

HOUSE BILL No. 1166

DIGEST OF INTRODUCED BILL

Citations Affected: IC 20-18-2-16; IC 20-20; IC 20-25.7-6-5; IC 20-28-11.5; IC 20-29-6-7.

Synopsis: Teacher evaluations. Defines the term "qualified school district". Provides that each qualified school district shall develop and maintain a teacher performance plan that must be in writing and approved by the department of education (department). Provides that teacher evaluations must be based on statistically verifiable measures of student instructional improvement goals that are approved by the qualified school district after discussing and receiving input from the teachers. Provides that certain teachers who teach at a school that has not been identified by the department as a school subject to comprehensive support and improvement pursuant to the federal Every Student Succeeds Act may be required to receive an evaluation only once every two years. Requires certain teachers to receive annual evaluations. Provides that the department may issue compliance orders to a qualified school district that fails to comply with the provision regarding teacher performance evaluations or the terms of the qualified school district's teacher performance evaluation plan approved by the department. Provides that if a qualified school district does not comply with a compliance order within the time frame established by the department, the department may withhold the distribution of state money, including grants designated for the qualified school district. Provides that a qualified school district may dismiss a new teacher after the teacher's third year of teaching if the teacher received any combination of ratings of "needs improvement" or "ineffective" during the teacher's initial three years of teaching. Repeals a current provision establishing requirements for a school corporation's staff performance evaluation plan. Repeals certain definitions relating to school staff performance evaluation plans. Makes conforming amendments. Makes technical corrections.

Effective: July 1, 2018.

Cook

January 8, 2018, read first time and referred to Committee on Education.



Second Regular Session of the 120th General Assembly (2018)

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 2017 Regular Session of the General Assembly.

HOUSE BILL No. 1166

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 20-18-2-16, AS AMENDED BY THE
2 TECHNICAL CORRECTIONS BILL OF THE 2018 GENERAL
3 ASSEMBLY, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4 JULY 1, 2018]: Sec. 16. (a) "School corporation", for purposes of this
5 title (except IC 20-20-33, IC 20-26-1 through IC 20-26-5, IC 20-26-7,
6 ~~IC 20-28-11.5~~, IC 20-30-8, **IC 20-30-16**, and IC 20-43), means a public
7 school corporation established by Indiana law. The term includes a:
8 (1) school city;
9 (2) school town;
10 (3) consolidated school corporation;
11 (4) metropolitan school district;
12 (5) township school corporation;
13 (6) county school corporation;
14 (7) united school corporation; or
15 (8) community school corporation.
16 (b) "School corporation", for purposes of IC 20-26-1 through
17 IC 20-26-5 and IC 20-26-7, has the meaning set forth in IC 20-26-2-4.



1 (c) "School corporation", for purposes of IC 20-20-33 and
2 IC 20-30-8, includes a charter school (as defined in IC 20-24-1-4).

3 (d) "School corporation", for purposes of IC 20-43, has the meaning
4 set forth in IC 20-43-1-23.

5 ~~(e) "School corporation", for purposes of IC 20-28-11.5, has the~~
6 ~~meaning set forth in IC 20-28-11.5-3.~~

7 ~~(f)~~ (e) "School corporation", for purposes of IC 20-35, has the
8 meaning set forth in IC 20-35-1-6.

9 ~~(g)~~ (f) **"School corporation", for purposes of IC 20-30-16, has**
10 **the meaning set forth in IC 20-30-16-4.**

11 SECTION 2. IC 20-20-42.2-3, AS ADDED BY P.L.106-2016,
12 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
13 JULY 1, 2018]: Sec. 3. As used in this chapter, "qualified teacher"
14 refers to a teacher who:

15 (1) is rated as effective or highly effective in the teacher's most
16 recent annual performance evaluation in a plan established under
17 ~~IC 20-28-11.5-4~~; **IC 20-28-11.5-4.5**; and

18 (2) works in the classroom providing instruction and who is not
19 instructional support personnel.

20 SECTION 3. IC 20-20-42.3-5, AS ADDED BY P.L.155-2017,
21 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
22 JULY 1, 2018]: Sec. 5. (a) A governing body of a school corporation
23 may apply to the department to participate in the program by
24 submitting to the department in a manner prescribed by the department
25 a proposed plan approved by the governing body that is developed by
26 two (2) or more teachers and:

27 (1) a principal;

28 (2) a superintendent; or

29 (3) any combination of individuals described in subdivisions (1)
30 and (2);

31 who are currently employed by the school corporation.

32 (b) A proposed plan must require:

33 (1) teachers, principals, and administrators who are assigned staff
34 mentors to receive induction support during their first two (2)
35 years in the profession;

36 (2) a rigorous staff mentor selection process, which includes an
37 annual application window for educators who apply to be staff
38 mentors;

39 (3) foundational training and ongoing professional development
40 for staff mentors;

41 (4) criteria for how and when staff mentors are assigned to new
42 teachers, which must include input from the staff mentors;



- 1 (5) manageable workload for new teachers and staff mentors;
 2 (6) time for staff mentors, including dedicated time for
 3 collaboration between the staff mentor and the new teacher;
 4 (7) regular observation of new teachers by staff mentors followed
 5 by instructional feedback and opportunities for new teachers to
 6 observe experienced teachers provide classroom instruction;
 7 (8) a mechanism to encourage new teachers to participate in a
 8 learning community or peer network; and
 9 (9) an evaluation model for staff mentors.
- 10 (c) The department shall:
- 11 (1) prescribe the manner in which a school corporation may apply
 12 to participate in the program under this chapter; and
 13 (2) award grants under this chapter in a manner determined by the
 14 state board.

15 The department, with the approval of the state board, shall select
 16 participating school corporations after reviewing plans submitted under
 17 subsection (a).

18 (d) The state board may adopt standards for teaching and learning
 19 conditions for participating school corporations and conduct regular
 20 assessments of the implementation of the standards and learning
 21 conditions in the participating school corporations.

22 (e) Upon completion of an induction program provided by a
 23 participating school corporation under this chapter, a new teacher shall
 24 receive a practitioner license that includes a micro-credential of having
 25 completed an induction program selected under this chapter. A
 26 micro-credential awarded under this chapter may be used as a factor in
 27 a staff evaluation plan ~~developed~~ **followed** by a participating school
 28 corporation under ~~IC 20-28-11.5-4~~ **IC 20-28-11.5-4.5**.

29 (f) Upon being selected as a staff mentor, the mentor shall receive
 30 a micro-credential on the mentor's practitioner license. An education
 31 related micro-credential may be used as a factor in a staff evaluation
 32 plan ~~developed~~ **followed** by a participating school corporation under
 33 ~~IC 20-28-11.5-4~~ **IC 20-28-11.5-4.5**.

34 SECTION 4. IC 20-25.7-6-5, AS ADDED BY P.L.214-2015,
 35 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 36 JULY 1, 2018]: Sec. 5. (a) Before August 31, 2015, the state board
 37 shall develop the pilot program and establish the duties that are
 38 associated with advanced roles necessary for qualified teachers
 39 consistent with this section.

40 (b) A board may apply to the state board to participate in the pilot
 41 program beginning in the 2016-2017 or the 2017-2018 school year by
 42 submitting a proposed plan to the state board in a time frame



1 prescribed by the state board. A proposed plan may consist of a plan
 2 approved by the board under IC 20-25.7-4-3 as long as it meets the
 3 additional requirements provided in this section. The proposed plan
 4 must focus on the leadership capacity and commitment of the school
 5 corporation to develop career pathways that meet the requirements of
 6 this section and must be widely applicable across Indiana, as
 7 demonstrated by prior efforts to advance:

- 8 (1) teaching excellence;
- 9 (2) on the job development for teachers;
- 10 (3) teacher leadership; or
- 11 (4) leadership design.

12 (c) A career pathways plan developed under subsection (b) must
 13 meet, at a minimum, the following criteria:

- 14 (1) Enable qualified teachers to progress within their career and
 15 become career pathway teachers by doing any of the following:
 16 (A) Assuming advanced roles that include accountability for
 17 student growth across a team of teachers.
 18 (B) Assuming advanced roles that include accountability as
 19 the teacher of record for more students.
- 20 (2) Provide information in a form readily accessible to both
 21 teachers and the public concerning the criteria and the procedures
 22 for selection as a career pathway teacher.
- 23 (3) Require a qualified teacher to be rated as highly effective
 24 under ~~IC 20-28-11.5-4~~ **IC 20-28-11.5-4.5** to be eligible to
 25 participate in the pilot program.
- 26 (4) Increase the amount of time during the school day for a career
 27 pathway teacher to plan, collaborate on, and participate in on the
 28 job development or leadership of other teachers.
- 29 (5) Establish equally stringent eligibility requirements for a career
 30 pathway teacher to remain in an advanced role as those required
 31 to initially attain that role.
- 32 (6) Establish a procedure for determining whether a career
 33 pathway teacher is successfully performing the additional duties
 34 associated with the career pathway.
- 35 (7) Ensure that a career pathway teacher may opt out of the career
 36 pathways plan by voluntarily relinquishing additional duties
 37 associated with the career pathway.
- 38 (8) Pay career pathway salary supplements in an amount equal to
 39 at least:
 40 (A) twenty-five percent (25%) of the career pathway teacher's
 41 salary based on the state average teacher salary at the time the
 42 plan is submitted if the career pathway teacher leads teams of



- 1 two (2) or more teachers and is the teacher of record for all the
 2 students served by the teaching team; or
 3 (B) ten percent (10%) of the career pathway teacher's salary
 4 based on the state average teacher salary at the time the plan
 5 is submitted if the career pathway teacher performs additional
 6 duties or functions that are specified in the school
 7 corporation's plan and approved by the state board that enable
 8 the teacher to effectively serve additional students.
- 9 (9) Require that a career pathway teacher who:
 10 (A) fails to maintain a rating of highly effective under
 11 ~~IC 20-28-11.5-4~~; **IC 20-28-11.5-4.5**; or
 12 (B) is not successfully performing the additional duties
 13 associated with the career pathway;
 14 shall be paid only the salary applicable to the career pathway
 15 teacher based on the local salary schedule adopted under
 16 IC 20-28-9-1.5 and any other local supplements that would
 17 otherwise apply to the career pathway teacher's compensation.
- 18 (10) Require that a career pathway teacher who opts out of the
 19 career pathways plan shall be paid only the salary applicable to
 20 the career pathway teacher based on the local salary schedule
 21 adopted under IC 20-28-9-1.5 and any other local supplements
 22 that would otherwise apply to the career pathway teacher's
 23 compensation.
- 24 (11) Achieve financial sustainability for career pathway salary
 25 supplements by reallocating other funds, including local, private,
 26 state, or federal funds.
- 27 (12) Develop measures for determining how the career pathways
 28 plan must do the following:
 29 (A) Improve the quality of classroom instruction.
 30 (B) Increase the attractiveness of teaching.
 31 (C) Encourage the recognition, effectiveness, and retention of
 32 high quality teachers.
- 33 (13) Increase the reach of highly effective teachers by requiring,
 34 by the third year of implementation of the plan, that at least
 35 seventy-five percent (75%) of students in each school included in
 36 the school corporation's plan have a teacher of record, in at least
 37 language arts, mathematics, social studies, and science, who is
 38 rated as highly effective.
- 39 SECTION 5. IC 20-28-11.5-0.5 IS REPEALED [EFFECTIVE JULY
 40 1, 2018]. ~~Sec. 0.5: As used in this chapter, "certificated employee"~~
 41 ~~includes the following:~~
 42 (†) ~~A certificated employee (as defined in IC 20-29-2-4).~~



(2) For purposes of annual performance evaluations conducted for a school year beginning after June 30, 2014, a teacher (as defined in IC 20-18-2-22), regardless of whether the individual is a certificated employee (as defined in IC 20-29-2-4):

SECTION 6. IC 20-28-11.5-2.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: **Sec. 2.5. (a) Except as provided in subsection (b), as used in this chapter, "qualified school district" includes:**

- (1) a school corporation;
- (2) a school created by an interlocal agreement under IC 36-1-7;
- (3) a special education cooperative under IC 20-35-5;
- (4) a joint career and technical education program created under IC 20-37-1;
- (5) a school or school corporation designated as a transformation zone established under IC 20-31-9.5-9.5; and
- (6) a school or school corporation designated as an innovation network school established under IC 20-25.7-4.

(b) For purposes of sections 4.5 and 4.6 of this chapter, "qualified school district" includes a charter school, a virtual charter school, and an eligible school (as defined in IC 20-51-1-4.7).

