STATE OF INDIANA

EXECUTIVE DEPARTMENT
INDIANAPOLIS

EXECUTIVE ORDER 20-20

FOR: **ADDITIONAL EDUCATION MATTERS AND COVID-19**

TO ALL WHOM THESE PRESENTS MAY COME, GREETINGS:

WHEREAS, on March 6, 2020, I issued Executive Order 20-02, which declared a public health emergency exists throughout the State of Indiana as a result of the coronavirus disease 2019 ("COVID-19") outbreak in the United States and a confirmed report that the disease had spread to Indiana, and, on April 3, 2020, after the disease continued to spread throughout our state, I renewed the public health emergency for an additional thirty (30) days;

WHEREAS, since then, on March 11, 2020, the World Health Organization declared COVID-19 to be a global pandemic and, on March 13, 2020, the President of the United States declared a national emergency with respect to this dangerous virus;

WHEREAS, on March 12, 2020, all Indiana schools were provided a twenty (20) day waiver for school closure allowable for use effective immediately and, on March 19, 2020, I issued Executive Order 20-05 directing all K-12 schools to close through May 1, 2020;

WHEREAS, on April 2, 2020, I issued Executive Order 20-16 directing all K-12 schools to provide instruction via remote learning for the remainder of the 2019-2020 school year (School Year); to not conduct in-person instruction for the remainder of the School Year; and to keep their school buildings closed except for the purposes described in Executive Orders 20-04, 20-05, 20-08, and as may be described in any future Executive Orders;

WHEREAS, additionally, in Executive Order 20-16, I directed the Superintendent of Public Instruction, the executive director of the State Board of Education (SBOE), and all relevant state agencies to consult, finalize, and submit recommendations for my review on April 7, 2020, regarding all other deadlines and requirements for the current School Year set forth in statute and rule as are necessary and appropriate to address in order to implement Executive Order 20-16, which accordingly were submitted for my review on April 7, 2020;

WHEREAS, after reviewing these recommendations, it is necessary and appropriate to take additional steps to implement Executive Order 20-16 as strict compliance with a number of education-related provisions in statute and rule would prevent, hinder, and/or delay necessary action in coping with this emergency;

WHEREAS, as Governor, I have broad authority and powers under Indiana law to declare and respond to public health emergencies on behalf of our State, including but not limited to: (a) making, amending, and rescinding the necessary orders, rules, and regulations to carry out Indiana's Emergency Management and Disaster Law, Ind. Code ch. 10-14-3; (b) suspending the provisions of any regulatory statute prescribing the procedures for conduct of state business, including the orders, rules, or regulations of any state agency if strict compliance with any of these provisions would in any way prevent, hinder, or delay necessary action in coping with the emergency; and (c) using the services and facilities of existing officers, agencies of the state, and of political subdivisions, who shall cooperate with and extend services and facilities to the governor as I may request; and

WHEREAS, in light of the above, it is necessary and proper to take further actions to protect the health, safety and welfare of all Hoosiers in connection with the continuing and evolving threat posed by COVID-19, as more particularly described herein;

NOW, THEREFORE, I, Eric J. Holcomb, by virtue of the authority vested in me as Governor by the Indiana Constitution and the laws of the State of Indiana, do hereby order the following:

1. LATCH-KEY PROGRAM

   The requirements of Ind. Code § 20-26-5-2 are suspended to the extent this provision requires a school to conduct a school age child care program for the current School Year.

2. VISION & HEARING TESTS

   The requirements set forth in Ind. Code §§ 20-34-3-12 & -14 are hereby suspended to the extent these provisions require each school corporation to conduct vision and hearing tests for the School Year. The Indiana Department of Education (IDOE) may collect information and data from schools on this subject as it determines necessary.

3. ANNUAL STAFF PERFORMANCE EVALUATIONS & TEACHER REMEDIATION PLANS

   A. Conducting Evaluations: To allow flexibility and local decision-making, all schools required to conduct annual staff performance evaluations (Evaluations) for certificated employees shall do so for the current School Year using one (1) of the two (2) options below, and any requirement in Ind. Code ch. 20-28-11.5 and/or 511 IAC 10-6 to the contrary is hereby suspended to the extent necessary and appropriate to allow Evaluations conducted under either of the below options to be sufficient for the current School Year:

      Option I. *Normal Evaluations:* School corporations (as defined in Ind. Code § 20-28-11.5-3) may conduct Evaluations for the current School Year according to their previously adopted plans, except that objective measures of student achievement and growth on the statewide and local assessments that were not completed in advance of the last day of in-person instruction, and in-person observations that were not conducted in advance of the last day of in-person instruction, shall not be considered.

