



Reprinted
April 20, 2011

ENGROSSED SENATE BILL No. 1

DIGEST OF SB 1 (Updated April 19, 2011 5:31 pm - DI 71)

Citations Affected: IC 11-10; IC 20-18; IC 20-19; IC 20-20;
IC 20-24; IC 20-26; IC 20-28; IC 20-31; IC 20-33; IC 20-35; noncode.

Synopsis: Teacher evaluations and licensing. Eliminates the advisory board of the division of professional standards of the department of education. Requires the department of education to revoke the license of a licensed school employee if the employee is convicted in another state or under federal statutes of an offense that is comparable to the felonies for which the employee's license would be revoked if committed in Indiana. Establishes an annual staff performance evaluation that categorizes teachers as highly effective, effective, improvement necessary, or ineffective. Specifies that a teacher rated ineffective or improvement necessary may not receive a raise or increment for the following year. Provides that a student may not be instructed two years in a row by two different teachers who have been
(Continued next page)

Effective: Upon passage; July 1, 2011.

Kruse, Yoder, Banks

(HOUSE SPONSORS — BEHNING, FRIZZELL, PORTER, RHOADS,
SULLIVAN)

January 20, 2011, read first time and referred to Committee on Education and Career Development.

February 17, 2011, amended, reported favorably — Do Pass.

February 21, 2011, read second time, ordered engrossed. Engrossed.

February 22, 2011, read third time, passed. Yeas 29, nays 20.

HOUSE ACTION

March 28, 2011, read first time and referred to Committee on Education.

April 13, 2011, amended, reported — Do Pass.

April 19, 2011, read second time, amended, ordered engrossed.

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rated as ineffective in the year preceding the student's placement in that class if avoidable. Requires notice of cancellation of a teacher's contract not earlier than May 1 and not later than July 1. Changes the process concerning how teacher contracts are canceled. Specifies that current teacher salaries cannot be reduced due to a new salary scale adopted to meet the requirements of this act. Allows school corporations to consider additional content area degrees and credit hours in salary scale. Modifies language concerning supplemental services contracts to allow administrators to select and pay summer school teachers. Provides for the department of education to develop a program to provide training and evaluations for school corporations in operational efficiency. Defines "attend" for purposes of the compulsory school attendance law. Indicates that attendance is excused only if it is in accordance with the governing body's excused absence policy. Specifies additional methods for the service of a notice of violation to a parent. Requires a superintendent or attendance officer to report a habitually absent child to the juvenile court or the department of child services. Repeals references to the advisory board and the existing staff performance evaluation provisions, and makes corresponding changes to related sections.

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Reprinted
April 20, 2011

First Regular Session 117th General Assembly (2011)

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 2010 Regular Session of the General Assembly.

ENGROSSED SENATE BILL No. 1

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 11-10-5-2, AS AMENDED BY P.L.246-2005,
2 SECTION 96, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2011]: Sec. 2. The ~~advisory board of the division of~~
4 ~~professional standards of the department of education established by~~
5 ~~IC 20-28-2-2~~ **state board of education** shall, in accord with
6 IC 20-28-4 and IC 20-28-5, adopt rules under IC 4-22-2 for the
7 licensing of teachers to be employed by the department.
8 SECTION 2. IC 11-10-5-3, AS AMENDED BY P.L.246-2005,
9 SECTION 97, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
10 JULY 1, 2011]: Sec. 3. Limited certificates valid for one (1) year may
11 be granted, upon the request of the commissioner, according to rules of
12 the ~~advisory board of the division of professional standards of the~~
13 ~~department of education established by IC 20-28-2-2.~~ **state board of**
14 **education**. Modification of these rules may be made by the ~~advisory~~
15 ~~board of the division of professional standards of the department of~~
16 ~~education established by IC 20-28-2-2~~ **state board of education** in a
17 way reasonably calculated to make available an adequate supply of

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1 qualified teachers. A limited certificate may be issued in cases where
 2 special education and qualifications warrant the waiver of part of the
 3 prerequisite professional education required for certification to teach
 4 in the public schools. The limited certificate, however, may be issued
 5 only to applicants who have graduated from an accredited college or
 6 university. Teachers of vocational education need not be graduates of
 7 an accredited college or university but shall meet requirements for
 8 conditional vocational certificates as determined by the department of
 9 education.

10 SECTION 3. IC 20-18-2-16, AS AMENDED BY P.L.2-2006,
 11 SECTION 77, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 12 JULY 1, 2011]: Sec. 16. (a) "School corporation", for purposes of this
 13 title (except IC 20-20-33, IC 20-26-1 through IC 20-26-5, IC 20-26-7,
 14 IC 20-30-8, and IC 20-43), means a public school corporation
 15 established by Indiana law. The term includes a:

- 16 (1) school city;
- 17 (2) school town;
- 18 (3) school township;
- 19 (4) consolidated school corporation;
- 20 (5) metropolitan school district;
- 21 (6) township school corporation;
- 22 (7) county school corporation;
- 23 (8) united school corporation; or
- 24 (9) community school corporation.

25 (b) "School corporation", for purposes of IC 20-26-1 through
 26 IC 20-26-5 and IC 20-26-7, has the meaning set forth in IC 20-26-2-4.

27 (c) "School corporation", for purposes of IC 20-20-33 and
 28 IC 20-30-8, includes a charter school (as defined in IC 20-24-1-4).

29 (d) "School corporation", for purposes of IC 20-43, has the meaning
 30 set forth in IC 20-43-1-23.

31 **(e) "School corporation", for purposes of IC 20-28-11.5, has the**
 32 **meaning set forth in IC 20-28-11.5-3.**

33 SECTION 4. IC 20-18-2-22, AS ADDED BY P.L.246-2005,
 34 SECTION 126, IS AMENDED TO READ AS FOLLOWS
 35 [EFFECTIVE JULY 1, 2011]: Sec. 22. (a) "Teacher" means a
 36 professional person whose position in a school corporation requires
 37 certain educational preparation and licensing **and whose primary**
 38 **responsibility is the instruction of students.**

39 (b) For purposes of IC 20-28, the term includes the following:

- 40 (1) A superintendent.
- 41 ~~(2) A supervisor.~~
- 42 ~~(3)~~ **(2)** A principal.

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- 1 ~~(4)~~ An attendance officer.
- 2 ~~(5)~~ (3) A teacher.
- 3 ~~(6)~~ (4) A librarian.

4 SECTION 5. IC 20-19-2-8, AS AMENDED BY HEA 1429-2011,
 5 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 6 JULY 1, 2011]: Sec. 8. (a) In addition to any other powers and duties
 7 prescribed by law, the state board shall adopt rules under IC 4-22-2
 8 concerning, but not limited to, the following matters:

- 9 (1) The designation and employment of the employees and
 10 consultants necessary for the department. The state board shall fix
 11 the compensation of employees of the department, subject to the
 12 approval of the budget committee and the governor under
 13 IC 4-12-2.
- 14 (2) The establishment and maintenance of standards and
 15 guidelines for media centers, libraries, instructional materials
 16 centers, or any other area or system of areas in a school where a
 17 full range of information sources, associated equipment, and
 18 services from professional media staff are accessible to the school
 19 community. With regard to library automation systems, the state
 20 board may only adopt rules that meet the standards established by
 21 the state library board for library automation systems under
 22 IC 4-23-7.1-11(b).
- 23 (3) The establishment and maintenance of standards for student
 24 personnel and guidance services.
- 25 (4) The establishment and maintenance of minimum standards for
 26 driver education programs (including classroom instruction and
 27 practice driving) and equipment. Classroom instruction standards
 28 established under this subdivision must include instruction about:
 29 (A) railroad-highway grade crossing safety; and
 30 (B) the procedure for participation in the human organ donor
 31 program;
 32 and must provide, effective July 1, 2010, that the classroom
 33 instruction may not be provided to a child less than fifteen (15)
 34 years and one hundred eighty (180) days of age.
- 35 (5) The inspection of all public schools in Indiana to determine
 36 the condition of the schools. The state board shall establish
 37 standards governing the accreditation of public schools.
 38 Observance of:
 39 (A) IC 20-31-4;
 40 (B) IC 20-28-5-2;
 41 (C) IC 20-28-6-3 through IC 20-28-6-7;
 42 ~~(D) IC 20-28-9-7 and IC 20-28-9-8;~~

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1 ~~(E) IC 20-28-11;~~ **(D) IC 20-28-11.5;** and
2 ~~(F)~~ **(E)** IC 20-31-3, IC 20-32-4, IC 20-32-5, IC 20-32-6, and
3 IC 20-32-8;

4 is a prerequisite to the accreditation of a school. Local public
5 school officials shall make the reports required of them and
6 otherwise cooperate with the state board regarding required
7 inspections. Nonpublic schools may also request the inspection
8 for classification purposes. Compliance with the building and site
9 guidelines adopted by the state board is not a prerequisite of
10 accreditation.

11 (6) The distribution of funds and revenues appropriated for the
12 support of schools in the state.

13 (7) The state board may not establish an accreditation system for
14 nonpublic schools that is less stringent than the accreditation
15 system for public schools.

16 (8) A separate system for recognizing nonpublic schools under
17 IC 20-19-2-10. Recognition of nonpublic schools under this
18 subdivision constitutes the system of regulatory standards that
19 apply to nonpublic schools that seek to qualify for the system of
20 recognition.

21 (9) The establishment and enforcement of standards and
22 guidelines concerning the safety of students participating in
23 cheerleading activities.

24 **(10) Subject to IC 20-28-2, the preparation and licensing of**
25 **teachers.**

26 (b) Before final adoption of any rule, the state board shall make a
27 finding on the estimated fiscal impact that the rule will have on school
28 corporations.

29 SECTION 6. IC 20-20-31-10, AS ADDED BY P.L.246-2005,
30 SECTION 128, IS AMENDED TO READ AS FOLLOWS
31 [EFFECTIVE JULY 1, 2011]: Sec. 10. The state board shall approve
32 an evaluation system for professional development based on
33 recommendations from the department. ~~and the advisory board of the~~
34 ~~division of professional standards established by IC 20-28-2-2.~~ The
35 department shall develop a means for measuring successful programs
36 and activities in which schools participate. The measurements must
37 include the following:

38 (1) A mechanism to identify and develop strategies to collect
39 multiple forms of data that reflect the achievement of expectations
40 for all students. The data may include the results of ISTEP
41 program tests under IC 20-31-3, IC 20-32-4, IC 20-32-5, and
42 IC 20-32-6, local tests, classroom work, and teacher and

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- administrator observations.
- (2) A procedure for using collected data to make decisions.
- (3) A method of evaluation in terms of educator's practice and student learning, including standards for effective teaching and effective professional development.

SECTION 7. IC 20-20-39 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]:

Chapter 39. Operational Efficiency Reviews

Sec. 1. Before October 1, 2011, the department shall develop a program to provide training and evaluations for school corporations in operational efficiency.

Sec. 2. The department may contract with an outside entity to provide quality training for the department, school corporations, and superintendents in the area of efficiency and cost savings.

Sec. 3. A school corporation shall submit to the department any information the department determines is necessary to:

- (1) evaluate the school corporation's current operations; and**
- (2) recommend operational efficiencies and financial savings for the school corporation.**

SECTION 8. IC 20-24-6-10, AS ADDED BY P.L.1-2005, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 10. (a) The governing body:

- (1) must grant a transfer of not more than two (2) years; and
- (2) may grant a transfer for a period in addition to the period required in subdivision (1);

to a teacher of a noncharter school in the school corporation who wishes to teach and has been accepted to teach at a nonconversion charter school.

(b) During the term of the transfer under subsection (a):

- (1) the teacher's seniority status under law continues as if the teacher were an employee of a noncharter school in the school corporation; and
- (2) the teacher's years as a charter school employee shall not be considered for purposes of permanent or semipermanent status with the school corporation under IC 20-28-6, ~~IC 20-28-7,~~ **IC 20-28-7.5**, or IC 20-28-8.

SECTION 9. IC 20-24-8-4, AS ADDED BY P.L.246-2005, SECTION 130, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 4. Except as specifically provided in this article and the statutes listed in section 5 of this chapter, the following do not apply to a charter school:

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- 1 (1) An Indiana statute applicable to a governing body or school
- 2 corporation.
- 3 (2) A rule or guideline adopted by the state board.
- 4 (3) A rule or guideline adopted by the **advisory state** board of the
- 5 **division of professional standards established by IC 20-28-2-2,**
- 6 **concerning teachers,** except for those rules that assist a teacher
- 7 in gaining or renewing a standard or advanced license.
- 8 (4) A local regulation or policy adopted by a school corporation
- 9 unless specifically incorporated in the charter.
- 10 SECTION 10. IC 20-24-8-5, AS AMENDED BY P.L.154-2009,
- 11 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 12 JULY 1, 2011]: Sec. 5. The following statutes and rules and guidelines
- 13 adopted under the following statutes apply to a charter school:
- 14 (1) IC 5-11-1-9 (required audits by the state board of accounts).
- 15 (2) IC 20-39-1-1 (unified accounting system).
- 16 (3) IC 20-35 (special education).
- 17 (4) IC 20-26-5-10 (criminal history).
- 18 (5) IC 20-26-5-6 (subject to laws requiring regulation by state
- 19 agencies).
- 20 ~~(6) IC 20-28-7-14 (void teacher contract when two (2) contracts~~
- 21 ~~are signed):~~
- 22 ~~(7) (6) IC 20-28-10-12 (nondiscrimination for teacher marital~~
- 23 ~~status).~~
- 24 ~~(8) (7) IC 20-28-10-14 (teacher freedom of association).~~
- 25 ~~(9) (8) IC 20-28-10-17 (school counselor immunity).~~
- 26 ~~(10) (9) For conversion charter schools only, IC 20-28-6,~~
- 27 ~~IC 20-28-7, IC 20-28-7.5, IC 20-28-8, IC 20-28-9, and~~
- 28 ~~IC 20-28-10.~~
- 29 ~~(11) (10) IC 20-33-2 (compulsory school attendance).~~
- 30 ~~(12) (11) IC 20-33-3 (limitations on employment of children).~~
- 31 ~~(13) (12) IC 20-33-8-19, IC 20-33-8-21, and IC 20-33-8-22~~
- 32 ~~(student due process and judicial review).~~
- 33 ~~(14) (13) IC 20-33-8-16 (firearms and deadly weapons).~~
- 34 ~~(15) (14) IC 20-34-3 (health and safety measures).~~
- 35 ~~(16) (15) IC 20-33-9 (reporting of student violations of law).~~
- 36 ~~(17) (16) IC 20-30-3-2 and IC 20-30-3-4 (patriotic~~
- 37 ~~commemorative observances).~~
- 38 ~~(18) (17) IC 20-31-3, IC 20-32-4, IC 20-32-5, IC 20-32-6,~~
- 39 ~~IC 20-32-8, or any other statute, rule, or guideline related to~~
- 40 ~~standardized testing (assessment programs, including remediation~~
- 41 ~~under the assessment programs).~~
- 42 ~~(19) (18) IC 20-33-7 (parental access to education records).~~

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1 ~~(20)~~ (19) IC 20-31 (accountability for school performance and
2 improvement).

3 ~~(21)~~ (20) IC 20-30-5-19 (personal financial responsibility
4 instruction).

5 SECTION 11. IC 20-26-5-4, AS AMENDED BY SEA 495-2011,
6 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
7 JULY 1, 2011]: Sec. 4. In carrying out the school purposes of a school
8 corporation, the governing body acting on the school corporation's
9 behalf has the following specific powers:

10 (1) In the name of the school corporation, to sue and be sued and
11 to enter into contracts in matters permitted by applicable law.
12 However, a governing body may not use funds received from the
13 state to bring or join in an action against the state, unless the
14 governing body is challenging an adverse decision by a state
15 agency, board, or commission.

