

SENATE BILL 486

Prepared by UniServ Director Mark Lichtenberg (1/27/22)

MISCONCEPTION

There was narrative during the testimony and questioning Wednesday (1/25/23) that the current Discussion process limits teachers from being able to raise concerns that are important to them with their administrators because it has to go through the Association under current statute. Let's clear up the misunderstanding.

BACKGROUND INFORMATION: What is Discussion?

It is a formalized process **requiring** the superintendent and Association leaders to meet regularly to discuss items that fall under certain broad topics, such as curriculum, class size, school safety, and so on. While the discussion must take place before decisions are made, unlike bargaining, mutual agreement is not necessary. If the parties ultimately disagree, the school corporation can take unilateral action. In other words, it is akin to required professional courtesy. Discussion is not exactly a high bar when it comes to labor-management relations. In no way does the Discussion process in statute prevent an individual teacher from approaching his or her principal to talk about recess procedures, and it does not require that all issues flow through the Association. Those are simply false narratives.

6 ISSUES WITH SB486 IN ITS CURRENT FORM

1.) PROBLEM LANGUAGE

Pg. 16, lines 14-24 (reference to the attached bill)

Replaces "Incompetence" and the accompanying definition that is based on evaluation results with "Repeated ineffective performance, as determined by the school corporation" as a reason that a teacher's contract may be canceled.

WHY IS IT A PROBLEM?

Under the current statute, the system of evaluation must be discussed with the teacher's Association on behalf of teachers in the school corporation before it is adopted. It is also reviewed by IDOE following adoption. Poor performance on that evaluation, which has layers of required vetting, is what defines "Incompetence" as a reason to cancel a teacher's contract. The change would allow the school corporation to unilaterally and subjectively determine what constitutes "poor performance" and make that a reason to fire a teacher. Evaluations, as we all know, can already have a subjective element to them, but at least there are layers of required checks and balances in place under current statute. This change removes all of those checks and balances AND allows a school corporation to fire someone as a result.

2.) PROBLEM LANGUAGE

Pg. 17, line 15

Removes "but a discussion of the supplement must be held" from the section on supplemental payments that a school corporation may make to a teacher in addition to bargained compensation.

WHY IS IT A PROBLEM?

This would allow a superintendent whose spouse (or best friend or whomever) teaches in the same corporation to give them an extra \$50,000 without talking to the Association (that bargains contracts) about it. There is an entire section of Indiana Code devoted to collective bargaining for teachers, and this circumvents that entirely. The fact that it would even be allowable should be cause for deep concern.

3.) PROBLEM LANGUAGE

P. 20, lines 2-42 through P. 21, lines 1-18 and P. 21 lines 26-27 and 36-37

Removes the list of requirements that must be included in an evaluation plan, removes the requirement that a school corporation must discuss its evaluation plan with the Association, and allows the school corporation on its own to determine what constitutes a rating of ineffective.

WHY IS IT A PROBLEM?

The changes assume that administrators know best in all cases about what constitutes “effective” teaching. Oftentimes, administrators have limited experience or are years removed from the classroom, and trends in education change rapidly. Why would it not be a requirement to discuss a teacher evaluation plan with current teachers?

4.) PROBLEM LANGUAGE

P. 26, lines 27-36

Changes the definition of “Discuss” from “...the performance of a mutual obligation of the school corporation through its superintendent and the exclusive representative to meet at reasonable times to discuss, provide meaningful input, or exchange points of view with respect to items enumerated in IC 20-29-6-7” to “...a communication between the school corporation and a certificated employee or group of certificated employees to discuss, provide meaningful input, or exchange points of view regarding any item described in IC 20-29-6-7.”

WHY IS IT A PROBLEM?

“School corporation” is no longer defined as “through its superintendent” and so-called Discussion could now involve as little as one teacher. No meeting would be required, only “a communication”. In other words, “Discussion” could be satisfied by an email from a principal to a single teacher.

