

In accordance with the applicable provisions of the Idaho Code, in order for the District to engage in negotiations with an authorized Local Education Organization, upon Board request, the organization shall be required to demonstrate to the District that it has been duly chosen and selected by fifty percent (50%) plus one (1) of the professional employees of the District, excluding administrative personnel, as their representative organization for negotiations.

Commencing Negotiations

A party interested in commencement of negotiations shall provide the other party notice of such interest, in writing.

If the Board is interested in commencement of negotiations, it shall provide written notification to any representative organization for which membership is known to exist at the District (i.e. local affiliation with IEA, AFT, NWPEA etc.). If the District is not aware of any membership, the District has no obligation to provide notice. However, if the District is aware that a local educational entity has fifty-percent (50%) plus one (1) dues paying members, the District need only contact this one organization about a desire to commence negotiations.

If an organization is interested in the commencement of negotiations, a written letter shall be advanced by the organization to the Board's Clerk. An organization interested in the commencement of negotiations need not be a formal organization with any ties to any state or national entity. Such organization may be entirely comprised of a local group of professional employees of the District, with no affiliation to any outside organization.

Identification of the Number of Professional Employees Required for Negotiations

Upon notification of interest in commencing negotiations, whether such is by the District or by an organization, the District shall prepare a list of all professional employees of the District currently on contract, excluding those serving as administrative personnel.

District personnel shall ascertain from this list what number of individuals the organization must represent to obtain Local Education Organization status for the purpose of negotiations pursuant to the fifty percent (50%) plus one (1) statutory requirement.

The District shall notify the organization of the representation number necessary to meet the fifty percent (50%) plus one (1) statutory requirement. This notification shall be in writing or via electronic communication so as to maintain a record of such communication.

If an employee is a partial administrative FTE and a partial teaching FTE, and is counted as such on the District's State reporting, the District may include the partial teaching FTE, only to the extent of the percentage of the partial teaching FTE, in the listing and calculation for representative status.

If any question arises as to the number of professional employees required to reach the fifty percent (50%) plus one (1) representative status, a meeting shall be held between a District representative(s) and representation of the organization to review the manner in which the figure was reached.

Obtaining Authorizations and Representative Status

The organization’s process for obtaining authorization for representative status for the purposes of negotiations must include the following:

1. Representation authority for the purpose of negotiations must be documented in writing.
2. The Board may request that representation authority for the purposes of negotiations must be associated with the current [or immediate previous](#) year in question. [The current or immediate previous school year’s representation authority status shall be noted on the written authorization from the professional employee.](#) The Board will notify the organization by at least the August regular board meeting of the need for the collection of written authorization from the professional employees.
3. For representation status for the purpose of negotiations, the subject employee need not be a member, dues paying or otherwise, of any official labor organization, association or union.

Representative Status Review

The District and the organization shall each provide a representative to review the current employee list provided by the District and the written authorizations from the organization. Upon completion of the comparison, the two representatives shall prepare a written letter indicating the exact percentage of District Professional Employees, to the second decimal, that have provided written authorization to the organization to serve as a representative for negotiations purposes. This letter shall be notarized by someone other than the two representatives and jointly provided to the District and the organization seeking representation status for the purpose of negotiations.

Final Steps

If representative status of fifty percent (50%) plus one (1) has been obtained, the parties then may initiate the negotiation process with the now determined Local Education Organization for the purpose of negotiations. If such representative status has not been met due to failure to meet the statutory required levels, negotiations shall not commence.

If no new organization seeks to obtain representative status for the purpose of negotiations and to be deemed the local education organization, in due course the District’s Board may establish compensation and benefits and other working conditions as it deems appropriate.

LEGAL REFERENCE: I.C. § 33-1271

I.C. § 33-1272

I.C. § 33-1271

I.C. § 44-2001

I.C. § 44-2003

I.C. § 44-2004

School Districts – Professional Employees – Negotiation Agreements

Definitions

School Districts – Professional Employees– Negotiations

Declaration of Public Policy

Freedom of Choice Guaranteed, Discrimination Prohibited

Voluntary Deductions Protected

**I.C. § 44-2006
IDAPA 08.02.02.076**

**Coercion and Intimidation Prohibited
Code of Ethics for Professional
Educators**

ADOPTED: October 19, 2015

AMENDED/REVISED: