



INDIANA STATE BOARD OF EDUCATION

To: Indiana State Board of Education
From: Chad E. Ranney, General Counsel
Date: April 13, 2022
RE: **EP's and SPED Licensure Rules (LSA Document #22-14) – Adoption of Final Rule**

MEMORANDUM

Recommendation(s): Adopt the Final Rule (LSA Document #22-14)

The Final Rule, which is identical to the State Board of Education's ("Board") proposed rule, amends 511 IAC 7-36-2 and 511 IAC 7-36-3 and adds 511 IAC 7-36-3.5 concerning special education personnel, teachers, and teachers in charter schools. Additionally, the Final Rule amends 511 IAC 10.1-3-7 concerning requirements set forth in the Individuals with Disabilities Education Act ("IDEA") as they relate to transition to teaching alternative programs for special education licensure. Finally, the Final Rule amends 511 IAC 16-4-1 and adds 511 IAC 16-4-8 concerning emergency permits.

Once the Board adopts the Final Rule, Indiana Department of Education ("Department") Staff will proceed with the rulemaking process outlined in IC 4-22-2 on the Board's behalf. The rulemaking process shall proceed as follows:

- 1) Department staff will compile the necessary materials and submit them, along with the Final Rule, to the Office of the Attorney General ("OAG") for review and approval, as required by IC 4-22-2-32.
 - Per IC 4-22-2-32(g), OAG has 45 days from the date the Department submits the Final Rule for review to either approve or disapprove the rule.
- 2) Once OAG has completed its review and approved the Final Rule, Department staff will submit the Final Rule to the Governor's Office for review and approval, as required by IC 4-22-2-33.
 - Per IC 4-22-2-34, the Governor has 15 days from the date the Department submits the Final Rule for review to either approve or disapprove the rule.
- 3) Once the Governor has completed his review and approved the Final Rule, Department staff will submit the Final Rule to the Publisher for filing, as required by IC 4-22-2-35.
 - Per IC 4-22-2-36, the Final Rule will become effective 30 days after it is filed with the Publisher.

Both the Final Rule and the Public Comment Summary have been attached for the Board's review and consideration.

TITLE 511 INDIANA STATE BOARD OF EDUCATION

Final Rule
LSA Document #22-14(F)

DIGEST

Amends [511 IAC 7-36-2](#), [511 IAC 7-36-3](#), and adds [511 IAC 7-36-3.5](#) concerning special education personnel, teachers, and teachers in charter schools. Amends [511 IAC 10.1-3-7](#) concerning requirements set forth in the Individuals with Disabilities Education Act (IDEA) as they relate to transition to teaching alternative programs for special education licensure. Amends [511 IAC 16-4-1](#) and adds [511 IAC 16-4-8](#) concerning emergency permits. Effective 30 days after filing with the Publisher.

[IC 4-22-2.1-5 Statement Concerning Rules Affecting Small Businesses](#)

[511 IAC 7-36-2](#); [511 IAC 7-36-3](#); [511 IAC 7-36-3.5](#); [511 IAC 10.1-3-7](#); [511 IAC 16-4-1](#); [511 IAC 16-4-8](#)

SECTION 1. [511 IAC 7-36-2](#) IS AMENDED TO READ AS FOLLOWS:

[511 IAC 7-36-2](#) Special education program personnel

Authority: [IC 20-19-2-8](#); [IC 20-19-2-16](#)

Affected: [IC 20-19-2](#); [IC 20-35](#)

Sec. 2. (a) All personnel employed or contracted by a public agency to provide special education or related services must be appropriately licensed or certified and must have the content knowledge and skills necessary to provide the services for which the individual is employed or contracted in accordance with standards established by the department of education's office of educator licensing or other applicable licensing and certification bodies. ~~The person designated as a student's teacher of record shall:~~

- ~~(1) for kindergarten through grade 12, be appropriately licensed in the area of the student's disability or, where appropriate state licensure is not available, appropriately trained; and~~
- ~~(2) for early childhood, hold an appropriate license to teach early childhood special education.~~

(b) Special education teachers who teach in public elementary and secondary schools must meet the requirements of subsection (a).

(c) Related services personnel who deliver services in their discipline:

- (1) must meet the requirements of subsection (a); and
- (2) may not have certification or licensure requirements waived on:
 - (A) an emergency;
 - (B) a temporary; or
 - (C) a provisional;

basis.

