AN ACT concerning school districts; relating to the professional negotiations act; amending K.S.A. {72-5422,} 72-5423, 72-5429 and 72-5430 and K.S.A. 2014 Supp. 72-5413 and repealing the existing sections{; also repealing K.S.A. 72-5428}.

Be it enacted by the Legislature of the State of Kansas:

Section 1. K.S.A. 2014 Supp. 72-5413 is hereby amended to read as follows: 72-5413. As used in this act, and in acts amendatory thereof or supplemental amendments thereto:

(a) The term "persons" includes one or more individuals, organizations, associations, corporations, boards, committees, commissions, agencies, or their representatives.

(b) "Board of education" means the state board of education pursuant to its authority under K.S.A. 76-1001a and 76-1101a, and amendments thereto, the board of education of any school district, the board of control of any area vocational-technical school and the board of trustees of any community college.

(c) "Professional employee" means any person employed by a board of education in a position which requires a certificate issued by the state board of education or employed by a board of education in a professional, educational or instructional capacity, but shall not mean any such person who is an administrative employee and, commencing in the 2006-2007 school year, shall not mean any person who is a retirant from school employment of the Kansas public employees retirement system, regardless of whether an agreement between a board of education and an exclusive representative of professional employees that covers terms and conditions of professional service provides to the contrary.

(d) "Administrative employee" means, in the case of a school district, any person who is employed by a board of education in an administrative capacity and who is fulfilling duties for which an administrator's certificate is required under K.S.A. 72-7513, and amendments thereto; and, in the case of an area vocational-technical school or community college, any person who is employed by the board of control or the board of trustees in an administrative capacity and who is acting in that capacity and who has authority, in the interest of the board of control or the board of trustees, to hire, transfer, suspend, layoff, recall, promote, discharge, assign, reward or
discipline other employees, or responsibly to direct them or to adjust their
grievances, or effectively to recommend a preponderance of such actions,
if in connection with the foregoing, the exercise of such authority is not of
a merely routine or clerical nature, but requires the use of independent
judgment.
  (e) "Professional employees' organizations" means any one or more
organizations, agencies, committees, councils or groups of any kind in
which professional employees participate, and which exist for the purpose,
in whole or part, of engaging in professional negotiation with boards of
education with respect to the terms and conditions of professional service
or for the purpose of professional development or liability protection.
  (f) "Representative" means any professional employees' organization
or any person it authorizes or designates to act in its behalf or any person a
board of education authorizes or designates to act in its behalf.
  (g) "Professional negotiation" means meeting, conferring, consulting
and discussing in a good faith effort by both parties to reach agreement
with respect to the terms and conditions of professional service.
  (h) "Mediation" means the effort through interpretation and advice by
an impartial third party to assist in reconciling a dispute concerning terms
and conditions of professional service which arose in the course of
professional negotiation between a board of education or its
representatives and representatives of the recognized professional
employees' organization.
  (i) "Fact-finding" means the investigation by an individual or board
of a dispute concerning terms and conditions of professional service which
arose in the course of professional negotiation, and the submission of a
report by such individual or board to the parties to such dispute which
includes a determination of the issues involved, findings of fact regarding
such issues, and the recommendation of the fact-finding individual or
board for resolution of the dispute.
  (j) "Strike" means an action taken for the purpose of coercing a
change in the terms and conditions of professional service or the rights,
privileges or obligations thereof, through any failure by concerted action
with others to report for duty including, but not limited to, any work
stoppage, slowdown, or refusal to work.
  (k) "Lockout" means action taken by a board of education to
provoke interruptions of or prevent the continuity of work normally and
usually performed by the professional employees for the purpose of
coercing professional employees into relinquishing rights guaranteed by
this act and the act of which this section is amendatory.
  (l) "Terms and conditions of professional service" means:
(A) Minimum amount of salaries and wages, including pay for duties
under supplemental contracts; hours and amounts of work; vacation
allowance, holiday, sick, extended, sabbatical; and other leave, and number
of holidays; retirement; insurance benefits; wearing apparel; pay for
overtime; jury duty; grievance procedure; including binding arbitration of
grievances; disciplinary procedure; resignations; termination and
nonrenewal of contracts; reemployment of professional employees; terms
and form of the individual professional employee contract; probationary
period; professional employee appraisal procedures; each of the foregoing
being a term and condition of professional service, regardless of its impact
on the employee or on the operation of the educational system; (B) matters
which relate to privileges to be granted the recognized professional
employees' organization, including, but not limited to, voluntary payroll
deductions; dissemination of information regarding the professional
negotiation process and related matters to members of the bargaining unit
on school or college premises through direct contact with members of the
bargaining unit; reasonable leaves of absence for members of the
bargaining unit for organizational purposes, such as engaging in
professional negotiation and partaking of instructional programs properly
related to the representation of the bargaining unit; any of the foregoing
privileges which are granted the recognized professional employees'
organization through the professional negotiation process shall not be
granted to any other professional employees' organization; and (C) such
other matters as the parties mutually agree upon as properly related to
professional service including, but not limited to, employment incentive or
retention bonuses authorized under K.S.A. 72-8246, and amendments
thereto.

