



April 10, 2015

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**ENGROSSED**  
**SENATE BILL No. 566**

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DIGEST OF SB 566 (Updated April 9, 2015 11:20 am - DI 116)

**Citations Affected:** IC 4-6; IC 20-19; IC 20-25; IC 20-25.7; IC 20-26; IC 20-28; IC 20-29; IC 20-31; IC 20-39; IC 20-51; noncode.

**Synopsis:** Education. Requires the attorney general in consultation with the Indiana education employment relations board (board) to draft and disseminate a letter by first class mail to teachers providing a summary of the teacher's rights and protections under state and federal law. Provides that teacher names and addresses provided to the attorney general are confidential and excepted under Indiana's public access laws Provides that the education roundtable may not recommend and the state board of education (state board) may not adopt Common Core Standards or an assessment or test that is produced solely by the  
(Continued next page)

**Effective:** Upon passage; July 1, 2015.

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**Mishler, Kenley, Hershman,  
Charbonneau, Eckerty, Miller Patricia,  
Schneider, Kruse, Bray, Stoops,  
Tallian, Young R Michael**

(HOUSE SPONSORS — BROWN T, OBER, PORTER, HARMAN)

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January 20, 2015, read first time and referred to Committee on Education & Career Development.

February 12, 2015, amended, reported favorably — Do Pass; reassigned to Committee on Appropriations.

February 19, 2015, amended, reported favorably — Do Pass.

February 23, 2015, read second time, amended, ordered engrossed.

February 24, 2015, engrossed. Read third time, passed. Yeas 46, nays 3.

HOUSE ACTION

March 12, 2015, read first time and referred to Committee on Education.

April 7, 2015, amended, reported — Do Pass. Referred to Committee on Ways and Means pursuant to Rule 127.

April 9, 2015, amended, reported — Do Pass.

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ES 566—LS 7507/DI 51



## Digest Continued

United States government or a consortium of states. Specifies that the state board shall ensure that applications for the necessary flexibility waivers under the federal No Child Left Behind Act are filed in a timely fashion and that the applications comply with the educational policies of the state board. Provides for innovation network school programs in school corporations. Indicates that a school corporation may provide supplemental compensation to a teacher who earns a master's degree in a dual credit course or other course taught by the teacher. Provides that each school corporation shall consider suggestions from any certificated employee of the school corporation when developing a staff evaluation plan. Requires a school corporation to publish the staff evaluation plan on the school corporation's Internet web site. Provides that factfinding by a factfinder may not last longer than 30 days. Provides that the board must rule on an appeal of a factfinder's decision within 60 days of receipt of the notice of appeal. Provides that the board must complete its review of whether a collective bargaining agreement is in compliance with law before March 31 of the year in which the collective bargaining agreement expires. Provides that the board may issue certain orders if the collective bargaining agreement is found to be noncompliant with Indiana law. Makes changes to a provision that authorizes the board to issue an order in the case in which a collective bargaining agreement is found to be noncompliant. Adds a severability provision relating to a collective bargaining agreement that is found to be noncompliant by the board. Provides that the public hearing for a collective bargaining impasse proceeding may begin not earlier than October 1 in the first year of the state budget biennium and must be concluded by February 1 of the year following the commencement of bargaining. Provides that the state board's definition and criteria may include placing a school that fits the state board's definition in a "null" or "no letter grade" category. Provides that a governing body may elect to use an accounting system that utilizes generally accepted accounting principles (GAAP) or another system approved by the state board of accounts. Urges the legislative council to assign to the education study committee the issue of whether: (1) the ISTEP program should be replaced with an alternative statewide assessment; and (2) formal collective bargaining between a school corporation and the exclusive representative may begin before August 1 of a particular year.



April 10, 2015

First Regular Session 119th General Assembly (2015)

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 2014 Regular Session and 2014 Second Regular Technical Session of the General Assembly.

## ENGROSSED SENATE BILL No. 566

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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 4-6-2-1.5, AS AMENDED BY P.L.121-2009,  
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2015]: Sec. 1.5. (a) Whenever any state governmental official  
4 or employee, whether elected or appointed, is made a party to a suit,  
5 and the attorney general determines that said suit has arisen out of an  
6 act which such official or employee in good faith believed to be within  
7 the scope of the official's or employee's duties as prescribed by statute  
8 or duly adopted regulation, the attorney general shall defend such  
9 person throughout such action.  
10 (b) Whenever a teacher (as defined in IC 20-18-2-22) is made a  
11 party to a civil suit, and the attorney general determines that the suit  
12 has arisen out of an act that the teacher in good faith believed was  
13 within the scope of the teacher's duties in enforcing discipline policies  
14 developed under IC 20-33-8-12, the attorney general shall defend the  
15 teacher throughout the action.  
16 (c) ~~Not later than August 15 of each year:~~

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1 (1) the attorney general shall draft; and  
 2 (2) the state superintendent of public instruction shall disseminate  
 3 in:

- 4 (A) written;  
 5 (B) electronic; or  
 6 (C) other;  
 7 form;

8 a notice to each teacher concerning the teacher's qualified immunity  
 9 under IC 20-33-8-8(b)(3) and rights under this section.

10 (c) Not later than July 30 of each year, the attorney general, in  
 11 consultation with the Indiana education employment relations  
 12 board established in IC 20-29-3-1, shall draft and disseminate a  
 13 letter by first class mail to the residence of teachers providing a  
 14 summary of the teacher's rights and protections under state and  
 15 federal law, including a teacher's rights and protections relating to  
 16 the teacher's performance evaluation under IC 20-28-11.5.

17 (d) The department of education, in consultation with the  
 18 Indiana education employment relations board, shall develop a  
 19 method to provide the attorney general with the names and  
 20 addresses of active teachers in Indiana in order for the attorney  
 21 general to disseminate the letter described in subsection (c). Names  
 22 and addresses collected and provided to the attorney general under  
 23 this subsection are confidential and excepted from public  
 24 disclosure as provided in IC 5-14-3-4.

25 (e) Whenever a school corporation (as defined in IC 20-26-2-4)  
 26 is made a party to a civil suit and the attorney general determines that  
 27 the suit has arisen out of an act authorized under IC 20-30-5-0.5 or  
 28 IC 20-30-5-4.5, the attorney general shall defend the school corporation  
 29 throughout the action.

30 (f) A determination by the attorney general under subsection (a),  
 31 (b), or (d) shall not be admitted as evidence in the trial of any such civil  
 32 action for damages.

33 (g) Nothing in this chapter shall be construed to deprive any such  
 34 person of the person's right to select counsel of the person's own choice  
 35 at the person's own expense.

36 SECTION 2. IC 20-19-2-14.5, AS AMENDED BY P.L.31-2014,  
 37 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 38 UPON PASSAGE]: Sec. 14.5. (a) As used in this section:

39 (1) "college and career readiness educational standards" means  
 40 the Indiana standards that a high school graduate must meet to  
 41 obtain the requisite knowledge and skill to transition without  
 42 remediation to postsecondary education or training, and



1 ultimately into a sustainable career; and

2 (2) "cut scores" means the scores that define a student's  
3 performance on an assessment, including passing, failing, or  
4 falling into a performance category.

5 (b) ~~Before July 1, 2014~~, The state board shall adopt Indiana college  
6 and career readiness educational standards. ~~voiding the previously~~  
7 ~~adopted set of educational standards~~. The educational standards must  
8 do the following:

9 (1) Meet national and international benchmarks for college and  
10 career readiness standards and be aligned with postsecondary  
11 educational expectations.

12 (2) Use the highest standards in the United States.

13 (3) Comply with federal standards to receive a flexibility waiver  
14 under 20 U.S.C. 7861, as in effect on January 1, 2014.

15 (4) Prepare Indiana students for college and career success,  
16 including the proper preparation for nationally recognized college  
17 entrance examinations such as the ACT and SAT.

18 (5) Maintain Indiana sovereignty.

19 (6) Provide strict safeguards to protect the confidentiality of  
20 student data.

21 (c) ~~The department shall administer ISTEP assessments under~~  
22 ~~IC 20-32-5 during the 2013-2015 biennium. During the 2015-2016~~  
23 ~~school year, subject to subsection (c); the state board shall authorize the~~  
24 ~~department to administer either the ISTEP assessment under~~  
25 ~~IC 20-32-5 or a comparable assessment program that is aligned with~~  
26 ~~the educational standards adopted by the state board under subsection~~  
27 ~~(b).~~

28 (d) ~~Before the state board may authorize an assessment program~~  
29 ~~under subsection (c); the state board shall submit the proposed~~  
30 ~~assessment program to the budget committee for review.~~

31 (e) ~~(c) This subsection does not apply to an agreement with the~~  
32 ~~United States Department of Education concerning a waiver from~~  
33 ~~federal requirements. After June 30, 2013, The state, or the state board~~  
34 ~~on behalf of the state, may not enter into or renew an agreement with~~  
35 ~~any organization, entity, group, or consortium that requires the state to~~  
36 ~~cede any measure of autonomy or control of education standards and~~  
37 ~~assessments, including cut scores. **The state board may not adopt**~~  
38 ~~**Common Core (Common Core State Standards Initiative) or an**~~  
39 ~~**assessment or test that is produced solely by the United States**~~  
40 ~~**government or a consortium of states.**~~

41 (f) ~~(d)~~ The state board may adopt emergency rules in the manner  
42 provided in IC 4-22-2-37.1 to implement this section. As provided in



1 IC 4-22-2-37.1 for an emergency rule adopted under this section to be  
 2 effective after one (1) extension period, the rule must be adopted in  
 3 conformity with the procedures under IC 4-22-2-24 through  
 4 IC 4-22-2-36.

5 SECTION 3. IC 20-19-2-16, AS ADDED BY P.L.1-2005,  
 6 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 7 UPON PASSAGE]: Sec. 16. (a) The state accepts the provisions and  
 8 benefits of laws enacted by the Congress of the United States that  
 9 provide for aid to children with disabilities.

10 (b) The state board is designated as the proper authority and may  
 11 accept any federal funds appropriated to aid in the education of  
 12 children with disabilities. The state board shall comply with all the  
 13 requirements of:

14 (1) federal law concerning any federal funds relating to special  
 15 educational activities; and

16 (2) any amendments to those laws or rules and regulations issued  
 17 under and in conformity with those laws and not inconsistent with  
 18 this chapter.

19 (c) **The state board shall ensure that applications for obtaining**  
 20 **and renewing necessary flexibility waivers under Section 9401 of**  
 21 **the federal Elementary and Secondary Education Act of 1965, as**  
 22 **amended and reauthorized under the federal No Child Left Behind**  
 23 **Act of 2001 and subsequent federal laws (20 U.S.C. 7861) and**  
 24 **federal regulations promulgated to implement federal law are**  
 25 **timely filed, the appropriate federal agencies have the**  
 26 **documentation and other information needed to grant the**  
 27 **flexibility waivers, and that the applications comply with the**  
 28 **educational policies of the state board. The superintendent of**  
 29 **public instruction and the department, under the direction of the**  
 30 **state board, shall carry out the work necessary to obtain and renew**  
 31 **necessary flexibility waivers.**

32 SECTION 4. IC 20-19-4-11, AS ADDED BY P.L.1-2005,  
 33 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 34 UPON PASSAGE]: Sec. 11. (a) In making recommendations under  
 35 section 10 of this chapter, the roundtable shall consider

36 (†) a variety of available ~~national and international~~ **nationally**  
 37 **recognized** assessments and tests. **The roundtable may not**  
 38 **recommend Common Core (Common Core State Standards**  
 39 **Initiative) or recommend academic standards that are**  
 40 **produced solely by the United States government or a**  
 41 **consortium of states.**

42 (b) **The roundtable may not consider or recommend any of the**



1 following:

2 (2) The development of an assessment or test unique to Indiana;  
3 and

4 (3) any combination of assessments or tests described under  
5 subdivisions (1) and (2).

6 (1) An assessment or test that does not assess student progress  
7 toward mastery of Indiana academic standards adopted or  
8 proposed by the state board.

9 (2) An assessment or a test that adopts Common Core  
10 (Common Core State Standards Initiative) or an assessment  
11 or test that is produced solely by the United States  
12 government or a consortium of states.

13 (c) The roundtable shall consider assessments or tests that  
14 would permit the state to secure renewal of necessary flexibility  
15 waivers under Section 9401 of the federal Elementary and  
16 Secondary Education Act of 1965, as amended and reauthorized  
17 under the federal No Child Left Behind Act of 2001 and subsequent  
18 federal laws (20 U.S.C. 7861) and federal regulations promulgated  
19 to implement federal law.

20 SECTION 5. IC 20-25-3-6, AS ADDED BY P.L. 1-2005, SECTION  
21 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON  
22 PASSAGE]: Sec. 6. (a) A member of a standing committee of the board  
23 provided for by the board's rules shall be appointed by the president  
24 within three (3) weeks after the president's election to the office of  
25 president.

26 (b) Subject to the limitations in this chapter, the board may fix the  
27 salaries of each officer and employee of the board.

28 (c) The board in:

29 (1) electing and choosing a general superintendent; and

30 (2) employing agents and employees that the board considers  
31 necessary to conduct the business of the school city;

32 shall choose individuals whose qualifications peculiarly fit the  
33 positions the individuals will occupy.

34 (d) The board shall contract for and establish the amount of salary  
35 or compensation to be paid to each officer, agent, and employee chosen  
36 or elected by the board. The board shall adopt a ~~schedule of salaries~~  
37 **compensation plan that specifies the salary range** that the board  
38 considers proper, and for the purpose of establishing a ~~salary schedule~~;  
39 **compensation plan**, the board may divide teachers, principals, and  
40 other employees into classes based upon efficiency, qualifications,  
41 experience, and responsibility. Each principal, teacher, or employee in  
42 a class shall receive the same regular salary given to each of the other



1 members of the same class, subject to the provisions of this article.

2 (e) The board may:

3 (1) by rule fix the time and the number of meetings of the board,  
4 except that one (1) regular meeting must be held in each calendar  
5 month; and

6 (2) make, amend, and repeal bylaws and rules for:

7 (A) the board's own procedure; and

8 (B) the government and management of:

9 (i) the board's schools; and

10 (ii) property under the board's control.

