

Moved by Goedde

Seconded by Mortimer

IN THE SENATE
SENATE AMENDMENT TO S.B. NO. 1040

AMENDMENT TO THE BILL

1
2 On page 1 of the printed bill, delete lines 19 through 42; delete pages 2
3 and 3; on page 4, delete lines 1 through 6; in line 7, delete "SECTION 2" and
4 insert: "SECTION 1"; on page 5, in line 18, delete "SECTION 3" and insert:
5 "SECTION 2".

AMENDMENT TO SECTION 3

6
7 On page 5, delete lines 25 through 27, and insert: "been offered a con-
8 tract for the next ensuing year, ~~having given notice of acceptance of renewal~~
9 and upon signing and timely returning a contract for a fourth full year, be
10 placed on a renewable contract status with said school district entitling
11 such individual to the right to automatic renewal of contract, subject to";
12 in line 29, delete "After the third full year of employment and at" and in-
13 sert: "After the third full year of employment and aAt; in line 30, following
14 "each" delete "such" and insert: "such renewable contract"; delete lines 33
15 through 47, and insert: "approved by the state board of education. ~~Except as~~
16 ~~otherwise provided,~~ that person shall have the right to automatic renewal of
17 contract by giving notice, in writing, of acceptance of renewal. Such notice
18 shall be given to the board of trustees of the school district then employing
19 such person not later than the first day of June preceding the expiration of
20 the term of the current contract. ~~Except as otherwise provided by this para-~~
21 ~~graph,~~ the board of trustees shall notify each person entitled to be employed
22 on a renewable contract of the requirement that such person must give the no-
23 tice hereinabove and that failure to do so may be interpreted by the board as
24 a declination of the right to automatic renewal or the offer of another con-
25 tract. Such notification shall be made, in writing, not later than the fif-
26 teenth day of May, in each year, except to those persons to whom the board,
27 prior to said date, has sent proposed contracts for the next ensuing year, or
28 to whom the board has given the notice required by this section."

29 On page 6, in line 7, following "contract." insert: "Absent the board's
30 application of a formal reduction in force, renewals of standard teacher
31 contracts may be for a shorter term, longer term or the same length of term
32 as stated in the current standard teacher contract and at a greater, lesser
33 or equal salary, and shall be uniformly applied to all employees based upon
34 the district's adopted salary schedule to the extent allowable in section
35 33-1004E, Idaho Code.

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

38 (b) At the discretion of the board, the district may issue letters of
39 intent for employment for the next ensuing school year, to renewable
40 contract status employees during May of each school year. Such let-

1 ter of intent shall not state a specific duration of the contract or
 2 salary/benefits term for the next ensuing school year.

3 (c) Unless otherwise negotiated and ratified by both parties pursuant
 4 to sections 33-1271, et seq., Idaho Code, for the 2013-2014 school year,
 5 standard teacher renewals for terms shorter in length than that stated
 6 in the current standard contract of renewable certificated employ-
 7 ees, should be considered and implemented only after the district has
 8 determined that the salary-based apportionment reimbursement that it
 9 estimates it will receive for the 2013-2014 school year is less than the
 10 sum the district would otherwise be paying for salaries for certifi-
 11 cated professional employees."

12 AMENDMENT TO THE BILL

13 On page 8, following line 11, insert:

14 "SECTION 3. That Sections [33-514](#) and [33-515](#), Idaho Code, be, and the same
 15 are hereby repealed.

16 SECTION 4. That Chapter 5, Title 33, Idaho Code, be, and the same is hereby
 17 amended by the addition thereto of a NEW SECTION, to be known and designated
 18 as Section 33-514, Idaho Code, and to read as follows:

19 33-514. ISSUANCE OF ANNUAL CONTRACTS -- SUPPORT PROGRAMS -- CATE-
 20 GORIES OF CONTRACTS -- OPTIONAL PLACEMENT. (1) The board of trustees shall
 21 establish criteria and procedures for the supervision and evaluation of
 22 certificated employees who are not employed on a renewable contract, as pro-
 23 vided for in section 33-515, Idaho Code.

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

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

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

36 (c) A category 3 contract is for certificated personnel during the
 37 third year of continuous employment by the same school district. Dis-
 38 trict procedures shall require at least one (1) evaluation prior to the
 39 beginning of the second semester of the school year and the results of
 40 any such evaluation shall be made a matter of record in the employee's
 41 personnel file. When any such employee's work is found to be unsatis-
 42 factory a defined period of probation shall be established by the board,
 43 but in no case shall a probationary period be less than eight (8) weeks.
 44 After the probationary period, action shall be taken by the board as
 45 to whether the employee is to be retained, immediately discharged,
 46 discharged upon termination of the current contract or reemployed at
 47 the end of the contract term under a continued probationary status.
 48 Notwithstanding the provisions of sections 67-2344 and 67-2345, Idaho

