



April 10, 2023

ENGROSSED

SENATE BILL No. 486

DIGEST OF SB 486 (Updated April 10, 2023 1:39 pm - DI 143)

Citations Affected: IC 5-14; IC 20-19; IC 20-26; IC 20-28; IC 20-29; IC 20-34; IC 20-43; IC 20-50; IC 31-36; noncode.

Synopsis: Education matters. Repeals teacher training requirements regarding: (1) criminal gang organizations awareness; (2) certain information concerning homeless students; and (3) recognizing the signs and symptoms of seizures and the appropriate steps to be taken to respond to the symptoms; and requires that information concerning these subjects be included within the curriculum of teacher preparation programs. Provides that the department of education (department) may establish or license for use an online platform to provide information and training concerning these and other subjects. Removes certain requirements regarding annual performance evaluation plans for
(Continued next page)

Effective: Upon passage; June 29, 2023; July 1, 2023.

**Rogers, Raatz, Donato, Buchanan,
Doriot, Messmer, Gaskill, Sandlin,
Brown L, Johnson T, Holdman,
Deery, Bassler, Byrne, Niemeyer,
Alexander, Buck, Crane**

(HOUSE SPONSORS — TESHKA, BEHNING, KING, JORDAN)

January 19, 2023, read first time and referred to Committee on Education and Career Development.

February 2, 2023, amended, reported favorably — Do Pass; reassigned to Committee on Appropriations.

February 16, 2023, amended, reported favorably — Do Pass.

February 21, 2023, read second time, amended, ordered engrossed.

February 22, 2023, engrossed.

February 23, 2023, read third time, passed. Yeas 28, nays 20.

HOUSE ACTION

February 28, 2023, read first time and referred to Committee on Education.

April 10, 2023, amended, reported — Do Pass.

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Digest Continued

certificated employees, including: (1) certain content requirements; and (2) certain requirements that a plan be discussed. Amends requirements to be considered a probationary teacher and professional teacher. Provides that, after a school corporation has assigned an evaluator to perform a certificated employee's evaluation, the certificated employee may request the school corporation to assign another evaluator. Urges the legislative council to assign to an appropriate interim study committee the task of studying current school assessments in an effort to reduce and streamline assessments for Indiana students. Removes a provision that requires a school employer to discuss certain items with the exclusive representative of certificated employees and provides that a school employer may discuss: (1) with a certificated employee or group of certificated employees; or (2) at one or more meetings that are open to all certificated employees; any topic that significantly impacts a certificated employee's working conditions or impacts the educational quality of the school employer's students. Removes a provision that requires a public meeting at which public testimony is taken before a school employer and school employees may privately negotiate certain collective bargaining matters. Repeals provisions concerning: (1) requirements regarding the adoption of model evaluation plans and an approval process for the plans; (2) the obligation to discuss certain items not requiring either party to enter into a contract, agree to a proposal, or make a concession; and (3) the definition of "discuss" for purposes of the collective bargaining provisions.



April 10, 2023

First Regular Session of the 123rd General Assembly (2023)

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 2022 Regular Session of the General Assembly.

ENGROSSED SENATE BILL No. 486

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 5-14-1.5-6.1, AS AMENDED BY P.L.197-2021,
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2023]: Sec. 6.1. (a) As used in this section, "public official"
4 means a person:
5 (1) who is a member of a governing body of a public agency; or
6 (2) whose tenure and compensation are fixed by law and who
7 executes an oath.
8 (b) Executive sessions may be held only in the following instances:
9 (1) Where authorized by federal or state statute.
10 (2) For discussion of strategy with respect to any of the following:
11 (A) Collective bargaining, **which does not include a**
12 **discussion or meeting under IC 20-29-6-7.**
13 (B) Initiation of litigation or litigation that is either pending or
14 has been threatened specifically in writing. As used in this

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- 1 clause, "litigation" includes any judicial action or
 2 administrative law proceeding under federal or state law.
 3 (C) The implementation of security systems.
 4 (D) A real property transaction including:
 5 (i) a purchase;
 6 (ii) a lease as lessor;
 7 (iii) a lease as lessee;
 8 (iv) a transfer;
 9 (v) an exchange; or
 10 (vi) a sale;
 11 by the governing body up to the time a contract or option is
 12 executed by the parties. This clause does not affect a political
 13 subdivision's duty to comply with any other statute that
 14 governs the conduct of the real property transaction, including
 15 IC 36-1-10 or IC 36-1-11.
 16 (E) School consolidation.
 17 However, all such strategy discussions must be necessary for
 18 competitive or bargaining reasons and may not include
 19 competitive or bargaining adversaries.
 20 (3) For discussion of the assessment, design, and implementation
 21 of school safety and security measures, plans, and systems.
 22 (4) Interviews and negotiations with industrial or commercial
 23 prospects or agents of industrial or commercial prospects by:
 24 (A) the Indiana economic development corporation;
 25 (B) the office of tourism development (before July 1, 2020) or
 26 the Indiana destination development corporation (after June
 27 30, 2020);
 28 (C) the Indiana finance authority;
 29 (D) the ports of Indiana;
 30 (E) an economic development commission;
 31 (F) the Indiana state department of agriculture;
 32 (G) the Indiana White River state park development
 33 commission;
 34 (H) a local economic development organization that is a
 35 nonprofit corporation established under state law whose
 36 primary purpose is the promotion of industrial or business
 37 development in Indiana, the retention or expansion of Indiana
 38 businesses, or the development of entrepreneurial activities in
 39 Indiana; or
 40 (I) a governing body of a political subdivision.
 41 However, this subdivision does not apply to any discussions
 42 regarding research that is prohibited under IC 16-34.5-1-2 or



- 1 under any other law.
- 2 (5) To receive information about and interview prospective
3 employees.
- 4 (6) With respect to any individual over whom the governing body
5 has jurisdiction:
- 6 (A) to receive information concerning the individual's alleged
7 misconduct; and
- 8 (B) to discuss, before a determination, the individual's status
9 as an employee, a student, or an independent contractor who
10 is:
- 11 (i) a physician; or
12 (ii) a school bus driver.
- 13 (7) For discussion of records classified as confidential by state or
14 federal statute.
- 15 (8) To discuss before a placement decision an individual student's
16 abilities, past performance, behavior, and needs.
- 17 (9) To discuss a job performance evaluation of individual
18 employees. This subdivision does not apply to a discussion of the
19 salary, compensation, or benefits of employees during a budget
20 process.
- 21 (10) When considering the appointment of a public official, to do
22 the following:
- 23 (A) Develop a list of prospective appointees.
24 (B) Consider applications.
25 (C) Make one (1) initial exclusion of prospective appointees
26 from further consideration.
- 27 Notwithstanding IC 5-14-3-4(b)(12), a governing body may
28 release and shall make available for inspection and copying in
29 accordance with IC 5-14-3-3 identifying information concerning
30 prospective appointees not initially excluded from further
31 consideration. An initial exclusion of prospective appointees from
32 further consideration may not reduce the number of prospective
33 appointees to fewer than three (3) unless there are fewer than
34 three (3) prospective appointees. Interviews of prospective
35 appointees must be conducted at a meeting that is open to the
36 public.
- 37 (11) To train school board members with an outside consultant
38 about the performance of the role of the members as public
39 officials.
- 40 (12) To prepare or score examinations used in issuing licenses,
41 certificates, permits, or registrations under IC 25.
- 42 (13) To discuss information and intelligence intended to prevent,



1 mitigate, or respond to the threat of terrorism.

2 (14) To train members of a board of aviation commissioners
3 appointed under IC 8-22-2 or members of an airport authority
4 board appointed under IC 8-22-3 with an outside consultant about
5 the performance of the role of the members as public officials. A
6 board may hold not more than one (1) executive session per
7 calendar year under this subdivision.

8 (15) For discussion by the governing body of a state educational
9 institution of:

10 (A) the assessment of; or

11 (B) negotiation with another entity concerning;

12 the establishment of a collaborative relationship or venture to
13 advance the research, engagement, or education mission of the
14 state educational institution. However, this subdivision does not
15 apply to any discussions regarding research that is prohibited
16 under IC 16-34.5-1-2 or under any other law.

17 (c) A final action must be taken at a meeting open to the public.

18 (d) Public notice of executive sessions must state the subject matter
19 by specific reference to the enumerated instance or instances for which
20 executive sessions may be held under subsection (b). The requirements
21 stated in section 4 of this chapter for memoranda and minutes being
22 made available to the public is modified as to executive sessions in that
23 the memoranda and minutes must identify the subject matter
24 considered by specific reference to the enumerated instance or
25 instances for which public notice was given. The governing body shall
26 certify by a statement in the memoranda and minutes of the governing
27 body that no subject matter was discussed in the executive session
28 other than the subject matter specified in the public notice.

29 (e) A governing body may not conduct an executive session during
30 a meeting, except as otherwise permitted by applicable statute. A
31 meeting may not be recessed and reconvened with the intent of
32 circumventing this subsection.

33 SECTION 2. IC 20-19-3-11.7, AS ADDED BY P.L.211-2018(ss),
34 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
35 JULY 1, 2023]: Sec. 11.7. (a) The department shall maintain a link on
36 the department's ~~Internet web site~~ **website** that provides parents and
37 school officials with resources or best practices regarding the
38 identification and reporting of human trafficking. The resources must
39 include

40 (1) guidance on how to report to law enforcement agencies
41 instances of human trafficking; and

42 (2) information that may assist school officials in complying with



1 inservice training requirements under IC 20-28-3-7.

2 (b) The department shall consult with law enforcement agencies,
3 school officials, and organizations that have expertise in the prevention
4 of human trafficking for purposes of developing or providing the
5 resources or best practices described in subsection (a).

6 SECTION 3. IC 20-19-3-20.5 IS REPEALED [EFFECTIVE JULY
7 1, 2023]. ~~Sec. 20.5: (a) This section does not apply to a mediator or
8 independent hearing officer retained by the department before July 1,
9 2019.~~

10 (b) ~~Not later than January 1, 2021, the department shall ensure that
11 all mediators, administrative law judges, hearing officers, and other
12 appointees, employees, and contractors who:~~

13 ~~(1) are initially retained by the department after June 30, 2019;
14 and~~

15 ~~(2) mediate or adjudicate disputes involving educational entities
16 through the department;~~

17 ~~are effectively trained and committed to serve as both mediators and
18 adjudicators.~~

19 SECTION 4. IC 20-19-3-29 IS ADDED TO THE INDIANA CODE
20 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
21 1, 2023]: **Sec. 29. (a) Not later than July 1, 2024, the department
22 may establish or license for use an online platform that:**

23 **(1) provides information and training on each of the subjects
24 and content described in IC 20-28-3-5.5;**

25 **(2) is accessible to both teachers and students enrolled in a
26 teacher preparation program; and**

27 **(3) upon successful completion of the training, provides
28 written confirmation to a teacher or student described in
29 subdivision (2) that the teacher or student successfully
30 completed the training.**

31 **(b) Not later than July 1, 2025, the department may include the
32 following information and training on the online platform
33 described in subsection (a):**

34 **(1) Youth suicide awareness and prevention as described in
35 IC 20-28-3-6.**

36 **(2) 29 CFR 1910.1030 concerning bloodborne pathogens.**

37 **(3) Bullying prevention as described in IC 20-26-5-34.2.**

38 **(4) Child abuse and neglect as described in IC 20-28-3-4.5.**

39 **(5) 29 CFR 1910.147 concerning lock out/tag out.**

40 **(6) 511 IAC 5-5-5 concerning assessment training.**

41 **(c) If a teacher successfully completes a training on the online
42 platform, the training must count towards continuing education**



1 **required for licensure renewal, as prescribed by the department.**

2 SECTION 5. IC 20-26-18-4 IS REPEALED [EFFECTIVE JULY 1,
3 2023]. ~~Sec. 4: A school corporation shall establish the following~~
4 ~~educational programs in its efforts to address criminal organization~~
5 ~~activity:~~

6 (1) ~~An evidence based educational criminal organization~~
7 ~~awareness program for students, school employees, and parents.~~

8 (2) ~~A school employee development program to provide training~~
9 ~~to school employees in the implementation of the criminal~~
10 ~~organization policy established under section 2 of this chapter.~~

11 SECTION 6. IC 20-26-18.2-2, AS AMENDED BY P.L.139-2022,
12 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
13 JULY 1, 2023]: Sec. 2. (a) A school resource officer may be employed:

14 (1) by one (1) or more school corporations or charter schools
15 through a contract between a local law enforcement agency and
16 the school corporation or school corporations or the charter school
17 or charter schools;

18 (2) by one (1) or more school corporations or charter schools;

19 (3) by a local law enforcement agency that assigns the school
20 resource officer to one (1) or more school corporations or charter
21 schools through a memorandum of understanding between the
22 local law enforcement agency and the school corporation or
23 school corporations or the charter school or charter schools; or

24 (4) through a contract between an Indiana business that employs
25 persons who meet the qualifications of a school resource officer
26 and the school corporation or school corporations or the charter
27 school or charter schools.

