

INDIANA

Omnibus Teacher Effectiveness Bill – Evaluation Reform (SB 1, 2011)

This omnibus bill effectuates reforms in teacher evaluation, LIFO, pay-for-performance, tenure, and alternative teacher certification. Regarding teacher evaluation, the bill establishes an annual staff performance evaluation that categorizes teachers as highly effective, effective, improvement necessary, or ineffective. The bill requires objective measures of student achievement and growth to significantly inform the evaluation. Further, it provides that, if avoidable, a student may not be instructed two years in a row by two different teachers who have been rated as ineffective in the year preceding the student's placement in that class.

The text provided here is for informational purposes and reflects that which was passed by the state legislature & enacted as law. Visit the [policy library](#) or contact the Foundation for model legislation aligned to this policy.



PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2010 Regular Session of the General Assembly.

SENATE ENROLLED ACT No. 1

AN ACT to amend the Indiana Code concerning education.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 11-10-5-2, AS AMENDED BY P.L.246-2005, SECTION 96, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 2. The ~~advisory board of the division of professional standards of the department of education established by IC 20-28-2-2~~ **state board of education** shall, in accord with IC 20-28-4 and IC 20-28-5, adopt rules under IC 4-22-2 for the licensing of teachers to be employed by the department.

SECTION 2. IC 11-10-5-3, AS AMENDED BY P.L.246-2005, SECTION 97, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 3. Limited certificates valid for one (1) year may be granted, upon the request of the commissioner, according to rules of the ~~advisory board of the division of professional standards of the department of education established by IC 20-28-2-2~~ **state board of education**. Modification of these rules may be made by the ~~advisory board of the division of professional standards of the department of education established by IC 20-28-2-2~~ **state board of education** in a way reasonably calculated to make available an adequate supply of qualified teachers. A limited certificate may be issued in cases where special education and qualifications warrant the waiver of part of the prerequisite professional education required for certification to teach in the public schools. The limited certificate, however, may be issued

C
O
P
Y



only to applicants who have graduated from an accredited college or university. Teachers of vocational education need not be graduates of an accredited college or university but shall meet requirements for conditional vocational certificates as determined by the department of education.

SECTION 3. IC 20-18-2-16, AS AMENDED BY P.L.2-2006, SECTION 77, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 16. (a) "School corporation", for purposes of this title (except IC 20-20-33, IC 20-26-1 through IC 20-26-5, IC 20-26-7, IC 20-30-8, and IC 20-43), means a public school corporation established by Indiana law. The term includes a:

- (1) school city;
- (2) school town;
- (3) school township;
- (4) consolidated school corporation;
- (5) metropolitan school district;
- (6) township school corporation;
- (7) county school corporation;
- (8) united school corporation; or
- (9) community school corporation.

(b) "School corporation", for purposes of IC 20-26-1 through IC 20-26-5 and IC 20-26-7, has the meaning set forth in IC 20-26-2-4.

(c) "School corporation", for purposes of IC 20-20-33 and IC 20-30-8, includes a charter school (as defined in IC 20-24-1-4).

(d) "School corporation", for purposes of IC 20-43, has the meaning set forth in IC 20-43-1-23.

(e) "School corporation", for purposes of IC 20-28-11.5, has the meaning set forth in IC 20-28-11.5-3.

SECTION 4. IC 20-18-2-22, AS ADDED BY P.L.246-2005, SECTION 126, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 22. (a) "Teacher" means a professional person whose position in a school corporation requires certain educational preparation and licensing **and whose primary responsibility is the instruction of students.**

(b) For purposes of IC 20-28, the term includes the following:

- (1) A superintendent.
- ~~(2) A supervisor.~~
- ~~(3) (2) A principal.~~
- ~~(4) An attendance officer.~~
- ~~(5) (3) A teacher.~~
- ~~(6) (4) A librarian.~~

SECTION 5. IC 20-19-2-8, AS AMENDED BY HEA 1429-2011,

C
O
P
Y



SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 8. (a) In addition to any other powers and duties prescribed by law, the state board shall adopt rules under IC 4-22-2 concerning, but not limited to, the following matters:

(1) The designation and employment of the employees and consultants necessary for the department. The state board shall fix the compensation of employees of the department, subject to the approval of the budget committee and the governor under IC 4-12-2.

(2) The establishment and maintenance of standards and guidelines for media centers, libraries, instructional materials centers, or any other area or system of areas in a school where a full range of information sources, associated equipment, and services from professional media staff are accessible to the school community. With regard to library automation systems, the state board may only adopt rules that meet the standards established by the state library board for library automation systems under IC 4-23-7.1-11(b).

(3) The establishment and maintenance of standards for student personnel and guidance services.

(4) The establishment and maintenance of minimum standards for driver education programs (including classroom instruction and practice driving) and equipment. Classroom instruction standards established under this subdivision must include instruction about:

- (A) railroad-highway grade crossing safety; and
- (B) the procedure for participation in the human organ donor program;

and must provide, effective July 1, 2010, that the classroom instruction may not be provided to a child less than fifteen (15) years and one hundred eighty (180) days of age.

(5) The inspection of all public schools in Indiana to determine the condition of the schools. The state board shall establish standards governing the accreditation of public schools. Observance of:

- (A) IC 20-31-4;
- (B) IC 20-28-5-2;
- (C) IC 20-28-6-3 through IC 20-28-6-7;
- ~~(D) IC 20-28-9-7 and IC 20-28-9-8;~~
- ~~(E) IC 20-28-11;~~ **(D) IC 20-28-11.5;** and
- ~~(F)~~ **(E)** IC 20-31-3, IC 20-32-4, IC 20-32-5, IC 20-32-6, and IC 20-32-8;

is a prerequisite to the accreditation of a school. Local public

C
O
P
Y



school officials shall make the reports required of them and otherwise cooperate with the state board regarding required inspections. Nonpublic schools may also request the inspection for classification purposes. Compliance with the building and site guidelines adopted by the state board is not a prerequisite of accreditation.

(6) The distribution of funds and revenues appropriated for the support of schools in the state.

(7) The state board may not establish an accreditation system for nonpublic schools that is less stringent than the accreditation system for public schools.

(8) A separate system for recognizing nonpublic schools under IC 20-19-2-10. Recognition of nonpublic schools under this subdivision constitutes the system of regulatory standards that apply to nonpublic schools that seek to qualify for the system of recognition.

(9) The establishment and enforcement of standards and guidelines concerning the safety of students participating in cheerleading activities.

(10) Subject to IC 20-28-2, the preparation and licensing of teachers.

(b) Before final adoption of any rule, the state board shall make a finding on the estimated fiscal impact that the rule will have on school corporations.

SECTION 6. IC 20-20-31-10, AS ADDED BY P.L.246-2005, SECTION 128, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 10. The state board shall approve an evaluation system for professional development based on recommendations from the department. ~~and the advisory board of the division of professional standards established by IC 20-28-2-2.~~ The department shall develop a means for measuring successful programs and activities in which schools participate. The measurements must include the following:

(1) A mechanism to identify and develop strategies to collect multiple forms of data that reflect the achievement of expectations for all students. The data may include the results of ISTEP program tests under IC 20-31-3, IC 20-32-4, IC 20-32-5, and IC 20-32-6, local tests, classroom work, and teacher and administrator observations.

(2) A procedure for using collected data to make decisions.

(3) A method of evaluation in terms of educator's practice and student learning, including standards for effective teaching and

C
O
P
Y



effective professional development.

SECTION 7. IC 20-20-39 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]:

Chapter 39. Operational Efficiency Reviews

Sec. 1. Before October 1, 2011, the department shall develop a program to provide training and evaluations for school corporations in operational efficiency.

Sec. 2. The department may contract with an outside entity to provide quality training for the department, school corporations, and superintendents in the area of efficiency and cost savings.

Sec. 3. A school corporation shall submit to the department any information the department determines is necessary to:

- (1) evaluate the school corporation's current operations; and**
- (2) recommend operational efficiencies and financial savings for the school corporation.**

SECTION 8. IC 20-24-6-10, AS ADDED BY P.L.1-2005, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: 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,~~ **IC 20-28-7.5**, or IC 20-28-8.

SECTION 9. IC 20-24-8-4, AS ADDED BY P.L.246-2005, SECTION 130, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 4. Except as specifically provided in this article and the statutes listed in section 5 of this chapter, the following do not apply to a charter school:

- (1) An Indiana statute applicable to a governing body or school corporation.
- (2) A rule or guideline adopted by the state board.
- (3) A rule or guideline adopted by the ~~advisory state~~ **state** board of the

C
o
p
y



~~division of professional standards established by IC 20-28-2-2,~~
concerning teachers, except for those rules that assist a teacher
 in gaining or renewing a standard or advanced license.

(4) A local regulation or policy adopted by a school corporation
 unless specifically incorporated in the charter.

