

Adopted	Rejected
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# COMMITTEE REPORT

YES:	8
NO:	5

## MR. SPEAKER:

*Your Committee on Education, to which was referred Senate Bill 1, 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:*

- 1           Page 2, line 32, delete "IC 20-28-11.5-3." and insert "**IC**
- 2           **20-28-11.5-3.**"
- 3           Page 2, line 35, reset in roman "(a)".
- 4           Page 2, reset in roman lines 39 through 40.
- 5           Page 2, line 42, after "(3)" insert "**(2)**".
- 6           Page 2, line 42, reset in roman "A principal."
- 7           Page 5, between lines 7 and 8, begin a new paragraph and insert:
- 8           "SECTION 6. IC 20-20-38 IS ADDED TO THE INDIANA CODE
- 9           AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
- 10          JULY 1, 2011]:
- 11          **Chapter 38. Operational Efficiency Reviews**
- 12          **Sec. 1. Before October 1, 2011, the department shall develop a**
- 13          **program to provide training and evaluations for school**
- 14          **corporations in operational efficiency.**
- 15          **Sec. 2. The department may contract with an outside entity to**

1 **provide quality training for the department, school corporations,**  
 2 **and superintendents in the area of efficiency and cost savings.**

3 **Sec. 3. A school corporation shall submit to the department any**  
 4 **information the department determines is necessary to:**

5 **(1) evaluate the school corporation's current operations; and**  
 6 **(2) recommend operational efficiencies and financial savings**  
 7 **for the school corporation."**

8 Page 5, delete lines 21 through 25.

9 Page 6, delete lines 6 through 19.

10 Page 8, reset in roman lines 33 through 36.

11 Page 8, line 37, reset in roman "and grounds, janitors,".

12 Page 8, line 37, reset in roman "physicians,".

13 Page 8, line 38, reset in roman "dentists, nurses,".

14 Page 8, line 38, reset in roman "teacher aides performing".

15 Page 8, line 39, reset in roman "noninstructional duties,".

16 Page 12, line 12, delete "hiring" and insert "**selecting**".

17 Page 12, line 18, delete "." and insert ", **subject to the approval of**  
 18 **the governing body.**".

19 Page 12, line 19, delete "IC 20-28-7 and in consultation with the"  
 20 and insert "**IC 20-28-7, the superintendent and principal are**  
 21 **responsible for selecting**".

22 Page 12, line 20, delete "superintendent, a principal is responsible  
 23 for hiring".

24 Page 12, delete lines 24 through 30.

25 Page 22, between lines 4 and 5, begin a new paragraph and insert:  
 26 "SECTION 27. IC 20-28-6-7, AS ADDED BY P.L.1-2005,  
 27 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 28 JULY 1, 2011]: Sec. 7. (a) As used in this section, "teacher" includes  
 29 an individual who:

30 (1) holds a substitute teacher's license; and

31 (2) provides instruction in a joint summer school program under  
 32 IC 20-30-7-5.

33 (b) The supplemental service teacher's contract shall be used when  
 34 a teacher provides professional service in evening school or summer  
 35 school employment, except when a teacher or other individual is  
 36 employed to supervise or conduct noncredit courses or activities.

37 (c) If a teacher serves more than one hundred twenty (120) days on  
 38 a supplemental service teacher's contract in a school year, the following

1 apply:

- 2 (1) Sections 1, 2, 3, and 8 of this chapter.  
 3 (2) IC 20-28-10-1 through ~~IC 20-28-10-2~~: **IC 20-28-10-5**.  
 4 (3) ~~IC 20-28-7-3~~ through ~~IC 20-28-7-5~~.  
 5 (4) ~~IC 20-28-7-7~~ through ~~IC 20-28-7-12~~.  
 6 (5) ~~IC 20-28-7-14~~.  
 7 (6) ~~IC 20-28-10-1~~ through ~~IC 20-28-10-5~~.

