

Whole Grade Sharing Joint Employment Guidance

Joint employment refers to the actions of two or more districts, acting jointly, on all, or a substantial portion, of significant matters related to all their staff and students. “Joint employment” is a misnomer in that it does not mean a given staff member is jointly employed. No individual can be employed by two employers jointly under other laws. And previously it has been ruled that separate districts having separate contracts with the same staff does not meet the intent of joint employment.

Whole grade sharing supplementary weighting is an opportunity provided periodically by the Iowa legislature for school districts to incent reorganization. The current opportunity is available through FY19.

Previous declaratory orders and a case before the Iowa Supreme Court have established:

- Simply sharing all teacher salary costs is not joint employment.
- Many of the items that would be significant evidence are also mandatory subjects of bargaining. Items must be jointly developed/implemented or intentionally identically developed. In some cases, it is not possible under law for one district to bargain rights that impact teachers of another district; however, that which is bargained in one district would instead be intentionally identical to that which is bargained in the other district/s.
- Joint employment is not determined by specific items but by a preponderance of evidence, ‘unique and overwhelming’.
- The Department’s responsibility is to engage in an assessment of the terms of a whole grade sharing agreement to see if sufficient evidence of joint employment exists.

Required Evidence of Joint Employment in Iowa Administrative Code:

- Joint teacher evaluation process and joint teacher evaluation instrument.
- Joint professional development plan.
- One single salary schedule.

Additional Evidence that can demonstrate Joint Employment:

- Joint funding applications.
- Joint advisory committees.
- Joint citizen advisory committee.
- Joint district goals, plans, and reports adopted as if the districts were one.
- Joint staff development plans and activities.
- Joint board meetings; board minutes reflect a number of decisions of both major and minor significance of concerted effort to resolve education issues by the partner boards.
- Joint student achievement goals, plans, and reports adopted as if the districts were one.
- Joint at-risk plans and programs.
- Joint TAG plans and programs.

- Joint accreditation visits and reports.
- Joint applications for funding streams.
- Joint curriculum development, review, and refinement plan and activities.
- Joint issues related to employment (or intentionally identical if mandatory subjects of bargaining).
- Members of both boards sit on the interview team and make hiring recommendations (assume for teachers of students coming from both districts).
- Single accounting system, jointly adopted, is used by each district.
- The same auditor is used in each district and must refer to many of the same documents to conduct the audits of each district.
- Joint budget hearings due to the impact of one on the other; even though separately adopted and certified.
- Separate, but identical, insurance coverage for employee benefits, tort liability, and unemployment.
- Many instructional supplies and equipment have been purchased jointly, and all purchases are approved by a joint board.
- Although two sets of board policies, the policies themselves are identical and those created or revised during the WGS time period have been jointly developed.

To determine eligibility to request this supplementary weighting, submit evidence of joint employed to Su McCurdy, administrative consultant, no later than July 1 of the fiscal year in which the district/s intend to request joint employment whole grade sharing supplementary weighting on October 1. Identify whether each piece of evidence is joint for both/all districts or is separate but identical for each district. Include board minutes from each district showing action to adopt the plans, approve joint committees, etc. for each item submitted as evidence. Highlight pertinent information. Include a cover letter with a checklist of evidence included in the packet, a copy of the whole grade sharing agreement, a copy of the board resolution from each district to jointly study reorganization to occur on or before July 1, 2019, and a copy of ballot language for any reorganization or dissolution election that has been scheduled.