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# HOUSE BILL No. 1378

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 20-28.

**Synopsis:** Teacher contracts. Provides that for a teacher hired after June 30, 2011, the length of the teacher's contract varies, based on the amount of the teacher's experience. Specifies that certain existing contract provisions apply only to a teacher who is employed by a school corporation on June 30, 2011, and continues employment with the school corporation after July 1, 2011.

**Effective:** July 1, 2011.

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### Thompson

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January 20, 2011, read first time and referred to Committee on Education.

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First Regular Session 117th General Assembly (2011)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2010 Regular Session of the General Assembly.

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## HOUSE BILL No. 1378



A BILL FOR AN ACT to amend the Indiana Code concerning education.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 20-28-6-8, AS AMENDED BY P.L.43-2010,  
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2011]: Sec. 8. (a) **This section applies to an individual who  
4 is employed by a school corporation on June 30, 2011, and  
5 continues employment with the school corporation after July 1,  
6 2011.**

7 (b) An individual who:  
8 (1) serves under contract as a teacher in a public school  
9 corporation for at least five (5) successive years; and  
10 (2) at any time enters into a teacher's contract for further service  
11 with the school corporation;  
12 becomes, by entering into the contract described in subdivision (2), a  
13 permanent teacher of the school corporation. When a contract between  
14 the school corporation and a permanent teacher expires by the  
15 contract's terms, the contract is considered to continue indefinitely as  
16 an indefinite contract.

17 ~~(b)~~ (c) An indefinite contract remains in force until the indefinite



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contract is:

- (1) replaced by a new contract signed by both parties; or
- (2) canceled as provided in IC 20-28-7.

SECTION 2. IC 20-28-6-8.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: **Sec. 8.5. (a) This section applies to a teacher hired after June 30, 2011.**

**(b) A governing body may offer the appropriate class of regular teacher's contract to an individual based on the individual's teaching experience. The contract classes are as follows:**

**(1) Class I. A teacher who has one (1) year or less of teaching experience shall be offered a one (1) year contract. If the teacher is not notified by June 1 of the teacher's dismissal, the teacher receives an additional one (1) year contract for the following school year.**

**(2) Class II. A teacher who has two (2) years of teaching experience shall be offered an initial contract of not more than two (2) years. If the teacher is not notified by June 1 of the last year of the teacher's contract of the teacher's dismissal, the teacher, at the discretion of the governing body, receives either:**

**(A) an additional one (1) year contract for the following school year; or**

**(B) a two (2) year contract.**

**(3) Class III. A teacher who has three (3) years of teaching experience shall be offered an initial contract of not more than three (3) years. If the teacher is not notified by June 1 of the last year of the teacher's contract of the teacher's dismissal, the teacher, at the discretion of the governing body, receives:**

**(A) a two (2) year contract; or**

**(B) a one (1) or three (3) year contract.**

**(4) Class IV. A teacher who has four (4) years of teaching experience shall be offered an initial contract of not more than four (4) years. If the teacher is not notified by June 1 of the last year of the teacher's contract of the teacher's dismissal, the teacher, at the discretion of the governing body, receives:**

**(A) a two (2) year contract; or**

**(B) a one (1), three (3), or four (4) year contract.**

**(5) Class V. A teacher who has five (5) years experience shall be offered an initial contract of not more than five (5) years.**

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**If the teacher is not notified by June 1 of the last year of the teacher's contract of the teacher's dismissal, the teacher, at the discretion of the governing body, receives:**

- (A) a three (3) year contract; or**
- (B) a one (1), two (2), four (4), or five (5) year contract.**

**(6) Class VI. A teacher who has six (6) or more years experience shall be offered an initial contract of not more than six (6) years. If the teacher is not notified by June 1 of the last year of the teacher's contract of the teacher's dismissal, the teacher, at the discretion of the governing body, receives:**

- (A) a three (3) year contract; or**
- (B) a one (1), two (2), four (4), five (5), or six (6) year contract.**

**(c) The contract classes and the governing body's discretion in offering contracts may not be modified by an agreement entered into under IC 20-29.**

**(d) This section may not be construed to limit a governing body's authority to offer an extension of an existing contract to a teacher at any time during the contract period.**

SECTION 3. IC 20-28-6-9, AS AMENDED BY P.L.2-2007, SECTION 218, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 9. **(a) This section applies to a teacher who is employed by a laboratory school on June 30, 2011, and continues employment with the laboratory school or a school corporation after July 1, 2011.**

