HOUSE BILL No. 1488

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.

Behning

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

C o p y

Introduced

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.

C o p y

HOUSE BILL No. 1488

A BILL FOR AN ACT to amend the Indiana Code concerning education.

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

SECTION 1. IC 11-10-5-2, AS AMENDED BY P.L.246-2005, SECTION 96, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 2. The ~~advisory board of the division of professional standards of the department of education established by IC 20-28-2-2~~ **state board of education** shall, in accord with IC 20-28-4 and IC 20-28-5, adopt rules under IC 4-22-2 for the licensing of teachers to be employed by the department.

SECTION 2. IC 11-10-5-3, AS AMENDED BY P.L.246-2005, SECTION 97, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 3. Limited certificates valid for one (1) year may be granted, upon the request of the commissioner, according to rules of the ~~advisory board of the division of professional standards of the department of education established by IC 20-28-2-2.~~ **state board of education.** Modification of these rules may be made by the ~~advisory board of the division of professional standards of the department of education established by IC 20-28-2-2~~ **state board of education** in a way reasonably calculated to make available an adequate supply of

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

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

(1) school city;
(2) school town;
(3) school township;
(4) consolidated school corporation;
(5) metropolitan school district;
(6) township school corporation;
(7) county school corporation;
(8) united school corporation; or
(9) community school corporation.

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

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

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

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

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

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

~~(1) A superintendent.~~
~~(2) A supervisor.~~
~~(3) A principal.~~

C o p y

~~(4) An attendance officer.~~

~~(5) A teacher.~~

~~(6) A librarian.~~

SECTION 5. IC 20-19-2-8, AS AMENDED BY P.L.101-2009, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 8. (a) In addition to any other powers and duties prescribed by law, the state board shall adopt rules under IC 4-22-2 concerning, but not limited to, the following matters:

(1) The designation and employment of the employees and consultants necessary for the department. The state board shall fix the compensation of employees of the department, subject to the approval of the budget committee and the governor under IC 4-12-2.

(2) The establishment and maintenance of standards and guidelines for media centers, libraries, instructional materials centers, or any other area or system of areas in a school where a full range of information sources, associated equipment, and services from professional media staff are accessible to the school community. With regard to library automation systems, the state board may only adopt rules that meet the standards established by the state library board for library automation systems under IC 4-23-7.1-11(b).

(3) The establishment and maintenance of standards for student personnel and guidance services.

(4) The establishment and maintenance of minimum standards for driver education programs (including classroom instruction and practice driving) and equipment. Classroom instruction standards established under this subdivision must include instruction about:

(A) railroad-highway grade crossing safety; and

(B) the procedure for participation in the human organ donor program;

and must provide, effective July 1, 2010, that the classroom instruction may not be provided to a child less than fifteen (15) years and one hundred eighty (180) days of age.

(5) The inspection of all public schools in Indiana to determine the condition of the schools. The state board shall establish standards governing the accreditation of public schools. Observance of:

(A) IC 20-31-4;

(B) IC 20-28-5-2;

(C) IC 20-28-6-3 through IC 20-28-6-7;

~~(D) IC 20-28-9-7 and IC 20-28-9-8;~~

C o p y

~~(E) IC 20-28-11,~~ **(D) IC 20-28-11.5;** and

~~(F)~~ **(E)** IC 20-31-3, IC 20-32-4, IC 20-32-5, IC 20-32-6, and IC 20-32-8;

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

(6) Subject to section 9 of this chapter, the adoption and approval of textbooks under IC 20-20-5.

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

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

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

(10) The establishment and enforcement of standards and guidelines concerning the safety of students participating in cheerleading activities.

(11) Subject to IC 20-28-2, the preparation and licensing of teachers.

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

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

(1) A mechanism to identify and develop strategies to collect multiple forms of data that reflect the achievement of expectations for all students. The data may include the results of ISTEP

C o p y

program tests under IC 20-31-3, IC 20-32-4, IC 20-32-5, and IC 20-32-6, local tests, classroom work, and teacher and 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 20-24-6-5, AS ADDED BY P.L.1-2005, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 5. (a) An individual who teaches in a charter school must: ~~either:~~

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

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

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

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

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

(1) that is not teaching; and

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

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

SECTION 8. 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:

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

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

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

C o p y

concerning teachers, except for those rules that assist a teacher in gaining or renewing a standard or advanced license.

(4) A local regulation or policy adopted by a school corporation unless specifically incorporated in the charter.

SECTION 9. IC 20-25-16-1, AS AMENDED BY P.L.2-2006, SECTION 116, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 1. To provide the board with the necessary flexibility and resources to carry out this article, the following apply:

(1) The board may:

(A) eliminate or modify existing policies;

(B) create new policies; and

(C) alter policies;

subject to this article and the plan developed under IC 20-25-10.

