

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.

SENATE ENROLLED ACT No. 486

AN ACT to amend the Indiana Code concerning education.

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

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;

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- (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.

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

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

(2) information that may assist school officials in complying with inservice training requirements under IC 20-28-3-7.

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

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:

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

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

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

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

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

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

(2) 29 CFR 1910.1030 concerning bloodborne pathogens.

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

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

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

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

(c) If a teacher successfully completes a training on the online platform, the training must count towards continuing education required for licensure renewal, as prescribed by the department.

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

(1) An evidence based educational criminal organization



awareness program for students, school employees, and parents:
 (2) A school employee development program to provide training to school employees in the implementation of the criminal organization policy established under section 2 of this chapter.

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

- (1) by one (1) or more school corporations or charter schools through a contract between a local law enforcement agency and the school corporation or school corporations or the charter school or charter schools;
- (2) by one (1) or more school corporations or charter schools;
- (3) by a local law enforcement agency that assigns the school resource officer to one (1) or more school corporations or charter schools through a memorandum of understanding between the local law enforcement agency and the school corporation or school corporations or the charter school or charter schools; or
- (4) through a contract between an Indiana business that employs persons who meet the qualifications of a school resource officer and the school corporation or school corporations or the charter school or charter schools.

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

- (1) Protects against outside threats to the physical safety of students.
- (2) Prevents unauthorized access to school property.
- (3) Secures schools against violence and natural disasters.
- (4) ~~On or before July 1, 2020;~~ Identifies the location of **any** bleeding control kits (as defined in IC 20-34-3-24(a)).

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(c) A school resource officer shall consult with local law enforcement officials and first responders when assisting the school corporation's school safety specialist in the development of the school safety plan.

(d) A school resource officer shall participate in the development of programs designed to identify, assess, and provide assistance to troubled youth.

(e) A school resource officer may not be reassigned to other duties by the school corporation.

SECTION 7. IC 20-28-3-1, AS AMENDED BY P.L.41-2022, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 1. (a) As used in this section, "teacher candidate" means an individual recommended for an initial teaching license from a teacher preparation program located in Indiana.

(b) As used in this section, "teacher preparation program" includes, but is not limited to, the following:

- (1) A teacher education school or department.
- (2) A transition to teaching program under IC 20-28-4.
- (3) Any other entity approved by the department to offer a course of study leading to an initial teaching license.

(c) The department shall:

- (1) arrange a statewide system of professional instruction for teacher education;
- (2) accredit and review teacher preparation programs that comply with the rules of the department;
- (3) approve content area licensure programs for particular kinds of teachers in accredited teacher preparation programs; and
- (4) specify the types of licenses for individuals who complete programs of approved courses.

(d) The department shall work with teacher preparation programs to develop a system of teacher education that ensures individuals who complete teacher preparation programs are able to meet the highest professional standards.

(e) Before July 1, 2015, the department shall establish standards for the continuous improvement of program processes and the performance of individuals who complete teacher preparation programs. The state board shall adopt rules containing the standards not later than two hundred seventy (270) days after the department finishes the standards.

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



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

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

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

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

(A) do not pass a content area licensure examination; and

(B) do not retake the content area licensure examination.

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

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

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

(i) Not later than July 30, 2016, the department and the commission for higher education, in conjunction with the state board, the Independent Colleges of Indiana, Inc., and teacher preparation programs, shall establish a matrix rating system for teacher preparation programs based on the performance of the programs as demonstrated by the data collected under subsections (g) and (h). ~~and information reported to the department under IC 20-28-11.5-9.~~ The matrix rating system may not rank or compare teacher preparation programs. The matrix rating system must be based on data collected for teachers who



initially receive their teaching license during the previous three (3) years. The department shall make the matrix ratings available to the public on the department's ~~Internet web site:~~ **website.**

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

- (1) the Council for the Accreditation of Educator Preparation standards, for teacher preparation programs accredited by the Council for the Accreditation of Educator Preparation;
- (2) rigorous academic entry requirements for admission into a teacher preparatory program that are equivalent to the minimum academic requirements determined by the Council for the Accreditation of Educator Preparation, for teacher preparation programs that are not accredited by the Council for the Accreditation of Educator Preparation; or
- (3) the Association for Advancing Quality in Educator Preparation standards, for teacher preparation programs accredited by the Association for Advancing Quality in Educator Preparation.

