

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 571

BY EDUCATION COMMITTEE

AN ACT

1 RELATING TO EDUCATION; AMENDING SECTION 33-1001, IDAHO CODE, TO REVISE DEF-
2 INITIONS, TO DEFINE A TERM AND TO MAKE TECHNICAL CORRECTIONS; AMENDING
3 SECTION 33-1004A, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE EX-
4 PERIENCE AND EDUCATION MULTIPLIER; AMENDING SECTION 33-1004B, IDAHO
5 CODE, TO REVISE PROVISIONS REGARDING THE CAREER LADDER AND TO MAKE TECH-
6 NICAL CORRECTIONS; AMENDING SECTION 33-1004B, IDAHO CODE, AS ENACTED
7 BY SECTION 6, CHAPTER 229, LAWS OF 2015, TO REVISE PROVISIONS REGARDING
8 THE CAREER LADDER AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SEC-
9 TION 33-1004C, IDAHO CODE, TO REVISE A PROVISION REGARDING A MINIMUM
10 SALARY FIGURE AND TO PROVIDE CORRECT CODE REFERENCES; AMENDING SEC-
11 TION 33-1004E, IDAHO CODE, TO REVISE PROVISIONS REGARDING A DISTRICT'S
12 SALARY-BASED APPORTIONMENT AND TO MAKE TECHNICAL CORRECTIONS; REPEAL-
13 ING SECTION 33-1004E, IDAHO CODE, RELATING TO DISTRICT'S SALARY-BASED
14 APPORTIONMENT; AMENDING CHAPTER 10, TITLE 33, IDAHO CODE, BY THE ADDI-
15 TION OF A NEW SECTION 33-1004E, IDAHO CODE, TO ESTABLISH PROVISIONS RE-
16 GARDING SALARY-BASED APPORTIONMENT; AMENDING SECTION 33-1201A, IDAHO
17 CODE, TO REVISE PROVISIONS REGARDING ELIGIBILITY FOR AN IDAHO PRO-
18 FESSIONAL ENDORSEMENT AND TO DEFINE A TERM; AMENDING SECTION 33-5215,
19 IDAHO CODE, TO REMOVE A REFERENCE TO A CERTAIN INDEX; AMENDING SECTION
20 33-515, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE; DECLARING AN
21 EMERGENCY AND PROVIDING EFFECTIVE DATES.
22

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

24 SECTION 1. That Section 33-1001, Idaho Code, be, and the same is hereby
25 amended to read as follows:

26 33-1001. DEFINITIONS. The following words and phrases used in this
27 chapter are defined as follows:

28 (1) "Administrative schools" means and applies to all elementary
29 schools and kindergartens within a district that are situated ten (10) miles
30 or less from both the other elementary schools and the principal administra-
31 tive office of the district and all secondary schools within a district that
32 are situated fifteen (15) miles or less from other secondary schools of the
33 district.

34 (2) "Administrative staff" means those who hold an administrator cer-
35 tificate and are employed as a superintendent, an elementary or secondary
36 school principal, or are assigned administrative duties over and above those
37 commonly assigned to teachers.

38 (3) "Average daily attendance" or "pupils in average daily attendance"
39 means the aggregate number of days enrolled students are present, divided by
40 the number of days of school in the reporting period; provided, however, that
41 students for whom no Idaho school district is a home district shall not be
42 considered in such computation.

1 (4) "Career ladder" means the compensation table used for determining
 2 the allocations districts receive for instructional staff and pupil service
 3 staff based on specific performance criteria and is made up of a residency
 4 compensation rung and a professional compensation rung.

5 (5) "Compensation rung" means the rung on the career ladder that corre-
 6 sponds with the compensation level performance criteria.

7 (6) "Elementary grades" or "elementary average daily attendance" means
 8 and applies to students enrolled in grades ~~one~~ (1) through ~~six~~ (6) inclusive,
 9 or any combination thereof.

10 (7) "Elementary schools" are schools that serve grades ~~one~~ (1) through
 11 ~~six~~ (6) inclusive, or any combination thereof.

12 (8) "Elementary/secondary schools" are schools that serve grades ~~one~~
 13 ~~(1)~~ through ~~twelve~~ (12) inclusive, or any combination thereof.

14 (9) "Homebound student" means any student who would normally and regu-
 15 larly attend school, but is confined to home or hospital because of an ill-
 16 ness or accident for a period of ten (10) or more consecutive days.

17 (10) "Instructional staff" means those involved in the direct instruc-
 18 tion of a student or group of students and who hold an Idaho certificate is-
 19 sued under section 33-1201, Idaho Code.

20 (11) "Kindergarten" or "kindergarten average daily attendance" means
 21 and applies to all students enrolled in a school year, less than a school
 22 year, or summer kindergarten program.

23 (12) "Measurable student achievement" means the measurement of student
 24 academic achievement or growth within a given interval of instruction for
 25 those students who have been enrolled in and attended eighty percent (80%)
 26 of the interval of instruction. Measures and targets shall be chosen at
 27 the district level or school level in collaboration with the ~~teacher~~ staff
 28 member impacted by the measures and applicable district staff. Assessment
 29 tools that may be used for measuring student achievement and growth include:

- 30 (a) Idaho standards achievement test;
- 31 (b) Student learning objectives;
- 32 (c) Formative assessments;
- 33 (d) Teacher-constructed assessments of student growth;
- 34 (e) Pre- and post-tests;
- 35 (f) Performance-based assessments;
- 36 (g) Idaho reading indicator;
- 37 (h) College entrance exams such as PSAT, SAT and ACT;
- 38 (i) District adopted assessment;
- 39 (j) End-of-course exams;
- 40 (k) Advance placement exams; and
- 41 (l) Professional-technical exams.

42 (13) "Performance criteria" means the standards specified for instruc-
 43 tional staff and pupil service staff to demonstrate teaching proficiency for
 44 a given compensation rung.

45 (14) "Professional compensation rung performance criteria" means:

- 46 (a) An overall rating of proficient and no components rated as unsatis-
 47 factory on the state framework for teaching evaluation; and
- 48 (b) Demonstrating the majority of their students have met their measur-
 49 able student achievement targets or student success indicator targets.

1 (15) "Public school district" or "school district" or "district" means
2 any public school district organized under the laws of this state, including
3 specially chartered school districts.

4 (16) "Pupil service staff" means those who provide services to students
5 but are not involved in direct instruction of those students, ~~including~~
6 ~~staff holding and hold~~ a pupil personnel services certificate.