**(b) A teacher serving under a regular contract at a laboratory school operated under IC 20-24.5-2 who is offered and accepts a position in the local school corporation that is a party to the agreement with the university operating the laboratory school is entitled to:**

- (1) transfer to the local school corporation any years served as a regular teacher at the laboratory school; and**
- (2) receive credit for the years in meeting the five (5) year requirement for an indefinite contract contained in section 8 of this chapter.**

~~(b)~~ **(c) If the teacher accepting a position with the local school corporation has served as a regular teacher at the laboratory school for at least five (5) successive years, the teacher's contract with the local school corporation is an indefinite contract under section 8 of this chapter.**

SECTION 4. IC 20-28-6-10, AS ADDED BY P.L.1-2005, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

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1 JULY 1, 2011]: Sec. 10. (a) **This section applies to an individual who**  
 2 **is employed by a school corporation on June 30, 2011, and**  
 3 **continues employment with the school corporation after July 1,**  
 4 **2011.**

5 (b) An individual who:

6 (1) serves under contract as a teacher in a public school  
 7 corporation for two (2) successive years;

8 (2) at any time after serving two (2) successive years in the public  
 9 school corporation enters into a teacher's contract for further  
 10 service with the school corporation; and

11 (3) is not a permanent teacher under section 8 of this chapter;  
 12 is a semipermanent teacher of the school corporation. When a contract  
 13 between the school corporation and a semipermanent teacher expires  
 14 by the contract's terms, the contract continues indefinitely as an  
 15 indefinite contract for a semipermanent teacher.

16 ~~(b)~~ (c) An indefinite contract for a semipermanent teacher remains  
 17 in force until:

18 (1) the contract is replaced by a new contract signed by both  
 19 parties;

20 (2) the contract is canceled as provided in IC 20-28-7; or

21 (3) the teacher becomes a permanent teacher under section 8 of  
 22 this chapter.

23 SECTION 5. IC 20-28-7-1, AS ADDED BY P.L.1-2005, SECTION  
 24 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,  
 25 2011]: Sec. 1. (a) **This section applies to a permanent teacher who**  
 26 **is employed by a school corporation on June 30, 2011, and**  
 27 **continues employment with the school corporation after July 1,**  
 28 **2011.**

29 (b) An indefinite contract with a permanent teacher may be  
 30 canceled in the manner specified in sections 3 through 5 of this chapter  
 31 only for one (1) or more of the following grounds:

32 (1) Immorality.

33 (2) Insubordination, which means a willful refusal to obey the  
 34 state school laws or reasonable rules prescribed for the  
 35 government of the school corporation.

36 (3) Neglect of duty.

37 (4) Incompetence.

38 (5) Justifiable decrease in the number of teaching positions.

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

40 (7) Other good and just cause.

41 When the cause of cancellation is a ground set forth in subdivision (1),  
 42 (2), or (6), the cancellation is effective immediately. When the cause

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1 of cancellation is a ground set forth in subdivision (3), (4), (5), or (7),  
2 the cancellation is effective at the end of the school term following the  
3 cancellation.

4 ~~(b)~~ (c) An indefinite contract may not be canceled for political or  
5 personal reasons.

6 SECTION 6. IC 20-28-7-2, AS ADDED BY P.L.1-2005, SECTION  
7 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,  
8 2011]: Sec. 2. (a) **This section applies to a semipermanent teacher  
9 who is employed by a school corporation on June 30, 2011, and  
10 continues employment with the school corporation after July 1,  
11 2011.**

12 (b) An indefinite contract with a semipermanent teacher may be  
13 canceled in the manner specified in sections 3 through 5 of this chapter  
14 only for one (1) or more of the following grounds:

- 15 (1) Immorality.
- 16 (2) Insubordination, which means a willful refusal to obey the
- 17 state school laws or reasonable rules prescribed for the
- 18 government of the school corporation.
- 19 (3) Neglect of duty.
- 20 (4) Substantial inability to perform teaching duties.
- 21 (5) Justifiable decrease in the number of teaching positions.
- 22 (6) Good and just cause.
- 23 (7) The cancellation is in the best interest of the school
- 24 corporation.
- 25 (8) A conviction for an offense listed in IC 20-28-5-8(c).

26 ~~(b)~~ (c) An indefinite contract with a semipermanent teacher may not  
27 be canceled for political or personal reasons.

