**IC 20-29**

# ARTICLE 29. COLLECTIVE BARGAINING FOR TEACHERS

**IC 20-29-1**

## Chapter 1. Findings and Intent

**IC 20-29-1-1**

**Intent**

Sec. 1. The general assembly declares the following:

(1) The citizens of Indiana have a fundamental interest in the development of harmonious and cooperative relationships between school corporations and their certificated employees.

(2) Recognition by school employers of the right of school employees to organize and acceptance of the principle and procedure of collective bargaining between school employers and school employee organizations can alleviate various forms of strife and unrest.

(3) The state has a basic obligation to protect the public by attempting to prevent any material interference with the normal public school educational process.

(4) The relationship between school corporation employers and certificated school employees is not comparable to the relationship between private employers and employees for the following reasons:

(A) A public school corporation is not operated for profit but to ensure the citizens of Indiana rights guaranteed them by the Constitution of the State of Indiana.

(B) The obligation to educate children and the methods by which the education is effected will change rapidly with:

(i) increasing technology;

(ii) the needs of an advancing civilization; and

(iii) requirements for substantial educational innovation.

(C) The general assembly has delegated the discretion to carry out this changing and innovative educational function to the governing bodies of school corporations, composed of citizens elected or appointed under applicable law, a delegation that these bodies may not and should not bargain away.

(D) Public school corporations have different obligations concerning certificated school employees under constitutional and statutory requirements than private employers have to their employees.

*As added by P.L.1-2005, SEC.13.*

**IC 20-29-2**

**Chapter 2. Definitions**

**IC 20-29-2-1**

**Application of chapter**

Sec. 1. The definitions in this chapter apply throughout this article.

*As added by P.L.1-2005, SEC.13.*

**IC 20-29-2-2**

**"Bargain collectively"**

Sec. 2. "Bargain collectively" means the performance of the mutual obligation of the school employer and the exclusive representative to:

(1) meet at reasonable times to negotiate in good faith concerning the items enumerated in IC 20-29-6-4; and

(2) execute a written contract incorporating any agreement relating to the matters described in subdivision (1).

*As added by P.L.1-2005, SEC.13.*

**IC 20-29-2-3**

**"Board"**

Sec. 3. "Board" refers to the Indiana education employment relations board established by IC 20-29-3-1.

*As added by P.L.1-2005, SEC.13.*

**IC 20-29-2-4**

**"Certificated employee"**

Sec. 4. "Certificated employee" means a person:

(1) whose contract with the school corporation requires that the person hold a license or permit from the division of professional standards of the department under IC 20-28; or

(2) who is employed as a teacher by a charter school established under IC 20-24.

*As added by P.L.1-2005, SEC.13. Amended by P.L.1-2007, SEC.145.*

**IC 20-29-2-5**

**"Confidential employee"**

Sec. 5. "Confidential employee" means a school employee whose:

(1) unrestricted access to confidential personnel files; or

(2) functional responsibilities or knowledge in connection with the issues involved in dealings between the school corporation and its employees;

makes the school employee's membership in a school employee organization incompatible with the school employee's official duties.

*As added by P.L.1-2005, SEC.13.*

**IC 20-29-2-6**

**"Deficit financing"**

Sec. 6. "Deficit financing" for a budget year means actual

expenditures exceeding the employer's current year actual general fund revenue.
*As added by P.L.1-2005, SEC.13. Amended by P.L.48-2011, SEC.7.*

**IC 20-29-2-7**
**"Discuss"**

Sec. 7. "Discuss" means the performance of the mutual obligation of the school corporation through its superintendent and the exclusive representative to meet at reasonable times to:

(1) discuss;
(2) provide meaningful input; or
(3) exchange points of view;

with respect to items enumerated in IC 20-29-6-7.
*As added by P.L.1-2005, SEC.13.*

**IC 20-29-2-8**
**"Employees performing security work"**

Sec. 8. "Employees performing security work" means a school employee:

(1) whose primary responsibility is the protection of personal and real property owned or leased by the school corporation; or
(2) who performs police or quasi-police powers.

*As added by P.L.1-2005, SEC.13.*

**IC 20-29-2-9**
**"Exclusive representative"**

Sec. 9. "Exclusive representative" means the:

(1) school employee organization that has been:
(A) certified for purposes of this article by the board; or
(B) recognized by a school employer as the exclusive representative of the employees in an appropriate unit;
under IC 20-29-5-1 through IC 20-29-5-5; or
(2) person or persons authorized to act on behalf of a representative described in subdivision (1).

*As added by P.L.1-2005, SEC.13.*

**IC 20-29-2-10**
**"Governing body"**

Sec. 10. "Governing body" means:

(1) a township trustee and the township board of a school township;
(2) a county board of education;
(3) a board of school commissioners;
(4) a metropolitan board of education;
(5) a board of trustees;
(6) any other board or commission charged by law with the responsibility of administering the affairs of a school corporation; or
(7) the body that administers a charter school established under IC 20-24.

*As added by P.L.1-2005, SEC.13.*

**IC 20-29-2-11**
**"Noncertificated employee"**

Sec. 11. "Noncertificated employee" means a school employee whose employment is not dependent on the holding of a license or permit under IC 20-28.

*As added by P.L.1-2005, SEC.13.*

**IC 20-29-2-12**
**"School corporation"**

Sec. 12. "School corporation" means a local public school corporation established under Indiana law. The term includes any:

(1) school city;
(2) school town;
(3) school township;
(4) consolidated school corporation;
(5) metropolitan school district;
(6) township school corporation;
(7) county school corporation;
(8) united school corporation;
(9) community school corporation; and
(10) public career and technical education center or school or school for children with disabilities established or maintained by two (2) or more school corporations.