16 (2) To take charge of, manage, and conduct the educational affairs
17 of the school corporation and to establish, locate, and provide the
18 necessary schools, school libraries, other libraries where
19 permitted by law, other buildings, facilities, property, and
20 equipment.

21 (3) To appropriate from the school corporation's general fund an
22 amount, not to exceed the greater of three thousand dollars
23 (\$3,000) per budget year or one dollar (\$1) per pupil, not to
24 exceed twelve thousand five hundred dollars (\$12,500), based on
25 the school corporation's previous year's ADM, to promote the best
26 interests of the school corporation through:

27 (A) the purchase of meals, decorations, memorabilia, or
28 awards;

29 (B) provision for expenses incurred in interviewing job
30 applicants; or

31 (C) developing relations with other governmental units.

32 (4) To:

33 (A) Acquire, construct, erect, maintain, hold, and contract for
34 construction, erection, or maintenance of real estate, real estate
35 improvements, or an interest in real estate or real estate
36 improvements, as the governing body considers necessary for
37 school purposes, including buildings, parts of buildings,
38 additions to buildings, rooms, gymnasiums, auditoriums,
39 playgrounds, playing and athletic fields, facilities for physical
40 training, buildings for administrative, office, warehouse, repair
41 activities, or housing school owned buses, landscaping, walks,
42 drives, parking areas, roadways, easements and facilities for

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1 power, sewer, water, roadway, access, storm and surface
 2 water, drinking water, gas, electricity, other utilities and
 3 similar purposes, by purchase, either outright for cash (or
 4 under conditional sales or purchase money contracts providing
 5 for a retention of a security interest by the seller until payment
 6 is made or by notes where the contract, security retention, or
 7 note is permitted by applicable law), by exchange, by gift, by
 8 devise, by eminent domain, by lease with or without option to
 9 purchase, or by lease under IC 20-47-2, IC 20-47-3, or
 10 IC 20-47-5.

11 (B) Repair, remodel, remove, or demolish, or to contract for
 12 the repair, remodeling, removal, or demolition of the real
 13 estate, real estate improvements, or interest in the real estate
 14 or real estate improvements, as the governing body considers
 15 necessary for school purposes.

16 (C) Provide for conservation measures through utility
 17 efficiency programs or under a guaranteed savings contract as
 18 described in IC 36-1-12.5.

19 (5) To acquire personal property or an interest in personal
 20 property as the governing body considers necessary for school
 21 purposes, including buses, motor vehicles, equipment, apparatus,
 22 appliances, books, furniture, and supplies, either by cash purchase
 23 or under conditional sales or purchase money contracts providing
 24 for a security interest by the seller until payment is made or by
 25 notes where the contract, security, retention, or note is permitted
 26 by applicable law, by gift, by devise, by loan, or by lease with or
 27 without option to purchase and to repair, remodel, remove,
 28 relocate, and demolish the personal property. All purchases and
 29 contracts specified under the powers authorized under subdivision
 30 (4) and this subdivision are subject solely to applicable law
 31 relating to purchases and contracting by municipal corporations
 32 in general and to the supervisory control of state agencies as
 33 provided in section 6 of this chapter.

34 (6) To sell or exchange real or personal property or interest in real
 35 or personal property that, in the opinion of the governing body, is
 36 not necessary for school purposes, in accordance with IC 20-26-7,
 37 to demolish or otherwise dispose of the property if, in the opinion
 38 of the governing body, the property is not necessary for school
 39 purposes and is worthless, and to pay the expenses for the
 40 demolition or disposition.

41 (7) To lease any school property for a rental that the governing
 42 body considers reasonable or to permit the free use of school

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property for:

- (A) civic or public purposes; or
- (B) the operation of a school age child care program for children who are at least five (5) years of age and less than fifteen (15) years of age that operates before or after the school day, or both, and during periods when school is not in session; if the property is not needed for school purposes. Under this subdivision, the governing body may enter into a long term lease with a nonprofit corporation, community service organization, or other governmental entity, if the corporation, organization, or other governmental entity will use the property to be leased for civic or public purposes or for a school age child care program. However, if payment for the property subject to a long term lease is made from money in the school corporation's debt service fund, all proceeds from the long term lease must be deposited in the school corporation's debt service fund so long as payment for the property has not been made. The governing body may, at the governing body's option, use the procedure specified in IC 36-1-11-10 in leasing property under this subdivision.

(8) To:

- (A) Employ, contract for, and discharge superintendents, supervisors, principals, teachers, librarians, athletic coaches (whether or not they are otherwise employed by the school corporation and whether or not they are licensed under IC 20-28-5), business managers, superintendents of buildings and grounds, janitors, engineers, architects, physicians, dentists, nurses, accountants, teacher aides performing noninstructional duties, educational and other professional consultants, data processing and computer service for school purposes, including the making of schedules, the keeping and analyzing of grades and other student data, the keeping and preparing of warrants, payroll, and similar data where approved by the state board of accounts as provided below, and other personnel or services as the governing body considers necessary for school purposes.
- (B) Fix and pay the salaries and compensation of persons and services described in this subdivision **that are consistent with IC 20-28-9-1.**
- (C) Classify persons or services described in this subdivision and to adopt schedules of salaries or compensation **that are consistent with IC 20-28-9-1.**
- (D) Determine the number of the persons or the amount of the

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services employed or contracted for as provided in this subdivision.

(E) Determine the nature and extent of the duties of the persons described in this subdivision.

The compensation, terms of employment, and discharge of teachers are, however, subject to and governed by the laws relating to employment, contracting, compensation, and discharge of teachers. The compensation, terms of employment, and discharge of bus drivers are subject to and governed by laws relating to employment, contracting, compensation, and discharge of bus drivers. The forms and procedures relating to the use of computer and data processing equipment in handling the financial affairs of the school corporation must be submitted to the state board of accounts for approval so that the services are used by the school corporation when the governing body determines that it is in the best interest of the school corporation while at the same time providing reasonable accountability for the funds expended.

(9) Notwithstanding the appropriation limitation in subdivision (3), when the governing body by resolution considers a trip by an employee of the school corporation or by a member of the governing body to be in the interest of the school corporation, including attending meetings, conferences, or examining equipment, buildings, and installation in other areas, to permit the employee to be absent in connection with the trip without any loss in pay and to reimburse the employee or the member the employee's or member's reasonable lodging and meal expenses and necessary transportation expenses. To pay teaching personnel for time spent in sponsoring and working with school related trips or activities.

(10) To transport children to and from school, when in the opinion of the governing body the transportation is necessary, including considerations for the safety of the children and without regard to the distance the children live from the school. The transportation must be otherwise in accordance with applicable law.

(11) To provide a lunch program for a part or all of the students attending the schools of the school corporation, including the establishment of kitchens, kitchen facilities, kitchen equipment, lunch rooms, the hiring of the necessary personnel to operate the lunch program, and the purchase of material and supplies for the lunch program, charging students for the operational costs of the lunch program, fixing the price per meal or per food item. To

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1 operate the lunch program as an extracurricular activity, subject
 2 to the supervision of the governing body. To participate in a
 3 surplus commodity or lunch aid program.
 4 (12) To purchase textbooks, to furnish textbooks without cost or
 5 to rent textbooks to students, to participate in a textbook aid
 6 program, all in accordance with applicable law.
 7 (13) To accept students transferred from other school corporations
 8 and to transfer students to other school corporations in accordance
 9 with applicable law.
 10 (14) To make budgets, to appropriate funds, and to disburse the
 11 money of the school corporation in accordance with applicable
 12 law. To borrow money against current tax collections and
 13 otherwise to borrow money, in accordance with IC 20-48-1.
 14 (15) To purchase insurance or to establish and maintain a
 15 program of self-insurance relating to the liability of the school
 16 corporation or the school corporation's employees in connection
 17 with motor vehicles or property and for additional coverage to the
 18 extent permitted and in accordance with IC 34-13-3-20. To
 19 purchase additional insurance or to establish and maintain a
 20 program of self-insurance protecting the school corporation and
 21 members of the governing body, employees, contractors, or agents
 22 of the school corporation from liability, risk, accident, or loss
 23 related to school property, school contract, school or school
 24 related activity, including the purchase of insurance or the
 25 establishment and maintenance of a self-insurance program
 26 protecting persons described in this subdivision against false
 27 imprisonment, false arrest, libel, or slander for acts committed in
 28 the course of the persons' employment, protecting the school
 29 corporation for fire and extended coverage and other casualty
 30 risks to the extent of replacement cost, loss of use, and other
 31 insurable risks relating to property owned, leased, or held by the
 32 school corporation. To:
 33 (A) participate in a state employee health plan under
 34 IC 5-10-8-6.6 or IC 5-10-8-6.7;
 35 (B) purchase insurance; or
 36 (C) establish and maintain a program of self-insurance;
 37 to benefit school corporation employees, including accident,
 38 sickness, health, or dental coverage, provided that a plan of
 39 self-insurance must include an aggregate stop-loss provision.
 40 (16) To make all applications, to enter into all contracts, and to
 41 sign all documents necessary for the receipt of aid, money, or
 42 property from the state, the federal government, or from any other

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(17) To defend a member of the governing body or any employee of the school corporation in any suit arising out of the performance of the member's or employee's duties for or employment with, the school corporation, if the governing body by resolution determined that the action was taken in good faith. To save any member or employee harmless from any liability, cost, or damage in connection with the performance, including the payment of legal fees, except where the liability, cost, or damage is predicated on or arises out of the bad faith of the member or employee, or is a claim or judgment based on the member's or employee's malfeasance in office or employment.

(18) To prepare, make, enforce, amend, or repeal rules, regulations, and procedures:

- (A) for the government and management of the schools, property, facilities, and activities of the school corporation, the school corporation's agents, employees, and pupils and for the operation of the governing body; and
- (B) that may be designated by an appropriate title such as "policy handbook", "bylaws", or "rules and regulations".

(19) To ratify and approve any action taken by a member of the governing body, an officer of the governing body, or an employee of the school corporation after the action is taken, if the action could have been approved in advance, and in connection with the action to pay the expense or compensation permitted under IC 20-26-1 through IC 20-26-5, IC 20-26-7, IC 20-40-12, and IC 20-48-1 or any other law.

(20) To exercise any other power and make any expenditure in carrying out the governing body's general powers and purposes provided in this chapter or in carrying out the powers delineated in this section which is reasonable from a business or educational standpoint in carrying out school purposes of the school corporation, including the acquisition of property or the employment or contracting for services, even though the power or expenditure is not specifically set out in this chapter. The specific powers set out in this section do not limit the general grant of powers provided in this chapter except where a limitation is set out in IC 20-26-1 through IC 20-26-5, IC 20-26-7, IC 20-40-12, and IC 20-48-1 by specific language or by reference to other law.

SECTION 12. IC 20-26-5-4.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: **Sec. 4.5. (a) The superintendent is**

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1 responsible for selecting and discharging principals, central office
2 administrators, business managers, superintendents of building
3 and grounds, janitors, physicians, dentists, nurses, athletic coaches
4 (whether or not they are otherwise employed by the school
5 corporation and whether or not they are licensed under
6 IC 20-28-5), and any other employees necessary to the operation of
7 the school corporation, subject to the approval of the governing
8 body.

9 (b) Subject to IC 20-28-7.5, the superintendent and principal are
10 responsible for selecting and discharging teachers, teachers aides,
11 assistant principals, building administrative staff, librarians, and
12 any other employees necessary to the operation of the school,
13 subject to the approval of the governing body.

14 SECTION 13. IC 20-28-2-6, AS AMENDED BY P.L.30-2010,
15 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
16 JULY 1, 2011]: Sec. 6. (a) Subject to subsection (c) and in addition to
17 the powers and duties set forth in IC 20-20-22 or this article, the
18 **advisory state** board may adopt rules under IC 4-22-2 to do the
19 following:

- 20 (1) Set standards for teacher licensing and for the administration
21 of a professional licensing and certification process by the
22 department.
- 23 (2) Approve or disapprove teacher preparation programs.
- 24 (3) Set fees to be charged in connection with teacher licensing.
- 25 (4) Suspend, revoke, or reinstate teacher licenses.
- 26 (5) Enter into agreements with other states to acquire reciprocal
27 approval of teacher preparation programs.
- 28 (6) Set standards for teacher licensing concerning new subjects of
29 study.
- 30 (7) Evaluate work experience and military service concerning
31 postsecondary education and experience equivalency.
- 32 (8) Perform any other action that:
 - 33 (A) relates to the improvement of instruction in the public
34 schools through teacher education and professional
35 development through continuing education; and
 - 36 (B) attracts qualified candidates for teacher education from
37 among the high school graduates of Indiana.
- 38 (9) Set standards for endorsement of school psychologists as
39 independent practice school psychologists under IC 20-28-12.
- 40 (10) Before July 1, 2011, set standards for sign language
41 interpreters who provide services to children with disabilities in
42 an educational setting and an enforcement mechanism for the

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interpreter standards.
(b) Notwithstanding subsection (a)(1), an individual is entitled to one (1) year of occupational experience for purposes of obtaining an occupational specialist certificate under this article for each year the individual holds a license under IC 25-8-6.

~~(c) Before publishing notice of the intent to adopt a rule under IC 4-22-2, the advisory board must submit the proposed rule to the state superintendent for approval. If the state superintendent approves the rule, the advisory board may publish notice of the intent to adopt the rule. If the state superintendent does not approve the rule, the advisory board may not publish notice of the intent to adopt the rule.~~

~~(d) (c) The advisory state board may adopt rules under IC 4-22-2, including emergency rules under IC 4-22-2-37.1, to establish procedures to expedite the issuance, renewal, or reinstatement under this article of a license or certificate of a person whose spouse serves on active duty (as defined in IC 25-1-12-2) and is assigned to a duty station in Indiana. Before publishing notice of the intent to adopt a permanent rule under IC 4-22-2, the advisory board must comply with subsection (c).~~

SECTION 14. IC 20-28-2-8, AS ADDED BY P.L.246-2005, SECTION 144, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 8. (a) The department may, subject to approval by the budget agency, do the following to administer the responsibilities of the department ~~described in section 2 of~~ **under** this chapter:

- (1) Establish advisory committees the department determines necessary.
- (2) Expend funds made available to the department according to policies established by the budget agency.

(b) The department shall comply with the requirements for submitting a budget request to the budget agency as set forth in IC 4-12-1, for funds to administer the responsibilities of the department described in section 1 of this chapter.

SECTION 15. IC 20-28-4-4, AS AMENDED BY P.L.2-2007, SECTION 215, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 4. ~~Each accredited teacher education school and department in Indiana shall~~ **An entity approved by the department may** establish a course of study that ~~constitutes the postsecondary education component of the program. The postsecondary education component required~~ **meets the requirements of this section. A program approved** under this section must comply with the following requirements:

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1 (1) Include the following study requirements:

2 (A) For a program participant who seeks to obtain a license to
3 teach in grades ~~6~~ 5 through 12, up to eighteen (18) credit hours
4 of study or the equivalent that:

5 (i) prepare a program participant to meet Indiana standards
6 for teaching in the subject areas corresponding to the area in
7 which the program participant has met the education
8 requirements under section 5 of this chapter, unless the
9 program participant demonstrates that the program
10 participant requires fewer credit hours of study to meet
11 Indiana standards for teaching; **and**

12 **(ii) provides the program participants with instruction in**
13 **scientifically based reading instruction.**

14 (B) For a program participant who seeks to obtain a license to
15 teach in kindergarten through grade ~~5~~; 6, twenty-four (24)
16 credit hours of study or the equivalent, which must include at
17 least six (6) credit hours in teaching **scientifically based**
18 **reading instruction**, that prepare a program participant to
19 meet Indiana standards for teaching, unless the program
20 participant demonstrates that the program participant requires
21 fewer credit hours of study to meet Indiana standards for
22 teaching.

