



February 18, 2011

SENATE BILL No. 1

DIGEST OF SB 1 (Updated February 16, 2011 3:27 pm - DI 71)

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

Synopsis: Teacher evaluations and licensing. Eliminates the advisory board of the division of professional standards of the department of education. Provides that at least 50% of the teachers in a charter school are 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, Yoder, Banks

January 20, 2011, read first time and referred to Committee on Education and Career Development.
February 17, 2011, amended, reported favorably — Do Pass.

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February 18, 2011

First Regular Session 117th General Assembly (2011)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2010 Regular Session of the General Assembly.

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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

SB 1—LS 7507/DI 71+



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.**

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

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

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

- 31 (1) that is not teaching; and
 - 32 (2) for which a license is required under Indiana law;
- 33 must have the appropriate license to provide the service in Indiana.

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

- 39 (1) An Indiana statute applicable to a governing body or school
40 corporation.
- 41 (2) A rule or guideline adopted by the state board.
- 42 (3) A rule or guideline adopted by the ~~advisory state board of the~~

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1 ~~division of professional standards established by IC 20-28-2-2,~~
2 **concerning teachers**, except for those rules that assist a teacher
3 in gaining or renewing a standard or advanced license.

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

6 SECTION 9. IC 20-26-4-8, AS ADDED BY P.L.1-2005, SECTION
7 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,
8 2011]: Sec. 8. **(a)** Notwithstanding any other law, the president and
9 secretary of the governing body of a school corporation are entitled, on
10 behalf of the school corporation, to sign any contract ~~including~~
11 ~~employment contracts and contracts~~ for goods and services **and the**
12 **superintendent's employment contract**. However, each contract must
13 be approved by a majority of all members of the governing body. In the
14 absence of either the president or secretary of the governing body, the
15 vice president is entitled to sign the contracts with the officer who is
16 present.

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

20 SECTION 10. IC 20-26-5-4, AS AMENDED BY P.L.182-2009(ss),
21 SECTION 316, IS AMENDED TO READ AS FOLLOWS
22 [EFFECTIVE JULY 1, 2011]: Sec. 4. In carrying out the school
23 purposes of a school corporation, the governing body acting on the
24 school corporation's behalf has the following specific powers:

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

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

32 (3) To appropriate from the school corporation's general fund an
33 amount, not to exceed the greater of three thousand dollars
34 (\$3,000) per budget year or one dollar (\$1) per pupil, not to
35 exceed twelve thousand five hundred dollars (\$12,500), based on
36 the school corporation's previous year's ADM, to promote the best
37 interests of the school corporation through:

38 (A) the purchase of meals, decorations, memorabilia, or
39 awards;

40 (B) provision for expenses incurred in interviewing job
41 applicants; or

42 (C) developing relations with other governmental units.

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(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) 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

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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 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

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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 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,

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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 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

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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, 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

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1 standpoint in carrying out school purposes of the school
 2 corporation, including the acquisition of property or the
 3 employment or contracting for services, even though the power or
 4 expenditure is not specifically set out in this chapter. The specific
 5 powers set out in this section do not limit the general grant of
 6 powers provided in this chapter except where a limitation is set
 7 out in IC 20-26-1 through IC 20-26-5, IC 20-26-7, IC 20-40-12,
 8 and IC 20-48-1 by specific language or by reference to other law.

9 SECTION 11. IC 20-26-5-4.5 IS ADDED TO THE INDIANA
 10 CODE AS A NEW SECTION TO READ AS FOLLOWS
 11 [EFFECTIVE JULY 1, 2011]: **Sec. 4.5. (a) The superintendent is**
 12 **responsible for hiring and discharging principals, central office**
 13 **administrators, business managers, superintendents of building**
 14 **and grounds, janitors, physicians, dentists, nurses, athletic coaches**
 15 **(whether or not they are otherwise employed by the school**
 16 **corporation and whether or not they are licensed under**
 17 **IC 20-28-5), and any other employees necessary to the operation of**
 18 **the school corporation.**

19 (b) Subject to IC 20-28-7 and in consultation with the
 20 superintendent, a principal is responsible for hiring and
 21 discharging teachers, teachers aides, assistant principals, building
 22 administrative staff, librarians, and any other employees necessary
 23 to the operation of the school.