*As added by P.L.1-2005, SEC.13. Amended by P.L.234-2007, SEC.109.*

**IC 20-29-2-13**
**"School employee"**

Sec. 13. "School employee" means a full-time certificated person in the employment of the school employer. A school employee is considered full time even though the employee does not work during school vacation periods and accordingly works less than a full year. The term does not include:

(1) supervisors;
(2) confidential employees;
(3) employees performing security work; and
(4) noncertificated employees.

*As added by P.L.1-2005, SEC.13.*

**IC 20-29-2-14**
**"School employee organization"**

Sec. 14. "School employee organization" means an organization that:

(1) has school employees as members; and
(2) as one (1) of its primary purposes, represents school employees in dealing with their school employer.

The term includes a person or persons authorized to act on behalf of the organization.

*As added by P.L.1-2005, SEC.13.*

**IC 20-29-2-15**
**"School employer"**

Sec. 15. "School employer" means:

(1) the governing body of each:

(A) school corporation; or

(B) charter school established under IC 20-24; and

(2) a person or persons authorized to act for the governing body of the school employer in dealing with its employees.

*As added by P.L.1-2005, SEC.13.*

**IC 20-29-2-16**
**"Strike"**

Sec. 16. "Strike" means:

(1) concerted failure to report for duty;

(2) willful absence from one's position;

(3) stoppage of work; or

(4) abstinence in whole or in part from the full, faithful, and proper performance of the duties of employment;

without the lawful approval of the school employer or in any concerted manner interfering with the operation of the school employer for any purpose.

*As added by P.L.1-2005, SEC.13.*

**IC 20-29-2-17**
**Repealed**

*(Repealed by P.L.48-2011, SEC.39.)*

**IC 20-29-2-18**
**"Superintendent"**

Sec. 18. "Superintendent" means:

(1) the chief administrative officer of a:

(A) school corporation; or

(B) charter school established under IC 20-24; or

(2) a person or persons designated by the officer or by the governing body to act in the officer's behalf in dealing with school employees.

*As added by P.L.1-2005, SEC.13.*

**IC 20-29-2-19**
**"Supervisor"**

Sec. 19. "Supervisor" means an individual who has:

(1) authority, acting for the school corporation, to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline school employees;

(2) responsibility to direct school employees and adjust their grievances; or

(3) responsibility to effectively recommend the action described in subdivisions (1) through (2);

that is not of a merely routine or clerical nature but requires the use of independent judgment. The term includes superintendents, assistant superintendents, business managers and supervisors, directors with school corporationwide responsibilities, principals and vice principals, and department heads who have responsibility for evaluating teachers.

*As added by P.L.1-2005, SEC.13.*

**IC 20-29-3**

**Chapter 3. Indiana Education Employment Relations Board**

**IC 20-29-3-1**

**Establishment of board**

Sec. 1. The Indiana education employment relations board is established.

*As added by P.L.1-2005, SEC.13.*

**IC 20-29-3-2**

**Members**

Sec. 2. The board consists of three (3) members appointed by the governor to serve at the governor's pleasure.

*As added by P.L.1-2005, SEC.13.*

**IC 20-29-3-3**

**Chairperson**

Sec. 3. The governor shall designate one (1) member of the board to serve as chairperson.

*As added by P.L.1-2005, SEC.13.*

**IC 20-29-3-4**

**Political affiliation of board members**

Sec. 4. Not more than two (2) members of the board may be members of the same political party.

*As added by P.L.1-2005, SEC.13.*

**IC 20-29-3-5**

**Terms and vacancies**

Sec. 5. Each member of the board is appointed for a term of four (4) years. A member appointed to fill a vacancy is appointed for the unexpired term of the member whom the appointed member is to succeed.

*As added by P.L.1-2005, SEC.13.*

**IC 20-29-3-6**

**Qualifications**

Sec. 6. Members may not:

(1) hold:

(A) another public office; or

(B) employment by the state, a public agency, or a public employer;

(2) be an officer or employee of a school employee organization or any affiliate of an organization; or

(3) represent a:

(A) school employer; or

(B) school employee organization, or an organization's affiliates.

*As added by P.L.1-2005, SEC.13.*

**IC 20-29-3-7**
**Member on university teaching staff**

Sec. 7. Section 6 of this chapter does not apply to an individual on the teaching staff of a university who is knowledgeable in public administration or labor law if the individual is not actively engaged, other than as a member, with any labor or employee organization. This section shall be construed liberally to effectuate the intent of the general assembly.

*As added by P.L.1-2005, SEC.13.*

**IC 20-29-3-8**
**Chairperson's duties**

Sec. 8. The chairperson of the board shall give full time to the chairperson's duties and may not engage in any other business, vocation, or employment.

*As added by P.L.1-2005, SEC.13.*

**IC 20-29-3-9**
**Compensation**

Sec. 9. The members of the board (other than the chairperson) receive as compensation payment equal to that of the chairperson, computed on a daily rate and paid for every day actually spent serving on the board.

*As added by P.L.1-2005, SEC.13.*

**IC 20-29-3-10**
**Quorum**

Sec. 10. Two (2) members of the board constitute a quorum.

*As added by P.L.1-2005, SEC.13.*

**IC 20-29-3-11**
**Powers**

Sec. 11. The board has the following powers:

(1) To adopt an official seal and prescribe the purposes for which the seal may be used.

(2) To hold hearings and make inquiries as the board considers necessary to carry out properly the board's functions and powers.

(3) To establish a principal office in Indianapolis.

(4) To meet and exercise the board's powers at any other place in Indiana.