7 (17) "Secondary grades" or "secondary average daily attendance" means
8 and applies to students enrolled in grades ~~seven (7)~~ through ~~twelve (12)~~ in-
9 clusive, or any combination thereof.

10 (18) "Secondary schools" are schools that serve grades ~~seven (7)~~
11 through ~~twelve (12)~~ inclusive, or any combination thereof.

12 (19) "Separate elementary school" means an elementary school located
13 more than ten (10) miles on an all-weather road from both the nearest elemen-
14 tary school and elementary/secondary school serving like grades within the
15 same school district and from the location of the office of the superinten-
16 dent of schools of such district, or from the office of the chief administra-
17 tive officer of such district if the district employs no superintendent of
18 schools.

19 (20) "Separate kindergarten" means a kindergarten located more than ten
20 (10) miles on an all-weather road from both the nearest kindergarten school
21 within the same school district and from the location of the office of the su-
22 perintendent of schools of such district, or from the office of the chief ad-
23 ministrative officer of such district if the district employs no superinten-
24 dent of schools.

25 (21) "Separate secondary school" means any secondary school located
26 more than fifteen (15) miles on an all-weather road from any other secondary
27 school and elementary/secondary school serving like grades operated by the
28 district.

29 (22) "Student success indicators" means measurable indicators of stu-
30 dent achievement or growth, other than academic, within a predefined inter-
31 val of time for a specified group of students. Measures and targets shall be
32 chosen at the district or school level in collaboration with the pupil ser-
33 vice staff member impacted by the measures and applicable district staff.
34 Student success indicators include:

35 (a) Quantifiable goals stated in a student's 504 plan or individualized
36 education plan.

37 (b) Quantifiable goals stated in a student's behavior improvement
38 plan.

39 (c) School or district identified measurable student objectives for a
40 specified student group or population.

41 (23) "Support program" means the educational support program as de-
42 scribed in section 33-1002, Idaho Code, the transportation support program
43 described in section 33-1006, Idaho Code, and the exceptional education
44 support program as described in section 33-1007, Idaho Code.

45 (234) "Support unit" means a function of average daily attendance used
46 in the calculations to determine financial support provided the public
47 school districts.

48 (245) "Teacher" means any person employed in a teaching, instructional,
49 supervisory, educational administrative or educational and scientific ca-
50 pacity in any school district. In case of doubt the state board of educa-

1 tion shall determine whether any person employed requires certification as a
2 teacher.

3 SECTION 2. That Section 33-1004A, Idaho Code, be, and the same is hereby
4 amended to read as follows:

5 33-1004A. EXPERIENCE AND EDUCATION MULTIPLIER. (1) Each ~~pupil service~~
6 ~~and~~ administrative staff position shall be assigned an appropriate multi-
7 plier based upon the following table:

8 EXPERIENCE AND EDUCATION

9		MA	MA + 12	MA + 24	MA + 36			
10	Years	BA	BA + 12	BA + 24	BA + 36	BA + 48	BA + 60	ES/DR
11	0	1.00000	1.03750	1.07640	1.11680	1.15870	1.20220	1.24730
12	1	1.03750	1.07640	1.11680	1.15870	1.20220	1.24730	1.29410
13	2	1.07640	1.11680	1.15870	1.20220	1.24730	1.29410	1.34260
14	3	1.11680	1.15870	1.20220	1.24730	1.29410	1.34260	1.39290
15	4	1.15870	1.20220	1.24730	1.29410	1.34260	1.39290	1.44510
16	5	1.20220	1.24730	1.29410	1.34260	1.39290	1.44510	1.49930
17	6	1.24730	1.29410	1.34260	1.39290	1.44510	1.49930	1.55550
18	7	1.29410	1.34260	1.39290	1.44510	1.49930	1.55550	1.61380
19	8	1.34260	1.39290	1.44510	1.49930	1.55550	1.61380	1.67430
20	9	1.39290	1.44510	1.49930	1.55550	1.61380	1.67430	1.73710
21	10	1.39290	1.49930	1.55550	1.61380	1.67430	1.73710	1.80220
22	11	1.39290	1.49930	1.55550	1.61380	1.73710	1.80220	1.86980
23	12	1.39290	1.49930	1.55550	1.61380	1.73710	1.86980	1.93990
24	13 or							
25	more	1.39290	1.49930	1.55550	1.61380	1.73710	1.86980	2.01260

26 (2) In determining the experience factor, the actual years of certifi-
27 cated service ~~for~~ as pupil personnel services staff, or teaching and admin-
28 istrative service for administrator certificate holders in a public school,
29 in an accredited private or parochial school, or beginning in the 2005-06
30 school year and thereafter in an accredited college or university shall be
31 credited.

32 (3) In determining the education factor, only credits earned after ini-
33 tial certification, based upon a transcript on file with the teacher certi-
34 fication office of the state department of education, earned at an institu-
35 tion of higher education accredited by a body recognized by the state board
36 of education, shall be allowed; however, successful completion of a state
37 approved evaluation training and proof of proficiency shall be counted as up
38 to three (3) transcribed credits for determination of the education factor
39 and meeting recertification requirements.

40 (4) In determining the statewide average multiplier for administra-
41 tive staff, no multiplier in excess of 1.86643 shall be used. If the actual
42 statewide average multiplier for administrative staff, as determined by

1 this section, exceeds 1.86643, then each school district's administrative
 2 staff multiplier shall be multiplied by the result of 1.86643 divided by the
 3 actual statewide average multiplier for administrative staff.

4 ~~(5) Notwithstanding any other law to the contrary, on and after July 1,~~
 5 ~~2016, pupil service staff shall be deemed instructional staff for purposes~~
 6 ~~of sections 33-1004B and 33-1004I, Idaho Code.~~

7 SECTION 3. That Section 33-1004B, Idaho Code, be, and the same is hereby
 8 amended to read as follows:

9 33-1004B. CAREER LADDER. (1) Effective July 1, 2015, all existing in-
 10 structional staff shall be placed in a cohort on the career ladder starting
 11 with the second cell on the residency/professional compensation rung that
 12 corresponds with the next higher allocation amount than is currently re-
 13 ceived by the district, based on the experience and education index pursuant
 14 to section 33-1004A, Idaho Code, as applied in fiscal year 2015. For each
 15 year between July 1, 2015, and June 30, 2019, those instructional staff will
 16 move one (1) cell on the career ladder for each year they are employed by a
 17 district and meet the applicable performance criteria for the compensation
 18 rung and implementation year, unless such movement would result in the dis-
 19 trict receiving a lesser allocation than the district would have received if
 20 the instructional staff would have moved based on the experience and educa-
 21 tion index as applied in fiscal year 2015, for such instructional staff the
 22 district salary apportionment calculation shall use the amount that would
 23 have been applied based on the experience and education index. Applicable
 24 performance criteria used for determining movement on the career ladder will
 25 be based on the previous year's performance for the applicable number of
 26 years.

