

# HOUSE BILL No. 1009

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 20-26.5.

**Synopsis:** Freedom to teach act. Allows a governing body of one or more school corporations to establish a freedom to teach school, zone, or district. Establishes the freedom to teach grant fund to provide grants to governing bodies that establish a freedom to teach school, zone, or district.

**Effective:** July 1, 2015.

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## Behning, Thompson

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January 15, 2015, read first time and referred to Committee on Education.

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First Regular Session of the 119th General Assembly (2015)

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 2014 Regular Session and 2014 Second Regular Technical Session of the General Assembly.

# HOUSE BILL No. 1009



A BILL FOR AN ACT to amend the Indiana Code concerning education.

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

1 SECTION 1. IC 20-26.5 IS ADDED TO THE INDIANA CODE AS  
2 A **NEW ARTICLE** TO READ AS FOLLOWS [EFFECTIVE JULY 1,  
3 2015]:  
4 **ARTICLE 26.5. FREEDOM TO TEACH ACT**  
5 **Chapter 1. Findings**  
6 **Sec. 1. The general assembly recognizes that to further the goals**  
7 **of high quality public education throughout Indiana, each school**  
8 **corporation and public school should have the freedom to create**  
9 **the optimal learning environment. The general assembly finds that**  
10 **this can be accomplished by allowing for greater flexibility,**  
11 **innovation, and efficiency. Further, the general assembly**  
12 **recognizes the importance of retaining and attracting the nation's**  
13 **best teachers by allocating significantly more resources into the**  
14 **classroom and giving teachers freedom from burdensome**  
15 **regulations.**



- 1           **Chapter 2. Definitions**
- 2           **Sec. 1. As used in this article, "freedom to teach school" means**
- 3 **a school operated by a freedom to teach team under this article.**
- 4           **Sec. 2. As used in this article, "freedom to teach team" means:**
- 5           (1) two (2) or more teachers;
- 6           (2) a principal;
- 7           (3) a superintendent;
- 8           (4) any combination of individuals under subdivisions (1)
- 9           through (3); or
- 10          (5) any combination of individuals under subdivisions (1)
- 11          through (3) in a partnership with any other individual or
- 12          entity.
- 13          **Sec. 3. As used in this article, "fund" refers to the freedom to**
- 14 **teach grant fund established by IC 20-26.5-4-1.**
- 15          **Sec. 4. As used in this article, "qualified applicant" means:**
- 16          (1) two (2) or more teachers;
- 17          (2) a principal;
- 18          (3) a superintendent; or
- 19          (4) any combination of individuals under subdivisions (1)
- 20          through (3);
- 21          **currently employed by the school corporation whose governing**
- 22 **body would review the proposed plan under IC 20-26.5-3-2.**
- 23          **Chapter 3. Establishment of Freedom to Teach Schools**
- 24          **Sec. 1. A freedom to teach school is subject to all federal and**
- 25 **state laws and constitutional provisions that prohibit**
- 26 **discrimination on the basis of the following:**
- 27          (1) Disability.
- 28          (2) Race.
- 29          (3) Color.
- 30          (4) Gender.
- 31          (5) National origin.
- 32          (6) Religion.
- 33          (7) Ancestry.
- 34          **Sec. 2. (a) A qualified applicant who wishes to establish a**
- 35 **freedom to teach school, zone, or district shall submit a plan to the**
- 36 **governing body. Each plan is to focus on:**
- 37          (1) improving student outcomes through innovations
- 38          contained in the plan; and
- 39          (2) increasing salaries of teachers rated effective or highly
- 40          effective under IC 20-28-11.5.



