

SENATE BILL No. 366

DIGEST OF INTRODUCED BILL

Citations Affected: IC 20-28; IC 20-29.

Synopsis: Collective bargaining. Provides that increases or increments in a local teacher salary range are not required to be equal for all teachers even if the salary increases or increments are based on the same combination of weighted factors. Provides that teacher working hours are subject to collective bargaining. Provides that an employer is required to discuss: (1) working conditions; and (2) student learning; with the exclusive representative of certificated employees. Removes teacher evaluations from the list of items that are required to be considered to determine teacher salary increases or increments. Makes changes to the term "deficit financing" for purposes of determining the amount of money that is available for teacher contracts. Makes conforming changes consistent with 2017 legislation.

Effective: July 1, 2018.

Melton

January 4, 2018, read first time and referred to Committee on Education and Career Development.



Second Regular Session 120th General Assembly (2018)

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 2017 Regular Session of the General Assembly.

SENATE BILL No. 366

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 20-28-6-2, AS AMENDED BY P.L.118-2016,
2 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2018]: Sec. 2. (a) A contract entered into by a teacher and a
4 school corporation must:
5 (1) be in writing;
6 (2) be signed by both parties; and
7 (3) contain the:
8 (A) beginning date of the school term as determined annually
9 by the school corporation;
10 (B) number of days in the school term as determined annually
11 by the school corporation;
12 (C) total salary to be paid to the teacher during the school year;
13 (D) number of salary payments to be made to the teacher
14 during the school year; and
15 (E) number of hours per day the teacher is expected to work,
16 as discussed pursuant to IC 20-29-6-7. **bargained under**
17 **IC 20-29-6-4.**



1 (b) The contract may provide for the annual determination of the
 2 teacher's annual compensation based on a local compensation plan
 3 specifying a salary range, which is part of the contract. The
 4 compensation plan may be changed by the school corporation before
 5 the later of May 1 of a year, with the changes effective the next school
 6 year, or the date specified in a collective bargaining agreement
 7 applicable to the next school year. A teacher affected by the changes
 8 shall be furnished with printed copies of the changed compensation
 9 plan not later than thirty (30) days after the adoption of the
 10 compensation plan.

11 (c) A contract under this section is also governed by the following
 12 statutes:

- 13 (1) IC 20-28-9-5 through IC 20-28-9-6.
- 14 (2) IC 20-28-9-9 through IC 20-28-9-11.
- 15 (3) IC 20-28-9-13.
- 16 (4) IC 20-28-9-14.

17 (d) A governing body shall provide the blank contract forms,
 18 carefully worded by the state superintendent, and have them signed.
 19 The contracts are public records open to inspection by the residents of
 20 each school corporation.

21 (e) An action may be brought on a contract that conforms with
 22 subsections (a)(1), (a)(2), and (d).

23 SECTION 2. IC 20-28-9-1.5, AS AMENDED BY P.L.228-2017,
 24 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 25 JULY 1, 2018]: Sec. 1.5. (a) This subsection governs salary increases
 26 for a teacher employed by a school corporation. Compensation
 27 attributable to additional degrees or graduate credits earned before the
 28 effective date of a local compensation plan created under this chapter
 29 before July 1, 2015, shall continue for school years beginning after
 30 June 30, 2015. Compensation attributable to additional degrees for
 31 which a teacher has started course work before July 1, 2011, and
 32 completed course work before September 2, 2014, shall also continue
 33 for school years beginning after June 30, 2015. For school years
 34 beginning after June 30, 2015, a school corporation may provide a
 35 supplemental payment to a teacher in excess of the salary specified in
 36 the school corporation's compensation plan if the teacher teaches an
 37 advanced placement course or has earned a master's degree from an
 38 accredited postsecondary educational institution in a content area
 39 directly related to the subject matter of:

- 40 (1) a dual credit course; or
- 41 (2) another course;

42 taught by the teacher. In addition, a supplemental payment may be



1 made to an elementary school teacher who earns a master's degree in
 2 math or reading and literacy. A supplement provided under this
 3 subsection is not subject to collective bargaining, but a discussion of
 4 the supplement must be held. Such a supplement is in addition to any
 5 increase permitted under subsection (b).