SECTION 10. IC 20-24-8-5, AS AMENDED BY P.L.154-2009,
 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 JULY 1, 2011]: Sec. 5. The following statutes and rules and guidelines
 adopted under the following statutes apply to a charter school:

- (1) IC 5-11-1-9 (required audits by the state board of accounts).
- (2) IC 20-39-1-1 (unified accounting system).
- (3) IC 20-35 (special education).
- (4) IC 20-26-5-10 (criminal history).
- (5) IC 20-26-5-6 (subject to laws requiring regulation by state agencies).
- ~~(6) IC 20-28-7-14 (void teacher contract when two (2) contracts are signed):~~
- ~~(7)~~ **(6)** IC 20-28-10-12 (nondiscrimination for teacher marital status).
- ~~(8)~~ **(7)** IC 20-28-10-14 (teacher freedom of association).
- ~~(9)~~ **(8)** IC 20-28-10-17 (school counselor immunity).
- ~~(10)~~ **(9)** For conversion charter schools only, IC 20-28-6,
~~IC 20-28-7,~~ **IC 20-28-7.5**, IC 20-28-8, IC 20-28-9, and
 IC 20-28-10.
- ~~(11)~~ **(10)** IC 20-33-2 (compulsory school attendance).
- ~~(12)~~ **(11)** IC 20-33-3 (limitations on employment of children).
- ~~(13)~~ **(12)** IC 20-33-8-19, IC 20-33-8-21, and IC 20-33-8-22
 (student due process and judicial review).
- ~~(14)~~ **(13)** IC 20-33-8-16 (firearms and deadly weapons).
- ~~(15)~~ **(14)** IC 20-34-3 (health and safety measures).
- ~~(16)~~ **(15)** IC 20-33-9 (reporting of student violations of law).
- ~~(17)~~ **(16)** IC 20-30-3-2 and IC 20-30-3-4 (patriotic
 commemorative observances).
- ~~(18)~~ **(17)** IC 20-31-3, IC 20-32-4, IC 20-32-5, IC 20-32-6,
 IC 20-32-8, or any other statute, rule, or guideline related to
 standardized testing (assessment programs, including remediation
 under the assessment programs).
- ~~(19)~~ **(18)** IC 20-33-7 (parental access to education records).
- ~~(20)~~ **(19)** IC 20-31 (accountability for school performance and
 improvement).
- ~~(21)~~ **(20)** IC 20-30-5-19 (personal financial responsibility
 instruction).

C
O
P
Y



SECTION 11. IC 20-26-5-4, AS AMENDED BY SEA 495-2011, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 4. In carrying out the school purposes of a school corporation, the governing body acting on the school corporation's behalf has the following specific powers:

(1) In the name of the school corporation, to sue and be sued and to enter into contracts in matters permitted by applicable law. However, a governing body may not use funds received from the state to bring or join in an action against the state, unless the governing body is challenging an adverse decision by a state agency, board, or commission.

(2) To take charge of, manage, and conduct the educational affairs of the school corporation and to establish, locate, and provide the necessary schools, school libraries, other libraries where permitted by law, other buildings, facilities, property, and equipment.

(3) To appropriate from the school corporation's general fund an amount, not to exceed the greater of three thousand dollars (\$3,000) per budget year or one dollar (\$1) per pupil, not to exceed twelve thousand five hundred dollars (\$12,500), based on the school corporation's previous year's ADM, to promote the best interests of the school corporation through:

(A) the purchase of meals, decorations, memorabilia, or awards;

(B) provision for expenses incurred in interviewing job applicants; or

(C) developing relations with other governmental units.

(4) To:

(A) Acquire, construct, erect, maintain, hold, and contract for construction, erection, or maintenance of real estate, real estate improvements, or an interest in real estate or real estate improvements, as the governing body considers necessary for school purposes, including buildings, parts of buildings, additions to buildings, rooms, gymnasiums, auditoriums, playgrounds, playing and athletic fields, facilities for physical training, buildings for administrative, office, warehouse, repair activities, or housing school owned buses, landscaping, walks, drives, parking areas, roadways, easements and facilities for power, sewer, water, roadway, access, storm and surface water, drinking water, gas, electricity, other utilities and similar purposes, by purchase, either outright for cash (or under conditional sales or purchase money contracts providing

C
O
P
Y



for a retention of a security interest by the seller until payment is made or by notes where the contract, security retention, or note is permitted by applicable law), by exchange, by gift, by devise, by eminent domain, by lease with or without option to purchase, or by lease under IC 20-47-2, IC 20-47-3, or IC 20-47-5.

(B) Repair, remodel, remove, or demolish, or to contract for the repair, remodeling, removal, or demolition of the real estate, real estate improvements, or interest in the real estate or real estate improvements, as the governing body considers necessary for school purposes.

(C) Provide for conservation measures through utility efficiency programs or under a guaranteed savings contract as described in IC 36-1-12.5.

(5) To acquire personal property or an interest in personal property as the governing body considers necessary for school purposes, including buses, motor vehicles, equipment, apparatus, appliances, books, furniture, and supplies, either by cash purchase or under conditional sales or purchase money contracts providing for a security interest by the seller until payment is made or by notes where the contract, security, retention, or note is permitted by applicable law, by gift, by devise, by loan, or by lease with or without option to purchase and to repair, remodel, remove, relocate, and demolish the personal property. All purchases and contracts specified under the powers authorized under subdivision (4) and this subdivision are subject solely to applicable law relating to purchases and contracting by municipal corporations in general and to the supervisory control of state agencies as provided in section 6 of this chapter.

(6) To sell or exchange real or personal property or interest in real or personal property that, in the opinion of the governing body, is not necessary for school purposes, in accordance with IC 20-26-7, to demolish or otherwise dispose of the property if, in the opinion of the governing body, the property is not necessary for school purposes and is worthless, and to pay the expenses for the demolition or disposition.

(7) To lease any school property for a rental that the governing body considers reasonable or to permit the free use of school property for:

- (A) civic or public purposes; or
- (B) the operation of a school age child care program for children who are at least five (5) years of age and less than

C
O
P
Y



fifteen (15) years of age that operates before or after the school day, or both, and during periods when school is not in session; if the property is not needed for school purposes. Under this subdivision, the governing body may enter into a long term lease with a nonprofit corporation, community service organization, or other governmental entity, if the corporation, organization, or other governmental entity will use the property to be leased for civic or public purposes or for a school age child care program. However, if payment for the property subject to a long term lease is made from money in the school corporation's debt service fund, all proceeds from the long term lease must be deposited in the school corporation's debt service fund so long as payment for the property has not been made. The governing body may, at the governing body's option, use the procedure specified in IC 36-1-11-10 in leasing property under this subdivision.

(8) To:

(A) Employ, contract for, and discharge superintendents, supervisors, principals, teachers, librarians, athletic coaches (whether or not they are otherwise employed by the school corporation and whether or not they are licensed under IC 20-28-5), business managers, superintendents of buildings and grounds, janitors, engineers, architects, physicians, dentists, nurses, accountants, teacher aides performing noninstructional duties, educational and other professional consultants, data processing and computer service for school purposes, including the making of schedules, the keeping and analyzing of grades and other student data, the keeping and preparing of warrants, payroll, and similar data where approved by the state board of accounts as provided below, and other personnel or services as the governing body considers necessary for school purposes.

(B) Fix and pay the salaries and compensation of persons and services described in this subdivision **that are consistent with IC 20-28-9-1.**

(C) Classify persons or services described in this subdivision and to adopt schedules of salaries or compensation **that are consistent with IC 20-28-9-1.**

(D) Determine the number of the persons or the amount of the services employed or contracted for as provided in this subdivision.

(E) Determine the nature and extent of the duties of the persons described in this subdivision.

C
O
P
Y



The compensation, terms of employment, and discharge of teachers are, however, subject to and governed by the laws relating to employment, contracting, compensation, and discharge of teachers. The compensation, terms of employment, and discharge of bus drivers are subject to and governed by laws relating to employment, contracting, compensation, and discharge of bus drivers. The forms and procedures relating to the use of computer and data processing equipment in handling the financial affairs of the school corporation must be submitted to the state board of accounts for approval so that the services are used by the school corporation when the governing body determines that it is in the best interest of the school corporation while at the same time providing reasonable accountability for the funds expended.

(9) Notwithstanding the appropriation limitation in subdivision (3), when the governing body by resolution considers a trip by an employee of the school corporation or by a member of the governing body to be in the interest of the school corporation, including attending meetings, conferences, or examining equipment, buildings, and installation in other areas, to permit the employee to be absent in connection with the trip without any loss in pay and to reimburse the employee or the member the employee's or member's reasonable lodging and meal expenses and necessary transportation expenses. To pay teaching personnel for time spent in sponsoring and working with school related trips or activities.

(10) To transport children to and from school, when in the opinion of the governing body the transportation is necessary, including considerations for the safety of the children and without regard to the distance the children live from the school. The transportation must be otherwise in accordance with applicable law.

(11) To provide a lunch program for a part or all of the students attending the schools of the school corporation, including the establishment of kitchens, kitchen facilities, kitchen equipment, lunch rooms, the hiring of the necessary personnel to operate the lunch program, and the purchase of material and supplies for the lunch program, charging students for the operational costs of the lunch program, fixing the price per meal or per food item. To operate the lunch program as an extracurricular activity, subject to the supervision of the governing body. To participate in a surplus commodity or lunch aid program.