8 (d) The salary of a teacher on a supplemental service contract ~~must~~  
 9 ~~equal the salary of a teacher on the regular salary schedule of the~~  
 10 ~~school corporation where the teacher will serve. Part-time service on~~  
 11 ~~the supplemental service contract is computed on the basis of six (6)~~  
 12 ~~hours as a full day of service. shall be determined by the~~  
 13 **superintendent. The superintendent may, but is not required to,**  
 14 **base the salary on the regular salary schedule for the school**  
 15 **corporation.**

16 SECTION 28. IC 20-28-6-7.5 IS ADDED TO THE INDIANA  
 17 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 18 [EFFECTIVE JULY 1, 2011]: **Sec. 7.5. (a) A teacher who is subject**  
 19 **to this section is not subject to section 8 of this chapter.**

20 **(b) After June 30, 2011, a teacher who:**

- 21 **(1) serves under contract as a teacher in a public school**  
 22 **corporation;**  
 23 **(2) has not received a rating in an evaluation under**  
 24 **IC 20-28-11.5 or receives a rating of ineffective in an**  
 25 **evaluation under IC 20-28-11.5;**  
 26 **(3) has not at any time before July 1, 2012, entered into a**  
 27 **teaching contract for further service with the school**  
 28 **corporation; and**  
 29 **(4) has not received three (3) consecutive ratings in a five (5)**  
 30 **year period of effective or highly effective in an evaluation**  
 31 **under IC 20-28-11.5;**

32 **shall be considered a probationary teacher.**

33 **(c) After June 30, 2011, a teacher who receives a rating of:**

- 34 **(1) effective;**  
 35 **(2) highly effective; or**  
 36 **(3) a combination of both subdivisions (1) and (2);**  
 37 **in an evaluation under IC 20-28-11.5 for at least three (3) years in**  
 38 **a five (5) year or shorter period becomes a professional teacher by**

1 entering into a contract described in section 2 of this chapter.

2 (d) A professional teacher who receives a rating of ineffective in  
3 an evaluation under IC 20-28-11.5 shall be considered a  
4 probationary teacher but is not subject to the cancellation of the  
5 teacher's contract unless at least one (1) of the following criteria  
6 applies:

7 (1) The teacher receives a rating of ineffective in a  
8 evaluation under IC 20-28-11.5 in the year immediately  
9 following the teacher's initial rating of ineffective.

10 (2) The teacher's contract cancellation is due to a justifiable  
11 decrease in the number of teaching positions under  
12 IC 20-28-7.5-1(b)(3).

13 (3) The teacher's contract cancellation is due to conduct set  
14 forth in IC 20-28-7.5-1(b).

15 SECTION 29. IC 20-28-6-8, AS AMENDED BY P.L.43-2010,  
16 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
17 JULY 1, 2011]: Sec. 8. (a) An individual who:

18 (1) serves under contract as a teacher in a public school  
19 corporation for ~~at least five (5) successive years; before July 1,~~  
20 **2012;** and

21 (2) at any time **before July 1, 2012,** enters into a teacher's  
22 contract for further service with the school corporation;

23 becomes, by entering into the contract described in subdivision (2), a  
24 ~~permanent~~ **an established** teacher of the school corporation. When a  
25 contract between the school corporation and a ~~permanent~~ **an**  
26 **established** teacher expires by the contract's terms, the contract is  
27 considered to continue indefinitely as an indefinite contract, **subject to**  
28 **IC 20-28-7.5.**

29 (b) An indefinite contract remains in force until the indefinite  
30 contract is:

31 (1) replaced by a new contract signed by both parties; or

32 (2) canceled as provided in ~~IC 20-28-7.~~ **IC 20-28-7.5."**

33 Page 22, line 16, delete "an ineffective designation on a  
34 performance evaluation" and insert "**an ineffective designation on two**  
35 **(2) consecutive performance evaluations under IC 20-28-11.5; or**  
36 **(B) an ineffective or improvement necessary rating on three**  
37 **(3) or more performance evaluations under IC 20-28-11.5 in**  
38 **any five (5) year period."**

