

SENATE BILL No. 284

DIGEST OF INTRODUCED BILL

Citations Affected: IC 20-18-2-22; IC 20-28.

Synopsis: Teacher contracts and evaluations. Changes definition of "teacher" to remove the requirement that the primary responsibility of a teacher must be instruction of students. Modifies teacher contract cancellation provisions. Changes definition of "evaluator", and provides that evaluation provisions apply only to teachers. (Under current law, the evaluation provisions apply to all certificated employees.)

Effective: July 1, 2012.

Kruse

January 4, 2012, read first time and referred to Committee on Education and Career Development.

C
o
p
y



Second Regular Session 117th General Assembly (2012)

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 2011 Regular Session of the General Assembly.

C
o
p
y

SENATE BILL No. 284



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 20-18-2-22, AS AMENDED BY P.L.90-2011,
2 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2012]: Sec. 22. (a) "Teacher" means a professional person
4 whose position in a school corporation requires certain educational
5 preparation and licensing. ~~and whose primary responsibility is the~~
6 ~~instruction of students.~~

- 7 (b) For purposes of IC 20-28, the term includes the following:
8 (1) A superintendent.
9 (2) A principal.
10 (3) A teacher.
11 (4) A librarian.

12 SECTION 2. IC 20-28-7.5-1, AS ADDED BY P.L.90-2011,
13 SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
14 JULY 1, 2012]: Sec. 1. (a) This chapter applies to a teacher in a school
15 corporation (as defined in IC 20-18-2-16(a)).

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



1 probationary teacher:

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

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

6 (3) is subject to a justifiable decrease in the number of teaching
7 positions or any reason relevant to the school corporation's
8 interest.

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

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

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

21 (1) Immorality.

22 (2) Insubordination, which means a willful refusal to obey the
23 state school laws or reasonable rules adopted for the governance
24 of the school building or the school corporation.

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

26 (4) Incompetence, including receiving:

27 (A) an ineffective designation on two (2) consecutive
28 performance evaluations under IC 20-28-11.5; or

29 (B) an ineffective designation or improvement necessary
30 rating in three (3) years of any five (5) year period.

31 (5) Neglect of duty.

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

33 (7) Other good or just cause.

34 SECTION 3. IC 20-28-7.5-2, AS ADDED BY P.L.90-2011,
35 SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
36 JULY 1, 2012]: Sec. 2. (a) Before a teacher is refused continuation of
37 the teacher's contract, the teacher has the following rights:

38 (1) The principal shall notify the teacher of the principal's
39 preliminary decision. The notification must be:

40 (A) in writing; and

41 (B) delivered in person or mailed by registered or certified
42 mail to the teacher at the teacher's last known address.

C
O
P
Y



- 1 (2) The notice in subdivision (1) must include a written statement,
- 2 subject to IC 5-14-3-4, giving the reasons for the preliminary
- 3 decision.
- 4 (3) Notification due to a **reduction in force justifiable decrease**
- 5 **in the number of teaching positions** must be delivered between
- 6 May 1 and July 1.
- 7 (b) For a cancellation of a teacher's contract for a reason other than
- 8 a **reduction in force, justifiable decrease in the number of teaching**
- 9 **positions**, the notice required under subsection (a)(1) must inform the
- 10 teacher that, not later than five (5) days after the teacher's receipt of the
- 11 notice, the teacher may request a private conference with the
- 12 superintendent. The superintendent must set the requested meeting not
- 13 later than ten (10) days after the request.
- 14 (c) At the conference between the superintendent and the teacher,
- 15 the teacher may be accompanied by a representative.
- 16 (d) After the conference between the superintendent and the teacher,
- 17 the superintendent shall:
- 18 (1) make a written recommendation to the governing body of the
- 19 school corporation regarding the cancellation of the teacher's
- 20 contract; **and**
- 21 (2) **notify the principal and teacher, in writing, of the**
- 22 **superintendent's recommendation.**
- 23 (e) If the teacher does not request a conference under subsection (b),
- 24 the principal's preliminary decision is considered final.
- 25 (f) For items listed in section ~~(1)(e)(3)~~, (1)(e)(4) or (1)(e)(6) of this
- 26 chapter, if the teacher files a request with the governing body for an
- 27 additional private conference not later than five (5) days after the initial
- 28 private conference with the superintendent, the teacher is entitled to an
- 29 additional private conference with the governing body before the
- 30 governing body makes a final decision, which must be in writing,
- 31 concerning the cancellation of the teacher's contract.
- 32 (g) For items listed in section (1)(e)(1), (1)(e)(2), (1)(e)(5), or
- 33 (1)(e)(7) of this chapter, if, not later than five (5) days after the initial
- 34 private conference with the superintendent, the teacher files a request
- 35 with the governing body for an additional private conference, the
- 36 teacher is entitled to an additional private conference with the
- 37 governing body before the governing body makes a final decision. The
- 38 final decision must be in writing and must be made not more than thirty
- 39 (30) days after the governing body receives the teacher's request for the
- 40 additional private conference. At the private conference the governing
- 41 body shall do the following:
- 42 (1) Allow the teacher to present evidence to refute the reason or

