



February 28, 2020

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# ENGROSSED HOUSE BILL No. 1002

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DIGEST OF HB 1002 (Updated February 26, 2020 2:51 pm - DI 135)

**Citations Affected:** IC 20-28; noncode.

**Synopsis:** Teacher evaluations. Removes the requirement that a school corporation's annual performance evaluation plan must be based, in part, on objective measures of student achievement. Authorizes the state board of education to adopt emergency rules. Makes conforming amendments. Makes technical corrections.

**Effective:** Upon passage; July 1, 2020.

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## Cook, McNamara, Bartels, Smith V

(SENATE SPONSORS — RAATZ, STOOPS)

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January 6, 2020, read first time and referred to Committee on Education.  
January 7, 2020, reported — Do Pass.  
January 9, 2020, read second time, ordered engrossed. Engrossed.  
January 13, 2020, read third time, passed. Yeas 100, nays 0.

SENATE ACTION

February 5, 2020, read first time and referred to Committee on Education and Career Development.  
February 27, 2020, reported favorably — Do Pass.

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EH 1002—LS 7115/DI 116





February 28, 2020

Second Regular Session of the 121st General Assembly (2020)

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 2019 Regular Session of the General Assembly.

## ENGROSSED HOUSE BILL No. 1002

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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 20-28-11.5-4, AS AMENDED BY P.L.275-2019,  
2 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2020]: Sec. 4. (a) Each school corporation shall develop a  
4 plan for annual performance evaluations for each certificated  
5 employee. A school corporation shall implement the plan beginning  
6 with the 2012-2013 school year.  
7 (b) Instead of developing its own staff performance evaluation plan  
8 under subsection (a), a school corporation may adopt a staff  
9 performance evaluation plan that meets the requirements set forth in  
10 this chapter or any of the following models:  
11 (1) A plan using master teachers or contracting with an outside  
12 vendor to provide master teachers.  
13 (2) The System for Teacher and Student Advancement (TAP).  
14 (3) The Peer Assistance and Review Teacher Evaluation System  
15 (PAR).  
16 (c) A plan must include the following components:  
17 (1) Performance evaluations for all certificated employees,

**EH 1002—LS 7115/DI 116**



1 conducted at least annually.

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

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

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

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

15 ~~(3)~~ (2) Rigorous measures of effectiveness, including  
 16 observations and other performance indicators.

17 ~~(4)~~ (3) An annual designation of each certificated employee in  
 18 one (1) of the following rating categories:

19 (A) Highly effective.

20 (B) Effective.

21 (C) Improvement necessary.

22 (D) Ineffective.

23 ~~(5)~~ (4) An explanation of the evaluator's recommendations for  
 24 improvement, and the time in which improvement is expected.

25 ~~(6)~~ (5) A provision that a teacher who negatively affects student  
 26 achievement and growth cannot receive a rating of highly  
 27 effective or effective.

28 ~~(7)~~ (6) For annual performance evaluations for school years  
 29 beginning after June 30, 2015; Provide for A pre-evaluation  
 30 planning session conducted by the superintendent or equivalent  
 31 authority for the school corporation with the principals in the  
 32 school corporation.

33 (d) In developing a performance evaluation plan, a school  
 34 corporation may consider the following:

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

36 (2) Classroom presentation observations.

37 (3) Observation of student-teacher interaction.

38 (4) Knowledge of subject matter.

39 (5) Dedication and effectiveness of the teacher through time and  
 40 effort on task.

41 (6) Contributions of teachers through group teacher interactivity  
 42 in fulfilling the school improvement plan.



- 1 (7) Cooperation of the teacher with supervisors and peers.  
 2 (8) Extracurricular contributions of the teacher.  
 3 (9) Outside performance evaluations.  
 4 (10) Compliance with school corporation rules and procedures.  
 5 (11) Other items considered important by the school corporation  
 6 in developing each student to the student's maximum intellectual  
 7 potential and performance.

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

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

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

20 (f) ~~This subsection applies to plans applicable to annual~~  
 21 ~~performance evaluations for school years beginning after June 30,~~  
 22 ~~2015.~~ The plan must:

- 23 (1) be in writing; and  
 24 (2) be explained to the governing body in a public meeting;  
 25 before the evaluations are conducted. Before explaining the plan to the  
 26 governing body, the superintendent of the school corporation shall  
 27 discuss the plan with teachers or the teachers' representative, if there  
 28 is one. This discussion is not subject to the open door law  
 29 (IC 5-14-1.5). The plan is not subject to bargaining, but a discussion of  
 30 the plan must be held.

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

33 SECTION 2. IC 20-28-11.5-8, AS AMENDED BY P.L.160-2012,  
 34 SECTION 50, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 35 JULY 1, 2020]: Sec. 8. (a) To implement this chapter, the state board  
 36 shall do the following:

- 37 (1) ~~Before January 31, 2012;~~ Adopt rules under IC 4-22-2 that  
 38 establish:  
 39 (A) the criteria that define each of the four categories of  
 40 teacher ratings under section ~~4(c)(4)~~ **(4)(c)(3)** of this chapter;  
 41 ~~(B) the measures to be used to determine student academic~~  
 42 ~~achievement and growth under section 4(c)(2) of this chapter;~~