SECTION 7. IC 20-28-11.5-3 IS REPEALED [EFFECTIVE JULY 1, 2018]. **Sec. 3. As used in this chapter, "school corporation" includes:**

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

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

SECTION 8. IC 20-28-11.5-4 IS REPEALED [EFFECTIVE JULY 1, 2018]. **Sec. 4. (a) Each school corporation shall develop a plan for annual performance evaluations for each certificated employee. A school corporation shall implement the plan beginning with the 2012-2013 school year.**

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

- (1) A plan using master teachers or contracting with an outside



- 1 vendor to provide master teachers:
 2 (2) The System for Teacher and Student Advancement (TAP);
 3 (3) The Peer Assistance and Review Teacher Evaluation System
 4 (PAR);
 5 (c) A plan must include the following components:
 6 (1) Performance evaluations for all certificated employees;
 7 conducted at least annually;
 8 (2) Objective measures of student achievement and growth to
 9 significantly inform the evaluation. The objective measures must
 10 include:
 11 (A) student assessment results from statewide assessments for
 12 certificated employees whose responsibilities include
 13 instruction in subjects measured in statewide assessments;
 14 (B) methods for assessing student growth for certificated
 15 employees who do not teach in areas measured by statewide
 16 assessments; and
 17 (C) student assessment results from locally developed
 18 assessments and other test measures for certificated employees
 19 whose responsibilities may or may not include instruction in
 20 subjects and areas measured by statewide assessments;
 21 (3) Rigorous measures of effectiveness, including observations
 22 and other performance indicators;
 23 (4) An annual designation of each certificated employee in one
 24 (1) of the following rating categories:
 25 (A) Highly effective;
 26 (B) Effective;
 27 (C) Improvement necessary;
 28 (D) Ineffective;
 29 (5) An explanation of the evaluator's recommendations for
 30 improvement, and the time in which improvement is expected;
 31 (6) A provision that a teacher who negatively affects student
 32 achievement and growth cannot receive a rating of highly
 33 effective or effective;
 34 (7) For annual performance evaluations for school years
 35 beginning after June 30, 2015, provide for a pre-evaluation
 36 planning session conducted by the superintendent or equivalent
 37 authority for the school corporation with the principals in the
 38 school corporation;
 39 (d) In developing a performance evaluation model, a school
 40 corporation may consider the following:
 41 (1) Test scores of students (both formative and summative);
 42 (2) Classroom presentation observations;



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

14 The state board and the department may recommend additional factors;
15 but may not require additional factors unless directed to do so by the
16 general assembly.

17 (e) This subsection applies to plans applicable to annual
18 performance evaluations for school years beginning after June 30,
19 2015. The plan must:

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

28 (f) The evaluator shall discuss the evaluation with the certificated
29 employee.

30 SECTION 9. IC 20-28-11.5-4.5 IS ADDED TO THE INDIANA
31 CODE AS A NEW SECTION TO READ AS FOLLOWS
32 [EFFECTIVE JULY 1, 2018]: **Sec. 4.5. (a) Each qualified school**
33 **district shall develop and maintain a teacher performance plan**
34 **that must be in writing and approved by the department. The plan**
35 **shall be used to provide performance evaluations for each teacher**
36 **of the qualified school district. The department shall prescribe the**
37 **manner for reviewing proposed plans submitted by qualified school**
38 **districts.**

39 (b) A plan must include the following components:

- 40 (1) A designation of each teacher in one (1) of the following
- 41 rating categories:
- 42 (A) Highly effective.