(d) Personnel working with deaf or hard of hearing students who provide sign language transliteration and interpreting services must:

- (1) meet the requirements of subsections (a) and (c); and
- (2) be certified to interpret in an educational setting.

(e) Public agencies may allow paraprofessionals and assistants who are appropriately trained to work under the direction and supervision of:

- (1) licensed teachers; or
- (2) related services personnel;

to assist students in areas that relate to personal, social, and educational needs.

(f) The public agency shall do the following:

- (1) Provide preservice and in-service training to paraprofessionals in the following areas:
 - (A) The role of the paraprofessional related to the role of the professional person providing supervision and direction.

- (B) The specific skills and content knowledge necessary to carry out the assigned responsibilities.
- (C) Information on the following:
 - (i) The specific special needs and characteristics of the students with whom the paraprofessional will be working.
 - (ii) Special education procedures, including the confidentiality of personally identifiable information.
- (2) Document, in writing, the training provided to paraprofessionals.

(g) In addition to the requirements listed in subsections (e) and (f), paraprofessionals who provide instructional support in a program supported by funds from Title I, Part A of the Elementary and Secondary Education Act must have the following:

- (1) A high school diploma as defined in [511 IAC 6-7.1-1](#)(e) or its recognized equivalent.
- (2) Paraprofessionals hired after January 8, 2002, must have achieved one (1) of the following:
 - (A) Completed two (2) years of study at an institution of higher education, as defined in [511 IAC 7-32-52](#).
 - (B) Obtained an associate's or higher degree.
 - (C) Met a rigorous standard of quality and be able to demonstrate, through a formal state academic assessment, knowledge of and the ability to assist in instructing reading, writing, and mathematics (or, as appropriate, reading readiness, writing readiness, and mathematics readiness).

(h) A paraprofessional under subsection (g) does not have to meet the requirement in subsection (g)(2) if the paraprofessional is a person who:

- (1) is proficient in English and a language other than English and acts solely as a translator to enhance the participation of limited English proficient students; or
- (2) only conducts parental activities, such as a home school liaison.

(i) A paraprofessional under subsection (g) does not have to meet the requirements contained in subsection (g) if the paraprofessional:

- (1) works in a Title I targeted assistance program, as opposed to a Title I school-wide program, unless the paraprofessional's salary is funded, in whole or in part, by Title I, Part A; or
- (2) does not provide instructional support, such as a person who solely provides personal care.

~~(j) Notwithstanding any other individual right of action that a parent or student may maintain under this article, nothing in this article shall be construed to:~~

- ~~(1) create a right of action on behalf of an individual student or class of students for the failure of a public agency employee to meet the requirements described in subsection (a) of this section; or~~
- ~~(2) prevent a parent from filing a complaint about staff qualifications with the division of special education under [511 IAC 7-45-1](#).~~

(Indiana State Board of Education; [511 IAC 7-36-2](#); filed Jul 14, 2008, 1:24 p.m.: [20080813-IR-511080112FRA](#); readopted filed Nov 6, 2014, 3:23 p.m.: [20141203-IR-511140382RFA](#); filed Mar 18, 2019, 2:33 p.m.: [20190417-IR-511180153FRA](#); readopted filed Dec 1, 2020, 1:48 p.m.: [20201230-IR-511200548RFA](#))

SECTION 2. [511 IAC 7-36-3](#) IS AMENDED TO READ AS FOLLOWS:

[511 IAC 7-36-3](#) Special education teachers

Authority: [IC 20-19-2-8](#); [IC 20-19-2-16](#)

Affected: [IC 20-19-2](#); [IC 20-33](#)

Sec. 3. (a) A special education teacher who teaches in a public elementary, middle, junior high, or high school in the state must meet the following requirements:

- (1) The teacher has obtained full state licensure as a special education teacher, including licensure obtained through an alternative route, as described in subsection (b), or passed the state special education teacher licensing examinations and holds a license to teach in the state as a special education teacher, **except that when used with respect to any teacher teaching in a public charter school, the teacher must meet the certification or licensing requirements, if any, set forth in the state's public charter school law.**
- (2) The teacher has not had special education licensure requirements waived **on an emergency, temporary, or provisional basis.**
- (3) The teacher holds at least a bachelor's degree.