28 ~~(c)~~ (d) Before the cancellation of a semipermanent teacher's  
29 indefinite contract, the principal of the school at which the teacher  
30 teaches must provide the teacher with a written evaluation of the  
31 teacher's performance before January 1 of each year. Upon the request  
32 of a semipermanent teacher, delivered in writing to the principal not  
33 later than thirty (30) days after the teacher receives the evaluation  
34 required by this section, the principal must provide the teacher with an  
35 additional written evaluation.

36 SECTION 7. IC 20-28-7-3, AS ADDED BY P.L.1-2005, SECTION  
37 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,  
38 2011]: Sec. 3. (a) **This section applies to a permanent or  
39 semipermanent teacher employed by a school corporation on June  
40 30, 2011, and continues employment with the school corporation  
41 after July 1, 2011.**

42 (b) An indefinite contract with a permanent or semipermanent

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1 teacher may be canceled only in the following manner:

2 (1) The teacher must be notified in writing of the date, time, and

3 place for the consideration by the school corporation of the

4 cancellation of the contract. Notification under this subdivision

5 must occur not more than forty (40) days nor less than thirty (30)

6 days before the consideration.

7 (2) The teacher must be furnished, not later than five (5) days

8 after a written request, a written statement of the reasons for the

9 consideration.

10 (3) The teacher may file a written request for a hearing not later

11 than fifteen (15) days after receiving notice under subdivision (1).

12 (4) If a request for a hearing is filed, the teacher must be given a

13 hearing before the governing body on a day not earlier than five

14 (5) days after the filing of the request.

15 (5) The teacher must be given not less than five (5) days notice of

16 the date, time, and place of the hearing.

17 (6) At the hearing, the teacher is entitled:

18 (A) to a full statement of the reasons for the proposed

19 cancellation of the contract; and

20 (B) to be heard and to present the testimony of witnesses and

21 other evidence bearing on the reasons for the proposed

22 cancellation of the contract.

23 (7) A contract may not be canceled before the date set for

24 consideration of the cancellation of the contract and until the

25 following have occurred:

26 (A) A hearing is held, if a hearing is requested by the teacher.

27 (B) The superintendent of the school corporation has given the

28 superintendent's recommendations on the contract. On five (5)

29 days written notice to the superintendent by the school

30 corporation, the superintendent shall present a

31 recommendation on the contract, except if the contract is a

32 superintendent's contract.

33 (8) Pending a decision on the cancellation of a teacher's contract,

34 the teacher may be suspended from duty.

35 (9) After complying with:

36 (A) section 1 of this chapter, in the case of permanent

37 teachers; or

38 (B) section 2 of this chapter in the case of semipermanent

39 teachers; and

40 with this section, the governing body of the school corporation

41 may cancel an indefinite contract with a teacher by a majority

42 vote evidenced by a signed statement in the minutes of the board.

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1 The decision of the governing board is final.  
 2 The vote to cancel a contract under subdivision (9) must be taken by  
 3 the governing body on the date and at the time and place specified in  
 4 subdivision (1).

5 SECTION 8. IC 20-28-7-4, AS ADDED BY P.L.1-2005, SECTION  
 6 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,  
 7 2011]: Sec. 4. **(a) This section applies to a permanent or**  
 8 **semipermanent teacher who is employed by a school corporation**  
 9 **on June 30, 2011, and continues employment with the school**  
 10 **corporation after July 1, 2011.**

11 **(b)** If a permanent or semipermanent teacher is suspended under  
 12 section ~~3(8)~~ **3(b)(8)** of this chapter, and except as provided in  
 13 IC 20-28-9-18, the governing body may not, while the teacher is  
 14 suspended, withhold from the teacher any salary payments or other  
 15 employment related benefits that before the suspension the teacher was  
 16 entitled to receive.

17 SECTION 9. IC 20-28-7-6, AS ADDED BY P.L.1-2005, SECTION  
 18 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,  
 19 2011]: Sec. 6. (a) **This section applies to a permanent or**  
 20 **semipermanent teacher who is employed by a school corporation**  
 21 **on June 30, 2011, and continues employment with the school**  
 22 **corporation after July 1, 2011.**

23 **(b)** A permanent teacher who holds an indefinite contract under  
 24 IC 20-28-6-8 may not be discharged or have the teacher's contract  
 25 canceled except as provided in sections 1, 3, 4, and 5 of this chapter.