11 SECTION 6. IC 20-25.7 IS ADDED TO THE INDIANA CODE AS  
12 A NEW ARTICLE TO READ AS FOLLOWS [EFFECTIVE UPON  
13 PASSAGE]:

14 **ARTICLE 25.7. INNOVATION NETWORK SCHOOLS**

15 **Chapter 1. Applicability**

16 **Sec. 1. This article applies to all school corporations.**

17 **Chapter 2. Definitions**

18 **Sec. 1. The definitions in this chapter apply throughout this**  
19 **article.**

20 **Sec. 2. "Board" refers to the governing body (as defined in**  
21 **IC 20-18-2-5) of a school corporation.**

22 **Sec. 3. "Eligible school" means a school that is part of a school**  
23 **corporation.**

24 **Sec. 4. "Innovation network school" means a school operated by**  
25 **a school management team under this article.**

26 **Sec. 5. "Participating innovation network charter school"**  
27 **means a charter school whose organizer enters into an agreement**  
28 **under IC 20-25.7-4 to have the charter school participate as an**  
29 **innovation network school.**

30 **Sec. 6. "School management team" means an entity responsible**  
31 **for the operations of an innovation network school within a school**  
32 **corporation.**

33 **Chapter 3. Establishment of Innovation Network Schools**

34 **Sec. 1. An innovation network school is subject to all federal and**  
35 **state laws and constitutional provisions that prohibit**  
36 **discrimination on the basis of the following:**

37 (1) **Disability.**

38 (2) **Race.**

39 (3) **Color.**

40 (4) **Gender.**

41 (5) **National origin.**

42 (6) **Religion.**





- 1           **(7) Ancestry.**  
 2           **Sec. 2. (a) The board may enter into an agreement with a school**  
 3 **management team:**  
 4           **(1) to establish an innovation network school, as determined**  
 5 **by the board; or**  
 6           **(2) to reconstitute an eligible school as an innovation network**  
 7 **school.**  
 8 **The school management team for an eligible school that is**  
 9 **reconstituted as an innovation network school may consist of or**  
 10 **include the principal and other individuals who were employed at**  
 11 **the eligible school before the agreement is entered.**  
 12           **(b) The terms of the agreement must specify the following:**  
 13           **(1) A statement that the innovation network school is**  
 14 **considered to be part of the school corporation and not**  
 15 **considered a separate local educational agency.**  
 16           **(2) A statement that the school management team authorizes**  
 17 **the department to include the innovation network school's**  
 18 **performance assessment results under IC 20-31-8 when**  
 19 **calculating the school corporation's performance assessment**  
 20 **under rules adopted by the state board.**  
 21           **(3) The amount of state and federal funding, including tuition**  
 22 **support, and money levied as property taxes that will be**  
 23 **distributed by the school corporation to the innovation**  
 24 **network school.**  
 25           **(4) The performance goals and accountability metrics agreed**  
 26 **upon for the innovation network school.**  
 27           **(5) Grounds for termination of the agreement, including the**  
 28 **right of termination if the school management team fails to:**  
 29           **(A) comply with the conditions or procedures established**  
 30 **in the agreement;**  
 31           **(B) meet generally accepted fiscal management and**  
 32 **government accounting principles;**  
 33           **(C) comply with applicable laws; or**  
 34           **(D) meet the educational goals set forth in the agreement**  
 35 **between the board and the school management team.**  
 36           **(c) If an agreement is entered into under subsection (a), the**  
 37 **board shall notify the department that an agreement has been**  
 38 **made under this section within thirty (30) days after the agreement**  
 39 **is entered into.**  
 40           **(d) Upon receipt of the notification under subsection (c), the**  
 41 **department shall, for school years starting after the date of the**  
 42 **agreement:**



1 (1) include the innovation network school's performance  
 2 assessment results under IC 20-31-8 when calculating the  
 3 school corporation's performance assessment under rules  
 4 adopted by the state board; and

5 (2) treat the innovation network school in the same manner as  
 6 a school operated by the school corporation when calculating  
 7 the total amount of state and federal funding to be distributed  
 8 to the school corporation.

9 A school corporation and an innovation network school are not  
 10 entitled to any state funding in addition to the amount the school  
 11 corporation and school would otherwise be eligible to receive if the  
 12 innovation network school were a public school maintained by the  
 13 school corporation.

14 **Sec. 3. (a) For as long as the school management team operates  
 15 the innovation network school:**

16 (1) the school management team may use the school building,  
 17 the accompanying real property, and the building's contents,  
 18 equipment, and supplies, as provided in the agreement  
 19 established in section 2 of this chapter; and

20 (2) the school corporation may:

21 (A) provide transportation for students attending the  
 22 innovation network school; and

23 (B) maintain and repair the buildings and grounds  
 24 consistent with the maintenance and repair to the school  
 25 corporation's other buildings and grounds.

26 (b) If the school management team contracts with a school  
 27 corporation for goods or services, the school corporation may not  
 28 charge the school management team more for the goods or services  
 29 than the school corporation pays for the goods or services.

30 (c) For as long as the school management team operates the  
 31 innovation network school, the school corporation may distribute  
 32 money levied as property taxes to the school management team.  
 33 Property taxes distributed to a management team must be used  
 34 only for a purpose for which the property taxes could have been  
 35 used by the school corporation. Property taxes distributed under  
 36 this subsection may supplement services and property provided  
 37 under subsection (a) or (b). A school corporation may modify an  
 38 agreement described in section 2 of this chapter to implement this  
 39 subsection.

40 **Sec. 4. (a) The school management team shall have full  
 41 operational autonomy to run the innovation network school as  
 42 provided in the agreement described in section 2 of this chapter.**



1           **(b) A school management team that operates an innovation**  
 2 **network school under this chapter shall make all personnel**  
 3 **decisions in the innovation network school. The certificated**  
 4 **employees in an innovation network school may elect, as a group,**  
 5 **by majority vote of all certificated employees in the innovation**  
 6 **network school, to either:**

7           **(1) have the collectively bargained agreement applicable to**  
 8 **other certificated employees in the school corporation outside**  
 9 **the innovation network school apply to the certificated**  
 10 **employees in the innovation network school; or**

11           **(2) organize and collectively bargain separately under**  
 12 **IC 20-29 from other certificated employees in the school**  
 13 **corporation outside the innovation network school.**

14           **(c) Individuals employed by an innovation network school are**  
 15 **entitled to participate in either:**

16           **(1) the state teachers' retirement fund created under**  
 17 **IC 5-10.4; or**

18           **(2) the public employees' retirement fund created under**  
 19 **IC 5-10.3.**

20           **Sec. 5. (a) Except as otherwise provided in this article, the**  
 21 **following do not apply to an innovation network school:**

22           **(1) An Indiana statute applicable to a governing body or**  
 23 **school corporation.**

24           **(2) A rule or guideline adopted by the state board.**

25           **(3) A rule or guideline adopted by the state board concerning**  
 26 **teachers, except for those rules that assist a teacher in gaining**  
 27 **or renewing a standard or advanced license.**

28           **(4) A local regulation or policy adopted by a school**  
 29 **corporation unless specifically incorporated in the agreement**  
 30 **described in section 2 of this chapter.**

31           **(b) Except as otherwise provided in this article, the following**  
 32 **statutes apply to an innovation network school:**

33           **(1) IC 20-24-8-5 (statutes applicable to charter schools).**

34           **(2) IC 20-28-11.5 (staff performance evaluations).**

35           **(3) IC 20-31-9 (school accountability and consequences).**

36           **Sec. 6. (a) Any student who lives in the attendance area served**  
 37 **by a school that is operated as an innovation network school under**  
 38 **this chapter may attend the innovation network school. The**  
 39 **innovation network school may not refuse enrollment to a student**  
 40 **who lives in the attendance area.**

41           **(b) This subsection applies if the number of applications for a**  
 42 **program, class, grade level, or building exceeds the capacity of the**



1 program, class, grade level, or building. If an innovation network  
 2 school receives a greater number of applications than there are  
 3 spaces for students, each timely applicant must be given an equal  
 4 chance of admission.

5 Sec. 7. The school management team and the board shall hold  
 6 a joint public meeting at least two (2) times each year to discuss  
 7 issues and progress concerning the innovation network school.

8 Sec. 8. The board shall develop a program to provide support to  
 9 teachers and administrators who wish to establish an innovation  
 10 network school.

11 Chapter 4. Participation of Charter School as an Innovation  
 12 Network School

13 Sec. 1. Except as expressly provided in this article, a  
 14 participating innovation network charter school remains subject  
 15 to all state laws that govern charter schools.

16 Sec. 2. (a) Notwithstanding IC 20-26-7-1, the board may enter  
 17 into an agreement with an organizer to establish a participating  
 18 innovation network charter school within a vacant, underutilized,  
 19 or underenrolled school building, as determined by the board.

20 (b) The terms of the agreement entered into between the board  
 21 and an organizer must specify the following:

22 (1) A statement that the organizer authorizes the department  
 23 to include the charter school's performance assessment results  
 24 under IC 20-31-8 when calculating the school corporation's  
 25 performance assessment under rules adopted by the state  
 26 board.

27 (2) The amount of state funding, including tuition support,  
 28 and money levied as property taxes that will be distributed by  
 29 the school corporation to the organizer.

30 (3) The performance goals and accountability metrics agreed  
 31 upon for the charter school in the charter agreement between  
 32 the organizer and the authorizer.

33 (c) If an organizer and the board enter into an agreement under  
 34 subsection (a), the organizer and the board shall notify the  
 35 department that the agreement has been made under this section  
 36 within thirty (30) days after the agreement is entered into.

37 (d) Upon receipt of the notification under subsection (c), the  
 38 department shall, for school years starting after the date of the  
 39 agreement:

40 (1) include the participating innovation network charter  
 41 school's performance assessment results under IC 20-31-8  
 42 when calculating the school corporation's performance



1           assessment under rules adopted by the state board; and  
 2           (2) treat the participating innovation network charter school  
 3           in the same manner as a school operated by the school  
 4           corporation when calculating the total amount of state  
 5           funding to be distributed to the school corporation.

6           **Sec. 3. (a) For as long as the charter school remains a**  
 7 **participating innovation network charter school, the school**  
 8 **corporation may:**

9           (1) provide transportation for students attending the  
 10           participating innovation network charter school; and  
 11           (2) maintain and repair the buildings and grounds used by the  
 12           participating innovation network charter school consistent  
 13           with the maintenance and repair to the school corporation's  
 14           other buildings and grounds.

15           **(b) If an organizer contracts with a school corporation for goods**  
 16 **or services, the school corporation may not charge the organizer**  
 17 **more for the goods or services than the school corporation pays for**  
 18 **the goods or services.**

19           **(c) For as long as the charter school remains a participating**  
 20 **innovation network charter school, the school corporation may**  
 21 **distribute money levied as property taxes to the charter school.**  
 22 **Property taxes distributed to a charter school must be used only**  
 23 **for a purpose for which the property taxes could have been used by**  
 24 **the school corporation. Property taxes distributed under this**  
 25 **subsection may supplement services and property provided under**  
 26 **subsection (a) or (b). A school corporation may modify an**  
 27 **agreement described in section 2 of this chapter to implement this**  
 28 **subsection.**

29           **Sec. 4. An employee of a school corporation who provides**  
 30 **services to a participating innovation network charter school under**  
 31 **this article remains an employee of the school corporation.**

32           SECTION 7. IC 20-26-5-4, AS AMENDED BY P.L.2-2014,  
 33 SECTION 83, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 34 UPON PASSAGE]: Sec. 4. (a) In carrying out the school purposes of  
 35 a school corporation, the governing body acting on the school  
 36 corporation's behalf has the following specific powers:

37           (1) In the name of the school corporation, to sue and be sued and  
 38           to enter into contracts in matters permitted by applicable law.  
 39           However, a governing body may not use funds received from the  
 40           state to bring or join in an action against the state, unless the  
 41           governing body is challenging an adverse decision by a state  
 42           agency, board, or commission.



- 1 (2) To take charge of, manage, and conduct the educational affairs  
2 of the school corporation and to establish, locate, and provide the  
3 necessary schools, school libraries, other libraries where  
4 permitted by law, other buildings, facilities, property, and  
5 equipment.
- 6 (3) To appropriate from the school corporation's general fund an  
7 amount, not to exceed the greater of three thousand dollars  
8 (\$3,000) per budget year or one dollar (\$1) per pupil, not to  
9 exceed twelve thousand five hundred dollars (\$12,500), based on  
10 the school corporation's ADM of the previous year (as defined in  
11 IC 20-43-1-7) to promote the best interests of the school  
12 corporation through:
- 13 (A) the purchase of meals, decorations, memorabilia, or  
14 awards;
  - 15 (B) provision for expenses incurred in interviewing job  
16 applicants; or
  - 17 (C) developing relations with other governmental units.
- 18 (4) To do the following:
- 19 (A) Acquire, construct, erect, maintain, hold, and contract for  
20 construction, erection, or maintenance of real estate, real estate  
21 improvements, or an interest in real estate or real estate  
22 improvements, as the governing body considers necessary for  
23 school purposes, including buildings, parts of buildings,  
24 additions to buildings, rooms, gymnasiums, auditoriums,  
25 playgrounds, playing and athletic fields, facilities for physical  
26 training, buildings for administrative, office, warehouse, repair  
27 activities, or housing school owned buses, landscaping, walks,  
28 drives, parking areas, roadways, easements and facilities for  
29 power, sewer, water, roadway, access, storm and surface  
30 water, drinking water, gas, electricity, other utilities and  
31 similar purposes, by purchase, either outright for cash (or  
32 under conditional sales or purchase money contracts providing  
33 for a retention of a security interest by the seller until payment  
34 is made or by notes where the contract, security retention, or  
35 note is permitted by applicable law), by exchange, by gift, by  
36 devise, by eminent domain, by lease with or without option to  
37 purchase, or by lease under IC 20-47-2, IC 20-47-3, or  
38 IC 20-47-5.
  - 39 (B) Repair, remodel, remove, or demolish, or to contract for  
40 the repair, remodeling, removal, or demolition of the real  
41 estate, real estate improvements, or interest in the real estate  
42 or real estate improvements, as the governing body considers