23 (2) Focus on ~~the communication of knowledge to students:~~
24 **student mastery of standards established by the state.**

25 (3) Include suitable field or classroom experiences if the program
26 participant does not have teaching experience.

27 SECTION 16. IC 20-28-4-5, AS AMENDED BY P.L.2-2007,
28 SECTION 216, IS AMENDED TO READ AS FOLLOWS
29 [EFFECTIVE JULY 1, 2011]: Sec. 5. An individual who wishes to
30 participate in the program must have one (1) of the following
31 qualifications:

32 (1) For a program participant who seeks to obtain a license to
33 teach in grades ~~6~~ 5 through 12, one (1) of the following:

34 (A) A bachelor's degree or the equivalent with a grade point
35 average of at least three (3.0) on a four (4.0) point scale from
36 an accredited postsecondary educational institution in the
37 subject area that the individual intends to teach.

38 (B) A graduate degree from an accredited postsecondary
39 educational institution in the subject area **or a related field**
40 that the individual intends to teach.

41 (C) Both:

42 (i) a bachelor's degree from an accredited postsecondary

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1 educational institution with a grade point average of at least
2 two and five-tenths (2.5) on a four (4.0) point scale; and
3 (ii) five (5) years professional experience;
4 in the subject **or a related** area that the individual intends to
5 teach.

6 (2) For a program participant who seeks to obtain a license to
7 teach in kindergarten through grade ~~5~~, **6**, one (1) of the following:

8 (A) A bachelor's degree or the equivalent with a grade point
9 average of at least three (3.0) on a four (4.0) point scale from
10 an accredited institution of higher education.

11 (B) Both:

12 (i) a bachelor's degree from an accredited postsecondary
13 educational institution with a grade point average of at least
14 two and five-tenths (2.5) on a four (4.0) point scale; and

15 (ii) five (5) years professional experience in an education
16 related field, **as determined by the department.**

17 SECTION 17. IC 20-28-4-6, AS AMENDED BY P.L.2-2007,
18 SECTION 217, IS AMENDED TO READ AS FOLLOWS
19 [EFFECTIVE JULY 1, 2011]: Sec. 6. The department shall grant an
20 initial ~~standard~~ **practitioner** license to a program participant who does
21 the following:

22 (1) Successfully completes the ~~postsecondary education~~
23 ~~component~~ **requirements** of the program.

24 (2) Demonstrates proficiency through a written examination in:

25 (A) basic reading, writing, and mathematics;

26 (B) pedagogy; and

27 (C) knowledge of the areas in which the program participant
28 is required to have a license to teach;

29 under IC 20-28-5-12(b).

30 (3) Participates successfully in a beginning teacher ~~internship~~
31 **residency** program ~~under IC 20-6.1-8 (repeated)~~ that includes
32 implementation in a classroom of the teaching skills learned in the
33 ~~postsecondary education component of the program.~~

34 (4) Receives a successful assessment of teaching skills upon
35 completion of the beginning teacher ~~internship~~ **residency**
36 program under subdivision (3) from the administrator of the
37 school where the beginning teacher ~~internship~~ **residency** program
38 takes place, or, if the program participant does not receive a
39 successful assessment, continues participating in the beginning
40 teacher ~~internship~~ **residency** program.

41 SECTION 18. IC 20-28-4-7, AS ADDED BY P.L.246-2005,
42 SECTION 153, IS AMENDED TO READ AS FOLLOWS

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1 [EFFECTIVE JULY 1, 2011]: Sec. 7. This section applies to a program
 2 participant who has a degree **or related experience** described in
 3 section 5 of this chapter that does not include all the content areas of
 4 a **standard proficient practitioner** license issued by the department.
 5 The department shall issue an initial **standard practitioner** license that
 6 is restricted to only the content areas in which the program participant
 7 has a degree unless the program participant demonstrates sufficient
 8 knowledge in other content areas of the license.

9 SECTION 19. IC 20-28-4-9, AS ADDED BY P.L.1-2005,
 10 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 11 JULY 1, 2011]: Sec. 9. After receiving an initial **standard practitioner**
 12 license under section 6 or 7 of this chapter, a program participant who
 13 seeks to renew the participant's initial **standard practitioner** license
 14 must meet the same requirements **for license renewal** as other
 15 candidates for license renewal.

16 SECTION 20. IC 20-28-4-10, AS ADDED BY P.L.246-2005,
 17 SECTION 154, IS AMENDED TO READ AS FOLLOWS
 18 [EFFECTIVE JULY 1, 2011]: Sec. 10. (a) The ~~advisory state~~ board
 19 may adopt rules under IC 4-22-2 to administer this chapter.

20 (b) Rules adopted under this section must include a requirement that
 21 ~~accredited teacher education schools and departments in Indiana~~
 22 **entities approved to offer the program** submit an annual report to the
 23 department of the number of individuals who:

- 24 (1) enroll in; and
 25 (2) complete;

26 the program.

27 SECTION 21. IC 20-28-4-11, AS AMENDED BY P.L.121-2009,
 28 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 29 JULY 1, 2011]: Sec. 11. (a) This section applies only to:

- 30 (1) a school corporation; or
 31 (2) a subject area;

32 that is designated by the state board as having an insufficient supply of
 33 licensed teachers.

34 (b) The governing body of a school corporation or the appointing
 35 authority of an accredited nonpublic school may employ a program
 36 participant if the program participant is hired to teach in a subject area
 37 or a school corporation to which this section applies.

38 (c) Before employing a program participant under subsection (b),
 39 the superintendent of the school corporation must make a
 40 determination that one (1) of the following conditions exists:

- 41 (1) There is no fully certified and highly ~~qualified~~ **effective**
 42 teacher available for the position.

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- 1 (2) The program participant is the best qualified candidate for the
- 2 position.
- 3 (d) A program participant who is employed under this section is
- 4 eligible to receive a transition to teaching permit. The transition to
- 5 teaching permit is valid for three (3) years, and may not be renewed.
- 6 (e) A program participant who is employed under this section:
- 7 (1) shall enter into either:
- 8 (A) a regular teacher's contract under IC 20-28-6-5; or
- 9 (B) a temporary teacher's contract under IC 20-28-6-6, if
- 10 replacing a teacher on a leave of absence;
- 11 (2) is eligible to participate in a mentor teacher program; and
- 12 (3) satisfies the field or classroom experience component of the
- 13 program under section 4(3) of this chapter.
- 14 (f) The state board:
- 15 (1) shall review; and
- 16 (2) may renew;
- 17 the designation of a school corporation or a subject area as having an
- 18 insufficient supply of licensed teachers not more than two (2) years
- 19 following the initial designation under subsection (a).
- 20 SECTION 22. IC 20-28-5-2, AS ADDED BY P.L.246-2005,
- 21 SECTION 156, IS AMENDED TO READ AS FOLLOWS
- 22 [EFFECTIVE JULY 1, 2011]: Sec. 2. The ~~advisory~~ state board may
- 23 adopt rules for:
- 24 (1) the issuance of a substitute teacher's license; and
- 25 (2) the employment of substitute teacher licensees.
- 26 An individual may not serve as a substitute teacher without a license
- 27 issued by the department.
- 28 SECTION 23. IC 20-28-5-3, AS AMENDED BY P.L.75-2008,
- 29 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 30 JULY 1, 2011]: Sec. 3. (a) The department shall designate
- 31 ~~(1) the grade point average required for each type of license. and~~
- 32 ~~(2) the types of licenses to which the teachers' minimum salary~~
- 33 ~~laws apply; including nonrenewable one (1) year limited licenses.~~
- 34 (b) The department shall determine details of licensing not provided
- 35 in this chapter, including requirements regarding the following:
- 36 (1) The conversion of one (1) type of license into another.
- 37 (2) The accreditation of teacher education schools and
- 38 departments.
- 39 (3) The exchange and renewal of licenses.
- 40 (4) The endorsement of another state's license.
- 41 (5) The acceptance of credentials from teacher education
- 42 institutions of another state.

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- 1 (6) The academic and professional preparation for each type of
- 2 license.
- 3 (7) The granting of permission to teach a high school subject area
- 4 related to the subject area for which the teacher holds a license.
- 5 (8) The issuance of licenses on credentials.
- 6 (9) The type of license required for each school position.
- 7 (10) The size requirements for an elementary school requiring a
- 8 licensed principal.
- 9 (11) Any other related matters.

10 The department shall establish at least one (1) system for renewing a
 11 teaching license that does not require a graduate degree.

12 (c) This subsection does not apply to an applicant for a substitute
 13 teacher license. After June 30, 2007, the department may not issue an
 14 initial **teaching practitioner** license at any grade level to an applicant
 15 for an initial **teaching practitioner** license unless the applicant shows
 16 evidence that the applicant:

- 17 (1) has successfully completed training approved by the
- 18 department in:
 - 19 (A) cardiopulmonary resuscitation that includes a test
 - 20 demonstration on a mannequin;
 - 21 (B) removing a foreign body causing an obstruction in an
 - 22 airway; and
 - 23 (C) the Heimlich maneuver;
- 24 (2) holds a valid certification in each of the procedures described
- 25 in subdivision (1) issued by:
 - 26 (A) the American Red Cross;
 - 27 (B) the American Heart Association; or
 - 28 (C) a comparable organization or institution approved by the
 - 29 advisory board; or
- 30 (3) has physical limitations that make it impracticable for the
- 31 applicant to complete a course or certification described in
- 32 subdivision (1) or (2).

33 (d) The department shall periodically publish bulletins regarding:
 34 (1) the details described in subsection (b);
 35 (2) information on the types of licenses issued;
 36 (3) the rules governing the issuance of each type of license; and
 37 (4) other similar matters.

38 SECTION 24. IC 20-28-5-8, AS AMENDED BY P.L.121-2009,
 39 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 40 JULY 1, 2011]: Sec. 8. (a) This section applies when a prosecuting
 41 attorney knows that a licensed employee of a public school or a
 42 nonpublic school has been convicted of an offense listed in subsection

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- 1 (c). The prosecuting attorney shall immediately give written notice of
- 2 the conviction to the following:
- 3 (1) The state superintendent.
- 4 (2) Except as provided in subdivision (3), the superintendent of
- 5 the school corporation that employs the licensed employee or the
- 6 equivalent authority if a nonpublic school employs the licensed
- 7 employee.
- 8 (3) The presiding officer of the governing body of the school
- 9 corporation that employs the licensed employee, if the convicted
- 10 licensed employee is the superintendent of the school corporation.
- 11 (b) The superintendent of a school corporation, presiding officer of
- 12 the governing body, or equivalent authority for a nonpublic school shall
- 13 immediately notify the state superintendent when the individual knows
- 14 that a current or former licensed employee of the public school or
- 15 nonpublic school has been convicted of an offense listed in subsection
- 16 (c), or when the governing body or equivalent authority for a nonpublic
- 17 school takes any final action in relation to an employee who engaged
- 18 in any offense listed in subsection (c).
- 19 (c) The department, after holding a hearing on the matter, shall
- 20 permanently revoke the license of a person who is known by the
- 21 department to have been convicted of any of the following felonies:
- 22 (1) Kidnapping (IC 35-42-3-2), if the victim is less than eighteen
- 23 (18) years of age.
- 24 (2) Criminal confinement (IC 35-42-3-3), if the victim is less than
- 25 eighteen (18) years of age.
- 26 (3) Rape (IC 35-42-4-1), if the victim is less than eighteen (18)
- 27 years of age.
- 28 (4) Criminal deviate conduct (IC 35-42-4-2), if the victim is less
- 29 than eighteen (18) years of age.
- 30 (5) Child molesting (IC 35-42-4-3).
- 31 (6) Child exploitation (IC 35-42-4-4(b)).
- 32 (7) Vicarious sexual gratification (IC 35-42-4-5).
- 33 (8) Child solicitation (IC 35-42-4-6).
- 34 (9) Child seduction (IC 35-42-4-7).
- 35 (10) Sexual misconduct with a minor (IC 35-42-4-9).
- 36 (11) Incest (IC 35-46-1-3), if the victim is less than eighteen (18)
- 37 years of age.
- 38 (12) Dealing in or manufacturing cocaine or a narcotic drug
- 39 (IC 35-48-4-1).
- 40 (13) Dealing in methamphetamine (IC 35-48-4-1.1).
- 41 (14) Dealing in a schedule I, II, or III controlled substance
- 42 (IC 35-48-4-2).

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- 1 (15) Dealing in a schedule IV controlled substance
- 2 (IC 35-48-4-3).
- 3 (16) Dealing in a schedule V controlled substance (IC 35-48-4-4).
- 4 (17) Dealing in a counterfeit substance (IC 35-48-4-5).
- 5 (18) Dealing in marijuana, hash oil, or hashish
- 6 (IC 35-48-4-10(b)).
- 7 (19) Possession of child pornography (IC 35-42-4-4(c)).

8 **(20) Homicide (IC 35-42-1).**
 9 **(d) The department, after holding a hearing on the matter, shall**
 10 **permanently revoke the license of a person who is known by the**
 11 **department to have been convicted of a federal offense or an**
 12 **offense in another state that is comparable to a felony listed in**
 13 **subsection (c).**

14 ~~(d)~~ **(e)** A license may be suspended by the state superintendent as
 15 specified in ~~IC 20-28-7-7~~. **IC 20-28-7.5.**

16 ~~(e)~~ **(f)** The department shall develop a data base of information on
 17 school corporation employees who have been reported to the
 18 department under this section.

19 SECTION 25. IC 20-28-5-12, AS ADDED BY P.L.246-2005,
 20 SECTION 163, IS AMENDED TO READ AS FOLLOWS
 21 [EFFECTIVE JULY 1, 2011]: Sec. 12. (a) Subsection (b) does not
 22 apply to an individual who held an Indiana limited, reciprocal, or
 23 standard teaching license on June 30, 1985.

24 (b) The department may not grant an initial ~~standard~~ **practitioner**
 25 license to an individual unless the individual has demonstrated
 26 proficiency in the following areas on a written examination or through
 27 other procedures prescribed by the department:

- 28 (1) Basic reading, writing, and mathematics.
- 29 (2) Pedagogy.
- 30 (3) Knowledge of the areas in which the individual is required to
- 31 have a license to teach.
- 32 (4) If the individual is seeking to be licensed as an elementary
- 33 school teacher, comprehensive **scientifically based** reading
- 34 instruction skills, including:
 - 35 (A) phonemic awareness; ~~and~~
 - 36 (B) phonics instruction;
 - 37 **(C) fluency;**
 - 38 **(D) vocabulary; and**
 - 39 **(E) comprehension.**

40 (c) An individual's license examination score may not be disclosed
 41 by the department without the individual's consent unless specifically
 42 required by state or federal statute or court order.

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1 (d) The ~~advisory~~ **state** board shall adopt rules under IC 4-22-2 to do
2 the following:

- 3 (1) Adopt, validate, and implement the examination or other
4 procedures required by subsection (b).
5 (2) Establish examination scores indicating proficiency.
6 (3) Otherwise carry out the purposes of this section.

7 (e) The **state** board shall adopt rules under IC 4-22-2 establishing
8 the conditions under which the requirements of this section may be
9 waived for an individual holding a valid teacher's license issued by
10 another state.

11 SECTION 26. IC 20-28-5-13, AS ADDED BY P.L.1-2005,
12 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
13 JULY 1, 2011]: Sec. 13. (a) This section applies to an examination
14 required for teacher licensure under this chapter.

15 (b) If an individual does not demonstrate the level of proficiency
16 required to receive a license on all or a part of an examination, the
17 examination's scorer must provide the individual with the individual's
18 test scores. ~~including subscores for each area tested.~~

19 SECTION 27. IC 20-28-5-14, AS ADDED BY P.L.246-2005,
20 SECTION 164, IS AMENDED TO READ AS FOLLOWS
21 [EFFECTIVE JULY 1, 2011]: Sec. 14. If the department is notified by
22 the department of state revenue that an individual is on the most recent
23 tax warrant list, the department may not grant ~~an initial standard~~ a
24 license to the individual until:

- 25 (1) the individual provides the department with a statement from
26 the department of state revenue indicating that the individual's
27 delinquent tax liability has been satisfied; or
28 (2) the department receives a notice from the commissioner of the
29 department of state revenue under IC 6-8.1-8-2(k).

