

Adopted	Rejected
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COMMITTEE REPORT

YES:	8
NO:	5

MR. SPEAKER:

*Your Committee on Education, to which was referred House Bill 1369, 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 1, between the enacting clause and line 1, begin a new
- 2 paragraph and insert:
- 3 "SECTION 1. IC 20-18-2-22, AS ADDED BY P.L.246-2005,
- 4 SECTION 126, IS AMENDED TO READ AS FOLLOWS
- 5 [EFFECTIVE JULY 1, 2011]: Sec. 22. (a) "Teacher" means a
- 6 professional person whose position in a school corporation requires
- 7 certain educational preparation and licensing.
- 8 (b) For purposes of IC 20-28, the term includes the following:
- 9 (1) A superintendent **who holds a license under IC 20-28-5.**
- 10 (2) A supervisor.
- 11 (3) A principal.
- 12 (4) An attendance officer.
- 13 (5) A teacher.
- 14 (6) A librarian.
- 15 SECTION 2. IC 20-23-7-10, AS ADDED BY P.L.1-2005,

1 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 2 JULY 1, 2011]: Sec. 10. (a) The metropolitan board of education shall
 3 appoint a metropolitan superintendent of schools who shall serve under
 4 contract in the same manner and under the same laws that govern the
 5 employment and service of other licensed school personnel. **However,**
 6 **the metropolitan superintendent of schools is not required to hold**
 7 **a license under IC 20-28-5.** The metropolitan superintendent of
 8 schools' salary and expense allowance is fixed by the metropolitan
 9 board of education. The metropolitan superintendent of schools'
 10 original contract:

11 (1) must be for a period of one (1) to five (5) years; and

12 (2) may be changed or extended by mutual agreement.

13 (b) Appointments to fill a vacancy for a metropolitan superintendent
 14 of schools shall be made under this chapter.

15 (c) The board shall:

16 (1) act upon the recommendations of the metropolitan
 17 superintendent of schools; and

18 (2) make other decisions and perform other duties as required by
 19 law.

20 (d) A:

21 (1) county superintendent;

22 (2) city school superintendent; or

23 (3) town superintendent;

24 in a metropolitan school district shall continue in the superintendents'
 25 respective employment at the same salary, paid in the same manner and
 26 according to the same terms as agreed to before the formation of the
 27 metropolitan school district.

28 (e) A metropolitan board of education shall:

29 (1) assign administrative duties; and

30 (2) designate:

31 (A) one (1) of the superintendents in the metropolitan school
 32 district; or

33 (B) a competent and qualified person as determined by the
 34 board;

35 to perform the duties of the metropolitan superintendent of the
 36 metropolitan school district as set forth in this chapter.

37 (f) A metropolitan board of education shall appoint a superintendent
 38 of the metropolitan school district and other administrative supervisory

1 officers as provided in this chapter if:

- 2 (1) the previous superintendent's term expired;
 3 (2) the previous superintendent's contract of employment ended;
 4 or
 5 (3) the previous superintendent:
 6 (A) died; or
 7 (B) resigned.

8 (g) The appointment and salary of the metropolitan superintendent
 9 of schools appointed under subsection (f) shall be made, set, and paid
 10 as provided in this chapter.

11 SECTION 3. IC 20-25-2-2, AS ADDED BY P.L.1-2005, SECTION
 12 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,
 13 2011]: Sec. 2. "Administrator" means a full-time employee of a school
 14 in the school city who is:

- 15 (1) a principal;
 16 (2) an assistant principal; ~~or~~
 17 **(3) a superintendent;**
 18 **(4) an assistant superintendent; or**
 19 ~~(5)~~ **(5)** any other educational manager at the school.