28 (b) This subsection does not apply to a school corporation that only
29 has full-time school resource officers who are either employees of the
30 school corporation's school police department or are employees of the
31 school corporation who have successfully completed the law
32 enforcement basic training requirements described in IC 5-2-1-9(d).
33 After June 30, 2023, if a school corporation or charter school enters
34 into a contract for a school resource officer, the school corporation or
35 charter school must enter into a memorandum of understanding with
36 the law enforcement agency that employs or appointed the law
37 enforcement officer who will perform the duties of a school resource
38 officer. The memorandum of understanding must state the nature and
39 scope of a school resource officer's duties and responsibilities. A school
40 resource officer's duties and responsibilities include the duty to assist
41 the school corporation's school safety specialist with the development
42 and implementation of a school safety plan that does the following:



- 1 (1) Protects against outside threats to the physical safety of
2 students.
- 3 (2) Prevents unauthorized access to school property.
- 4 (3) Secures schools against violence and natural disasters.
- 5 (4) ~~On or before July 1, 2020;~~ Identifies the location of **any**
6 bleeding control kits (as defined in ~~IC 20-34-3-24(a)~~;
7 **IC 20-28-3-5.5(a)**).
- 8 (c) A school resource officer shall consult with local law
9 enforcement officials and first responders when assisting the school
10 corporation's school safety specialist in the development of the school
11 safety plan.
- 12 (d) A school resource officer shall participate in the development of
13 programs designed to identify, assess, and provide assistance to
14 troubled youth.
- 15 (e) A school resource officer may not be reassigned to other duties
16 by the school corporation.
- 17 SECTION 7. IC 20-28-3-1, AS AMENDED BY P.L.41-2022,
18 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
19 JULY 1, 2023]: Sec. 1. (a) As used in this section, "teacher candidate"
20 means an individual recommended for an initial teaching license from
21 a teacher preparation program located in Indiana.
- 22 (b) As used in this section, "teacher preparation program" includes,
23 but is not limited to, the following:
- 24 (1) A teacher education school or department.
- 25 (2) A transition to teaching program under IC 20-28-4.
- 26 (3) Any other entity approved by the department to offer a course
27 of study leading to an initial teaching license.
- 28 (c) The department shall:
- 29 (1) arrange a statewide system of professional instruction for
30 teacher education;
- 31 (2) accredit and review teacher preparation programs that comply
32 with the rules of the department;
- 33 (3) approve content area licensure programs for particular kinds
34 of teachers in accredited teacher preparation programs; and
- 35 (4) specify the types of licenses for individuals who complete
36 programs of approved courses.
- 37 (d) The department shall work with teacher preparation programs to
38 develop a system of teacher education that ensures individuals who
39 complete teacher preparation programs are able to meet the highest
40 professional standards.
- 41 (e) Before July 1, 2015, the department shall establish standards for
42 the continuous improvement of program processes and the performance



1 of individuals who complete teacher preparation programs. The state
 2 board shall adopt rules containing the standards not later than two
 3 hundred seventy (270) days after the department finishes the standards.

4 (f) The standards established under subsection (e) must include
 5 benchmarks for performance, including test score data for each teacher
 6 preparation entity on content area licensure tests and test score data for
 7 each teacher preparation entity on pedagogy licensure tests.

8 (g) Each teacher preparation program shall annually report the
 9 program's performance on the standards and benchmarks established
 10 under this section to the department. The department shall make the
 11 information reported under this subsection available to the public on
 12 the department's ~~Internet web site:~~ **website**. Each teacher preparation
 13 program shall make the information reported under this subsection
 14 available to the public on the teacher preparation program's ~~Internet~~
 15 ~~web site:~~ **website**. In addition to reporting performance, each teacher
 16 preparation program must report to the department the following:

17 (1) The attrition, retention, and completion rates of teacher
 18 candidates for the previous three (3) calendar years. The teacher
 19 preparation program must also provide underlying data, as
 20 determined by the department, used as part of calculating the
 21 teacher preparation program's retention rates.

22 (2) The number of teacher candidates in each content area who
 23 complete the teacher preparation program during the year,
 24 disaggregated by ranges of cumulative grade point averages.

25 (3) The number of teacher candidates in each content area who,
 26 during the year:

- 27 (A) do not pass a content area licensure examination; and
- 28 (B) do not retake the content area licensure examination.

29 (h) In making information available to the public on the
 30 department's ~~Internet web site:~~ **website**, the department shall include
 31 in the report under subsection (g), in addition to the matrix ratings
 32 described in subsection (i), the following information:

33 (1) Average scaled or standard scores of teacher candidates who
 34 complete teacher preparation programs on basic skills, content
 35 area, and pedagogy licensure examinations.

36 (2) The average number of times teacher candidates who
 37 complete a teacher preparation program take each licensing test
 38 before receiving a passing score and the percentage of teacher
 39 candidates who receive a passing score on each licensing test on
 40 the teacher candidates' first attempts.

41 (i) Not later than July 30, 2016, the department and the commission
 42 for higher education, in conjunction with the state board, the



1 Independent Colleges of Indiana, Inc., and teacher preparation
 2 programs, shall establish a matrix rating system for teacher preparation
 3 programs based on the performance of the programs as demonstrated
 4 by the data collected under subsections (g) and (h). ~~and information~~
 5 ~~reported to the department under IC 20-28-11.5-9.~~ The matrix rating
 6 system may not rank or compare teacher preparation programs. The
 7 matrix rating system must be based on data collected for teachers who
 8 initially receive their teaching license during the previous three (3)
 9 years. The department shall make the matrix ratings available to the
 10 public on the department's ~~Internet web site:~~ **website.**

11 (j) Each teacher preparation program shall report to the department,
 12 in a manner prescribed by the department, the teacher preparation
 13 program's admission practices, in accordance with:

14 (1) the Council for the Accreditation of Educator Preparation
 15 standards, for teacher preparation programs accredited by the
 16 Council for the Accreditation of Educator Preparation;

17 (2) rigorous academic entry requirements for admission into a
 18 teacher preparatory program that are equivalent to the minimum
 19 academic requirements determined by the Council for the
 20 Accreditation of Educator Preparation, for teacher preparation
 21 programs that are not accredited by the Council for the
 22 Accreditation of Educator Preparation; or

23 (3) the Association for Advancing Quality in Educator
 24 Preparation standards, for teacher preparation programs
 25 accredited by the Association for Advancing Quality in Educator
 26 Preparation.

27 The department shall include information reported to the department
 28 on the department's ~~Internet web site:~~ **website.**

29 (k) Not later than July 30, 2016, the department and the commission
 30 for higher education, in conjunction with the state board, the
 31 Independent Colleges of Indiana, Inc., and teacher preparation
 32 programs, shall establish a minimum rating under the matrix rating
 33 system established under subsection (i) that teacher preparation
 34 programs must achieve to avoid referral under subsection (l).

35 (l) Beginning July 1, 2017, and not later than each July 1 thereafter,
 36 the department shall submit a list of teacher preparation programs that
 37 do not meet the minimum rating established under subsection (k) to the
 38 commission for higher education and the Independent Colleges of
 39 Indiana, Inc. for one (1) of the following actions:

40 (1) In the case of a state educational institution, the commission
 41 for higher education shall place the teacher preparation program
 42 on an improvement plan with clear performance goals and a



- 1 designated period in which the performance goals must be
 2 achieved.
- 3 (2) In the case of a proprietary postsecondary educational
 4 institution, the commission for higher education shall recommend
 5 to the teacher preparation program an improvement plan with
 6 clear performance goals and a designated period in which the
 7 performance goals should be achieved.
- 8 (3) In the case of a nonprofit college or university, the
 9 Independent Colleges of Indiana, Inc., shall coordinate a peer
 10 review process to make recommendations to the peer institution
 11 in achieving the department's performance metrics.
- 12 (m) The department shall approve at least two (2) accreditors that:
 13 (1) accredit teacher preparation programs; and
 14 (2) are recognized by the Council for Higher Education
 15 Accreditation;
 16 to accredit teacher preparation programs for use in Indiana.
- 17 SECTION 8. IC 20-28-3-5.5 IS ADDED TO THE INDIANA CODE
 18 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 19 1, 2023]: **Sec. 5.5. (a) As used in this section, "bleeding control kit"**
 20 **means a first aid response kit that contains at least the following:**
- 21 **(1) One (1) tourniquet endorsed by the Committee on Tactical**
 22 **Combat Casualty Care.**
- 23 **(2) A compression bandage.**
- 24 **(3) A bleeding control bandage.**
- 25 **(4) Protective gloves and a permanent marker.**
- 26 **(5) Scissors.**
- 27 **(6) Instructional documents developed by the Stop the Bleed**
 28 **national awareness campaign of the United States Department**
 29 **of Homeland Security or the American College of Surgeons**
 30 **Committee on Trauma, or both.**
- 31 **(7) Other medical materials and equipment similar to those**
 32 **described in subdivisions (1) through (3), and any additional**
 33 **items that:**
- 34 **(A) are approved by local law enforcement or first**
 35 **responders;**
- 36 **(B) can adequately treat a traumatic injury; and**
- 37 **(C) can be stored in a readily available kit.**
- 38 **(b) Not later than July 1, 2024, a teacher preparation program**
 39 **shall include content within the curriculum on the following:**
- 40 **(1) Information on criminal gang organizations awareness.**
- 41 **(2) Identifying and reporting human trafficking.**
- 42 **(3) The use of bleeding control kits.**



- 1 **(4) The appropriate use of effective alternatives to physical**
- 2 **restraint and seclusion.**
- 3 **(5) Information regarding homeless students, including:**
- 4 **(A) the definition of homelessness;**
- 5 **(B) signs of homelessness; and**
- 6 **(C) steps to take when a homeless student is identified.**
- 7 **(6) Information on recognizing the signs and symptoms of**
- 8 **seizures and the appropriate steps to be taken to respond to**
- 9 **these symptoms.**

10 SECTION 9. IC 20-28-3-7, AS AMENDED BY P.L.92-2020,
 11 SECTION 48, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 12 JULY 1, 2023]: Sec. 7. (a) Each school corporation and state accredited
 13 nonpublic school shall require all school employees likely to have
 14 direct, ongoing contact with children within the scope of the
 15 employee's employment to attend or participate in inservice training
 16 pertaining to the identification and reporting of human trafficking. The
 17 training shall be conducted in a manner prescribed by the state board
 18 under IC 20-28-5.5-1, **and after June 30, 2024, the training may be**
 19 **offered through the online platform established or licensed for use**
 20 **under IC 20-19-3-29 if available.**

21 (b) The inservice training required under this section shall count
 22 toward the requirements for professional development required by the
 23 governing body or the equivalent authority for a state accredited
 24 nonpublic school.

25 SECTION 10. IC 20-28-3-9 IS REPEALED [EFFECTIVE JULY 1,
 26 2023]. Sec. 9: (a) Each school corporation and charter school shall
 27 require all applicants for employment who will have direct, ongoing
 28 contact with children within the scope of the applicant's employment
 29 to attend, before or not later than thirty (30) days after the start date of
 30 the applicant's employment, training concerning recognition of the
 31 signs and symptoms of seizures and the appropriate steps to be taken
 32 to respond to these symptoms:

33 (b) Each school corporation and charter school shall require all
 34 school employees who have direct, ongoing contact with children
 35 within the scope of the employee's employment to attend the training
 36 described in subsection (a) at least once every five (5) years:

37 (c) The format of the training required under this section may
 38 include:

- 39 (1) an in-person presentation;
- 40 (2) an electronic or technology based medium, including
- 41 self-review modules available on an online system;
- 42 (3) an individual program of study designated materials; or



- 1 (4) any other method approved by the governing body or
- 2 organizer of a charter school that is consistent with current
- 3 professional development standards.
- 4 (d) The training required under this section must be during the
- 5 school employee's contracted day or at a time chosen by the employee.
- 6 (e) The training required under this section shall count toward the
- 7 requirements for professional development required by the governing
- 8 body of a school corporation or its equivalent for a charter school.
- 9 (f) The training requirements must be consistent with the training
- 10 programs and guidelines developed by the Epilepsy Foundation of
- 11 America or a successor organization.

