

PERSPECTIVES

On the Key K-12 Legislation of 2009

INTRODUCTION

The 2009 session of the 116th Indiana General Assembly adjourned sine die on Wednesday, April 29, 2009. The legislature considered a total of 1,311 bills during the session this year, of which approximately 100 bills addressed education policy and governance, or were child-related legislation. The following is a summary of 13 key K-12 education bills that were enacted by the legislature. Many additional bills were passed by the legislature on a number of public policy topics including K-12 education, higher education, and child welfare and advocacy. The legislation included in this report was selected by the Center for Evaluation & Education Policy (CEEP) at Indiana University for their significance and potential long-term impact on K-12 education in Indiana.

A unique feature of this legislative summary is the inclusion of commentary and perspectives on the new laws shared by a legislator and seven representatives of statewide education or business associations. These individuals accepted the invitation to share their views concerning the pros and cons of each bill because of their firsthand knowledge and expertise on the legislation. We hope you enjoy reading their personal insights. Their comments do not represent, nor are they endorsed by, CEEP.

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COMMENTATORS

Frank Bush, Executive Director of the Indiana School Boards Association
John Ellis, Executive Director of the Indiana Association of Public School Superintendents
Chuck Little, Executive Director, Indiana Urban Schools Association
Gerald Mohr, Executive Director of the Indiana Association of School Principals
Derek Redelman, Vice President, Education and Workforce Development, Indiana Chamber of Commerce
Sally Sloan, Executive Director, Indiana Federation of Teachers
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Perspectives

On the Key K-12 Legislation of 2009

Senate Bill 027

Title:

David Ford Educational Technology Fund

Authors:

Buck, Lubbers, Sipes, Arnold, Boots, Breaux, Holdman, Miller, Paul

Sponsors:

Porter, Behning, Pearson, Noe

Effective Date:

July 1, 2009

Summary

Renames the educational technology fund as the Senator David C. Ford Educational Technology Fund. (The introduced version of this bill was prepared by the interim study committee on education matters.)

Commentary



Changing the name of the technology fund to honor Senator Ford was certainly supported by IFT. The issue of providing funding, both in these times of economic uncertainty and good times, is important. The budget-that-isn't did increase the funding slightly. Just like other growth and demands on schools, at some point the legislature must take a close look at the state of technology and determine how it will fund all schools to meet the demands.

Sally Sloan
Executive Director
Indiana Federation of Teachers

Frank Bush: *Since Senator Ford was an advocate for public education and thus technology expansion, ISBA supports the recognition of the esteemed public servant.*

John Ellis: *A well deserved tribute to a true champion of school-level technology.*

Chuck Little: *Senator David Ford's efforts to promote technology and learning in our schools is well documented. It is appropriate that his efforts be remembered by a fund bearing his name.*

Gerald Mohr: *Renaming the Educational Technology Fund should have no fiscal impact. This program is used to provide and extend educational technologies to elementary and secondary schools. Honors a very tech-savvy legislator in helping children for decades to come.*

Derek Redelman: *A well-deserved honor for the late Senator who played a leading role in helping to drive attention to a critical issue for our students and their schools.*

Gail Zeheralis: *The late Senator David Ford from Hartford City was known far and wide for his interest and expertise in all matters dealing with state technology initiatives. It is a fitting and proper tribute to his memory to rename Indiana's educational technology fund in his name.*



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On the Key K-12 Legislation of 2009

Senate Bill 057

Title:
Sign Language Interpreters in Schools

Authors:
Lubbers, Yoder, Sipes

Sponsors:
Porter, Behning, Pryor

Effective Date:
July 1, 2009

Summary

Requires the advisory board of the division of professional standards of the Department of Education, before July 1, 2010, to adopt rules setting standards for sign language interpreters working in an educational setting.

Commentary

Frank Bush: *ISBA supports the establishment of standards for sign language interpreters in schools. There is a need to advance the training and availability of such professionals as more students seemingly require the service.*

John Ellis: *Since those in these roles interact with many students, not just their client, standards need to be recognized that address their professionalism when working with all children.*

Chuck Little: *How the advisory board will act in setting standards for interpreters will be important. There is a shortage of personnel in this area so setting the bar at quality professional standards will be a delicate matter.*

Gail Zeheralis: *Testimony on this bill supported having a uniform set of standards for sign language interpreters who work in school settings.*



Perspectives

On the Key K-12 Legislation of 2009

Senate Bill 181

Title:

Child Seduction and Repeat Sex Offenders

Authors:

Delph, Lubbers, Broden, Miller, Zakas

Sponsors:

Pierce, Battles

Effective Date:

July 1, 2009

Summary

Expands the group of persons who commit child seduction by adding persons employed by a charter school or special education cooperative and persons otherwise affiliated with a school corporation, charter school, nonpublic school, or special education cooperative if the person affiliated with the school or cooperative: (1) has a position of trust with respect to a child who attends the school or cooperative, (2) is engaged in the provision of care or supervision to a child who attends the school or cooperative, and (3) is at least four years older than the child. Provides that a military recruiter whose primary job is recruiting individuals to enlist with the armed forces commits child seduction if the military recruiter who is attempting to enlist a child at least 16 years old but less than 18 years: (1) engages in sexual intercourse with the child, (2) engages in deviate sexual conduct with the child, or (3) fondles the child. Provides that an attempted sex offense may be used to establish that a person is a repeat sex offender. Authorizes the release of certain medical or epidemiologic information of persons convicted of certain sex offenses.

Commentary



This law clarifies the child seduction and repeat sex offenders laws to specifically include persons employed by a charter school, special education cooperative, and any person of trust otherwise affiliated with a school district, charter school, nonpublic school, or cooperative.

Specifically, this law also addresses military recruiters who oftentimes meet potential military recruits at school settings. This element of the law was inserted in response to a specific case in which a military recruiter took advantage of a female student.

The safety of children is always paramount in and around Indiana's schools and SB 181 represents an improvement in Indiana law to protect children.

Gail Zeheralis
Public Education Policy Coordinator
Indiana State Teachers Association

Gerald Mohr: *It expands the group of persons who commit child seduction by adding persons employed by a charter school or special education cooperative and persons otherwise affiliated with a school corporation, charter school, nonpublic school, or special education cooperative. It authorizes the release of certain medical or epidemiologic information of persons convicted of certain sex offenses.*



Perspectives

On the Key K-12 Legislation of 2009

Senate Bill 228

Title:
End of Route Inspection by Bus Drivers

Authors:
Lubbers, Sipes, Wyss, Becker, Miller, Rogers

Sponsors:
Porter, Behning

Effective Date:
July 1, 2009

Summary

Requires the operator of a school bus or special purpose bus to visually inspect each seat within the bus at the end of each trip during which passengers are transported to determine that no passengers remain on the bus. Requires the owner of a school bus or special purpose bus to report each incident in which a passenger is left on the bus to the superintendent or superintendent's designee. Requires the superintendent or superintendent's designee to report each incident in which a passenger is left on the bus to the department of education. Makes a violation of these provisions a Class C infraction.

Commentary

Frank Bush: *To ensure student safety, ISBA supports the legislation.*

Chuck Little: *What should already be local district policy is now set in law. In all Indiana schools, safety comes first and bus inspections at route's end should further promote it.*

And as for those issues that may reappear, one cannot minimize the aggressive posture of the State Superintendent in promoting certain issues, among them tuition tax credits, during the session that just adjourned. How this continues and with what result remains to be seen.

Gerald Mohr: *W Provides an additional safeguard to determine that no children remain on the bus after a trip. It requires the operator of a school bus or special purpose bus to report each incident in which a passenger is left on the bus to the superintendent or superintendent's designee. It also requires the superintendent or superintendent's designee to report each incident in which a passenger is left on the bus to the Indiana Department of Education. The bill makes a violation of these provisions a Class C infraction.*

Gail Zeheralis: *The safety of children is always paramount and SB 228 represents an improved minimum standard of conduct by employees to protect children.*



Perspectives

On the Key K-12 Legislation of 2009

Senate Bill 263

Title:

Public School Compensation Payment Schedules

Authors:

Mishler, Walker, Kruse

Sponsors:

M. Smith, Cheatham, Porter

Effective Date:

July 1, 2009

Summary

Allows a public school corporation, the School for the Blind and Visually Impaired, the School for the Deaf, certain correctional institutions, certain state institutions, and the Soldiers' and Sailors' Children's Home to enter into a 13-month compensation payment schedule for work performed during a normal 9- or 10-month school year. Makes technical changes.

Commentary



This is one of the most important pieces of legislation for schools passed by the 2009 General Assembly. The bill cleans up a potential problem for school districts whose exclusive representative had bargained to spread salary payments for school year over a full-year period. A wage payment issue had created conflicts between some collectively bargained agreements and wage payment requirements.

John Ellis

Executive Director

Indiana Association of Public School Superintendents

Frank Bush: *This legislation was needed to avoid considerable state financial liability on wage payments. ISBA supports the legislation.*

Gerald Mohr: *This bill allows a public school corporation to enter into a 13-month compensation payment schedule for work performed during a normal nine- or ten-month school year. It makes technical changes to help school corporations.*

Derek Redelman: *This common-sense legislation will allow schools to compensate their employees on a schedule, as agreed to and even requested by the employees, without the continuing threat of lawsuits that has already plagued some school districts in the state.*

Sally Sloan: *Interestingly, the digest of this legislation says what it allows then adds "makes technical changes." The whole purpose of the bill was to make a technical change, so to speak, about legislation passed a couple of years ago that inadvertently affected the ability of schools to make contractual agreements that allowed schools and exclusive representatives to agree to withholding a specified amount of earned income in order to provide pay over a 12- (or in some cases 13-) month period, essentially allowing teachers to be paid over 12 months instead being limited to the 9 or 10 months that pay was actually earned. We're happy to be legal again.*

Gail Zeheralis: *Indiana's general wage payment law basically states that employers must pay employees within two weeks of the work performed.*

SB 263 codifies the unique situation of certain public school 12-month payment schedules by clarifying that for school employees, a 12-month payroll payment schedule is permissible if the exclusive representative of the employees (or the employee where there is no exclusive representative) and the school employer agree to the 12-month payment schedule.

The Indiana State Teachers Association supported this clarification.



Perspectives

On the Key K-12 Legislation of 2009

House Bill 1107

Title:

Compact for Education for Military Children

Authors:

Tincher, Koch, Reske, Turner

Sponsors:

Wyss, Deig, Arnold

Effective Date:

July 1, 2009

Summary

Enacts the Interstate Compact on Educational Opportunity for Military Children. Provides for the coordination of efforts among state agencies and other states to facilitate the transfer of students of military families between schools, including the transfer of educational and other records. Provides for the recognition of coursework to facilitate timely graduation of students of military families.

Commentary

Frank Bush: *The Indiana School Boards Association supports this legislation because it establishes a fund to assist school boards with data on dropout prevention. The project is designed to provide methods of intervention going forward into future school years that should permit school officials to interact with youth and approach preventing dropouts or at least reduce the number of youth at risk of dropping out.*

Gerald Mohr: *This bill allows for the timely enrollment of children of military families and helps with the student placement process. It promotes coordination, cooperation, and flexibility between the Compact and other compacts affecting children of military families. It provides flexibility and cooperation among the educational systems, students, and families to achieve educational success for students by facilitating the timely graduation of children of military families.*

Gail Zeheralis: *By the latest count, Indiana has joined 14 other states (with 3 more states having already sent an enacted bill to their respective governors) in enacting this interstate compact to address the unique educational needs of children from military families.*

An initiative of the Council of State Governments, in cooperation with the U.S. Department of Defense Office of Personnel and Readiness, the Compact is comprehensive in its scope by addressing a wide range of education issues faced by military families forced to frequently relocate.

As a result of these interstate moves/deployments, children may be unintentionally disadvantaged due to glitches in the transfer of their records, entrance age variances among states, redundant or missed state testing, differences in course sequencing, and the inability to participate in extra-curricular activities.

This Compact officially recognizes that states must do a better job of communicating with one another to best serve these children.



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On the Key K-12 Legislation of 2009

House Bill 1343

Title:

School Dropout Prevention

Authors:

Pryor, Porter, V. Smith, M. Smith

Sponsors:

Lubbers, Rogers, Breaux, Randolph

Effective Date:

July 1, 2009

Summary

Creates the dropout prevention fund, to be administered by the Indiana Department of Education, to: (1) provide money for school corporation programs that identify students who are at risk of dropping out of school, and (2) provide appropriate interventions for those students.

Commentary



The Indiana Chamber has noted repeatedly that Indiana's drop-out/non-graduation rate may be one of the greatest threats to the future prosperity of our state. We helped lead the decade-long battle to get better data on our state's graduation rates and are now anxious to engage in the important work of improving those numbers. This new law provides an opportunity to begin and focus on that work.