Teachers are not always comfortable raising concerns to the administrators who evaluate them. Discussion through the exclusive representative (i.e. the Association) provides them with an avenue to have their voice heard without the discomfort. The author, in testimony before the committee, has suggested that non-members do not feel they have a voice because the process goes through the exclusive representative, yet any Association leader knows that they hear of issues from members and non-members alike. The suggestion of the author also presupposes that the concerns of teachers who are members and the concerns of teachers who are non-members are somehow fundamentally different, and that is false.

The definition (along with other parts of the bill) removes “obligation”, meaning a school corporation or administrator does not have to discuss a matter with teachers if they do not want to do so. Further, the current Discussion statute requires the meeting to happen before a decision is made. Individual teachers would not know what to discuss until they have it happen to them, and by then it may be too late to address issues.

5.) PROBLEM LANGUAGE

Pp. 27-28

- Removes the list of discussable items and replaces it with “any item that significantly impacts a certificated employee’s work with the school employer”.
- Changes “A school employer shall discuss...” to “A school employer may discuss...”
- Replaces “the exclusive representative of certificated employees” with “a certificated employee or group of certificated employees”.

WHY IS IT A PROBLEM?

The author claims that this will expand discussion between school administrators and teachers. Based on her statements, she seems to think that giving administrators the option to discuss or not instead of requiring discussion will increase the things that are discussed by administrators. Again, she made comments indicating a belief that non-members feel they cannot discuss items because it must go through the exclusive representative

(i.e. the Association). Actual experience proves this to be false. These changes would allow a principal to talk with his teacher spouse around the dinner table about an issue and “discussion” would be satisfied. Or, the issue wouldn’t have to be discussed at all. The fact that this would even be possible should be cause for deep concern. The vagueness of “significantly impact” is also problematic. An administrator could refuse to discuss an issue because s/he does not deem something significant enough to discuss. The theme of “administration knows best” is rampant throughout these changes.

6.) PROBLEM LANGUAGE

P. 32, lines 20-42 through P. 33, lines 1-7

Deletes requirements for TAG stipend distribution (25% differentiation, evaluation ratings, board policy requirement, etc.) and says the stipends must be paid to “one (1) or more licensed teachers... employed in the classroom in amounts determined by the school.”


WHY IS IT A PROBLEM?

The entire TAG distribution could be given to a single teacher unilaterally by the school corporation. In other words, the same spouse, (or best friend or whomever) who got the \$50,000 supplemental payment could also get a five- or six-figure stipend, and there are no checks and balances. Even without the extreme example above, the distribution of TAG dollars becomes completely discretionary on the part of the school corporation. The fact that this would even be possible should be cause for deep concern.

WHAT THE EVANSVILLE TEACHERS ASSOCIATION WOULD LIKE YOU TO DO

- ▶ NOT on school time, please call or email your state senator and representative.
 - If you do not know who your legislators are, please do not panic.
 - Click on this [Find Your State Officials link](#) and enter in your information.

- ▶ Tell them what you think of this bill. Below is a sample script you can use.



SAMPLE CALL/EMAIL/POSTCARD

Dear (Insert Senator or other lawmakers name):

My name is (insert your name) and I have been a/n (insert level) teacher (insert number) years. I teach (insert what you teach) in Evansville.

I am writing/calling you in regards to SB 486. I am specifically concerned about (insert your concerns). I ask that you listen to my concerns and those of fellow educators in our state about this Bill.

Please do not support 486 as it would cause many educators to lose their rights to be heard which could impact our schools and students.

Sincerely,
(Insert Signature)

**Numbers
Matter!**

ASK FRIENDS TO REACH OUT AS WELL.

*** If you have a specific story of how Discussion Teams at the building or corporation level helped solve problems or issues please share that story.

*** Typically if you call you will leave a voicemail, but the Legislative Assistants and the lawmaker's office will track how many calls they receive on a Bill.