- 1           necessary for school purposes.
- 2           (C) Provide for conservation measures through utility
- 3           efficiency programs or under a guaranteed savings contract as
- 4           described in IC 36-1-12.5.
- 5           (5) To acquire personal property or an interest in personal
- 6           property as the governing body considers necessary for school
- 7           purposes, including buses, motor vehicles, equipment, apparatus,
- 8           appliances, books, furniture, and supplies, either by cash purchase
- 9           or under conditional sales or purchase money contracts providing
- 10          for a security interest by the seller until payment is made or by
- 11          notes where the contract, security, retention, or note is permitted
- 12          by applicable law, by gift, by devise, by loan, or by lease with or
- 13          without option to purchase and to repair, remodel, remove,
- 14          relocate, and demolish the personal property. All purchases and
- 15          contracts specified under the powers authorized under subdivision
- 16          (4) and this subdivision are subject solely to applicable law
- 17          relating to purchases and contracting by municipal corporations
- 18          in general and to the supervisory control of state agencies as
- 19          provided in section 6 of this chapter.
- 20          (6) To sell or exchange real or personal property or interest in real
- 21          or personal property that, in the opinion of the governing body, is
- 22          not necessary for school purposes, in accordance with IC 20-26-7,
- 23          to demolish or otherwise dispose of the property if, in the opinion
- 24          of the governing body, the property is not necessary for school
- 25          purposes and is worthless, and to pay the expenses for the
- 26          demolition or disposition.
- 27          (7) To lease any school property for a rental that the governing
- 28          body considers reasonable or to permit the free use of school
- 29          property for:
- 30                (A) civic or public purposes; or
- 31                (B) the operation of a school age child care program for
- 32                children who are at least five (5) years of age and less than
- 33                fifteen (15) years of age that operates before or after the school
- 34                day, or both, and during periods when school is not in session;
- 35          if the property is not needed for school purposes. Under this
- 36          subdivision, the governing body may enter into a long term lease
- 37          with a nonprofit corporation, community service organization, or
- 38          other governmental entity, if the corporation, organization, or
- 39          other governmental entity will use the property to be leased for
- 40          civic or public purposes or for a school age child care program.
- 41          However, if payment for the property subject to a long term lease
- 42          is made from money in the school corporation's debt service fund,



1 all proceeds from the long term lease must be deposited in the  
 2 school corporation's debt service fund so long as payment for the  
 3 property has not been made. The governing body may, at the  
 4 governing body's option, use the procedure specified in  
 5 IC 36-1-11-10 in leasing property under this subdivision.

6 (8) To do the following:

7 (A) Employ, contract for, and discharge superintendents,  
 8 supervisors, principals, teachers, librarians, athletic coaches  
 9 (whether or not they are otherwise employed by the school  
 10 corporation and whether or not they are licensed under  
 11 IC 20-28-5), business managers, superintendents of buildings  
 12 and grounds, janitors, engineers, architects, physicians,  
 13 dentists, nurses, accountants, teacher aides performing  
 14 noninstructional duties, educational and other professional  
 15 consultants, data processing and computer service for school  
 16 purposes, including the making of schedules, the keeping and  
 17 analyzing of grades and other student data, the keeping and  
 18 preparing of warrants, payroll, and similar data where  
 19 approved by the state board of accounts as provided below,  
 20 and other personnel or services as the governing body  
 21 considers necessary for school purposes.

22 (B) Fix and pay the salaries and compensation of persons and  
 23 services described in this subdivision that are consistent with  
 24 IC 20-28-9-1.5.

25 (C) Classify persons or services described in this subdivision  
 26 and to adopt ~~schedules of salaries or a~~ compensation **plan**  
 27 **with a salary range** that ~~are is~~ consistent with IC 20-28-9-1.5.

28 (D) Determine the number of the persons or the amount of the  
 29 services employed or contracted for as provided in this  
 30 subdivision.

31 (E) Determine the nature and extent of the duties of the  
 32 persons described in this subdivision.

33 The compensation, terms of employment, and discharge of  
 34 teachers are, however, subject to and governed by the laws  
 35 relating to employment, contracting, compensation, and discharge  
 36 of teachers. The compensation, terms of employment, and  
 37 discharge of bus drivers are subject to and governed by laws  
 38 relating to employment, contracting, compensation, and discharge  
 39 of bus drivers. The forms and procedures relating to the use of  
 40 computer and data processing equipment in handling the financial  
 41 affairs of the school corporation must be submitted to the state  
 42 board of accounts for approval so that the services are used by the





- 1 school corporation when the governing body determines that it is  
2 in the best interest of the school corporation while at the same  
3 time providing reasonable accountability for the funds expended.  
4 (9) Notwithstanding the appropriation limitation in subdivision  
5 (3), when the governing body by resolution considers a trip by an  
6 employee of the school corporation or by a member of the  
7 governing body to be in the interest of the school corporation,  
8 including attending meetings, conferences, or examining  
9 equipment, buildings, and installation in other areas, to permit the  
10 employee to be absent in connection with the trip without any loss  
11 in pay and to reimburse the employee or the member the  
12 employee's or member's reasonable lodging and meal expenses  
13 and necessary transportation expenses. To pay teaching personnel  
14 for time spent in sponsoring and working with school related trips  
15 or activities.
- 16 (10) Subject to IC 20-27-13, to transport children to and from  
17 school, when in the opinion of the governing body the  
18 transportation is necessary, including considerations for the safety  
19 of the children and without regard to the distance the children live  
20 from the school. The transportation must be otherwise in  
21 accordance with applicable law.
- 22 (11) To provide a lunch program for a part or all of the students  
23 attending the schools of the school corporation, including the  
24 establishment of kitchens, kitchen facilities, kitchen equipment,  
25 lunch rooms, the hiring of the necessary personnel to operate the  
26 lunch program, and the purchase of material and supplies for the  
27 lunch program, charging students for the operational costs of the  
28 lunch program, fixing the price per meal or per food item. To  
29 operate the lunch program as an extracurricular activity, subject  
30 to the supervision of the governing body. To participate in a  
31 surplus commodity or lunch aid program.
- 32 (12) To purchase curricular materials, to furnish curricular  
33 materials without cost or to rent curricular materials to students,  
34 to participate in a curricular materials aid program, all in  
35 accordance with applicable law.
- 36 (13) To accept students transferred from other school corporations  
37 and to transfer students to other school corporations in accordance  
38 with applicable law.
- 39 (14) To make budgets, to appropriate funds, and to disburse the  
40 money of the school corporation in accordance with applicable  
41 law. To borrow money against current tax collections and  
42 otherwise to borrow money, in accordance with IC 20-48-1.



- 1 (15) To purchase insurance or to establish and maintain a  
2 program of self-insurance relating to the liability of the school  
3 corporation or the school corporation's employees in connection  
4 with motor vehicles or property and for additional coverage to the  
5 extent permitted and in accordance with IC 34-13-3-20. To  
6 purchase additional insurance or to establish and maintain a  
7 program of self-insurance protecting the school corporation and  
8 members of the governing body, employees, contractors, or agents  
9 of the school corporation from liability, risk, accident, or loss  
10 related to school property, school contract, school or school  
11 related activity, including the purchase of insurance or the  
12 establishment and maintenance of a self-insurance program  
13 protecting persons described in this subdivision against false  
14 imprisonment, false arrest, libel, or slander for acts committed in  
15 the course of the persons' employment, protecting the school  
16 corporation for fire and extended coverage and other casualty  
17 risks to the extent of replacement cost, loss of use, and other  
18 insurable risks relating to property owned, leased, or held by the  
19 school corporation. In accordance with IC 20-26-17, to:  
20 (A) participate in a state employee health plan under  
21 IC 5-10-8-6.6 or IC 5-10-8-6.7;  
22 (B) purchase insurance; or  
23 (C) establish and maintain a program of self-insurance;  
24 to benefit school corporation employees, including accident,  
25 sickness, health, or dental coverage, provided that a plan of  
26 self-insurance must include an aggregate stop-loss provision.  
27 (16) To make all applications, to enter into all contracts, and to  
28 sign all documents necessary for the receipt of aid, money, or  
29 property from the state, the federal government, or from any other  
30 source.  
31 (17) To defend a member of the governing body or any employee  
32 of the school corporation in any suit arising out of the  
33 performance of the member's or employee's duties for or  
34 employment with, the school corporation, if the governing body  
35 by resolution determined that the action was taken in good faith.  
36 To save any member or employee harmless from any liability,  
37 cost, or damage in connection with the performance, including the  
38 payment of legal fees, except where the liability, cost, or damage  
39 is predicated on or arises out of the bad faith of the member or  
40 employee, or is a claim or judgment based on the member's or  
41 employee's malfeasance in office or employment.  
42 (18) To prepare, make, enforce, amend, or repeal rules,



- 1 regulations, and procedures:
- 2 (A) for the government and management of the schools,  
3 property, facilities, and activities of the school corporation, the  
4 school corporation's agents, employees, and pupils and for the  
5 operation of the governing body; and  
6 (B) that may be designated by an appropriate title such as  
7 "policy handbook", "bylaws", or "rules and regulations".
- 8 (19) To ratify and approve any action taken by a member of the  
9 governing body, an officer of the governing body, or an employee  
10 of the school corporation after the action is taken, if the action  
11 could have been approved in advance, and in connection with the  
12 action to pay the expense or compensation permitted under  
13 IC 20-26-1 through IC 20-26-5, IC 20-26-7, IC 20-40-12, and  
14 IC 20-48-1 or any other law.
- 15 (20) To exercise any other power and make any expenditure in  
16 carrying out the governing body's general powers and purposes  
17 provided in this chapter or in carrying out the powers delineated  
18 in this section which is reasonable from a business or educational  
19 standpoint in carrying out school purposes of the school  
20 corporation, including the acquisition of property or the  
21 employment or contracting for services, even though the power or  
22 expenditure is not specifically set out in this chapter. The specific  
23 powers set out in this section do not limit the general grant of  
24 powers provided in this chapter except where a limitation is set  
25 out in IC 20-26-1 through IC 20-26-5, IC 20-26-7, IC 20-40-12,  
26 and IC 20-48-1 by specific language or by reference to other law.
- 27 (b) A superintendent hired under subsection (a)(8):  
28 (1) is not required to hold a teacher's license under IC 20-28-5;  
29 and  
30 (2) is required to have obtained at least a master's degree from an  
31 accredited postsecondary educational institution.
- 32 SECTION 8. IC 20-26-5-19, AS ADDED BY P.L.1-2005,  
33 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
34 UPON PASSAGE]: Sec. 19. A governing body under its powers to fix  
35 and pay the salaries and compensation of employees of the school  
36 corporation and to contract for services under ~~IC 20-26-5-4(8)~~  
37 **IC 20-26-5-4(a)(8)** may distribute payroll based on contractual and  
38 ~~salary schedule~~ **compensation plan** commitments instead of payroll  
39 estimates approved in advance by the governing body.
- 40 SECTION 9. IC 20-28-6-2, AS AMENDED BY P.L.6-2012,  
41 SECTION 137, IS AMENDED TO READ AS FOLLOWS  
42 [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) A contract entered into



- 1 by a teacher and a school corporation must:
- 2 (1) be in writing;
- 3 (2) be signed by both parties; and
- 4 (3) contain the:
- 5 (A) beginning date of the school term as determined annually
- 6 by the school corporation;
- 7 (B) number of days in the school term as determined annually
- 8 by the school corporation;
- 9 (C) total salary to be paid to the teacher during the school year;
- 10 (D) number of salary payments to be made to the teacher
- 11 during the school year; and
- 12 (E) number of hours per day the teacher is expected to work,
- 13 as discussed pursuant to IC 20-29-6-7.
- 14 (b) The contract may provide for the annual determination of the
- 15 teacher's annual compensation **by based on a local salary schedule;**
- 16 **compensation plan specifying a salary range**, which is part of the
- 17 contract. The ~~salary schedule~~ **compensation plan** may be changed by
- 18 the school corporation ~~on or~~ **before the later of** May 1 of a year, with
- 19 the changes effective the next school year, **or the date specified in a**
- 20 **collective bargaining agreement applicable to the next school year.**
- 21 A teacher affected by the changes shall be furnished with printed
- 22 copies of the changed ~~schedule~~ **compensation plan** not later than thirty
- 23 (30) days after the ~~schedule's~~ **adoption of the compensation plan.**
- 24 (c) A contract under this section is also governed by the following
- 25 statutes:
- 26 (1) IC 20-28-9-5 through IC 20-28-9-6.
- 27 (2) IC 20-28-9-9 through IC 20-28-9-11.
- 28 (3) IC 20-28-9-13.
- 29 (4) IC 20-28-9-14.
- 30 (d) A governing body shall provide the blank contract forms,
- 31 carefully worded by the state superintendent, and have them signed.
- 32 The contracts are public records open to inspection by the residents of
- 33 each school corporation.
- 34 (e) An action may be brought on a contract that conforms with
- 35 subsections (a)(1), (a)(2), and (d).
- 36 SECTION 10. IC 20-28-6-7, AS AMENDED BY P.L.90-2011,
- 37 SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 38 UPON PASSAGE]: Sec. 7. (a) As used in this section, "teacher"
- 39 includes an individual who:
- 40 (1) holds a substitute teacher's license; and
- 41 (2) provides instruction in a joint summer school program under
- 42 IC 20-30-7-5.



1 (b) The supplemental service teacher's contract shall be used when  
 2 a teacher provides professional service in evening school or summer  
 3 school employment, except when a teacher or other individual is  
 4 employed to supervise or conduct noncredit courses or activities.

5 (c) If a teacher serves more than one hundred twenty (120) days on  
 6 a supplemental service teacher's contract in a school year, the following  
 7 apply:

8 (1) Sections 1, 2, 3, and 8 of this chapter.

9 (2) IC 20-28-10-1 through IC 20-28-10-5.

10 (d) The salary of a teacher on a supplemental service contract shall  
 11 be determined by the superintendent. The superintendent may, but is  
 12 not required to, base the salary on the regular ~~salary schedule~~  
 13 **compensation plan** for the school corporation.

