

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 222

BY EDUCATION COMMITTEE

AN ACT

1 RELATING TO EDUCATION; AMENDING CHAPTER 1, TITLE 33, IDAHO CODE, BY THE  
2 ADDITION OF A NEW SECTION 33-138, IDAHO CODE, TO PROVIDE FOR A REPORT RE-  
3 GARDING HIGH-PERFORMING SCHOOLS AND TEACHERS; AMENDING SECTION 33-320,  
4 IDAHO CODE, TO REVISE PROVISIONS REGARDING CONTINUOUS IMPROVEMENT  
5 PLANS AND TO ESTABLISH A CERTAIN COMMISSION; AMENDING SECTION 33-1001,  
6 IDAHO CODE, TO DEFINE TERMS, TO REVISE DEFINITIONS, AND TO MAKE TECHNICAL  
7 CORRECTIONS; AMENDING SECTION 33-1201A, IDAHO CODE, TO PROVIDE RE-  
8 QUIREMENTS FOR CERTAIN EVALUATIONS AND TO MAKE TECHNICAL CORRECTIONS;  
9 AMENDING SECTION 33-1212A, IDAHO CODE, TO REMOVE PROVISIONS REGARDING  
10 COLLEGE AND CAREER ADVISING PLANS AND TO MAKE TECHNICAL CORRECTIONS;  
11 AMENDING SECTION 33-1616, IDAHO CODE, TO REVISE PROVISIONS REGARDING  
12 LITERACY INTERVENTION PLANS; AND AMENDING SECTION 33-515, IDAHO CODE,  
13 TO PROVIDE A CORRECT CODE REFERENCE AND TO MAKE TECHNICAL CORRECTIONS.  
14

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

16 SECTION 1. That Chapter 1, Title 33, Idaho Code, be, and the same is  
17 hereby amended by the addition thereto of a NEW SECTION, to be known and des-  
18 ignated as Section 33-138, Idaho Code, and to read as follows:

19 33-138. REPORT -- HIGH-PERFORMING SCHOOLS AND TEACHERS. In the first  
20 week of the regular legislative session in 2022, the state board of education  
21 shall present to the legislature a statewide strategy for defining and re-  
22 warding high-performing schools and teachers for growth in student achieve-  
23 ment. The strategy should consider:

- 24 (1) How to incentivize, encourage, and recognize schools and teachers,  
25 along with their communities, for dedicated and high-quality work; and  
26 (2) Ways to reduce disincentives to excel in student achievement.

27 SECTION 2. That Section 33-320, Idaho Code, be, and the same is hereby  
28 amended to read as follows:

29 33-320. CONTINUOUS IMPROVEMENT PLANS AND TRAINING. (1) Each school  
30 district and public charter school in Idaho shall develop an annual plan  
31 that is part of a continuous focus on improving the student performance of  
32 the district or public charter school. A public charter school may use its  
33 performance certificate in lieu of a separate continuous improvement plan.

- 34 (2) (a) The board of trustees and the superintendent shall collaborate  
35 on the plan and engage students, parents, educators and the community as  
36 appropriate. The board of directors and the administrator of a public  
37 charter school shall collaborate on the plan and engage students, par-  
38 ents, educators and the community as appropriate. All continuous im-  
39 provement plans must be approved by the local governing board.

- 40 (b) The annual continuous improvement plan shall:

1 (i) Be data driven, specifically in student outcomes, and shall  
 2 include, but not be limited to, analyses of demographic data, stu-  
 3 dent achievement and growth data, graduation rates, and college  
 4 and career readiness;

5 (ii) Set clear and measurable targets based on student outcomes;

6 (iii) Include a clearly developed and articulated vision and mis-  
 7 sion;

8 (iv) Include key indicators for monitoring performance;

9 (v) Include student literacy proficiency goals and targets and  
 10 how progress toward those outcomes will be measured;

11 (vi) Include, as applicable to the grade ranges served, trajec-  
 12 tory growth targets toward literacy proficiency;

13 (vii) Include, as applicable to the grade ranges served, college  
 14 and career advising and mentoring goals and how progress toward  
 15 those outcomes will be measured;

16 (viii) Include the individual staff performance on each of the  
 17 performance criteria as defined in section 33-1001, Idaho Code,  
 18 including measurable student achievement and student success  
 19 indicator targets and the percentage of students meeting those  
 20 targets. Data will be aggregated at the grade range, subject, or  
 21 performance indicator, as determined by the commission and al-  
 22 lowed pursuant to section 33-133, Idaho Code;

23 (ix) Include, at a minimum, the student achievement and growth  
 24 metrics for the state accountability framework. Student achieve-  
 25 ment and growth will be reported on each school and district's re-  
 26 port card as required by the state board of education and published  
 27 by the state department of education; and

28 ~~(vix)~~ Include a report of progress toward the previous year's im-  
 29 provement goals.

