

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 164

BY EDUCATION COMMITTEE

AN ACT

1 RELATING TO EDUCATION; AMENDING SECTION 33-1272, IDAHO CODE, TO REVISE A  
2 DEFINITION AND TO MAKE TECHNICAL CORRECTIONS; AMENDING CHAPTER 12,  
3 TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-1273A, IDAHO  
4 CODE, TO ESTABLISH PROVISIONS RELATING TO NEGOTIATIONS IN OPEN SESSION,  
5 TO ESTABLISH THAT CERTAIN DOCUMENTATION SHALL BE SUBJECT TO CERTAIN  
6 DISCLOSURE LAWS AND TO PROVIDE FOR NOTICE; AMENDING CHAPTER 12, TITLE  
7 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-1274A, IDAHO CODE,  
8 TO ESTABLISH PROVISIONS RELATING TO REQUIREMENTS WHEN PARTIES TO NE-  
9 GOTIATIONS REACH AGREEMENT AND TO ESTABLISH PROVISIONS RELATING TO  
10 THE FAILURE TO RATIFY A CERTAIN AGREEMENT; PROVIDING SEVERABILITY; AND  
11 DECLARING AN EMERGENCY.  
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13 Be It Enacted by the Legislature of the State of Idaho:

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

16 33-1272. DEFINITIONS. Definition of terms as used in this act:  
17 ~~(1-)~~ "Professional employee" means any certificated employee of a  
18 school district, including charter districts; provided, however, that  
19 superintendents, supervisors or principals may be excluded from the profes-  
20 sional employee group if a negotiation agreement between the board and local  
21 education organization so specifies.  
22 ~~(2-)~~ "Local education organization" means any local district organiza-  
23 tion duly chosen and selected by a majority of the professional employees as  
24 their representative organization for negotiations under this act.  
25 ~~(3-)~~ "Negotiations" means publicly meeting and conferring in good  
26 faith by a local board of trustees and the authorized local education organ-  
27 ization, or the respective designated representatives of both parties for  
28 the purpose of reaching an agreement, upon matters and conditions subject to  
29 negotiations as specified in a negotiation agreement between said parties.

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

33 33-1273A. NEGOTIATIONS IN OPEN SESSION. (1) Any other provision of  
34 law notwithstanding, including any provisions to the contrary in section  
35 67-2345, Idaho Code, all negotiations pursuant to this act shall be in open  
36 session and shall be open and available for the public to attend.  
37 (2) All documentation exchanged between the parties during negoti-  
38 ations, including all offers, counteroffers and meeting minutes shall be  
39 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.