

SENATE BILL No. 379

DIGEST OF INTRODUCED BILL

Citations Affected: IC 20-28; IC 20-29-6.

Synopsis: Teacher shortage. Establishes a beginning teacher residency program. Provides that the department of education may not add additional requirements to obtain a teacher's license for an individual who is a graduate of an accredited teacher training program located outside of Indiana or for a teacher who holds a teaching license issued by another jurisdiction if the individual or teacher otherwise meets the requirements for a license or is a national board certified teacher. Provides that a teacher who teaches or is licensed to teach: (1) in the areas of science, technology, engineering, or mathematics; or (2) special education; may voluntarily enter into an employment contract with a school corporation that contains terms that differ from the terms set forth in the collective bargaining agreement. Provides that it is not an unfair labor practice for a school corporation to enter into a voluntary employment contract. Requires a school corporation to provide the exclusive representative with the amount of salary, wages, and wage related fringe benefits for voluntary employment contracts before collective bargaining begins. Provides that a school corporation must post the salary, wages, and wage related fringe benefits of a voluntary employment contract on the school corporation's Internet web site.

Effective: July 1, 2016.

Miller Pete

January 11, 2016, read first time and referred to Committee on Education & Career Development.



Second Regular Session 119th General Assembly (2016)

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

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

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2015 Regular Session of the General Assembly.

SENATE BILL No. 379



A BILL FOR AN ACT to amend the Indiana Code concerning education.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 20-28-3-6 IS ADDED TO THE INDIANA CODE
- 2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
- 3 1, 2016]: **Sec. 6. (a) As used in this section, "beginning teacher"**
- 4 **refers to an individual who holds an initial practitioner license.**
- 5 **(b) A beginning teacher shall participate in a two (2) year**
- 6 **beginning teacher residency program.**
- 7 **(c) The beginning teacher residency program shall:**
- 8 **(1) assist a beginning teacher in the performance of the**
- 9 **beginning teacher's duties;**
- 10 **(2) identify teaching skills and educational practices necessary**
- 11 **for excellence in teaching; and**
- 12 **(3) require building level administrators to assess the**
- 13 **performance of beginning teachers.**
- 14 **(d) A beginning teacher residency program is a two (2) year**
- 15 **program that includes the following:**
- 16 **(1) An initial conference between the building level**
- 17 **administrator and the beginning teacher to discuss the**



- 1 following:
- 2 (A) The assessment schedule under subdivision (2).
- 3 (B) The minimum assessment criteria developed by the
- 4 department under subsection (f)(1).
- 5 (2) An assessment of the beginning teacher's performance
- 6 before November 15 and April 15 during each of the two (2)
- 7 years of the beginning teacher's employment. The building
- 8 level administrator shall assess the beginning teacher by using
- 9 the minimum assessment criteria provided by the department
- 10 under subsection (f)(1).
- 11 (3) A growth plan for the beginning teacher if the building
- 12 level administrator determines after any assessment under
- 13 subdivision (2) that a beginning teacher is deficient in any
- 14 area being assessed. The growth plan must be in writing and
- 15 include the following:
- 16 (A) The building level administrator's specific expectations
- 17 for the beginning teacher.
- 18 (B) Actions to be taken by the beginning teacher to meet
- 19 the expectations.
- 20 (C) A date for the actions to be completed.
- 21 (D) The next assessment date.
- 22 (4) If the building level administrator creates a growth plan
- 23 in accordance with subdivision (3), a reassessment of the
- 24 beginning teacher must occur before the next assessment
- 25 required by subdivision (2).
- 26 (5) After April 15 of the second year of the residency program
- 27 but not later than May 1 of that year, the building level
- 28 administrator shall make a determination and provide a
- 29 written explanation to the beginning teacher and
- 30 superintendent that one (1) of the following occurred:
- 31 (A) The beginning teacher successfully completed the
- 32 residency program.
- 33 (B) The beginning teacher failed to successfully complete
- 34 the residency program.
- 35 (6) If a beginning teacher fails to successfully complete the
- 36 residency program, the residency may be extended one (1)
- 37 additional year.
- 38 (e) The beginning teacher residency program shall include a
- 39 school corporation sponsored mentoring program.
- 40 (f) The department shall:
- 41 (1) develop minimum assessment criteria to be used by a
- 42 building level administrator when assessing a beginning



1 teacher;

2 (2) develop forms for use by a building level administrator in
3 the assessment of the beginning teacher; and

4 (3) provide assistance in the development and implementation
5 of a beginning teacher residency program at the request of a
6 school corporation or building level administrator.

7 (g) Implementation of and participation in a residency program
8 is not a subject of:

9 (1) bargaining under IC 20-29-6-4; or

10 (2) discussion under IC 20-29-6-7.

11 SECTION 2. IC 20-28-5-3, AS AMENDED BY P.L.6-2012,
12 SECTION 135, IS AMENDED TO READ AS FOLLOWS
13 [EFFECTIVE JULY 1, 2016]: Sec. 3. (a) The department shall
14 designate the grade point average required for each type of license.

15 (b) The department shall determine details of licensing not provided
16 in this chapter, including requirements regarding the following:

17 (1) The conversion of one (1) type of license into another.

18 (2) The accreditation of teacher education schools and
19 departments.

20 (3) The exchange and renewal of licenses.

