February 24, 2012

ENGROSSED
HOUSE BILL No. 1205

DIGEST OF HB 1205 (Updated February 22, 2012 2:52 pm - DI 116)

Citations Affected: IC 20-24; IC 20-26; IC 20-29.

Synopsis: Superintendent contracts. Requires a school corporation to give public notice and hold a public meeting pertaining to a proposed superintendent employment contract. Provides that the public meeting must occur at least seven days before a contract for employment is entered. Provides that the governing body is not required to disclose the identity of the candidate for superintendent at the public meeting. Requires that the governing body shall post the provisions of a superintendent's employment contract on the school corporation's Internet web site. Requires a school corporation to post the provisions of an employment contract with a certificated employee that is not represented by an exclusive representative on the school corporation's Internet web site. Provides that after a governing body and the certified employees' exclusive representative have reached an agreement on a contract, the governing body shall post the contract on the school corporation's Internet web site. Requires the organizer of a charter school to publish the salary of each superintendent, principal, and employee employed by the organizer for a charter school in the charter school's annual performance report. Requires the organizer of a charter school to publish meeting notices, minutes, and the names of the members of the charter school's governing body on the school's Internet web site.

Effective: July 1, 2012.

Behning, Rhoads, Wesco, Noe

(SENATE SPONSORS — KRUSE, BANKS, DELPH)

January 9, 2012, read first time and referred to Committee on Education.
January 11, 2012, amended, reported — Do Pass.
January 27, 2012, read second time, amended, ordered engrossed.
January 30, 2012, engrossed.
January 31, 2012, read third time, recommitted to Committee of One, amended; passed. Yeas 88, nays 6.
February 1, 2012, re-engrossed.

SENATE ACTION

February 1, 2012, read first time, referred to Committee on Education and Career Development.
February 23, 2012, reported favorably — Do Pass.

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February 24, 2012

Second Regular Session 117th General Assembly (2012)

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 2011 Regular Session of the General Assembly.

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ENGROSSED
HOUSE BILL No. 1205

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

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

SECTION 1. IC 20-24-9-6, AS ADDED BY P.L.1-2005, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 6. **(a)** The organizer of a charter school shall publish an annual performance report that provides the information required under IC 20-20-8-8 in the same manner that a school corporation publishes an annual report under IC 20-20-8.

(b) In addition to the information required under IC 20-20-8-8, the organizer shall publish the salary of each superintendent, principal or equivalent authority, and employee employed by the organizer for a charter school in the charter school's annual performance report required under subsection (a).

SECTION 2. IC 20-24-9-7 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 7. The organizer of a charter school shall publish the following information on the school's Internet web site:**

(1) All meeting notices required under IC 5-14-1.5.

(2) A copy of any meeting minutes required under IC 5-14-1.5.

(3) The names of the members of the charter school's governing body.

SECTION 3. IC 20-26-5-4.3 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 4.3. (a) At least seven (7) days before a contract for employment is entered into by a governing body and a school superintendent, the governing body shall hold a public meeting on the proposed contract at which public comment is heard. The governing body is not required to disclose the identity of the candidate for superintendent at the public meeting.**

(b) Notice of the meeting on the proposed contract shall be given in accordance with IC 5-3-1 and posted on the school corporation's Internet web site.

(c) The notice provided in subsection (b) must:

(1) state that on a given day, time, and place the governing body will meet to discuss and hear objections to and support for the proposed contract; and

(2) set forth the details of the proposed contract, including the actual monetary value of the contract, benefits, and any additional forms of compensation for each year of the contract.

(d) A governing body shall post the provisions of an employment contract that the governing body enters into with a superintendent of the school corporation on the school corporation's Internet web site.

SECTION 4. IC 20-26-5-4.7 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 4.7. (a) This section does not apply to a:**

(1) superintendent of a school corporation; or

(2) certificated employee (as defined in IC 20-29-2-4) that is represented by an exclusive representative (as defined in IC 20-29-2-9) under IC 20-29.

(b) The superintendent shall post the provisions of an employment contract that the school corporation enters into with a certificated employee on the school corporation's Internet web site.

SECTION 5. IC 20-29-6-19 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 19. Not later than fourteen (14) business days after the parties have reached an agreement under this chapter, the school employer shall post the contract upon which the parties have agreed on the school employer's Internet web site.**

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred House Bill 1205, 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:

Page 1, delete lines 1 through 10, begin a new paragraph and insert:

"SECTION 1. IC 20-26-5-4.3 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 4.3. (a) On or before the earlier of:**

(1) the date the governing body and a candidate for superintendent declare an intent to enter into an employment contract; or

(2) the date that is seven (7) days before an employment contract is entered into by a governing body and a school superintendent;

the governing body shall hold a public meeting on the proposed contract at which public testimony is heard.