1 Page 22, delete lines 17 through 20.

2 Page 22, line 23, delete "." and insert ", **as approved by the**  
3 **governing body.**".

4 Page 23, line 1, delete "an ineffective designation on a performance  
5 evaluation" and insert "**an ineffective designation on two (2)**  
6 **consecutive performance evaluations under IC 20-28-11.5; or**

7 **(B) an ineffective or improvement necessary rating on three**  
8 **(3) or more performance evaluations under IC 20-28-11.5 in**  
9 **any five (5) year period.**".

10 Page 23, delete lines 2 through 5.

11 Page 23, between lines 20 and 21, begin a new paragraph and insert:  
12 "SECTION 32. IC 20-28-7.5 IS ADDED TO THE INDIANA CODE  
13 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
14 JULY 1, 2011]:

15 **Chapter 7.5. Cancellation of Teacher Contracts**

16 **Sec. 1. (a) This chapter applies to a teacher in a school**  
17 **corporation (as defined in IC 20-18-2-16(a)).**

18 **(b) A principal may decline to continue a probationary teacher's**  
19 **contract under sections 2 through 4 of this chapter if the**  
20 **probationary teacher:**

21 **(1) receives an ineffective designation on a performance**  
22 **evaluation under IC 20-28-11.5;**

23 **(2) receives two (2) consecutive improvement necessary**  
24 **ratings on a performance evaluation under IC 20-28-11.5; or**

25 **(3) is subject to a justifiable decrease in the number of**  
26 **teaching positions or any reason relevant to the school**  
27 **corporation's interest.**

28 **(c) Except as provided in subsection (e), a principal may not**  
29 **decline to continue a professional or established teacher's contract**  
30 **unless the teacher is subject to a justifiable decrease in the number**  
31 **of teaching positions.**

32 **(d) After June 30, 2012, the cancellation of teacher's contracts**  
33 **due to a justifiable decrease in the number of teaching positions**  
34 **shall be determined on the basis of performance rather than**  
35 **seniority. In cases where teachers are placed in the same**  
36 **performance category, any of the items in IC 20-28-9-1(c) may be**  
37 **considered. Seniority may be considered as one (1) of the criteria**  
38 **to justify the decrease in teaching positions. However, seniority**

1 may not be the sole basis to justify the decrease in teaching  
2 positions.

3 (e) A contract with a teacher may be canceled immediately in  
4 the manner set forth in sections 2 through 4 of this chapter for any  
5 of the following reasons:

6 (1) Immorality.

7 (2) Insubordination, which means a willful refusal to obey the  
8 state school laws or reasonable rules adopted for the  
9 governance of the school building or the school corporation.

10 (3) Justifiable decrease in the number of teaching positions.

11 (4) Incompetence, including receiving:

12 (A) an ineffective designation on two (2) consecutive  
13 performance evaluations under IC 20-28-11.5; or

14 (B) an ineffective designation or improvement necessary  
15 ratings in any five (5) year period.

16 (5) Neglect of duty.

17 (6) A conviction for an offense listed in IC 20-28-5-8(c).

18 (7) Other good or just cause.

19 Sec. 2. (a) Before a teacher is refused continuation of the  
20 teacher's contract, the teacher has the following rights:

21 (1) The principal shall notify the teacher of the principal's  
22 preliminary decision. The notification must be:

23 (A) in writing; and

24 (B) delivered in person or mailed by registered or certified  
25 mail to the teacher at the teacher's last known address.

26 (2) The notice in subdivision (1) must include a written  
27 statement, subject to IC 5-14-3-4, giving the reasons for the  
28 preliminary decision.

29 (3) Notification due to a reduction in force must be delivered  
30 between May 1 and July 1.