(5) To conduct in any part of Indiana a proceeding, a hearing, an investigation, an inquiry, or an election necessary to the performance of the board's functions. For this purpose, the board may designate one (1) member, or an agent or agents, as hearing examiners. The board may use voluntary and uncompensated services as needed.

(6) To appoint staff and attorneys as the board finds necessary for the proper performance of its duties. The attorneys appointed under this section may, at the direction of the board,

appear for and represent the board in court.

(7) To pay the reasonable and necessary traveling and other expenses of an employee, a member, or an agent of the board.

(8) To subpoena witnesses and issue subpoenas requiring the production of books, papers, records, and documents that may be needed as evidence in any matter under inquiry, and to administer oaths and affirmations. In cases of neglect or refusal to obey a subpoena issued to a person, the circuit or superior court of the county in which the investigations or the public hearings are taking place, upon application by the board, shall issue an order requiring the person to:

(A) appear before the board; and

(B) produce evidence about the matter under investigation.

A failure to obey the order may be punished by the court as a contempt. A subpoena, notice of hearing, or other process of the board issued under this chapter shall be served in the manner prescribed by the Indiana Rules of Trial Procedure.

(9) To adopt, amend, or rescind rules the board considers necessary and administratively feasible to carry out this chapter under IC 4-22-2.

(10) To request from any public agency the assistance, services, and data that will enable the board properly to carry out the board's functions and powers.

(11) To publish and report in full an opinion in every case decided by the board.

*As added by P.L.1-2005, SEC.13.*

**IC 20-29-3-12**
**Repealed**

*(Repealed by P.L.48-2011, SEC.39.)*

**IC 20-29-3-13**
**Repealed**

*(Repealed by P.L.48-2011, SEC.39.)*

**IC 20-29-3-14**
**Research division**

Sec. 14. The board's research division must be organized to provide:

(1) statistical data on the resources of each school corporation;

(2) the substance of any agreements reached by each school corporation; and

(3) other relevant data.

*As added by P.L.1-2005, SEC.13.*

**IC 20-29-4**

**Chapter 4. Rights and Responsibilities of School Employees and Employers**

**IC 20-29-4-1**

**Rights of school employees**

Sec. 1. School employees may:

(1) form, join, or assist school employee organizations;

(2) participate in collective bargaining with school employers through representatives of their own choosing; and

(3) engage in other activities, individually or in concert;

to establish, maintain, or improve salaries, wages, salary and wage related fringe benefits, and other matters set forth in IC 20-29-6-4 and IC 20-29-6-5.

*As added by P.L.1-2005, SEC.13. Amended by P.L.48-2011, SEC.8; P.L.229-2011, SEC.177.*

**IC 20-29-4-2**

**School employee not required to join or financially support school employee organization**

Sec. 2. (a) A school employee may not be required to join or financially support through the payment of:

(1) fair share fees;

(2) representation fees;

(3) professional fees; or

(4) other fees;

a school employee organization.

(b) A rule, regulation, or contract provision requiring financial support from a school employee to a school employee organization is void.

*As added by P.L.1-2005, SEC.13.*

**IC 20-29-4-3**

**Responsibilities of school employers**

Sec. 3. School employers have the responsibility and authority to manage and direct on behalf of the public the operations and activities of the school corporation to the full extent authorized by law, including but not limited to the following:

(1) Direct the work of the school employer's employees.

(2) Establish policy through procedures established in IC 20-29-6-4 and IC 20-29-6-5.

(3) Hire, promote, demote, transfer, assign, and retain employees.

(4) Suspend or discharge employees in accordance with applicable law through procedures established under state law.

(5) Maintain the efficiency of school operations.

(6) Relieve employees from duties because of lack of work or other legitimate reason through procedures established in IC 20-29-6-4, IC 20-29-6-5, and IC 20-29-6-7.

(7) Take actions necessary to carry out the mission of the public

schools as provided by law.

*As added by P.L.1-2005, SEC.13. Amended by P.L.48-2011, SEC.9.*

**IC 20-29-5**

**Chapter 5. Units and Exclusive Representatives**

**IC 20-29-5-1**

**Exclusive representatives; selection of unit**

Sec. 1. (a) The exclusive representative shall serve for school employees within certain groups referred to in this chapter as units or bargaining units. A bargaining unit may not contain both certificated and noncertificated employees. Subject to this limitation, the units for which an exclusive representative serves are determined in accordance with subsections (b) through (d).

(b) The parties may agree on the appropriate unit. For this purpose, the parties consist of the school employer and a school employee organization representing at least twenty percent (20%) of the school employees in a proposed unit.

(c) If the parties do not reach an agreement on the appropriate unit, or if a school employee in the proposed unit files a complaint about the unit with the board, the board shall determine the proper unit after a hearing. The board's decision must be based on but not limited to the following considerations:

(1) Efficient administration of school operations.

(2) The existence of a community of interest among school employees.

(3) The effects on the school corporation and school employees of fragmentation of units.

(4) Recommendations of the parties involved.

(d) In making a determination under subsection (c), the board shall give notice to all interested parties in accordance with the rules of the board. In giving notice under this subsection, the board is not required to follow IC 4-21.5.

*As added by P.L.1-2005, SEC.13.*

**IC 20-29-5-2**

**Recognition of school employer organization as exclusive representative by school employer**

Sec. 2. (a) A school employer may recognize as the exclusive representative of the school employer's employees within an appropriate unit a school employee organization that presents to the employer evidence of the school employee organization's representation of a majority of the school employees within the unit, unless:

(1) another school employee organization representing twenty percent (20%) of the school employees within the unit files written objections to the recognition; or

(2) a school employee files a complaint to the composition of the unit with the school employer or the board within the notice period set forth in this section.

