IC 20-28
ARTICLE 28. SCHOOL TEACHERS

IC 20-28-1
Chapter 1. Definitions

IC 20-28-1-1
Application
Sec. 1. The definitions in this chapter apply throughout this article.
As added by P.L.1-2005, SEC.12.

IC 20-28-1-1.5
Repealed
(Repealed by P.L.90-2011, SEC.50.)

IC 20-28-1-2
"Applicant"
Sec. 2. "Applicant" refers to an applicant for:
(1) a new license;
(2) a renewal license;
(3) a substitute teacher certificate; or
(4) a transition to teaching license;
issued by the department.

IC 20-28-1-3
"Assistant superintendent"
Sec. 3. "Assistant superintendent" means an assistant to the superintendent of schools. The term includes a deputy superintendent or an associate superintendent.
As added by P.L.1-2005, SEC.12.

IC 20-28-1-4
Repealed
(Repealed by P.L.246-2005, SEC.228.)

IC 20-28-1-5
"Defense service"
Sec. 5. "Defense service" refers to the United States military service, the United States naval service, and the allied or auxiliary war service, including the Red Cross, Salvation Army, and other similar services connected with the armed forces of the United States.
As added by P.L.1-2005, SEC.12.

IC 20-28-1-5.5
"Division"
Sec. 5.5 "Division" refers to the division of professional standards of the department of education established by IC 20-28-2-1.5.
As added by P.L.246-2005, SEC.134.
IC 20-28-1-6
"Disposition"
Sec. 6. "Disposition" has the meaning set forth in IC 10-13-3-7.
As added by P.L.1-2005, SEC.12.

IC 20-28-1-7
"License"
Sec. 7. "License" refers to a document issued by the department that grants permission to serve as a particular kind of teacher. The term includes any certificate or permit issued by the department.

IC 20-28-1-8
Repealed
(Repealed by P.L.121-2009, SEC.17.)

IC 20-28-1-9
"Local director"
Sec. 9. "Local director" means an individual who is:
(1) licensed as a director of special education by the department; and
(2) employed as a director of special education by a managing body.
As added by P.L.1-2005, SEC.12.

IC 20-28-1-10
"Managing body"
Sec. 10. "Managing body" refers to:
(1) the governing body;
(2) the board of managers (as defined in IC 20-35-5-1(3)); or
(3) any other governing entity;
that has the responsibility for administering the school corporation's special education program or a special education cooperative organized under IC 20-35-5, IC 20-26-10, or IC 36-1-7.

IC 20-28-1-11
"School psychology"
Sec. 11. "School psychology" means the following:
(1) Administering, scoring, and interpreting educational, cognitive, career, vocational, behavioral, and affective tests and procedures that address a student's:
(A) education;
(B) developmental status;
(C) attention skills; and
(D) social, emotional, and behavioral functioning;
as they relate to the student's learning or training in the academic or vocational environment.
(2) Providing consultation, collaboration, and intervention services (not including psychotherapy) and providing referral to community resources to:

(A) students;
(B) parents of students;
(C) teachers;
(D) school administrators; and
(E) school staff;

concerning learning and performance in the educational process.

(3) Participating in or conducting research relating to a student's learning and performance in the educational process:

(A) regarding the educational, developmental, career, vocational, or attention functioning of the student; or
(B) screening social, affective, and behavioral functioning of the student.

(4) Providing inservice or continuing education services relating to learning and performance in the educational process to schools, parents, or others.

(5) Supervising school psychology services.

(6) Referring a student to:

(A) a speech-language pathologist or an audiologist licensed under IC 25-35.6 for services for speech, hearing, and language disorders; or
(B) an occupational therapist licensed under IC 25-23.5 for occupational therapy services;

by a school psychologist who is employed by a school corporation and who is defined as a practitioner of the healing arts for the purpose of referrals under 42 CFR 440.110.

The term does not include the diagnosis or treatment of mental and nervous disorders, except for conditions and interventions provided for in state and federal mandates affecting special education and vocational evaluations as the evaluations relate to the assessment of handicapping conditions and special education decisions or as the evaluations pertain to the placement of children and the placement of adults with a developmental disability.


IC 20-28-1-12
"Type of license"

Sec. 12. "Type of license" refers to the various types and grades of licenses issued by the board.

As added by P.L.1-2005, SEC.12.
IC 20-28-2
Chapter 2. Division of Professional Standards

IC 20-28-2-0.3
Professional standards board abolished; transfer of property, powers, duties, assets, liabilities, money, and appropriations; treatment of rules, references, permits issued; status of pending proceedings; board members

Sec. 0.3. (a) The professional standards board (previously established by section 1 of this chapter) is abolished.

(b) The following are transferred on July 1, 2005, from the professional standards board to the department:
   (1) All real and personal property of the professional standards board.
   (2) All powers, duties, assets, and liabilities of the professional standards board.
   (3) All appropriations to the professional standards board.

(c) Money in the professional standards board licensing fund established by P.L.224-2003, SECTION 9 is transferred on July 1, 2005, to the professional standards fund established by section 10 of this chapter.

(d) Rules that were adopted by the professional standards board before July 1, 2005, shall be treated as though the rules were adopted by the advisory board of the division of professional standards of the department established by section 2 of this chapter, as amended by P.L.246-2005.

(e) After June 30, 2005, a reference to the professional standards board in a statute or rule shall be treated as a reference to the division of professional standards established by section 1.5 of this chapter.

(f) The members appointed before July 1, 2005, to the professional standards board:
   (1) become members of the advisory board for the division of professional standards established by section 2 of this chapter; and
   (2) may serve until the expiration of the term for which the members were appointed.

(g) A license or permit issued by the professional standards board before July 1, 2005, shall be treated after June 30, 2005, as a license or permit issued by the department.

(h) Proceedings pending before the professional standards board on July 1, 2005, shall be transferred from the professional standards board to the department and treated as if initiated by the department.

As added by P.L.220-2011, SEC.334.

IC 20-28-2-1
Department authority over teacher education, licensing, and professional development

Sec. 1. Except as provided in section 6 of this chapter, the department has the sole authority and responsibility for governing teacher education and teacher licensing matters, including
professional development.

IC 20-28-2-1.5
Division of professional standards; established
Sec. 1.5. The division of professional standards is established within the department to administer the responsibilities of the department described in section 1 of this chapter.
As added by P.L.246-2005, SEC.137.

IC 20-28-2-2
Repealed
(Repealed by P.L.90-2011, SEC.50.)

IC 20-28-2-3
Repealed
(Repealed by P.L.90-2011, SEC.50.)

IC 20-28-2-4
Repealed
(Repealed by P.L.90-2011, SEC.50.)

IC 20-28-2-5
Repealed
(Repealed by P.L.90-2011, SEC.50.)

IC 20-28-2-6
Adoption of rules; occupational experience awarded for instructor license in cosmetology
Sec. 6. (a) Subject to subsection (c) and in addition to the powers and duties set forth in this article, the state board may adopt rules under IC 4-22-2 to do the following:
(1) Set standards for teacher licensing and for the administration of a professional licensing and certification process by the department.
(2) Approve or disapprove teacher preparation programs.
(3) Set fees to be charged in connection with teacher licensing.
(4) Suspend, revoke, or reinstate teacher licenses.
(5) Enter into agreements with other states to acquire reciprocal approval of teacher preparation programs.
(6) Set standards for teacher licensing concerning new subjects of study.
(7) Evaluate work experience and military service concerning postsecondary education and experience equivalency.
(8) Perform any other action that:
   (A) relates to the improvement of instruction in the public schools through teacher education and professional development through continuing education; and
   (B) attracts qualified candidates for teacher education from
among the high school graduates of Indiana.

(9) Set standards for endorsement of school psychologists as independent practice school psychologists under IC 20-28-12.

(10) Before July 1, 2011, set standards for sign language interpreters who provide services to children with disabilities in an educational setting and an enforcement mechanism for the interpreter standards.

(b) Notwithstanding subsection (a)(1), an individual is entitled to one (1) year of occupational experience for purposes of obtaining an occupational specialist certificate under this article for each year the individual holds a license under IC 25-8-6.

(c) The state board may adopt rules under IC 4-22-2, including emergency rules under IC 4-22-2-37.1, to establish procedures to expedite the issuance, renewal, or reinstatement under this article of a license or certificate of a person whose spouse serves on active duty (as defined in IC 25-1-12-2) and is assigned to a duty station in Indiana.


IC 20-28-2-7
Recommendations

Sec. 7. (a) The department may recommend to the general assembly for consideration measures relating to the department's powers and duties that improve the quality of teacher preparation or teacher licensing standards.

(b) The department shall submit to the general assembly before November 1 of each year a report:

(1) detailing the findings and activities of the department, the division, and the advisory board; and

(2) including any recommendations developed under this chapter.

A report under this subsection must in an electronic format under IC 5-14-6.


IC 20-28-2-8
Advisory committees; expenditure of funds; budget

Sec. 8. (a) The department may, subject to approval by the budget agency, do the following to administer the responsibilities of the department under this chapter:

(1) Establish advisory committees the department determines necessary.

(2) Expend funds made available to the department according to policies established by the budget agency.

(b) The department shall comply with the requirements for submitting a budget request to the budget agency as set forth in
IC 4-12-1, for funds to administer the responsibilities of the department described in section 1 of this chapter.  

IC 20-28-2-9  
Orders  
Sec. 9. IC 4-21.5 applies to orders issued by the department under this chapter.  

IC 20-28-2-10  
Professional standards fund  
Sec. 10. There is established the professional standards fund to be administered by the department. The fund consists of fees collected under this chapter. Money in the fund does not revert to the state general fund at the end of a state fiscal year.  
As added by P.L.246-2005, SEC.146.

IC 20-28-2-11  
Teacher recruitment and retention initiatives  
Sec. 11. The department shall collaborate with nonprofit entities, the commission for higher education, and state educational institutions to develop and implement initiatives focusing on the recruitment and retention of qualified educators from underrepresented populations. The initiatives should include, but are not limited to, the following activities:

1) Development of a recruitment plan for underrepresented and teacher shortage areas.
2) Production of a web site as a communication tool that provides resource information and scholarship opportunities.
3) Development of a research agenda and network support system at each state educational institution to remove barriers and address challenges faced by students of underrepresented populations in order to recruit, retain, and graduate these students.  
As added by P.L.10-2009, SEC.1.
IC 20-28-3
Chapter 3. Teacher Education and Continuing Education

IC 20-28-3-0.5
Confidentiality of teacher evaluation results
Sec. 0.5. Information containing teacher evaluation results that may be identified by teacher name, identification number, or other identifying criteria is confidential and exempt from disclosure requirements under IC 5-14-3-4.
As added by P.L.192-2014, SEC.1.