26 ~~(b)~~ **(c)** A semipermanent teacher who holds an indefinite contract  
 27 under IC 20-28-6-10 may not be discharged or have the teacher's  
 28 contract canceled except as provided in sections 2 through 5 of this  
 29 chapter.

30 ~~(c)~~ **(d)** A school corporation and the school corporation's proper  
 31 officers shall retain a permanent or semipermanent teacher until the  
 32 teacher's indefinite contract is properly terminated.

33 ~~(d)~~ **(e)** If subsection ~~(a)~~; (b), ~~or~~ (c), or (d) is violated, the permanent  
 34 or semipermanent teacher may bring an action for mandate as provided  
 35 by law against the proper officers of the school corporation for an order  
 36 requiring the officers to reinstate the teacher and restore the teacher to  
 37 full rights as a permanent or semipermanent teacher.

38 SECTION 10. IC 20-28-7-7, AS ADDED BY P.L.1-2005,  
 39 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 40 JULY 1, 2011]: Sec. 7. (a) **This section applies to a permanent or**  
 41 **semipermanent teacher who is employed by a school corporation**  
 42 **on June 30, 2011, and continues employment with the school**

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1 **corporation after July 1, 2011.**

2 (b) A permanent or semipermanent teacher may not cancel an  
3 indefinite contract during the school term of the contract or during the  
4 thirty (30) days before the beginning date of the school term unless the  
5 cancellation is mutually agreed upon. A permanent or semipermanent  
6 teacher may cancel the teacher's indefinite contract at any other time by  
7 giving five (5) days notice to the school corporation.

8 ~~(b)~~ (c) A permanent or semipermanent teacher who cancels the  
9 teacher's indefinite contract in any manner other than as provided in  
10 subsection ~~(a)~~ (b) is guilty of unprofessional conduct, for which the  
11 state superintendent may suspend the teacher's license for not more  
12 than one (1) year.

13 SECTION 11. IC 20-28-7-8, AS ADDED BY P.L.1-2005,  
14 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
15 JULY 1, 2011]: Sec. 8. (a) **This section applies to a nonpermanent  
16 teacher who is employed by a school corporation on June 30, 2011,  
17 and continues employment with the school corporation after July  
18 1, 2011.**

19 (b) A contract entered into by a nonpermanent teacher and a school  
20 corporation continues in force on the same terms and for the same  
21 wages, unless increased under IC 20-28-9-1 and IC 20-28-9-2, for the  
22 next school term following the date of termination set in the contract.  
23 However, the contract does not continue if any of the following occur:

- 24 (1) The school corporation refuses continuation of the contract  
25 under sections 9 and ~~10(b)~~ 10(c) of this chapter.
- 26 (2) The teacher delivers or mails by registered or certified mail to  
27 the school corporation the teacher's written resignation.
- 28 (3) The contract is replaced by another contract agreed to by the  
29 parties.

30 SECTION 12. IC 20-28-7-9, AS AMENDED BY P.L.182-2009(ss),  
31 SECTION 319, IS AMENDED TO READ AS FOLLOWS  
32 [EFFECTIVE JULY 1, 2011]: Sec. 9. (a) **This section applies to a  
33 teacher who is employed by a school corporation on June 30, 2011,  
34 and continues employment with the school corporation after July  
35 1, 2011.**

36 (b) Before a teacher is refused continuation of the contract under  
37 section 8 of this chapter, the teacher has the following rights, which  
38 shall be strictly construed:

- 39 (1) The principal of the school at which the teacher teaches must  
40 provide the teacher with an annual written evaluation of the  
41 teacher's performance before January 1 of each year. Upon the  
42 request of a nonpermanent teacher, delivered in writing to the

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1 principal not later than thirty (30) days after the teacher receives  
 2 the evaluation required by this section, the principal shall provide  
 3 the teacher with an additional written evaluation.

4 (2) On or before June 1 in an even-numbered year and the later of  
 5 June 15 or the date a budget act is enacted by the general  
 6 assembly in an odd-numbered year, the school corporation shall  
 7 notify the teacher that the governing body will consider  
 8 nonrenewal of the contract for the next school term. The  
 9 notification must be:

10 (A) written; and

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

13 ~~(b)~~ (c) The notice in subsection ~~(a)(2)~~ (b)(2) must include a written  
 14 statement, which:

15 (1) may be developed in executive session; and

16 (2) is not a public document;

17 giving the reasons for the consideration of the nonrenewal of the  
 18 teacher's contract.

