



February 21, 2022

**ENGROSSED
SENATE BILL No. 356**

DIGEST OF SB 356 (Updated February 21, 2022 11:43 am - DI 116)

Citations Affected: IC 20-28; IC 20-31.

Synopsis: Education matters. Makes changes to the requirements necessary to obtain an initial practitioner license for an individual who completes an alternative teacher certification program and changes regarding teaching special education under the license. Provides that, for school years beginning after June 30, 2022, a school corporation may provide a supplemental payment to a teacher in excess of the salary specified in the school corporation's compensation plan. (Current (Continued next page)

Effective: Upon passage; July 1, 2022.

**Rogers, Buchanan, Raatz, Brown L,
Gaskill, Donato, Bassler, Boots,
Kruse, Doriot, Crane, Perfect, Sandlin,
Holdman, Zay, Walker G**
(HOUSE SPONSORS — BEHNING, GOODRICH, TESHKA)

January 11, 2022, read first time and referred to Committee on Education and Career Development.

January 27, 2022, amended, reported favorably — Do Pass.

January 31, 2022, read second time, amended, ordered engrossed.

February 1, 2022, engrossed. Read third time, passed. Yeas 31, nays 18.

HOUSE ACTION

February 8, 2022, read first time and referred to Committee on Education.

February 21, 2022, amended, reported — Do Pass.

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Digest Continued

law allows a school corporation to provide supplemental payment to a teacher in excess of the salary specified in the school corporation's compensation plan if certain circumstances apply.) Requires that, if the state board of education grants the designation of a transformation zone within a school corporation after June 30, 2022, the governing body of the school corporation may enter into an agreement with a nonprofit organization to manage and operate all of the schools included in the transformation zone. Provides that the governing body of a school corporation or entity that is a party to any agreement for the management and operation of a transformation zone may submit a complaint to the department of education (department) on a form established by the department for an alleged violation of the agreement. Provides that, not later than 30 days after the date a governing body or entity submits a complaint, the department shall issue a decision concerning the complaint. Provides that employees of a transformation zone may organize and create a separate bargaining unit to collectively bargain with the entity operating the transformation zone.

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February 21, 2022

Second Regular Session of the 122nd General Assembly (2022)

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 2021 Regular Session of the General Assembly.

ENGROSSED SENATE BILL No. 356

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 20-28-5-12.5, AS ADDED BY P.L.96-2021,
2 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 UPON PASSAGE]: Sec. 12.5. (a) The department shall grant an initial
4 practitioner license to an individual who:
5 ~~(1) is at least twenty-six (26) years of age;~~
6 ~~(2) (1) possesses a bachelor's degree from an accredited~~
7 ~~postsecondary four (4) year institution;~~
8 ~~(3) (2) successfully completes an alternative teacher certification~~
9 ~~program that includes:~~
10 (A) the required content training in the area in which the
11 individual seeks to be licensed;
12 (B) pedagogy training and an examination that is in
13 substantive alignment with nationally recognized pedagogical
14 standards and teaches effective:
15 (i) instructional delivery;

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- 1 (ii) classroom management and organization;
 2 (iii) assessment;
 3 (iv) instructional design; and
 4 (v) professional learning and leadership;
 5 (C) successful demonstration of content area proficiency in a
 6 examination that includes content area material in substantive
 7 alignment with nationally recognized content area standards in
 8 the areas that the individual is required to have a license to
 9 teach;
 10 (D) verification from a third party that regularly reviews
 11 educational and professional examinations that the alternative
 12 certification examination is equal to or greater in rigor than the
 13 written examination under section 12 of this chapter; and
 14 (E) content within the curriculum that prepares teacher
 15 candidates to use evidence based trauma informed classroom
 16 instruction, including instruction in evidence based social
 17 emotional learning classroom practices that are conducive to
 18 supporting students who have experienced trauma that may
 19 interfere with a student's academic functioning;
 20 ~~(4)~~ (3) successfully completes a Praxis Subject Assessment;
 21 ~~(5)~~ (4) holds a valid cardiopulmonary resuscitation certification
 22 from a provider approved by the department; and
 23 ~~(6)~~ (5) has attended youth suicide awareness and prevention
 24 training.
 25 (b) The individual must complete a one (1) year **clinical practical**
 26 experience program during the individual's first year in the classroom
 27 when the individual is employed as a full-time teacher. The provider
 28 must:
 29 (1) provide the **clinical practical** experience program at no cost
 30 to the state or to the school corporation, charter school, or state
 31 accredited nonpublic school; and
 32 (2) as part of the **clinical practical** instruction program, provide
 33 instruction in:
 34 (A) instructional design and planning;
 35 (B) effective instructional delivery;
 36 (C) classroom management and organization;
 37 (D) effective use of assessment data;
 38 (E) content in federal and Indiana special education laws; and
 39 (F) required awareness, preparation, and understanding of:
 40 (i) individualized education programs;
 41 (ii) service plans developed under 511 IAC 7-34;
 42 (iii) choice special education plans developed under 511