- 1 **(B) Effective.**
 2 **(C) Improvement necessary.**
 3 **(D) Ineffective.**
 4 **(2) The teacher evaluations must be based on statistically**
 5 **verifiable measures of student instructional improvement**
 6 **goals that are annually approved by the qualified school**
 7 **district after discussion and the receipt of input from the**
 8 **teachers. The instructional improvement goals must align to:**
 9 **(A) a school's or school corporation's strategic and**
 10 **continuous school improvement and achievement plan**
 11 **developed under IC 20-31-5;**
 12 **(B) a strategic plan developed by the state board under**
 13 **IC 20-19-2-14; or**
 14 **(C) a state plan submitted by the department to the United**
 15 **States Department of Education under 20 U.S.C. 6311.**
 16 **(3) A description of how the teacher's supervisor will support**
 17 **the teacher to achieve the statistically verifiable measures**
 18 **described in subdivision (2).**
 19 **(4) An explanation of the evaluator's recommendations for**
 20 **improvement, and the time in which improvement is expected.**
 21 **(5) A requirement that if a teacher fails to meet any**
 22 **designated time line for improvement recommended by an**
 23 **evaluator in subdivision (4), the failure may result in the**
 24 **teacher receiving a lower teacher rating or additional**
 25 **remedial action against the teacher up to and including**
 26 **employment termination of the teacher.**
 27 **(6) A requirement that performance evaluations for all**
 28 **teachers must be conducted in the manner prescribed in**
 29 **subsection (c).**
 30 **(7) A requirement that if it is determined in a teacher's**
 31 **evaluation that the teacher negatively impacts student**
 32 **achievement or growth based on the statistically verifiable**
 33 **measures of student instructional improvement goals under**
 34 **subdivision (2), the teacher may not receive a rating of highly**
 35 **effective or effective.**
 36 **(c) Performance evaluations must be conducted at least:**
 37 **(1) except as provided in subdivision (2), every two (2) years**
 38 **for teachers who teach at a school that has not been identified**
 39 **by the department as a school subject to comprehensive**
 40 **support and improvement pursuant to 20 U.S.C.**
 41 **6311(c)(4)(D)(i); or**
 42 **(2) annually:**



- 1 (A) for teachers who teach at a school that has been
 2 identified by the department as a school subject to
 3 comprehensive support and improvement pursuant to 20
 4 U.S.C. 6311(c)(4)(D)(i) for two (2) consecutive years until
 5 the school subsequently meets the requirements described
 6 in subdivision (1);
 7 (B) for a new teacher during at least the teacher's initial
 8 three (3) years serving as a teacher and until the teacher
 9 receives a rating of effective or highly effective after the
 10 teacher's second year of teaching;
 11 (C) for a teacher who transfers from a qualified school
 12 district or a school to another qualified school district for
 13 at least two (2) years after the teacher transfers to the
 14 qualified school district;
 15 (D) for a teacher who requests an annual performance
 16 evaluation; or
 17 (E) for a teacher for whom a principal, assistant principal,
 18 or supervisor of the teacher determines, for any reason,
 19 that an annual performance evaluation should be
 20 administered.

21 (d) The department shall publish the teacher performance
 22 evaluation plans approved by the department under subsection (a)
 23 on the department's Internet web site.

24 (e) The evaluator shall discuss the evaluation with the teacher.

25 SECTION 10. IC 20-28-11.5-4.6 IS ADDED TO THE INDIANA
 26 CODE AS A NEW SECTION TO READ AS FOLLOWS
 27 [EFFECTIVE JULY 1, 2018]: Sec. 4.6. (a) If the department
 28 determines that a qualified school district is not in compliance with
 29 this section or with the qualified school district's plan approved by
 30 the department under section 4.5(a) of this chapter, the department
 31 shall issue a compliance order that details how the qualified school
 32 district must remedy the noncompliance.

33 (b) A qualified school district shall comply with the compliance
 34 order described in subsection (a) within the time frame specified by
 35 the department, which may not be less than sixty (60) days or
 36 exceed one (1) year from the date of the compliance order.

37 (c) Notwithstanding any other law, if the qualified school district
 38 does not remedy the noncompliance specified by the compliance
 39 order issued by the department under subsection (a) within the
 40 time frame specified by the department under subsection (b), the
 41 department may withhold state money, including grants designated
 42 for the qualified school district, until the qualified school district



1 **complies with the compliance order.**

2 SECTION 11. IC 20-28-11.5-5, AS ADDED BY P.L.90-2011,
3 SECTION 39, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4 JULY 1, 2018]: Sec. 5. (a) The superintendent or equivalent authority,
5 for a ~~school corporation~~ **qualified school district** that does not have a
6 superintendent, may provide for evaluations to be conducted by an
7 external provider.

8 (b) An individual may evaluate a ~~certificated employee teacher~~ only
9 if the individual has received training and support in evaluation skills.

