

PREVAILED	Roll Call No. _____
FAILED	Ayes _____
WITHDRAWN	Noes _____
RULED OUT OF ORDER	

HOUSE MOTION _____

MR. SPEAKER:

I move that House Bill 1242 be amended to read 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 AMENDED BY HEA 1357-2013,
- 4 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 5 JULY 1, 2013]: Sec. 22. (a) "Teacher" means a professional person
- 6 whose position in a school corporation requires certain educational
- 7 preparation and licensing and whose primary responsibility is the
- 8 instruction of students.
- 9 (b) For purposes of IC 20-28, the term includes the following:
- 10 (1) A superintendent. ~~who holds a license under IC 20-28-5.~~
- 11 (2) A principal.
- 12 (3) A teacher.
- 13 (4) A librarian.
- 14 SECTION 2. IC 20-23-2-7.5 IS ADDED TO THE INDIANA
- 15 CODE AS A NEW SECTION TO READ AS FOLLOWS
- 16 [EFFECTIVE JULY 1, 2013]: **Sec. 7.5. (a) A person may not hold**
- 17 **the office of county superintendent unless the person:**
- 18 **(1) has at least five (5) years successful experience as a teacher**
- 19 **in the public schools; and**
- 20 **(2) holds, at the time of the person's election, a first or second**
- 21 **grade superintendent's license.**
- 22 **(b) This chapter does not:**
- 23 **(1) apply to; or**
- 24 **(2) disqualify;**
- 25 **an incumbent of the office of county superintendent.**

1 SECTION 3. IC 20-23-7-10, AS AMENDED BY HEA 1357-2013,
 2 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 3 JULY 1, 2013]: Sec. 10. (a) The metropolitan board of education shall
 4 appoint a metropolitan superintendent of schools who shall serve under
 5 contract in the same manner and under the same laws that govern the
 6 employment and service of other licensed school personnel. ~~However,~~
 7 ~~the metropolitan superintendent of schools is not required to hold a~~
 8 ~~license under IC 20-28-5.~~ The metropolitan superintendent of schools'
 9 salary and expense allowance is fixed by the metropolitan board of
 10 education. The metropolitan superintendent of schools' original
 11 contract:

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

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

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

16 (c) The board shall:

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

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

21 (d) A:

22 (1) county superintendent;

23 (2) city school superintendent; or

24 (3) town superintendent;

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

29 (e) A metropolitan board of education shall:

30 (1) assign administrative duties; and

31 (2) designate:

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

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

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

38 (f) A metropolitan board of education shall appoint a superintendent
 39 of the metropolitan school district and other administrative supervisory
 40 officers as provided in this chapter if:

41 (1) the previous superintendent's term expired;

42 (2) the previous superintendent's contract of employment ended;
 43 or

44 (3) the previous superintendent:

45 (A) died; or

46 (B) resigned.

47 (g) The appointment and salary of the metropolitan superintendent

1 of schools appointed under subsection (f) shall be made, set, and paid
2 as provided in this chapter.

3 SECTION 4. IC 20-25-2-2, AS AMENDED BY HEA 1357-2013,
4 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
5 JULY 1, 2013]: Sec. 2. "Administrator" means a full-time employee of
6 a school in the school city who is:

- 7 (1) a principal;
- 8 (2) an assistant principal;
- 9 ~~(3) a superintendent;~~
- 10 ~~(4) an assistant superintendent;~~ or
- 11 ~~(5)~~ (3) any other educational manager at the school.

12 SECTION 5. IC 20-26-5-4, AS AMENDED BY HEA 1357-2013,
13 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
14 JULY 1, 2013]: Sec. 4. In carrying out the school purposes of a school
15 corporation, the governing body acting on the school corporation's
16 behalf has the following specific powers:

17 (1) In the name of the school corporation, to sue and be sued and
18 to enter into contracts in matters permitted by applicable law.
19 However, a governing body may not use funds received from the
20 state to bring or join in an action against the state, unless the
21 governing body is challenging an adverse decision by a state
22 agency, board, or commission.

23 (2) To take charge of, manage, and conduct the educational affairs
24 of the school corporation and to establish, locate, and provide the
25 necessary schools, school libraries, other libraries where permitted
26 by law, other buildings, facilities, property, and equipment.

27 (3) To appropriate from the school corporation's general fund an
28 amount, not to exceed the greater of three thousand dollars
29 (\$3,000) per budget year or one dollar (\$1) per pupil, not to
30 exceed twelve thousand five hundred dollars (\$12,500), based on
31 the school corporation's previous year's ADM, to promote the best
32 interests of the school corporation through:

- 33 (A) the purchase of meals, decorations, memorabilia, or
34 awards;
- 35 (B) provision for expenses incurred in interviewing job
36 applicants; or
- 37 (C) developing relations with other governmental units.