(b) A teacher will meet the requirement in subsection (a)(1) if that teacher is participating in an alternative route to special education licensure program under which the:

(1) teacher:

(A) receives high-quality professional development that is:

- (i) sustained;
- (ii) intensive; and
- (iii) classroom-focused;

in order to have a positive and lasting impact on classroom instruction, before and while teaching;

(B) participates in a program of intensive supervision that consists of structured guidance and regular ongoing support for teachers or a teacher mentoring program;

(C) assumes functions as a teacher only for a specified period of time not to exceed three (3) years; and

(D) demonstrates satisfactory progress toward full licensure as prescribed by the state in accordance with the requirements set forth in [511 IAC 16-4-8\(d\)](#) and [511 IAC 16-4-8\(e\)](#); and

(2) state ensures, through its licensure process, that the provisions in subdivision (1) are met.

(c) The person designated as a student's teacher of record shall:

(1) for kindergarten through grade 12, be appropriately licensed in the area of the student's disability or, where appropriate state licensure is not available, appropriately trained; and

(2) for early childhood, hold an appropriate license to teach early childhood special education.

(Indiana State Board of Education; [511 IAC 7-36-3](#); filed Jul 14, 2008, 1:24 p.m.: [20080813-IR-511080112FRA](#); readopted filed Nov 6, 2014, 3:23 p.m.: [20141203-IR-511140382RFA](#); filed Mar 18, 2019, 2:33 p.m.: [20190417-IR-511180153FRA](#); readopted filed Dec 1, 2020, 1:48 p.m.: [20201230-IR-511200548RFA](#))

SECTION 3. [511 IAC 7-36-3.5](#) IS ADDED TO READ AS FOLLOWS:

[511 IAC 7-36-3.5](#) Policy and rule of construction

Authority: [IC 20-19-2-8](#); [IC 20-19-2-16](#)

Affected: [IC 20-19-2](#); [IC 20-33](#)

Sec. 3.5. (a) The public agency must take measurable steps to recruit, hire, train, and retain personnel who meet the applicable requirements described in sections 2 and 3 of this rule to provide special education and related services under this article to children with disabilities.

(b) Notwithstanding any other individual right of action that a parent or student may maintain under this article, nothing in this article shall be construed to:

(1) create a right of action on behalf of an individual student or class of students for the failure of a public agency employee to meet the requirements described in subsection (a); or

(2) prevent a parent from filing a complaint about staff qualifications with the division of special education under [511 IAC 7-45-1](#).

(Indiana State Board of Education; [511 IAC 7-36-3.5](#))

SECTION 4. [511 IAC 10.1-3-7](#) IS AMENDED TO READ AS FOLLOWS:

[511 IAC 10.1-3-7](#) Preparation

Authority: [IC 20-28-4-10](#)

Affected: [IC 20-28-4](#)

Sec. 7. (a) A department-approved transition to teaching program offered by an institution of higher education may offer the course of study as either undergraduate or graduate level. A department-approved program offered by an entity other than an institution of higher education may offer a noncredit hour based certificate.

(b) The qualified person must meet the general admission standards of the approved program for the credit or certificate being awarded.

(c) The course of study may be part of a degree program, but a participant is not required to earn a degree to successfully complete the preparation program.

(d) The preparation shall include the following:

- (1) The course work, ~~and field~~ **experiences**, and classroom experiences that prepare the participant to successfully master the developmental standards **set forth in 511 IAC 13-1-1(c)**.
- (2) The performance assessments defined in the approved program assessment system that document mastery of the developmental standards **established pursuant to 511 IAC 13-1-2**.