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

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

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

- (1) In the case of a state educational institution, the commission for higher education shall place the teacher preparation program on an improvement plan with clear performance goals and a designated period in which the performance goals must be achieved.
- (2) In the case of a proprietary postsecondary educational institution, the commission for higher education shall recommend to the teacher preparation program an improvement plan with clear performance goals and a designated period in which the performance goals should be achieved.



(3) In the case of a nonprofit college or university, the Independent Colleges of Indiana, Inc., shall coordinate a peer review process to make recommendations to the peer institution in achieving the department's performance metrics.

- (m) The department shall approve at least two (2) accreditors that:
- (1) accredit teacher preparation programs; and
 - (2) are recognized by the Council for Higher Education Accreditation;

to accredit teacher preparation programs for use in Indiana.

SECTION 8. IC 20-28-3-5.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: **Sec. 5.5. Not later than July 1, 2024, a teacher preparation program shall include content within the curriculum on the following:**

- (1) Information on criminal gang organizations awareness.**
- (2) Information regarding homeless students, including:**
 - (A) the definition of homelessness;**
 - (B) signs of homelessness; and**
 - (C) steps to take when a homeless student is identified.**
- (3) Information on recognizing the signs and symptoms of seizures and the appropriate steps to be taken to respond to these symptoms.**

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.

SECTION 10. IC 20-28-3-9 IS REPEALED [EFFECTIVE JULY 1, 2023]. **Sec. 9. (a) Each school corporation and charter school shall require all applicants for employment who will have direct, ongoing contact with children within the scope of the applicant's employment to attend, before or not later than thirty (30) days after the start date of**



the applicant's employment; training concerning recognition of the signs and symptoms of seizures and the appropriate steps to be taken to respond to these symptoms:

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

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

- (1) an in-person presentation;
- (2) an electronic or technology based medium, including self-review modules available on an online system;
- (3) an individual program of study designated materials; or
- (4) any other method approved by the governing body or organizer of a charter school that is consistent with current professional development standards.

(d) The training required under this section must be during the school employee's contracted day or at a time chosen by the employee.

(e) The training required under this section shall count toward the requirements for professional development required by the governing body of a school corporation or its equivalent for a charter school:

(f) The training requirements must be consistent with the training programs and guidelines developed by the Epilepsy Foundation of America or a successor organization:

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

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

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

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

- (1) the school corporation may enter into an employment agreement for employment with the individual as a part-time or full-time teacher of the school corporation;
- (2) the individual who holds the adjunct permit may teach in any content area in which the school corporation allows the individual to teach based on the individual's experience described in subsection (a);
- (3) the individual must be assigned a teacher mentor for support in pedagogy; and
- (4) the individual must complete the following training within the first ninety (90) days of employment:
 - (A) IC 20-26-5-34.2 (bullying prevention).
 - (B) IC 20-28-3-4.5 (training on child abuse and neglect).
 - (C) IC 20-28-3-6 (youth suicide awareness and prevention training).
 - (D) IC 20-28-3-7 (training on human trafficking).

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

(c) An adjunct teacher may not provide special education instruction.

(d) The salary of an adjunct teacher under an employment agreement described in IC 20-28-6-7.3 is not subject to the requirements under IC 20-28-9-1.5 or a local compensation plan established by a school corporation as described in IC 20-28-9-1.5.

(e) Except as otherwise provided in a collective bargaining agreement entered into or renewed before July 1, 2022, an employment agreement entered into under this section is not subject to a collective bargaining agreement entered into under IC 20-29.

(f) It is not an unfair practice for a school corporation to enter into an employment agreement under this section.

