

SENATE BILL No. 244

DIGEST OF INTRODUCED BILL

Citations Affected: IC 20-26-5-4; IC 20-28; IC 20-29-6-4.5; IC 20-43-10-3.5.

Synopsis: Teacher supplemental pay and evaluations. Establishes additional circumstances for which a school corporation may provide supplemental payments to teachers in excess of the salary specified in the school corporation's compensation plan. Provides that a teacher rated improvement necessary in the teacher's annual performance evaluation may receive a partial raise or increment. (Current law provides that such a teacher may not receive a raise or increment.) Relocates provisions regarding supplemental payments for teachers. Amends requirements regarding school corporation annual performance evaluations.

Effective: July 1, 2020.

Brown L

January 9, 2020, read first time and referred to Committee on Education and Career Development.



Second Regular Session of the 121st General Assembly (2020)

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 2019 Regular Session of the General Assembly.

SENATE BILL No. 244

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 20-26-5-4, AS AMENDED BY P.L.270-2019,
2 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2020]: Sec. 4. (a) In carrying out the school purposes of a
4 school corporation, the governing body acting on the school
5 corporation's behalf has the following specific powers:
6 (1) In the name of the school corporation, to sue and be sued and
7 to enter into contracts in matters permitted by applicable law.
8 However, a governing body may not use funds received from the
9 state to bring or join in an action against the state, unless the
10 governing body is challenging an adverse decision by a state
11 agency, board, or commission.
12 (2) To take charge of, manage, and conduct the educational affairs
13 of the school corporation and to establish, locate, and provide the
14 necessary schools, school libraries, other libraries where
15 permitted by law, other buildings, facilities, property, and
16 equipment.
17 (3) To appropriate from the school corporation's general fund



1 (before January 1, 2019) or the school corporation's operations
 2 fund (after December 31, 2018) an amount, not to exceed the
 3 greater of three thousand dollars (\$3,000) per budget year or one
 4 dollar (\$1) per pupil, not to exceed twelve thousand five hundred
 5 dollars (\$12,500), based on the school corporation's ADM of the
 6 previous year (as defined in IC 20-43-1-7) to promote the best
 7 interests of the school corporation through:

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

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

12 (C) developing relations with other governmental units.

13 (4) To do the following:

14 (A) Acquire, construct, erect, maintain, hold, and contract for
 15 construction, erection, or maintenance of real estate, real estate
 16 improvements, or an interest in real estate or real estate
 17 improvements, as the governing body considers necessary for
 18 school purposes, including buildings, parts of buildings,
 19 additions to buildings, rooms, gymnasiums, auditoriums,
 20 playgrounds, playing and athletic fields, facilities for physical
 21 training, buildings for administrative, office, warehouse, repair
 22 activities, or housing school owned buses, landscaping, walks,
 23 drives, parking areas, roadways, easements and facilities for
 24 power, sewer, water, roadway, access, storm and surface
 25 water, drinking water, gas, electricity, other utilities and
 26 similar purposes, by purchase, either outright for cash (or
 27 under conditional sales or purchase money contracts providing
 28 for a retention of a security interest by the seller until payment
 29 is made or by notes where the contract, security retention, or
 30 note is permitted by applicable law), by exchange, by gift, by
 31 devise, by eminent domain, by lease with or without option to
 32 purchase, or by lease under IC 20-47-2, IC 20-47-3, or
 33 IC 20-47-5.

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

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

42 (5) To acquire personal property or an interest in personal



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

15 (6) To sell or exchange real or personal property or interest in real
 16 or personal property that, in the opinion of the governing body, is
 17 not necessary for school purposes, in accordance with IC 20-26-7
 18 and IC 20-26-7.1, to demolish or otherwise dispose of the
 19 property if, in the opinion of the governing body, the property is
 20 not necessary for school purposes and is worthless, and to pay the
 21 expenses for the demolition or disposition.

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

25 (A) civic or public purposes; or
 26 (B) the operation of a school age child care program for
 27 children who are at least five (5) years of age and less than
 28 fifteen (15) years of age that operates before or after the school
 29 day, or both, and during periods when school is not in session;
 30 if the property is not needed for school purposes. Under this
 31 subdivision, the governing body may enter into a long term lease
 32 with a nonprofit corporation, community service organization, or
 33 other governmental entity, if the corporation, organization, or
 34 other governmental entity will use the property to be leased for
 35 civic or public purposes or for a school age child care program.
 36 However, if payment for the property subject to a long term lease
 37 is made from money in the school corporation's debt service fund,
 38 all proceeds from the long term lease must be deposited in the
 39 school corporation's debt service fund so long as payment for the
 40 property has not been made. The governing body may, at the
 41 governing body's option, use the procedure specified in
 42 IC 36-1-11-10 in leasing property under this subdivision.



1 (8) To do the following:

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

17 (B) Fix and pay the salaries and compensation of persons and
 18 services described in this subdivision that are consistent with
 19 IC 20-28-9-1.5 and **IC 20-28-9-1.7**.