24 (c) The governing body shall provide contracting authority on
 25 behalf of the school corporation to a superintendent or principal
 26 under this section and a collective bargaining agreement entered
 27 into under IC 20-29-6. The governing body either shall execute the
 28 employment contracts designated by the superintendent or
 29 principal, or may authorize the superintendent to execute
 30 employment contracts on behalf of the governing body.

31 SECTION 12. IC 20-28-2-6, AS AMENDED BY P.L.30-2010,
 32 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 33 JULY 1, 2011]: Sec. 6. (a) Subject to subsection (c) and in addition to
 34 the powers and duties set forth in IC 20-20-22 or this article, the
 35 **advisory state** board may adopt rules under IC 4-22-2 to do the
 36 following:

- 37 (1) Set standards for teacher licensing and for the administration
- 38 of a professional licensing and certification process by the
- 39 department.
- 40 (2) Approve or disapprove teacher preparation programs.
- 41 (3) Set fees to be charged in connection with teacher licensing.
- 42 (4) Suspend, revoke, or reinstate teacher licenses.



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1 (5) Enter into agreements with other states to acquire reciprocal
 2 approval of teacher preparation programs.
 3 (6) Set standards for teacher licensing concerning new subjects of
 4 study.
 5 (7) Evaluate work experience and military service concerning
 6 postsecondary education and experience equivalency.
 7 (8) Perform any other action that:
 8 (A) relates to the improvement of instruction in the public
 9 schools through teacher education and professional
 10 development through continuing education; and
 11 (B) attracts qualified candidates for teacher education from
 12 among the high school graduates of Indiana.
 13 (9) Set standards for endorsement of school psychologists as
 14 independent practice school psychologists under IC 20-28-12.
 15 (10) Before July 1, 2011, set standards for sign language
 16 interpreters who provide services to children with disabilities in
 17 an educational setting and an enforcement mechanism for the
 18 interpreter standards.
 19 (b) Notwithstanding subsection (a)(1), an individual is entitled to
 20 one (1) year of occupational experience for purposes of obtaining an
 21 occupational specialist certificate under this article for each year the
 22 individual holds a license under IC 25-8-6.
 23 (c) Before publishing notice of the intent to adopt a rule under
 24 IC 4-22-2, the advisory board must submit the proposed rule to the
 25 state superintendent for approval. If the state superintendent approves
 26 the rule, the advisory board may publish notice of the intent to adopt
 27 the rule. If the state superintendent does not approve the rule, the
 28 advisory board may not publish notice of the intent to adopt the rule.
 29 (d) (c) The advisory state board may adopt rules under IC 4-22-2,
 30 including emergency rules under IC 4-22-2-37.1, to establish
 31 procedures to expedite the issuance, renewal, or reinstatement under
 32 this article of a license or certificate of a person whose spouse serves
 33 on active duty (as defined in IC 25-1-12-2) and is assigned to a duty
 34 station in Indiana. Before publishing notice of the intent to adopt a
 35 permanent rule under IC 4-22-2, the advisory board must comply with
 36 subsection (c).
 37 SECTION 13. IC 20-28-2-8, AS ADDED BY P.L.246-2005,
 38 SECTION 144, IS AMENDED TO READ AS FOLLOWS
 39 [EFFECTIVE JULY 1, 2011]: Sec. 8. (a) The department may, subject
 40 to approval by the budget agency, do the following to administer the
 41 responsibilities of the department described in section 2 of **under** this
 42 chapter:

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- 1 (1) Establish advisory committees the department determines
- 2 necessary.
- 3 (2) Expend funds made available to the department according to
- 4 policies established by the budget agency.
- 5 (b) The department shall comply with the requirements for
- 6 submitting a budget request to the budget agency as set forth in
- 7 IC 4-12-1, for funds to administer the responsibilities of the department
- 8 described in section 1 of this chapter.
- 9 SECTION 14. IC 20-28-4-4, AS AMENDED BY P.L.2-2007,
- 10 SECTION 215, IS AMENDED TO READ AS FOLLOWS
- 11 [EFFECTIVE JULY 1, 2011]: Sec. 4. ~~Each accredited teacher~~
- 12 ~~education school and department in Indiana shall~~ **An entity approved**
- 13 **by the department may** establish a course of study that ~~constitutes the~~
- 14 ~~postsecondary education component of the program. The postsecondary~~
- 15 ~~education component required meets the requirements of this~~
- 16 **section. A program approved** under this section must comply with the
- 17 following requirements:
- 18 (1) Include the following study requirements:
- 19 (A) For a program participant who seeks to obtain a license to
- 20 teach in grades ~~6~~ **5** through 12, up to eighteen (18) credit hours
- 21 of study or the equivalent that:
- 22 (i) prepare a program participant to meet Indiana standards
- 23 for teaching in the subject areas corresponding to the area in
- 24 which the program participant has met the education
- 25 requirements under section 5 of this chapter, unless the
- 26 program participant demonstrates that the program
- 27 participant requires fewer credit hours of study to meet
- 28 Indiana standards for teaching; **and**
- 29 **(ii) provides the program participants with instruction in**
- 30 **scientifically based reading instruction.**
- 31 (B) For a program participant who seeks to obtain a license to
- 32 teach in kindergarten through grade ~~5~~ **6**, twenty-four (24)
- 33 credit hours of study or the equivalent, which must include at
- 34 least six (6) credit hours in teaching **scientifically based**
- 35 **reading instruction**, that prepare a program participant to
- 36 meet Indiana standards for teaching, unless the program
- 37 participant demonstrates that the program participant requires
- 38 fewer credit hours of study to meet Indiana standards for
- 39 teaching.
- 40 (2) ~~Focus on the communication of knowledge to students.~~
- 41 **student mastery of standards established by the state.**
- 42 (3) Include suitable field or classroom experiences if the program

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1 participant does not have teaching experience.
2 SECTION 15. IC 20-28-4-5, AS AMENDED BY P.L.2-2007,
3 SECTION 216, IS AMENDED TO READ AS FOLLOWS
4 [EFFECTIVE JULY 1, 2011]: Sec. 5. An individual who wishes to
5 participate in the program must have one (1) of the following
6 qualifications:

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

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

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

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

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

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

28 (B) Both:
29 (i) a bachelor's degree from an accredited postsecondary
30 educational institution with a grade point average of at least
31 two and five-tenths (2.5) on a four (4.0) point scale; and
32 (ii) five (5) years professional experience in an education
33 related field, **as determined by the department.**

34 SECTION 16. IC 20-28-4-6, AS AMENDED BY P.L.2-2007,
35 SECTION 217, IS AMENDED TO READ AS FOLLOWS
36 [EFFECTIVE JULY 1, 2011]: Sec. 6. The department shall grant an
37 initial ~~standard~~ **practitioner** license to a program participant who does
38 the following:

39 (1) Successfully completes the ~~postsecondary education~~
40 ~~component~~ **requirements** of the program.

41 (2) Demonstrates proficiency through a written examination in:
42 (A) basic reading, writing, and mathematics;

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1 (B) pedagogy; and
2 (C) knowledge of the areas in which the program participant
3 is required to have a license to teach;
4 under IC 20-28-5-12(b).

5 (3) Participates successfully in a beginning teacher ~~internship~~
6 **residency** program ~~under IC 20-6-1-8 (repeated)~~ that includes
7 implementation in a classroom of the teaching skills learned in the
8 ~~postsecondary education component of the~~ program.