(12) To purchase textbooks, to furnish textbooks without cost or

C
O
P
Y



to rent textbooks to students, to participate in a textbook aid program, all in accordance with applicable law.

(13) To accept students transferred from other school corporations and to transfer students to other school corporations in accordance with applicable law.

(14) To make budgets, to appropriate funds, and to disburse the money of the school corporation in accordance with applicable law. To borrow money against current tax collections and otherwise to borrow money, in accordance with IC 20-48-1.

(15) To purchase insurance or to establish and maintain a program of self-insurance relating to the liability of the school corporation or the school corporation's employees in connection with motor vehicles or property and for additional coverage to the extent permitted and in accordance with IC 34-13-3-20. To purchase additional insurance or to establish and maintain a program of self-insurance protecting the school corporation and members of the governing body, employees, contractors, or agents of the school corporation from liability, risk, accident, or loss related to school property, school contract, school or school related activity, including the purchase of insurance or the establishment and maintenance of a self-insurance program protecting persons described in this subdivision against false imprisonment, false arrest, libel, or slander for acts committed in the course of the persons' employment, protecting the school corporation for fire and extended coverage and other casualty risks to the extent of replacement cost, loss of use, and other insurable risks relating to property owned, leased, or held by the school corporation. To:

(A) participate in a state employee health plan under IC 5-10-8-6.6 or IC 5-10-8-6.7;

(B) purchase insurance; or

(C) establish and maintain a program of self-insurance; to benefit school corporation employees, including accident, sickness, health, or dental coverage, provided that a plan of self-insurance must include an aggregate stop-loss provision.

(16) To make all applications, to enter into all contracts, and to sign all documents necessary for the receipt of aid, money, or property from the state, the federal government, or from any other source.

(17) To defend a member of the governing body or any employee of the school corporation in any suit arising out of the performance of the member's or employee's duties for or

C
o
p
y



employment with, the school corporation, if the governing body by resolution determined that the action was taken in good faith. To save any member or employee harmless from any liability, cost, or damage in connection with the performance, including the payment of legal fees, except where the liability, cost, or damage is predicated on or arises out of the bad faith of the member or employee, or is a claim or judgment based on the member's or employee's malfeasance in office or employment.

(18) To prepare, make, enforce, amend, or repeal rules, regulations, and procedures:

(A) for the government and management of the schools, property, facilities, and activities of the school corporation, the school corporation's agents, employees, and pupils and for the operation of the governing body; and

(B) that may be designated by an appropriate title such as "policy handbook", "bylaws", or "rules and regulations".

(19) To ratify and approve any action taken by a member of the governing body, an officer of the governing body, or an employee of the school corporation after the action is taken, if the action could have been approved in advance, and in connection with the action to pay the expense or compensation permitted under IC 20-26-1 through IC 20-26-5, IC 20-26-7, IC 20-40-12, and IC 20-48-1 or any other law.

(20) To exercise any other power and make any expenditure in carrying out the governing body's general powers and purposes provided in this chapter or in carrying out the powers delineated in this section which is reasonable from a business or educational standpoint in carrying out school purposes of the school corporation, including the acquisition of property or the employment or contracting for services, even though the power or expenditure is not specifically set out in this chapter. The specific powers set out in this section do not limit the general grant of powers provided in this chapter except where a limitation is set out in IC 20-26-1 through IC 20-26-5, IC 20-26-7, IC 20-40-12, and IC 20-48-1 by specific language or by reference to other law.

SECTION 12. IC 20-26-5-4.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: **Sec. 4.5. (a) The superintendent is responsible for selecting and discharging principals, central office administrators, business managers, superintendents of building and grounds, janitors, physicians, dentists, nurses, athletic coaches (whether or not they are otherwise employed by the school**

C
O
P
Y



corporation and whether or not they are licensed under IC 20-28-5), and any other employees necessary to the operation of the school corporation, subject to the approval of the governing body.

(b) Subject to IC 20-28-7.5, the superintendent and principal are responsible for selecting and discharging teachers, teachers aides, assistant principals, building administrative staff, librarians, and any other employees necessary to the operation of the school, subject to the approval of the governing body.

SECTION 13. IC 20-28-2-6, AS AMENDED BY P.L.30-2010, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 6. (a) Subject to subsection (c) and in addition to the powers and duties set forth in IC 20-20-22 or this article, the **advisory state** board may adopt rules under IC 4-22-2 to do the following:

- (1) Set standards for teacher licensing and for the administration of a professional licensing and certification process by the department.
- (2) Approve or disapprove teacher preparation programs.
- (3) Set fees to be charged in connection with teacher licensing.
- (4) Suspend, revoke, or reinstate teacher licenses.
- (5) Enter into agreements with other states to acquire reciprocal approval of teacher preparation programs.
- (6) Set standards for teacher licensing concerning new subjects of study.
- (7) Evaluate work experience and military service concerning postsecondary education and experience equivalency.
- (8) Perform any other action that:
 - (A) relates to the improvement of instruction in the public schools through teacher education and professional development through continuing education; and
 - (B) attracts qualified candidates for teacher education from among the high school graduates of Indiana.
- (9) Set standards for endorsement of school psychologists as independent practice school psychologists under IC 20-28-12.
- (10) Before July 1, 2011, set standards for sign language interpreters who provide services to children with disabilities in an educational setting and an enforcement mechanism for the interpreter standards.

(b) Notwithstanding subsection (a)(1), an individual is entitled to one (1) year of occupational experience for purposes of obtaining an occupational specialist certificate under this article for each year the

C
O
P
Y



individual holds a license under IC 25-8-6.

~~(c)~~ Before publishing notice of the intent to adopt a rule under IC 4-22-2, the advisory board must submit the proposed rule to the state superintendent for approval. If the state superintendent approves the rule, the advisory board may publish notice of the intent to adopt the rule. If the state superintendent does not approve the rule, the advisory board may not publish notice of the intent to adopt the rule.

~~(d)~~ (c) The advisory state board may adopt rules under IC 4-22-2, including emergency rules under IC 4-22-2-37.1, to establish procedures to expedite the issuance, renewal, or reinstatement under this article of a license or certificate of a person whose spouse serves on active duty (as defined in IC 25-1-12-2) and is assigned to a duty station in Indiana. Before publishing notice of the intent to adopt a permanent rule under IC 4-22-2, the advisory board must comply with subsection (c).

SECTION 14. IC 20-28-2-8, AS ADDED BY P.L.246-2005, SECTION 144, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 8. (a) The department may, subject to approval by the budget agency, do the following to administer the responsibilities of the department described in section 2 of under this chapter:

- (1) Establish advisory committees the department determines necessary.
- (2) Expend funds made available to the department according to policies established by the budget agency.

(b) The department shall comply with the requirements for submitting a budget request to the budget agency as set forth in IC 4-12-1, for funds to administer the responsibilities of the department described in section 1 of this chapter.

SECTION 15. IC 20-28-4-4, AS AMENDED BY P.L.2-2007, SECTION 215, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 4. Each accredited teacher education school and department in Indiana shall ~~An entity approved by the department may~~ establish a course of study that constitutes the postsecondary education component of the program. ~~The postsecondary education component required meets the requirements of this section.~~ **A program approved** under this section must comply with the following requirements:

- (1) Include the following study requirements:
 - (A) For a program participant who seeks to obtain a license to teach in grades 6 5 through 12, up to eighteen (18) credit hours of study or the equivalent that:

C
O
P
Y



(i) prepare a program participant to meet Indiana standards for teaching in the subject areas corresponding to the area in which the program participant has met the education requirements under section 5 of this chapter, unless the program participant demonstrates that the program participant requires fewer credit hours of study to meet Indiana standards for teaching; **and**

(ii) provides the program participants with instruction in scientifically based reading instruction.

(B) For a program participant who seeks to obtain a license to teach in kindergarten through grade ~~5~~; **6**, twenty-four (24) credit hours of study or the equivalent, which must include at least six (6) credit hours in teaching **scientifically based reading instruction**, that prepare a program participant to meet Indiana standards for teaching, unless the program participant demonstrates that the program participant requires fewer credit hours of study to meet Indiana standards for teaching.

(2) Focus on ~~the communication of knowledge to students~~; **student mastery of standards established by the state.**

(3) Include suitable field or classroom experiences if the program participant does not have teaching experience.

SECTION 16. IC 20-28-4-5, AS AMENDED BY P.L.2-2007, SECTION 216, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 5. An individual who wishes to participate in the program must have one (1) of the following qualifications:

(1) For a program participant who seeks to obtain a license to teach in grades ~~6~~ **5** through 12, one (1) of the following:

(A) A bachelor's degree or the equivalent 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 subject area that the individual intends to teach.

(B) A graduate degree from an accredited postsecondary educational institution in the subject area **or a related field** that the individual intends to teach.

(C) Both:

(i) a bachelor's degree from an accredited postsecondary educational institution with a grade point average of at least two and five-tenths (2.5) on a four (4.0) point scale; and

(ii) five (5) years professional experience;

in the subject **or a related** area that the individual intends to

**C
O
P
Y**



teach.