20 (C) Classify persons or services described in this subdivision
 21 and to adopt a compensation plan with a salary range that is
 22 consistent with IC 20-28-9-1.5.

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

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

28 The compensation, terms of employment, and discharge of
 29 teachers are, however, subject to and governed by the laws
 30 relating to employment, contracting, compensation, and discharge
 31 of teachers. The compensation, terms of employment, and
 32 discharge of bus drivers are subject to and governed by laws
 33 relating to employment, contracting, compensation, and discharge
 34 of bus drivers.

35 (9) Notwithstanding the appropriation limitation in subdivision
 36 (3), when the governing body by resolution considers a trip by an
 37 employee of the school corporation or by a member of the
 38 governing body to be in the interest of the school corporation,
 39 including attending meetings, conferences, or examining
 40 equipment, buildings, and installation in other areas, to permit the
 41 employee to be absent in connection with the trip without any loss
 42 in pay and to reimburse the employee or the member the



- 1 employee's or member's reasonable lodging and meal expenses
2 and necessary transportation expenses. To pay teaching personnel
3 for time spent in sponsoring and working with school related trips
4 or activities.
- 5 (10) Subject to IC 20-27-13, to transport children to and from
6 school, when in the opinion of the governing body the
7 transportation is necessary, including considerations for the safety
8 of the children. The transportation must be otherwise in
9 accordance with applicable law.
- 10 (11) To provide a lunch program for a part or all of the students
11 attending the schools of the school corporation, including the
12 establishment of kitchens, kitchen facilities, kitchen equipment,
13 lunch rooms, the hiring of the necessary personnel to operate the
14 lunch program, and the purchase of material and supplies for the
15 lunch program, charging students for the operational costs of the
16 lunch program, fixing the price per meal or per food item. To
17 operate the lunch program as an extracurricular activity, subject
18 to the supervision of the governing body. To participate in a
19 surplus commodity or lunch aid program.
- 20 (12) To purchase curricular materials, to furnish curricular
21 materials without cost or to rent curricular materials to students,
22 and to participate in a curricular materials aid program, all in
23 accordance with applicable law.
- 24 (13) To accept students transferred from other school corporations
25 and to transfer students to other school corporations in accordance
26 with applicable law.
- 27 (14) To make budgets, to appropriate funds, and to disburse the
28 money of the school corporation in accordance with applicable
29 law. To borrow money against current tax collections and
30 otherwise to borrow money, in accordance with IC 20-48-1.
- 31 (15) To purchase insurance or to establish and maintain a
32 program of self-insurance relating to the liability of the school
33 corporation or the school corporation's employees in connection
34 with motor vehicles or property and for additional coverage to the
35 extent permitted and in accordance with IC 34-13-3-20. To
36 purchase additional insurance or to establish and maintain a
37 program of self-insurance protecting the school corporation and
38 members of the governing body, employees, contractors, or agents
39 of the school corporation from liability, risk, accident, or loss
40 related to school property, school contract, school or school
41 related activity, including the purchase of insurance or the
42 establishment and maintenance of a self-insurance program



1 protecting persons described in this subdivision against false
 2 imprisonment, false arrest, libel, or slander for acts committed in
 3 the course of the persons' employment, protecting the school
 4 corporation for fire and extended coverage and other casualty
 5 risks to the extent of replacement cost, loss of use, and other
 6 insurable risks relating to property owned, leased, or held by the
 7 school corporation. In accordance with IC 20-26-17, to:

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

10 (B) purchase insurance; or

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

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

19 (17) To defend a member of the governing body or any employee
 20 of the school corporation in any suit arising out of the
 21 performance of the member's or employee's duties for or
 22 employment with, the school corporation, if the governing body
 23 by resolution determined that the action was taken in good faith.
 24 To save any member or employee harmless from any liability,
 25 cost, or damage in connection with the performance, including the
 26 payment of legal fees, except where the liability, cost, or damage
 27 is predicated on or arises out of the bad faith of the member or
 28 employee, or is a claim or judgment based on the member's or
 29 employee's malfeasance in office or employment.

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

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

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

38 (19) To ratify and approve any action taken by a member of the
 39 governing body, an officer of the governing body, or an employee
 40 of the school corporation after the action is taken, if the action
 41 could have been approved in advance, and in connection with the
 42 action to pay the expense or compensation permitted under



