

INDIANA EDUCATION EMPLOYMENT RELATIONS BOARD

**Nonrule Policy Document No. 2022-1:
Procedures to Establish a Bargaining Unit and Exclusive Representative
for the Muncie Community School Corporation and Transformation Zone Schools**

I. Purpose and Scope

The Muncie Community School Corporation and transformation zone schools established following the third consecutive year in the lowest performance or category (Opt-In School) are not subject to [IC 20-29](#) unless the school corporation voluntarily recognizes an exclusive representative under [IC 20-29-5-2](#). Effective July 1, 2022, "Employees of a transformation zone may organize and create a separate bargaining unit to collectively bargain with the entity operating the transformation zone under [IC 20-29](#)". [IC 20-31-9.5-9.5\(f\)](#). This policy applies to the Muncie Community School Corporation and those school corporations that have transformation zone schools established pursuant to [IC 20-31-9.5-9.5](#).

II. Policy

1. Employees of Opt-In Schools may not be part of the bargaining unit until the school corporation opts the school or schools into [IC 20-29](#) by voluntarily recognizing an exclusive representative under [IC 20-29-5-2](#). To do so, the school corporation must follow the procedures in [IC 20-29-5-2](#) and [560 IAC 2-2.1-6](#). In the Notice required by [IC 20-29-5-2\(b\)](#) (Opt-In Notice), the school corporation must also indicate whether it is opting the Opt-In School out of specific subjects of bargaining or items of discussion. The Opt-In School is not subject to [IC 20-29](#) until the Indiana Education Employment Relations Board (IEERB) has certified the exclusive representative.
2. A school corporation may subsequently opt an Opt-In School out of specific subjects of bargaining and discussion by providing a Notice of Intent to Opt-Out (Opt-Out Notice) to IEERB and the exclusive representative. The Opt-Out Notice must follow the procedures in [IC 20-29-5-2](#) and [560 IAC 2-2.1-6](#). If a change in the bargaining unit is necessary, the procedures in [IC 20-29-5-1](#) and [560 IAC 2-2.1-1](#) through [560 IAC 2-2.1-4](#) must be followed.
3. Before July 1 of each year, a school corporation must notify IEERB in writing if it intends to change the status of an Opt-In School for the upcoming school year. If a change is desired, the school corporation must provide proper notice so that IEERB can certify the change by September 1. A school corporation may submit a written request for an extension of these deadlines. The request must be filed with IEERB and served on the exclusive representative. IEERB will only extend the deadlines if the school corporation demonstrates good cause in its written request. Failure to meet these deadlines will result in maintaining the status quo for the upcoming school year (July 1-June 30). Changes to the status of subjects of bargaining for Opt-In Schools will not be effectuated until the expiration of the current collective bargaining agreement.
4. IEERB will provide a sample Opt-In Notice and Opt-Out Notice. IEERB will maintain a list of the status of all Opt-In Schools.
5. A school corporation is not bound by its collective bargaining agreement for employees of a transformation zone school. The school employees of a transformation zone may organize and create a separate bargaining unit to bargain with the entity operating the transformation zone. School employees in a transformation zone who wish to organize must follow [IC 20-29-5](#) and [560 IAC 2-2.1](#) to establish a new unit and exclusive representative. Employees of Opt-In Schools in a transformation zone may not be part of the new bargaining unit unless the school corporation has opted the Opt-In School into [IC 20-29](#). The school corporation and an entity operating the transformation zone shall be served and made parties to any case to establish a new bargaining unit and exclusive representative in a transformation zone.

III. Effectiveness

This policy was adopted by IEERB at its August 10, 2022, public board meeting. This policy supersedes and replaces Nonrule Policy Document No. 2019-1 and shall be effective until rescinded by the IEERB.

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