

IC 20-28-11.5

Chapter 11.5. Staff Performance Evaluations

IC 20-28-11.5-0.5

"Certificated employee"

Sec. 0.5. As used in this chapter, "certificated employee" includes the following:

- (1) 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).

As added by P.L.239-2015, SEC.6.

IC 20-28-11.5-1

"Evaluator"

Sec. 1. As used in this chapter, "evaluator" means an individual who conducts a staff performance evaluation. The term includes a teacher who:

- (1) has clearly demonstrated a record of effective teaching over several years;
- (2) is approved by the principal as qualified to evaluate under the plan; and
- (3) conducts staff performance evaluations as a significant part of teacher's responsibilities.

As added by P.L.90-2011, SEC.39.

IC 20-28-11.5-2

"Plan"

Sec. 2. As used in the chapter, "plan" refers to a staff performance evaluation plan developed under this chapter.

As added by P.L.90-2011, SEC.39.

IC 20-28-11.5-3

"School corporation"

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).

As added by P.L.90-2011, SEC.39. Amended by P.L.229-2011, SEC.176; P.L.172-2011, SEC.122.

IC 20-28-11.5-4

School corporation plan; plan components

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 vendor to provide master teachers.
- (2) The System for Teacher and Student Advancement (TAP).
- (3) The Peer Assistance and Review Teacher Evaluation System (PAR).

(c) A plan must include the following components:

- (1) Performance evaluations for all certificated employees, conducted at least annually.
- (2) Objective measures of student achievement and growth to significantly inform the evaluation. The objective measures must include:

- (A) student assessment results from statewide assessments for certificated employees whose responsibilities include instruction in subjects measured in statewide assessments;
- (B) methods for assessing student growth for certificated employees who do not teach in areas measured by statewide assessments; and
- (C) student assessment results from locally developed assessments and other test measures for certificated employees whose responsibilities may or may not include instruction in subjects and areas measured by statewide assessments.

(3) Rigorous measures of effectiveness, including observations and other performance indicators.

(4) An annual designation of each certificated employee in one

(1) of the following rating categories:

- (A) Highly effective.
- (B) Effective.
- (C) Improvement necessary.
- (D) Ineffective.

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

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

(7) For annual performance evaluations for school years beginning after June 30, 2015, provide for a pre-evaluation planning session conducted by the superintendent or equivalent authority for the school corporation with the principals in the school corporation.

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

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

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

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

- (1) be in writing; and
- (2) be explained to the governing body in a public meeting;

before the evaluations are conducted. Before explaining the plan to the governing body, the superintendent of the school corporation shall discuss the plan with teachers or the teachers' representative, if there is one. This discussion is not subject to the open door law (IC 5-14-1.5). The plan is not subject to bargaining, but a discussion of the plan must be held.

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

As added by P.L.90-2011, SEC.39. Amended by P.L.239-2015, SEC.7.

IC 20-28-11.5-5

Conduct of evaluations

Sec. 5. (a) The superintendent or equivalent authority, for a school corporation that does not have a superintendent, may provide for evaluations to be conducted by an external provider.

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

As added by P.L.90-2011, SEC.39.

IC 20-28-11.5-6

Completed evaluation; remediation plan; conference with superintendent

Sec. 6. (a) A copy of the completed evaluation, including any

documentation related to the evaluation, must be provided to a certificated employee not later than seven (7) days after the evaluation is conducted.

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

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

As added by P.L.90-2011, SEC.39.

IC 20-28-11.5-7

Student instructed by teachers rated ineffective; notice to parents required

Sec. 7. (a) This section applies to any teacher instructing students in a content area and grade subject to IC 20-32-4-1(a)(1) and IC 20-32-5-2.

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

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

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

As added by P.L.90-2011, SEC.39.

IC 20-28-11.5-8

State board actions; model plan; approval of plan by teachers

Sec. 8. (a) To implement this chapter, the state board shall do the following:

(1) Before January 31, 2012, adopt rules under IC 4-22-2 that establish:

(A) the criteria that define each of the four categories of teacher ratings under section 4(c)(4) of this chapter;

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

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

(D) an acceptable standard for training evaluators.

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

(3) Work with the department to ensure the availability of ongoing training on the use of the performance evaluation to ensure that all evaluators and certificated employees have access to information on the plan, the plan's implementation, and this chapter.

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

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

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

As added by P.L.90-2011, SEC.39. Amended by P.L.160-2012, SEC.50.

IC 20-28-11.5-8.5

Plan for performance evaluations not subject to bargaining; review of plans by the department and the Indiana employment relations board; requirement to present plans selected to the state board of education

Sec. 8.5. A plan for performance evaluations under this chapter may be discussed, but is not subject to bargaining. Selection of a performance evaluation model is at the discretion of the school corporation, but the developed plan must be reported to the department and the Indiana education employment relations board in a timely manner, as established by the department. The department may review the plan for efficacy and the Indiana education employment relations board may review the plan for legality, and both may comment to the school corporation. The department shall annually present to the state board of education plans selected by the school corporations. The state board may recommend model plans to school corporations, but shall not mandate any plan.

As added by P.L.213-2015, SEC.184.

IC 20-28-11.5-9

Department report of evaluation results

Sec. 9. (a) The principal of a school in a school corporation shall report in the aggregate the results of staff performance evaluations for the school for the previous school year to the superintendent and the governing body for the school corporation before August 15 of each year on the schedule determined by the governing body. The report must be presented in a public meeting of the governing body. Before presentation to the governing body, the superintendent of the school corporation shall discuss the report of completed evaluations with the teachers. This discussion is not subject to the open door law (IC 5-14-1.5). The report of completed evaluations is not subject to bargaining, but a discussion of the report must be held.

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

- (1) after completing the presentations required under subsection (a) for all schools for the school corporation; and
- (2) before November 15 of that year.

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

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

- (1) the name of the teacher preparation program that recommended the initial license for each teacher employed by the school; and
- (2) the annual retention rate for teachers employed by the school.

(d) Not before the beginning of the second semester (or the

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

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

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

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

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

- (1) the aggregate of certificated employees of each school and

school corporation;

(2) the aggregate of graduates of each teacher preparation program in Indiana;

(3) for each school described in subsection (b), the annual rate of retention for certificated employees for each school within the charter school or school corporation; and

(4) the aggregate results of staff performance evaluations for each category described in section 4(c)(4) of this chapter. In addition to the aggregate results, the results must be broken down:

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

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

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

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

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

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

As added by P.L.90-2011, SEC.39. Amended by P.L.6-2012, SEC.138; P.L.254-2013, SEC.3; P.L.192-2014, SEC.5; P.L.239-2015, SEC.8.