

**CONFERENCE COMMITTEE REPORT
DIGEST FOR EHB 1369**

Citations Affected: IC 20-18-2-2.1; IC 20-25-2-2; IC 20-26-5-4.2; IC 20-28-8.5; IC 20-23-2-7.

Synopsis: School administrators. Conference committee report for EHB 1369. Provides that a school corporation that employs a licensed curriculum director may hire as superintendent an individual who is not licensed as a superintendent but has at least ten years' experience in education. Requires school corporations to set performance goals for improvement in: (1) standardized testing; (2) retention of students and graduation rates; (3) budgeting and fiscal performance; and (4) teacher and administrator professional development. Requires a contract of employment entered into between the governing body of the school corporation and a school administrator to include provisions concerning compensation based on the individual's performance in meeting the goals for improvement for certain criteria. Repeals a requirement that a county superintendent of schools must have five years of successful teaching experience and hold a superintendent's license. Requests the legislative council to assign a study of superintendent compensation, including severance payments, to an interim study committee during the 2011 legislative interim. **(This conference committee report: (1) removes provisions establishing a high school graduation study committee, requiring the department of education to post on the department's Internet web site a data base of property owned by, and expenditures and fund balances of, local schools, and limiting the amount of state funds used in a superintendent severance payment; (2) adds language concerning the licensing of superintendents in certain school corporations; (3) adds teacher and administrator professional development to the areas in which a governing body must set performance goals; and (4) adds superintendent severance payments to the topics to be studied during the legislative interim.)**

Effective: July 1, 2011.

CONFERENCE COMMITTEE REPORT

MR. SPEAKER:

Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed Senate Amendments to Engrossed House Bill No. 1369 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the House recede from its dissent from all Senate amendments and that the House now concur in all Senate amendments to the bill and that the bill be further amended as follows:

- 1 Delete everything after the enacting clause and insert the following:
 2 SECTION 1. IC 20-18-2-2.1 IS ADDED TO THE INDIANA CODE
 3 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 4 1, 2011]: **Sec. 2.1. (a) For purposes of this title (except for IC 20-25**
 5 **and IC 20-28-8.5), "administrator" refers to any of the following:**
 6 (1) **A superintendent.**
 7 (2) **An assistant superintendent.**
 8 (3) **A principal.**
 9 (4) **An assistant principal.**
 10 (b) **For purposes of IC 20-25, "administrator" has the meaning**
 11 **set forth in IC 20-25-2-2.**
 12 (c) **For purposes of IC 20-28-8.5, "administrator" has the**
 13 **meaning set forth in IC 20-28-8.5-1.**
 14 SECTION 2. IC 20-25-2-2, AS ADDED BY P.L.1-2005, SECTION
 15 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,
 16 2011]: Sec. 2. "Administrator" means a full-time employee of a school
 17 in the school city who is:
 18 (1) a principal;
 19 (2) an assistant principal; ~~or~~
 20 (3) **a superintendent;**
 21 (4) **an assistant superintendent; or**
 22 (3) (5) any other educational manager at the school.

1 SECTION 3. IC 20-26-5-4.2 IS ADDED TO THE INDIANA CODE
 2 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 3 1, 2011]: **Sec. 4.2. (a) This section applies to a school corporation
 4 that employs a licensed curriculum:**

- 5 (1) supervisor;
- 6 (2) director;
- 7 (3) executive; or
- 8 (4) officer;

9 **for the school corporation.**

10 **(b) The governing body of a school corporation to which this
 11 section applies may hire as superintendent an individual who:**

- 12 (1) is not licensed under IC 20-28; and
- 13 (2) has not less than ten (10) years' experience in education in
 14 either the public or private sector.

