

## **IC 20-24-6**

### **Chapter 6. Employment of Teachers and Other Personnel; Collective Bargaining**

#### **IC 20-24-6-1**

##### **Employees; collective bargaining agreements; accrual of and financial responsibility for benefits**

Sec. 1. (a) Individuals who work at a charter school are employees of the charter school or of an entity with which the charter school has contracted to provide services.

(b) Teachers in a conversion charter school may be employees of the charter school or of both the charter school and the school corporation that sponsored the charter school, as determined by the provisions of the charter.

(c) All benefits accrued by teachers as employees of the conversion charter school are the financial responsibility of the conversion charter school.

(d) All benefits accrued by a teacher during the time the teacher was an employee only of the school corporation that sponsored the charter school are the financial responsibility of the school corporation. The school corporation shall pay those benefits directly or reimburse the conversion charter school for the cost of the benefits.

*As added by P.L.1-2005, SEC.8. Amended by P.L.91-2011, SEC.16.*

#### **IC 20-24-6-2**

##### **Teachers; voluntary service and hiring**

Sec. 2. Individuals must choose to be teachers at a charter school voluntarily, and a charter school must voluntarily choose those individuals to be its teachers.

*As added by P.L.1-2005, SEC.8.*

#### **IC 20-24-6-3**

##### **Collective bargaining permitted**

Sec. 3. Employees of a charter school may organize and bargain collectively under IC 20-29.

*As added by P.L.1-2005, SEC.8.*

#### **IC 20-24-6-4**

##### **Repealed**

*(Repealed by P.L.91-2011, SEC.31.)*

#### **IC 20-24-6-5**

##### **Teachers; licensing requirements**

Sec. 5. (a) At least ninety percent (90%) of the individuals who teach full time 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;  
unless the charter school requests and the state board approves a waiver for a lower percentage.

(b) An individual who does not qualify under subsection (a) may teach full time in a charter school if the individual meets one of the following criteria:

- (1) The individual is in the process of obtaining a license to teach in a charter school in Indiana under IC 20-28-5-16.
- (2) The individual holds 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.

Individuals qualifying under subsection (b) may not exceed ten percent (10%) of the full time teaching staff unless the charter school requests and the state board approves a waiver for a higher percentage.

(c) 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.

(d) An individual who holds a part-time teaching position in a charter school must 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.

(e) 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.  
*As added by P.L.1-2005, SEC.8. Amended by P.L.91-2011, SEC.17.*

### **IC 20-24-6-6**

#### **Substitute teachers**

Sec. 6. A charter school may employ a substitute teacher or an individual who holds a limited license to teach in the same manner in which a noncharter public school may employ a substitute teacher or an individual who holds a limited license to teach.

*As added by P.L.1-2005, SEC.8.*

### **IC 20-24-6-7**

#### **Participation of employees in retirement fund**

Sec. 7. (a) A charter school may participate in any of the following:

- (1) The Indiana state teachers' retirement fund in accordance with IC 5-10.4.
- (2) The public employees' retirement fund in accordance with IC 5-10.3.
- (3) Another employee pension or retirement fund.

(b) Except as provided in subsection (e), a person who teaches in a charter school is a member of the Indiana state teachers' retirement

fund. Service in a charter school is creditable service for purposes of IC 5-10.4.

- (c) Except as provided in subsection (e), a person who:
- (1) is a local school employee of a charter school; and
  - (2) is not eligible to participate in the Indiana state teachers' retirement fund;

is a member of the public employees' retirement fund.

(d) The boards of the Indiana state teachers' retirement fund and the public employees' retirement fund shall implement this section through the organizer of the charter school, subject to and conditioned upon receiving any approvals either board considers appropriate from the Internal Revenue Service and the United States Department of Labor.

(e) Charter school employees may participate in a private pension or retirement program, if the organizer of the charter school offers the opportunity to participate in the program.

*As added by P.L.1-2005, SEC.8. Amended by P.L.2-2006, SEC.105; P.L.234-2007, SEC.226.*

#### **IC 20-24-6-8**

##### **Decision to grant charter; not subject to restraint by collective bargaining agreement**

Sec. 8. The decision by a sponsor whether to grant a charter is not subject to restraint by a collective bargaining agreement.

*As added by P.L.1-2005, SEC.8.*

#### **IC 20-24-6-9**

##### **Repealed**

*(Repealed by P.L.91-2011, SEC.31.)*

#### **IC 20-24-6-10**

##### **Transfer of teacher to nonconversion charter school; continuation of seniority status**

Sec. 10. (a) The governing body:

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

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

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

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

*As added by P.L.1-2005, SEC.8. Amended by P.L.90-2011, SEC.8.*