9 (4) Receives a successful assessment of teaching skills upon
10 completion of the beginning teacher ~~internship~~ **residency**
11 program under subdivision (3) from the administrator of the
12 school where the beginning teacher ~~internship~~ **residency** program
13 takes place, or, if the program participant does not receive a
14 successful assessment, continues participating in the beginning
15 teacher ~~internship~~ **residency** program.

16 SECTION 17. IC 20-28-4-7, AS ADDED BY P.L.246-2005,
17 SECTION 153, IS AMENDED TO READ AS FOLLOWS
18 [EFFECTIVE JULY 1, 2011]: Sec. 7. This section applies to a program
19 participant who has a degree **or related experience** described in
20 section 5 of this chapter that does not include all the content areas of
21 a ~~standard proficient practitioner~~ license issued by the department.
22 The department shall issue an initial ~~standard practitioner~~ license that
23 is restricted to only the content areas in which the program participant
24 has a degree unless the program participant demonstrates sufficient
25 knowledge in other content areas of the license.

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

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

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

- 41 (1) enroll in; and
42 (2) complete;

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1 the program.

2 SECTION 20. IC 20-28-4-11, AS AMENDED BY P.L.121-2009,
3 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4 JULY 1, 2011]: Sec. 11. (a) This section applies only to:
5 (1) a school corporation; or
6 (2) a subject area;
7 that is designated by the state board as having an insufficient supply of
8 licensed teachers.

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

13 (c) Before employing a program participant under subsection (b),
14 the superintendent of the school corporation must make a
15 determination that one (1) of the following conditions exists:
16 (1) There is no fully certified and highly ~~qualified~~ **effective**
17 teacher available for the position.
18 (2) The program participant is the best qualified candidate for the
19 position.

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

23 (e) A program participant who is employed under this section:
24 (1) shall enter into either:
25 (A) a regular teacher's contract under IC 20-28-6-5; or
26 (B) a temporary teacher's contract under IC 20-28-6-6, if
27 replacing a teacher on a leave of absence;
28 (2) is eligible to participate in a mentor teacher program; and
29 (3) satisfies the field or classroom experience component of the
30 program under section 4(3) of this chapter.

31 (f) The state board:
32 (1) shall review; and
33 (2) may renew;
34 the designation of a school corporation or a subject area as having an
35 insufficient supply of licensed teachers not more than two (2) years
36 following the initial designation under subsection (a).

37 SECTION 21. IC 20-28-5-2, AS ADDED BY P.L.246-2005,
38 SECTION 156, IS AMENDED TO READ AS FOLLOWS
39 [EFFECTIVE JULY 1, 2011]: Sec. 2. The ~~advisory~~ **state** board may
40 adopt rules for:
41 (1) the issuance of a substitute teacher's license; and
42 (2) the employment of substitute teacher licensees.

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

3 SECTION 22. IC 20-28-5-3, AS AMENDED BY P.L.75-2008,
4 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
5 JULY 1, 2011]: Sec. 3. (a) The department shall designate

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

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

- 11 (1) The conversion of one (1) type of license into another.
- 12 (2) The accreditation of teacher education schools and
- 13 departments.
- 14 (3) The exchange and renewal of licenses.
- 15 (4) The endorsement of another state's license.
- 16 (5) The acceptance of credentials from teacher education
- 17 institutions of another state.
- 18 (6) The academic and professional preparation for each type of
- 19 license.
- 20 (7) The granting of permission to teach a high school subject area
- 21 related to the subject area for which the teacher holds a license.
- 22 (8) The issuance of licenses on credentials.
- 23 (9) The type of license required for each school position.
- 24 (10) The size requirements for an elementary school requiring a
- 25 licensed principal.
- 26 (11) Any other related matters.