1 Code, a decision to place certificated personnel on probationary status
2 may be made in executive session and the employee shall not be named in
3 the minutes of the meeting. A record of the decision shall be placed
4 in the employee's personnel file. This procedure shall not preclude
5 recognition of unsatisfactory work at a subsequent evaluation and the
6 establishment of a reasonable period of probation. In all instances,
7 the employee shall be duly notified in writing of the areas of work which
8 are deficient, including the conditions of probation. Each such cer-
9 tificated employee on a category 3 contract shall be given notice, in
10 writing, whether he or she will be reemployed for the next ensuing year.
11 Such notice shall be given by the board of trustees no later than the
12 twenty-fifth day of May of each such year. If the board of trustees has
13 decided not to reemploy the certificated employee, then the notice must
14 contain a statement of reasons for such decision and the employee shall,
15 upon request, be given the opportunity for an informal review of such
16 decision by the board of trustees. The parameters of an informal review
17 shall be determined by the local board.

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

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

29 SECTION 5. That Chapter 5, Title 33, Idaho Code, be, and the same is hereby
30 amended by the addition thereto of a NEW SECTION, to be known and designated
31 as Section 33-515, Idaho Code, and to read as follows:

32 33-515. ISSUANCE OF RENEWABLE CONTRACTS. (1) During the third full
33 year of continuous employment by the same school district, including any
34 specially chartered district, each certificated employee named in subsec-
35 tion (16) of section 33-1001, Idaho Code, and each school nurse and school
36 librarian shall be evaluated for a renewable contract and shall, upon having
37 been offered a contract for the next ensuing year, having given notice of
38 acceptance of renewal and upon signing a contract for a fourth full year, be
39 placed on a renewable contract status with said school district subject to
40 the provisions included in this chapter.

41 (2) After the third full year of employment and at least once annu-
42 ally, the performance of each such certificated employee, school nurse, or
43 school librarian shall be evaluated according to criteria and procedures
44 established by the board of trustees in accordance with general guidelines
45 approved by the state board of education. Except as otherwise provided, that
46 person shall have the right to automatic renewal of contract by giving no-
47 tice, in writing, of acceptance of renewal. Such notice shall be given to the
48 board of trustees of the school district then employing such person not later

1 than the first day of June preceding the expiration of the term of the cur-
2 rent contract. Except as otherwise provided by this paragraph, the board of
3 trustees shall notify each person entitled to be employed on a renewable con-
4 tract of the requirement that such person must give the notice hereinabove
5 and that failure to do so may be interpreted by the board as a declination of
6 the right to automatic renewal or the offer of another contract. Such noti-
7 fication shall be made, in writing, not later than the fifteenth day of May,
8 in each year, except to those persons to whom the board, prior to said date,
9 has sent proposed contracts for the next ensuing year, or to whom the board
10 has given the notice required by this section.

11 (3) Any contract automatically renewed under the provisions of this
12 section shall be for the same length as the term stated in the current con-
13 tract and at a salary no lower than that specified therein, to which shall
14 be added such increments as may be determined by the statutory or regulatory
15 rights of such employee by reason of training, service, or performance, ex-
16 cept where a board of trustees has declared a financial emergency pursuant
17 to section 33-522, Idaho Code.

18 (4) Nothing in this section shall prevent the board of trustees from of-
19 fering a renewed contract increasing the salary of any certificated person,
20 or from reassigning an administrative employee to a nonadministrative posi-
21 tion with appropriate reduction of salary from the preexisting salary level.
22 In the event the board of trustees reassigns an administrative employee to a
23 nonadministrative position, the board shall give written notice to the em-
24 ployee which contains a statement of the reasons for the reassignment. The
25 employee, upon written request to the board, shall be entitled to an informal
26 review of that decision. The process and procedure for the informal review
27 shall be determined by the local board of trustees.

28 (5) Before a board of trustees can determine not to renew for reasons of
29 an unsatisfactory report of the performance of any certificated person whose
30 contract would otherwise be automatically renewed, or to renew the contract
31 of any such person at a reduced salary, such person shall be entitled to a
32 reasonable period of probation. This period of probation shall be preceded
33 by a written notice from the board of trustees with reasons for such pro-
34 bationary period and with provisions for adequate supervision and evalua-
35 tion of the person's performance during the probationary period. Such pe-
36 riod of probation shall not affect the person's renewable contract status.
37 Consideration of probationary status for certificated personnel is consid-
38 eration of the status of an employee within the meaning of section 67-2345,
39 Idaho Code, and may be held in executive session. If the consideration re-
40 sults in probationary status, the individual on probation shall not be named
41 in the minutes of the meeting. A record of the decision shall be placed in the
42 teacher's personnel file.

43 (6) If the board of trustees takes action to immediately discharge or
44 discharge upon termination of the current contract a certificated person
45 whose contract would otherwise be automatically renewed, or to renew the
46 contract of any such person at a reduced salary, the action of the board
47 shall be consistent with the procedures specified in section 33-513 5.,
48 Idaho Code, and furthermore, the board shall notify the employee in writing
49 whether there is just and reasonable cause not to renew the contract or to

1 reduce the salary of the affected employee, and if so, what reasons it relied
2 upon in that determination.