1 IAC 7-49; and

2 (iv) plans developed under Section 504 of the federal
3 Rehabilitation Act of 1973, 29 U.S.C. 794.

4 (c) An in-state alternative teacher certification program under
5 subsection ~~(a)(3)~~ **(a)(2)** must operate in accordance with the procedures
6 and program approval standards and requirements set by the
7 department and the state board for teacher education programs for the
8 licensure of teachers.

9 (d) An out-of-state alternative teacher certification program under
10 subsection ~~(a)(3)~~ **(a)(2)** must:

11 (1) currently operate in at least five (5) states; and

12 (2) have operated an alternative teacher certification program for
13 at least ten (10) years.

14 (e) An individual who receives an alternative teacher certification
15 under subsection ~~(a)(3)~~ **(a)(2)** is authorized to teach the subject and
16 educational level that the individual has successfully completed.

17 (f) An individual who receives an initial practitioner license under
18 this section shall be treated in the same manner as an individual who
19 receives an initial practitioner license after completing a traditional
20 teacher preparation program.

21 (g) An individual who graduates from an alternative teacher
22 certification program must be treated in the same manner as a
23 traditional teacher preparation program graduate during the transition
24 from an initial practitioner license to a practitioner license.

25 (h) An individual who receives an initial practitioner license under
26 this section may not teach a special education course ~~or be a teacher of~~
27 ~~record~~ for a special education student for the period the individual
28 maintains a license under this section **unless the individual is at least**
29 **twenty-six (26) years of age and employed in a school setting or**
30 **with an other community organization, including a for-profit or**
31 **nonprofit organization, to provide care or instruction for a student**
32 **with a physical, intellectual, or developmental disability. However,**
33 **an individual who receives an initial practitioner license under this**
34 **section may not be a teacher of record for a special education**
35 **student for the period the individual maintains a license under this**
36 **section.**

37 (i) A school corporation, charter school, or state accredited
38 nonpublic school shall submit a plan to the department if the school
39 corporation, charter school, or state accredited nonpublic school hires
40 one (1) or more individuals who have received an initial practitioner
41 license under this section. The plan must be submitted in a manner
42 prescribed by the department and must include a description of how the



1 school corporation, charter school, or state accredited nonpublic school
 2 will, excluding the ~~clinical~~ **practical** experience program described in
 3 subsection (b), provide an individual who receives an initial
 4 practitioner license under this section opportunities to obtain exposure
 5 to classroom management and instructional techniques, including
 6 meaningful exposure to special education. The plan is a public record.

7 (j) Not later than July 1, 2024, the department shall prepare a report
 8 that shall be submitted to the general assembly in an electronic format
 9 under IC 5-14-6. The report must contain the following information:

10 (1) Data showing how many teachers obtained an initial
 11 practitioner license under this section.

12 (2) A description of the number of teachers who received an
 13 initial practitioner license under this section who are currently
 14 employed as a teacher by each:

15 (A) school corporation;

16 (B) charter school; or

17 (C) state accredited nonpublic school.

18 The description must include a breakdown of the subjects taught
 19 by teachers who receive an initial practitioner license under this
 20 section.

21 (3) A comparison of the Praxis Subject Assessment pass rates for
 22 individuals who receive an initial practitioner license under this
 23 section in comparison with the Praxis Subject Assessment pass
 24 rates for teachers who obtained an initial practitioner license
 25 using a different pathway to licensure.

26 (4) A description of how many teachers who received an initial
 27 practitioner license under this section are rated as effective or
 28 highly effective.