20 SECTION 4. IC 20-26-5-4, AS AMENDED BY P.L.182-2009(ss),
 21 SECTION 316, IS AMENDED TO READ AS FOLLOWS
 22 [EFFECTIVE JULY 1, 2011]: Sec. 4. In carrying out the school
 23 purposes of a school corporation, the governing body acting on the
 24 school corporation's behalf has the following specific powers:

- 25 (1) In the name of the school corporation, to sue and be sued and
 26 to enter into contracts in matters permitted by applicable law.
 27 (2) To take charge of, manage, and conduct the educational affairs
 28 of the school corporation and to establish, locate, and provide the
 29 necessary schools, school libraries, other libraries where
 30 permitted by law, other buildings, facilities, property, and
 31 equipment.
 32 (3) To appropriate from the school corporation's general fund an
 33 amount, not to exceed the greater of three thousand dollars
 34 (\$3,000) per budget year or one dollar (\$1) per pupil, not to
 35 exceed twelve thousand five hundred dollars (\$12,500), based on
 36 the school corporation's previous year's ADM, to promote the best
 37 interests of the school corporation through:
 38 (A) the purchase of meals, decorations, memorabilia, or

- 1 awards;
- 2 (B) provision for expenses incurred in interviewing job
- 3 applicants; or
- 4 (C) developing relations with other governmental units.
- 5 (4) To:
- 6 (A) Acquire, construct, erect, maintain, hold, and contract for
- 7 construction, erection, or maintenance of real estate, real estate
- 8 improvements, or an interest in real estate or real estate
- 9 improvements, as the governing body considers necessary for
- 10 school purposes, including buildings, parts of buildings,
- 11 additions to buildings, rooms, gymnasiums, auditoriums,
- 12 playgrounds, playing and athletic fields, facilities for physical
- 13 training, buildings for administrative, office, warehouse, repair
- 14 activities, or housing school owned buses, landscaping, walks,
- 15 drives, parking areas, roadways, easements and facilities for
- 16 power, sewer, water, roadway, access, storm and surface
- 17 water, drinking water, gas, electricity, other utilities and
- 18 similar purposes, by purchase, either outright for cash (or
- 19 under conditional sales or purchase money contracts providing
- 20 for a retention of a security interest by the seller until payment
- 21 is made or by notes where the contract, security retention, or
- 22 note is permitted by applicable law), by exchange, by gift, by
- 23 devise, by eminent domain, by lease with or without option to
- 24 purchase, or by lease under IC 20-47-2, IC 20-47-3, or
- 25 IC 20-47-5.
- 26 (B) Repair, remodel, remove, or demolish, or to contract for
- 27 the repair, remodeling, removal, or demolition of the real
- 28 estate, real estate improvements, or interest in the real estate
- 29 or real estate improvements, as the governing body considers
- 30 necessary for school purposes.
- 31 (C) Provide for conservation measures through utility
- 32 efficiency programs or under a guaranteed savings contract as
- 33 described in IC 36-1-12.5.
- 34 (5) To acquire personal property or an interest in personal
- 35 property as the governing body considers necessary for school
- 36 purposes, including buses, motor vehicles, equipment, apparatus,
- 37 appliances, books, furniture, and supplies, either by cash purchase
- 38 or under conditional sales or purchase money contracts providing

1 for a security interest by the seller until payment is made or by
2 notes where the contract, security, retention, or note is permitted
3 by applicable law, by gift, by devise, by loan, or by lease with or
4 without option to purchase and to repair, remodel, remove,
5 relocate, and demolish the personal property. All purchases and
6 contracts specified under the powers authorized under subdivision
7 (4) and this subdivision are subject solely to applicable law
8 relating to purchases and contracting by municipal corporations
9 in general and to the supervisory control of state agencies as
10 provided in section 6 of this chapter.

11 (6) To sell or exchange real or personal property or interest in real
12 or personal property that, in the opinion of the governing body, is
13 not necessary for school purposes, in accordance with IC 20-26-7,
14 to demolish or otherwise dispose of the property if, in the opinion
15 of the governing body, the property is not necessary for school
16 purposes and is worthless, and to pay the expenses for the
17 demolition or disposition.