27 (2) Effective July 1, 2016, all existing pupil service staff shall be
 28 placed in a cohort on the career ladder starting with the second cell on
 29 the residency/professional compensation rung or the next higher allocation
 30 amount than is currently received by the district, or based on the experience
 31 and education index pursuant to section 33-1004A, Idaho Code, as applied in
 32 fiscal year 2016, whichever is higher. For each year between July 1, 2016,
 33 and June 30, 2019, those pupil service staff will move one (1) cell on the
 34 career ladder for each year they are employed by a district and meet the ap-
 35 licable performance criteria for the compensation rung and implementation
 36 year, unless such movement would result in the district receiving a lesser
 37 allocation than the district would have received if the pupil service staff
 38 would have moved based on the experience and education index as applied in
 39 fiscal year 2016. For such pupil service staff the district salary appor-
 40 tionment calculation shall use the amount that would have been applied based
 41 on the experience and education index. Applicable performance criteria
 42 used for determining movement on the career ladder will be based on previous
 43 year's performance for the applicable number of years.

44 (a3) Instructional staff and pupil service staff who are in their first
 45 year of holding a certificate shall be placed in the first cell of the resi-
 46 dency compensation rung and shall move one (1) cell on the residency compen-
 47 sation rung for each year they hold a certificate thereafter, for up to three
 48 (3) years, at which point they will remain in the third cell of the residency
 49 rung until they earn a professional endorsement.

1 **(b4)** Instructional staff new to teaching in Idaho and pupil service
 2 staff new to working in an Idaho public school district or charter school who
 3 hold a certificate from a state other than Idaho and who are approved to teach
 4 in Idaho will be placed into the cohort of instructional staff on the career
 5 ladder table equivalent to their experience and education pursuant to sec-
 6 tion 33-1004A, Idaho Code, as applied in fiscal year 2015 for instructional
 7 staff and 2016 for pupil service staff.

8 **(e5)** In addition to the allocation amount specified for the applica-
 9 ble cell on the career ladder, school districts shall receive an additional
 10 allocation amount for instructional staff and pupil service staff holding
 11 a professional endorsement who have acquired additional education and meet
 12 the professional compensation rung performance criteria. In determining
 13 the additional education allocation amount, only credits and degrees earned
 14 based upon a transcript on file with the teacher certification office of the
 15 state department of education, earned at an institution of higher education
 16 accredited by a body recognized by the state board of education or credits
 17 earned through an internship or other work experience approved by the state
 18 board of education, shall be credited toward the education allocation. All
 19 credits and degrees earned must be in a relevant pedagogy or content area
 20 as determined by the state department of education. Education allocation
 21 amounts are not cumulative. Instructional staff whose initial certificate
 22 is an occupational specialist certificate shall be treated as BA degree pre-
 23 pared instructional staff. Credits earned by such occupational specialist
 24 instructional staff after initial certification shall be credited toward
 25 the education allocation. Additional allocations are:

26 ~~(i) Effective July 1, 2015, through June 30, 2016, the education~~
 27 ~~allocation shall be:~~

28 ~~1. For instructional staff holding a professional endorse-~~
 29 ~~ment and a baccalaureate degree and twenty-four (24) or more~~
 30 ~~credits, four hundred dollars (\$400) per fiscal year.~~

31 ~~2. For instructional staff holding a professional endorse-~~
 32 ~~ment and a master degree, seven hundred dollars (\$700) per~~
 33 ~~fiscal year.~~

34 **(iia)** Effective July 1, 2016, through June 30, 2017, the education al-
 35 location shall be:

36 ~~1.~~ **(i)** For instructional staff and pupil service staff holding a
 37 professional endorsement and a baccalaureate degree and twenty-
 38 four (24) or more credits, eight hundred dollars (\$800) per fiscal
 39 year.

40 ~~2.~~ **(ii)** For instructional staff and pupil service staff holding a
 41 professional endorsement and a master degree, one thousand four
 42 hundred dollars (\$1,400) per fiscal year.

43 **(iib)** Effective July 1, 2017, through June 30, 2018, the education al-
 44 location shall be:

45 ~~1.~~ **(i)** For instructional staff and pupil service staff hold-
 46 ing a professional endorsement and a baccalaureate degree and
 47 twenty-four (24) or more credits, one thousand two hundred dollars
 48 (\$1,200) per fiscal year.

1 ~~2-~~(ii) For instructional staff and pupil service staff holding
 2 a professional endorsement and a master degree, two thousand one
 3 hundred dollars (\$2,100) per fiscal year.

4 (~~i~~v~~c~~) Effective July 1, 2018, through June 30, 2019, the education al-
 5 location shall be:

6 ~~1-~~(i) For instructional staff and pupil service staff hold-
 7 ing a professional endorsement and a baccalaureate degree and
 8 twenty-four (24) or more credits, one thousand six hundred dollars
 9 (\$1,600) per fiscal year.

10 ~~2-~~(ii) For instructional staff and pupil service staff holding a
 11 professional endorsement and a master degree, two thousand eight
 12 hundred dollars (\$2,800) per fiscal year.

13 (~~v~~d) Effective July 1, 2019, through June 30, 2020, the education allo-
 14 cation shall be:

15 ~~1-~~(i) For instructional staff and pupil service staff holding a
 16 professional endorsement and a baccalaureate degree and twenty-
 17 four (24) or more credits, two thousand dollars (\$2,000) per fis-
 18 cal year.

19 ~~2-~~(ii) For instructional staff and pupil service staff holding a
 20 professional endorsement and a master degree, three thousand five
 21 hundred dollars (\$3,500) per fiscal year.

22 (~~d~~6) Effective July 1, 2015, through June 30, 2016, the allocation
 23 shall be:

24 Base

25 Allocation	1	2	3	4	5	6	7	8	9	10
26 Residency/ 27 Professional	\$32,700	\$33,200	\$33,822							
28 Professional	\$35,498	\$36,885	\$38,311	\$39,775	\$41,282	\$42,089	\$43,668	\$45,305	\$47,004	\$47,603

29 (~~e~~7) Effective July 1, 2016, through June 30, 2017, the allocation
 30 shall be:

31 Base

32 Allocation	1	2	3	4	5	6	7	8	9	10
33 Residency/ 34 Professional	\$33,400	\$34,250	\$35,117							
35 Professional	\$37,249	\$38,758	\$39,546	\$41,113	\$41,961	\$43,591	\$44,503	\$46,201	\$47,183	\$48,202

1 (¶8) Effective July 1, 2017, through June 30, 2018, the allocation
2 shall be:

3	Base										
4	Allocation	1	2	3	4	5	6	7	8	9	10
5	Residency	\$34,600	\$35,500	\$36,411							
6	Professional	\$38,999	\$40,630	\$41,155	\$42,825	\$43,391	\$45,102	\$45,711	\$47,467	\$48,122	\$48,802

7 (¶9) Effective July 1, 2018, through June 30, 2019, school districts
8 shall receive an allocation for instructional staff and pupil service staff
9 based on the ~~instructional~~ staffs' position on the career ladder.