31 (b) For a cancellation of a teacher's contract for a reason other  
32 than a reduction in force, the notice required under subsection  
33 (a)(1) must inform the teacher that, not later than five (5) days  
34 after the teacher's receipt of the notice, the teacher may request a  
35 private conference with the superintendent. The superintendent  
36 must set the requested meeting not later than ten (10) days after  
37 the request.

38 (c) At the conference between the superintendent and the

1 teacher, the teacher may be accompanied by a representative.

2 (d) After the conference between the superintendent and the  
3 teacher, the superintendent shall make a written recommendation  
4 to the governing body of the school corporation regarding the  
5 cancellation of the teacher's contract.

6 (e) If the teacher does not request a conference under subsection  
7 (b), the principal's preliminary decision is considered final.

8 (f) If the teacher files a request with the governing body for an  
9 additional private conference not later than five (5) days after the  
10 initial private conference with the superintendent, the teacher is  
11 entitled to an additional private conference with the governing  
12 body before the governing body makes a final decision, which must  
13 be in writing, concerning the cancellation of the teacher's contract.

14 **Sec. 3. At the first public meeting following a private conference**  
15 **with:**

- 16 (1) the governing body under section 2(f) of this chapter; or  
17 (2) the superintendent under section 2(b) of this chapter, if no  
18 conference with the governing body is requested;

19 the governing body may cancel a contract with a teacher by a  
20 majority vote evidenced by a signed statement in the minutes of the  
21 board. The decision of the governing body is final.

22 **Sec. 4. Pending a final decision on the cancellation of a teacher's**  
23 **contract, the teacher may be suspended from duty.**

24 **Sec. 5. The time periods set out in section 2 of this chapter shall**  
25 **be extended for a reasonable period:**

- 26 (1) when a teacher or school official is ill or absent from the  
27 school corporation; or  
28 (2) for other reasonable cause.

29 **Sec. 6. A contract entered into by a teacher and a school**  
30 **employer continues in force on the same terms and for the same**  
31 **wages, unless increased under IC 20-28-9-1, for the next school**  
32 **term following the date of the contract's termination unless one (1)**  
33 **of the following occurs:**

- 34 (1) The school corporation refuses continuation of the  
35 contract under this chapter.  
36 (2) The teacher delivers in person or by registered or certified  
37 mail to the school corporation the teacher's written  
38 resignation.

1           **(3) The contract is replaced by another contract agreed to by**  
 2           **the parties.**

3           **Sec. 7. (a) This chapter shall be construed to:**

4           **(1) limit the provisions of a collective bargaining agreement**  
 5           **negotiated under IC 20-29; and**

6           **(2) prohibit the negotiation of contracts that violate the**  
 7           **requirements of this chapter and IC 20-28-9-21 through**  
 8           **IC 20-28-9-23.**

9           **(b) This chapter prohibits a school employer and an exclusive**  
 10          **representative (as defined in IC 20-29-2-9) from collectively**  
 11          **bargaining contracts that alter the requirements of this chapter**  
 12          **and IC 20-28-9-21 through IC 20-28-9-23.**

13          **(c) This chapter shall be construed to prohibit a school employer**  
 14          **and an exclusive representative from mutually agreeing to binding**  
 15          **arbitration concerning teacher dismissals.**

16          **Sec. 8. (a) This section does not apply to an individual who**  
 17          **works at a conversion charter school (as defined in IC 20-24-1-5)**  
 18          **for purposes of the individual's employment with the school**  
 19          **corporation that sponsored the conversion charter school.**

20          **(b) A contract entered into after August 15 between a school**  
 21          **corporation and a teacher is void if the teacher, at the time of**  
 22          **signing the contract, is bound by a previous contract to teach in a**  
 23          **public school. However, another contract may be signed by the**  
 24          **teacher that will be effective if the teacher:**

25               **(1) furnishes the principal a release by the employer under the**  
 26               **previous contract; or**

27               **(2) shows proof that thirty (30) days written notice was**  
 28               **delivered by the teacher to the first employer.**

29          **(c) A principal may request from a teacher, at the time of**  
 30          **contracting, a written statement as to whether the teacher has**  
 31          **signed another teaching contract. However, the teacher's failure to**  
 32          **provide the statement is not a cause for subsequently voiding the**  
 33          **contract."**

34               Page 23, line 32, delete "A local salary schedule that is effective  
 35               after June 30, 2012,".

