

# HOUSE BILL No. 1005

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 20-20-42; IC 20-28-9-1.5; IC 20-29-6-7.

**Synopsis:** Career pathways program. Establishes the career pathways and mentorship program to provide supplemental pay for classroom teachers who demonstrate effectiveness in their work and take on additional responsibilities in advanced roles. Provides that, for the first two full school years that a teacher provides instruction to students in elementary school or high school, the teacher is not prohibited from receiving a raise or increment for the following year if the teacher receives a rating of ineffective or improvement necessary. Provides that, if a teacher provides instruction to students in elementary school or high school in another state, any full school year, or its equivalent in the other state, that the teacher provides instruction counts toward the two full school years.

**Effective:** July 1, 2016.

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## DeVon, McNamara, Cook

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January 13, 2016, read first time and referred to Committee on Education.

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Second Regular Session of the 119th General Assembly (2016)

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 2015 Regular Session of the General Assembly.

## HOUSE BILL No. 1005

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 20-20-42 IS ADDED TO THE INDIANA CODE  
2 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2016]:  
4 **Chapter 42. Career Pathways and Mentorship Program**  
5 **Sec. 1. As used in this chapter, "career pathway teacher" means**  
6 **a qualified teacher participating in a school corporation's**  
7 **program.**  
8 **Sec. 2. As used in this chapter, "program" refers to the career**  
9 **pathways and mentorship program established by section 4 of this**  
10 **chapter.**  
11 **Sec. 3. As used in this chapter, "qualified teacher" refers to a**  
12 **teacher who:**  
13 **(1) is rated as effective or highly effective in the teacher's most**  
14 **recent annual performance evaluation in a plan established**  
15 **under IC 20-28-11.5-4; and**  
16 **(2) works in the classroom providing instruction and who is**  
17 **not instructional support personnel.**



1           **Sec. 4. (a) The career pathways and mentorship program is**  
 2 **established. The program is established to provide for, in addition**  
 3 **to base salary and other applicable supplements, differentiated pay**  
 4 **for qualified teachers based on a qualified teacher's demonstrated**  
 5 **effectiveness and additional responsibilities in advanced roles.**  
 6 **Differentiated pay made in accordance with a program approved**  
 7 **by the state board under this chapter may not be collectively**  
 8 **bargained. However, a discussion of the plan used as a basis for the**  
 9 **program must be held under IC 20-29-6-7.**

10           **(b) The state board shall administer the program.**

11           **Sec. 5. (a) A governing body may apply to the state board to**  
 12 **participate in the program by submitting to the state board in a**  
 13 **manner prescribed by the state board a proposed plan approved by**  
 14 **the governing body that is developed by two (2) or more teachers**  
 15 **and:**

16           **(1) a principal;**

17           **(2) a superintendent; or**

18           **(3) any combination of individuals described in either**  
 19 **subdivision (1) or (2);**

20 **who are currently employed by the school corporation.**

21           **(b) The proposed plan must focus on the leadership capacity and**  
 22 **commitment of the school corporation to develop career pathways**  
 23 **and mentoring. In considering whether to approve a plan**  
 24 **submitted, the state board shall consider the following:**

25           **(1) Whether the plan increases salaries of career pathway**  
 26 **teachers.**

27           **(2) Whether the plan improves overall teacher job**  
 28 **development, leadership, or leadership design.**

29           **(3) Whether the plan improves the quality of classroom**  
 30 **instruction.**

31           **(4) Whether the governing body's compensation plan works**  
 32 **in conjunction with the plan's proposed program to improve**  
 33 **the quality of classroom instruction.**

34           **(5) Whether the plan increases the attractiveness of teaching.**

35           **(6) Whether the plan offers structured induction and**  
 36 **mentorship for newer teachers.**

37           **(7) Whether the plan encourages the recognition,**  
 38 **effectiveness, and retention of high quality teachers,**  
 39 **particularly in using high quality teachers in roles that**  
 40 **maximize a high quality teacher's instructional influence and**  
 41 **expertise with:**

42           **(A) mentored teachers;**



1 (B) a team of teachers; or

2 (C) students.

3 (8) Whether the plan is financially sustainable.

4 (c) A career pathways plan submitted under subsection (a) must  
5 enable qualified teachers to progress within their careers and  
6 become career pathway teachers by doing any of the following:

7 (1) Being assigned additional duties that include  
8 accountability for student growth across a team of teachers.

9 (2) Being assigned additional duties in developing curricula  
10 and instructional training across a team of teachers.

11 (3) Being assigned additional duties that include  
12 accountability as the teacher of record for more students.

13 (4) Being assigned additional duties in mentoring newer  
14 teachers.

15 (d) A career pathways plan submitted under subsection (a) must  
16 ensure that a career pathway teacher is afforded protected time for  
17 teaching.

18 (e) If a governing body includes a mentoring program in its  
19 proposed plan, the plan must focus on establishing a structured  
20 induction and mentorship program for newer teachers. If a  
21 structured induction and mentorship program is established under  
22 this chapter, a mentored teacher may not be paid less than a  
23 teacher with the same years of experience in accordance with the  
24 school corporation's salary schedule. Except as otherwise provided  
25 in this chapter, a mentored teacher has the same rights under  
26 IC 20-28 and IC 20-29 as a teacher that does not participate in a  
27 program established under this chapter.

28 Sec. 6. If a school corporation establishes a structured induction  
29 and mentorship program under this chapter, the school  
30 corporation may enter into an agreement with a postsecondary  
31 educational institution to authorize the postsecondary educational  
32 institution to collaborate in the consideration and approval of a  
33 mentor to a newer teacher who attended the postsecondary  
34 educational institution.

