

SAVE THE DATE!!!

71st ANNUAL ISBA/IAPSS FALL CONFERENCE

SEPTEMBER 28 – SEPTEMBER 29,
2020

UPCOMING EVENTS

12.3.2019--ISBA Legislative Action
Network Grassroots Advocacy Training—
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12.11.2019--ISBA December School Law
Seminar—[REGISTER HERE](#)

12.12.2019--“Funding for At-Risk Students
in Indiana: Issues and Recommendations”
Webinar—[REGISTER HERE](#)

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Public Hearing Requirements for Superintendent Contracts

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In 2012, the Indiana General Assembly passed a law requiring a school board to have a public meeting to discuss a proposed superintendent contract. At this public meeting, the school board is required to allow comments from the public on the terms of the superintendent contract. The statute is IC 20-26-5-4.3. While it is obvious the statute applies to contracts for new superintendents, it applies when a school board is revising a contract with the school corporation's current superintendent as such contracts would be a "new" contract "entered into" by the school board as it will contain new terms and provisions relating to fiscal issues such as salary and benefits. Provisions that do not change the monetary value of the contract as currently written would not trigger the application of this law. Below is a summary of the requirements of this law.

The board is required to have a public meeting at which public comment is heard on a proposed superintendent contract with its new or current superintendent at least 7 days before the contract is approved by the school board. (If the proposed contract is with a new superintendent, the board is not required to disclose the name of the superintendent.) The board does not have to have a special or a separate meeting for public comments on the proposed superintendent contract; it can be done during a regular meeting of the board but the notice for the public comment portion must be published in accordance with the law. Since the board must give notice of this public meeting, it would be best practice to have the public meeting at the beginning of the school board meeting.

Notice of the meeting is required to be given in accordance with I.C. 5-3-1. This law requires the notice to be published in the local newspaper at least 10 days before the meeting for public comments is to take place. This notice for the meeting must be posted on the school corporation website in addition to the newspaper publication requirement.

The notice must contain the following information:

- 1) the day, time, and place the board will meet to discuss and hear objections to and support for the proposed superintendent contract; and
- 2) set forth the details of the contract, including the actual monetary value of the contract including all benefits and any additional compensation for each year of the contract. (Rather than setting out the various fiscal terms of the contract, it may be the better practice to include the entire contract in the notice.)

Once the public comment meeting has taken place, the board may approve the contract no less than 7 days after the meeting. After the school board approves the contract, it must be posted on the school corporation's website. While the law does not address the specific location of the superintendent's contract on the website, it is best practice and in the interest of transparency to post it in a manner where it may easily be found by the public on the school corporation's website.