

---

**INDIANA EDUCATION EMPLOYMENT RELATIONS BOARD****IEERB Nonrule Policy Document No. 2017-2:  
MOU Exception for South Central Coop**

In general the parties may not formally bargain outside the bargaining period. See [IC 20-29-6-12](#). The Indiana Education Employment Relations Board (Board) created two exceptions, one of which is for nonrule policy documents (NPD). An NPD may be issued for "unanticipated circumstances impacting multiple bargaining parties and allowing parties to bargain and ratify a limited MOU outside of the bargaining timelines." [560 IAC 2-8-4\(d\)\(2\)](#).

On February 27, 2017, the Board received a request for an NPD exception from the South Central Area Special Education Cooperative (South Central Coop). South Central Coop is a special education interlocal (independent entity that provides special education services to its member schools, who also comprise the board of directors). The member school corporations are:

- Crawford County Community School Corporation,
- East Washington School Corporation,
- Paoli Community School Corporation,
- Salem Community School Corporation,
- Springs Valley Community School Corporation, and
- West Washington School Corporation.

In September 2016, South Central Coop first seriously started looking at downsizing. South Central Coop voted to downsize around November 2016. The Coop will continue to provide core services such as OT, PT, and visual and hearing impairment services. The high incidence disability teachers (e.g., autism, mild disability) will become employees of the member districts that they serve. As the member schools have not been providing special education services, their CBA may not have provisions that would allow for a smooth transition for these employees or for a retention of their rights pursuant to [IC 20-26-10-7](#).

On March 10, 2017, the Board voted to adopt an NPD, allowing South Central Coop and its member schools to bargain MOUs outside the formal bargaining timeframe, with the following restrictions:

- NPD covers only those issues that cannot otherwise be bargained during the bargaining period.
- All MOUs will need to include a short statement as to why it is within the scope of the NPD.
- Failure to include such a statement, or to show why the MOU is within the NPD's scope, will result in a finding of noncompliance.

Additionally, South Central Coop and its member schools are reminded that all salary, wages, and related fringe benefits of bargaining unit members must be bargained with the appropriate exclusive representative (unless prohibited).

*Posted: 03/22/2017 by Legislative Services Agency*  
An [html](#) version of this document.