12 SECTION 11. IC 20-28-5-27, AS ADDED BY P.L.168-2022,
 13 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 14 JULY 1, 2023]: Sec. 27. (a) In an effort to fill a vacant teaching
 15 position, offer a new program or class, or supplement a program
 16 currently being offered, the governing body of a school corporation
 17 may issue an adjunct teacher permit to an individual if the following
 18 minimum requirements are met:

- 19 (1) The individual has at least four (4) years of experience in the
- 20 content area in which the individual intends to teach.
- 21 (2) The school corporation conducts an expanded criminal history
- 22 check and expanded child protection index check concerning the
- 23 individual as required under IC 20-26-5-10.
- 24 (3) The individual has not been convicted of a felony listed in
- 25 section 8(c) of this chapter or described in section 8(d) of this
- 26 chapter or the individual's conviction has been reversed, vacated,
- 27 or set aside on appeal.

28 However, the governing body may establish stricter requirements than
 29 the requirements prescribed by this subsection.

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

- 32 (1) the school corporation may enter into an employment
- 33 agreement for employment with the individual as a part-time or
- 34 full-time teacher of the school corporation;
- 35 (2) the individual who holds the adjunct permit may teach in any
- 36 content area in which the school corporation allows the individual
- 37 to teach based on the individual's experience described in
- 38 subsection (a);
- 39 (3) the individual must be assigned a teacher mentor for support
- 40 in pedagogy; and
- 41 (4) the individual must complete the following training within the
- 42 first ninety (90) days of employment:



- 1 (A) IC 20-26-5-34.2 (bullying prevention).
 2 (B) IC 20-28-3-4.5 (training on child abuse and neglect).
 3 (C) IC 20-28-3-6 (youth suicide awareness and prevention
 4 training).
 5 (D) IC 20-28-3-7 (training on human trafficking).
 6 **The training described in subdivision (4)(D) may be completed**
 7 **through the online platform described in IC 20-19-3-29.**
 8 (c) An adjunct teacher may not provide special education
 9 instruction.
 10 (d) The salary of an adjunct teacher under an employment
 11 agreement described in IC 20-28-6-7.3 is not subject to the
 12 requirements under IC 20-28-9-1.5 or a local compensation plan
 13 established by a school corporation as described in IC 20-28-9-1.5.
 14 (e) Except as otherwise provided in a collective bargaining
 15 agreement entered into or renewed before July 1, 2022, an employment
 16 agreement entered into under this section is not subject to a collective
 17 bargaining agreement entered into under IC 20-29.
 18 (f) It is not an unfair practice for a school corporation to enter into
 19 an employment agreement under this section.
 20 (g) Each school corporation that hires an adjunct teacher under this
 21 section shall report to the department the following information:
 22 (1) The number of adjunct teachers who hold a permit issued
 23 under this section that the school corporation has hired each
 24 school year, disaggregated by the grade level and subject area
 25 taught by the adjunct teacher.
 26 (2) The following information for each adjunct teacher described
 27 in subdivision (1):
 28 (A) The name of the adjunct teacher.
 29 (B) The subject matter the adjunct teacher is permitted to
 30 teach.
 31 (C) A description of the adjunct teacher's experience described
 32 in subsection (a)(1).
 33 (D) The adjunct teacher's total salary and any other
 34 compensation paid to the adjunct teacher during the school
 35 year.
 36 (E) The number of previous adjunct teaching employment
 37 agreements the adjunct teacher has entered into with the
 38 school corporation or any other school corporation.
 39 (h) A school corporation shall post a vacant adjunct teacher position
 40 on the department's online adjunct teacher portal established under
 41 IC 20-19-3-25.
 42 (i) A school corporation may notify the parents of students enrolled



1 in the school corporation of a vacant adjunct teacher position.

2 (j) The governing body of a school corporation shall announce any
3 vacant adjunct teacher positions at meetings of the governing body.

4 SECTION 12. IC 20-28-6-2, AS AMENDED BY P.L.168-2022,
5 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
6 JULY 1, 2023]: Sec. 2. (a) Except as provided under section 7.3 of this
7 chapter, a contract entered into by a teacher and a school corporation
8 must:

9 (1) be in writing;

10 (2) be signed by both parties; and

11 (3) contain the:

12 (A) beginning date of the school term as determined annually
13 by the school corporation;

14 (B) number of days in the school term as determined annually
15 by the school corporation;

16 (C) total salary to be paid to the teacher during the school year;

17 (D) number of salary payments to be made to the teacher
18 during the school year; and

19 (E) number of hours per day the teacher is expected to work.
20 ~~as discussed pursuant to IC 20-29-6-7.~~

21 (b) The contract may provide for the annual determination of the
22 teacher's annual compensation based on a local compensation plan
23 specifying a salary range, which is part of the contract. The
24 compensation plan may be changed by the school corporation before
25 the later of May 1 of a year, with the changes effective the next school
26 year, or the date specified in a collective bargaining agreement
27 applicable to the next school year. A teacher affected by the changes
28 shall be furnished with printed copies of the changed compensation
29 plan not later than thirty (30) days after the adoption of the
30 compensation plan.

31 (c) A contract under this section is also governed by the following
32 statutes:

33 (1) IC 20-28-9-5 through IC 20-28-9-6.

34 (2) IC 20-28-9-9 through IC 20-28-9-11.

35 (3) IC 20-28-9-13.

36 (4) IC 20-28-9-14.

37 (d) A governing body shall provide the blank contract forms,
38 carefully worded by the secretary of education, and have them signed.
39 The contracts are public records open to inspection by the residents of
40 each school corporation.

41 (e) An action may be brought on a contract that conforms with
42 subsections (a)(1), (a)(2), and (d).



1 SECTION 13. IC 20-28-6-7.5, AS ADDED BY P.L.90-2011,
 2 SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 3 JULY 1, 2023]: Sec. 7.5. (a) A teacher who is subject to section 8 of
 4 this chapter is not subject to this section.

5 (b) ~~After June 30, 2011~~; A teacher who:

6 (1) serves under contract as a teacher in a public school
 7 corporation;

8 ~~(2) has not received a rating in an evaluation under IC 20-28-11.5~~
 9 ~~or receives a rating of ineffective in an evaluation under~~
 10 ~~IC 20-28-11.5;~~

11 **(2) either:**

12 **(A) receives two (2) consecutive ratings of ineffective, as**
 13 **determined by the school corporation, on an annual**
 14 **evaluation under IC 20-28-11.5; or**

15 **(B) is in the teacher's first or second year of full-time**
 16 **teaching in a classroom; and**

17 (3) has not at any time before July 1, 2012, entered into a teaching
 18 contract for further service with the school corporation; ~~and~~

19 ~~(4) has not received three (3) ratings in a five (5) year period of~~
 20 ~~effective or highly effective in an evaluation under IC 20-28-11.5;~~

21 shall be considered a probationary teacher.

22 (c) ~~After June 30, 2011~~; A teacher who: receives a rating of:

23 (1) ~~effective; is not a probationary teacher under subsection~~
 24 ~~(b); and~~

25 (2) ~~highly effective; or enters into a contract described in~~
 26 ~~section 2 of this chapter;~~

27 (3) a combination of both subdivisions (1) and (2);

28 in an evaluation under IC 20-28-11.5 for at least three (3) years in a
 29 five (5) year or shorter period becomes a professional teacher. by
 30 entering into a contract described in section 2 of this chapter.

31 (d) A professional teacher who receives a rating of ineffective in an
 32 evaluation under IC 20-28-11.5 shall be considered a probationary
 33 teacher but is not subject to the cancellation of the teacher's contract
 34 unless at least one (1) of the following criteria applies:

35 (1) The teacher receives a rating of ineffective in an evaluation
 36 under IC 20-28-11.5 in the year immediately following the
 37 teacher's initial rating of ineffective.

38 (2) The teacher's contract cancellation is due to a justifiable
 39 decrease in the number of teaching positions under
 40 IC 20-28-7.5-1(b)(3).

41 (3) The teacher's contract cancellation is due to conduct set forth
 42 in IC 20-28-7.5-1(b).



1 SECTION 14. IC 20-28-7.5-1, AS AMENDED BY P.L.239-2015,
 2 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 3 JULY 1, 2023]: Sec. 1. (a) This chapter applies to a teacher in a school
 4 corporation (as defined in IC 20-18-2-16(a)).

5 (b) A contract with a teacher may be canceled immediately in the
 6 manner set forth in sections 2 through 4 of this chapter for any of the
 7 following reasons:

8 (1) Immorality.

9 (2) Insubordination, which means a willful refusal to obey the
 10 state school laws or reasonable rules adopted for the governance
 11 of the school building or the school corporation.

12 (3) ~~Incompetence, including:~~

13 ~~(A) for probationary teachers, receiving an ineffective~~
 14 ~~designation on a performance evaluation or receiving two (2)~~
 15 ~~consecutive improvement necessary ratings on a performance~~
 16 ~~evaluation under IC 20-28-11.5; or~~

17 ~~(B) for any teacher, receiving an ineffective designation on~~
 18 ~~two (2) consecutive performance evaluations or an ineffective~~
 19 ~~designation or improvement necessary rating under~~
 20 ~~IC 20-28-11.5 for three (3) years of any five (5) year period.~~

21 **Repeated ineffective performance, as determined by the**
 22 **school corporation.**

23 (4) Neglect of duty.

24 (5) A conviction of an offense listed in IC 20-28-5-8(c).

25 (6) Other good or just cause.

26 (c) In addition to the reasons set forth in subsection (b), a
 27 probationary teacher's contract may be canceled for any reason relevant
 28 to the school corporation's interest in the manner set forth in sections
 29 2 through 4 of this chapter.

30 (d) After June 30, 2012, the cancellation of teacher's contracts due
 31 to a justifiable decrease in the number of teaching positions shall be
 32 determined on the basis of performance rather than seniority. In cases
 33 where teachers are placed in the same performance category, any of the
 34 items in IC 20-28-9-1.5(b) may be considered.

35 (e) Only the governing body may terminate, cancel, or otherwise
 36 refuse to renew a contract of a superintendent or assistant
 37 superintendent. Notice of the contract cancellation or the refusal to
 38 renew the individual's contract must be provided in the manner
 39 provided in IC 20-28-8-3(a).

40 SECTION 15. IC 20-28-9-1.5, AS AMENDED BY
 41 P.L.178-2022(ts), SECTION 13, IS AMENDED TO READ AS
 42 FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 1.5. (a) This subsection



1 governs salary increases for a teacher employed by a school
 2 corporation. Compensation attributable to additional degrees or
 3 graduate credits earned before the effective date of a local
 4 compensation plan created under this chapter before July 1, 2015, shall
 5 continue for school years beginning after June 30, 2015. Compensation
 6 attributable to additional degrees for which a teacher has started course
 7 work before July 1, 2011, and completed course work before
 8 September 2, 2014, shall also continue for school years beginning after
 9 June 30, 2015. For school years beginning after June 30, 2022, a school
 10 corporation may provide a supplemental payment to a teacher in excess
 11 of the salary specified in the school corporation's compensation plan.
 12 A supplement provided under this subsection is not subject to
 13 collective bargaining. ~~but a discussion of the supplement must be held.~~
 14 Such a supplement is in addition to any increase permitted under
 15 subsection (b).

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

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

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

22 (B) The possession of either:

23 (i) additional content area degrees beyond the requirements
 24 for employment; or

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

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

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

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

32 (c) To provide greater flexibility and options, a school corporation
 33 may differentiate the amount of salary increases or increments
 34 determined for teachers. A school corporation shall base a
 35 differentiated amount under this subsection on reasons the school
 36 corporation determines are appropriate, which may include the:

37 (1) subject or subjects taught by a given teacher;

38 (2) importance of retaining a given teacher at the school
 39 corporation;

40 (3) need to attract an individual with specific qualifications to fill
 41 a teaching vacancy; and

42 (4) offering of a new program or class.