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

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

- 34 (1) has successfully completed training approved by the
- 35 department in:
 - 36 (A) cardiopulmonary resuscitation that includes a test
 - 37 demonstration on a mannequin;
 - 38 (B) removing a foreign body causing an obstruction in an
 - 39 airway; and
 - 40 (C) the Heimlich maneuver;
- 41 (2) holds a valid certification in each of the procedures described
- 42 in subdivision (1) issued by:

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- 1 (A) the American Red Cross;
- 2 (B) the American Heart Association; or
- 3 (C) a comparable organization or institution approved by the
- 4 advisory board; or
- 5 (3) has physical limitations that make it impracticable for the
- 6 applicant to complete a course or certification described in
- 7 subdivision (1) or (2).
- 8 (d) The department shall periodically publish bulletins regarding:
- 9 (1) the details described in subsection (b);
- 10 (2) information on the types of licenses issued;
- 11 (3) the rules governing the issuance of each type of license; and
- 12 (4) other similar matters.
- 13 SECTION 23. IC 20-28-5-8, AS AMENDED BY P.L.121-2009,
- 14 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 15 JULY 1, 2011]: Sec. 8. (a) This section applies when a prosecuting
- 16 attorney knows that a licensed employee of a public school or a
- 17 nonpublic school has been convicted of an offense listed in subsection
- 18 (c). The prosecuting attorney shall immediately give written notice of
- 19 the conviction to the following:
- 20 (1) The state superintendent.
- 21 (2) Except as provided in subdivision (3), the superintendent of
- 22 the school corporation that employs the licensed employee or the
- 23 equivalent authority if a nonpublic school employs the licensed
- 24 employee.
- 25 (3) The presiding officer of the governing body of the school
- 26 corporation that employs the licensed employee, if the convicted
- 27 licensed employee is the superintendent of the school corporation.
- 28 (b) The superintendent of a school corporation, presiding officer of
- 29 the governing body, or equivalent authority for a nonpublic school shall
- 30 immediately notify the state superintendent when the individual knows
- 31 that a current or former licensed employee of the public school or
- 32 nonpublic school has been convicted of an offense listed in subsection
- 33 (c), or when the governing body or equivalent authority for a nonpublic
- 34 school takes any final action in relation to an employee who engaged
- 35 in any offense listed in subsection (c).
- 36 (c) The department, after holding a hearing on the matter, shall
- 37 permanently revoke the license of a person who is known by the
- 38 department to have been convicted of any of the following felonies:
- 39 (1) Kidnapping (IC 35-42-3-2), if the victim is less than eighteen
- 40 (18) years of age.
- 41 (2) Criminal confinement (IC 35-42-3-3), if the victim is less than
- 42 eighteen (18) years of age.

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- 1 (3) Rape (IC 35-42-4-1), if the victim is less than eighteen (18)
 2 years of age.
 3 (4) Criminal deviate conduct (IC 35-42-4-2), if the victim is less
 4 than eighteen (18) years of age.
 5 (5) Child molesting (IC 35-42-4-3).
 6 (6) Child exploitation (IC 35-42-4-4(b)).
 7 (7) Vicarious sexual gratification (IC 35-42-4-5).
 8 (8) Child solicitation (IC 35-42-4-6).
 9 (9) Child seduction (IC 35-42-4-7).
 10 (10) Sexual misconduct with a minor (IC 35-42-4-9).
 11 (11) Incest (IC 35-46-1-3), if the victim is less than eighteen (18)
 12 years of age.
 13 (12) Dealing in or manufacturing cocaine or a narcotic drug
 14 (IC 35-48-4-1).
 15 (13) Dealing in methamphetamine (IC 35-48-4-1.1).
 16 (14) Dealing in a schedule I, II, or III controlled substance
 17 (IC 35-48-4-2).
 18 (15) Dealing in a schedule IV controlled substance
 19 (IC 35-48-4-3).
 20 (16) Dealing in a schedule V controlled substance (IC 35-48-4-4).
 21 (17) Dealing in a counterfeit substance (IC 35-48-4-5).
 22 (18) Dealing in marijuana, hash oil, or hashish
 23 (IC 35-48-4-10(b)).
 24 (19) Possession of child pornography (IC 35-42-4-4(c)).
 25 **(20) Homicide (IC 35-42-1).**

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

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

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

36 SECTION 24. IC 20-28-5-12, AS ADDED BY P.L.246-2005,
 37 SECTION 163, IS AMENDED TO READ AS FOLLOWS
 38 [EFFECTIVE JULY 1, 2011]: Sec. 12. (a) Subsection (b) does not
 39 apply to an individual who held an Indiana limited, reciprocal, or
 40 standard teaching license on June 30, 1985.

