

SENATE BILL No. 56

DIGEST OF INTRODUCED BILL

Citations Affected: IC 20-28-6-2; IC 20-29-6.

Synopsis: Collective bargaining. Provides that school employers may bargain collectively with the exclusive representative (union) on teacher working and student learning conditions, including hours, class size, preparation periods, student discipline, and curricular matters. Provides that, if a school employer bargains teacher working and student learning conditions, the school employer shall adopt a resolution regarding the items bargained and, after ratification of a collective bargaining contract, submit the resolution to the Indiana education employment relations board.

Effective: July 1, 2021.

Bohacek

January 4, 2021, read first time and referred to Committee on Pensions and Labor.



First Regular Session of the 122nd General Assembly (2021)

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 2020 Regular Session of the General Assembly.

SENATE BILL No. 56

A BILL FOR AN ACT to amend the Indiana Code concerning education.

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

1 SECTION 1. IC 20-28-6-2, AS AMENDED BY P.L.118-2016,
2 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2021]: Sec. 2. (a) A contract entered into by a teacher and a
4 school corporation must:
5 (1) be in writing;
6 (2) be signed by both parties; and
7 (3) contain the:
8 (A) beginning date of the school term as determined annually
9 by the school corporation;
10 (B) number of days in the school term as determined annually
11 by the school corporation;
12 (C) total salary to be paid to the teacher during the school year;
13 (D) number of salary payments to be made to the teacher
14 during the school year; and
15 (E) number of hours per day the teacher is expected to work,
16 as **bargained under IC 20-29-6-4(c) or** discussed pursuant to
17 IC 20-29-6-7.



1 (b) The contract may provide for the annual determination of the
 2 teacher's annual compensation based on a local compensation plan
 3 specifying a salary range, which is part of the contract. The
 4 compensation plan may be changed by the school corporation before
 5 the later of May 1 of a year, with the changes effective the next school
 6 year, or the date specified in a collective bargaining agreement
 7 applicable to the next school year. A teacher affected by the changes
 8 shall be furnished with printed copies of the changed compensation
 9 plan not later than thirty (30) days after the adoption of the
 10 compensation plan.

11 (c) A contract under this section is also governed by the following
 12 statutes:

- 13 (1) IC 20-28-9-5 through IC 20-28-9-6.
- 14 (2) IC 20-28-9-9 through IC 20-28-9-11.
- 15 (3) IC 20-28-9-13.
- 16 (4) IC 20-28-9-14.

17 (d) A governing body shall provide the blank contract forms,
 18 carefully worded by the state superintendent, and have them signed.
 19 The contracts are public records open to inspection by the residents of
 20 each school corporation.

21 (e) An action may be brought on a contract that conforms with
 22 subsections (a)(1), (a)(2), and (d).

23 SECTION 2. IC 20-29-6-1, AS AMENDED BY P.L.274-2019,
 24 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 25 JULY 1, 2021]: Sec. 1. (a) School employers and school employees
 26 shall:

- 27 (1) have the obligation and the right to bargain collectively the
 28 items set forth in section ~~4~~ **4(a)** of this chapter;
- 29 (2) have the right and obligation to discuss any item set forth in
 30 section 7 of this chapter; and
- 31 (3) enter into a contract embodying any of the matters listed in
 32 section 4 of this chapter on which they have bargained
 33 collectively.

34 (b) Notwithstanding any other law, before a school employer and
 35 school employees may privately negotiate the matters described in
 36 subsection (a)(1) during the time period for formal collective
 37 bargaining established in section 12 of this chapter, the parties must
 38 hold at least one (1) public hearing and take public testimony to discuss
 39 the items described in subsection (a).

40 SECTION 3. IC 20-29-6-4, AS AMENDED BY P.L.217-2017,
 41 SECTION 101, IS AMENDED TO READ AS FOLLOWS
 42 [EFFECTIVE JULY 1, 2021]: Sec. 4. (a) A school employer shall



1 bargain collectively with the exclusive representative on the following:

2 (1) Salary.

3 (2) Wages.

4 (3) Salary and wage related fringe benefits, including accident,
5 sickness, health, dental, vision, life, disability, retirement benefits,
6 and paid time off as permitted to be bargained under
7 IC 20-28-9-11.

