

MINUTES
SENATE EDUCATION COMMITTEE

DATE: Tuesday, March 12, 2013

TIME: 3:00 P.M.

PLACE: Room WW55

MEMBERS PRESENT: Chairman Goedde, Vice Chairman Mortimer, Senators Pearce, Fulcher, Nonini, Thayn, Patrick, Durst and Buckner-Webb

**ABSENT/
EXCUSED:**

NOTE: The sign-in sheet, testimonies and other related materials will be retained with the minutes in the committee's office until the end of the session and will then be located on file with the minutes in the Legislative Services Library.

CONVENED: **Chairman Goedde** called the Education Committee (Committee) to order at 3:03 p.m., and a silent roll was taken.

H 224 **Jason Hancock**, State Department of Education (SDE), explained that this legislation clarifies that the employment contracts signed by educators for the 2012-2013 school year will continue to be governed by the laws that existed at the time the contracts were signed. While the state's legal guidance to school districts has supported this interpretation, **H 224** provides greater certainty.

Senator Thayn asked Mr. Hancock to explain the end date in Section 2 of July 1, 2015. **Mr. Hancock** replied that an emergency clause, making this bill "effective immediately," is in place because administrators and superintendents generally sign contracts for more than two or three years. It is common practice, however, that contracts are signed annually, and so most would sign a new contract this spring. In some cases, where a superintendent might retire before their three year contract ends, **H 224** clarifies that the contract in effect at the time it was signed would govern the duration of that contract. All such contracts not renewed in spring 2013, would therefore expire no later than June 30, 2015. **Mr. Hancock** continued that the primary concern comes from school districts needing to clarify which law is in place for performance evaluations and contract renewal decisions under consideration this spring. The districts do not want a lack of clarity on governing law to automatically renew a contract which the district did not intend to renew.

Mr. Stark, representing the Idaho Education Association (IEA) stated opposition to **H 224** on grounds that it "brings back the three Luna Laws" which were defeated in November 2012, and repealed those laws "effective immediately." For contracts, **H 224** now resurrects a body of laws until August 2013. **Chairman Goedde** stated that he had confirmed with the Attorney General's office that contract law superseded statutory law. Contracts signed with individual school districts are sacrosanct even though the statute may change. **Senator Thayn** asked Mr. Stark if any lawsuits had arisen because of these contracts. **Mr. Stark** replied no, that the IEA had not brought, nor contemplates bringing any lawsuits.

In summary, **Mr. Hancock** stated that **H 224** directs its attention to education contracts, and the need for certainty in performance evaluations this spring. Prior to spring 2011, teachers were highly scrutinized for performance in their first three years because a contract renewed for the fourth year constituted automatic renewal (tenure) contract. Students Come First, enacted in spring 2011, stated that contracts would no longer automatically renew. Teachers, supervisors and administrators signed those contracts in spring and summer of 2011 to govern the 2012-2013 school year. With the repeal of Students Come First in November 2012, the some argue that teachers with more than three years' service since their contract was signed should now be given automatic renewable contracts without having gone through a thorough review. **H 224** simply clarifies that the contracts for the 2012 and 2013 school year govern the duration of the contract, and that school districts will be allowed to conduct performance evaluations and make their new contract decisions accordingly.

MOTION: **Senator Thayne** made a motion to send **H 224** to the Senate floor with a **do pass** recommendation. **Senator Pearce** seconded the motion. The motion carried by **voice vote**. **Senator Thayne** will carry the motion to the floor.

H 205 **Vice Chairman Mortimer** requested unanimous consent the **H 205** be held until Monday, March 14, 2013 for the purpose of continued budget review. Seeing no objection, **Chairman Goedde** ordered that **H 205** would be moved to the March 14 agenda.

ADJOURNED: Having no further business before the Committee, **Chairman Goedde** adjourned the meeting at 3:26 p.m.

Senator Goedde
Chairman

Elaine Leedy
Secretary