IC 20-28-3-1
Duties of department
Sec. 1. (a) As used in this section, "teacher candidate" means an individual recommended for an initial teaching license from a teacher preparation program located in Indiana.
(b) As used in this section, "teacher preparation program" includes, but is not limited to, the following:
   (1) A teacher education school or department.
   (2) A transition to teaching program under IC 20-28-4.
   (3) Any other entity approved by the department to offer a course of study leading to an initial teaching license.
(c) The department shall:
   (1) arrange a statewide system of professional instruction for teacher education;
   (2) accredit and review teacher preparation programs that comply with the rules of the department;
   (3) approve content area licensure programs for particular kinds of teachers in accredited teacher preparation programs; and
   (4) specify the types of licenses for individuals who complete programs of approved courses.
(d) The department shall work with teacher preparation programs to develop a system of teacher education that ensures individuals who complete teacher preparation programs are able to meet the highest professional standards.
   (e) Before July 1, 2015, the department shall establish standards for the continuous improvement of program processes and the performance of individuals who complete teacher preparation programs. The state board shall adopt rules containing the standards not later than two hundred seventy (270) days after the department finishes the standards.
   (f) The standards established under subsection (e) must include benchmarks for performance, including test score data for each teacher preparation entity on content area licensure tests and test score data for each teacher preparation entity on pedagogy licensure tests.
   (g) Each teacher preparation program shall annually report the program's performance on the standards and benchmarks established under this section to the department. The department shall make the information reported under this subsection available to the public on
the department's Internet web site. In addition to reporting performance, each teacher education school and department must report attrition, retention, and completion rates of teacher candidates for the previous three (3) calendar years.

(h) In making information available to the public on the department's Internet web site, the department shall include in the report under subsection (g), in addition to the matrix ratings described in subsection (i), the following information:

(1) Average scaled or standard scores of teacher candidates who complete teacher preparation programs on basic skills, content area, and pedagogy licensure examinations.
(2) The average number of times teacher candidates who complete a teacher preparation program take each licensing test before receiving a passing score and the percentage of teacher candidates who receive a passing score on each licensing test on the teacher candidates' first attempts.

(i) Not later than July 30, 2016, the department and the commission for higher education, in conjunction with the state board, the Independent Colleges of Indiana, Inc., and teacher preparation programs, shall establish a matrix rating system for teacher preparation programs based on the performance of the programs as demonstrated by the data collected under subsections (g) and (h) and information reported to the department under IC 20-28-11.5-9. The matrix rating system may not rank or compare teacher preparation programs. The matrix rating system must be based on data collected for teachers who initially receive their teaching license during the previous three (3) years. The department shall make the matrix ratings available to the public on the department's Internet web site.

(j) Each teacher preparation program shall report to the department, in a manner prescribed by the department, the teacher preparation program's admission practices, in accordance with:

(1) the Council for the Accreditation of Educator Preparation standards, for teacher preparation programs accredited by the Council for the Accreditation of Educator Preparation; or
(2) rigorous academic entry requirements for admission into a teacher preparatory program that are equivalent to the minimum academic requirements determined by the Council for the Accreditation of Educator Preparation, for teacher preparation programs that are not accredited by the Council for the Accreditation of Educator Preparation.

The department shall include information reported to the department on the department's Internet web site.

(k) Not later than July 30, 2016, the department and the commission for higher education, in conjunction with the state board, the Independent Colleges of Indiana, Inc., and teacher preparation programs, shall establish a minimum rating under the matrix rating system established under subsection (i) that teacher preparation programs must achieve to avoid referral under subsection (l).

(l) Beginning July 1, 2017, and not later than each July 1 thereafter, the department shall submit a list of teacher preparation
programs that do not meet the minimum rating established under subsection (k) to the commission for higher education and the Independent Colleges of Indiana, Inc. for one (1) of the following actions:

(1) In the case of a state educational institution, the commission for higher education shall place the teacher preparation program on an improvement plan with clear performance goals and a designated period in which the performance goals must be achieved.

(2) In the case of a proprietary postsecondary educational institution, the commission for higher education shall recommend to the teacher preparation program an improvement plan with clear performance goals and a designated period in which the performance goals should be achieved.

(3) In the case of a nonprofit college or university, the Independent Colleges of Indiana, Inc., shall coordinate a peer review process to make recommendations to the peer institution in achieving the department's performance metrics.


IC 20-28-3-2
Accredited schools and departments
Sec. 2. (a) An accredited school or department may use the word "accredited" in advertising approved courses and the types of teachers the school or department is accredited to prepare. An accredited school or department may enter into the student teaching agreements specified in IC 20-26-5.

(b) The department shall revoke the right to use the word "accredited" when an accredited school or department refuses to abide by the advisory board's rules.


IC 20-28-3-3
Guidelines for teacher education
Sec. 3. (a) The department, shall develop guidelines for use by accredited teacher education institutions and departments in preparing individuals to teach in various environments.

(b) The guidelines developed under subsection (a) must include courses and methods that assist individuals in developing cultural competency (as defined in IC 20-31-2-5).


IC 20-28-3-4
Continuing education
Sec. 4. A governing body may adjourn the governing body's schools for not more than three (3) days in a school year to allow teachers, school administrators, and paraprofessionals to participate
in:

(1) a session concerning agricultural instruction conducted in the county;
(2) a meeting of a teachers' association;
(3) a visitation of model schools under a governing body's direction;
(4) a basic or inservice course of education and training on autism that is certified by the state board in conjunction with the state health commissioner and any other appropriate entity determined by the state board; or
(5) a basic or inservice course of education and training on the prevention of child suicide and the recognition of signs that a student may be considering suicide. A governing body shall pay a teacher the teacher's per diem salary for the teacher's participation.

IC 20-28-4
Chapter 4. Transition to Teaching Program

IC 20-28-4-1
"Program"
Sec. 1. As used in this chapter, "program" refers to the transition to teaching program established by section 2 of this chapter.
As added by P.L.1-2005, SEC.12.

IC 20-28-4-2
Establishment
Sec. 2. The transition to teaching program is established to accomplish the following:
(1) Facilitate the transition into the teaching profession of competent professionals and recent college graduates in fields other than teaching.
(2) Allow competent professionals and recent college graduates to be issued a teaching license through participation in and satisfactory completion of the program.

IC 20-28-4-3
Program; development and administration
Sec. 3. Subject to the requirements of this chapter, the department shall develop and administer the program. The department shall determine the details of the program that are not included in this chapter.

IC 20-28-4-4
Program; requirements
Sec. 4. An entity approved by the department may establish a course of study that meets the requirements of this section. A program approved under this section must comply with the following requirements:
(1) Include the following study requirements:
   (A) For a program participant who seeks to obtain a license to teach in grades 5 through 12, up to eighteen (18) credit hours of study or the equivalent that:
       (i) prepares a program participant to meet Indiana standards for teaching in the subject areas corresponding to the area in which the program participant has met the education requirements under section 5 of this chapter, unless the program participant demonstrates that the program participant requires fewer credit hours of study to meet Indiana standards for teaching; and
       (ii) provides the program participants with instruction in scientifically based reading instruction.
(B) For a program participant who seeks to obtain a license to teach in kindergarten through grade 6, twenty-four (24) credit hours of study or the equivalent, which must include at least six (6) credit hours in teaching scientifically based reading instruction, that prepares a program participant to meet Indiana standards for teaching, unless the program participant demonstrates that the program participant requires fewer credit hours of study to meet Indiana standards for teaching.

(C) For a program participant who seeks a license to teach in prekindergarten through grade 3, twenty-four (24) credit hours of study (or the equivalent) that must include at least six (6) credit hours in teaching scientifically based reading instruction and that prepares a program participant to meet Indiana standards for teaching, unless the program participant demonstrates that the program participant requires fewer credit hours of study to meet Indiana standards for teaching.

2) Focus on student mastery of standards established by the state.

3) Include suitable field or classroom experiences if the program participant does not have teaching experience.


IC 20-28-4-5
Participants; qualifications
Sec. 5. An individual who wishes to participate in the program must have one (1) of the following qualifications:

1) For a program participant who seeks to obtain a license to teach in grades 5 through 12, one (1) of the following:

   A) A bachelor's degree or the equivalent with a grade point average of at least three (3.0) on a four (4.0) point scale from an accredited postsecondary educational institution in the subject area that the individual intends to teach.

   B) A graduate degree from an accredited postsecondary educational institution in the subject area or a related field that the individual intends to teach.

   C) Both:

      i) a bachelor's degree from an accredited postsecondary educational institution with a grade point average of at least two and five-tenths (2.5) on a four (4.0) point scale; and

      ii) five (5) years professional experience in the subject or a related area that the individual intends to teach.

   D) Both:

      i) a bachelor's degree from an accredited postsecondary educational institution; and
(ii) proof that the individual has passed the state approved content area examination in the subject area that the individual intends to teach.

(2) For a program participant who seeks to obtain a license to teach in kindergarten through grade 6, one (1) of the following:
   (A) A bachelor's degree or the equivalent with a grade point average of at least three (3.0) on a four (4.0) point scale from an accredited institution of higher education.
   (B) Both:
      (i) a bachelor's degree from an accredited postsecondary educational institution with a grade point average of at least two and five-tenths (2.5) on a four (4.0) point scale; and
      (ii) five (5) years professional experience in an education related field, as determined by the department.
   (C) Both:
      (i) a bachelor's degree from an accredited postsecondary educational institution; and
      (ii) proof that the individual has passed the state approved content area examination in the subject area that the individual intends to teach.

(3) For a program participant who seeks to obtain a license to teach in prekindergarten through grade 3, one (1) of the following:
   (A) A bachelor's degree or the equivalent with a grade point average of at least three (3.0) on a four (4.0) point scale from an accredited institution of higher education.
   (B) Both:
      (i) a bachelor's degree from an accredited postsecondary educational institution with a grade point average of at least two and five-tenths (2.5) on a four (4.0) point scale; and
      (ii) five (5) years professional experience in an education related field, as determined by the department.
   (C) Both:
      (i) a bachelor's degree from an accredited postsecondary educational institution; and
      (ii) proof that the individual has passed the state approved content area examination in the subject area that the individual intends to teach.


IC 20-28-4-6
Grant of initial practitioner license
Sec. 6. The department shall grant an initial practitioner license to a program participant who does the following:
   (1) Successfully completes the requirements of the program.
   (2) Demonstrates proficiency through a written examination in:
(A) basic reading, writing, and mathematics;
(B) pedagogy; and
(C) knowledge of the areas in which the program participant
is required to have a license to teach;
under IC 20-28-5-12(b).
(3) Participates successfully in a beginning teacher residency
program that includes implementation in a classroom of the
teaching skills learned in the program.
(4) Receives a successful assessment of teaching skills upon
completion of the beginning teacher residency program under
subdivision (3) from the administrator of the school where the
beginning teacher residency program takes place, or, if the
program participant does not receive a successful assessment,
continues participating in the beginning teacher residency
program.


IC 20-28-4-7
Restriction of initial practitioner license; application of section
Sec. 7. This section applies to a program participant who has a
degree or related experience described in section 5 of this chapter that
does not include all the content areas of a proficient practitioner
license issued by the department. The department shall issue an initial
practitioner license that is restricted to the content areas in which the
program participant:
(1) has a degree; or
(2) has passed the state approved content area examination in
the content area;
unless the program participant demonstrates sufficient knowledge in
other content areas of the license.

SEC.153; P.L.90-2011, SEC.18; P.L.205-2013, SEC.250.

IC 20-28-4-8
Program participant school corporation employee; qualified
instructor in subject area
Sec. 8. A school corporation may hire a program participant to
teach only in the subject area in which the participant meets the
qualifications set forth under section 5 of this chapter.
As added by P.L.1-2005, SEC.12.

IC 20-28-4-9
Renewal of initial practitioner license
Sec. 9. After receiving an initial practitioner license under section
6 or 7 of this chapter, a program participant who seeks to renew the
participant's initial practitioner license must meet the same
requirements for license renewal as other candidates for license
renewal.
IC 20-28-4-10
Rules
Sec. 10. (a) The state board may adopt rules under IC 4-22-2 to administer this chapter.
    (b) Rules adopted under this section must include a requirement that entities approved to offer the program submit an annual report to the department of the number of individuals who:
        (1) enroll in; and
        (2) complete;
the program.
    (c) Rules adopted under this section may not require that there be a shortage of other licensed teachers in order for the governing body of a school corporation, including a charter school, or the appointing authority of an accredited nonpublic school to employ a program participant.
    (d) Rules adopted under this section may not impose program requirements, participant qualification requirements, or licensing requirements that are in addition to the requirements set forth in this chapter.