10 (a) Instructional staff and pupil service staff in their first year of
11 holding a professional endorsement shall be placed in the first cell of
12 the professional compensation rung.

13 (b) Instructional staff and pupil service staff previously placed
14 within a cohort shall continue to move one (1) cell on the applicable
15 rung with their cohort unless they have failed to meet the compensation
16 rung performance criteria for the previous three (3) years. Allocations
17 to districts for instructional staff and pupil service staff who
18 have failed to meet the professional compensation rung performance cri-
19 teria for the previous three (3) years shall be the same as the previous
20 fiscal year. This also applies to the educational allocation.

21 (¶10) Effective July 1, 2018, through June 30, 2019, the allocation
22 shall be:

23	Base										
24	Allocation	1	2	3	4	5	6	7	8	9	10
25	Residency	\$35,800	\$36,750	\$37,706							
26	Professional	\$40,750	\$42,503	\$42,765	\$44,538	\$44,820	\$46,614	\$46,918	\$48,734	\$49,061	\$49,401

27 (¶11) Effective July 1, 2019, through June 30, 2020, school districts
28 shall receive an allocation for instructional staff and pupil service staff
29 based on the ~~instructional~~ staffs' position on the career ladder as follows:

30 (a) Instructional staff and pupil service staff in their first year of
31 holding a professional endorsement shall be placed in the first cell of
32 the professional compensation rung.

33 (b) Instructional staff and pupil service staff previously placed
34 within a cohort shall continue to move one (1) cell on the applicable
35 rung with their cohort unless they have failed to meet the professional
36 compensation rung performance criteria for three (3) of the previous
37 four (4) years. Allocations to districts for instructional staff and
38 pupil service staff who have failed to meet the professional compensa-
39 tion rung performance criteria for three (3) of the previous four (4)
40 years shall be the same as the previous fiscal year. This also applies
41 to the educational allocation.

42 (¶12) Effective July 1, 2019, through June 30, 2020, the allocation
43 shall be:

1	Base										
2	Allocation	1	2	3	4	5	6	7	8	9	10
3	Residency	\$37,000	\$38,000	\$39,000							
4	Professional	\$42,500	\$44,375	\$46,250	\$48,125	\$50,000					

5 (413) A review of a sample of evaluations completed by administrators
6 shall be conducted annually to verify such evaluations are being conducted
7 with fidelity to the state framework for teaching evaluation, including each
8 evaluation component as outlined in administrative rule and the rating given
9 for each component. The state ~~department~~ board of education shall randomly
10 select a sample of administrators throughout the state. A portion of such
11 administrators' instructional staff and pupil service staff employee eval-
12 uations shall be independently reviewed. The ratio of instructional staff
13 evaluation to pupil service staff evaluations shall be equal to the ratio of
14 the statewide instructional staff salary allowance to pupil service staff
15 salary allowance. The state board of education with input from the Idaho ap-
16 proved teacher preparation programs and the state department of education
17 shall ~~appoint persons~~ identify individuals and a process to conduct the re-
18 views. Administrator certificate holders shall be required to participate
19 in ongoing evaluation training pursuant to section 33-1204, Idaho Code. The
20 state ~~department~~ board of education shall report annually the findings of
21 such reviews to the senate education committee, the house of representatives
22 education committee, the state board of education and the deans of Idaho's
23 approved teacher preparation programs. The state board of education shall
24 promulgate rules implementing the provisions of this subsection.

25 (14) School districts shall submit annually to the state the data nec-
26 essary to determine whether an instructional staff or pupil service staff
27 member has met the performance criteria for the applicable compensation
28 rung and implementation year. The department of education shall calculate
29 annually whether instructional staff and pupil service staff have met the
30 compensation rung performance criteria based on the data submitted during
31 the previous years that are applicable to the performance criteria for that
32 year. Individually identifiable performance evaluation ratings submitted
33 to the state remain part of the employee's personnel record and are exempt
34 from public disclosure pursuant to section 74-106, Idaho Code.

35 SECTION 4. That Section 33-1004B, Idaho Code, as enacted by Section 6,
36 Chapter 229, Laws of 2015, be, and the same is hereby amended to read as fol-
37 lows:

38 33-1004B. CAREER LADDER. School districts shall receive an allocation
39 for instructional staff and pupil service staff based on their instructional
40 staffs' position on the career ladder as follows:

41 (1) Instructional staff and pupil service staff who are in their first
42 year of holding a certificate shall be placed in the first cell of the resi-
43 dency compensation rung and shall move one (1) cell on the residency compen-
44 sation rung for each year they hold a certificate thereafter for up to three

1 (3) years, at which point they will remain in the third cell of the residency
2 rung until they earn a professional endorsement.

3 (2) Instructional staff and pupil service staff in their first year of
4 holding a professional endorsement shall be placed in the first cell of the
5 professional compensation rung.

6 (3) Instructional staff and pupil service staff on the professional
7 compensation rung with four (4) years of experience shall move one (1) cell
8 on the professional compensation rung unless they have failed to meet the
9 professional compensation rung performance criteria for three (3) of the
10 previous four (4) years. Instructional staff and pupil service staff on the
11 professional compensation rung who meet the performance criteria for three
12 (3) of the previous five (5) years, one (1) of which must be during the fourth
13 or fifth year, shall move one (1) cell. Allocations for instructional staff
14 and pupil service staff who do not meet the professional compensation rung
15 performance criteria for three (3) of the previous five (5) years, one (1) of
16 which must be during the fourth or fifth year, shall remain at the previous
17 fiscal year allocation level. This also applies to the educational alloca-
18 tion.