(b) Before recognizing an exclusive representative under this section, the school employer shall post a written public notice of the school employer's intention to recognize the school employee

organization as exclusive representative of the school employees within the unit. The notice must be posted, for thirty (30) calendar days immediately preceding recognition, in each of the buildings where the school employees in any unit principally work.
*As added by P.L.1-2005, SEC.13.*

**IC 20-29-5-3**
**Determination of exclusive representative other than exclusive school employee organization**

Sec. 3. (a) If an exclusive school employee organization is not determined under section 2 of this chapter, the determination of whether a school employee organization shall be the exclusive representative shall be determined under this section.

(b) A school employee organization may file a petition asserting that:

(1) twenty percent (20%) of the employees in an appropriate unit wish to be represented for collective bargaining by the school employee organization as exclusive representative; or

(2) the designated exclusive representative is no longer the representative of the majority of school employees in the unit.

(c) The school employer may file a petition asserting:

(1) that one (1) or more school employee organizations have presented to the school employer a claim to be recognized as the exclusive representative in an appropriate unit; or

(2) that the school employer has good faith doubt that the previously certified school employee organization represents a majority of employees in the bargaining unit.

(d) Twenty percent (20%) of the school employees in a unit may file a petition asserting that the designated exclusive representative is no longer the representative of the majority of school employees in the unit.

(e) The board shall investigate a petition filed under subsection (b), (c), or (d). If the board has reasonable cause to believe that a question exists as to whether the designated exclusive representative or any school employee organization represents a majority of the school employees in a unit, the board shall provide for an appropriate hearing within thirty (30) days. In holding a hearing, the board is not required to comply with IC 4-21.5.

(f) If the board finds, based on the record of a hearing held under subsection (e), that a question of representation exists, the board shall direct an election by secret ballot in a unit the board determines to be appropriate.

(g) Certification as the exclusive representative may be granted only to a school employee organization that has been selected in a secret ballot election under subsection (f), by a majority of all the employees in an appropriate unit as their representative.

(h) An election described in subsection (f) may not be held in a bargaining unit if a valid election has been held in the preceding twenty-four (24) month period.
*As added by P.L.1-2005, SEC.13. Amended by P.L.1-2006, SEC.333.*

**IC 20-29-5-4**
**Elections**

Sec. 4. In any election under this chapter, the board shall:

(1) determine who is eligible to vote in the election; and

(2) establish rules governing the election.

*As added by P.L.1-2005, SEC.13.*

**IC 20-29-5-5**
**Ballots**

Sec. 5. The ballot in an election under this chapter must contain the following:

(1) The name of the petitioning school employee organization.

(2) The names of any other school employee organization showing written evidence satisfactory to the board of at least twenty percent (20%) representation of the school employees within the unit.

(3) A provision for choosing "No representation by a school employee organization.".

*As added by P.L.1-2005, SEC.13.*

**IC 20-29-5-6**
**Dues deductions**

Sec. 6. (a) The school employer shall, on receipt of the written authorization of a school employee:

(1) deduct from the pay of the employee any dues designated or certified by the appropriate officer of a school employee organization that is an exclusive representative of any employees of the school employer; and

(2) remit the dues described in subdivision (1) to the school employee organization.

(b) Deductions under this section must be consistent with:

(1) IC 22-2-6;

(2) IC 22-2-7; and

(3) IC 20-28-9-18.

*As added by P.L.1-2005, SEC.13.*

**IC 20-29-5-7**
**Teacher members on committees**

Sec. 7. (a) This section does not apply to the bargaining team for the exclusive representative.

(b) The percentage of teacher positions the exclusive representative may appoint to serve on a statutory or locally created district wide committee may not exceed the percentage of teachers in the school corporation who are members of the exclusive representative. If multiplying the number of teacher positions on the committee by the percentage of teachers in the school corporation who are members of the exclusive representative does not produce a whole number, the product must be rounded up to the nearest whole number. The percentage of positions applies to the number of teacher positions on a committee and not to the total number of

positions on a committee.

(c) The percentage of teacher positions the exclusive representative may appoint to serve on a statutory or locally created school wide committee may not exceed the percentage of teachers in the school who are members of the exclusive representative. If multiplying the number of teacher positions on the committee by the percentage of teachers in the school who are members of the exclusive representative does not produce a whole number, the product must be rounded up to the nearest whole number. The percentage of positions applies to the number of teacher positions on a committee and not to the total number of positions on a committee.

(d) A committee to which this section applies may not address subjects of bargaining under this article. A school employer's appointment of a teacher to a committee is not an unfair practice as it relates to the appointment of the teacher committee members.

(e) By September 15 of each school year, the local president or other officer or designee of the exclusive representative shall certify by affidavit to the school employer the number of teachers in each school and in the entire school corporation who are members of the exclusive representative.

*As added by P.L.48-2011, SEC.10.*

**IC 20-29-6**

**Chapter 6. Collective Bargaining**

**IC 20-29-6-1**

**Duty to bargain collectively and discuss**

Sec. 1. School employers and school employees shall:

(1) have the obligation and the right to bargain collectively the items set forth in section 4 of this chapter;

(2) have the right and obligation to discuss any item set forth in section 7 of this chapter; and

(3) enter into a contract embodying any of the matters listed in section 4 of this chapter on which they have bargained collectively.

*As added by P.L.1-2005, SEC.13. Amended by P.L.48-2011, SEC.11.*

**IC 20-29-6-2**

**Contracts**

Sec. 2. (a) Any contract may not include provisions that conflict with:

(1) any right or benefit established by federal or state law;

(2) school employee rights set forth in IC 20-29-4-1 and IC 20-29-4-2;

(3) school employer rights set forth in IC 20-29-4-3;

(4) restructuring options available to a school employer under federal or state statutes, regulations, or rules because of the failure of the school corporation or a school to meet federal or state accountability standards;

(5) a school employer's ability to contract, partner, or operate jointly with an educational entity that provides postsecondary credits to students of the school employer or dual credits from the school employer and the educational entity; or

(6) section 4.5(a) of this chapter.

