

Discussion

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The Law as It Pertains to Discussion

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What is Discussion?

- ▶ 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](#).

What are we discussing?

- (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.

What are we discussing?

(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.

(11) Funding for a plan for a remediation program for any subset of students enrolled in kindergarten through grade 12.

(12) The following nonbargainable items under [IC 20-43-10-3.5](#):

- ▶ (A) Teacher appreciation grants.
- ▶ (B) Individual teacher appreciation grant stipends to teachers.
- ▶ (C) Additions to base salary based on teacher appreciation grant stipends.

(13) The pre-evaluation planning session required under [IC 20-28-11.5-4](#).

(14) The superintendent's report to the governing body concerning staff performance evaluations required under [IC 20-28-11.5-9](#).

(15) A teacher performance model.

What if discussion doesn't occur?

- ▶ Unfair labor practice
- ▶ Cease & desist

Discussion Procedures

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1973

Bargaining for Indiana Teachers

- ▶ The model was the NLRA and blue-collar bargaining.
- ▶ One dispute was bargaining law or meet and confer law.
- ▶ Another was scope: wages and fringe benefits only or terms and conditions of employment.

Many felt the traditional concepts did not fit the teaching profession

- ▶ Corporations said we have lay Boards and are subject to the public and state laws, budgets, and regulatory agencies.
- ▶ Teachers said we are the professionals and should have significant rights over decisions well beyond wages and benefits.

The result was traditional bargaining concepts for wages, benefits, and others.

For the professional issues, the Legislature created a new process called *Discussion*.

For many years, the parties were consumed with --

- ▶ Defining bargaining units
- ▶ Conducting representation elections
- ▶ Bargaining first contracts

Discussion was not the center of attention

In recent years Discussion has received more attention, including unfair practice cases, and the list of Discussion topics has expanded.

Discussion is a *mutual obligation* to meet at reasonable times to discuss, provide meaningful input, and exchange points of view.

Comments heard in the halls.

Exclusive Rep

- ▶ You did not discuss this topic before acting.
- ▶ You ignored our input.
- ▶ You did not give us enough notice to have meaningful input.
- ▶ Etc.

School Employer

- ▶ You have never asked to discuss this topic.
- ▶ We had to consider other views as well as yours.
- ▶ It was an emergency.
- ▶ Etc.

Best Practices:

From Practitioner's Guide to Bargaining and Impasse, IEERB, pp. 11-12

- ▶ Setting an agenda of items to be discussed
- ▶ Being prepared for the discussion of agenda items
- ▶ Taking discussion seriously
- ▶ Actively participating in discussions
- ▶ Actively listening
- ▶ Being open to alternate suggestions
- ▶ Having a clear understanding of next steps

Possible Solutions

- ▶ Develop Discussion Procedures and revise them yearly,
- ▶ Go to training yourself and provide it for your teams yearly.

Let's go through the major categories in the Discussion Procedures Prototype.

Teams

1. Regular members
2. Identified leaders
3. Special appearances or absences with advance notice

Schedule

1. Time, place, and frequency planned for a year
2. Alterations by agreement
3. Topics planned in advance to encourage research and study and specific enough for meaningful input and exchange
4. Have an annual list of monthly topics set out in advance - use the list from the law at the end of the handout
5. Alterations by agreement

Summer

Have a plan -- regular meetings, no meetings, one or two,
only by agreement of Discussion Leaders . . .

Special and Emergency Meetings

1. Have a plan
2. Both must be flexible and reasonable in notice time, partial teams, leaders only . . .

Discussion Communications

1. Of course, each side can communicate with its own and other constituents
2. Joint written or in-person communications can build the relationships between the two parties and with interested organizations, persons, and the public

Training

- ▶ All teachers, administrators, and Board members need general knowledge about the Discussion process
- ▶ All exclusive rep and administrative leaders need knowledge on a deeper level
- ▶ Discussion teams need in-depth training in Discussion and also communication

What Content for Training?

For anyone directly involved in groups related to the bargaining law:

- ▶ “Practitioner’s Guide to Bargaining and Impasse,” IEERB website
- ▶ Their own affiliates’ training programs
- ▶ A training session similar to this one
- ▶ Communication/Relationship Building training

Peace Circle

To become acquainted

- ▶ Everyone is equal.
- ▶ Everyone takes a turn to talk (when holding the talking piece) or pass.
- ▶ No one interrupts.
- ▶ No one goes out of order.
- ▶ Everyone is respectful of others.