- 1 IC 20-26-1 through IC 20-26-5, IC 20-26-7, IC 20-40-12, and
 2 IC 20-48-1 or any other law.
- 3 (20) To exercise any other power and make any expenditure in
 4 carrying out the governing body's general powers and purposes
 5 provided in this chapter or in carrying out the powers delineated
 6 in this section which is reasonable from a business or educational
 7 standpoint in carrying out school purposes of the school
 8 corporation, including the acquisition of property or the
 9 employment or contracting for services, even though the power or
 10 expenditure is not specifically set out in this chapter. The specific
 11 powers set out in this section do not limit the general grant of
 12 powers provided in this chapter except where a limitation is set
 13 out in IC 20-26-1 through IC 20-26-5, IC 20-26-7, IC 20-40-12,
 14 IC 20-40-18 (after December 31, 2018), and IC 20-48-1 by
 15 specific language or by reference to other law.
- 16 (b) A superintendent hired under subsection (a)(8):
- 17 (1) is not required to hold a teacher's license under IC 20-28-5;
 18 and
- 19 (2) is required to have obtained at least a master's degree from an
 20 accredited postsecondary educational institution.
- 21 SECTION 2. IC 20-28-7.5-6, AS AMENDED BY P.L.286-2013,
 22 SECTION 88, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 23 JULY 1, 2020]: Sec. 6. A contract entered into by a teacher and a
 24 school employer continues in force on the same terms and for the same
 25 wages, unless increased under IC 20-28-9-1.5 **or IC 20-28-9-1.7**, for
 26 the next school term following the date of the contract's termination
 27 unless one (1) of the following occurs:
- 28 (1) The school corporation refuses continuation of the contract
 29 under this chapter.
- 30 (2) The teacher delivers in person or by registered or certified
 31 mail to the school corporation the teacher's written resignation.
- 32 (3) The contract is replaced by another contract agreed to by the
 33 parties.
- 34 SECTION 3. IC 20-28-9-1.5, AS AMENDED BY P.L.211-2019,
 35 SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 36 JULY 1, 2020]: Sec. 1.5. (a) This subsection governs salary increases
 37 for a teacher employed by a school corporation. Compensation
 38 attributable to additional degrees or graduate credits earned before the
 39 effective date of a local compensation plan created under this chapter
 40 before July 1, 2015, shall continue for school years beginning after
 41 June 30, 2015. Compensation attributable to additional degrees for
 42 which a teacher has started course work before July 1, 2011, and



1 completed course work before September 2, 2014, shall also continue
 2 for school years beginning after June 30, 2015. For school years
 3 beginning after June 30, 2015, a school corporation may provide a
 4 supplemental payment to a teacher in excess of the salary specified in
 5 the school corporation's compensation plan under any of the following
 6 circumstances:

7 (1) The teacher:

8 (A) teaches an advanced placement course or a Cambridge
 9 International course; or

10 (B) has earned a master's degree from an accredited
 11 postsecondary educational institution in a content area directly
 12 related to the subject matter of:

13 (i) a dual credit course; or

14 (ii) another course;

15 taught by the teacher.

16 (2) Beginning after June 30, 2018, the teacher:

17 (A) is a special education professional; or

18 (B) teaches in the areas of science, technology, engineering, or
 19 mathematics.

20 (3) Beginning after June 30, 2019, the teacher teaches a career or
 21 technical education course.

22 In addition, a supplemental payment may be made to an elementary
 23 school teacher who earns a master's degree in math, reading, or
 24 literacy. A supplement provided under this subsection is not subject to
 25 collective bargaining, but a discussion of the supplement must be held.
 26 Such a supplement is in addition to any increase permitted under
 27 subsection (b).

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

30 (1) A combination of the following factors taken together may
 31 account for not more than fifty percent (50%) of the calculation
 32 used to determine a teacher's increase or increment:

33 (A) The number of years of a teacher's experience.

34 (B) The possession of either:

35 (i) additional content area degrees beyond the requirements
 36 for employment; or

37 (ii) additional content area degrees and credit hours beyond
 38 the requirements for employment, if required under an
 39 agreement bargained under IC 20-29.

40 (2) The results of an evaluation conducted under IC 20-28-11.5.

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



- 1 (4) The academic needs of students in the school corporation.
 2 (c) To provide greater flexibility and options, a school corporation
 3 may differentiate the amount of salary increases or increments
 4 determined for teachers under subsection (b)(4). A school corporation
 5 shall base a differentiated amount under this subsection on any
 6 academic needs the school corporation determines are appropriate,
 7 which may include the:
 8 (1) subject or subjects, including the subjects described in
 9 ~~subsection (a)(2)~~, **section 1.7(b)(4) of this chapter**, taught by a
 10 given teacher;
 11 (2) importance of retaining a given teacher at the school
 12 corporation; and
 13 (3) need to attract an individual with specific qualifications to fill
 14 a teaching vacancy.
 15 (d) A school corporation may provide differentiated increases or
 16 increments under subsection (b), and in excess of the percentage
 17 specified in subsection (b)(1), in order to:
 18 (1) reduce the gap between the school corporation's minimum
 19 teacher salary and the average of the school corporation's
 20 minimum and maximum teacher salaries; or
 21 (2) allow teachers currently employed by the school corporation
 22 to receive a salary adjusted in comparison to starting base salaries
 23 of new teachers.
 24 (e) Except as provided in subsection (f), a teacher rated: ~~ineffective~~
 25 ~~or~~
 26 **(1) improvement necessary under IC 20-28-11.5 may, not at the**
 27 **approval and discretion of the governing body of the school**
 28 **corporation, receive any a partial raise or increment that does**
 29 **not exceed fifty percent (50%) of the amount of the minimum**
 30 **raise or increment earned by an effective teacher employed by**
 31 **the school corporation; and**
 32 **(2) ineffective under IC 20-28-11.5 may not receive any raise**
 33 **or increment;**
 34 for the following year if the teacher's employment contract is
 35 continued. The amount that would otherwise have been allocated for
 36 the salary increase of teachers rated ineffective or improvement
 37 necessary **as provided under this subsection** shall be allocated for
 38 compensation of all teachers rated effective and highly effective based
 39 on the criteria in subsection (b).
 40 (f) Subsection (e) does not apply to a teacher in the first two (2) full
 41 school years that the teacher provides instruction to students in
 42 elementary school or high school. If a teacher provides instruction to