10 SECTION 12. IC 20-28-11.5-6, AS ADDED BY P.L.90-2011,
11 SECTION 39, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
12 JULY 1, 2018]: Sec. 6. (a) A copy of the completed evaluation,
13 including any documentation related to the evaluation, must be
14 provided to a ~~certificated employee teacher~~ not later than seven (7)
15 days after the evaluation is conducted.

16 (b) If a ~~certificated employee teacher~~ receives a rating of ineffective
17 or improvement necessary, the evaluator and the ~~certificated employee~~
18 **teacher** shall develop a remediation plan of not more than ninety (90)
19 school days in length to correct the deficiencies noted in the
20 ~~certificated employee's teacher's~~ evaluation. The remediation plan
21 must require the use of the ~~certificated employee's teacher's~~ license
22 renewal credits in professional development activities intended to help
23 the ~~certificated employee teacher~~ achieve an effective rating on the
24 next performance evaluation. If the principal did not conduct the
25 performance evaluation, the principal may direct the use of the
26 ~~certificated employee's teacher's~~ license renewal credits under this
27 subsection.

28 (c) A teacher who receives a rating of ineffective may file a request
29 for a private conference with the superintendent or the superintendent's
30 designee not later than five (5) days after receiving notice that the
31 teacher received a rating of ineffective. The teacher is entitled to a
32 private conference with the superintendent or superintendent's
33 designee.

34 **(d) This subsection applies to a teacher subject to IC 20-28-6. A**
35 **teacher described in section 4.5(c)(2)(B) of this chapter is**
36 **considered a probationary teacher pursuant to IC 20-28-6-7.5(b)**
37 **during the teacher's initial three (3) years of teaching. A qualified**
38 **school district may dismiss a teacher described in section**
39 **4.5(c)(2)(B) of this chapter after the teacher's third year of**
40 **teaching if the teacher received any combination of ratings of needs**
41 **improvement or ineffective during the teacher's initial three (3)**
42 **years of teaching.**



1 SECTION 13. IC 20-28-11.5-7, AS AMENDED BY P.L.242-2017,
 2 SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 3 JULY 1, 2018]: Sec. 7. (a) This section applies to any teacher
 4 instructing students in a content area and grade subject to
 5 IC 20-32-4-1(a)(1) (before its expiration on July 1, 2018), IC 20-32-5-2
 6 (for a school year ending before July 1, 2018), and IC 20-32-5.1 (for a
 7 school year ending after June 30, 2018).

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

12 (c) If a teacher did not instruct students in the school year
 13 immediately before the school year in which students are placed in the
 14 teacher's class, the teacher's rating under this chapter for the most
 15 recent year in which the teacher instructed students, instead of for the
 16 school year immediately before the school year in which students are
 17 placed in the teacher's class, shall be used in determining whether
 18 subsection (b) applies to the teacher.

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

25 SECTION 14. IC 20-28-11.5-8, AS AMENDED BY P.L.160-2012,
 26 SECTION 50, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 27 JULY 1, 2018]: Sec. 8. ~~(a)~~ To implement this chapter, the state board
 28 shall do the following:

29 (1) ~~Before January 31, 2012,~~ Adopt rules under IC 4-22-2 that
 30 establish

31 ~~(A)~~ the criteria that define each of the four categories of
 32 teacher ratings under section ~~4(c)(4)~~ **4.5(b)(1)** of this chapter.

33 ~~(B)~~ the measures to be used to determine student academic
 34 achievement and growth under section ~~4(c)(2)~~ of this chapter;

35 ~~(C)~~ standards that define actions that constitute a negative
 36 impact on student achievement; and

37 ~~(D)~~ an acceptable standard for training evaluators.

38 ~~(2) Before January 31, 2012, work with the department to develop~~
 39 ~~a model plan and release it to school corporations. Subsequent~~
 40 ~~versions of the model plan that contain substantive changes must~~
 41 ~~be provided to school corporations.~~

42 ~~(3)~~ **(2)** Work with the department to ensure the availability of



1 ongoing training on the use of the performance evaluation **within**
 2 **a qualified school district** to ensure that all evaluators and
 3 **certificated employees teachers** have access to information on the
 4 **qualified school district's** plan, the plan's implementation, and
 5 this chapter.

6 (b) A school corporation may adopt the department's model plan; or
 7 any other model plan approved by the department, without the state
 8 board's approval.