30 SECTION 28. IC 20-28-6-7, AS ADDED BY P.L.1-2005,
31 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
32 JULY 1, 2011]: Sec. 7. (a) As used in this section, "teacher" includes
33 an individual who:

- 34 (1) holds a substitute teacher's license; and
35 (2) provides instruction in a joint summer school program under
36 IC 20-30-7-5.

37 (b) The supplemental service teacher's contract shall be used when
38 a teacher provides professional service in evening school or summer
39 school employment, except when a teacher or other individual is
40 employed to supervise or conduct noncredit courses or activities.

41 (c) If a teacher serves more than one hundred twenty (120) days on
42 a supplemental service teacher's contract in a school year, the following

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1 apply:

- 2 (1) Sections 1, 2, 3, and 8 of this chapter.
 3 (2) IC 20-28-10-1 through ~~IC 20-28-10-2~~: **IC 20-28-10-5**.
 4 (3) ~~IC 20-28-7-3~~ through ~~IC 20-28-7-5~~.
 5 (4) ~~IC 20-28-7-7~~ through ~~IC 20-28-7-12~~.
 6 (5) ~~IC 20-28-7-14~~.
 7 (6) ~~IC 20-28-10-1~~ through ~~IC 20-28-10-5~~.

8 (d) The salary of a teacher on a supplemental service contract ~~must~~
 9 equal the salary of a teacher on the regular salary schedule of the
 10 school corporation where the teacher will serve. Part-time service on
 11 the supplemental service contract is computed on the basis of six (6)
 12 hours as a full day of service. **shall be determined by the**
 13 **superintendent. The superintendent may, but is not required to,**
 14 **base the salary on the regular salary schedule for the school**
 15 **corporation.**

16 SECTION 29. IC 20-28-6-7.5 IS ADDED TO THE INDIANA
 17 CODE AS A NEW SECTION TO READ AS FOLLOWS
 18 [EFFECTIVE JULY 1, 2011]: **Sec. 7.5. (a) A teacher who is subject**
 19 **to section 8 of this chapter is not subject to this section.**

20 (b) After June 30, 2011, a teacher who:

- 21 (1) serves under contract as a teacher in a public school
 22 corporation;
 23 (2) has not received a rating in an evaluation under
 24 IC 20-28-11.5 or receives a rating of ineffective in an
 25 evaluation under IC 20-28-11.5;
 26 (3) has not at any time before July 1, 2012, entered into a
 27 teaching contract for further service with the school
 28 corporation; and
 29 (4) has not received three (3) ratings in a five (5) year period
 30 of effective or highly effective in an evaluation under
 31 IC 20-28-11.5;

32 shall be considered a probationary teacher.

33 (c) After June 30, 2011, a teacher who receives a rating of:

- 34 (1) effective;
 35 (2) highly effective; or
 36 (3) a combination of both subdivisions (1) and (2);
 37 in an evaluation under IC 20-28-11.5 for at least three (3) years in
 38 a five (5) year or shorter period becomes a professional teacher by
 39 entering into a contract described in section 2 of this chapter.

40 (d) A professional teacher who receives a rating of ineffective in
 41 an evaluation under IC 20-28-11.5 shall be considered a
 42 probationary teacher but is not subject to the cancellation of the

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1 teacher's contract unless at least one (1) of the following criteria
2 applies:

3 (1) The teacher receives a rating of ineffective in an
4 evaluation under IC 20-28-11.5 in the year immediately
5 following the teacher's initial rating of ineffective.

6 (2) The teacher's contract cancellation is due to a justifiable
7 decrease in the number of teaching positions under
8 IC 20-28-7.5-1(b)(3).

9 (3) The teacher's contract cancellation is due to conduct set
10 forth in IC 20-28-7.5-1(b).

11 SECTION 30. IC 20-28-6-8, AS AMENDED BY P.L.43-2010,
12 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
13 JULY 1, 2011]: Sec. 8. (a) An individual who:

14 (1) serves under contract as a teacher in a public school
15 corporation for at least five (5) successive years; before July 1,
16 2012; and

17 (2) at any time before July 1, 2012, enters into a teacher's
18 contract for further service with the school corporation;

19 becomes, by entering into the contract described in subdivision (2), a
20 ~~permanent~~ **an established** teacher of the school corporation. When a
21 contract between the school corporation and a ~~permanent~~ **an**
22 **established** teacher expires by the contract's terms, the contract is
23 considered to continue indefinitely as an indefinite contract, **subject to**
24 **IC 20-28-7.5.**

25 (b) An indefinite contract remains in force until the indefinite
26 contract is:

27 (1) replaced by a new contract signed by both parties; or

28 (2) canceled as provided in ~~IC 20-28-7.~~ **IC 20-28-7.5.**

29 SECTION 31. IC 20-28-7.5 IS ADDED TO THE INDIANA CODE
30 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
31 JULY 1, 2011]:

32 **Chapter 7.5. Cancellation of Teacher Contracts**

33 **Sec. 1. (a) This chapter applies to a teacher in a school**
34 **corporation (as defined in IC 20-18-2-16(a)).**

35 **(b) A principal may decline to continue a probationary teacher's**
36 **contract under sections 2 through 4 of this chapter if the**
37 **probationary teacher:**

38 (1) receives an ineffective designation on a performance
39 evaluation under IC 20-28-11.5;

40 (2) receives two (2) consecutive improvement necessary
41 ratings on a performance evaluation under IC 20-28-11.5; or

42 (3) is subject to a justifiable decrease in the number of

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1 teaching positions or any reason relevant to the school
2 corporation's interest.

3 (c) Except as provided in subsection (e), a principal may not
4 decline to continue a professional or established teacher's contract
5 unless the teacher is subject to a justifiable decrease in the number
6 of teaching positions.

7 (d) After June 30, 2012, the cancellation of teacher's contracts
8 due to a justifiable decrease in the number of teaching positions
9 shall be determined on the basis of performance rather than
10 seniority. In cases where teachers are placed in the same
11 performance category, any of the items in IC 20-28-9-1(b) may be
12 considered.

13 (e) A contract with a teacher may be canceled immediately in
14 the manner set forth in sections 2 through 4 of this chapter for any
15 of the following reasons:

- 16 (1) Immorality.
17 (2) Insubordination, which means a willful refusal to obey the
18 state school laws or reasonable rules adopted for the
19 governance of the school building or the school corporation.
20 (3) Justifiable decrease in the number of teaching positions.
21 (4) Incompetence, including receiving:
22 (A) an ineffective designation on two (2) consecutive
23 performance evaluations under IC 20-28-11.5; or
24 (B) an ineffective designation or improvement necessary
25 rating in three (3) years of any five (5) year period.
26 (5) Neglect of duty.
27 (6) A conviction for an offense listed in IC 20-28-5-8(c).
28 (7) Other good or just cause.

29 Sec. 2. (a) Before a teacher is refused continuation of the
30 teacher's contract, the teacher has the following rights:

- 31 (1) The principal shall notify the teacher of the principal's
32 preliminary decision. The notification must be:
33 (A) in writing; and
34 (B) delivered in person or mailed by registered or certified
35 mail to the teacher at the teacher's last known address.
36 (2) The notice in subdivision (1) must include a written
37 statement, subject to IC 5-14-3-4, giving the reasons for the
38 preliminary decision.
39 (3) Notification due to a reduction in force must be delivered
40 between May 1 and July 1.

41 (b) For a cancellation of a teacher's contract for a reason other
42 than a reduction in force, the notice required under subsection

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1 (a)(1) must inform the teacher that, not later than five (5) days
 2 after the teacher's receipt of the notice, the teacher may request a
 3 private conference with the superintendent. The superintendent
 4 must set the requested meeting not later than ten (10) days after
 5 the request.

6 (c) At the conference between the superintendent and the
 7 teacher, the teacher may be accompanied by a representative.

8 (d) After the conference between the superintendent and the
 9 teacher, the superintendent shall make a written recommendation
 10 to the governing body of the school corporation regarding the
 11 cancellation of the teacher's contract.

12 (e) If the teacher does not request a conference under subsection
 13 (b), the principal's preliminary decision is considered final.

14 (f) For items listed in section (1)(e)(3), (1)(e)(4), or (1)(e)(6) of
 15 this chapter, if the teacher files a request with the governing body
 16 for an additional private conference not later than five (5) days
 17 after the initial private conference with the superintendent, the
 18 teacher is entitled to an additional private conference with the
 19 governing body before the governing body makes a final decision,
 20 which must be in writing, concerning the cancellation of the
 21 teacher's contract.

22 (g) For items listed in section (1)(e)(1), (1)(e)(2), (1)(e)(5), or
 23 (1)(e)(7) of this chapter, if, not later than five (5) days after the
 24 initial private conference with the superintendent, the teacher files
 25 a request with the governing body for an additional private
 26 conference, the teacher is entitled to an additional private
 27 conference with the governing body before the governing body
 28 makes a final decision. The final decision must be in writing and
 29 must be made not more than thirty (30) days after the governing
 30 body receives the teacher's request for the additional private
 31 conference. At the private conference the governing body shall do
 32 the following:

33 (1) Allow the teacher to present evidence to refute the reason
 34 or reasons for contract cancellation and supporting evidence
 35 provided by the school corporation. Any evidence presented
 36 at the private conference must have been exchanged by the
 37 parties at least seven (7) days before the private conference.

38 (2) Consider whether a preponderance of the evidence
 39 supports the cancellation of the teacher's contract.

40 Sec. 3. At the first public meeting following a private conference
 41 with:

42 (1) the governing body under section 2(f) of this chapter; or

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1 (2) the superintendent under section 2(b) of this chapter, if no
2 conference with the governing body is requested;
3 the governing body may cancel a contract with a teacher by a
4 majority vote evidenced by a signed statement in the minutes of the
5 board. The decision of the governing body is final.

6 **Sec. 4.** Pending a final decision on the cancellation of a teacher's
7 contract, the teacher may be suspended from duty.

8 **Sec. 5.** The time periods set out in section 2 of this chapter shall
9 be extended for a reasonable period:

10 (1) when a teacher or school official is ill or absent from the
11 school corporation; or

12 (2) for other reasonable cause.

13 **Sec. 6.** A contract entered into by a teacher and a school
14 employer continues in force on the same terms and for the same
15 wages, unless increased under IC 20-28-9-1, for the next school
16 term following the date of the contract's termination unless one (1)
17 of the following occurs:

18 (1) The school corporation refuses continuation of the
19 contract under this chapter.

20 (2) The teacher delivers in person or by registered or certified
21 mail to the school corporation the teacher's written
22 resignation.

23 (3) The contract is replaced by another contract agreed to by
24 the parties.

25 **Sec. 7.** (a) This chapter shall be construed to:

26 (1) limit the provisions of a collective bargaining agreement
27 negotiated under IC 20-29; and

28 (2) prohibit the negotiation of contracts that violate the
29 requirements of this chapter and IC 20-28-9-21 through
30 IC 20-28-9-23.

31 (b) This chapter prohibits a school employer and an exclusive
32 representative (as defined in IC 20-29-2-9) from collectively
33 bargaining contracts that alter the requirements of this chapter
34 and IC 20-28-9-21 through IC 20-28-9-23.

35 (c) This chapter shall be construed to prohibit a school employer
36 and an exclusive representative from mutually agreeing to binding
37 arbitration concerning teacher dismissals.

38 **Sec. 8.** (a) This section does not apply to an individual who
39 works at a conversion charter school (as defined in IC 20-24-1-5)
40 for purposes of the individual's employment with the school
41 corporation that sponsored the conversion charter school.

42 (b) A contract entered into after August 15 between a school

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1 corporation and a teacher is void if the teacher, at the time of
2 signing the contract, is bound by a previous contract to teach in a
3 public school. However, another contract may be signed by the
4 teacher that will be effective if the teacher:

5 (1) furnishes the principal a release by the employer under the
6 previous contract; or

7 (2) shows proof that thirty (30) days written notice was
8 delivered by the teacher to the first employer.

9 (c) A principal may request from a teacher, at the time of
10 contracting, a written statement as to whether the teacher has
11 signed another teaching contract. However, the teacher's failure to
12 provide the statement is not a cause for subsequently voiding the
13 contract.

14 SECTION 32. IC 20-28-9-1, AS ADDED BY P.L.246-2005,
15 SECTION 165, IS AMENDED TO READ AS FOLLOWS
16 [EFFECTIVE JULY 1, 2011]: Sec. 1. (a) A teacher's minimum salary
17 each school year must be computed based on the teacher's education;
18 experience; and degree completed as of the teacher's first day of
19 service:

20 (b) If a teacher is licensed by the department on:

21 (1) the first day of service in the current school year; or

22 (2) another date as agreed by the school employer and the
23 exclusive representative under IC 20-29;

24 the teacher's minimum salary is computed under section 2 of this
25 chapter. This subsection takes effect July 1, 2012, or upon the
26 expiration of a contract in existence on July 1, 2011, whichever is
27 earlier, and governs salary increases for a teacher employed by a
28 school corporation on or after the date this subsection takes effect.
29 Compensation attributable to additional degrees or graduate
30 credits earned before the effective date of the local salary schedule
31 created under this chapter shall continue.

32 (b) Increases or increments in a local salary scale must be based
33 upon a combination of the following factors:

34 (1) A combination of the following factors taken together may
35 account for not more than thirty-three percent (33%) of the
36 calculation used to determine a teacher's increase or
37 increment:

38 (A) The number of years of a teacher's experience.

39 (B) The attainment of either:

40 (i) additional content area degrees beyond the
41 requirements for employment; or

42 (ii) additional content area degrees and credit hours

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1 beyond the requirements for employment, if required
 2 under an agreement bargained under IC 20-29.
 3 (2) The results of an evaluation conducted under
 4 IC 20-28-11.5.
 5 (3) The assignment of instructional leadership roles, including
 6 the responsibility for conducting evaluations under
 7 IC 20-28-11.5.
 8 (4) The academic needs of students in the school corporation.
 9 (c) A teacher rated ineffective or improvement necessary under
 10 IC 20-28-11.5 may not receive any raise or increment for the
 11 following year if the teacher's employment contract is continued.
 12 The amount that would otherwise have been allocated for the
 13 salary increase of teachers rated ineffective or improvement
 14 necessary shall be allocated for compensation of all teachers rated
 15 effective and highly effective based on the criteria in subsection (b).
 16 (d) A teacher who does not receive a raise or increment under
 17 subsection (c) may file a request with the superintendent or
 18 superintendent's designee not later than five (5) days after
 19 receiving notice that the teacher received a rating of ineffective.
 20 The teacher is entitled to a private conference with the
 21 superintendent or superintendent's designee.
 22 (e) Not later than January 31, 2012, the department shall
 23 publish a model salary schedule that a school corporation may
 24 adopt.
 25 (f) Each school corporation shall submit its local salary schedule
 26 to the department. The department shall publish the local salary
 27 schedules on the department's Internet web site.
 28 (g) The department shall report any noncompliance of this
 29 section to the state board.
 30 (h) The state board shall take appropriate action to ensure
 31 compliance with this section.
 32 (i) This chapter may not be construed to require or allow a
 33 school corporation to decrease the salary of any teacher below the
 34 salary the teacher was earning on or before July 1, 2012, if that
 35 decrease would be made solely to conform to the new salary scale.
 36 SECTION 33. IC 20-28-9-21, AS ADDED BY P.L.1-2005,
 37 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 38 JULY 1, 2011]: Sec. 21. (a) This section and sections 22 through 23 of
 39 this chapter apply to the suspension of a teacher without pay when the
 40 procedure for the cancellation of the teacher's contract under
 41 ~~IC 20-28-7-3~~ through ~~IC 20-28-7-5~~ **do IC 20-28-7.5** does not apply.
 42 (b) A teacher may be suspended from duty without pay only for the

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1 following reasons:

- 2 (1) Immorality.
 3 (2) Insubordination, which means the willful refusal to obey the
 4 state school laws or reasonable rules prescribed for the
 5 government of the school corporation.
 6 (3) Neglect of duty.
 7 (4) Substantial inability to perform teaching duties.
 8 (5) Good and just cause.