36               Page 23, delete lines 33 through 39.

37               Page 23, line 40, delete "(b)".

38               Page 23, run in lines 32 through 40.

- 1 Page 23, line 42, delete "earlier. A salary increase" and insert  
2 **"earlier, and governs salary increases"**.
- 3 Page 24, line 1, delete "effect must" and insert **"effect.**  
4 **Compensation attributable to additional degrees or graduate**  
5 **credits earned before the effective date of the local salary schedule**  
6 **created under this chapter shall continue."**
- 7 Page 24, delete lines 2 through 5.
- 8 Page 24, line 6, delete "(c)" and insert **"(b)"**.
- 9 Page 24, line 8, delete ". This factor" and insert **" or the attainment**  
10 **of additional content area:**
- 11 **(A) degrees; or**
- 12 **(B) credit hours;**
- 13 **beyond the requirements for employment. These factors"**.
- 14 Page 24, line 18, delete "(d)" and insert **"(c)"**.
- 15 Page 24, line 24, delete "(c)" and insert **"(b)"**.
- 16 Page 24, line 25, delete "(e)" and insert **"(d)"**.
- 17 Page 24, line 26, delete "(d)" and insert **"(c)"**.
- 18 Page 24, line 26, delete "for a private conference with the" and  
19 insert **"with the superintendent or superintendent's designee not**  
20 **later than five (5) days after receiving notice that the teacher**  
21 **received a rating of ineffective. The teacher is entitled to a private**  
22 **conference with the superintendent or superintendent's designee."**
- 23 Page 24, delete lines 27 through 33.
- 24 Page 24, line 34, delete "(f)" and insert **"(e)"**.
- 25 Page 24, line 37, delete "(g)" and insert **"(f)"**.
- 26 Page 24, line 40, delete "(h) After June 30, 2012, at any time the  
27 state board of accounts" and insert **"(g) The department shall report**  
28 **any noncompliance of this section to the state board.**
- 29 **(h) The state board shall take appropriate action to ensure**  
30 **compliance with this section."**
- 31 Page 24, delete lines 41 through 42.
- 32 Page 25, delete lines 1 through 6, begin a new paragraph and insert:  
33 **"(i) This chapter may not be construed to require or allow a**  
34 **school corporation to decrease the salary of any teacher below the**  
35 **salary the teacher was earning on or before July 1, 2012, if that**  
36 **decrease would be made solely to conform to the new salary scale.**
- 37 SECTION 34. IC 20-28-10-2, AS ADDED BY P.L.1-2005,  
38 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

1 JULY 1, 2011]: Sec. 2. (a) Except as provided in section 1 of this  
2 chapter, rights existing at the time a leave commences that arise from  
3 a teacher's:

- 4 (1) status as a ~~permanent~~ **professional or established** teacher;
- 5 (2) accumulation of successive years of service;
- 6 (3) service performed under a teacher's contract under  
7 IC 20-28-6-8; or
- 8 (4) status or rights negotiated under IC 20-29;

9 remain intact.

10 (b) During a leave the teacher may maintain coverage in a group  
11 insurance program by paying the total premium including the school  
12 corporation's share, if any, attributable to the leave period. The school  
13 corporation may elect to pay all or part of the cost of the premium as an  
14 adopted or negotiated fringe benefit to teachers on leave.

15 (c) During a leave extending into a part of a school year, a teacher  
16 accumulates sick leave under IC 20-28-9-9 through IC 20-28-9-12, or  
17 a salary schedule of the school corporation that provides greater sick  
18 leave, in the same proportion that the number of days the teacher is  
19 paid during the year for work or leave bears to the total number of days  
20 for which teachers are paid in the school corporation.

