



January 11, 2012

# HOUSE BILL No. 1205

DIGEST OF HB 1205 (Updated January 11, 2012 11:55 am - DI 116)

**Citations Affected:** IC 20-26; IC 20-28; 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 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 days before the contract is entered into. 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 an employment contract between a governing body and a superintendent may not exceed two years. 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.

**Effective:** July 1, 2012.

## Behning, Rhoads, Wesco

January 9, 2012, read first time and referred to Committee on Education.  
January 11, 2012, amended, reported — Do Pass.

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January 11, 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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## 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:*

- 1 SECTION 1. IC 20-26-5-4.3 IS ADDED TO THE INDIANA CODE  
2 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
3 1, 2012]: **Sec. 4.3. (a) On or before the earlier of:**  
4 (1) the date the governing body and a candidate for  
5 superintendent declare an intent to enter into an employment  
6 contract; or  
7 (2) the date that is seven (7) days before an employment  
8 contract is entered into by a governing body and a school  
9 superintendent;  
10 the governing body shall hold a public meeting on the proposed  
11 contract at which public testimony is heard.  
12 (b) Notice of the meeting on the proposed contract shall be given  
13 in accordance with IC 5-3-1 and posted on the school corporation's  
14 Internet web site.  
15 (c) The notice provided in subsection (b) must:  
16 (1) state that on a given day, time, and place the governing  
17 body will meet to discuss and hear objections to and support

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**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 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 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**

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1 school employer shall post the contract upon which the parties  
2 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.

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