9 SECTION 34. IC 20-28-10-1, AS ADDED BY P.L.1-2005,
 10 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 11 JULY 1, 2011]: Sec. 1. (a) A school corporation may grant a teacher a
 12 leave of absence not to exceed one (1) year for:

- 13 (1) a sabbatical;
 14 (2) a disability leave; or
 15 (3) a sick leave.

16 (b) The school corporation may grant consecutive leaves to a
 17 teacher.

18 (c) A school corporation may grant partial compensation for a leave
 19 in an amount the school corporation determines. However, if a teacher
 20 on a sabbatical serves an employer that agrees to reimburse the school
 21 corporation in whole or in part of the amount of the teacher's regular
 22 salary, the school corporation may grant full or partial compensation.

23 (d) A teacher who is pregnant shall be granted a leave of absence for
 24 the period provided in and subject to section 5 of this chapter.

25 (e) Except where a contract is not required under ~~IC 20-28-7~~
 26 **IC 20-28-7.5** in a situation that occurs before or after the
 27 commencement of leave, the teacher and the school corporation shall
 28 execute a regular teacher's contract for each school year in which any
 29 part of the teacher's leave is granted.

30 (f) The teacher has the right to return to a teaching position for
 31 which the teacher is certified or otherwise qualified under the rules of
 32 the state board.

33 SECTION 35. IC 20-28-10-2, AS ADDED BY P.L.1-2005,
 34 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 35 JULY 1, 2011]: Sec. 2. (a) Except as provided in section 1 of this
 36 chapter, rights existing at the time a leave commences that arise from
 37 a teacher's:

- 38 (1) status as a **permanent professional or established** teacher;
 39 (2) accumulation of successive years of service;
 40 (3) service performed under a teacher's contract under
 41 IC 20-28-6-8; or
 42 (4) status or rights negotiated under IC 20-29;



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remain intact.

(b) During a leave the teacher may maintain coverage in a group insurance program by paying the total premium including the school corporation's share, if any, attributable to the leave period. The school corporation may elect to pay all or part of the cost of the premium as an adopted or negotiated fringe benefit to teachers on leave.

(c) During a leave extending into a part of a school year, a teacher accumulates sick leave under IC 20-28-9-9 through IC 20-28-9-12, or a salary schedule of the school corporation that provides greater sick leave, in the same proportion that the number of days the teacher is paid during the year for work or leave bears to the total number of days for which teachers are paid in the school corporation.

(d) Except as provided in section 1 of this chapter, during a leave of a ~~nonpermanent~~ **probationary** teacher, the period of probationary successive years of service under a teacher's contract that is a condition precedent to becoming a **permanent professional or established** teacher under IC 20-28-6-8 is uninterrupted for that teacher. However, this probationary period may not include an entire school year spent on leave.

(e) All or part of a leave granted for sickness or disability, including pregnancy related disability, may be charged at the teacher's discretion to the teacher's available sick days. However, the teacher is not entitled to take accumulated sick days when the teacher's physician certifies that the teacher is capable of performing the teacher's regular teaching duties. The teacher is entitled to complete the remaining leave without pay.

SECTION 36. IC 20-28-10-4, AS ADDED BY P.L.1-2005, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 4. (a) A school corporation may place a teacher, with or without written request, on a disability or sick leave not to exceed one (1) year.

(b) A teacher placed on a disability or sick leave without a written request is entitled to a hearing on that action under ~~IC 20-28-7-1 and IC 20-28-7-3~~ through ~~IC 20-28-7-5~~. **IC 20-28-7.5.**

SECTION 37. IC 20-28-10-7, AS ADDED BY P.L.1-2005, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 7. A **permanent professional or established** teacher:

- (1) with an indefinite contract under IC 20-28-6-8; and
 - (2) who is described in section 6(a) of this chapter;
- is granted a leave of absence during the defense service.

SECTION 38. IC 20-28-10-8, AS ADDED BY P.L.1-2005,

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1 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
2 JULY 1, 2011]: Sec. 8. (a) If a ~~nonpermanent~~ **probationary** teacher
3 who is described in section 6(a) of this chapter enters the defense
4 service, the teacher's contract as a teacher and the teacher's rights to
5 probationary successive years under contract are preserved with the
6 school corporation as the teacher had them when entering the defense
7 service.

8 (b) The period of probationary successive years of service under a
9 teacher's contract that is a condition precedent to becoming a
10 **permanent professional or established** teacher under IC 20-28-6-8 is
11 considered uninterrupted for a teacher to whom this section applies.
12 However, this probationary period may not include the time spent in
13 defense service. The teacher is granted a leave of absence during the
14 defense service.

15 SECTION 39. IC 20-28-11.5 IS ADDED TO THE INDIANA
16 CODE AS A NEW CHAPTER TO READ AS FOLLOWS
17 [EFFECTIVE JULY 1, 2011]:

18 **Chapter 11.5. Staff Performance Evaluations**

19 **Sec. 1. As used in this chapter, "evaluator" means an individual**
20 **who conducts a staff performance evaluation. The term includes a**
21 **teacher who:**

- 22 (1) **has clearly demonstrated a record of effective teaching**
23 **over several years;**
24 (2) **is approved by the principal as qualified to evaluate under**
25 **the plan; and**
26 (3) **conducts staff performance evaluations as a significant**
27 **part of teacher's responsibilities.**

28 **Sec. 2. As used in the chapter, "plan" refers to a staff**
29 **performance evaluation plan developed under this chapter.**

30 **Sec. 3. As used in this chapter, "school corporation" includes:**

- 31 (1) **a school corporation;**
32 (2) **a school created by an interlocal agreement under**
33 **IC 36-1-7;**
34 (3) **a special education cooperative under IC 20-35-5; and**
35 (4) **a joint career and technical education program created**
36 **under IC 20-37-1.**

37 **However, for purposes of section 4(a) and 4(b) of this chapter,**
38 **"school corporation" includes a charter school and a virtual**
39 **charter school.**

40 **Sec. 4. (a) Each school corporation shall develop a plan for**
41 **annual performance evaluations for each certificated employee (as**
42 **defined in IC 20-29-2-4). A school corporation shall implement the**

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- plan beginning with the 2012-2013 school year.
- (b) Instead of developing its own staff performance evaluation plan under subsection (a), a school corporation may adopt a staff performance evaluation plan that meets the requirements set forth in this chapter or any of the following models:
- (1) A plan using master teachers or contracting with an outside vendor to provide master teachers.
 - (2) The System for Teacher and Student Advancement (TAP).
 - (3) The Peer Assistance and Review Teacher Evaluation System (PAR).
- (c) A plan must include the following components:
- (1) Performance evaluations for all certificated employees, conducted at least annually.
 - (2) Objective measures of student achievement and growth to significantly inform the evaluation. The objective measures must include:
 - (A) student assessment results from statewide assessments for certificated employees whose responsibilities include instruction in subjects measured in statewide assessments;
 - (B) methods for assessing student growth for certificated employees who do not teach in areas measured by statewide assessments; and
 - (C) student assessment results from locally developed assessments and other test measures for certificated employees whose responsibilities may or may not include instruction in subjects and areas measured by statewide assessments.
 - (3) Rigorous measures of effectiveness, including observations and other performance indicators.
 - (4) An annual designation of each certificated employee in one of the following rating categories:
 - (A) Highly effective.
 - (B) Effective.
 - (C) Improvement necessary.
 - (D) Ineffective.
 - (5) An explanation of the evaluator's recommendations for improvement, and the time in which improvement is expected.
 - (6) A provision that a teacher who negatively affects student achievement and growth cannot receive a rating of highly effective or effective.
- (d) The evaluator shall discuss the evaluation with the certificated employee.

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1 **Sec. 5. (a) The superintendent or equivalent authority, for a**
2 **school corporation that does not have a superintendent, may**
3 **provide for evaluations to be conducted by an external provider.**

4 **(b) An individual may evaluate a certificated employee only if**
5 **the individual has received training and support in evaluation**
6 **skills.**

7 **Sec. 6. (a) A copy of the completed evaluation, including any**
8 **documentation related to the evaluation, must be provided to a**
9 **certificated employee not later than seven (7) days after the**
10 **evaluation is conducted.**

11 **(b) If a certificated employee receives a rating of ineffective or**
12 **improvement necessary, the evaluator and the certificated**
13 **employee shall develop a remediation plan of not more than ninety**
14 **(90) school days in length to correct the deficiencies noted in the**
15 **certificated employee's evaluation. The remediation plan must**
16 **require the use of the certificated employee's license renewal**
17 **credits in professional development activities intended to help the**
18 **certificated employee achieve an effective rating on the next**
19 **performance evaluation. If the principal did not conduct the**
20 **performance evaluation, the principal may direct the use of the**
21 **certificated employee's license renewal credits under this**
22 **subsection.**

23 **(c) A teacher who receives a rating of ineffective may file a**
24 **request for a private conference with the superintendent or the**
25 **superintendent's designee not later than five (5) days after**
26 **receiving notice that the teacher received a rating of ineffective.**
27 **The teacher is entitled to a private conference with the**
28 **superintendent or superintendent's designee.**

29 **Sec. 7. (a) This section applies to any teacher instructing**
30 **students in a content area and grade subject to IC 20-32-4-1(a)(1)**
31 **and IC 20-32-5-2.**

32 **(b) A student may not be instructed for two (2) consecutive**
33 **years by two (2) consecutive teachers, each of whom was rated as**
34 **ineffective under this chapter in the school year immediately**
35 **before the school year in which the student is placed in the**
36 **respective teacher's class.**

37 **(c) If a teacher did not instruct students in the school year**
38 **immediately before the school year in which students are placed in**
39 **the teacher's class, the teacher's rating under this chapter for the**
40 **most recent year in which the teacher instructed students, instead**
41 **of for the school year immediately before the school year in which**
42 **students are placed in the teacher's class, shall be used in**

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1 determining whether subsection (b) applies to the teacher.

2 (d) If it is not possible for a school corporation to comply with
3 this section, the school corporation must notify the parents of each
4 applicable student indicating the student will be placed in a
5 classroom of a teacher who has been rated ineffective under this
6 chapter. The parent must be notified before the start of the second
7 consecutive school year.

8 Sec. 8. (a) To implement this chapter, the state board shall do
9 the following:

10 (1) Before January 31, 2012, adopt rules under IC 4-22-2 that
11 establish:

12 (A) the criteria that define each of the four categories of
13 teacher ratings under section 4(b)(3) of this chapter;

14 (B) the measures to be used to determine student academic
15 achievement and growth under section 4(b)(2) of this
16 chapter;

17 (C) standards that define actions that constitute a negative
18 impact on student achievement; and

19 (D) an acceptable standard for training evaluators.

20 (2) Before January 31, 2012, work with the department to
21 develop a model plan and release it to school corporations.
22 Subsequent versions of the model plan that contain
23 substantive changes must be provided to school corporations.

24 (3) Work with the department to ensure the availability of
25 ongoing training on the use of the performance evaluation to
26 ensure that all evaluators and certificated employees have
27 access to information on the plan, the plan's implementation,
28 and this chapter.

29 (b) A school corporation may adopt the model plan without the
30 state board's approval. A school corporation may modify the
31 model plan or develop the school corporation's own plan, if the
32 modified or developed plan meets the criteria established under
33 this chapter. If a school corporation modifies the model plan or
34 develops its own plan, the department may request that the school
35 corporation submit the plan to the department to ensure the plan
36 meets the criteria developed under this chapter. Each school
37 corporation shall submit its staff performance evaluation plan to
38 the department. The department shall publish the staff
39 performance evaluation plans on the department's Internet web
40 site. A school corporation must submit its staff performance
41 evaluation plan to the department for approval in order to qualify
42 for any grant funding related to this chapter.

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1 (c) This subsection applies to a school corporation that has not
 2 adopted a staff performance evaluation plan that complies with
 3 this chapter before July 1, 2011. Before submitting a staff
 4 performance evaluation plan to the department under subsection
 5 (b), the governing body shall submit the staff performance
 6 evaluation plan to the teachers employed by the school corporation
 7 for a vote. If at least seventy-five percent (75%) of the teachers
 8 voting vote in favor of adopting the staff performance evaluation
 9 plan, the governing body may submit the staff performance
 10 evaluation plan to the department under subsection (b).

11 Sec. 9. (a) Before August 1 of each year, each school corporation
 12 shall provide the results of the staff performance evaluations,
 13 including the number of certificated employees placed in each
 14 performance category, to the department. The results provided
 15 may not include the names or any other personally identifiable
 16 information regarding certificated employees.

17 (b) Before September 1 of each year, the department shall
 18 report the results of staff performance evaluations to the state
 19 board, and to the public via the department's Internet web site,
 20 for:

- 21 (1) the aggregate of certificated employees of each school and
- 22 school corporation; and
- 23 (2) the aggregate of graduates of each teacher preparation
- 24 program in Indiana.

25 SECTION 40. IC 20-31-4-6, AS ADDED BY P.L.1-2005,
 26 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 27 JULY 1, 2011]: Sec. 6. The department shall determine whether the
 28 school has complied with the following legal standards for
 29 accreditation:

- 30 (1) Health and safety requirements.
- 31 (2) Minimum time requirements for school activity.
- 32 ~~(3) Staff-student ratio requirements.~~
- 33 ~~(4) (3) Curriculum offerings.~~
- 34 ~~(5) (4) Development and implementation of a staff evaluation~~
 35 ~~plan under ~~IC 20-28-11~~; IC 20-28-11.5.~~
- 36 ~~(6) (5) Completion of a school improvement plan that: that~~
 37 ~~complies with requirements developed by the state board and:~~
 - 38 (A) analyzes the strengths and weaknesses of the school;
 - 39 (B) outlines goals of the school community to which school
 - 40 improvement activities will be directed; and
 - 41 (C) identifies objectives of the school and programs designed
 - 42 to achieve those objectives.

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- (A) focuses on academic performance; and
- (B) is consistent with metrics for improvement.

SECTION 41. IC 20-33-2-3.2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: **Sec. 3.2. As used in this chapter, "attend" means to be physically present:**

- (1) in a school; or
- (2) at another location where the school's educational program in which a person is enrolled is being conducted; during regular school hours on a day in which the educational program in which the person is enrolled is being offered.

SECTION 42. IC 20-33-2-14, AS AMENDED BY P.L.185-2006, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: **Sec. 14. (a) This section and sections 15 through 17.5 of this chapter apply to a student who attends either a public school or a nonpublic school.**

(b) The governing body of each school corporation shall have a policy outlining the conditions for excused and unexcused absences. The policy must include the grounds for excused absences required by sections 15 through 17.5 of this chapter or another law. Any absence that results in a person not attending at least one hundred eighty (180) days in a school year must be in accordance with the governing body's policy to qualify as an excused absence.