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

4 (1) reduce the gap between the school corporation's minimum
5 teacher salary and the average of the school corporation's
6 minimum and maximum teacher salaries; or

7 (2) allow teachers currently employed by the school corporation
8 to receive a salary adjusted in comparison to starting base salaries
9 of new teachers.

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

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

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

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

34 (i) Each school corporation shall submit its local compensation plan
35 to the Indiana education employment relations board. For a school year
36 beginning after June 30, 2015, a local compensation plan must specify
37 the range for teacher salaries. The Indiana education employment
38 relations board shall publish the local compensation plans on the
39 Indiana education employment relations board's ~~Internet web site:~~
40 **website.**

41 (j) The Indiana education employment relations board shall review
42 a compensation plan for compliance with this section as part of its



1 review under IC 20-29-6-6.1. The Indiana education employment
2 relations board has jurisdiction to determine compliance of a
3 compensation plan submitted under this section.

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

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

11 (m) An employment agreement described in IC 20-28-6-7.3 between
12 an adjunct teacher and a school corporation is not subject to this
13 section.

14 SECTION 16. IC 20-28-11.5-1, AS ADDED BY P.L.90-2011,
15 SECTION 39, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
16 JULY 1, 2023]: Sec. 1. As used in this chapter, "evaluator" means an
17 individual who conducts a staff performance evaluation. ~~The term~~
18 ~~includes a teacher who:~~

19 (1) ~~has clearly demonstrated a record of effective teaching over~~
20 ~~several years;~~

21 (2) ~~is approved by the principal as qualified to evaluate under the~~
22 ~~plan; and~~

23 (3) ~~conducts staff performance evaluations as a significant part of~~
24 ~~teacher's responsibilities.~~

25 SECTION 17. IC 20-28-11.5-3, AS AMENDED BY P.L.172-2011,
26 SECTION 122, IS AMENDED TO READ AS FOLLOWS
27 [EFFECTIVE JULY 1, 2023]: Sec. 3. As used in this chapter, "school
28 corporation" includes:

29 (1) a school corporation;

30 (2) a school created by an interlocal agreement under IC 36-1-7;

31 (3) a special education cooperative under IC 20-35-5; and

32 (4) a joint career and technical education program created under
33 IC 20-37-1.

34 However, for purposes of section 4(a) ~~and 4(b)~~ of this chapter, "school
35 corporation" includes a charter school, a virtual charter school, **and** an
36 eligible school (as defined in IC 20-51-1-4.7).

37 SECTION 18. IC 20-28-11.5-4, AS AMENDED BY P.L.150-2020,
38 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
39 JULY 1, 2023]: Sec. 4. (a) Each school corporation shall develop **or**
40 **adopt** a plan for annual performance evaluations for each certificated
41 employee. ~~A school corporation shall implement the plan beginning~~
42 ~~with the 2012-2013 school year.~~



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) Rigorous measures of effectiveness, including observations
 14 and other performance indicators:

15 (3) An annual designation of each certificated employee in one

16 (1) of the following rating categories:

17 (A) Highly effective:

18 (B) Effective:

19 (C) Improvement necessary:

20 (D) Ineffective:

21 (4) An explanation of the evaluator's recommendations for
 22 improvement, and the time in which improvement is expected:

23 (5) A provision that a teacher who negatively affects student
 24 achievement and growth cannot receive a rating of highly
 25 effective or effective:

26 (6) A pre-evaluation planning session conducted by the
 27 superintendent or equivalent authority for the school corporation
 28 with the principals in the school corporation:

29 (d) In developing a performance evaluation plan; a school
 30 corporation may consider the following:

31 (1) Test scores of students (both formative and summative):

32 (2) Classroom presentation observations:

33 (3) Observation of student-teacher interaction:

34 (4) Knowledge of subject matter:

35 (5) Dedication and effectiveness of the teacher through time and
 36 effort on task:

37 (6) Contributions of teachers through group teacher interactivity
 38 in fulfilling the school improvement plan:

39 (7) Cooperation of the teacher with supervisors and peers:

40 (8) Extracurricular contributions of the teacher:

41 (9) Outside performance evaluations:

42 (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:

(b) A plan under this section must include an annual designation of each certificated employee in one (1) of the following rating categories:

(1) Highly effective.

(2) Effective.

(3) Improvement necessary.

(4) Ineffective.

The requirements for designation in each rating category must be determined by the school corporation.

~~(c)~~ (c) 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.~~

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

(e) After a school corporation has assigned an evaluator to perform a certificated employee's evaluation, the certificated employee may request the school corporation to assign an evaluator other than the evaluator assigned to perform the certificated employee's evaluation.

SECTION 19. IC 20-28-11.5-6, AS ADDED BY P.L.90-2011, SECTION 39, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



1 JULY 1, 2023]: Sec. 6. (a) A copy of the completed evaluation,
 2 including any documentation related to the evaluation, must be
 3 provided to a certificated employee not later than seven (7) days after
 4 the evaluation is conducted.

5 (b) If a certificated employee receives a rating of ineffective or
 6 improvement necessary, **as determined by the school corporation**,
 7 the evaluator and the certificated employee shall develop a remediation
 8 plan of not more than ninety (90) school days in length to correct the
 9 deficiencies noted in the certificated employee's evaluation. The
 10 remediation plan must require the use of the certificated employee's
 11 license renewal credits in professional development activities intended
 12 to help the certificated employee achieve an effective rating, **as**
 13 **determined by the school corporation**, on the next performance
 14 evaluation. If the principal did not conduct the performance evaluation,
 15 the principal may direct the use of the certificated employee's license
 16 renewal credits under this subsection.

17 (c) A teacher who receives a rating of ineffective may file a request
 18 for a private conference with the superintendent or the superintendent's
 19 designee not later than five (5) days after receiving notice that the
 20 teacher received a rating of ineffective. The teacher is entitled to a
 21 private conference with the superintendent or superintendent's
 22 designee.

23 SECTION 20. IC 20-28-11.5-7, AS AMENDED BY P.L.192-2018,
 24 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 25 JULY 1, 2023]: Sec. 7. (a) This section applies to any teacher
 26 instructing students in a content area and grade subject to IC 20-32-5-2
 27 (for a school year ending before July 1, 2018), and IC 20-32-5.1 (for a
 28 school year ending after June 30, 2018).

29 (b) A student may not be instructed for two (2) consecutive years by
 30 two (2) consecutive teachers, each of whom was rated as ineffective
 31 under this chapter in the school year immediately before the school
 32 year in which the student is placed in the respective teacher's class.

33 (c) If a teacher did not instruct students in the school year
 34 immediately before the school year in which students are placed in the
 35 teacher's class, the teacher's rating under this chapter for the most
 36 recent year in which the teacher instructed students, instead of for the
 37 school year immediately before the school year in which students are
 38 placed in the teacher's class, shall be used in determining whether
 39 subsection (b) applies to the teacher.

40 (d) ~~If it is not possible for a school corporation to comply with this~~
 41 ~~section, the school corporation must notify the parents of each~~
 42 ~~applicable student indicating the student will be placed in a classroom~~



1 of a teacher who has been rated ineffective under this chapter. The
 2 parent must be notified before the start of the second consecutive
 3 school year.

4 SECTION 21. IC 20-28-11.5-8, AS AMENDED BY P.L.150-2020,
 5 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 6 JULY 1, 2023]: Sec. 8. (a) To implement this chapter, the state board
 7 shall do the following:

8 (1) Adopt rules under IC 4-22-2 that establish

9 (A) the criteria that define each of the four categories of
 10 teacher ratings under section ~~(4)(c)(3)~~ of this chapter;

11 (B) standards that define actions that constitute a negative
 12 impact on student achievement; and

13 (C) an acceptable standard for training evaluators.

14 (2) Work with the department to develop a model plan and release
 15 it to school corporations. Subsequent versions of the model plan
 16 that contain substantive changes must be provided to school
 17 corporations.

18 (3) Work with the department to ensure the availability of
 19 ongoing training on the use of the performance evaluation to
 20 ensure that all evaluators and certificated employees have access
 21 to information on the plan, the plan's implementation, and this
 22 chapter.

23 (b) A school corporation may:

24 (1) adopt the department's model plan; or

25 (2) **adopt or establish** any other ~~model staff performance~~
 26 **evaluation** plan. approved by the department, without the state
 27 board's approval.

28 (c) A school corporation may substantially modify the model plan
 29 or develop the school corporation's own plan; if the substantially
 30 modified or developed plan meets the criteria established under this
 31 chapter. If a school corporation substantially modifies the model plan
 32 or develops its own plan, the department may request that the school
 33 corporation submit the plan to the department to ensure the plan meets
 34 the criteria developed under this chapter. If the department makes such
 35 a request, before submitting a substantially modified or new staff
 36 performance evaluation plan to the department, the governing body
 37 shall submit the staff performance evaluation plan to the teachers
 38 employed by the school corporation for a vote. If at least seventy-five
 39 percent (75%) of the voting teachers vote in favor of adopting the staff
 40 performance evaluation plan, the governing body may submit the staff
 41 performance evaluation plan to the department.

42 (d) (c) Each school corporation shall submit its staff performance



1 evaluation plan to the department. The department shall publish the
 2 staff performance evaluation plans on the department's ~~Internet web~~
 3 ~~site. A school corporation must submit its staff performance evaluation~~
 4 ~~plan to the department for approval in order to qualify for any grant~~
 5 ~~funding related to this chapter. website.~~

6 SECTION 22. IC 20-28-11.5-8.5, AS ADDED BY P.L.213-2015,
 7 SECTION 184, IS AMENDED TO READ AS FOLLOWS
 8 [EFFECTIVE JULY 1, 2023]: Sec. 8.5. ~~A plan for performance~~
 9 ~~evaluations under this chapter may be discussed, but is not subject to~~
 10 ~~bargaining. Selection of a performance evaluation model is at the~~
 11 ~~discretion of the school corporation, but the developed plan must be~~
 12 ~~reported to the department and the Indiana education employment~~
 13 ~~relations board in a timely manner, as established by the department.~~
 14 **Upon request by a school corporation,** the department may review
 15 the **school corporation's** plan for efficacy and the Indiana education
 16 employment relations board may review the plan for legality, and both
 17 may comment to the school corporation. ~~The department shall annually~~
 18 ~~present to the state board of education plans selected by the school~~
 19 ~~corporations. The state board may recommend model plans to school~~
 20 ~~corporations, but shall not mandate any plan.~~

21 SECTION 23. IC 20-28-11.5-9, AS AMENDED BY P.L.41-2022,
 22 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 23 JULY 1, 2023]: Sec. 9. (a) The principal of a school in a school
 24 corporation shall report in the aggregate the results of staff
 25 performance evaluations for the school for the previous school year to
 26 the superintendent and the governing body for the school corporation
 27 before August 15 of each year on the schedule determined by the
 28 governing body. The report must be presented in a public meeting of
 29 the governing body. Before presentation to the governing body, the
 30 superintendent of the school corporation shall discuss the report of
 31 completed evaluations with the teachers. This discussion is not subject
 32 to the open door law (IC 5-14-1.5). The report of completed evaluations
 33 is not subject to bargaining. ~~but a discussion of the report must be held.~~

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

37 (1) after completing the presentations required under subsection

38 (a) for all schools for the school corporation; and

39 (2) before November 15 of that year.