1 students in elementary school or high school in another state, any full
 2 school year, or its equivalent in the other state, that the teacher provides
 3 instruction counts toward the two (2) full school years under this
 4 subsection.

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

11 (h) The Indiana education employment relations board established
 12 in IC 20-29-3-1 shall publish a model compensation plan with a model
 13 salary range that a school corporation may adopt.

14 (i) Each school corporation shall submit its local compensation plan
 15 to the Indiana education employment relations board. For a school year
 16 beginning after June 30, 2015, a local compensation plan must specify
 17 the range for teacher salaries. The Indiana education employment
 18 relations board shall publish the local compensation plans on the
 19 Indiana education employment relations board's Internet web site.

20 (j) The Indiana education employment relations board shall review
 21 a compensation plan for compliance with this section as part of its
 22 review under IC 20-29-6-6.1. The Indiana education employment
 23 relations board has jurisdiction to determine compliance of a
 24 compensation plan submitted under this section.

25 (k) This chapter may not be construed to require or allow a school
 26 corporation to decrease the salary of any teacher below the salary the
 27 teacher was earning on or before July 1, 2015, if that decrease would
 28 be made solely to conform to the new compensation plan.

29 (l) After June 30, 2011, all rights, duties, or obligations established
 30 under IC 20-28-9-1 before its repeal are considered rights, duties, or
 31 obligations under this section.

32 SECTION 4. IC 20-28-9-1.7 IS ADDED TO THE INDIANA CODE
 33 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 34 1, 2020]: **Sec. 1.7. (a) This section governs salary increases for a
 35 teacher employed by a school corporation.**

36 **(b) A school corporation may provide a supplemental payment
 37 to a teacher in excess of the salary specified in the school
 38 corporation's compensation plan under any of the following
 39 circumstances:**

40 **(1) The teacher teaches an advanced placement course or a
 41 Cambridge International course.**

42 **(2) The teacher has earned a master's degree from an**



1 **accredited postsecondary educational institution in a content**
 2 **area directly related to the subject matter of:**

3 **(A) a dual credit course; or**

4 **(B) another course;**

5 **taught by the teacher.**

6 **(3) Beginning after June 30, 2020, the teacher has:**

7 **(A) earned any education related master's degree from an**
 8 **accredited postsecondary educational institution and the**
 9 **course of study to earn the master's degree included at**
 10 **least eighteen (18) graduate credit hours in a content area**
 11 **directly related to the subject matter of:**

12 **(i) a dual credit course; or**

13 **(ii) in the case of an elementary school teacher,**
 14 **mathematics, reading, or literacy;**

15 **(B) completed at least eighteen (18) graduate credit hours**
 16 **from an accredited postsecondary educational institution**
 17 **in a content area directly related to the subject matter of:**

18 **(i) a dual credit course; or**

19 **(ii) in the case of an elementary school teacher,**
 20 **mathematics, reading, or literacy; or**

21 **(C) earned a doctoral degree from an accredited**
 22 **postsecondary educational institution and the course of**
 23 **study to earn the doctoral degree included at least eighteen**
 24 **(18) graduate credit hours in a content area directly**
 25 **related to the subject matter of:**

26 **(i) a dual credit course; or**

27 **(ii) in the case of an elementary school teacher,**
 28 **mathematics, reading, or literacy.**

29 **(4) The teacher:**

30 **(A) is a special education professional; or**

31 **(B) teaches in the areas of science, technology, engineering,**
 32 **or mathematics.**

33 **(5) The teacher teaches a career or technical education course.**

34 **(6) The teacher is an elementary school teacher who earns a**
 35 **master's degree in mathematics, reading, or literacy.**

36 **(c) A supplement provided under this section is not subject to**
 37 **collective bargaining, but a discussion of the supplement must be**
 38 **held. A supplement under this section is in addition to any increase**
 39 **permitted under section 1.5(b) of this chapter.**

40 SECTION 5. IC 20-28-11.5-4, AS AMENDED BY P.L.275-2019,
 41 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 42 JULY 1, 2020]: Sec. 4. (a) Each school corporation shall develop a



1 plan for annual performance evaluations for each certificated
 2 employee. A school corporation shall implement the plan beginning
 3 with the 2012-2013 school year.

4 (b) Instead of developing its own staff performance evaluation plan
 5 under subsection (a), a school corporation may adopt a staff
 6 performance evaluation plan that meets the requirements set forth in
 7 this chapter or any of the following models:

8 (1) A plan using master teachers or contracting with an outside
 9 vendor to provide master teachers.

10 (2) The System for Teacher and Student Advancement (TAP).

11 (3) The Peer Assistance and Review Teacher Evaluation System
 12 (PAR).

13 (c) A plan must include the following components:

14 (1) Performance evaluations for all certificated employees,
 15 conducted at least annually.

16 ~~(2) Objective measures of student achievement and growth to~~
 17 ~~significantly inform the evaluation. The objective measures must~~
 18 ~~include:~~

19 ~~(A) student assessment results from statewide assessments for~~
 20 ~~certificated employees whose responsibilities include~~
 21 ~~instruction in subjects measured in statewide assessments;~~

22 ~~(B) methods for assessing student growth for certificated~~
 23 ~~employees who do not teach in areas measured by statewide~~
 24 ~~assessments; and~~

25 ~~(C) student assessment results from locally developed~~
 26 ~~assessments and other test measures for certificated employees~~
 27 ~~whose responsibilities may or may not include instruction in~~
 28 ~~subjects and areas measured by statewide assessments.~~

29 ~~(3) (2) Rigorous measures of effectiveness, including~~
 30 ~~observations and other performance indicators.~~

31 ~~(4) (3) An annual designation of each certificated employee in~~
 32 ~~one (1) of the following rating categories:~~

33 ~~(A) Highly effective.~~

34 ~~(B) Effective.~~

35 ~~(C) Improvement necessary.~~

36 ~~(D) Ineffective.~~

37 ~~(5) (4) An explanation of the evaluator's recommendations for~~
 38 ~~improvement, and the time in which improvement is expected.~~

39 ~~(6) (5) A provision that a teacher who negatively affects student~~
 40 ~~achievement and growth cannot receive a rating of highly~~
 41 ~~effective or effective. **In determining whether a teacher**~~
 42 ~~**negatively affects student achievement and growth, the plan**~~



- 1 **must include at least one (1) of the following measures:**
- 2 **(A) Student assessment results from statewide assessments**
- 3 **for certificated employees whose responsibilities include**
- 4 **instruction in subjects measured in statewide assessments.**
- 5 **(B) Methods for assessing student growth for certificated**
- 6 **employees who do not teach in areas measured by**
- 7 **statewide assessments.**
- 8 **(C) Student learning results from locally developed**
- 9 **assessments or other measures for certificated employees**
- 10 **whose responsibilities may or may not include instruction**
- 11 **in subjects and areas measured by statewide assessments.**
- 12 **(D) Other evidence based methods.**
- 13 ~~(7)~~ **(6) For annual performance evaluations for school years**
- 14 **beginning after June 30, 2015, provide for a pre-evaluation**
- 15 **planning session conducted by the superintendent or equivalent**
- 16 **authority for the school corporation with the principals in the**
- 17 **school corporation.**
- 18 (d) In developing a performance evaluation plan, a school
- 19 corporation may consider the following:
- 20 (1) Test scores of students (both formative and summative).
- 21 (2) Classroom presentation observations.
- 22 (3) Observation of student-teacher interaction.
- 23 (4) Knowledge of subject matter.
- 24 (5) Dedication and effectiveness of the teacher through time and
- 25 effort on task.
- 26 (6) Contributions of teachers through group teacher interactivity
- 27 in fulfilling the school improvement plan.
- 28 (7) Cooperation of the teacher with supervisors and peers.
- 29 (8) Extracurricular contributions of the teacher.
- 30 (9) Outside performance evaluations.
- 31 (10) Compliance with school corporation rules and procedures.
- 32 (11) Other items considered important by the school corporation
- 33 in developing each student to the student's maximum intellectual
- 34 potential and performance.
- 35 The state board and the department may recommend additional factors,
- 36 but may not require additional factors unless directed to do so by the
- 37 general assembly.
- 38 (e) The state board may create a method or model to align currently
- 39 used performance evaluation plan factors with each of the following
- 40 indicators:
- 41 (1) Maximizing instructional time.
- 42 (2) Student engagement.