14 SECTION 11. IC 20-28-7.5-1, AS AMENDED BY P.L.286-2013,  
 15 SECTION 87, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 16 JULY 1, 2015]: Sec. 1. (a) This chapter applies to a teacher in a school  
 17 corporation (as defined in IC 20-18-2-16(a)).

18 (b) A principal may decline to continue a probationary teacher's  
 19 contract under sections 2 through 4 of this chapter if the probationary  
 20 teacher:

21 (1) receives an ineffective designation on a performance  
 22 evaluation under IC 20-28-11.5;

23 (2) receives two (2) consecutive improvement necessary ratings  
 24 on a performance evaluation under IC 20-28-11.5; or

25 (3) is subject to a justifiable decrease in the number of teaching  
 26 positions or any reason relevant to the school corporation's  
 27 interest.

28 (c) Except as provided in subsection (e), a principal may not decline  
 29 to continue a professional or established teacher's contract unless the  
 30 teacher is subject to a justifiable decrease in the number of teaching  
 31 positions.

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

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

40 (1) Immorality.

41 (2) Insubordination, which means a willful refusal to obey the  
 42 state school laws or reasonable rules adopted for the governance



1 of the school building or the school corporation.

2 (3) Justifiable decrease in the number of teaching positions.

3 (4) Incompetence, including receiving:

4 (A) an ineffective designation on two (2) consecutive  
5 performance evaluations under IC 20-28-11.5; or

6 (B) an ineffective designation or improvement necessary  
7 rating in three (3) years of any five (5) year period.

8 (5) Neglect of duty.

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

10 (7) Other good or just cause.

11 **(f) A principal may decline to continue or cancel the contract**  
12 **only of a teacher who is supervised by the principal.**

13 SECTION 12. IC 20-28-8-3, AS AMENDED BY P.L.253-2013,  
14 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
15 JULY 1, 2015]: Sec. 3. (a) Before March 1 of the year during which the  
16 contract of an assistant superintendent, a principal, or an assistant  
17 principal is due to expire, the governing body of the school corporation,  
18 or an **employee attorney acting** at the direction of the governing body,  
19 shall give written notice of renewal or refusal to renew the individual's  
20 contract for the ensuing school year.

21 (b) If notice is not given before March 1 of the year during which  
22 the contract is due to expire, the contract then in force shall be  
23 reinstated only for the ensuing school year.

24 (c) This section does not prevent the modification or termination of  
25 a contract by mutual agreement of the assistant superintendent, the  
26 principal, or the assistant principal and the governing body.

27 SECTION 13. IC 20-28-9-1.5, AS ADDED BY P.L.286-2013,  
28 SECTION 90, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
29 UPON PASSAGE]: Sec. 1.5. (a) This subsection ~~applies to a contract~~  
30 ~~in effect July 1, 2012, or upon the expiration of a contract in existence~~  
31 ~~on July 1, 2011, whichever is earlier, and governs salary increases for~~  
32 ~~a teacher employed by a school corporation. on or after the date this~~  
33 ~~subsection takes effect.~~ Compensation attributable to additional  
34 degrees or graduate credits earned before the effective date of ~~the a~~  
35 ~~local salary schedule~~ **compensation plan** created under this chapter  
36 **before July 1, 2015, shall continue for school years beginning after**  
37 **June 30, 2015.** Compensation attributable to additional degrees for  
38 which a teacher has started course work before July 1, 2011, and  
39 completed course work before September 2, 2014, shall also continue  
40 **for school years beginning after June 30, 2015. For school years**  
41 **beginning after June 30, 2015, a school corporation may provide a**  
42 **supplemental payment to a teacher in excess of the salary specified**



1 **in the school corporation's compensation plan if the teacher has**  
 2 **earned a master's degree from an accredited postsecondary**  
 3 **educational institution in a content area directly related to a dual**  
 4 **credit or other course taught by the teacher. A supplement**  
 5 **provided under this subsection is not subject to collective**  
 6 **bargaining, but a discussion of the supplement must be held. Such**  
 7 **a supplement is in addition to any increase permitted under**  
 8 **subsection (b).**

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

11 (1) A combination of the following factors taken together may  
 12 account for not more than thirty-three percent (33%) of the  
 13 calculation used to determine a teacher's increase or increment:

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

15 (B) The attainment of either:

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

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

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

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

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

25 (c) A teacher rated ineffective or improvement necessary under  
 26 IC 20-28-11.5 may not receive any raise or increment for the following  
 27 year if the teacher's employment contract is continued. The amount that  
 28 would otherwise have been allocated for the salary increase of teachers  
 29 rated ineffective or improvement necessary shall be allocated for  
 30 compensation of all teachers rated effective and highly effective based  
 31 on the criteria in subsection (b).

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

38 (e) ~~Not later than January 31, 2012,~~ The department shall publish a  
 39 model ~~salary schedule~~ **compensation plan with a model salary range**  
 40 that a school corporation may adopt. **Before July 1, 2015, the**  
 41 **department may modify the model compensation plan, as needed,**  
 42 **to comply with subsection (f).**



1 (f) Each school corporation shall submit its local ~~salary schedule~~  
 2 **compensation plan** to the department. **For a school year beginning**  
 3 **after June 30, 2015, a local compensation plan must specify the**  
 4 **range for teacher salaries.** The department shall publish the local  
 5 ~~salary schedules~~ **compensation plans** on the department's Internet web  
 6 site.

7 (g) The department shall report any noncompliance with this section  
 8 to the state board.

9 (h) The state board shall take appropriate action to ensure  
 10 compliance with this section.

11 (i) This chapter may not be construed to require or allow a school  
 12 corporation to decrease the salary of any teacher below the salary the  
 13 teacher was earning on or before July 1, ~~2012~~, **2015**, if that decrease  
 14 would be made solely to conform to the new ~~salary scale~~.  
 15 **compensation plan.**

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

19 SECTION 14. IC 20-28-9-7, AS ADDED BY P.L.246-2005,  
 20 SECTION 168, IS AMENDED TO READ AS FOLLOWS  
 21 [EFFECTIVE UPON PASSAGE]: Sec. 7. (a) An individual who:

22 (1) holds:

23 (A) a professional license;

24 (B) a provisional license;

25 (C) a limited license; or

26 (D) an equivalent license issued by the department; and

27 (2) serves as an occasional substitute teacher;

28 shall be compensated ~~on in conformity with~~ the pay ~~schedule~~ **range**  
 29 for substitutes of the school corporation the individual serves.

30 (b) An individual who:

31 (1) holds a:

32 (A) professional license; or

33 (B) provisional license; and

34 (2) serves as a substitute teacher in the same teaching position for  
 35 more than fifteen (15) consecutive school days;

36 shall be compensated ~~on in conformity with~~ the regular pay ~~schedule~~  
 37 **range** for teachers of the school corporation the individual serves.

38 SECTION 15. IC 20-28-9-8, AS ADDED BY P.L.1-2005,  
 39 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 40 UPON PASSAGE]: Sec. 8. An individual who holds a substitute  
 41 license shall be compensated ~~on in conformity with~~ the pay ~~schedule~~  
 42 **range** for substitutes of the school corporation the individual serves.





1 SECTION 16. IC 20-28-10-2, AS AMENDED BY P.L.90-2011,  
 2 SECTION 35, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 3 UPON PASSAGE]: Sec. 2. (a) Except as provided in section 1 of this  
 4 chapter, rights existing at the time a leave commences that arise from  
 5 a teacher's:

- 6 (1) status as a professional or established teacher;
- 7 (2) accumulation of successive years of service;
- 8 (3) service performed under a teacher's contract under  
 9 IC 20-28-6-8; or
- 10 (4) status or rights negotiated under IC 20-29;

11 remain intact.

12 (b) During a leave the teacher may maintain coverage in a group  
 13 insurance program by paying the total premium including the school  
 14 corporation's share, if any, attributable to the leave period. The school  
 15 corporation may elect to pay all or part of the cost of the premium as an  
 16 adopted or negotiated fringe benefit to teachers on leave.

17 (c) During a leave extending into a part of a school year, a teacher  
 18 accumulates sick leave under IC 20-28-9-9 through IC 20-28-9-12, or  
 19 a **the salary schedule range** of the school corporation that provides  
 20 greater sick leave, in the same proportion that the number of days the  
 21 teacher is paid during the year for work or leave bears to the total  
 22 number of days for which teachers are paid in the school corporation.

23 (d) Except as provided in section 1 of this chapter, during a leave of  
 24 a probationary teacher, the period of probationary successive years of  
 25 service under a teacher's contract that is a condition precedent to  
 26 becoming a professional or established teacher under IC 20-28-6-8 is  
 27 uninterrupted for that teacher. However, this probationary period may  
 28 not include an entire school year spent on leave.

29 (e) All or part of a leave granted for sickness or disability, including  
 30 pregnancy related disability, may be charged at the teacher's discretion  
 31 to the teacher's available sick days. However, the teacher is not entitled  
 32 to take accumulated sick days when the teacher's physician certifies  
 33 that the teacher is capable of performing the teacher's regular teaching  
 34 duties. The teacher is entitled to complete the remaining leave without  
 35 pay.

36 SECTION 17. IC 20-28-10-16, AS AMENDED BY P.L.2-2006,  
 37 SECTION 139, IS AMENDED TO READ AS FOLLOWS  
 38 [EFFECTIVE UPON PASSAGE]: Sec. 16. (a) If a teacher serves in the  
 39 general assembly, the teacher shall be given credit for the time spent in  
 40 this service, including the time spent for council or committee  
 41 meetings. The leave for this service does not diminish the teacher's  
 42 rights under the Indiana state teachers' retirement fund or the teacher's



1 advancement on the state or a local ~~salary schedule~~. **compensation**  
 2 **plan**. For these purposes, the teacher is, despite the leave, considered  
 3 teaching for the school during that time.

4 (b) The compensation received while serving in the general  
 5 assembly shall be included for teachers retiring after June 30, 1980, in  
 6 the determination of the teacher's annual compensation to compute the  
 7 teacher's retirement benefit under IC 5-10.2-4. A teacher serving in the  
 8 general assembly may choose to have deductions made from the  
 9 teacher's salary as a legislator for contributions under either  
 10 IC 5-10.4-4-11 or IC 5-10.3-7-9.

11 SECTION 18. IC 20-28-11.5-4, AS ADDED BY P.L.90-2011,  
 12 SECTION 39, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 13 JULY 1, 2015]: Sec. 4. (a) Each school corporation shall develop a  
 14 plan for annual performance evaluations for each certificated employee  
 15 (as defined in IC 20-29-2-4). A school corporation shall implement the  
 16 plan beginning with the 2012-2013 school year.

17 **(b) Notwithstanding IC 20-29-6-7, each school corporation shall**  
 18 **consider suggestions from any certificated employee of the school**  
 19 **corporation when developing a plan under subsection (a).**

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

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

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

27 (3) The Peer Assistance and Review Teacher Evaluation System  
 28 (PAR).

29 ~~(c)~~ (d) A plan must include the following components:

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

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

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

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

41 (C) student assessment results from locally developed  
 42 assessments and other test measures for certificated employees



- 1           whose responsibilities may or may not include instruction in  
 2           subjects and areas measured by statewide assessments.
- 3           (3) Rigorous measures of effectiveness, including observations  
 4           and other performance indicators.
- 5           (4) An annual designation of each certificated employee in one  
 6           (1) of the following rating categories:
- 7               (A) Highly effective.  
 8               (B) Effective.  
 9               (C) Improvement necessary.  
 10              (D) Ineffective.
- 11          (5) An explanation of the evaluator's recommendations for  
 12          improvement, and the time in which improvement is expected.
- 13          (6) A provision that a teacher who negatively affects student  
 14          achievement and growth cannot receive a rating of highly  
 15          effective or effective.
- 16          ~~(d)~~ (e) The evaluator shall discuss the evaluation with the  
 17          certificated employee.
- 18          **(f) Each school corporation shall post on the school  
 19          corporation's Internet web site a copy of the school corporation's  
 20          plan developed or adopted under this section.**
- 21          SECTION 19. IC 20-29-6-4, AS AMENDED BY P.L.286-2013,  
 22          SECTION 91, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 23          UPON PASSAGE]: Sec. 4. (a) A school employer shall bargain  
 24          collectively with the exclusive representative on the following:
- 25               (1) Salary.  
 26               (2) Wages.  
 27               (3) Salary and wage related fringe benefits, including accident,  
 28               sickness, health, dental, vision, life, disability, retirement benefits,  
 29               and paid time off as permitted to be bargained under  
 30               IC 20-28-9-11.
- 31          (b) Salary and wages include the amounts of pay increases available  
 32          to employees under the ~~salary scale~~ **compensation plan** adopted under  
 33          IC 20-28-9-1.5, but do not include the teacher evaluation procedures  
 34          and criteria, ~~or~~ any components of the teacher evaluation plan, rubric,  
 35          or tool.
- 36          SECTION 20. IC 20-29-6-4.5, AS ADDED BY P.L.48-2011,  
 37          SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 38          UPON PASSAGE]: Sec. 4.5. (a) For a contract entered into after June  
 39          30, 2011, a school employer may not bargain collectively with the  
 40          exclusive representative on the following:
- 41               (1) The school calendar.  
 42               (2) Teacher dismissal procedures and criteria.



1 (3) Restructuring options available to a school employer under  
 2 federal or state statutes, regulations, or rules because of the failure  
 3 of the school corporation or a school to meet federal or state  
 4 accountability standards.

5 (4) The ability of a school employer to contract, partner, or  
 6 operate jointly with an educational entity that provides  
 7 postsecondary credits to students of the school employer or dual  
 8 credits from the school employer and the educational entity.

9 (5) Any subject not expressly listed in section 4 of this chapter.

10 **(b) For a contract entered into after January 1, 2015, for a**  
 11 **school year beginning after June 30, 2015, a school employer may**  
 12 **not bargain collectively with the exclusive representative for the**  
 13 **following:**

14 **(1) A matter described in subsection (a).**

15 **(2) A matter that another statute specifies is not subject to**  
 16 **collective bargaining, including IC 20-28-9-1.5.**

17 ~~(b)~~ (c) A subject set forth in subsection (a) or (b) that may not be  
 18 bargained collectively may not be included in an agreement entered  
 19 into under this article.