(e) ~~Under IC 20-28-4, Preparation shall require: not more than the following:~~

- ~~(1) Eighteen (18) credit hours for secondary teaching. (1) not more than the number of credit hours set under IC 20-28-4;~~
- ~~(2) Twenty four (24) credit hours for elementary teaching, including at least six (6) credit hours in reading instruction for elementary teaching; and~~
- ~~(3) Twenty four (24) credit hours for P-3 teaching, including at least six (6) credit hours in reading instruction for prekindergarten through grade 3.~~

(f) ~~Preparation for P-12 teaching shall require not more than twenty four (24) credit hours. The department shall provide guidance on the requirements for program design to meet credit hours.~~

(g) Transition to teaching programs preparing teachers for licensure in a special education area under 511 IAC 15-6-10 must meet the requirements of 34 CFR §300.156(c)(2) and 511 IAC 7-36-3(b) to ensure:

(1) an enrolled teacher:

- (A) receives high-quality professional development that is sustained, intensive, and classroom-focused in order to have a positive and lasting impact on classroom instruction, before and while teaching;**
- (B) participates in a program of intensive supervision that consists of structured guidance and regular ongoing support for teachers or a teacher mentoring program;**
- (C) assumes functions as a teacher only for a specified period not to exceed three (3) years; and**
- (D) demonstrates satisfactory progress toward full certification as prescribed by the department in subsection (h); and**

(2) the department ensures, through its program review, approval, monitoring, and licensure processes, which incorporate the 2020 revision of the Initial Practice-Based Professional Preparation Standards for Special Educators, the 2020 revision of the Initial Practice-Based Professional Standards for Early Interventionists/Early Childhood Special Educators, and High Leverage Practices published by the Council for Exceptional Children, that the provisions set forth in this subsection are met.

(h) As required in subsection (g)(1)(D), to demonstrate satisfactory progress, an enrolled teacher must:

- (1) commit to completing the approved transition to teaching program for special education licensure within three (3) years after admission to that program; and**
- (2) complete a minimum of six (6) semester hours of coursework, or the equivalent, if enrolled in a non-higher education program per academic or calendar year, unless the education program provider has a greater annual progress requirement for the enrollee to remain in good standing, in which case the program provider requirement must be met.**

(i) An approved transition to teaching program provider under subsection (g) is responsible for monitoring the progress of teachers enrolled in their program under subsection (h) and shall include information on the academic progress of enrollees in the annual report to the department as required in section 9(b) and 9(c) of this rule.

(Indiana State Board of Education; 511 IAC 10.1-3-7; filed Nov 18, 2014, 3:51 p.m.: 20141217-IR-511130399FRA; readopted filed Dec 1, 2020, 1:48 p.m.: 20201230-IR-511200548RFA)

SECTION 5. [511 IAC 16-4-1](#) IS AMENDED TO READ AS FOLLOWS:

[511 IAC 16-4-1](#) Emergency permits

Authority: [IC 20-28-2-6](#)

Affected: [IC 20-28-11.5](#)

Sec. 1. (a) An emergency permit is valid only for the school year during which it is granted.

(b) To qualify for an emergency permit, the applicant must submit the following:

- (1) An application for an emergency permit approved by an employing school superintendent between July 1 and ~~February 1~~ **April 30** of the school year for which the emergency permit is requested but not later than four (4) weeks after the applicant for the emergency permit begins service.
- (2) Documentation from the employing school superintendent certifying an emergency need for the applicant in the content area or areas or the school setting or settings of the request.
- (3) The established fee for issuance of the license.
- (4) The license being renewed, if applicable.
- (5) All necessary evidence of eligibility.
- (6) Any additional documentation.
- (7) An official transcript showing successful completion of a baccalaureate degree from ~~an~~ **a regionally accredited** institution of higher education.

(c) The department may grant an applicant with an expired Indiana license a one-time nonrenewable emergency permit for continuing education if the applicant provides documentation that the applicant has not been employed as a full-time or part-time teacher, administrator, or school services personnel, not including substitute teacher, at any time during the school year prior to the date of application.

(d) An emergency permit is renewable annually in the same content area or areas or school setting or settings if the applicant provides documentation of progress in pursuit of completion of an approved program for licensure and completion of testing requirements, **except that no emergency permits in a content area under [511 IAC 15-6-10](#) will be issued or renewed after June 30, 2022.**

~~(e) An applicant for an emergency permit in communication disorders under [511 IAC 15-6-24](#) shall comply with the requirements set forth in [IC 25-35-6-1-8.5](#).~~

(Indiana State Board of Education; [511 IAC 16-4-1](#); filed Nov 18, 2014, 3:51 p.m.: [20141217-IR-511130399FRA](#); readopted filed Dec 1, 2020, 1:48 p.m.: [20201230-IR-511200548RFA](#))

SECTION 6. [511 IAC 16-4-8](#) IS ADDED TO READ AS FOLLOWS:

[511 IAC 16-4-8](#) Alternate route to special education licensure

Authority: [IC 20-28-2-6](#)

Affected: [IC 20-28-11.5](#)

Sec. 8. (a) For purposes of this rule, an approved alternative route program for special education licensure in one (1) or more of the areas found at [511 IAC 15-6-10](#) is a path to an initial professional educator license or to a content area in addition to an existing professional educator license that is not an approved traditional undergraduate special education licensure preparation program.