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

- (1) The number of adjunct teachers who hold a permit issued under this section that the school corporation has hired each school year, disaggregated by the grade level and subject area taught by the adjunct teacher.
- (2) The following information for each adjunct teacher described in subdivision (1):
 - (A) The name of the adjunct teacher.
 - (B) The subject matter the adjunct teacher is permitted to



teach.

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

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

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

(h) A school corporation shall post a vacant adjunct teacher position on the department's online adjunct teacher portal established under IC 20-19-3-25.

(i) A school corporation may notify the parents of students enrolled in the school corporation of a vacant adjunct teacher position.

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

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

(1) be in writing;

(2) be signed by both parties; and

(3) contain the:

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

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

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

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

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

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



compensation plan.

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

- (1) IC 20-28-9-5 through IC 20-28-9-6.
- (2) IC 20-28-9-9 through IC 20-28-9-11.
- (3) IC 20-28-9-13.
- (4) IC 20-28-9-14.

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

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

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

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

- (1) serves under contract as a teacher in a public school corporation;
- ~~(2) has not received a rating in an evaluation under IC 20-28-11.5 or receives a rating of ineffective in an evaluation under IC 20-28-11.5;~~

(2) either:

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

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

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

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

shall be considered a probationary teacher.

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

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

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

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

~~in an evaluation under IC 20-28-11.5 for at least three (3) years in a five (5) year or shorter period becomes a professional teacher. by~~



entering into a contract described in section 2 of this chapter.

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

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

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

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

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

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

(1) Immorality.

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

(3) Incompetence, including:

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

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

Repeated ineffective performance, as determined by the school corporation.

(4) Neglect of duty.

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

(6) Other good or just cause.

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

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

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

SECTION 15. 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:

- (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.

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

- (1) ~~has clearly demonstrated a record of effective teaching over several years;~~
- (2) ~~is approved by the principal as qualified to evaluate under the plan; and~~
- (3) ~~conducts staff performance evaluations as a significant part of teacher's responsibilities.~~

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

- (1) a school corporation;

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- (2) a school created by an interlocal agreement under IC 36-1-7;
- (3) a special education cooperative under IC 20-35-5; and
- (4) a joint career and technical education program created under IC 20-37-1.

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

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

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

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

(c) A plan must include the following components:

- (1) performance evaluations for all certificated employees, conducted at least annually.
- (2) Rigorous measures of effectiveness, including observations and other performance indicators.
- (3) An annual designation of each certificated employee in one (1) of the following rating categories:
 - (A) Highly effective.
 - (B) Effective.
 - (C) Improvement necessary.
 - (D) Ineffective.
- (4) An explanation of the evaluator's recommendations for improvement, and the time in which improvement is expected.
- (5) A provision that a teacher who negatively affects student achievement and growth cannot receive a rating of highly effective or effective.
- (6) A pre-evaluation planning session conducted by the superintendent or equivalent authority for the school corporation with the principals in the school corporation.

(d) In developing a performance evaluation plan; a school



corporation may consider the following:

- (1) Test scores of students (both formative and summative):
- (2) Classroom presentation observations:
- (3) Observation of student-teacher interaction:
- (4) Knowledge of subject matter:
- (5) Dedication and effectiveness of the teacher through time and effort on task:
- (6) Contributions of teachers through group teacher interactivity in fulfilling the school improvement plan:
- (7) Cooperation of the teacher with supervisors and peers:
- (8) Extracurricular contributions of the teacher:
- (9) Outside performance evaluations:
- (10) Compliance with school corporation rules and procedures:
- (11) Other items considered important by the school corporation in developing each student to the student's maximum intellectual potential and performance:

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

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

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

(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) The plan must:

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

before the evaluations are conducted. Before explaining the plan to the governing body, the superintendent of the school corporation shall



discuss the plan with teachers or the teachers' representative, if there is one. This discussion is not subject to the open door law (IC 5-14-1.5). The plan is not subject to bargaining. ~~but a discussion of the plan must be held.~~

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

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

(c) A teacher who receives a rating of ineffective may file a request for a private conference with the superintendent or the 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.

