

HOUSE BILL No. 1263

DIGEST OF INTRODUCED BILL

Citations Affected: IC 20-19; IC 20-24-7-13; IC 20-28.

Synopsis: Professional development for teachers. Provides that each school corporation, charter school, or accredited nonpublic school shall develop a program establishing the professional development requirements for teachers employed by the school corporation or school. Removes a provision providing that the department of education (department) has sole authority for governing teacher professional development. Removes a provision that provides that the state board of education may adopt rules that relate to the improvement of instruction in the public schools through teacher education and professional development through continuing education. Repeals a provision that requires a teacher to obtain 15 professional growth points by participating in: (1) an externship with a company; (2) a professional development program that outlines the economic needs of the community, state, nation, and globe; or (3) a professional development program that provides opportunities for schools and employees to partner in career navigation. Voids provisions of a rule that authorizes the department to approve a school corporation's professional development program. Voids administrative rules requiring a teacher to participate in a professional growth program in order to renew the teacher's teaching license.

Effective: July 1, 2020.

May

January 14, 2020, read first time and referred to Committee on Education.



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 *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2019 Regular Session of the General Assembly.

HOUSE BILL No. 1263

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 20-19-2-11, AS AMENDED BY P.L.233-2015,
- 2 SECTION 32, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 3 JULY 1, 2020]: Sec. 11. (a) As used in this section, "plan" refers to a
- 4 strategic and continuous school improvement and achievement plan
- 5 developed under IC 20-31-5.
- 6 (b) A plan must:
- 7 (1) conform to the requirements of IC 20-31-5; and
- 8 (2) include a professional development program **developed under**
- 9 **IC 20-28-5.1.**
- 10 (c) The governing body may do the following for a school that
- 11 participates in a plan:
- 12 (1) Invoke a waiver of a rule adopted by the state board under
- 13 IC 20-31-5-5(b).
- 14 (2) Develop a plan for the admission of students who do not
- 15 reside in the school's attendance area but have legal settlement in
- 16 the school corporation.
- 17 (d) In approving a school corporation's actions under this section,



1 the state board shall consider whether the governing body has done the
2 following:

3 (1) Approved a school's plan.

4 (2) Demonstrated the support of the exclusive representative only
5 for the professional development program component of the plan.

6 **However, the state board may not establish or require**
7 **professional development requirements as part of the plan in**
8 **accordance with IC 20-28-5.1.**

9 (e) The state board may waive any statute or rule relating to
10 curriculum in accordance with IC 20-31-5-5.

11 (f) As part of the plan, the governing body may develop and
12 implement a policy to do the following:

13 (1) Allow the transfer of a student who resides in the school's
14 attendance area but whose parent requests that the student attend
15 another school in the school corporation of legal settlement.

16 (2) Inform parents of their rights under this section.

17 (g) The state board shall adopt rules under IC 4-22-2 to implement
18 this section.

19 SECTION 2. IC 20-19-9-2, AS ADDED BY P.L.211-2019,
20 SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
21 JULY 1, 2020]: Sec. 2. The state board may adopt rules under
22 IC 4-22-2 to establish requirements regarding virtual education
23 programs, including the following:

24 (1) Minimum requirements for the mandatory annual onboarding
25 process and orientation required under section 3 of this chapter.

26 (2) Requirements relating to tracking and monitoring student
27 participation and attendance.

28 (3) Ongoing student engagement and counseling policy
29 requirements.

30 (4) Employee policy requirements. ~~including professional~~
31 ~~development requirements.~~

32 SECTION 3. IC 20-24-7-13, AS AMENDED BY P.L.159-2019,
33 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
34 JULY 1, 2020]: Sec. 13. (a) After June 30, 2019, a virtual charter
35 school may only apply for authorization with any statewide authorizer
36 in accordance with the authorizer's guidelines. After June 30, 2019, a
37 virtual charter school that has a charter on June 30, 2019, may renew
38 a charter only with a statewide authorizer. An authorizer described in
39 IC 20-24-1-2.5(1) and IC 20-24-1-2.5(3) is not considered a statewide
40 authorizer.