Derek Redelman

Vice President

Education and Workforce Development, Indiana Chamber of Commerce

Chuck Little: *While Indiana reduced the percent of dropouts last year—a fact that went unreported by the Department—this remains a serious concern. Interventions, provided by funding, are always helpful in addressing this problem but are not the only answer.*

Gerald Mohr: *Under this bill, the IDOE is responsible for administering the fund, which consists of gifts, donations, and bequests; appropriations from the general assembly; federal and private grants; and income from investments made by the state treasurer on behalf of the fund. At the end of the fiscal year, any money in the fund from sources other than state appropriations does not revert to the state general fund. The bill also stipulates that any administrative expenses associated with the fund will be paid from the fund.*

The fiscal impact on the IDOE and the office of the state treasurer is expected to be minimal. The IDOE has to design the application forms to be used by school corporations and the forms on which the corporations submit their annual reports. The IDOE also has to determine which applications to fund, and compile the annual report on the overall effectiveness of the dropout prevention programs. The office of the state has to invest the monies in the fund. The bill directs that the resources for accomplishing these tasks be borne by the fund. There are two fiscal impacts associated with the fund. The immediate impact is the number of grants that would be approved, and this depends on the money available in the fund: how much the legislature appropriates, and the amount of grants, gifts, and donations acquired by the fund. The long-term impact would depend on how successful the funded programs are in reducing the drop-out rate and in increasing the graduation rate of those students who, without the resources provided through this fund, would probably drop out and not graduate from high school.

Commentary continued on next page

Commentary (continued)

Sally Sloan: *Indiana has been taking steps to improve graduation rates. Unfortunately, too many students are still not making it. This legislation, if funded, would provide another tool to work on this.*

The requirements to qualify may seem daunting, but they will give a good foundation for knowing the dragon a school corporation needs to slay.

Since citizens can donate to this fund, I would like to see the IDOE use its office to inform the public—to market this opportunity and need, so to speak.

Gail Zeheralis: *The costs at both the individual and societal levels for leaving school without having earned a diploma are high and, if not addressed, long-term.*

The creation of a special state fund to: (1) proactively prevent students from withdrawing from school before graduation, and (2) provide appropriate interventions for students making this ill-advised choice, is a step towards combating this persistent problem. The critical component, obviously, is ensuring adequate funding to enable school districts, singly or jointly, to provide both preventative alternative educational programs and post-dropout re-enrollment programs.

Because of the far-reaching consequences resulting from some students not graduating from high school, Indiana would be best served by addressing this not as simply an educational issue but as an economic development one as well—and committing the appropriate resources to this newly created fund.



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On the Key K-12 Legislation of 2009

House Bill 1389

Title:
Twenty-first Century Scholars

Authors:
Summers, Hinkle, Porter

Sponsors:
Boots, Taylor, Breaux

Effective Date:
July 1, 2009

Summary

Requires each school corporation to provide each student who applies for free or reduced lunches under the national school lunch program with an enrollment form for the Twenty-first Century Scholars Program. Requires each school to give assistance in reading the instructions and completing the enrollment forms for the Twenty-first Century Scholars Program.

Commentary



This bill should help students who apply for free or reduced lunches under the National School Lunch Program greater access to a guaranteed four-year education at a public higher educational institution. Each school corporation will assist eligible students in reading the instructions and completing the enrollment forms for the Twenty-First Century Scholars Program. The Indiana Department of Education will provide sufficient Twenty-First Century Scholars Program enrollment forms to local schools. Students can apply for the Twenty-First Century Scholars Program in Grade 6, 7, or 8. The impact on the state will be minor.

Gerald Mohr
Executive Director
Indiana Association of School Principals

Frank Bush: *Because of the need for information and the importance of assisting students with economic needs, ISBA supports the legislation, especially since the Indiana Department of Education is responsible for preparing and delivering the information for distribution.*

Chuck Little: *Expanding awareness of the 21st Century Scholars program is one important outcome of the session and last summer's legislative study work. Much more needs to be done to raise awareness about this program on a broad, inclusive and statewide basis.*

The cost of providing enrollment forms and providing assistance in reading and completing the form would be minor.

