

MINUTES
SENATE EDUCATION COMMITTEE

DATE: Wednesday, March 20, 2013

TIME: 3:00 P.M.

PLACE: Room WW55

MEMBERS PRESENT: Chairman Goedde, Vice Chairman Mortimer, Senators Pearce, Fulcher, Nonini, Thayn, Patrick, Durst and Buckner-Webb

**ABSENT/
EXCUSED:**

NOTE: The sign-in sheet, testimonies and other related materials will be retained with the minutes in the committee's office until the end of the session and will then be located on file with the minutes in the Legislative Services Library.

CONVENED: **Chairman Goedde** called the Education Committee (Committee) to order at 3:05 p.m., and a silent roll was taken.

H 226 **Chairman Goedde** announced that **H 226** had been debated the previous day, and called for questions from the committee. There were none.

MOTION: **Senator Durst** made a motion to send **H 226** to the Senate floor with a **do pass** recommendation. **Senator Thayn** seconded the motion. The motion carried by **voice vote**. **Senator Patrick** voted **nay**.

H 260 **Karen Echeverria**, Executive Director, Idaho School Board Association (ISBA) explained that **H 260** contains two main elements. The first element clarifies that mediation can still be used if both parties reach an impasse in negotiations. However, mediation would still need to be concluded by June 10, as outlined in the next section. The second element is a new section which sets out the deadlines for agreement on negotiations and the time lines that need to be met in the event that no agreement is reached. Negotiations under these time lines and requirements have been in place for two years. A survey conducted by the ISBA showed that negotiations under these conditions went very well. After meeting with the IEA, the ISBA made one change to this legislation which was to change the term "good faith offer" to "last best offer." In addition, the ISBA added a one year sunset clause to this legislation in order to collect sound data over the next year to see what impact, if any, completing negotiations by June 10 had on negotiations. Because of the sunset clause, the Legislative Services Office added language that repeals and reinstates sections of this bill. These changes will occur when the sunset expires on June 30, 2014. This bill is being presented in conjunction with the Idaho Association of School Administrators (IASA).

Senator Durst asked about the "typical time period" from offer made and counter offer received, and whether or not the ISBA counseled District boards regarding time frames. **Ms. Echeverria** replied that the each district is different, and the ISBA does not counsel on any level.

Rob Winslow, Executive Director, IASA, stated that his organization supports **H 260**.

TESTIMONY: **Dr. Linda Clark**, Superintendent of Joint School District #2 (Meridian), spoke in support of **H 260** because it provides the tools to manage the largest, and most important, part of a school district's budget – the salaries and benefits it pays to its professional teaching staff. **Dr. Clark** stated that the time line set forth in **H 260** needs to be met in order that school districts can make summer time expenditures necessary to open school doors in the fall. She believes that a date certain for end of negotiations is integral to a school district's ability to manage its budget. **Senator Durst** reported that teachers feel that **H 260** puts them in a difficult position and asked how to reconcile those sentiments. **Dr. Clark** replied that the process has built in "give and take." She is willing to front load the time line of negotiations, but feels strongly that an end date is necessary.

Bert Marley, Policy Director, IEA, said that **H 260** creates an unlevel playing field by restricting collective bargaining to a "last best offer" imposed by the school board on June 10. He further objected to provisions which allow "representatives" to negotiate for the school board. **Mr. Marley** said that mediation is unlikely to be a solution due to the time frames involved and the lack of available federal mediators. He asked that **H 260** be held in committee and that the process of collective bargaining now in place be allowed to continue.

Senator Patrick reminded **Mr. Marley** of the budget planning issues facing the districts. **Mr. Marley** replied that the districts have an opportunity to amend the budget while still in negotiations; he suggested they might negotiate through July, and finish in August. At that time, the districts have a good idea of what funds are available. **Senator Durst** asked about the current practice, or the practice prior to Students Come First. **Mr. Marley** replied that from his experience, mediation occurred only twice in 20 years; and the issues were other than salaries. Further he does not feel that an arbitrary date to mediation is useful because arbitration is not date-driven, it is issue-driven.

Ms. Echieverra stated that the IEA and ISBA have a difference of opinion and that a sunset clause is appropriate on this legislation. She also said that while budget amendments do occur part way through the year, the adjustments are usually for small-ticket items, not for 65 percent of the budget.

MOTION: **Senator Patrick** made a motion to send **H 260** to the Senate floor with a **do pass** recommendation. **Vice Chairman Mortimer** seconded the motion. **Senator Patrick** felt negotiations other than salaries could be started earlier in the year, and budget figures would be known in enough time for a June 10 deadline.

SUBSTITUTE MOTION: **Senator Durst** made a substitute motion to hold **H 260** in committee. **Senator Buckner-Webb** seconded the motion. **Senator Durst** stated his opinion that imposing a deadline inhibits negotiation because "the game is rigged." **Senator Thayn** agreed with Mr. Marley that the bill was premature.

ROLL CALL VOTE: **Senator Durst** requested a **roll call vote**. **Senators Thayn, Durst** and **Buckner-Webb** voted **aye**. **Senators Patrick, Nonini, Fulcher, Pearce, Vice Chairman Mortimer** and **Chairman Goedde** voted **nay**. The motion failed.

VOTE ON ORIGINAL MOTION: **Chairman Goedde** then called for a vote on the original motion to send **H 260** to the Senate floor with a **do pass** recommendation. The motion carried by **voice vote**. **Senators Durst, Buckner-Webb** and **Thayn** voted **nay**. **Senator Winder** will carry the bill on the floor.

ADJOURNED: Having no further business before the Committee, **Chairman Goedde** adjourned the meeting at 3:45 p.m.

Senator Goedde
Chairman

Elaine Leedy
Secretary