

SENATE BILL No. 413

DIGEST OF INTRODUCED BILL

Citations Affected: IC 20-43-10-3.5.

Synopsis: Teacher compensation. Expands the definition of "school" for purposes of teacher appreciation grants. Appropriates from the state general fund to the department of education \$100,000,000 for the 2019-2020 state fiscal year and \$100,000,000 for the 2020-2021 state fiscal year, each for distribution as additional teacher appreciation grant awards to all eligible teachers. Defines "eligible teacher" as an individual teacher who: (1) is eligible to receive a teacher appreciation grant stipend; and (2) is employed by the school corporation at the time of the distribution. Provides that the distribution amount to each school corporation shall be determined on a pro rata basis based on the number of eligible schools and current ADM. Provides that the department of education shall administer the distributions. Provides that distributions to eligible teachers for the 2019-2020 state fiscal year must be made not later than June 30, 2020. Provides that the distributions to eligible teachers for the 2020-2021 state fiscal year must be made at the same time teacher appreciation grants are allocated and distributed to eligible teachers under current law.

Effective: Upon passage.

Melton

January 14, 2020, read first time and referred to Committee on Appropriations.



Second Regular Session of the 121st General Assembly (2020)

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 2019 Regular Session of the General Assembly.

SENATE BILL No. 413

A BILL FOR AN ACT to amend the Indiana Code concerning education and to make an appropriation.

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

- 1 SECTION 1. IC 20-43-10-3.5, AS AMENDED BY P.L.108-2019,
2 SECTION 231, IS AMENDED TO READ AS FOLLOWS
3 [EFFECTIVE UPON PASSAGE]: Sec. 3.5.(a) As used in this section,
4 "school" means a school corporation, charter school, ~~and~~ a virtual
5 charter school, **special education cooperative established under**
6 **IC 20-35-5, cooperative career and technical education program,**
7 **and special education program established by an interlocal**
8 **agreement under IC 36-1-7.**
9 (b) Subject to the requirements of this section, a school qualifies for
10 a teacher appreciation grant as provided in this section for a state fiscal
11 year if one (1) or more licensed teachers:
12 (1) employed in the classroom by the school; or
13 (2) directly providing virtual education;
14 were rated as effective or as highly effective, using the most recently
15 completed teacher ratings.
16 (c) A school may not receive a teacher appreciation grant under this
17 section unless:



1 (1) the school has in the state fiscal year in which the teacher
2 appreciation grants are made under this section:

3 (A) adopted an annual policy concerning the distribution of
4 teacher appreciation grants; and

5 (B) submitted the policy to the department for approval; and

6 (2) the department has approved the policy.

7 The department shall specify the date by which a policy described in
8 subdivision (1) must be submitted to the department.

9 (d) The amount of a teacher appreciation grant for a qualifying
10 school corporation or virtual charter school is equal to:

11 (1) thirty-seven dollars and fifty-cents (\$37.50); multiplied by

12 (2) the school's current ADM.

13 However, the grant amount for a virtual charter school may not exceed
14 the statewide average grant amount.

15 (e) The following apply to the distribution of teacher appreciation
16 grants:

17 (1) If the total amount to be distributed as teacher appreciation
18 grants for a particular state fiscal year exceeds the amount
19 appropriated by the general assembly for teacher appreciation
20 grants for that state fiscal year, the total amount to be distributed
21 as teacher appreciation grants to schools shall be proportionately
22 reduced so that the total reduction equals the amount of the
23 excess. The amount of the reduction for a particular school is
24 equal to the total amount of the excess multiplied by a fraction.
25 The numerator of the fraction is the amount of the teacher
26 appreciation grant that the school would have received if a
27 reduction were not made under this section. The denominator of
28 the fraction is the total amount that would be distributed as
29 teacher appreciation grants to all schools if a reduction were not
30 made under this section.

31 (2) If the total amount to be distributed as teacher appreciation
32 grants for a particular state fiscal year is less than the amount
33 appropriated by the general assembly for teacher appreciation
34 grants for that state fiscal year, the total amount to be distributed
35 as teacher appreciation grants to schools for that particular state
36 fiscal year shall be proportionately increased so that the total
37 amount to be distributed equals the amount of the appropriation
38 for that particular state fiscal year.

39 (f) The annual teacher appreciation grant to which a school is
40 entitled for a state fiscal year shall be distributed to the school before
41 December 5 of that state fiscal year.

42 (g) The following apply to a school's policy under subsection (c)