- 1 (3) Developing student understanding and mastery of lesson
- 2 objectives.
- 3 (4) Tracking student data and analyzing progress.
- 4 (5) Checking for student understanding.
- 5 (f) This subsection applies to plans applicable to annual
- 6 performance evaluations for school years beginning after June 30,
- 7 2015. The plan must:
- 8 (1) be in writing; and
- 9 (2) be explained to the governing body in a public meeting;
- 10 before the evaluations are conducted. Before explaining the plan to the
- 11 governing body, the superintendent of the school corporation shall
- 12 discuss the plan with teachers or the teachers' representative, if there
- 13 is one. This discussion is not subject to the open door law
- 14 (IC 5-14-1.5). The plan is not subject to bargaining, but a discussion of
- 15 the plan must be held.
- 16 (g) The evaluator shall discuss the evaluation with the certificated
- 17 employee.
- 18 SECTION 6. IC 20-28-11.5-8, AS AMENDED BY P.L.160-2012,
- 19 SECTION 50, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 20 JULY 1, 2020]: Sec. 8. (a) To implement this chapter, the state board
- 21 shall do the following:
- 22 (1) ~~Before January 31, 2012;~~ Adopt rules under IC 4-22-2 that
- 23 establish:
- 24 (A) the criteria that define each of the four ~~(4)~~ **(3)** categories of
- 25 teacher ratings under section ~~4(c)(4)~~ **4(c)(3)** of this chapter;
- 26 (B) the measures to be used to determine ~~student academic~~
- 27 ~~achievement and growth~~ **whether a teacher negatively**
- 28 **affects student achievement and growth** under section
- 29 ~~4(c)(2)~~ **4(c)(5)** of this chapter;
- 30 (C) standards that define actions that constitute a negative
- 31 impact on student achievement; and
- 32 (D) an acceptable standard for training evaluators.
- 33 (2) Before January 31, 2012, work with the department to develop
- 34 a model plan and release it to school corporations. Subsequent
- 35 versions of the model plan that contain substantive changes must
- 36 be provided to school corporations.
- 37 (3) Work with the department to ensure the availability of
- 38 ongoing training on the use of the performance evaluation to
- 39 ensure that all evaluators and certificated employees have access
- 40 to information on the plan, the plan's implementation, and this
- 41 chapter.
- 42 (b) A school corporation may adopt the department's model plan, or



1 any other model plan approved by the department, without the state
2 board's approval.

3 (c) A school corporation may substantially modify the model plan
4 or develop the school corporation's own plan, if the substantially
5 modified or developed plan meets the criteria established under this
6 chapter. If a school corporation substantially modifies the model plan
7 or develops its own plan, the department may request that the school
8 corporation submit the plan to the department to ensure the plan meets
9 the criteria developed under this chapter. If the department makes such
10 a request, before submitting a substantially modified or new staff
11 performance evaluation plan to the department, the governing body
12 shall submit the staff performance evaluation plan to the teachers
13 employed by the school corporation for a vote. If at least seventy-five
14 percent (75%) of the voting teachers vote in favor of adopting the staff
15 performance evaluation plan, the governing body may submit the staff
16 performance evaluation plan to the department.

17 (d) Each school corporation shall submit its staff performance
18 evaluation plan to the department. The department shall publish the
19 staff performance evaluation plans on the department's Internet web
20 site. A school corporation must submit its staff performance evaluation
21 plan to the department for approval in order to qualify for any grant
22 funding related to this chapter.

23 SECTION 7. IC 20-28-11.5-9, AS AMENDED BY P.L.239-2015,
24 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
25 JULY 1, 2020]: Sec. 9. (a) The principal of a school in a school
26 corporation shall report in the aggregate the results of staff
27 performance evaluations for the school for the previous school year to
28 the superintendent and the governing body for the school corporation
29 before August 15 of each year on the schedule determined by the
30 governing body. The report must be presented in a public meeting of
31 the governing body. Before presentation to the governing body, the
32 superintendent of the school corporation shall discuss the report of
33 completed evaluations with the teachers. This discussion is not subject
34 to the open door law (IC 5-14-1.5). The report of completed evaluations
35 is not subject to bargaining, but a discussion of the report must be held.

36 (b) A school corporation annually shall provide the disaggregated
37 results of staff performance evaluations by teacher identification
38 numbers to the department:

- 39 (1) after completing the presentations required under subsection
- 40 (a) for all schools for the school corporation; and
- 41 (2) before November 15 of that year.

42 Before November 15 of each year, each charter school (including a



1 virtual charter school) shall provide the disaggregated results of staff
 2 performance evaluations by teacher identification numbers to the
 3 department.

4 (c) Before August 1 of each year, each charter school and school
 5 corporation shall provide to the department:

6 (1) the name of the teacher preparation program that
 7 recommended the initial license for each teacher employed by the
 8 school; and

9 (2) the annual retention rate for teachers employed by the school.

10 (d) Not before the beginning of the second semester (or the
 11 equivalent) of the school year and not later than August 1 of each year,
 12 the principal at each school described in subsection (b) shall complete
 13 a survey that provides information regarding the principal's assessment
 14 of the quality of instruction by each particular teacher preparation
 15 program located in Indiana for teachers employed at the school who
 16 initially received their teaching license in Indiana in the previous two
 17 (2) years. The survey shall be adopted by the state board and prescribed
 18 on a form developed not later than July 30, 2016, by the department
 19 that is aligned with the matrix system established under
 20 IC 20-28-3-1(i). The school shall provide the surveys to the department
 21 along with the information provided in subsection (c). The department
 22 shall compile the information contained in the surveys, broken down
 23 by each teacher preparation program located in Indiana. The
 24 department shall include information relevant to a particular teacher
 25 preparation program located in Indiana in the department's report under
 26 subsection (g).