19 ~~(c)~~ (d) For reasons other than a reduction in force, the notice in  
 20 subsection ~~(a)(2)~~ (b)(2) must inform the teacher that, not later than ten  
 21 (10) days after the teacher's receipt of the notice, the teacher may  
 22 request a conference under section 10 of this chapter.

23 ~~(d)~~ (e) If the reason for nonrenewal is reduction in force, the teacher  
 24 may request a conference as provided in section 10 of this chapter.

25 SECTION 13. IC 20-28-7-10, AS AMENDED BY P.L.38-2007,  
 26 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 27 JULY 1, 2011]: Sec. 10. (a) **This section applies to a teacher who is  
 28 employed by a school corporation on June 30, 2011, and continues  
 29 employment with the school corporation after July 1, 2011.**

30 (b) A teacher who receives notice of consideration of the  
 31 nonrenewal of the teacher's contract under section 9 of this chapter may  
 32 request a conference under this section.

33 ~~(b)~~ (c) A conference shall be held:

34 (1) with the governing body; or

35 (2) at the direction of the governing body, with the superintendent  
 36 of the school corporation or the superintendent's designee;

37 not more than ten (10) days after the day the governing body receives  
 38 a teacher's request for a conference. If the first conference is not with  
 39 the governing body, the teacher may request a second conference,  
 40 which must be held with the governing body at a time mutually  
 41 agreeable to both parties and not more than twenty (20) days after the  
 42 day the governing body receives the request for a second conference,

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1 or before the end of the school year, whichever is earlier.

2 ~~(c)~~ (d) The governing body may, in addition to a conference under  
3 this section, require that the superintendent of the school corporation  
4 or the superintendent's designee and the teacher summarize in writing  
5 the position of each party with respect to the continuation of the  
6 contract.

7 ~~(d)~~ (e) At a conference under this section:

8 (1) the governing body, the superintendent of the school  
9 corporation, or the superintendent's designee shall provide full  
10 and complete information supporting the reasons given for  
11 noncontinuance; and

12 (2) the teacher shall provide any information demonstrating that  
13 noncontinuance of the contract is improper.

14 ~~(e)~~ (f) A conference under this section with the governing body shall  
15 be in executive session unless the teacher requests a public conference.  
16 The teacher may have a representative at any conference.

17 ~~(f)~~ (g) The governing body shall vote on the continuation of the  
18 teacher's contract not more than ten (10) days after a conference under  
19 this section.

20 SECTION 14. IC 20-28-7-11, AS ADDED BY P.L.1-2005,  
21 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
22 JULY 1, 2011]: Sec. 11. The periods set out in section ~~10(b)~~ 10(c) of  
23 this chapter shall be extended for a reasonable period:

24 (1) when a teacher or school official is ill or absent from the  
25 school corporation;

26 (2) when the teacher requests a public conference, but a public  
27 conference held within the periods of section ~~10(b)~~ 10(c) of this  
28 chapter violates IC 5-14-1.5-5; or

29 (3) for other reasonable cause.

30 SECTION 15. IC 20-28-10-7, AS ADDED BY P.L.1-2005,  
31 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
32 JULY 1, 2011]: Sec. 7. (a) **This section applies to a teacher who is  
33 employed by a school corporation on June 30, 2011, and continues  
34 employment with the school corporation after July 1, 2011.**

35 (b) A permanent teacher:

36 (1) with an indefinite contract under IC 20-28-6-8; and

37 (2) who is described in section 6(a) of this chapter;

38 is granted a leave of absence during the defense service.

39 SECTION 16. IC 20-28-10-8, AS ADDED BY P.L.1-2005,  
40 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
41 JULY 1, 2011]: Sec. 8. (a) **This section applies to a nonpermanent  
42 teacher who is employed by a school corporation on June 30, 2011,**

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1 **and continues employment with the school corporation after July**  
2 **1, 2011.**

3 (b) If a nonpermanent teacher who is described in section 6(a) of  
4 this chapter enters the defense service, the teacher's contract as a  
5 teacher and the teacher's rights to probationary successive years under  
6 contract are preserved with the school corporation as the teacher had  
7 them when entering the defense service.

8 ~~(b)~~ (c) The period of probationary successive years of service under  
9 a teacher's contract that is a condition precedent to becoming a  
10 permanent teacher under IC 20-28-6-8 is considered uninterrupted for  
11 a teacher to whom this section applies. However, this probationary  
12 period may not include the time spent in defense service. The teacher  
13 is granted a leave of absence during the defense service.

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