

SENATE BILL No. 350

DIGEST OF INTRODUCED BILL

Citations Affected: IC 20-24; IC 20-28-9-1.5.

Synopsis: Various education matters. Requires the board of a charter school to consist of at least two members who reside within the geographic boundaries of the school corporation in which the charter school is located. Prohibits an authorizer from accepting a proposal to establish a charter school from an organizer that already operates a charter school in Indiana unless the organizer provides evidence of improvement and achievement of student academic performance at the charter school. Requires the department of education (department) to establish requirements or criteria to prevent charter school and organizer financial and enrollment fraud, waste, and abuse. Requires a charter school and organizer to obtain annually an independent audit. Provides that, not later than July 1, 2019, and each July 1 thereafter, each charter school and organizer shall submit a report to the department. Requires the department and each charter school to post a copy of the report on their respective Internet web sites. Provides that, if the department finds that a charter school or organizer has misrepresented facts or committed fraud, waste, or abuse, the department shall issue findings and may make recommendations to the state board of education to take certain action, including withholding distributions or requiring an authorizer to revoke the charter school's charter. Requires that at least 50% of the public meetings of a charter school be held in the geographic boundaries of the school corporation in which the charter school is located. Provides that increases or increments in a local teacher salary range are not required to be equal for all teachers even if the salary increases or increments are based on the same combination of weighted factors.

Effective: July 1, 2018.

Kruse

January 4, 2018, read first time and referred to Committee on Education and Career Development.



Second Regular Session 120th General Assembly (2018)

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 2017 Regular Session of the General Assembly.

SENATE BILL No. 350



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 20-24-2-3 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2018]: **Sec. 3. The board of a charter school must consist of at
4 least two (2) members who reside within the geographic
5 boundaries of the school corporation in which the charter school
6 is located.**

7 SECTION 2. IC 20-24-3-10.5 IS ADDED TO THE INDIANA
8 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
9 [EFFECTIVE JULY 1, 2018]: **Sec. 10.5. An authorizer may not
10 accept a proposal to establish a charter school from an organizer
11 that already operates a charter school in Indiana unless the
12 organizer provides evidence through the following of improvement
13 and achievement of student academic performance at the charter
14 school that the organizer already operates:**

- 15 (1) **Assessment measures, including the statewide assessment
16 program.**
- 17 (2) **Attendance rates.**



1 **(3) Graduation rates (if appropriate).**

2 **(4) Increased numbers of Core 40 diplomas and other college**
 3 **and career ready indicators, including advanced placement**
 4 **participation and passage, dual credit participation and**
 5 **passage, and International Baccalaureate participation and**
 6 **passage (if appropriate).**

7 **(5) Increased numbers of academic honors and technical**
 8 **honors diplomas (if appropriate).**

9 SECTION 3. IC 20-24-9-3.5 IS ADDED TO THE INDIANA CODE
 10 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 11 1, 2018]: **Sec. 3.5. (a) Not later than November 1, 2018, the**
 12 **department shall establish requirements or criteria to prevent**
 13 **charter school and organizer financial and enrollment fraud,**
 14 **waste, and abuse.**

15 **(b) Notwithstanding IC 5-11-1-9(b), each year, on or before a**
 16 **date established by the department, each charter school and**
 17 **organizer shall obtain in a manner prescribed by the department**
 18 **an independent audit of all public and private funds received.**

19 **(c) An organizer is considered a public agency for purposes of**
 20 **IC 5-14-3-2.**

21 **(d) Not later than July 1, 2019, and each July 1 thereafter, each**
 22 **charter school and organizer shall submit a report to the**
 23 **department containing the following:**

24 **(1) A copy of the annual audit described in subsection (b).**

25 **(2) The charter school's most recent enrollment count as**
 26 **determined by the department.**

27 **(3) This subdivision applies to an organizer. A listing**
 28 **containing the salary of each individual employed by the**
 29 **organizer.**

30 **(4) Any other information the department determines is**
 31 **necessary.**

32 **(e) The department and each charter school shall post a copy of**
 33 **the report described in subsection (d) on their respective Internet**
 34 **web sites.**

35 **(f) If the department finds that a charter school or organizer has**
 36 **misrepresented facts or committed fraud, waste, or abuse, the**
 37 **department shall send the charter school or organizer, as**
 38 **appropriate, and the authorizer, a summary of the department's**
 39 **findings. The charter school or organizer has thirty (30) days to**
 40 **respond to the findings. The department shall consider the**
 41 **response and may issue recommendations to the state board to do**
 42 **one (1) or more of the following:**



