

IN THE SENATE

SENATE BILL NO. 1149

BY STATE AFFAIRS COMMITTEE

AN ACT

1 RELATING TO EDUCATION; AMENDING SECTION 33-1271, IDAHO CODE, TO REVISE LAN-
2 GUAGE RELATING TO ENTERING INTO A NEGOTIATION AGREEMENT, TO PROVIDE FOR
3 NEGOTIATIONS IN GOOD FAITH, TO REVISE PROVISIONS RELATING TO A REQUEST
4 FOR NEGOTIATIONS AND TO REVISE PROVISIONS RELATING TO RATIFICATION;
5 AMENDING SECTION 33-1272, IDAHO CODE, TO REVISE DEFINITIONS, TO DEFINE
6 A TERM AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 33-1273,
7 IDAHO CODE, TO CLARIFY THAT THE LOCAL EDUCATION ORGANIZATION SHALL BE
8 THE EXCLUSIVE REPRESENTATIVE FOR CERTAIN EMPLOYEES IN THAT DISTRICT
9 FOR PURPOSES OF NEGOTIATIONS PURSUANT TO LAW AND TO PROVIDE THAT NEGO-
10 TIATIONS SHALL ONLY OCCUR BETWEEN CERTAIN REPRESENTATIVES; PROVIDING
11 SEVERABILITY; AND DECLARING AN EMERGENCY.
12

13 Be It Enacted by the Legislature of the State of Idaho:

14 SECTION 1. That Section 33-1271, Idaho Code, be, and the same is hereby
15 amended to read as follows:

16 33-1271. SCHOOL DISTRICTS -- PROFESSIONAL EMPLOYEES -- NEGOTIATION
17 AGREEMENTS. The board of trustees of each school district, including spe-
18 cially chartered districts, or the designated representative(s) of such
19 district, is hereby empowered to and shall, upon its own initiative or upon
20 the request of a local education organization representing a majority of the
21 professional employees, enter into a negotiation agreement with the local
22 education organization or the designated representative(s) of such organi-
23 zation. and negotiate with such party in

24 (1) The parties to such negotiations shall negotiate in good faith on
25 those matters specified in any such negotiation agreement between the local
26 board of trustees and the local education organization.

27 (2) A request for negotiations may be initiated by either party to such
28 negotiation agreement.

29 (3) Upon either party making a request for negotiations, the local edu-
30 cation organization, upon board request, shall provide to the district writ-
31 ten evidence establishing that the local education organization represents
32 fifty percent (50%) plus one (1) of the professional employees for negoti-
33 ations. If requested by the board, the local education organization shall
34 establish this representative status on an annual basis, prior to the com-
35 mencement of negotiations.

36 (4) Accurate records or minutes of the proceedings shall be kept and
37 shall be available for public inspection at the office of the affected school
38 district during normal business hours.

39 (5) Joint ratification of all final offers of settlement shall be made
40 in open meetings. Each party must provide written evidence confirming to the
41 other that majority ratification has occurred.

1 SECTION 2. That Section 33-1272, Idaho Code, be, and the same is hereby
2 amended to read as follows:

3 33-1272. DEFINITIONS. ~~Definition of terms as~~ As used in this act:

4 ~~(1.)~~ "Professional employee" means any certificated employee of a
5 school district, including charter districts; provided, however, that
6 administrative personnel including superintendents, supervisors or prin-
7 cipals may be are excluded from the professional employee group if a nego-
8 tiation agreement between the board and local education organization so
9 specifies for the purposes of negotiations.

10 ~~(2.)~~ "Local education organization" means any local district organi-
11 zation duly chosen and selected by ~~a majority~~ fifty percent (50%) plus one
12 (1) of the professional employees, excluding administrative personnel as
13 addressed in this section, as their representative organization for negoti-
14 ations under this act.

15 ~~(3.)~~ "Negotiations" means meeting and conferring in good faith by a lo-
16 cal board of trustees and the authorized local education organization, or
17 the respective designated representatives of both parties for the purpose of
18 reaching an agreement, upon matters and conditions subject to negotiations
19 as specified in a negotiation agreement between said parties.

20 For the purposes of this section, "good faith" means honesty, fairness and
21 lawfulness of purpose with the absence of any intent to defraud, act mali-
22 ciously or take unfair advantage or the observance of reasonable standards
23 of fair dealing.

24 SECTION 3. That Section 33-1273, Idaho Code, be, and the same is hereby
25 amended to read as follows:

26 33-1273. SCHOOL DISTRICTS -- PROFESSIONAL EMPLOYEES -- NEGOTIA-
27 TIONS. The local education organization shall be the exclusive represen-
28 tative for all professional employees in that district for purposes of
29 negotiations pursuant to the provisions of this chapter. The individual
30 or individuals selected to negotiate for the professional employees shall
31 be a member of the organization designated to represent the professional
32 employees and shall be a professional employee of the local school district.
33 However, in the event a local board of trustees chooses to designate any
34 individual(s) other than the superintendent or elected trustee(s) of the
35 school district as its representative(s) for negotiations, the local edu-
36 cational organization is authorized to designate any individual(s) of its
37 choosing to act as its representative(s) for negotiations. ~~A local board of~~
38 ~~trustees or its designated representative(s) shall negotiate matters cov-~~
39 ~~ered by a negotiations agreement only with the local education organization~~
40 ~~or its designated representative(s).~~ Negotiations pursuant to this chapter
41 shall only occur between the respective designated representatives.

42 SECTION 4. SEVERABILITY. The provisions of this act are hereby declared
43 to be severable and if any provision of this act or the application of such
44 provision to any person or circumstance is declared invalid for any reason,
45 such declaration shall not affect the validity of the remaining portions of
46 this act.

1 SECTION 5. An emergency existing therefor, which emergency is hereby
2 declared to exist, this act shall be in full force and effect on and after its
3 passage and approval.