30 (c) The annual continuous improvement plan must be reviewed and updated  
 31 annually no later than October 1 each year.

32 (d) The board of trustees or the board of directors shall continuously  
 33 monitor progress toward the goals by utilizing relevant data to measure  
 34 growth. The progress shall be included in evaluations of the district  
 35 superintendent or administrator of a public charter school.

36 (3) The plan must be made available to the public and shall be posted on  
 37 the school district or charter school website.

38 (4) Of the moneys appropriated in the public schools educational sup-  
 39 port program, up to six thousand six hundred dollars (\$6,600) shall be  
 40 distributed to each school district and public charter school to be expended  
 41 for training purposes for district superintendents and boards of trustees,  
 42 public charter school administrators and boards of directors. Funds shall  
 43 be distributed on a reimbursement basis based on a process prescribed by the  
 44 superintendent of public instruction. Qualified training shall include  
 45 training for continuous improvement processes and planning, strategic plan-  
 46 ning, finance, superintendent evaluations, public charter administrator  
 47 evaluations, ethics and governance.

48 (5) The state board of education shall be granted rulemaking author-  
 49 ity to establish appropriate procedures, qualifications and guidelines for

1 qualified training providers and shall prepare a list of qualified training  
2 providers within the state of Idaho.

3 (6) (a) There is hereby established in the office of the state board of  
4 education a state commission for education excellence, the purpose of  
5 which will be to study and discuss continuous improvement plans estab-  
6 lished pursuant to this section and measurable student achievement and  
7 student success indicators described in section 33-1001, Idaho Code,  
8 that have been submitted to the state. The members of the commission  
9 shall include:

10 (i) One (1) representative of the state board of education, ap-  
11 pointed by such board;

12 (ii) One (1) representative of the state department of education,  
13 appointed by such department;

14 (iii) One (1) representative of the office of the governor, ap-  
15 pointed by the governor;

16 (iv) One (1) representative of business and industry, appointed  
17 by the division of career technical education;

18 (v) Two (2) members of the majority caucus and one (1) member of  
19 the minority caucus in the senate, appointed by the president pro  
20 tempore of the senate;

21 (vi) Two (2) members of the majority caucus and one (1) member of  
22 the minority caucus in the house of representatives, appointed by  
23 the speaker of the house of representatives;

24 (vii) One (1) parent of a public school student, appointed by the  
25 governor;

26 (viii) One (1) person who has been recognized as the Idaho teacher  
27 of the year, appointed by the governor;

28 (ix) One (1) representative of the Idaho school boards associa-  
29 tion, appointed by such association; and

30 (x) One (1) representative of the Idaho association of school ad-  
31 ministrators, appointed by such association.

32 (b) The commission shall be staffed by the office of the state board of  
33 education. Additional staff support from the legislative services of-  
34 fice may be provided as needed.

35 (c) It is the intent of the legislature that the state commission for  
36 education excellence analyze the measurable student achievement data  
37 and continuous improvement plans in the various districts and pub-  
38 lic charter schools in Idaho and then discuss and consider changes in  
39 statute or rule that could enhance outcomes. The commission shall de-  
40 termine some high-performing schools and districts, work to leverage  
41 their best practices to the rest of the state, and listen to ideas re-  
42 garding defining and celebrating successes in student achievement. The  
43 commission shall meet at least twice annually. One (1) meeting shall  
44 be held in the fall for the purpose of studying and discussing the con-  
45 tinuous improvement plans' performance measures and benchmarks, and  
46 one (1) meeting shall be held in the summer, after data for the prior  
47 academic year have been compiled and submitted to the commission, to  
48 review reports on statewide student success indicator achievement met-  
49 rics submitted to the commission by the state department of education  
50 and to discuss possible ways to improve desired student outcomes. All

1 such data and related statewide reports shall also be provided to all  
 2 legislators in Idaho not serving on the commission. A school district's  
 3 or public charter school's continuous improvement plan shall show how  
 4 the measurable student achievement and student success indicator tar-  
 5 gets are aligned with the continuous improvement plan described in this  
 6 section. The continuous improvement plan shall be submitted to the  
 7 state board of education or the board's designee no later than October  
 8 1 of each year.