1           **(b) In considering or creating a plan submitted under subsection**  
 2 **(a), a governing body may consider innovations in the following**  
 3 **areas:**

4           **(1) Whether the plan:**

5               **(A) increases teacher salaries;**

6               **(B) achieves financial sustainability for teacher salary**  
 7 **increases under clause (A) by reallocating other funds,**  
 8 **including local, private, state, or federal funds; and**

9               **(C) develops measures for determining how the**  
 10 **innovations or teacher empowerment:**

11                   **(i) improves the quality of classroom instruction; and**

12                   **(ii) increases the attractiveness of teaching.**

13           **(2) Class size and schedule.**

14           **(3) Length of school day or year.**

15           **(4) Use of technology to deliver highly effective instruction.**

16           **(5) Staffing models for teachers, paraprofessionals, and**  
 17 **administrators.**

18           **(6) Teacher recruitment, training, preparation, and**  
 19 **professional development.**

20           **(7) School governance and the roles, responsibilities, and**  
 21 **expectations of principals in freedom to teach schools, zones,**  
 22 **and districts.**

23           **(8) Preparation and counseling of students for transition to**  
 24 **higher education or careers.**

25           **(9) Whether the plan incorporates a school model that uses**  
 26 **job redesign or technology to extend the reach of effective or**  
 27 **highly effective teachers to more students for more pay within**  
 28 **budget.**

29           **(c) A school and each governing body may seek and accept**  
 30 **public and private gifts, grants, and donations to support the costs**  
 31 **associated with developing and implementing a freedom to teach**  
 32 **plan.**

33           **Sec. 3. (a) After the governing body holds a public hearing**  
 34 **under subsection (d), a governing body may establish a freedom to**  
 35 **teach school, zone, or district or may enter into a contract or**  
 36 **agreement with a freedom to teach team to establish a freedom to**  
 37 **teach school, zone, or district based on a plan submitted under**  
 38 **section 2 of this chapter. One (1) or more freedom to teach schools**  
 39 **from one (1) or more school corporations may be part of a freedom**  
 40 **to teach zone. One (1) or more school corporations may be a**  
 41 **freedom to teach district. If the contract or agreement contains**  
 42 **terms which will be implemented in two (2) or more school**



1 corporations, each governing body of a school corporation  
 2 included in the plan must approve the contract or agreement for  
 3 the contract or agreement to become effective.

4 (b) The terms of the contract or agreement shall contain  
 5 provisions relating to:

6 (1) the administration;

7 (2) staffing;

8 (3) the significantly increased compensation for teachers; and

9 (4) the improvement of student outcomes;

10 at the freedom to teach school, zone, or district.

11 (c) If a freedom to teach team and the governing body enter into  
 12 a contract or agreement under subsection (a), the freedom to teach  
 13 team and the governing body shall notify the department within  
 14 thirty (30) days after the agreement has been entered into that a  
 15 contract or agreement has been made under this section.

16 (d) Before a governing body may approve a plan under this  
 17 section, the governing body shall hold at least one (1) public  
 18 hearing.

19 Sec. 4. (a) A freedom to teach team shall have full operational  
 20 autonomy to run the freedom to teach school, zone, or district as  
 21 provided in the contract or agreement described in section 3 of this  
 22 chapter.

23 (b) A freedom to teach team that operates a freedom to teach  
 24 school, zone, or district under this chapter shall make all personnel  
 25 decisions in the freedom to teach school, zone, or district.

26 (c) Employees of a freedom to teach school, zone, or district may  
 27 not collectively bargain under IC 20-29.

28 (d) The:

29 (1) creation;

30 (2) consideration;

31 (3) submission; or

32 (4) implementation;

33 of a plan under this chapter is not an unfair labor practice.

34 (e) Individuals employed by the freedom to teach school, zone,  
 35 or district are entitled to participate in:

36 (1) the state teachers' retirement fund created under  
 37 IC 5-10.4;

38 (2) the public employees' retirement fund created under  
 39 IC 5-10.3; or

40 (3) another retirement fund specified in the contract or  
 41 agreement described in section 3 of this chapter.