21 (d) Except as provided in section 1 of this chapter, during a leave of  
22 a ~~nonpermanent~~ **probationary** teacher, the period of probationary  
23 successive years of service under a teacher's contract that is a condition  
24 precedent to becoming a **permanent professional or established**  
25 teacher under IC 20-28-6-8 is uninterrupted for that teacher. However,  
26 this probationary period may not include an entire school year spent on  
27 leave.

28 (e) All or part of a leave granted for sickness or disability, including  
29 pregnancy related disability, may be charged at the teacher's discretion  
30 to the teacher's available sick days. However, the teacher is not entitled  
31 to take accumulated sick days when the teacher's physician certifies  
32 that the teacher is capable of performing the teacher's regular teaching  
33 duties. The teacher is entitled to complete the remaining leave without  
34 pay.

35 SECTION 35. IC 20-28-10-7, AS ADDED BY P.L.1-2005,  
36 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
37 JULY 1, 2011]: Sec. 7. A **permanent professional or established**  
38 teacher:

- 1 (1) with an indefinite contract under IC 20-28-6-8; and  
 2 (2) who is described in section 6(a) of this chapter;  
 3 is granted a leave of absence during the defense service.

4 SECTION 36. IC 20-28-10-8, AS ADDED BY P.L.1-2005,  
 5 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 6 JULY 1, 2011]: Sec. 8. (a) If a ~~non~~**permanent probationary** teacher  
 7 who is described in section 6(a) of this chapter enters the defense  
 8 service, the teacher's contract as a teacher and the teacher's rights to  
 9 probationary successive years under contract are preserved with the  
 10 school corporation as the teacher had them when entering the defense  
 11 service.

12 (b) The period of probationary successive years of service under a  
 13 teacher's contract that is a condition precedent to becoming a  
 14 **permanent professional or established** teacher under IC 20-28-6-8 is  
 15 considered uninterrupted for a teacher to whom this section applies.  
 16 However, this probationary period may not include the time spent in  
 17 defense service. The teacher is granted a leave of absence during the  
 18 defense service."

19 Page 25, line 15, delete "and".

20 Page 25, line 17, delete "." and insert "; **and**".

21 Page 25, between lines 17 and 18, begin a new line block indented  
 22 and insert:

23 **"(3) conducts staff performance evaluations as a significant**  
 24 **part of teacher's responsibilities."**

25 Page 25, delete lines 22 through 23.

26 Page 25, line 24, delete "(3)" and insert "(2)".

27 Page 25, line 26, delete "(4)" and insert "(3)".

28 Page 25, line 27, delete "(5)" and insert "(4)".

29 Page 25, between lines 28 and 29, begin a new line blocked left and  
 30 insert:

31 **"However, for purposes of section 4(a) and 4(b) of this chapter,**  
 32 **"school corporation" includes a charter school and a virtual**  
 33 **charter school."**

34 Page 25, between lines 32 and 33, begin a new paragraph and insert:

35 **"(b) Instead of developing its own staff performance evaluation**  
 36 **plan under subsection (a), a school corporation may adopt a staff**  
 37 **performance evaluation plan that meets the requirements set forth**  
 38 **in this chapter or any of the following models:**

1           **(1) A plan using master teachers or contracting with an**  
 2           **outside vendor to provide master teachers.**

3           **(2) The System for Teacher and Student Advancement (TAP).**

4           **(3) The Peer Assistance and Review Teacher Evaluation**  
 5           **System (PAR)."**

6           Page 25, line 33, delete "(b)" and insert "(c)".

7           Page 25, line 39, after "results" insert "**from statewide**  
 8           **assessments"**.

9           Page 26, between lines 2 and 3, begin a new line block indented and  
 10          insert:

11           **"(3) Rigorous measures of effectiveness, including**  
 12           **observations and other performance indicators."**

