

**SENATE BILL No. 1**

**DIGEST OF INTRODUCED BILL**

**Citations Affected:** IC 11-10-5; IC 20-18-2; IC 20-19-2-8; IC 20-20-31-10; IC 20-24; IC 20-25-16-1; IC 20-26; IC 20-28; IC 20-31-4-6; IC 20-33-2.

**Synopsis:** Teacher evaluations and licensing. Eliminates the advisory board of the division of professional standards of the department of education. Provides that not more than 50% of the teachers in a charter school are not required to be licensed as teachers, or be in the process of obtaining a license (unless the state board of education waives the limitation). 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. Repeals references to the advisory board and the existing staff performance evaluation provisions, and makes corresponding changes to related sections.

**Effective:** July 1, 2011.

**Kruse**

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

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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.

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## 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



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)~~ A principal.

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

4           SECTION 5. IC 20-19-2-8, AS AMENDED BY P.L.101-2009,  
 5           SECTION 14, 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) Subject to section 9 of this chapter, the adoption and approval  
 12          of textbooks under IC 20-20-5.  
 13          (7) The distribution of funds and revenues appropriated for the  
 14          support of schools in the state.  
 15          (8) The state board may not establish an accreditation system for  
 16          nonpublic schools that is less stringent than the accreditation  
 17          system for public schools.  
 18          (9) A separate system for recognizing nonpublic schools under  
 19          IC 20-19-2-10. Recognition of nonpublic schools under this  
 20          subdivision constitutes the system of regulatory standards that  
 21          apply to nonpublic schools that seek to qualify for the system of  
 22          recognition.  
 23          (10) The establishment and enforcement of standards and  
 24          guidelines concerning the safety of students participating in  
 25          cheerleading activities.  
 26          **(11) Subject to IC 20-28-2, the preparation and licensing of**  
 27          **teachers.**  
 28          (b) Before final adoption of any rule, the state board shall make a  
 29          finding on the estimated fiscal impact that the rule will have on school  
 30          corporations.  
 31          SECTION 6. IC 20-20-31-10, AS ADDED BY P.L.246-2005,  
 32          SECTION 128, IS AMENDED TO READ AS FOLLOWS  
 33          [EFFECTIVE JULY 1, 2011]: Sec. 10. The state board shall approve  
 34          an evaluation system for professional development based on  
 35          recommendations from the department. ~~and the advisory board of the~~  
 36          ~~division of professional standards established by IC 20-28-2-2.~~ The  
 37          department shall develop a means for measuring successful programs  
 38          and activities in which schools participate. The measurements must  
 39          include the following:  
 40          (1) A mechanism to identify and develop strategies to collect  
 41          multiple forms of data that reflect the achievement of expectations  
 42          for all students. The data may include the results of ISTEP

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1 program tests under IC 20-31-3, IC 20-32-4, IC 20-32-5, and  
2 IC 20-32-6, local tests, classroom work, and teacher and  
3 administrator observations.

4 (2) A procedure for using collected data to make decisions.

5 (3) A method of evaluation in terms of educator's practice and  
6 student learning, including standards for effective teaching and  
7 effective professional development.

8 SECTION 7. IC 20-24-6-5, AS ADDED BY P.L.1-2005, SECTION  
9 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,  
10 2011]: Sec. 5. (a) An individual who teaches in a charter school must:  
11 either:

12 (1) hold a license to teach in a public school in Indiana under  
13 IC 20-28-5; or

14 (2) be in the process of obtaining a license to teach in a public  
15 school in Indiana under the transition to teaching program  
16 established by IC 20-28-4-2; or

17 **(3) hold at least a bachelor's degree with a grade point**  
18 **average of at least three (3.0) on a four (4.0) point scale from**  
19 **an accredited postsecondary educational institution in the**  
20 **content or related area in which the individual teaches. Not**  
21 **more than fifty percent (50%) of a charter school's teachers**  
22 **may be employed under this subdivision unless a charter**  
23 **school requests and the state board approves a waiver of this**  
24 **provision.**

25 (b) An individual described in subsection (a)(2) must complete the  
26 transition to teaching program not later than three (3) years after  
27 beginning to teach at a charter school.

28 (c) An individual who provides to students in a charter school a  
29 service:

30 (1) that is not teaching; and

31 (2) for which a license is required under Indiana law;

32 must have the appropriate license to provide the service in Indiana.

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

38 (1) An Indiana statute applicable to a governing body or school  
39 corporation.

40 (2) A rule or guideline adopted by the state board.

41 (3) A rule or guideline adopted by the ~~advisory state~~ board of the  
42 ~~division of professional standards established by IC 20-28-2-2;~~

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1 **concerning teachers**, except for those rules that assist a teacher  
 2 in gaining or renewing a standard or advanced license.  
 3 (4) A local regulation or policy adopted by a school corporation  
 4 unless specifically incorporated in the charter.  
 5 SECTION 9. IC 20-25-16-1, AS AMENDED BY P.L.2-2006,  
 6 SECTION 116, IS AMENDED TO READ AS FOLLOWS  
 7 [EFFECTIVE JULY 1, 2011]: Sec. 1. To provide the board with the  
 8 necessary flexibility and resources to carry out this article, the  
 9 following apply:  
 10 (1) The board may:  
 11 (A) eliminate or modify existing policies;  
 12 (B) create new policies; and  
 13 (C) alter policies;  
 14 subject to this article and the plan developed under IC 20-25-10.  
 15 (2) IC 20-29 applies to the school city. ~~except for the provision of~~  
 16 ~~IC 20-29-6-7(a) that requires any items included in the 1972-1973~~  
 17 ~~agreements between an employer school corporation and an~~  
 18 ~~employee organization to continue to be bargainable.~~  
 19 (3) The board may waive the following statutes and rules for any  
 20 school in the school city without administrative, regulatory, or  
 21 legislative approval:  
 22 (A) The following rules concerning curriculum and  
 23 instructional time:  
 24 ~~511 IAC 6.1-3-4~~  
 25 511 IAC 6.1-5-0.5  
 26 511 IAC 6.1-5-1  
 27 511 IAC 6.1-5-2.5  
 28 511 IAC 6.1-5-3.5  
 29 511 IAC 6.1-5-4.  
 30 (B) 511 IAC 6.1-4-1 concerning student/teacher ratios.  
 31 (C) The following statutes and rules concerning textbooks and  
 32 rules adopted under the statutes:  
 33 IC 20-20-5-1 through IC 20-20-5-4  
 34 IC 20-20-5-23  
 35 IC 20-26-12-1  
 36 IC 20-26-12-2  
 37 IC 20-26-12-24  
 38 IC 20-26-12-26  
 39 IC 20-26-12-28  
 40 511 IAC 6.1-5-5.  
 41 (D) 511 IAC 6.1-4-2 concerning school principals.  
 42 (4) Notwithstanding any other law, a school city may do the