(2) IC 20-29 applies to the school city. ~~except for the provision of IC 20-29-6-7(a) that requires any items included in the 1972-1973 agreements between an employer school corporation and an employee organization to continue to be bargainable.~~

(3) The board may waive the following statutes and rules for any school in the school city without administrative, regulatory, or legislative approval:

(A) The following rules concerning curriculum and instructional time:

~~511 IAC 6.1-3-4~~

511 IAC 6.1-5-0.5

511 IAC 6.1-5-1

511 IAC 6.1-5-2.5

511 IAC 6.1-5-3.5

511 IAC 6.1-5-4.

(B) 511 IAC 6.1-4-1 concerning student/teacher ratios.

(C) The following statutes and rules concerning textbooks and rules adopted under the statutes:

IC 20-20-5-1 through IC 20-20-5-4

IC 20-20-5-23

IC 20-26-12-1

IC 20-26-12-2

IC 20-26-12-24

IC 20-26-12-26

IC 20-26-12-28

511 IAC 6.1-5-5.

(D) 511 IAC 6.1-4-2 concerning school principals.

(4) Notwithstanding any other law, a school city may do the

Copy

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.

C o p y

(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.

C o p y

(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

C o p y

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 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

C o p y

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 operate the lunch program as an extracurricular activity, subject to the supervision of the governing body. To participate in a surplus commodity or lunch aid program.

(12) To purchase textbooks, to furnish textbooks without cost or to rent textbooks to students, to participate in a textbook aid program, all in accordance with applicable law.

(13) To accept students transferred from other school corporations and to transfer students to other school corporations in accordance with applicable law.

(14) To make budgets, to appropriate funds, and to disburse the money of the school corporation in accordance with applicable law. To borrow money against current tax collections and otherwise to borrow money, in accordance with IC 20-48-1.

(15) To purchase insurance or to establish and maintain a program of self-insurance relating to the liability of the school

C o p y

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

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

(B) purchase insurance; or

(C) establish and maintain a program of self-insurance;

to benefit school corporation employees, including accident, sickness, health, or dental coverage, provided that a plan of self-insurance must include an aggregate stop-loss provision.

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

(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,

C o p y

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 responsible for hiring and discharging principals, central office administrators, business managers, superintendents of building and grounds, janitors, physicians, dentists, nurses, 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), and any other employees necessary to the operation of the school corporation.**

(b) Subject to IC 20-28-7, a principal is responsible for hiring and discharging teachers, teachers aides, assistant principals, building administrators, librarians, and any other employees necessary to the operation of the school.

(c) The governing body shall provide contracting authority on behalf of the school corporation to a superintendent or principal under this section and a collective bargaining agreement entered into under IC 20-29-6. The governing body either shall execute the

C o p y

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

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

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

(2) Approve or disapprove teacher preparation programs.

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

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

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

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

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

(8) Perform any other action that:

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

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

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

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

C o p y

~~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).~~

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

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

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

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~~

C o p y

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

(1) Include the following study requirements:

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

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

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

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

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

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

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

(1) For a program participant who seeks to obtain a license to teach in grades ~~6~~ **7** through 12, 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 postsecondary educational institution in the subject area that the individual intends to teach.

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

C o p y

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 (repealed)~~ 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

Copy

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

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

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

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

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

(1) enroll in; and

(2) complete;

the program.

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

(1) a school corporation; or

(2) a subject area;

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

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

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

Copy

determination that one (1) of the following conditions exists:

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

(2) The program participant is the best qualified candidate for the position.

(d) A program participant who is employed under this section is eligible to receive a transition to teaching permit. The transition to teaching permit is valid for three (3) years, and may not be renewed.

(e) A program participant who is employed under this section:

(1) shall enter into either:

(A) a regular teacher's contract under IC 20-28-6-5; or

(B) a temporary teacher's contract under IC 20-28-6-6, if replacing a teacher on a leave of absence;

(2) is eligible to participate in a mentor teacher program; and

(3) satisfies the field or classroom experience component of the program under section 4(3) of this chapter.

(f) The state board:

(1) shall review; and

(2) may renew;

the designation of a school corporation or a subject area as having an insufficient supply of licensed teachers not more than two (2) years following the initial designation under subsection (a).

SECTION 22. IC 20-28-5-2, AS ADDED BY P.L.246-2005, SECTION 156, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 2. The ~~advisory~~ **state** board may adopt rules for:

(1) the issuance of a substitute teacher's license; and

(2) the employment of substitute teacher licensees.

An individual may not serve as a substitute teacher without a license issued by the department.

SECTION 23. IC 20-28-5-3, AS AMENDED BY P.L.75-2008, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 3. (a) The department shall designate

~~(1)~~ the grade point average required for each type of license. ~~and (2) the types of licenses to which the teachers' minimum salary laws apply, including nonrenewable one (1) year limited licenses.~~

(b) The department shall determine details of licensing not provided in this chapter, including requirements regarding the following:

(1) The conversion of one (1) type of license into another.

(2) The accreditation of teacher education schools and departments.

(3) The exchange and renewal of licenses.

C o p y

(4) The endorsement of another state's license.

(5) The acceptance of credentials from teacher education institutions of another state.

(6) The academic and professional preparation for each type of license.

(7) The granting of permission to teach a high school subject area related to the subject area for which the teacher holds a license.

(8) The issuance of licenses on credentials.

(9) The type of license required for each school position.