9 SECTION 3. That Section 33-1001, Idaho Code, be, and the same is hereby  
 10 amended to read as follows:

11 33-1001. DEFINITIONS. As used in this chapter:

12 (1) "Administrative schools" means and applies to all elementary  
 13 schools and kindergartens within a district that are situated ten (10) miles  
 14 or less from both the other elementary schools and the principal administra-  
 15 tive office of the district and all secondary schools within a district that  
 16 are situated fifteen (15) miles or less from other secondary schools of the  
 17 district.

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

22 (3) "At-risk student" means a student in grades 6 through 12 who:

23 (a) Meets at least three (3) of the following criteria:

24 (i) Has repeated at least one (1) grade;

25 (ii) Has absenteeism greater than ten percent (10%) during the  
 26 preceding semester;

27 (iii) Has an overall grade point average less than 1.5 on a 4.0  
 28 scale prior to enrolling in an alternative secondary program;

29 (iv) Has failed one (1) or more academic subjects in the past year;

30 (v) Is below proficient, based on local criteria, standardized  
 31 tests, or both;

32 (vi) Is two (2) or more credits per year behind the rate required  
 33 to graduate or for grade promotion; or

34 (vii) Has attended three (3) or more schools within the previous  
 35 two (2) years, not including dual enrollment; or

36 (b) Meets any of the following criteria:

37 (i) Has documented substance abuse or a pattern of substance  
 38 abuse;

39 (ii) Is pregnant or a parent;

40 (iii) Is an emancipated youth or unaccompanied youth;

41 (iv) Is a previous dropout;

42 (v) Has a serious personal, emotional, or medical issue or is-  
 43 sues;

44 (vi) Has a court or agency referral; or

45 (vii) Demonstrates behavior detrimental to the student's academic  
 46 progress.

47 (4) "Average daily attendance" or "pupils in average daily attendance"  
 48 means the aggregate number of days enrolled students are present, divided by  
 49 the number of days of school in the reporting period; provided, however, that

1 students for whom no Idaho school district is a home district shall not be  
2 considered in such computation.

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

7 (6) "Child with a disability" means a child evaluated as having an  
8 intellectual disability, a hearing loss including deafness, a speech or  
9 language impairment, a visual impairment including blindness, an emo-  
10 tional behavioral disorder, an orthopedic impairment, autism, a traumatic  
11 brain injury, another health impairment, a specific learning disability,  
12 deaf-blindness, or multiple disabilities, and who, by reason thereof, needs  
13 special education and related services.

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

16 (8) "Economically disadvantaged student" means a student who:

17 (a) Is eligible for a free or reduced-price lunch under the Richard B.  
18 Russell national school lunch act, 42 U.S.C. 1751 et seq., excluding  
19 students who are ~~only~~ eligible only through a school's community eligi-  
20 bility program;

21 (b) Resides with a family receiving assistance under the program of  
22 block grants to states for temporary assistance for needy families  
23 (TANF) established under part A of title IV of the social security act,  
24 42 U.S.C. 601 et seq.;

25 (c) Is eligible to receive medical assistance under the medicaid pro-  
26 gram under title XIX of the social security act, 42 U.S.C. 1396 et seq.;

27 or  
28 (d) Is considered homeless for purposes of the federal McKinney-Vento  
29 homeless assistance act, 42 U.S.C. 11301 et seq.

30 (9) "Elementary grades" or "elementary average daily attendance" means  
31 and applies to students enrolled in grades 1 through 6, inclusive, or any  
32 combination thereof.

33 (10) "Elementary schools" are schools that serve grades 1 through 6, in-  
34 clusive, or any combination thereof.

35 (11) "Elementary/secondary schools" are schools that serve grades 1  
36 through 12, inclusive, or any combination thereof.

37 (12) "English language learner" or "ELL" means a student who does not  
38 score proficient on the English language development assessment established  
39 by rule of the state board of education.

40 (13) "Gifted and talented" shall have the same meaning as provided in  
41 section 33-2001(4), Idaho Code.

42 (14) "Homebound student" means any student who would normally and reg-  
43 ularly attend school, but is confined to home or hospital because of an ill-  
44 ness or accident for a period of ten (10) or more consecutive days.

45 (15) "Instructional staff" means those who hold an Idaho certificate  
46 issued under section 33-1201, Idaho Code, and who are either involved in the  
47 direct instruction of a student or group of students or who serve in a mentor  
48 or teacher leader position for individuals who hold an Idaho certificate  
49 issued under section 33-1201, Idaho Code.

1 (16) "Kindergarten" or "kindergarten average daily attendance" means  
2 and applies to all students enrolled in a school year, less than a school  
3 year, or summer kindergarten program.

