

IN THE SENATE

SENATE BILL NO. 1293

BY EDUCATION COMMITTEE

AN ACT

1 RELATING TO EDUCATION; AMENDING SECTION 33-514, IDAHO CODE, TO PROVIDE A  
2 CODE REFERENCE; AND AMENDING CHAPTER 4, TITLE 33, IDAHO CODE, BY THE  
3 ADDITION OF A NEW SECTION 33-514B, IDAHO CODE, TO ESTABLISH PROVISIONS  
4 REGARDING LIMITED CONTRACTS FOR CERTAIN EMPLOYEES.  
5

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

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

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

14 (2) There shall be three (3) categories of annual contracts available  
15 to local school districts under which to employ certificated personnel:

16 (a) A category 1 contract is a limited ~~one-year~~ one (1) year contract as  
17 provided in sections 33-514A and 33-514B, Idaho Code.

18 (b) A category 2 contract is for certificated personnel in the first and  
19 second years of continuous employment with the same school district.  
20 Upon the decision by a local school board not to reemploy the person for  
21 the following year, the certificated employee shall be provided a writ-  
22 ten statement of reasons for non-reemployment by no later than the first  
23 day of July. No property rights shall attach to a category 2 contract  
24 and therefore the employee shall not be entitled to a review by the local  
25 board of the reasons or decision not to reemploy.

26 (c) A category 3 contract is for certificated personnel during the  
27 third year of continuous employment by the same school district. When  
28 any such employee's work is found to be unsatisfactory, a defined period  
29 of probation shall be established by the board, but in no case shall a  
30 probationary period be less than eight (8) weeks. After the probation-  
31 ary period, action shall be taken by the board as to whether the employee  
32 is to be retained, immediately discharged, discharged upon termination  
33 of the current contract or reemployed at the end of the contract term  
34 under a continued probationary status. Notwithstanding the provisions  
35 of sections 74-205 and 74-206, Idaho Code, a decision to place certifi-  
36 cated personnel on probationary status may be made in executive session  
37 and the employee shall not be named in the minutes of the meeting. A  
38 record of the decision shall be placed in the employee's personnel file.  
39 This procedure shall not preclude recognition of unsatisfactory work  
40 at a subsequent evaluation and the establishment of a reasonable period  
41 of probation. In all instances, the employee shall be duly notified  
42 in writing of the areas of work that are deficient, including the con-

1           ditions of probation. Each such certificated employee on a category 3  
2 contract shall be given notice, in writing, whether he or she will be  
3 reemployed for the next ensuing year. Such notice shall be given by the  
4 board of trustees no later than the first day of July of each such year.  
5 If the board of trustees has decided not to reemploy the certificated  
6 employee, then the notice must contain a statement of reasons for such  
7 decision and the employee shall, upon request, be given the opportunity  
8 for an informal review of such decision by the board of trustees. The  
9 parameters of an informal review shall be determined by the local board.

10           (3) School districts hiring an employee who has been on renewable con-  
11 tract status with another Idaho district, or has out-of-state experience  
12 which would otherwise qualify the certificated employee for renewable con-  
13 tract status in Idaho, shall have the option to immediately grant renewable  
14 contract status, or to place the employee on a category 3 annual contract.  
15 Such employment on a category 3 contract under the provisions of this subsec-  
16 tion may be for one (1), two (2) or three (3) years.

17           (4) There shall be a minimum of one (1) written evaluation in each of the  
18 annual contract years of employment, which shall be completed no later than  
19 June 1 of each year. The evaluation shall include a minimum of two (2) doc-  
20 umented observations, one (1) of which shall be completed prior to January 1  
21 of each year. The requirement to provide at least one (1) written evaluation  
22 does not exclude additional evaluations that may be performed. No civil ac-  
23 tion for money damages shall arise for failure to comply with the provisions  
24 of this subsection.

25           SECTION 2. That Chapter 4, Title 33, Idaho Code, be, and the same is  
26 hereby amended by the addition thereto of a NEW SECTION, to be known and des-  
27 ignated as Section 33-514B, Idaho Code, and to read as follows:

28           33-514B. LIMITED CONTRACT -- ALTERNATIVE CERTIFICATION. (1) When the  
29 board of trustees employs personnel utilizing an alternative route to cer-  
30 tification as established by the state board of education, prior to having  
31 earned full certification status, the board of trustees may exercise the op-  
32 tion of employing certificated personnel on a one (1) year limited contract,  
33 which may be referred to as a category 1 contract consistent with the provi-  
34 sions of section 33-514, Idaho Code. Such a contract is specifically offered  
35 for the limited duration of the ensuing school year, and no further notice is  
36 required by the district to terminate the contract at the conclusion of the  
37 contract year.

38           (2) If an employee has obtained full certification status at the con-  
39 clusion of the term of the employee's category 1 contract, and if the board of  
40 trustees decides to reemploy such employee, the next ensuing contract shall  
41 be in accordance with the provisions of section 33-514, Idaho Code, with the  
42 certificated employee being credited for prior years of continuous service  
43 to the district.