27 (e) During the second semester (or the equivalent) of the school year
 28 and not later than August 1 of each year, each teacher employed by a
 29 school described in subsection (b) in Indiana who initially received a
 30 teacher's license in Indiana in the previous three (3) years shall
 31 complete a form after the teacher completes the teacher's initial year
 32 teaching at a particular school. The information reported on the form
 33 must:

34 (1) provide the year in which the teacher was hired by the school;

35 (2) include the name of the teacher preparation program that
 36 recommended the teacher for an initial license;

37 (3) describe subjects taught by the teacher;

38 (4) provide the location of different teaching positions held by the
 39 teacher since the teacher initially obtained an Indiana teaching
 40 license;

41 (5) provide a description of any mentoring the teacher has
 42 received while teaching in the teacher's current teaching position;



- 1 (6) describe the teacher's current licensure status; and
 2 (7) include an assessment by the teacher of the quality of
 3 instruction of the teacher preparation program in which the
 4 teacher participated.
- 5 The form shall be prescribed by the department. The forms shall be
 6 submitted to the department with the information provided in
 7 subsection (c). Upon receipt of the information provided in this
 8 subsection, the department shall compile the information contained in
 9 the forms and include an aggregated summary of the report on the
 10 department's Internet web site.
- 11 (f) Before December 15 of each year, the department shall report the
 12 results of staff performance evaluations in the aggregate to the state
 13 board, and to the public via the department's Internet web site for:
- 14 (1) the aggregate of certificated employees of each school and
 15 school corporation;
 16 (2) the aggregate of graduates of each teacher preparation
 17 program in Indiana;
 18 (3) for each school described in subsection (b), the annual rate of
 19 retention for certificated employees for each school within the
 20 charter school or school corporation; and
 21 (4) the aggregate results of staff performance evaluations for each
 22 category described in section ~~4(c)(4)~~ **4(c)(3)** of this chapter. In
 23 addition to the aggregate results, the results must be broken down:
 24 (A) by the content area of the initial teacher license received
 25 by teachers upon completion of a particular teacher
 26 preparation program; or
 27 (B) as otherwise requested by a teacher preparation program,
 28 as approved by the state board.
- 29 (g) Beginning November 1, 2016, and before September 1 of each
 30 year thereafter, the department shall report to each teacher preparation
 31 program in Indiana for teachers with three (3) or fewer years of
 32 teaching experience:
- 33 (1) information from the surveys relevant to that particular teacher
 34 education program provided to the department under subsection
 35 (d);
 36 (2) information from the forms relevant to that particular teacher
 37 preparation program compiled by the department under
 38 subsection (e); and
 39 (3) the results from the most recent school year for which data are
 40 available of staff performance evaluations for each category
 41 described in section ~~4(c)(4)~~ **4(c)(3)** of this chapter with three (3)
 42 or fewer years of teaching experience for that particular teacher



1 preparation program. The report to the teacher preparation
 2 program under this subdivision shall be in the aggregate form and
 3 shall be broken down by the teacher preparation program that
 4 recommended an initial teaching license for the teacher.

5 SECTION 8. IC 20-29-6-4.5, AS AMENDED BY P.L.217-2017,
 6 SECTION 102, IS AMENDED TO READ AS FOLLOWS
 7 [EFFECTIVE JULY 1, 2020]: Sec. 4.5. (a) For a contract entered into
 8 after June 30, 2011, a school employer may not bargain collectively
 9 with the exclusive representative on the following:

- 10 (1) The school calendar.
- 11 (2) Teacher dismissal procedures and criteria.
- 12 (3) Restructuring options available to a school employer under
 13 federal or state statutes, regulations, or rules because of the failure
 14 of the school corporation or a school to meet federal or state
 15 accountability standards.
- 16 (4) The ability of a school employer to contract, partner, or
 17 operate jointly with an educational entity that provides
 18 postsecondary credits to students of the school employer or dual
 19 credits from the school employer and the educational entity.
- 20 (5) Any subject not expressly listed in section 4 of this chapter.

21 (b) For a contract entered into after January 1, 2015, for a school
 22 year beginning after June 30, 2015, a school employer may not bargain
 23 collectively with the exclusive representative for the following:

- 24 (1) A matter described in subsection (a).
- 25 (2) A matter that another statute specifies is not subject to
 26 collective bargaining, including ~~IC 20-28-9-1.5~~ **IC 20-28-9-1.7**
 27 and IC 20-43-10-3.5.

28 (c) A subject set forth in subsection (a) or (b) that may not be
 29 bargained collectively may not be included in an agreement entered
 30 into under this article.

31 SECTION 9. IC 20-43-10-3.5, AS AMENDED BY P.L.108-2019,
 32 SECTION 231, IS AMENDED TO READ AS FOLLOWS
 33 [EFFECTIVE JULY 1, 2020]: Sec. 3.5. (a) As used in this section,
 34 "school" means a school corporation, charter school, and a virtual
 35 charter school.

36 (b) Subject to the requirements of this section, a school qualifies for
 37 a teacher appreciation grant as provided in this section for a state fiscal
 38 year if one (1) or more licensed teachers:

- 39 (1) employed in the classroom by the school; or
- 40 (2) directly providing virtual education;

41 were rated as effective or as highly effective, using the most recently
 42 completed teacher ratings.



