

SENATE BILL No. 358

DIGEST OF INTRODUCED BILL

Citations Affected: IC 4-6-2-1.5.

Synopsis: Annual notice of teachers' rights. Provides that the attorney general is required to send by electronic mail the annual letter to teachers summarizing teachers' rights and protections under state and federal law. (Current law requires the letter to be sent by first class mail to the teachers' homes.) Charges the department of education (department) with developing a method to provide the attorney general with the names and electronic mail addresses of current teachers in Indiana. (The law currently requires the department to provide the attorney general with the teachers' residential addresses.)

Effective: July 1, 2018.

Perfect

January 4, 2018, read first time and referred to Committee on Education and Career Development.



Second Regular Session 120th General Assembly (2018)

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 2017 Regular Session of the General Assembly.

SENATE BILL No. 358

A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 4-6-2-1.5, AS AMENDED BY P.L.241-2017,
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2018]: Sec. 1.5. (a) Whenever any state governmental official
4 or employee, whether elected or appointed, is made a party to a suit,
5 and the attorney general determines that said suit has arisen out of an
6 act which such official or employee in good faith believed to be within
7 the scope of the official's or employee's duties as prescribed by statute
8 or duly adopted regulation, the attorney general shall defend such
9 person throughout such action.

10 (b) Whenever a teacher (as defined in IC 20-18-2-22) is made a
11 party to a civil suit, and the attorney general determines that the suit
12 has arisen out of an act that the teacher in good faith believed was
13 within the scope of the teacher's duties in enforcing discipline policies
14 developed under IC 20-33-8-12, the attorney general shall defend the
15 teacher throughout the action.

16 (c) Not later than July 30 of each year, the attorney general, in
17 consultation with the Indiana education employment relations board



1 established in IC 20-29-3-1, shall draft and disseminate a letter by ~~first~~
2 ~~class~~ **electronic** mail to the ~~residence~~ **electronic mail addresses** of
3 teachers providing a summary of the teacher's rights and protections
4 under state and federal law, including a teacher's rights and protections
5 relating to the teacher's performance evaluation under IC 20-28-11.5.

6 (d) The department of education, in consultation with the Indiana
7 education employment relations board, shall develop a method to
8 provide the attorney general with the names and **electronic mail**
9 addresses of active teachers in Indiana in order for the attorney general
10 to disseminate the letter described in subsection (c). Names and
11 **electronic mail** addresses collected and provided to the attorney
12 general under this subsection are confidential and excepted from public
13 disclosure as provided in IC 5-14-3-4.

14 (e) Whenever a school corporation (as defined in IC 20-26-2-4) is
15 made a party to a civil suit and the attorney general determines that the
16 suit has arisen out of an act authorized under IC 20-30-5-0.5 or
17 IC 20-30-5-4.5, the attorney general shall defend the school corporation
18 throughout the action.

19 (f) Whenever a member of the fiscal management board appointed
20 under IC 6-1.1-20.3-6.8 is made a party to a civil suit and the attorney
21 general determines that the suit has arisen out of an act by the fiscal
22 management board member that is authorized or required under
23 IC 6-1.1-20.3 or any other law, the attorney general shall defend the
24 fiscal management board member throughout the action.

25 (g) A determination by the attorney general under subsection (a),
26 (b), (e), or (f) shall not be admitted as evidence in the trial of any such
27 civil action for damages.

28 (h) Nothing in this chapter shall be construed to deprive any such
29 person of the person's right to select counsel of the person's own choice
30 at the person's own expense.