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- following:
- (A) Lease school transportation equipment to others for nonschool use when the equipment is not in use for a school city purpose.
- (B) Establish a professional development and technology fund to be used for:
  - (i) professional development; or
  - (ii) technology, including video distance learning.
- (C) Transfer funds obtained from sources other than state or local government taxation to any account of the school corporation, including a professional development and technology fund established under clause (B).
- (5) Transfer funds obtained from property taxation to the general fund and the school transportation fund, subject to the following:
  - (A) The sum of the property tax rates for the general fund and the school transportation fund after a transfer occurs under this subdivision may not exceed the sum of the property tax rates for the general fund and the school transportation fund before a transfer occurs under this subdivision.
  - (B) This subdivision does not allow a school corporation to transfer to any other fund money from the debt service fund.

SECTION 10. IC 20-26-4-8, AS ADDED BY P.L.1-2005, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 8. **(a)** Notwithstanding any other law, the president and secretary of the governing body of a school corporation are entitled, on behalf of the school corporation, to sign any contract ~~including employment contracts and contracts~~ for goods and services **and the superintendent's employment contract.** However, each contract must be approved by a majority of all members of the governing body. In the absence of either the president or secretary of the governing body, the vice president is entitled to sign the contracts with the officer who is present.

**(b) Except as provided in IC 20-28-7, this section may not be construed as providing the governing body the authority to cancel a teacher's or principal's contract.**

SECTION 11. IC 20-26-5-4, AS AMENDED BY P.L.182-2009(ss), SECTION 316, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 4. In carrying out the school purposes of a school corporation, the governing body acting on the school corporation's behalf has the following specific powers:

- (1) In the name of the school corporation, to sue and be sued and to enter into contracts in matters permitted by applicable law.

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

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

- (A) the purchase of meals, decorations, memorabilia, or awards;
- (B) provision for expenses incurred in interviewing job applicants; or
- (C) developing relations with other governmental units.

(4) To:

(A) Acquire, construct, erect, maintain, hold, and contract for construction, erection, or maintenance of real estate, real estate improvements, or an interest in real estate or real estate improvements, as the governing body considers necessary for school purposes, including buildings, parts of buildings, additions to buildings, rooms, gymnasiums, auditoriums, playgrounds, playing and athletic fields, facilities for physical training, buildings for administrative, office, warehouse, repair activities, or housing school owned buses, landscaping, walks, drives, parking areas, roadways, easements and facilities for power, sewer, water, roadway, access, storm and surface water, drinking water, gas, electricity, other utilities and similar purposes, by purchase, either outright for cash (or under conditional sales or purchase money contracts providing for a retention of a security interest by the seller until payment is made or by notes where the contract, security retention, or note is permitted by applicable law), by exchange, by gift, by devise, by eminent domain, by lease with or without option to purchase, or by lease under IC 20-47-2, IC 20-47-3, or IC 20-47-5.

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

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

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

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

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

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1 school corporation's debt service fund so long as payment for the  
2 property has not been made. The governing body may, at the  
3 governing body's option, use the procedure specified in  
4 IC 36-1-11-10 in leasing property under this subdivision.

5 (8) To:

6 (A) Employ, contract for, and discharge superintendents,  
7 supervisors; principals; teachers; librarians; athletic coaches  
8 (whether or not they are otherwise employed by the school  
9 corporation and whether or not they are licensed under  
10 IC 20-28-5); business managers; superintendents of buildings  
11 and grounds; janitors; engineers, architects, physicians;  
12 dentists; nurses; accountants, teacher aides performing  
13 noninstructional duties; educational and other professional  
14 consultants, data processing and computer service for school  
15 purposes, including the making of schedules, the keeping and  
16 analyzing of grades and other student data, the keeping and  
17 preparing of warrants, payroll, and similar data where  
18 approved by the state board of accounts as provided below,  
19 and other personnel or services as the governing body  
20 considers necessary for school purposes.

21 (B) Fix and pay the salaries and compensation of persons and  
22 services described in this subdivision **that are consistent with**  
23 **IC 20-28-9-1.**

24 (C) Classify persons or services described in this subdivision  
25 and to adopt schedules of salaries or compensation **that are**  
26 **consistent with IC 20-28-9-1.**

27 (D) Determine the number of the persons or the amount of the  
28 services employed or contracted for as provided in this  
29 subdivision.

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

32 The compensation, terms of employment, and discharge of  
33 teachers are, however, subject to and governed by the laws  
34 relating to employment, contracting, compensation, and discharge  
35 of teachers. The compensation, terms of employment, and  
36 discharge of bus drivers are subject to and governed by laws  
37 relating to employment, contracting, compensation, and discharge  
38 of bus drivers. The forms and procedures relating to the use of  
39 computer and data processing equipment in handling the financial  
40 affairs of the school corporation must be submitted to the state  
41 board of accounts for approval so that the services are used by the  
42 school corporation when the governing body determines that it is