29 SECTION 2. IC 20-28-9-1.5, AS AMENDED BY P.L.216-2021,
 30 SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 31 JULY 1, 2022]: Sec. 1.5. (a) This subsection governs salary increases
 32 for a teacher employed by a school corporation. Compensation
 33 attributable to additional degrees or graduate credits earned before the
 34 effective date of a local compensation plan created under this chapter
 35 before July 1, 2015, shall continue for school years beginning after
 36 June 30, 2015. Compensation attributable to additional degrees for
 37 which a teacher has started course work before July 1, 2011, and
 38 completed course work before September 2, 2014, shall also continue
 39 for school years beginning after June 30, 2015. For school years
 40 beginning after June 30, ~~2015,~~ **2022**, a school corporation may provide
 41 a supplemental payment to a teacher in excess of the salary specified
 42 in the school corporation's compensation plan. ~~under any of the~~



- 1 following circumstances:
- 2 (1) The teacher:
- 3 (A) teaches an advanced placement course or a Cambridge
- 4 International course; or
- 5 (B) has earned a master's degree from an accredited
- 6 postsecondary educational institution in a content area directly
- 7 related to the subject matter of:
- 8 (i) a dual credit course; or
- 9 (ii) another course;
- 10 taught by the teacher.
- 11 (2) Beginning after June 30, 2018, the teacher:
- 12 (A) is a special education professional; or
- 13 (B) teaches in the areas of science, technology, engineering, or
- 14 mathematics.
- 15 (3) Beginning after June 30, 2019, the teacher teaches a career or
- 16 technical education course.
- 17 In addition, a supplemental payment may be made to an elementary
- 18 school teacher who earns a master's degree in math, reading, or
- 19 literacy. A supplement provided under this subsection is not subject to
- 20 collective bargaining but a discussion of the supplement must be held.
- 21 Such a supplement is in addition to any increase permitted under
- 22 subsection (b).
- 23 (b) Increases or increments in a local salary range must be based
- 24 upon a combination of the following factors:
- 25 (1) A combination of the following factors taken together may
- 26 account for not more than fifty percent (50%) of the calculation
- 27 used to determine a teacher's increase or increment:
- 28 (A) The number of years of a teacher's experience.
- 29 (B) The possession of either:
- 30 (i) additional content area degrees beyond the requirements
- 31 for employment; or
- 32 (ii) additional content area degrees and credit hours beyond
- 33 the requirements for employment, if required under an
- 34 agreement bargained under IC 20-29.
- 35 (2) The results of an evaluation conducted under IC 20-28-11.5.
- 36 (3) The assignment of instructional leadership roles, including the
- 37 responsibility for conducting evaluations under IC 20-28-11.5.
- 38 (4) The academic needs of students in the school corporation.
- 39 (c) To provide greater flexibility and options, a school corporation
- 40 may differentiate the amount of salary increases or increments
- 41 determined for teachers. A school corporation shall base a
- 42 differentiated amount under this subsection on reasons the school



corporation determines are appropriate, which may include the:

- (1) subject or subjects ~~including the subjects described in subsection (a)(2)~~; taught by a given teacher;
- (2) importance of retaining a given teacher at the school corporation; ~~and~~
- (3) need to attract an individual with specific qualifications to fill a teaching vacancy; **and**
- (4) offering of a new program or class.**

(d) A school corporation may provide differentiated increases or increments under subsection (b), and in excess of the percentage specified in subsection (b)(1), in order to:

- (1) reduce the gap between the school corporation's minimum teacher salary and the average of the school corporation's minimum and maximum teacher salaries; or
- (2) allow teachers currently employed by the school corporation to receive a salary adjusted in comparison to starting base salaries of new teachers.

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

(f) Subsection (e) does not apply to a teacher in the first two (2) full school years that the teacher provides instruction to students in elementary school or high school. If a teacher provides instruction to students in elementary school or high school in another state, any full school year, or its equivalent in the other state, that the teacher provides instruction counts toward the two (2) full school years under this subsection.

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

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

(i) Each school corporation shall submit its local compensation plan



1 to the Indiana education employment relations board. For a school year
 2 beginning after June 30, 2015, a local compensation plan must specify
 3 the range for teacher salaries. The Indiana education employment
 4 relations board shall publish the local compensation plans on the
 5 Indiana education employment relations board's Internet web site.

