference is to ESB 1 as printed April 13, 2011.)

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Representative Behning