6 (b) Increases or increments in a local salary range must be based
 7 upon a combination of the following factors:

8 (1) A combination of the following factors taken together may
 9 account for not more than thirty-three and one-third percent
 10 (33.33%) of the calculation used to determine a teacher's increase
 11 or increment:

12 (A) The number of years of a teacher's experience.

13 (B) The possession of either:

14 (i) additional content area degrees beyond the requirements
 15 for employment; or

16 (ii) additional content area degrees and credit hours beyond
 17 the requirements for employment, if required under an
 18 agreement bargained under IC 20-29.

19 ~~(2) The results of an evaluation conducted under IC 20-28-11.5.~~

20 ~~(3) (2) The assignment of instructional leadership roles, including~~
 21 ~~the responsibility for conducting evaluations under IC 20-28-11.5.~~

22 ~~(4) (3) The academic needs of students in the school corporation.~~

23 **(c) Increases or increments in a local salary range are not**
 24 **required to be equal for all teachers even if the salary increases or**
 25 **increments are based on the same combination of weighted factors**
 26 **described in subsection (b).**

27 ~~(d) (e)~~ Except as provided in subsection ~~(d)~~, (e), a teacher rated
 28 ineffective or improvement necessary under IC 20-28-11.5 may not
 29 receive any raise or increment for the following year if the teacher's
 30 employment contract is continued. The amount that would otherwise
 31 have been allocated for the salary increase of teachers rated ineffective
 32 or improvement necessary shall be allocated for compensation of all
 33 teachers rated effective and highly effective based on the criteria in
 34 subsection (b).

35 ~~(d) (e)~~ Subsection ~~(e) (d)~~ does not apply to a teacher in the first two
 36 (2) full school years that the teacher provides instruction to students in
 37 elementary school or high school. If a teacher provides instruction to
 38 students in elementary school or high school in another state, any full
 39 school year, or its equivalent in the other state, that the teacher provides
 40 instruction counts toward the two (2) full school years under this
 41 subsection.

42 ~~(e) (f)~~ A teacher who does not receive a raise or increment under



1 subsection ~~(e)~~ (d) may file a request with the superintendent or
 2 superintendent's designee not later than five (5) days after receiving
 3 notice that the teacher received a rating of ineffective. The teacher is
 4 entitled to a private conference with the superintendent or
 5 superintendent's designee.

6 ~~(f)~~ (g) The Indiana education employment relations board
 7 established in IC 20-29-3-1 shall publish a model compensation plan
 8 with a model salary range that a school corporation may adopt.

9 ~~(g)~~ (h) Each school corporation shall submit its local compensation
 10 plan to the Indiana education employment relations board. For a school
 11 year beginning after June 30, 2015, a local compensation plan must
 12 specify the range for teacher salaries. The Indiana education
 13 employment relations board shall publish the local compensation plans
 14 on the Indiana education employment relations board's Internet web
 15 site.

16 ~~(h)~~ (i) The Indiana education employment relations board shall
 17 review a compensation plan for compliance with this section as part of
 18 its review under IC 20-29-6-6.1. The Indiana education employment
 19 relations board has jurisdiction to determine compliance of a
 20 compensation plan submitted under this section.

21 ~~(i)~~ (j) This chapter may not be construed to require or allow a school
 22 corporation to decrease the salary of any teacher below the salary the
 23 teacher was earning on or before July 1, 2015, if that decrease would
 24 be made solely to conform to the new compensation plan.

25 ~~(j)~~ (k) After June 30, 2011, all rights, duties, or obligations
 26 established under IC 20-28-9-1 before its repeal are considered rights,
 27 duties, or obligations under this section.