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1 in the best interest of the school corporation while at the same  
 2 time providing reasonable accountability for the funds expended.  
 3 (9) Notwithstanding the appropriation limitation in subdivision  
 4 (3), when the governing body by resolution considers a trip by an  
 5 employee of the school corporation or by a member of the  
 6 governing body to be in the interest of the school corporation,  
 7 including attending meetings, conferences, or examining  
 8 equipment, buildings, and installation in other areas, to permit the  
 9 employee to be absent in connection with the trip without any loss  
 10 in pay and to reimburse the employee or the member the  
 11 employee's or member's reasonable lodging and meal expenses  
 12 and necessary transportation expenses. To pay teaching personnel  
 13 for time spent in sponsoring and working with school related trips  
 14 or activities.  
 15 (10) To transport children to and from school, when in the  
 16 opinion of the governing body the transportation is necessary,  
 17 including considerations for the safety of the children and without  
 18 regard to the distance the children live from the school. The  
 19 transportation must be otherwise in accordance with applicable  
 20 law.  
 21 (11) To provide a lunch program for a part or all of the students  
 22 attending the schools of the school corporation, including the  
 23 establishment of kitchens, kitchen facilities, kitchen equipment,  
 24 lunch rooms, the hiring of the necessary personnel to operate the  
 25 lunch program, and the purchase of material and supplies for the  
 26 lunch program, charging students for the operational costs of the  
 27 lunch program, fixing the price per meal or per food item. To  
 28 operate the lunch program as an extracurricular activity, subject  
 29 to the supervision of the governing body. To participate in a  
 30 surplus commodity or lunch aid program.  
 31 (12) To purchase textbooks, to furnish textbooks without cost or  
 32 to rent textbooks to students, to participate in a textbook aid  
 33 program, all in accordance with applicable law.  
 34 (13) To accept students transferred from other school corporations  
 35 and to transfer students to other school corporations in accordance  
 36 with applicable law.  
 37 (14) To make budgets, to appropriate funds, and to disburse the  
 38 money of the school corporation in accordance with applicable  
 39 law. To borrow money against current tax collections and  
 40 otherwise to borrow money, in accordance with IC 20-48-1.  
 41 (15) To purchase insurance or to establish and maintain a  
 42 program of self-insurance relating to the liability of the school

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1 corporation or the school corporation's employees in connection  
 2 with motor vehicles or property and for additional coverage to the  
 3 extent permitted and in accordance with IC 34-13-3-20. To  
 4 purchase additional insurance or to establish and maintain a  
 5 program of self-insurance protecting the school corporation and  
 6 members of the governing body, employees, contractors, or agents  
 7 of the school corporation from liability, risk, accident, or loss  
 8 related to school property, school contract, school or school  
 9 related activity, including the purchase of insurance or the  
 10 establishment and maintenance of a self-insurance program  
 11 protecting persons described in this subdivision against false  
 12 imprisonment, false arrest, libel, or slander for acts committed in  
 13 the course of the persons' employment, protecting the school  
 14 corporation for fire and extended coverage and other casualty  
 15 risks to the extent of replacement cost, loss of use, and other  
 16 insurable risks relating to property owned, leased, or held by the  
 17 school corporation. To:

18 (A) participate in a state employee health plan under  
 19 IC 5-10-8-6.6 or IC 5-10-8-6.7;

20 (B) purchase insurance; or

21 (C) establish and maintain a program of self-insurance;  
 22 to benefit school corporation employees, including accident,  
 23 sickness, health, or dental coverage, provided that a plan of  
 24 self-insurance must include an aggregate stop-loss provision.

25 (16) To make all applications, to enter into all contracts, and to  
 26 sign all documents necessary for the receipt of aid, money, or  
 27 property from the state, the federal government, or from any other  
 28 source.

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

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

42 (A) for the government and management of the schools,

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1 property, facilities, and activities of the school corporation, the  
 2 school corporation's agents, employees, and pupils and for the  
 3 operation of the governing body; and  
 4 (B) that may be designated by an appropriate title such as  
 5 "policy handbook", "bylaws", or "rules and regulations".  
 6 (19) To ratify and approve any action taken by a member of the  
 7 governing body, an officer of the governing body, or an employee  
 8 of the school corporation after the action is taken, if the action  
 9 could have been approved in advance, and in connection with the  
 10 action to pay the expense or compensation permitted under  
 11 IC 20-26-1 through IC 20-26-5, IC 20-26-7, IC 20-40-12, and  
 12 IC 20-48-1 or any other law.  
 13 (20) To exercise any other power and make any expenditure in  
 14 carrying out the governing body's general powers and purposes  
 15 provided in this chapter or in carrying out the powers delineated  
 16 in this section which is reasonable from a business or educational  
 17 standpoint in carrying out school purposes of the school  
 18 corporation, including the acquisition of property or the  
 19 employment or contracting for services, even though the power or  
 20 expenditure is not specifically set out in this chapter. The specific  
 21 powers set out in this section do not limit the general grant of  
 22 powers provided in this chapter except where a limitation is set  
 23 out in IC 20-26-1 through IC 20-26-5, IC 20-26-7, IC 20-40-12,  
 24 and IC 20-48-1 by specific language or by reference to other law.  
 25 SECTION 12. IC 20-26-5-4.5 IS ADDED TO THE INDIANA  
 26 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 27 [EFFECTIVE JULY 1, 2011]: **Sec. 4.5. (a) The superintendent is**  
 28 **responsible for hiring and discharging principals, central office**  
 29 **administrators, business managers, superintendents of building**  
 30 **and grounds, janitors, physicians, dentists, nurses, athletic coaches**  
 31 **(whether or not they are otherwise employed by the school**  
 32 **corporation and whether or not they are licensed under**  
 33 **IC 20-28-5), and any other employees necessary to the operation of**  
 34 **the school corporation.**  
 35 **(b) Subject to IC 20-28-7, a principal is responsible for hiring**  
 36 **and discharging teachers, teachers aides, assistant principals,**  
 37 **building administrators, librarians, and any other employees**  
 38 **necessary to the operation of the school.**  
 39 **(c) The governing body shall provide contracting authority on**  
 40 **behalf of the school corporation to a superintendent or principal**  
 41 **under this section and a collective bargaining agreement entered**  
 42 **into under IC 20-29-6. The governing body either shall execute the**

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1 **employment contracts designated by the superintendent or**  
2 **principal, or may authorize the superintendent to execute**  
3 **employment contracts on behalf of the governing body.**

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

10 (1) Set standards for teacher licensing and for the administration  
11 of a professional licensing and certification process by the  
12 department.

13 (2) Approve or disapprove teacher preparation programs.

14 (3) Set fees to be charged in connection with teacher licensing.

15 (4) Suspend, revoke, or reinstate teacher licenses.

16 (5) Enter into agreements with other states to acquire reciprocal  
17 approval of teacher preparation programs.

18 (6) Set standards for teacher licensing concerning new subjects of  
19 study.