(2) For a program participant who seeks to obtain a license to teach in kindergarten through grade ~~5~~, **6**, one (1) of the following:

(A) A bachelor's degree or the equivalent with a grade point average of at least three (3.0) on a four (4.0) point scale from an accredited institution of higher education.

(B) Both:

(i) a bachelor's degree from an accredited postsecondary educational institution with a grade point average of at least two and five-tenths (2.5) on a four (4.0) point scale; and

(ii) five (5) years professional experience in an education related field, **as determined by the department.**

SECTION 17. IC 20-28-4-6, AS AMENDED BY P.L.2-2007, SECTION 217, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 6. The department shall grant an initial ~~standard~~ **practitioner** license to a program participant who does the following:

(1) Successfully completes the ~~postsecondary education component~~ **requirements** of the program.

(2) Demonstrates proficiency through a written examination in:

(A) basic reading, writing, and mathematics;

(B) pedagogy; and

(C) knowledge of the areas in which the program participant is required to have a license to teach;

under IC 20-28-5-12(b).

(3) Participates successfully in a beginning teacher ~~internship residency~~ program ~~under IC 20-6.1-8 (repealed)~~ that includes implementation in a classroom of the teaching skills learned in the ~~postsecondary education component of the~~ program.

(4) Receives a successful assessment of teaching skills upon completion of the beginning teacher ~~internship~~ **residency** program under subdivision (3) from the administrator of the school where the beginning teacher ~~internship~~ **residency** program takes place, or, if the program participant does not receive a successful assessment, continues participating in the beginning teacher ~~internship~~ **residency** program.

SECTION 18. IC 20-28-4-7, AS ADDED BY P.L.246-2005, SECTION 153, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 7. This section applies to a program participant who has a degree **or related experience** described in section 5 of this chapter that does not include all the content areas of a ~~standard~~ **proficient practitioner** license issued by the department.

C
O
P
Y



The department shall issue an initial ~~standard~~ **practitioner** license that is restricted to only the content areas in which the program participant has a degree unless the program participant demonstrates sufficient knowledge in other content areas of the license.

SECTION 19. IC 20-28-4-9, AS ADDED BY P.L.1-2005, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 9. After receiving an initial ~~standard~~ **practitioner** license under section 6 or 7 of this chapter, a program participant who seeks to renew the participant's initial ~~standard~~ **practitioner** license must meet the same requirements **for license renewal** as other candidates for license renewal.

SECTION 20. IC 20-28-4-10, AS ADDED BY P.L.246-2005, SECTION 154, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 10. (a) The ~~advisory state~~ board may adopt rules under IC 4-22-2 to administer this chapter.

(b) Rules adopted under this section must include a requirement that ~~accredited teacher education schools and departments in Indiana~~ **entities approved to offer the program** submit an annual report to the department of the number of individuals who:

- (1) enroll in; and
- (2) complete;

the program.

SECTION 21. IC 20-28-4-11, AS AMENDED BY P.L.121-2009, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 11. (a) This section applies only to:

- (1) a school corporation; or
- (2) a subject area;

that is designated by the state board as having an insufficient supply of licensed teachers.

(b) The governing body of a school corporation or the appointing authority of an accredited nonpublic school may employ a program participant if the program participant is hired to teach in a subject area or a school corporation to which this section applies.

(c) Before employing a program participant under subsection (b), the superintendent of the school corporation must make a determination that one (1) of the following conditions exists:

- (1) There is no fully certified and highly ~~qualified~~ **effective** teacher available for the position.
- (2) The program participant is the best qualified candidate for the position.

(d) A program participant who is employed under this section is eligible to receive a transition to teaching permit. The transition to

C
O
P
Y



teaching permit is valid for three (3) years, and may not be renewed.

(e) A program participant who is employed under this section:

(1) shall enter into either:

(A) a regular teacher's contract under IC 20-28-6-5; or

(B) a temporary teacher's contract under IC 20-28-6-6, if replacing a teacher on a leave of absence;

(2) is eligible to participate in a mentor teacher program; and

(3) satisfies the field or classroom experience component of the program under section 4(3) of this chapter.

(f) The state board:

(1) shall review; and

(2) may renew;

the designation of a school corporation or a subject area as having an insufficient supply of licensed teachers not more than two (2) years following the initial designation under subsection (a).

SECTION 22. IC 20-28-5-2, AS ADDED BY P.L.246-2005, SECTION 156, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 2. The ~~advisory~~ **state** board may adopt rules for:

(1) the issuance of a substitute teacher's license; and

(2) the employment of substitute teacher licensees.

An individual may not serve as a substitute teacher without a license issued by the department.

SECTION 23. IC 20-28-5-3, AS AMENDED BY P.L.75-2008, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 3. (a) The department shall designate

~~(1) the grade point average required for each type of license. and (2) the types of licenses to which the teachers' minimum salary laws apply; including nonrenewable one (1) year limited licenses.~~

(b) The department shall determine details of licensing not provided in this chapter, including requirements regarding the following:

(1) The conversion of one (1) type of license into another.

(2) The accreditation of teacher education schools and departments.

(3) The exchange and renewal of licenses.

(4) The endorsement of another state's license.

(5) The acceptance of credentials from teacher education institutions of another state.

(6) The academic and professional preparation for each type of license.

(7) The granting of permission to teach a high school subject area related to the subject area for which the teacher holds a license.

C
O
P
Y



- (8) The issuance of licenses on credentials.
- (9) The type of license required for each school position.
- (10) The size requirements for an elementary school requiring a licensed principal.
- (11) Any other related matters.

The department shall establish at least one (1) system for renewing a teaching license that does not require a graduate degree.

(c) This subsection does not apply to an applicant for a substitute teacher license. After June 30, 2007, the department may not issue an initial ~~teaching~~ **practitioner** license at any grade level to an applicant for an initial ~~teaching~~ **practitioner** license unless the applicant shows evidence that the applicant:

- (1) has successfully completed training approved by the department in:
 - (A) cardiopulmonary resuscitation that includes a test demonstration on a mannequin;
 - (B) removing a foreign body causing an obstruction in an airway; and
 - (C) the Heimlich maneuver;
 - (2) holds a valid certification in each of the procedures described in subdivision (1) issued by:
 - (A) the American Red Cross;
 - (B) the American Heart Association; or
 - (C) a comparable organization or institution approved by the advisory board; or
 - (3) has physical limitations that make it impracticable for the applicant to complete a course or certification described in subdivision (1) or (2).
- (d) The department shall periodically publish bulletins regarding:
- (1) the details described in subsection (b);
 - (2) information on the types of licenses issued;
 - (3) the rules governing the issuance of each type of license; and
 - (4) other similar matters.

SECTION 24. IC 20-28-5-8, AS AMENDED BY P.L.121-2009, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 8. (a) This section applies when a prosecuting attorney knows that a licensed employee of a public school or a nonpublic school has been convicted of an offense listed in subsection (c). The prosecuting attorney shall immediately give written notice of the conviction to the following:

- (1) The state superintendent.
- (2) Except as provided in subdivision (3), the superintendent of

C
O
P
Y



the school corporation that employs the licensed employee or the equivalent authority if a nonpublic school employs the licensed employee.

(3) The presiding officer of the governing body of the school corporation that employs the licensed employee, if the convicted licensed employee is the superintendent of the school corporation.

(b) The superintendent of a school corporation, presiding officer of the governing body, or equivalent authority for a nonpublic school shall immediately notify the state superintendent when the individual knows that a current or former licensed employee of the public school or nonpublic school has been convicted of an offense listed in subsection (c), or when the governing body or equivalent authority for a nonpublic school takes any final action in relation to an employee who engaged in any offense listed in subsection (c).

(c) The department, after holding a hearing on the matter, shall permanently revoke the license of a person who is known by the department to have been convicted of any of the following felonies:

- (1) Kidnapping (IC 35-42-3-2), if the victim is less than eighteen (18) years of age.
- (2) Criminal confinement (IC 35-42-3-3), if the victim is less than eighteen (18) years of age.
- (3) Rape (IC 35-42-4-1), if the victim is less than eighteen (18) years of age.
- (4) Criminal deviate conduct (IC 35-42-4-2), if the victim is less than eighteen (18) years of age.
- (5) Child molesting (IC 35-42-4-3).
- (6) Child exploitation (IC 35-42-4-4(b)).
- (7) Vicarious sexual gratification (IC 35-42-4-5).
- (8) Child solicitation (IC 35-42-4-6).
- (9) Child seduction (IC 35-42-4-7).
- (10) Sexual misconduct with a minor (IC 35-42-4-9).
- (11) Incest (IC 35-46-1-3), if the victim is less than eighteen (18) years of age.
- (12) Dealing in or manufacturing cocaine or a narcotic drug (IC 35-48-4-1).
- (13) Dealing in methamphetamine (IC 35-48-4-1.1).
- (14) Dealing in a schedule I, II, or III controlled substance (IC 35-48-4-2).
- (15) Dealing in a schedule IV controlled substance (IC 35-48-4-3).
- (16) Dealing in a schedule V controlled substance (IC 35-48-4-4).
- (17) Dealing in a counterfeit substance (IC 35-48-4-5).

