

STATEMENT OF LEGAL ISSUE**I.****WHETHER THE CIRCUIT COURT ERRED WHEN
HOLDING THAT THE SCHOOL CALENDAR IS A
MANDATORY SUBJECT FOR BARGAINING?**

The Trial Court held that the school calendar is subject to negotiations through collective bargaining. (SR 29; SR 41). That Order affirmed an Order dated November 5, 2001, entered by the South Dakota Department of Labor (DOL Supp. 120-122) which held that the determination of the school calendar is subject to negotiations and collective bargaining pursuant to SDCL 3-18-3. It is the position of the District and Board of Education that the determination of the school calendar is not subject to collective bargaining negotiations and the Circuit Court erred when holding that the determination of the school calendar is subject to negotiations and collective bargaining.