

IN THE SENATE

SENATE BILL NO. 1217

BY EDUCATION COMMITTEE

AN ACT

1 RELATING TO EDUCATION; AMENDING SECTION 33-514, IDAHO CODE, TO REVISE PROVI-  
2 SIONS RELATING TO CERTAIN EVALUATIONS; DECLARING AN EMERGENCY; AND PRO-  
3 VIDING A CONTINGENT SUNSET DATE.  
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5 Be It Enacted by the Legislature of the State of Idaho:

6 SECTION 1. That Section 33-514, Idaho Code, be, and the same is hereby  
7 amended to read as follows:

8 33-514. ISSUANCE OF ANNUAL CONTRACTS -- SUPPORT PROGRAMS -- CATE-  
9 GORIES OF CONTRACTS -- OPTIONAL PLACEMENT -- WRITTEN EVALUATION. (1) The  
10 board of trustees shall establish criteria and procedures for the super-  
11 vision and evaluation of certificated employees who are not employed on a  
12 renewable contract, as provided for in section 33-515, Idaho Code.

13 (2) There shall be two (2) categories of annual contracts available to  
14 local school districts under which to employ certificated personnel:

15 (a) A category A contract is a limited one (1) year contract for cer-  
16 tificated personnel in the first or greater years of continuous employ-  
17 ment with the same school district. Upon the decision by a local school  
18 board not to reemploy the person for the following year, the certifi-  
19 cated employee shall be provided a written statement of reasons for non-  
20 reemployment by no later than July 1. Provided however, that no such de-  
21 cision shall be made until after the completion of the written evalua-  
22 tion required by subsection (4) of this section, unless such decision is  
23 being made pursuant to a reduction in force. No property rights shall  
24 attach to a category A contract and therefore the employee shall not be  
25 entitled to a review by the board of trustees of the reasons or decision  
26 not to reemploy.

27 (b) A category B contract is a limited two (2) year contract that may be  
28 offered at the sole discretion of the board of trustees for certificated  
29 personnel in their fourth or greater year of continuous employment with  
30 the same school district. The board of trustees may, at its sole dis-  
31 cretion, add an additional year to such a contract upon the expiration  
32 of the first year, resulting in a new two (2) year contract. The board  
33 of trustees may, at its sole discretion, terminate the second year of a  
34 category B contract upon the conclusion of the first year, in the event  
35 of a reduction in force. Upon the decision by a board of trustees not to  
36 reemploy the person employed on a category B contract for the following  
37 year, the certificated employee shall be provided a written statement  
38 of reasons for non-reemployment by no later than July 1. The employee  
39 shall, upon request, be given the opportunity for an informal review of  
40 such decision by the board of trustees. The parameters of an informal  
41 review shall be determined by the local board. Provided however, that  
42 no such decision shall be made until after the completion of the writ-

1 ten evaluation required by subsection (4) of this section, unless such  
2 decision is being made pursuant to a reduction in force. No property  
3 rights shall attach to a category B contract and therefore the employee  
4 shall not be entitled to a formal review by the board of trustees of the  
5 reasons or decision not to reemploy.

6 (3) School districts hiring an employee who has been on renewable con-  
7 tract status as provided in section 33-515, Idaho Code, with another Idaho  
8 district shall have the option to immediately grant renewable contract sta-  
9 tus, or to place the employee on a category A or B contract. A certificated  
10 instructional employee hired with previous out-of-state experience shall  
11 not be eligible to receive a renewable contract, but may be offered a cate-  
12 gory A or B contract, based on the employee's years of experience, including  
13 out-of-state years of experience as if such years had been worked in Idaho.

14 (4) There shall be a minimum of one (1) written evaluation in each of the  
15 annual contract years of employment, the first portion of which shall be com-  
16 pleted before February 1 of each year, and shall include input from parents  
17 and guardians of students as a factor. A second portion shall be included  
18 for all evaluations conducted after June 30, 2012. This second portion shall  
19 ~~comprise at least fifty percent (50%) of the total written evaluation and~~  
20 ~~shall be based on objective measure(s) of growth in student achievement and~~  
21 input from parents and guardians of students. The objective measure(s) of  
22 growth in student achievement shall comprise at least fifty percent (50%) of  
23 the total written evaluation. The requirement to provide at least one (1)  
24 written evaluation does not exclude additional evaluations that may be per-  
25 formed. No civil action for money damages shall arise for failure to comply  
26 with this subsection.

27 SECTION 2. An emergency existing therefor, which emergency is hereby  
28 declared to exist, this act shall be in full force and effect on and after its  
29 passage and approval.

30 SECTION 3. If Chapter 96, Laws of 2011, is rejected through voter refer-  
31 endum in November 2012, the provisions of this act shall be null, void and of  
32 no further force or effect.