

First Regular Session of the 121st General Assembly (2019)

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 2018 Regular and Special Session of the General Assembly.

SENATE ENROLLED ACT No. 438

AN ACT to amend the Indiana Code concerning education.

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

SECTION 1. IC 20-18-2-27 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JULY 1, 2019]: **Sec. 27. "Workplace specialist license" refers to a workplace specialist license described in 511 IAC 17-1-2 or its successor rule.**

SECTION 2. IC 20-28-4-6, AS AMENDED BY P.L.90-2011, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 6. The department shall grant an initial practitioner license to a program participant who does the following:

- (1) Successfully completes the requirements of the program.
- (2) Demonstrates proficiency through a written examination in:
 - ~~(A)~~ **(A)** basic reading, writing, and mathematics;
 - ~~(B)~~ **(A)** pedagogy; and
 - ~~(C)~~ **(B)** knowledge of the areas in which the program participant is required to have a license to teach; under IC 20-28-5-12(b).
- (3) Possesses a bachelor's degree.**
- ~~(4)~~ **(4)** Participates successfully in a beginning teacher residency program that includes implementation in a classroom of the teaching skills learned in the program.
- ~~(5)~~ **(5)** Receives a successful assessment of teaching skills upon completion of the beginning teacher residency program under

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subdivision ~~(3)~~ (4) from the administrator of the school where the beginning teacher residency program takes place, or, if the program participant does not receive a successful assessment, continues participating in the beginning teacher residency program.

SECTION 3. IC 20-28-5-12, AS AMENDED BY P.L.106-2016, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 12. (a) Subsection (b) does not apply to an individual who:

- (1) held an Indiana limited, reciprocal, or standard teaching license on June 30, 1985; or
- (2) is granted a license under section 18 of this chapter.

(b) The department may not grant an initial practitioner license to an individual unless the individual has demonstrated proficiency in the following areas on a written examination or through other procedures prescribed by the department:

- ~~(1) Basic reading, writing, and mathematics.~~
- ~~(2) (1) Pedagogy.~~
- ~~(3) (2) Knowledge of the areas in which the individual is required to have a license to teach.~~
- ~~(4) (3) If the individual is seeking to be licensed as an elementary school teacher, comprehensive scientifically based reading instruction skills, including:~~
 - (A) phonemic awareness;
 - (B) phonics instruction;
 - (C) fluency;
 - (D) vocabulary; and
 - (E) comprehension.

(c) An individual's license examination score may not be disclosed by the department without the individual's consent unless specifically required by state or federal statute or court order.

(d) The state board shall adopt rules under IC 4-22-2 to do the following:

- (1) Adopt, validate, and implement the examination or other procedures required by subsection (b).
- (2) Establish examination scores indicating proficiency.
- (3) Otherwise carry out the purposes of this section.

(e) Subject to section 18 of this chapter, the state board shall adopt rules under IC 4-22-2 establishing the conditions under which the requirements of this section may be waived for an individual holding a valid teacher's license issued by another state.

SECTION 4. IC 20-28-5-21, AS ADDED BY P.L.170-2018,



SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 21. To be eligible for a career specialist permit to teach in a secondary school, an applicant must meet one (1) of the following:

(1) The applicant:

- (A) has a bachelor's degree with a cumulative grade point average of at least 3.0 on a 4.0 scale (or its equivalent if another grading scale is used) in the content area in which the applicant intends to teach;
- (B) has passed the approved content area examination in the content area in which the applicant intends to teach;
- (C) demonstrates proficiency in the area of pedagogy under procedures prescribed by the department; and
- (D) has, within the immediately preceding five (5) years, at least ~~six~~ **four** thousand ~~(6,000)~~ **(4,000)** clock hours of documented occupational experience in the content area in which the applicant intends to teach.

(2) The applicant:

- (A) meets the requirements under subdivision (1)(A) or (1)(B);
- (B) demonstrates proficiency in the area of pedagogy under procedures prescribed by the department; and
- (C) has, within the immediately preceding seven (7) years, at least ~~ten~~ **five** thousand ~~(10,000)~~ **(5,000)** clock hours of documented occupational experience in the content area in which the applicant intends to teach.

SECTION 5. IC 20-28-5-22.5 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 22.5. To be eligible for a workplace specialist license, an applicant must meet the following criteria:**

- (1) Hold a high school diploma and be at least twenty-one (21) years of age.**
- (2) Be accepted for employment as a workplace specialist teacher in a recognized content area listed on the workplace specialist license by at least one (1) of the following:**
 - (A) An Indiana school corporation.**
 - (B) A cooperating school corporation for career and technical education organized under IC 20-37-1-1.**
 - (C) An accredited education program offered by the department of correction.**
- (3) Complete the application process required by the department.**



(4) Provide documentation that the applicant meets at least one (1) of the following criteria:

(A) The applicant has, within the immediately preceding five (5) years, at least five thousand (5,000) clock hours of documented occupational experience in the specific career and technical occupational area in which the applicant intends to teach.

