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# SENATE BILL No. 426

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 20-29.

**Synopsis:** Collective bargaining for school employees. Provides that school employers and noncertificated school employees have the right and obligation to discuss certain topics related to school employment and may (but are not required to) bargain collectively, negotiate, be subject to or enter into impasse procedures, or enter into a written contract. Provides that items included in a 2004-2005 agreement or a subsequent agreement between a school employer and employee organization of noncertificated school employees continue to be bargainable. Makes conforming changes.

**Effective:** July 1, 2011.

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January 12, 2011, read first time and referred to Committee on Pensions and Labor.

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First Regular Session 117th General Assembly (2011)

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 2010 Regular Session of the General Assembly.

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## SENATE BILL No. 426



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 20-29-1-1, AS ADDED BY P.L.1-2005, SECTION
- 2 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,
- 3 2011]: Sec. 1. The general assembly declares the following:
- 4 (1) The citizens of Indiana have a fundamental interest in the
- 5 development of harmonious and cooperative relationships
- 6 between school corporations and their ~~certificated~~ employees.
- 7 (2) Recognition by school employers of the right of school
- 8 employees to organize and acceptance of the principle and
- 9 procedure of collective bargaining **or discussion, or both**,
- 10 between school employers and school employee organizations can
- 11 alleviate various forms of strife and unrest.
- 12 (3) The state has a basic obligation to protect the public by
- 13 attempting to prevent any material interference with the normal
- 14 public school educational process.
- 15 (4) The relationship between school corporation employers and
- 16 ~~certificated~~ school employees is not comparable to the
- 17 relationship between private employers and employees for the



1 following reasons:

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

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

- 7 (i) increasing technology;  
8 (ii) the needs of an advancing civilization; and  
9 (iii) requirements for substantial educational innovation.

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

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

19 SECTION 2. IC 20-29-2-13, AS ADDED BY P.L.1-2005,  
20 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
21 JULY 1, 2011]: Sec. 13. "School employee" means a full-time  
22 certificated person in the employment of the school employer **or a**  
23 **noncertificated person in the employment of the school employer.**  
24 A school employee is considered full time even though the employee  
25 does not work during school vacation periods and accordingly works  
26 less than a full year. The term does not include:

- 27 (1) supervisors;  
28 (2) confidential employees; **and**  
29 (3) employees performing security work. ~~and~~  
30 ~~(4) noncertificated employees.~~

31 SECTION 3. IC 20-29-6-0.1 IS ADDED TO THE INDIANA CODE  
32 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
33 1, 2011]: **Sec. 0.1. (a) The amendments to IC 20-29-1-1,**  
34 **IC 20-29-2-13, and sections 1, 4, and 7 of this chapter by the**  
35 **enrolled act enacted in 2011 do not:**

- 36 **(1) apply to or abrogate a collective bargaining agreement or**  
37 **memorandum of understanding; or**  
38 **(2) preclude arbitration on a provision in a collective**  
39 **bargaining agreement or memorandum of understanding;**  
40 **in effect on June 30, 2011.**

41 **(b) This section expires December 31, 2013.**

42 SECTION 4. IC 20-29-6-1, AS ADDED BY P.L.1-2005, SECTION

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1 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,  
2 2011]: Sec. 1. (a) School employers and **certificated** school employees  
3 shall:

- 4 (1) have the obligation and the right to bargain collectively the
- 5 items set forth in section 4 of this chapter;
- 6 (2) have the right and obligation to discuss any item set forth in
- 7 section 7 of this chapter; and
- 8 (3) enter into a contract embodying any of the matters on which
- 9 they have bargained collectively.

10 **(b) School employers and noncertificated school employees:**

11 **(1) have the right and obligation to discuss any item set forth**

12 **in section 7(d) of this chapter; and**

13 **(2) may (but are not required to):**

- 14 **(A) bargain collectively;**
- 15 **(B) negotiate;**
- 16 **(C) be subject to or enter into impasse procedures; or**
- 17 **(D) enter into a written contract.**

18 SECTION 5. IC 20-29-6-4, AS ADDED BY P.L.1-2005, SECTION  
19 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,  
20 2011]: Sec. 4. A school employer shall bargain collectively with the  
21 exclusive representative **of certificated employees** on the following:

- 22 (1) Salary.
- 23 (2) Wages.
- 24 (3) Hours.
- 25 (4) Salary and wage related fringe benefits, including accident,
- 26 sickness, health, dental, or other benefits under IC 20-26-5-4 that
- 27 were subjects of bargaining on July 1, 2001.

28 SECTION 6. IC 20-29-6-7, AS ADDED BY P.L.1-2005, SECTION  
29 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,  
30 2011]: Sec. 7. (a) A school employer shall discuss with the exclusive  
31 representative of certificated employees the items listed in subsection  
32 (b).

33 (b) A school employer may, but is not required to, bargain  
34 collectively, negotiate, or enter into a written contract concerning, be  
35 subject to, or enter into impasse procedures on the following matters:

- 36 (1) Working conditions, other than those provided in section 4 of
- 37 this chapter.
- 38 (2) Curriculum development and revision.
- 39 (3) Textbook selection.
- 40 (4) Teaching methods.
- 41 (5) Hiring, promotion, demotion, transfer, assignment, and
- 42 retention of certificated employees, and changes to any of the

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1 requirements set forth in IC 20-28-6 through IC 20-28-8.  
 2 (6) Student discipline.  
 3 (7) Expulsion or supervision of students.  
 4 (8) Pupil/teacher ratio.  
 5 (9) Class size or budget appropriations.  
 6 (c) Items included in the 1972-1973 agreements between an  
 7 employer school corporation and the school employee organization  
 8 continue to be bargainable.  
 9 **(d) A school employer shall discuss with the exclusive**  
 10 **representative of noncertificated employees and may (but is not**  
 11 **required to) bargain collectively, negotiate, be subject to or enter**  
 12 **into impasse procedures, or enter into a written contract**  
 13 **concerning the following matters:**  
 14 **(1) Salary, wages, hours, and wage related fringe benefits.**  
 15 **(2) Working and safety conditions.**  
 16 **(3) Procedures for selection, assignment, promotion, or**  
 17 **discipline of personnel.**  
 18 **(4) Procedures for student discipline.**  
 19 **(e) Any items included in the 2004-2005 agreement or a**  
 20 **subsequent agreement between an employer school corporation**  
 21 **and employee organization of noncertificated employees continue**  
 22 **to be bargainable.**

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