

IN THE SENATE

SENATE BILL NO. 1088, As Amended in the House

BY EDUCATION COMMITTEE

AN ACT

1 RELATING TO EDUCATION; AMENDING CHAPTER 5, TITLE 33, IDAHO CODE, BY THE AD-  
2 DITION OF A NEW SECTION 33-522A, IDAHO CODE, TO SPECIFY WHEN A REDUCTION  
3 IN FORCE MAY OCCUR, TO PROVIDE THE BOARD OF TRUSTEES WITH CERTAIN DECI-  
4 SION-MAKING AUTHORITY AND TO PROVIDE AN EXCEPTION, TO ALLOW EACH SCHOOL  
5 DISTRICT TO ADOPT A CERTAIN POLICY AND TO DEFINE REDUCTION IN FORCE; RE-  
6 PEALING SECTION 3, CHAPTER 353, LAWS OF 2013, RELATING TO THE REPEAL OF  
7 CERTAIN CODE SECTIONS; REPEALING SECTION 33-514, IDAHO CODE, AS ENACTED  
8 BY SECTION 4, CHAPTER 353, LAWS OF 2013, RELATING TO INSURANCE OF AN-  
9 NUAL CONTRACTS, SUPPORT PROGRAMS, CATEGORIES OF CONTRACTS AND OPTIONAL  
10 PLACEMENT; REPEALING SECTION 33-515, IDAHO CODE, AS ENACTED BY SECTION  
11 5, CHAPTER 353, LAWS OF 2013, RELATING TO ISSUANCE OF RENEWABLE CON-  
12 TRACTS; AMENDING SECTION 2, CHAPTER 144, LAWS OF 2014, TO REMOVE AN EF-  
13 FECTIVE DATE; AND PROVIDING AN EFFECTIVE DATE.  
14

15 Be It Enacted by the Legislature of the State of Idaho:

16 SECTION 1. That Chapter 5, Title 33, Idaho Code, be, and the same is  
17 hereby amended by the addition thereto of a NEW SECTION, to be known and des-  
18 ignated as Section 33-522A, Idaho Code, and to read as follows:

19 33-522A. REDUCTION IN FORCE DEFINED. (1) A reduction in force may oc-  
20 cur when there are:

- 21 (a) Curriculum or program changes;
- 22 (b) Negative changes in the financial conditions of the school dis-  
23 trict;
- 24 (c) Decreases in student enrollment, including overall, by program, by  
25 grade or by school; or
- 26 (d) Staffing or highly qualified teacher limitations of the district.

27 (2) For purposes of title 33, "reduction in force" means the elimina-  
28 tion of a certificated staff position or positions or a portion or percentage  
29 of a position or positions, when there is one (1) or more of the following:

- 30 (a) The elimination of an entire program or portions of a program;
- 31 (b) The elimination of positions in certain grade levels only;
- 32 (c) The elimination of a position by category; or
- 33 (d) The elimination of a position in an overall review of the district.

34 (3) (a) The decision to institute a reduction in force and the selection  
35 of an employee or employees subject to such reduction shall be at the  
36 sole discretion of the board of trustees, except for the following limi-  
37 tation: The decision as to which employee or employees shall be subject  
38 to such reduction shall not be made solely on consideration of employee  
39 seniority or contract status.

40 (b) Each school district may adopt a policy establishing an equitable  
41 method of recalling individuals subject to a reduction in force if posi-  
42 tions become available subsequent to the reduction in force.

1 SECTION 2. That Section 3, Chapter 353, Laws of 2013, be, and the same is  
2 hereby repealed.

3 SECTION 3. That Section 33-514, Idaho Code, as enacted by Section 4,  
4 Chapter 353, Laws of 2013, be, and the same is hereby repealed.

5 SECTION 4. That Section 33-515, Idaho Code, as enacted by Section 5,  
6 Chapter 353, Laws of 2013, be, and the same is hereby repealed.

7 SECTION 5. That Section 2, Chapter 144, Laws of 2014, be, and the same is  
8 hereby amended to read as follows:

9 SECTION 7. An emergency existing therefor, which emergency is  
10 hereby declared to exist, Sections 1, 2 and 6 of this act shall be in  
11 full force and effect on and after passage and approval. ~~Sections~~  
12 ~~3, 4 and 5 of this act shall be in full force and effect on and after~~  
13 ~~July 1, 2015.~~

14 SECTION 6. This act shall be in full force and effect on and after July  
15 1, 2015.