13          Page 26, line 3, delete "(3)" and insert "(4)".

14          Page 26, line 9, delete "(4)" and insert "(5)".

15          Page 26, line 11, delete "(5)" and insert "(6)".

16          Page 26, delete lines 14 through 16.

17          Page 26, line 42, delete "principal not later than" and insert  
 18          **"superintendent or the superintendent's designee not later than five**  
 19          **(5) days after receiving notice that the teacher received a rating of**  
 20          **ineffective. The teacher is entitled to a private conference with the**  
 21          **superintendent or superintendent's designee."**

22          Page 27, delete lines 1 through 7, begin a new paragraph and insert:

23          **"Sec. 7. (a) A student may not be instructed for two (2)**  
 24          **consecutive years by two (2) consecutive teachers, each of whom**  
 25          **was rated as ineffective under this chapter in the school year**  
 26          **immediately before the school year in which the student is placed**  
 27          **in the respective teacher's class.**

28          **(b) If a teacher did not instruct students in the school year**  
 29          **immediately before the school year in which students are placed in**  
 30          **the teacher's class, the teacher's rating under this chapter for the**  
 31          **most recent year in which the teacher instructed students, instead**  
 32          **of for the school year immediately before the school year in which**  
 33          **students are placed in the teacher's class, shall be used in**  
 34          **determining whether subsection (a) applies to the teacher.**

35          **(c) If it is not possible for a school corporation to comply with**  
 36          **this section, the school corporation must send notification to the**  
 37          **parents of each applicable student indicating the student will be**  
 38          **placed in a classroom of a teacher who has been rated ineffective**

1 **under this chapter for the second consecutive year. The notice must**  
 2 **be sent before the start of the second consecutive school year."**

3 Page 27, line 8, delete "7." and insert "8."

4 Page 27, line 33, delete "A school corporation that modifies the  
 5 model plan or" and insert "**If a school corporation modifies the**  
 6 **model plan or develops its own plan, the department may request**  
 7 **that the school corporation submit the plan to the department to"**.

8 Page 27, delete line 34.

9 Page 27, line 39, after "." insert "**A school corporation must**  
 10 **submit its staff performance evaluation plan to the department for**  
 11 **approval in order to qualify for any grant funding related to this**  
 12 **chapter."**

13 Page 27, line 40, delete "8." and insert "9."

14 Page 28, reset in roman line 17.

15 Page 28, line 19, delete "(2)" and insert "(3)".

16 Page 28, line 20, delete "(3)" and insert "(4)".

17 Page 28, line 22, delete "(4)" and insert "(5)".

18 Page 28, between lines 30 and 31, begin a new paragraph and insert:  
 19 "SECTION 32. IC 20-33-2-3.2 IS ADDED TO THE INDIANA  
 20 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 21 [EFFECTIVE JULY 1, 2011]: **Sec. 3.2. As used in this chapter,**  
 22 **"attend" means to be physically present:**

23 **(1) in a school; or**

24 **(2) at another location where the school's educational**  
 25 **program in which a person is enrolled is being conducted;**  
 26 **during regular school hours on a day in which the educational**  
 27 **program in which the person is enrolled is being offered.**

28 SECTION 33. IC 20-33-2-14, AS AMENDED BY P.L.185-2006,  
 29 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 30 JULY 1, 2011]: Sec. 14. (a) This section and sections 15 through 17.5  
 31 of this chapter apply to a student who attends either a public school or  
 32 a nonpublic school.

33 **(b) The governing body of each school corporation shall have a**  
 34 **policy outlining the conditions for excused and unexcused absences.**  
 35 **The policy must include the grounds for excused absences required**  
 36 **by sections 15 through 17.5 of this chapter or another law. Any**  
 37 **absence that results in a person not attending at least one hundred**  
 38 **eighty (180) days in a school year must be in accordance with the**

1 **governing body's policy to qualify as an excused absence.**

2 ~~(b)~~ **(c)** Service as a page for or as an honoree of the general  
3 assembly is a lawful excuse for a student to be absent from school,  
4 when verified by a certificate of the secretary of the senate or the chief  
5 clerk of the house of representatives. A student excused from school  
6 attendance under this section may not be recorded as being absent on  
7 any date for which the excuse is operative and may not be penalized by  
8 the school in any manner.

