IC 20-28-9
Chapter 9. Salary and Related Payments

IC 20-28-9-0.2
Application of certain amendments to prior law
Sec. 0.2. The amendments made to IC 20-6.1-5-14 (before its repeal, now codified at section 20 of this chapter) by P.L.46-1985 do not affect contracts entered into before, and in effect on, July 1, 1986.
As added by P.L.220-2011, SEC.335.

IC 20-28-9-1
Repealed

IC 20-28-9-1.5
Teacher's minimum salary; basis; supplemental payments
Sec. 1.5. (a) This subsection governs salary increases for a teacher employed by a school corporation. Compensation attributable to additional degrees or graduate credits earned before the effective date of a local compensation plan created under this chapter before July 1, 2015, shall continue for school years beginning after June 30, 2015. Compensation attributable to additional degrees for which a teacher has started course work before July 1, 2011, and completed course work before September 2, 2014, shall also continue for school years beginning after June 30, 2015. For school years beginning after June 30, 2015, a school corporation may provide a supplemental payment to a teacher in excess of the salary specified in the school corporation's compensation plan if the teacher teaches an advanced placement course or has earned a master's degree from an accredited postsecondary educational institution in a content area directly related to the subject matter of:
(1) a dual credit course; or
(2) another course;
taught by the teacher. In addition, a supplemental payment may be made to an elementary school teacher who earns a master's degree in math or reading and literacy. A supplement provided under this subsection is not subject to collective bargaining, but a discussion of the supplement must be held. Such a supplement is in addition to any increase permitted under subsection (b).
(b) Increases or increments in a local salary range must be based upon a combination of the following factors:
(1) A combination of the following factors taken together may account for not more than thirty-three percent (33%) of the calculation used to determine a teacher's increase or increment:
(A) The number of years of a teacher's experience.
(B) The attainment of either:

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(i) additional content area degrees beyond the requirements for employment; or
(ii) additional content area degrees and credit hours beyond the requirements for employment, if required under an agreement bargained under IC 20-29.

(2) The results of an evaluation conducted under IC 20-28-11.5.
(3) The assignment of instructional leadership roles, including the responsibility for conducting evaluations under IC 20-28-11.5.

(4) The academic needs of students in the school corporation.

(c) Except as provided in subsection (d), a teacher rated ineffective or improvement necessary under IC 20-28-11.5 may not receive any raise or increment for the following year if the teacher's employment contract is continued. The amount that would otherwise have been allocated for the salary increase of teachers rated ineffective or improvement necessary shall be allocated for compensation of all teachers rated effective and highly effective based on the criteria in subsection (b).

(d) Subsection (c) does not apply to a teacher in the first two (2) full school years that the teacher provides instruction to students in elementary school or high school. If a teacher provides instruction to students in elementary school or high school in another state, any full school year, or its equivalent in the other state, that the teacher provides instruction counts toward the two (2) full school years under this subsection.

(e) A teacher who does not receive a raise or increment under subsection (c) may file a request with the superintendent or superintendent's designee not later than five (5) days after receiving notice that the teacher received a rating of ineffective. The teacher is entitled to a private conference with the superintendent or superintendent's designee.

(f) The department shall publish a model compensation plan with a model salary range that a school corporation may adopt. Before July 1, 2015, the department may modify the model compensation plan, as needed, to comply with subsection (g).

(g) Each school corporation shall submit its local compensation plan to the department. For a school year beginning after June 30, 2015, a local compensation plan must specify the range for teacher salaries. The department shall publish the local compensation plans on the department's Internet web site.

(h) The department shall report any noncompliance with this section to the state board.

(i) The state board shall take appropriate action to ensure compliance with this section.

(j) This chapter may not be construed to require or allow a school corporation to decrease the salary of any teacher below the salary the teacher was earning on or before July 1, 2015, if that decrease would be made solely to conform to the new compensation plan.

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(k) After June 30, 2011, all rights, duties, or obligations established under IC 20-28-9-1 before its repeal are considered rights, duties, or obligations under this section.


IC 20-28-9-2
Repealed

IC 20-28-9-3
Repealed

IC 20-28-9-4
Repealed

IC 20-28-9-5
Computation of annual salary of teacher or distribution of state funds; rounding to nearest dollar
Sec. 5. In computing the annual salary of a teacher or when distributing state funds, an amount of less than fifty cents ($0.50) is dropped while an amount of fifty cents ($0.50) or more is rounded up to the next whole dollar.

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

IC 20-28-9-6
Substitute teachers; wages; no written contract required
Sec. 6. (a) The governing body shall fix wages for substitute teachers.

(b) A substitute teacher may be engaged without a written contract.

