

SENATE BILL No. 35

DIGEST OF INTRODUCED BILL

Citations Affected: IC 20-28-11.5.

Synopsis: Teacher evaluations. Provides that a school corporation may use objective measures of student achievement as part of a teacher evaluation plan. (Current law provides that the use of an objective measure of student achievement is required as part of a teacher evaluation plan.)

Effective: July 1, 2017.

Ford

January 3, 2017, read first time and referred to Committee on Education and Career Development.



First Regular Session 120th General Assembly (2017)

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 2016 Regular Session of the General Assembly.

SENATE BILL No. 35

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 20-28-11.5-4, AS AMENDED BY P.L.239-2015,
- 2 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 3 JULY 1, 2017]: Sec. 4. (a) Each school corporation shall develop a
- 4 plan for annual performance evaluations for each certificated
- 5 employee. A school corporation shall implement the plan beginning
- 6 with the 2012-2013 school year.
- 7 (b) Instead of developing its own staff performance evaluation plan
- 8 under subsection (a), a school corporation may adopt a staff
- 9 performance evaluation plan that meets the requirements set forth in
- 10 this chapter or any of the following models:
- 11 (1) A plan using master teachers or contracting with an outside
- 12 vendor to provide master teachers.
- 13 (2) The System for Teacher and Student Advancement (TAP).
- 14 (3) The Peer Assistance and Review Teacher Evaluation System
- 15 (PAR).
- 16 (c) A plan must include the following components:
- 17 (1) Performance evaluations for all certificated employees,



1 conducted at least annually.

2 **(2) For an annual performance evaluation plan developed or**
 3 **adopted before July 1, 2017,** objective measures of student
 4 achievement and growth to significantly inform the evaluation.

5 The objective measures must include:

6 (A) student assessment results from statewide assessments for
 7 certificated employees whose responsibilities include
 8 instruction in subjects measured in statewide assessments;

9 (B) methods for assessing student growth for certificated
 10 employees who do not teach in areas measured by statewide
 11 assessments; and

12 (C) student assessment results from locally developed
 13 assessments and other test measures for certificated employees
 14 whose responsibilities may or may not include instruction in
 15 subjects and areas measured by statewide assessments.

16 (3) Rigorous measures of effectiveness, including observations
 17 and other performance indicators.

18 (4) An annual designation of each certificated employee in one
 19 (1) of the following rating categories:

20 (A) Highly effective.

21 (B) Effective.

22 (C) Improvement necessary.

23 (D) Ineffective.

24 (5) An explanation of the evaluator's recommendations for
 25 improvement, and the time in which improvement is expected.

26 (6) A provision that a teacher who negatively affects student
 27 achievement and growth cannot receive a rating of highly
 28 effective or effective.

29 (7) For annual performance evaluations for school years
 30 beginning after June 30, 2015, provide for a pre-evaluation
 31 planning session conducted by the superintendent or equivalent
 32 authority for the school corporation with the principals in the
 33 school corporation.

34 **(d) This subsection applies to an annual performance evaluation**
 35 **plan developed or adopted after June 30, 2017. A plan may include**
 36 **objective measures of student achievement and growth to**
 37 **significantly inform the evaluation. The objective measures must**
 38 **include:**

39 **(1) student assessment results from statewide assessments for**
 40 **certificated employees whose responsibilities include**
 41 **instruction in subjects measured in statewide assessments;**

42 **(2) methods for assessing student growth for certificated**



1 **employees who do not teach in areas measured by statewide**
 2 **assessments; and**

3 **(3) student assessment results from locally developed**
 4 **assessments and other test measures for certificated**
 5 **employees whose responsibilities may or may not include**
 6 **instruction in subjects and areas measured by statewide**
 7 **assessments.**

8 ~~(d)~~ **(e)** In developing a performance evaluation model, a school
 9 corporation may consider the following:

- 10 (1) Test scores of students (both formative and summative).
 11 (2) Classroom presentation observations.
 12 (3) Observation of student-teacher interaction.
 13 (4) Knowledge of subject matter.
 14 (5) Dedication and effectiveness of the teacher through time and
 15 effort on task.
 16 (6) Contributions of teachers through group teacher interactivity
 17 in fulfilling the school improvement plan.
 18 (7) Cooperation of the teacher with supervisors and peers.
 19 (8) Extracurricular contributions of the teacher.
 20 (9) Outside performance evaluations.
 21 (10) Compliance with school corporation rules and procedures.
 22 (11) Other items considered important by the school corporation
 23 in developing each student to the student's maximum intellectual
 24 potential and performance.

25 The state board and the department may recommend additional factors,
 26 but may not require additional factors unless directed to do so by the
 27 general assembly.

28 ~~(e)~~ **(f)** This subsection applies to plans applicable to annual
 29 performance evaluations for school years beginning after June 30,
 30 2015. The plan must:

- 31 (1) be in writing; and
 32 (2) be explained to the governing body in a public meeting;

33 before the evaluations are conducted. Before explaining the plan to the
 34 governing body, the superintendent of the school corporation shall
 35 discuss the plan with teachers or the teachers' representative, if there
 36 is one. This discussion is not subject to the open door law
 37 (IC 5-14-1.5). The plan is not subject to bargaining, but a discussion of
 38 the plan must be held.

39 ~~(f)~~ **(g)** The evaluator shall discuss the evaluation with the
 40 certificated employee.

41 SECTION 2. IC 20-28-11.5-8, AS AMENDED BY P.L.160-2012,
 42 SECTION 50, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



1 JULY 1, 2017]: Sec. 8. (a) To implement this chapter, the state board
2 shall do the following:

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

5 (A) the criteria that define each of the four categories of
6 teacher ratings under section 4(c)(4) of this chapter;

7 (B) the measures to be used to determine student academic
8 achievement and growth under section 4(c)(2) **or (4)(d)** of this
9 chapter;

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

12 (D) an acceptable standard for training evaluators.

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

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

22 (b) A school corporation may adopt the department's model plan, or
23 any other model plan approved by the department, without the state
24 board's approval.

25 (c) A school corporation may substantially modify the model plan
26 or develop the school corporation's own plan, if the substantially
27 modified or developed plan meets the criteria established under this
28 chapter. If a school corporation substantially modifies the model plan
29 or develops its own plan, the department may request that the school
30 corporation submit the plan to the department to ensure the plan meets
31 the criteria developed under this chapter. If the department makes such
32 a request, before submitting a substantially modified or new staff
33 performance evaluation plan to the department, the governing body
34 shall submit the staff performance evaluation plan to the teachers
35 employed by the school corporation for a vote. If at least seventy-five
36 percent (75%) of the voting teachers vote in favor of adopting the staff
37 performance evaluation plan, the governing body may submit the staff
38 performance evaluation plan to the department.

39 (d) Each school corporation shall submit its staff performance
40 evaluation plan to the department. The department shall publish the
41 staff performance evaluation plans on the department's Internet web
42 site. A school corporation must submit its staff performance evaluation



- 1 plan to the department for approval in order to qualify for any grant
- 2 funding related to this chapter.