18 (7) To lease any school property for a rental that the governing
19 body considers reasonable or to permit the free use of school
20 property for:

21 (A) civic or public purposes; or

22 (B) the operation of a school age child care program for
23 children who are at least five (5) years of age and less than
24 fifteen (15) years of age that operates before or after the school
25 day, or both, and during periods when school is not in session;

26 if the property is not needed for school purposes. Under this
27 subdivision, the governing body may enter into a long term lease
28 with a nonprofit corporation, community service organization, or
29 other governmental entity, if the corporation, organization, or
30 other governmental entity will use the property to be leased for
31 civic or public purposes or for a school age child care program.
32 However, if payment for the property subject to a long term lease
33 is made from money in the school corporation's debt service fund,
34 all proceeds from the long term lease must be deposited in the
35 school corporation's debt service fund so long as payment for the
36 property has not been made. The governing body may, at the
37 governing body's option, use the procedure specified in
38 IC 36-1-11-10 in leasing property under this subdivision.

- 1 (8) To:
- 2 (A) Employ, contract for, and discharge superintendents (**who**
- 3 **are not required to hold a license under IC 20-28-5**),
- 4 supervisors, principals, teachers, librarians, athletic coaches
- 5 (whether or not they are otherwise employed by the school
- 6 corporation and whether or not they are licensed under
- 7 IC 20-28-5), business managers, superintendents of buildings
- 8 and grounds, janitors, engineers, architects, physicians,
- 9 dentists, nurses, accountants, teacher aides performing
- 10 noninstructional duties, educational and other professional
- 11 consultants, data processing and computer service for school
- 12 purposes, including the making of schedules, the keeping and
- 13 analyzing of grades and other student data, the keeping and
- 14 preparing of warrants, payroll, and similar data where
- 15 approved by the state board of accounts as provided below,
- 16 and other personnel or services as the governing body
- 17 considers necessary for school purposes.
- 18 (B) Fix and pay the salaries and compensation of persons and
- 19 services described in this subdivision.
- 20 (C) Classify persons or services described in this subdivision
- 21 and to adopt schedules of salaries or compensation.
- 22 (D) Determine the number of the persons or the amount of the
- 23 services employed or contracted for as provided in this
- 24 subdivision.
- 25 (E) Determine the nature and extent of the duties of the
- 26 persons described in this subdivision.
- 27 The compensation, terms of employment, and discharge of
- 28 teachers are, however, subject to and governed by the laws
- 29 relating to employment, contracting, compensation, and discharge
- 30 of teachers. The compensation, terms of employment, and
- 31 discharge of bus drivers are subject to and governed by laws
- 32 relating to employment, contracting, compensation, and discharge
- 33 of bus drivers. The forms and procedures relating to the use of
- 34 computer and data processing equipment in handling the financial
- 35 affairs of the school corporation must be submitted to the state
- 36 board of accounts for approval so that the services are used by the
- 37 school corporation when the governing body determines that it is
- 38 in the best interest of the school corporation while at the same

- 1 time providing reasonable accountability for the funds expended.
2 (9) Notwithstanding the appropriation limitation in subdivision
3 (3), when the governing body by resolution considers a trip by an
4 employee of the school corporation or by a member of the
5 governing body to be in the interest of the school corporation,
6 including attending meetings, conferences, or examining
7 equipment, buildings, and installation in other areas, to permit the
8 employee to be absent in connection with the trip without any loss
9 in pay and to reimburse the employee or the member the
10 employee's or member's reasonable lodging and meal expenses
11 and necessary transportation expenses. To pay teaching personnel
12 for time spent in sponsoring and working with school related trips
13 or activities.
- 14 (10) To transport children to and from school, when in the
15 opinion of the governing body the transportation is necessary,
16 including considerations for the safety of the children and without
17 regard to the distance the children live from the school. The
18 transportation must be otherwise in accordance with applicable
19 law.
- 20 (11) To provide a lunch program for a part or all of the students
21 attending the schools of the school corporation, including the
22 establishment of kitchens, kitchen facilities, kitchen equipment,
23 lunch rooms, the hiring of the necessary personnel to operate the
24 lunch program, and the purchase of material and supplies for the
25 lunch program, charging students for the operational costs of the
26 lunch program, fixing the price per meal or per food item. To
27 operate the lunch program as an extracurricular activity, subject
28 to the supervision of the governing body. To participate in a
29 surplus commodity or lunch aid program.
- 30 (12) To purchase textbooks, to furnish textbooks without cost or
31 to rent textbooks to students, to participate in a textbook aid
32 program, all in accordance with applicable law.
- 33 (13) To accept students transferred from other school corporations
34 and to transfer students to other school corporations in accordance
35 with applicable law.
- 36 (14) To make budgets, to appropriate funds, and to disburse the
37 money of the school corporation in accordance with applicable
38 law. To borrow money against current tax collections and

