

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WITHDRAWN	Noes _____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 5, delete lines 23 through 42.
- 6 Page 6, delete line 1.
- 7 Page 6, between lines 1 and 2, begin a new paragraph and insert:
- 8 "SECTION 9. IC 20-24-6-10, AS ADDED BY P.L.1-2005,
- 9 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 10 JULY 1, 2011]: Sec. 10. (a) The governing body:
- 11 (1) must grant a transfer of not more than two (2) years; and
- 12 (2) may grant a transfer for a period in addition to the period
- 13 required in subdivision (1);
- 14 to a teacher of a noncharter school in the school corporation who
- 15 wishes to teach and has been accepted to teach at a nonconversion
- 16 charter school.
- 17 (b) During the term of the transfer under subsection (a):
- 18 (1) the teacher's seniority status under law continues as if the
- 19 teacher were an employee of a noncharter school in the school
- 20 corporation; and
- 21 (2) the teacher's years as a charter school employee shall not be
- 22 considered for purposes of permanent or semipermanent status
- 23 with the school corporation under IC 20-28-6, ~~IC 20-28-7,~~
- 24 **IC 20-28-7.5**, or IC 20-28-8."

1 Page 6, between lines 15 and 16, begin a new paragraph and insert:  
 2 "SECTION 12. IC 20-24-8-5, AS AMENDED BY P.L.154-2009,  
 3 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 4 JULY 1, 2011]: Sec. 5. The following statutes and rules and guidelines  
 5 adopted under the following statutes apply to a charter school:

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

7 (2) IC 20-39-1-1 (unified accounting system).

8 (3) IC 20-35 (special education).

9 (4) IC 20-26-5-10 (criminal history).

10 (5) IC 20-26-5-6 (subject to laws requiring regulation by state  
 11 agencies).

12 ~~(6) IC 20-28-7-14 (void teacher contract when two (2) contracts~~  
 13 ~~are signed).~~

14 ~~(7)~~ (6) IC 20-28-10-12 (nondiscrimination for teacher marital  
 15 status).

16 ~~(8)~~ (7) IC 20-28-10-14 (teacher freedom of association).

17 ~~(9)~~ (8) IC 20-28-10-17 (school counselor immunity).

18 ~~(10)~~ (9) For conversion charter schools only, IC 20-28-6,  
 19 ~~IC 20-28-7,~~ IC 20-28-7.5, IC 20-28-8, IC 20-28-9, and  
 20 IC 20-28-10.

21 ~~(11)~~ (10) IC 20-33-2 (compulsory school attendance).

22 ~~(12)~~ (11) IC 20-33-3 (limitations on employment of children).

23 ~~(13)~~ (12) IC 20-33-8-19, IC 20-33-8-21, and IC 20-33-8-22  
 24 (student due process and judicial review).

25 ~~(14)~~ (13) IC 20-33-8-16 (firearms and deadly weapons).

26 ~~(15)~~ (14) IC 20-34-3 (health and safety measures).

27 ~~(16)~~ (15) IC 20-33-9 (reporting of student violations of law).

28 ~~(17)~~ (16) IC 20-30-3-2 and IC 20-30-3-4 (patriotic  
 29 commemorative observances).

30 ~~(18)~~ (17) IC 20-31-3, IC 20-32-4, IC 20-32-5, IC 20-32-6,  
 31 IC 20-32-8, or any other statute, rule, or guideline related to  
 32 standardized testing (assessment programs, including remediation  
 33 under the assessment programs).

34 ~~(19)~~ (18) IC 20-33-7 (parental access to education records).

35 ~~(20)~~ (19) IC 20-31 (accountability for school performance and  
 36 improvement).

37 ~~(21)~~ (20) IC 20-30-5-19 (personal financial responsibility  
 38 instruction).".

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

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

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

43 Page 22, line 25, delete "this section is not subject to section 8 of  
 44 this chapter." and insert "**section 8 of this chapter is not subject to**  
 45 **this section.**".