(b) An approved alternative route program for special education licensure may include a transition to teaching program for special education licensure if that program has been reviewed by the department and determined to meet the requirements in subsection (d).

(c) A special education teacher who teaches in a public elementary, middle, junior high, or high school in the state must meet the following requirements:

- (1) The teacher has obtained full state licensure as a special education teacher, including licensure obtained through an alternative route, as described in subsection (d).
- (2) The teacher has not had special education licensure requirements waived.
- (3) The teacher holds at least a bachelor's degree.

(d) A teacher will meet the requirement in subsection (c)(1) if the teacher is participating in an alternative route program for special education licensure accredited under [511 IAC 13](#) under which the teacher:

(1) receives high-quality professional development that is:

- (A) sustained;
- (B) intensive; and
- (C) classroom-focused;

in order to have a positive and lasting impact on classroom instruction, before and while teaching;

- (2) participates in a program of intensive supervision that consists of structured guidance and regular ongoing support for teachers or a teacher mentoring program;
- (3) assumes functions as a teacher only for a specified period not to exceed three (3) years; and
- (4) demonstrates satisfactory progress toward full licensure as prescribed by the state in subsection (e).

(e) As required in subsection (d)(4), to demonstrate satisfactory progress, an enrolled teacher must:

- (1) commit to completing the approved alternative route program for special education licensure within three (3) years after admission to that program; and
- (2) complete a minimum of six (6) semester hours of coursework, or the equivalent, if enrolled in a non-higher education program per academic or calendar year, unless the education program provider has a greater annual progress requirement for the enrollee to remain in good standing, in which case the program provider requirement must be met.

(f) A teacher enrolled in an approved alternative route program for special education licensure that has been reviewed and determined to meet the requirements of subsection (d) may be eligible to be issued a three (3) year nonrenewable alternative route special education teaching license under this rule.

(g) An applicant for an alternative route special education teaching license must:

- (1) hold a bachelor's degree from a regionally accredited institution;
- (2) provide verification of enrollment and an established program of study in an approved alternative route program for special education licensure that meets the requirements of subsection (d);
- (3) be employed in an Indiana school as a teacher in the special education content area that corresponds to the approved program in which the applicant is enrolled; and
- (4) submit all other required application materials and fees in accordance with [511 IAC 16-1-2](#) and [511 IAC 16-2-1](#).

(h) The application for the alternative route special education teaching license must be approved by the school employer. The school employer may partner with the approved alternative licensure program where the license holder is enrolled to ensure the requirements of subsection (d)(1) and (d)(2) are met.

(i) Upon completion of an approved alternative route program for special education licensure, an applicant who:

- (1) passes all required licensure tests as adopted by the board pursuant to [511 IAC 15-7-2](#);
- (2) provides required application materials pursuant to [511 IAC 16-2-1](#); and
- (3) provides the fee as specified by the department under [511 IAC 16-1-2](#);

will be eligible for a professional educator license in the content area of the special education alternative route program.

(Indiana State Board of Education; [511 IAC 16-4-8](#))

[Notice of Public Hearing](#)

Posted: 03/09/2022 by Legislative Services Agency
An [html](#) version of this document.



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Public Comment Summary: LSA Document #22-14

Current As Of: 4/1/22
Public Comment Deadline: 3/31/22
Total Comments Received: 7
Individuals Submitting Comments: 7

1. Dr. Angela L. Balslev

*Early Educational Services – Executive Director
(email – 2/25/2022)*

Comment Regarding: 511 IAC 7-36-3

What is the "why" behind this [511 IAC 7-36-3(a)(1)-(2)]? ICASE does not support exceptions for special educator licensing for public charter school teachers.

We would like to see the "or where appropriate state licensure is not available, appropriately trained" to this early childhood section [511 IAC 7-36-3(c)(2)].

