



March 28, 2003

ENGROSSED

SENATE BILL No. 186

DIGEST OF SB 186 (Updated March 27, 2003 12:22 PM - DI 109)

Citations Affected: IC 20-5.5; IC 20-6.1; IC 20-8.1.

Synopsis: Student discipline. Provides that a student who is expelled from a charter school is subject to the same requirements for enrollment in another school corporation or charter school as a student who is: (1) expelled from a public school; or (2) required to separate from a nonpublic school or a school in a state other than Indiana. Specifies that the school employees of a conversion charter school cannot have their benefits or employment with the school corporation that sponsored the charter school terminated.

Effective: July 1, 2003.

Lubbers

(HOUSE SPONSORS — PORTER, SCHOLER)

January 7, 2003, read first time and referred to Committee on Education and Career Development.

February 6, 2003, amended, reported favorably — Do Pass.

February 10, 2003, read second time, ordered engrossed.

February 11, 2003, engrossed. Read third time, passed. Yeas 47, nays 2.

HOUSE ACTION

March 4, 2003, read first time and referred to Committee on Education.

March 27, 2003, amended, reported — Do Pass.

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ES 186—LS 6674/DI 71+



March 28, 2003

First Regular Session 113th General Assembly (2003)

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 2002 Regular or Special Session of the General Assembly.

ENGROSSED SENATE BILL No. 186

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 20-5.5-6-1, AS ADDED BY P.L.100-2001,
2 SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2003]: Sec. 1. **(a) Except as provided in subsection (b),**
4 individuals who work at a charter school are employees of the charter
5 school or of an entity with which the charter school has contracted to
6 provide services.
7 **(b) Teachers in a conversion charter school are employees of**
8 **both the charter school and the school corporation that sponsored**
9 **the charter school. For purposes of the collective bargaining**
10 **agreement, conversion charter school teachers are considered**
11 **employees of the school corporation that sponsored the charter**
12 **school.**
13 **(c) All benefits accrued by teachers as employees of the**
14 **conversion charter school are the financial responsibility of the**
15 **conversion charter school. The conversion charter school is**
16 **required to pay those benefits directly or to reimburse the school**
17 **corporation for the cost of the benefits.**

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1 **(d) All benefits accrued by a teacher during the time the teacher**
 2 **was an employee only of the school corporation that sponsored the**
 3 **charter school are the financial responsibility of the school**
 4 **corporation. The school corporation is required to pay those**
 5 **benefits directly or to reimburse the conversion charter school for**
 6 **the cost of the benefits.**

7 **(e) For any other purpose, a teacher in a conversion charter**
 8 **school is an employee of the charter school.**

9 SECTION 2. IC 20-6.1-4-15 IS AMENDED TO READ AS
 10 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 15. **(a) Void**
 11 **Contract When Two Contracts Are Signed.** A contract entered into
 12 after August 15 between a school corporation and a teacher is void if
 13 the teacher, at the time of signing the contract, is bound by a previous
 14 contract to teach in a public school. However, another contract may be
 15 signed by the teacher which will be effective if **the teacher:**

16 (1) ~~he~~ furnishes the governing body a release by the employers
 17 under the previous contract; or

18 (2) ~~he~~ shows proof that twenty-one (21) days written notice was
 19 delivered by the teacher to the first employer.

20 Each governing body may request from the teacher at the time of
 21 contracting a written statement as to whether the teacher has signed
 22 another teaching contract. However, the teacher's failure to provide the
 23 statement is not a cause for subsequently voiding the contract.

24 **(b) This section does not apply to an individual who works at a**
 25 **conversion charter school for purposes of the individual's**
 26 **employment with the school corporation that sponsored the**
 27 **conversion charter school.**

28 SECTION 3. IC 20-8.1-5.1-23 IS AMENDED TO READ AS
 29 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 23. (a) This section
 30 applies to the following:

31 (1) A student who:

32 (A) is expelled from a school corporation **or charter school**
 33 under this chapter; or

34 (B) withdraws from a school corporation **or charter school** to
 35 avoid expulsion.

36 (2) A student who:

37 (A) is required to separate for disciplinary reasons from a
 38 nonpublic school or a school in a state other than Indiana by
 39 the administrative authority of the school; or

40 (B) withdraws from a nonpublic school or a school in a state
 41 other than Indiana in order to avoid being required to separate
 42 from the school for disciplinary reasons by the administrative