IC 20-28-4-11
Transition to teaching license; employment
Sec. 11. (a) A program participant who is employed under this section is eligible to receive a transition to teaching license. The transition to teaching license is valid for three (3) years, and may not be renewed.
    (b) A program participant who is employed under this section:
        (1) shall enter into either:
            (A) a regular teacher's contract under IC 20-28-6-5; or
            (B) a temporary teacher's contract under IC 20-28-6-6, if replacing a teacher on a leave of absence;
        (2) is eligible to participate in a mentor teacher program; and
        (3) satisfies the field or classroom experience component of the program under section 4(3) of this chapter.
IC 20-28-5
Chapter 5. Licenses

IC 20-28-5-1
Responsibility for licensing teachers
   Sec. 1. The department is responsible for the licensing of teachers.

IC 20-28-5-2
Rules; substitute teachers
   Sec. 2. The state board may adopt rules for:
      (1) the issuance of a substitute teacher's license; and
      (2) the employment of substitute teacher licensees.
   An individual may not serve as a substitute teacher without a license
   issued by the department.

IC 20-28-5-3
Requirements for licensing; requirements for CPR and other
matters
   Sec. 3. (a) The department shall designate the grade point average
required for each type of license.
      (b) The department shall determine details of licensing not
provided in this chapter, including requirements regarding the
following:
         (1) The conversion of one (1) type of license into another.
         (2) The accreditation of teacher education schools and
departments.
         (3) The exchange and renewal of licenses.
         (4) The endorsement of another state's license.
         (5) The acceptance of credentials from teacher education
institutions of another state.
         (6) The academic and professional preparation for each type of
license.
         (7) The granting of permission to teach a high school subject
area related to the subject area for which the teacher holds a
license.
         (8) The issuance of licenses on credentials.
         (9) The type of license required for each school position.
         (10) The size requirements for an elementary school requiring
a licensed principal.
         (11) Any other related matters.
   The department shall establish at least one (1) system for renewing
a teaching license that does not require a graduate degree.
      (c) This subsection does not apply to an applicant for a substitute
teacher license. After June 30, 2011, the department may not issue an
initial practitioner license at any grade level to an applicant for an
initial practitioner license unless the applicant shows evidence that
the applicant:

(1) has successfully completed training approved by the department in:
   (A) cardiopulmonary resuscitation that includes a test demonstration on a mannequin;
   (B) removing a foreign body causing an obstruction in an airway;
   (C) the Heimlich maneuver; and
   (D) the use of an automated external defibrillator;

(2) holds a valid certification in each of the procedures described in subdivision (1) issued by:
   (A) the American Red Cross;
   (B) the American Heart Association; or
   (C) a comparable organization or institution approved by the advisory board; or

(3) has physical limitations that make it impracticable for the applicant to complete a course or certification described in subdivision (1) or (2).

The training in this subsection applies to a teacher (as defined in IC 20-18-2-22(b)).

(d) This subsection does not apply to an applicant for a substitute teacher license. After June 30, 2013, the department may not issue an initial teaching license at any grade level to an applicant for an initial teaching license unless the applicant shows evidence that the applicant has successfully completed education and training on the prevention of child suicide and the recognition of signs that a student may be considering suicide.

(e) This subsection does not apply to an applicant for a substitute teacher license. After June 30, 2012, the department may not issue a teaching license renewal at any grade level to an applicant unless the applicant shows evidence that the applicant:

   (1) has successfully completed training approved by the department in:
       (A) cardiopulmonary resuscitation that includes a test demonstration on a mannequin;
       (B) removing a foreign body causing an obstruction in an airway;
       (C) the Heimlich maneuver; and
       (D) the use of an automated external defibrillator;

   (2) holds a valid certification in each of the procedures described in subdivision (1) issued by:
       (A) the American Red Cross;
       (B) the American Heart Association; or
       (C) a comparable organization or institution approved by the advisory board; or

   (3) has physical limitations that make it impracticable for the applicant to complete a course or certification described in subdivision (1) or (2).

(f) The department shall periodically publish bulletins regarding:

   (1) the details described in subsection (b);
(2) information on the types of licenses issued;
(3) the rules governing the issuance of each type of license; and
(4) other similar matters.

IC 20-28-5-4
Application for license; oath or affirmation
Sec. 4. (a) An individual who applies for a license or a license renewal to teach in a public school shall subscribe to the following oath or affirmation, which may be administered by the governing body:
"I solemnly swear (or affirm) that I will support the Constitution of the United States of America and the Constitution of the State of Indiana."
(b) Two (2) copies of the oath or affirmation shall be executed as follows:
(1) One (1) copy shall be filed with the state superintendent when the license application is made.
(2) The individual who subscribes to the oath or affirmation shall retain the other copy.
(c) The oath or affirmation must be filed with the state superintendent before a license may be issued.
As added by P.L.1-2005, SEC.12.

IC 20-28-5-5
Out-of-state graduate applicant
Sec. 5. If a teacher who is a graduate of an accredited institution outside Indiana does not meet certain technical requirements for a license, the teacher may be granted a particular type of license and a reasonable amount of time to fulfill the requirements of the license granted.
As added by P.L.1-2005, SEC.12.

IC 20-28-5-6
Repealed
(Repealed by P.L.246-2005, SEC.228.)

IC 20-28-5-7
License revocation and suspension
Sec. 7. On the written recommendation of the state superintendent, the department may suspend or revoke a license for:
(1) immorality;
(2) misconduct in office;
(3) incompetency; or
(4) willful neglect of duty.
For each suspension or revocation, the department shall comply with IC 4-21.5-3.
IC 20-28-5-8
License revocation for a person convicted of certain offenses
Sec. 8. (a) This section applies when a prosecuting attorney knows that a licensed employee of a public school or a nonpublic school has been convicted of an offense listed in subsection (c). The prosecuting attorney shall immediately give written notice of the conviction to the following:
(1) The state superintendent.
(2) Except as provided in subdivision (3), the superintendent of the school corporation that employs the licensed employee or the equivalent authority if a nonpublic school employs the licensed employee.
(3) The presiding officer of the governing body of the school corporation that employs the licensed employee, if the convicted licensed employee is the superintendent of the school corporation.
(b) The superintendent of a school corporation, presiding officer of the governing body, or equivalent authority for a nonpublic school shall immediately notify the state superintendent when the individual knows that a current or former licensed employee of the public school or nonpublic school has been convicted of an offense listed in subsection (c), or when the governing body or equivalent authority for a nonpublic school takes any final action in relation to an employee who engaged in any offense listed in subsection (c).
(c) The department, after holding a hearing on the matter, shall permanently revoke the license of a person who is known by the department to have been convicted of any of the following felonies:
(1) Kidnapping (IC 35-42-3-2).
(2) Criminal confinement (IC 35-42-3-3).
(3) Rape (IC 35-42-4-1).
(4) Criminal deviate conduct (IC 35-42-4-2) (before its repeal).
(5) Child molesting (IC 35-42-4-3).
(6) Child exploitation (IC 35-42-4-4(b)).
(7) Vicarious sexual gratification (IC 35-42-4-5).
(8) Child solicitation (IC 35-42-4-6).
(9) Child seduction (IC 35-42-4-7).
(10) Sexual misconduct with a minor (IC 35-42-4-9).
(11) Incest (IC 35-46-1-3).
(12) Dealing in or manufacturing cocaine or a narcotic drug (IC 35-48-4-1).
(13) Dealing in methamphetamine (IC 35-48-4-1.1).
(14) Dealing in a schedule I, II, or III controlled substance (IC 35-48-4-2).
(15) Dealing in a schedule IV controlled substance (IC 35-48-4-3).
(16) Dealing in a schedule V controlled substance (IC 35-48-4-4).
(17) Dealing in a counterfeit substance (IC 35-48-4-5).
(18) Dealing in marijuana, hash oil, hashish, or salvia (IC 35-48-4-10(b)).
(19) Dealing in a synthetic drug or synthetic drug lookalike substance (IC 35-48-4-10.5, or IC 35-48-4-10(b) before its amendment in 2013).
(20) Possession of child pornography (IC 35-42-4-4(c)).
(21) Homicide (IC 35-42-1).
(22) Voluntary manslaughter (IC 35-42-1-3).
(23) Reckless homicide (IC 35-42-1-5).
(24) Battery as any of the following:
   (A) A Class A felony (for a crime committed before July 1, 2014) or a Level 2 felony (for a crime committed after June 30, 2014).
   (B) A Class B felony (for a crime committed before July 1, 2014) or a Level 3 felony (for a crime committed after June 30, 2014).
   (C) A Class C felony (for a crime committed before July 1, 2014) or a Level 5 felony (for a crime committed after June 30, 2014).
(25) Aggravated battery (IC 35-42-2-1.5).
(26) Robbery (IC 35-42-5-1).
(27) Carjacking (IC 35-42-5-2) (before its repeal).
(28) Arson as a Class A felony or Class B felony (for a crime committed before July 1, 2014) or as a Level 2, Level 3, or Level 4 felony (for a crime committed after June 30, 2014) (IC 35-43-1-1(a)).
(29) Burglary as a Class A felony or Class B felony (for a crime committed before July 1, 2014) or as a Level 1, Level 2, Level 3, or Level 4 felony (for a crime committed after June 30, 2014) (IC 35-43-2-1).
(30) Attempt under IC 35-41-5-1 to commit an offense listed in this subsection.
(31) Conspiracy under IC 35-41-5-2 to commit an offense listed in this subsection.
(d) The department, after holding a hearing on the matter, shall permanently revoke the license of a person who is known by the department to have been convicted of a federal offense or an offense in another state that is comparable to a felony listed in subsection (c).
(e) A license may be suspended by the state superintendent as specified in IC 20-28-7.5.
(f) The department shall develop a data base of information on school corporation employees who have been reported to the department under this section.

IC 20-28-5-9  
Repealed  
(Repealed by P.L.121-2009, SEC.17.)

IC 20-28-5-10  
Records  
Sec. 10. (a) The department shall keep a record of:  
(1) all licenses issued;  
(2) all licenses in force; and  
(3) the academic preparation, professional preparation, and teaching experience of each applicant for a license or a license renewal.  
(b) A superintendent of a school corporation shall register and keep a record of the following for each licensed teacher employed by the school corporation:  
(1) The type of license held by the teacher.  
(2) The teacher's date of first employment.  
(3) The teacher's annual or monthly salary.  

IC 20-28-5-11  
Repealed  
(Repealed by P.L.90-2011, SEC.50.)

IC 20-28-5-12  
Initial practitioner license; need to demonstrate proficiency; rules  
Sec. 12. (a) Subsection (b) does not apply to an individual who held an Indiana limited, reciprocal, or standard teaching license on June 30, 1985.  
(b) The department may not grant an initial practitioner license to an individual unless the individual has demonstrated proficiency in the following areas on a written examination or through other procedures prescribed by the department:  
(1) Basic reading, writing, and mathematics.  
(2) Pedagogy.  
(3) Knowledge of the areas in which the individual is required to have a license to teach.  
(4) If the individual is seeking to be licensed as an elementary school teacher, comprehensive scientifically based reading instruction skills, including:  
   (A) phonemic awareness;  
   (B) phonics instruction;  
   (C) fluency;  
   (D) vocabulary; and  
   (E) comprehension.  
(c) An individual's license examination score may not be disclosed by the department without the individual's consent unless specifically required by state or federal statute or court order.  
(d) The state board shall adopt rules under IC 4-22-2 to do the
following:

(1) Adopt, validate, and implement the examination or other procedures required by subsection (b).
(2) Establish examination scores indicating proficiency.
(3) Otherwise carry out the purposes of this section.

