

INDIANA EDUCATION EMPLOYMENT RELATIONS BOARD

**Nonrule Policy Document No. 2018-1:
Procedures for Entities that May Determine Whether to be Subject to [IC 20-29](#)****I. Summary**

Muncie Community School Corporation ([IC 20-23-18-3](#)) and certain transformation zone schools ([IC 20-31-9.5-9.5](#)) are permitted to determine whether to opt into teacher bargaining ([IC 20-29](#)). This guidance is necessary to provide stability and certainty for those entities impacted.

II. Process

- (a) This policy applies only to those entities that are permitted to determine whether to be subject to [IC 20-29](#), including under [IC 20-23-18-3\(e\)](#) and [IC 20-31-9.5-9.5\(d\)](#).
- (b) School employee organizations must be certified by the Indiana Education Employment Relations Board (IEERB) to become the exclusive representative for a school employer subject to this section. This certification lasts until an election or the school employer provides notice that the school employer no longer chooses to be subject to [IC 20-29](#).
- (c) For the 2018-2019 bargaining season:
- (1) An entity must provide notice of the intent to be subject to [IC 20-29](#) to school employees and the Board by September 15, 2018. Failure to provide notice will result in the status quo pursuant to subsection (g).
 - (2) The notice of intent to be subject to [IC 20-29](#) will operate as an automatic stay of collective bargaining, until such time as an exclusive representative is recognized pursuant to [560 IAC 2-2.1](#).
- (d) Once provided, a notice of intent to be subject to [IC 20-29](#) may not be revoked until the period following expiration of the collective bargaining agreement reached under that notice.
- (e) A notice of intent to be subject to [IC 20-29](#) must include any exclusions of schools and bargainable or discussable subjects. The failure to timely identify excluded schools or subjects of bargaining or discussion in the notice will waive the right to subsequently exclude them.
- (f) After a notice of intent to be subject to [IC 20-29](#), or a subsequent notice of intent not to be subject to [IC 20-29](#), the status quo shall be maintained entering the next contract period, absent timely notice to the contrary pursuant to the requirements of this rule [*nonrule*].
- (g) The Board will keep a list on its website of all entities that may determine whether to be subject to [IC 20-29](#) and the status of each entity's determination.
- (h) The Board shall provide a sample notice of intent to be subject to [IC 20-29](#) upon request.
- (i) The Board will send information annually to all entities who may determine whether or not to be subject to [IC 20-29](#).

III. Effective

This policy was adopted by the IEERB Board at its August 22, 2018, public board meeting and shall be effective for the 2018 bargaining season.

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