1 **(1) Require an authorizer to revoke the charter.**

2 **(2) Withhold distributions and funding to the charter school**
3 **or organizer.**

4 **(3) Require the charter school or organizer to take actions**
5 **specified by the department to remedy the issues contained in**
6 **the department's findings.**

7 **(g) Upon receipt of the department's recommendations, the state**
8 **board shall approve, deny, or modify the department's**
9 **recommendations and issue an order with the state board's**
10 **findings to the charter school or organizer and the authorizer.**

11 SECTION 4. IC 20-24-9-8 IS ADDED TO THE INDIANA CODE
12 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
13 1, 2018]: **Sec. 8. Beginning July 1, 2018, at least fifty percent (50%)**
14 **of the public meetings of a charter school board must be located in**
15 **the geographic boundaries of the school corporation in which the**
16 **charter school is located.**

17 SECTION 5. IC 20-28-9-1.5, AS AMENDED BY P.L.228-2017,
18 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
19 JULY 1, 2018]: Sec. 1.5. (a) This subsection governs salary increases
20 for a teacher employed by a school corporation. Compensation
21 attributable to additional degrees or graduate credits earned before the
22 effective date of a local compensation plan created under this chapter
23 before July 1, 2015, shall continue for school years beginning after
24 June 30, 2015. Compensation attributable to additional degrees for
25 which a teacher has started course work before July 1, 2011, and
26 completed course work before September 2, 2014, shall also continue
27 for school years beginning after June 30, 2015. For school years
28 beginning after June 30, 2015, a school corporation may provide a
29 supplemental payment to a teacher in excess of the salary specified in
30 the school corporation's compensation plan if the teacher teaches an
31 advanced placement course or has earned a master's degree from an
32 accredited postsecondary educational institution in a content area
33 directly related to the subject matter of:

34 (1) a dual credit course; or

35 (2) another course;

36 taught by the teacher. In addition, a supplemental payment may be
37 made to an elementary school teacher who earns a master's degree in
38 math or reading and literacy. A supplement provided under this
39 subsection is not subject to collective bargaining, but a discussion of
40 the supplement must be held. Such a supplement is in addition to any
41 increase permitted under subsection (b).

42 (b) Increases or increments in a local salary range must be based



1 upon a combination of the following factors:

2 (1) A combination of the following factors taken together may
3 account for not more than thirty-three and one-third percent
4 (33.33%) of the calculation used to determine a teacher's increase
5 or increment:

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

7 (B) The possession of either:

8 (i) additional content area degrees beyond the requirements
9 for employment; or

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

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

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

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

17 **(c) Increases or increments in a local salary range are not**
18 **required to be equal for all teachers even if the salary increases or**
19 **increments are based on the same combination of weighted factors**
20 **described in subsection (b).**

21 ~~(e)~~ **(d)** Except as provided in subsection ~~(d)~~, **(e)**, a teacher rated
22 ineffective or improvement necessary under IC 20-28-11.5 may not
23 receive any raise or increment for the following year if the teacher's
24 employment contract is continued. The amount that would otherwise
25 have been allocated for the salary increase of teachers rated ineffective
26 or improvement necessary shall be allocated for compensation of all
27 teachers rated effective and highly effective based on the criteria in
28 subsection (b).

29 ~~(d)~~ **(e)** Subsection ~~(e)~~ **(d)** does not apply to a teacher in the first two
30 (2) full school years that the teacher provides instruction to students in
31 elementary school or high school. If a teacher provides instruction to
32 students in elementary school or high school in another state, any full
33 school year, or its equivalent in the other state, that the teacher provides
34 instruction counts toward the two (2) full school years under this
35 subsection.

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

42 ~~(f)~~ **(g)** The Indiana education employment relations board



1 established in IC 20-29-3-1 shall publish a model compensation plan
2 with a model salary range that a school corporation may adopt.

3 ~~(g)~~ **(h)** Each school corporation shall submit its local compensation
4 plan to the Indiana education employment relations board. For a school
5 year beginning after June 30, 2015, a local compensation plan must
6 specify the range for teacher salaries. The Indiana education
7 employment relations board shall publish the local compensation plans
8 on the Indiana education employment relations board's Internet web
9 site.

10 ~~(h)~~ **(i)** The Indiana education employment relations board shall
11 review a compensation plan for compliance with this section as part of
12 its review under IC 20-29-6-6.1. The Indiana education employment
13 relations board has jurisdiction to determine compliance of a
14 compensation plan submitted under this section.

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

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