Derek Redelman: *We trust that this new law will be minimally intrusive to our schools while helping students with the greatest need to begin thinking about and planning for college, a goal that should be simultaneously helpful to students, parents, and schools alike.*

Commentary continued on next page

Commentary (continued)

Sally Sloan: *IFT supported the introduced version of this bill and supports the Enrolled Act that provides for assistance in reading and completing the forms.*

There was an amendment proposed during the Senate committee hearing that would have reduced the number of students who would qualify by setting a higher GPA requirement. The bill's author and many committee members questioned the reasoning behind that move as well as any supporting data that requiring a higher GPA would help students meet the goals of the Twenty-first Century Scholars Program.

A second part of the amendment would have required a financial re-qualification when students were closer to graduation—essentially having the state make a promise to students based on several factors, not simply financial need, then allowing the state to renege on that promise.

IFT would not have supported either of those measures had the amendment passed. It didn't.

Gail Zeheralis: *While simple in its message and directive (to require each school district to provide to each student who applies for free or reduced price lunch assistance with an enrollment form for the Twenty-first Century Scholars Program and to assist in the completion of that form), this effort to ensure that eligible children and their families actually know about the assistance that Indiana offers in terms of post-secondary opportunities is a necessary and welcome "next step" in making sure that this important state initiative grows to its full potential.*

However, beyond HB 1389, the failure of the Senate to hear HB 1188 which would have created the College Head Start program (a program enabling students to earn dual high school and college credit for certain courses taught in high school by qualified teachers and without being required to pay college tuition charges for those courses) allows patterns of unfairness to families and inequitable access to higher education to persist.



Perspectives

On the Key K-12 Legislation of 2009

House Bill 1419

Title:
Student Discipline

Authors:
V. Smith, Porter, M. Smith

Sponsors:
Rogers, Lubbers

Effective Date:
July 1, 2009

Summary

Requires the governing body of a school corporation to develop an evidence-based plan for improving behavior and discipline in the school corporation, and a school within the school corporation to comply with the plan in developing the school's plan. Requires school corporation discipline rules to incorporate a graduated system of discipline, which includes actions that may be taken in lieu of suspension or expulsion. Requires the Department of Education to develop a master evidence-based plan for improving student behavior and discipline upon which school corporations may base plans.

Commentary



During the calendar year, the state of Indiana conducted a study on the academic disparities between minority students and majority students. The study revealed among other things a large number of African American and Hispanic youth who are suspended and expelled compared to white students. This bill would mandate the creation of a graduated system of discipline. The thought is that suspension and expulsion are used too frequently and that they should be used as a last resort. Of course, in the case of weapons, the law is clear that expulsions are required.

Vernon Smith
Indiana State Representative, District 14

Frank Bush: *ISBA supports evidenced-based discipline that meets the needs of the student who has been behaviorally identified as being considered for suspension and/or expulsion. If the Department of Education does the responsible research on this vitally significant issue, school boards will have current, useful data on which to base discipline policies. This can only be helpful as school officials wrestle with decisions that are in the best interest of the student.*

John Ellis: *One of several bills from the Commission on Disproportionality, this will require policy and handbook revisions for schools. Once the Indiana Department of Education develops the state master plan for an evidence-based, progressive disciplinary approach, by July 1, 2011, schools and school corporations will need to review local implementation plans with staff, parents, and students. The bill also includes as partners in the planning the Indiana Department of Child Services. School corporations are required to provide professional development to prepare teachers and administrators to carry out these new plans. This is a concept that is needed for student management, but implementation will be an issue since school districts are still waiting for the promised funding for professional development to implement PL 221, passed ten years ago; they will now need to find creative and unfunded ways to implement yet another such requirement.*

Chuck Little: *School discipline is well established in Indiana's Schools. This bill will systemize practices and procedures under a frame work provided by the Department. Those in the Statehouse should get a clearer picture of how teachers and administrators effectively manage this important issue.*

Commentary continued on next page

Commentary (continued)

Gerald Mohr: *Requires the governing body of a school corporation to develop an evidence-based plan for improving behavior and discipline in the school corporation. It requires school corporation discipline rules to incorporate a graduated system of discipline. It provides action that may be taken in lieu of suspension or expulsion. The bill requires the Indiana Department of Education to develop an evidence-based plan for improving student behavior and discipline upon which school corporations may base plans.*

Sally Sloan: *With the many agencies involved in writing the model plan, HEA 1419 has the potential of providing statewide consistency—do not read that as absolute uniformity—in discipline. Consistency is important in discipline.*

Once the IDOE provides a model plan, the local school corporation then includes parents to in developing and personalizing its own plan that will be reviewed periodically, and presumably modified to keep it relevant to the needs of its schools and community.