4 (17) "Local salary schedule" means a compensation table adopted by a  
5 school district or public charter school, which table is used for determin-  
6 ing moneys to be distributed for instructional staff and pupil service staff  
7 salaries. Minimum compensation provided under a local salary schedule shall  
8 be at least equal to thirty-eight thousand five hundred dollars (\$38,500)  
9 or, for staff holding a professional endorsement, forty-two thousand five  
10 hundred dollars (\$42,500).

11 (18) "Measurable student achievement" means the measurement of student  
12 academic achievement or growth within a given interval of instruction for  
13 those students who have been enrolled in and attended eighty percent (80%)  
14 of the interval of instruction. Measures and targets shall be chosen at the  
15 school level in collaboration with the staff member impacted by the measures  
16 and applicable district staff and approved ~~at the district level by the~~  
17 school board. Measures and targets must also align with the performance mea-  
18 sures and benchmarks in the continuous improvement plan described in section  
19 33-320, Idaho Code. The most effective measures and targets are those gener-  
20 ated as close to the actual work as possible. Targets may be based on grade-  
21 or department-level achievement or growth goals that create collaboration  
22 within groups. Individual measurable student achievement targets and the  
23 percentage of students meeting individual targets must be reported annu-  
24 ally to the state. Assessment tools that may be used for measuring student  
25 achievement and growth include:

26 (a) Idaho standards achievement test (ISAT), including interim ISAT  
27 assessments;

28 (b) Student learning objectives;

29 (c) ~~Formative assessments;~~

30 ~~(d) Teacher-constructed assessments of student growth;~~

31 (e) Pre- and post-tests, including district-adopted tests;

32 (f) Performance-based assessments;

33 (g) Idaho reading indicator, which will be one (1) of the required as-  
34 essment tools for applicable staff;

35 (h) College entrance exams or preliminary college entrance exams such  
36 as PSAT, SAT, PACT, and ACT;

37 ~~(i) District-adopted assessment;~~

38 ~~(j) End-of-course exams;~~

39 (k) Advanced placement exams; and

40 (l) Career technical exams;

41 (m) Number of business or industry certificates or credentials earned  
42 by students in an approved career technical education program;

43 (n) Number of students completing career technical education capstone  
44 courses; and

45 (o) Number of students enrolled in career technical education courses  
46 that are part of a program that culminates with business or industry  
47 certificates or credentials.

48 (19) "Performance criteria" means the standards specified for instruc-  
49 tional staff and pupil service staff to demonstrate teaching proficiency for  
50 a given compensation rung. Each element of the professional compensation

1 rung and advanced professional compensation rung performance criteria, as  
2 identified in this section and as applicable to a staff member's position,  
3 shall be documented, reported, and subject to review for determining move-  
4 ment on the career ladder.

5 (20) (a) "Professional compensation rung performance criteria" means:

6 (i) An overall rating of proficient or higher, and no components  
7 rated as unsatisfactory, on the state framework for teaching eval-  
8 uation; and

9 (ii) Demonstrating the majority of students have met measurable  
10 student achievement targets or student success indicator targets.

11 (b) "Advanced professional compensation rung performance criteria"  
12 means:

13 (i) An overall rating of proficient or higher, no components  
14 rated as unsatisfactory or basic, and rated as distinguished  
15 overall in domain two -- classroom environment, or domain three  
16 -- instruction and use of assessment, on the state framework for  
17 teaching evaluation or equivalent for pupil service staff; and

18 (ii) Demonstrating seventy-five percent (75%) or more of their  
19 students have met their measurable student achievement targets or  
20 student success indicator targets.

21 (21) "Public school district" or "school district" or "district" means  
22 any public school district organized under the laws of this state, including  
23 specially chartered school districts.

24 (22) "Pupil service staff" means those who provide services to stu-  
25 dents, but are not involved in direct instruction of those students, and hold  
26 a pupil personnel services certificate.

27 (23) "School board" means a school district board of trustees or the  
28 board of directors of a public charter school.

29 (24) "Secondary grades" or "secondary average daily attendance" means  
30 and applies to students enrolled in grades 7 through 12, inclusive, or any  
31 combination thereof.

32 (245) "Secondary schools" are schools that serve grades 7 through 12,  
33 inclusive, or any combination thereof.

34 (256) "Separate elementary school" means an elementary school located  
35 more than ten (10) miles on an all-weather road from both the nearest elemen-  
36 tary school and elementary/secondary school serving like grades within the  
37 same school district and from the location of the office of the superinten-  
38 dent of schools of such district, or from the office of the chief administra-  
39 tive officer of such district if the district employs no superintendent of  
40 schools.