20 SECTION 21. IC 20-29-6-6.1 IS ADDED TO THE INDIANA  
 21 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 22 [EFFECTIVE JULY 1, 2015]: **Sec. 6.1. (a) After ratification of a**  
 23 **contract under section 6 of this chapter, a school employer shall**  
 24 **submit the ratified collective bargaining agreement, including the**  
 25 **compensation model developed under IC 20-28-9-1.5, to the board.**

26 **(b) The board shall appoint a staff member or an ad hoc panel**  
 27 **member to review each submitted collective bargaining agreement**  
 28 **and to make a written recommendation concerning the collective**  
 29 **bargaining agreement's compliance with this chapter, including a**  
 30 **penalty for any noncompliance. The review must be completed**  
 31 **before March 30 of the year in which the current collective**  
 32 **bargaining agreement expires unless the review period is extended**  
 33 **by the board for good cause.**

34 **(c) Not later than fifteen (15) days after a recommendation has**  
 35 **been made under subsection (b), one (1) or both parties to a**  
 36 **collective bargaining agreement may appeal to the board, in**  
 37 **writing, the decision made in the recommendation. If the board**  
 38 **does not receive an appeal not later than fifteen (15) days after**  
 39 **issuing a recommendation, the recommendation becomes the final**  
 40 **order of the board.**

41 **(d) If the board receives a timely appeal, the board may make**  
 42 **a decision on the recommendation with or without oral argument.**



1     **The board may request that the parties submit briefs. The board**  
 2     **must issue a ruling on the appeal not later than thirty (30) days**  
 3     **after the last of the following occurs:**

- 4             **(1) The appeal is received.**  
 5             **(2) Briefs are received.**  
 6             **(3) Oral arguments are held.**

7             **(e) IC 4-21.5 does not apply to a review under subsection (b) or**  
 8             **(d).**

9             **(f) If, following the review of a collective bargaining agreement,**  
 10            **the board finds the collective bargaining agreement does not**  
 11            **comply with this chapter, the board shall issue an order that may**  
 12            **include one (1) or more of the following items:**

- 13            **(1) Ordering the parties to cease and desist from all identified**  
 14            **areas of noncompliance.**  
 15            **(2) Preventing the parties from ratifying any subsequent**  
 16            **collective bargaining agreements until the parties receive**  
 17            **written approval from the board or the board's agent.**  
 18            **(4) Requiring other action as deemed appropriate by the**  
 19            **board as authorized by state law.**

20            **(g) The board may send the board's compliance findings to**  
 21            **other state agencies as necessary.**

22            **(h) After a school employer has submitted a collective**  
 23            **bargaining agreement under subsection (a), the school employer**  
 24            **and an exclusive representative may not enter into a new collective**  
 25            **bargaining agreement containing the noncompliant provision until**  
 26            **the school employer has received either:**

- 27            **(1) the board's order regarding the compliance of the**  
 28            **submitted collective bargaining agreement with this chapter;**  
 29            **or**  
 30            **(2) other written approval from the board or an agent of the**  
 31            **board.**

32            **(i) If any provision of the collective bargaining agreement is**  
 33            **found not to be compliant with this chapter, the provision that is**  
 34            **found to be noncompliant with this chapter shall not affect other**  
 35            **provisions of the collective bargaining agreement that can be given**  
 36            **effect without the noncompliant provision, and to this end the**  
 37            **provisions of collective bargaining agreement are severable.**

38            **(j) The board:**

- 39            **(1) shall adopt rules under IC 4-22; and**  
 40            **(2) may adopt emergency rules in the manner provided under**  
 41            **IC 4-22-2-37.1;**

42            **as necessary to implement this section.**



1 SECTION 22. IC 20-29-6-12.5, AS AMENDED BY P.L.205-2013,  
 2 SECTION 254, IS AMENDED TO READ AS FOLLOWS  
 3 [EFFECTIVE UPON PASSAGE]: Sec. 12.5. (a) Before August 1 of the  
 4 first year of the state budget biennium, the department shall provide the  
 5 parties with an estimate of the general fund revenue available for  
 6 bargaining in the school corporation from the school funding formula.

7 (b) Within thirty (30) days after the date of the fall count of ADM  
 8 of the school year in the first year of the state budget biennium, the  
 9 department shall provide the parties with a certification of estimated  
 10 general fund revenue available for bargaining from the school funding  
 11 formula. A school employer that has passed a general fund operating  
 12 referendum under IC 20-46-1 must have that amount certified by the  
 13 department of local government finance. The school corporation must  
 14 obtain the certification before the **commencement conclusion** of  
 15 bargaining. These certifications must be the basis for determinations  
 16 throughout impasse proceedings under this chapter.

17 SECTION 23. IC 20-29-6-15.1, AS ADDED BY P.L.229-2011,  
 18 SECTION 181, IS AMENDED TO READ AS FOLLOWS  
 19 [EFFECTIVE JULY 1, 2015]: Sec. 15.1. (a) If an agreement has not  
 20 been reached on the items permitted to be bargained collectively under  
 21 section 4 of this chapter, within fifteen (15) days after mediation under  
 22 section 13 of this chapter has ended, the board shall initiate factfinding.

23 (b) Factfinding must culminate in the factfinder imposing contract  
 24 terms on the parties. The factfinder must select one (1) party's last best  
 25 offer as the contract terms. The factfinder's order must be restricted to  
 26 only those items permitted to be bargained and included in the  
 27 collective bargaining agreement under section 4 of this chapter and  
 28 must not put the employer in a position of deficit financing (as defined  
 29 in IC 20-29-2-6). The factfinder's order may not impose terms beyond  
 30 those proposed by the parties in their last, best offers.

31 (c) Costs for the factfinder shall be borne equally by the parties.

32 (d) Factfinding may not last longer than ~~fifteen (15)~~ **thirty (30)**  
 33 days.

34 SECTION 24. IC 20-29-6-18, AS AMENDED BY P.L.6-2012,  
 35 SECTION 140, IS AMENDED TO READ AS FOLLOWS  
 36 [EFFECTIVE JULY 1, 2015]: Sec. 18. (a) Either party may appeal the  
 37 decision of the factfinder under IC 20-29-6-15.1. The appeal must be  
 38 filed not later than thirty (30) days after receiving the factfinder's  
 39 decision.

40 (b) The board's decision must be restricted to only those items  
 41 permitted to be bargained and included in the collective bargaining  
 42 agreement under section 4 of this chapter and must not put the



1 employer in a position of deficit financing, as defined in IC 20-29-2-6.  
 2 The board's decision may not impose terms beyond those proposed by  
 3 the parties in their last, best offers.

4 (c) The board must rule on the appeal within ~~thirty (30)~~ **sixty (60)**  
 5 days after receipt of notice of appeal.

6 SECTION 25. IC 20-29-8-7, AS AMENDED BY P.L.229-2011,  
 7 SECTION 183, IS AMENDED TO READ AS FOLLOWS  
 8 [EFFECTIVE JULY 1, 2015]: Sec. 7. (a) When a factfinder is  
 9 requested or required under IC 20-29-6, the board shall appoint a  
 10 factfinder. ~~from the staff or panel established under section 6 of this~~  
 11 ~~chapter.~~

12 (b) The factfinder shall make an investigation and hold hearings as  
 13 the factfinder considers necessary in connection with a dispute.

14 (c) The factfinder:

15 (1) may restrict the factfinder's findings to those issues that the  
 16 factfinder determines significant;

17 (2) must restrict the findings to the items listed in IC 20-29-6-4;  
 18 and

19 (3) may not impose terms beyond those proposed by the parties in  
 20 their last, best offers.

21 (d) The factfinder may use evidence furnished to the factfinder by:

22 (1) the parties;

23 (2) the board;

24 (3) the board's staff; or

25 (4) any other state agency.

26 (e) The factfinder shall conduct the factfinding hearing in public in  
 27 a room or facility owned by the county or local unit of government  
 28 located in the county in which the school employer is located, or if the  
 29 school employer is located in more than one (1) county, in the county  
 30 in which the greatest number of students who attend the school  
 31 employer's schools reside. The public hearing may begin not earlier  
 32 than October 1 in the first year of the state budget biennium and must  
 33 be concluded by ~~December 31~~ **February 1** of the ~~same~~ year **following**  
 34 **the commencement of bargaining.**

35 (f) The factfinding process may not exceed ~~fifteen (15)~~ **thirty (30)**  
 36 days from beginning to end, and not more than two (2) of those days  
 37 may be used for public testimony, which may be taken at the discretion  
 38 of the factfinder. During the public hearing, each party shall present  
 39 fully its last, best offer, including the fiscal rationale for the offer. Only  
 40 general operating funds and those funds certified by the department of  
 41 education and the department of local government finance may be  
 42 considered as a source of the funding for items, unless the school



1 funding formula allows other funds to be used for certain items.

2 (g) The factfinder shall make a recommendation as to the settlement  
3 of the disputes over which the factfinder has jurisdiction.

4 (h) The factfinder shall:

5 (1) make the investigation, hearing, and findings as expeditiously  
6 as the circumstances permit; and

7 (2) deliver the findings to the parties and to the board.

8 (i) The board, after receiving the findings and recommendations,  
9 may make additional findings and recommendations to the parties  
10 based on information in:

11 (1) the report; or

12 (2) the board's own possession.

13 The board may not make any recommendations to the parties related to  
14 any items not specifically identified in IC 20-29-6-4.

15 (j) At any time within five (5) days after the findings and  
16 recommendations are delivered to the board, the board may make the  
17 findings and recommendations of the factfinder and the board's  
18 additional findings and recommendations, if any, available to the  
19 public through news media and other means the board considers  
20 effective.

21 (k) The board shall make the findings and recommendations  
22 described in subsection (j) available to the public not later than ten (10)  
23 days after the findings and recommendations are delivered to the board.

24 SECTION 26. IC 20-31-3-1, AS ADDED BY P.L.1-2005,  
25 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
26 UPON PASSAGE]: Sec. 1. **(a)** The state board shall adopt clear,  
27 concise, and jargon free state academic standards that are comparable  
28 to national and international academic standards **and the college and**  
29 **career readiness educational standards adopted under**  
30 **IC 20-19-2-14.5.** These academic standards must be adopted for each  
31 grade level from kindergarten through grade 12 for the following  
32 subjects:

33 (1) English/language arts.

34 (2) Mathematics.

35 (3) Social studies.

36 (4) Science.

37 **(b)** For grade levels tested under the ISTEP program, the academic  
38 standards must be based in part on the results of the ISTEP program.

39 SECTION 27. IC 20-31-8-3, AS AMENDED BY P.L.286-2013,  
40 SECTION 103, IS AMENDED TO READ AS FOLLOWS  
41 [EFFECTIVE JULY 1, 2015]: Sec. 3. **(a)** The state board shall  
42 establish a number of categories, using an "A" through "F" grading





1 scale, to designate performance based on the individual student  
2 academic performance and growth to proficiency in each school.

3 **(b) The state board, in consultation with the department, shall**  
4 **define "low population schools" and shall determine the criteria**  
5 **for placing low population schools in categories established under**  
6 **subsection (a). In setting the definition and criteria for low**  
7 **population schools, the state board shall not penalize schools based**  
8 **on population. The state board's definition and criteria may**  
9 **include the placement of a school that fits the state board's**  
10 **definition in a "null" or "no letter grade" category.**

11 SECTION 28. IC 20-39-1-1, AS AMENDED BY P.L.280-2013,  
12 SECTION 54, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
13 JULY 1, 2015]: Sec. 1. **(a) Except as provided in subsection (b), all**  
14 **public school governing bodies, except a charter school organizer, shall**  
15 **adopt and fully and accurately implement a single, unified accounting**  
16 **system as prescribed by the state board and the state board of accounts.**

17 **(b) After June 30, 2015, all public school governing bodies,**  
18 **except a charter school organizer, may adopt an accounting system**  
19 **and budget system as provided in IC 20-26-15-6(3). If a governing**  
20 **body elects to establish an accounting or budget system under this**  
21 **subsection that does not use consistently applied United States**  
22 **generally accepted accounting principles (GAAP) as developed by**  
23 **the Governmental Accounting Standards Board, the governing**  
24 **body's proposed accounting system must be approved by the state**  
25 **board of accounts. The governing body shall request approval of**  
26 **an accounting system under this section in a manner prescribed by**  
27 **the state board of accounts. If a governing body elects to establish**  
28 **an accounting system under this subsection, the governing body**  
29 **must transition to the new accounting system and the state board**  
30 **of accounts may not initiate an audit of the school corporation**  
31 **within nine (9) calendar months after the later of:**

32 **(1) the date the governing body elects to change accounting**  
33 **systems under this subsection; or**

34 **(2) the date the state board of accounts approves an**  
35 **accounting system under this subsection.**

36 **However, the state board of accounts may include the transition**  
37 **period in an audit initiated within nine (9) calendar months after**  
38 **the later of the date described in subdivision (1) or (2).**

39 SECTION 29. IC 20-51-4-7, AS AMENDED BY P.L.211-2013,  
40 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
41 JULY 1, 2015]: Sec. 7. **(a) The department shall administer this**  
42 **chapter.**



1 (b) The department shall approve an application for an eligible  
2 school within fifteen (15) days after the date the school requests to  
3 participate in the choice scholarship program.

4 (c) The department shall approve an application for a choice  
5 scholarship student within fifteen (15) days after the date the student  
6 requests to participate in the choice scholarship program.

7 (d) Each year, at a minimum, the department shall accept  
8 applications from March 1 through September 1 for:

9 (1) choice scholarship students; or

10 (2) eligible schools;

11 for the upcoming school year.

12 **(e) This chapter may not be construed in a manner that would**  
13 **impose additional requirements for approving an application for**  
14 **an eligible school placed in a "null" or "no letter grade" category**  
15 **established under IC 20-31-8-3(b).**

16 ~~(e)~~ (f) The department shall adopt rules under IC 4-22-2 to  
17 implement this chapter.

18 ~~(f)~~ (g) The department may adopt emergency rules under  
19 IC 4-22-2-37.1 to implement this chapter.