COPY



1 reasons for contract cancellation and supporting evidence
 2 provided by the school corporation. Any evidence presented at the
 3 private conference must have been exchanged by the parties at
 4 least seven (7) days before the private conference.

5 (2) Consider whether a **preponderance of the substantial**
 6 **evidence** supports the cancellation of the teacher's contract.

7 SECTION 4. IC 20-28-7.5-2.5 IS ADDED TO THE INDIANA
 8 CODE AS A **NEW SECTION TO READ AS FOLLOWS**
 9 **[EFFECTIVE JULY 1, 2012]: Sec. 2.5. (a) Before a principal is**
 10 **refused continuation of the principal's contract, the principal has**
 11 **the following rights:**

12 **(1) The superintendent shall notify the principal of the**
 13 **superintendent's preliminary decision. The notification must**
 14 **be:**

15 **(A) in writing; and**

16 **(B) delivered in person or mailed by registered or certified**
 17 **mail to the principal at the principal's last known address.**

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

21 **(b) Before a superintendent is refused continuation of the**
 22 **superintendent's contract, the superintendent has the following**
 23 **rights:**

24 **(1) The governing body's attorney, acting as the designee of**
 25 **the governing body, shall notify the superintendent of the**
 26 **governing body's preliminary decision. The notification must**
 27 **be:**

28 **(A) in writing; and**

29 **(B) delivered in person or mailed by registered or certified**
 30 **mail to the superintendent at the superintendent's last**
 31 **known address.**

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

35 SECTION 5. IC 20-28-7.5-3, AS ADDED BY P.L.90-2011,
 36 SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 37 JULY 1, 2012]: Sec. 3. At the first public meeting following a private
 38 conference with:

39 (1) the governing body under section 2(f) **or 2(g)** of this chapter;
 40 or

41 (2) the superintendent under section 2(b) of this chapter, if no
 42 conference with the governing body is requested;

C
O
P
Y



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

4 SECTION 6. IC 20-28-10-4, AS AMENDED BY P.L.90-2011,
 5 SECTION 36, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 6 JULY 1, 2012]: Sec. 4. (a) A school corporation may place a teacher,
 7 with or without written request, on a disability or sick leave not to
 8 exceed one (1) year.

9 (b) A teacher placed on a disability or sick leave without a written
 10 request is entitled to a ~~hearing~~ **conference** on that action under
 11 IC 20-28-7.5.

12 SECTION 7. IC 20-28-11.5-1, AS ADDED BY P.L.90-2011,
 13 SECTION 39, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 14 JULY 1, 2012]: Sec. 1. As used in this chapter, "evaluator" means an
 15 individual who conducts a staff performance evaluation. The term
 16 includes a teacher who:

- 17 (1) has clearly demonstrated a record of effective teaching over
- 18 several years **under this chapter or another system of**
- 19 **evaluation used by the school corporation before July 1, 2012;**
- 20 (2) is approved by the principal as qualified to evaluate under the
- 21 plan; and
- 22 (3) conducts staff performance evaluations as a significant part of
- 23 teacher's responsibilities.

