

## SENATE BILL No. 108

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### DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 20-28-9-1.5; IC 20-31; IC 20-33-2-17.5; IC 22-4.1-18-1.

**Synopsis:** Education matters. Provides that when a school corporation authorizes an absence to permit a student to attend any educationally related nonclassroom activity, the student may not be recorded as being absent on any date for which the excuse is operative and may not be penalized by the school. Provides that an initial school improvement plan must be established and approved by the governing body not later than August 1 of the school year in which the plan is to be implemented. Eliminates the requirement that the department of education (department) must publish a model compensation plan. Eliminates a requirement that each school corporation shall submit its local compensation plan to the department. Eliminates a requirement that the department must publish the local compensation plans on the department's Internet web site. Removes requirements that the: (1) department shall report any noncompliance of a school that fails to submit its compensation plan; and (2) state board of education (state board) shall take appropriate action to ensure compliance. Makes changes to the time frame, from four to six years, in which the state board may take over a failing school. Provides that a principal or superintendent, or the principal's or superintendent's designee, may recommend an individual to participate in the Indiana high school equivalency diploma program.

**Effective:** Upon passage; July 1, 2017.

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## Kruse

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January 4, 2017, read first time and referred to Committee on Education and Career Development.

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Introduced

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. 108

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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 20-28-9-1.5, AS AMENDED BY P.L.106-2016,  
2           SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3           JULY 1, 2017]: Sec. 1.5. (a) This subsection governs salary increases  
4           for a teacher employed by a school corporation. Compensation  
5           attributable to additional degrees or graduate credits earned before the  
6           effective date of a local compensation plan created under this chapter  
7           before July 1, 2015, shall continue for school years beginning after  
8           June 30, 2015. Compensation attributable to additional degrees for  
9           which a teacher has started course work before July 1, 2011, and  
10          completed course work before September 2, 2014, shall also continue  
11          for school years beginning after June 30, 2015. For school years  
12          beginning after June 30, 2015, a school corporation may provide a  
13          supplemental payment to a teacher in excess of the salary specified in  
14          the school corporation's compensation plan if the teacher teaches an  
15          advanced placement course or has earned a master's degree from an  
16          accredited postsecondary educational institution in a content area  
17          directly related to the subject matter of:

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- 1 (1) a dual credit course; or  
 2 (2) another course;  
 3 taught by the teacher. In addition, a supplemental payment may be  
 4 made to an elementary school teacher who earns a master's degree in  
 5 math or reading and literacy. A supplement provided under this  
 6 subsection is not subject to collective bargaining, but a discussion of  
 7 the supplement must be held. Such a supplement is in addition to any  
 8 increase permitted under subsection (b).
- 9 (b) Increases or increments in a local salary range must be based  
 10 upon a combination of the following factors:
- 11 (1) A combination of the following factors taken together may  
 12 account for not more than thirty-three percent (33%) of the  
 13 calculation used to determine a teacher's increase or increment:
- 14 (A) The number of years of a teacher's experience.  
 15 (B) The attainment of either:  
 16 (i) additional content area degrees beyond the requirements  
 17 for employment; or  
 18 (ii) additional content area degrees and credit hours beyond  
 19 the requirements for employment, if required under an  
 20 agreement bargained under IC 20-29.
- 21 (2) The results of an evaluation conducted under IC 20-28-11.5.  
 22 (3) The assignment of instructional leadership roles, including the  
 23 responsibility for conducting evaluations under IC 20-28-11.5.  
 24 (4) The academic needs of students in the school corporation.
- 25 (c) Except as provided in subsection (d), a teacher rated ineffective  
 26 or improvement necessary under IC 20-28-11.5 may not receive any  
 27 raise or increment for the following year if the teacher's employment  
 28 contract is continued. The amount that would otherwise have been  
 29 allocated for the salary increase of teachers rated ineffective or  
 30 improvement necessary shall be allocated for compensation of all  
 31 teachers rated effective and highly effective based on the criteria in  
 32 subsection (b).
- 33 (d) Subsection (c) does not apply to a teacher in the first two (2) full  
 34 school years that the teacher provides instruction to students in  
 35 elementary school or high school. If a teacher provides instruction to  
 36 students in elementary school or high school in another state, any full  
 37 school year, or its equivalent in the other state, that the teacher provides  
 38 instruction counts toward the two (2) full school years under this  
 39 subsection.
- 40 (e) A teacher who does not receive a raise or increment under  
 41 subsection (c) may file a request with the superintendent or  
 42 superintendent's designee not later than five (5) days after receiving



