

HOUSE BILL No. 1180

DIGEST OF INTRODUCED BILL

Citations Affected: IC 20-19-3-29; IC 20-26; IC 20-28; IC 20-35-6-4.

Synopsis: Education matters. Requires reporting concerning students injuring teachers and training for teachers in de-escalation, prevention, and intervention strategies. Requires information concerning the following to be presented to a school corporation's governing body: (1) Responsibilities and nature of employment of the superintendent. (2) Commencement of an internal investigation. (3) Legal expenditure of more than \$1,000 in an adjudicative action. Provides that the superintendent must certify under penalties of perjury that the legal expenditure information has been given. Increases from seven to 14 days the time that must elapse after a public hearing before a school corporation may enter into a contract with the superintendent, specifies additional information that must be disclosed concerning the contract, and limits allowable compensation increases. Requires special education grade 8 through 12 case conference committees to discuss decision making skills and alternatives to appointing a guardian.

Effective: July 1, 2023.

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January 10, 2023, read first time and referred to Committee on Education.



First Regular Session of the 123rd General Assembly (2023)

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 2022 Regular Session of the General Assembly.

HOUSE BILL No. 1180

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 20-19-3-29 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2023]: **Sec. 29. The department shall establish and maintain on**
4 **the department's website a public data base of information**
5 **provided by each public school in accordance with IC 20-26-5-42**
6 **concerning employees of each public school who were physically**
7 **injured while on the job by students of the public school.**

8 SECTION 2. IC 20-26-4-3, AS AMENDED BY P.L.233-2015,
9 SECTION 93, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
10 JULY 1, 2023]: Sec. 3. (a) Regular meetings must be held by each
11 governing body at a time and place established by resolution of the
12 board or may be incorporated in the rules provided in IC 20-26-5-4. A
13 notice need not be given a member for holding or taking any action at
14 a regular meeting.

15 (b) If a meeting is held according to a procedure set forth by statute
16 or rule and if publication of notice of the meeting is required, notice of
17 the meeting is not required and need not be given a member for holding



1 or taking any action at the meeting contemplated by the notice. The
2 meeting must be held at the time and place specified in the published
3 notice.

4 (c) Special meetings of a governing body must be held on call by the
5 governing body's president or by the superintendent of the school
6 corporation. The call must be evidenced by a written notice specifying
7 the date, time, and place of the meeting, delivered to each member
8 personally or sent by mail or telegram so that each member has at least
9 seventy-two (72) hours notice of the special meeting. Special meetings
10 must be held at the regular meeting place of the board.

11 (d) All meetings of a governing body must be open to the public to
12 the extent required by IC 5-14-1.5. The governing body shall comply
13 with IC 5-14-1.5.

14 (e) If notice of a meeting is required and each member of a
15 governing body has waived notice of the meeting, as provided in this
16 subsection, notice of the meeting is not necessary. Waiver of notice of
17 a meeting by a member consists of the following:

18 (1) The member's presence at the meeting.

19 (2) The member's execution of a written notice waiving the date,
20 time, and place of the meeting, executed either before or after the
21 meeting. If a waiver specifies that the waiver was executed before
22 the meeting, third persons are entitled to rely on the statement.

23 (f) At a meeting of the governing body, a majority of the members
24 constitutes a quorum. Action may not be taken unless a quorum is
25 present. Except where a larger vote is required by statute or rule with
26 respect to any matter, a majority of the members present may adopt a
27 resolution or take any action.

28 (g) All meetings of the governing body for the conduct of business
29 must be held within the school corporation, except as follows:

30 (1) Meetings may be held at the administrative offices of the
31 school corporation if the offices are outside the geographic limits
32 of the school corporation but are within a county where all or a
33 part of the school corporation is located.

34 (2) Meetings may be held at a place where the statute or rule
35 according to which a statutory meeting is held permits meeting
36 outside the school corporation, as may occur when the meeting is
37 held jointly with another governing body.

38 (h) A governing body may hold up to two (2) training sessions each
39 year outside the school corporation. The sessions may be conducted as
40 executive sessions under IC 5-14-1.5.

41 **(i) Each year, at the first regular meeting of a governing body,**
42 **the attorney representing the governing body shall provide to the**



1 governing body, the superintendent of the school corporation, and
 2 the members of the public attending the meeting the following
 3 information:

4 (1) The powers and duties of the governing body and the
 5 superintendent, as provided by statute.

6 (2) The nature of the superintendent's employment with the
 7 governing body, including that the superintendent is
 8 employed by, and accountable to, the governing body.