SECTION 20. 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.~~

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

- (1) Adopt rules under IC 4-22-2 that establish
 - ~~(A) the criteria that define each of the four categories of teacher ratings under section (4)(c)(3) of this chapter;~~
 - ~~(B) standards that define actions that constitute a negative impact on student achievement; and~~
 - ~~(C) an acceptable standard for training evaluators.~~

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

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

(b) A school corporation may:

- (1) adopt the department's model plan; or
- (2) adopt or establish any other model staff performance evaluation plan approved by the department, without the state board's approval.**

~~(c) A school corporation may substantially modify the model plan or develop the school corporation's own plan, if the substantially~~



modified or developed plan meets the criteria established under this chapter. If a school corporation substantially modifies the model plan or develops its own plan, the department may request that the school corporation submit the plan to the department to ensure the plan meets the criteria developed under this chapter. If the department makes such a request, before submitting a substantially modified or new staff performance evaluation plan to the department, the governing body shall submit the staff performance evaluation plan to the teachers employed by the school corporation for a vote. If at least seventy-five percent (75%) of the voting teachers vote in favor of adopting the staff performance evaluation plan, the governing body may submit the staff performance evaluation plan to the department.

(d) (c) Each school corporation shall submit its staff performance evaluation plan to the department. The department shall publish the staff performance evaluation plans on the department's Internet web site. A school corporation must submit its staff performance evaluation plan to the department for approval in order to qualify for any grant funding related to this chapter. **website.**

SECTION 22. 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.**

SECTION 23. IC 20-28-11.5-9, AS AMENDED BY P.L.41-2022, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 9. (a) The principal of a school in a school corporation shall report in the aggregate the results of staff performance evaluations for the school for the previous school year to the superintendent and the governing body for the school corporation before August 15 of each year on the schedule determined by the governing body. The report must be presented in a public meeting of the governing body. Before presentation to the governing body, the



superintendent of the school corporation shall discuss the report of completed evaluations with the teachers. This discussion is not subject to the open door law (IC 5-14-1.5). The report of completed evaluations is not subject to bargaining. ~~but a discussion of the report must be held.~~

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

- (1) after completing the presentations required under subsection (a) for all schools for the school corporation; and
- (2) before November 15 of that year.

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

(c) Not before the beginning of the second semester (or the equivalent) of the school year and not later than August 1 of each year, the principal at each school described in subsection (b) shall complete a survey that provides information regarding the principal's assessment of the quality of instruction by each particular teacher preparation program located in Indiana for teachers employed at the school who initially received their teaching license in Indiana in the previous two (2) years. The survey shall be adopted by the state board and prescribed on a form developed not later than July 30, 2016, by the department that is aligned with the matrix system established under IC 20-28-3-1(i). The school shall provide the surveys to the department in a manner prescribed by the department. The department shall compile the information contained in the surveys, broken down by each teacher preparation program located in Indiana. The department shall include information relevant to a particular teacher preparation program located in Indiana in the department's report under subsection (f).

(d) During the second semester (or the equivalent) of the school year and not later than August 1 of each year, each teacher employed by a school described in subsection (b) in Indiana who initially received a teacher's license in Indiana in the previous three (3) years shall complete a form after the teacher completes the teacher's initial year teaching at a particular school. The information reported on the form must:

- (1) provide the year in which the teacher was hired by the school;
- (2) include the name of the teacher preparation program that recommended the teacher for an initial license;
- (3) describe subjects taught by the teacher;



- (4) provide the location of different teaching positions held by the teacher since the teacher initially obtained an Indiana teaching license;
- (5) provide a description of any mentoring the teacher has received while teaching in the teacher's current teaching position;
- (6) describe the teacher's current licensure status; and
- (7) include an assessment by the teacher of the quality of instruction of the teacher preparation program in which the teacher participated.

The form shall be prescribed by the department. The forms shall be submitted to the department in a manner prescribed by the department. Upon receipt of the information provided in this subsection, the department shall compile the information contained in the forms and include an aggregated summary of the report on the department's Internet web site.