(2) Nothing in this act, and amendments thereto, shall authorize any
professional employees' organization to be granted the exclusive privilege
of access to the use of school or college facilities for meetings, the use of
bulletin boards on or about the facility or the use of school or college mail
systems.

(3) Nothing in this act, and amendments thereto, shall authorize the
diminution of any right, duty or obligation of either the professional
employee or the board of education which have been fixed by statute or by
the constitution of this state. Except as otherwise expressly provided in
this subsection (l), the fact that any matter may be the subject of a statute
or the constitution of this state does not preclude negotiation thereon so
long as the negotiation proposal would not prevent the fulfillment of the
statutory or constitutional objective.

(4) Matters which relate to the duration of the school term, and
specifically to consideration and determination by a board of education of
the question of the development and adoption of a policy to provide for a
school term consisting of school hours, {and matters which relate to
nonrenewal of contracts} are not included within the meaning of terms
and conditions of professional service and are not subject to professional
negotiation.

"Secretary" means the secretary of labor or a designee thereof.

"Statutory declaration of impasse date" means June 1 - July 31 in the current school year.

"Supplemental contracts" means contracts for employment duties other than those services covered in the principal or primary contract of employment of the professional employee and shall include, but not be limited to, such services as coaching, supervising, directing and assisting extracurricular activities, chaperoning, ticket-taking, lunchroom supervision, and other similar and related activities.

Sec. 2. K.S.A. 72-5422 is hereby amended to read as follows: 72-5422. (a) Except as otherwise expressly provided herein by law, this act shall not operate so as to annul, modify or preclude the renewal or continuation of any lawful agreement heretofore entered into between a board of education and a professional employees' organization covering terms and conditions of professional service.

(b) Any agreement entered into between a board of education and a professional employees' organization prior to July 1, 2015, shall continue beyond such date if the express terms of such agreement provide for a date upon which the agreement terminates or expires that is on or after July 1, 2015. In no event shall any such agreement be extended beyond any such termination date provided therein, nor shall any such agreement be renewed or otherwise continue to be in effect beyond any such termination date.

Sec. 2. K.S.A. 72-5423 is hereby amended to read as follows: 72-5423. (a) Nothing in this act, or the act of which this section is amendatory, shall be construed to change or affect any right or duty conferred or imposed by law upon any board of education, except that boards of education are required to comply with this act, and the act of which this section is amendatory, in recognizing professional employees' organizations, and when such an organization is recognized, the board of education and the professional employees' organization shall enter into professional negotiations on request of either party at any time during the school year prior to issuance or renewal of the annual teachers' contracts. Notices to negotiate on new items or to amend an existing contract must be filed on or before February 1 - March 31 in any school year by either party, such notices shall be in writing and delivered to the chief administrative officer of the board of education or to the representative of the bargaining unit and shall contain in reasonable and understandable detail the purpose of the new or amended items desired.

(b) (1) Upon entering negotiations pursuant to this section, the
parties shall negotiate compensation of professional employees and hours and amounts of work. In addition, each party may select not more than three additional terms and conditions of professional service from the list described in K.S.A. 72-5413(l)(1), and amendments thereto, for negotiation. All other terms and conditions of professional service described in K.S.A. 72-5413(l)(1), and amendments thereto, shall be deemed permissive topics for negotiation and shall only be negotiated upon the mutual agreement of the parties.

(2) For purposes of this section, the term "compensation" means the minimum amount of salary and wages, supplemental contract salaries and pay for overtime.

(3) The provisions of this subsection shall not apply to negotiations between a board of education and a professional employees' organization negotiating for the purpose of reaching their first agreement.

