



STATE OF INDIANA
OFFICE OF THE ATTORNEY GENERAL

INDIANA GOVERNMENT CENTER SOUTH, FIFTH FLOOR
302 W. WASHINGTON STREET • INDIANAPOLIS, IN 46204-2770

www.AttorneyGeneral.IN.gov

TELEPHONE: 317.232.6201

FAX: 317.232.7979

GREG ZOELLER
INDIANA ATTORNEY GENERAL

July 30, 2016

RE: Indiana law requires you receive annual notification of teacher protections. This is only for your information.

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 his or her classroom. I proposed this law seven years ago and 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 type of information that you should be provided. While I will take a moment to relay the specifics on teacher discipline protections under the TPA, you will also find in this letter information and links regarding many other 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 should you find it helpful in your ongoing 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 per **Indiana Code 5-14-3-4**.

Various stakeholders knowledgeable and focused on educators' rights have assisted in the development 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 (AFT) to ensure that you receive the most relevant information as required under the law. This letter provides a brief summary of those protections and offers resources to give you access to a more comprehensive explanation of each of these state and federal protections and related rights and protections that may be of interest. Please review the following information about your rights:

1. **Indiana Code Section 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 qualified immunity for teachers acting in good faith to maintain discipline in our public schools and defense of teachers by the Office of Attorney General. The TPA is designed to end or minimize frivolous litigation brought against teachers for acts intended to preserve a learning classroom free of behavior issues.
2. **Indiana Code Sections 20-33-8-9 and 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.

3. **Indiana Code Article 20-29 Collective Bargaining:** This article provides that teachers have the right to form school employee organizations.
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 with the teacher.
5. **Indiana Code Sections 20-28-10-14 and 20-28-10-15 Freedom of Association, Candidate for Public Office:** The statute protects teachers from retaliation based on their affiliation with an organization unless the organization advocates the overthrow of the U.S. government by force or the use of violence or the violation of law to achieve the organization's objectives. These statutes also protect teachers from dismissal or suspension for running for public office unless doing so impairs the teacher's effectiveness or interferes with performance of contractual obligations. We do note, however, 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 Office of the Attorney General (OAG) remains steadfast in its support for teachers and the vital role that you perform in our educational system. This information has been posted along with a much more detailed manual online for your convenience. The manual is available at:

<http://www.in.gov/attorneygeneral/teacherprotection.htm>

In addition to information on state and federal laws applicable to you, the OAG is proud to give public school employees the confidence to know their actions conducted within the confines of their 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 over school disciplinary actions, the OAG is prepared to defend teachers and the vital public interest they serve in ensuring the best environment in our schools for a world-class education.

If you are served with court papers or notice about potential litigation over classroom disciplinary actions, you can contact the Attorney General's constituent-services number at 317-232-6310 to be directly connected with a Deputy Attorney General in the Litigation Division who will evaluate your case, and determine if the Office can represent you.

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

Sincerely,



Gregory F. Zoeller
Indiana Attorney General