

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.
As added by P.L.1-2005, SEC.12. Amended by P.L.246-2005, SEC.155.

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.

As added by P.L.1-2005, SEC.12. Amended by P.L.246-2005, SEC.156; P.L.90-2011, SEC.22.

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.

As added by P.L.1-2005, SEC.12. Amended by P.L.246-2005, SEC.157; P.L.166-2007, SEC.1; P.L.75-2008, SEC.1; P.L.90-2011, SEC.23; P.L.93-2011, SEC.3; P.L.146-2011, SEC.1; P.L.6-2012, SEC.135.

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.

As added by P.L.1-2005, SEC.12. Amended by P.L.246-2005, SEC.158.

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.

As added by P.L.1-2005, SEC.12. Amended by P.L.246-2005, SEC.159; P.L.151-2006, SEC.8; P.L.121-2009, SEC.10; P.L.90-2011, SEC.24; P.L.138-2011, SEC.4; P.L.182-2011, SEC.4; P.L.155-2011, SEC.4; P.L.78-2012, SEC.5; P.L.196-2013, SEC.6; P.L.158-2013, SEC.250; P.L.214-2013, SEC.20; P.L.168-2014, SEC.32.

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.

As added by P.L.1-2005, SEC.12. Amended by P.L.246-2005, SEC.161.

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.

As added by P.L.1-2005, SEC.12. Amended by P.L.246-2005, SEC.163; P.L.90-2011, SEC.25; P.L.6-2012, SEC.136.

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.

As added by P.L.1-2005, SEC.12. Amended by P.L.90-2011, SEC.26.

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).

As added by P.L.1-2005, SEC.12. Amended by P.L.246-2005, SEC.164; P.L.90-2011, SEC.27; P.L.172-2011, SEC.121.

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.

As added by P.L.75-2008, SEC.2. Amended by P.L.121-2009, SEC.11.

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.

As added by P.L.91-2011, SEC.28. Amended by P.L.205-2013, SEC.253.