(e) The state board shall adopt rules under IC 4-22-2 establishing the conditions under which the requirements of this section may be waived for an individual holding a valid teacher's license issued by another state.


**IC 20-28-5-13**

Examination for teacher licensure; furnishing test scores

Sec. 13. (a) This section applies to an examination required for teacher licensure under this chapter.

(b) If an individual does not demonstrate the level of proficiency required to receive a license on all or a part of an examination, the examination's scorer must provide the individual with the individual's test scores.


**IC 20-28-5-14**

Initial standard license applicant; delinquent tax liability; individual on tax warrant list

Sec. 14. If the department is notified by the department of state revenue that an individual is on the most recent tax warrant list, the department shall not grant a license to the individual until:

(1) the individual provides the department with a statement from the department of state revenue indicating that the individual's tax warrant has been satisfied; or
(2) the department receives a notice from the commissioner of the department of state revenue under IC 6-8.1-8-2(k).


**IC 20-28-5-15**

Teacher shortage areas; licensing and employment of individuals with postgraduate degrees; conditions for renewal

Sec. 15. (a) Notwithstanding section 3(b)(6) of this chapter, the department shall grant an initial practitioner's license in a specific subject area to an applicant who:

(1) has earned a postgraduate degree from a regionally accredited postsecondary educational institution in the subject area in which the applicant seeks to be licensed;
(2) has at least one (1) academic year of experience teaching students in a middle school, high school, or college classroom setting; and
(3) complies with sections 4 and 12 of this chapter.

(b) An individual who receives an initial practitioner's license
under this section may teach in the specific subject for which the individual is licensed only in:

(1) high school; or
(2) middle school;

if the subject area is designated by the state board as having an insufficient supply of licensed teachers.

(c) After receiving an initial practitioner's license under this section, an applicant who seeks to renew the applicant's initial practitioner's license or obtain a proficient practitioner's license must:

(1) demonstrate that the applicant has:
   (A) participated in cultural competency professional development activities;
   (B) obtained training and information from a special education teacher concerning exceptional learners; and
   (C) received:
      (i) training or certification that complies; or
      (ii) an exemption from compliance;
   with the standards set forth in section 3(c) of this chapter;
   and

(2) meet the same requirements as other candidates.


IC 20-28-5-16
Licensing program for charter school teachers
Sec. 16. (a) The department shall establish a program under which an individual may obtain a license that allows the individual to teach in a charter school if the individual:

(1) wishes to teach in a charter school in Indiana; and
(2) satisfies either of the following requirements:
   (A) The individual holds at least a bachelor's degree with a grade point average of at least 3.0 on a 4.0 point scale from an accredited postsecondary institution in the content or a related area in which the individual wishes to teach.
   (B) The individual holds at least a bachelor's degree and proof that the individual has passed the state approved content area examination in the subject area that the individual intends to teach.

(b) The program established under subsection (a) must allow the individual to teach in a charter school while the individual is in the process of obtaining the license.

IC 20-28-6
Chapter 6. Contracts

IC 20-28-6-1
Preemployment consideration; qualifications
Sec. 1. (a) Not later than ten (10) days after a request from the governing body, the superintendent of a school corporation shall make a report on an individual being considered by the school corporation for either a teaching appointment or an indefinite contract as described in section 8 of this chapter. The report must contain information on the individual's teaching preparation, experience, and license.

(b) The governing body of a school corporation may not employ an individual who receives an initial standard or reciprocal license after March 31, 1988, for a teaching appointment under this chapter unless the individual:

1) has successfully completed a beginning teacher internship program, under IC 20-6.1-8 (repealed); or

2) has at least two (2) years teaching experience outside Indiana.

(c) This section does not prevent the granting of additional authority in the selection or employment of teachers to a superintendent of a school corporation by the rules of the school corporation.

As added by P.L.1-2005, SEC.12.

IC 20-28-6-2
Basic contract requirements
Sec. 2. (a) A contract entered into by a teacher and a school corporation must:

1) be in writing;

2) be signed by both parties; and

3) contain the:

(A) beginning date of the school term as determined annually by the school corporation;

(B) number of days in the school term as determined annually by the school corporation;

(C) total salary to be paid to the teacher during the school year;

(D) number of salary payments to be made to the teacher during the school year; and

(E) number of hours per day the teacher is expected to work, as discussed pursuant to IC 20-29-6-7.

(b) The contract may provide for the annual determination of the teacher's annual compensation by a local salary schedule, which is part of the contract. The salary schedule may be changed by the school corporation on or before May 1 of a year, with the changes effective the next school year. A teacher affected by the changes shall be furnished with printed copies of the changed schedule not later than thirty (30) days after the schedule's adoption.
(c) A contract under this section is also governed by the following statutes:
   (2) IC 20-28-9-9 through IC 20-28-9-11.
   (4) IC 20-28-9-14.
   (d) A governing body shall provide the blank contract forms, carefully worded by the state superintendent, and have them signed. The contracts are public records open to inspection by the residents of each school corporation.
   (e) An action may be brought on a contract that conforms with subsections (a)(1), (a)(2), and (d).


IC 20-28-6-3
Contract forms; state superintendent's duties
Sec. 3. The state superintendent shall do the following:
   (1) Prescribe the following forms:
      (A) The uniform teacher's contract in the following alternate forms:
         (i) The regular teacher's contract.
         (ii) The temporary teacher's contract.
      (B) The supplemental service teacher's contract.
   (2) Furnish each school corporation with the forms.
   (3) Require each school corporation to include in the school corporation's semiannual report on ADA a statement that the school corporation is in compliance with IC 20-28-5-2, sections 4 through 7 of this chapter, IC 20-28-9-7, and IC 20-28-9-8.


IC 20-28-6-4
Contract forms; applicable teachers
Sec. 4. (a) This section does not apply to a teacher employed as a substitute teacher.
   (b) A teacher employed in a public school must be employed on a uniform teacher's contract or a supplemental service teacher's contract.

As added by P.L.1-2005, SEC.12.

IC 20-28-6-5
Regular teacher's contract
Sec. 5. The regular teacher's contract must be used statewide without amendment and must contain, in addition to the items in section 2(a)(3) of this chapter:
   (1) the manner of salary payment; and
   (2) any provisions relating to the government of the school that the state superintendent includes.

As added by P.L.1-2005, SEC.12.
Temporary teacher's contract

Sec. 6. (a) A temporary teacher's contract shall be used only for employing:

(1) a teacher to serve in the absence of a teacher who has been granted a leave of absence by the school corporation for:
   (A) engaging in defense service or in service auxiliary to defense service;
   (B) professional study or advancement;
   (C) exchange teaching;
   (D) extended disability to which a licensed physician has attested; or
   (E) serving in the general assembly; or
(2) a new teacher for a position:
   (A) that is funded by a grant outside the school funding formula for which funding is available only for a specified period or purpose; or
   (B) vacated by a teacher who is under a regular contract and who temporarily accepts a teacher position that is funded by a grant outside the school funding formula for which funding is available only for a specified period or purpose.

(b) The temporary teacher's contract must contain:

(1) the provisions of the regular teacher's contract except those providing for continued tenure of position;
(2) a blank space for the name of the teacher granted the leave, which may not be used on another temporary teacher's contract for the same leave of absence; and
(3) an expiration date that:
   (A) is the date of the return of the teacher on leave; and
   (B) is not later than the end of the school year.

(c) If a teacher is employed on the temporary teacher's contract for at least sixty (60) days in a school year, the teacher may, on request, receive the service credit that the teacher would otherwise receive with regard to the Indiana state teachers' retirement fund.

Supplemental service teacher's contract

Sec. 7. (a) As used in this section, "teacher" includes an individual who:

(1) holds a substitute teacher's license; and
(2) provides instruction in a joint summer school program under IC 20-30-7-5.

(b) The supplemental service teacher's contract shall be used when a teacher provides professional service in evening school or summer school employment, except when a teacher or other individual is employed to supervise or conduct noncredit courses or activities.

(c) If a teacher serves more than one hundred twenty (120) days on a supplemental service teacher's contract in a school year, the following apply:
Sections 1, 2, 3, and 8 of this chapter.
(2) IC 20-28-10-1 through IC 20-28-10-5.
(d) The salary of a teacher on a supplemental service contract shall be determined by the superintendent. The superintendent may, but is not required to, base the salary on the regular salary schedule for the school corporation.


IC 20-28-6-7.5
Probationary teacher; effect of evaluations
Sec. 7.5. (a) A teacher who is subject to section 8 of this chapter is not subject to this section.
(b) After June 30, 2011, a teacher who:
   (1) serves under contract as a teacher in a public school corporation;
   (2) has not received a rating in an evaluation under IC 20-28-11.5 or receives a rating of ineffective in an evaluation under IC 20-28-11.5;
   (3) has not at any time before July 1, 2012, entered into a teaching contract for further service with the school corporation; and
   (4) has not received three (3) ratings in a five (5) year period of effective or highly effective in an evaluation under IC 20-28-11.5;
shall be considered a probationary teacher.
(c) After June 30, 2011, a teacher who receives a rating of:
   (1) effective;
   (2) highly effective; or
   (3) a combination of both subdivisions (1) and (2);
in an evaluation under IC 20-28-11.5 for at least three (3) years in a five (5) year or shorter period becomes a professional teacher by entering into a contract described in section 2 of this chapter.
(d) A professional teacher who receives a rating of ineffective in an evaluation under IC 20-28-11.5 shall be considered a probationary teacher but is not subject to the cancellation of the teacher's contract unless at least one (1) of the following criteria applies:
   (1) The teacher receives a rating of ineffective in an evaluation under IC 20-28-11.5 in the year immediately following the teacher's initial rating of ineffective.
   (2) The teacher's contract cancellation is due to a justifiable decrease in the number of teaching positions under IC 20-28-7.5-1(b)(3).
   (3) The teacher's contract cancellation is due to conduct set forth in IC 20-28-7.5-1(b).

As added by P.L.90-2011, SEC.29.

IC 20-28-6-8
Indefinite contract; established teacher
Sec. 8. (a) An individual who:
   (1) serves under contract as a teacher in a public school
corporation before July 1, 2012; and
(2) at any time before July 1, 2012, enters into a teacher's contract for further service with the school corporation;
becomes, by entering into the contract described in subdivision (2), an established teacher of the school corporation. When a contract between the school corporation and an established teacher expires by the contract's terms, the contract is considered to continue indefinitely as an indefinite contract, subject to IC 20-28-7.5.

(b) An indefinite contract remains in force until the indefinite contract is:
(1) replaced by a new contract signed by both parties; or
(2) canceled as provided in IC 20-28-7.5.


IC 20-28-6-9
Laboratory school teacher; transfer to local school corporation; service credit; indefinite contract

Sec. 9. (a) A teacher serving under a regular contract at a laboratory school operated under IC 20-24.5-2 who is offered and accepts a position in the local school corporation that is a party to the agreement with the university operating the laboratory school is entitled to:
(1) transfer to the local school corporation any years served as a regular teacher at the laboratory school; and
(2) receive credit for the years in meeting the five (5) year requirement for an indefinite contract contained in section 8 of this chapter.