35 Sec. 7. A plan submitted under section 5 of this chapter must  
36 include a means for the school corporation and the state board to  
37 measure the success of a program. The plan must include measures  
38 that demonstrate the program's improvement with regard to:

39 (1) student growth;

40 (2) teacher retention;

41 (3) time management; and

42 (4) leadership or mentorship program design.



1       **Sec. 8. The state board may require periodic reports from a**  
 2 **school corporation to monitor the success of a program using the**  
 3 **measures included in a plan under section 5 of this chapter.**

4       **Sec. 9. The state board shall adopt rules under IC 4-22-2 to**  
 5 **implement this chapter.**

6       SECTION 2. IC 20-28-9-1.5, AS AMENDED BY P.L.213-2015,  
 7 SECTION 179, IS AMENDED TO READ AS FOLLOWS  
 8 [EFFECTIVE JULY 1, 2016]: Sec. 1.5. (a) This subsection governs  
 9 salary increases for a teacher employed by a school corporation.  
 10 Compensation attributable to additional degrees or graduate credits  
 11 earned before the effective date of a local compensation plan created  
 12 under this chapter before July 1, 2015, shall continue for school years  
 13 beginning after June 30, 2015. Compensation attributable to additional  
 14 degrees for which a teacher has started course work before July 1,  
 15 2011, and completed course work before September 2, 2014, shall also  
 16 continue for school years beginning after June 30, 2015. For school  
 17 years beginning after June 30, 2015, a school corporation may provide  
 18 a supplemental payment to a teacher in excess of the salary specified  
 19 in the school corporation's compensation plan if the teacher has earned  
 20 a master's degree from an accredited postsecondary educational  
 21 institution in a content area directly related to the subject matter of:

22           (1) a dual credit course; or

23           (2) another course;

24 taught by the teacher. In addition, a supplemental payment may be  
 25 made to an elementary school teacher who earns a master's degree in  
 26 math or reading and literacy. A supplement provided under this  
 27 subsection is not subject to collective bargaining, but a discussion of  
 28 the supplement must be held. Such a supplement is in addition to any  
 29 increase permitted under subsection (b).

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

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

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

36                   (B) The attainment of either:

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

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

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



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

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

4 (c) **Except as provided in subsection (d)**, a teacher rated  
5 ineffective or improvement necessary under IC 20-28-11.5 may not  
6 receive any raise or increment for the following year if the teacher's  
7 employment contract is continued. The amount that would otherwise  
8 have been allocated for the salary increase of teachers rated ineffective  
9 or improvement necessary shall be allocated for compensation of all  
10 teachers rated effective and highly effective based on the criteria in  
11 subsection (b).

12 **(d) Subsection (c) does not apply to a teacher in the first two (2)**  
13 **full school years that the teacher provides instruction to students**  
14 **in elementary school or high school. If a teacher provides**  
15 **instruction to students in elementary school or high school in**  
16 **another state, any full school year, or its equivalent in the other**  
17 **state, that the teacher provides instruction counts toward the two**  
18 **(2) full school years under this subsection.**

19 ~~(e)~~ (e) A teacher who does not receive a raise or increment under  
20 subsection (c) may file a request with the superintendent or  
21 superintendent's designee not later than five (5) days after receiving  
22 notice that the teacher received a rating of ineffective. The teacher is  
23 entitled to a private conference with the superintendent or  
24 superintendent's designee.

25 ~~(f)~~ (f) The department shall publish a model compensation plan  
26 with a model salary range that a school corporation may adopt. Before  
27 July 1, 2015, the department may modify the model compensation plan,  
28 as needed, to comply with subsection ~~(f)~~: (g).

29 ~~(g)~~ (g) Each school corporation shall submit its local compensation  
30 plan to the department. For a school year beginning after June 30,  
31 2015, a local compensation plan must specify the range for teacher  
32 salaries. The department shall publish the local compensation plans on  
33 the department's Internet web site.

34 ~~(h)~~ (h) The department shall report any noncompliance with this  
35 section to the state board.

36 ~~(i)~~ (i) The state board shall take appropriate action to ensure  
37 compliance with this section.

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



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

4           SECTION 3. IC 20-29-6-7, AS AMENDED BY P.L.213-2015,  
5 SECTION 189, IS AMENDED TO READ AS FOLLOWS  
6 [EFFECTIVE JULY 1, 2016]: Sec. 7. A school employer shall discuss  
7 with the exclusive representative of certificated employees the  
8 following items:

- 9           (1) Curriculum development and revision.  
10          (2) Selection of curricular materials.  
11          (3) Teaching methods.  
12          (4) Hiring, evaluation, promotion, demotion, transfer, assignment,  
13          and retention of certificated employees.  
14          (5) Student discipline.  
15          (6) Expulsion or supervision of students.  
16          (7) Pupil/teacher ratio.  
17          (8) Class size or budget appropriations.  
18          (9) Safety issues for students and employees in the workplace,  
19          except those items required to be kept confidential by state or  
20          federal law.  
21          (10) Hours.  
22          (11) Funding for a plan for a remediation program for any subset  
23          of students enrolled in kindergarten through grade 12.  
24          (12) The following nonbargainable items under IC 20-43-10-3:  
25               (A) Performance grants.  
26               (B) Individual performance stipends to teachers.  
27               (C) Additions to base salary based on performance stipends.  
28          (13) The pre-evaluation planning session required under  
29          IC 20-28-11.5-4.  
30          (14) The superintendent's report to the governing body concerning  
31          staff performance evaluations required under IC 20-28-11.5-9.  
32          **(15) A career pathways and mentorship plan established**  
33          **under IC 20-20-42.**