40 Before November 15 of each year, each charter school (including a
 41 virtual charter school) shall provide the disaggregated results of staff
 42 performance evaluations by teacher identification numbers to the



- 1 department.
- 2 (c) Not before the beginning of the second semester (or the
3 equivalent) of the school year and not later than August 1 of each year,
4 the principal at each school described in subsection (b) shall complete
5 a survey that provides information regarding the principal's assessment
6 of the quality of instruction by each particular teacher preparation
7 program located in Indiana for teachers employed at the school who
8 initially received their teaching license in Indiana in the previous two
9 (2) years. The survey shall be adopted by the state board and prescribed
10 on a form developed not later than July 30, 2016, by the department
11 that is aligned with the matrix system established under
12 IC 20-28-3-1(i). The school shall provide the surveys to the department
13 in a manner prescribed by the department. The department shall
14 compile the information contained in the surveys, broken down by each
15 teacher preparation program located in Indiana. The department shall
16 include information relevant to a particular teacher preparation
17 program located in Indiana in the department's report under subsection
18 (f).
- 19 (d) During the second semester (or the equivalent) of the school
20 year and not later than August 1 of each year, each teacher employed
21 by a school described in subsection (b) in Indiana who initially
22 received a teacher's license in Indiana in the previous three (3) years
23 shall complete a form after the teacher completes the teacher's initial
24 year teaching at a particular school. The information reported on the
25 form must:
- 26 (1) provide the year in which the teacher was hired by the school;
 - 27 (2) include the name of the teacher preparation program that
28 recommended the teacher for an initial license;
 - 29 (3) describe subjects taught by the teacher;
 - 30 (4) provide the location of different teaching positions held by the
31 teacher since the teacher initially obtained an Indiana teaching
32 license;
 - 33 (5) provide a description of any mentoring the teacher has
34 received while teaching in the teacher's current teaching position;
 - 35 (6) describe the teacher's current licensure status; and
 - 36 (7) include an assessment by the teacher of the quality of
37 instruction of the teacher preparation program in which the
38 teacher participated.
- 39 The form shall be prescribed by the department. The forms shall be
40 submitted to the department in a manner prescribed by the department.
41 Upon receipt of the information provided in this subsection, the
42 department shall compile the information contained in the forms and



1 include an aggregated summary of the report on the department's
2 Internet web site.

3 (e) Before December 15 of each year, the department shall report
4 the results of staff performance evaluations in the aggregate to the state
5 board, and to the public via the department's Internet web site for:

6 (1) the aggregate of certificated employees of each school and
7 school corporation;

8 (2) the aggregate of graduates of each teacher preparation
9 program in Indiana;

10 (3) for each school described in subsection (b), the annual rate of
11 retention for certificated employees for each school within the
12 charter school or school corporation; and

13 (4) the aggregate results of staff performance evaluations for each
14 category described in section 4(c)(3) of this chapter. In addition
15 to the aggregate results, the results must be broken down:

16 (A) by the content area of the initial teacher license received
17 by teachers upon completion of a particular teacher
18 preparation program; or

19 (B) as otherwise requested by a teacher preparation program,
20 as approved by the state board.

21 (f) Beginning November 1, 2016, and before September 1 of each
22 year thereafter, the department shall report to each teacher preparation
23 program in Indiana for teachers with three (3) or fewer years of
24 teaching experience:

25 (1) information from the surveys relevant to that particular teacher
26 education program provided to the department under subsection
27 (c);

28 (2) information from the forms relevant to that particular teacher
29 preparation program compiled by the department under
30 subsection (d); and

31 (3) the results from the most recent school year for which data are
32 available of staff performance evaluations for each category
33 described in section 4(c)(3) of this chapter with three (3) or fewer
34 years of teaching experience for that particular teacher
35 preparation program. The report to the teacher preparation
36 program under this subdivision shall be in the aggregate form and
37 shall be broken down by the teacher preparation program that
38 recommended an initial teaching license for the teacher.

39 SECTION 24. IC 20-29-2-7 IS REPEALED [EFFECTIVE JULY 1,
40 2023]. Sec. 7. "Discuss" means the performance of the mutual
41 obligation of the school corporation through its superintendent and the
42 exclusive representative to meet at reasonable times to:

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1 (1) discuss;
 2 (2) provide meaningful input; or
 3 (3) exchange points of view;
 4 with respect to items enumerated in IC 20-29-6-7.
 5 SECTION 25. IC 20-29-6-7, AS AMENDED BY P.L.168-2022,
 6 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 7 JULY 1, 2023]: Sec. 7. **(a)** A school employer ~~shall~~ **may** discuss: ~~with~~
 8 ~~the exclusive representative of certificated employees the following~~
 9 ~~items:~~
 10 (1) Curriculum development and revision.
 11 (2) Selection of curricular materials.
 12 (3) Teaching methods.
 13 (4) Hiring, evaluation, promotion, demotion, transfer, assignment,
 14 and retention of certificated employees.
 15 (5) Student discipline.
 16 (6) Expulsion or supervision of students.
 17 (7) Pupil/teacher ratio.
 18 (8) Class size or budget appropriations.
 19 (9) Safety issues for students and employees in the workplace;
 20 except those items required to be kept confidential by state or
 21 federal law.
 22 (10) Hours.
 23 (11) Funding for a plan for a remediation program for any subset
 24 of students enrolled in kindergarten through grade 12.
 25 (12) The following nonbargainable items under IC 20-43-10-3.5:
 26 (A) Teacher appreciation grants.
 27 (B) Individual teacher appreciation grant stipends to teachers.
 28 (C) Additions to base salary based on teacher appreciation
 29 grant stipends.
 30 (13) The pre-evaluation planning session required under
 31 IC 20-28-11.5-4.
 32 (14) The superintendent's report to the governing body concerning
 33 staff performance evaluations required under IC 20-28-11.5-9.
 34 (15) A teacher performance model.
 35 (16) The use of adjunct teachers permitted under IC 20-28-5-27.
 36 **(1) with a certificated employee or group of certificated**
 37 **employees; or**
 38 **(2) at one (1) or more meetings that are open to all certificated**
 39 **employees;**
 40 **any topic that significantly impacts a certificated employee's**
 41 **working conditions or impacts the educational quality of the school**
 42 **employer's students.**



1 **(b) A discussion or meeting under subsection (a) is not subject**
 2 **to the open door law (IC 5-14-1.5).**

3 SECTION 26. IC 20-29-6-8 IS REPEALED [EFFECTIVE JULY 1,
 4 2023]. Sec. 8: The obligation to discuss does not require either party to
 5 enter into a contract; agree to a proposal; or make a concession related
 6 to the items listed in section 7 of this chapter. A failure to reach an
 7 agreement on a matter of discussion does not allow the use of any part
 8 of the impasse procedure under IC 20-29-8.

9 SECTION 27. IC 20-29-6-9, AS ADDED BY P.L.1-2005,
 10 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 11 JULY 1, 2023]: Sec. 9. The obligation to bargain collectively or discuss
 12 a matter does not prevent:

- 13 (1) a school employee from petitioning the school employer,
 14 governing body, or superintendent for a redress of the employee's
 15 grievances, either individually or through the exclusive
 16 representative; or
 17 (2) the school employer or superintendent from conferring with
 18 a citizen, taxpayer, student, school employee, or other person
 19 considering the operation of the schools and the school
 20 corporation.

21 SECTION 28. IC 20-29-7-1, AS AMENDED BY P.L.48-2011,
 22 SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 23 JULY 1, 2023]: Sec. 1. (a) It is an unfair practice for a school employer
 24 to do any of the following:

- 25 (1) Interfere with, restrain, or coerce school employees in the
 26 exercise of the rights guaranteed in IC 20-29-4.
 27 (2) Dominate, interfere, or assist in the formation or
 28 administration of any school employee organization or contribute
 29 financial or other support to the organization. Subject to rules
 30 adopted by the governing body, a school employer may permit
 31 school employees to confer with the school employer or with any
 32 school employee organization during working hours without loss
 33 of time or pay.
 34 (3) Encourage or discourage membership in any school employee
 35 organization through discrimination in regard to:
 36 (A) hiring;
 37 (B) tenure of employment; or
 38 (C) any term or condition of employment.
 39 (4) Discharge or otherwise discriminate against a school
 40 employee because the employee has filed a complaint, affidavit,
 41 petition, or any information or testimony under this article.
 42 (5) Refuse to



1 (A) bargain collectively ~~or~~
 2 (B) discuss;
 3 with an exclusive representative as required by this article.
 4 (6) Fail or refuse to comply with any provision of this article.
 5 (b) If:
 6 (1) a complaint is filed that alleges an unfair practice has occurred
 7 with respect to a subject that may be discussed under this article;
 8 and
 9 (2) the complaint is found to be frivolous;
 10 the party that filed that complaint is liable for costs and attorney's fees.
 11 SECTION 29. IC 20-34-3-24, AS ADDED BY P.L.44-2019,
 12 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 13 JULY 1, 2023]: Sec. 24. (a) For purposes of this section, "bleeding
 14 control kit" means a first aid response kit that contains at least the
 15 following:
 16 (1) One (1) tourniquet endorsed by the Committee on Tactical
 17 Combat Casualty Care.
 18 (2) A compression bandage.
 19 (3) A bleeding control bandage.
 20 (4) Protective gloves and a permanent marker.
 21 (5) Scissors.
 22 (6) Instructional documents developed by the Stop the Bleed
 23 national awareness campaign of the United States Department of
 24 Homeland Security or the American College of Surgeons
 25 Committee on Trauma, or both.
 26 (7) Other medical materials and equipment similar to those
 27 described in subdivisions (1) through (3), and any additional
 28 items that:
 29 (A) are approved by local law enforcement or first responders;
 30 (B) can adequately treat a traumatic injury; and
 31 (C) can be stored in a readily available kit.
 32 (b) Beginning in the 2020-2021 school year and each school year
 33 thereafter and subject to either:
 34 (1) an appropriation by the general assembly; or
 35 (2) a charter school or school corporation receiving sufficient
 36 bleeding control kits for the charter school or each school in the
 37 school corporation from:
 38 (A) donations from individuals or entities; or
 39 (B) gifts necessary to purchase the bleeding control kits;
 40 each school corporation and charter school shall develop and
 41 implement a Stop the Bleed program that meets the requirements set
 42 forth in this section. Upon request by a school corporation or charter



1 school, the department of homeland security, in collaboration with the
 2 department, may direct the school corporation or charter school to
 3 resources that are available to provide bleeding control kits to the
 4 school corporation or charter school. The department of homeland
 5 security and department shall maintain information regarding the Stop
 6 the Bleed program on the department of homeland security's and
 7 department's Internet web sites.

8 (c) A school corporation's Stop the Bleed program must include
 9 each school of the school corporation. The Stop the Bleed program
 10 must include requirements that:

11 (1) require bleeding control kits be assigned to designated rooms
 12 in easily accessible locations to be determined by local first
 13 responders or the school safety specialist;

14 (2) include bleeding control kits in the emergency plans of the
 15 school corporation or charter school, including the presentation
 16 and use of the bleeding control kits in all drills and emergencies;

17 (3) provide that all school corporations and charter schools have
 18 a minimum of five (5) individuals in each school building who
 19 obtain appropriate training in the use of the bleeding control kit,
 20 including:

21 (A) the proper application of pressure to stop bleeding;

22 (B) the application of dressings or bandages;

23 (C) additional pressure techniques to control bleeding; and

24 (D) the correct application of tourniquets;

25 (4) require bleeding control kits in school inventories to be
 26 inspected annually to ensure that the materials, supplies, and
 27 equipment contained in the bleeding control kits are not expired,
 28 and that any expired materials, supplies, and equipment are
 29 replaced as necessary; and

30 (5) require a bleeding control kit to be restocked after each use
 31 and any materials, supplies, and equipment to be replaced as
 32 necessary to ensure that the bleeding control kit contains all
 33 necessary materials, supplies, and equipment.

34 (d) The department, in collaboration with the department of
 35 homeland security, shall develop and provide training for the use of
 36 bleeding control kits. The department may satisfy the training
 37 requirements by:

38 (1) using training, including online training, available from the
 39 American College of Surgeons or a similar organization
 40 authorized by the department of homeland security; **or**

41 (2) **after June 30, 2024, offering the training required by this**
 42 **section through the online platform established or licensed for**



1 **use under IC 20-19-3-29 if available.**

2 (e) In all matters relating to a Stop the Bleed program, school
3 corporation or charter school personnel are immune from civil liability
4 for any act done or omitted in the use of a bleeding control kit unless
5 the action constitutes gross negligence or willful or wanton
6 misconduct.

7 SECTION 30. IC 20-43-10-3.5, AS AMENDED BY P.L.165-2021,
8 SECTION 167, IS AMENDED TO READ AS FOLLOWS
9 [EFFECTIVE JUNE 29, 2023]: Sec. 3.5. (a) As used in this section,
10 "school" means a school corporation, charter school, and a virtual
11 charter school.

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

- 15 (1) employed in the classroom by the school; or
16 (2) directly providing virtual education;
17 were rated as effective or as highly effective, using the most recently
18 completed teacher ratings.