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

IC 20-28-9-7
Substitute teachers; certain licenses; pay schedule
Sec. 7. (a) An individual who:

(1) holds:
   (A) a professional license;
   (B) a provisional license;
   (C) a limited license; or
   (D) an equivalent license issued by the department; and

(2) serves as an occasional substitute teacher;

shall be compensated in conformity with the pay range for substitutes

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of the school corporation the individual serves.

(b) An individual who:

(1) holds a:

   (A) professional license; or
   (B) provisional license; and

(2) serves as a substitute teacher in the same teaching position for more than fifteen (15) consecutive school days;

shall be compensated in conformity with the regular pay range for teachers of the school corporation the individual serves.


IC 20-28-9-8
Substitute teacher with substitute license; compensation schedule

Sec. 8. An individual who holds a substitute license shall be compensated in conformity with the pay range for substitutes of the school corporation the individual serves.


IC 20-28-9-9
Teacher absence from work with pay; accumulated unused days

Sec. 9. (a) Each teacher may be absent from work with pay:

(1) on account of illness or quarantine for ten (10) days the first year and seven (7) days in each succeeding year (referred to as "sick days" in this chapter); and

(2) for death in the teacher's immediate family for a period extending not more than five (5) days beyond the death.

(b) If the teacher does not use all the teacher's sick days in a school year, the unused days accumulate up to a total of ninety (90) days. However, each teacher shall be credited with the accumulative days accrued to the teacher on January 1, 1966.

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

IC 20-28-9-10
Teacher with at least one accumulated sick day; employment by another school corporation

Sec. 10. (a) This section applies whenever a teacher accumulates at least one (1) sick day and then is employed in another school corporation.

(b) Beginning in the teacher's second year, the teacher's employer shall add up to three (3) sick days each year to the number of sick days to which the teacher is entitled under section 9(a) of this chapter until the accumulated sick days to which the teacher was entitled in the teacher's last employment are exhausted.

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

IC 20-28-9-11

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Teacher absence from work with pay; agreement between school employer and exclusive representative
Sec. 11. Absences that are not described in sections 9 through 10 of this chapter may be taken with pay when agreed on by the school employer and the exclusive representative under IC 20-29.
As added by P.L.1-2005, SEC.12.

IC 20-28-9-12
Adoption of regulations by school corporation governing payment or part payment of teachers; conditions
Sec. 12. A school corporation may adopt regulations governing the payment or part payment of teachers and then make payments in accordance with those regulations to teachers who are absent because of:
(1) sickness;
(2) attending school conventions or meetings;
(3) visiting other schools; or
(4) a death in the immediate family.
As added by P.L.1-2005, SEC.12.

IC 20-28-9-13
Voluntary sick day bank
Sec. 13. A school corporation may establish a voluntary sick day bank:
(1) to which a teacher may contribute unused sick days; and
(2) from which a contributing teacher may draw sick days when the contributing teacher's accumulated sick days are exhausted.
As added by P.L.1-2005, SEC.12.

IC 20-28-9-14
Teacher personal days
Sec. 14. Each teacher may have at least two (2) days each year with pay for the transaction of personal business or the conduct of personal or civic affairs. The teacher shall submit to the superintendent a written statement describing the reason and necessity for the absence.
As added by P.L.1-2005, SEC.12.

IC 20-28-9-15
Teacher payment when school is closed
Sec. 15. If during the term of the teacher's contract:
(1) the school is closed by order of the:
   (A) school corporation; or
   (B) health authorities; or
(2) school cannot be conducted through no fault of the teacher; the teacher shall receive regular payments during that time. If a canceled student instructional day (as defined in IC 20-30-2-2) is rescheduled to comply with IC 20-30-2, each teacher and

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(notwithstanding IC 20-27-8-7) each school bus driver shall work on that rescheduled day without additional compensation.  
As added by P.L.1-2005, SEC.12.

IC 20-28-9-16  
School closure for Christmas holidays; no payment of teachers' salaries; length of school term  
Sec. 16. A school may be closed for up to two (2) weeks for Christmas holidays without payment of teachers' salaries. Closing the school for Christmas holidays does not shorten the length of the school term.  
As added by P.L.1-2005, SEC.12.

IC 20-28-9-17  
Teacher payment for Saturdays  
Sec. 17. The governing body of a school city may pay the salary of teachers for Saturdays in addition to the other days that school is in session.  
As added by P.L.1-2005, SEC.12.

IC 20-28-9-18  
Salary deductions  
Sec. 18. (a) Upon a teacher's written request, a governing body shall withhold the requested amount of money from the salary of the teacher for a purpose described in subsection (c).  
(b) Upon a written request from a beneficiary of the Indiana state teachers' retirement fund, a governing body may receive a given amount of money for a purpose described in subsection (c).  
(c) The governing body shall hold the amounts described in subsections (a) and (b) and pay the amounts, as requested by the teacher or the beneficiary, to an insurance company or other agency or organization in Indiana that provides, extends, supervises, or pays for:  
(1) insurance or other protection; or  
(2) the establishment of or payment on an annuity account; for the teacher. If a dividend accrues on a policy, the dividend shall be paid or credited to the teacher.  
(d) If less than twenty percent (20%) of the teachers employed by a governing body request payment of the amounts described in subsection (c) to a single recipient, withholding the amounts of money for insurance, dues, or other purposes is discretionary with the governing body.  
As added by P.L.1-2005, SEC.12.