20 (7) Evaluate work experience and military service concerning  
21 postsecondary education and experience equivalency.

22 (8) Perform any other action that:

23 (A) relates to the improvement of instruction in the public  
24 schools through teacher education and professional  
25 development through continuing education; and

26 (B) attracts qualified candidates for teacher education from  
27 among the high school graduates of Indiana.

28 (9) Set standards for endorsement of school psychologists as  
29 independent practice school psychologists under IC 20-28-12.

30 (10) Before July 1, 2011, set standards for sign language  
31 interpreters who provide services to children with disabilities in  
32 an educational setting and an enforcement mechanism for the  
33 interpreter standards.

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

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

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1 ~~advisory board may not publish notice of the intent to adopt the rule.~~

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

10 **(d) The state board shall adopt rules not later than July 1, 2012,**  
11 **concerning the impact of the teacher evaluation under**  
12 **IC 20-28-11.5 on the department's issuance, renewal, or**  
13 **reinstatement of a license under this article. Rules adopted under**  
14 **this subsection:**

15 **(1) may not conflict with IC 20-28-6 and IC 20-28-7**  
16 **concerning the impact of the evaluation on a certificated**  
17 **employee's status as a probationary, professional, or**  
18 **established teacher; and**

19 **(2) must require an employee who receives a rating of**  
20 **ineffective or improvement necessary to use renewal credits**  
21 **in a manner that aligns with the results of the employee's**  
22 **evaluation under IC 20-28-11.5-3.**

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

29 (1) Establish advisory committees the department determines  
30 necessary.

31 (2) Expend funds made available to the department according to  
32 policies established by the budget agency.

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

37 SECTION 15. IC 20-28-4-4, AS AMENDED BY P.L.2-2007,  
38 SECTION 215, IS AMENDED TO READ AS FOLLOWS  
39 [EFFECTIVE JULY 1, 2011]: Sec. 4. ~~Each accredited teacher~~  
40 ~~education school and department in Indiana shall~~ **An entity approved**  
41 **by the department may** establish a course of study that ~~constitutes the~~  
42 ~~postsecondary education component of the program. The postsecondary~~

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1 ~~education component required meets the requirements of this~~  
 2 ~~section. A program approved~~ under this section must comply with the  
 3 following requirements:

4 (1) Include the following study requirements:

5 (A) For a program participant who seeks to obtain a license to  
 6 teach in grades ~~6~~ 7 through 12, up to eighteen (18) credit hours  
 7 of study or the equivalent that:

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

15 **(ii) provides the program participants with instruction in**  
 16 **scientifically based reading instruction.**

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

26 (2) Focus on ~~the communication of knowledge to students;~~  
 27 **student mastery of standards established by the state.**

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

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

35 (1) For a program participant who seeks to obtain a license to  
 36 teach in grades ~~6~~ 7 through 12, one (1) of the following:

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

41 (B) A graduate degree from an accredited postsecondary  
 42 educational institution in the subject area that the individual

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intends to teach.  
(C) Both:  
(i) a bachelor's degree from an accredited postsecondary educational institution with a grade point average of at least two and five-tenths (2.5) on a four (4.0) point scale; and  
(ii) five (5) years professional experience;  
in the subject **or a related** area that the individual intends to teach.

(2) For a program participant who seeks to obtain a license to teach in kindergarten through grade ~~5~~, **6**, one (1) of the following:  
(A) A bachelor's degree or the equivalent with a grade point average of at least three (3.0) on a four (4.0) point scale from an accredited institution of higher education.  
(B) Both:  
(i) a bachelor's degree from an accredited postsecondary educational institution with a grade point average of at least two and five-tenths (2.5) on a four (4.0) point scale; and  
(ii) five (5) years professional experience in an education related field, **as determined by the department.**

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

- (1) Successfully completes the ~~postsecondary education component~~ **requirements** of the program.
- (2) Demonstrates proficiency through a written examination in:
  - (A) basic reading, writing, and mathematics;
  - (B) pedagogy; and
  - (C) knowledge of the areas in which the program participant is required to have a license to teach; under IC 20-28-5-12(b).
- (3) Participates successfully in a beginning teacher ~~internship residency~~ program ~~under IC 20-6.1-8 (repeated)~~ that includes implementation in a classroom of the teaching skills learned in the ~~postsecondary education component of the~~ program.
- (4) Receives a successful assessment of teaching skills upon completion of the beginning teacher ~~internship residency~~ program under subdivision (3) from the administrator of the school where the beginning teacher ~~internship residency~~ program takes place, or, if the program participant does not receive a successful assessment, continues participating in the beginning

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1 teacher ~~internship~~ **residency** program.

2 SECTION 18. IC 20-28-4-7, AS ADDED BY P.L.246-2005,  
3 SECTION 153, IS AMENDED TO READ AS FOLLOWS  
4 [EFFECTIVE JULY 1, 2011]: Sec. 7. This section applies to a program  
5 participant who has a degree **or related experience** described in  
6 section 5 of this chapter that does not include all the content areas of  
7 a **standard proficient practitioner** license issued by the department.  
8 The department shall issue an initial **standard practitioner** license that  
9 is restricted to only the content areas in which the program participant  
10 has a degree unless the program participant demonstrates sufficient  
11 knowledge in other content areas of the license.

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

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

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

- 27 (1) enroll in; and  
28 (2) complete;

29 the program.