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

- 21 (1) the school has in the state fiscal year in which the teacher
22 appreciation grants are made under this section:
23 (A) adopted an annual policy concerning the distribution of
24 teacher appreciation grants; and
25 (B) submitted the policy to the department for approval; and
26 (2) the department has approved the policy.

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

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

- 31 (1) thirty-seven dollars and fifty-cents (\$37.50); multiplied by
32 (2) the school's current ADM.

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

35 (e) The following apply to the distribution of teacher appreciation
36 grants:

- 37 (1) If the total amount to be distributed as teacher appreciation
38 grants for a particular state fiscal year exceeds the amount
39 appropriated by the general assembly for teacher appreciation
40 grants for that state fiscal year, the total amount to be distributed
41 as teacher appreciation grants to schools shall be proportionately
42 reduced so that the total reduction equals the amount of the



1 excess. The amount of the reduction for a particular school is
 2 equal to the total amount of the excess multiplied by a fraction.
 3 The numerator of the fraction is the amount of the teacher
 4 appreciation grant that the school would have received if a
 5 reduction were not made under this section. The denominator of
 6 the fraction is the total amount that would be distributed as
 7 teacher appreciation grants to all schools if a reduction were not
 8 made under this section.

9 (2) If the total amount to be distributed as teacher appreciation
 10 grants for a particular state fiscal year is less than the amount
 11 appropriated by the general assembly for teacher appreciation
 12 grants for that state fiscal year, the total amount to be distributed
 13 as teacher appreciation grants to schools for that particular state
 14 fiscal year shall be proportionately increased so that the total
 15 amount to be distributed equals the amount of the appropriation
 16 for that particular state fiscal year.

17 (f) The annual teacher appreciation grant to which a school is
 18 entitled for a state fiscal year shall be distributed to the school before
 19 December 5 of that state fiscal year.

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

22 (1) The governing body shall differentiate between a teacher rated
 23 as a highly effective teacher and a teacher rated as an effective
 24 teacher. The policy must provide that the amount of a stipend
 25 awarded to a teacher rated as a highly effective teacher must be
 26 at least twenty-five percent (25%) more than the amount of a
 27 stipend awarded to a teacher rated as an effective teacher.

28 (2) The governing body of a school may differentiate between
 29 school buildings.

30 (3) A stipend to an individual teacher in a particular year is not
 31 subject to collective bargaining ~~but is discussable~~, and is in
 32 addition to the minimum salary or increases in salary set under
 33 IC 20-28-9-1.5. The governing body may provide that an amount
 34 not exceeding fifty percent (50%) of the amount of a stipend to an
 35 individual teacher in a particular state fiscal year becomes a
 36 permanent part of and increases the base salary of the teacher
 37 receiving the stipend for school years beginning after the state
 38 fiscal year in which the stipend is received. The addition to base
 39 salary is not subject to collective bargaining. ~~but is discussable~~.

40 (h) A teacher appreciation grant received by a school shall be
 41 allocated among and used only to pay cash stipends to all licensed
 42 teachers employed in the classroom who are rated as effective or as



1 highly effective and employed by the school as of December 1. A
 2 school may allocate up to twenty percent (20%) of the grant received
 3 by the school to provide a supplemental award to teachers with less
 4 than five (5) years of service who are rated as effective or as highly
 5 effective. The supplemental award is in addition to the award made
 6 from the part of the grant that is allocated to all eligible teachers.

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

15 (j) A school shall distribute all stipends from a teacher appreciation
 16 grant to individual teachers within twenty (20) business days of the
 17 date the department distributes the teacher appreciation grant to the
 18 school. Any part of the teacher appreciation grant not distributed as
 19 stipends to teachers before February must be returned to the
 20 department on the earlier of the date set by the department or June 30
 21 of that state fiscal year.

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

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

31 (m) This section expires June 30, 2023.

32 SECTION 31. IC 20-50-1-3 IS REPEALED [EFFECTIVE JULY 1,
 33 2023]. Sec. 3: (a) Every local educational agency, regardless of whether
 34 it receives a McKinney-Vento Act grant, is required to designate a
 35 local liaison under 42 U.S.C. 11432:

36 (b) The local liaison serves as one (1) of the primary contacts
 37 between homeless families and:

- 38 (1) school staff;
- 39 (2) district personnel;
- 40 (3) shelter workers; and
- 41 (4) other service providers.

42 (c) The local liaison coordinates services to ensure the following:

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- 1 (1) Homeless children and youths are identified by school
 2 personnel through outreach and coordination activities with other
 3 entities and agencies pursuant to the McKinney-Vento Act.
 4 (2) Homeless children and youths are enrolled in, and have full
 5 and equal opportunity to succeed in, school.
 6 (3) Homeless families and homeless children and youths are
 7 provided access to receive education services for which the
 8 homeless families and homeless children and youths are eligible,
 9 including Head Start, early intervention services under the
 10 Individuals with Disabilities Education Act, and preschool
 11 programs administered by the local educational agency.
 12 (4) Homeless families and homeless children and youths are
 13 referred to health, dental, mental health, and substance abuse
 14 services, housing services, and other appropriate services.
 15 (5) Parents or guardians of homeless children and youths are
 16 informed of educational and related opportunities available to the
 17 children and are provided with meaningful opportunities to
 18 participate in the education of the children.
 19 (6) Public notice of educational rights of homeless students is
 20 disseminated in locations frequented by parents and guardians of
 21 homeless children and youths, and unaccompanied youths,
 22 including in schools, shelters, public libraries, and soup kitchens,
 23 in a manner and form understandable to the parents and guardians
 24 of homeless children and youths and unaccompanied youths.
 25 (7) Enrollment disputes are mediated in accordance with the
 26 McKinney-Vento Act.
 27 (8) Parents and guardians of homeless children and youths and
 28 unaccompanied youths are fully informed of all transportation
 29 services, including transportation to and from the school of origin,
 30 and are assisted in accessing transportation services.
 31 (9) School personnel receive professional development and other
 32 support.
 33 (10) Unaccompanied youths:
 34 (A) are enrolled in school;
 35 (B) have opportunities to meet the same state academic
 36 standards as established for other children and youths; and
 37 (C) are informed of the status of unaccompanied youths as
 38 independent students under section 40 of the Higher Education
 39 Act of 1965 (20 U.S.C. 1087vv); to ensure the rights of
 40 unaccompanied youths to receive verification of this status
 41 from the local liaison.
 42 SECTION 32. IC 20-50-1-6 IS REPEALED [EFFECTIVE JULY 1,



1 2023]. Sec. 6: (a) Each year, the department shall provide training to
 2 individuals who are appointed under section 3 of this chapter as
 3 liaisons for homeless children.

4 (b) The local educational agency shall provide professional
 5 development training to school staff, including teachers;
 6 paraprofessionals; and school support staff, at least one (1) time per
 7 year. The development training shall include:

8 (1) the definition of homelessness;

9 (2) signs of homelessness; and

10 (3) steps to take when a homeless student is identified.

11 (c) The local educational agency shall provide professional
 12 development training to specialized instructional support personnel that
 13 is designed to heighten the understanding and sensitivity of the
 14 personnel to:

15 (1) the needs of homeless children and youths;

16 (2) the rights of homeless children and youths under the
 17 McKinney-Vento Act; and

18 (3) the specific educational needs of homeless children and
 19 youths.

20 SECTION 33. IC 31-36-3-4, AS ADDED BY P.L.211-2019,
 21 SECTION 40, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 22 JULY 1, 2023]: Sec. 4. (a) As used in this section, "homeless youth"
 23 means an individual who:

24 (1) is:

25 (A) at least sixteen (16) years of age; and

26 (B) less than eighteen (18) years of age;

27 (2) is unemancipated;

28 (3) is mentally competent; and

29 (4) lives in a situation described in 42 U.S.C. 11434a(2)(A) and
 30 42 U.S.C. 11434a(2)(B) with or without the consent of the
 31 individual's parent, guardian, or custodian.

32 (b) An individual identified in subsection (c)(3) who presents a fee
 33 and consent waiver affidavit described in subsection (c) on behalf of a
 34 homeless youth to the appropriate agency or entity shall:

35 (1) have access, without charge and the consent of a parent,
 36 guardian, or custodian, to the homeless youth's:

37 (A) certificate of birth;

38 (B) photo identification card under IC 9-24-16-10(c); and

39 (C) Indiana driver's license; and

40 (2) be permitted to enroll the homeless youth in adult basic
 41 education services and register the homeless youth for the Indiana
 42 high school equivalency examination following the completion of



- 1 an exit interview by the homeless youth under IC 20-33-2-9.
- 2 (c) A fee and consent waiver affidavit executed under this
- 3 subsection shall contain the following:
- 4 (1) The homeless youth's:
- 5 (A) full name; and
- 6 (B) date of birth.
- 7 (2) The name, address, and telephone number of the government
- 8 entity, school corporation liaison for homeless youth, ~~under~~
- 9 ~~IC 20-50-1-3~~, or nonprofit organization that:
- 10 (A) is providing services to the homeless youth; and
- 11 (B) will accept delivery of mail for the homeless youth.
- 12 (3) The name of the legal representative of the government entity,
- 13 school corporation liaison for homeless youth, ~~under~~
- 14 ~~IC 20-50-1-3~~, or nonprofit organization described in subdivision
- 15 (2).
- 16 (4) The signature of the legal representative described in
- 17 subdivision (3) and the date of the signature.
- 18 (5) The signature of the homeless youth and the date of the
- 19 signature.
- 20 A fee and consent waiver affidavit executed under this subsection must
- 21 be verified by affirmation or representation.
- 22 SECTION 34. [EFFECTIVE UPON PASSAGE] **(a) The legislative**
- 23 **council is urged to assign to the appropriate interim study**
- 24 **committee, during the 2023 legislative interim, the task of studying**
- 25 **current school assessments in an effort to reduce and streamline**
- 26 **assessments for Indiana students.**
- 27 **(b) This SECTION expires January 1, 2024.**
- 28 SECTION 35. 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. 486, 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 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 5-14-1.5-6.1, AS AMENDED BY P.L.197-2021, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 6.1. (a) As used in this section, "public official" means a person:

- (1) who is a member of a governing body of a public agency; or
- (2) whose tenure and compensation are fixed by law and who executes an oath.

(b) Executive sessions may be held only in the following instances:

- (1) Where authorized by federal or state statute.
- (2) For discussion of strategy with respect to any of the following:
 - (A) Collective bargaining, **which does not include a discussion or meeting under IC 20-29-6-7.**
 - (B) Initiation of litigation or litigation that is either pending or has been threatened specifically in writing. As used in this clause, "litigation" includes any judicial action or administrative law proceeding under federal or state law.
 - (C) The implementation of security systems.
 - (D) A real property transaction including:
 - (i) a purchase;
 - (ii) a lease as lessor;
 - (iii) a lease as lessee;
 - (iv) a transfer;
 - (v) an exchange; or
 - (vi) a sale;

by the governing body up to the time a contract or option is executed by the parties. This clause does not affect a political subdivision's duty to comply with any other statute that governs the conduct of the real property transaction, including IC 36-1-10 or IC 36-1-11.

(E) School consolidation.

However, all such strategy discussions must be necessary for competitive or bargaining reasons and may not include competitive or bargaining adversaries.



(3) For discussion of the assessment, design, and implementation of school safety and security measures, plans, and systems.

(4) Interviews and negotiations with industrial or commercial prospects or agents of industrial or commercial prospects by:

- (A) the Indiana economic development corporation;
- (B) the office of tourism development (before July 1, 2020) or the Indiana destination development corporation (after June 30, 2020);
- (C) the Indiana finance authority;
- (D) the ports of Indiana;
- (E) an economic development commission;
- (F) the Indiana state department of agriculture;
- (G) the Indiana White River state park development commission;
- (H) a local economic development organization that is a nonprofit corporation established under state law whose primary purpose is the promotion of industrial or business development in Indiana, the retention or expansion of Indiana businesses, or the development of entrepreneurial activities in Indiana; or
- (I) a governing body of a political subdivision.

However, this subdivision does not apply to any discussions regarding research that is prohibited under IC 16-34.5-1-2 or under any other law.

(5) To receive information about and interview prospective employees.

(6) With respect to any individual over whom the governing body has jurisdiction:

- (A) to receive information concerning the individual's alleged misconduct; and
- (B) to discuss, before a determination, the individual's status as an employee, a student, or an independent contractor who is:
 - (i) a physician; or
 - (ii) a school bus driver.