(b) If the teacher accepting a position with the local school corporation has served as a regular teacher at the laboratory school for at least five (5) successive years, the teacher's contract with the local school corporation is an indefinite contract under section 8 of this chapter.


IC 20-28-6-10
Repealed
(Repealed by P.L.90-2011, SEC.50.)
IC 20-28-7
Repealed
(Repealed by P.L.90-2011, SEC.50.)
IC 20-28-7.5
Chapter 7.5. Cancellation of Teacher Contracts

IC 20-28-7.5-1
Application; grounds for cancellation
Sec. 1. (a) This chapter applies to a teacher in a school corporation (as defined in IC 20-18-2-16(a)).
(b) A principal may decline to continue a probationary teacher's contract under sections 2 through 4 of this chapter if the probationary teacher:
   (1) receives an ineffective designation on a performance evaluation under IC 20-28-11.5;
   (2) receives two (2) consecutive improvement necessary ratings on a performance evaluation under IC 20-28-11.5; or
   (3) is subject to a justifiable decrease in the number of teaching positions or any reason relevant to the school corporation's interest.
(c) Except as provided in subsection (e), a principal may not decline to continue a professional or established teacher's contract unless the teacher is subject to a justifiable decrease in the number of teaching positions.
(d) After June 30, 2012, the cancellation of teacher's contracts due to a justifiable decrease in the number of teaching positions shall be determined on the basis of performance rather than seniority. In cases where teachers are placed in the same performance category, any of the items in IC 20-28-9-1.5(b) may be considered.
(e) A contract with a teacher may be canceled immediately in the manner set forth in sections 2 through 4 of this chapter for any of the following reasons:
   (1) Immorality.
   (2) Insubordination, which means a willful refusal to obey the state school laws or reasonable rules adopted for the governance of the school building or the school corporation.
   (3) Justifiable decrease in the number of teaching positions.
   (4) Incompetence, including receiving:
       (A) an ineffective designation on two (2) consecutive performance evaluations under IC 20-28-11.5; or
       (B) an ineffective designation or improvement necessary rating in three (3) years of any five (5) year period.
   (5) Neglect of duty.
   (6) A conviction for an offense listed in IC 20-28-5-8(c).
   (7) Other good or just cause.


IC 20-28-7.5-2
Procedure for cancellation
Sec. 2. (a) Before a teacher is refused continuation of the teacher's contract, the teacher has the following rights:
   (1) The principal shall notify the teacher of the principal's
preliminary decision. The notification must be:

(A) in writing; and

(B) delivered in person or mailed by registered or certified mail to the teacher at the teacher's last known address.

(2) The notice in subdivision (1) must include a written statement, subject to IC 5-14-3-4, giving the reasons for the preliminary decision.

(3) Notification due to a reduction in force must be delivered between May 1 and July 1.

(b) For a cancellation of a teacher's contract for a reason other than a reduction in force, the notice required under subsection (a)(1) must inform the teacher that, not later than five (5) days after the teacher's receipt of the notice, the teacher may request a private conference with the superintendent. The superintendent must set the requested meeting not later than ten (10) days after the request.

(c) At the conference between the superintendent and the teacher, the teacher may be accompanied by a representative.

(d) After the conference between the superintendent and the teacher, the superintendent shall make a written recommendation to the governing body of the school corporation regarding the cancellation of the teacher's contract.

(e) If the teacher does not request a conference under subsection (b), the principal's preliminary decision is considered final.

(f) For items listed in section (1)(e)(3), (1)(e)(4), or (1)(e)(6) of this chapter, if the teacher files a request with the governing body for an additional private conference not later than five (5) days after the initial private conference with the superintendent, the teacher is entitled to an additional private conference with the governing body before the governing body makes a final decision, which must be in writing, concerning the cancellation of the teacher's contract.

(g) For items listed in section (1)(e)(1), (1)(e)(2), (1)(e)(5), or (1)(e)(7) of this chapter, if, not later than five (5) days after the initial private conference with the superintendent, the teacher files a request with the governing body for an additional private conference, the teacher is entitled to an additional private conference with the governing body before the governing body makes a final decision. The final decision must be in writing and must be made not more than thirty (30) days after the governing body receives the teacher's request for the additional private conference. At the private conference the governing body shall do the following:

(1) Allow the teacher to present evidence to refute the reason or reasons for contract cancellation and supporting evidence provided by the school corporation. Any evidence presented at the private conference must have been exchanged by the parties at least seven (7) days before the private conference.

(2) Consider whether a preponderance of the evidence supports the cancellation of the teacher's contract.

As added by P.L.90-2011, SEC.31.

IC 20-28-7.5-3
Governing body action
Sec. 3. At the first public meeting following a private conference with:

(1) the governing body under section 2(f) of this chapter; or
(2) the superintendent under section 2(b) of this chapter, if no conference with the governing body is requested;

the governing body may cancel a contract with a teacher by a majority vote evidenced by a signed statement in the minutes of the board. The decision of the governing body is final.

As added by P.L.90-2011, SEC.31.

IC 20-28-7.5-4
Suspension pending cancellation of contract
Sec. 4. Pending a final decision on the cancellation of a teacher's contract, the teacher may be suspended from duty.

As added by P.L.90-2011, SEC.31.

IC 20-28-7.5-5
Extension of time periods
Sec. 5. The time periods set out in section 2 of this chapter shall be extended for a reasonable period:

(1) when a teacher or school official is ill or absent from the school corporation; or
(2) for other reasonable cause.

As added by P.L.90-2011, SEC.31.

IC 20-28-7.5-6
Continuation of contract
Sec. 6. A contract entered into by a teacher and a school employer continues in force on the same terms and for the same wages, unless increased under IC 20-28-9-1.5, for the next school term following the date of the contract's termination unless one (1) of the following occurs:

(1) The school corporation refuses continuation of the contract under this chapter.
(2) The teacher delivers in person or by registered or certified mail to the school corporation the teacher's written resignation.
(3) The contract is replaced by another contract agreed to by the parties.


IC 20-28-7.5-7
Effect of chapter
Sec. 7. (a) This chapter shall be construed to:

(1) limit the provisions of a collective bargaining agreement negotiated under IC 20-29; and
(2) prohibit the negotiation of contracts that violate the requirements of this chapter and IC 20-28-9-21 through IC 20-28-9-23.
(b) This chapter prohibits a school employer and an exclusive representative (as defined in IC 20-29-2-9) from collectively bargaining contracts that alter the requirements of this chapter and IC 20-28-9-21 through IC 20-28-9-23.

(c) This chapter shall be construed to prohibit a school employer and an exclusive representative from mutually agreeing to binding arbitration concerning teacher dismissals.

As added by P.L.90-2011, SEC.31.

IC 20-28-7.5-8
Void contract; teacher bound by previous contract to teach in public school

Sec. 8. (a) This section does not apply to an individual who works at a conversion charter school (as defined in IC 20-24-1-5) for purposes of the individual's employment with the school corporation that sponsored the conversion charter school.

(b) A contract entered into less than fourteen (14) days before the day on which teachers must report for work between a school corporation and a teacher is void if the teacher, at the time of signing the contract, is bound by a previous contract to teach in a public school. However, another contract may be signed by the teacher that will be effective if the teacher:

1) furnishes the principal a release by the employer under the previous contract; or
2) shows proof that thirty (30) days written notice was delivered by the teacher to the first employer.

(c) A principal may request from a teacher, at the time of contracting, a written statement as to whether the teacher has signed another teaching contract. However, the teacher's failure to provide the statement is not a cause for subsequently voiding the contract.

IC 20-28-8
Chapter 8. Contracts With School Administrators

IC 20-28-8-1
School principal's and administrative assistant's contracts
Sec. 1. A school corporation may provide in the contract of a principal or of any of the principal's administrative assistants compensation for services performed for a time, either before or after the school term, as considered necessary by the governing body.
As added by P.L.1-2005, SEC.12.

IC 20-28-8-2
School principal's and administrative assistant's contracts; conditions
Sec. 2. A contract of employment shall be entered into between the governing body of the school corporation and a principal or assistant principal subject to the following conditions:
(1) The basic contract must be the regular teacher's contract as prescribed by the state superintendent.
(2) The term of the initial contract must be the equivalent of at least two (2) school years.
(3) The contract may be altered, modified, or rescinded in favor of a new contract at any time by mutual consent of the governing body of the school corporation and the principal or assistant principal, if the contract, when reduced to writing, is consistent with this chapter.
As added by P.L.1-2005, SEC.12.

IC 20-28-8-3
Assistant superintendent, principal, and assistant principal contracts; renewal or refusal to renew; written notice
Sec. 3. (a) Before March 1 of the year during which the contract of an assistant superintendent, a principal, or an assistant principal is due to expire, the governing body of the school corporation, or an employee at the direction of the governing body, shall give written notice of renewal or refusal to renew the individual's contract for the ensuing school year.
(b) If notice is not given before March 1 of the year during which the contract is due to expire, the contract then in force shall be reinstated only for the ensuing school year.
(c) This section does not prevent the modification or termination of a contract by mutual agreement of the assistant superintendent, the principal, or the assistant principal and the governing body.

IC 20-28-8-4
Written preliminary notice that governing body considering not renewing contract; private conference
Sec. 4. (a) At least thirty (30) days before giving written notice of refusal to renew a contract under section 3 of this chapter, the
governing body, or an employee at the direction of the governing body, shall inform the assistant superintendent, the principal, or the assistant principal by written preliminary notice that:

(1) the governing body is considering a decision not to renew the contract; and

(2) if the individual files a request with the school corporation for a private conference not later than five (5) days after receiving the preliminary notice, the individual is entitled to a private conference with the superintendent of the school corporation.

(b) If the individual files a request with the school corporation for an additional private conference not later than five (5) days after the initial private conference with the superintendent of the school corporation, the individual is entitled to an additional private conference with the governing body of the school corporation before being given written notice of refusal to renew the contract.

(c) The preliminary notice required under this section must include the governing body's reasons for considering a decision not to renew.

As added by P.L.1-2005, SEC.12.

IC 20-28-8-5
Consideration of ISTEP test scores in evaluation of principal's performance

Sec. 5. The evaluation of a principal's performance may not be based wholly on the ISTEP program test scores under IC 20-32-5 of the students enrolled at the principal's school. However, the ISTEP program test scores under IC 20-32-5 of the students enrolled at a principal's school may be considered as one (1) of the factors in the evaluation of the principal's overall performance at the school.

As added by P.L.1-2005, SEC.12.

IC 20-28-8-6
Superintendent contracts

Sec. 6. A contract entered into by a governing body and its superintendent is subject to the following conditions:

(1) If the superintendent holds a license under IC 20-28-5, the basic contract must be in the form of the regular teacher's contract.

(2) The contract must be for a term of at least thirty-six (36) months.

(3) The contract may be altered or rescinded for a new one at any time by mutual consent of the governing body and the superintendent. The consent of both parties must be in writing and must be expressed in a manner consistent with this section and sections 7 through 8 of this chapter.

(4) If the superintendent holds a license under IC 20-28-5, the rights of a superintendent as a teacher under any other law are not affected by the contract.