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

- 33 (1) a school corporation; or  
34 (2) a subject area;

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

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

41 (c) Before employing a program participant under subsection (b),  
42 the superintendent of the school corporation must make a

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1 determination that one (1) of the following conditions exists:  
 2 (1) There is no fully certified and highly ~~qualified~~ **effective**  
 3 teacher available for the position.  
 4 (2) The program participant is the best qualified candidate for the  
 5 position.  
 6 (d) A program participant who is employed under this section is  
 7 eligible to receive a transition to teaching permit. The transition to  
 8 teaching permit is valid for three (3) years, and may not be renewed.  
 9 (e) A program participant who is employed under this section:  
 10 (1) shall enter into either:  
 11 (A) a regular teacher's contract under IC 20-28-6-5; or  
 12 (B) a temporary teacher's contract under IC 20-28-6-6, if  
 13 replacing a teacher on a leave of absence;  
 14 (2) is eligible to participate in a mentor teacher program; and  
 15 (3) satisfies the field or classroom experience component of the  
 16 program under section 4(3) of this chapter.  
 17 (f) The state board:  
 18 (1) shall review; and  
 19 (2) may renew;  
 20 the designation of a school corporation or a subject area as having an  
 21 insufficient supply of licensed teachers not more than two (2) years  
 22 following the initial designation under subsection (a).  
 23 SECTION 22. IC 20-28-5-2, AS ADDED BY P.L.246-2005,  
 24 SECTION 156, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 2. The ~~advisory~~ **state** board may  
 25 adopt rules for:  
 26 (1) the issuance of a substitute teacher's license; and  
 27 (2) the employment of substitute teacher licensees.  
 28 An individual may not serve as a substitute teacher without a license  
 29 issued by the department.  
 30 SECTION 23. IC 20-28-5-3, AS AMENDED BY P.L.75-2008,  
 31 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 32 JULY 1, 2011]: Sec. 3. (a) The department shall designate  
 33 ~~(1) the grade point average required for each type of license. and~~  
 34 ~~(2) the types of licenses to which the teachers' minimum salary~~  
 35 ~~laws apply, including nonrenewable one (1) year limited licenses.~~  
 36 (b) The department shall determine details of licensing not provided  
 37 in this chapter, including requirements regarding the following:  
 38 (1) The conversion of one (1) type of license into another.  
 39 (2) The accreditation of teacher education schools and  
 40 departments.  
 41 (3) The exchange and renewal of licenses.  
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- 1 (4) The endorsement of another state's license.  
 2 (5) The acceptance of credentials from teacher education  
 3 institutions of another state.  
 4 (6) The academic and professional preparation for each type of  
 5 license.  
 6 (7) The granting of permission to teach a high school subject area  
 7 related to the subject area for which the teacher holds a license.  
 8 (8) The issuance of licenses on credentials.  
 9 (9) The type of license required for each school position.  
 10 (10) The size requirements for an elementary school requiring a  
 11 licensed principal.  
 12 (11) Any other related matters.

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

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

20 (1) has successfully completed training approved by the  
 21 department in:

- 22 (A) cardiopulmonary resuscitation that includes a test  
 23 demonstration on a mannequin;  
 24 (B) removing a foreign body causing an obstruction in an  
 25 airway; and  
 26 (C) the Heimlich maneuver;

27 (2) holds a valid certification in each of the procedures described  
 28 in subdivision (1) issued by:

- 29 (A) the American Red Cross;  
 30 (B) the American Heart Association; or  
 31 (C) a comparable organization or institution approved by the  
 32 advisory board; or

33 (3) has physical limitations that make it impracticable for the  
 34 applicant to complete a course or certification described in  
 35 subdivision (1) or (2).

36 (d) The department shall periodically publish bulletins regarding:

- 37 (1) the details described in subsection (b);  
 38 (2) information on the types of licenses issued;  
 39 (3) the rules governing the issuance of each type of license; and  
 40 (4) other similar matters.

41 SECTION 24. IC 20-28-5-8, AS AMENDED BY P.L.121-2009,  
 42 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

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1 JULY 1, 2011]: Sec. 8. (a) This section applies when a prosecuting  
 2 attorney knows that a licensed employee of a public school or a  
 3 nonpublic school has been convicted of an offense listed in subsection  
 4 (c). The prosecuting attorney shall immediately give written notice of  
 5 the conviction to the following:

6 (1) The state superintendent.

7 (2) Except as provided in subdivision (3), the superintendent of  
 8 the school corporation that employs the licensed employee or the  
 9 equivalent authority if a nonpublic school employs the licensed  
 10 employee.

11 (3) The presiding officer of the governing body of the school  
 12 corporation that employs the licensed employee, if the convicted  
 13 licensed employee is the superintendent of the school corporation.

14 (b) The superintendent of a school corporation, presiding officer of  
 15 the governing body, or equivalent authority for a nonpublic school shall  
 16 immediately notify the state superintendent when the individual knows  
 17 that a current or former licensed employee of the public school or  
 18 nonpublic school has been convicted of an offense listed in subsection  
 19 (c), or when the governing body or equivalent authority for a nonpublic  
 20 school takes any final action in relation to an employee who engaged  
 21 in any offense listed in subsection (c).

22 (c) The department, after holding a hearing on the matter, shall  
 23 permanently revoke the license of a person who is known by the  
 24 department to have been convicted of any of the following felonies:

25 (1) Kidnapping (IC 35-42-3-2), if the victim is less than eighteen  
 26 (18) years of age.

27 (2) Criminal confinement (IC 35-42-3-3), if the victim is less than  
 28 eighteen (18) years of age.

29 (3) Rape (IC 35-42-4-1), if the victim is less than eighteen (18)  
 30 years of age.

31 (4) Criminal deviate conduct (IC 35-42-4-2), if the victim is less  
 32 than eighteen (18) years of age.

33 (5) Child molesting (IC 35-42-4-3).

34 (6) Child exploitation (IC 35-42-4-4(b)).

35 (7) Vicarious sexual gratification (IC 35-42-4-5).

36 (8) Child solicitation (IC 35-42-4-6).

37 (9) Child seduction (IC 35-42-4-7).

38 (10) Sexual misconduct with a minor (IC 35-42-4-9).

39 (11) Incest (IC 35-46-1-3), if the victim is less than eighteen (18)  
 40 years of age.

41 (12) Dealing in or manufacturing cocaine or a narcotic drug  
 42 (IC 35-48-4-1).

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- 1 (13) Dealing in methamphetamine (IC 35-48-4-1.1).  
 2 (14) Dealing in a schedule I, II, or III controlled substance  
 3 (IC 35-48-4-2).  
 4 (15) Dealing in a schedule IV controlled substance  
 5 (IC 35-48-4-3).  
 6 (16) Dealing in a schedule V controlled substance (IC 35-48-4-4).  
 7 (17) Dealing in a counterfeit substance (IC 35-48-4-5).  
 8 (18) Dealing in marijuana, hash oil, or hashish  
 9 (IC 35-48-4-10(b)).  
 10 (19) Possession of child pornography (IC 35-42-4-4(c)).  
 11 **(20) Homicide (IC 35-42-1).**

12 **(d) The department, after holding a hearing on the matter, shall**  
 13 **permanently revoke the license of a person who is known by the**  
 14 **department to have been convicted of a federal offense or an**  
 15 **offense in another state that is comparable to a felony listed in**  
 16 **subsection (c).**

17 ~~(e)~~ (e) A license may be suspended by the state superintendent as  
 18 specified in IC 20-28-7-7.