19 (4) In addition to the allocation amount specified for the applicable
20 cell on the career ladder, school districts shall receive an additional
21 allocation amount for instructional staff and pupil service staff holding
22 a professional endorsement who have acquired additional education and meet
23 the professional compensation rung performance criteria. In determining
24 the additional education allocation amount, only transcribed credits and
25 degrees on file with the teacher certification office of the state depart-
26 ment of education, earned at an institution of higher education accredited
27 by a body recognized by the state board of education or credits earned
28 through an internship or work experience approved by the state board of
29 education, shall be allowed. All credits and degrees earned must be in a
30 relevant pedagogy or content area as determined by the state department of
31 education. Additional education allocation amounts are not cumulative.
32 Instructional staff whose initial certificate is an occupational special-
33 ist certificate shall be treated as BA degree prepared instructional staff.
34 Credits earned by such occupational specialist instructional staff after
35 initial certification shall be credited toward the education allocation.
36 Additional allocations are:

37 (a) For instructional staff and pupil service staff holding a profes-
38 sional endorsement, a baccalaureate degree and twenty-four (24) or more
39 credits, two thousand dollars (\$2,000) per fiscal year.

40 (b) For instructional staff and pupil service staff holding a profes-
41 sional endorsement and a master degree, three thousand five hundred
42 dollars (\$3,500) per fiscal year.

43 (c) Effective July 1, 2020, the allocation shall be:

1	Base					
2	Allocation	1	2	3	4	5
3	Residency	\$37,000	\$38,000	\$39,000		
4	Professional	\$42,500	\$44,375	\$46,250	\$48,125	\$50,000

5 (5) A review of a sample of evaluations completed by administrators
6 shall be conducted annually to verify such evaluations are being conducted
7 with fidelity to the state framework for teaching evaluation, including each
8 evaluation component as outlined in administrative rule and the rating given
9 for each component. The state ~~department~~ board of education shall randomly
10 select a sample of administrators throughout the state. A portion of such
11 administrators' instructional staff and pupil service staff employee eval-
12 uations shall be independently reviewed. The ratio of instructional staff
13 evaluation to pupil service staff evaluations shall be equal to the ratio of
14 the statewide instructional staff salary allowance to pupil service staff
15 salary allowance. The state board of education with input from the Idaho
16 approved teacher preparation programs and the state department of education
17 shall appoint persons identify individuals and a process to conduct the re-
18 views. Administrator certificate holders shall be required to participate
19 in ongoing evaluation training pursuant to section 33-1204, Idaho Code. The
20 state ~~department~~ board of education shall report annually the findings of
21 such reviews to the senate education committee, the house of representatives
22 education committee, the state board of education and the deans of Idaho's
23 approved teacher preparation programs. The state board of education shall
24 promulgate rules implementing the provisions of this subsection.

25 (6) School districts shall submit annually to the state the data nec-
26 essary to determine if an instructional staff or pupil service staff member
27 has met the performance criteria for movement on the applicable compen-
28 sation rung. The department of education shall calculate whether or not
29 instructional staff and pupil service staff have met the compensation rung
30 performance criteria based on the data submitted during the previous five
31 (5) years. Individually identifiable performance evaluation ratings sub-
32 mitted to the state remain part of the employees personnel record and are
33 exempt from public disclosure pursuant to section 74-106, Idaho Code.

34 SECTION 5. That Section 33-1004C, Idaho Code, be, and the same is hereby
35 amended to read as follows:

36 33-1004C. BASE AND MINIMUM SALARIES -- LEADERSHIP PREMIUMS -- EDUCA-
37 TION AND EXPERIENCE INDEX. (1) The following shall be reviewed annually by
38 the legislature:

- 39 (a) The base salary figures pursuant to subsections ~~(1), (2), (3) and~~
40 ~~(4) and (5)~~ of section 33-1004E, Idaho Code;
41 (b) The minimum instructional and pupil service staff salary figure
42 pursuant to subsections (1) and (3) of section 33-1004E, Idaho Code; and
43 (c) The leadership premium figures pursuant to subsections (1) and (2)
44 of section 33-1004J, Idaho Code.

45 (2) The statewide education and experience index (or state average in-
46 dex, or state index) is the average of all qualifying employees, instruc-

1 tional and administrative respectively. It is determined by totaling the
2 index value for all qualifying employees and dividing by the number of em-
3 ployees.

4 SECTION 6. That Section 33-1004E, Idaho Code, be, and the same is hereby
5 amended to read as follows:

6 33-1004E. DISTRICT'S SALARY-BASED APPORTIONMENT. Each district shall
7 be entitled to a salary-based apportionment calculated as provided in this
8 section.

9 (1) To determine the apportionment for instructional staff, take
10 the amounts indicated on the career ladder table plus the amounts associ-
11 ated with the additional education allocation amounts pursuant to section
12 33-1004B, Idaho Code, and calculate the weighted average. The amount so
13 determined shall be multiplied by the district staff allowance for instruc-
14 tional staff determined as provided in section 33-1004(2), Idaho Code.
15 Full-time instructional staff salaries shall be determined from a salary
16 schedule developed by each district and submitted to the state department of
17 education. No full-time instructional staff member shall be paid less than
18 the minimum dollar amount on the career ladder residency compensation rung
19 pursuant to section 33-1004B, Idaho Code, for the applicable fiscal year.

20 (2) If an instructional staff member has been certified by the national
21 board for professional teaching standards, the staff member shall receive
22 two thousand dollars (\$2,000) per year for five (5) years from the year in
23 which national board certification was earned. The district staff allotment
24 shall be increased by two thousand dollars (\$2,000) for each national board
25 certified instructional staff ~~person and pupil service staff~~ member who
26 earned national board certification; provided however, that no such awards
27 shall be paid for the period July 1, 2010, through June 30, 2011, nor shall
28 any liabilities accrue or payments be made pursuant to this section in the
29 future to any individuals who would have otherwise qualified for a payment
30 during this stated time period. The resulting amount is the district's
31 salary-based apportionment for instructional staff ~~and pupil service staff~~.
32 For purposes of this section, teachers qualifying for the salary increase
33 shall be those who have been recognized as national board certified teachers
34 as of July 1 of each year.

35 (23) To determine the apportionment for pupil service staff, first
36 determine the district average experience and education index by placing
37 all eligible district certificated pupil service employees on the statewide
38 index pursuant to section 33-1004A, Idaho Code. The resulting average is
39 the district index. The district pupil service staff index shall be multi-
40 plied by the instructional base salary of twenty-four thousand fifty-five
41 dollars (\$24,055). If the district does not employ any pupil service staff,
42 the district's pupil service average salary shall equal the district's
43 instructional average salary for purposes of calculating pupil service
44 salary-based apportionment. The amount so determined shall be multiplied
45 by the district staff allowance for pupil service staff determined pursuant
46 to section 33-1004(3), Idaho Code. The pupil service staff salary alloca-
47 tion shall be further increased by the amount necessary for each full-time
48 equivalent pupil service staff member placed on the experience and education
49 index to be allocated at least the minimum salary mandated by this section.