41 (267) "Separate kindergarten" means a kindergarten located more than  
42 ten (10) miles on an all-weather road from both the nearest kindergarten  
43 school within the same school district and from the location of the office  
44 of the superintendent of schools of such district, or from the office of the  
45 chief administrative officer of such district if the district employs no  
46 superintendent of schools.

47 (278) "Separate secondary school" means any secondary school located  
48 more than fifteen (15) miles on an all-weather road from any other secondary  
49 school and elementary/secondary school serving like grades operated by the  
50 district.

1 (289) "Special education" means specially designed instruction or  
 2 speech/language therapy at no cost to the parent to meet the unique needs  
 3 of a student who is a child with a disability, including instruction in the  
 4 classroom, the home, hospitals, institutions, and other settings; instruc-  
 5 tion in physical education; speech therapy and language therapy; transition  
 6 services; travel training; assistive technology services; and vocational  
 7 education.

8 (2930) "Student learning plan" means a plan that outlines a student's  
 9 program of study, which should include a rigorous academic core and a related  
 10 sequence of electives in academic, career technical education, or humani-  
 11 ties aligned with the student's post-graduation goals.

12 (31) "Student success indicators" means measurable indicators of  
 13 student achievement or growth, other than academic, within a predefined in-  
 14 terval of time for a specified group of students. Measures and targets shall  
 15 be chosen at the district or school level in collaboration with the pupil  
 16 service staff member impacted by the measures and applicable district staff.  
 17 Individual measurable student achievement targets and the percentage of  
 18 students meeting each target must be reported annually to the state. Student  
 19 success indicators include:

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

22 (b) Quantifiable goals stated in a student's behavior improvement  
 23 plan.

24 (c) School- or district-identified measurable student objectives for a  
 25 specified student group or population.

26 (d) The percentage of students who create student learning plans in  
 27 grade 8 or who annually update their student learning plans thereafter.

28 (e) The percentage of students who satisfactorily complete one (1) or  
 29 more advanced opportunities options as identified in section 33-4602,  
 30 Idaho Code, or who earn business or industry certificates or creden-  
 31 tials. This indicator shall be one (1) of the required indicators for  
 32 applicable staff.

33 (302) "Support program" means the educational support program as de-  
 34 scribed in section 33-1002, Idaho Code, the transportation support program  
 35 described in section 33-1006, Idaho Code, and the exceptional education  
 36 support program as described in section 33-1007, Idaho Code.

37 (313) "Support unit" means a function of average daily attendance used  
 38 in the calculations to determine financial support provided to the public  
 39 school districts.

40 (324) "Teacher" means any person employed in a teaching, instructional,  
 41 supervisory, educational administrative or educational and scientific ca-  
 42 pacity in any school district. In case of doubt, the state board of educa-  
 43 tion shall determine whether any person employed requires certification as a  
 44 teacher.

45 SECTION 4. That Section 33-1201A, Idaho Code, be, and the same is hereby  
 46 amended to read as follows:

47 33-1201A. IDAHO PROFESSIONAL ENDORSEMENT -- ELIGIBILITY. (1) Any in-  
 48 structional staff employee or any pupil service staff employee will receive  
 49 mentoring as outlined in such employee's individualized professional learn-



1 ing plan during the initial three (3) years of holding such certificate.  
 2 Upon holding a certificate for three (3) years, any such instructional staff  
 3 or pupil service staff employee may apply for an Idaho professional endorse-  
 4 ment. Upon holding a professional endorsement for five (5) years or more,  
 5 any such instructional staff or pupil service staff employee may apply for an  
 6 Idaho advanced professional endorsement.

7 (2) To be eligible for an Idaho professional endorsement, the instruc-  
 8 tional staff or pupil service staff employee must:

9 (a) Have held a certificate for at least three (3) years, or have com-  
 10 pleted a state board of education-approved interim certificate of three

11 (3) years or longer;

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

14 (c) Have a written recommendation from the employing school district;  
 15 and

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

18 Instructional staff employees may provide additional evidence demonstrat-  
 19 ing effective teaching that may be considered in exceptional cases for  
 20 purposes of determining proficiency and student achievement in the event  
 21 required standards for professional endorsement are not met. Pupil service  
 22 staff employees may provide additional evidence demonstrating effective  
 23 student achievement or success that may be considered in exceptional cases  
 24 for purposes of determining proficiency and student achievement or success  
 25 in the event required standards for professional endorsement are not met.