19 ~~(f)~~ (f) The department shall develop a data base of information on  
 20 school corporation employees who have been reported to the  
 21 department under this section.

22 SECTION 25. IC 20-28-5-11, AS ADDED BY P.L.246-2005,  
 23 SECTION 162, IS AMENDED TO READ AS FOLLOWS  
 24 [EFFECTIVE JULY 1, 2011]: Sec. 11. (a) This section does not apply  
 25 to an individual who, on September 1, 1985, has earned more than the  
 26 equivalent of twelve (12) semester hours of graduate credit.

27 (b) The department may not renew the junior high/middle school or  
 28 secondary education license of a teacher on the basis of the teacher  
 29 obtaining a graduate degree unless the teacher completes at least the  
 30 equivalent of eighteen (18) semester hours beyond the teacher's  
 31 undergraduate degree in any combination of courses in the teacher's  
 32 major, minor, primary, supporting, or endorsement areas. The semester  
 33 hours may include graduate hours or undergraduate hours, or both, as  
 34 determined by the department.

35 (c) The ~~advisory state~~ board may:

- 36 (1) adopt rules under IC 4-22-2 to create exceptions to the  
 37 requirements under subsection (b); and  
 38 (2) waive the requirements under subsection (b) on an individual  
 39 basis.

40 SECTION 26. IC 20-28-5-12, AS ADDED BY P.L.246-2005,  
 41 SECTION 163, IS AMENDED TO READ AS FOLLOWS  
 42 [EFFECTIVE JULY 1, 2011]: Sec. 12. (a) Subsection (b) does not

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1 apply to an individual who held an Indiana limited, reciprocal, or  
2 standard teaching license on June 30, 1985.

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

7 (1) Basic reading, writing, and mathematics.

8 (2) Pedagogy.

9 (3) Knowledge of the areas in which the individual is required to  
10 have a license to teach.

11 (4) If the individual is seeking to be licensed as an elementary  
12 school teacher, comprehensive **scientifically based** reading  
13 instruction skills, including:

14 (A) phonemic awareness; ~~and~~

15 (B) phonics instruction;

16 (C) **fluency**;

17 (D) **vocabulary**; and

18 (E) **comprehension**.

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

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

24 (1) Adopt, validate, and implement the examination or other  
25 procedures required by subsection (b).

26 (2) Establish examination scores indicating proficiency.

27 (3) Otherwise carry out the purposes of this section.

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

32 SECTION 27. IC 20-28-5-13, AS ADDED BY P.L.1-2005,  
33 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
34 JULY 1, 2011]: Sec. 13. (a) This section applies to an examination  
35 required for teacher licensure under this chapter.

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

40 SECTION 28. IC 20-28-5-14, AS ADDED BY P.L.246-2005,  
41 SECTION 164, IS AMENDED TO READ AS FOLLOWS  
42 [EFFECTIVE JULY 1, 2011]: Sec. 14. If the department is notified by

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1 the department of state revenue that an individual is on the most recent  
 2 tax warrant list, the department may not grant ~~an initial standard a~~  
 3 license to the individual until:

4 (1) the individual provides the department with a statement from  
 5 the department of state revenue indicating that the individual's  
 6 delinquent tax liability has been satisfied; or

7 (2) the department receives a notice from the commissioner of the  
 8 department of state revenue under IC 6-8.1-8-2(k).

9 SECTION 29. IC 20-28-7-1, AS ADDED BY P.L.1-2005,  
 10 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 11 JULY 1, 2011]: Sec. 1. (a) An indefinite contract with a permanent  
 12 teacher may be canceled in the manner specified in sections 3 through  
 13 5 of this chapter only for one (1) or more of the following grounds:

14 (1) Immorality.

15 (2) Insubordination, which means a willful refusal to obey the  
 16 state school laws or reasonable rules prescribed for the  
 17 government of the school corporation.

18 (3) Neglect of duty.

19 (4) Incompetence, **including receiving:**

20 **(A) an ineffective designation on a performance evaluation**  
 21 **under IC 20-28-11.5 for more than one (1) year;**

22 **(B) two (2) consecutive improvement necessary ratings; or**

23 **(C) three (3) or more ineffective or improvement necessary**  
 24 **ratings in any five (5) year period.**

25 (5) Justifiable decrease in the number of teaching positions.

26 (6) A conviction for an offense listed in IC 20-28-5-8(c).

27 (7) Other good and just cause.

28 When the cause of cancellation is a ground set forth in subdivision (1),  
 29 (2), or (6), the cancellation is effective immediately. When the cause  
 30 of cancellation is a ground set forth in subdivision (3), (4), (5), or (7),  
 31 the cancellation is effective at the end of the school term following the  
 32 cancellation.

33 (b) An indefinite contract may not be canceled for political or  
 34 personal reasons.

35 SECTION 30. IC 20-28-7-2, AS ADDED BY P.L.1-2005,  
 36 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 37 JULY 1, 2011]: Sec. 2. (a) An indefinite contract with a semipermanent  
 38 teacher may be canceled in the manner specified in sections 3 through  
 39 5 of this chapter only for one (1) or more of the following grounds:

40 (1) Immorality.

41 (2) Insubordination, which means a willful refusal to obey the  
 42 state school laws or reasonable rules prescribed for the

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1 government of the school corporation.

2 (3) Neglect of duty.

3 (4) Substantial inability to perform teaching duties, **including**  
4 **receiving:**

5 **(A) an ineffective designation on a performance evaluation**  
6 **under IC 20-28-11.5 for more than one (1) year;**

7 **(B) two (2) consecutive improvement necessary ratings; or**

8 **(C) three (3) or more ineffective or improvement necessary**  
9 **ratings in any five (5) year period.**

10 (5) Justifiable decrease in the number of teaching positions.

11 (6) Good and just cause.

12 (7) The cancellation is in the best interest of the school  
13 corporation.