41 (b) For each state fiscal year, a virtual charter school is entitled to
42 receive funding in a month from the state in an amount equal to:



- 1 (1) the quotient of:
 2 (A) the school's basic tuition support determined under
 3 IC 20-43-6-3(c); divided by
 4 (B) twelve (12); plus
 5 (2) the total of any:
 6 (A) special education grants under IC 20-43-7;
 7 (B) career and technical education grants under IC 20-43-8;
 8 and
 9 (C) honor grants under IC 20-43-10;
 10 to which the virtual charter school is entitled for the month.
 11 For each state fiscal year, a virtual charter school's special education
 12 grants under IC 20-43-7 shall be calculated in the same manner as
 13 special education grants are calculated for other school corporations.
 14 (c) The state board shall adopt rules under IC 4-22-2 to govern the
 15 operation of virtual charter schools.
 16 (d) Each authorizer of a virtual charter school shall establish
 17 requirements or guidelines for virtual charter schools authorized by the
 18 authorizer that include the following:
 19 (1) Minimum requirements for the mandatory annual onboarding
 20 process and orientation required under IC 20-24-5-4.5, which
 21 shall include a requirement that a virtual charter school must
 22 provide to a parent of a student:
 23 (A) the student engagement and attendance requirements or
 24 policies of the virtual charter school; and
 25 (B) notice that a person who knowingly or intentionally
 26 deprives a dependent of education commits a violation under
 27 IC 35-46-1-4.
 28 (2) Requirements relating to tracking and monitoring student
 29 participation and attendance.
 30 (3) Ongoing student engagement and counseling policy
 31 requirements.
 32 (4) Employee policy requirements. ~~including professional~~
 33 ~~development requirements.~~
 34 (e) The department, with the approval of the state board, shall
 35 before December 1 of each year submit an annual report to the budget
 36 committee concerning the program under this section.
 37 (f) Each school year, at least sixty percent (60%) of the students
 38 who are enrolled in virtual charter schools under this section for the
 39 first time must have been included in the state's fall count of ADM
 40 conducted in the previous school year.
 41 (g) Each virtual charter school shall report annually to the
 42 department concerning the following, on a schedule determined by the



1 department:

- 2 (1) Classroom size.
 3 (2) The ratio of teachers per classroom.
 4 (3) The number of student-teacher meetings conducted in person
 5 or by video conference.
 6 (4) Any other information determined by the department.

7 The department shall provide this information annually to the state
 8 board and the legislative council in an electronic format under
 9 IC 5-14-6.

10 (h) A virtual charter school shall adopt a student engagement policy.
 11 A student who regularly fails to participate in courses may be
 12 withdrawn from enrollment under policies adopted by the virtual
 13 charter school. The policies adopted by the virtual charter school must
 14 ensure that:

- 15 (1) adequate notice of the withdrawal is provided to the parent
 16 and the student; and
 17 (2) an opportunity is provided, before the withdrawal of the
 18 student by the virtual charter school, for the student or the parent
 19 to demonstrate that failure to participate in the course is due to an
 20 event that would be considered an excused absence under
 21 IC 20-33-2.

22 (i) A student who is withdrawn from enrollment for failure to
 23 participate in courses pursuant to the school's student engagement
 24 policy may not reenroll in that same virtual charter school for the
 25 school year in which the student is withdrawn.

26 (j) An authorizer shall review and monitor whether a virtual charter
 27 school that is authorized by the authorizer complies with the
 28 requirements described in subsections (h) and (i).

29 SECTION 4. IC 20-28-2-1, AS ADDED BY P.L.246-2005,
 30 SECTION 136, IS AMENDED TO READ AS FOLLOWS
 31 [EFFECTIVE JULY 1, 2020]: Sec. 1. Except as provided in section 6
 32 of this chapter, the department has the sole authority and responsibility
 33 for governing teacher education and teacher licensing matters.
 34 ~~including professional development.~~

35 SECTION 5. IC 20-28-2-6, AS AMENDED BY P.L.20-2017,
 36 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 37 JULY 1, 2020]: Sec. 6. (a) Subject to subsection (c) and in addition to
 38 the powers and duties set forth in this article, the state board may adopt
 39 rules under IC 4-22-2 to do the following:

- 40 (1) Set standards for teacher licensing and for the administration
 41 of a professional licensing and certification process by the
 42 department.