~~(b)~~ **(c) Service as a page for or as an honoree of the general assembly is a lawful excuse for a student to be absent from school, when verified by a certificate of the secretary of the senate or the chief clerk of the house of representatives. A student excused from school attendance under this section may not be recorded as being absent on any date for which the excuse is operative and may not be penalized by the school in any manner.**

SECTION 43. IC 20-33-2-25, AS ADDED BY P.L.1-2005, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: **Sec. 25. The superintendent or an attendance officer having jurisdiction ~~may~~ shall report a child who is habitually absent from school in violation of this chapter to an intake officer of the juvenile court or the department of child services. The intake officer or the department of child services shall proceed in accord with IC 31-30 through IC 31-40.**

SECTION 44. IC 20-33-2-27, AS ADDED BY P.L.1-2005, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: **Sec. 27. (a) It is unlawful for a parent to fail to ensure that the parent's child attends school as required under this chapter.**

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(b) Before proceedings are instituted against a parent for a violation of this section, personal notice of the violation shall be served on the parent by the superintendent or the superintendent's designee:

- (1) having jurisdiction over the public school where the child has legal settlement; or
- (2) of the transferee corporation, if the child has been transferred.

(c) ~~For purposes of this section, service of personal notice must consist of and take place at the time of the occurrence of one of the following events: a violation may be made upon a parent by any of the following means:~~

~~(1) The date of personal delivery~~ **Delivering a copy of the notice to the parent personally. Personal notice shall be treated as occurring under this subdivision on the date of delivery.**

~~(2) The date of receipt Any other means of sending a copy of the notice sent by certified mail: to the parent. Personal notice shall be treated as occurring under this subdivision on the date of delivery.~~

~~(3) The date of~~ **Leaving a copy of the notice at the last and usual place of the residence of the parent. Personal notice shall be treated as occurring under this subdivision on the date the notice is left at the residence.**

~~(4) Communicating notice of the violation to the parent by any other means, if the communication is made by the superintendent for the school or the superintendent's designee. Personal notice shall be treated as occurring under this subdivision on the earliest date that the communication is made.~~

If the violation is not terminated not more than one (1) school day after this notice is given, or if another violation is committed during the notice period, no further notice is necessary. Each day of violation constitutes a separate offense.

SECTION 45. IC 20-33-2-35, AS ADDED BY P.L.1-2005, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 35. If the governing body of a school corporation elects not to appoint an attendance officer under section 31 of this chapter or an appointing authority elects not to appoint an attendance officer under section 33 of this chapter, the superintendent shall serve as an ex officio attendance officer. A superintendent acting in this capacity may designate one (1) or more ~~teachers~~ **school employees** as assistant attendance officers. These assistant attendance officers shall act under the superintendent's direction and perform the duties the superintendent assigns. Ex officio attendance officers and assistant

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1 attendance officers appointed under this section shall receive no
2 additional compensation for performing attendance services.

3 SECTION 46. IC 20-33-2-42, AS ADDED BY P.L.1-2005,
4 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
5 JULY 1, 2011]: Sec. 42. The state superintendent shall:

6 (1) prescribe duties for the state attendance officer not provided
7 by law;

8 ~~(2) fix qualifications for local attendance officers;~~

9 ~~(3) (2)~~ design and require use of a system of attendance reports,
10 records, and forms necessary for the enforcement of this chapter;
11 and

12 ~~(4) (3)~~ perform all other duties necessary for the complete
13 enforcement of this chapter.

14 SECTION 47. IC 20-35-5-9, AS ADDED BY P.L.1-2005,
15 SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
16 JULY 1, 2011]: Sec. 9. A teacher who:

17 (1) is employed by a special education cooperative; and

18 (2) previously taught in a participating school corporation;

19 retains all rights and privileges under IC 20-28-6, ~~IC 20-28-7,~~
20 **IC 20-28-7.5**, IC 20-28-8, IC 20-28-9, and IC 20-28-10 to the same
21 extent as if the teacher had continued teaching in the participating
22 school corporation.

23 SECTION 48. IC 20-35-5-10, AS ADDED BY P.L.1-2005,
24 SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
25 JULY 1, 2011]: Sec. 10. A teacher who:

26 (1) is employed by a special education cooperative; and

27 (2) does not have existing years of service in any of the
28 participating school corporations;

29 shall be considered to be employed by the special education
30 cooperative and is entitled to the same rights and privileges under
31 IC 20-28-6, ~~IC 20-28-7,~~ **IC 20-28-7.5**, IC 20-28-8, IC 20-28-9, and
32 IC 20-28-10 as if the teacher were employed by a school corporation.

33 SECTION 49. IC 20-35-5-12, AS ADDED BY P.L.1-2005,
34 SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
35 JULY 1, 2011]: Sec. 12. If:

36 (1) a teacher loses the teacher's job in a special education
37 cooperative due to:

38 (A) a reduction in services of;

39 (B) a reorganization of;

40 (C) the discontinuance of; or

41 (D) a withdrawal in whole or in part of a participating school
42 corporation from;

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1 the special education cooperative; and
 2 (2) the teacher is employed by a participating school corporation
 3 as described in section 11 of this chapter;
 4 the teacher retains the rights and privileges under IC 20-28-6,
 5 ~~IC 20-28-7~~, **IC 20-28-7.5**, IC 20-28-8, IC 20-28-9, and IC 20-28-10
 6 that the teacher held at the time the teacher lost the job in the special
 7 education cooperative as described in subdivision (1).

8 SECTION 50. THE FOLLOWING ARE REPEALED [EFFECTIVE
 9 JULY 1, 2011]: IC 20-25-13-1; IC 20-28-1-1.5; IC 20-28-2-2;
 10 IC 20-28-2-3; IC 20-28-2-4; IC 20-28-2-5; IC 20-28-5-11;
 11 IC 20-28-6-10; IC 20-28-7; IC 20-28-9-2; IC 20-28-9-3; IC 20-28-9-4;
 12 IC 20-28-11; IC 20-29-6-11.

13 SECTION 51. [EFFECTIVE UPON PASSAGE] **(a) The Indiana**
 14 **state board of education may adopt temporary rules in the manner**
 15 **provided for adopting an emergency rule under IC 4-22-2-37.1 to**
 16 **implement IC 20-28-11.5-7, as added by this act. A temporary rule**
 17 **adopted under this SECTION expires on the earliest of the**
 18 **following:**

- 19 (1) The date specified in the temporary rule.
- 20 (2) The date another temporary rule or a permanent rule
- 21 repeals or supersedes the previously adopted temporary rule.
- 22 (3) July 1, 2012.

23 **(b) This SECTION expires July 1, 2012.**

24 SECTION 52. An emergency is declared for this act.

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COMMITTEE REPORT

Madam President: The Senate Committee on Education and Career Development, to which was referred Senate Bill No. 1, 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 5, line 20, delete "Not".

Page 5, delete lines 21 through 24, begin a new line blocked left, and insert:

"At least fifty percent (50%) of a charter school's teachers must hold a license under subdivision (1) or be in the process of obtaining a license under subdivision (2), unless the charter school requests and the state board approves a waiver for a lower percentage."

Page 6, delete lines 5 through 42.

Page 7, delete lines 1 through 21.

Page 7, line 35, delete "a" and insert **"an individual"**.

Page 13, line 35, delete "IC 20-28-7," and insert **"IC 20-28-7 and in consultation with the superintendent,"**.

Page 13, line 37, delete "administrators," and insert **"administrative staff,"**.

Page 15, delete lines 10 through 22.

Page 16, line 6, delete "7" and insert **"5"**.

Page 16, line 36, delete "7" and insert **"5"**.

Page 16, line 42, after "area" insert **"or a related field"**.

Page 22, delete lines 22 through 39.

Page 25, line 3, strike "Substantial inability to perform teaching duties," and insert **"Incompetence,"**.

Page 26, line 10, delete "A" and insert **"Increases or increments in a"**.

Page 26, line 14, delete "salary, raise," and insert **"increase"**.

Page 26, line 21, delete "Whether the teacher is rated effective or highly effective,".

Page 26, delete line 22.

Page 26, line 23, delete "based on the" and insert **"The"**.

Page 26, between lines 31 and 32, begin a new paragraph and insert:

"(e) A teacher who does not receive a raise or increment under subsection (d) may file a request for a private conference with the principal not later than five (5) days after receiving notice that the teacher did not receive a raise or increment. The teacher is entitled to a private conference with the principal. If the teacher files a

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request with the school corporation for an additional private conference not later than five (5) days after the initial private conference with the principal, the teacher is entitled to an additional private conference with the superintendent."

Page 26, line 32, delete "(e)" and insert "(f)".

Page 26, between lines 34 and 35, begin a new paragraph and insert:

"(g) Each school corporation shall submit its local salary schedule to the department. The department shall publish the local salary schedules on the department's Internet web site."

Page 26, line 35, delete "(f)" and insert "(h)".

Page 26, line 35, after "accounts" insert "or the department".

Page 26, line 40, after "accounts" insert "or the department".

Page 28, line 12, delete "Upon the request of a certificated employee being evaluated,".

Page 28, line 13, delete "the" and insert "The".

Page 28, line 13, after "certificated" insert "employee."

Page 28, delete line 14.

Page 28, line 15, delete "authority" and insert "authority, for a school corporation that does not have a superintendent,".

Page 28, line 27, after "(90)" insert "school".

Page 28, between lines 35 and 36, begin a new paragraph and insert:

"(c) A teacher who receives a rating of ineffective may file a request for a private conference with the principal not later than five (5) days after receiving notice that the teacher received a rating of ineffective. The teacher is entitled to a private conference with the principal. If the teacher files a request with the school corporation for an additional private conference not later than five (5) days after the initial private conference with the principal, the teacher is entitled to an additional private conference with the superintendent."

Page 29, line 10, delete "enure" and insert "ensure".

Page 29, line 15, delete "The state board may, at any time before, on, or after July 1,".

Page 29, delete lines 16 through 17.

Page 29, line 21, after "chapter." insert "A school corporation that modifies the model plan or develops its own plan shall submit the plan to the department to ensure the plan meets the criteria developed under this chapter. Each school corporation shall submit its staff performance evaluation plan to the department. The department shall publish the staff performance evaluation plans on the department's Internet web site."

Page 29, line 29, delete "publish" and insert "report".

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Page 29, line 29, delete "by:" and insert "**to the state board for:**".
Page 29, line 30, after "(1)" insert "**the aggregate of**".
Page 29, line 32, after "(2)" insert "**the aggregate of**".
Page 30, line 38, after "IC 20-28-2-5;" insert "IC 20-28-5-11;".
Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 1 as introduced.)

KRUSE, Chairperson

Committee Vote: Yeas 7, Nays 2.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred Senate Bill 1, 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 2, line 32, delete "IC 20-28-11.5.-3." and insert "**IC 20-28-11.5-3.**".

Page 2, line 35, reset in roman "(a)".

Page 2, reset in roman lines 39 through 40.

Page 2, line 42, after "(3)" insert "**(2)**".

Page 2, line 42, reset in roman "A principal."

Page 5, between lines 7 and 8, begin a new paragraph and insert:

"SECTION 6. IC 20-20-38 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]:

Chapter 38. Operational Efficiency Reviews

Sec. 1. Before October 1, 2011, the department shall develop a program to provide training and evaluations for school corporations in operational efficiency.

Sec. 2. The department may contract with an outside entity to provide quality training for the department, school corporations, and superintendents in the area of efficiency and cost savings.

Sec. 3. A school corporation shall submit to the department any information the department determines is necessary to:

- (1) evaluate the school corporation's current operations; and**
- (2) recommend operational efficiencies and financial savings for the school corporation."**

Page 5, delete lines 21 through 25.



Page 6, delete lines 6 through 19.

Page 8, reset in roman lines 33 through 36.

Page 8, line 37, reset in roman "and grounds, janitors,".

Page 8, line 37, reset in roman "physicians,".

Page 8, line 38, reset in roman "dentists, nurses,".

Page 8, line 38, reset in roman "teacher aides performing".

Page 8, line 39, reset in roman "noninstructional duties,".

Page 12, line 12, delete "hiring" and insert "**selecting**".

Page 12, line 18, delete "." and insert ", **subject to the approval of the governing body.**".

Page 12, line 19, delete "IC 20-28-7 and in consultation with the" and insert "**IC 20-28-7, the superintendent and principal are responsible for selecting**".

Page 12, line 20, delete "superintendent, a principal is responsible for hiring".

Page 12, delete lines 24 through 30.

Page 22, between lines 4 and 5, begin a new paragraph and insert: "SECTION 27. IC 20-28-6-7, AS ADDED BY P.L.1-2005, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 7. (a) As used in this section, "teacher" includes an individual who:

- (1) holds a substitute teacher's license; and
- (2) provides instruction in a joint summer school program under IC 20-30-7-5.

(b) The supplemental service teacher's contract shall be used when a teacher provides professional service in evening school or summer school employment, except when a teacher or other individual is employed to supervise or conduct noncredit courses or activities.

(c) If a teacher serves more than one hundred twenty (120) days on a supplemental service teacher's contract in a school year, the following apply:

- (1) Sections 1, 2, 3, and 8 of this chapter.
- (2) IC 20-28-10-1 through ~~IC 20-28-10-2~~: **IC 20-28-10-5**.
- (3) ~~IC 20-28-7-3~~ through ~~IC 20-28-7-5~~.
- (4) ~~IC 20-28-7-7~~ through ~~IC 20-28-7-12~~.
- (5) ~~IC 20-28-7-14~~.
- (6) ~~IC 20-28-10-1~~ through ~~IC 20-28-10-5~~.

(d) The salary of a teacher on a supplemental service contract ~~must equal the salary of a teacher on the regular salary schedule of the school corporation where the teacher will serve. Part-time service on the supplemental service contract is computed on the basis of six (6) hours as a full day of service.~~ **shall be determined by the**

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superintendent. The superintendent may, but is not required to, base the salary on the regular salary schedule for the school corporation.

SECTION 28. IC 20-28-6-7.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 7.5. (a) A teacher who is subject to this section is not subject to section 8 of this chapter.

(b) After June 30, 2011, a teacher who:

- (1) serves under contract as a teacher in a public school corporation;
- (2) has not received a rating in an evaluation under IC 20-28-11.5 or receives a rating of ineffective in an evaluation under IC 20-28-11.5;
- (3) has not at any time before July 1, 2012, entered into a teaching contract for further service with the school corporation; and
- (4) has not received three (3) consecutive ratings in a five (5) year period of effective or highly effective in an evaluation under IC 20-28-11.5;

shall be considered a probationary teacher.

(c) After June 30, 2011, a teacher who receives a rating of:

- (1) effective;
- (2) highly effective; or
- (3) a combination of both subdivisions (1) and (2);

in an evaluation under IC 20-28-11.5 for at least three (3) years in a five (5) year or shorter period becomes a professional teacher by entering into a contract described in section 2 of this chapter.

(d) A professional teacher who receives a rating of ineffective in an evaluation under IC 20-28-11.5 shall be considered a probationary teacher but is not subject to the cancellation of the teacher's contract unless at least one (1) of the following criteria applies:

- (1) The teacher receives a rating of ineffective in an evaluation under IC 20-28-11.5 in the year immediately following the teacher's initial rating of ineffective.
- (2) The teacher's contract cancellation is due to a justifiable decrease in the number of teaching positions under IC 20-28-7.5-1(b)(3).
- (3) The teacher's contract cancellation is due to conduct set forth in IC 20-28-7.5-1(b).

SECTION 29. IC 20-28-6-8, AS AMENDED BY P.L.43-2010, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

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JULY 1, 2011]: Sec. 8. (a) An individual who:

(1) serves under contract as a teacher in a public school corporation for at least five (5) successive years; before July 1, 2012; and

(2) at any time before July 1, 2012, enters into a teacher's contract for further service with the school corporation;

becomes, by entering into the contract described in subdivision (2), a permanent an established teacher of the school corporation. When a contract between the school corporation and a permanent an established teacher expires by the contract's terms, the contract is considered to continue indefinitely as an indefinite contract, subject to IC 20-28-7.5.

(b) An indefinite contract remains in force until the indefinite contract is:

(1) replaced by a new contract signed by both parties; or

(2) canceled as provided in ~~IC 20-28-7~~ IC 20-28-7.5."