8 (b) Salary and wages include the amounts of pay increases available
9 to employees under the compensation plan adopted under
10 IC 20-28-9-1.5, but do not include the teacher evaluation procedures
11 and criteria, any components of the teacher evaluation plan, rubric, or
12 tool, or any performance stipend or addition to base salary based on a
13 stipend to an individual teacher under IC 20-43-10-3.5.

14 **(c) This subsection does not apply to a school corporation that**
15 **is designated a distressed political subdivision under IC 6-1.1-20.3.**

16 **A school employer:**

17 **(1) may bargain collectively with the exclusive representative**
18 **on teacher working and student learning conditions, including**
19 **hours, class size, preparation periods, student discipline, and**
20 **curricular matters; and**

21 **(2) shall, if applicable, adopt a resolution regarding any items**
22 **described in subdivision (1) that the school employer**
23 **collectively bargains.**

24 SECTION 4. IC 20-29-6-4.5, AS AMENDED BY P.L.217-2017,
25 SECTION 102, IS AMENDED TO READ AS FOLLOWS
26 [EFFECTIVE JULY 1, 2021]: Sec. 4.5. (a) ~~For a contract entered into~~
27 ~~after June 30, 2011,~~ **Except for an item collectively bargained under**
28 **section 4(c) of this chapter,** a school employer may not bargain
29 collectively with the exclusive representative on the following:

30 (1) The school calendar.

31 (2) Teacher dismissal procedures and criteria.

32 (3) Restructuring options available to a school employer under
33 federal or state statutes, regulations, or rules because of the failure
34 of the school corporation or a school to meet federal or state
35 accountability standards.

36 (4) The ability of a school employer to contract, partner, or
37 operate jointly with an educational entity that provides
38 postsecondary credits to students of the school employer or dual
39 credits from the school employer and the educational entity.

40 (5) Any subject not expressly listed in section 4 of this chapter.

41 (b) For a contract entered into after January 1, 2015, for a school
42 year beginning after June 30, 2015, a school employer may not bargain



1 collectively with the exclusive representative for the following:

2 (1) A matter described in subsection (a).

3 (2) A matter that another statute specifies is not subject to
4 collective bargaining, including IC 20-28-9-1.5 and
5 IC 20-43-10-3.5.

6 **(c) Except for an item collectively bargained under section 4(c)**
7 **of this chapter**, a subject set forth in subsection (a) or (b) that may not
8 be bargained collectively may not be included in an agreement entered
9 into under this article.

10 SECTION 5. IC 20-29-6-6.1, AS AMENDED BY P.L.228-2017,
11 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
12 JULY 1, 2021]: Sec. 6.1. (a) After ratification of a contract under
13 section 6 of this chapter, a school employer shall submit **to the board**
14 **the following:**

15 (1) The ratified collective bargaining agreement, including the
16 compensation model developed under IC 20-28-9-1.5. ~~to the~~
17 ~~board.~~

18 (2) **If the school employer bargains collectively with the**
19 **exclusive representative regarding an item described in**
20 **section 4(c) of this chapter, the resolution adopted by the**
21 **school employer under section 4(c) of this chapter.**

22 (b) The board shall appoint a staff member or an ad hoc panel
23 member to review each submitted collective bargaining agreement and
24 to make a written recommendation concerning the collective
25 bargaining agreement's compliance with this chapter, including a
26 penalty for any noncompliance. The review must be completed before
27 May 31 of the year in which the current collective bargaining
28 agreement expires.

29 (c) Not later than fifteen (15) days after a recommendation has been
30 made under subsection (b), one (1) or both parties to a collective
31 bargaining agreement may appeal to the board, in writing, the decision
32 made in the recommendation. If the board does not receive an appeal
33 not later than fifteen (15) days after issuing a recommendation, the
34 recommendation becomes the final order of the board.

35 (d) If the board receives a timely appeal, the board may make a
36 decision on the recommendation with or without oral argument. The
37 board may request that the parties submit briefs. The board must issue
38 a ruling on the appeal not later than thirty (30) days after the last of the
39 following occurs:

40 (1) The appeal is received.

41 (2) Briefs are received.

42 (3) Oral arguments are held.