- 1           ~~(E)~~ **(B)** standards that define actions that constitute a negative  
 2           impact on student achievement; and  
 3           ~~(D)~~ **(C)** an acceptable standard for training evaluators.
- 4           (2) ~~Before January 31, 2012,~~ Work with the department to  
 5           develop a model plan and release it to school corporations.  
 6           Subsequent versions of the model plan that contain substantive  
 7           changes must be provided to school corporations.
- 8           (3) Work with the department to ensure the availability of  
 9           ongoing training on the use of the performance evaluation to  
 10          ensure that all evaluators and certificated employees have access  
 11          to information on the plan, the plan's implementation, and this  
 12          chapter.
- 13          (b) A school corporation may adopt the department's model plan, or  
 14          any other model plan approved by the department, without the state  
 15          board's approval.
- 16          (c) A school corporation may substantially modify the model plan  
 17          or develop the school corporation's own plan, if the substantially  
 18          modified or developed plan meets the criteria established under this  
 19          chapter. If a school corporation substantially modifies the model plan  
 20          or develops its own plan, the department may request that the school  
 21          corporation submit the plan to the department to ensure the plan meets  
 22          the criteria developed under this chapter. If the department makes such  
 23          a request, before submitting a substantially modified or new staff  
 24          performance evaluation plan to the department, the governing body  
 25          shall submit the staff performance evaluation plan to the teachers  
 26          employed by the school corporation for a vote. If at least seventy-five  
 27          percent (75%) of the voting teachers vote in favor of adopting the staff  
 28          performance evaluation plan, the governing body may submit the staff  
 29          performance evaluation plan to the department.
- 30          (d) Each school corporation shall submit its staff performance  
 31          evaluation plan to the department. The department shall publish the  
 32          staff performance evaluation plans on the department's Internet web  
 33          site. A school corporation must submit its staff performance evaluation  
 34          plan to the department for approval in order to qualify for any grant  
 35          funding related to this chapter.
- 36          SECTION 3. IC 20-28-11.5-9, AS AMENDED BY P.L.239-2015,  
 37          SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 38          JULY 1, 2020]: Sec. 9. (a) The principal of a school in a school  
 39          corporation shall report in the aggregate the results of staff  
 40          performance evaluations for the school for the previous school year to  
 41          the superintendent and the governing body for the school corporation  
 42          before August 15 of each year on the schedule determined by the



1 governing body. The report must be presented in a public meeting of  
 2 the governing body. Before presentation to the governing body, the  
 3 superintendent of the school corporation shall discuss the report of  
 4 completed evaluations with the teachers. This discussion is not subject  
 5 to the open door law (IC 5-14-1.5). The report of completed evaluations  
 6 is not subject to bargaining, but a discussion of the report must be held.

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

10 (1) after completing the presentations required under subsection

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

12 (2) before November 15 of that year.

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

17 (c) Before August 1 of each year, each charter school and school  
 18 corporation shall provide to the department:

19 (1) the name of the teacher preparation program that  
 20 recommended the initial license for each teacher employed by the  
 21 school; and

22 (2) the annual retention rate for teachers employed by the school.

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

40 (e) During the second semester (or the equivalent) of the school year  
 41 and not later than August 1 of each year, each teacher employed by a  
 42 school described in subsection (b) in Indiana who initially received a



1 teacher's license in Indiana in the previous three (3) years shall  
 2 complete a form after the teacher completes the teacher's initial year  
 3 teaching at a particular school. The information reported on the form  
 4 must:

- 5 (1) provide the year in which the teacher was hired by the school;
- 6 (2) include the name of the teacher preparation program that  
 7 recommended the teacher for an initial license;
- 8 (3) describe subjects taught by the teacher;
- 9 (4) provide the location of different teaching positions held by the  
 10 teacher since the teacher initially obtained an Indiana teaching  
 11 license;
- 12 (5) provide a description of any mentoring the teacher has  
 13 received while teaching in the teacher's current teaching position;
- 14 (6) describe the teacher's current licensure status; and
- 15 (7) include an assessment by the teacher of the quality of  
 16 instruction of the teacher preparation program in which the  
 17 teacher participated.

18 The form shall be prescribed by the department. The forms shall be  
 19 submitted to the department with the information provided in  
 20 subsection (c). Upon receipt of the information provided in this  
 21 subsection, the department shall compile the information contained in  
 22 the forms and include an aggregated summary of the report on the  
 23 department's Internet web site.

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

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

42 (g) Beginning November 1, 2016, and before September 1 of each





1 year thereafter, the department shall report to each teacher preparation  
 2 program in Indiana for teachers with three (3) or fewer years of  
 3 teaching experience:

4 (1) information from the surveys relevant to that particular teacher  
 5 education program provided to the department under subsection  
 6 (d);

7 (2) information from the forms relevant to that particular teacher  
 8 preparation program compiled by the department under  
 9 subsection (e); and

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

18 **SECTION 4. [EFFECTIVE UPON PASSAGE] (a) The definitions**  
 19 **used in IC 20 apply throughout this SECTION.**

20 **(b) The state board may adopt emergency rules under**  
 21 **IC 4-22-2-37.1, to amend 511 IAC 10-6-4 limited to changes made**  
 22 **to IC 20-28-11.5-4, as amended by this act.**

23 **(c) An emergency rule established in subsection (b) expires the**  
 24 **earlier of:**

25 **(1) the date 511 IAC 10-6-4 is amended to conform to changes**  
 26 **made to IC 20-28-11.5-4, as amended by this act; or**

27 **(2) July 1, 2021.**

28 **(d) This SECTION expires December 31, 2021.**

29 **SECTION 5. An emergency is declared for this act.**



COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred House Bill 1002, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to HB 1002 as introduced.)

BEHNING

Committee Vote: Yeas 13, Nays 0

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COMMITTEE REPORT

Madam President: The Senate Committee on Education and Career Development, to which was referred House Bill No. 1002, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is to HB 1002 as printed January 7, 2020.)

RAATZ, Chairperson

Committee Vote: Yeas 8, Nays 0