26 (3) To be eligible for an Idaho advanced professional endorsement, the  
 27 instructional staff or pupil service staff employee must:

28 (a) Have held a renewable certificate for at least eight (8) years or  
 29 more, or have completed a state board of education-approved interim  
 30 certificate of three (3) years or longer and held a renewable certifi-  
 31 cate for five (5) years or more;

32 (b) Show they met the professional compensation rung performance cri-  
 33 teria for four (4) of the five (5) previous years or the third, fourth,  
 34 and fifth year;

35 (c) During three (3) of the previous five (5) years, have served in  
 36 an additional building or district leadership role in an Idaho public  
 37 school, including but not limited to:

38 (i) Instructional specialist or instructional coach;

39 (ii) Mentor;

40 (iii) Curriculum or assessment committee member;

41 (iv) Team or committee leadership position;

42 (v) Data coach; or

43 (vi) Other leadership positions identified by the school dis-  
 44 trict;

45 (d) Have a written recommendation from the employing school district;

46 (e) Have an annual individualized professional learning plan developed  
 47 in conjunction with the employee's supervisor and a self-evaluation;  
 48 and

49 (f) (i) Effective July 1, 2020, through June 30, 2021, show they  
 50 have met the advanced professional compensation rung performance

1 criteria for three (3) of the five (5) previous years or the fifth  
2 year;

3 (ii) Effective July 1, 2021, through June 30, 2022, show they have  
4 met the advanced professional compensation rung performance cri-  
5 teria for three (3) of the five (5) previous years or the fourth and  
6 fifth year; or

7 (iii) Effective July 1, 2022, show they have met the advanced pro-  
8 fessional compensation rung performance criteria for three (3) of  
9 the five (5) previous years.

10 Instructional staff employees may provide additional evidence demon-  
11 strating effective teaching that may be considered in exceptional cases  
12 for purposes of determining proficiency and student achievement in the  
13 event required standards for the advanced professional endorsement are not  
14 met. Pupil service staff employees may provide additional evidence demon-  
15 strating effective student achievement or success that may be considered  
16 in exceptional cases for purposes of determining proficiency and student  
17 achievement or success in the event required standards for the advanced pro-  
18 fessional endorsement are not met.

19 (4) Instructional staff and pupil service staff shall be eligible for  
20 the professional endorsement if they:

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

22 (b) Have worked in a certificated position in a compact-member state  
23 pursuant to section 33-4101, Idaho Code; and

24 (c) Would have been eligible to work in a certificated position in an  
25 Idaho public school based on that certification for three (3) to eight  
26 (8) years.

27 (5) Instructional staff and pupil service staff shall be eligible for  
28 the advanced professional endorsement if they:

29 (a) Have a written recommendation from the employing school district;

30 (b) Have worked in a certificated position in a compact-member state  
31 pursuant to section 33-4101, Idaho Code; and

32 (c) Would have been eligible to work in a certificated position in an  
33 Idaho public school based on that certification for nine (9) years or  
34 more.

35 (6) Individuals holding a professional endorsement or an advanced pro-  
36 fessional endorsement will be annually evaluated in at least two (2) domains  
37 in the state evaluation framework approved by the state board of education.  
38 All other instructional or pupil service staff employees must be evaluated  
39 across all domains in the evaluation framework. Ratings in domain 2 or do-  
40 main 3 are required as part of the advanced professional compensation rung  
41 performance criteria.

42 (7) The state board of education shall promulgate rules implementing  
43 the provisions of this section.

44 (78) For the purposes of this section:

45 (a) "Certificate" means an Idaho instructional certificate, pupil  
46 service staff certificate, or out-of-state educator certificate that  
47 meets the requirements for reciprocity under rules promulgated by the  
48 state board of education;

49 (b) In conjunction with the Idaho evaluation framework, "individual-  
50 ized professional learning plan" means an individualized professional

1 development plan based on the Idaho framework for teaching evaluation  
2 and includes, at a minimum, identified interventions based on the indi-  
3 vidual's strengths and areas of needed growth, how the individual will  
4 set student achievement and growth goals, and areas of identified pro-  
5 fessional development and mentoring that target continuous improvement  
6 in professional areas, future student achievement, and school building  
7 or district culture;

8 (c) "Instructional staff" means those involved in the direct instruc-  
9 tion of a student or group of students and who hold a certificate issued  
10 under section 33-1201, Idaho Code;

11 (d) "Pupil service staff" means those who provide services to students  
12 but are not involved in direct instruction of those students and who  
13 hold a certificate issued under section 33-1201, Idaho Code; and

14 (e) "School district" means a school district or a public charter  
15 school.