14 (8) A conviction for an offense listed in IC 20-28-5-8(c).

15 (b) An indefinite contract with a semipermanent teacher may not be  
16 canceled for political or personal reasons.

17 (c) Before the cancellation of a semipermanent teacher's indefinite  
18 contract, the principal of the school at which the teacher teaches must  
19 provide the teacher with a written evaluation of the teacher's  
20 performance before January 1 of each year. Upon the request of a  
21 semipermanent teacher, delivered in writing to the principal not later  
22 than thirty (30) days after the teacher receives the evaluation required  
23 by this section, the principal must provide the teacher with an  
24 additional written evaluation.

25 SECTION 31. IC 20-28-9-1, AS ADDED BY P.L.246-2005,  
26 SECTION 165, IS AMENDED TO READ AS FOLLOWS  
27 [EFFECTIVE JULY 1, 2011]: Sec. 1. (a) ~~A teacher's minimum salary~~  
28 ~~each school year must be computed based on the teacher's education,~~  
29 ~~experience, and degree completed as of the teacher's first day of~~  
30 ~~service.~~

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

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

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

35 the teacher's minimum salary is computed under section 2 of this  
36 chapter. **A local salary schedule that is effective after June 30, 2012,**  
37 **may not include provisions that have the effect of providing**  
38 **additional compensation to a teacher based upon the teacher's**  
39 **attainment of additional degrees or graduate credit hours beyond**  
40 **the requirements for employment. Compensation that would**  
41 **otherwise have been allocated for the attainment of additional**  
42 **degrees or graduate credit hours shall be allocated for**

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1 compensation based on the criteria in subsection (c).

2 (b) This subsection takes effect July 1, 2012, or upon the  
3 expiration of a contract in existence on July 1, 2011, whichever is  
4 earlier. A salary increase for a teacher employed by a school  
5 corporation on or after the date this subsection takes effect must  
6 be based primarily on student academic performance, and may not  
7 be based on years of experience or the attainment of additional  
8 degrees or graduate credit hours beyond the requirements for  
9 employment.

10 (c) A local salary scale must be based upon a combination of the  
11 following factors:

12 (1) The number of years of a teacher's experience. This factor  
13 may not account for more than thirty-three percent (33%) of  
14 the calculation used to determine a teacher's salary, raise, or  
15 increment.

16 (2) The results of an evaluation conducted under  
17 IC 20-28-11.5.

18 (3) The assignment of instructional leadership roles, including  
19 the responsibility for conducting evaluations under  
20 IC 20-28-11.5.

21 (4) Whether the teacher is rated effective or highly effective,  
22 or is teaching in a high priority subject area or grade level  
23 based on the academic needs of students in the school  
24 corporation.

25 (d) A teacher rated ineffective or improvement necessary under  
26 IC 20-28-11.5 may not receive any raise or increment for the  
27 following year if the teacher's employment contract is continued.  
28 The amount that would otherwise have been allocated for the  
29 salary increase of teachers rated ineffective or improvement  
30 necessary shall be allocated for compensation of all teachers rated  
31 effective and highly effective based on the criteria in subsection (c).

32 (e) Not later than January 31, 2012, the department shall  
33 publish a model salary schedule that a school corporation may  
34 adopt.

35 (f) After June 30, 2012, at any time the state board of accounts  
36 may require a school corporation that is subject to this chapter to  
37 submit the school corporation's local salary schedule to determine  
38 compliance with this section. If a school corporation is found to be  
39 out of compliance with this section:

40 (1) the state board of accounts shall report the noncompliance  
41 to the state board; and

42 (2) the state board shall take appropriate action to ensure

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1 **compliance.**

2 SECTION 32. IC 20-28-11.5 IS ADDED TO THE INDIANA  
3 CODE AS A NEW CHAPTER TO READ AS FOLLOWS  
4 [EFFECTIVE JULY 1, 2011]:

5 **Chapter 11.5. Staff Performance Evaluations**

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

- 9 (1) **has clearly demonstrated a record of effective teaching**  
10 **over several years; and**  
11 (2) **is approved by the principal as qualified to evaluate under**  
12 **the plan.**

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

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

- 16 (1) **a school corporation;**  
17 (2) **a charter school, including a virtual charter school under**  
18 **IC 20-24-7-13;**  
19 (3) **a school created by an interlocal agreement under**  
20 **IC 36-1-7;**  
21 (4) **a special education cooperative under IC 20-35-5; and**  
22 (5) **a joint career and technical education program created**  
23 **under IC 20-37-1.**

24 **Sec. 4. (a) Each school corporation shall develop a plan for**  
25 **annual performance evaluations for each certificated employee (as**  
26 **defined in IC 20-29-2-4). A school corporation shall implement the**  
27 **plan beginning with the 2012-2013 school year.**

28 **(b) A plan must include the following components:**

- 29 (1) **Performance evaluations for all certificated employees,**  
30 **conducted at least annually.**  
31 (2) **Objective measures of student achievement and growth to**  
32 **significantly inform the evaluation. The objective measures**  
33 **must include:**

34 (A) **student assessment results for certificated employees**  
35 **whose responsibilities include instruction in subjects**  
36 **measured in statewide assessments; and**

37 (B) **methods for assessing student growth for certificated**  
38 **employees who do not teach in areas measured by**  
39 **statewide assessments.**

