

Indiana

Law Analyzed	PL 90
Date Passed	April 2011
Overall Rating	11.75

PL 90, passed by a Republican-controlled legislature and signed into law by Governor Mitch Daniels (R), is one of the strongest laws we reviewed. Among other things, PL 90 requires annual teacher evaluations that are “significantly informed” by student achievement and growth data; conditions teacher tenure on effectiveness; allows districts to dismiss ineffective teachers; prohibits “last in, first out,” teacher layoffs; and limits the extent to which teacher salary increases may be based on seniority or higher education credentials. A companion law, PL 48, limits the scope of issues that may be included in collective bargaining agreements.

PL 90’s provisions requiring transparent reporting of teacher effectiveness data to parents and the public are particularly strong, as is a provision that prohibits children from being assigned an ineffective teacher for two consecutive years. In addition to the issues covered in this score card, PL 90 also allows providers other than higher education institutions to operate alternative teacher certification programs. But Indiana law still limits the circumstances under which alternately-certified teachers may be hired—an area for improvement in future legislation.

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Criteria	Explanation	Score
Are teachers evaluated at least annually?	Yes.	●
Are principals, as well as teachers, evaluated?	Yes. PL 90 requires annual evaluations for all certificated employees	●
Is evidence of student learning a factor in teacher evaluations?	Yes. Objective measures of student achievement and growth (including, where applicable, state test data) must “significantly inform” teacher evaluations. Teachers who negatively affect student achievement and growth may not receive a rating of “effective” or “highly-effective.”	●
Do evaluations differentiate between multiple levels of educator performance?	Yes. There are levels of teacher performance: highly effective, effective, improvement necessary, ineffective.	●
Are parents and the public provided clear information about teacher effectiveness?	A district must inform parents if their child is assigned to an “ineffective” teacher for two consecutive years. The Department of Education annually reports to the public on aggregate teacher evaluation results for each school, district, and teacher preparation program.	●
Are educator preparation programs accountable for graduates’ effectiveness?	The law requires annual public reporting on the aggregated teacher evaluation results of each teacher preparation program’s graduates, but does not require use of this data to evaluate programs or hold them accountable.	◐
Is tenure linked to effectiveness?	Yes. To earn tenure, teachers must have at least three years of “effective” or “highly-effective” evaluations over any continuous five-year period.	●

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Does state provide clear authority to dismiss ineffective teachers and a reasonable process for doing so?	The law defines “incompetence,” as grounds for dismissal, as either 1) an “ineffective” rating on two consecutive performance evaluations, or 2) an “ineffective” or “needs improvement” rating in three out of five years. Once a teacher has been notified that the principal intends to dismiss the teacher, s/he may request a private conference with the superintendent and an additional private conference with the governing body, which makes the final decision. Collective bargaining agreements may not create additional hoops, such as arbitration, to the dismissal of ineffective teachers.	●
Is effectiveness, rather than seniority, the primary consideration in reductions in force?	Yes. Decreases in the number of teaching positions shall be based on teachers’ performance. If there are multiple teachers in the same performance category, other factors may be taken into account.	●
In cases of teacher excessing, is there a process for teachers to secure new positions through mutual consent, and for those who cannot do so to eventually be discharged from employment?	The law does not address excessing but collective bargaining provisions would make the basis of excessing decisions a prohibited subject for collective bargaining. The law does not provide a process for dismissal of teachers who fail to obtain new positions through mutual consent.	○

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Do principals have authority to decide who teaches in their schools?	Yes. The law gives superintendents responsibility for selecting and discharging principals and central office staff, and principals responsibility for selecting and discharging teachers and school site staff. Decisions are still subject to school board approval. The law also limits the ability of districts and unions to collectively bargain on issues related to teacher hiring and placement.	●
Does the law protect students from being consecutively assigned to ineffective teachers?	Yes, although the law also acknowledges “circumstances in which it is not possible for a school corporation to comply with this section.”	●
Are effective teachers rewarded with increased compensation?	Yes. The law limits to 33 percent the percentage of a teacher’s annual salary increase that may be based on experience or higher education credentials. The remainder of salary increments are based on teacher evaluations, leadership roles, and student academic needs. Teachers rated “ineffective” or “improvement necessary” may not receive a salary increase.	●