16 SECTION 5. That Section 33-1212A, Idaho Code, be, and the same is hereby  
17 amended to read as follows:

18 33-1212A. COLLEGE AND CAREER ADVISORS AND STUDENT MENTORS. (1) Col-  
19 lege and career advising and student mentoring ~~is an~~ are essential compo-  
20 nents of students' educational experience. Such advising and mentoring pro-  
21 vide all students with an early opportunity to identify academic strengths,  
22 areas in need of improvement and areas of interest for the purpose of making  
23 informed choices and setting postsecondary education and career goals. The  
24 focus of college and career planning is to help students acquire the knowl-  
25 edge and skills necessary to achieve academic success and to be college and  
26 career ready upon high school graduation.

27 (2) School districts and charter schools may employ noncertificated  
28 staff to serve in the role of college and career advisors and student men-  
29 tors. Appropriate alternative forms of advising and mentoring shall be  
30 research-based and may include the following:

31 (a) High contact programs such as:

32 (i) Near peer or college student mentors; and

33 (ii) Counselor, teacher or paraprofessional as advisor or mentor;

34 (b) Collaborative programs such as:

35 (i) Student ambassadors; and

36 (ii) Cooperative agreements with other school districts or post-  
37 secondary institutions; and

38 (c) Virtual coach or mentor programs.

39 (3) School districts and charter schools shall provide professional  
40 development in the area of college and career advising to all staff serving  
41 in the role of student mentors or advisors. All individuals providing ser-  
42 vices in the role of a college and career advisor must have a basic level of  
43 training or experience in the area of advising or mentoring to provide such  
44 services.

45 ~~(4) School districts and charter schools shall develop a plan to de-~~  
46 ~~liver college and career advising to students in grades 8 through 12.~~

47 ~~(5)~~ School districts and charter schools shall notify parents or  
48 guardians of all students in grades 8 through 12 of the availability of

1 college and career advising provided by the district and how to access such  
2 services.

3 ~~(6) School districts and charter schools shall report annually on the~~  
4 ~~effectiveness of their college and career advising programs as part of their~~  
5 ~~annual continuous improvement plan. Reports shall include:~~

6 ~~(a) The type of program being implemented; and~~

7 ~~(b) Student outcomes indicating the effectiveness of the program.~~

8 (75) The state board of education shall promulgate rules to specify  
9 those student outcomes that can be used to satisfy the reporting require-  
10 ment, as well as other rules necessary for the administration of this  
11 section.

12 SECTION 6. That Section 33-1616, Idaho Code, be, and the same is hereby  
13 amended to read as follows:

14 33-1616. LITERACY INTERVENTION. (1) Each school district and public  
15 charter school shall establish an extended time literacy intervention pro-  
16 gram for students who score basic or below basic on the fall reading assess-  
17 ments or alternate reading assessment in kindergarten through grade 3 and  
18 ~~submit it to the state board of education.~~

19 (2) The program:

20 (a) Shall provide proven effective research-based substantial inter-  
21 vention and shall include phonemic awareness, decoding intervention,  
22 vocabulary, comprehension, and fluency as applicable to the student  
23 based on a formative assessment designed to, at a minimum, identify such  
24 weaknesses;

25 (b) May include online or digital instructional materials or programs  
26 or library resources and must include parent input and be in alignment  
27 with the Idaho comprehensive literacy plan. Online or digital materi-  
28 als that are part of a core literacy program are not required to be ap-  
29 proved as described in subsection (3) of this section;

30 (c) Shall include a minimum of sixty (60) hours of supplemental in-  
31 struction for students in kindergarten through grade 3 who score below  
32 basic on the reading screening assessment; and

33 (d) Shall include a minimum of thirty (30) hours of supplemental in-  
34 struction for students in kindergarten through grade 3 who score basic  
35 on the reading screening assessment.

36 (3) (a) The state board of education shall select and approve adaptive  
37 learning technology literacy intervention providers through a request  
38 for proposals process to provide literacy intervention tools that are  
39 adaptive to a child's personalized learning needs for school districts  
40 and public charter schools to use as part of their literacy interven-  
41 tion programs for students in kindergarten through grade 3. Such a tool  
42 shall:

43 (i) Be an academic program focused on building age-appropriate  
44 literacy skills that, at a minimum, include phonological aware-  
45 ness, phonics, fluency, comprehension, and vocabulary;

46 (ii) Use an evidence-based early intervention model; and

47 (iii) Include a parental engagement and involvement component  
48 that allows parents to participate in their student's use of the  
49 tool at school or at home.