- 1 (2) Approve or disapprove teacher preparation programs.
 2 (3) Set fees to be charged in connection with teacher licensing.
 3 (4) Suspend, revoke, or reinstate teacher licenses.
 4 (5) Enter into agreements with other states to acquire reciprocal
 5 approval of teacher preparation programs.
 6 (6) Set standards for teacher licensing concerning new subjects of
 7 study.
 8 (7) Evaluate work experience and military service concerning
 9 postsecondary education and experience equivalency.
 10 (8) Perform any other action that
 11 (A) relates to the improvement of instruction in the public
 12 schools through teacher education and professional
 13 development through continuing education; and
 14 (B) attracts qualified candidates for teacher education from
 15 among the high school graduates of Indiana.
 16 (9) Set standards for endorsement of school psychologists as
 17 independent practice school psychologists under IC 20-28-12.
 18 (10) Before July 1, 2011, set standards for sign language
 19 interpreters who provide services to children with disabilities in
 20 an educational setting and an enforcement mechanism for the
 21 interpreter standards.
 22 (b) Notwithstanding subsection (a)(1), an individual is entitled to
 23 one (1) year of occupational experience for purposes of obtaining an
 24 occupational specialist certificate under this article for each year the
 25 individual holds a license under IC 25-8-6.
 26 (c) The state board shall adopt rules under IC 4-22-2, including
 27 emergency rules under IC 4-22-2-37.1, to establish procedures to
 28 expedite the issuance, renewal, or reinstatement under this article of a
 29 license or certificate of a person whose spouse serves on active duty (as
 30 defined in IC 25-1-12-2) and is assigned to a duty station in Indiana.
 31 SECTION 6. IC 20-28-5-25 IS REPEALED [EFFECTIVE JULY 1,
 32 2020]. See: 25: (a) This section applies to a professional growth plan
 33 that begins after July 1, 2019.
 34 (b) Fifteen (15) of the total number of professional growth
 35 experience points required to renew a practitioner license or an
 36 accomplished practitioner license must be obtained through the
 37 completion of one (1) or more of the following:
 38 (1) An externship with a company.
 39 (2) Professional development provided by the state; a local
 40 business; or a community partner that provides opportunities for
 41 schools and employers to partner in promoting career navigation.
 42 (3) Professional development provided by the state; a local



1 business; or a community partner that outlines the:

2 (A) current and future economic needs of the community;
3 state, nation, and globe; and

4 (B) ways in which the current and future economic needs
5 described in clause (A) can be disseminated to students.

6 SECTION 7. IC 20-28-5.1 IS ADDED TO THE INDIANA CODE
7 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
8 JULY 1, 2020]:

9 **Chapter 5.1. Teacher Professional Development**

10 **Sec. 1. This chapter applies to a school corporation, a charter
11 school, and an accredited nonpublic school.**

12 **Sec. 2. (a) Each governing body of a school corporation, or the
13 equivalent for a charter school or accredited nonpublic school,
14 shall develop a program establishing the professional development
15 requirements for teachers employed by the school corporation,
16 charter school, or accredited nonpublic school.**

17 **(b) The program established under subsection (a) shall establish
18 the amount and type of professional development each teacher
19 employed by the school corporation, charter school, or accredited
20 nonpublic school must obtain as part of the teacher's employment
21 at the school corporation or school.**

22 **(c) The program established under subsection (a) may allow a
23 teacher to earn professional development training credit for
24 training required under IC 20-28-3.**

25 **Sec. 3. After June 30, 2020, the state board and the department
26 may not require a teacher to meet professional development
27 requirements in order to retain a teaching license or permit under
28 IC 20-28-5.**

29 SECTION 8. IC 20-28-11.5-6, AS ADDED BY P.L.90-2011,
30 SECTION 39, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
31 JULY 1, 2020]: Sec. 6. (a) A copy of the completed evaluation,
32 including any documentation related to the evaluation, must be
33 provided to a certificated employee not later than seven (7) days after
34 the evaluation is conducted.

35 (b) If a certificated employee receives a rating of ineffective or
36 improvement necessary, the evaluator and the certificated employee
37 shall develop a remediation plan of not more than ninety (90) school
38 days in length to correct the deficiencies noted in the certificated
39 employee's evaluation. The remediation plan must require the use of
40 the certificated employee's license renewal credits in professional
41 development activities intended to help the certificated employee
42 achieve an effective rating on the next performance evaluation. If the



1 principal did not conduct the performance evaluation, the principal
 2 may direct the use of the certificated employee's license renewal credits
 3 under this subsection.

4 (c) A teacher who receives a rating of ineffective may file a request
 5 for a private conference with the superintendent or the superintendent's
 6 designee not later than five (5) days after receiving notice that the
 7 teacher received a rating of ineffective. The teacher is entitled to a
 8 private conference with the superintendent or superintendent's
 9 designee.

10 SECTION 9. [EFFECTIVE JULY 1, 2020] (a) 511 IAC 6.2-4-2(b)
 11 and 511 IAC 6.2-4-2(c) are void. The publisher of the Indiana
 12 Administrative Code and Indiana Register shall remove these
 13 provisions from the Indiana Administrative Code.

14 (b) This SECTION expires July 1, 2021.

15 SECTION 10. [EFFECTIVE JULY 1, 2020] (a) 511 IAC 14-2-3 is
 16 void. The publisher of the Indiana Administrative Code and
 17 Indiana Register shall remove this section from the Indiana
 18 Administrative Code.

19 (b) This SECTION expires July 1, 2021.

20 SECTION 11. [EFFECTIVE JULY 1, 2020] (a) 511 IAC 14-2-4 is
 21 void. The publisher of the Indiana Administrative Code and
 22 Indiana Register shall remove this section from the Indiana
 23 Administrative Code.

24 (b) This SECTION expires July 1, 2021.

