

LEGISLATURE OF THE STATE OF IDAHO
Sixty-second Legislature First Regular Session - 2013

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 164

BY EDUCATION COMMITTEE

AN ACT

RELATING TO EDUCATION; AMENDING SECTION 33-1272, IDAHO CODE, TO REVISE A DEFINITION AND TO MAKE TECHNICAL CORRECTIONS; AMENDING CHAPTER 12, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-1273A, IDAHO CODE, TO ESTABLISH PROVISIONS RELATING TO NEGOTIATIONS IN OPEN SESSION, TO ESTABLISH THAT CERTAIN DOCUMENTATION SHALL BE SUBJECT TO CERTAIN DISCLOSURE LAWS AND TO PROVIDE FOR NOTICE; AMENDING CHAPTER 12, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-1274A, IDAHO CODE, TO ESTABLISH PROVISIONS RELATING TO REQUIREMENTS WHEN PARTIES TO NEGOTIATIONS REACH AGREEMENT AND TO ESTABLISH PROVISIONS RELATING TO THE FAILURE TO RATIFY A CERTAIN AGREEMENT; PROVIDING SEVERABILITY; AND DECLARING AN EMERGENCY.

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

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

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

(1-) "Professional employee" means any certificated employee of a school district, including charter districts; provided, however, that superintendents, supervisors or principals may be excluded from the professional employee group if a negotiation agreement between the board and local education organization so specifies.

(2-) "Local education organization" means any local district organization duly chosen and selected by a majority of the professional employees as their representative organization for negotiations under this act.

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

SECTION 2. That Chapter 12, Title 33, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 33-1273A, Idaho Code, and to read as follows:

33-1273A. NEGOTIATIONS IN OPEN SESSION. (1) Any other provision of law notwithstanding, including any provisions to the contrary in section 67-2345, Idaho Code, all negotiations pursuant to this act shall be in open session and shall be open and available for the public to attend.

(2) All documentation exchanged between the parties during negotiations, including all offers, counteroffers and meeting minutes shall be subject to public writings disclosure laws.

1 (3) Any other provision of law notwithstanding, including any other
2 provisions to the contrary in sections 33-402 and 67-2343, Idaho Code,
3 the district shall post notice of all negotiation sessions at the earliest
4 possible time practicable. This shall be done by the district immediately
5 posting notice of the negotiation session on the front page of its dis-
6 trict website. If time permits, the district shall also post notice within
7 twenty-four (24) hours at its regular meeting physical posting locations.

8 SECTION 3. That Chapter 12, Title 33, Idaho Code, be, and the same is
9 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
10 ignated as Section 33-1274A, Idaho Code, and to read as follows:

11 33-1274A. PROCEDURES UPON AGREEMENT. (1) In the event the parties to
12 negotiations reach agreement upon matters subject to negotiations as speci-
13 fied in a negotiation agreement any time on or before June 10, such agreement
14 shall be reduced to writing by the parties. Such written agreement shall be
15 offered for possible ratification by the local education organization on or
16 before June 15. If such written agreement is approved and ratified by the lo-
17 cal education organization on or before June 15, it shall thereafter be of-
18 fered to the board of trustees for possible ratification at a public board
19 meeting held on or before June 22. The dates of June 10, June 15 and June 22
20 are not arbitrary dates and cannot be moved by agreement between the parties.

21 (2) Should the local education association or the board of trustees
22 fail to ratify the written agreement as provided for in this section, the
23 board of trustees shall for the ensuing school year operate under the terms
24 of the district's last best offer at negotiations and shall not otherwise be
25 controlled by the terms that failed ratification, for professional employ-
26 ees as provided for in section 33-1274, Idaho Code.

27 SECTION 4. SEVERABILITY. The provisions of this act are hereby declared
28 to be severable and if any provision of this act or the application of such
29 provision to any person or circumstance is declared invalid for any reason,
30 such declaration shall not affect the validity of the remaining portions of
31 this act.

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