38 (4) To:
39 (A) Acquire, construct, erect, maintain, hold, and contract for
40 construction, erection, or maintenance of real estate, real estate
41 improvements, or an interest in real estate or real estate
42 improvements, as the governing body considers necessary for
43 school purposes, including buildings, parts of buildings,
44 additions to buildings, rooms, gymnasiums, auditoriums,
45 playgrounds, playing and athletic fields, facilities for physical
46 training, buildings for administrative, office, warehouse, repair
47 activities, or housing school owned buses, landscaping, walks,

1 drives, parking areas, roadways, easements and facilities for
 2 power, sewer, water, roadway, access, storm and surface
 3 water, drinking water, gas, electricity, other utilities and
 4 similar purposes, by purchase, either outright for cash (or
 5 under conditional sales or purchase money contracts providing
 6 for a retention of a security interest by the seller until payment
 7 is made or by notes where the contract, security retention, or
 8 note is permitted by applicable law), by exchange, by gift, by
 9 devise, by eminent domain, by lease with or without option to
 10 purchase, or by lease under IC 20-47-2, IC 20-47-3, or
 11 IC 20-47-5.

12 (B) Repair, remodel, remove, or demolish, or to contract for
 13 the repair, remodeling, removal, or demolition of the real
 14 estate, real estate improvements, or interest in the real estate or
 15 real estate improvements, as the governing body considers
 16 necessary for school purposes.

17 (C) Provide for conservation measures through utility
 18 efficiency programs or under a guaranteed savings contract as
 19 described in IC 36-1-12.5.

20 (5) To acquire personal property or an interest in personal
 21 property as the governing body considers necessary for school
 22 purposes, including buses, motor vehicles, equipment, apparatus,
 23 appliances, books, furniture, and supplies, either by cash purchase
 24 or under conditional sales or purchase money contracts providing
 25 for a security interest by the seller until payment is made or by
 26 notes where the contract, security, retention, or note is permitted
 27 by applicable law, by gift, by devise, by loan, or by lease with or
 28 without option to purchase and to repair, remodel, remove,
 29 relocate, and demolish the personal property. All purchases and
 30 contracts specified under the powers authorized under subdivision
 31 (4) and this subdivision are subject solely to applicable law
 32 relating to purchases and contracting by municipal corporations
 33 in general and to the supervisory control of state agencies as
 34 provided in section 6 of this chapter.

35 (6) To sell or exchange real or personal property or interest in real
 36 or personal property that, in the opinion of the governing body, is
 37 not necessary for school purposes, in accordance with IC 20-26-7,
 38 to demolish or otherwise dispose of the property if, in the opinion
 39 of the governing body, the property is not necessary for school
 40 purposes and is worthless, and to pay the expenses for the
 41 demolition or disposition.

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

45 (A) civic or public purposes; or

46 (B) the operation of a school age child care program for
 47 children who are at least five (5) years of age and less than

1 fifteen (15) years of age that operates before or after the school
 2 day, or both, and during periods when school is not in session;
 3 if the property is not needed for school purposes. Under this
 4 subdivision, the governing body may enter into a long term lease
 5 with a nonprofit corporation, community service organization, or
 6 other governmental entity, if the corporation, organization, or
 7 other governmental entity will use the property to be leased for
 8 civic or public purposes or for a school age child care program.
 9 However, if payment for the property subject to a long term lease
 10 is made from money in the school corporation's debt service fund,
 11 all proceeds from the long term lease must be deposited in the
 12 school corporation's debt service fund so long as payment for the
 13 property has not been made. The governing body may, at the
 14 governing body's option, use the procedure specified in
 15 IC 36-1-11-10 in leasing property under this subdivision.

16 (8) To:

17 (A) Employ, contract for, and discharge superintendents, ~~(who~~
 18 ~~are not required to hold a license under IC 20-28-5);~~
 19 supervisors, principals, teachers, librarians, athletic coaches
 20 (whether or not they are otherwise employed by the school
 21 corporation and whether or not they are licensed under
 22 IC 20-28-5), business managers, superintendents of buildings
 23 and grounds, janitors, engineers, architects, physicians,
 24 dentists, nurses, accountants, teacher aides performing
 25 noninstructional duties, educational and other professional
 26 consultants, data processing and computer service for school
 27 purposes, including the making of schedules, the keeping and
 28 analyzing of grades and other student data, the keeping and
 29 preparing of warrants, payroll, and similar data where
 30 approved by the state board of accounts as provided below,
 31 and other personnel or services as the governing body
 32 considers necessary for school purposes.

33 (B) Fix and pay the salaries and compensation of persons and
 34 services described in this subdivision that are consistent with
 35 IC 20-28-9-1.

36 (C) Classify persons or services described in this subdivision
 37 and to adopt schedules of salaries or compensation that are
 38 consistent with IC 20-28-9-1.

39 (D) Determine the number of the persons or the amount of the
 40 services employed or contracted for as provided in this
 41 subdivision.

42 (E) Determine the nature and extent of the duties of the
 43 persons described in this subdivision.