9 SECTION 3. IC 20-26-5-4.3, AS ADDED BY P.L.148-2012,
 10 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 11 JULY 1, 2023]: Sec. 4.3. (a) At least ~~seven (7)~~ **fourteen (14)** days
 12 before a contract for employment is entered into by a governing body
 13 and a school superintendent, the governing body shall hold a public
 14 meeting on the proposed contract at which public comment is heard. **At**
 15 **the public meeting, the governing body must provide a written**
 16 **explanation of any compensation or other benefit, other than**
 17 **salary, that the superintendent will receive that differs from the**
 18 **compensation or benefits provided to teachers of the school**
 19 **corporation. The written explanation must also include a statement**
 20 **explaining how the compensation or benefit is in the interest of the**
 21 **public. The explanation must be included on the school**
 22 **corporation's website.** The governing body is not required to disclose
 23 the identity of the candidate for superintendent at the public meeting.

24 (b) **In addition to the public meeting described in subsection (a),**
 25 **the governing body must conduct a public meeting to discuss the**
 26 **tentative superintendent's contract at least seventy-two (72) hours**
 27 **before it is approved by the governing body. The governing body**
 28 **must take public comment relating to the terms of the tentative**
 29 **contract.**

30 ~~(b)~~ (c) Notice of the ~~meeting~~ **meetings described in subsections (a)**
 31 **and (b)** on the proposed contract shall be given in accordance with
 32 IC 5-3-1 and posted on the school corporation's ~~Internet web site:~~
 33 **website.**

34 ~~(c)~~ (d) The notice provided in subsection ~~(b)~~ (c) must:

35 (1) state that on a given day, time, and place the governing body
 36 will meet to discuss and hear objections to and support for the
 37 proposed contract; and

38 (2) set forth the details of the proposed contract, including the
 39 actual monetary value of the contract, benefits, and any additional
 40 forms of compensation for each year of the contract.

41 ~~(d)~~ (e) A governing body shall post the provisions of an employment
 42 contract that the governing body enters into with a superintendent of



1 the school corporation on the school corporation's ~~Internet web site~~.
 2 ~~website~~.

3 SECTION 4. IC 20-26-5-34.2, AS AMENDED BY P.L.92-2020,
 4 SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 5 JULY 1, 2023]: Sec. 34.2. (a) A school corporation shall provide
 6 training to the school corporation's employees and volunteers who have
 7 direct, ongoing contact with students concerning the school's bullying
 8 prevention and reporting policy adopted under IC 20-33-8-13.5.

9 (b) **The training under this section must include training on
 10 conflict:**

11 (1) **de-escalation techniques; and**

12 (2) **prevention and intervention strategies.**

13 (c) The training shall be conducted in a manner prescribed by the
 14 state board under IC 20-28-5.5-1.

15 SECTION 5. IC 20-26-5-42 IS ADDED TO THE INDIANA CODE
 16 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 17 1, 2023]: Sec. 42. (a) **This section applies to the following:**

18 (1) **A public school, including a charter school.**

19 (2) **Physical injuries that occur after June 30, 2023.**

20 (b) **Each public school shall provide to the department, in a
 21 manner prescribed by the department, information concerning an
 22 employee of the public school who was physically injured while on
 23 the job by a student of the public school if the injury:**

24 (1) **is required to be reported to the public school's worker's
 25 compensation carrier;**

26 (2) **causes the employee to miss all or part of one (1) or more
 27 work days; or**

28 (3) **is required to be reported to the public school pursuant to
 29 the public school's reporting policy.**

30 (c) **A public school may not provide information under
 31 subsection (b) that identifies the employee or the student.**

32 (d) **Nothing in this section shall be construed to prohibit a public
 33 school from providing identifying information otherwise required
 34 by law or rule.**

35 SECTION 6. IC 20-26-5-43 IS ADDED TO THE INDIANA CODE
 36 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 37 1, 2023]: Sec. 43. **If the superintendent or another employee of the
 38 school corporation initiates an internal investigation within the
 39 school corporation, the superintendent shall, within one (1)
 40 business day after the initiation of the internal investigation,
 41 inform the governing body of the internal investigation and the
 42 reason for the internal investigation. If the internal investigation**



1 **is conducted by a third party hired by the school corporation, the**
 2 **superintendent shall identify the third party and any expenses**
 3 **incurred by the school corporation to conduct the internal**
 4 **investigation.**

5 SECTION 7. IC 20-26-5-44 IS ADDED TO THE INDIANA CODE
 6 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 7 1, 2023]: **Sec. 44. If a school corporation incurs a legal expense**
 8 **pertaining to a particular adjudicative action that exceeds one**
 9 **thousand dollars (\$1,000), the superintendent shall sign an affidavit**
 10 **under the penalty of perjury that no portion of the particular legal**
 11 **expense is attributable to a matter that has not been fully disclosed**
 12 **to the governing body.**

13 SECTION 8. IC 20-28-3-5.5 IS ADDED TO THE INDIANA CODE
 14 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 15 1, 2023]: **Sec. 5.5. A teacher preparation program shall include**
 16 **content within the curriculum regarding conflict:**

- 17 **(1) de-escalation techniques; and**
 18 **(2) prevention and intervention strategies.**

19 SECTION 9. IC 20-28-3-6, AS AMENDED BY P.L.92-2020,
 20 SECTION 47, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 21 JULY 1, 2023]: **Sec. 6. (a) For purposes of this section, "teacher"**
 22 **includes the following:**

- 23 (1) A superintendent who holds a license under IC 20-28-5.
 24 (2) A principal.
 25 (3) A teacher.
 26 (4) A librarian.
 27 (5) A school counselor.
 28 (6) A school psychologist.
 29 (7) A school nurse.
 30 (8) A school social worker.