1           **Sec. 5. (a) Except as otherwise provided in this article, the**  
 2 **following do not apply to a freedom to teach school, zone, or**  
 3 **district:**

4           **(1) An Indiana statute applicable to a governing body or**  
 5 **school corporation.**

6           **(2) A rule or guideline adopted by the state board.**

7           **(3) A rule or guideline adopted by the state board concerning**  
 8 **teachers, except for those rules that assist a teacher in gaining**  
 9 **or renewing a standard or advanced license.**

10           **(4) A local regulation or policy adopted by a school**  
 11 **corporation unless specifically incorporated in the contract or**  
 12 **agreement described in section 3 of this chapter.**

13           **(b) Except as otherwise provided in this article, the following**  
 14 **apply to a freedom to teach school, zone, or district:**

15           **(1) IC 20-24-8-5 (statutes applicable to charter schools).**

16           **(2) IC 20-28-11.5 (staff performance evaluations).**

17           **(3) IC 20-31-9 (school accountability and consequences).**

18           **Sec. 6. A freedom to teach team and the governing body shall**  
 19 **hold a joint public meeting at least two (2) times each year to**  
 20 **discuss issues and progress concerning the freedom to teach school,**  
 21 **zone, or district.**

22           **Sec. 7. The governing body may develop a program to provide**  
 23 **support to teachers and administrators who wish to establish a**  
 24 **freedom to teach school, zone, or district.**

25           **Sec. 8. If a qualified applicant submits a plan to the governing**  
 26 **body and the plan is declined or not acted upon by the governing**  
 27 **body, the governing body shall submit to the qualified applicant**  
 28 **and the state board a copy of the proposal and a written response**  
 29 **that clearly outlines the reason for the denial.**

30           **Chapter 4. Freedom to Teach Grant**

31           **Sec. 1. (a) The freedom to teach grant fund is established to**  
 32 **provide grants to a designated freedom to teach school, zone, or**  
 33 **district awarded a grant under section 2 of this chapter.**

34           **(b) The fund shall be administered by the state board.**

35           **(c) The fund consists of the following:**

36           **(1) Appropriations made by the general assembly.**

37           **(2) Gifts, grants, or donations.**

38           **(3) Interest accruing from investment of money in the fund.**

39           **(d) The treasurer of state shall invest the money in the fund not**  
 40 **currently needed to meet the obligations of the fund in the same**  
 41 **manner as other public funds may be invested.**



1 (e) Interest that accrues from investments of the fund shall be  
2 deposited in the fund.

3 Sec. 2. (a) If a governing body approves the establishment of a  
4 freedom to teach school, zone, or district, the governing body may  
5 request a grant from the state board to implement the plan  
6 provided to the governing body under IC 20-26.5-3-2. The state  
7 board may grant a one (1) time freedom to teach grant from the  
8 fund to the designated school, zone, or district.

9 (b) Except as provided in subsection (c), the state board shall  
10 determine the amount of the grant based on the content and scale  
11 of the freedom to teach plan.

12 (c) The state board shall give preference when awarding grants  
13 under subsection (b) to a freedom to teach school, zone, or district  
14 that:

15 (1) will increase teacher salaries; or

16 (2) increases shared services or cost efficiency between two (2)  
17 or more school corporations.

18 **Chapter 5. Assessing Performance of Freedom to Teach Schools,  
19 Zones, and Districts**

20 Sec. 1. When assigning a school, zone, or district to a  
21 performance category under IC 20-31-8-4, the state board shall  
22 indicate whether:

23 (1) a school:

24 (A) is a freedom to teach school; or

25 (B) is included as part of a freedom to teach zone; and

26 (2) a school corporation is a freedom to teach district.

27 Sec. 2. The department shall include in its public reports of  
28 performance categories under section 1 of this chapter a list of  
29 those schools, zones, and districts with a freedom to teach  
30 designation.

31 **Chapter 6. Reporting**

32 Sec. 1. At the request of the state board, the department and  
33 budget agency shall provide the state board with the data required  
34 to evaluate the freedom to teach program.

35 **Chapter 7. Rules**

36 Sec. 1. The state board may adopt rules under IC 4-22-2 to  
37 implement this article.

