

Sen. Bill 4591 to Amend 4/10/91 (p. 1177)

MAR 22 1991

Place On Calendar

HOUSE FILE 593  
BY COMMITTEE ON EDUCATION

(SUCCESSOR TO HSB 167)

Passed House, Date 4/4/91 (p. 1088) Passed Senate, Date 4/17/91 (p. 1211)  
Vote: Ayes 67 Nays 27 Vote: Ayes 49 Nays 9  
Approved Monday 4, 1991 (p. 2141)

A BILL FOR

1 An Act relating to employment of personnel under sharing  
2 agreements and agreements to combine merged areas.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 593

1 Section 1. Section 280.15, Code 1991, is amended to read  
2 as follows:

3 280.15 JOINT EMPLOYMENT AND SHARING.

4 1. Two or more public school districts may jointly employ  
5 and share the services of any school personnel, or acquire and  
6 share the use of classrooms, laboratories, equipment and  
7 facilities. Classes made available to students in the manner  
8 provided in this section shall be considered as complying with  
9 the requirements of section 275.1 relating to the maintenance  
10 of kindergarten and twelve grades by a school district. If  
11 students attend classes in another school district under this  
12 section under an agreement that provides for whole grade  
13 sharing, the boards of directors of districts entering into  
14 these agreements shall provide for sharing the costs and  
15 expenses as provided in sections 282.10 through 282.12.  
16 ~~Sharing agreements that provide for the sharing of personnel~~  
17 shall provide that any person who is not an employee at the  
18 time an agreement is signed shall not be employed in any  
19 professional position, under the terms of the agreement, for  
20 which a current employee of any of the districts involved in  
21 the agreement holds an appropriate license, unless the  
22 professional position is an administrator position or the  
23 professional position is first offered to the current  
24 employee.

25 2. When a special education personnel pooling agreement,  
26 which has been entered into between an area education agency  
27 and a public school district pursuant to section 273.5, is  
28 terminated, the public school district shall assume the  
29 contractual obligations for any teachers assigned to the  
30 district under the agreement. Teachers, for whom the  
31 contractual obligations are assumed by a district, shall be  
32 given credit for completion of any probationary status under  
33 section 279.19, be placed on the salary schedule and retain  
34 all leaves, benefits, and seniority rights accumulated as if  
35 the teacher had been originally employed under the agreement

1 which exists between the public school district and the  
2 district's collective bargaining unit, consistent with the  
3 teacher's education and experience.

4 A teacher who is employed under a pooling agreement and  
5 assigned to special education facilities that are separate  
6 from and not part of local school district facilities shall,  
7 if the teacher's employment terminates upon termination of the  
8 pooling agreement, be offered any teaching position that is  
9 similar to the position previously held by the teacher under  
10 the pooling agreement, which is vacant in any of the local  
11 school districts which participated in the pooling agreement,  
12 provided that the teacher possesses the appropriate license  
13 for the position. Teachers employed by a local school  
14 district under this paragraph shall have the same rights,  
15 privileges, and protection as teachers whose contractual  
16 obligations are assumed by a district to which the teacher  
17 previously had been assigned under a special education  
18 personnel pooling agreement.

19 Sec. 2. Section 280A.39, Code 1991, is amended by adding  
20 the following new unnumbered paragraph:

21 NEW UNNUMBERED PARAGRAPH. The terms of employment of  
22 personnel, for the academic year following the effective date  
23 of the agreement to combine the merged areas shall not be  
24 affected by the combination of the merged areas, except in  
25 accordance with the procedures under sections 279.15 to 279.18  
26 and section 279.24, to the extent those procedures are  
27 applicable, or under the terms of the base bargaining  
28 agreement. The authority and responsibility to offer new  
29 contracts or to continue, modify, or terminate existing  
30 contracts pursuant to any applicable procedures under chapter  
31 279, shall be transferred to the acting, and then to the new,  
32 board of the combined merged area upon certification of a  
33 favorable vote to each of the merged areas affected by the  
34 agreement. The collective bargaining agreement of the merged  
35 area with the largest number of contact hours eligible for