28 SECTION 3. IC 20-29-2-6, AS AMENDED BY P.L.48-2011,
 29 SECTION 7, AND P.L.244-2017, SECTION 55, IS AMENDED TO
 30 READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 6. "Deficit
 31 financing" for a budget year means ~~actual expenditures exceeding the~~
 32 ~~employer's current year actual education fund revenue and; for a school~~
 33 ~~employer for which the voters have passed an operating referendum tax~~
 34 ~~levy under IC 20-46-1; the amount of revenue certified by the~~
 35 ~~department of local government finance. Revenue does not include~~
 36 ~~money estimated to be or actually transferred from the school~~
 37 ~~corporation's operations fund to its education fund. **expenditures**~~
 38 ~~**exceeding the money legally available to the employer.**~~

39 SECTION 4. IC 20-29-6-3, AS AMENDED BY P.L.244-2017,
 40 SECTION 56, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 41 JULY 1, 2018]: Sec. 3. (a) It is unlawful for a school employer to enter
 42 into any agreement that would place the employer in a position of



1 deficit financing. due to a reduction in the employer's actual general
 2 fund (before January 1, 2019) or education fund (after December 31,
 3 2018) revenue or an increase in the employer's expenditures when the
 4 expenditures exceed the employer's current year actual general fund
 5 (before January 1, 2019) or education fund (after December 31, 2018)
 6 revenue. Revenue does not include money estimated to be or actually
 7 transferred from the school corporation's operating fund to its education
 8 fund.

9 (b) A contract that provides for deficit financing is void to that
 10 extent, and an individual teacher's contract executed under the contract
 11 is void to that extent.

12 SECTION 5. IC 20-29-6-4, AS AMENDED BY P.L.217-2017,
 13 SECTION 101, IS AMENDED TO READ AS FOLLOWS
 14 [EFFECTIVE JULY 1, 2018]: Sec. 4. (a) A school employer shall
 15 bargain collectively with the exclusive representative on the following:

- 16 (1) Salary.
- 17 (2) Wages.
- 18 (3) Salary and wage related fringe benefits, including accident,
 19 sickness, health, dental, vision, life, disability, retirement benefits,
 20 and paid time off as permitted to be bargained under
 21 IC 20-28-9-11.

22 **(4) Hours.**

23 (b) Salary and wages include the amounts of pay increases available
 24 to employees under the compensation plan adopted under
 25 IC 20-28-9-1.5, but do not include the teacher evaluation procedures
 26 and criteria, any components of the teacher evaluation plan, rubric, or
 27 tool, or any performance stipend or addition to base salary based on a
 28 stipend to an individual teacher under IC 20-43-10-3.5.

29 SECTION 6. IC 20-29-6-7, AS AMENDED BY P.L.217-2017,
 30 SECTION 103, IS AMENDED TO READ AS FOLLOWS
 31 [EFFECTIVE JULY 1, 2018]: Sec. 7. A school employer shall discuss
 32 with the exclusive representative of certificated employees the
 33 following items:

- 34 (1) Curriculum development and revision.
- 35 (2) Selection of curricular materials.
- 36 (3) Teaching methods.
- 37 (4) Hiring, evaluation, promotion, demotion, transfer, assignment,
 38 and retention of certificated employees.
- 39 (5) Student discipline.
- 40 (6) Expulsion or supervision of students.
- 41 (7) Pupil/teacher ratio.
- 42 (8) Class size or budget appropriations.



- 1 (9) Safety issues for students and employees in the workplace,
2 except those items required to be kept confidential by state or
3 federal law.
- 4 **(10) Hours: Working conditions.**
- 5 (11) Funding for a plan for a remediation program for any subset
6 of students enrolled in kindergarten through grade 12.
- 7 (12) The following nonbargainable items under IC 20-43-10-3.5:
8 (A) Teacher appreciation grants.
9 (B) Individual teacher appreciation grant stipends to teachers.
10 (C) Additions to base salary based on teacher appreciation
11 grant stipends.
- 12 (13) The pre-evaluation planning session required under
13 IC 20-28-11.5-4.
- 14 (14) The superintendent's report to the governing body concerning
15 staff performance evaluations required under IC 20-28-11.5-9.
- 16 (15) A career pathways and mentorship plan established under
17 IC 20-20-42.2.
- 18 **(16) Student learning.**

