

**LEGISLATIVE SERVICES AGENCY  
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

200 W. Washington, Suite 301  
Indianapolis, IN 46204  
(317) 233-0696  
<http://www.in.gov/legislative>

**FISCAL IMPACT STATEMENT**

**LS 7251**

**BILL NUMBER: HB 1339**

**NOTE PREPARED: Jan 13, 2013**

**BILL AMENDED:**

**SUBJECT:** Various education matters.

**FIRST AUTHOR:** Rep. Behning

**FIRST SPONSOR:**

**BILL STATUS:** As Introduced

**FUNDS AFFECTED:**     **GENERAL**  
                              **DEDICATED**  
                              **FEDERAL**

**IMPACT:** Pending

**Summary of Legislation:** Replaces references, when referring to a charter school, to the term "sponsor" with the term "authorizer". Repeals the current definition of sponsor. Provides that the department of education (department) shall keep on its Internet web site charter school page: (1) demographic and performance data required from school corporations according to each authorizer's performance framework; and (2) an annual list of all charter schools, with corresponding authorizers and the school improvement designation earned by each charter school. Provides that a virtual charter school is defined as a charter school that provides more than 90% of its instruction through virtual distance learning or online technologies. (Current law provides that a virtual charter school is a charter school that provides more than 50% of its instruction through virtual distance learning or online technologies.) Removes a requirement that the department must submit an annual report to the budget committee concerning virtual charter schools. Provides that a charter school is subject to graduation rate calculation requirements. Removes a provision that a teacher serving under a regular contract at a laboratory school who transfers to a school corporation that is a party to the agreement with the university operating the laboratory school is entitled to receive credit for the years served at the laboratory school for purposes of meeting the five year requirement for an indefinite contract. Removes a provision that a laboratory school teacher's contract with a school corporation is an indefinite contract if the teacher has served five years at a laboratory school. Provides notice procedures for the cancellation of a principal's or superintendent's contract. Provides that a principal may request a private meeting with the superintendent within five days after the principal receives notice of a contract cancellation. Provides that a superintendent may request a private meeting with the president of the governing body within five days after the principal receives notice of a contract cancellation. Provides that the superintendent or the president of the governing body shall make a written recommendation to the governing body regarding the contract cancellation. Provides that a superintendent or a principal may have a representative accompany the superintendent or principal to the

private conference. Repeals a provision that provides that a teacher contract continues in force following the date of the contract's termination, until the school corporation refuses to continue the contract, the teacher resigns, or the contract is replaced. Provides that a teacher contract entered into after August 1 is void if the teacher is bound by a previous contract to teach in a public school. (Current law provides that the contract is void after August 15.) Resolves conflict in IC 20-28-9-1, which was amended by P.L.229-2011, SEC. 175 and repealed by P.L.48-2011, SEC. 39. Provides that, beginning after June 30, 2013, a teacher who does not receive a raise or increment may file a request for a private meeting with the superintendent if the teacher received a rating of improvement necessary or ineffective. Provides that, after June 30, 2013, a local salary schedule must include the salary schedule framework under which two or more of the four permissible salary factors combine to determine increases, increments, or raises for a teacher. Provides that after June 30, 2013, a school corporation's noncompliance with the salary schedule requirements must be reported by the: (1) department; (2) state board of accounts; and (3) Indiana education employment relations board (board). Provides that the establishment of a voluntary sick day bank may be collectively bargained for. Provides that certain salary reductions are not subject to collective bargaining. Makes changes to the procedure for conducting a hearing for a teacher suspended without pay. Makes changes relating to staff performance evaluations for evaluations of principals or superintendents. Provides that a charter school, a virtual charter school, or a school that participates in the choice scholarship program may not use a staff performance evaluation based on certain models. Provides that a certified employee must receive a rating of either ineffective or improvement necessary if, after completing a remediation plan, deficiencies noted in the certificated employee's evaluation are not corrected. Provides that a model evaluation plan developed by the department after January 31, 2012, must be approved by the state board and published on the department's Internet web site. Provides that a provision relating to the appointment by an exclusive representative of a percentage of teacher positions on a district-wide or school-wide committee applies to all discussion committees. Provides that with regards to collective bargaining mediation, each party shall pay its costs of mediation to the board. Removes a provision that provides that a school employer may issue tentative individual contracts if an agreement has not been reached. Provides that the duration of the right to bring suit for an unfair practice against a school employer or school employee organization is three years. Adds a provision that allows a hearing examiner or agent of the board to assign the costs of the hearing in proportion to the liability of the parties. Provides that the factfinding process in an impasse proceeding may not exceed 30 days. Reduces the time, from five years to two years, in which a person who has served as a mediator between a school corporation and an exclusive representative may serve as a factfinder in an impasse proceeding.

**Effective Date:** July 1, 2011 (retroactive); July 1, 2013.

**Explanation of State Expenditures:** *As of the above date, the fiscal analysis of this bill has not been completed. Please contact the Office of Fiscal and Management Analysis for an update of this fiscal impact statement.*

**Explanation of State Revenues:**

**Explanation of Local Expenditures:**

**Explanation of Local Revenues:**

**State Agencies Affected:**

**Local Agencies Affected:**

**Information Sources:**

**Fiscal Analyst:** Chuck Mayfield, 317-232-4825