1 general aid, as defined under section 286A.2, shall serve as  
2 the base agreement for the combined merged area and the  
3 employees of the merged areas which combined to form the new  
4 combined merged area shall automatically be accreted to the  
5 bargaining unit from that former merged area for purposes of  
6 negotiating the contracts for the following years without  
7 further action by the public employment relations board. If  
8 only one collective bargaining agreement is in effect among  
9 the merged areas which are combining under this section, then  
10 that agreement shall serve as the base agreement, and the  
11 employees of the merged areas which are combining to form the  
12 new combined merged area shall automatically be accreted to  
13 the bargaining unit to that former merged area for purposes of  
14 negotiating the contracts for the following years without  
15 further action by the public employment relations board. The  
16 board of the combined merged area, using the base agreement as  
17 its existing contract, shall bargain with the combined  
18 employees of the merged areas that have agreed to combine for  
19 the academic year beginning with the effective date of the  
20 agreement to combine merged areas. The bargaining shall be  
21 completed by March 15 prior to the academic year in which the  
22 agreement to combine merged areas becomes effective or within  
23 one hundred eighty days after the organization of the acting  
24 board of the new combined merged area, whichever is later. If  
25 a bargaining agreement was already concluded in the former  
26 merged area which has the collective bargaining agreement that  
27 is serving as the base agreement for the new combined merged  
28 area, between the former merged area board and the employees  
29 of the former merged area, that agreement is void, unless the  
30 agreement contained multiyear provisions affecting academic  
31 years subsequent to the effective date of the agreement to  
32 form a combined merged area. If the base collective  
33 bargaining agreement contains multiyear provisions, the  
34 duration and effect of the agreement shall be controlled by  
35 the terms of the agreement. The provisions of the base

1 agreement shall apply to the offering of new contracts, or the  
2 continuation, modification, or termination of existing  
3 contracts between the acting or new board of the combined  
4 merged area and the combined employees of the new combined  
5 merged area.

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## EXPLANATION

7 This bill amends language pertaining to joint employment  
8 and sharing to indicate that the requirement, that a position  
9 which becomes available under a sharing agreement must first  
10 be offered to a current qualified employee, applies to all  
11 sharing agreements. The bill changes and adds language  
12 relating to personnel pooling agreements between school  
13 districts and area education agencies to require that persons  
14 employed under the agreement be offered available open  
15 positions in the district, which is party to the agreement, if  
16 the person is qualified for the positions.

17 The bill adds language to the community college chapter to  
18 provide that, when community colleges merge, the personnel who  
19 are affected by the combining of community colleges shall be  
20 accreted to the bargaining unit of the affected community  
21 colleges which have the largest number of contact hours and  
22 that unit is to bargain with the combined boards of the former  
23 separate community colleges. The collective bargaining  
24 agreement of the collective bargaining unit of the community  
25 college with the largest number of contact hours is to serve  
26 as the base agreement and is to apply to the offering of new  
27 contracts and the termination or modification of contracts of  
28 employees now employed by the new combined community college.

29 The bill may include a state mandate as defined in section  
30 25B.3.

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Shoultz, chair  
Iverson  
Wissing

HSB 167

EDUCATION

HOUSE FILE 593  
BY (PROPOSED COMMITTEE ON  
EDUCATION BILL BY  
CHAIRPERSON OLLIE)

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

A BILL FOR

1 An Act relating to employment of personnel under sharing  
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1 Section 1. Section 280.15, subsection 1, Code 1991, is  
2 amended to read as follows:

3 1. Two or more public school districts may jointly employ  
4 and share the services of any school personnel, or acquire and  
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6 facilities. Classes made available to students in the manner  
7 provided in this section shall be considered as complying with  
8 the requirements of section 275.1 relating to the maintenance  
9 of kindergarten and twelve grades by a school district. If  
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13 these agreements shall provide for sharing the costs and  
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17 time an agreement is signed shall not be employed in any  
18 professional position, under the terms of the agreement, for  
19 which a current employee of any of the districts involved in  
20 the agreement holds an appropriate license, unless the  
21 professional position is an administrator position or the  
22 professional position is first offered to the current  
23 employee.