9 (c) A school corporation may substantially modify the model plan
 10 or develop the school corporation's own plan; if the substantially
 11 modified or developed plan meets the criteria established under this
 12 chapter. If a school corporation substantially modifies the model plan
 13 or develops its own plan, the department may request that the school
 14 corporation submit the plan to the department to ensure the plan meets
 15 the criteria developed under this chapter. If the department makes such
 16 a request, before submitting a substantially modified or new staff
 17 performance evaluation plan to the department, the governing body
 18 shall submit the staff performance evaluation plan to the teachers
 19 employed by the school corporation for a vote. If at least seventy-five
 20 percent (75%) of the voting teachers vote in favor of adopting the staff
 21 performance evaluation plan, the governing body may submit the staff
 22 performance evaluation plan to the department.

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

29 SECTION 15. IC 20-28-11.5-8.5, AS ADDED BY P.L.213-2015,
 30 SECTION 184, IS AMENDED TO READ AS FOLLOWS
 31 [EFFECTIVE JULY 1, 2018]: Sec. 8.5. (a) A plan for performance
 32 evaluations **developed by a qualified school district** under this
 33 chapter **may must** be discussed **with the teachers' representative** but
 34 is not subject to bargaining. Selection of a performance evaluation
 35 model is at the discretion of the school corporation; but the developed
 36 plan **must be reported** to the department and the Indiana education
 37 employment relations board in a timely manner; as established by the
 38 department. The department may review the plan for efficacy and the
 39 Indiana education employment relations board may review the plan for
 40 legality; and **both may comment to the school corporation.**

41 (b) The department shall annually present to the state board of
 42 education plans selected by the school corporations: **qualified school**



1 **districts.** The state board may recommend model plans to ~~school~~
2 ~~corporations;~~ **qualified school districts** but shall not mandate any plan.

3 SECTION 16. IC 20-28-11.5-9, AS AMENDED BY P.L.239-2015,
4 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
5 JULY 1, 2018]: Sec. 9. (a) The principal, **or the equivalent,** of a
6 school in a ~~school corporation~~ **qualified school district** shall report in
7 the aggregate the results of staff performance evaluations for the school
8 for the previous school year to the superintendent, **or the equivalent,**
9 and the governing body, **or the equivalent,** for the ~~school corporation~~
10 **qualified school district** before August 15 of each year on the
11 schedule determined by the governing body. The report must be
12 presented in a public meeting of the governing body. Before
13 presentation to the governing body, the superintendent of the ~~school~~
14 ~~corporation~~ **qualified school district** shall discuss the report of
15 completed evaluations with the teachers. This discussion is not subject
16 to the open door law (IC 5-14-1.5). The report of completed evaluations
17 is not subject to bargaining, but a discussion of the report must be held.

18 (b) A ~~school corporation~~ **qualified school district** annually shall
19 provide the disaggregated results of staff performance evaluations by
20 teacher identification numbers to the department:

21 (1) after completing the presentations required under subsection

22 (a) for all schools for the ~~school corporation;~~ **qualified school**
23 **district;** and

24 (2) before November 15 of that year.

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

29 (c) Before August 1 of each year, each charter school and ~~school~~
30 ~~corporation~~ **qualified school district** shall provide to the department:

31 (1) the name of the teacher preparation program that
32 recommended the initial license for each teacher employed by the
33 school; and

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

35 (d) Not before the beginning of the second semester (or the
36 equivalent) of the school year and not later than August 1 of each year,
37 the principal at each school described in subsection (b) shall complete
38 a survey that provides information regarding the principal's assessment
39 of the quality of instruction by each particular teacher preparation
40 program located in Indiana for teachers employed at the school who
41 initially received their teaching license in Indiana in the previous two
42 (2) years. The survey shall be adopted by the state board and prescribed



1 on a form developed not later than July 30, 2016, by the department
 2 that is aligned with the matrix system established under
 3 IC 20-28-3-1(i). The school shall provide the surveys to the department
 4 along with the information provided in subsection (c). The department
 5 shall compile the information contained in the surveys, broken down
 6 by each teacher preparation program located in Indiana. The
 7 department shall include information relevant to a particular teacher
 8 preparation program located in Indiana in the department's report under
 9 subsection (g).