(b) Notice of the meeting on the proposed contract shall be given in accordance with IC 5-3-1 and posted on the school corporation's Internet web site.".

Page 2, after line 1, begin a new paragraph and insert:

"**(d) A governing body shall post the provisions of an employment contract that the governing body enters into with a superintendent of the school corporation on the school corporation's Internet web site.**

SECTION 2. IC 20-26-5-4.7 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 4.7. (a) This section does not apply to a:**

(1) superintendent of a school corporation; or

(2) certificated employee (as defined in IC 20-29-2-4) that is represented by an exclusive representative (as defined in IC 20-29-2-9) under IC 20-29.

(b) The superintendent shall post the provisions of an employment contract that the school corporation enters into with a certificated employee on the school corporation's Internet web site.

SECTION 3. IC 20-28-8-6, AS ADDED BY P.L.1-2005, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 6. A contract entered into by a governing body and its superintendent is subject to the following conditions:

(1) The basic contract must be in the form of the regular teacher's

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contract.

(2) **If** the contract: ~~must be for:~~

(A) is entered into before July 1, 2012, the contract must have a term of at least thirty-six (36) months; **or**

(B) is entered into after June 30, 2012, the contract may not have a term that exceeds twenty-four (24) months.

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

(4) The rights of a superintendent as a teacher under any other law are not affected by the contract.

SECTION 4. IC 20-29-6-19 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 19. Not later than fourteen (14) business days after the parties have reached an agreement under this chapter, the school employer shall post the contract upon which the parties have agreed on the school employer's Internet web site.**".

and when so amended that said bill do pass.

(Reference is to HB 1205 as introduced.)

BEHNING, Chair

Committee Vote: yeas 8, nays 3.

HOUSE MOTION

Mr. Speaker: I move that House Bill 1205 be amended to read as follows:

Page 1, line 11, after "heard." insert "**The governing body is not required to disclose the identity of the candidate for superintendent at the public meeting.**".

(Reference is to HB 1205 as printed January 11, 2012.)

BEHNING

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HOUSE MOTION

Mr. Speaker: I move that House Bill 1205 be amended to read as follows:

Page 1, line 3, delete "(a) On or before the earlier of:" and insert "**(a) At least seven (7) days before a contract for employment is entered into by a governing body and a school superintendent,**".

Page 1, delete lines 4 through 9.

(Reference is to HB 1205 as printed January 11, 2012.)

BEHNING

HOUSE MOTION

Mr. Speaker: I move that House Bill 1205 be amended to read as follows:

Page 2, delete lines 21 through 38.

Renumber all SECTIONS consecutively.

(Reference is to HB 1205 as printed January 11, 2012.)

BEHNING

HOUSE MOTION

Mr. Speaker: I move that House Bill 1205 be amended to read as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 20-24-9-6, AS ADDED BY P.L.1-2005, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 6. **(a)** The organizer of a charter school shall publish an annual performance report that provides the information required under IC 20-20-8-8 in the same manner that a school corporation publishes an annual report under IC 20-20-8.

(b) In addition to the information required under IC 20-20-8-8, the organizer shall publish the salary of each superintendent, principal or equivalent authority, and employee employed by the

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organizer for a charter school in the charter school's annual performance report required under subsection (a).".

Renumber all SECTIONS consecutively.

(Reference is to HB 1205 as printed January 11, 2012.)

DELANEY

HOUSE MOTION

Mr. Speaker: I move that House Bill 1205 be amended to read as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 20-24-9-7 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 7. The organizer of a charter school shall publish the following information on the school's Internet web site:**

(1) All meeting notices required under IC 5-14-1.5.

(2) A copy of any meeting minutes required under IC 5-14-1.5.

(3) The names of the members of the charter school's governing body.".

Renumber all SECTIONS consecutively.

(Reference is to HB 1205 as printed January 11, 2012.)

CRAWFORD

HOUSE MOTION

Mr. Speaker: I move that House Bill 1205 be recommitted to a Committee of One, its author, with specific instructions to amend as follows:

Page 2, line 8, delete "testimony" and insert "**comment**".

(Reference is to HB 1205 as reprinted January 28, 2012.)

BEHNING

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COMMITTEE REPORT

Mr. Speaker: Your Committee of One, to which was referred House Bill 1205, begs leave to report that said bill has been amended as directed.

BEHNING

COMMITTEE REPORT

Madam President: The Senate Committee on Education and Career Development, to which was referred House Bill No. 1205, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is made to House Bill 1205 as printed February 1, 2012.)

KRUSE, Chairperson

Committee Vote: Yeas 8, Nays 2.

C o p y