24 EXPLANATION

25 This bill amends language pertaining to joint employment  
26 and sharing to indicate that the requirement, that a position  
27 which becomes available under a sharing agreement must first  
28 be offered to a current qualified employee, applies to all  
29 sharing agreements.

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## HOUSE FILE 593

## AN ACT

RELATING TO EMPLOYMENT OF PERSONNEL UNDER SHARING AGREEMENTS  
AND AGREEMENTS TO COMBINE MERGED AREAS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 280.15, Code 1991, is amended to read as follows:

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2. When a special education personnel pooling agreement, which has been entered into between an area education agency and a public school district pursuant to section 273.5, is

terminated, the public school district shall assume the contractual obligations for any teachers assigned to the district under the agreement. Teachers, for whom the contractual obligations are assumed by a district, shall be given credit for completion of any probationary status under section 279.19, be placed on the salary schedule and retain all leaves, benefits, and seniority rights accumulated as if the teacher had been originally employed under the agreement which exists between the public school district and the district's collective bargaining unit, consistent with the teacher's education and experience.

A teacher who is employed under a pooling agreement and assigned to special education facilities that are separate from and not part of local school district facilities shall, if the teacher's employment terminates upon termination of the pooling agreement, be offered any teaching position that is similar to the position previously held by the teacher under the pooling agreement, which is vacant in any of the local school districts which participated in the pooling agreement, provided that the teacher possesses the appropriate license for the position. Teachers employed by a local school district under this paragraph shall have the same rights, privileges, and protection as teachers whose contractual obligations are assumed by a district to which the teacher previously had been assigned under a special education personnel pooling agreement.

Sec. 2. Section 280A.39, Code 1991, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. The terms of employment of personnel, for the academic year following the effective date of the agreement to combine the merged areas shall not be affected by the combination of the merged areas, except in accordance with the procedures under sections 279.15 to 279.18 and section 279.24, to the extent those procedures are applicable, or under the terms of the base bargaining agreement. The authority and responsibility to offer new

contracts or to continue, modify, or terminate existing contracts pursuant to any applicable procedures under chapter 279, shall be transferred to the acting, and then to the new, board of the combined merged area upon certification of a favorable vote to each of the merged areas affected by the agreement. The collective bargaining agreement of the merged area with the largest number of contract hours eligible for general aid, as defined under section 280A.2, shall serve as the base agreement for the combined merged area and the employees of the merged areas which are combined to form the combined merged area shall automatically be accredited to the bargaining unit from that former merged area for purposes of negotiating the contracts for the following years without further action by the public employment relations board. If only one collective bargaining agreement is in effect among the merged areas which are combining under this section, then that agreement shall serve as the base agreement, and the employees of the merged areas which are combining to form the combined merged area shall automatically be accredited to the bargaining unit of that former merged area for purposes of negotiating the contracts for the following years without further action by the public employment relations board. The board of the combined merged area, using the base agreement as its existing contract, shall bargain with the combined employees of the merged areas that have agreed to combine for the academic year beginning with the effective date of the agreement to combine merged areas. The bargaining shall be completed by March 15 prior to the academic year in which the agreement to combine merged areas becomes effective or within one hundred eighty days after the organization of the acting board of the new combined merged area, whichever is later. If a bargaining agreement has already concluded in the former merged area which has the collective bargaining agreement that is serving as the base agreement for the new combined merged area, between the former merged area board and the employees of the former merged area, that agreement is void, unless the

agreement contained multi-year provisions affecting academic years subsequent to the effective date of the agreement to form a combined merged area. If the base collective bargaining agreement contains multi-year provisions, the duration and effect of the agreement shall be controlled by the terms of the agreement. The provisions of the new agreement shall apply to the offering of new contracts, or the continuation, modification, or termination of existing contracts between the acting or new board of the combined merged area and the combined employees of the new combined merged area.

ROBERT C. ARDUCCI  
Speaker of the House

JOE J. WELSH  
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 593, Seventy-fourth General Assembly.

JOSEPH O'HARA  
Chief Clerk of the House

Approved *May 6*, 1991

TERRY P. BRUSTAD  
Governor