IC 20-28-8-7
Superintendent's contract; termination
Sec. 7. A superintendent's contract terminates on the following dates and under the following conditions only:
   (1) On any date, if the governing body and the superintendent mutually consent.
   (2) Before the expiration date set forth in the contract, if the governing body terminates the contract:
       (A) for cause under a statute that sets forth causes for dismissal of teachers, if the superintendent is licensed under IC 20-28-5; or
       (B) for:
           (i) immorality;
           (ii) misconduct in office;
           (iii) incompetency; or
           (iv) willful neglect of duty;
       if the superintendent is not licensed under IC 20-28-5.
   However, the governing body must give the superintendent proper notice and, if the superintendent requests a hearing at least ten (10) days before the termination, must grant the superintendent a hearing at an official meeting of the governing body.
   (3) On the expiration date set forth in the contract, if the governing body not later than January 1 of the year in which the contract expires gives notice to the superintendent in writing, delivered in person or by registered mail.
   (4) On the expiration date set forth in the contract, if the superintendent not later than January 1 of the year in which the contract expires gives proper notice in writing to the governing body.


IC 20-28-8-8
Superintendent's contract; extension
Sec. 8. If the governing body fails to give a termination notice under section 7(3) of this chapter, the superintendent's contract is extended for twelve (12) months following the expiration date of the contract.

As added by P.L.1-2005, SEC.12.

IC 20-28-8-9
Director of special education; compensation for services before or after school term
Sec. 9. A managing body may provide in the contract of a local director compensation for services performed for a time, either before or after the school term, as considered necessary by the managing body.

As added by P.L.1-2005, SEC.12.
Director of special education; conditions for employment contract
Sec. 10. A contract of employment shall be entered into between the managing body and a local director subject to the following conditions:
(1) The basic contract must be the regular teacher's contract as prescribed by the state superintendent.
(2) The minimum term of the initial contract must be the equivalent of two (2) school years.
(3) The contract may be altered, modified, or rescinded in favor of a new contract at any time by mutual consent of the managing body and the local director if the written contract is consistent with this chapter.
As added by P.L.1-2005, SEC.12.

IC 20-28-8-11
Director of special education; expiration of contract; reinstatement; modification or termination
Sec. 11. (a) Before February 1 of the year during which the contract of a local director is due to expire, the managing body, or an employee at the direction of the managing body, shall give written notice of renewal or refusal to renew the local director's contract for the ensuing school year.
(b) If notice is not given before February 1 of the year during which the contract is due to expire, the contract then in force is reinstated only for the ensuing school year.
(c) This section does not prevent the modification or termination of a contract by mutual agreement of the local director and the managing body.
As added by P.L.1-2005, SEC.12.

IC 20-28-8-12
Director of special education; nonrenewal of contract; notice; private conference
Sec. 12. (a) At least thirty (30) days before giving written notice of refusal to renew a contract under section 11 of this chapter, the managing body, or an employee at the direction of the managing body, shall inform the local director by written preliminary notice that:
(1) the managing body is considering a decision not to renew the contract; and
(2) if the local director files a request with the managing body for a private conference not later than five (5) days after receiving the preliminary notice, the local director is entitled to a private conference with the superintendent, president, trustee, or other head of the managing body.
(b) If the local director files a request with the managing body for an additional private conference not more than five (5) days after the initial private conference with the superintendent, president, trustee, or other head of the managing body, the local director is entitled to an additional private conference with the managing body before
being given written notice of refusal to renew the contract.

(c) The preliminary notice required under this section must include the managing body's reasons for considering a decision not to renew. 
As added by P.L.1-2005, SEC.12.
IC 20-28-9
Chapter 9. Salary and Related Payments

IC 20-28-9-0.2
Application of certain amendments to prior law
Sec. 0.2. The amendments made to IC 20-6.1-5-14 (before its repeal, now codified at section 20 of this chapter) by P.L.46-1985 do not affect contracts entered into before, and in effect on, July 1, 1986. As added by P.L.220-2011, SEC.335.

IC 20-28-9-1
Repealed
(Repealed by P.L.48-2011, SEC.39; P.L.286-2013, SEC.89.)

IC 20-28-9-1.5
Teacher's minimum salary; basis
Sec. 1.5. (a) This subsection applies to a contract in effect July 1, 2012, or upon the expiration of a contract in existence on July 1, 2011, whichever is earlier, and governs salary increases for a teacher employed by a school corporation on or after the date this subsection takes effect. Compensation attributable to additional degrees or graduate credits earned before the effective date of the local salary schedule created under this chapter shall continue. Compensation attributable to additional degrees for which a teacher has started course work before July 1, 2011, and completed course work before September 2, 2014, shall also continue.
(b) Increases or increments in a local salary scale must be based upon a combination of the following factors:
(1) A combination of the following factors taken together may account for not more than thirty-three percent (33%) of the calculation used to determine a teacher's increase or increment:
(A) The number of years of a teacher's experience.
(B) The attainment of either:
   (i) additional content area degrees beyond the requirements for employment; or
   (ii) additional content area degrees and credit hours beyond the requirements for employment, if required under an agreement bargained under IC 20-29.
(2) The results of an evaluation conducted under IC 20-28-11.5.
(3) The assignment of instructional leadership roles, including the responsibility for conducting evaluations under IC 20-28-11.5.
(4) The academic needs of students in the school corporation.
(c) A teacher rated ineffective or improvement necessary under IC 20-28-11.5 may not receive any raise or increment for the following year if the teacher's employment contract is continued. The amount that would otherwise have been allocated for the salary increase of teachers rated ineffective or improvement necessary shall be allocated for compensation of all teachers rated effective and highly effective based on the criteria in subsection (b).
(d) A teacher who does not receive a raise or increment under subsection (c) may file a request with the superintendent or 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.

(e) Not later than January 31, 2012, the department shall publish a model salary schedule that a school corporation may adopt.

(f) Each school corporation shall submit its local salary schedule to the department. The department shall publish the local salary schedules on the department's Internet website.

(g) The department shall report any noncompliance with this section to the state board.

(h) The state board shall take appropriate action to ensure compliance with this section.

(i) This chapter may not be construed to require or allow a school corporation to decrease the salary of any teacher below the salary the teacher was earning on or before July 1, 2012, if that decrease would be made solely to conform to the new salary scale.

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

As added by P.L.286-2013, SEC.90.

IC 20-28-9-2
Repealed
(Repealed by P.L.48-2011, SEC.39; P.L.90-2011, SEC.50.)

IC 20-28-9-3
Repealed
(Repealed by P.L.48-2011, SEC.39; P.L.90-2011, SEC.50.)

IC 20-28-9-4
Repealed
(Repealed by P.L.48-2011, SEC.39; P.L.90-2011, SEC.50.)

IC 20-28-9-5
Computation of annual salary of teacher or distribution of state funds; rounding to nearest dollar
Sec. 5. In computing the annual salary of a teacher or when distributing state funds, an amount of less than fifty cents ($0.50) is dropped while an amount of fifty cents ($0.50) or more is rounded up to the next whole dollar.
As added by P.L.1-2005, SEC.12.

IC 20-28-9-6
Substitute teachers; wages; no written contract required
Sec. 6. (a) The governing body shall fix wages for substitute teachers.
(b) A substitute teacher may be engaged without a written
contract.
As added by P.L.1-2005, SEC.12.

IC 20-28-9-7
Substitute teachers; certain licenses; pay schedule
Sec. 7. (a) An individual who:
   (1) holds:
      (A) a professional license;
      (B) a provisional license;
      (C) a limited license; or
      (D) an equivalent license issued by the department; and
   (2) serves as an occasional substitute teacher;
shall be compensated on the pay schedule for substitutes of the school corporation the individual serves.
(b) An individual who:
   (1) holds a:
      (A) professional license; or
      (B) provisional license; and
   (2) serves as a substitute teacher in the same teaching position for more than fifteen (15) consecutive school days;
shall be compensated on the regular pay schedule for teachers of the school corporation the individual serves.

IC 20-28-9-8
Substitute teacher with substitute license; compensation schedule
Sec. 8. An individual who holds a substitute license shall be compensated on the pay schedule for substitutes of the school corporation the individual serves.
As added by P.L.1-2005, SEC.12.

IC 20-28-9-9
Teacher absence from work with pay; accumulated unused days
Sec. 9. (a) Each teacher may be absent from work with pay:
   (1) on account of illness or quarantine for ten (10) days the first year and seven (7) days in each succeeding year (referred to as "sick days" in this chapter); and
   (2) for death in the teacher's immediate family for a period extending not more than five (5) days beyond the death.
   (b) If the teacher does not use all the teacher's sick days in a school year, the unused days accumulate up to a total of ninety (90) days. However, each teacher shall be credited with the accumulative days accrued to the teacher on January 1, 1966.
As added by P.L.1-2005, SEC.12.

IC 20-28-9-10
Teacher with at least one accumulated sick day; employment by another school corporation
Sec. 10. (a) This section applies whenever a teacher accumulates
at least one (1) sick day and then is employed in another school corporation.

(b) Beginning in the teacher's second year, the teacher's employer shall add up to three (3) sick days each year to the number of sick days to which the teacher is entitled under section 9(a) of this chapter until the accumulated sick days to which the teacher was entitled in the teacher's last employment are exhausted.

As added by P.L.1-2005, SEC.12.

IC 20-28-9-11  
**Teacher absence from work with pay; agreement between school employer and exclusive representative**

Sec. 11. Absences that are not described in sections 9 through 10 of this chapter may be taken with pay when agreed on by the school employer and the exclusive representative under IC 20-29.

As added by P.L.1-2005, SEC.12.

IC 20-28-9-12  
**Adoption of regulations by school corporation governing payment or part payment of teachers; conditions**

Sec. 12. A school corporation may adopt regulations governing the payment or part payment of teachers and then make payments in accordance with those regulations to teachers who are absent because of:

(1) sickness;
(2) attending school conventions or meetings;
(3) visiting other schools; or
(4) a death in the immediate family.

As added by P.L.1-2005, SEC.12.

IC 20-28-9-13  
**Voluntary sick day bank**

Sec. 13. A school corporation may establish a voluntary sick day bank:

(1) to which a teacher may contribute unused sick days; and
(2) from which a contributing teacher may draw sick days when the contributing teacher's accumulated sick days are exhausted.

As added by P.L.1-2005, SEC.12.

IC 20-28-9-14  
**Teacher personal days**

Sec. 14. Each teacher may have at least two (2) days each year with pay for the transaction of personal business or the conduct of personal or civic affairs. The teacher shall submit to the superintendent a written statement describing the reason and necessity for the absence.

As added by P.L.1-2005, SEC.12.

IC 20-28-9-15  
**Teacher payment when school is closed**

As added by P.L.1-2005, SEC.12.
Sec. 15. If during the term of the teacher's contract:
   (1) the school is closed by order of the:
       (A) school corporation; or
       (B) health authorities; or
   (2) school cannot be conducted through no fault of the teacher;
the teacher shall receive regular payments during that time. If a
canceled student instructional day (as defined in IC 20-30-2-2) is
rescheduled to comply with IC 20-30-2, each teacher and
(notwithstanding IC 20-27-8-7) each school bus driver shall work on
that rescheduled day without additional compensation.
As added by P.L.1-2005, SEC.12.

IC 20-28-9-16
School closure for Christmas holidays; no payment of teachers' salaries; length of school term
   Sec. 16. A school may be closed for up to two (2) weeks for
Christmas holidays without payment of teachers' salaries. Closing the
school for Christmas holidays does not shorten the length of the
school term.
As added by P.L.1-2005, SEC.12.

