

SENATE BILL No. 197

DIGEST OF INTRODUCED BILL

Citations Affected: IC 20-6.1-4-26.

Synopsis: Dismissal of teachers from extracurricular duties. Provides procedures, including a hearing, that the governing body of a school corporation must follow to dismiss a teacher from an extracurricular assignment, including coaching duties.

Effective: July 1, 2001.

Paul

January 9, 2001, read first time and referred to Committee on Education.

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First Regular Session 112th General Assembly (2001)

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 2000 General Assembly.

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SENATE BILL No. 197



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 20-6.1-4-26 IS ADDED TO THE INDIANA CODE
- 2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
- 3 1, 2001]: **Sec. 26. (a) This section governs the dismissal of a**
- 4 **permanent or semi-permanent teacher from an extracurricular**
- 5 **assignment, including coaching duties.**
- 6 **(b) The governing body of a school corporation shall adopt**
- 7 **guidelines concerning the grounds for dismissing a teacher from an**
- 8 **extracurricular assignment. The reasons for the dismissal of a**
- 9 **teacher under these guidelines may include the following:**
- 10 **(1) Immorality.**
- 11 **(2) Insubordination, which means a willful refusal to obey the**
- 12 **state school laws or reasonable rules prescribed for the**
- 13 **government of the school corporation.**
- 14 **(3) Neglect of duty.**
- 15 **(4) Incompetency or an inability to perform the**
- 16 **extracurricular assignment.**
- 17 **(5) Justifiable decrease in the number of extracurricular**



- 1 assignments.
- 2 (6) A conviction for:
- 3 (A) rape (IC 35-42-4-1), if the victim is less than eighteen
- 4 (18) years of age;
- 5 (B) criminal deviate conduct (IC 35-42-4-2), if the victim is
- 6 less than eighteen (18) years of age;
- 7 (C) child molesting (IC 35-42-4-3);
- 8 (D) child exploitation (IC 35-42-4-4(b));
- 9 (E) vicarious sexual gratification (IC 35-42-4-5);
- 10 (F) child solicitation (IC 35-42-4-6);
- 11 (G) child seduction (IC 35-42-4-7); or
- 12 (H) incest (IC 35-46-1-3), if the victim is less than eighteen
- 13 (18) years of age; or
- 14 (7) Other good and just cause, including the best interest of
- 15 the school corporation.
- 16 (c) Pending a decision on dismissal of a teacher from an
- 17 extracurricular assignment, the governing body of a school
- 18 corporation may suspend the teacher from performing the
- 19 extracurricular assignment. However, while a teacher is
- 20 suspended, the governing body may not withhold from the
- 21 teacher's salary payments or other employment related benefits
- 22 that the teacher was entitled to receive before the suspension.
- 23 (d) The following procedures must be followed to dismiss a
- 24 permanent or semi-permanent teacher from an extracurricular
- 25 assignment:
- 26 (1) The governing body shall notify the teacher in writing of
- 27 the date, time, and place for the consideration by the school
- 28 corporation of the dismissal of the teacher from an
- 29 extracurricular assignment. This notification must occur not
- 30 more than forty (40) days nor less than thirty (30) days before
- 31 the consideration of dismissal.
- 32 (2) The governing body shall furnish the teacher, within five
- 33 (5) days after a written request from the teacher, a written
- 34 statement of the reasons for the consideration of dismissal.
- 35 (3) The teacher may file a written request for a hearing within
- 36 fifteen (15) days after receipt of the notice of the consideration
- 37 of dismissal.
- 38 (4) If the teacher files a request for a hearing, the teacher
- 39 shall be given a hearing before the governing body on a day
- 40 not earlier than five (5) days after filing of the request.
- 41 (5) The governing body shall give the teacher at least five (5)
- 42 days notice of the time and place of the hearing.

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1 **(6) At the hearing, the teacher is entitled to the following:**

2 **(A) A full statement from the governing body of the**
3 **reasons for the proposed dismissal.**

4 **(B) The opportunity to be heard on the reasons for the**
5 **proposed dismissal.**

6 **(C) The opportunity to present the testimony of witnesses**
7 **and other evidence bearing on the reasons for the proposed**
8 **dismissal.**

9 **(7) The governing body may not dismiss a teacher from an**
10 **extracurricular assignment until the following occur:**

11 **(A) A hearing is held, if a hearing is requested by the**
12 **teacher.**

13 **(B) The superintendent of the school corporation gives a**
14 **recommendation on the dismissal. The superintendent**
15 **shall present a recommendation on the dismissal not later**
16 **than five (5) days after the governing body notifies the**
17 **superintendent that the recommendation is required.**

18 **(8) The governing body may appoint an agent who is not an**
19 **employee of the school corporation, but who may be a**
20 **member of the governing body or an attorney retained to**
21 **administer the hearing proceedings under this section, for the**
22 **purpose of issuing subpoenas for the attendance of witnesses**
23 **for either party at the hearing. A subpoena issued under this**
24 **section shall be:**

25 **(A) served by the party who seeks to compel the attendance**
26 **of a witness; and**

27 **(B) upon application to the court by the party, enforced in**
28 **the manner provided by law for the service and**
29 **enforcement of subpoenas in a civil action.**

30 **(e) After complying with subsection (d) and in accordance with**
31 **the guidelines adopted under subsection (b), the governing body**
32 **may vote to dismiss a teacher from an extracurricular assignment.**
33 **The governing body must take the vote on the date and at the time**
34 **and place specified under subsection (d)(1). A majority vote that is**
35 **evidenced in the minutes of the governing body is required for**
36 **dismissal. The decision of the governing body on the matter is final.**

37 **(f) If a governing body dismisses a teacher from an**
38 **extracurricular assignment in violation of this section, the teacher**
39 **may bring an action against the governing body to obtain an order**
40 **requiring the reinstatement of the teacher in the extracurricular**
41 **assignment and the restoration of the teacher's full rights in**
42 **connection with the extracurricular assignment.**

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