C
O
P
Y



(18) Dealing in marijuana, hash oil, or hashish (IC 35-48-4-10(b)).

(19) Possession of child pornography (IC 35-42-4-4(c)).

(20) Homicide (IC 35-42-1).

(d) The department, after holding a hearing on the matter, shall permanently revoke the license of a person who is known by the department to have been convicted of a federal offense or an offense in another state that is comparable to a felony listed in subsection (c).

~~(d)~~ **(e) A license may be suspended by the state superintendent as specified in ~~IC 20-28-7-7~~. IC 20-28-7.5.**

~~(e)~~ **(f) The department shall develop a data base of information on school corporation employees who have been reported to the department under this section.**

SECTION 25. IC 20-28-5-12, AS ADDED BY P.L.246-2005, SECTION 163, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 12. (a) Subsection (b) does not apply to an individual who held an Indiana limited, reciprocal, or standard teaching license on June 30, 1985.

(b) The department may not grant an initial ~~standard~~ **practitioner** license to an individual unless the individual has demonstrated proficiency in the following areas on a written examination or through other procedures prescribed by the department:

- (1) Basic reading, writing, and mathematics.
- (2) Pedagogy.
- (3) Knowledge of the areas in which the individual is required to have a license to teach.
- (4) If the individual is seeking to be licensed as an elementary school teacher, comprehensive **scientifically based** reading instruction skills, including:
 - (A) phonemic awareness; ~~and~~
 - (B) phonics instruction;
 - (C) fluency;**
 - (D) vocabulary; and**
 - (E) comprehension.**

(c) An individual's license examination score may not be disclosed by the department without the individual's consent unless specifically required by state or federal statute or court order.

(d) The ~~advisory state~~ board shall adopt rules under IC 4-22-2 to do the following:

- (1) Adopt, validate, and implement the examination or other procedures required by subsection (b).

C
O
P
Y



- (2) Establish examination scores indicating proficiency.
- (3) Otherwise carry out the purposes of this section.

(e) The **state** board shall adopt rules under IC 4-22-2 establishing the conditions under which the requirements of this section may be waived for an individual holding a valid teacher's license issued by another state.

SECTION 26. IC 20-28-5-13, AS ADDED BY P.L.1-2005, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 13. (a) This section applies to an examination required for teacher licensure under this chapter.

(b) If an individual does not demonstrate the level of proficiency required to receive a license on all or a part of an examination, the examination's scorer must provide the individual with the individual's test scores. ~~including subscores for each area tested.~~

SECTION 27. IC 20-28-5-14, AS ADDED BY P.L.246-2005, SECTION 164, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 14. If the department is notified by the department of state revenue that an individual is on the most recent tax warrant list, the department may not grant ~~an initial standard~~ a license to the individual until:

- (1) the individual provides the department with a statement from the department of state revenue indicating that the individual's delinquent tax liability has been satisfied; or
- (2) the department receives a notice from the commissioner of the department of state revenue under IC 6-8.1-8-2(k).

SECTION 28. IC 20-28-6-7, AS ADDED BY P.L.1-2005, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 7. (a) As used in this section, "teacher" includes an individual who:

- (1) holds a substitute teacher's license; and
- (2) provides instruction in a joint summer school program under IC 20-30-7-5.

(b) The supplemental service teacher's contract shall be used when a teacher provides professional service in evening school or summer school employment, except when a teacher or other individual is employed to supervise or conduct noncredit courses or activities.

(c) If a teacher serves more than one hundred twenty (120) days on a supplemental service teacher's contract in a school year, the following apply:

- (1) Sections 1, 2, 3, and 8 of this chapter.
- (2) IC 20-28-10-1 through ~~IC 20-28-10-2~~: **IC 20-28-10-5.**
- (3) ~~IC 20-28-7-3 through IC 20-28-7-5.~~

C
O
P
Y



(4) ~~IC 20-28-7-7 through IC 20-28-7-12.~~

(5) ~~IC 20-28-7-14.~~

(6) ~~IC 20-28-10-1 through IC 20-28-10-5.~~

(d) The salary of a teacher on a supplemental service contract ~~must~~ equal the salary of a teacher on the regular salary schedule of the school corporation where the teacher will serve. Part-time service on the supplemental service contract is computed on the basis of six (6) hours as a full day of service. ~~shall be determined by the superintendent. The superintendent may, but is not required to, base the salary on the regular salary schedule for the school corporation.~~

SECTION 29. IC 20-28-6-7.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: **Sec. 7.5. (a) A teacher who is subject to section 8 of this chapter is not subject to this section.**

(b) After June 30, 2011, a teacher who:

(1) serves under contract as a teacher in a public school corporation;

(2) has not received a rating in an evaluation under IC 20-28-11.5 or receives a rating of ineffective in an evaluation under IC 20-28-11.5;

(3) has not at any time before July 1, 2012, entered into a teaching contract for further service with the school corporation; and

(4) has not received three (3) ratings in a five (5) year period of effective or highly effective in an evaluation under IC 20-28-11.5;

shall be considered a probationary teacher.

(c) After June 30, 2011, a teacher who receives a rating of:

(1) effective;

(2) highly effective; or

(3) a combination of both subdivisions (1) and (2);

in an evaluation under IC 20-28-11.5 for at least three (3) years in a five (5) year or shorter period becomes a professional teacher by entering into a contract described in section 2 of this chapter.

(d) A professional teacher who receives a rating of ineffective in an evaluation under IC 20-28-11.5 shall be considered a probationary teacher but is not subject to the cancellation of the teacher's contract unless at least one (1) of the following criteria applies:

(1) The teacher receives a rating of ineffective in an evaluation under IC 20-28-11.5 in the year immediately

**C
O
P
Y**



following the teacher's initial rating of ineffective.

(2) The teacher's contract cancellation is due to a justifiable decrease in the number of teaching positions under IC 20-28-7.5-1(b)(3).

(3) The teacher's contract cancellation is due to conduct set forth in IC 20-28-7.5-1(b).

SECTION 30. IC 20-28-6-8, AS AMENDED BY P.L.43-2010, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 8. (a) An individual who:

(1) serves under contract as a teacher in a public school corporation for at least five (5) successive years; before July 1, 2012; and

(2) at any time before July 1, 2012, enters into a teacher's contract for further service with the school corporation;

becomes, by entering into the contract described in subdivision (2), a permanent an established teacher of the school corporation. When a contract between the school corporation and a permanent an established teacher expires by the contract's terms, the contract is considered to continue indefinitely as an indefinite contract, subject to IC 20-28-7.5.

(b) An indefinite contract remains in force until the indefinite contract is:

(1) replaced by a new contract signed by both parties; or

(2) canceled as provided in ~~IC 20-28-7~~ IC 20-28-7.5.

SECTION 31. IC 20-28-7.5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]:

Chapter 7.5. Cancellation of Teacher Contracts

Sec. 1. (a) This chapter applies to a teacher in a school corporation (as defined in IC 20-18-2-16(a)).

(b) A principal may decline to continue a probationary teacher's contract under sections 2 through 4 of this chapter if the probationary teacher:

(1) receives an ineffective designation on a performance evaluation under IC 20-28-11.5;

(2) receives two (2) consecutive improvement necessary ratings on a performance evaluation under IC 20-28-11.5; or

(3) is subject to a justifiable decrease in the number of teaching positions or any reason relevant to the school corporation's interest.

(c) Except as provided in subsection (e), a principal may not decline to continue a professional or established teacher's contract

C
O
P
Y



unless the teacher is subject to a justifiable decrease in the number of teaching positions.

(d) After June 30, 2012, the cancellation of teacher's contracts due to a justifiable decrease in the number of teaching positions shall be determined on the basis of performance rather than seniority. In cases where teachers are placed in the same performance category, any of the items in IC 20-28-9-1(b) may be considered.

(e) A contract with a teacher may be canceled immediately in the manner set forth in sections 2 through 4 of this chapter for any of the following reasons:

- (1) Immorality.
- (2) Insubordination, which means a willful refusal to obey the state school laws or reasonable rules adopted for the governance of the school building or the school corporation.
- (3) Justifiable decrease in the number of teaching positions.
- (4) Incompetence, including receiving:
 - (A) an ineffective designation on two (2) consecutive performance evaluations under IC 20-28-11.5; or
 - (B) an ineffective designation or improvement necessary rating in three (3) years of any five (5) year period.
- (5) Neglect of duty.
- (6) A conviction for an offense listed in IC 20-28-5-8(c).
- (7) Other good or just cause.

Sec. 2. (a) Before a teacher is refused continuation of the teacher's contract, the teacher has the following rights:

- (1) The principal shall notify the teacher of the principal's preliminary decision. The notification must be:
 - (A) in writing; and
 - (B) delivered in person or mailed by registered or certified mail to the teacher at the teacher's last known address.
- (2) The notice in subdivision (1) must include a written statement, subject to IC 5-14-3-4, giving the reasons for the preliminary decision.
- (3) Notification due to a reduction in force must be delivered between May 1 and July 1.

