

HOUSE BILL No. 1223

DIGEST OF INTRODUCED BILL

Citations Affected: IC 5-10.4-4-8; IC 20-28-5-28.

Synopsis: Military veteran teachers. Provides that a member of the Indiana state teachers' retirement fund who retires after June 30, 2023, and served time in voluntary or involuntary active military service is entitled to military service credit for the member's active military service in an amount equal to the duration of the member's active military service, if the member: (1) received an honorable discharge; and (2) has at least 10 years of in-state service credit. Provides that not more than four years of military service credit may be granted. Provides that military veterans who have not yet earned a bachelor's degree may be granted a temporary initial practitioner's license (temporary license) under certain conditions. Requires that an individual with a temporary license be assigned a teacher mentor for at least two years. Provides that a temporary license is valid for four years and is nonrenewable.

Effective: July 1, 2023.

Frye R

January 10, 2023, read first time and referred to Committee on Education.



First Regular Session of the 123rd General Assembly (2023)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2022 Regular Session of the General Assembly.

HOUSE BILL No. 1223

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 5-10.4-4-8, AS AMENDED BY P.L.8-2015,
2 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2023]: Sec. 8. (a) This subsection applies to a member who
4 retires before July 1, 1980. A member who had completed four (4)
5 years of approved college teacher education before voluntary or
6 involuntary induction into the military services is entitled to credit for
7 that service as if the member had begun teaching before the induction.
8 A member who serves in military service is considered a teacher and
9 is entitled to the benefits of the fund if before or during the leave of
10 absence the member pays into the fund the member's contributions.
11 Time served by a member in military service for the duration of the
12 hostilities or for the length of active service in the hostilities and the
13 necessary demobilization time after the hostilities is not subject to the
14 one-seventh rule set forth in section 7 of this chapter.
15 (b) This subsection applies to a member who retires after June 30,
16 1980. A member who completed four (4) years of approved college
17 teacher education before voluntary or involuntary induction into



1 military service is entitled to credit for the member's active military
 2 service as if the member had begun teaching before the induction. A
 3 member who serves in military service is considered a teacher and is
 4 entitled to the benefits of the fund if the following conditions are met:

- 5 (1) The member has an honorable discharge.
- 6 (2) Except as provided in subsection (g), the member returns to
 7 active teaching service not later than twenty-four (24) months
 8 after the completion of active military service.
- 9 (3) The member has at least ten (10) years of in-state service
 10 credit.

11 The time served by a member in military service for the duration of the
 12 hostilities or for the length of active service in the hostilities and the
 13 necessary demobilization time after the hostilities is not subject to the
 14 one-seventh rule set forth in section 7 of this chapter. However, not
 15 more than six (6) years of military service credit may be granted under
 16 this subsection.

17 (c) This subsection applies to a member who retires after May 1,
 18 1989. A member who had begun but had not completed four (4) years
 19 of approved college teacher education before voluntary or involuntary
 20 induction into the military services is entitled to service credit in an
 21 amount equal to the duration of the member's active military service if
 22 the following conditions are met:

- 23 (1) The member has an honorable discharge.
- 24 (2) Except as provided in subsection (g), the member returns to a
 25 four (4) year approved college teacher training program not later
 26 than twenty-four (24) months after the completion of active
 27 military service and subsequently completes that program.
- 28 (3) The member has at least ten (10) years of in-state service
 29 credit.

30 The time served by a member in active military service for the length
 31 of active service in the hostilities and the necessary demobilization is
 32 not subject to the one-seventh rule set forth in section 7 of this chapter.
 33 However, not more than six (6) years of military service credit may be
 34 granted under this subsection.

35 (d) This subsection applies to a member who retires after May 1,
 36 1991, and who is employed at a state educational institution. A member
 37 who had begun but had not completed baccalaureate or
 38 post-baccalaureate education before voluntary or involuntary induction
 39 into military service is entitled to the member's active military service
 40 credit for the member's active military service in an amount equal to
 41 the duration of the member's military service if the following
 42 conditions are met:



1 (1) The member received an honorable discharge.

2 (2) Except as provided in subsection (g), the member returns to
3 baccalaureate or post-baccalaureate education not later than
4 twenty-four (24) months after completion of active military
5 service and subsequently completes that education.

6 (3) The member has at least ten (10) years of in-state service
7 credit.

8 The time served by a member in active military service for the length
9 of active service in the hostilities and the necessary demobilization is
10 not subject to the one-seventh rule set forth in section 7 of this chapter.
11 However, not more than six (6) years of military service credit may be
12 granted under this subsection.

13 (e) For purposes of this section, a member returns to active teaching
14 service on the earlier of:

15 (1) the date on which the member signs a teacher's contract; or

16 (2) the date on which the member is first employed in a position
17 covered by this article.

18 (f) For purposes of this section, a member returns to:

19 (1) a teacher training program; or

20 (2) baccalaureate or post-baccalaureate education;

21 on the date the member registers for or enrolls in classes that the
22 member attends.

23 (g) The board shall extend the twenty-four (24) month deadline
24 contained in subsection (b)(2), (c)(2), or (d)(2) if the board determines
25 that an illness, an injury, or a disability related to the member's military
26 service prevented the member from returning to active teaching service
27 or to a teacher education program not later than twenty-four (24)
28 months after the member's discharge from military service. However,
29 the board may not extend the deadline beyond forty-eight (48) months
30 after the member's discharge.

31 (h) If a member retires and the board subsequently determines that
32 the member is entitled to additional service credit due to the extension
33 of a deadline under subsection (g), the board shall recompute the
34 member's benefit. However, the additional service credit may be used
35 only in the computation of benefits to be paid after the date of the
36 board's determination, and the member is not entitled to a
37 recomputation of benefits received before the date of the board's
38 determination.