Active Listening in High Conflict

1. Listen actively.
2. Make emphatic responses (not sympathetic).
3. Listen again.
4. Paraphrase (de-escalating the wording).
5. Ask open-ended questions about the feelings.
6. Assess if the toggle has switched.
7. If not, repeat.
8. If so, move to rational discussions.

True Colors Personality Analysis

Gold - Organized and Responsible

Green - Rational and Logical

Orange - Creative and Freedom

Blue - Altruism and Harmony

I-Messages

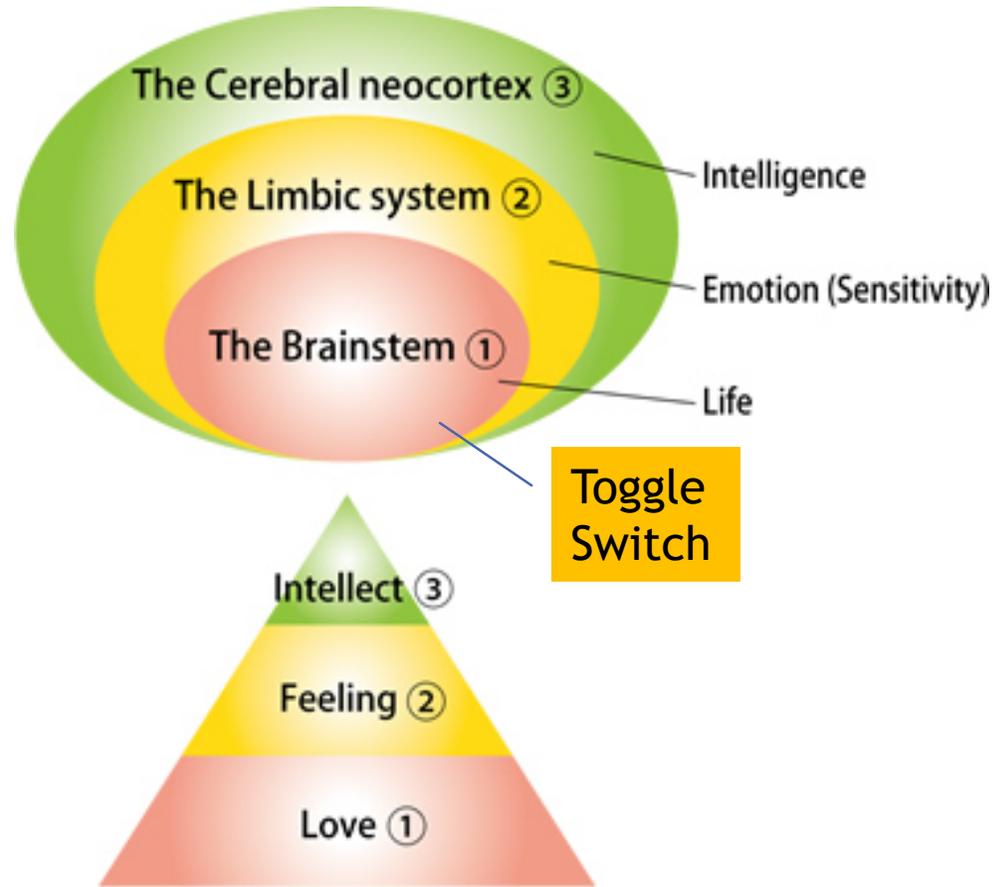
I-Messages are used to convey your expectations to someone else who may not agree.

- ▶ I got.....(state your feelings or emotion). (Some prefer “I felt”)
- ▶ When you.....(state the specific behavior).
- ▶ Because.....(describe the effect the behavior has on you*).
- ▶ I would like.....(describe the change you’d like very specifically).

Verbal Skills in Negotiations

1. Initial proposal
2. Open-ended questions
3. Closed-ended questions
4. Confirmatory paraphrase
5. Leading paraphrase
6. Position statement
7. Proof statement
8. Rebuttal statement
9. Closing agreement statement

Biology of the Brain



1. The Cerebral System (Human Brain)
1. The Limbic System (Mammal Brain)
1. The Brainstem (Reptile Brain)

Five Biggest Communication Mistakes

5. Not saying what's bothering you.
4. Taking action on the basis of one vocal person/group's view.
3. Complaining to someone in same environment but not to the person directly.
2. Stop listening to what someone is saying as soon as you disagree and start planning your counter arguments.
1. Failing to show a person with an opposite view that you have listened and understood their views, before you go on to state your different view.

Questions Sarah and Carolyn Have Heard