9 SECTION 34. IC 20-33-2-25, AS ADDED BY P.L.1-2005,  
10 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
11 JULY 1, 2011]: Sec. 25. The superintendent or an attendance officer  
12 having jurisdiction ~~may~~ **shall** report a child who is habitually absent  
13 from school in violation of this chapter to an intake officer of the  
14 juvenile court **or the department of child services**. The intake officer  
15 **or the department of child services** shall proceed in accord with  
16 IC 31-30 through IC 31-40.

17 SECTION 35. IC 20-33-2-27, AS ADDED BY P.L.1-2005,  
18 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
19 JULY 1, 2011]: Sec. 27. (a) It is unlawful for a parent to fail to ensure  
20 that the parent's child attends school as required under this chapter.

21 (b) Before proceedings are instituted against a parent for a violation  
22 of this section, personal notice of the violation shall be served on the  
23 parent by the superintendent or the superintendent's designee:

24 (1) having jurisdiction over the public school where the child has  
25 legal settlement; or

26 (2) of the transferee corporation, if the child has been transferred.

27 **(c) For purposes of this section, service of personal notice must**  
28 ~~consist of and take place at the time of the occurrence of one of the~~  
29 ~~following events: a violation may be made upon a parent by any of~~  
30 **the following means:**

31 ~~(1) The date of personal delivery~~ **Delivering a copy of the notice**  
32 **to the parent personally. Personal notice shall be treated as**  
33 **occurring under this subdivision on the date of delivery.**

34 ~~(2) The date of receipt~~ **Any other means of sending a copy of**  
35 **the notice sent by certified mail: to the parent. Personal notice**  
36 **shall be treated as occurring under this subdivision on the**  
37 **date of delivery.**

38 ~~(3) The date of~~ **Leaving a copy of the notice at the last and usual**

1 place of the residence of the parent. **Personal notice shall be**  
2 **treated as occurring under this subdivision on the date the**  
3 **notice is left at the residence.**

4 **(4) Communicating notice of the violation to the parent by**  
5 **any other means, if the communication is made by the**  
6 **superintendent for the school or the superintendent's**  
7 **designee. Personal notice shall be treated as occurring under**  
8 **this subdivision on the earliest date that the communication**  
9 **is made.**

10 If the violation is not terminated not more than one (1) school day after  
11 this notice is given, or if another violation is committed during the  
12 notice period, no further notice is necessary. Each day of violation  
13 constitutes a separate offense."

14 Page 29, line 15, after "20-28-5-11;" insert "**IC 20-28-6-10;**  
15 **IC 20-28-7; IC 20-28-9-2; IC 20-28-9-3; IC 20-28-9-4;**"

16 Page 29, after line 15, begin a new paragraph and insert:

17 "SECTION 35. [EFFECTIVE UPON PASSAGE] **(a) The Indiana**  
18 **state board of education may adopt temporary rules in the manner**  
19 **provided for adopting an emergency rule under IC 4-22-2-37.1 to**  
20 **implement IC 20-28-11.5-7, as added by this act. A temporary rule**  
21 **adopted under this SECTION expires on the earliest of the**  
22 **following:**

- 23 **(1) The date specified in the temporary rule.**
- 24 **(2) The date another temporary rule or a permanent rule**
- 25 **repeals or supersedes the previously adopted temporary rule.**
- 26 **(3) July 1, 2012.**
- 27 **(b) This SECTION expires July 1, 2012.**

- 1 SECTION 36. **An emergency is declared for this act."**
- 2 Renumber all SECTIONS consecutively.  
(Reference is to SB 1 as printed February 18, 2011.)

**and when so amended that said bill do pass.**

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Representative Behning