20 SECTION 30. [EFFECTIVE JULY 1, 2015] (a) **The definitions**  
21 **used in IC 20 apply throughout this SECTION.**

22 (b) **As used in this SECTION, "committee" refers to the**  
23 **education study committee established by IC 2-5-1.3-4.**

24 (c) **The general assembly urges the legislative council to assign**  
25 **to the committee the task of studying whether:**

26 (1) **the ISTEP program should be replaced with an alternative**  
27 **statewide assessment; and**

28 (2) **formal collective bargaining between a school corporation**  
29 **and the exclusive representative may begin before August 1 of**  
30 **a particular year.**

31 (d) **The committee shall issue to the legislative council a final**  
32 **report containing the committee's findings and recommendations,**  
33 **including any recommended legislation concerning the topic, in an**  
34 **electronic format under IC 5-14-6 not later than November 1, 2015.**

35 (e) **This SECTION expires January 1, 2016.**

36 SECTION 31. **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. 566, 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 2, line 15, delete "or a paraprofessional person".

Page 4, line 27, delete "The state board shall adopt college and career readiness".

Page 4, line 28, delete "educational standards.".

Page 4, line 28, strike "Before July 1,".

Page 4, line 28, reset in roman "2014,".

Page 4, line 28, delete "2016,".

Page 4, line 29, delete "the initial".

Page 4, line 30, delete "that meet the requirement described in subdivision (7),".

Page 4, line 38, delete "7861." and insert "7861,".

Page 4, line 38, reset in roman "as in effect on January 1, 2014,".

Page 5, delete lines 3 through 7.

Page 5, line 18, after "(e)" insert "(c)".

Page 5, line 20, after "2013," delete "the" and insert "The".

Page 5, line 20, reset in roman "state, or the state board on".

Page 5, reset in roman lines 21 through 24.

Page 5, line 25, delete "(c)" and insert "(d)".

Page 5, between lines 30 and 31, begin a new paragraph and insert:  
"SECTION 8. IC 20-19-2-16, AS ADDED BY P.L.1-2005, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 16. (a) The state accepts the provisions and benefits of laws enacted by the Congress of the United States that provide for aid to children with disabilities.

(b) The state board is designated as the proper authority and may accept any federal funds appropriated to aid in the education of children with disabilities. The state board shall comply with all the requirements of:

(1) federal law concerning any federal funds relating to special educational activities; and

(2) any amendments to those laws or rules and regulations issued under and in conformity with those laws and not inconsistent with this chapter.

**(c) The state board is primarily responsible for assuring that applications for obtaining and renewing necessary flexibility**



waivers under Section 9401 of the federal Elementary and Secondary Education Act of 1965, as amended and reauthorized under the federal No Child Left Behind Act of 2001 and subsequent federal laws (20 U.S.C. 7861) and federal regulations promulgated to implement federal law are timely filed, the appropriate federal agencies have the documentation and other information needed to grant the flexibility waivers, and that the applications comply with the educational policies of the state board. The superintendent of public instruction and the department, under the direction of the state board, shall carry out the work necessary to obtain and renew necessary flexibility waivers."

Page 5, line 36, after "under" insert "IC 20-19-2-14.5,".

Page 6, between lines 3 and 4, begin a new paragraph and insert:

"SECTION 10. IC 20-19-4-11, AS ADDED BY P.L.1-2005, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 11. (a) In making recommendations under section 10 of this chapter, the roundtable shall consider

(1) a variety of available ~~national and international~~ **nationally recognized** assessments and tests. **The roundtable may not delegate to any higher authority the responsibility of recommending assessments or tests.**

(b) **The roundtable may not consider or recommend any of the following:**

(1) ~~The development of an assessment or a test unique to Indiana. and~~

(2) ~~any combination of assessments or tests described under subdivisions (1) and (2).~~

**(2) An assessment or test that does not assess student progress toward mastery of Indiana academic standards adopted or proposed by the state board.**

**(3) An assessment or a test that adopts Common Core (Common Core State Standards Initiative).**

**(4) An assessment or test that would prevent the state from obtaining, would terminate, or would prevent renewal of necessary flexibility waivers under Section 9401 of the federal Elementary and Secondary Education Act of 1965, as amended and reauthorized under the federal No Child Left Behind Act of 2001 and subsequent federal laws (20 U.S.C. 7861) and federal regulations promulgated to implement federal law.**

SECTION 11. IC 20-19-4-12 IS REPEALED [EFFECTIVE UPON PASSAGE]. Sec. 12. ~~In making recommendations under section 10 of~~



this chapter; the roundtable shall recommend to the state board only state tests that when appropriate:

- (1) present the content of each test in an interdisciplinary manner; and
- (2) provide each student with the opportunity to meet the academic standards in an applied manner."

Page 11, line 22, delete "for school years ending".

Page 11, line 23, delete "before July 1, 2015,".

Page 14, line 1, delete "for school years ending before July 1, 2015,".

Page 33, line 8, delete "2016)," and insert "**2016**);".

Page 33, line 8, strike "if an alternative locally adopted".

Page 33, strike line 9.

Page 33, line 10, strike "chapter;".

Page 33, line 11, after "concerning" insert "**the BEST program.**".

Page 33, delete lines 12 through 14.

Page 38, line 25, delete "placement" and insert "**placement, dual credit,**".

Page 48, between lines 7 and 8, begin a new paragraph and insert:

**"(b) After June 30, 2015, it is unlawful for a school employer to enter into any agreement that would prohibit the employer from reducing expenditures that otherwise would be required under a contract to eliminate any actual deficit in funding if the employer's:**

- (1) actual general fund revenue for a school year is less than the employer's revenues calculated based on the initial fall count of ADM determined for the employer under IC 20-43-4-3 for the school year; or**
- (2) actual employer's expenditures payable from general fund revenues exceed the employer's revenues calculated based on the initial fall count of ADM determined for the employer under IC 20-43-4-3 for the school year.**

**The contract may include provisions on how any deficit would be allocated to wages and salaries that are bargainable under the contract. The contract may also include provisions on how any surplus in general fund revenues would be allocated among wages and salaries bargainable under the contract."**

Page 48, line 8, strike "(b)" and insert "(c)".

Page 48, line 8, after "financing" insert "**or violates subsection (b)**".

Page 49, line 36, delete "(D)", begin a new line block indented and insert:

**"(12)".**



Page 49, line 38, delete "(E)", begin a new line block indented and insert:

"(13)".

Page 50, between lines 23 and 24, begin a new paragraph and insert:

"SECTION 50. IC 20-29-6-15.1, AS ADDED BY P.L.229-2011, SECTION 181, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 15.1. (a) If an agreement has not been reached on the items permitted to be bargained collectively under section 4 of this chapter, within fifteen (15) days after mediation under section 13 of this chapter has ended, the board shall initiate factfinding.

(b) Factfinding must culminate in the factfinder imposing contract terms on the parties. The factfinder must select one (1) party's last best offer as the contract terms. The factfinder's order must be restricted to only those items permitted to be bargained and included in the collective bargaining agreement under section 4 of this chapter and must not put the employer in a position of deficit financing (as defined in IC 20-29-2-6) **or violate IC 20-29-6-3(b)**. The factfinder's order may not impose terms beyond those proposed by the parties in their last, best offers.

(c) Costs for the factfinder shall be borne equally by the parties.

(d) Factfinding may not last longer than fifteen (15) days."

Page 50, line 40, delete "financing." and insert "financing".

Page 51, line 1, after "revenue." insert "**or prohibit the employer from making reductions described in IC 20-29-6-3(b)**".

Page 51, between lines 8 and 9, begin a new paragraph and insert:

"SECTION 52. IC 20-29-6-18, AS AMENDED BY P.L.6-2012, SECTION 140, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 18. (a) Either party may appeal the decision of the factfinder under IC 20-29-6-15.1. The appeal must be filed not later than thirty (30) days after receiving the factfinder's decision.

(b) The board's decision must be restricted to only those items permitted to be bargained and included in the collective bargaining agreement under section 4 of this chapter and must not put the employer in a position of deficit financing, as defined in IC 20-29-2-6 **or prohibit the employer from making any reductions described in section 3(b) of this chapter**. The board's decision may not impose terms beyond those proposed by the parties in their last, best offers.

(c) The board must rule on the appeal within thirty (30) days after receipt of notice of appeal.

SECTION 53. IC 20-29-8-8, AS AMENDED BY P.L.48-2011,



SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. In conducting hearings and investigations, the factfinder is not bound by IC 4-21.5. The factfinder shall, however, consider the following factors:

- (1) Past memoranda of agreements and contracts between the parties.
- (2) Comparisons of wages and hours of the employees involved with wages of other employees working for other public agencies and private concerns doing comparable work, giving consideration to factors peculiar to the school corporation.
- (3) The public interest.
- (4) The financial impact on the school corporation and whether any settlement will cause the school corporation to engage in deficit financing as described in IC 20-29-6-3 **or prohibit the school corporation from making any reductions described in IC 20-29-6-3(b).**"

Page 53, delete lines 16 through 21, begin a new paragraph and insert:

**"(c) For school years beginning after June 30, 2016, the content of a nationally recognized assessment approved by the state board under IC 20-32-5.1 must align with Indiana academic standards adopted by the state board. The state board may not adopt Common Core (Common Core State Standards Initiative) or delegate to any higher authority the responsibility of setting academic standards."**

Page 58, line 29, delete "and norm referenced".

Page 58, line 32, after "2." insert "(a)".

Page 58, between lines 34 and 35, begin a new paragraph and insert:

**"(b) The state board shall determine the content and format of the BEST program and the tests, including assessments, used in the BEST program. The superintendent of public instruction and the department, under the direction of the state board, shall carry out the work necessary to carry out this chapter.**

**(c) The state board shall select tests for the BEST program that are nationally recognized assessment tests.**

**(d) The content of a nationally recognized assessment test approved by the state board under this chapter must align with Indiana academic standards adopted by the state board, including standards adopted under the following:**

- (1) IC 20-19-2-14.5.**
- (2) IC 20-31-3.**
- (3) IC 20-32-4.**



**(4) The assessment program established under IC 20-31-8.**

**(e) The state board may not consider or adopt any of the following:**

**(1) An assessment or a test that is developed for and is unique to Indiana.**

**(2) An assessment or a test that adopts Common Core (Common Core State Standards Initiative) or delegates to any higher authority the responsibility of selecting tests or implementing testing.**

**(3) An assessment or a test that would prevent the state from obtaining, would terminate, or prevent renewal of necessary flexibility waivers under Section 9401 of the federal Elementary and Secondary Education Act of 1965, as amended and reauthorized under the federal No Child Left Behind Act of 2001 and subsequent federal laws (20 U.S.C. 7861) and federal regulations promulgated to implement federal law.**

**Sec. 3. (a) Before:**

**(1) selecting one (1) or more vendors or changing one (1) or more vendors to provide tests for the BEST program; or**

**(2) selecting the format or changing the format for tests provided by a vendor;**

**the state board shall comply with the minimum procedures in this section. The state board may supplement the minimum procedures in this section by consulting citizen groups and taking other additional actions to fully consider the issues related to establishing a BEST program based on Indiana academic standards.**

**(b) The state board shall consider a variety of available nationally recognized assessments and tests and adopt a request for proposals that meets the requirements of this chapter. The department shall carry out the work necessary, under the direction of the state board, in preparing the request for proposals. The department shall submit the request for proposals to the roundtable for review. The state board shall consider any recommendations made by the roundtable and, if a recommendation is not adopted, specify in a writing adopted by the state board the reasons why the recommendation was not adopted.**

**(c) The state board shall submit the responses to the request for proposals to the roundtable for review and recommendations. After receiving the recommendations of the roundtable, the state board shall:**

**(1) provisionally select a vendor and the tests to be used in the**





**BEST program;**

**(2) provisionally adopt any necessary modifications in Indiana academic standards to bring the recommended tests into alignment with Indiana academic standards;**

**(3) conduct at least three (3) public hearings on the provisional determinations of the state board under subdivisions (1) and (2), with one (1) public hearing at a location in northern Indiana, one (1) public hearing at a location in central Indiana, and one (1) public hearing at a location in southern Indiana;**

**(4) submit the determinations under subdivisions (1) and (2), as revised after the public hearings conducted under subdivision (3), to the budget committee for review; and**

**(5) after considering any recommendations made by the budget committee, finally select a vendor and the tests to be used in the BEST program.**

**(d) The state board may carry out the procedures in this section as part of a rulemaking action under IC 4-22-2 or an emergency rulemaking action under IC 4-22-2-37.1."**

Page 58, line 35, delete "3." and insert "4."

Page 58, between lines 41 and 42, begin a new line blocked left and insert:

**"The BEST program tests must include a reading component that is administered in grade 3."**

Page 58, delete line 42.

Page 59, delete lines 1 through 8.

Page 59, delete lines 25 through 27.

Page 62, delete lines 29 through 32.

Page 64, line 21, delete "Before July 1, 2015, receiving" and insert "Receiving".

Page 64, line 34, reset in roman "(1)".

Page 64, reset in roman lines 36 through 39.

Page 65, line 2, delete "means: either:" and insert "means either:".

Page 65, line 4, after "applicable;" insert "or".

Page 65, reset in roman line 5.

Page 65, delete lines 6 through 9.

Page 65, line 12, delete "For purposes of".

Page 65, delete lines 13 through 15.

Page 66, line 20, after "effective." insert **"The lead school corporation administering a cooperative or other special education program or 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 performance 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."**

Page 66, line 29, after "addition," insert **"an amount determined under the policies adopted by the governing body but not exceeding"**.

Page 66, line 35, delete "bargaining" and insert **"bargaining, is payable from funds other than the performance grant,"**.

Page 66, line 37, delete "distribute" and insert **"complete the appropriation process for"**.

Page 66, line 40, delete "corporation." and insert **"corporation and distribute all stipends from a performance grant to individual teachers before the immediately following January 31."**

Page 69, line 12, delete "and".

Page 69, line 13, delete "norm referenced".

Renumber 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 566 as introduced.)

KRUSE, Chairperson

Committee Vote: Yeas 7, Nays 3.