41 (b) The department may not grant an initial ~~standard~~ **practitioner**
 42 license to an individual unless the individual has demonstrated

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1 proficiency in the following areas on a written examination or through
2 other procedures prescribed by the department:

- 3 (1) Basic reading, writing, and mathematics.
4 (2) Pedagogy.
5 (3) Knowledge of the areas in which the individual is required to
6 have a license to teach.
7 (4) If the individual is seeking to be licensed as an elementary
8 school teacher, comprehensive **scientifically based** reading
9 instruction skills, including:
10 (A) phonemic awareness; ~~and~~
11 (B) phonics instruction;
12 (C) **fluency**;
13 (D) **vocabulary**; and
14 (E) **comprehension**.

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

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

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

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

28 SECTION 25. IC 20-28-5-13, AS ADDED BY P.L.1-2005,
29 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
30 JULY 1, 2011]: Sec. 13. (a) This section applies to an examination
31 required for teacher licensure under this chapter.

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

36 SECTION 26. IC 20-28-5-14, AS ADDED BY P.L.246-2005,
37 SECTION 164, IS AMENDED TO READ AS FOLLOWS
38 [EFFECTIVE JULY 1, 2011]: Sec. 14. If the department is notified by
39 the department of state revenue that an individual is on the most recent
40 tax warrant list, the department may not grant ~~an initial standard a~~
41 license to the individual until:

- 42 (1) the individual provides the department with a statement from

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1 the department of state revenue indicating that the individual's
2 delinquent tax liability has been satisfied; or

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

5 SECTION 27. IC 20-28-7-1, AS ADDED BY P.L.1-2005,
6 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
7 JULY 1, 2011]: Sec. 1. (a) An indefinite contract with a permanent
8 teacher may be canceled in the manner specified in sections 3 through
9 5 of this chapter only for one (1) or more of the following grounds:

10 (1) Immorality.

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

14 (3) Neglect of duty.

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

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

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

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

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

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

23 (7) Other good and just cause.

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

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

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

36 (1) Immorality.

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

40 (3) Neglect of duty.

41 (4) ~~Substantial inability to perform teaching duties;~~

42 **Incompetence, including receiving:**

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- 1 **(A) an ineffective designation on a performance evaluation**
- 2 **under IC 20-28-11.5 for more than one (1) year;**
- 3 **(B) two (2) consecutive improvement necessary ratings; or**
- 4 **(C) three (3) or more ineffective or improvement necessary**
- 5 **ratings in any five (5) year period.**
- 6 (5) Justifiable decrease in the number of teaching positions.
- 7 (6) Good and just cause.
- 8 (7) The cancellation is in the best interest of the school
- 9 corporation.
- 10 (8) A conviction for an offense listed in IC 20-28-5-8(c).
- 11 (b) An indefinite contract with a semipermanent teacher may not be
- 12 canceled for political or personal reasons.
- 13 (c) Before the cancellation of a semipermanent teacher's indefinite
- 14 contract, the principal of the school at which the teacher teaches must
- 15 provide the teacher with a written evaluation of the teacher's
- 16 performance before January 1 of each year. Upon the request of a
- 17 semipermanent teacher, delivered in writing to the principal not later
- 18 than thirty (30) days after the teacher receives the evaluation required
- 19 by this section, the principal must provide the teacher with an
- 20 additional written evaluation.
- 21 SECTION 29. IC 20-28-9-1, AS ADDED BY P.L.246-2005,
- 22 SECTION 165, IS AMENDED TO READ AS FOLLOWS
- 23 [EFFECTIVE JULY 1, 2011]: Sec. 1. (a) ~~A teacher's minimum salary~~
- 24 ~~each school year must be computed based on the teacher's education,~~
- 25 ~~experience, and degree completed as of the teacher's first day of~~
- 26 ~~service:~~
- 27 (b) If a teacher is licensed by the department on:
- 28 (1) the first day of service in the current school year; or
- 29 (2) another date as agreed by the school employer and the
- 30 exclusive representative under IC 20-29;
- 31 the teacher's minimum salary is computed under section 2 of this
- 32 chapter: **A local salary schedule that is effective after June 30, 2012,**
- 33 **may not include provisions that have the effect of providing**
- 34 **additional compensation to a teacher based upon the teacher's**
- 35 **attainment of additional degrees or graduate credit hours beyond**
- 36 **the requirements for employment. Compensation that would**
- 37 **otherwise have been allocated for the attainment of additional**
- 38 **degrees or graduate credit hours shall be allocated for**
- 39 **compensation based on the criteria in subsection (c).**
- 40 (b) This subsection takes effect July 1, 2012, or upon the
- 41 expiration of a contract in existence on July 1, 2011, whichever is
- 42 earlier. A salary increase for a teacher employed by a school