(c) Except as otherwise expressly provided in this subsection, every meeting, conference, consultation and discussion between a professional employees' organization or its representatives and a board of education or its representatives during the course of professional negotiation and every hearing conducted by the secretary under K.S.A. 72-5426, and amendments thereto, for determination of the question of the existence of impasse is subject to the provisions of the Kansas open meetings law, and any amendments or supplements thereto. Meetings, conferences, consultations and discussions held by the secretary under K.S.A. 72-5426, and amendments thereto, for investigation of the question of the existence of impasse, and meetings, conferences, consultations and discussions held during the course of and in connection with, and the meeting required at the conclusion of, impasse resolution proceedings, as provided for in K.S.A. 72-5427 and 72-5428, and amendments to such sections thereto, are specifically made exempt from the provisions of the Kansas open meetings law, and any amendments or supplements thereto.

(d) Nothing in this act, or the act of which this section is amendatory, shall be construed to authorize a strike by professional employees.

(e) Any agreement lawfully made under the provisions of this act, or the act of which this section is amendatory, may be adopted by reference and made a part of the employment contract between any professional employee of the applicable negotiating unit and a board of education for a period of not to exceed three years.

(f) Those individuals selected by the board of education and the professional employees' organization to conduct negotiations pursuant to this act shall complete training on conducting negotiations each year. The content and format of the training for these individuals shall be determined by the respective party each individual represents in
negotiations.

{Sec. 4.  K.S.A. 72-5429 is hereby amended to read as follows: 72-
5429. All of the costs incurred for mediation under K.S.A. 72-5427 and
for fact-finding under K.S.A. 72-5428, and amendments thereto, shall be
borne equally by the board of education and the professional employees'
organization involved therein. The payment of such costs shall be at
such time and in such manner as is determined by the secretary.

Sec. 5.  K.S.A. 72-5430 is hereby amended to read as follows: 72-
5430. (a) The commission of any prohibited practice, as defined in this
section, among other actions, shall constitute evidence of bad faith in
professional negotiation.

(b)  It shall be a prohibited practice for a board of education or its
designated representative willfully to:

(1)  Interfere with, restrain or coerce professional employees in the
exercise of rights granted in K.S.A. 72-5414, and amendments thereto;
(2)  dominate, interfere or assist in the formation, existence, or
administration of any professional employees' organization;
(3)  discriminate in regard to hiring or any term or condition of
employment to encourage or discourage membership in any professional
employees' organization;
(4)  discharge or discriminate against any professional employee
because such professional employee has filed any affidavit, petition or
complaint or given any information or testimony under this act, or
because such professional employee has formed, joined or chosen to be
represented by any professional employees' organization;
(5)  refuse to negotiate in good faith with representatives of
recognized professional employees' organizations as required in K.S.A.
72-5423, and amendments thereto;
(6)  deny the rights accompanying recognition of a professional
employees' organization which are granted in K.S.A. 72-5415, and
amendments thereto;
(7)  refuse to participate in good faith in the mediation as provided
in K.S.A. 72-5427 or fact-finding efforts as provided in K.S.A. 72-5428,
and amendments thereto, or arbitration pursuant to an agreement
entered into pursuant to K.S.A. 72-5424, and amendments thereto; or
(8)  institute or attempt to institute a lockout.

(c)  It shall be a prohibited practice for professional employees or
professional employees' organizations or their designated
representatives willfully to:

(1)  Interfere with, restrain or coerce professional employees in the
exercise of rights granted in K.S.A. 72-5414, and amendments thereto;
(2)  interfere with, restrain or coerce a board of education with
respect to rights or duties which are reserved thereto under K.S.A. 72-
5423, and amendments thereto, or with respect to selecting a representative for the purpose of professional negotiation or the adjustment of grievances;

(3) refuse to negotiate in good faith with the board of education or its designated representatives as required in K.S.A. 72-5423, and amendments thereto;

(4) refuse to participate in good faith in the mediation as provided in K.S.A. 72-5427 or fact-finding efforts as provided in K.S.A. 72-5428, and amendments thereto, or arbitration pursuant to an agreement entered into pursuant to K.S.A. 72-5424, and amendments thereto; or

(5) authorize, instigate, aid or engage in a strike or in picketing of any facility under the jurisdiction and control of the board of education.

Sec. 3. K.S.A. 72-5422, 72-5423, 72-5428, 72-5429 and 72-5430 and K.S.A. 2014 Supp. 72-5413 are hereby repealed.

Sec. 4. This act shall take effect and be in force from and after its publication in the statute book.