

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WITHDRAWN	Noes _____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

# HOUSE MOTION \_\_\_\_\_

MR. SPEAKER:

I move that Senate Bill 207 be amended to read as follows:

- 1 Page 4, line 21, after "school." insert "**The department may**
- 2 **charge a fee under this subsection for subsequent requests**
- 3 **made regarding the same employee or adult volunteer,**
- 4 **which fee shall be paid by the school corporation, special**
- 5 **education cooperative, or non-public school."**
- 6 Page 6, between lines 23 and 24, begin a new paragraph and
- 7 insert: "**(b)This subsection applies when a law enforcement**
- 8 **agency has actual knowledge that an employee of a school**
- 9 **corporation or a nonpublic school who instructs or**
- 10 **supervises children has been arrested for a felony. The chief**
- 11 **executive officer or equivalent authority of the law**
- 12 **enforcement agency shall immediately give written notice of**
- 13 **the arrest to the superintendent of the school corporation or**
- 14 **equivalent authority for the nonpublic school that employs**
- 15 **the person who was arrested. Notwithstanding IC 5-14-3,**
- 16 **the superintendent of the school corporation or equivalent**
- 17 **authority for the nonpublic school:**
- 18 (1) **may release information concerning an arrest for**
- 19 **a felony listed in subsections (a) or (d);**
- 20 (2) **may not release information concerning an arrest**
- 21 **for a felony not listed in subsection (a) or (d), unless**
- 22 **and until the arrest results in a conviction."**
- 23 Page 6, line 24, strike "(b)" and insert "(c)".
- 24 Page 6, line 39, delete "(c)" and insert "(d)".
- 25 Page 7, line 1, strike "has been" and insert "**has:**".

1 Page 7, between lines 1 and 2, begin a new line block  
2 indented and insert:

- 3 **"(1) been convicted of an offense listed in subsection**  
4 **(d);**  
5 **(2) been discharged from employment for any of the**  
6 **reasons listed in subsection (a); or**  
7 **(3) resigned to avoid discharge from employment for**  
8 **any of the reasons listed in subsection (a)."**

9 Page 7, line 2, strike "convicted of an offense listed in  
10 subsection" and delete "(d)".

11 Page 7, line 3, delete "(d)" and insert "(e)".

12 Page 7, line 24, delete "(e)" and insert "(f)".

13 Page 9, between lines 24 and 25, begin a new paragraph  
14 and insert:

15 "SECTION 14. IC 20-6.1-4-11 IS AMENDED TO READ  
16 AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 11. (a) An  
17 indefinite contract with a permanent or semi-permanent teacher  
18 may be canceled only in the following manner:

- 19 (1) the teacher shall be notified in writing of the date,  
20 time, and place for the consideration by the school  
21 corporation of the cancellation of the contract; this  
22 notification must occur not more than forty (40) days nor  
23 less than thirty (30) days before the consideration;  
24 (2) the teacher shall be furnished, within five (5) days  
25 after a written request, a written statement of the reasons  
26 for the consideration;  
27 (3) the teacher may file a written request for a hearing  
28 within fifteen (15) days after receipt of the notice of this  
29 consideration;  
30 (4) when the request for a hearing is filed, the teacher  
31 shall be given a hearing before the governing body on a  
32 day no earlier than five (5) days after filing;  
33 (5) the teacher shall be given not less than five (5) days'  
34 notice of the time and place of the hearing;  
35 (6) at the hearing, the teacher is entitled:  
36 (A) to a full statement of the reasons for the proposed  
37 cancellation of the contract; and  
38 (B) to be heard, to present the testimony of witnesses  
39 and other evidence bearing on the reasons for the  
40 proposed cancellation of the contract;  
41 (7) a contract may not be canceled until:  
42 (A) the date set for consideration of the cancellation  
43 of the contract;  
44 (B) after a hearing is held, if a hearing is requested by  
45 the teacher; and  
46 (C) the superintendent has given his

1            recommendations on the contract; on five (5) days  
 2            written notice to him by the school corporation, the  
 3            superintendent shall present his recommendation on  
 4            each contract, except on a superintendent's contract;  
 5            (8) pending a decision on the cancellation of a teacher's  
 6            contract, the teacher may be suspended from duty; and  
 7            (9) after complying with section 10 of this chapter in the  
 8            case of permanent teachers, or section 10.5 of this chapter  
 9            in the case of semi-permanent teachers, and this section,  
 10          the governing body of the school corporation may cancel  
 11          an indefinite contract with a teacher by a majority vote  
 12          evidenced by a signed statement in the minutes of the  
 13          board; the decision of the governing board is final.

14          The vote to cancel a contract described in subdivision (9) must  
 15          be taken by the governing body on the date and at the time and  
 16          place specified in subdivision (1).

17          (b) If a permanent or semi-permanent teacher is suspended  
 18          under subsection (a)(8) and except as provided in  
 19          IC 20-6.1-5-11, the governing body may not (while the teacher  
 20          is suspended) withhold from the teacher salary payments or  
 21          other employment related benefits that before the suspension  
 22          the teacher was entitled to receive.

23          (c) **Notwithstanding subsection (b), a permanent or**  
 24          **semipermanent teacher suspended under subsection (a)(8)**  
 25          **with salary payments may, at the discretion of the court, be**  
 26          **required to repay the salary payments received while**  
 27          **suspended if the teacher is convicted of an offense listed in**  
 28          **section 10(6) or 10.5(8) of this chapter.**

29          (d) The governing body may appoint an agent (who is  
 30          not an employee of the school corporation, but who may be a  
 31          member of the governing body or an attorney retained to  
 32          administer the hearing proceedings under this section) for the  
 33          purpose of issuing subpoenas for the attendance of witnesses  
 34          for either party at the hearing. A subpoena issued under this  
 35          section shall be:

- 36            (1) served by the party who seeks to compel the  
 37            attendance of a witness; and  
 38            (2) upon application to the court by the party, enforced in  
 39            the manner provided by law for the service and  
 40            enforcement of subpoenas in a civil action."

41          Renumber all SECTIONS consecutively.

(Reference is to SB 207 as printed February 22, 2002.)