Page 22, line 16, delete "an ineffective designation on a performance evaluation" and insert "an ineffective designation on two (2) consecutive performance evaluations under IC 20-28-11.5; or

(B) an ineffective or improvement necessary rating on three

(3) or more performance evaluations under IC 20-28-11.5 in any five (5) year period."

Page 22, delete lines 17 through 20.

Page 22, line 23, delete "." and insert ", as approved by the governing body."

Page 23, line 1, delete "an ineffective designation on a performance evaluation" and insert "an ineffective designation on two (2) consecutive performance evaluations under IC 20-28-11.5; or

(B) an ineffective or improvement necessary rating on three

(3) or more performance evaluations under IC 20-28-11.5 in any five (5) year period."

Page 23, delete lines 2 through 5.

Page 23, between lines 20 and 21, begin a new paragraph and insert: "SECTION 32. IC 20-28-7.5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]:

Chapter 7.5. Cancellation of Teacher Contracts

Sec. 1. (a) This chapter applies to a teacher in a school corporation (as defined in IC 20-18-2-16(a)).

(b) A principal may decline to continue a probationary teacher's contract under sections 2 through 4 of this chapter if the probationary teacher:

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- (1) receives an ineffective designation on a performance evaluation under IC 20-28-11.5;
- (2) receives two (2) consecutive improvement necessary ratings on a performance evaluation under IC 20-28-11.5; or
- (3) is subject to a justifiable decrease in the number of teaching positions or any reason relevant to the school corporation's interest.

(c) Except as provided in subsection (e), a principal may not decline to continue a professional or established teacher's contract unless the teacher is subject to a justifiable decrease in the number of teaching positions.

(d) After June 30, 2012, the cancellation of teacher's contracts due to a justifiable decrease in the number of teaching positions shall be determined on the basis of performance rather than seniority. In cases where teachers are placed in the same performance category, any of the items in IC 20-28-9-1(c) may be considered. Seniority may be considered as one (1) of the criteria to justify the decrease in teaching positions. However, seniority may not be the sole basis to justify the decrease in teaching positions.

(e) A contract with a teacher may be canceled immediately in the manner set forth in sections 2 through 4 of this chapter for any of the following reasons:

- (1) Immorality.
- (2) Insubordination, which means a willful refusal to obey the state school laws or reasonable rules adopted for the governance of the school building or the school corporation.
- (3) Justifiable decrease in the number of teaching positions.
- (4) Incompetence, including receiving:
 - (A) an ineffective designation on two (2) consecutive performance evaluations under IC 20-28-11.5; or
 - (B) an ineffective designation or improvement necessary ratings in any five (5) year period.
- (5) Neglect of duty.
- (6) A conviction for an offense listed in IC 20-28-5-8(c).
- (7) Other good or just cause.

Sec. 2. (a) Before a teacher is refused continuation of the teacher's contract, the teacher has the following rights:

- (1) The principal shall notify the teacher of the principal's preliminary decision. The notification must be:
 - (A) in writing; and
 - (B) delivered in person or mailed by registered or certified

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mail to the teacher at the teacher's last known address.

(2) The notice in subdivision (1) must include a written statement, subject to IC 5-14-3-4, giving the reasons for the preliminary decision.

(3) Notification due to a reduction in force must be delivered between May 1 and July 1.

(b) For a cancellation of a teacher's contract for a reason other than a reduction in force, the notice required under subsection (a)(1) must inform the teacher that, not later than five (5) days after the teacher's receipt of the notice, the teacher may request a private conference with the superintendent. The superintendent must set the requested meeting not later than ten (10) days after the request.

(c) At the conference between the superintendent and the teacher, the teacher may be accompanied by a representative.

(d) After the conference between the superintendent and the teacher, the superintendent shall make a written recommendation to the governing body of the school corporation regarding the cancellation of the teacher's contract.

(e) If the teacher does not request a conference under subsection (b), the principal's preliminary decision is considered final.

(f) If the teacher files a request with the governing body for an additional private conference not later than five (5) days after the initial private conference with the superintendent, the teacher is entitled to an additional private conference with the governing body before the governing body makes a final decision, which must be in writing, concerning the cancellation of the teacher's contract.

Sec. 3. At the first public meeting following a private conference with:

- (1) the governing body under section 2(f) of this chapter; or
- (2) the superintendent under section 2(b) of this chapter, if no conference with the governing body is requested;

the governing body may cancel a contract with a teacher by a majority vote evidenced by a signed statement in the minutes of the board. The decision of the governing body is final.

Sec. 4. Pending a final decision on the cancellation of a teacher's contract, the teacher may be suspended from duty.

Sec. 5. The time periods set out in section 2 of this chapter shall be extended for a reasonable period:

- (1) when a teacher or school official is ill or absent from the school corporation; or
- (2) for other reasonable cause.

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Sec. 6. A contract entered into by a teacher and a school employer continues in force on the same terms and for the same wages, unless increased under IC 20-28-9-1, for the next school term following the date of the contract's termination unless one (1) of the following occurs:

- (1) The school corporation refuses continuation of the contract under this chapter.**
- (2) The teacher delivers in person or by registered or certified mail to the school corporation the teacher's written resignation.**
- (3) The contract is replaced by another contract agreed to by the parties.**

Sec. 7. (a) This chapter shall be construed to:

- (1) limit the provisions of a collective bargaining agreement negotiated under IC 20-29; and**
- (2) prohibit the negotiation of contracts that violate the requirements of this chapter and IC 20-28-9-21 through IC 20-28-9-23.**

(b) This chapter prohibits a school employer and an exclusive representative (as defined in IC 20-29-2-9) from collectively bargaining contracts that alter the requirements of this chapter and IC 20-28-9-21 through IC 20-28-9-23.

(c) This chapter shall be construed to prohibit a school employer and an exclusive representative from mutually agreeing to binding arbitration concerning teacher dismissals.

Sec. 8. (a) This section does not apply to an individual who works at a conversion charter school (as defined in IC 20-24-1-5) for purposes of the individual's employment with the school corporation that sponsored the conversion charter school.

(b) 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 that will be effective if the teacher:

- (1) furnishes the principal a release by the employer under the previous contract; or**
- (2) shows proof that thirty (30) days written notice was delivered by the teacher to the first employer.**

(c) A principal may request from a 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

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contract."

Page 23, line 32, delete "A local salary schedule that is effective after June 30, 2012,".

Page 23, delete lines 33 through 39.

Page 23, line 40, delete "(b)".

Page 23, run in lines 32 through 40.

Page 23, line 42, delete "earlier. A salary increase" and insert **"earlier, and governs salary increases"**.

Page 24, line 1, delete "effect must" and insert **"effect. Compensation attributable to additional degrees or graduate credits earned before the effective date of the local salary schedule created under this chapter shall continue."**

Page 24, delete lines 2 through 5.

Page 24, line 6, delete "(c)" and insert **"(b)"**.

Page 24, line 8, delete ". This factor" and insert **" or the attainment of additional content area:**

(A) degrees; or

(B) credit hours;

beyond the requirements for employment. These factors".

Page 24, line 18, delete "(d)" and insert **"(c)"**.

Page 24, line 24, delete "(c)" and insert **"(b)"**.

Page 24, line 25, delete "(e)" and insert **"(d)"**.

Page 24, line 26, delete "(d)" and insert **"(c)"**.

Page 24, line 26, delete "for a private conference with the" and insert **"with the superintendent or superintendent's designee not later than five (5) days after receiving notice that the teacher received a rating of ineffective. The teacher is entitled to a private conference with the superintendent or superintendent's designee."**

Page 24, delete lines 27 through 33.

Page 24, line 34, delete "(f)" and insert **"(e)"**.

Page 24, line 37, delete "(g)" and insert **"(f)"**.

Page 24, line 40, delete "(h) After June 30, 2012, at any time the state board of accounts" and insert **"(g) The department shall report any noncompliance of this section to the state board.**

(h) The state board shall take appropriate action to ensure compliance with this section."

Page 24, delete lines 41 through 42.

Page 25, delete lines 1 through 6, begin a new paragraph and insert:

"(i) This chapter may not be construed to require or allow a school corporation to decrease the salary of any teacher below the salary the teacher was earning on or before July 1, 2012, if that decrease would be made solely to conform to the new salary scale.

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SECTION 34. IC 20-28-10-2, AS ADDED BY P.L.1-2005, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 2. (a) Except as provided in section 1 of this chapter, rights existing at the time a leave commences that arise from a teacher's:

- (1) status as a **permanent professional or established** teacher;
- (2) accumulation of successive years of service;
- (3) service performed under a teacher's contract under IC 20-28-6-8; or
- (4) status or rights negotiated under IC 20-29;

remain intact.

(b) During a leave the teacher may maintain coverage in a group insurance program by paying the total premium including the school corporation's share, if any, attributable to the leave period. The school corporation may elect to pay all or part of the cost of the premium as an adopted or negotiated fringe benefit to teachers on leave.

(c) During a leave extending into a part of a school year, a teacher accumulates sick leave under IC 20-28-9-9 through IC 20-28-9-12, or a salary schedule of the school corporation that provides greater sick leave, in the same proportion that the number of days the teacher is paid during the year for work or leave bears to the total number of days for which teachers are paid in the school corporation.

(d) Except as provided in section 1 of this chapter, during a leave of a **nonpermanent probationary** teacher, the period of probationary successive years of service under a teacher's contract that is a condition precedent to becoming a **permanent professional or established** teacher under IC 20-28-6-8 is uninterrupted for that teacher. However, this probationary period may not include an entire school year spent on leave.

(e) All or part of a leave granted for sickness or disability, including pregnancy related disability, may be charged at the teacher's discretion to the teacher's available sick days. However, the teacher is not entitled to take accumulated sick days when the teacher's physician certifies that the teacher is capable of performing the teacher's regular teaching duties. The teacher is entitled to complete the remaining leave without pay.

SECTION 35. IC 20-28-10-7, AS ADDED BY P.L.1-2005, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 7. A **permanent professional or established** teacher:

- (1) with an indefinite contract under IC 20-28-6-8; and
- (2) who is described in section 6(a) of this chapter;

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is granted a leave of absence during the defense service.

SECTION 36. IC 20-28-10-8, AS ADDED BY P.L.1-2005, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 8. (a) If a **nonpermanent probationary** teacher who is described in section 6(a) of this chapter enters the defense service, the teacher's contract as a teacher and the teacher's rights to probationary successive years under contract are preserved with the school corporation as the teacher had them when entering the defense service.

(b) The period of probationary successive years of service under a teacher's contract that is a condition precedent to becoming a **permanent professional or established** teacher under IC 20-28-6-8 is considered uninterrupted for a teacher to whom this section applies. However, this probationary period may not include the time spent in defense service. The teacher is granted a leave of absence during the defense service."

Page 25, line 15, delete "and".

Page 25, line 17, delete "." and insert "; **and**".

Page 25, between lines 17 and 18, begin a new line block indented and insert:

"(3) conducts staff performance evaluations as a significant part of teacher's responsibilities."

Page 25, delete lines 22 through 23.

Page 25, line 24, delete "(3)" and insert "(2)".

Page 25, line 26, delete "(4)" and insert "(3)".

Page 25, line 27, delete "(5)" and insert "(4)".

Page 25, between lines 28 and 29, begin a new line blocked left and insert:

"However, for purposes of section 4(a) and 4(b) of this chapter, "school corporation" includes a charter school and a virtual charter school."

Page 25, between lines 32 and 33, begin a new paragraph and insert:

"(b) Instead of developing its own staff performance evaluation plan under subsection (a), a school corporation may adopt a staff performance evaluation plan that meets the requirements set forth in this chapter or any of the following models:

(1) A plan using master teachers or contracting with an outside vendor to provide master teachers.

(2) The System for Teacher and Student Advancement (TAP).

(3) The Peer Assistance and Review Teacher Evaluation System (PAR)."

Page 25, line 33, delete "(b)" and insert "(c)".

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Page 25, line 39, after "results" insert **"from statewide assessments"**.

Page 26, between lines 2 and 3, begin a new line block indented and insert:

"(3) Rigorous measures of effectiveness, including observations and other performance indicators."

Page 26, line 3, delete "(3)" and insert **"(4)"**.

Page 26, line 9, delete "(4)" and insert **"(5)"**.

Page 26, line 11, delete "(5)" and insert **"(6)"**.

Page 26, delete lines 14 through 16.

Page 26, line 42, delete "principal not later than" and insert **"superintendent or the superintendent's designee not later than five (5) days after receiving notice that the teacher received a rating of ineffective. The teacher is entitled to a private conference with the superintendent or superintendent's designee."**

Page 27, delete lines 1 through 7, begin a new paragraph and insert:

"Sec. 7. (a) A student may not be instructed for two (2) consecutive years by two (2) consecutive teachers, each of whom was rated as ineffective under this chapter in the school year immediately before the school year in which the student is placed in the respective teacher's class.

(b) If a teacher did not instruct students in the school year immediately before the school year in which students are placed in the teacher's class, the teacher's rating under this chapter for the most recent year in which the teacher instructed students, instead of for the school year immediately before the school year in which students are placed in the teacher's class, shall be used in determining whether subsection (a) applies to the teacher.

(c) If it is not possible for a school corporation to comply with this section, the school corporation must send notification to the parents of each applicable student indicating the student will be placed in a classroom of a teacher who has been rated ineffective under this chapter for the second consecutive year. The notice must be sent before the start of the second consecutive school year."

Page 27, line 8, delete "7." and insert **"8."**

Page 27, line 33, delete "A school corporation that modifies the model plan or" and insert **"If a school corporation modifies the model plan or develops its own plan, the department may request that the school corporation submit the plan to the department to"**.

Page 27, delete line 34.

Page 27, line 39, after "." insert **"A school corporation must submit its staff performance evaluation plan to the department for**

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approval in order to qualify for any grant funding related to this chapter."

Page 27, line 40, delete "8." and insert "9."

Page 28, reset in roman line 17.

Page 28, line 19, delete "(2)" and insert "(3)".

Page 28, line 20, delete "(3)" and insert "(4)".

Page 28, line 22, delete "(4)" and insert "(5)".

Page 28, between lines 30 and 31, begin a new paragraph and insert:
"SECTION 32. IC 20-33-2-3.2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 3.2. As used in this chapter, "attend" means to be physically present:

(1) in a school; or

(2) at another location where the school's educational program in which a person is enrolled is being conducted; during regular school hours on a day in which the educational program in which the person is enrolled is being offered.

SECTION 33. IC 20-33-2-14, AS AMENDED BY P.L.185-2006, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 14. (a) This section and sections 15 through 17.5 of this chapter apply to a student who attends either a public school or a nonpublic school.

(b) The governing body of each school corporation shall have a policy outlining the conditions for excused and unexcused absences. The policy must include the grounds for excused absences required by sections 15 through 17.5 of this chapter or another law. Any absence that results in a person not attending at least one hundred eighty (180) days in a school year must be in accordance with the governing body's policy to qualify as an excused absence.

~~(b)~~ (c) Service as a page for or as an honoree of the general assembly is a lawful excuse for a student to be absent from school, when verified by a certificate of the secretary of the senate or the chief clerk of the house of representatives. A student excused from school attendance under this section may not be recorded as being absent on any date for which the excuse is operative and may not be penalized by the school in any manner.

SECTION 34. IC 20-33-2-25, AS ADDED BY P.L.1-2005, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 25. The superintendent or an attendance officer having jurisdiction ~~may~~ **shall** report a child who is habitually absent from school in violation of this chapter to an intake officer of the juvenile court **or the department of child services.** The intake officer

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or the department of child services shall proceed in accord with IC 31-30 through IC 31-40.

SECTION 35. IC 20-33-2-27, AS ADDED BY P.L.1-2005, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 27. (a) It is unlawful for a parent to fail to ensure that the parent's child attends school as required under this chapter.