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

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

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

18 SECTION 3. IC 20-31-9.5-9.5, AS AMENDED BY P.L.211-2021,
 19 SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 20 JULY 1, 2022]: Sec. 9.5. (a) The governing body of a school that has
 21 been placed in the lowest two (2) categories or designations may
 22 submit a plan to the state board to create a transformation zone within
 23 the school corporation. A plan may be developed with the assistance of
 24 the department. After June 30, 2021, the state board may not use the
 25 establishment of a transformation zone under this section as an
 26 intervention in a particular school corporation to improve school
 27 performance.

28 (b) The state board shall grant the designation as a transformation
 29 zone unless the state board concludes that the submitted plan does not
 30 substantially meet the criteria set forth in this section. All plans must
 31 be submitted to the state board not later than April 15, 2016, or April
 32 15 each year thereafter. All plans must be approved or denied by the
 33 state board not later than July 1 of the first year of implementation.

34 (c) Each plan must include the following information:

35 (1) An organizational chart that demonstrates that the leader of
 36 the transformation zone reports directly to the school corporation's
 37 superintendent.

38 (2) A description of the innovations the school corporation will
 39 implement, which may include:

40 (A) innovations in school staffing;

41 (B) curriculum and nonmandated assessments;

42 (C) class scheduling;



- 1 (D) the length of the school day or year;
 2 (E) the use of financial and other resources;
 3 (F) teacher recruitment, employment, and compensation; and
 4 (G) other innovations.
- 5 (3) The objective annual student performance and growth or
 6 improvement performance gains that the school corporation
 7 expects to achieve over the next five (5) years.
- 8 (4) A budget demonstrating financial sustainability of the
 9 transformation zone.
- 10 (5) A description of any regulatory or district policy requirements,
 11 subject to the state board's approval, that would need to be waived
 12 for the school corporation to implement the transformation zone.
- 13 (d) Subject to subsection (e), a school within the transformation
 14 zone is not subject to IC 20-29 unless the school corporation
 15 voluntarily recognizes an exclusive representative under IC 20-29-5-2.
 16 If the school corporation voluntarily recognizes an exclusive
 17 representative under IC 20-29-5-2, the school corporation may
 18 authorize a school within the transformation zone to opt out of
 19 bargaining allowable subjects or discussing discussion items by
 20 specifying the excluded items on the notice required under
 21 IC 20-29-5-2(b). Such notice must be provided to the education
 22 employment relations board at the time of the notice's posting.
- 23 (e) Subsection (d) applies only to a school that has been designated
 24 as a transformation zone following the third consecutive year in the
 25 lowest performance category or designation.
- 26 **(f) For any collective bargaining agreement under IC 20-29**
 27 **entered into after June 30, 2022, a governing body is not bound by**
 28 **its collective bargaining agreement for employees of a**
 29 **transformation zone established under this section. Employees of**
 30 **a transformation zone may organize and create a separate**
 31 **bargaining unit to collectively bargain with the entity operating the**
 32 **transformation zone under IC 20-29. The entity operating the**
 33 **transformation zone is considered the school employer for**
 34 **purposes of IC 20-29.**
- 35 (¶) (g) All plans approved under this chapter shall be sent by the
 36 state board to the education employment relations board not later than
 37 fifteen (15) days after the plan's approval.
- 38 SECTION 4. IC 20-31-9.5-12 IS ADDED TO THE INDIANA
 39 CODE AS A NEW SECTION TO READ AS FOLLOWS
 40 [EFFECTIVE JULY 1, 2022]: **Sec. 12. (a) This section applies to a**
 41 **transformation zone granted designation by the state board under**
 42 **section 9.5 of this chapter after June 30, 2022.**



1 **(b) If the state board grants the designation of a transformation**
 2 **zone within a school corporation under section 9.5 of this chapter,**
 3 **the governing body of the school corporation may enter into an**
 4 **agreement with a nonprofit organization to manage and operate all**
 5 **of the schools included in the transformation zone.**

6 **(c) An agreement entered into under subsection (b) must:**

7 **(1) provide that the nonprofit organization has managerial**
 8 **and operational autonomy over the schools included in the**
 9 **transformation zone; and**

10 **(2) include details regarding the funding structure of the**
 11 **transformation zone.**