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

- (1) the aggregate of certificated employees of each school and school corporation;
- (2) the aggregate of graduates of each teacher preparation program in Indiana;
- (3) for each school described in subsection (b), the annual rate of retention for certificated employees for each school within the charter school or school corporation; and
- (4) the aggregate results of staff performance evaluations for each category described in section 4(c)(3) of this chapter. In addition to the aggregate results, the results must be broken down:
 - (A) by the content area of the initial teacher license received by teachers upon completion of a particular teacher preparation program; or
 - (B) as otherwise requested by a teacher preparation program, as approved by the state board.

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

- (1) information from the surveys relevant to that particular teacher education program provided to the department under subsection (c);
- (2) information from the forms relevant to that particular teacher preparation program compiled by the department under



subsection (d); and

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

SECTION 24. 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:

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

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

SECTION 25. IC 20-29-6-1, AS AMENDED BY P.L.216-2021, SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 1. (a) School employers and school employees shall:

- (1) have the obligation and the right to bargain collectively the items set forth in section 4 of this chapter; **and**
- (2) ~~have the right and obligation to discuss any item set forth in section 7 of this chapter; and~~
- (3) **(2)** enter into a contract embodying any of the matters listed in section 4 of this chapter on which they have bargained collectively.

(b) Notwithstanding any other law, before a school employer and school employees may privately negotiate the matters described in subsection (a)(1) during the time period for formal collective bargaining established in section 12 of this chapter, the parties must hold at least one (1) public hearing and take public testimony to discuss the items described in subsection (a). A school employer may allow governing body members or the public to participate in a public hearing under this subsection by means of electronic communication.

SECTION 26. 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).

SECTION 27. IC 20-29-6-8 IS REPEALED [EFFECTIVE JULY 1, 2023]. Sec. 8: The obligation to discuss does not require either party to enter into a contract, agree to a proposal, or make a concession related to the items listed in section 7 of this chapter. A failure to reach an agreement on a matter of discussion does not allow the use of any part of the impasse procedure under IC 20-29-8.

SECTION 28. IC 20-29-6-9, AS ADDED BY P.L.1-2005, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



JULY 1, 2023]: Sec. 9. The obligation to bargain collectively ~~or discuss~~ a matter does not prevent:

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

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

- (1) Interfere with, restrain, or coerce school employees in the exercise of the rights guaranteed in IC 20-29-4.
- (2) Dominate, interfere, or assist in the formation or administration of any school employee organization or contribute financial or other support to the organization. Subject to rules adopted by the governing body, a school employer may permit school employees to confer with the school employer or with any school employee organization during working hours without loss of time or pay.
- (3) Encourage or discourage membership in any school employee organization through discrimination in regard to:
 - (A) hiring;
 - (B) tenure of employment; or
 - (C) any term or condition of employment.
- (4) Discharge or otherwise discriminate against a school employee because the employee has filed a complaint, affidavit, petition, or any information or testimony under this article.
- (5) Refuse to
 - (A) bargain collectively ~~or~~
 - (B) ~~discuss~~;
 with an exclusive representative as required by this article.
- (6) Fail or refuse to comply with any provision of this article.

(b) If:

- (1) a complaint is filed that alleges an unfair practice has occurred with respect to a subject that may be discussed under this article; and
- (2) the complaint is found to be frivolous;

the party that filed that complaint is liable for costs and attorney's fees.

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SECTION 30. 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:

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- (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.

SECTION 31. 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.