(b) For a cancellation of a teacher's contract for a reason other than a reduction in force, the notice required under subsection (a)(1) must inform the teacher that, not later than five (5) days after the teacher's receipt of the notice, the teacher may request a private conference with the superintendent. The superintendent must set the requested meeting not later than ten (10) days after

C
O
P
Y



the request.

(c) At the conference between the superintendent and the teacher, the teacher may be accompanied by a representative.

(d) After the conference between the superintendent and the teacher, the superintendent shall make a written recommendation to the governing body of the school corporation regarding the cancellation of the teacher's contract.

(e) If the teacher does not request a conference under subsection (b), the principal's preliminary decision is considered final.

(f) For items listed in section (1)(e)(3), (1)(e)(4), or (1)(e)(6) of this chapter, if the teacher files a request with the governing body for an additional private conference not later than five (5) days after the initial private conference with the superintendent, the teacher is entitled to an additional private conference with the governing body before the governing body makes a final decision, which must be in writing, concerning the cancellation of the teacher's contract.

(g) For items listed in section (1)(e)(1), (1)(e)(2), (1)(e)(5), or (1)(e)(7) of this chapter, if, not later than five (5) days after the initial private conference with the superintendent, the teacher files a request with the governing body for an additional private conference, the teacher is entitled to an additional private conference with the governing body before the governing body makes a final decision. The final decision must be in writing and must be made not more than thirty (30) days after the governing body receives the teacher's request for the additional private conference. At the private conference the governing body shall do the following:

- (1) Allow the teacher to present evidence to refute the reason or reasons for contract cancellation and supporting evidence provided by the school corporation. Any evidence presented at the private conference must have been exchanged by the parties at least seven (7) days before the private conference.
- (2) Consider whether a preponderance of the evidence supports the cancellation of the teacher's contract.

Sec. 3. At the first public meeting following a private conference with:

- (1) the governing body under section 2(f) of this chapter; or
- (2) the superintendent under section 2(b) of this chapter, if no conference with the governing body is requested;

the governing body may cancel a contract with a teacher by a majority vote evidenced by a signed statement in the minutes of the

**C
O
P
Y**



board. The decision of the governing body is final.

Sec. 4. Pending a final decision on the cancellation of a teacher's contract, the teacher may be suspended from duty.

Sec. 5. The time periods set out in section 2 of this chapter shall be extended for a reasonable period:

- (1) when a teacher or school official is ill or absent from the school corporation; or
- (2) for other reasonable cause.

Sec. 6. A contract entered into by a teacher and a school employer continues in force on the same terms and for the same wages, unless increased under IC 20-28-9-1, for the next school term following the date of the contract's termination unless one (1) of the following occurs:

- (1) The school corporation refuses continuation of the contract under this chapter.
- (2) The teacher delivers in person or by registered or certified mail to the school corporation the teacher's written resignation.
- (3) The contract is replaced by another contract agreed to by the parties.

Sec. 7. (a) This chapter shall be construed to:

- (1) limit the provisions of a collective bargaining agreement negotiated under IC 20-29; and
- (2) prohibit the negotiation of contracts that violate the requirements of this chapter and IC 20-28-9-21 through IC 20-28-9-23.

(b) This chapter prohibits a school employer and an exclusive representative (as defined in IC 20-29-2-9) from collectively bargaining contracts that alter the requirements of this chapter and IC 20-28-9-21 through IC 20-28-9-23.

(c) This chapter shall be construed to prohibit a school employer and an exclusive representative from mutually agreeing to binding arbitration concerning teacher dismissals.

Sec. 8. (a) This section does not apply to an individual who works at a conversion charter school (as defined in IC 20-24-1-5) for purposes of the individual's employment with the school corporation that sponsored the conversion charter school.

(b) A contract entered into after August 15 between a school corporation and a teacher is void if the teacher, at the time of signing the contract, is bound by a previous contract to teach in a public school. However, another contract may be signed by the teacher that will be effective if the teacher:

C
O
P
Y



- (1) furnishes the principal a release by the employer under the previous contract; or
- (2) shows proof that thirty (30) days written notice was delivered by the teacher to the first employer.

(c) A principal may request from a teacher, at the time of contracting, a written statement as to whether the teacher has signed another teaching contract. However, the teacher's failure to provide the statement is not a cause for subsequently voiding the contract.

SECTION 32. IC 20-28-9-1, AS ADDED BY P.L.246-2005, SECTION 165, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 1. (a) A teacher's minimum salary each school year must be computed based on the teacher's education; experience; and degree completed as of the teacher's first day of service:

- (b) If a teacher is licensed by the department on:
 - (1) the first day of service in the current school year; or
 - (2) another date as agreed by the school employer and the exclusive representative under IC 20-29;

the teacher's minimum salary is computed under section 2 of this chapter. This subsection takes effect July 1, 2012, or upon the expiration of a contract in existence on July 1, 2011, whichever is earlier, and governs salary increases for a teacher employed by a school corporation on or after the date this subsection takes effect. Compensation attributable to additional degrees or graduate credits earned before the effective date of the local salary schedule created under this chapter shall continue.

(b) Increases or increments in a local salary scale must be based upon a combination of the following factors:

- (1) A combination of the following factors taken together may account for not more than thirty-three percent (33%) of the calculation used to determine a teacher's increase or increment:
 - (A) The number of years of a teacher's experience.
 - (B) The attainment of either:
 - (i) additional content area degrees beyond the requirements for employment; or
 - (ii) additional content area degrees and credit hours beyond the requirements for employment, if required under an agreement bargained under IC 20-29.
- (2) The results of an evaluation conducted under IC 20-28-11.5.

C
O
P
Y



(3) The assignment of instructional leadership roles, including the responsibility for conducting evaluations under IC 20-28-11.5.

(4) The academic needs of students in the school corporation.

(c) A teacher rated ineffective or improvement necessary under IC 20-28-11.5 may not receive any raise or increment for the following year if the teacher's employment contract is continued. The amount that would otherwise have been allocated for the salary increase of teachers rated ineffective or improvement necessary shall be allocated for compensation of all teachers rated effective and highly effective based on the criteria in subsection (b).

(d) A teacher who does not receive a raise or increment under subsection (c) may file a request with the superintendent or superintendent's designee not later than five (5) days after receiving notice that the teacher received a rating of ineffective. The teacher is entitled to a private conference with the superintendent or superintendent's designee.

(e) Not later than January 31, 2012, the department shall publish a model salary schedule that a school corporation may adopt.

(f) Each school corporation shall submit its local salary schedule to the department. The department shall publish the local salary schedules on the department's Internet web site.

(g) The department shall report any noncompliance of this section to the state board.

(h) The state board shall take appropriate action to ensure compliance with this section.

(i) This chapter may not be construed to require or allow a school corporation to decrease the salary of any teacher below the salary the teacher was earning on or before July 1, 2012, if that decrease would be made solely to conform to the new salary scale.

SECTION 33. IC 20-28-9-21, AS ADDED BY P.L.1-2005, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 21. (a) This section and sections 22 through 23 of this chapter apply to the suspension of a teacher without pay when the procedure for the cancellation of the teacher's contract under ~~IC 20-28-7-3 through IC 20-28-7-5~~ **IC 20-28-7.5 does not apply.**

(b) A teacher may be suspended from duty without pay only for the following reasons:

- (1) Immorality.**
- (2) Insubordination, which means the willful refusal to obey the state school laws or reasonable rules prescribed for the**

**C
O
P
Y**



government of the school corporation.

- (3) Neglect of duty.
- (4) Substantial inability to perform teaching duties.
- (5) Good and just cause.

SECTION 34. IC 20-28-10-1, AS ADDED BY P.L.1-2005, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 1. (a) A school corporation may grant a teacher a leave of absence not to exceed one (1) year for:

- (1) a sabbatical;
- (2) a disability leave; or
- (3) a sick leave.

(b) The school corporation may grant consecutive leaves to a teacher.

(c) A school corporation may grant partial compensation for a leave in an amount the school corporation determines. However, if a teacher on a sabbatical serves an employer that agrees to reimburse the school corporation in whole or in part of the amount of the teacher's regular salary, the school corporation may grant full or partial compensation.

(d) A teacher who is pregnant shall be granted a leave of absence for the period provided in and subject to section 5 of this chapter.

(e) Except where a contract is not required under ~~IC 20-28-7~~ **IC 20-28-7.5** in a situation that occurs before or after the commencement of leave, the teacher and the school corporation shall execute a regular teacher's contract for each school year in which any part of the teacher's leave is granted.

(f) The teacher has the right to return to a teaching position for which the teacher is certified or otherwise qualified under the rules of the state board.

SECTION 35. IC 20-28-10-2, AS ADDED BY P.L.1-2005, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 2. (a) Except as provided in section 1 of this chapter, rights existing at the time a leave commences that arise from a teacher's:

- (1) status as a **permanent professional or established** teacher;
- (2) accumulation of successive years of service;
- (3) service performed under a teacher's contract under IC 20-28-6-8; or
- (4) status or rights negotiated under IC 20-29;

remain intact.