44 The compensation, terms of employment, and discharge of
 45 teachers are, however, subject to and governed by the laws
 46 relating to employment, contracting, compensation, and discharge
 47 of teachers. The compensation, terms of employment, and

- 1 discharge of bus drivers are subject to and governed by laws
2 relating to employment, contracting, compensation, and discharge
3 of bus drivers. The forms and procedures relating to the use of
4 computer and data processing equipment in handling the financial
5 affairs of the school corporation must be submitted to the state
6 board of accounts for approval so that the services are used by the
7 school corporation when the governing body determines that it is
8 in the best interest of the school corporation while at the same
9 time providing reasonable accountability for the funds expended.
- 10 (9) Notwithstanding the appropriation limitation in subdivision
11 (3), when the governing body by resolution considers a trip by an
12 employee of the school corporation or by a member of the
13 governing body to be in the interest of the school corporation,
14 including attending meetings, conferences, or examining
15 equipment, buildings, and installation in other areas, to permit the
16 employee to be absent in connection with the trip without any loss
17 in pay and to reimburse the employee or the member the
18 employee's or member's reasonable lodging and meal expenses
19 and necessary transportation expenses. To pay teaching personnel
20 for time spent in sponsoring and working with school related trips
21 or activities.
- 22 (10) Subject to IC 20-27-13, to transport children to and from
23 school, when in the opinion of the governing body the
24 transportation is necessary, including considerations for the safety
25 of the children and without regard to the distance the children live
26 from the school. The transportation must be otherwise in
27 accordance with applicable law.
- 28 (11) To provide a lunch program for a part or all of the students
29 attending the schools of the school corporation, including the
30 establishment of kitchens, kitchen facilities, kitchen equipment,
31 lunch rooms, the hiring of the necessary personnel to operate the
32 lunch program, and the purchase of material and supplies for the
33 lunch program, charging students for the operational costs of the
34 lunch program, fixing the price per meal or per food item. To
35 operate the lunch program as an extracurricular activity, subject
36 to the supervision of the governing body. To participate in a
37 surplus commodity or lunch aid program.
- 38 (12) To purchase textbooks, to furnish textbooks without cost or
39 to rent textbooks to students, to participate in a textbook aid
40 program, all in accordance with applicable law.
- 41 (13) To accept students transferred from other school corporations
42 and to transfer students to other school corporations in accordance
43 with applicable law.
- 44 (14) To make budgets, to appropriate funds, and to disburse the
45 money of the school corporation in accordance with applicable
46 law. To borrow money against current tax collections and
47 otherwise to borrow money, in accordance with IC 20-48-1.

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

- 1 (B) that may be designated by an appropriate title such as
 2 "policy handbook", "bylaws", or "rules and regulations".
- 3 (19) To ratify and approve any action taken by a member of the
 4 governing body, an officer of the governing body, or an employee
 5 of the school corporation after the action is taken, if the action
 6 could have been approved in advance, and in connection with the
 7 action to pay the expense or compensation permitted under
 8 IC 20-26-1 through IC 20-26-5, IC 20-26-7, IC 20-40-12, and
 9 IC 20-48-1 or any other law.
- 10 (20) To exercise any other power and make any expenditure in
 11 carrying out the governing body's general powers and purposes
 12 provided in this chapter or in carrying out the powers delineated
 13 in this section which is reasonable from a business or educational
 14 standpoint in carrying out school purposes of the school
 15 corporation, including the acquisition of property or the
 16 employment or contracting for services, even though the power or
 17 expenditure is not specifically set out in this chapter. The specific
 18 powers set out in this section do not limit the general grant of
 19 powers provided in this chapter except where a limitation is set
 20 out in IC 20-26-1 through IC 20-26-5, IC 20-26-7, IC 20-40-12,
 21 and IC 20-48-1 by specific language or by reference to other law.
- 22 SECTION 6. IC 20-28-8-6, AS AMENDED BY HEA 1357-2013,
 23 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 24 JULY 1, 2013]: Sec. 6. A contract entered into by a governing body
 25 and its superintendent is subject to the following conditions:
- 26 (1) ~~If the superintendent holds a license under IC 20-28-5,~~ The
 27 basic contract must be in the form of the regular teacher's contract.
- 28 (2) The contract must be for a term of at least thirty-six (36)
 29 months.
- 30 (3) The contract may be altered or rescinded for a new one at any
 31 time by mutual consent of the governing body and the
 32 superintendent. The consent of both parties must be in writing and
 33 must be expressed in a manner consistent with this section and
 34 sections 7 through 8 of this chapter.
- 35 (4) ~~If the superintendent holds a license under IC 20-28-5,~~ The
 36 rights of a superintendent as a teacher under any other law are not
 37 affected by the contract.
- 38 SECTION 7. IC 20-28-8-7, AS AMENDED BY HEA 1357-2013,
 39 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 40 JULY 1, 2013]: Sec. 7. A superintendent's contract terminates on the
 41 following dates and under the following conditions only:
- 42 (1) On any date, if the governing body and the superintendent
 43 mutually consent.
- 44 (2) Before the expiration date set forth in the contract, if the
 45 governing body terminates the contract
- 46 ~~(A) for cause under a statute that sets forth causes for dismissal~~
 47 ~~of teachers. if the superintendent is licensed under IC 20-28-5;~~

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- or
- (B) for:
 - (i) immorality;
 - (ii) misconduct in office;
 - (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."

Renumber all SECTIONS consecutively.
(Reference is to HB 1242 as printed February 12, 2013.)

Representative Bartlett