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

- 17 (1) provide the year in which the teacher was hired by the school;
- 18 (2) include the name of the teacher preparation program that
- 19 recommended the teacher for an initial license;
- 20 (3) describe subjects taught by the teacher;
- 21 (4) provide the location of different teaching positions held by the
- 22 teacher since the teacher initially obtained an Indiana teaching
- 23 license;
- 24 (5) provide a description of any mentoring the teacher has
- 25 received while teaching in the teacher's current teaching position;
- 26 (6) describe the teacher's current licensure status; and
- 27 (7) include an assessment by the teacher of the quality of
- 28 instruction of the teacher preparation program in which the
- 29 teacher participated.

30 The form shall be prescribed by the department. The forms shall be
 31 submitted to the department with the information provided in
 32 subsection (c). Upon receipt of the information provided in this
 33 subsection, the department shall compile the information contained in
 34 the forms and include an aggregated summary of the report on the
 35 department's Internet web site.

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

- 39 (1) the aggregate of ~~certificated employees~~ **teachers** of each
- 40 school and ~~school corporation~~; **qualified school district**;
- 41 (2) the aggregate of graduates of each teacher preparation
- 42 program in Indiana;



1 (3) for each school described in subsection (b), the annual rate of
 2 retention for ~~certificated employees~~ **teachers** for each school
 3 within the charter school or ~~school corporation~~; **qualified school**
 4 **district**; and

5 (4) the aggregate results of staff performance evaluations for each
 6 category described in section ~~4(c)(4)~~ **4.5(b)(1)** of this chapter. In
 7 addition to the aggregate results, the results must be broken down:

8 (A) by the content area of the initial teacher license received
 9 by teachers upon completion of a particular teacher
 10 preparation program; or

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

13 (g) ~~Beginning November 1, 2016, and~~ Before September 1 of each
 14 year, ~~thereafter~~; the department shall report to each teacher preparation
 15 program in Indiana for teachers with three (3) or fewer years of
 16 teaching experience:

17 (1) information from the surveys relevant to that particular teacher
 18 education program provided to the department under subsection
 19 (d);

20 (2) information from the forms relevant to that particular teacher
 21 preparation program compiled by the department under
 22 subsection (e); and

23 (3) the results from the most recent school year for which data are
 24 available of staff performance evaluations for each category
 25 described in section ~~4(c)(4)~~ **4.5(b)(1)** of this chapter with three
 26 (3) or fewer years of teaching experience for that particular
 27 teacher preparation program. The report to the teacher preparation
 28 program under this subdivision shall be in the aggregate form and
 29 shall be broken down by the teacher preparation program that
 30 recommended an initial teaching license for the teacher.

31 SECTION 17. IC 20-29-6-7, AS AMENDED BY P.L.217-2017,
 32 SECTION 103, IS AMENDED TO READ AS FOLLOWS
 33 [EFFECTIVE JULY 1, 2018]: Sec. 7. A school employer shall discuss
 34 with the exclusive representative of certificated employees the
 35 following items:

36 (1) Curriculum development and revision.

37 (2) Selection of curricular materials.

38 (3) Teaching methods.

39 (4) Hiring, evaluation, promotion, demotion, transfer, assignment,
 40 and retention of certificated employees.

41 (5) Student discipline.

42 (6) Expulsion or supervision of students.



- 1 (7) Pupil/teacher ratio.
 2 (8) Class size or budget appropriations.
 3 (9) Safety issues for students and employees in the workplace,
 4 except those items required to be kept confidential by state or
 5 federal law.
 6 (10) Hours.
 7 (11) Funding for a plan for a remediation program for any subset
 8 of students enrolled in kindergarten through grade 12.
 9 (12) The following nonbargainable items under IC 20-43-10-3.5:
 10 (A) Teacher appreciation grants.
 11 (B) Individual teacher appreciation grant stipends to teachers.
 12 (C) Additions to base salary based on teacher appreciation
 13 grant stipends.
 14 ~~(13) The pre-evaluation planning session required under~~
 15 ~~IC 20-28-11.5-4.~~
 16 ~~(14)~~ **(13)** The superintendent's report to the governing body
 17 concerning staff performance evaluations required under
 18 IC 20-28-11.5-9.
 19 ~~(15)~~ **(14)** A career pathways and mentorship plan established
 20 under IC 20-20-42.2.