- 1 concerning the distribution of teacher appreciation grants:
- 2 (1) The governing body shall differentiate between a teacher rated
- 3 as a highly effective teacher and a teacher rated as an effective
- 4 teacher. The policy must provide that the amount of a stipend
- 5 awarded to a teacher rated as a highly effective teacher must be
- 6 at least twenty-five percent (25%) more than the amount of a
- 7 stipend awarded to a teacher rated as an effective teacher.
- 8 (2) The governing body of a school may differentiate between
- 9 school buildings.
- 10 (3) A stipend to an individual teacher in a particular year is not
- 11 subject to collective bargaining, but is discussable, and is in
- 12 addition to the minimum salary or increases in salary set under
- 13 IC 20-28-9-1.5. The governing body may provide that an amount
- 14 not exceeding fifty percent (50%) of the amount of a stipend to an
- 15 individual teacher in a particular state fiscal year becomes a
- 16 permanent part of and increases the base salary of the teacher
- 17 receiving the stipend for school years beginning after the state
- 18 fiscal year in which the stipend is received. The addition to base
- 19 salary is not subject to collective bargaining, but is discussable.
- 20 (h) A teacher appreciation grant received by a school shall be
- 21 allocated among and used only to pay cash stipends to all licensed
- 22 teachers employed in the classroom who are rated as effective or as
- 23 highly effective and employed by the school as of December 1. A
- 24 school may allocate up to twenty percent (20%) of the grant received
- 25 by the school to provide a supplemental award to teachers with less
- 26 than five (5) years of service who are rated as effective or as highly
- 27 effective. The supplemental award is in addition to the award made
- 28 from the part of the grant that is allocated to all eligible teachers.
- 29 (i) The lead school corporation or interlocal cooperative
- 30 administering a cooperative or other special education program or
- 31 administering a career and technical education program, including
- 32 programs managed under IC 20-26-10, IC 20-35-5, IC 20-37, or
- 33 IC 36-1-7, shall award teacher appreciation grant stipends to and carry
- 34 out the other responsibilities of an employing school corporation under
- 35 this section for the teachers in the special education program or career
- 36 and technical education program.
- 37 (j) A school shall distribute all stipends from a teacher appreciation
- 38 grant to individual teachers within twenty (20) business days of the
- 39 date the department distributes the teacher appreciation grant to the
- 40 school. Any part of the teacher appreciation grant not distributed as
- 41 stipends to teachers before February must be returned to the
- 42 department on the earlier of the date set by the department or June 30



1 of that state fiscal year.

2 (k) The department, after review by the budget committee, may
3 waive the December 5 deadline under subsection (f) to distribute an
4 annual teacher appreciation grant to the school under this section for
5 that state fiscal year and approve an extension of that deadline to a later
6 date within that state fiscal year, if the department determines that a
7 waiver and extension of the deadline are in the public interest.

8 (l) The state board may adopt rules under IC 4-22-2, including
9 emergency rules in the manner provided in IC 4-22-2-37.1, as
10 necessary to implement this section.

11 (m) This section expires June 30, 2021.

12 **SECTION 2. [EFFECTIVE UPON PASSAGE] (a) For purposes of**
13 **this SECTION, "eligible teacher" means each individual teacher**
14 **who:**

15 (1) is eligible to receive a teacher appreciation grant stipend
16 under IC 20-43-10-3.5, as amended by this act; and

17 (2) is employed by the school corporation at the time of the
18 distribution.

19 (b) There is appropriated from the state general fund to the
20 department of education one hundred million dollars
21 (\$100,000,000) for the state fiscal year beginning July 1, 2019, and
22 ending June 30, 2020. The amount appropriated under this
23 SECTION shall be used to distribute an additional teacher
24 appreciation grant award to eligible teachers under
25 IC 20-43-10-3.5, as amended by this act. The distribution amount
26 to each school corporation shall be determined on a pro rata basis
27 based on the number of eligible schools and current ADM. The
28 department of education shall administer the distributions under
29 this subsection.

30 (c) The amount appropriated under this SECTION is in
31 addition to the amount appropriated by the general assembly in
32 P.L.108-2019 for teacher appreciation grants for the state fiscal
33 year beginning July 1, 2019, and ending June 30, 2020.

34 (d) The distributions to eligible teachers under this SECTION
35 must be made not later than June 30, 2020.

36 (e) This SECTION expires July 1, 2021.

37 **SECTION 3. [EFFECTIVE UPON PASSAGE] (a) For purposes of**
38 **this SECTION, "eligible teacher" means each individual teacher**
39 **who:**

40 (1) is eligible to receive a teacher appreciation grant stipend
41 under IC 20-43-10-3.5, as amended by this act; and

42 (2) is employed by the school corporation at the time of the



- 1 **distribution.**
- 2 **(b) There is appropriated from the state general fund to the**
3 **department of education one hundred million dollars**
4 **(\$100,000,000) for the state fiscal year beginning July 1, 2020, and**
5 **ending June 30, 2021. The amount appropriated under this**
6 **SECTION shall be used to distribute an additional teacher**
7 **appreciation grant award to eligible teachers under**
8 **IC 20-43-10-3.5, as amended by this act. The distribution amount**
9 **to each school corporation shall be determined on a pro rata basis**
10 **based on the number of eligible schools and current ADM. The**
11 **department of education shall administer the distributions under**
12 **this subsection.**
- 13 **(c) The amount appropriated under this SECTION is in**
14 **addition to the amount appropriated by the general assembly in**
15 **P.L.108-2019 for teacher appreciation grants for the state fiscal**
16 **year beginning July 1, 2020, and ending June 30, 2021.**
- 17 **(d) The distributions to eligible teachers under this SECTION**
18 **must be made on the same date that the teacher appreciation grant**
19 **stipend is allocated and distributed to eligible teachers under**
20 **IC 20-43-10-3.5, as amended by this act.**
- 21 **(e) This SECTION expires June 30, 2022.**
22 **SECTION 4. An emergency is declared for this act.**