(7) For discussion of records classified as confidential by state or federal statute.

(8) To discuss before a placement decision an individual student's abilities, past performance, behavior, and needs.

(9) To discuss a job performance evaluation of individual employees. This subdivision does not apply to a discussion of the salary, compensation, or benefits of employees during a budget



process.

(10) When considering the appointment of a public official, to do the following:

- (A) Develop a list of prospective appointees.
- (B) Consider applications.
- (C) Make one (1) initial exclusion of prospective appointees from further consideration.

Notwithstanding IC 5-14-3-4(b)(12), a governing body may release and shall make available for inspection and copying in accordance with IC 5-14-3-3 identifying information concerning prospective appointees not initially excluded from further consideration. An initial exclusion of prospective appointees from further consideration may not reduce the number of prospective appointees to fewer than three (3) unless there are fewer than three (3) prospective appointees. Interviews of prospective appointees must be conducted at a meeting that is open to the public.

(11) To train school board members with an outside consultant about the performance of the role of the members as public officials.

(12) To prepare or score examinations used in issuing licenses, certificates, permits, or registrations under IC 25.

(13) To discuss information and intelligence intended to prevent, mitigate, or respond to the threat of terrorism.

(14) To train members of a board of aviation commissioners appointed under IC 8-22-2 or members of an airport authority board appointed under IC 8-22-3 with an outside consultant about the performance of the role of the members as public officials. A board may hold not more than one (1) executive session per calendar year under this subdivision.

(15) For discussion by the governing body of a state educational institution of:

- (A) the assessment of; or
- (B) negotiation with another entity concerning;

the establishment of a collaborative relationship or venture to advance the research, engagement, or education mission of the state educational institution. However, this subdivision does not apply to any discussions regarding research that is prohibited under IC 16-34.5-1-2 or under any other law.

(c) A final action must be taken at a meeting open to the public.

(d) Public notice of executive sessions must state the subject matter by specific reference to the enumerated instance or instances for which



executive sessions may be held under subsection (b). The requirements stated in section 4 of this chapter for memoranda and minutes being made available to the public is modified as to executive sessions in that the memoranda and minutes must identify the subject matter considered by specific reference to the enumerated instance or instances for which public notice was given. The governing body shall certify by a statement in the memoranda and minutes of the governing body that no subject matter was discussed in the executive session other than the subject matter specified in the public notice.

(e) A governing body may not conduct an executive session during a meeting, except as otherwise permitted by applicable statute. A meeting may not be recessed and reconvened with the intent of circumventing this subsection."

Page 11, line 27, reset in roman "(D)".

Page 11, line 27, after "trafficking." insert **"Training regarding identifying and reporting human trafficking.**

The training described in subdivision (4)(D) may be completed through the online platform described in IC 20-19-3-29."

Page 16, delete line 42.

Delete pages 17 through 18.

Page 19, delete lines 1 through 16, begin a new paragraph and insert:

"SECTION 16. IC 20-28-9-1.5, AS AMENDED BY P.L.178-2022(ts), SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 1.5. (a) This subsection governs salary increases for a teacher employed by a school corporation. Compensation attributable to additional degrees or graduate credits earned before the effective date of a local compensation plan created under this chapter before July 1, 2015, shall continue for school years beginning after June 30, 2015. Compensation attributable to additional degrees for which a teacher has started course work before July 1, 2011, and completed course work before September 2, 2014, shall also continue for school years beginning after June 30, 2015. 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. A supplement provided under this subsection is not subject to collective bargaining. ~~but a discussion of the supplement must be held.~~ Such a supplement is in addition to any increase permitted under subsection (b).

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

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

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

(B) The possession of either:

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

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

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

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

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

(c) To provide greater flexibility and options, a school corporation may differentiate the amount of salary increases or increments determined for teachers. A school corporation shall base a differentiated amount under this subsection on reasons the school corporation determines are appropriate, which may include the:

(1) subject or subjects taught by a given teacher;

(2) importance of retaining a given teacher at the school corporation;

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

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

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

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

(m) An employment agreement described in IC 20-28-6-7.3 between an adjunct teacher and a school corporation is not subject to this section."

Page 21, between lines 18 and 19, begin a new paragraph and insert:

"(b) A plan under this section must include an annual designation of each certificated employee in one (1) of the following rating categories:



- (1) Highly effective.
- (2) Effective.
- (3) Improvement necessary.
- (4) Ineffective.

The requirements for designation in each rating category must be determined by the school corporation."

Page 21, line 19, delete "(b)" and insert "(c)".

Page 21, line 28, delete "(c)" and insert "(d)".

Page 21, between lines 29 and 30, begin a new paragraph and insert:

"(e) After a school corporation has assigned an evaluator to perform a certificated employee's evaluation, the certificated employee may request the school corporation to assign an evaluator other than the evaluator assigned to perform the certificated employee's evaluation."

Page 21, line 36, delete "ineffective," and insert "ineffective".

Page 21, line 36, reset in roman "or".

Page 21, line 37, reset in roman "improvement necessary,".

Page 23, delete lines 36 through 42, begin a new paragraph and insert:

"SECTION 23. IC 20-28-11.5-8.5, AS ADDED BY P.L.213-2015, SECTION 184, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 8.5. ~~A plan for performance evaluations under this chapter may be discussed, but is not subject to bargaining. Selection of a performance evaluation model is at the discretion of the school corporation, but the developed plan must be reported to the department and the Indiana education employment relations board in a timely manner, as established by the department. Upon request by a school corporation, the department may review the school corporation's plan for efficacy and the Indiana education employment relations board may review the plan for legality, and both may comment to the school corporation. The department shall annually present to the state board of education plans selected by the school corporations. The state board may recommend model plans to school corporations, but shall not mandate any plan.~~"

Page 24, delete lines 1 through 6.

Page 26, delete lines 25 through 36, begin a new paragraph and insert:

"SECTION 25. IC 20-29-2-7 IS REPEALED [EFFECTIVE JULY 1, 2023]. Sec. 7. "Discuss" means the performance of the mutual obligation of the school corporation through its superintendent and the exclusive representative to meet at reasonable times to:

- (+) discuss;



- (2) provide meaningful input; or
- (3) exchange points of view;

with respect to items enumerated in IC 20-29-6-7".

Page 26, line 39, strike "(a)".

Page 27, strike lines 6 through 13.

Page 27, delete lines 14 through 42, begin a new paragraph and insert:

"SECTION 27. IC 20-29-6-6, AS AMENDED BY P.L.216-2021, SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 6. (a) The obligation to bargain collectively does not include the final approval of a contract concerning any items. Agreements reached through collective bargaining are binding as a contract only if ratified by the governing body of the school corporation and the exclusive representative. The obligation to bargain collectively does not require the school employer or the exclusive representative to agree to a proposal of the other or to make a concession to the other.

(b) This subsection applies to a collective bargaining agreement ratified after June 30, 2021. A ratified collective bargaining agreement shall include a provision specifying the date on which ~~the public hearing described in section 1(b) of this chapter and~~ the public meeting described in section 19 of this chapter occurred as well as an attestation signed by both parties attesting that the ~~public hearing described in section 1(b) of this chapter and~~ the public meeting described in section 19 of this chapter occurred on the dates specified in the ratified collective bargaining agreement. The governing body shall indicate as part of the attestation whether governing body members or members of the public were allowed to participate in the public hearing or public meeting by means of electronic communication.

SECTION 28. IC 20-29-6-7, AS AMENDED BY P.L.168-2022, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 7. (a) A school employer ~~shall~~ **may** discuss: ~~with the exclusive representative of certificated employees the following items:~~

- (1) Curriculum development and revision.
- (2) Selection of curricular materials.
- (3) Teaching methods.
- (4) Hiring, evaluation, promotion, demotion, transfer, assignment, and retention of certificated employees.
- (5) Student discipline.
- (6) Expulsion or supervision of students.
- (7) Pupil/teacher ratio.
- (8) Class size or budget appropriations.



(9) Safety issues for students and employees in the workplace; except those items required to be kept confidential by state or federal law.

(10) Hours.

(11) Funding for a plan for a remediation program for any subset of students enrolled in kindergarten through grade 12.

(12) The following nonbargainable items under IC 20-43-10-3.5:

(A) Teacher appreciation grants.

(B) Individual teacher appreciation grant stipends to teachers.

(C) Additions to base salary based on teacher appreciation grant stipends.

(13) The pre-evaluation planning session required under IC 20-28-11.5-4.

(14) The superintendent's report to the governing body concerning staff performance evaluations required under IC 20-28-11.5-9.

(15) A teacher performance model.

(16) The use of adjunct teachers permitted under IC 20-28-5-27.

(1) with a certificated employee or group of certificated employees; or

(2) at one (1) or more meetings that are open to all certificated employees;

any topic that significantly impacts a certificated employee's working conditions or impacts the educational quality of the school employer's students.

(b) A discussion or meeting under subsection (a) is not subject to the open door law (IC 5-14-1.5)."

Page 28, delete lines 1 through 8.

Page 28, between lines 26 and 27, begin a new paragraph and insert:

"SECTION 31. IC 20-29-6-19, AS AMENDED BY P.L.216-2021, SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 19. (a) ~~In addition to holding at least one (1) public hearing with public testimony as described in section 1(b) of this chapter, the A~~ school employer must conduct a public meeting to discuss a tentative collective bargaining agreement at least seventy-two (72) hours before it is ratified by the school employer. A school employer may allow governing body members or the public to participate in a public meeting under this section by means of electronic communication.

(b) Notice of the time and the location of the public meeting and a tentative collective bargaining agreement established under this chapter must be posted on the school employer's ~~Internet web site~~ website at least seventy-two (72) hours prior to the public meeting described in



subsection (a).

(c) A school employer must allow for public comment at the meeting at which a tentative collective bargaining agreement is ratified.

(d) Not later than fourteen (14) business days after the parties have reached an agreement under this chapter, the school employer shall post the contract upon which the parties have agreed on the school employer's ~~Internet web site:~~ **website.**"

Page 31, delete lines 7 through 42, begin a new paragraph and insert:

"SECTION 34. IC 20-43-10-3.5, AS AMENDED BY P.L. 165-2021, SECTION 167, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JUNE 29, 2023]: Sec. 3.5. (a) As used in this section, "school" means a school corporation, charter school, and a virtual charter school.

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

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

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

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

- (1) the school has in the state fiscal year in which the teacher appreciation grants are made under this section:
 - (A) adopted an annual policy concerning the distribution of teacher appreciation grants; and
 - (B) submitted the policy to the department for approval; and
- (2) the department has approved the policy.

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

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

- (1) thirty-seven dollars and fifty-cents (\$37.50); multiplied by
- (2) the school's current ADM.

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

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

- (1) If the total amount to be distributed as teacher appreciation grants for a particular state fiscal year exceeds the amount appropriated by the general assembly for teacher appreciation



grants for that state fiscal year, the total amount to be distributed as teacher appreciation grants to schools shall be proportionately reduced so that the total reduction equals the amount of the excess. The amount of the reduction for a particular school is equal to the total amount of the excess multiplied by a fraction. The numerator of the fraction is the amount of the teacher appreciation grant that the school would have received if a reduction were not made under this section. The denominator of the fraction is the total amount that would be distributed as teacher appreciation grants to all schools if a reduction were not made under this section.

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

(f) The annual teacher appreciation grant to which a school is entitled for a state fiscal year shall be distributed to the school before December 5 of that state fiscal year.

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

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

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

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



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

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

(j) A school shall distribute all stipends from a teacher appreciation grant to individual teachers within twenty (20) business days of the date the department distributes the teacher appreciation grant to the school. Any part of the teacher appreciation grant not distributed as stipends to teachers before February must be returned to the department on the earlier of the date set by the department or June 30 of that state fiscal year.

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

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

(m) This section expires June 30, 2023."

Delete page 32.

Page 33, delete lines 1 through 32.

Re-number all SECTIONS consecutively.

and when so amended that said bill do pass and be reassigned to the Senate Committee on Appropriations.

(Reference is to SB 486 as introduced.)

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RAATZ, Chairperson

Committee Vote: Yeas 7, Nays 6.