31 **(b) Beginning after June 30, 2018, Each school corporation, charter**
 32 **school, and state accredited nonpublic school:**

- 33 (1) shall require all teachers; and
 34 (2) may require any other appropriate school employees;

35 who are employed at schools that provide instruction to students in any
 36 combination of grade 5, 6, 7, 8, 9, 10, 11, or 12 to attend or participate
 37 in research based inservice youth suicide awareness and prevention
 38 training in a manner prescribed by the state board under
 39 IC 20-28-5.5-1. The training required under this subsection must be
 40 during the teacher's or school employee's contracted day or at a time
 41 chosen by the teacher or employee.

42 (c) The inservice training required under this section shall count



1 toward the requirements for professional development required by the
2 governing body.

3 (d) A school or school corporation may leverage any:

4 (1) existing or new state and federal grant funds; or

5 (2) free or reduced cost evidence based youth suicide awareness
6 and prevention training provided by any state agency or qualified
7 statewide or local organization;

8 to cover the costs of the training required under this section.

9 **(e) The training under this section must include training on
10 conflict:**

11 **(1) de-escalation techniques; and**

12 **(2) prevention and intervention strategies.**

13 SECTION 10. IC 20-28-8-6, AS AMENDED BY P.L.155-2020,
14 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
15 JULY 1, 2023]: Sec. 6. (a) A contract entered into by a governing body
16 and its superintendent is subject to the following conditions:

17 (1) If the superintendent holds a license under IC 20-28-5, the
18 basic contract must be in the form of the regular teacher's
19 contract.

20 (2) The contract may be altered or rescinded for a new one at any
21 time by mutual consent of the governing body and the
22 superintendent. The consent of both parties must be in writing and
23 must be expressed in a manner consistent with this section and
24 section 7 of this chapter.

25 (3) If the superintendent holds a license under IC 20-28-5, the
26 rights of a superintendent as a teacher under any other law are not
27 affected by the contract. However, if a right of a superintendent
28 as a teacher under any other law conflicts with the conditions
29 under subsection (b), subsection (b) governs.

30 (4) For a contract entered into or renewed after June 30, 2017, the
31 conditions set forth under subsection (b).

32 (b) This subsection applies to contracts entered into or renewed after
33 June 30, 2017. A contract entered into by a governing body and its
34 superintendent is subject to the following conditions:

35 (1) The contract must be for a term of at least one (1) year and not
36 more than three (3) years. However, a contract may be extended
37 for not more than an additional five (5) years beyond the term of
38 the original contract.

39 (2) If the contract contains a provision that establishes an amount
40 the governing body must pay to the superintendent to buy out the
41 contract, the amount may not be more than an amount equal to the
42 lesser of:



1 (A) the superintendent's salary for any one (1) year under the
2 contract; or

3 (B) two hundred fifty thousand dollars (\$250,000).

4 A superintendent's salary under clause (A) does not include
5 benefits or any other forms of compensation that the
6 superintendent receives as payment under the contract other than
7 the superintendent's salary.

8 **(c) This subsection applies to contracts entered into or renewed**
9 **after June 30, 2023. The superintendent's total compensation may**
10 **not increase from the superintendent's total compensation for the**
11 **immediately preceding year by a percentage that exceeds the**
12 **percentage increase for the average total compensation paid to a**
13 **full-time teacher for the same period.**

14 ~~(c)~~ **(d)** This subsection applies to a governing body in which at least
15 one (1) member is elected. After June 30, 2021, a governing body may
16 not enter into a contract with a superintendent under this section on or
17 after the date of the election for one (1) or more members of the
18 governing body until January 1 of the year immediately following the
19 year of the election. However, this subsection does not apply if the
20 membership of the governing body does not change as a result of the
21 particular election.

22 SECTION 11. IC 20-35-6-4 IS ADDED TO THE INDIANA CODE
23 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
24 1, 2023]: **Sec. 4. (a) This section applies to a case conference**
25 **committee for a student in grades 8 through 12.**

26 **(b) At a case conference committee meeting, the committee shall**
27 **start addressing decision making skills, which shall include a**
28 **discussion of supported decision making and other alternative**
29 **options or programs for the student in lieu of the appointment of**
30 **a guardian and whether these options are necessary. The case**
31 **conference committee shall include in the individualized education**
32 **program or a plan developed under Section 504 of the federal**
33 **Rehabilitation Act of 1973, 29 U.S.C. 794 notes relating to the**
34 **discussion of alternative options or programs.**