12 SECTION 5. IC 20-31-9.5-13 IS ADDED TO THE INDIANA
 13 CODE AS A NEW SECTION TO READ AS FOLLOWS
 14 [EFFECTIVE JULY 1, 2022]: **Sec. 13. (a) If a governing body of a**
 15 **school corporation has entered into an agreement with an entity to**
 16 **manage and operate schools included in a transformation zone of**
 17 **the school corporation, the governing body or entity that is a party**
 18 **to the agreement may submit a complaint to the department on a**
 19 **form established by the department for an alleged violation of the**
 20 **agreement.**

21 **(b) Not later than thirty (30) days after the date a governing**
 22 **body or entity submits a complaint under subsection (a), the**
 23 **department shall issue a decision concerning the complaint.**

24 SECTION 6. An emergency is declared for this act.



COMMITTEE REPORT

Madam President: The Senate Committee on Education and Career Development, to which was referred Senate Bill No. 356, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 6, line 23, delete "and:" and insert "**and employed in a school setting or with an other community organization, including a for-profit or nonprofit organization, to provide care or instruction for a student with a physical, intellectual, or developmental disability.**".

Page 6, delete lines 24 through 28.

and when so amended that said bill do pass.

(Reference is to SB 356 as introduced.)

RAATZ, Chairperson

Committee Vote: Yeas 7, Nays 5.

 SENATE MOTION

Madam President: I move that Senate Bill 356 be amended to read as follows:

Page 4, line 13, after "25." insert "**(a)**".

Page 4, delete lines 17 through 21, begin a new line block indented and insert:

"(1) a school corporation to post a vacant adjunct teacher position; and

(2) an individual to:

(A) post a resume;

(B) post any other information requested by the school corporation through the portal or system;

(C) make inquiries to the school corporation through the portal or system; and

(D) view information relating to adjunct teachers employed by a particular school corporation reported to the department in accordance with IC 20-28-5-27(g).

(b) The department shall post the information received under IC 20-28-5-27(g) on the department's portal or teacher referral

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system described in subsection (a)."

Page 7, line 21, delete "The" and insert "**In an effort to fill a vacant teaching position, offer a new program or class, or supplement a program currently being offered, the**".

Page 7, delete lines 41 through 42, begin a new paragraph and insert:

"(b) If a governing body of a school corporation issues an adjunct teacher permit to an individual under subsection (a):

(1) the school corporation may enter into a contract for employment with the individual as a part-time teacher of the school corporation working not more than twenty (20) hours per week; and

(2) the individual must complete the following training within the first ninety (90) days of employment:

(A) IC 20-26-5-34.2 (bullying prevention).

(B) IC 20-28-3-4.5 (training on child abuse and neglect).

(C) IC 20-28-3-6 (youth suicide awareness and prevention training).

(D) IC 20-28-3-7 (training on human trafficking)."

Page 8, delete lines 1 through 3.

Page 8, between lines 15 and 16, begin a new paragraph and insert:

"(g) Each school corporation that hires an adjunct teacher under this section shall report to the department the following information:

(1) The number of adjunct teachers who hold a permit issued under this section that the school corporation has hired each school year, disaggregated by the grade level and subject area taught by the adjunct teacher.

(2) The following information for each adjunct teacher described in subdivision (1):

(A) The name of the adjunct teacher.

(B) The subject matter the adjunct teacher is permitted to teach.

(C) A description of the adjunct teacher's experience described in subsection (a)(1).

(D) The adjunct teacher's total salary and any other compensation paid to the adjunct teacher during the school year.

(E) The number of previous adjunct teaching contracts the adjunct teacher has entered into with the school corporation or any other school corporation."

Page 8, line 16, delete "(g)" and insert "(h)".



Page 8, line 17, delete "established" and insert "**or teacher referral system described in**".

Page 8, line 18, delete "under".

Page 9, between lines 36 and 37, begin a new line double block indented and insert:

"(D) The classes and subject matter areas that the adjunct teacher will be teaching."

Page 9, line 37, delete "(D)" and insert "(E)".

Page 9, delete lines 41 through 42.

Page 10, line 34, delete "bargaining." and insert "bargaining".

Page 10, line 34, reset in roman "but a discussion of the supplement must be held."

(Reference is to SB 356 as printed January 28, 2022.)

ROGERS

COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred Senate Bill 356, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, delete lines 1 through 15.

Delete pages 2 through 3.

Page 4, delete lines 1 through 30.