1 Full-time pupil service staff salaries shall be determined from a salary
 2 schedule developed by each district and submitted to the state department of
 3 education. The resulting amount is the district's salary-based apportion-
 4 ment for pupil service staff. No full-time pupil service staff member shall
 5 be paid less than thirty-two thousand seven hundred three dollars (\$32,703).

6 (34) To determine the apportionment for district administrative staff,
 7 first determine the district average experience and education index by plac-
 8 ing all eligible certificated administrative employees on the statewide
 9 index provided in section 33-1004A, Idaho Code. The resulting average is
 10 the district index. ~~Districts with an index above the state average index~~
 11 ~~shall receive their actual index but not more than the state average plus~~
 12 ~~.03 for the school year 1994-95, and shall receive their actual index but~~
 13 ~~not more than the state average index plus .06 for the 1995-96 school year,~~
 14 ~~and thereafter shall receive their actual district index~~ If the district
 15 does not employ any administrative staff, the district administrative index
 16 shall equal the statewide average index for purposes of calculating admin-
 17 istrative salary-based apportionment. The district administrative staff
 18 index shall be multiplied by the base salary of thirty-three thousand one
 19 hundred sixteen dollars (\$33,116). The amount so determined shall be mul-
 20 tiplied by the district staff allowance for administrative staff determined
 21 as provided in section 33-1004(4), Idaho Code. The resulting amount is the
 22 district's salary-based apportionment for administrative staff.

23 (45) To determine the apportionment for classified staff, multi-
 24 ply nineteen thousand eight hundred twenty-six dollars (\$19,826) by the
 25 district classified staff allowance determined as provided in section
 26 33-1004(5), Idaho Code. The amount so determined is the district's appor-
 27 tionment for classified staff.

28 (56) The district's salary-based apportionment shall be the sum of
 29 the apportionments calculated in subsections (1), (2), (3), and (4) and
 30 (5) of this section, plus the benefit apportionment as provided in section
 31 33-1004F, Idaho Code.

32 SECTION 7. That Section 33-1004E, Idaho Code, be, and the same is hereby
 33 repealed.

34 SECTION 8. That Chapter 10, Title 33, Idaho Code, be, and the same is
 35 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
 36 ignated as Section 33-1004E, Idaho Code, and to read as follows:

37 33-1004E. DISTRICT'S SALARY-BASED APPORTIONMENT. Each district shall
 38 be entitled to a salary-based apportionment calculated as provided in this
 39 section.

40 (1) To determine the apportionment for instructional staff, take
 41 the amounts indicated on the career ladder table plus the amounts associ-
 42 ated with the additional education allocation amounts pursuant to section
 43 33-1004B, Idaho Code, and calculate the weighted average. The amount so
 44 determined shall be multiplied by the district staff allowance for instruc-
 45 tional staff determined as provided in section 33-1004(2), Idaho Code.
 46 Full-time instructional staff salaries shall be determined from a salary
 47 schedule developed by each district and submitted to the state department of
 48 education. No full-time instructional staff member shall be paid less than

1 the minimum dollar amount on the career ladder residency compensation rung
2 pursuant to section 33-1004B, Idaho Code, for the applicable fiscal year.

3 (2) If an instructional staff member has been certified by the national
4 board for professional teaching standards, the staff member shall receive
5 two thousand dollars (\$2,000) per year for five (5) years from the year in
6 which national board certification was earned. The district staff allot-
7 ment shall be increased by two thousand dollars (\$2,000) for each national
8 board certified instructional staff member who earned national board cer-
9 tification; provided however, that no such awards shall be paid for the pe-
10 riod July 1, 2010, through June 30, 2011, nor shall any liabilities accrue
11 or payments be made pursuant to this section in the future to any individuals
12 who would have otherwise qualified for a payment during this stated time pe-
13 riod. The resulting amount is the district's salary-based apportionment for
14 instructional staff. For purposes of this section, teachers qualifying for
15 the salary increase shall be those who have been recognized as national board
16 certified teachers as of July 1 of each year.

17 (3) To determine the apportionment for pupil service staff, take
18 the amounts indicated on the career ladder table plus the amounts associ-
19 ated with the additional education allocation amounts pursuant to section
20 33-1004B, Idaho Code, and calculate the weighted average. If the district
21 does not employ any pupil service staff, the district's pupil service staff
22 average salary shall equal the district's instructional staff average
23 salary for purposes of calculating pupil service salary-based apportion-
24 ment. The amount so determined shall be multiplied by the district staff al-
25 lowance for pupil service staff determined pursuant to section 33-1004(3),
26 Idaho Code. Full-time pupil service staff salaries shall be determined from
27 a salary schedule developed by each district and submitted to the state de-
28 partment of education. The resulting amount is the district's salary-based
29 apportionment for pupil service staff. No full-time pupil service staff
30 member shall be paid less than the minimum dollar amount on the career ladder
31 residency compensation rung pursuant to section 33-1004B, Idaho Code, for
32 the applicable fiscal year.

33 (4) To determine the apportionment for district administrative staff,
34 first determine the district average experience and education index by plac-
35 ing all eligible certificated administrative employees on the statewide in-
36 dex provided in section 33-1004A, Idaho Code. The resulting average is the
37 district index. If the district does not employ any administrative staff,
38 the district administrative index shall equal the statewide average index
39 for purposes of calculating administrative salary-based apportionment. The
40 district administrative staff index shall be multiplied by the base salary
41 of thirty-three thousand one hundred sixteen dollars (\$33,116). The amount
42 so determined shall be multiplied by the district staff allowance for admin-
43 istrative staff determined as provided in section 33-1004(4), Idaho Code.
44 The resulting amount is the district's salary-based apportionment for ad-
45 ministrative staff.

46 (5) To determine the apportionment for classified staff, multi-
47 ply nineteen thousand eight hundred twenty-six dollars (\$19,826) by the
48 district classified staff allowance determined as provided in section
49 33-1004(5), Idaho Code. The amount so determined is the district's appor-
50 tionment for classified staff.

1 (6) The district's salary-based apportionment shall be the sum of the
 2 apportionments calculated in subsections (1), (2), (3), (4) and (5) of this
 3 section, plus the benefit apportionment as provided in section 33-1004F,
 4 Idaho Code.