(b) During a leave the teacher may maintain coverage in a group insurance program by paying the total premium including the school corporation's share, if any, attributable to the leave period. The school

C
O
P
Y



corporation may elect to pay all or part of the cost of the premium as an adopted or negotiated fringe benefit to teachers on leave.

(c) During a leave extending into a part of a school year, a teacher accumulates sick leave under IC 20-28-9-9 through IC 20-28-9-12, or a salary schedule of the school corporation that provides greater sick leave, in the same proportion that the number of days the teacher is paid during the year for work or leave bears to the total number of days for which teachers are paid in the school corporation.

(d) Except as provided in section 1 of this chapter, during a leave of a **nonpermanent probationary** teacher, the period of probationary successive years of service under a teacher's contract that is a condition precedent to becoming a **permanent professional or established** teacher under IC 20-28-6-8 is uninterrupted for that teacher. However, this probationary period may not include an entire school year spent on leave.

(e) All or part of a leave granted for sickness or disability, including pregnancy related disability, may be charged at the teacher's discretion to the teacher's available sick days. However, the teacher is not entitled to take accumulated sick days when the teacher's physician certifies that the teacher is capable of performing the teacher's regular teaching duties. The teacher is entitled to complete the remaining leave without pay.

SECTION 36. IC 20-28-10-4, AS ADDED BY P.L.1-2005, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 4. (a) A school corporation may place a teacher, with or without written request, on a disability or sick leave not to exceed one (1) year.

(b) A teacher placed on a disability or sick leave without a written request is entitled to a hearing on that action under ~~IC 20-28-7-1~~ and ~~IC 20-28-7-3~~ through ~~IC 20-28-7-5~~. **IC 20-28-7.5.**

SECTION 37. IC 20-28-10-7, AS ADDED BY P.L.1-2005, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 7. A **permanent professional or established** teacher:

- (1) with an indefinite contract under IC 20-28-6-8; and
 - (2) who is described in section 6(a) of this chapter;
- is granted a leave of absence during the defense service.

SECTION 38. IC 20-28-10-8, AS ADDED BY P.L.1-2005, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 8. (a) If a **nonpermanent probationary** teacher who is described in section 6(a) of this chapter enters the defense service, the teacher's contract as a teacher and the teacher's rights to

C
O
P
Y



probationary successive years under contract are preserved with the school corporation as the teacher had them when entering the defense service.

(b) The period of probationary successive years of service under a teacher's contract that is a condition precedent to becoming a **permanent professional or established** teacher under IC 20-28-6-8 is considered uninterrupted for a teacher to whom this section applies. However, this probationary period may not include the time spent in defense service. The teacher is granted a leave of absence during the defense service.

SECTION 39. IC 20-28-11.5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]:

Chapter 11.5. Staff Performance Evaluations

Sec. 1. As used in this chapter, "evaluator" means an individual who conducts a staff performance evaluation. The term includes a teacher who:

- (1) has clearly demonstrated a record of effective teaching over several years;
- (2) is approved by the principal as qualified to evaluate under the plan; and
- (3) conducts staff performance evaluations as a significant part of teacher's responsibilities.

Sec. 2. As used in the chapter, "plan" refers to a staff performance evaluation plan developed under this chapter.

Sec. 3. As used in this chapter, "school corporation" includes:

- (1) a school corporation;
- (2) a school created by an interlocal agreement under IC 36-1-7;
- (3) a special education cooperative under IC 20-35-5; and
- (4) a joint career and technical education program created under IC 20-37-1.

However, for purposes of section 4(a) and 4(b) of this chapter, "school corporation" includes a charter school and a virtual charter school.

Sec. 4. (a) Each school corporation shall develop a plan for annual performance evaluations for each certificated employee (as defined in IC 20-29-2-4). A school corporation shall implement the plan beginning with the 2012-2013 school year.

(b) Instead of developing its own staff performance evaluation plan under subsection (a), a school corporation may adopt a staff performance evaluation plan that meets the requirements set forth

**C
O
P
Y**



in this chapter or any of the following models:

- (1) A plan using master teachers or contracting with an outside vendor to provide master teachers.
 - (2) The System for Teacher and Student Advancement (TAP).
 - (3) The Peer Assistance and Review Teacher Evaluation System (PAR).
- (c) A plan must include the following components:
- (1) Performance evaluations for all certificated employees, conducted at least annually.
 - (2) Objective measures of student achievement and growth to significantly inform the evaluation. The objective measures must include:
 - (A) student assessment results from statewide assessments for certificated employees whose responsibilities include instruction in subjects measured in statewide assessments;
 - (B) methods for assessing student growth for certificated employees who do not teach in areas measured by statewide assessments; and
 - (C) student assessment results from locally developed assessments and other test measures for certificated employees whose responsibilities may or may not include instruction in subjects and areas measured by statewide assessments.
 - (3) Rigorous measures of effectiveness, including observations and other performance indicators.
 - (4) An annual designation of each certificated employee in one
 - (1) of the following rating categories:
 - (A) Highly effective.
 - (B) Effective.
 - (C) Improvement necessary.
 - (D) Ineffective.
 - (5) An explanation of the evaluator's recommendations for improvement, and the time in which improvement is expected.
 - (6) A provision that a teacher who negatively affects student achievement and growth cannot receive a rating of highly effective or effective.
 - (d) The evaluator shall discuss the evaluation with the certificated employee.
- Sec. 5. (a) The superintendent or equivalent authority, for a school corporation that does not have a superintendent, may provide for evaluations to be conducted by an external provider.
- (b) An individual may evaluate a certificated employee only if

C
O
P
Y



the individual has received training and support in evaluation skills.

Sec. 6. (a) A copy of the completed evaluation, including any documentation related to the evaluation, must be provided to a certificated employee not later than seven (7) days after the evaluation is conducted.

(b) If a certificated employee receives a rating of ineffective or improvement necessary, the evaluator and the certificated employee shall develop a remediation plan of not more than ninety (90) school days in length to correct the deficiencies noted in the certificated employee's evaluation. The remediation plan must require the use of the certificated employee's license renewal credits in professional development activities intended to help the certificated employee achieve an effective rating on the next performance evaluation. If the principal did not conduct the performance evaluation, the principal may direct the use of the certificated employee's license renewal credits under this subsection.

(c) A teacher who receives a rating of ineffective may file a request for a private conference with the superintendent or the superintendent's designee not later than five (5) days after receiving notice that the teacher received a rating of ineffective. The teacher is entitled to a private conference with the superintendent or superintendent's designee.

Sec. 7. (a) This section applies to any teacher instructing students in a content area and grade subject to IC 20-32-4-1(a)(1) and IC 20-32-5-2.

(b) A student may not be instructed for two (2) consecutive years by two (2) consecutive teachers, each of whom was rated as ineffective under this chapter in the school year immediately before the school year in which the student is placed in the respective teacher's class.

(c) If a teacher did not instruct students in the school year immediately before the school year in which students are placed in the teacher's class, the teacher's rating under this chapter for the most recent year in which the teacher instructed students, instead of for the school year immediately before the school year in which students are placed in the teacher's class, shall be used in determining whether subsection (b) applies to the teacher.

(d) If it is not possible for a school corporation to comply with this section, the school corporation must notify the parents of each applicable student indicating the student will be placed in a

C
O
P
Y



classroom of a teacher who has been rated ineffective under this chapter. The parent must be notified before the start of the second consecutive school year.

Sec. 8. (a) To implement this chapter, the state board shall do the following:

(1) Before January 31, 2012, adopt rules under IC 4-22-2 that establish:

(A) the criteria that define each of the four categories of teacher ratings under section 4(b)(3) of this chapter;

(B) the measures to be used to determine student academic achievement and growth under section 4(b)(2) of this chapter;

(C) standards that define actions that constitute a negative impact on student achievement; and

(D) an acceptable standard for training evaluators.

(2) Before January 31, 2012, work with the department to develop a model plan and release it to school corporations. Subsequent versions of the model plan that contain substantive changes must be provided to school corporations.

(3) Work with the department to ensure the availability of ongoing training on the use of the performance evaluation to ensure that all evaluators and certificated employees have access to information on the plan, the plan's implementation, and this chapter.

(b) A school corporation may adopt the model plan without the state board's approval. A school corporation may modify the model plan or develop the school corporation's own plan, if the modified or developed plan meets the criteria established under this chapter. If a school corporation modifies the model plan or develops its own plan, the department may request that the school corporation submit the plan to the department to ensure the plan meets the criteria developed under this chapter. Each school corporation shall submit its staff performance evaluation plan to the department. The department shall publish the staff performance evaluation plans on the department's Internet web site. A school corporation must submit its staff performance evaluation plan to the department for approval in order to qualify for any grant funding related to this chapter.