1 notice that the teacher received a rating of ineffective. The teacher is  
 2 entitled to a private conference with the superintendent or  
 3 superintendent's designee.

4 ~~(f)~~ The department shall publish a model compensation plan with a  
 5 model salary range that a school corporation may adopt. Before July 1,  
 6 2015, the department may modify the model compensation plan, as  
 7 needed, to comply with subsection (g).

8 ~~(g)~~ **(f)** Each school corporation shall submit its local compensation  
 9 plan to the department. For a school year beginning after June 30,  
 10 2015, **A school corporation shall establish a** local compensation plan  
 11 **that** must specify the range for teacher salaries. ~~The department shall~~  
 12 ~~publish the local compensation plans on the department's Internet web~~  
 13 ~~site.~~

14 ~~(h)~~ The department shall report any noncompliance with this section  
 15 to the state board.

16 ~~(i)~~ The state board shall take appropriate action to ensure  
 17 compliance with this section.

18 ~~(j)~~ **(g)** This chapter may not be construed to require or allow a  
 19 school corporation to decrease the salary of any teacher below the  
 20 salary the teacher was earning on or before July 1, 2015, if that  
 21 decrease would be made solely to conform to the new compensation  
 22 plan.

23 ~~(k)~~ **(h)** After June 30, 2011, all rights, duties, or obligations  
 24 established under IC 20-28-9-1 (before its repeal) are considered rights,  
 25 duties, or obligations under this section.

26 SECTION 2. IC 20-31-5-3, AS ADDED BY P.L.1-2005, SECTION  
 27 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON  
 28 PASSAGE]: Sec. 3. (a) The committee must submit a school's initial  
 29 plan to the superintendent by March 1 of the school year before the  
 30 year of implementation. The superintendent:

31 (1) shall review the plan to ensure that the plan aligns with the  
 32 school corporation's objectives, goals, and expectations;

33 (2) may make written recommendations of modifications to the  
 34 plan to ensure alignment; and

35 (3) shall return the plan and any recommendations to the  
 36 committee by April 1 of the school year before the year of  
 37 implementation.

38 (b) A committee may modify the plan to comply with  
 39 recommendations made by the superintendent under subsection (a).

40 (c) A committee shall submit:

41 (1) the plan; and

42 (2) the written recommendations of the superintendent;



1 to the governing body by May 1 of the school year before the year of  
2 implementation.

3 (d) An initial plan must be established ~~by June 1 of the school year~~  
4 ~~before the year of implementation by approval of the governing body.~~  
5 **and approved by the governing body not later than August 1 of the**  
6 **school year in which the plan is to be implemented.** The governing  
7 body shall approve a plan for each school in the school corporation.  
8 When a plan is presented to the governing body, the governing body  
9 must either accept or reject the plan and may not revise the plan. A  
10 plan is established when written evidence of approval is attached to the  
11 plan.

12 SECTION 3. IC 20-31-9-4, AS AMENDED BY P.L.223-2015,  
13 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
14 UPON PASSAGE]: Sec. 4. (a) This section applies if

15 (1) for a school initially placed in the lowest category or  
16 designation of school improvement before July 1, 2016; in the  
17 fifth year after initial placement in the lowest category or  
18 designation, a school still remains in the lowest category or  
19 designation. or

20 (2) for a school initially placed in the lowest category or  
21 designation of school improvement after June 30, 2016; in the  
22 third year after initial placement in the lowest category or  
23 designation; a school remains in the lowest category or  
24 designation.

