



STATE OF INDIANA

OFFICE OF THE ATTORNEY GENERAL

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July 20, 2021

RE: Annual Notification of Teacher Rights under State and Federal Law

Dear Indiana Teacher:

Indiana's Teacher Protection Act (TPA), passed in 2009, strengthened a public school teacher's right to take any disciplinary action necessary to promote appropriate student conduct and to maintain order in the teacher's classroom. This law was proposed by the Office of the Attorney General (OAG), who worked with the Indiana General Assembly to ensure teachers were notified annually of the protections granted them under this state law. In 2015, the General Assembly updated the TPA, expanding the scope of information that is to be provided to you as a public school teacher. You will find in this letter information and links regarding many significant rights and protections specifically granted public school teachers by state and federal law. There is no need for you to do anything further; this is for your information and is intended to assist you in your continuing responsibilities as a public school teacher.

Indiana Code § 4-6-2-1.5(c) requires the Attorney General to send this correspondence by first class mail to your home residence. Your residential mailing address remains confidential and will not be used for purposes other than this letter, as provided by Indiana Code § 5-14-3-4.

Various stakeholders knowledgeable and focused on educator rights have assisted in the development and continuing update of this information, including the Indiana Education Employment Relations Board (IEERB), the Indiana Department of Education (IDOE), the Indiana State Board of Education (SBOE), the Indiana State Teachers Association (ISTA), and the American Federation of Teachers Indiana (AFT), as well as OAG staff, to ensure you receive the most relevant and pertinent information regarding your rights and benefits under the law. This letter provides a brief summary of those protections and offers you additional access to a more comprehensive explanation of each of these state and federal protections and related rights. Please review the following information about your rights:

1. **Indiana Code § 4-6-2-1.5 Discipline in Schools (Teacher Protection Act):** This statute creates a stronger legal defense for teachers who are sued over school-discipline disputes. This statute provides not only qualified immunity for teachers acting in good faith to maintain discipline in our public schools, but also representation of teachers by the Office of Attorney General should a civil action be filed. The TPA is designed to end or minimize frivolous litigation brought against teachers for acts intended to preserve a learning atmosphere free from untoward behavior issues.
2. **Indiana Code §§ 20-33-8-8, 20-33-8-9, and 20-33-8-25 Disciplinary Powers:** These statutes provide that teachers who have students under their charge may take actions that are reasonably necessary to carry out, or to prevent an interference with, an educational function that the teacher supervises or that are necessary to ensure a safe, orderly, and effective educational environment. Teachers also have additional avenues to ensure that school-based discipline is effective.
3. **Indiana Code Article 20-29 Collective Bargaining:** This article provides that teachers have the right to form school employee organizations and bargain collectively by meeting, negotiating in good faith, and executing a written contract with the public school employer.

4. **Indiana Code Chapter 20-28-11.5 Performance Evaluations:** This chapter provides for the establishment of teacher performance evaluations. Evaluation plans must be discussed with teachers or the teachers' exclusive bargaining representative prior to implementation. Additionally, evaluators must discuss the evaluation results with the teachers.
5. **Indiana Code §§ 20-28-10-14 and 20-28-10-15 Freedom of Association, Candidate for Public Office:** Teachers are protected from retaliation based on their affiliation with an organization, unless the organization advocates the overthrow of the U.S. government by force, the use of violence, or advocates violation of the law in order to achieve its objectives. These statutes also protect teachers from dismissal or suspension for running for public office, unless such candidacy impairs the teacher's effectiveness or interferes with the teacher's performance of contractual obligations. It is noteworthy that under Indiana Code § 3-14-1-17, teachers are prohibited from using school property, including e-mail, to solicit political contributions or advocate for the approval or defeat of a candidate or public question.

The OAG remains steadfast in its support for teachers and the vital role that you perform in our educational system. This information has been posted online in a much more detailed manual for your reference and convenience. The manual is available at: <https://www.in.gov/attorneygeneral/about-the-office/advisory-and-opinions/>.

In addition to information on state and federal laws applicable to you, the OAG is proud to assure public school employees that their actions conducted within the scope of school discipline policies will be supported and defended by their state Attorney General. The TPA was passed in 2009 partly out of the concern that school insurance companies were routinely settling school-discipline lawsuits for nuisance value, and that paying settlements and not providing the teacher a legal defense served only to undermine school discipline and instill a lack of respect for the teacher's authority. So that teachers would have proper legal representation in a civil lawsuit implicating school disciplinary actions, the OAG is prepared to defend teachers and the vital public interests they serve in ensuring the best environment in our schools for a world-class education.

If you are served with court papers or notice of a lawsuit that involves school-based disciplinary actions, you can contact the Attorney General's Office and forward a copy of the complaint and summons to: Patricia Orloff Erdmann, Chief Counsel for Litigation, Office of the Indiana Attorney General, Indiana Government Center South, 5th floor, 302 West Washington Street, Indianapolis IN 46204, (317) 232-6318, Fax: (317) 232-7979, Patricia.Erdmann@atg.in.gov.

Thank you for your commitment and dedication to the education of Indiana's students and the success of our schools.

Sincerely,

A handwritten signature in black ink, reading "Todd Rokita". The signature is fluid and cursive, with the first name "Todd" and last name "Rokita" clearly distinguishable.

Todd Rokita
Attorney General of Indiana