40 (3) **An annual designation of each certificated employee in one**

41 (1) **of the following rating categories:**

42 (A) **Highly effective.**

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1                   **(B) Effective.**  
 2                   **(C) Improvement necessary.**  
 3                   **(D) Ineffective.**  
 4                   **(4) An explanation of the evaluator's recommendations for**  
 5                   **improvement, and the time in which improvement is expected.**  
 6                   **(5) A provision that a teacher who negatively affects student**  
 7                   **achievement and growth cannot receive a rating of highly**  
 8                   **effective or effective.**  
 9                   **(c) The plan, including the criteria for each rating category,**  
 10                   **must be made available to all certificated employees before the**  
 11                   **evaluations are conducted.**  
 12                   **(d) Upon the request of a certificated employee being evaluated,**  
 13                   **the evaluator shall discuss the evaluation with the certificated**  
 14                   **employee before the evaluation is conducted.**  
 15                   **Sec. 5. (a) The superintendent or equivalent authority may**  
 16                   **provide for evaluations to be conducted by an external provider.**  
 17                   **(b) An individual may evaluate a certificated employee only if**  
 18                   **the individual has received training and support in evaluation**  
 19                   **skills.**  
 20                   **Sec. 6. (a) A copy of the completed evaluation, including any**  
 21                   **documentation related to the evaluation, must be provided to a**  
 22                   **certificated employee not later than seven (7) days after the**  
 23                   **evaluation is conducted.**  
 24                   **(b) If a certificated employee receives a rating of ineffective or**  
 25                   **improvement necessary, the evaluator and the certificated**  
 26                   **employee shall develop a remediation plan of not more than ninety**  
 27                   **(90) days in length to correct the deficiencies noted in the**  
 28                   **certificated employee's evaluation. The remediation plan must**  
 29                   **require the use of the certificated employee's license renewal**  
 30                   **credits in professional development activities intended to help the**  
 31                   **certificated employee achieve an effective rating on the next**  
 32                   **performance evaluation. If the principal did not conduct the**  
 33                   **performance evaluation, the principal may direct the use of the**  
 34                   **certificated employee's license renewal credits under this**  
 35                   **subsection.**  
 36                   **Sec. 7. (a) To implement this chapter, the state board shall do**  
 37                   **the following:**  
 38                   **(1) Before January 31, 2012, adopt rules under IC 4-22-2 that**  
 39                   **establish:**  
 40                   **(A) the criteria that define each of the four categories of**  
 41                   **teacher ratings under section 4(b)(3) of this chapter;**  
 42                   **(B) the measures to be used to determine student academic**

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- 1 achievement and growth under section 4(b)(2) of this  
 2 chapter;  
 3 (C) standards that define actions that constitute a negative  
 4 impact on student achievement; and  
 5 (D) an acceptable standard for training evaluators.
- 6 (2) Before January 31, 2012, work with the department to  
 7 develop a model plan and release it to school corporations.  
 8 Subsequent versions of the model plan that contain  
 9 substantive changes must be provided to school corporations.
- 10 (3) Work with the department to ensure the availability of  
 11 ongoing training on the use of the performance evaluation to  
 12 ensure that all evaluators and certificated employees have  
 13 access to information on the plan, the plan's implementation,  
 14 and this chapter.
- 15 (b) The state board may, at any time before, on, or after July 1,  
 16 2012, require a school corporation to obtain the state board's  
 17 approval before implementing a staff performance evaluation plan.  
 18 A school corporation may adopt the model plan without the state  
 19 board's approval. A school corporation may modify the model plan  
 20 or develop the school corporation's own plan, if the modified or  
 21 developed plan meets the criteria established under this chapter.
- 22 Sec. 8. (a) Before August 1 of each year, each school corporation  
 23 shall provide the results of the staff performance evaluations,  
 24 including the number of certificated employees placed in each  
 25 performance category, to the department. The results provided  
 26 may not include the names or any other personally identifiable  
 27 information regarding certificated employees.
- 28 (b) Before September 1 of each year, the department shall  
 29 publish the results of staff performance evaluations by:
- 30 (1) certificated employees of each school and school  
 31 corporation; and  
 32 (2) graduates of each teacher preparation program in  
 33 Indiana.
- 34 SECTION 33. IC 20-31-4-6, AS ADDED BY P.L.1-2005,  
 35 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 36 JULY 1, 2011]: Sec. 6. The department shall determine whether the  
 37 school has complied with the following legal standards for  
 38 accreditation:
- 39 (1) Health and safety requirements.  
 40 (2) ~~Minimum time requirements for school activity.~~  
 41 (3) ~~Staff-student ratio requirements.~~  
 42 (4) (2) Curriculum offerings.

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- 1           ~~(5)~~ **(3)** Development and implementation of a staff evaluation
- 2           plan under ~~IC 20-28-11~~; **IC 20-28-11.5.**
- 3           ~~(6)~~ **(4)** Completion of a school improvement plan ~~that:~~ **that**
- 4           **complies with requirements developed by the state board and:**
- 5                 ~~(A)~~ analyzes the strengths and weaknesses of the school;
- 6                 ~~(B)~~ outlines goals of the school community to which school
- 7                 improvement activities will be directed; and
- 8                 ~~(C)~~ identifies objectives of the school and programs designed
- 9                 to achieve those objectives.
- 10                **(A) focuses on academic performance; and**
- 11                **(B) is consistent with metrics for improvement.**

12           SECTION 34. IC 20-33-2-35, AS ADDED BY P.L.1-2005,  
 13           SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 14           JULY 1, 2011]: Sec. 35. If the governing body of a school corporation  
 15           elects not to appoint an attendance officer under section 31 of this  
 16           chapter or an appointing authority elects not to appoint an attendance  
 17           officer under section 33 of this chapter, the superintendent shall serve  
 18           as an ex officio attendance officer. A superintendent acting in this  
 19           capacity may designate one (1) or more ~~teachers~~ **school employees** as  
 20           assistant attendance officers. These assistant attendance officers shall  
 21           act under the superintendent's direction and perform the duties the  
 22           superintendent assigns. Ex officio attendance officers and assistant  
 23           attendance officers appointed under this section shall receive no  
 24           additional compensation for performing attendance services.

25           SECTION 35. IC 20-33-2-42, AS ADDED BY P.L.1-2005,  
 26           SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 27           JULY 1, 2011]: Sec. 42. The state superintendent shall:

- 28                 (1) prescribe duties for the state attendance officer not provided
- 29                 by law;
- 30                 ~~(2)~~ **fix qualifications for local attendance officers;**
- 31                 ~~(3)~~ **(2)** design and require use of a system of attendance reports,
- 32                 records, and forms necessary for the enforcement of this chapter;
- 33                 and
- 34                 ~~(4)~~ **(3)** perform all other duties necessary for the complete
- 35                 enforcement of this chapter.

36           SECTION 36. THE FOLLOWING ARE REPEALED [EFFECTIVE  
 37           JULY 1, 2011]: IC 20-25-13-1; IC 20-28-1-1.5; IC 20-28-2-2;  
 38           IC 20-28-2-3; IC 20-28-2-4; IC 20-28-2-5; IC 20-28-11.

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