(b) A subject that is set forth in section 4.5(a) of this chapter may not be included in any contract after June 30, 2011.

*As added by P.L.1-2005, SEC.13. Amended by P.L.48-2011, SEC.12.*

**IC 20-29-6-3**

**Unlawful deficit financing**

Sec. 3. (a) It is unlawful for a school employer to enter into any agreement that would place the employer in a position of deficit financing due to a reduction in the employer's actual general fund revenue or an increase in the employer's expenditures when the expenditures exceed the employer's current year actual general fund revenue.

(b) A contract that provides for deficit financing is void to that extent, and an individual teacher's contract executed under the contract is void to that extent.

*As added by P.L.1-2005, SEC.13. Amended by P.L.48-2011, SEC.13.*

**IC 20-29-6-4**

**Subjects of bargaining**

Sec. 4. (a) A school employer shall bargain collectively with the exclusive representative on the following:

(1) Salary.

(2) Wages.

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

(b) Salary and wages include the amounts of pay increases available to employees under the salary scale adopted under IC 20-28-9-1.5, but do not include the teacher evaluation procedures and criteria, or any components of the teacher evaluation plan, rubric, or tool.

*As added by P.L.1-2005, SEC.13. Amended by P.L.48-2011, SEC.14; P.L.286-2013, SEC.91.*

**IC 20-29-6-4.5**

**Prohibited subjects of collective bargaining**

Sec. 4.5. (a) For a contract entered into after June 30, 2011, a school employer may not bargain collectively with the exclusive representative on the following:

(1) The school calendar.

(2) Teacher dismissal procedures and criteria.

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

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

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

(b) A subject set forth in subsection (a) that may not be bargained collectively may not be included in an agreement entered into under this article.

*As added by P.L.48-2011, SEC.15.*

**IC 20-29-6-4.7**

**Bargaining on teacher evaluation procedures and criteria prohibited; duration of contract**

Sec. 4.7. (a) A school employer may not bargain collectively with the exclusive representative on teacher evaluation procedures and criteria after this section has been enacted into law.

(b) A contract entered into between a school employer and an exclusive representative after this section has been enacted into law may not extend past the end of a state budget biennium.

*As added by P.L.48-2011, SEC.16.*

**IC 20-29-6-5**

**Grievance procedure**

Sec. 5. A contract entered into under this chapter may contain a grievance procedure.

*As added by P.L.1-2005, SEC.13. Amended by P.L.48-2011, SEC.17.*

**IC 20-29-6-6**

**Limitations on obligation to bargain collectively**

Sec. 6. The obligation to bargain collectively does not include the final approval of a contract concerning any items. Agreements reached through collective bargaining are binding as a contract only if ratified by the governing body of the school corporation and the exclusive representative. The obligation to bargain collectively does not require the school employer or the exclusive representative to agree to a proposal of the other or to make a concession to the other.

*As added by P.L.1-2005, SEC.13.*

**IC 20-29-6-7**

**Subjects of discussion**

Sec. 7. A school employer shall discuss with the exclusive representative of certificated employees the following items:

(1) Curriculum development and revision.

(2) Selection of curricular materials.

(3) Teaching methods.

(4) Hiring, evaluation, promotion, demotion, transfer, assignment, and retention of certificated employees.

(5) Student discipline.

(6) Expulsion or supervision of students.

(7) Pupil/teacher ratio.

(8) Class size or budget appropriations.

(9) Safety issues for students and employees in the workplace, except those items required to be kept confidential by state or federal law.

(10) Hours.

*As added by P.L.1-2005, SEC.13. Amended by P.L.48-2011, SEC.18; P.L.286-2013, SEC.92.*

**IC 20-29-6-8**

**Contract, agreement, or concession not required**

Sec. 8. The obligation to discuss does not require either party to enter into a contract, agree to a proposal, or make a concession related to the items listed in section 7 of this chapter. A failure to reach an agreement on a matter of discussion does not allow the use of any part of the impasse procedure under IC 20-29-8.

*As added by P.L.1-2005, SEC.13. Amended by P.L.48-2011, SEC.19.*

**IC 20-29-6-9**

**Discussions outside obligation to bargain collectively**

Sec. 9. The obligation to bargain collectively or discuss a matter does not prevent:

(1) a school employee from petitioning the school employer,

governing body, or superintendent for a redress of the employee's grievances, either individually or through the exclusive representative; or

(2) the school employer or superintendent from conferring with a citizen, taxpayer, student, school employee, or other person considering the operation of the schools and the school corporation.

*As added by P.L.1-2005, SEC.13.*

**IC 20-29-6-10**

**Recommendations by superintendent**

Sec. 10. Nothing shall prevent a superintendent or the superintendent's designee from making recommendations to the school employer.

*As added by P.L.1-2005, SEC.13.*

**IC 20-29-6-11**

**Repealed**

*(Repealed by P.L.48-2011, SEC.39; P.L.90-2011, SEC.50.)*

**IC 20-29-6-12**

**Commencement of collective bargaining**

Sec. 12. Formal collective bargaining between a school corporation and the exclusive representative shall not begin before:

(1) August 1 in the first year of the state budget biennium; or

(2) August 1 in the second year of the state budget biennium if the parties agreed to a one (1) year contract during the first year of the state budget biennium or the contract provides for renegotiating certain financial items the second year of a two (2) year contract.

Informal negotiations may be held before August 1.