3 (7) If the board of trustees takes action after the declaration of a fi-
4 nancial emergency pursuant to section 33-522, Idaho Code, and such action is
5 directed at more than one (1) certificated employee and, if mutually agreed
6 to by both parties, a single informal review shall be conducted. Without
7 mutual consent of both parties, the board of trustees shall use the follow-
8 ing procedure to conduct a single due process hearing within sixty-seven
9 (67) days of the declaration of financial emergency pursuant to section
10 33-522(2), Idaho Code, or on or before June 22, whichever shall occur first:

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

16 (b) Upon receipt of such notice, the board of trustees, acting through
17 its duly authorized administrative official, shall give the affected
18 employees written notice of the reductions and the recommendation of
19 the change in the length of the term stated in the current contract or
20 the reduction of salary, along with written notice of a hearing be-
21 fore the board of trustees prior to any determination by the board of
22 trustees.

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

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

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

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

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

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

40 (i) At the hearing the superintendent or other duly authorized admin-
41 istrative officer shall present evidence to substantiate the reduction
42 contained in such notice.

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

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

1 (1) Within seven (7) days following the close of the hearing, the board
 2 of trustees shall determine and, acting through its duly authorized ad-
 3 ministrative official, shall notify the employees in writing whether
 4 the evidence presented at the hearing established the need for the ac-
 5 tion taken.

6 The due process hearing pursuant to this subsection (7) shall not be required
 7 if the board of trustees and the local education association reach an agree-
 8 ment on issues agreed upon pursuant to section 33-522(3), Idaho Code.

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

14 AMENDMENT TO SECTION 4

15 On page 8, in line 12, delete "SECTION 4" and insert: "SECTION 6".

16 AMENDMENT TO SECTION 5

17 On page 8, delete lines 17 through 19, and insert:

18 "SECTION 7. An emergency existing therefor, which emergency is hereby de-
 19 clared to exist, Sections 1, 2 and 6 of this act shall be in full force and ef-
 20 fect on and after passage and approval. Sections 3, 4 and 5 of this act shall
 21 be in full force and effect on and after July 1, 2014."

22 CORRECTION TO TITLE

23 On page 1, delete lines 2 through 17, and insert:

24 "RELATING TO EDUCATION; AMENDING SECTION 33-514, TO REVISE A DATE AND TO
 25 MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 33-515, IDAHO CODE, TO
 26 REVISE PROVISIONS RELATING TO THE ISSUANCE OF RENEWABLE CONTRACTS,
 27 TO REMOVE LANGUAGE RELATING TO NOTICE, TO REVISE PROVISIONS RELATING
 28 TO THE LENGTH OF A CERTAIN CONTRACT, TO ESTABLISH PROVISIONS RELATING
 29 TO RENEWALS FOR VARIOUS TERMS AND SALARIES OF CERTAIN CONTRACTS, TO
 30 PROVIDE THAT CERTAIN CONTRACTS SHALL BE ISSUED ON OR BEFORE A CERTAIN
 31 DATE, TO PROVIDE FOR LETTERS OF INTENT FOR EMPLOYMENT, TO ESTABLISH
 32 PROVISIONS RELATING TO CERTAIN CONTRACTS RENEWED FOR A TERM SHORTER IN
 33 LENGTH THAN STATED IN THE CURRENT STANDARD CONTRACT AND TO REMOVE LAN-
 34 GUAGE RELATING TO RENEWAL OF A CONTRACT AT A REDUCED SALARY; REPEALING
 35 SECTION 33-514, IDAHO CODE, RELATING TO ISSUANCE OF ANNUAL CONTRACTS,
 36 CATEGORIES OF CONTRACTS, OPTIONAL PLACEMENT AND WRITTEN EVALUATIONS;
 37 REPEALING SECTION 33-515, IDAHO CODE, RELATING TO ISSUANCE OF RENEWABLE
 38 CONTRACTS; AMENDING CHAPTER 5, TITLE 33, IDAHO CODE, BY THE ADDITION
 39 OF A NEW SECTION 33-514, IDAHO CODE, TO ESTABLISH PROVISIONS RELATING
 40 TO THE ISSUANCE OF ANNUAL CONTRACTS, CATEGORIES OF CONTRACTS, OPTIONAL
 41 PLACEMENT AND WRITTEN EVALUATIONS; AMENDING CHAPTER 5, TITLE 33, IDAHO
 42 CODE, BY THE ADDITION OF A NEW SECTION 33-515, IDAHO CODE, TO ESTABLISH
 43 PROVISIONS RELATING TO THE ISSUANCE OF RENEWABLE CONTRACTS; PROVIDING
 44 SEVERABILITY; DECLARING AN EMERGENCY AND PROVIDING EFFECTIVE DATES."