Gail Zeheralis: *Promoting individual student discipline is one of the core essentials to ensuring that the learning environment for all students remains positive.*

School personnel benefit by knowing what best practices are and by having options at hand to deal with student discipline issues.



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On the Key K-12 Legislation of 2009

House Bill 1455

Title:
Autism Training
Authors:
Tyler, Duncan, Gutwein, Summers
Sponsors:
Miller, Errington, Lanane, Deig
Effective Date:
July 1, 2009

Summary

Requires certain firefighter and law enforcement personnel to be trained in interacting with individuals with autism. Requires the Department of Education to create and distribute to school corporations for non-certificated employees a document that explains the aspects of autism including behaviors students with autism exhibit.

Commentary

Frank Bush: *ISBA supports the distribution of autism information to non-certified employees if the Indiana Department of Education prepares and provides the manuals.*

John Ellis: *There is a real value in helping all who will interact with children who have special needs to understand why they may or may not react in certain ways. Districts will need to stress to all who connect with their students why it is important to learn, understand, and apply suggestions for interacting with autistic individuals.*

Gerald Mohr: *The bill requires the Department of Education to create and distribute to school corporations for non-certificated employees a document that explains the aspects of autism, including behaviors students with autism exhibit.*

Gail Zeheralis: *Improving the awareness of characteristic behavior(s) exhibited by autistic students, among all adults who, in the course of employment, interact with autistic students is a positive step towards greater understanding.*



Perspectives

On the Key K-12 Legislation of 2009

House Bill 1462

Title:

Various Education Matters

Authors:

Kersey, Barnes, Behning, Porter

Sponsors:

Lubbers, Skinner, Kruse

Effective Date:

January 1, 2010, July 1, 2009

Summary

Requires the attorney general and the state superintendent of public instruction to publicize annually to teachers that the attorney general may defend suits against teachers and that teachers have qualified immunity for reasonable acts of discipline. Requires school corporations, charter schools, and accredited nonpublic schools to conduct an expanded criminal history background check before employing a potential employee in any position within the school corporation. Adds possession of child pornography to the list of felonies for which a teacher may lose their teacher's license. Gives qualified immunity for certain school employees for reasonable acts of discipline. Establishes an administrative procedure for a student who has been removed from a classroom.

Commentary



Because current statutes protect school officials, ISBA questioned the necessity for the statute but supports the concept of qualified immunity, which Indiana presently provides. Teachers and administrators are protected with school corporation insurance, personal business pursuits insurance, and teacher association insurance as members. Therefore, the statute may provide an additional layer of consideration for the courts but may not improve on current practice. The section on classroom management just clarifies what many administrators and teachers have as standards for students.

Frank Bush
Executive Director
Indiana School Boards Association

John Ellis: *As this action already exists in statute under tort claims immunity which has already been in effect for some time in Indiana law. According to school law experts, although the term "qualified immunity" is introduced in this legislation, it will not likely impact what has always been available to teachers "who act in a reasonable manner."*

Gerald Mohr: *Exempts a postsecondary educational institution from paying a fee for a limited criminal history record of a student in the institution's school of education before the student begins a field or classroom experience. Allows the Indiana State Police Department (ISP) to charge a student a fee for responding to a request for the release of a limited criminal history record.*

The bill requires a school corporation, a charter school, and an accredited nonpublic school to conduct an expanded criminal history background check before employing a potential employee in any position within the school corporation. This bill also adds possession of child pornography to the list of felonies for which a teacher may lose their teacher's license. It also establishes an administrative procedure for a student who has been removed from a classroom.

Provides immunity for certain school employees for reasonable acts of discipline. It requires the State Attorney General and the State Superintendent of Public Instruction to publicize annually to teachers that the Attorney General may defend suits against teachers and that teachers have qualified immunity for reasonable acts of discipline.

Commentary continued on next page

Commentary (continued)

Sally Sloan: *This legislation changing limited criminal history background checks to national background checks for school employees is a solid move for everyone concerned. Certainly we all want to protect students as much as possible from sexual predators. We want to protect all school employees and the teaching profession. This will help with all of that.*

The changes provided by this law allow for better enforcement. As technology develops, it will only become more powerful.

It was important to IFT that due process not be excluded by this legislation.

