



January 24, 2014

SENATE BILL No. 397

DIGEST OF SB 397 (Updated January 22, 2014 12:05 pm - DI 84)

Citations Affected: IC 12-15; IC 20-28; IC 20-31.

Synopsis: Matters concerning children in nursing facilities. Requires the office of Medicaid policy and planning to reimburse in a specified manner for a specialized or nonstandard wheelchair for a child recipient who resides in a nursing facility. Specifies that a school employee who teaches a child who resides in a nursing facility and attends the school may not be adversely assessed on the employee's performance evaluation based on the child's assessment results. Requires the state board of education to develop alternative benchmarks, performance indicators, and accountability standards to be used in the evaluation of students who reside in nursing facilities.

Effective: July 1, 2014.

**Leising, Miller Patricia,
Charbonneau, Stoops**

January 14, 2014, read first time and referred to Committee on Health and Provider Services.
January 23, 2014, reported favorably — Do Pass.

SB 397—LS 6440/DI 104



January 24, 2014

Second Regular Session 118th General Assembly (2014)

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 2013 Regular Session and 2013 First Regular Technical Session of the General Assembly.

SENATE BILL No. 397

A BILL FOR AN ACT to amend the Indiana Code concerning human services.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 12-15-5-12 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2014]: **Sec. 12. (a) The office shall reimburse a nursing facility**
4 **for a specialized or nonstandard wheelchair for a child recipient**
5 **who resides in a nursing facility at a rate outside the nursing**
6 **facility's per diem payment for nursing facility services, regardless**
7 **of whether the child recipient is determined by the office to be**
8 **rehabilitative.**

9 **(b) The office may require prior authorization for**
10 **reimbursement under this section.**

11 SECTION 2. IC 20-28-11.5-4, AS ADDED BY P.L.90-2011,
12 SECTION 39, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
13 JULY 1, 2014]: Sec. 4. (a) Each school corporation shall develop a
14 plan for annual performance evaluations for each certificated employee
15 (as defined in IC 20-29-2-4). A school corporation shall implement the
16 plan beginning with the 2012-2013 school year.

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

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

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

8 (3) The Peer Assistance and Review Teacher Evaluation System
 9 (PAR).

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

11 (1) Performance evaluations for all certificated employees,
 12 conducted at least annually.

13 (2) **Except as provided in subsection (e)**, objective measures of
 14 student achievement and growth to significantly inform the
 15 evaluation. The objective measures must include:

16 (A) student assessment results from statewide assessments for
 17 certificated employees whose responsibilities include
 18 instruction in subjects measured in statewide assessments;

19 (B) methods for assessing student growth for certificated
 20 employees who do not teach in areas measured by statewide
 21 assessments; and

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

26 (3) Rigorous measures of effectiveness, including observations
 27 and other performance indicators.

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

30 (A) Highly effective.

31 (B) Effective.

32 (C) Improvement necessary.

33 (D) Ineffective.

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

36 (6) A provision that a teacher who negatively affects student
 37 achievement and growth cannot receive a rating of highly
 38 effective or effective.

39 (d) The evaluator shall discuss the evaluation with the certificated
 40 employee.

41 (e) **A certificated employee who teaches a child who resides in**
 42 **a nursing facility and attends the school may not be adversely**



1 **assessed on the employee's performance evaluation based on the**
2 **child's assessment results.**
3 SECTION 3. IC 20-31-8-4.5, AS ADDED BY P.L.205-2013,
4 SECTION 255, IS AMENDED TO READ AS FOLLOWS
5 [EFFECTIVE JULY 1, 2014]: Sec. 4.5. **(a)** In addition to other
6 benchmarks, performance indicators, and accountability standards
7 developed under this article, the state board shall develop alternative
8 benchmarks, performance indicators, and accountability standards to
9 be used in the assessment of schools that focus exclusively on
10 providing an academic program for students with developmental,
11 intellectual, or behavioral challenges.
12 **(b) The state board shall develop alternative benchmarks,**
13 **performance indicators, and accountability standards to be used in**
14 **the evaluation of students who reside in nursing facilities.**



COMMITTEE REPORT

Madam President: The Senate Committee on Health and Provider Services, to which was referred Senate Bill No. 397, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is to SB 397 as introduced.)

Committee Vote: Yeas 10, Nays 0

Senator Miller Patricia, Chairperson