5 SECTION 9. That Section 33-1201A, Idaho Code, be, and the same is hereby
 6 amended to read as follows:

7 33-1201A. IDAHO PROFESSIONAL ENDORSEMENT -- ELIGIBILITY. (1) Any
 8 instructional staff employee ~~who is issued a certificate under section~~
 9 ~~33-1201, Idaho Code, on or after July 1, 2015, or any pupil service staff~~
 10 will receive mentoring as outlined in such employee's individualized pro-
 11 fessional learning plan during the initial three (3) years of holding such
 12 certificate. Upon holding a certificate for three (3) years, any such in-
 13 structional staff or pupil service staff employee may apply for an Idaho
 14 professional endorsement. To be eligible for an Idaho professional endorse-
 15 ment, the instructional staff or pupil service staff employee must:

16 (a) Have held a certificate for at least three (3) years, or have com-
 17 pleted a state board of education approved interim certificate of three
 18 (3) years or longer;

19 (b) Show they met the professional compensation rung performance cri-
 20 teria for two (2) of the three (3) previous years or the third year;

21 (c) Have a written recommendation from the employing school district;
 22 and

23 (d) Have an annual individualized professional learning plan developed
 24 in conjunction with the employee's school district supervisor.

25 Instructional staff employees may provide additional evidence demonstrat-
 26 ing effective teaching that may be considered in exceptional cases for
 27 purposes of determining proficiency and student achievement in the event
 28 required standards for professional endorsement are not met. Pupil service
 29 staff employees may provide additional evidence demonstrating effective
 30 student achievement or success that may be considered in exceptional cases
 31 for purposes of determining proficiency and student achievement or success
 32 in the event required standards for professional endorsement are not met.

33 (2) ~~An i~~Instructional staff employees who has have held a certificate
 34 that qualifies them to teach in the classroom for three (3) or more years
 35 prior to the effective date of this act July 1, 2015, or pupil service staff
 36 employees who have held a pupil personnel services certificate for three (3)
 37 or more years prior to July 1, 2016, shall automatically obtain an Idaho pro-
 38 fessional endorsement under this section.

39 (3) The state board of education shall promulgate rules implementing
 40 the provisions of this section.

41 (4) For the purposes of this section, "instructional staff" means those
 42 involved in the direct instruction of a student or group of students and who
 43 hold a certificate issued under section 33-1201, Idaho Code.

44 (5) For the purposes of this section, "pupil service staff" means those
 45 who provide services to students but are not involved in direct instruction
 46 of those students, and who hold a certificate issued under section 33-1201,
 47 Idaho Code.

1 SECTION 10. That Section 33-5215, Idaho Code, be, and the same is hereby
2 amended to read as follows:

3 33-5215. PROFESSIONAL-TECHNICAL REGIONAL PUBLIC CHARTER SCHOOL. (1)
4 A professional-technical regional public charter school is hereby declared
5 to be a public charter school and as such, the provisions of chapter 52, title
6 33, Idaho Code, shall apply to each professional-technical regional public
7 charter school in the same manner and to the same extent as the provisions of
8 charter school law apply to other public charter schools, with the exception
9 of certain conditions and applications as specifically provided in this sec-
10 tion.

11 (2) In addition to the approval provisions of this chapter, approval
12 of a professional-technical regional public charter school by an authorized
13 chartering entity shall not be final until the petition has also been re-
14 viewed by the division of professional-technical education.

15 (3) Funding for a professional-technical regional public charter
16 school shall be the same as provided in section 33-5208, Idaho Code, except
17 that:

18 (a) The salary-based apportionment for a professional-technical re-
19 gional public charter school shall be the statewide average ~~index~~ for
20 public charter schools. Such salary-based apportionment may be used
21 for payment of contracted services or for direct hire of staff;

22 (b) The board of directors may contract for the services of certifi-
23 cated and noncertificated personnel, to procure the use of facilities
24 and equipment, and to purchase materials and equipment, which in the
25 judgment of the board of directors is necessary or desirable for the
26 conduct of the business of the professional-technical regional public
27 charter school; and

28 (c) Transportation support shall be paid to the professional-techni-
29 cal regional public charter school in accordance with the provisions of
30 chapter 15, title 33, Idaho Code.

31 (4) A professional-technical regional public charter school shall pro-
32 vide assurances in state attendance reports that it has verified attendance
33 reports, which generate ADA with its participating school districts, to make
34 certain that the districts and the charter school do not duplicate enroll-
35 ment or ADA claims.

36 SECTION 11. That Section 33-515, Idaho Code, be, and the same is hereby
37 amended to read as follows:

38 33-515. ISSUANCE OF RENEWABLE CONTRACTS. (1) During the third full
39 year of continuous employment by the same school district, including any
40 specially chartered district, each certificated employee named in subsec-
41 tion (245) of section 33-1001, Idaho Code, and each school nurse and school
42 librarian shall be evaluated for a renewable contract and shall, upon hav-
43 ing been offered a contract for the next ensuing year, and upon signing and
44 timely returning a contract for a fourth full year, be placed on a renewable
45 contract status with said school district entitling such individual to the
46 right to automatic renewal of contract, subject to the provisions included
47 in this chapter, provided that instructional staff who have not obtained
48 a professional endorsement under section 33-1201A, Idaho Code, may not be

1 placed on a renewable contract status provided however, if the career ladder
2 pursuant to section 33-1004B, Idaho Code, is not funded, then a professional
3 endorsement shall not be required.

4 (2) At least once annually, the performance of each renewable contract
5 certificated employee, school nurse, or school librarian shall be evaluated
6 according to criteria and procedures established by the board of trustees in
7 accordance with general guidelines approved by the state board of education.
8 Such an evaluation shall be completed no later than May 1 of each year. The
9 evaluation shall include a minimum of two (2) documented observations, one
10 (1) of which shall be completed prior to January 1 of each year.

11 (3) Any contract automatically renewed under the provisions of this
12 section may be renewed for a shorter term, longer term or the same length
13 of term as stated in the current contract and at a greater, lesser or equal
14 salary as that stated in the current contract. Absent the board's applica-
15 tion of a formal reduction in force, renewals of standard teacher contracts
16 may be for a shorter term, longer term or the same length of term as stated
17 in the current standard teacher contract and at a greater, lesser or equal
18 salary, and shall be uniformly applied to all employees based upon the dis-
19 trict's adopted salary schedule to the extent allowable in section 33-1004E,
20 Idaho Code.

21 (a) Contracts issued pursuant to this section shall be issued on or be-
22 fore the first day of July each year.

23 (b) At the discretion of the board, the district may issue letters of
24 intent for employment for the next ensuing school year to renewable
25 contract status employees during May of each school year. Such let-
26 ter of intent shall not state a specific duration of the contract or
27 salary/benefits term for the next ensuing school year.