25 (b) The state board shall do the following:

26 (1) Hold at least one (1) public hearing in the school corporation  
27 where the school is located to consider and hear testimony  
28 concerning the following options for school improvement:

29 (A) Merging the school with a nearby school that is in a higher  
30 category.

31 (B) Assigning a special management team to operate all or  
32 part of the school.

33 (C) Approving the school corporation's plan to improve the  
34 school through creation of a transformation zone.

35 (D) Approving the school corporation's plan to improve the  
36 school through creation of an innovation network school under  
37 IC 20-25.7-4.

38 (E) The department's recommendations for improving the  
39 school.

40 (F) Other options for school improvement expressed at the  
41 public hearing.

42 (G) Closing the school.



1 (2) If the state board determines that intervention will improve the  
 2 school, implement at least one (1) of the options listed in  
 3 subdivision (1).

4 (c) The state board may delay interventions under this section for  
 5 one (1) year if the affected school demonstrates that, despite remaining  
 6 in the lowest category or designation, a majority of students in the  
 7 school demonstrated academic improvement during the preceding  
 8 school year.

9 (d) Unless the school is closed or merged, a school that is subject to  
 10 improvement under this section becomes a turnaround academy under  
 11 IC 20-31-9.5.

12 (e) For a school initially placed in the lowest category or designation  
 13 of school improvement after June 30, 2016, the school corporation  
 14 shall provide a facilities master plan and an asset inventory for the  
 15 school to the state board by December 31 following the fourth  
 16 consecutive year in the lowest performance category or designation.

17 (f) The following procedures apply if the state board determines that  
 18 a school should be closed under subsection (b)(1)(G):

19 (1) The state board shall request from the school corporation an  
 20 alternative plan to the closure of the school. The school  
 21 corporation shall provide the plan within sixty (60) days of the  
 22 state board's request.

23 (2) At least two-thirds (2/3) of all members of the board vote to  
 24 close the school.

25 (3) Before the closure of the school, the state board shall review  
 26 a student reassignment plan from the school corporation.

27 SECTION 4. IC 20-33-2-17.5, AS ADDED BY P.L.185-2006,  
 28 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 29 JULY 1, 2017]: Sec. 17.5. (a) The governing body of a school  
 30 corporation may authorize the absence and excuse of a student who  
 31 attends any educationally related nonclassroom activity. Any  
 32 educationally related nonclassroom activity and nonclassroom activity  
 33 must meet all the following conditions:

34 (1) Is consistent with and promotes the educational philosophy  
 35 and goals of the school corporation and the state board.

36 (2) Facilitates the attainment of specific educational objectives.

37 (3) Is a part of the goals and objectives of an approved course or  
 38 curriculum.

39 (4) Represents a unique educational opportunity.

40 (5) Cannot reasonably occur without interrupting the school day.

41 (6) Is approved in writing by the school principal.

42 (b) **A student excused from school attendance under this section**



1     **may not be recorded as being absent on any date for which the**  
2     **excuse is operative and may not be penalized by the school in any**  
3     **manner.**  
4     SECTION 5. IC 22-4.1-18-1, AS ADDED BY P.L.7-2011,  
5     SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
6     JULY 1, 2017]: Sec. 1. This chapter applies to an individual who is:  
7         (1) at least eighteen (18) years of age; or  
8         (2) less than eighteen (18) years of age, if a superintendent (as  
9         defined in IC 20-18-2-21) **or principal, or the superintendent's**  
10        **or principal's designee**, recommends that the individual  
11        participate in the testing program.  
12     SECTION 6. **An emergency is declared for this act.**