- 1 (e) IC 4-21.5 does not apply to a review under subsection (b) or (d).
 2 (f) If, following the review of a collective bargaining agreement, the
 3 board finds the collective bargaining agreement does not comply with
 4 this chapter, the board shall issue an order that may include one (1) or
 5 more of the following items:
 6 (1) Ordering the parties to cease and desist from all identified
 7 areas of noncompliance.
 8 (2) Preventing the parties from ratifying any subsequent collective
 9 bargaining agreements until the parties receive written approval
 10 from the board or the board's agent.
 11 (3) Requiring other action as deemed appropriate by the board as
 12 authorized by state law.
 13 (g) The board may send the board's compliance findings to other
 14 state agencies as necessary.
 15 (h) After a school employer has submitted a collective bargaining
 16 agreement under subsection (a), the school employer and an exclusive
 17 representative may not enter into a new collective bargaining
 18 agreement containing the noncompliant provision until the school
 19 employer has received either:
 20 (1) the board's order regarding the compliance of the submitted
 21 collective bargaining agreement with this chapter; or
 22 (2) other written approval from the board or an agent of the board.
 23 (i) If any provision of the collective bargaining agreement is found
 24 not to be compliant with this chapter, the provision that is found to be
 25 noncompliant with this chapter shall not affect other provisions of the
 26 collective bargaining agreement that can be given effect without the
 27 noncompliant provision, and to this end the provisions of collective
 28 bargaining agreement are severable.
 29 (j) The board:
 30 (1) shall adopt rules under IC 4-22; and
 31 (2) may adopt emergency rules in the manner provided under
 32 IC 4-22-2-37.1;
 33 as necessary to implement this section.
 34 (k) An emergency rule adopted by the board under subsection (j)
 35 expires on the earliest of the following dates:
 36 (1) The expiration date stated in the emergency rule.
 37 (2) The date the emergency rule is amended or repealed by a later
 38 rule adopted under IC 4-22-2-22.5 through IC 4-22-2-36 or
 39 IC 4-22-2-37.1.
 40 (3) One (1) year after the date the emergency rule is adopted.
 41 (l) This subsection applies only to a school corporation that has a
 42 compensation plan developed under IC 20-28-9-1.5 but does not have



1 a ratified collective bargaining agreement. A school corporation shall,
 2 not later than October 1 of the year in which the compensation plan
 3 becomes effective, submit the school corporation's compensation plan
 4 to the board.

5 (m) If a school corporation fails to timely file a compensation plan
 6 as required under subsection (l), the school corporation's compensation
 7 plan is considered not in compliance with IC 20-28-9-1.5 and this
 8 section unless a compliance officer of the board finds good cause
 9 shown for the delay.

10 SECTION 6. IC 20-29-6-7, AS AMENDED BY P.L.73-2019,
 11 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 12 JULY 1, 2021]: Sec. 7. **Except for an item collectively bargained**
 13 **under section 4(c) of this chapter**, a school employer shall discuss
 14 with the exclusive representative of certificated employees the
 15 following items:

- 16 (1) Curriculum development and revision.
- 17 (2) Selection of curricular materials.
- 18 (3) Teaching methods.
- 19 (4) Hiring, evaluation, promotion, demotion, transfer, assignment,
 20 and retention of certificated employees.
- 21 (5) Student discipline.
- 22 (6) Expulsion or supervision of students.
- 23 (7) Pupil/teacher ratio.
- 24 (8) Class size or budget appropriations.
- 25 (9) Safety issues for students and employees in the workplace,
 26 except those items required to be kept confidential by state or
 27 federal law.
- 28 (10) Hours.
- 29 (11) Funding for a plan for a remediation program for any subset
 30 of students enrolled in kindergarten through grade 12.
- 31 (12) The following nonbargainable items under IC 20-43-10-3.5:
 32 (A) Teacher appreciation grants.
 33 (B) Individual teacher appreciation grant stipends to teachers.
 34 (C) Additions to base salary based on teacher appreciation
 35 grant stipends.
- 36 (13) The pre-evaluation planning session required under
 37 IC 20-28-11.5-4.
- 38 (14) The superintendent's report to the governing body concerning
 39 staff performance evaluations required under IC 20-28-11.5-9.
- 40 (15) A teacher performance model.