IC 20-28-9-17
Teacher payment for Saturdays
   Sec. 17. The governing body of a school city may pay the salary
of teachers for Saturdays in addition to the other days that school is
in session.
As added by P.L.1-2005, SEC.12.

IC 20-28-9-18
Salary deductions
   Sec. 18. (a) Upon a teacher's written request, a governing body
shall withhold the requested amount of money from the salary of the
teacher for a purpose described in subsection (c).
   (b) Upon a written request from a beneficiary of the Indiana state
teachers' retirement fund, a governing body may receive a given
amount of money for a purpose described in subsection (c).
   (c) The governing body shall hold the amounts described in
subsections (a) and (b) and pay the amounts, as requested by the
teacher or the beneficiary, to an insurance company or other agency
or organization in Indiana that provides, extends, supervises, or pays
for:
       (1) insurance or other protection; or
       (2) the establishment of or payment on an annuity account;
for the teacher. If a dividend accrues on a policy, the dividend shall
be paid or credited to the teacher.
   (d) If less than twenty percent (20%) of the teachers employed by
a governing body request payment of the amounts described in
subsection (c) to a single recipient, withholding the amounts of
money for insurance, dues, or other purposes is discretionary with the
governing body.
IC 20-28-9-19
Retirement, savings, or severance pay plan
Sec. 19. (a) If a governing body of a school corporation agrees to a retirement, savings, or severance pay plan with a teacher or with an exclusive representative under IC 20-29, the benefits may be paid to:
(1) the teacher who is eligible under a negotiated retirement, savings, or severance pay plan; or
(2) in the case of the teacher's death:
   (A) the teacher's designated beneficiary; or
   (B) the teacher's estate, if there is no designated beneficiary.
Payments may be made in a lump sum or in installments as agreed upon by the parties or to a savings plan established under IC 5-10-1.1-1(2).
(b) Notwithstanding IC 6-1.1-20, the payments under this section shall be made from the general fund of the school corporation and may be made for a period exceeding one (1) year.
As added by P.L.1-2005, SEC.12.

IC 20-28-9-20
Participation in health insurance plan upon retirement
Sec. 20. A teacher who is employed by a school corporation that provides a health insurance plan for its employees may participate in the health insurance plan upon retirement under IC 5-10-8.
As added by P.L.1-2005, SEC.12.

IC 20-28-9-21
Suspension of teacher without pay; reasons
Sec. 21. (a) This section and sections 22 through 23 of this chapter apply to the suspension of a teacher without pay when the procedure for the cancellation of the teacher's contract under IC 20-28-7.5 does not apply.
(b) A teacher may be suspended from duty without pay only for the following reasons:
(1) Immorality.
(2) Insubordination, which means the willful refusal to obey the state school laws or reasonable rules prescribed for the government of the school corporation.
(3) Neglect of duty.
(4) Substantial inability to perform teaching duties.
(5) Good and just cause.

IC 20-28-9-22
Suspension of teacher without pay; procedure
Sec. 22. A teacher may be suspended without pay only under the following procedure:
(1) The teacher must be notified in writing not more than forty (40) days and not less than thirty (30) days before the date of the
consideration of the date, time, and place for the consideration by the school corporation of the suspension of the teacher without pay.

(2) The teacher shall be furnished, not later than five (5) days after a written request, a written statement of the reasons for the consideration.

(3) The teacher may file a written request for a hearing not later than fifteen (15) days after receipt of the notice of this consideration.

(4) If a request for a hearing is filed, the teacher must be given a hearing before the governing body on a day not earlier than five (5) days after filing the request.

(5) The teacher must be given at least five (5) days notice of the date, time, and place of the hearing.

(6) At the hearing, the teacher is entitled:
   (A) to a full statement of the reasons for the proposed suspension without pay; and
   (B) to be heard and to present the testimony of witnesses and other evidence bearing on the reasons for the proposed suspension without pay.

(7) A teacher may not be suspended without pay until:
   (A) the date is set for consideration of the suspension without pay;
   (B) after a hearing is held, if a hearing is requested by the teacher; and
   (C) except on the suspension of a superintendent's contract, the superintendent has given recommendations on the suspension not later than five (5) days after the school corporation makes the request for recommendations.

(8) After complying with this section, the governing body of the school corporation may suspend a teacher without pay for a reasonable time by a majority vote evidenced by a signed statement in the minutes of the board.

The vote to suspend a teacher without pay described in subdivision (8) must be taken by the governing body on the date and at the time and place specified in subdivision (1).

As added by P.L.1-2005, SEC.12.

IC 20-28-9-23
Hearing regarding suspension of teacher without pay; subpoenas

Sec. 23. The governing body may appoint an agent (who is not an employee of the school corporation but who may be a member of the governing body or an attorney retained to administer the hearing proceedings under this section) to issue subpoenas for the attendance of witnesses for either party at the hearing under section 22 of this chapter. A subpoena issued under this section shall be:

(1) served by the party who seeks to compel the attendance of a witness; and

(2) upon application to the court by the party, enforced in the manner provided by law for the service and enforcement of
subpoenas in a civil action.

As added by P.L.1-2005, SEC.12.

IC 20-28-9-24
Examination for teacher licensure; furnishing of test scores

Sec. 24. (a) This section applies to an examination that is required for teacher licensure under this chapter.

(b) If an individual does not demonstrate the level of proficiency required to receive a license on all or a part of an examination, the examination's scorer must provide the individual with the individual's test scores, including subscores for each area tested.

As added by P.L.1-2005, SEC.12.
IC 20-28-10
Chapter 10. Conditions of Employment

IC 20-28-10-1
Leave of absence; generally

Sec. 1. (a) A school corporation may grant a teacher a leave of absence not to exceed one (1) year for:
   (1) a sabbatical;
   (2) a disability leave; or
   (3) a sick leave.

   (b) The school corporation may grant consecutive leaves to a teacher.

   (c) A school corporation may grant partial compensation for a leave in an amount the school corporation determines. However, if a teacher on a sabbatical serves an employer that agrees to reimburse the school corporation in whole or in part of the amount of the teacher's regular salary, the school corporation may grant full or partial compensation.

   (d) A teacher who is pregnant shall be granted a leave of absence for the period provided in and subject to section 5 of this chapter.

   (e) Except where a contract is not required under IC 20-28-7.5 in a situation that occurs before or after the commencement of leave, the teacher and the school corporation shall execute a regular teacher's contract for each school year in which any part of the teacher's leave is granted.

   (f) The teacher has the right to return to a teaching position for which the teacher is certified or otherwise qualified under the rules of the state board.


IC 20-28-10-2
Leave of absence; rights of teacher; group insurance coverage; sick leave; probationary years of service; charges against teacher's accumulated sick days

Sec. 2. (a) Except as provided in section 1 of this chapter, rights existing at the time a leave commences that arise from a teacher's:
   (1) status as a professional or established teacher;
   (2) accumulation of successive years of service;
   (3) service performed under a teacher's contract under IC 20-28-6-8; or
   (4) status or rights negotiated under IC 20-29;
remain intact.

   (b) During a leave the teacher may maintain coverage in a group insurance program by paying the total premium including the school corporation's share, if any, attributable to the leave period. The school corporation may elect to pay all or part of the cost of the premium as an adopted or negotiated fringe benefit to teachers on leave.

   (c) During a leave extending into a part of a school year, a teacher accumulates sick leave under IC 20-28-9-9 through IC 20-28-9-12, or a salary schedule of the school corporation that provides greater
sick leave, in the same proportion that the number of days the teacher is paid during the year for work or leave bears to the total number of days for which teachers are paid in the school corporation.

(d) Except as provided in section 1 of this chapter, during a leave of a probationary teacher, the period of probationary successive years of service under a teacher's contract that is a condition precedent to becoming a professional or established teacher under IC 20-28-6-8 is uninterrupted for that teacher. However, this probationary period may not include an entire school year spent on leave.

(e) All or part of a leave granted for sickness or disability, including pregnancy related disability, may be charged at the teacher's discretion to the teacher's available sick days. However, the teacher is not entitled to take accumulated sick days when the teacher's physician certifies that the teacher is capable of performing the teacher's regular teaching duties. The teacher is entitled to complete the remaining leave without pay.


IC 20-28-10-3
Leave of absence; sabbatical

Sec. 3. (a) A school corporation may grant a teacher, on written request, a sabbatical for improvement of professional skills through:

(1) advanced study;
(2) work experience;
(3) teacher exchange programs; or
(4) approved educational travel.

(b) After taking a sabbatical, the teacher shall return for a length of time equal to that of the sabbatical leave.

As added by P.L.1-2005, SEC.12.

IC 20-28-10-4
Leave of absence; disability or sick leave

Sec. 4. (a) A school corporation may place a teacher, with or without written request, on a disability or sick leave not to exceed one (1) year.

(b) A teacher placed on a disability or sick leave without a written request is entitled to a hearing on that action under IC 20-28-7.5.


IC 20-28-10-5
Leave of absence; pregnancy

Sec. 5. (a) A teacher who is pregnant may continue in active employment as late into pregnancy as the teacher wishes, if the teacher can fulfill the requirements of the teacher's position.

(b) Temporary disability caused by pregnancy is governed by the following:

(1) A teacher who is pregnant shall be granted a leave of absence any time between the commencement of the teacher's pregnancy and one (1) year following the birth of the child, if the teacher notifies the superintendent at least thirty (30) days
before the date on which the teacher wishes to start the leave. The teacher shall notify the superintendent of the expected length of this leave, including with this notice either:

(A) a physician's statement certifying the teacher's pregnancy; or

(B) a copy of the birth certificate of the newborn; whichever is applicable. However, in the case of a medical emergency caused by pregnancy, the teacher shall be granted a leave, as otherwise provided in this section, immediately on the teacher's request and the certification of the emergency from an attending physician.

(2) All or part of a leave taken by a teacher because of a temporary disability caused by pregnancy may be charged, at the teacher's discretion, to the teacher's available sick days. However, the teacher is not entitled to take accumulated sick days when the teacher's physician certifies that the teacher is capable of performing the teacher's regular teaching duties. The teacher is entitled to complete the remaining leave without pay. However, the teacher may receive compensation for the pregnancy leave under a collective bargaining agreement or, if the teacher is not represented by an exclusive representative, by governing body policy.

As added by P.L.1-2005, SEC.12.

IC 20-28-10-6

Full-time defense service

Sec. 6. (a) This section and sections 7 through 11 of this chapter apply to a teacher who through:

(1) volunteering; or

(2) statutory selection;

enters defense service on a full-time basis.

(b) Because the United States Congress has decreed that it is imperative to increase and train United States armed forces personnel, this section and sections 7 through 11 of this chapter:

(1) provide protection for teachers who have been called to leave their positions to defend the nation due to the necessity of war or a state of emergency;

(2) preserve the status and contract rights under the laws to any teacher who enters the defense service; and

(3) place those teachers in a position that the defense service does not operate as an interruption of teaching service because the contract rights that each teacher had when entering the defense service are preserved during that service the same as if the teacher had not entered the service.

As added by P.L.1-2005, SEC.12.

IC 20-28-10-7

Defense service; professional or established teacher

Sec. 7. A professional or established teacher:

(1) with an indefinite contract under IC 20-28-6-8; and
(2) who is described in section 6(a) of this chapter; is granted a leave of absence during the defense service.

IC 20-28-10-8
Defense service; probationary teacher

Sec. 8. (a) If a probationary teacher who is described in section 6(a) of this chapter enters the defense service, the teacher's contract as a teacher and the teacher's rights to probationary successive years under contract are preserved with the school corporation as the teacher had them when entering the defense service.