46 Page 22, line 35, delete "consecutive".

- 1 Page 23, delete lines 35 through 42.  
 2 Delete page 24.  
 3 Page 25, delete lines 1 through 9.  
 4 Page 25, line 34, delete "IC 20-28-9-1(c)" and insert "**IC**  
 5 **20-28-9-1(b)**".  
 6 Page 25, line 35, delete "Seniority may be considered as one (1) of  
 7 the criteria".  
 8 Page 25, delete lines 36 through 38.  
 9 Page 26, line 9, delete "ratings in" and insert "**rating in three (3)**  
 10 **years of**".  
 11 Page 28, line 40, after "(1)" insert "**A combination of the following**  
 12 **factors taken together may account for not more than thirty-three**  
 13 **percent (33%) of the calculation used to determine a teacher's**  
 14 **increase or increment:**  
 15 (A)".  
 16 Page 28, line 40, delete "or the" and insert ".".  
 17 Page 28, delete lines 41 through 42, begin a new line double block  
 18 indented and insert:  
 19 **"(B) The attainment of either:**  
 20 **(i) additional content area degrees beyond the**  
 21 **requirements for employment; or**  
 22 **(ii) additional content area degrees and credit hours**  
 23 **beyond the requirements for employment, if required**  
 24 **under an agreement bargained under IC 20-29."**  
 25 Page 29, delete lines 1 through 5.  
 26 Page 29, between lines 38 and 39, begin a new paragraph and insert:  
 27 "SECTION 39. IC 20-28-9-21, AS ADDED BY P.L.1-2005,  
 28 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 29 JULY 1, 2011]: Sec. 21. (a) This section and sections 22 through 23 of  
 30 this chapter apply to the suspension of a teacher without pay when the  
 31 procedure for the cancellation of the teacher's contract under  
 32 ~~IC 20-28-7-3 through IC 20-28-7-5~~ **IC 20-28-7.5** does not apply.  
 33 (b) A teacher may be suspended from duty without pay only for the  
 34 following reasons:  
 35 (1) Immorality.  
 36 (2) Insubordination, which means the willful refusal to obey the  
 37 state school laws or reasonable rules prescribed for the  
 38 government of the school corporation.  
 39 (3) Neglect of duty.  
 40 (4) Substantial inability to perform teaching duties.  
 41 (5) Good and just cause.  
 42 SECTION 40. IC 20-28-10-1, AS ADDED BY P.L.1-2005,  
 43 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 44 JULY 1, 2011]: Sec. 1. (a) A school corporation may grant a teacher a  
 45 leave of absence not to exceed one (1) year for:  
 46 (1) a sabbatical;

- 1 (2) a disability leave; or  
 2 (3) a sick leave.

3 (b) The school corporation may grant consecutive leaves to a  
 4 teacher.

5 (c) A school corporation may grant partial compensation for a leave  
 6 in an amount the school corporation determines. However, if a teacher  
 7 on a sabbatical serves an employer that agrees to reimburse the school  
 8 corporation in whole or in part of the amount of the teacher's regular  
 9 salary, the school corporation may grant full or partial compensation.

10 (d) A teacher who is pregnant shall be granted a leave of absence for  
 11 the period provided in and subject to section 5 of this chapter.

12 (e) Except where a contract is not required under ~~IC 20-28-7~~  
 13 **IC 20-28-7.5** in a situation that occurs before or after the  
 14 commencement of leave, the teacher and the school corporation shall  
 15 execute a regular teacher's contract for each school year in which any  
 16 part of the teacher's leave is granted.

17 (f) The teacher has the right to return to a teaching position for  
 18 which the teacher is certified or otherwise qualified under the rules of  
 19 the state board."

20 Page 30, between lines 32 and 33, begin a new paragraph and insert:

21 "SECTION 42. IC 20-28-10-4, AS ADDED BY P.L.1-2005,  
 22 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 23 JULY 1, 2011]: Sec. 4. (a) A school corporation may place a teacher,  
 24 with or without written request, on a disability or sick leave not to  
 25 exceed one (1) year.

26 (b) A teacher placed on a disability or sick leave without a written  
 27 request is entitled to a hearing on that action under ~~IC 20-28-7-1~~ and  
 28 ~~IC 20-28-7-3~~ through ~~IC 20-28-7-5~~. **IC 20-28-7.5**."

29 Page 34, line 42, after "board" insert ", and to the public via the  
 30 **department's Internet web site**,".

31 Page 37, between lines 35 and 36, begin a new paragraph and insert:

32 "SECTION 54. IC 20-35-5-9, AS ADDED BY P.L.1-2005,  
 33 SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 34 JULY 1, 2011]: Sec. 9. A teacher who:

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

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

- 44 (1) is employed by a special education cooperative; and  
 45 (2) does not have existing years of service in any of the  
 46 participating school corporations;

1 shall be considered to be employed by the special education  
 2 cooperative and is entitled to the same rights and privileges under  
 3 IC 20-28-6, ~~IC 20-28-7~~, **IC 20-28-7.5**, IC 20-28-8, IC 20-28-9, and  
 4 IC 20-28-10 as if the teacher were employed by a school corporation.

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

8 (1) a teacher loses the teacher's job in a special education  
 9 cooperative due to:

10 (A) a reduction in services of;

11 (B) a reorganization of;

12 (C) the discontinuance of; or

13 (D) a withdrawal in whole or in part of a participating school  
 14 corporation from;

15 the special education cooperative; and

16 (2) the teacher is employed by a participating school corporation  
 17 as described in section 11 of this chapter;

18 the teacher retains the rights and privileges under IC 20-28-6,  
 19 ~~IC 20-28-7~~, **IC 20-28-7.5**, IC 20-28-8, IC 20-28-9, and IC 20-28-10  
 20 that the teacher held at the time the teacher lost the job in the special  
 21 education cooperative as described in subdivision (1)."

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

24 Renumber all SECTIONS consecutively.

(Reference is to ESB 1 as printed April 13, 2011.)

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Representative Behning