(10) The size requirements for an elementary school requiring a licensed principal.

(11) Any other related matters.

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

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

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

(A) cardiopulmonary resuscitation that includes a test demonstration on a mannequin;

(B) removing a foreign body causing an obstruction in an airway; and

(C) the Heimlich maneuver;

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

(A) the American Red Cross;

(B) the American Heart Association; or

(C) a comparable organization or institution approved by the advisory board; or

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

(d) The department shall periodically publish bulletins regarding:

(1) the details described in subsection (b);

(2) information on the types of licenses issued;

(3) the rules governing the issuance of each type of license; and

(4) other similar matters.

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

C o p y

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

(1) The state superintendent.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

C o p y

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

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

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

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

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

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

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

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

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

C o p y

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

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

(1) Basic reading, writing, and mathematics.

(2) Pedagogy.

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

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

(A) phonemic awareness; ~~and~~

(B) phonics instruction;

(C) fluency;

(D) vocabulary; and

(E) comprehension.

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

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

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

(2) Establish examination scores indicating proficiency.

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

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

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

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

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

C o p y

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

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

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

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

(1) Immorality.

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

(3) Neglect of duty.

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

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

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

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

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

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

(7) Other good and just cause.

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

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

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

(1) Immorality.

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

C o p y

government of the school corporation.

(3) Neglect of duty.

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

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

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

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

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

(6) Good and just cause.

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

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

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

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

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

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

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

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

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

Copy

compensation based on the criteria in subsection (c).

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

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

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

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

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

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

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

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

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

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

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

C o p y

compliance.

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

Chapter 11.5. Staff Performance Evaluations

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

(1) has clearly demonstrated a record of effective teaching over several years; and

(2) is approved by the principal as qualified to evaluate under the plan.

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

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

(1) a school corporation;

(2) a charter school, including a virtual charter school under IC 20-24-7-13;

(3) a school created by an interlocal agreement under IC 36-1-7;

(4) a special education cooperative under IC 20-35-5; and

(5) a joint career and technical education program created under IC 20-37-1.

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

(b) 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 for certificated employees whose responsibilities include instruction in subjects measured in statewide assessments; and

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

(3) An annual designation of each certificated employee in one (1) of the following rating categories:

(A) Highly effective.

C o p y

(B) Effective.
(C) Improvement necessary.
(D) Ineffective.
(4) An explanation of the evaluator's recommendations for improvement, and the time in which improvement is expected.
(5) A provision that a teacher who negatively affects student achievement and growth cannot receive a rating of highly effective or effective.

(c) The plan, including the criteria for each rating category, must be made available to all certificated employees before the evaluations are conducted.

(d) Upon the request of a certificated employee being evaluated, the evaluator shall discuss the evaluation with the certificated employee before the evaluation is conducted.

Sec. 5. (a) The superintendent or equivalent authority may provide for evaluations to be conducted by an external provider.

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

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

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

Sec. 7. (a) To implement this chapter, the state board shall do the following:
(1) Before January 31, 2012, adopt rules under IC 4-22-2 that establish:
(A) the criteria that define each of the four categories of teacher ratings under section 4(b)(3) of this chapter;
(B) the measures to be used to determine student academic

C o p y

achievement and growth under section 4(b)(2) of this chapter;

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

(D) an acceptable standard for training evaluators.

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

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

(b) The state board may, at any time before, on, or after July 1, 2012, require a school corporation to obtain the state board's approval before implementing a staff performance evaluation plan. A school corporation may adopt the model plan without the state board's approval. A school corporation may modify the model plan or develop the school corporation's own plan, if the modified or developed plan meets the criteria established under this chapter.

Sec. 8. (a) Before August 1 of each year, each school corporation shall provide the results of the staff performance evaluations, including the number of certificated employees placed in each performance category, to the department. The results provided may not include the names or any other personally identifiable information regarding certificated employees.

(b) Before September 1 of each year, the department shall publish the results of staff performance evaluations by:

(1) certificated employees of each school and school corporation; and

(2) graduates of each teacher preparation program in Indiana.

SECTION 33. IC 20-31-4-6, AS ADDED BY P.L.1-2005, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 6. The department shall determine whether the school has complied with the following legal standards for accreditation:

(1) Health and safety requirements.

~~(2) Minimum time requirements for school activity.~~

~~(3) Staff-student ratio requirements.~~

~~(4)~~ **(2)** Curriculum offerings.

Copy

~~(5)~~ **(3)** Development and implementation of a staff evaluation plan under ~~IC 20-28-11.~~ **IC 20-28-11.5.**

~~(6)~~ **(4)** Completion of a school improvement plan ~~that:~~ **that complies with requirements developed by the state board and:**

~~(A) analyzes the strengths and weaknesses of the school;~~

~~(B) outlines goals of the school community to which school improvement activities will be directed; and~~

~~(C) identifies objectives of the school and programs designed to achieve those objectives.~~

(A) focuses on academic performance; and

(B) is consistent with metrics for improvement.

SECTION 34. 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 attendance officers appointed under this section shall receive no additional compensation for performing attendance services.

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

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

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

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

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

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

C o p y