(c) This subsection applies to a school corporation that has not adopted a staff performance evaluation plan that complies with this chapter before July 1, 2011. Before submitting a staff performance evaluation plan to the department under subsection

**C
O
P
Y**



(b), the governing body shall submit the staff performance evaluation plan to the teachers employed by the school corporation for a vote. If at least seventy-five percent (75%) of the teachers voting vote in favor of adopting the staff performance evaluation plan, the governing body may submit the staff performance evaluation plan to the department under subsection (b).

Sec. 9. (a) Before August 1 of each year, each school corporation shall provide the results of the staff performance evaluations, including the number of certificated employees placed in each performance category, to the department. The results provided may not include the names or any other personally identifiable information regarding certificated employees.

(b) Before September 1 of each year, the department shall report the results of staff performance evaluations to the state board, and to the public via the department's Internet web site, for:

- (1) the aggregate of certificated employees of each school and school corporation; and
- (2) the aggregate of graduates of each teacher preparation program in Indiana.

SECTION 40. IC 20-31-4-6, AS ADDED BY P.L.1-2005, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 6. The department shall determine whether the school has complied with the following legal standards for accreditation:

- (1) Health and safety requirements.
- (2) Minimum time requirements for school activity.
- ~~(3) Staff-student ratio requirements.~~
- ~~(4) (3) Curriculum offerings.~~
- ~~(5) (4) Development and implementation of a staff evaluation plan under ~~IC 20-28-11~~. IC 20-28-11.5.~~
- ~~(6) (5) Completion of a school improvement plan that: that complies with requirements developed by the state board and:~~
 - ~~(A) analyzes the strengths and weaknesses of the school;~~
 - ~~(B) outlines goals of the school community to which school improvement activities will be directed; and~~
 - ~~(C) identifies objectives of the school and programs designed to achieve those objectives.~~
- ~~(A) focuses on academic performance; and~~
- ~~(B) is consistent with metrics for improvement.~~

SECTION 41. IC 20-33-2-3.2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS



C
O
P
Y

[EFFECTIVE JULY 1, 2011]: **Sec. 3.2. As used in this chapter, "attend" means to be physically present:**

(1) in a school; or

(2) at another location where the school's educational program in which a person is enrolled is being conducted; during regular school hours on a day in which the educational program in which the person is enrolled is being offered.

SECTION 42. IC 20-33-2-14, AS AMENDED BY P.L.185-2006, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 14. (a) This section and sections 15 through 17.5 of this chapter apply to a student who attends either a public school or a nonpublic school.

(b) The governing body of each school corporation shall have a policy outlining the conditions for excused and unexcused absences. The policy must include the grounds for excused absences required by sections 15 through 17.5 of this chapter or another law. Any absence that results in a person not attending at least one hundred eighty (180) days in a school year must be in accordance with the governing body's policy to qualify as an excused absence.

~~(b)~~ (c) Service as a page for or as an honoree of the general assembly is a lawful excuse for a student to be absent from school, when verified by a certificate of the secretary of the senate or the chief clerk of the house of representatives. A student excused from school attendance under this section may not be recorded as being absent on any date for which the excuse is operative and may not be penalized by the school in any manner.

SECTION 43. IC 20-33-2-25, AS ADDED BY P.L.1-2005, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 25. The superintendent or an attendance officer having jurisdiction ~~may~~ **shall** report a child who is habitually absent from school in violation of this chapter to an intake officer of the juvenile court **or the department of child services**. The intake officer **or the department of child services** shall proceed in accord with IC 31-30 through IC 31-40.

SECTION 44. IC 20-33-2-27, AS ADDED BY P.L.1-2005, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 27. (a) It is unlawful for a parent to fail to ensure that the parent's child attends school as required under this chapter.

(b) Before proceedings are instituted against a parent for a violation of this section, personal notice of the violation shall be served on the parent by the superintendent or the superintendent's designee:

(1) having jurisdiction over the public school where the child has

**C
O
P
Y**



legal settlement; or

(2) of the transferee corporation, if the child has been transferred.

(c) **For purposes of this section, service of personal notice must consist of and take place at the time of the occurrence of one of the following events: a violation may be made upon a parent by any of the following means:**

(1) **Delivering a copy of the notice to the parent personally. Personal notice shall be treated as occurring under this subdivision on the date of delivery.**

(2) **Any other means of sending a copy of the notice to the parent. Personal notice shall be treated as occurring under this subdivision on the date of delivery.**

(3) **Leaving a copy of the notice at the last and usual place of the residence of the parent. Personal notice shall be treated as occurring under this subdivision on the date the notice is left at the residence.**

(4) **Communicating notice of the violation to the parent by any other means, if the communication is made by the superintendent for the school or the superintendent's designee. Personal notice shall be treated as occurring under this subdivision on the earliest date that the communication is made.**

If the violation is not terminated not more than one (1) school day after this notice is given, or if another violation is committed during the notice period, no further notice is necessary. Each day of violation constitutes a separate offense.

SECTION 45. IC 20-33-2-35, AS ADDED BY P.L.1-2005, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 35. If the governing body of a school corporation elects not to appoint an attendance officer under section 31 of this chapter or an appointing authority elects not to appoint an attendance officer under section 33 of this chapter, the superintendent shall serve as an ex officio attendance officer. A superintendent acting in this capacity may designate one (1) or more **teachers school employees** as assistant attendance officers. These assistant attendance officers shall act under the superintendent's direction and perform the duties the superintendent assigns. Ex officio attendance officers and assistant attendance officers appointed under this section shall receive no additional compensation for performing attendance services.

SECTION 46. IC 20-33-2-42, AS ADDED BY P.L.1-2005, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

C
O
P
Y



JULY 1, 2011]: Sec. 42. The state superintendent shall:

- (1) prescribe duties for the state attendance officer not provided by law;
- ~~(2) fix qualifications for local attendance officers;~~
- ~~(3)~~ **(2)** design and require use of a system of attendance reports, records, and forms necessary for the enforcement of this chapter; and
- ~~(4)~~ **(3)** perform all other duties necessary for the complete enforcement of this chapter.

SECTION 47. IC 20-35-5-9, AS ADDED BY P.L.1-2005, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 9. A teacher who:

- (1) is employed by a special education cooperative; and
 - (2) previously taught in a participating school corporation;
- retains all rights and privileges under IC 20-28-6, ~~IC 20-28-7~~, **IC 20-28-7.5**, IC 20-28-8, IC 20-28-9, and IC 20-28-10 to the same extent as if the teacher had continued teaching in the participating school corporation.

SECTION 48. IC 20-35-5-10, AS ADDED BY P.L.1-2005, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 10. A teacher who:

- (1) is employed by a special education cooperative; and
- (2) does not have existing years of service in any of the participating school corporations;

shall be considered to be employed by the special education cooperative and is entitled to the same rights and privileges under IC 20-28-6, ~~IC 20-28-7~~, **IC 20-28-7.5**, IC 20-28-8, IC 20-28-9, and IC 20-28-10 as if the teacher were employed by a school corporation.

SECTION 49. IC 20-35-5-12, AS ADDED BY P.L.1-2005, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 12. If:

- (1) a teacher loses the teacher's job in a special education cooperative due to:
 - (A) a reduction in services of;
 - (B) a reorganization of;
 - (C) the discontinuance of; or
 - (D) a withdrawal in whole or in part of a participating school corporation from;

the special education cooperative; and

- (2) the teacher is employed by a participating school corporation as described in section 11 of this chapter;

the teacher retains the rights and privileges under IC 20-28-6,

C
O
P
Y



~~IC 20-28-7~~, **IC 20-28-7.5**, IC 20-28-8, IC 20-28-9, and IC 20-28-10 that the teacher held at the time the teacher lost the job in the special education cooperative as described in subdivision (1).

SECTION 50. THE FOLLOWING ARE REPEALED [EFFECTIVE JULY 1, 2011]: IC 20-25-13-1; IC 20-28-1-1.5; IC 20-28-2-2; IC 20-28-2-3; IC 20-28-2-4; IC 20-28-2-5; IC 20-28-5-11; IC 20-28-6-10; IC 20-28-7; IC 20-28-9-2; IC 20-28-9-3; IC 20-28-9-4; IC 20-28-11; IC 20-29-6-11.

SECTION 51. [EFFECTIVE UPON PASSAGE] (a) **The Indiana state board of education may adopt temporary rules in the manner provided for adopting an emergency rule under IC 4-22-2-37.1 to implement IC 20-28-11.5-7, as added by this act. A temporary rule adopted under this SECTION expires on the earliest of the following:**

- (1) **The date specified in the temporary rule.**
 - (2) **The date another temporary rule or a permanent rule repeals or supersedes the previously adopted temporary rule.**
 - (3) **July 1, 2012.**
- (b) **This SECTION expires July 1, 2012.**

SECTION 52. **An emergency is declared for this act.**

**C
o
p
y**



President of the Senate

President Pro Tempore

Speaker of the House of Representatives

Governor of the State of Indiana

Date: _____ Time: _____

C
O
P
Y

SEA 1 — Concur+





Foundation for Excellence in Education

P.O. Box 10691

Tallahassee, FL 32302

phone: (850) 391-4090

fax: (786) 664-1794

email: info@excelined.org

www.excelined.org