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1 corporation on or after the date this subsection takes effect must
2 be based primarily on student academic performance, and may not
3 be based on years of experience or the attainment of additional
4 degrees or graduate credit hours beyond the requirements for
5 employment.

6 (c) Increases or increments in a local salary scale must be based
7 upon a combination of the following factors:

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

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

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

17 (4) The academic needs of students in the school corporation.

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

25 (e) A teacher who does not receive a raise or increment under
26 subsection (d) may file a request for a private conference with the
27 principal not later than five (5) days after receiving notice that the
28 teacher did not receive a raise or increment. The teacher is entitled
29 to a private conference with the principal. If the teacher files a
30 request with the school corporation for an additional private
31 conference not later than five (5) days after the initial private
32 conference with the principal, the teacher is entitled to an
33 additional private conference with the superintendent.

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

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

40 (h) After June 30, 2012, at any time the state board of accounts
41 or the department may require a school corporation that is subject
42 to this chapter to submit the school corporation's local salary

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1 schedule to determine compliance with this section. If a school
2 corporation is found to be out of compliance with this section:

- 3 (1) the state board of accounts or the department shall report
4 the noncompliance to the state board; and
5 (2) the state board shall take appropriate action to ensure
6 compliance.

7 SECTION 30. IC 20-28-11.5 IS ADDED TO THE INDIANA
8 CODE AS A NEW CHAPTER TO READ AS FOLLOWS
9 [EFFECTIVE JULY 1, 2011]:

10 **Chapter 11.5. Staff Performance Evaluations**

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

- 14 (1) has clearly demonstrated a record of effective teaching
15 over several years; and
16 (2) is approved by the principal as qualified to evaluate under
17 the plan.

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

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

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

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

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

- 34 (1) Performance evaluations for all certificated employees,
35 conducted at least annually.
36 (2) Objective measures of student achievement and growth to
37 significantly inform the evaluation. The objective measures
38 must include:
39 (A) student assessment results for certificated employees
40 whose responsibilities include instruction in subjects
41 measured in statewide assessments; and
42 (B) methods for assessing student growth for certificated

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

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1 five (5) days after receiving notice that the teacher received a
 2 rating of ineffective. The teacher is entitled to a private conference
 3 with the principal. If the teacher files a request with the school
 4 corporation for an additional private conference not later than five
 5 (5) days after the initial private conference with the principal, the
 6 teacher is entitled to an additional private conference with the
 7 superintendent.

8 Sec. 7. (a) To implement this chapter, the state board shall do
 9 the following:

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

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

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

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

19 (D) an acceptable standard for training evaluators.

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

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

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

40 Sec. 8. (a) Before August 1 of each year, each school corporation
 41 shall provide the results of the staff performance evaluations,
 42 including the number of certificated employees placed in each

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1 performance category, to the department. The results provided
2 may not include the names or any other personally identifiable
3 information regarding certificated employees.