15 SECTION 4. IC 20-28-8.5 IS ADDED TO THE INDIANA CODE
 16 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 17 JULY 1, 2011]:

18 **Chapter 8.5. Pay to Performance Program for School
 19 Administrators**

20 **Sec. 1. As used in this chapter, "administrator" refers to any of
 21 the following individuals employed by a school corporation:**

- 22 (1) A superintendent.
- 23 (2) An assistant superintendent.
- 24 (3) A principal.
- 25 (4) A vice principal.
- 26 (5) A school corporation's chief financial officer.

27 **Sec. 2. Each school corporation shall set goals for an
 28 administrator's improvement in:**

- 29 (1) student growth and performance;
- 30 (2) student graduation rates and retention;
- 31 (3) budget and fiscal performance; and
- 32 (4) teacher and administrator professional development that
 33 conforms to IC 20-20-31;

34 **to the extent that an area is included in the administrator's duties.**

35 **Sec. 3. The state board shall adopt a model administrator
 36 incentive pay program to be implemented by governing bodies in
 37 awarding pay to performance incentives for administrators based
 38 solely on the categories listed in section 2 of this chapter.**

39 **Sec. 4. Each governing body shall adopt improvement goals in
 40 each of the categories listed in section 2 of this chapter. The
 41 governing body shall report the goals to the department before
 42 January 1 of 2012 and each subsequent year.**

43 **Sec. 5. (a) A school corporation shall implement and maintain
 44 a method of compensation for its administrators that includes job
 45 performance and job accomplishments as a significant factor in
 46 determining compensation and additional compensation. The
 47 assessment of job performance shall incorporate a rigorous,
 48 transparent, and fair evaluation system that evaluates an
 49 administrator's performance, at least in part, based upon data on
 50 student growth as measured by assessments and other objective
 51 criteria.**

1 **(b) Beginning with the 2012-2013 school year, a contract of**
 2 **employment entered into between the governing body of the school**
 3 **corporation and an individual listed in section 1(1) through 1(4) of**
 4 **this chapter shall include provisions concerning compensation,**
 5 **under which the individual is entitled to receive a bonus of not**
 6 **more than five percent (5%) based on the individual's performance**
 7 **in meeting the goals for improvement for the categories listed in**
 8 **section 2 of this chapter.**

9 **(c) Beginning with the 2012-2013 school year, a contract of**
 10 **employment entered into between the governing body of the school**
 11 **corporation and a school chief financial officer shall include**
 12 **provisions concerning compensation, under which the individual**
 13 **is entitled to receive a bonus of not more than five percent (5%)**
 14 **based on the individual's performance in meeting the goals for**
 15 **improvement for the categories listed in section 2(3) of this**
 16 **chapter.**

17 **(d) If a collective bargaining agreement is in effect before July**
 18 **1, 2011, for an administrator of a school corporation, and if that**
 19 **collective bargaining agreement prevents compliance with**
 20 **subsection (a), subsection (a) does not apply to that school**
 21 **corporation until after the expiration of that collective bargaining**
 22 **agreement.**

23 SECTION 5. IC 20-23-2-7 IS REPEALED [EFFECTIVE JULY 1,
 24 2011].

25 SECTION 6. [EFFECTIVE JULY 1, 2011] **(a) The definitions in**
 26 **IC 20-18-2 apply to this SECTION.**

27 **(b) The legislative council is requested to assign the following**
 28 **topics to an education study committee during the 2011 legislative**
 29 **interim:**

30 **(1) Superintendent compensation throughout Indiana,**
 31 **including salary and salary related fringe benefits and**
 32 **accident, sickness, health, dental, and retirement benefits.**

33 **(2) The amount and funding sources of superintendent**
 34 **severance payments.**

35 **(3) Whether the establishment of a statewide salary schedule,**
 36 **based upon school corporation ADM, would be beneficial to**
 37 **governing bodies and the state.**

38 **(c) This SECTION expires November 1, 2011.**

(Reference is to EHB 1369 as reprinted April 20, 2011.)

Conference Committee Report
on
Engrossed House Bill 1369

Signed by:

Representative Soliday
Chairperson

Senator Kruse

Representative Behning

Senator Yoder

House Conferees

Senate Conferees