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

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

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

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

- (1) Homeless children and youths are identified by school personnel through outreach and coordination activities with other entities and agencies pursuant to the McKinney-Vento Act.
- (2) Homeless children and youths are enrolled in, and have full and equal opportunity to succeed in, school.
- (3) Homeless families and homeless children and youths are provided access to receive education services for which the homeless families and homeless children and youths are eligible, including Head Start, early intervention services under the Individuals with Disabilities Education Act, and preschool



programs administered by the local educational agency:

(4) Homeless families and homeless children and youths are referred to health, dental, mental health, and substance abuse services; housing services; and other appropriate services:

(5) Parents or guardians of homeless children and youths are informed of educational and related opportunities available to the children and are provided with meaningful opportunities to participate in the education of the children:

(6) Public notice of educational rights of homeless students is disseminated in locations frequented by parents and guardians of homeless children and youths; and unaccompanied youths; including in schools; shelters; public libraries; and soup kitchens; in a manner and form understandable to the parents and guardians of homeless children and youths and unaccompanied youths:

(7) Enrollment disputes are mediated in accordance with the McKinney-Vento Act.

(8) Parents and guardians of homeless children and youths and unaccompanied youths are fully informed of all transportation services; including transportation to and from the school of origin; and are assisted in accessing transportation services:

(9) School personnel receive professional development and other support.

(10) Unaccompanied youths:

(A) are enrolled in school;

(B) have opportunities to meet the same state academic standards as established for other children and youths; and

(C) are informed of the status of unaccompanied youths as independent students under section 40 of the Higher Education Act of 1965 (20 U.S.C. 1087vv); to ensure the rights of unaccompanied youths to receive verification of this status from the local liaison:

SECTION 33. IC 20-50-1-6 IS REPEALED [EFFECTIVE JULY 1, 2023]. Sec. 6: (a) Each year, the department shall provide training to individuals who are appointed under section 3 of this chapter as liaisons for homeless children:

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

(1) the definition of homelessness;

(2) signs of homelessness; and

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



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

- (1) the needs of homeless children and youths;
- (2) the rights of homeless children and youths under the McKinney-Vento Act; and
- (3) the specific educational needs of homeless children and youths.

SECTION 34. IC 31-36-3-4, AS ADDED BY P.L.211-2019, SECTION 40, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 4. (a) As used in this section, "homeless youth" means an individual who:

- (1) is:
 - (A) at least sixteen (16) years of age; and
 - (B) less than eighteen (18) years of age;
- (2) is unemancipated;
- (3) is mentally competent; and
- (4) lives in a situation described in 42 U.S.C. 11434a(2)(A) and 42 U.S.C. 11434a(2)(B) with or without the consent of the individual's parent, guardian, or custodian.

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

- (1) have access, without charge and the consent of a parent, guardian, or custodian, to the homeless youth's:
 - (A) certificate of birth;
 - (B) photo identification card under IC 9-24-16-10(c); and
 - (C) Indiana driver's license; and
- (2) be permitted to enroll the homeless youth in adult basic education services and register the homeless youth for the Indiana high school equivalency examination following the completion of an exit interview by the homeless youth under IC 20-33-2-9.

(c) A fee and consent waiver affidavit executed under this subsection shall contain the following:

- (1) The homeless youth's:
 - (A) full name; and
 - (B) date of birth.
- (2) The name, address, and telephone number of the government entity, school corporation liaison for homeless youth, ~~under IC 20-50-1-3,~~ or nonprofit organization that:
 - (A) is providing services to the homeless youth; and



- (B) will accept delivery of mail for the homeless youth.
- (3) The name of the legal representative of the government entity, school corporation liaison for homeless youth, ~~under IC 20-50-1-3~~, or nonprofit organization described in subdivision (2).
- (4) The signature of the legal representative described in subdivision (3) and the date of the signature.
- (5) The signature of the homeless youth and the date of the signature.

A fee and consent waiver affidavit executed under this subsection must be verified by affirmation or representation.

SECTION 35. [EFFECTIVE UPON PASSAGE] (a) The legislative council is urged to assign to the appropriate interim study committee, during the 2023 legislative interim, the task of studying current school assessments in an effort to reduce and streamline assessments for Indiana students.

(b) This SECTION expires January 1, 2024.

SECTION 36. An emergency is declared for this act.



President of the Senate

President Pro Tempore

Speaker of the House of Representatives

Governor of the State of Indiana

Date: _____ Time: _____

SEA 486 — Concur