(B) The applicant has:

(i) within the immediately preceding ten (10) years, at least four thousand (4,000) clock hours of documented occupational experience in the specific career and technical occupational area in which the applicant intends to teach; and

(ii) completed a state approved occupational competency exam in the career and technical occupational area in which the applicant intends to teach, an associate, baccalaureate, or graduate degree from a postsecondary educational institution in the career and technical occupational area in which the applicant intends to teach, or an approved apprenticeship or internship program that is a regular part of the training for the career and technical occupational area in which the applicant intends to teach.

SECTION 6. IC 20-28-5-23 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 23. The department shall enter into the National Association of State Directors of Teacher Education and Certification (NASDTEC) Interstate Agreement.**

SECTION 7. IC 20-28-11.5-4, AS AMENDED BY P.L.239-2015, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 4. (a) Each school corporation shall develop a plan for annual performance evaluations for each certificated employee. A school corporation shall implement the plan beginning with the 2012-2013 school year.**

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

- (1) A plan using master teachers or contracting with an outside vendor to provide master teachers.**
- (2) The System for Teacher and Student Advancement (TAP).**
- (3) The Peer Assistance and Review Teacher Evaluation System**



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(c) A plan must include the following components:

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

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

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

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

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

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

(4) An annual designation of each certificated employee in one

(1) of the following rating categories:

(A) Highly effective.

(B) Effective.

(C) Improvement necessary.

(D) Ineffective.

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

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

(7) For annual performance evaluations for school years beginning after June 30, 2015, provide for a pre-evaluation planning session conducted by the superintendent or equivalent authority for the school corporation with the principals in the school corporation.

(d) In developing a performance evaluation ~~model~~, **plan**, a school corporation may consider the following:

(1) Test scores of students (both formative and summative).

(2) Classroom presentation observations.

(3) Observation of student-teacher interaction.

(4) Knowledge of subject matter.

(5) Dedication and effectiveness of the teacher through time and



effort on task.

- (6) Contributions of teachers through group teacher interactivity in fulfilling the school improvement plan.
- (7) Cooperation of the teacher with supervisors and peers.
- (8) Extracurricular contributions of the teacher.
- (9) Outside performance evaluations.
- (10) Compliance with school corporation rules and procedures.
- (11) Other items considered important by the school corporation in developing each student to the student's maximum intellectual potential and performance.

The state board and the department may recommend additional factors, but may not require additional factors unless directed to do so by the general assembly.

(e) The state board may create a method or model to align currently used performance evaluation plan factors with each of the following indicators:

- (1) Maximizing instructional time.**
- (2) Student engagement.**
- (3) Developing student understanding and mastery of lesson objectives.**
- (4) Tracking student data and analyzing progress.**
- (5) Checking for student understanding.**

(f) This subsection applies to plans applicable to annual performance evaluations for school years beginning after June 30, 2015. The plan must:

- (1) be in writing; and
- (2) be explained to the governing body in a public meeting;

before the evaluations are conducted. Before explaining the plan to the governing body, the superintendent of the school corporation shall discuss the plan with teachers or the teachers' representative, if there is one. This discussion is not subject to the open door law (IC 5-14-1.5). The plan is not subject to bargaining, but a discussion of the plan must be held.

(g) The evaluator shall discuss the evaluation with the certificated employee.

SECTION 8. [EFFECTIVE UPON PASSAGE] (a) As used in this SECTION, "commission" refers to the commission for higher education established by IC 21-18-2-1.

(b) As used in this SECTION, "dual credit course" has the meaning set forth in IC 21-43-1-2.5.

(c) As used in this SECTION, "state educational institution" has the meaning set forth in IC 21-7-13-32.



(d) The commission shall establish a dual credit advisory council to review and update, as needed, the requirements under HEA 1370-2016 (P.L.175-2016) concerning ensuring that a teacher who currently teaches a high school dual credit course on behalf of or under an agreement with a state educational institution can, by July 1, 2022, meet accreditation requirements established by the state educational institution's regional accrediting agency or an association recognized by the United States Department of Education.

(e) The dual credit advisory council established under subsection (d) shall:

(1) review and update, as needed, any remaining gaps in credentialing a teacher who teaches a dual credit course in Indiana;

(2) make recommendations for closing the gaps described in subdivision (1) in a manner that:

(A) considers programs, policies, and methods for school corporations and dual credit providers that incentivize dual credit teachers to pursue additional course work or requisites in order to continue to teach dual credit courses;

(B) identifies potential funding mechanisms for dual credit teachers to pursue additional course work and requisites in order to continue to teach dual credit courses; and

(C) will ensure that the course work or other requirements will be provided during summers, evenings, online, and on weekends;

(3) make recommendations regarding funding, including state funded grants or scholarships, to ensure that teachers who teach dual credit courses will not be required to make personal expenditures; and

(4) prepare a report concerning the council's findings and recommendations.

(f) Not later than November 1, 2019, the dual credit advisory council shall submit the report prepared under subsection (e)(4) to the legislative council in an electronic format under IC 5-14-6.

(g) Members of the dual credit advisory council are not entitled to per diem or reimbursement of expenses.

(h) This SECTION expires June 30, 2020.

SECTION 9. An emergency is declared for this act.



President of the Senate

President Pro Tempore

Speaker of the House of Representatives

Governor of the State of Indiana

Date: _____ Time: _____

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