28 (c) Unless otherwise negotiated and ratified by both parties pursuant
29 to sections 33-1271, et seq., Idaho Code, standard teacher renewals for
30 terms shorter in length than that stated in the current standard con-
31 tract of renewable certificated employees, should be considered and im-
32 plemented only after the district has determined that the salary-based
33 apportionment reimbursement that it estimates it will receive for the
34 ensuing school year is less than the sum the district would otherwise be
35 paying for salaries for certificated professional employees.

36 (4) Nothing in this section shall prevent the board of trustees from of-
37 fering a renewed contract increasing the salary of any certificated person,
38 or from reassigning an administrative employee to a nonadministrative posi-
39 tion with appropriate reduction of salary from the preexisting salary level.
40 In the event the board of trustees reassigns an administrative employee to a
41 nonadministrative position, the board shall give written notice to the em-
42 ployee which contains a statement of the reasons for the reassignment. The
43 employee, upon written request to the board, shall be entitled to an informal
44 review of that decision. The process and procedure for the informal review
45 shall be determined by the local board of trustees.

46 (5) Before a board of trustees can determine not to renew for reasons of
47 an unsatisfactory report of the performance of any certificated person whose
48 contract would otherwise be automatically renewed, such person shall be en-
49 titled to a reasonable period of probation. This period of probation shall
50 be preceded by a written notice from the board of trustees with reasons for

1 such probationary period and with provisions for adequate supervision and
2 evaluation of the person's performance during the probationary period. Such
3 period of probation shall not affect the person's renewable contract status.
4 Consideration of probationary status for certificated personnel is consid-
5 eration of the status of an employee within the meaning of section 74-206,
6 Idaho Code, and may be held in executive session. If the consideration re-
7 sults in probationary status, the individual on probation shall not be named
8 in the minutes of the meeting. A record of the decision shall be placed in the
9 teacher's personnel file.

10 (6) If the board of trustees takes action to immediately discharge
11 or discharge upon termination of the current contract a certificated per-
12 son whose contract would otherwise be automatically renewed, the action
13 of the board shall be consistent with the procedures specified in section
14 33-513(5), Idaho Code, and furthermore, the board shall notify the employee
15 in writing whether there is just and reasonable cause not to renew the con-
16 tract or to reduce the salary of the affected employee, and if so, what
17 reasons it relied upon in that determination.

18 (7) If the board of trustees takes action after the declaration of a fi-
19 nancial emergency pursuant to section 33-522, Idaho Code, and such action is
20 directed at more than one (1) certificated employee, and if mutually agreed
21 to by both parties, a single informal review shall be conducted. Without
22 mutual consent of both parties, the board of trustees shall use the follow-
23 ing procedure to conduct a single due process hearing within sixty-seven
24 (67) days of the declaration of financial emergency pursuant to section
25 33-522(2), Idaho Code, or on or before June 22, whichever shall occur first:

26 (a) The superintendent or any other duly authorized administrative of-
27 ficer of the school district may recommend the change in the length of
28 the term stated in the current contract or reduce the salary of any cer-
29 tificated employee by filing with the board of trustees written notice
30 specifying the purported reasons for such changes.

31 (b) Upon receipt of such notice, the board of trustees, acting through
32 its duly authorized administrative official, shall give the affected
33 employees written notice of the reductions and the recommendation of
34 the change in the length of the term stated in the current contract or
35 the reduction of salary, along with written notice of a hearing be-
36 fore the board of trustees prior to any determination by the board of
37 trustees.

38 (c) The hearing shall be scheduled to take place not less than six (6)
39 days nor more than fourteen (14) days after receipt of the notice by the
40 employees. The date provided for the hearing may be changed by mutual
41 consent.

42 (d) The hearing shall be open to the public.

43 (e) All testimony at the hearing shall be given under oath or affirma-
44 tion. Any member of the board, or the clerk of the board of trustees, may
45 administer oaths to witnesses or affirmations by witnesses.

46 (f) The employees may be represented by legal counsel and/or by a repre-
47 sentative of a local or state education association.

48 (g) The chairman of the board of trustees or the designee of the chair-
49 man shall conduct the hearing.

1 (h) The board of trustees shall cause an electronic record of the hear-
2 ing to be made or shall employ a competent reporter to take stenographic
3 or stenotype notes of all the testimony at the hearing. A transcript of
4 the hearing shall be provided at cost by the board of trustees upon re-
5 quest of the employee.

6 (i) At the hearing, the superintendent or other duly authorized admin-
7 istrative officer shall present evidence to substantiate the reduction
8 contained in such notice.

9 (j) The employees may produce evidence to refute the reduction. Any
10 witness presented by the superintendent or by the employees shall be
11 subject to cross-examination. The board of trustees may also examine
12 witnesses and be represented by counsel.

13 (k) The affected employees may file written briefs and arguments with
14 the board of trustees within three (3) days after the close of the hear-
15 ing or such other time as may be agreed upon by the affected employees
16 and the board of trustees.

17 (l) Within seven (7) days following the close of the hearing, the board
18 of trustees shall determine and, acting through its duly authorized ad-
19 ministrative official, shall notify the employees in writing whether
20 the evidence presented at the hearing established the need for the ac-
21 tion taken.

22 The due process hearing pursuant to this subsection shall not be required if
23 the board of trustees and the local education association reach an agreement
24 on issues agreed upon pursuant to section 33-522(3), Idaho Code.

25 (8) If the board of trustees, for reasons other than unsatisfactory
26 service, for the ensuing contract year, determines to change the length of
27 the term stated in the current contract, reduce the salary or not renew the
28 contract of a certificated person whose contract would otherwise be automat-
29 ically renewed, nothing herein shall require a probationary period.

30 (9) If the board of trustees, for reasons other than unsatisfactory
31 service, for the ensuing contract year, determines to change the length
32 of the term stated in the current contract or reduce the salary of a cer-
33 tificated person whose contract would otherwise be automatically renewed,
34 nothing herein shall require any individualized due process proceeding. In
35 such circumstance, the board shall hold a single informal review for all im-
36 pacted employees. The process and procedure for the single informal review
37 shall be determined by the local board of trustees.

38 SECTION 12. An emergency existing therefor, which emergency is hereby
39 declared to exist, the provisions of Section 6 of this act shall be in full
40 force and effect on and after passage and approval. The provisions of Sec-
41 tion 4 of this act shall be in full force and effect on and after July 1, 2020.
42 All other provisions of this act shall be in full force and effect on and af-
43 ter July 1, 2016.