1 (c) A school may not receive a teacher appreciation grant under this
2 section unless:

3 (1) the school has in the state fiscal year in which the teacher
4 appreciation grants are made under this section:

5 (A) adopted an annual policy concerning the distribution of
6 teacher appreciation grants; and

7 (B) submitted the policy to the department for approval; and

8 (2) the department has approved the policy.

9 The department shall specify the date by which a policy described in
10 subdivision (1) must be submitted to the department.

11 (d) The amount of a teacher appreciation grant for a qualifying
12 school corporation or virtual charter school is equal to:

13 (1) thirty-seven dollars and fifty-cents (\$37.50); multiplied by

14 (2) the school's current ADM.

15 However, the grant amount for a virtual charter school may not exceed
16 the statewide average grant amount.

17 (e) The following apply to the distribution of teacher appreciation
18 grants:

19 (1) If the total amount to be distributed as teacher appreciation
20 grants for a particular state fiscal year exceeds the amount
21 appropriated by the general assembly for teacher appreciation
22 grants for that state fiscal year, the total amount to be distributed
23 as teacher appreciation grants to schools shall be proportionately
24 reduced so that the total reduction equals the amount of the
25 excess. The amount of the reduction for a particular school is
26 equal to the total amount of the excess multiplied by a fraction.
27 The numerator of the fraction is the amount of the teacher
28 appreciation grant that the school would have received if a
29 reduction were not made under this section. The denominator of
30 the fraction is the total amount that would be distributed as
31 teacher appreciation grants to all schools if a reduction were not
32 made under this section.

33 (2) If the total amount to be distributed as teacher appreciation
34 grants for a particular state fiscal year is less than the amount
35 appropriated by the general assembly for teacher appreciation
36 grants for that state fiscal year, the total amount to be distributed
37 as teacher appreciation grants to schools for that particular state
38 fiscal year shall be proportionately increased so that the total
39 amount to be distributed equals the amount of the appropriation
40 for that particular state fiscal year.

41 (f) The annual teacher appreciation grant to which a school is
42 entitled for a state fiscal year shall be distributed to the school before



1 December 5 of that state fiscal year.

2 (g) The following apply to a school's policy under subsection (c)
3 concerning the distribution of teacher appreciation grants:

4 (1) The governing body shall differentiate between a teacher rated
5 as a highly effective teacher and a teacher rated as an effective
6 teacher. The policy must provide that the amount of a stipend
7 awarded to a teacher rated as a highly effective teacher must be
8 at least twenty-five percent (25%) more than the amount of a
9 stipend awarded to a teacher rated as an effective teacher.

10 (2) The governing body of a school may differentiate between
11 school buildings.

12 (3) A stipend to an individual teacher in a particular year is not
13 subject to collective bargaining, but is discussable, and is in
14 addition to the minimum salary or increases in salary set under
15 IC 20-28-9-1.5 and IC 20-28-9-1.7. The governing body may
16 provide that an amount not exceeding fifty percent (50%) of the
17 amount of a stipend to an individual teacher in a particular state
18 fiscal year becomes a permanent part of and increases the base
19 salary of the teacher receiving the stipend for school years
20 beginning after the state fiscal year in which the stipend is
21 received. The addition to base salary is not subject to collective
22 bargaining, but is discussable.

23 (h) A teacher appreciation grant received by a school shall be
24 allocated among and used only to pay cash stipends to all licensed
25 teachers employed in the classroom who are rated as effective or as
26 highly effective and employed by the school as of December 1. A
27 school may allocate up to twenty percent (20%) of the grant received
28 by the school to provide a supplemental award to teachers with less
29 than five (5) years of service who are rated as effective or as highly
30 effective. The supplemental award is in addition to the award made
31 from the part of the grant that is allocated to all eligible teachers.

32 (i) The lead school corporation or interlocal cooperative
33 administering a cooperative or other special education program or
34 administering a career and technical education program, including
35 programs managed under IC 20-26-10, IC 20-35-5, IC 20-37, or
36 IC 36-1-7, shall award teacher appreciation grant stipends to and carry
37 out the other responsibilities of an employing school corporation under
38 this section for the teachers in the special education program or career
39 and technical education program.

40 (j) A school shall distribute all stipends from a teacher appreciation
41 grant to individual teachers within twenty (20) business days of the
42 date the department distributes the teacher appreciation grant to the



1 school. Any part of the teacher appreciation grant not distributed as
2 stipends to teachers before February must be returned to the
3 department on the earlier of the date set by the department or June 30
4 of that state fiscal year.

5 (k) The department, after review by the budget committee, may
6 waive the December 5 deadline under subsection (f) to distribute an
7 annual teacher appreciation grant to the school under this section for
8 that state fiscal year and approve an extension of that deadline to a later
9 date within that state fiscal year, if the department determines that a
10 waiver and extension of the deadline are in the public interest.

11 (l) The state board may adopt rules under IC 4-22-2, including
12 emergency rules in the manner provided in IC 4-22-2-37.1, as
13 necessary to implement this section.

14 (m) This section expires June 30, 2021.