1 (b) A tool offered by an approved provider must be evaluated each year  
2 to determine effectiveness by an independent external evaluator in or-  
3 der for the provider to remain approved. The evaluation will be based  
4 on a full academic year of implementation of tools implemented with fi-  
5 delity and will include, at a minimum, growth toward proficiency mea-  
6 sures. A provider of an intervention tool described in this subsection  
7 shall not provide the reading assessment pursuant to section 33-1615,  
8 Idaho Code.

9 (4) Of the funds appropriated for the purpose of this section, no more  
10 than one hundred dollars (\$100) per student may be used for transportation  
11 costs.

12 (5) For the purpose of program reimbursement, the state department of  
13 education shall adopt reporting forms, and establish reporting dates, and  
14 ~~adopt such additional guidelines and standards as necessary to accomplish~~  
15 ~~the program goals that every child will read fluently and comprehend printed~~  
16 ~~text at grade level by the end of the third grade.~~

17 (6) To ensure students receive high-quality literacy instruction and  
18 intervention, the state department of education shall provide professional  
19 development to districts and schools on best practices, based on the science  
20 of reading, supporting literacy instruction as outlined in the state board  
21 of education-approved "Idaho ~~C~~omprehensive ~~L~~iteracy ~~P~~lan." Intervention  
22 program participation and effectiveness by school and district shall be pre-  
23 sented annually to the state board, the legislature, and the governor.

24 (7) The state board of education shall promulgate rules implementing  
25 the provisions of this section. ~~At a minimum, such rules shall include stu-~~  
26 ~~dent trajectory growth to proficiency benchmarks and a timeline for reach-~~  
27 ~~ing such benchmarks. The state board of education shall also adopt a time-~~  
28 ~~line sufficient to assure that the literacy intervention tool described in~~  
29 ~~subsection (3) of this section is available for school districts and public~~  
30 ~~charter schools to effectively implement for the 2020-2021 school year.~~

31 SECTION 7. That Section 33-515, Idaho Code, be, and the same is hereby  
32 amended to read as follows:

33 33-515. ISSUANCE OF RENEWABLE CONTRACTS. (1) During the third full  
34 year of continuous employment by the same school district, including any  
35 specially chartered district, each certificated employee named in subsec-  
36 tion (3~~2~~4) of section 33-1001, Idaho Code, and each school nurse and school  
37 librarian shall be evaluated for a renewable contract and shall, upon hav-  
38 ing been offered a contract for the next ensuing year, and upon signing and  
39 timely returning a contract for a fourth full year, be placed on a renewable  
40 contract status with said school district entitling such individual to the  
41 right to automatic renewal of contract, subject to the provisions included  
42 in this chapter, provided that instructional staff who have not obtained  
43 a professional endorsement under section 33-1201A, Idaho Code, may not  
44 be placed on a renewable contract status, provided however, if the career  
45 ladder pursuant to section 33-1004B, Idaho Code, is not funded, then a pro-  
46 fessional endorsement shall not be required.

47 (2) At least once annually, the performance of each renewable contract  
48 certificated employee, school nurse, or school librarian shall be evaluated  
49 according to criteria and procedures established by the board of trustees in

1 accordance with general guidelines approved by the state board of education.  
2 Such an evaluation shall be completed no later than June 1 of each year. The  
3 evaluation shall include a minimum of two (2) documented observations, one  
4 (1) of which shall be completed prior to January 1 of each year.

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

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

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

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

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

40 (5) Before a board of trustees can determine not to renew for reasons of  
41 an unsatisfactory report of the performance of any certificated person whose  
42 contract would otherwise be automatically renewed, such person shall be en-  
43 titled to a reasonable period of probation. This period of probation shall  
44 be preceded by a written notice from the board of trustees with reasons for  
45 such probationary period and with provisions for adequate supervision and  
46 evaluation of the person's performance during the probationary period. Such  
47 period of probation shall not affect the person's renewable contract status.  
48 Consideration of probationary status for certificated personnel is consid-  
49 eration of the status of an employee within the meaning of section 74-206,  
50 Idaho Code, and may be held in executive session. If the consideration re-

1 sults in probationary status, the individual on probation shall not be named  
2 in the minutes of the meeting. A record of the decision shall be placed in the  
3 teacher's personnel file.

4 (6) If the board of trustees takes action to immediately discharge  
5 or discharge upon termination of the current contract a certificated per-  
6 son whose contract would otherwise be automatically renewed, the action  
7 of the board shall be consistent with the procedures specified in section  
8 33-513(5), Idaho Code, and furthermore, the board shall notify the employee  
9 in writing whether there is just and reasonable cause not to renew the con-  
10 tract or to reduce the salary of the affected employee, and if so, what  
11 reasons it relied upon in that determination.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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