(b) Before proceedings are instituted against a parent for a violation of this section, personal notice of the violation shall be served on the parent by the superintendent or the superintendent's designee:

- (1) having jurisdiction over the public school where the child has legal settlement; or
- (2) of the transferee corporation, if the child has been transferred.

(c) **For purposes of this section, service of personal notice must consist of and take place at the time of the occurrence of one of the following events: a violation may be made upon a parent by any of the following means:**

- (1) **The date of personal delivery Delivering a copy of the notice to the parent personally. Personal notice shall be treated as occurring under this subdivision on the date of delivery.**
- (2) **The date of receipt Any other means of sending a copy of the notice sent by certified mail: to the parent. Personal notice shall be treated as occurring under this subdivision on the date of delivery.**
- (3) **The date of Leaving a copy of the notice at the last and usual place of the residence of the parent. Personal notice shall be treated as occurring under this subdivision on the date the notice is left at the residence.**
- (4) **Communicating notice of the violation to the parent by any other means, if the communication is made by the superintendent for the school or the superintendent's designee. Personal notice shall be treated as occurring under this subdivision on the earliest date that the communication is made.**

If the violation is not terminated not more than one (1) school day after this notice is given, or if another violation is committed during the notice period, no further notice is necessary. Each day of violation constitutes a separate offense."

Page 29, line 15, after "20-28-5-11;" insert "**IC 20-28-6-10; IC 20-28-7; IC 20-28-9-2; IC 20-28-9-3; IC 20-28-9-4;**"

Page 29, after line 15, begin a new paragraph and insert:

"SECTION 35. [EFFECTIVE UPON PASSAGE] **(a) The Indiana state board of education may adopt temporary rules in the manner**

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provided for adopting an emergency rule under IC 4-22-2-37.1 to implement IC 20-28-11.5-7, as added by this act. A temporary rule adopted under this SECTION expires on the earliest of the following:

- (1) The date specified in the temporary rule.
- (2) The date another temporary rule or a permanent rule repeals or supersedes the previously adopted temporary rule.
- (3) July 1, 2012.

(b) This SECTION expires July 1, 2012.
 SECTION 36. An emergency is declared for this act."
 Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 1 as printed February 18, 2011.)

BEHNING, Chair

Committee Vote: yeas 8, nays 5.

HOUSE MOTION

Mr. Speaker: I move that Engrossed Senate Bill 1 be amended to read as follows:

Page 3, line 4, delete "P.L. 101-2009," and insert "HEA 1429-2011, SECTION 4,".

Page 3, line 5, delete "SECTION 14,".

Page 4, delete lines 11 through 12.

Page 4, line 13, delete "(7)" and insert "(6)".

Page 4, line 15, delete "(8)" and insert "(7)".

Page 4, line 18, delete "(9)" and insert (8)".

Page 4, line 23, delete "(10)" and insert "(9)".

Page 4, line 26, delete "(11)" and insert "(10)".

Page 5, line 8, delete "IC 20-20-38" and insert "IC 20-20-39".

Page 5, line 11, delete "38." and insert "39."

Page 6, line 16, delete "P.L. 182-2009(ss)," and insert "SEA 495-2011, SECTION 1,".

Page 6, line 17, delete "SECTION 316,".

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Page 6, line 22, after "law." insert "However, a governing body may not use funds received from the state to bring or join in an action against the state, unless the governing body is challenging an adverse decision by a state agency, board, or commission."

(Reference is to ESB 1 as printed April 13, 2011.)

BEHNING

HOUSE MOTION

Mr. Speaker: I move that Engrossed Senate Bill 1 be amended to read as follows:

Page 26, line 40, delete "If" and insert "**For items listed in section (1)(e)(3), (1)(e)(4), or (1)(e)(6) of this chapter, if**".

Page 27, between lines 3 and 4, begin a new paragraph and insert:

"(g) For items listed in section (1)(e)(1), (1)(e)(2), (1)(e)(5), or (1)(e)(7) of this chapter, if, not later than five (5) days after the initial private conference with the superintendent, the teacher files a request with the governing body for an additional private conference, the teacher is entitled to an additional private conference with the governing body before the governing body makes a final decision. The final decision must be in writing and must be made not more than thirty (30) days after the governing body receives the teacher's request for the additional private conference. At the private conference the governing body shall do the following:

- (1) Allow the teacher to present evidence to refute the reason or reasons for contract cancellation and supporting evidence provided by the school corporation. Any evidence presented at the private conference must have been exchanged by the parties at least seven (7) days before the private conference.**
- (2) Consider whether a preponderance of the evidence supports the cancellation of the teacher's contract."**

(Reference is to ESB 1 as printed April 13, 2011.)

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HOUSE MOTION

Mr. Speaker: I move that Engrossed Senate Bill 1 be amended to read as follows:

Page 3, line 2, after "(5)" insert "(3)".

Page 3, line 2, reset in roman "A teacher."

Page 3, line 3, after "(6)" insert "(4)".

Page 3, line 3, reset in roman "A librarian."

Page 5, delete lines 23 through 42.

Page 6, delete line 1.

Page 6, between lines 1 and 2, begin a new paragraph and insert:

"SECTION 9. IC 20-24-6-10, AS ADDED BY P.L.1-2005, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 10. (a) The governing body:

- (1) must grant a transfer of not more than two (2) years; and
- (2) may grant a transfer for a period in addition to the period required in subdivision (1);

to a teacher of a noncharter school in the school corporation who wishes to teach and has been accepted to teach at a nonconversion charter school.

(b) During the term of the transfer under subsection (a):

- (1) the teacher's seniority status under law continues as if the teacher were an employee of a noncharter school in the school corporation; and
- (2) the teacher's years as a charter school employee shall not be considered for purposes of permanent or semipermanent status with the school corporation under IC 20-28-6, ~~IC 20-28-7,~~ **IC 20-28-7.5**, or IC 20-28-8."

Page 6, between lines 15 and 16, begin a new paragraph and insert:

"SECTION 12. IC 20-24-8-5, AS AMENDED BY P.L.154-2009, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 5. The following statutes and rules and guidelines adopted under the following statutes apply to a charter school:

- (1) IC 5-11-1-9 (required audits by the state board of accounts).
- (2) IC 20-39-1-1 (unified accounting system).
- (3) IC 20-35 (special education).
- (4) IC 20-26-5-10 (criminal history).
- (5) IC 20-26-5-6 (subject to laws requiring regulation by state agencies).
- (6) ~~IC 20-28-7-14 (void teacher contract when two (2) contracts are signed);~~
- (7) ~~(6)~~ **(6)** IC 20-28-10-12 (nondiscrimination for teacher marital status).

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- ~~(8)~~ (7) IC 20-28-10-14 (teacher freedom of association).
- ~~(9)~~ (8) IC 20-28-10-17 (school counselor immunity).
- ~~(10)~~ (9) For conversion charter schools only, IC 20-28-6, ~~IC 20-28-7~~, **IC 20-28-7.5**, IC 20-28-8, IC 20-28-9, and IC 20-28-10.
- ~~(11)~~ (10) IC 20-33-2 (compulsory school attendance).
- ~~(12)~~ (11) IC 20-33-3 (limitations on employment of children).
- ~~(13)~~ (12) IC 20-33-8-19, IC 20-33-8-21, and IC 20-33-8-22 (student due process and judicial review).
- ~~(14)~~ (13) IC 20-33-8-16 (firearms and deadly weapons).
- ~~(15)~~ (14) IC 20-34-3 (health and safety measures).
- ~~(16)~~ (15) IC 20-33-9 (reporting of student violations of law).
- ~~(17)~~ (16) IC 20-30-3-2 and IC 20-30-3-4 (patriotic commemorative observances).
- ~~(18)~~ (17) IC 20-31-3, IC 20-32-4, IC 20-32-5, IC 20-32-6, IC 20-32-8, or any other statute, rule, or guideline related to standardized testing (assessment programs, including remediation under the assessment programs).
- ~~(19)~~ (18) IC 20-33-7 (parental access to education records).
- ~~(20)~~ (19) IC 20-31 (accountability for school performance and improvement).
- ~~(21)~~ (20) IC 20-30-5-19 (personal financial responsibility instruction)."

Page 12, line 16, delete "IC 20-28-7," and insert "**IC 20-28-7.5**,".

Page 12, line 19, delete "." and insert ", **subject to the approval of the governing body.**".

Page 20, line 21, strike "IC 20-28-7-7." and insert "**IC 20-28-7.5**".

Page 22, line 25, delete "this section is not subject to section 8 of this chapter." and insert "**section 8 of this chapter is not subject to this section.**".

Page 22, line 35, delete "consecutive".

Page 23, delete lines 35 through 42.

Delete page 24.

Page 25, delete lines 1 through 9.

Page 25, line 34, delete "IC 20-28-9-1(c)" and insert "**IC 20-28-9-1(b)**".

Page 25, line 35, delete "Seniority may be considered as one (1) of the criteria".

Page 25, delete lines 36 through 38.

Page 26, line 9, delete "ratings in" and insert "**rating in three (3) years of**".

Page 28, line 40, after "(1)" insert "**A combination of the following**

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factors taken together may account for not more than thirty-three percent (33%) of the calculation used to determine a teacher's increase or increment:

(A)".

Page 28, line 40, delete "or the" and insert ".".

Page 28, delete lines 41 through 42, begin a new line double block indented and insert:

"(B) The attainment of either:

(i) additional content area degrees beyond the requirements for employment; or

(ii) additional content area degrees and credit hours beyond the requirements for employment, if required under an agreement bargained under IC 20-29."

Page 29, delete lines 1 through 5.

Page 29, between lines 38 and 39, begin a new paragraph and insert:

"SECTION 39. IC 20-28-9-21, AS ADDED BY P.L.1-2005, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 21. (a) This section and sections 22 through 23 of this chapter apply to the suspension of a teacher without pay when the procedure for the cancellation of the teacher's contract under ~~IC 20-28-7-3~~ through ~~IC 20-28-7-5~~ **do IC 20-28-7.5** does not apply.

(b) A teacher may be suspended from duty without pay only for the following reasons:

- (1) Immorality.
- (2) Insubordination, which means the willful refusal to obey the state school laws or reasonable rules prescribed for the government of the school corporation.
- (3) Neglect of duty.
- (4) Substantial inability to perform teaching duties.
- (5) Good and just cause.

SECTION 40. IC 20-28-10-1, AS ADDED BY P.L.1-2005, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 1. (a) A school corporation may grant a teacher a leave of absence not to exceed one (1) year for:

- (1) a sabbatical;
- (2) a disability leave; or
- (3) a sick leave.

(b) The school corporation may grant consecutive leaves to a teacher.

(c) A school corporation may grant partial compensation for a leave in an amount the school corporation determines. However, if a teacher on a sabbatical serves an employer that agrees to reimburse the school

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corporation in whole or in part of the amount of the teacher's regular salary, the school corporation may grant full or partial compensation.

(d) A teacher who is pregnant shall be granted a leave of absence for the period provided in and subject to section 5 of this chapter.

(e) Except where a contract is not required under ~~IC 20-28-7~~ **IC 20-28-7.5** in a situation that occurs before or after the commencement of leave, the teacher and the school corporation shall execute a regular teacher's contract for each school year in which any part of the teacher's leave is granted.

(f) The teacher has the right to return to a teaching position for which the teacher is certified or otherwise qualified under the rules of the state board."

Page 30, between lines 32 and 33, begin a new paragraph and insert:

"SECTION 42. IC 20-28-10-4, AS ADDED BY P.L.1-2005, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 4. (a) A school corporation may place a teacher, with or without written request, on a disability or sick leave not to exceed one (1) year.

(b) A teacher placed on a disability or sick leave without a written request is entitled to a hearing on that action under ~~IC 20-28-7-1~~ and ~~IC 20-28-7-3~~ through ~~IC 20-28-7-5~~: **IC 20-28-7.5**."

Page 34, line 42, after "board" insert ", and to the public via the department's Internet web site,".

Page 37, between lines 35 and 36, begin a new paragraph and insert:

"SECTION 54. IC 20-35-5-9, AS ADDED BY P.L.1-2005, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 9. A teacher who:

- (1) is employed by a special education cooperative; and
 - (2) previously taught in a participating school corporation;
- retains all rights and privileges under IC 20-28-6, ~~IC 20-28-7~~, **IC 20-28-7.5**, IC 20-28-8, IC 20-28-9, and IC 20-28-10 to the same extent as if the teacher had continued teaching in the participating school corporation.

SECTION 55. IC 20-35-5-10, AS ADDED BY P.L.1-2005, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 10. A teacher who:

- (1) is employed by a special education cooperative; and
- (2) does not have existing years of service in any of the participating school corporations;

shall be considered to be employed by the special education cooperative and is entitled to the same rights and privileges under IC 20-28-6, ~~IC 20-28-7~~, **IC 20-28-7.5**, IC 20-28-8, IC 20-28-9, and

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IC 20-28-10 as if the teacher were employed by a school corporation.

SECTION 56. IC 20-35-5-12, AS ADDED BY P.L.1-2005, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 12. If:

(1) a teacher loses the teacher's job in a special education cooperative due to:

- (A) a reduction in services of;
- (B) a reorganization of;
- (C) the discontinuance of; or
- (D) a withdrawal in whole or in part of a participating school corporation from;

the special education cooperative; and

(2) the teacher is employed by a participating school corporation as described in section 11 of this chapter;

the teacher retains the rights and privileges under IC 20-28-6, ~~IC 20-28-7~~, **IC 20-28-7.5**, IC 20-28-8, IC 20-28-9, and IC 20-28-10 that the teacher held at the time the teacher lost the job in the special education cooperative as described in subdivision (1)."

Page 37, line 40, delete "IC 20-28-11." and insert "IC 20-28-11; IC 20-29-6-11."

Re-number all SECTIONS consecutively.

(Reference is to ESB 1 as printed April 13, 2011.)

BEHNING

HOUSE MOTION

Mr. Speaker: I move that Engrossed Senate Bill 1 be amended to read as follows:

Page 32, line 18, delete "and".

Page 32, line 21, delete "." and insert "; and

(C) student assessment results from locally developed assessments and other test measures for certificated employees whose responsibilities may or may not include instruction in subjects and areas measured by statewide assessments."

(Reference is to ESB 1 as printed April 13, 2011.)

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HOUSE MOTION

Mr. Speaker: I move that Engrossed Senate Bill 1 be amended to read as follows:

Page 33, line 23, after "(a)" insert "**This section applies to any teacher instructing students in a content area and grade subject to IC 20-32-4-1(a)(1) and IC 20-32-5-2.**

(b)".

Page 33, line 28, delete "(b)" and insert "**(c)**".

Page 33, line 34, delete "(a)" and insert "**(b)**".

Page 33, line 35, delete "(c)" and insert "**(d)**".

Page 33, line 36, delete "send notification to" and insert "**notify**".

Page 33, line 39, after "chapter" insert ".".

Page 33, line 39, delete "for the second consecutive year."

Page 33, line 39, delete "notice" and insert "**parent**".

Page 33, line 40, delete "sent" and insert "**notified**".

(Reference is to ESB 1 as printed April 13, 2011.)

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 HOUSE MOTION

Mr. Speaker: I move that Engrossed Senate Bill 1 be amended to read as follows:

Page 34, between lines 33 and 34, begin a new paragraph and insert:

"(c) This subsection applies to a school corporation that has not adopted a staff performance evaluation plan that complies with this chapter before July 1, 2011. Before submitting a staff performance evaluation plan to the department under subsection (b), the governing body shall submit the staff performance evaluation plan to the teachers employed by the school corporation for a vote. If at least seventy-five percent (75%) of the teachers voting vote in favor of adopting the staff performance evaluation plan, the governing body may submit the staff performance evaluation plan to the department under subsection (b)."

(Reference is to ESB 1 as printed April 13, 2011.)

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