Another part of the bill includes the representation by the Indiana Attorney General should a teacher need and want that representation in cases where a teacher has reasonably disciplined a student in accordance with school policy. This does not preclude a teacher having his own attorney.

Finally, a section in the legislation provides a structure and authority for a principal to act in a circumstance where a student is removed from a classroom for disciplinary reasons. The principal can determine placement of the student once the principal has called for a meeting with the student, the teacher, and the parents to determine a behavior plan. If the parents do not attend the meeting, then the principal can determine appropriate placement.

Gail Zeheralis: *This law generally addresses certain school safety issues in terms of:*

- (1) ensuring that expanded criminal background checks are conducted on individuals who work in any capacity within any public, charter, or accredited nonpublic school;*
- (2) giving qualified immunity to teachers and administrators for reasonable acts of discipline and establishing certain administrative procedures for a student who has been removed from a particular class;*
- (3) clarifying that an individual's teacher's license is automatically revoked upon conviction of possessing child pornography; and*
- (4) requiring the Indiana Department of Education to develop a searchable database of school district employees who have been reported under the automatic license revocation section of Indiana law.*

The Indiana State Teachers Association worked with the sponsors of this bill and believes it represents an improvement in Indiana law regarding teacher liability, teacher licensure, and student discipline issues.



Perspectives

On the Key K-12 Legislation of 2009

House Bill 1479

Title:
Recruitment of Educators from Underrepresented Populations

Author:
Porter

Sponsors:
Lubbers, Rogers, Sipes, Breaux

Effective Date:
July 1, 2009

Summary

Requires the Department of Education to collaborate with nonprofit entities, the Commission for Higher Education, and state educational institutions to develop initiatives focusing on the recruitment and retention of qualified educators from underrepresented populations and teacher shortage areas.

Commentary



Underrepresented minorities in the teaching and administrative ranks will need even more attention in the future. Getting a focus will be useful, getting these individuals actually into Indiana's classrooms will remain a challenge that must be met.

Chuck Little
Executive Director
Indiana Urban Schools Association

Frank Bush: *Because of the necessity to further advance acceptance equity, ISBA supports the legislation. Students need exposure to adult role models who understand their culture to assist in enhancing instructional communication.*

John Ellis: *A strong program for recruiting educators from underrepresented populations is greatly needed. This concept needs to be given an opportunity to make a difference through a college loan forgiveness program, funded by the General Assembly*

Gerald Mohr: *Requires the Indiana Department of Education to collaborate with nonprofit entities, the Indiana Commission for Higher Education, and state educational institutions to develop initiatives focusing on the recruitment and retention of qualified educators from underrepresented populations and teacher shortage areas. The impact would depend on the initiatives developed by the Department of Education.*

Sally Sloan: *Indiana has long needed to study and provide for recruitment and retention of highly qualified teachers. HB 1479 targets underrepresented populations and is a start on the process of developing a plan for recruitment and retention.*

In committee testimony, one speaker pointed out that Praxis I is a hurdle for certain students. In the 2008 session, HB 1210 passed both houses only to be vetoed by the Governor. HB1210: Teacher Certification allowed an individual who failed the Praxis I test by not more than three points to seek an alternative route to certification by requesting a proficiency review. The standards in that legislation were higher in all requirements than current certification except passing Praxis. Again that was failing by only three points—well within the margin of error on any test.

I hope the DOE will let education stakeholders help with developing and implementing initiatives that focus on recruitment and retention issues.

Commentary continued on next page

Commentary (continued)

Gail Zeheralis: *While the notion that there are teacher shortages in certain curricular areas (e.g., special education, math, physics, science) and/or in certain geographic areas throughout the state is not new, HB 1479 sheds light on the value of developing initiatives to recruit and retain qualified educators from otherwise underrepresented populations—particularly relating to race and, in some districts, gender.*

HB 1479 acknowledges that increasing the proportion of underrepresented groups in the fields of classroom teaching or in school administration will have a positive impact on:

- (1) student motivation evidenced by a decline in school dropouts,*
- (2) role-modeling evidenced through increased interest in teaching by minority students, and ultimately*
- (3) student achievement.*

HB 1479 calls for the Indiana Department of Education to collaborate with nonprofit entities, the Indiana Commission for Higher Education, and the state universities to develop these initiatives. The Indiana State Teachers Association expects to be a partner in these activities.





Perspectives
On the Key K-12 Legislation of 2009

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