IDOE Staff Response: There is an existing “carve-out” for special education teachers who are licensed under a state’s charter school licensure statute. This is a federal requirement found at 34 CFR 300.156.

2. Catherine Michael

*Connell Michael Kerr, LLP – Managing Partner
(email – 2/28/2022)*

Comment Regarding: 511 IAC 7-36-2(j)

We disagree with the wording in (j) a parent no longer has the ability to file a complaint regarding the lack of staff qualifications. It appears that the TOR requirements for licensing in the area of disabilities has not been removed but instead moved. If that is correct we have no objection to the movement of that provision.

IDOE Staff Response: The teacher of record requirements have not been removed, just moved. Additionally, the ability to file a complaint has not been removed, just moved.

3. Karen Glasser Sharp

*Lewis Kappes - Director
(email – 2/28/2022)*



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Comments Regarding: 511 IAC 7-36-3

511 IAC 7-36-3.5(b) needs to make clear that the complaint process is the exclusive means to address staff qualifications and that any pending complaint cannot be subsumed by an IHO.

511 IAC 7-36-3 needs to be clarified that teachers who are licensed through a transition to teach program are not considered to be provisionally licensed teachers or otherwise waived. That would keep this section consistent with federal law.

IDOE Staff Response: The new proposed language in 511 IAC 10.1-3-7 and 511 IAC 16-4-8 makes it clear that teachers licensed through Transition to Teaching programs are not considered (1) to be provisionally licensed; or (2) to have had licensing requirements otherwise waived.

4. Séamus P. Boyce

*KGR Law & Public Policy, LLC
(email – 3/2/2022)*

Comments Regarding: 511 IAC 7-36-3.5

We recommend clarifying that the complaint process is the exclusive means to address staff qualifications and that any pending complaint cannot be subsumed by an IHO.

IDOE Staff Response: The proposed rule does not make any changes to the existing language. The existing language was moved from its current location (511 IAC 7-36-2(j)) to 511 IAC 7-36-3.5.

5. Margaret A. Jones, Esq.

*Disability Legal Services of Indiana – Executive Director
(email – 3/7/2022)*

Comments Regarding: 511 IAC 7-36-2

DLSI is not necessarily opposed to the revisions to 511 IAC 7-36-2, as some of the language that has been removed is incorporated into the following section 511 IAC 7-36-3. However, DLSI does not recommend adding the newly proposed section 511 IAC 7-36-3.5.

Comments Regarding: 511 IAC 7-36-3.5

This new section prevents parents from challenging a violation of 511 IAC 7-36-2 or 511 IAC 7-36-3. That means parents will not be allowed to raise issues concerning the public agency's failure to properly train its staff and provide preservice and in-service training to its staff to meet the specific special needs and characteristics of the student with whom they will be working. As noted above, such training is required by the IDEA and improper training often leads to escalating student behaviors which leads to student discipline and removal from school. Parents need to be



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able to assert the failure of the school to properly train its staff, or schools will likely not make training a priority as there is no accountability.

This new section allows a parent to file a Complaint on the matter, however, to file a Complaint with the IDOE the parent will need evidence of the violation. If the parent attempts to get evidence of training violations via discovery in a Due Process, the school will move to strike the discovery on the basis that parent is not allowed to allege violations of improper training under Article 7. The parent will not have access to the training information and will not be able to assert a IDOE Complaint on the matter, unless the parent is provided an opportunity to attend the trainings regarding their child and provided with copies of materials used by the school to train the school staff on the specific special needs and characteristics of the student. The new section, **511 IAC 7-36-3.5 Policy and Rule of Construction**, only serves to limit the parent and students rights and DLSI does not recommend adding this section to Article 7.

IDOE Staff Response: The proposed rule does not make any changes to the existing language. The existing language was moved from its current location (511 IAC 7-36-2(j)) to 511 IAC 7-36-3.5.

6. Risa A. Regnier

*Indiana Department of Education – Director of Educator Licensing
(email – 3/22/2022)*

I want to submit a comment on the proposed rule creating the new 3-year alternative route special education license. My comment is this: We need to be sure that our interpretation and language for the alternative route license makes it available to teachers who have completed a bachelor's degree and an approved special education licensure program (whether traditional or alternative), but who just need additional time to pass their licensure tests. This is the only possible temporary credential they could hold while completing test requirements, and they will have already finished all required coursework/PD/supports required in IDEA and Article 7. Please make this part of the public comment record.

