

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 270

BY EDUCATION COMMITTEE

AN ACT

RELATING TO EDUCATION; AMENDING SECTION 33-514, IDAHO CODE, TO DELETE AN EXCEPTION RELATING TO CERTAIN EVALUATIONS.

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

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

33-514. ISSUANCE OF ANNUAL CONTRACTS – SUPPORT PROGRAMS – CATEGORIES OF CONTRACTS – OPTIONAL PLACEMENT. (1) The board of trustees shall establish criteria and procedures for the supervision and evaluation of certificated employees who are not employed on a renewable contract, as provided for in section 33-515, Idaho Code.

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

(a) A category 1 contract is a limited one-year contract as provided in section 33-514A, Idaho Code.

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

(c) A category 3 contract is for certificated personnel during the third year of continuous employment by the same school district. District procedures shall require at least one (1) evaluation prior to the beginning of the second semester of the school year and the results of any such evaluation shall be made a matter of record in the employee's personnel file. When any such employee's work is found to be unsatisfactory a defined period of probation shall be established by the board, but in no case shall a probationary period be less than eight (8) weeks. After the probationary period, action shall be taken by the board as to whether the employee is to be retained, immediately discharged, discharged upon termination of the current contract or reemployed at the end of the contract term under a continued probationary status. Notwithstanding the provisions of sections 67-2344 and 67-2345, Idaho Code, a decision to place certificated personnel on probationary status may be made in executive session and the employee shall not be named in the minutes of the meeting. A record of the decision shall be placed in the employee's personnel file. This procedure shall not preclude recognition of unsatisfactory work at a subsequent evaluation and the establishment of a reasonable period of probation. In all instances, the employee shall be duly notified in writing of the areas of work which are deficient, including the conditions of probation. Each such

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

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

14      (4) There shall be a minimum of two (2) written evaluations in each of the annual  
15      contract years of employment, and at least one (1) evaluation shall be completed before January  
16      1 of each year. ~~The provisions of this subsection (4) shall not apply to employees on a~~  
17      ~~category 1 contract.~~