21 (4) The endorsement of another state's license. **In endorsing
22 another state's license held by a practitioner, the department
23 shall grant the practitioner an Indiana license if the
24 practitioner:**

25 (A) has met the requirements for an Indiana license,
26 whether or not the requirements were met in Indiana; or

27 (B) is certified by the National Board for Professional
28 Teaching Standards.

29 (5) The acceptance of credentials from teacher education
30 institutions of another state.

31 (6) The academic and professional preparation for each type of
32 license.

33 (7) The granting of permission to teach a high school subject area
34 related to the subject area for which the teacher holds a license.

35 (8) The issuance of licenses on credentials.

36 (9) The type of license required for each school position.

37 (10) The size requirements for an elementary school requiring a
38 licensed principal.

39 (11) Any other related matters.

40 The department shall establish at least one (1) system for renewing a
41 teaching license that does not require a graduate degree.

42 (c) This subsection does not apply to an applicant for a substitute



1 teacher license. After June 30, 2011, the department may not issue a
 2 initial practitioner license at any grade level to an applicant for an
 3 initial practitioner license unless the applicant shows evidence that the
 4 applicant:

5 (1) has successfully completed training approved by the
 6 department in:

7 (A) cardiopulmonary resuscitation that includes a test
 8 demonstration on a mannequin;

9 (B) removing a foreign body causing an obstruction in an
 10 airway;

11 (C) the Heimlich maneuver; and

12 (D) the use of an automated external defibrillator;

13 (2) holds a valid certification in each of the procedures described
 14 in subdivision (1) issued by:

15 (A) the American Red Cross;

16 (B) the American Heart Association; or

17 (C) a comparable organization or institution approved by the
 18 advisory board; or

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

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

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

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

35 (1) has successfully completed training approved by the
 36 department in:

37 (A) cardiopulmonary resuscitation that includes a test
 38 demonstration on a mannequin;

39 (B) removing a foreign body causing an obstruction in an
 40 airway;

41 (C) the Heimlich maneuver; and

42 (D) the use of an automated external defibrillator;



- 1 (2) holds a valid certification in each of the procedures described
 2 in subdivision (1) issued by:
 3 (A) the American Red Cross;
 4 (B) the American Heart Association; or
 5 (C) a comparable organization or institution approved by the
 6 advisory board; or
 7 (3) has physical limitations that make it impracticable for the
 8 applicant to complete a course or certification described in
 9 subdivision (1) or (2).
 10 (f) The department shall periodically publish bulletins regarding:
 11 (1) the details described in subsection (b);
 12 (2) information on the types of licenses issued;
 13 (3) the rules governing the issuance of each type of license; and
 14 (4) other similar matters.

15 SECTION 3. IC 20-28-5-5, AS ADDED BY P.L.1-2005, SECTION
 16 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,
 17 2016]: Sec. 5. If a teacher who is a graduate of an accredited institution
 18 outside Indiana does not meet certain technical requirements for a
 19 license, the teacher may be granted **a the particular type of license and**
 20 **a reasonable amount of time to fulfill the requirements of the license**
 21 **granted: sought.**

22 SECTION 4. IC 20-29-6-4, AS AMENDED BY P.L.213-2015,
 23 SECTION 186, IS AMENDED TO READ AS FOLLOWS
 24 [EFFECTIVE JULY 1, 2016]: Sec. 4. (a) A school employer shall
 25 bargain collectively with the exclusive representative on the following:
 26 (1) Salary.
 27 (2) Wages.
 28 (3) Salary and wage related fringe benefits, including accident,
 29 sickness, health, dental, vision, life, disability, retirement benefits,
 30 and paid time off as permitted to be bargained under
 31 IC 20-28-9-11.

32 (b) Salary and wages include the amounts of pay increases available
 33 to employees under the compensation plan adopted under
 34 IC 20-28-9-1.5, but do not include the teacher evaluation procedures
 35 and criteria, any components of the teacher evaluation plan, rubric, or
 36 tool, or any performance stipend or addition to base salary based on a
 37 performance stipend to an individual teacher under IC 20-43-10-3.

38 **(c) A school employer shall provide the exclusive representative**
 39 **the amount of salary, wages, and salary and wage related fringe**
 40 **benefits for employment contracts entered into under section 9.5**
 41 **of this chapter before collective bargaining begins.**

42 SECTION 5. IC 20-29-6-9.5 IS ADDED TO THE INDIANA CODE



1 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 2 1, 2016]: **Sec. 9.5. (a) The obligation to bargain collectively does not**
 3 **prevent a school employer and a certificated employee who teaches**
 4 **or is licensed to teach:**

5 (1) in the areas of science, technology, engineering, or
 6 mathematics; or

7 (2) special education;

8 **from entering voluntarily into an employment contract that**
 9 **contains terms that differ from the terms set forth in the collective**
 10 **bargaining agreement.**

11 **(b) It is not an unfair practice for a school employer to enter**
 12 **into an employment contract under this section.**

13 SECTION 6. IC 20-29-6-19, AS ADDED BY P.L.148-2012,
 14 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 15 JULY 1, 2016]: Sec. 19. (a) Not later than fourteen (14) business days
 16 after the parties have reached an agreement under this chapter, the
 17 school employer shall post the contract upon which the ~~parties~~
 18 **exclusive representative and school employer** have agreed on the
 19 school employer's Internet web site.

20 **(b) A school employer:**

21 **(1) is not required to post the terms; and**

22 **(2) shall post the amount of salary, wages, and wage related**
 23 **fringe benefits;**

24 **of an employment contract entered into under section 9.5 of this**
 25 **chapter on the school employer's Internet web site.**