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- 1 authority of the school.
- 2 (b) The student may enroll in another school corporation **or charter**
 3 **school** during the period of the actual or proposed expulsion or
 4 separation if:
- 5 (1) the student's parent informs the school corporation in which
 6 the student seeks to enroll and also:
- 7 **(A) in the case of a student withdrawing from a charter**
 8 **school that is not a conversion charter school to avoid**
 9 **expulsion, the conversion charter school; or**
 10 **(B) in the case of a student withdrawing from a conversion**
 11 **charter school to avoid expulsion, the:**
- 12 **(i) conversion charter school; and**
 13 **(ii) the school corporation that sponsored the conversion**
 14 **charter school;**
- 15 of the student's expulsion or separation or withdrawal to avoid
 16 expulsion or separation;
- 17 (2) the school corporation **(and, in the case of a student**
 18 **withdrawal described in subdivision (1)(A) or (1)(B), the**
 19 **charter school)** consents to the student's enrollment; and
- 20 (3) the student agrees to the terms and conditions of enrollment
 21 established by the school corporation **(or, in the case of a**
 22 **student withdrawal described in subdivision (1)(A) or (1)(B),**
 23 **the charter school or conversion charter school).**
- 24 (c) If:
- 25 (1) a student's parent fails to inform the school corporation of the
 26 expulsion or separation or withdrawal to avoid expulsion or
 27 separation; or
- 28 (2) the student fails to follow the terms and conditions of
 29 enrollment under subsection (b)(3);
- 30 the school corporation **or charter school** may withdraw consent and
 31 prohibit the student's enrollment during the period of the actual or
 32 proposed expulsion or separation.
- 33 (d) Before a consent is withdrawn under subsection (c) the student
 34 must have an opportunity for an informal meeting before the principal
 35 of the student's proposed school. At the informal meeting, the student
 36 is entitled to:
- 37 (1) a written or an oral statement of the reasons for the withdrawal
 38 of the consent;
- 39 (2) a summary of the evidence against the student; and
- 40 (3) an opportunity to explain the student's conduct.
- 41 (e) This section does not apply to a student who is expelled under
 42 section 11 of this chapter.

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COMMITTEE REPORT

Mr. President: The Senate Committee on Education and Career Development, to which was referred Senate Bill No. 186, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, line 17, after "corporation" insert "**or charter school**".

and when so amended that said bill do pass.

(Reference is to SB 186 as introduced.)

KENLEY, Chairperson

Committee Vote: Yeas 9, Nays 0.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred Senate Bill 186, 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, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 20-5.5-6-1, AS ADDED BY P.L.100-2001, SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 1. **(a) Except as provided in subsection (b), individuals who work at a charter school are employees of the charter school or of an entity with which the charter school has contracted to provide services.**

(b) Teachers in a conversion charter school are employees of both the charter school and the school corporation that sponsored the charter school. For purposes of the collective bargaining agreement, conversion charter school teachers are considered employees of the school corporation that sponsored the charter school.

(c) All benefits accrued by teachers as employees of the conversion charter school are the financial responsibility of the conversion charter school. The conversion charter school is required to pay those benefits directly or to reimburse the school corporation for the cost of the benefits.

(d) All benefits accrued by a teacher during the time the teacher was an employee only of the school corporation that sponsored the charter school are the financial responsibility of the school corporation. The school corporation is required to pay those benefits directly or to reimburse the conversion charter school for the cost of the benefits.

(e) For any other purpose, a teacher in a conversion charter school is an employee of the charter school.

SECTION 2. IC 20-6.1-4-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 15. **(a) Void Contract When Two Contracts Are Signed. A contract entered into after August 15 between a school corporation and a teacher is void if the teacher, at the time of signing the contract, is bound by a previous contract to teach in a public school. However, another contract may be signed by the teacher which will be effective if **the teacher:****

- (1) he furnishes the governing body a release by the employers under the previous contract; or**
- (2) he shows proof that twenty-one (21) days written notice was**

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delivered by the teacher to the first employer.

Each governing body may request from the teacher at the time of contracting a written statement as to whether the teacher has signed another teaching contract. However, the teacher's failure to provide the statement is not a cause for subsequently voiding the contract.

(b) This section does not apply to an individual who works at a conversion charter school for purposes of the individual's employment with the school corporation that sponsored the conversion charter school."

Page 2, delete lines 3 through 9, begin a new line block indented and insert:

"(1) the student's parent informs the school corporation in which the student seeks to enroll and also:

(A) in the case of a student withdrawing from a charter school that is not a conversion charter school to avoid expulsion, the conversion charter school; or

(B) in the case of a student withdrawing from a conversion charter school to avoid expulsion, the:

(i) conversion charter school; and

(ii) the school corporation that sponsored the conversion charter school;

of the student's expulsion or separation or withdrawal to avoid expulsion or separation;

(2) the school corporation **(and, in the case of a student withdrawal described in subdivision (1)(A) or (1)(B), the charter school)** consents to the student's enrollment; and

(3) the student agrees to the terms and conditions of enrollment established by the school corporation **(or, in the case of a student withdrawal described in subdivision (1)(A) or (1)(B), the charter school or conversion charter school)**."

Page 2, line 16, after "corporation" insert "**or charter school**".

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 186 as printed February 7, 2003.)

PORTER, Chair

Committee Vote: yeas 13, nays 0.

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