*As added by P.L.1-2005, SEC.13. Amended by P.L.48-2011, SEC.20; P.L.229-2011, SEC.178.*

**IC 20-29-6-12.5**

**Certification of estimated available revenue**

Sec. 12.5. (a) Before August 1 of the first year of the state budget biennium, the department shall provide the parties with an estimate of the general fund revenue available for bargaining in the school corporation from the school funding formula.

(b) Within thirty (30) days after the date of the fall count of ADM of the school year in the first year of the state budget biennium, the department shall provide the parties with a certification of estimated general fund revenue available for bargaining from the school funding formula. A school employer that has passed a general fund operating referendum under IC 20-46-1 must have that amount certified by the department of local government finance. The school corporation must obtain the certification before the commencement of bargaining. These certifications must be the basis for determinations throughout impasse proceedings under this chapter.

*As added by P.L.48-2011, SEC.21. Amended by P.L.229-2011, SEC.179; P.L.205-2013, SEC.254.*

**IC 20-29-6-13**
**Appointment of mediator**

Sec. 13. (a) If, at any time after at least sixty (60) days following the beginning of formal bargaining collectively between the parties, an impasse is declared, the board shall appoint a mediator from the board's staff or an ad hoc panel.

(b) The mediator shall begin mediation within fifteen (15) days after the board receives notice of impasse.

(c) The mediation must consist of not more than three (3) mediation sessions and must result in one (1) of the following:

(1) An agreement between the parties on the items permitted to be bargained under section 4 of this chapter.

(2) Each party's last best offer, including fiscal rationale, related to items permitted to be bargained under section 4 of this chapter.

(d) Costs for the mediator shall be borne equally by the parties.

(e) Mediation shall be completed within thirty (30) days.

*As added by P.L.1-2005, SEC.13. Amended by P.L.48-2011, SEC.22; P.L.229-2011, SEC.180; P.L.6-2012, SEC.139.*

**IC 20-29-6-14**
**Repealed**

*(Repealed by P.L.48-2011, SEC.39.)*

**IC 20-29-6-15**
**Repealed**

*(Repealed by P.L.48-2011, SEC.39.)*

**IC 20-29-6-15.1**
**Initiation of factfinding**

Sec. 15.1. (a) If an agreement has not been reached on the items permitted to be bargained collectively under section 4 of this chapter, within fifteen (15) days after mediation under section 13 of this chapter has ended, the board shall initiate factfinding.

(b) Factfinding must culminate in the factfinder imposing contract terms on the parties. The factfinder must select one (1) party's last best offer as the contract terms. The factfinder's order must be restricted to only those items permitted to be bargained and included in the collective bargaining agreement under section 4 of this chapter and must not put the employer in a position of deficit financing (as defined in IC 20-29-2-6). The factfinder's order may not impose terms beyond those proposed by the parties in their last, best offers.

(c) Costs for the factfinder shall be borne equally by the parties.

(d) Factfinding may not last longer than fifteen (15) days.

*As added by P.L.229-2011, SEC.181.*

**IC 20-29-6-16**

**Continuation of existing agreement; circumstances**

Sec. 16. (a) If an agreement has not been reached on the items to be bargained collectively by November 1, as provided in IC 6-1.1-17-5, the parties shall continue the terms of the current contract that is in effect, and the school employer may issue tentative individual contracts and prepare its budget on that basis. During this period, in order to allow the successful resolution of the dispute, the school employer may not unilaterally change the terms or conditions of employment that are issues in dispute.

(b) Upon the expiration of the current contract that is in effect, the school employer shall continue under the terms of the current contract that is in effect, with no increase or increment in salary, wages, or benefits for any bargaining unit employee until a new contract is executed, unless continuation would put the school employer in a position of deficit financing due to a reduction in the employer's actual general fund revenue or an increase in an employer's expenditures when the expenditures exceed the current year actual general fund revenue.

(c) The only parts of the contract that must continue under this section are the items contained in the contract and listed in section 4 of this chapter.

(d) This section may not be construed as relieving the school employer or the school employee organization from the duty to bargain collectively until a mutual agreement has been reached and a contract entered as called for in this chapter.

*As added by P.L.1-2005, SEC.13. Amended by P.L.48-2011, SEC.24; P.L.229-2011, SEC.182.*

**IC 20-29-6-17**

**Repealed**

*(Repealed by P.L.48-2011, SEC.39.)*

**IC 20-29-6-18**

**Appeal of factfinder's decision**

Sec. 18. (a) Either party may appeal the decision of the factfinder under IC 20-29-6-15.1. The appeal must be filed not later than thirty (30) days after receiving the factfinder's decision.

(b) The board's decision must be restricted to only those items permitted to be bargained and included in the collective bargaining agreement under section 4 of this chapter and must not put the employer in a position of deficit financing, as defined in IC 20-29-2-6. The board's decision may not impose terms beyond those proposed by the parties in their last, best offers.

(c) The board must rule on the appeal within thirty (30) days after receipt of notice of appeal.

*As added by P.L.48-2011, SEC.25. Amended by P.L.6-2012, SEC.140.*

**IC 20-29-6-19**

**Internet posting of collective bargaining agreement provisions**

Sec. 19. Not later than fourteen (14) business days after the parties have reached an agreement under this chapter, the school employer shall post the contract upon which the parties have agreed on the school employer's Internet web site.
*As added by P.L.148-2012, SEC.4.*

**IC 20-29-7**
**Chapter 7. Unfair Practices**

**IC 20-29-7-1**
**Unfair practices by school employer**

Sec. 1. (a) It is an unfair practice for a school employer to do any of the following:

(1) Interfere with, restrain, or coerce school employees in the exercise of the rights guaranteed in IC 20-29-4.