IDOE Staff Response: Staff agrees that teachers who have already completed an approved special education preparation program who need additional testing time, as well as teachers currently enrolled in an approved alternative path special education program, are eligible for the new 3-year alternative route special ed license, providing they meet the other requirements noted in 511 IAC 16-4-8(f) and (g).

7. Dave Saba

*Teachers of Tomorrow – Chief Development Officer
(email – 3/25/22)*

Comments Regarding: 511 IAC 16-4-1(d)



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There are several issues with Emergency Certification in Indiana including each of the following: (1) There are no formal requirements for entry except to be “enrolled” in a Transition to Teaching program without any requirement for CPR/First aid certification, youth suicide prevention training, or passing a subject matter test and (2) There are unlimited renewals provided if one is making progress towards certification but “progress” is not defined nor monitored. As a result, there are thousands of untrained people that do not meet minimum requirements “teaching” Hoosier kids.

Proposed Changes to 511 IAC 16-4-1(d)

(d) An emergency permit ~~is renewable annually~~ **may only be renewed one time and must be** in the same content area or areas or school setting or settings if the applicant provides documentation of progress in pursuit of completion of an approved program for licensure and completion of testing requirements, **except that no emergency permits in a content area under 511 IAC 15-6-10 will be issued or renewed after June 30, 2022. Progress is defined as completion of required CPR/First Aid Courses, completion of required Youth Suicide Prevention courses, a passing score on the required subject matter test for the subject they are teaching, and completion of at least 50% of the required courses from their approved program for licensure.**

Indiana Emergency Certificate Changes:

It is not difficult to get on a Transition to Teaching Certification (T2T) – so the Emergency Certificate really should be a last resort. To get an initial T2T a candidate:

Must complete CPR/First Aid, Youth Suicide Prevention

Must be enrolled in a T2T program

Must have the required GPA or take the subject matter test

Emergency Certs:

No requirements except to be “enrolled” in a T2T program – not required are CPR/First aid, youth suicide prevention, subject matter test. Emergency Certificates have Unlimited renewals – Candidates are supposed to make progress towards certification, but “progress” is not defined – many people are using the emergency certificate to avoid taking the test, the CPR/First Air and Youth Suicide prevention and cost of courses by staying on an emergency certificate. We have people that are not trained and not meeting minimum requirements teaching Indiana students.

Actions Taken by Other States:

North Carolina- Permit to Teach and Emergency are both one year, nonrenewable. See 1.80 and 1.90

<https://simbli.eboardsolutions.com/Policy/ViewPolicy.aspx?S=10399&revid=xAIaLSXdRmBlplus2pJuELiyg%3d%3d&ptid=amIgtZiB9plushNjl6WXhfiOQ%3d%3d&secid=PxgTtKTggbTi6FQT9UEqEQ%3d%3d&PG=6&IRP=0>



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Texas - An emergency permit is valid for the remainder of the school year for which it is activated and authorized by the State Board for Educator Certification (SBEC). The emergency permit must be submitted to the Texas Education Agency staff within 45 instructional days from the date of assignment. <https://tea.texas.gov/sites/default/files/ch230f.pdf>

- Must be enrolled in a program and must have a deficiency plan to be on a certificate by the end of the year.

Michigan - Emergency Permit: You must have a bachelor's degree in the subject area to be taught, or you must currently be enrolled in a teacher preparation program

Pennsylvania - Guidelines for issuance and re-issuance of emergency permits are found under [CSPG #13](#). Note that the re-issuance of a Type 01 permit requires the completion of a state-approved certification program.

IDOE Staff Response: This comment and proposed change recommends that all emergency permits ("EP"), regardless of content area, be restricted to two years (original and one renewal), with renewal requiring evidence of completion of 50% of the preparation program in which the teacher is enrolled, suicide prevention training, and CPR training. Additionally, eligibility for the original EP would require evidence of enrollment in an approved preparation program in the content area of the EP. Upon further review, it was determined that restricting EP issuance in the manner recommended by the commenter would be unduly burdensome, would further limit schools' staffing flexibility, and would impose unnecessary requirements on EP holders.