24 SECTION 8. IC 20-28-11.5-4, AS ADDED BY P.L.90-2011,
 25 SECTION 39, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 26 JULY 1, 2012]: Sec. 4. (a) Each school corporation shall develop a
 27 plan for annual performance evaluations for each ~~certificated employee~~
 28 **(as defined in IC 20-29-2-4): teacher.** A school corporation shall
 29 implement the plan beginning with the 2012-2013 school year.

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

- 34 (1) A plan using master teachers or contracting with an outside
- 35 vendor to provide master teachers.
- 36 (2) The System for Teacher and Student Advancement (TAP).
- 37 (3) The Peer Assistance and Review Teacher Evaluation System
- 38 (PAR).

39 (c) A plan must include the following components:

- 40 (1) Performance evaluations for all ~~certificated employees;~~
- 41 **teachers**, conducted at least annually.
- 42 (2) Objective measures of student achievement and growth to

C
o
p
y



1 significantly inform the evaluation. The objective measures must
2 include:

3 (A) student assessment results from statewide assessments for
4 ~~certificated employees teachers~~ whose responsibilities include
5 instruction in subjects measured in statewide assessments;

6 (B) methods for assessing student growth for ~~certificated~~
7 ~~employees teachers~~ who do not teach in areas measured by
8 statewide assessments; and

9 (C) student assessment results from locally developed
10 assessments and other test measures for ~~certificated employees~~
11 ~~teachers~~ whose responsibilities may or may not include
12 instruction in subjects and areas measured by statewide
13 assessments.

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

16 (4) An annual designation of each ~~certificated employee teacher~~
17 in one (1) of the following rating categories:

18 (A) Highly effective.

19 (B) Effective.

20 (C) Improvement necessary.

21 (D) Ineffective.

22 (5) An explanation of the evaluator's recommendations for
23 improvement, and the time in which improvement is expected.

24 (6) A provision that a teacher who negatively affects student
25 achievement and growth cannot receive a rating of highly
26 effective or effective.

27 (d) The evaluator shall discuss the evaluation with the ~~certificated~~
28 ~~employee teacher~~.

29 SECTION 9. IC 20-28-11.5-5, AS ADDED BY P.L.90-2011,
30 SECTION 39, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
31 JULY 1, 2012]: Sec. 5. (a) The superintendent or equivalent authority,
32 for a school corporation that does not have a superintendent, may
33 provide for evaluations to be conducted by an external provider.

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

36 SECTION 10. IC 20-28-11.5-6, AS ADDED BY P.L.90-2011,
37 SECTION 39, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
38 JULY 1, 2012]: Sec. 6. (a) A copy of the completed evaluation,
39 including any documentation related to the evaluation, must be
40 provided to a ~~certificated employee teacher~~ not later than seven (7)
41 days after the evaluation is conducted.

42 (b) If a ~~certificated employee teacher~~ receives a rating of ineffective

C
O
P
Y



1 or improvement necessary, the evaluator and the ~~certificated employee~~
2 **teacher** shall develop a remediation plan of not more than ninety (90)
3 school days in length to correct the deficiencies noted in the
4 ~~certificated employee's~~ **teacher's** evaluation. The remediation plan
5 must require the use of the ~~certificated employee's~~ **teacher's** license
6 renewal credits in professional development activities intended to help
7 the ~~certificated employee~~ **teacher** achieve an effective rating on the
8 next performance evaluation. If the principal did not conduct the
9 performance evaluation, the principal may direct the use of the
10 ~~certificated employee's~~ **teacher's** license renewal credits under this
11 subsection.

12 (c) A teacher who receives a rating of ineffective may file a request
13 for a private conference with the superintendent or the superintendent's
14 designee not later than five (5) days after receiving notice that the
15 teacher received a rating of ineffective. The teacher is entitled to a
16 private conference with the superintendent or superintendent's
17 designee.

C
o
p
y