      Option II. *Prior Year Evaluations:* School corporations (as defined in Ind. Code § 20-28-11.5-3) may use final evaluations and employee designations for all certificated employees from the 2018-2019 school year for the current School Year if the school finds this method will provide a valid Evaluation of the certificated employees' performance for the current School Year, however:

         a. School corporations (as defined in Ind. Code § 20-28-11.5-3) must conduct a new Evaluation (as described in Option I) for teachers who are on a remediation plan and for teachers without a 2018-2019 school year evaluation and designation; and

         b. Teachers with a 2018-2019 school year evaluation and designation from another district may choose to receive either the same final evaluation and employee designation for the current School Year, or a new Evaluation (as described in Option I).

      The Superintendent of Public Instruction and the executive director of the SBOE shall jointly publish guidance explaining these options.

      Each school corporation (as defined in Ind. Code § 20-28-11.5-3) shall report to the IDOE the option selected when making the reports required by Ind. Code § 20-28-11.5-9.

   B. Remediation Plan Deadlines: The deadlines established in Ind. Code § 20-28-11.5-6 are extended as follows:

      i. A certificated employee must receive a copy of the employee's completed Evaluation and supporting documentation not later than fifteen (15) days after the evaluation is conducted; and

      ii. A teacher who receives a rating of ineffective may file a request for a private conference with the teacher's superintendent or the superintendent's designee not later than fifteen (15) days after receiving notice that the teacher received a rating of ineffective.

4. CARDIOPULMONARY RESUSCITATION (CPR) CERTIFICATION FOR NEW TEACHERS

The requirements set forth in Ind. Code § 20-28-5-3(c) are hereby suspended to the extent this provision requires successful completion of CPR training and certification in order to obtain an initial teaching license or permit; new licensees and permittees must successfully complete this requirement by September 30, 2020.

5. STUDENT TEACHING

The requirements set forth in 511 IAC 15-1-2, -2-2, -3-2, -4-2, & -5-2 are hereby modified, as described below, to the extent these provisions require teacher candidates seeking initial licensure to complete a minimum of ten (10) weeks of full-time student teaching:

a. Teacher candidates may continue to meet their student teaching requirements by participating in remote learning; or

b. If a teacher candidate cannot meet the ten (10) week requirement by participating in remote learning, and if the teacher candidate's education preparation program and supervising educator certify the student is prepared to seek an initial license, the ten (10) week requirement is waived for that teacher candidate.

6. EMERGENCY PREPAREDNESS DRILLS

The requirements set forth in Ind. Code § 20-34-3-20 are hereby suspended to the extent this provision requires each school corporation to conduct and report emergency preparedness drills for the School Year. The IDOE may collect information and data from schools on this subject as it determines necessary.

7. SCHOOL BUS DRILLS

The requirements of Ind. Code § 20-27-3-6.5 are hereby suspended to the extent this provision requires a school bus driver to provide instructions to passengers of a school bus on the proper fastening of the safety belt, and to conduct a school bus passenger evacuation drill.

I authorize the Superintendent of Public Instruction to waive, suspend, and/or modify the rules regarding safety belt instruction found in Title 575 of the Indiana Administrative Code as necessary and appropriate to implement this Executive Order for the current School Year.

8. SCHOOL BUS INSPECTION

The requirements of Ind. Code § 20-27-3-4(c) are suspended to the extent this provision requires certificate of inspection decals to expire September 30 following the school year in which the certificate of inspection decal is effective. These certificate of inspection decals shall expire November 30, 2020.

9. PRESERVICE SCHOOL BUS DRIVER REQUIREMENTS

The requirements of Ind. Code § 20-27-8-10 are hereby suspended to the extent this provision requires an individual who does not have at least thirty (30) days of experience in driving a school bus during the three (3) year period immediately preceding the effective date of the individual's assignment as a school bus driver to complete a preservice school bus driver safety education training course. The Indiana State School Bus Committee shall establish an alternative experience requirement for drivers affected by the public health emergency that satisfies the intent of this provision.

10. ANNUAL PERFORMANCE REPORT PUBLISHING

The requirements of Ind. Code § 20-20-8-3 are hereby suspended to the extent this provision requires a governing body of a school corporation to publish an annual performance report of the school corporation between March 15 and March 31 of each year. School corporations that did not publish an annual performance report between March 15, 2020, and March 31, 2020, may request an extension until May 31, 2020, from the IDOE.

This Executive Order 20-20 is a supplement to, and deemed to be part of, Executive Orders 20-02, 20-16, & 20-17.

IT IS SO ORDERED.

IN TESTIMONY WHEREOF, I, Eric J. Holcomb, have hereunto set my hand and caused to be affixed the Great Seal of the State of Indiana, on this 29th day of April, 2020.

Eric J. Holcomb
Governor of Indiana

FOR:

ATTEST: Connie Lawson
Secretary of State