Page 6, line 29, strike "or be a teacher of".

Page 6, line 30, strike "record".

Page 6, line 35, after "disability." insert "**However, an individual who receives an initial practitioner license under this section may not be a teacher of record for a special education student for the period the individual maintains a license under this section.**".

Page 7, delete lines 28 through 42.

Delete pages 8 through 9.

Page 10, delete lines 1 through 39.

Page 13, delete lines 29 through 42, begin a new paragraph and insert:

"SECTION 10. IC 20-31-9.5-9.5, AS AMENDED BY P.L.211-2021, SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 9.5. (a) The governing

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body of a school that has been placed in the lowest two (2) categories or designations may submit a plan to the state board to create a transformation zone within the school corporation. A plan may be developed with the assistance of the department. After June 30, 2021, the state board may not use the establishment of a transformation zone under this section as an intervention in a particular school corporation to improve school performance.

(b) The state board shall grant the designation as a transformation zone unless the state board concludes that the submitted plan does not substantially meet the criteria set forth in this section. All plans must be submitted to the state board not later than April 15, 2016, or April 15 each year thereafter. All plans must be approved or denied by the state board not later than July 1 of the first year of implementation.

(c) Each plan must include the following information:

(1) An organizational chart that demonstrates that the leader of the transformation zone reports directly to the school corporation's superintendent.

(2) A description of the innovations the school corporation will implement, which may include:

(A) innovations in school staffing;

(B) curriculum and nonmandated assessments;

(C) class scheduling;

(D) the length of the school day or year;

(E) the use of financial and other resources;

(F) teacher recruitment, employment, and compensation; and

(G) other innovations.

(3) The objective annual student performance and growth or improvement performance gains that the school corporation expects to achieve over the next five (5) years.

(4) A budget demonstrating financial sustainability of the transformation zone.

(5) A description of any regulatory or district policy requirements, subject to the state board's approval, that would need to be waived for the school corporation to implement the transformation zone.

(d) Subject to subsection (e), a school within the transformation zone is not subject to IC 20-29 unless the school corporation voluntarily recognizes an exclusive representative under IC 20-29-5-2. If the school corporation voluntarily recognizes an exclusive representative under IC 20-29-5-2, the school corporation may authorize a school within the transformation zone to opt out of bargaining allowable subjects or discussing discussion items by specifying the excluded items on the notice required under



IC 20-29-5-2(b). Such notice must be provided to the education employment relations board at the time of the notice's posting.

(e) Subsection (d) applies only to a school that has been designated as a transformation zone following the third consecutive year in the lowest performance category or designation.

(f) For any collective bargaining agreement under IC 20-29 entered into after June 30, 2022, a governing body is not bound by its collective bargaining agreement for employees of a transformation zone established under this section. Employees of a transformation zone may organize and create a separate bargaining unit to collectively bargain with the entity operating the transformation zone under IC 20-29. The entity operating the transformation zone is considered the school employer for purposes of IC 20-29.

(f) (g) All plans approved under this chapter shall be sent by the state board to the education employment relations board not later than fifteen (15) days after the plan's approval.

SECTION 11. IC 20-31-9.5-12 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: **Sec. 12. (a) This section applies to a transformation zone granted designation by the state board under section 9.5 of this chapter after June 30, 2022.**

(b) If the state board grants the designation of a transformation zone within a school corporation under section 9.5 of this chapter, the governing body of the school corporation may enter into an agreement with a nonprofit organization to manage and operate all of the schools included in the transformation zone.

(c) An agreement entered into under subsection (b) must:

- (1) provide that the nonprofit organization has managerial and operational autonomy over the schools included in the transformation zone; and**
- (2) include details regarding the funding structure of the transformation zone.**

SECTION 12. IC 20-31-9.5-13 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: **Sec. 13. (a) If a governing body of a school corporation has entered into an agreement with an entity to manage and operate schools included in a transformation zone of the school corporation, the governing body or entity that is a party to the agreement may submit a complaint to the department on a form established by the department for an alleged violation of the agreement.**



(b) Not later than thirty (30) days after the date a governing body or entity submits a complaint under subsection (a), the department shall issue a decision concerning the complaint."

Page 14, delete lines 1 through 2.

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 356 as reprinted February 1, 2022.)

BEHNING

Committee Vote: yeas 6, nays 4.

