



2023 Legal Updates

Jake May

IEERB General Counsel



2023 Legislative Session

- SEA 486 – Education Matters (PL 200)
 - Repeal of Discussion Obligation
- HEA 1558 – Science of Reading (PL 243)
 - Differentiated Pay for Literacy Endorsement
- HEA 1591 – Various Education Matters (PL 246)
 - 62% Compensation Threshold





SEA 486 – Education Matters (PL 200)

- Amends IC 20-29-6-7
 - Repeals duty of school employer to Discuss 16 required items with exclusive representative
 - E.g., curriculum development, hiring, teaching assignments, class size, hours, etc.)
- Conforming changes elsewhere in statute
 - E.g., IC 20-28 for Discussion of hours, supplemental payments, and evaluation plans
 - Removed from ULP statute
- Note: The change is the repeal of the obligation



SEA 486 – Education Matters (PL 200)

- Amended 20-29-6-7: A school employer **may** discuss:
 - (1) with a teacher or group of teachers; or
 - (2) at 1 or more meetings open to all teachers;
- Any topic that:
 - Significantly impacts teachers' working conditions; or
 - Impacts the educational quality of the students.



HEA 1558 - Science of Reading (PL 243)

- Science of Reading bill addresses:
 - Standards for reading curriculum
 - Teacher prep program requirements
 - New teacher licensing requirements
 - **Differentiated pay for required literacy endorsement**



HEA 1558 - Science of Reading (PL 243)

- Literacy Endorsement:
 - Required for newly licensed teachers starting in 2025
- Yet to be determined
 - Curriculum requirements
 - Standards for newly licensed teachers
 - Veteran teacher endorsements
 - Pay differentiation guidelines



HEA 1591 – Various Ed Matters (PL 246)

- Teacher Compensation Threshold
 - Amends IC 20-18-2-22 def of “Teacher”
 - Includes adjunct teachers, counselors, and permanent subs in addition to classroom teachers
 - Amends IC 20-28-9-28 expenditure requirement
 - 62% of state tuition support for teacher compensation
 - Teacher compensation includes salaries and benefits plus expenditures for adjunct teachers, supplemental payments, stipends, contributions to compensation at interlocals

On The Court

Anderson Federation of Teachers, et al v. Rokita
United States District Court, S.D. Indiana
(March 2023)

--- F.Supp.3d ---- / 2023 WL 2712267



Anderson Fed. of Teachers v. Rokita --- F.Supp.3d ---- / 2023 WL 2712267

- **Background:**

- 3 Teachers unions and a group of their members (plaintiffs) challenged Constitutionality of laws concerning payroll withholding of union dues
 - SEA 251 (2021)
 - SEA 297 (2022)
- SEA 251 began requiring:
 - Specific withholding auth form from OAG with prescribed statutory language
 - Email confirmation of withholding form validity by school employer
 - Annual reauthorization
- Plaintiffs filed suit seeking injunction in Federal District Court



Anderson Fed. of Teachers v. Rokita --- F.Supp.3d ---- / 2023 WL 2712267

- **Background:**

- District Court issued partial preliminary injunction on June 30, 2021
 - Stated that withholding auth form likely contained compelled speech
 - Stated that effective date of statute infringed on requirements of CBAs already in effect
- 2022 legislative session - IGA passed SEA 297 in response to P.I.:
 - Revised prescribed statutory language on mandatory withholding auth form
 - Limited applicability to new CBAs
- Plaintiffs revised suit to add SEA 297
- District Court issued permanent injunction on March 30, 2023
 - Stated that statute created by the Acts violated 1st amendment association right



Anderson Fed. of Teachers v. Rokita --- F.Supp.3d ---- / 2023 WL 2712267

- Where do dues withholdings currently stand? (According to OAG)
 - SEA 251 (2021) and SEA 297 (2022) “permanently” enjoined
 - CBA dues withholding clauses remain applicable
 - Subject to general wage assignment law in IC 22-2-6-2 (e.g., signed, in writing, revocable, agreed to in writing by employer, etc.)
 - No special form or process beyond reqs for other wage assignments
- Questions?
 - OAG Advisory division by phone (317.232.6201) or email
- Last word: U.S. 7th Circuit COA may still have something to say