



INDIANA STATE BOARD OF EDUCATION

To: Indiana State Board of Education
From: Chad E. Ranney, General Counsel
Date: October 13, 2021
RE: Initial Approval of Language for Proposed Rule – Emergency Permits

MEMORANDUM

Recommendation(s): Approve the proposed language for purposes of amending 511 IAC 16-4.

On July 14, 2021, the State Board of Education (“Board”) approved the Department of Education (“Department”) staffs’ recommendation to initiate rulemaking for purposes of amending 511 IAC 16-4. Amending 511 IAC 16-4-1 brings the state’s special education licensure into alignment with federal and state regulations. Amending 511 IAC 16-4 will address emergency permits and requirements set forth in the Individuals with Disabilities Education Act (“IDEA”).

Once the proposed language included with this memo is approved, 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:

- Department staff will seek a waiver from the Regulatory Moratorium as required by Financial Management Circular 2015-1 and Executive Order 13-03.
- Department staff will file all required paperwork and notices with the Legislative Services Agency.
- The Proposed Rule will be published in the Indiana Register.
- A public hearing will be conducted – comments will be accepted via email and in-person.
- All public comments and suggested edits will be presented to the Board for the Board’s consideration.
- The Board will adopt a final rule.

TITLE 511 INDIANA STATE BOARD OF EDUCATION

Proposed Rule

LSA Document #21-__ __ __

DIGEST

Amends 511 IAC 16-4-1 and adds 511 IAC 16-4-8, concerning emergency permits.

SECTION 1. 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; IC 25-35.6-1-8.5

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.~~

SECTION 2. 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; IC 25-35.6-1-8.5

Sec. 8. (a) For purposes of this rule, an approved alternative route program for special education licensure in one 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 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) of this rule.

(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 that teacher is participating in an alternative route program for special education licensure 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 not to exceed three (3) years; and

(D) demonstrates satisfactory progress toward full licensure as prescribed by the state; and

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

(e) 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)(1)** may be eligible to be issued a three-year non-renewable Alternative Route Special Education Teaching License under this rule.

(f) 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 (d)(1);**
 - (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;**
 - (4) submit other required application materials and fee as specified by the department.**
- (g) 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 (d)(1) (A) and (B) are met.**
- (h) Upon completion of an approved alternative route program for special education licensure, an applicant who:**
- (1) passes all required licensure tests; and**
 - (2) provides required application materials and fee as specified by the department; will be eligible for a professional educator license in the content area of the special education alternative route program.**

[Notice of Public Hearing](#)