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#### COMMITTEE REPORT

Madam President: The Senate Committee on Appropriations, to which was referred Senate Bill No. 566, 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 4, line 27, strike "2014,".

Page 4, line 27, delete "the" and insert **"The"**.

Page 4, line 28, after "standards" insert ".".

Page 4, line 28, strike "voiding the previously".

Page 4, line 29, strike "adopted set of educational standards.".

Page 5, line 17, after "." insert **"The state board may not adopt Common Core (Common Core State Standards Initiative) or delegate to any higher authority the responsibility of setting academic standards."**

Page 6, delete lines 31 through 32 and insert **"recommend**

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**Common Core (Common Core State Standards Initiative) or delegate to any higher authority the responsibility of recommending academic standards."**

Page 39, between lines 1 and 2, begin a new paragraph and insert:  
 "SECTION 32. IC 20-28-7.5-1, AS AMENDED BY P.L.286-2013, SECTION 87, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 1. (a) This chapter applies to a teacher in a school corporation (as defined in IC 20-18-2-16(a)).

(b) A principal may decline to continue a probationary teacher's contract under sections 2 through 4 of this chapter if the probationary teacher:

- (1) receives an ineffective designation on a performance evaluation under IC 20-28-11.5;
- (2) receives two (2) consecutive improvement necessary ratings on a performance evaluation under IC 20-28-11.5; or
- (3) is subject to a justifiable decrease in the number of teaching positions or any reason relevant to the school corporation's interest.

(c) Except as provided in subsection (e), a principal may not decline to continue a professional or established teacher's contract unless the teacher is subject to a justifiable decrease in the number of teaching positions.

(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) 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) Justifiable decrease in the number of teaching positions.
- (4) Incompetence, including receiving:
  - (A) an ineffective designation on two (2) consecutive performance evaluations under IC 20-28-11.5; or
  - (B) an ineffective designation or improvement necessary rating in three (3) years of any five (5) year period.
- (5) Neglect of duty.
- (6) A conviction for an offense listed in IC 20-28-5-8(c).



(7) Other good or just cause.

**(f) A principal may decline to continue or cancel the contract only of a teacher who is supervised by the principal.**

SECTION 33. IC 20-28-8-3, AS AMENDED BY P.L.253-2013, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 3. (a) Before March 1 of the year during which the contract of an assistant superintendent, a principal, or an assistant principal is due to expire, the governing body of the school corporation, or an **employee attorney acting** at the direction of the governing body, shall give written notice of renewal or refusal to renew the individual's contract for the ensuing school year.

(b) If notice is not given before March 1 of the year during which the contract is due to expire, the contract then in force shall be reinstated only for the ensuing school year.

(c) This section does not prevent the modification or termination of a contract by mutual agreement of the assistant superintendent, the principal, or the assistant principal and the governing body."

Page 40, line 30, delete "shall" and insert "**may**".

Page 44, between lines 16 and 17, begin a new paragraph and insert:

**"(d) In developing a performance evaluation model, a school corporation shall 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 their 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."

Page 44, line 17, delete "(d)" and insert "(e)".



Page 44, line 22, after "." insert **"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."**

Page 44, line 23, delete "(e)" and insert "(f)".

Page 45, between lines 8 and 9, begin and new paragraph and insert:  
**"SECTION 41. IC 20-28-11.5-8.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: 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. The department may review the 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 45, line 17, after "." insert **"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."**

Page 47, delete lines 29 through 36, begin an new paragraph and insert:

**"SECTION 43. IC 20-29-3-11, AS ADDED BY P.L.1-2005, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 11. The board has the following powers:**

- (1) To adopt an official seal and prescribe the purposes for which the seal may be used.
- (2) To hold hearings and make inquiries as the board considers necessary to carry out properly the board's functions and powers.
- (3) To establish a principal office in Indianapolis.
- (4) To meet and exercise the board's powers at any other place in Indiana.
- (5) To conduct in any part of Indiana a proceeding, a hearing, an



investigation, an inquiry, or an election necessary to the performance of the board's functions. For this purpose, the board may designate one (1) member, or an agent or agents, as hearing examiners. The board may use voluntary and uncompensated services as needed.

(6) To appoint staff and attorneys as the board finds necessary for the proper performance of its duties. The attorneys appointed under this section may, at the direction of the board, appear for and represent the board in court.

(7) To pay the reasonable and necessary traveling and other expenses of an employee, a member, or an agent of the board.

(8) To subpoena witnesses and issue subpoenas requiring the production of books, papers, records, and documents that may be needed as evidence in any matter under inquiry, and to administer oaths and affirmations. In cases of neglect or refusal to obey a subpoena issued to a person, the circuit or superior court of the county in which the investigations or the public hearings are taking place, upon application by the board, shall issue an order requiring the person to:

(A) appear before the board; and

(B) produce evidence about the matter under investigation.

A failure to obey the order may be punished by the court as a contempt. A subpoena, notice of hearing, or other process of the board issued under this chapter shall be served in the manner prescribed by the Indiana Rules of Trial Procedure.

(9) To adopt, amend, or rescind rules the board considers necessary and administratively feasible to carry out this chapter under IC 4-22-2.

(10) To request from any public agency the assistance, services, and data that will enable the board properly to carry out the board's functions and powers.

(11) To publish and report in full an opinion in every case decided by the board.

**(12) To review a collective bargaining agreement as provided in section 15 of this chapter."**

Page 47, line 39, after "The" insert "**Indiana education employment relations**".

Page 47, line 40, delete "provide for a factfinder to".

Page 48, line 4, delete "factfinder" and insert "**Indiana education employment relations board**".

Page 48, line 7, delete "factfinder" and insert "**Indiana education employment relations board**".



Page 48, line 12, delete "factfinder" and insert "**Indiana education employment relations board**".

Page 48, line 13, delete "factfinder," and insert "**Indiana education employment relations board,**".

Page 48, line 13, after "the" insert "**Indiana education employment relations**".

Page 48, line 22, delete "factfinder's" and insert "**Indiana education employment relations board's**".

Page 48, line 24, delete "factfinder" and insert "**Indiana education employment relations board**".

Page 48, line 25, delete "factfinder's" and insert "**Indiana education employment relations board's**".

Page 48, line 31, delete "factfinder" and insert "**Indiana education employment relations board**".

Page 48, line 34, after "The" insert "**Indiana education employment relations**".

Page 48, line 34, delete "factfinder" and insert "**member of the Indiana education employment relations board ad hoc panel**".

Page 48, line 37, delete "by the factfinder." and insert "**by the Indiana education employment relations board.**".

Page 48, line 37, after "The" delete "factfinder" and insert "**member of the Indiana education employment relations board ad hoc panel**".

Page 48, line 39, delete "factfinding must" and insert "**review must**".

Page 48, line 39, after "the" delete "factfinding" and insert "**review**".

Page 48, line 39, strike "the factfinding".

Page 49, line 1, delete "Costs for the".

Page 49, delete lines 2 through 3.

Page 60, between lines 37 and 38, begin a new paragraph and insert:  
 "SECTION 64. IC 20-31-8-3, AS AMENDED BY P.L.286-2013, SECTION 103, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 3. **(a)** The state board shall establish a number of categories, using an "A" through "F" grading scale, to designate performance based on the individual student academic performance and growth to proficiency in each school.

**(b) This subsection applies only to a school with a low student population when compared to the average size of the student population at all schools in Indiana. An earned letter grade on the "A" through "F" grading scale shall be given for all schools, including schools with a low student population to which this subsection applies. A school to which this subsection applies may**



**appeal a designation under subsection (a) to the state board based on the insufficient size of the test group needed to determine an accurate result for each grade completing the assessment."**

Page 70, line 10, after "If the" insert ":

**(1)**".

Page 70, line 23, delete "." and insert "; and

**(2) total amount to be distributed as performance grants for a particular state fiscal year is less than the amount appropriated by the general assembly for performance grants for that state fiscal year, the total amount to be distributed as performance grants to school corporations 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."**

Page 70, line 23, beginning with "The" begin a new line blocked left.

Page 70, line 25, after "pay" insert "**a one-time**".

Page 70, line 26, after "highly effective" delete "." and insert "**and employed by the school corporation as of December 1.**".

Page 70, line 39, after "teacher" delete "." and insert "**and may differentiate between school buildings.**".

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 566 as printed February 13, 2015.)

KENLEY, Chairperson

Committee Vote: Yeas 11, Nays 2.

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#### SENATE MOTION

Madam President: I move that Senate Bill 566 be amended to read as follows:

Replace the effective dates in SECTIONS 49 through 50 with "[EFFECTIVE UPON PASSAGE]".

Page 4, line 27, reset in roman "The".

Page 5, line 18, after "or" insert "**an assessment or test that is produced solely by the United States government or a consortium of states.**".

Page 5, delete lines 19 through 20.

Page 5, line 41, delete "is primarily responsible for assuring" and

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insert "**shall ensure**".

Page 6, line 16, after "following" delete ":" and insert ", **based on presentations from the department:**".

Page 6, line 35, delete "delegate to any higher authority the" and insert "**recommend academic standards that are produced solely by the United States government or a consortium of states.**".

Page 6, delete line 36.

Page 6, line 39, delete "(1)".

Page 6, line 39, strike "The development of an assessment or".

Page 6, line 39, delete "a".

Page 6, line 39, strike "test unique to".

Page 6, line 40, strike "Indiana".

Page 7, line 1, delete "(2)" and insert "(1)".

Page 7, line 4, delete "(3)" and insert "(2)".

Page 7, line 5, delete "." and insert "**or an assessment or test that is produced solely by the United States government or a consortium of states.**".

Page 7, delete lines 6 through 13, begin a new paragraph and insert:

**"(c) The roundtable shall consider assessments or tests that would permit the state to secure renewal of necessary flexibility waivers under Section 9401 of the federal Elementary and Secondary Education Act of 1965, as amended and reauthorized under the federal No Child Left Behind Act of 2001 and subsequent federal laws (20 U.S.C. 7861) and federal regulations promulgated to implement federal law."**

Page 41, line 13, delete "and" and insert ", **but a discussion of the supplement must be held. Such a supplement**".

Page 52, line 3, delete "a" and insert "**the**".

Page 52, line 23, delete "brings" and insert "**bring**".

Page 52, delete lines 27 through 42.

Page 53, delete lines 1 through 19.

Page 55, delete lines 33 through 42.

Page 56, delete lines 1 through 8.

Page 56, line 25, reset in roman "due to a".

Page 56, reset in roman lines 26 through 27.

Page 56, line 28, reset in roman "current year actual general fund revenue".

Page 56, line 28, delete "or prohibit the employer".

Page 56, delete line 29.

Page 57, delete lines 10 through 26.

Page 59, line 38, after "or" insert "**an assessment or test that is produced solely by the United States government or a consortium**".



of states."

Page 59, delete lines 39 through 40.

Page 65, line 24, delete "to any higher".

Page 65, line 25, delete "authority".

Page 65, line 32, after "are" insert "**considered**".

Page 65, line 41, delete "any of the" and insert "**an assessment or a test that adopts Common Core (Common Core State Standards Initiative) or an assessment or test produced solely by the United States government or a consortium of states.**

**(f) The state board shall consider assessments or tests that would permit the state to secure renewal of necessary flexibility waivers under Section 9401 of the federal Elementary and Secondary Education Act of 1965, as amended and reauthorized under the federal No Child Left Behind Act of 2001 and subsequent federal laws (20 U.S.C. 7861) and federal regulations promulgated to implement federal law."**

Page 65, delete line 42.

Page 66, delete lines 1 through 14.

Page 67, line 7, after "Indiana;" insert "**and**".

Page 67, line 10, delete "and".

Page 67, delete lines 11 through 13, begin a new line blocked left and insert:

**"before finally selecting a vendor and the tests to be used in the BEST program."**

Page 72, line 42, after "a" insert ":".

Page 74, line 31, delete "a".

Page 74, line 34, after "corporation" insert "**or interlocal cooperative**".

Page 74, line 35, after "or" insert "**administering a**".

Renumber all SECTIONS consecutively.

(Reference is to SB 566 as printed February 20, 2015.)

MISHLER



## COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred Senate Bill 566, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

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

"SECTION 1. IC 4-6-2-1.5, AS AMENDED BY P.L.121-2009, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 1.5. (a) Whenever any state governmental official or employee, whether elected or appointed, is made a party to a suit, and the attorney general determines that said suit has arisen out of an act which such official or employee in good faith believed to be within the scope of the official's or employee's duties as prescribed by statute or duly adopted regulation, the attorney general shall defend such person throughout such action.

(b) Whenever a teacher (as defined in IC 20-18-2-22) is made a party to a civil suit, and the attorney general determines that the suit has arisen out of an act that the teacher in good faith believed was within the scope of the teacher's duties in enforcing discipline policies developed under IC 20-33-8-12, the attorney general shall defend the teacher throughout the action.

(c) ~~Not later than August 15 of each year:~~

~~(1) the attorney general shall draft; and~~

~~(2) the state superintendent of public instruction shall disseminate~~

~~in:~~

~~(A) written;~~

~~(B) electronic; or~~

~~(C) other;~~

~~form;~~

~~a notice to each teacher concerning the teacher's qualified immunity under IC 20-33-8-8(b)(3) and rights under this section.~~

**(c) Not later than July 30 of each year, the attorney general, in consultation with the Indiana education employment relations board established in IC 20-29-3-1, shall draft and disseminate a letter by first class mail to the residence of teachers providing a summary of the teacher's rights and protections under state and federal law, including a teacher's rights and protections relating to the teacher's performance evaluation under IC 20-28-11.5.**

**(d) The department of education, in consultation with the Indiana education employment relations board, shall develop a method to provide the attorney general with the names and addresses of active teachers in Indiana in order for the attorney**

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**general to disseminate the letter described in subsection (c). Names and addresses collected and provided to the attorney general under this subsection are confidential and excepted from public disclosure as provided in IC 5-14-3-4.**

(d) (e) Whenever a school corporation (as defined in IC 20-26-2-4) is made a party to a civil suit and the attorney general determines that the suit has arisen out of an act authorized under IC 20-30-5-0.5 or IC 20-30-5-4.5, the attorney general shall defend the school corporation throughout the action.