1 otherwise to borrow money, in accordance with IC 20-48-1.
2 (15) To purchase insurance or to establish and maintain a
3 program of self-insurance relating to the liability of the school
4 corporation or the school corporation's employees in connection
5 with motor vehicles or property and for additional coverage to the
6 extent permitted and in accordance with IC 34-13-3-20. To
7 purchase additional insurance or to establish and maintain a
8 program of self-insurance protecting the school corporation and
9 members of the governing body, employees, contractors, or agents
10 of the school corporation from liability, risk, accident, or loss
11 related to school property, school contract, school or school
12 related activity, including the purchase of insurance or the
13 establishment and maintenance of a self-insurance program
14 protecting persons described in this subdivision against false
15 imprisonment, false arrest, libel, or slander for acts committed in
16 the course of the persons' employment, protecting the school
17 corporation for fire and extended coverage and other casualty
18 risks to the extent of replacement cost, loss of use, and other
19 insurable risks relating to property owned, leased, or held by the
20 school corporation. To:
21 (A) participate in a state employee health plan under
22 IC 5-10-8-6.6 or IC 5-10-8-6.7;
23 (B) purchase insurance; or
24 (C) establish and maintain a program of self-insurance;
25 to benefit school corporation employees, including accident,
26 sickness, health, or dental coverage, provided that a plan of
27 self-insurance must include an aggregate stop-loss provision.
28 (16) To make all applications, to enter into all contracts, and to
29 sign all documents necessary for the receipt of aid, money, or
30 property from the state, the federal government, or from any other
31 source.
32 (17) To defend a member of the governing body or any employee
33 of the school corporation in any suit arising out of the
34 performance of the member's or employee's duties for or
35 employment with, the school corporation, if the governing body
36 by resolution determined that the action was taken in good faith.
37 To save any member or employee harmless from any liability,
38 cost, or damage in connection with the performance, including the

1 payment of legal fees, except where the liability, cost, or damage
 2 is predicated on or arises out of the bad faith of the member or
 3 employee, or is a claim or judgment based on the member's or
 4 employee's malfeasance in office or employment.

5 (18) To prepare, make, enforce, amend, or repeal rules,
 6 regulations, and procedures:

7 (A) for the government and management of the schools,
 8 property, facilities, and activities of the school corporation, the
 9 school corporation's agents, employees, and pupils and for the
 10 operation of the governing body; and

11 (B) that may be designated by an appropriate title such as
 12 "policy handbook", "bylaws", or "rules and regulations".

13 (19) To ratify and approve any action taken by a member of the
 14 governing body, an officer of the governing body, or an employee
 15 of the school corporation after the action is taken, if the action
 16 could have been approved in advance, and in connection with the
 17 action to pay the expense or compensation permitted under
 18 IC 20-26-1 through IC 20-26-5, IC 20-26-7, IC 20-40-12, and
 19 IC 20-48-1 or any other law.

20 (20) To exercise any other power and make any expenditure in
 21 carrying out the governing body's general powers and purposes
 22 provided in this chapter or in carrying out the powers delineated
 23 in this section which is reasonable from a business or educational
 24 standpoint in carrying out school purposes of the school
 25 corporation, including the acquisition of property or the
 26 employment or contracting for services, even though the power or
 27 expenditure is not specifically set out in this chapter. The specific
 28 powers set out in this section do not limit the general grant of
 29 powers provided in this chapter except where a limitation is set
 30 out in IC 20-26-1 through IC 20-26-5, IC 20-26-7, IC 20-40-12,
 31 and IC 20-48-1 by specific language or by reference to other law.