39 (i) Notwithstanding any provision of this section, a member is
40 entitled to military service credit and benefits in the amount and to the
41 extent required by the federal Uniformed Services Employment and
42 Reemployment Rights Act (38 U.S.C. 4301 et seq.), including all later



1 amendments.

2 (j) Subject to this section, an active member may purchase and
3 claim not more than two (2) years of service credit for the member's
4 service on active duty in the armed services if the member meets the
5 following conditions:

6 (1) The member has at least one (1) year of credited service in the
7 fund.

8 (2) The member serves on active duty in the armed services of the
9 United States for at least six (6) months.

10 (3) The member receives an honorable discharge from the armed
11 services.

12 (4) Before the member retires, the member makes contributions
13 to the fund as follows:

14 (A) Contributions that are equal to the product of:

15 (i) the member's salary at the time the member actually
16 makes a contribution for the service credit;

17 (ii) a rate, determined by the actuary of the fund, that is
18 based on the age of the member at the time the member
19 actually makes a contribution for service credit and
20 computed to result in a contribution amount that
21 approximates the actuarial present value of the benefit
22 attributable to the service credit purchased; and

23 (iii) the number of years of service credit the member
24 intends to purchase.

25 (B) Contributions for any accrued interest, at a rate determined
26 by the actuary of the fund, for the period from the member's
27 initial membership in the fund to the date payment is made by
28 the member.

29 However, a member is entitled to purchase service credit under this
30 subsection only to the extent that service credit is not granted for that
31 time under another provision of this section. At least ten (10) years of
32 service in Indiana is required before a member may receive a benefit
33 based on service credits purchased under this section. A member who
34 terminates employment before satisfying the eligibility requirements
35 necessary to receive a monthly allowance or receives a monthly
36 allowance for the same service from another tax supported public
37 employee retirement plan other than under the federal Social Security
38 Act may withdraw the purchase amount plus accumulated interest after
39 submitting a properly completed application for a refund to the fund.

40 (k) The following apply to the purchase of service credit under
41 subsection (j):

42 (1) The board may allow a member to make periodic payments of



1 the contributions required for the purchase of the service credit.
 2 The board shall determine the length of the period during which
 3 the payments must be made.

4 (2) The board may deny an application for the purchase of service
 5 credit if the purchase would exceed the limitations under Section
 6 415 of the Internal Revenue Code.

7 (3) A member may not claim the service credit for purposes of
 8 determining eligibility or computing benefits unless the member
 9 has made all payments required for the purchase of the service
 10 credit.

11 (l) This subsection applies to a member who retires after June 30,
 12 2006. A member may not receive credit under this section for service
 13 for which the member receives service credit under the terms of a
 14 military or another governmental retirement plan.

15 **(m) This subsection applies to a member who retires after June**
 16 **30, 2023, and served time in voluntary or involuntary active**
 17 **military service. A member is entitled to a military service credit**
 18 **for the member's active military service in an amount equal to the**
 19 **duration of the member's active military service if the following**
 20 **conditions are met:**

21 (1) The member received an honorable discharge.

22 (2) The member has at least ten (10) years of in-state service
 23 credit.

24 **The time served by a member in active military service for the**
 25 **length of active service in the hostilities and the necessary**
 26 **demobilization is not subject to the one-seventh rule set forth in**
 27 **section 7 of this chapter. However, not more than four (4) years of**
 28 **military service credit may be granted under this subsection. A**
 29 **member who receives service credit under this subsection may not**
 30 **receive service credit under subsection (b), (c), or (d).**

31 SECTION 2. IC 20-28-5-28 IS ADDED TO THE INDIANA CODE
 32 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 33 1, 2023]: **Sec. 28. (a) The department shall grant a temporary**
 34 **initial practitioner's license to an individual who:**

35 (1) provides a military service record documenting forty-eight
 36 (48) months of active military service with an honorable
 37 discharge or a medical separation;

38 (2) provides an official transcript documenting completion of
 39 sixty (60) credit hours in pursuit of an education degree with
 40 a grade point average of at least three (3.0) on a four (4.0)
 41 point scale from an accredited institution of higher learning
 42 resulting in a bachelors's degree or higher;



- 1 **(3) has passed the approved content area examination in the**
2 **content area in which the individual intends to teach;**
3 **(4) holds a valid cardiopulmonary resuscitation certification**
4 **from a provider approved by the department; and**
5 **(5) has attended youth suicide awareness and prevention**
6 **training.**
- 7 **(b) An individual who receives a temporary initial practitioner's**
8 **license under subsection (a) must be assigned a teacher mentor for**
9 **a minimum of two (2) years after commencing employment. Each**
10 **teacher mentor must:**
- 11 **(1) hold a valid practitioner's license issued by the**
12 **department;**
13 **(2) have earned at least three (3) years of teaching experience**
14 **in kindergarten through grade 12; and**
15 **(3) have earned an effective or highly effective rating on the**
16 **prior year's performance evaluation by the department.**
- 17 **(c) A temporary initial practitioner's license issued under**
18 **subsection (a) is valid for four (4) years, is limited to a one (1) time**
19 **issuance, and is nonrenewable.**
- 20 **(d) An individual who obtains a temporary initial practitioner's**
21 **license under subsection (a) must comply with the licensure**
22 **requirements in section 12 of this chapter upon successful**
23 **completion of the individual's bachelor's degree or higher in order**
24 **to continue teaching.**
- 25 **(e) The state board may adopt rules under IC 4-22-2 to carry**
26 **out the purposes of this section.**