(2) Dominate, interfere, or assist in the formation or administration of any school employee organization or contribute financial or other support to the organization. Subject to rules adopted by the governing body, a school employer may permit school employees to confer with the school employer or with any school employee organization during working hours without loss of time or pay.

(3) Encourage or discourage membership in any school employee organization through discrimination in regard to:

(A) hiring;

(B) tenure of employment; or

(C) any term or condition of employment.

(4) Discharge or otherwise discriminate against a school employee because the employee has filed a complaint, affidavit, petition, or any information or testimony under this article.

(5) Refuse to:

(A) bargain collectively; or

(B) discuss;

with an exclusive representative as required by this article.

(6) Fail or refuse to comply with any provision of this article.

(b) If:

(1) a complaint is filed that alleges an unfair practice has occurred with respect to a subject that may be discussed under this article; and

(2) the complaint is found to be frivolous;

the party that filed that complaint is liable for costs and attorney's fees.

*As added by P.L.1-2005, SEC.13. Amended by P.L.48-2011, SEC.26.*

**IC 20-29-7-2**
**Unfair practices by school employee organization**

Sec. 2. It is an unfair practice for a school employee organization or the organization's agents to do any of the following:

(1) Interfere with, restrain, or coerce:

(A) school employees in the exercise of the rights guaranteed by this article; or

(B) a school employer in the selection of its representatives for the purpose of bargaining collectively, discussing, or adjusting grievances.

This subdivision does not impair the right of a school employee organization to adopt its own rules with respect to the

acquisition or retention of membership in the school employee organization.

(2) Cause or attempt to cause a school employer to discriminate against an employee in violation of section 1 of this chapter.

(3) Refuse to bargain collectively with a school employer if the school employee organization is the exclusive representative.

(4) Fail or refuse to comply with any provision of this article.

*As added by P.L.1-2005, SEC.13.*

**IC 20-29-7-3**

**Right of school employer or school employee organization to bring suit**

Sec. 3. This chapter does not in any way restrict the right of a:

(1) school employer; or

(2) school employee organization;

to bring suit for specific performance or breach of performance, or both, of a collective bargaining contract in any court having jurisdiction.

*As added by P.L.1-2005, SEC.13.*

**IC 20-29-7-4**

**Prevention of unfair practices**

Sec. 4. (a) Unfair practices are remediable under this section.

(b) A school employer or a school employee who believes the employer or employee is aggrieved by an unfair practice may file a complaint under oath:

(1) setting out a summary of the facts involved; and

(2) specifying the section or sections of this article alleged to have been violated.

(c) The board shall:

(1) give notice to the person or school employee organization against whom the complaint is directed; and

(2) determine the matter raised in the complaint.

(d) Appeals may be taken under IC 4-21.5-3.

(e) A hearing examiner or agent of the board, who may be a member of the board, may:

(1) take testimony; and

(2) make findings and conclusions.

(f) The board, but not a hearing examiner or agent of the board, may enter the interlocutory orders, after summary hearing, the board considers necessary in carrying out the intent of this chapter.

*As added by P.L.1-2005, SEC.13.*

**IC 20-29-8**
**Chapter 8. Impasse Procedures**

**IC 20-29-8-1**
**Repealed**
*(Repealed by P.L.48-2011, SEC.39.)*

**IC 20-29-8-2**
**Repealed**
*(Repealed by P.L.48-2011, SEC.39.)*

**IC 20-29-8-3**
**Repealed**
*(Repealed by P.L.48-2011, SEC.39.)*

**IC 20-29-8-4**
**Repealed**
*(Repealed by P.L.48-2011, SEC.39.)*

**IC 20-29-8-5**
**Purpose of factfinding**
Sec. 5. The purpose of factfinding is to provide a final solution on the items permitted to be bargained under IC 20-29-6-4 whenever the parties are unable by themselves, or through a mediator, to resolve a dispute.
*As added by P.L.1-2005, SEC.13. Amended by P.L.48-2011, SEC.27.*

**IC 20-29-8-6**
**Repealed**
*(Repealed by P.L.48-2011, SEC.39.)*

**IC 20-29-8-7**
**Appointment of factfinder**
Sec. 7. (a) When a factfinder is requested or required under IC 20-29-6, the board shall appoint a factfinder from the staff or panel established under section 6 of this chapter.

(b) The factfinder shall make an investigation and hold hearings as the factfinder considers necessary in connection with a dispute.

(c) The factfinder:

(1) may restrict the factfinder's findings to those issues that the factfinder determines significant;

(2) must restrict the findings to the items listed in IC 20-29-6-4; and

(3) may not impose terms beyond those proposed by the parties in their last, best offers.

(d) The factfinder may use evidence furnished to the factfinder by:

(1) the parties;

(2) the board;

(3) the board's staff; or

(4) any other state agency.

(e) The factfinder shall conduct the factfinding hearing in public in a room or facility owned by the county or local unit of government located in the county in which the school employer is located, or if the school employer is located in more than one (1) county, in the county in which the greatest number of students who attend the school employer's schools reside. The public hearing may begin not earlier than October 1 in the first year of the state budget biennium and must be concluded by December 31 of the same year.

(f) The factfinding process may not exceed fifteen (15) days from beginning to end, and not more than two (2) of those days may be used for public testimony, which may be taken at the discretion of the factfinder. During the public hearing, each party shall present fully its last, best offer, including the fiscal rationale for the offer. Only general operating funds and those funds certified by the department of education and the department of local government finance may be considered as a source of the funding for items, unless the school funding formula allows other funds to be used for certain items.

(g) The factfinder shall make a recommendation as to the settlement of the disputes over which the factfinder has jurisdiction.