32 SECTION 5. IC 20-26-5-4.5 IS ADDED TO THE INDIANA CODE
 33 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 34 1, 2011]: **Sec. 4.5. (a) Notwithstanding IC 20-28-10-13, the**
 35 **governing body of a school corporation may establish a policy to**
 36 **require administrators (as defined in IC 20-25-2-2) hired after July**
 37 **1, 2011, to be residents of the school corporation.**

38 **(b) A policy established under subsection (a) must do the**

1 following:

2 (1) **Include in the policy persons hired as administrators after**
 3 **June 30, 2011, who were teachers in the school corporation on**
 4 **or before June 30, 2011.**

5 (2) **Exclude from the policy administrators hired by contract**
 6 **before July 1, 2011, whose contracts are renewed after June**
 7 **30, 2011.**

8 SECTION 7. IC 20-28-8-6, AS ADDED BY P.L.1-2005, SECTION
 9 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,
 10 2011]: Sec. 6. A contract entered into by a governing body and its
 11 superintendent is subject to the following conditions:

12 (1) **If the superintendent holds a license under IC 20-28-5,** the
 13 basic contract must be in the form of the regular teacher's
 14 contract.

15 (2) The contract must be for a term of at least thirty-six (36)
 16 months.

17 (3) The contract may be altered or rescinded for a new one at any
 18 time by mutual consent of the governing body and the
 19 superintendent. The consent of both parties must be in writing and
 20 must be expressed in a manner consistent with this section and
 21 sections 7 through 8 of this chapter.

22 (4) **If the superintendent holds a license under IC 20-28-5,** the
 23 rights of a superintendent as a teacher under any other law are not
 24 affected by the contract.

25 SECTION 8. IC 20-28-8-7, AS ADDED BY P.L.1-2005, SECTION
 26 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,
 27 2011]: Sec. 7. A superintendent's contract terminates on the following
 28 dates and under the following conditions only:

29 (1) On any date, if the governing body and the superintendent
 30 mutually consent.

31 (2) Before the expiration date set forth in the contract, if the
 32 governing body terminates the contract:

33 (A) for cause under a statute that sets forth causes for
 34 dismissal of teachers, **if the superintendent is licensed under**
 35 **IC 20-28-5; or**

36 (B) for:

37 (i) immorality;

38 (ii) misconduct in office;

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- (iii) incompetency; or
- (iv) willful neglect of duty;

if the superintendent is not licensed under IC 20-28-5.

However, the governing body must give the superintendent proper notice and, if the superintendent requests a hearing at least ten (10) days before the termination, must grant the superintendent a hearing at an official meeting of the governing body.

(3) On the expiration date set forth in the contract, if the governing body not later than January 1 of the year in which the contract expires gives notice to the superintendent in writing, delivered in person or by registered mail.

(4) On the expiration date set forth in the contract, if the superintendent not later than January 1 of the year in which the contract expires gives proper notice in writing to the governing body."

Page 2, between lines 19 and 20, begin a new paragraph and insert:

"(b) A contract of employment entered into between the governing body of the school corporation and an individual listed in section 1(1) through 1(4) of this chapter shall include provisions concerning compensation based on the individual's performance in meeting the goals for improvement for the criteria listed in section 2 of this chapter.

(c) A contract of employment entered into between the governing body of the school corporation and a school business official shall include provisions concerning compensation based on the individual's performance in meeting the goals for improvement for the criteria listed in section 2(4) of this chapter."

Page 2, line 20, delete "(b)" and insert "(d)".

Page 2, between lines 25 and 26, begin a new paragraph and insert:

"SECTION 9. IC 20-23-2-7 IS REPEALED [EFFECTIVE JULY 1, 2011]."

- 1 Page 2, delete lines 26 through 42.
- 2 Delete pages 3 through 4.
- 3 Renumber all SECTIONS consecutively.
(Reference is to HB 1369 as introduced.)

and when so amended that said bill do pass.

Representative Behning