COMMITTEE REPORT

Madam President: The Senate Committee on Appropriations, to which was referred Senate Bill No. 486, 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 5, line 8, delete "shall" and insert "**may**".

Page 5, line 17, delete "shall" and insert "**may**".

and when so amended that said bill do pass.

(Reference is to SB 486 as printed February 3, 2023.)

MISHLER, Chairperson

Committee Vote: Yeas 10, Nays 4.

SENATE MOTION

Madam President: I move that Senate Bill 486 be amended to read as follows:

Page 5, line 20, delete "youth" and insert "**Youth**".

Page 5, line 21, delete "IC 20-28-3-6;" and insert "**IC 20-28-3-6**".

Page 5, line 22, delete "pathogens;" and insert "**pathogens**".

Page 5, line 23, delete "bullying" and insert "**Bullying**".

Page 5, line 23, delete "IC 20-26-5-34.2;" and insert "**IC 20-26-5-34.2**".

Page 5, line 24, delete "child" and insert "**Child**".

Page 5, line 24, delete "IC 20-28-3-4.5;" and insert "**IC 20-28-3-4.5**".

Page 5, line 25, delete "out; and" and insert "**out**".

Page 5, delete lines 30 through 42.

Delete page 6.

Page 7, delete lines 1 through 30, begin a new paragraph and insert:
"SECTION 4. IC 20-20-40-13, AS AMENDED BY THE
TECHNICAL CORRECTIONS BILL OF THE 2023 GENERAL

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ASSEMBLY, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 13. (a) The commission has the following duties:

- (1) To adopt rules concerning the following:
 - (A) The use of restraint and seclusion in a school corporation or a state accredited nonpublic school, with an emphasis on eliminating or minimizing the use of restraint and seclusion.
 - (B) The prevention of the use of types of restraint or seclusion that may harm a student, a school employee, a school volunteer, or the educational environment of the school.
 - (C) Requirements for notifying parents.
 - (D) Training regarding the use of restraint and seclusion, including the frequency of training and what employees must be trained.
 - (E) The distribution of the seclusion and restraint policy to parents and the public.
 - (F) Requirements for the reporting of incidents of restraint and seclusion in the annual school performance report, including incidents of restraint and seclusion involving school resource officers (as defined in IC 20-26-18.2-1).
 - (G) Circumstances that may require more timely incident reporting and the requirements for such reporting.
- (2) To develop, maintain, and revise a model restraint and seclusion plan for schools that includes the following elements:
 - (A) A statement on how students will be treated with dignity and respect and how appropriate student behavior will be promoted and taught.
 - (B) A statement ensuring that the school will use prevention, positive behavior intervention and support, and conflict ~~deescalation~~ **de-escalation** to eliminate or minimize the need for use of any of the following:
 - (i) Seclusion.
 - (ii) Chemical restraint.
 - (iii) Mechanical restraint.
 - (iv) Physical restraint.
 - (C) A statement ensuring that any behavioral intervention used will be consistent with the student's most current behavioral intervention plan, or individualized education program, if applicable.
 - (D) Definitions for restraint and seclusion, as defined in this chapter.
 - (E) A statement ensuring that if a procedure listed in clause (B) is used, the procedure will be used:



- (i) as a last resort safety procedure, employed only after another, less restrictive procedure has been implemented without success; and
- (ii) in a situation in which there is an imminent risk of injury to the student, other students, school employees, or visitors to the school.

(F) An indication that restraint or seclusion may be used only for a short time period, or until the imminent risk of injury has passed.

(G) A documentation and recording requirement governing instances in which procedures listed in clause (B) are used, including:

- (i) how every incident will be documented and debriefed;
- (ii) how responsibilities will be assigned to designated employees for evaluation and oversight; and
- (iii) designation of a school employee to be the keeper of such documents.

(H) A requirement that the student's parent must be notified as soon as possible when an incident involving the student occurs that includes use of procedures listed in clause (B).

(I) A requirement that a copy of an incident report must be sent to the student's parent after the student is subject to a procedure listed in clause (B).

(J) Required recurrent training for ~~appropriate school employees~~ **special education teachers and school resource officers** on the appropriate use of effective alternatives to physical restraint and seclusion, including the use of positive behavioral intervention and support and conflict ~~de-escalation~~ **de-escalation**. The training must include the safe use of physical restraint and seclusion in incidents involving imminent danger or serious harm to the student, school employees, or others. Consideration must be given to available school resources and the time commitments of ~~school employees~~ **special education teachers and school resource officers**.

(3) To accept and review reports from the public and make nonbinding recommendations to the department of any suggested action to be taken.

(b) The model policy developed by the commission must take into consideration that implementation and reporting requirements for state accredited nonpublic schools may vary, and the model plan must provide state accredited nonpublic schools flexibility with regards to



accountability under and implementation of the plan adopted by a state accredited nonpublic school under section 14 of this chapter."

Page 33, line 28, after "collectively" delete ";".

Renumber all SECTIONS consecutively.

(Reference is to SB 486 as printed February 17, 2023.)

ROGERS

COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred Senate Bill 486, 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 4, line 40, reset in roman "(1)".

Page 4, line 41, after "trafficking" delete "." and insert ";".

Page 4, line 41, reset in roman "and".

Page 4, line 42, reset in roman "(2) information that may assist school officials in complying with".

Page 5, line 1, reset in roman "inservice training requirements under IC 20-28-3-7."

Page 5, between lines 5 and 6, begin a new paragraph and insert:

"SECTION 3. IC 20-19-3-20.5 IS REPEALED [EFFECTIVE JULY 1, 2023]. Sec. 20.5: (a) This section does not apply to a mediator or independent hearing officer retained by the department before July 1, 2019.

(b) Not later than January 1, 2021, the department shall ensure that all mediators, administrative law judges, hearing officers, and other appointees, employees, and contractors who:

(1) are initially retained by the department after June 30, 2019;

and

(2) mediate or adjudicate disputes involving educational entities through the department;

are effectively trained and committed to serve as both mediators and adjudicators."

Page 5, delete lines 31 through 42.

Delete page 6.

Page 7, delete lines 1 through 34.

Page 12, after line 42, begin a new paragraph and insert:

"SECTION 9. IC 20-28-3-7, AS AMENDED BY P.L.92-2020,



SECTION 48, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 7. (a) Each school corporation and state accredited nonpublic school shall require all school employees likely to have direct, ongoing contact with children within the scope of the employee's employment to attend or participate in inservice training pertaining to the identification and reporting of human trafficking. The training shall be conducted in a manner prescribed by the state board under IC 20-28-5.5-1, **and after June 30, 2024, the training may be offered through the online platform established or licensed for use under IC 20-19-3-29 if available.**

(b) The inservice training required under this section shall count toward the requirements for professional development required by the governing body or the equivalent authority for a state accredited nonpublic school."

Page 13, delete lines 1 through 12.

Page 14, line 35, reset in roman "IC 20-28-3-7 (training on human trafficking)."

Page 14, line 35, after "trafficking)." delete "Training".

Page 14, delete line 36.

Page 15, delete lines 35 through 42.

Delete page 16.

Page 17, delete lines 1 through 16.

Page 23, line 23, reset in roman "A plan must include".

Page 23, line 24, delete "Performance" and insert "performance".

Page 23, line 24, reset in roman "evaluations for all certificated employees,".

Page 23, line 25, reset in roman "conducted at least annually.".

Page 25, between lines 35 and 36, begin a new paragraph and insert:

"SECTION 21. IC 20-28-11.5-7, AS AMENDED BY P.L. 192-2018, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 7. (a) This section applies to any teacher instructing students in a content area and grade subject to IC 20-32-5-2 (for a school year ending before July 1, 2018), and IC 20-32-5.1 (for a school year ending after June 30, 2018).

(b) A student may not be instructed for two (2) consecutive years by two (2) consecutive teachers, each of whom was rated as ineffective under this chapter in the school year immediately before the school year in which the student is placed in the respective teacher's class.

(c) If a teacher did not instruct students in the school year immediately before the school year in which students are placed in the teacher's class, the teacher's rating under this chapter for the most recent year in which the teacher instructed students, instead of for the



school year immediately before the school year in which students are placed in the teacher's class, shall be used in determining whether subsection (b) applies to the teacher.

~~(d) If it is not possible for a school corporation to comply with this section, the school corporation must notify the parents of each applicable student indicating the student will be placed in a classroom of a teacher who has been rated ineffective under this chapter. The parent must be notified before the start of the second consecutive school year."~~

Page 25, delete lines 36 through 42.

Page 26, delete lines 1 through 15.

Page 27, line 35, reset in roman "(a)".

Page 28, reset in roman lines 4 through 42.

Page 29, reset in roman lines 1 through 42.

Page 30, reset in roman lines 1 through 8.

Page 30, delete lines 17 through 42.

Page 31, delete lines 1 through 14.

Page 32, delete lines 31 through 42.

Page 33, delete lines 1 through 9.

Page 33, between lines 41 and 42, begin a new paragraph and insert:

"SECTION 33. IC 20-34-3-24, AS ADDED BY P.L.44-2019, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 24. (a) For purposes of this section, "bleeding control kit" means a first aid response kit that contains at least the following:

- (1) One (1) tourniquet endorsed by the Committee on Tactical Combat Casualty Care.
- (2) A compression bandage.
- (3) A bleeding control bandage.
- (4) Protective gloves and a permanent marker.
- (5) Scissors.
- (6) Instructional documents developed by the Stop the Bleed national awareness campaign of the United States Department of Homeland Security or the American College of Surgeons Committee on Trauma, or both.
- (7) Other medical materials and equipment similar to those described in subdivisions (1) through (3), and any additional items that:
 - (A) are approved by local law enforcement or first responders;
 - (B) can adequately treat a traumatic injury; and
 - (C) can be stored in a readily available kit.

(b) Beginning in the 2020-2021 school year and each school year



thereafter and subject to either:

- (1) an appropriation by the general assembly; or
- (2) a charter school or school corporation receiving sufficient bleeding control kits for the charter school or each school in the school corporation from:

- (A) donations from individuals or entities; or

- (B) gifts necessary to purchase the bleeding control kits;

each school corporation and charter school shall develop and implement a Stop the Bleed program that meets the requirements set forth in this section. Upon request by a school corporation or charter school, the department of homeland security, in collaboration with the department, may direct the school corporation or charter school to resources that are available to provide bleeding control kits to the school corporation or charter school. The department of homeland security and department shall maintain information regarding the Stop the Bleed program on the department of homeland security's and department's Internet web sites.

(c) A school corporation's Stop the Bleed program must include each school of the school corporation. The Stop the Bleed program must include requirements that:

- (1) require bleeding control kits be assigned to designated rooms in easily accessible locations to be determined by local first responders or the school safety specialist;

- (2) include bleeding control kits in the emergency plans of the school corporation or charter school, including the presentation and use of the bleeding control kits in all drills and emergencies;

- (3) provide that all school corporations and charter schools have a minimum of five (5) individuals in each school building who obtain appropriate training in the use of the bleeding control kit, including:

- (A) the proper application of pressure to stop bleeding;

- (B) the application of dressings or bandages;

- (C) additional pressure techniques to control bleeding; and

- (D) the correct application of tourniquets;

- (4) require bleeding control kits in school inventories to be inspected annually to ensure that the materials, supplies, and equipment contained in the bleeding control kits are not expired, and that any expired materials, supplies, and equipment are replaced as necessary; and

- (5) require a bleeding control kit to be restocked after each use and any materials, supplies, and equipment to be replaced as necessary to ensure that the bleeding control kit contains all



necessary materials, supplies, and equipment.

(d) The department, in collaboration with the department of homeland security, shall develop and provide training for the use of bleeding control kits. The department may satisfy the training requirements by:

(1) using training, including online training, available from the American College of Surgeons or a similar organization authorized by the department of homeland security; **or**

(2) after June 30, 2024, offering the training required by this section through the online platform established or licensed for use under IC 20-19-3-29 if available.

(e) In all matters relating to a Stop the Bleed program, school corporation or charter school personnel are immune from civil liability for any act done or omitted in the use of a bleeding control kit unless the action constitutes gross negligence or willful or wanton misconduct."

Page 33, delete line 42.

Delete page 34.

Page 35, delete lines 1 through 31.

Page 41, delete lines 5 through 7.

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 486 as reprinted February 22, 2023.)

BEHNING

Committee Vote: yeas 8, nays 4.