(b) The period of probationary successive years of service under a teacher's contract that is a condition precedent to becoming a professional or established teacher under IC 20-28-6-8 is considered uninterrupted for a teacher to whom this section applies. However, this probationary period may not include the time spent in defense service. The teacher is granted a leave of absence during the defense service.

IC 20-28-10-9
Defense service; teacher's reinstatement status

Sec. 9. On reinstatement, the status of the teacher described in section 6(a) of this chapter is the same as when the teacher entered the defense service. All rights to changes of salary or position, except as specified in section 8 of this chapter, accrue to the teacher as if no interruption had occurred.
As added by P.L.1-2005, SEC.12.

IC 20-28-10-10
Defense service; rights under teachers' retirement fund

Sec. 10. (a) A teacher described in section 6(a) of this chapter retains the teacher's contractual rights in the Indiana state teachers' retirement fund.

(b) Contributions and payments into the retirement fund shall be made in the same manner as they are made for a member of the fund who is granted a leave of absence under the law pertaining to that fund.

(c) The teacher is granted a leave of absence during the defense service.
As added by P.L.1-2005, SEC.12.

IC 20-28-10-11
Defense service; reinstatement period

Sec. 11. (a) Not later than sixty (60) days after:

(1) an honorable or medical discharge; or
(2) release from active participation in the defense service; a teacher who has received a leave of absence for defense service shall return to the school corporation for reinstatement. The school corporation shall then reinstate the teacher.
(b) If the teacher is unable to return for reinstatement within the sixty (60) day period for any reason arising from mental or physical disability, the teacher has sixty (60) days after the date of removal of the disability to apply for reinstatement.

(c) On reinstatement or on written resignation submitted to the school corporation, the teacher's leave of absence and defense service is considered terminated.

As added by P.L.1-2005, SEC.12.

IC 20-28-10-12
Antidiscrimination; marital status

Sec. 12. A governing body or the governing body's agent may not make or enforce a rule or regulation concerning the employment of teachers that discriminates because of marital status.

As added by P.L.1-2005, SEC.12.

IC 20-28-10-13
Antidiscrimination; residence requirements

Sec. 13. (a) A governing body may not adopt residence requirements for teachers or other school employees in the governing body's employment, assignment, or reassignment for services in a prescribed area.

(b) A school corporation that violates subsection (a) is ineligible for state funds under all enactments regarding that subject. The state superintendent and other state officials shall administer the funds accordingly on the submission of sworn proof of the existence of the discriminatory residence requirements.

As added by P.L.1-2005, SEC.12.

IC 20-28-10-14
Teacher's freedom of association

Sec. 14. (a) A school corporation may not dismiss or suspend any employee because of affiliation with or activity in an organization unless that organization advocates:

(1) the overthrow of the United States government by:
   (A) force; or
   (B) the use of violence; or
(2) the violation of law;

    to achieve its objective.

(b) A rule or regulation contrary to subsection (a) is void.

As added by P.L.1-2005, SEC.12.

IC 20-28-10-15
Teacher as public office candidate

Sec. 15. A governing body may not dismiss, suspend, or enforce a mandatory leave of absence on a teacher who is a candidate for public office unless evidence is submitted to the governing body that would substantiate a finding that the teacher's activity has:

(1) impaired the teacher's effectiveness in the teacher's service;

    or
(2) interfered with the performance of the teacher's contractual obligations.

A suspension is valid only during the period of the impairing activity. 
As added by P.L.1-2005, SEC.12.

IC 20-28-10-16
Teacher serving in the general assembly
Sec. 16. (a) If a teacher serves in the general assembly, the teacher shall be given credit for the time spent in this service, including the time spent for council or committee meetings. The leave for this service does not diminish the teacher's rights under the Indiana state teachers' retirement fund or the teacher's advancement on the state or a local salary schedule. For these purposes, the teacher is, despite the leave, considered teaching for the school during that time.

(b) The compensation received while serving in the general assembly shall be included for teachers retiring after June 30, 1980, in the determination of the teacher's annual compensation to compute the teacher's retirement benefit under IC 5-10.2-4. A teacher serving in the general assembly may choose to have deductions made from the teacher's salary as a legislator for contributions under either IC 5-10.4-4-11 or IC 5-10.3-7-9.

IC 20-28-10-17
School counselors; privileged or confidential information
Sec. 17. (a) Except as provided in IC 31-32-11-1, a school counselor is immune from disclosing privileged or confidential communication made to the counselor as a counselor by a student.

(b) Except as provided in IC 31-32-11-1, the matters communicated are privileged and protected against disclosure.
As added by P.L.1-2005, SEC.12.

IC 20-28-10-18
Teacher's legal recourse for infringement of rights and privileges
Sec. 18. A teacher whose rights and privileges under sections 14 through 17 of this chapter are or are about to be infringed by a rule or regulation may, in accord with the law governing injunctions, seek to enjoin the school corporation from the infringement. A circuit or superior court shall issue the injunction if the court finds an infringement.
As added by P.L.1-2005, SEC.12.

IC 20-28-10-19
Daily free time for teachers
Sec. 19. (a) Each governing body and its administrators shall arrange each teacher's daily working schedule to provide at least thirty (30) minutes between 10 a.m. and 2 p.m. for a period free of duties.

(b) The state superintendent shall report each failure to comply with subsection (a) to the state board, which shall immediately inform
the governing body of each alleged violation.

(c) If the school corporation persistently fails or refuses to comply with subsection (a) for one (1) year, the state board shall:

(1) lower the grade of accreditation of the school corporation; and

(2) publish notice of that action in at least one (1) newspaper published in the county.

As added by P.L.1-2005, SEC.12.
IC 20-28-11
Repealed
(Repealed by P.L.90-2011, SEC.50.)
IC 20-28-11.5
Chapter 11.5. Staff Performance Evaluations

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).

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 (as defined in IC 20-29-2-4). 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
(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 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.

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

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

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.


IC 20-28-11.5-9
Department report of evaluation results
Sec. 9. (a) Before November 15 of each year, each charter school (including a virtual charter school) and school corporation shall provide the disaggregated results of staff performance evaluations by
teacher identification numbers to the department.

(b) 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.

(c) 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 (a) 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 (b). 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 (f).

(d) 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 (a) 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 (b). 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.

(e) 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 (a), 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.

(f) 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 (c);
2. information from the forms relevant to that particular teacher preparation program compiled by the department under subsection (d); 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.

IC 20-28-12
Chapter 12. Endorsement for Independent Practice School Psychologists

IC 20-28-12-1
Application of chapter
Sec. 1. This chapter does not apply to a psychologist who is licensed under IC 25-33.
As added by P.L.1-2005, SEC.12.

IC 20-28-12-2
Compliance with requirements for endorsement
Sec. 2. In order to:
(1) practice school psychology; and
(2) receive an endorsement as an independent practice school psychologist;
a school psychologist must comply with this chapter.
As added by P.L.1-2005, SEC.12.

IC 20-28-12-3
Requirements for endorsement
Sec. 3. An individual who applies for an endorsement as an independent practice school psychologist must meet the following requirements:
(1) Be licensed as a school psychologist by the department.
(2) Be employed by a:
(A) developmental center;
(B) state hospital;
(C) public or private hospital;
(D) mental health center;
(E) rehabilitation center;
(F) private school; or
(G) public school;
at least thirty (30) hours per week during the contract period unless the individual is retired from full-time or part-time employment as a school psychologist or the individual has a medical condition or physical disability that restricts the mobility required for employment in a school setting.
(3) Furnish satisfactory evidence to the department that the applicant has received at least a sixty (60) graduate semester hour or ninety (90) quarter hour master’s or specialist degree in school psychology from:
(A) a recognized postsecondary educational institution; or
(B) an educational institution not located in the United States that has a program of study that meets the standards of the department.
(4) Furnish satisfactory evidence to the department that the applicant has demonstrated graduate level competency through the successful completion of course work and a one thousand two hundred (1,200) hour supervised internship of school
psychology, of which at least six hundred (600) hours must be in a school setting.

5) Furnish satisfactory evidence to the department that the applicant has successfully completed at least one thousand two hundred (1,200) hours of school psychology experience after completion of graduate degree requirements and not including the supervised internship for degree or licensing requirements. At least six hundred (600) hours must be in a school setting under the supervision of any of the following:
   (A) A physician licensed under IC 25-22.5.
   (B) A psychologist licensed under IC 25-33.
   (C) A school psychologist endorsed under this chapter or currently holding a national certification from the National Association of School Psychologists.

6) Furnish satisfactory evidence to the department that the applicant has completed, in addition to the requirements in subdivision (5), at least:
   (A) twelve (12) hours of training provided by a health service professional in psychology licensed under IC 25-33-1 or a psychiatrist licensed as a physician under IC 25-22.5 in the identification and referral of mental and behavioral disorders; and
   (B) ten (10) case studies or evaluations requiring the identification or referral of mental or behavioral disorders.

   Case studies or evaluations may include the following:
   (i) Consultations with teachers and parents.
   (ii) Intervention services, excluding psychotherapy.
   (iii) Functional behavior assessments.
   (iv) Behavior improvement plans.
   (v) Progress monitoring.

7) Furnish satisfactory evidence to the department that the applicant has completed, in addition to the requirements of subdivisions (5) and (6), thirty (30) hours of supervision with a physician licensed under IC 25-22.5, a psychologist licensed under IC 25-33, or a school psychologist endorsed under this chapter or currently holding national certification from the National Association of School Psychologists that meets the following requirements:
   (A) The thirty (30) hours must be completed within at least twenty-four (24) consecutive months but not less than six (6) months.
   (B) Not more than one (1) hour of supervision may be included in the total for each week.

8) Furnish satisfactory evidence to the department that the applicant does not have a conviction for a crime that has a direct bearing on the applicant's ability to practice competently.

9) Furnish satisfactory evidence to the department that the applicant has not been the subject of a disciplinary action by a licensing or certification agency of any jurisdiction on the grounds that the applicant was not able to practice as a school
psychologist without endangering the public.
(10) Pass the examination provided by the department.


IC 20-28-12-4
Provision of services on private basis

Sec. 4. (a) A school psychologist who is not employed or excused from employment as described in section 3(2) of this chapter may not provide services on a private basis to an individual unless the school psychologist receives a referral from one (1) of the following:
(1) A developmental center.
(2) A public school or private school.
(3) A physician licensed under IC 25-22.5.
(4) A health service professional in psychology licensed under IC 25-33-1.

(b) A school psychologist who is endorsed under this chapter may not provide services on a private basis to a student:
(1) who attends a school (including a nonpublic school) to which the school psychologist is assigned; or
(2) whom the school psychologist would normally be expected to serve.

As added by P.L.1-2005, SEC.12.

IC 20-28-12-5
School psychologist; disclosure of information

Sec. 5. A school psychologist who is endorsed under this chapter may not disclose any information acquired from persons with whom the school psychologist has dealt in a professional capacity, except under the following circumstances:
(1) Trials for homicide when the disclosure relates directly to the fact or immediate circumstances of the homicide.
(2) Proceedings:
   (A) to determine mental competency; or
   (B) in which a defense of mental incompetency is raised.
(3) Civil or criminal actions against a school psychologist for malpractice.
(4) Upon an issue as to the validity of a document.
(5) If the school psychologist has the express consent of the client or, in the case of a client's death or disability, the express consent of the client's legal representative.
(6) Circumstances under which privileged communication is lawfully invalidated.

As added by P.L.1-2005, SEC.12.