(e) (f) A determination by the attorney general under subsection (a), (b), or (d) shall not be admitted as evidence in the trial of any such civil action for damages.

(f) (g) Nothing in this chapter shall be construed to deprive any such person of the person's right to select counsel of the person's own choice at the person's own expense."

Delete pages 2 through 3.

Page 4, delete lines 1 through 15.

Page 6, delete lines 12 through 27.

Page 7, delete lines 16 through 42.

Delete pages 8 through 17.

Page 18, delete lines 1 through 23.

Page 19, line 18, delete ";

Page 19, delete line 19.

Page 19, line 21, delete ", except a" and insert ".".

Page 19, delete line 22.

Page 19, line 34, delete "IC 20-25.5-5" and insert "**IC 20-25.7-4**".

Page 22, delete lines 40 through 42, begin a new line block indented and insert:

**"(2) IC 20-28-11.5 (staff performance evaluations).**

**(3) IC 20-31-9 (school accountability and consequences)."**

Page 23, delete line 1.

Page 31, delete lines 6 through 42.

Delete pages 32 through 36.

Page 37, delete lines 1 through 33.

Page 40, delete lines 21 through 33.

Page 41, line 10, delete ";

Page 41, delete line 11.

Page 41, line 12, delete "(2)".

Page 41, line 12, delete "an advance placement,".

Page 41, line 13, delete "dual" and insert "**a dual**".

Page 41, line 13, after "credit" delete ";

Page 41, run in lines 10 through 14.



Page 44, delete lines 20 through 42, begin a new paragraph and insert:

"SECTION 40. IC 20-28-11.5-4, AS ADDED BY P.L.90-2011, SECTION 39, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 4. (a) Each school corporation shall develop a plan for annual performance evaluations for each certificated employee (as defined in IC 20-29-2-4). A school corporation shall implement the plan beginning with the 2012-2013 school year.

**(b) Notwithstanding IC 20-29-6-7, each school corporation shall consider suggestions from any certificated employee of the school corporation when developing a plan under subsection (a).**

~~(b)~~ (c) 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)~~ (d) A plan must include the following components:

- (1) Performance evaluations for all certificated employees, conducted at least annually.
- (2) Objective measures of student achievement and growth to significantly inform the evaluation. The objective measures must include:
  - (A) student assessment results from statewide assessments for certificated employees whose responsibilities include instruction in subjects measured in statewide assessments;
  - (B) methods for assessing student growth for certificated employees who do not teach in areas measured by statewide assessments; and
  - (C) student assessment results from locally developed assessments and other test measures for certificated employees whose responsibilities may or may not include instruction in subjects and areas measured by statewide assessments.
- (3) Rigorous measures of effectiveness, including observations and other performance indicators.
- (4) An annual designation of each certificated employee in one
  - (1) of the following rating categories:
    - (A) Highly effective.
    - (B) Effective.



(C) Improvement necessary.

(D) Ineffective.

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

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

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

**(f) Each school corporation shall post on the school corporation's Internet web site a copy of the school corporation's plan developed or adopted under this section."**

Delete pages 45 through 51.

Page 52, delete lines 1 through 29.

Page 53, line 2, delete ", or any performance stipend or addition to base salary based" and insert ".".

Page 53, delete lines 3 through 4.

Page 53, line 27, delete "and" and insert ".".

Page 53, delete line 28.

Page 53, between lines 31 and 32, begin a new paragraph and insert:

"SECTION 3. IC 20-29-6-6.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 6.1. (a) After ratification of a contract under section 6 of this chapter, a school employer shall submit the ratified collective bargaining agreement, including the compensation model developed under IC 20-28-9-1.5, to the board.**

**(b) The board shall appoint a staff member or an ad hoc panel member to review each submitted collective bargaining agreement and to make a written recommendation concerning the collective bargaining agreement's compliance with this chapter, including a penalty for any noncompliance. The review must be completed before March 30 of the year in which the current collective bargaining agreement expires unless the review period is extended by the board for good cause.**

**(c) Not later than fifteen (15) days after a recommendation has been made under subsection (b), one (1) or both parties to a collective bargaining agreement may appeal to the board, in writing, the decision made in the recommendation. If the board does not receive an appeal not later than fifteen (15) days after issuing a recommendation, the recommendation becomes the final order of the board.**

**(d) If the board receives a timely appeal, the board may make**



a decision on the recommendation with or without oral argument. The board may request that the parties submit briefs. The board must issue a ruling on the appeal not later than thirty (30) days after the last of the following occurs:

- (1) The appeal is received.
- (2) Briefs are received.
- (3) Oral arguments are held.

(e) IC 4-21.5 does not apply to a review under subsection (b) or (d).

(f) If, following the review of a collective bargaining agreement, the board finds the collective bargaining agreement does not comply with this chapter, the board shall issue an order that may include one (1) or more of the following items:

- (1) Ordering the parties to cease and desist from all identified areas of noncompliance.
- (2) Preventing the parties from ratifying any subsequent collective bargaining agreements until the parties receive written approval from the board or the board's agent.
- (4) Requiring other action as deemed appropriate by the board as authorized by state law.

(g) The board may send the board's compliance findings to other state agencies as necessary.

(h) After a school employer has submitted a collective bargaining agreement under subsection (a), the school employer and an exclusive representative may not enter into a new collective bargaining agreement containing the noncompliant provision until the school employer has received either:

- (1) the board's order regarding the compliance of the submitted collective bargaining agreement with this chapter;
- or
- (2) other written approval from the board or an agent of the board.

(i) If any provision of the collective bargaining agreement is found not to be compliant with this chapter, the provision that is found to be noncompliant with this chapter shall not affect other provisions of the collective bargaining agreement that can be given effect without the noncompliant provision, and to this end the provisions of collective bargaining agreement are severable.

(j) The board:

- (1) shall adopt rules under IC 4-22; and
- (2) may adopt emergency rules in the manner provided under IC 4-22-2-37.1;



**as necessary to implement this section."**

Page 53, delete lines 32 through 42.

Page 54, delete lines 1 through 25.

Page 54, delete line 42, begin a new paragraph and insert:

"SECTION 52 IC 20-29-6-15.1, AS ADDED BY P.L.229-2011, SECTION 181, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 15.1. (a) If an agreement has not been reached on the items permitted to be bargained collectively under section 4 of this chapter, within fifteen (15) days after mediation under section 13 of this chapter has ended, the board shall initiate factfinding.

(b) Factfinding must culminate in the factfinder imposing contract terms on the parties. The factfinder must select one (1) party's last best offer as the contract terms. The factfinder's order must be restricted to only those items permitted to be bargained and included in the collective bargaining agreement under section 4 of this chapter and must not put the employer in a position of deficit financing (as defined in IC 20-29-2-6). The factfinder's order may not impose terms beyond those proposed by the parties in their last, best offers.

(c) Costs for the factfinder shall be borne equally by the parties.

(d) Factfinding may not last longer than ~~fifteen (15)~~ **thirty (30)** days.

SECTION 53. IC 20-29-6-18, AS AMENDED BY P.L.6-2012, SECTION 140, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 18. (a) Either party may appeal the decision of the factfinder under IC 20-29-6-15.1. The appeal must be filed not later than thirty (30) days after receiving the factfinder's decision.

(b) The board's decision must be restricted to only those items permitted to be bargained and included in the collective bargaining agreement under section 4 of this chapter and must not put the employer in a position of deficit financing, as defined in IC 20-29-2-6. The board's decision may not impose terms beyond those proposed by the parties in their last, best offers.

(c) The board must rule on the appeal within ~~thirty (30)~~ **sixty (60)** days after receipt of notice of appeal.

SECTION 54. IC 20-29-8-7, AS AMENDED BY P.L.229-2011, SECTION 183, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 7. (a) When a factfinder is requested or required under IC 20-29-6, the board shall appoint a factfinder. ~~from the staff or panel established under section 6 of this chapter.~~

(b) The factfinder shall make an investigation and hold hearings as





the factfinder considers necessary in connection with a dispute.

(c) The factfinder:

- (1) may restrict the factfinder's findings to those issues that the factfinder determines significant;
- (2) must restrict the findings to the items listed in IC 20-29-6-4; and
- (3) may not impose terms beyond those proposed by the parties in their last, best offers.

(d) The factfinder may use evidence furnished to the factfinder by:

- (1) the parties;
- (2) the board;
- (3) the board's staff; or
- (4) any other state agency.

(e) The factfinder shall conduct the factfinding hearing in public in a room or facility owned by the county or local unit of government located in the county in which the school employer is located, or if the school employer is located in more than one (1) county, in the county in which the greatest number of students who attend the school employer's schools reside. The public hearing may begin not earlier than October 1 in the first year of the state budget biennium and must be concluded by ~~December 31~~ **February 1** of the ~~same~~ year **following the commencement of bargaining.**

(f) The factfinding process may not exceed ~~fifteen (15)~~ **thirty (30)** days from beginning to end, and not more than two (2) of those days may be used for public testimony, which may be taken at the discretion of the factfinder. During the public hearing, each party shall present fully its last, best offer, including the fiscal rationale for the offer. Only general operating funds and those funds certified by the department of education and the department of local government finance may be considered as a source of the funding for items, unless the school funding formula allows other funds to be used for certain items.

(g) The factfinder shall make a recommendation as to the settlement of the disputes over which the factfinder has jurisdiction.

(h) The factfinder shall:

- (1) make the investigation, hearing, and findings as expeditiously as the circumstances permit; and
- (2) deliver the findings to the parties and to the board.

(i) The board, after receiving the findings and recommendations, may make additional findings and recommendations to the parties based on information in:

- (1) the report; or
- (2) the board's own possession.



The board may not make any recommendations to the parties related to any items not specifically identified in IC 20-29-6-4.

(j) At any time within five (5) days after the findings and recommendations are delivered to the board, the board may make the findings and recommendations of the factfinder and the board's additional findings and recommendations, if any, available to the public through news media and other means the board considers effective.

(k) The board shall make the findings and recommendations described in subsection (j) available to the public not later than ten (10) days after the findings and recommendations are delivered to the board."

Delete pages 55 through 56.

Page 57, delete lines 1 through 30.

Page 58, line 2, delete "for school years ending before July 1,".

Page 58, line 3, delete "2016,".

Page 58, line 3, after "program" insert ",."

Page 58, line 3, delete "and for school years beginning after".

Page 58, line 4, delete "June 30, 2016, under the BEST program,".

Page 58, line 5, delete ", for school years ending before July 1, 2016,".

Page 58, delete lines 7 through 42, begin a new paragraph and insert:

"SECTION 57. IC 20-31-8-3, AS AMENDED BY P.L.286-2013, SECTION 103, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 3. **(a)** The state board shall establish a number of categories, using an "A" through "F" grading scale, to designate performance based on the individual student academic performance and growth to proficiency in each school.

**(b) The state board, in consultation with the department, shall define "low population schools" and shall determine the criteria for placing low population schools in categories established under subsection (a). In setting the definition and criteria for low population schools, the state board shall not penalize schools based on population. The state board's definition and criteria may include the placement of a school that fits the state board's definition in a "null" or "no letter grade" category.**

SECTION 58. IC 20-39-1-1, AS AMENDED BY P.L.280-2013, SECTION 54, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 1. **(a) Except as provided in subsection (b), all public school governing bodies, except a charter school organizer, shall adopt and fully and accurately implement a single, unified accounting**



system as prescribed by the state board and the state board of accounts.

**(b) After June 30, 2015, all public school governing bodies, except a charter school organizer, may adopt an accounting system and budget system as provided in IC 20-26-15-6(3). If a governing body elects to establish an accounting or budget system under this subsection that does not use consistently applied United States generally accepted accounting principles (GAAP) as developed by the Governmental Accounting Standards Board, the governing body's proposed accounting system must be approved by the state board of accounts. The governing body shall request approval of an accounting system under this section in a manner prescribed by the state board of accounts. If a governing body elects to establish an accounting system under this subsection, the governing body must transition to the new accounting system and the state board of accounts may not initiate an audit of the school corporation within nine (9) calendar months after the later of:**

- (1) the date the governing body elects to change accounting systems under this subsection; or**
- (2) the date the state board of accounts approves an accounting system under this subsection.**

**However, the state board of accounts may include the transition period in an audit initiated within nine (9) calendar months after the later of the date described in subdivision (1) or (2).**

SECTION 59. IC 20-51-4-7, AS AMENDED BY P.L.211-2013, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 7. (a) The department shall administer this chapter.

(b) The department shall approve an application for an eligible school within fifteen (15) days after the date the school requests to participate in the choice scholarship program.

(c) The department shall approve an application for a choice scholarship student within fifteen (15) days after the date the student requests to participate in the choice scholarship program.

(d) Each year, at a minimum, the department shall accept applications from March 1 through September 1 for:

- (1) choice scholarship students; or
- (2) eligible schools;

for the upcoming school year.

**(e) This chapter may not be construed in a manner that would impose additional requirements for approving an application for an eligible school placed in a "null" or "no letter grade" category established under IC 20-31-8-3(b).**



(e) (f) The department shall adopt rules under IC 4-22-2 to implement this chapter.

(f) (g) The department may adopt emergency rules under IC 4-22-2-37.1 to implement this chapter.

SECTION 60. [EFFECTIVE JULY 1, 2015] (a) **The definitions used in IC 20 apply throughout this SECTION.**

(b) **As used in this SECTION, "committee" refers to the education study committee established by IC 2-5-1.3-4.**

(c) **The general assembly urges the legislative council to assign to the committee the task of studying whether:**

(1) **the ISTEP program should be replaced with an alternative statewide assessment; and**

(2) **formal collective bargaining between a school corporation and the exclusive representative may begin before August 1 of a particular year.**

(d) **The committee shall issue to the legislative council a final report containing the committee's findings and recommendations, including any recommended legislation concerning the topic, in an electronic format under IC 5-14-6 not later than November 1, 2015.**

(e) **This SECTION expires January 1, 2016."**

Delete pages 59 through 75.

Page 76, delete lines 1 through 9.

Re-number all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 566 as reprinted February 24, 2015.)

BROWN T

Committee Vote: yeas 14, nays 7.