IC 20-28-9-19  
Retirement, savings, or severance pay plan  
Sec. 19. (a) If a governing body of a school corporation agrees to a retirement, savings, or severance pay plan with a teacher or with an
exclusive representative under IC 20-29, the benefits may be paid to:

(1) the teacher who is eligible under a negotiated retirement, savings, or severance pay plan; or
(2) in the case of the teacher's death:

(A) the teacher's designated beneficiary; or
(B) the teacher's estate, if there is no designated beneficiary.

Payments may be made in a lump sum or in installments as agreed upon by the parties or to a savings plan established under IC 5-10-1.1-1(2).

(b) Notwithstanding IC 6-1.1-20, the payments under this section shall be made from the general fund of the school corporation and may be made for a period exceeding one (1) year.

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

IC 20-28-9-20
Participation in health insurance plan upon retirement

Sec. 20. A teacher who is employed by a school corporation that provides a health insurance plan for its employees may participate in the health insurance plan upon retirement under IC 5-10-8.

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

IC 20-28-9-21
Suspension of teacher without pay; reasons

Sec. 21. (a) This section and section 22 of this chapter apply to the suspension of a teacher without pay.

(b) A teacher may be suspended from duty without pay only for the following reasons:

(1) Immorality.
(2) Insubordination, which means the willful refusal to obey the state school laws or reasonable rules prescribed for the government of the school corporation.
(3) Neglect of duty.
(4) Substantial inability to perform teaching duties.
(5) Good and just cause.


IC 20-28-9-22
Suspension of teacher without pay; procedure

Sec. 22. (a) A teacher may be suspended without pay only under the following procedure set forth in this section:

(1) The principal shall notify the teacher of the principal's preliminary decision. The notification must be:

(A) in writing; and
(B) delivered in person or mailed by registered or certified mail to the teacher at the teacher's last known address.

(2) The notice in subdivision (1) must include a written statement, subject to IC 5-14-3-4, giving the reasons for the
preliminary decision.

(b) The notice required under subsection (a) must inform the teacher that, not later than five (5) days after the teacher's receipt of the notice, the teacher may request a private conference with the superintendent. The superintendent must set the requested meeting not later than ten (10) days after the request.

(c) At the conference between the superintendent and the teacher, the teacher may be accompanied by a representative.

(d) This subsection does not apply to the suspension of a superintendent. After the conference between the superintendent and the teacher, the superintendent shall make a written recommendation to the governing body of the school corporation regarding the teacher's suspension without pay.

(e) If the teacher does not request a conference under subsection (b), the principal's preliminary decision is considered final.

(f) If, not later than five (5) days after the initial private conference with the superintendent, the teacher files a request with the governing body for an additional private conference, the teacher is entitled to an additional private conference with the governing body before the governing body makes a final decision. The final decision must be in writing and must be made not more than thirty (30) days after the governing body receives the teacher's request for the additional private conference. At the private conference, the governing body shall do the following:

   (1) Allow the teacher to present evidence to refute the reason or reasons for suspension without pay and supporting evidence provided by the school corporation. Any evidence presented at the private conference must have been exchanged by the parties at least seven (7) days before the private conference.
   (2) Consider whether a preponderance of the evidence supports the teacher's suspension without pay.

(g) At the first public meeting following a private conference with:

   (1) the governing body under subsection (f); or
   (2) the superintendent under subsection (b), if no conference with the governing body is requested;

the governing body may suspend a teacher without pay for a reasonable time by a majority vote evidenced by a signed statement in the minutes of the board. The decision of the governing body is final.

(h) The time periods set out in this section shall be extended for a reasonable period:

   (1) when a teacher or school official is ill or absent from the school corporation; or
   (2) for other reasonable cause.

IC 20-28-9-23
Repealed

IC 20-28-9-24
Examination for teacher licensure; furnishing of test scores
Sec. 24. (a) This section applies to an examination that is 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, including subscores for each area tested.
As added by P.L.1-2005, SEC.12.

IC 20-28-9-25
"Secondary school" for purposes of federal teacher loan forgiveness programs
Sec. 25. For purposes of the federal teacher loan forgiveness program provided under 34 CFR 682.216(a)(4), "secondary school" includes any eligible elementary or secondary school at which a highly qualified teacher in a high needs area (as defined in 34 CFR 682.216(b)) is employed.
As added by P.L.127-2016, SEC.22.