(h) The factfinder shall:

(1) make the investigation, hearing, and findings as expeditiously as the circumstances permit; and

(2) deliver the findings to the parties and to the board.

(i) The board, after receiving the findings and recommendations, may make additional findings and recommendations to the parties based on information in:

(1) the report; or

(2) the board's own possession.

The board may not make any recommendations to the parties related to any items not specifically identified in IC 20-29-6-4.

(j) At any time within five (5) days after the findings and recommendations are delivered to the board, the board may make the findings and recommendations of the factfinder and the board's additional findings and recommendations, if any, available to the public through news media and other means the board considers effective.

(k) The board shall make the findings and recommendations described in subsection (j) available to the public not later than ten (10) days after the findings and recommendations are delivered to the board.

*As added by P.L.1-2005, SEC.13. Amended by P.L.48-2011, SEC.28; P.L.229-2011, SEC.183.*

**IC 20-29-8-8**

**Factors considered by factfinder**

Sec. 8. In conducting hearings and investigations, the factfinder is not bound by IC 4-21.5. The factfinder shall, however, consider the following factors:

(1) Past memoranda of agreements and contracts between the parties.

(2) Comparisons of wages and hours of the employees involved with wages of other employees working for other public agencies and private concerns doing comparable work, giving consideration to factors peculiar to the school corporation.

(3) The public interest.

(4) The financial impact on the school corporation and whether any settlement will cause the school corporation to engage in deficit financing as described in IC 20-29-6-3.

*As added by P.L.1-2005, SEC.13. Amended by P.L.48-2011, SEC.29.*

**IC 20-29-8-9**
**Repealed**

*(Repealed by P.L.48-2011, SEC.39.)*

**IC 20-29-8-10**
**Repealed**

*(Repealed by P.L.48-2011, SEC.39.)*

**IC 20-29-8-10.1**
**Prohibition; serving as mediator and factfinder**

Sec. 10.1. A person who has served as a mediator in a dispute between a school employer and an exclusive representative may not serve as a factfinder in a dispute arising in the same school corporation within a period of five (5) years except by the mutual consent of the parties.

*As added by P.L.229-2011, SEC.184.*

**IC 20-29-8-11**
**Repealed**

*(Repealed by P.L.48-2011, SEC.39.)*

**IC 20-29-8-12 Version a**
**Payment of expenses by board**

*Note: This version of section amended by P.L.48-2011, SEC.31. See also following version of this section repealed by P.L.229-2011, SEC.274.*

Sec. 12. The board shall pay the cost of an arbitrator, which shall be reimbursed equally by the two (2) parties under procedures for collection and payment established by the board.

*As added by P.L.1-2005, SEC.13. Amended by P.L.48-2011, SEC.31.*

**IC 20-29-8-12 Version b**
**Repealed**

*(Repealed by P.L.229-2011, SEC.274.)*

*Note: This section repealed by P.L.229-2011, SEC.274. See also preceding version of this section amended by P.L.48-2011, SEC.31.*

**IC 20-29-8-13**

**Repealed**

*(Repealed by P.L.48-2011, SEC.39.)*

**IC 20-29-8-13.1**

**Findings and recommendations of factfinder; distribution; review**

Sec. 13.1. (a) The investigation, hearing, and findings of the factfinder must be:

(1) made as expeditiously as the circumstances allow; and

(2) delivered to the parties and to the board.

(b) The board, after receiving the findings and recommendations under subsection (a), may make additional findings and recommendations to the parties based upon information in the report or in the board's possession. The board may not make any recommendations to the parties related to any items not specifically identified in IC 20-29-6-4 and may not address items beyond those proposed by the parties in their last, best offers.

(c) The board:

(1) may, at any time within five (5) days; and

(2) shall, within ten (10) days;

after receiving the findings and recommendations delivered under subsection (a), make the findings and recommendations of the factfinder and the board's additional findings and recommendations, if any, available to the public through the news media and any other means.

*As added by P.L.229-2011, SEC.185.*

**IC 20-29-8-14**

**Repealed**

*(Repealed by P.L.48-2011, SEC.39.)*

**IC 20-29-9**
**Chapter 9. Strikes**

**IC 20-29-9-1**
**Unlawful participation in strike**

Sec. 1. It is unlawful for:

(1) a school employee;

(2) a school employee organization; or

(3) an affiliate, including state or national affiliates, of a school employee organization;

to take part in or assist in a strike against a school employer or school corporation.

*As added by P.L.1-2005, SEC.13.*

**IC 20-29-9-2**
**Actions taken for aiding or abetting in a strike**

Sec. 2. A school corporation or school employer may in:

(1) an action at law;

(2) a suit in equity; or

(3) another proper proceeding;

take action against a school employee organization, an affiliate of a school employee organization, or any person aiding or abetting in a strike for redress of the unlawful act.

*As added by P.L.1-2005, SEC.13.*

**IC 20-29-9-3**
**Loss of dues deduction privilege by exclusive representative for participating in strike**

Sec. 3. If an exclusive representative:

(1) engages in; or

(2) aids or abets in;

a strike, the exclusive representative shall lose the exclusive representative's dues deduction privilege for one (1) year.

*As added by P.L.1-2005, SEC.13.*

**IC 20-29-9-4**
**Minimum length of school year**

Sec. 4. A regulation, rule, or law concerning the minimum length of a school year may not:

(1) apply; or

(2) require makeup days;

if schools in a school corporation are closed as a result of a school employee strike.

*As added by P.L.1-2005, SEC.13.*

**IC 20-29-9-5**
**School corporation not required to pay salary for days on strike**

Sec. 5. A school corporation shall not pay a school employee for any day when the school employee fails, as a result of a strike, to report for work as required by the school year calendar.

*As added by P.L.1-2005, SEC.13.*