4 (b) Before September 1 of each year, the department shall
5 report the results of staff performance evaluations to the state
6 board for:

7 (1) the aggregate of certificated employees of each school and
8 school corporation; and

9 (2) the aggregate of graduates of each teacher preparation
10 program in Indiana.

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

16 (1) Health and safety requirements.

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

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

19 ~~(4) (2) Curriculum offerings.~~

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

22 ~~(6) (4) Completion of a school improvement plan that that~~
23 ~~complies with requirements developed by the state board and:~~

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

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

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

29 (A) focuses on academic performance; and

30 (B) is consistent with metrics for improvement.

31 SECTION 32. IC 20-33-2-35, AS ADDED BY P.L.1-2005,
32 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
33 JULY 1, 2011]: Sec. 35. If the governing body of a school corporation
34 elects not to appoint an attendance officer under section 31 of this
35 chapter or an appointing authority elects not to appoint an attendance
36 officer under section 33 of this chapter, the superintendent shall serve
37 as an ex officio attendance officer. A superintendent acting in this
38 capacity may designate one (1) or more ~~teachers school employees~~ as
39 assistant attendance officers. These assistant attendance officers shall
40 act under the superintendent's direction and perform the duties the
41 superintendent assigns. Ex officio attendance officers and assistant
42 attendance officers appointed under this section shall receive no

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1 additional compensation for performing attendance services.
2 SECTION 33. IC 20-33-2-42, AS ADDED BY P.L.1-2005,
3 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4 JULY 1, 2011]: Sec. 42. The state superintendent shall:
5 (1) prescribe duties for the state attendance officer not provided
6 by law;
7 ~~(2) fix qualifications for local attendance officers;~~
8 ~~(3)~~ **(2)** design and require use of a system of attendance reports,
9 records, and forms necessary for the enforcement of this chapter;
10 and
11 ~~(4)~~ **(3)** perform all other duties necessary for the complete
12 enforcement of this chapter.
13 SECTION 34. THE FOLLOWING ARE REPEALED [EFFECTIVE
14 JULY 1, 2011]: IC 20-25-13-1; IC 20-28-1-1.5; IC 20-28-2-2;
15 IC 20-28-2-3; IC 20-28-2-4; IC 20-28-2-5; IC 20-28-5-11; IC 20-28-11.

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COMMITTEE REPORT

Madam President: The Senate Committee on Education and Career Development, to which was referred Senate Bill No. 1, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 5, line 20, delete "Not".

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

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

Page 6, delete lines 5 through 42.

Page 7, delete lines 1 through 21.

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

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

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

Page 15, delete lines 10 through 22.

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

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

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

Page 22, delete lines 22 through 39.

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

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

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

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

Page 26, delete line 22.

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

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

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

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

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

Page 26, between lines 34 and 35, begin a new paragraph and insert:
"(g) Each school corporation shall submit its local salary schedule to the department. The department shall publish the local salary schedules on the department's Internet web site."

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

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

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

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

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

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

Page 28, delete line 14.

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

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

Page 28, between lines 35 and 36, begin a new paragraph and insert:
"(c) A teacher who receives a rating of ineffective may file a request for a private conference with the principal not later than five (5) days after receiving notice that the teacher received a rating of ineffective. The teacher is entitled to a private conference with the principal. If the teacher files a request with the school corporation for an additional private conference not later than five (5) days after the initial private conference with the principal, the teacher is entitled to an additional private conference with the superintendent."

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

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

Page 29, delete lines 16 through 17.

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

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

Page 29, line 29, delete "by:" and insert "to the state board for:".

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Page 29, line 30, after "(1)" insert "**the aggregate of**".

Page 29, line 32, after "(2)" insert "**the aggregate of**".

Page 30, line 38, after "IC 20-28-2-5;" insert "IC 20-28-5-11;".

Re-number all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 1 as introduced.)

KRUSE, Chairperson

Committee Vote: Yeas 7, Nays 2.

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