

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 280

BY EDUCATION COMMITTEE

AN ACT

RELATING TO EDUCATION; AMENDING SECTION 33-1001, IDAHO CODE, TO REVISE
A DEFINITION AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION
33-1201A, IDAHO CODE, TO REVISE PROVISIONS REGARDING PROFESSIONAL EN-
DORSEMENTS; AND DECLARING AN EMERGENCY.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) Meets any of the following criteria:

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

(ii) Is pregnant or a parent;

(iii) Is an emancipated youth or unaccompanied youth;

(iv) Is a previous dropout;

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

(vi) Has a court or agency referral; or

1 (vii) Demonstrates behavior detrimental to the student's academic
2 progress.

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

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

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

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

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

22 (a) Is eligible for a free or reduced-price lunch under the Richard B.
23 Russell national school lunch act, 42 U.S.C. 1751 et seq., excluding
24 students who are only eligible through a school's community eligibility
25 program;

26 (b) Resides with a family receiving assistance under the program of
27 block grants to states for temporary assistance for needy families
28 (TANF) established under part A of title IV of the social security act,
29 42 U.S.C. 601 et seq.;

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

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

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

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

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

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

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

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

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

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

9 (17) "Local salary schedule" means a compensation table adopted by a
 10 school district or public charter school, which table is used for determin-
 11 ing moneys to be distributed for instructional staff and pupil service staff
 12 salaries. Minimum compensation provided under a local salary schedule shall
 13 be at least equal to ~~thirty-eight thousand five hundred dollars (\$38,500)~~
 14 ~~or, for staff holding a professional endorsement, forty-two thousand five~~
 15 ~~hundred dollars (\$42,500)~~ the minimum amounts established pursuant to sec-
 16 tion 33-1004E, Idaho Code.

17 (18) "Measurable student achievement" means the measurement of stu-
 18 dent academic achievement or growth within a given interval of instruction
 19 for those students who have been enrolled in and attended eighty percent
 20 (80%) of the interval of instruction. Measures and targets shall be chosen
 21 at the school level in collaboration with the staff member impacted by the
 22 measures and applicable district staff and approved at the district level.
 23 The most effective measures and targets are those generated as close to the
 24 actual work as possible. Targets may be based on grade- or department-level
 25 achievement or growth goals that create collaboration within groups. As-
 26 sessment tools that may be used for measuring student achievement and growth
 27 include:

- 28 (a) Idaho standards achievement test;
- 29 (b) Student learning objectives;
- 30 (c) Formative assessments;
- 31 (d) Teacher-constructed assessments of student growth;
- 32 (e) Pre- and post-tests;
- 33 (f) Performance-based assessments;
- 34 (g) Idaho reading indicator;
- 35 (h) College entrance exams or preliminary college entrance exams such
- 36 as PSAT, SAT 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 (19) "Performance criteria" means the standards specified for instruc-
 42 tional staff and pupil service staff to demonstrate teaching proficiency for
 43 a given compensation rung. Each element of the professional compensation
 44 rung and advanced professional compensation rung performance criteria, as
 45 identified in this section and as applicable to a staff member's position,
 46 shall be documented, reported, and subject to review for determining move-
 47 ment on the career ladder.

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

- 1 (i) An overall rating of proficient or higher, and no components
2 rated as unsatisfactory, on the state framework for teaching eval-
3 uation; and
4 (ii) Demonstrating the majority of students have met measurable
5 student achievement targets or student success indicator targets.
- 6 (b) "Advanced professional compensation rung performance criteria"
7 means:
- 8 (i) An overall rating of proficient or higher, no components
9 rated as unsatisfactory or basic, and rated as distinguished
10 overall in domain two -- classroom environment, or domain three
11 -- instruction and use of assessment, on the state framework for
12 teaching evaluation or equivalent for pupil service staff; and
13 (ii) Demonstrating seventy-five percent (75%) or more of their
14 students have met their measurable student achievement targets or
15 student success indicator targets.
- 16 (21) "Public school district" or "school district" or "district" means
17 any public school district organized under the laws of this state, including
18 specially chartered school districts.
- 19 (22) "Pupil service staff" means those who provide services to stu-
20 dents, but are not involved in direct instruction of those students, and hold
21 a pupil personnel services certificate.
- 22 (23) "Secondary grades" or "secondary average daily attendance" means
23 and applies to students enrolled in grades 7 through 12, inclusive, or any
24 combination thereof.
- 25 (24) "Secondary schools" are schools that serve grades 7 through 12, in-
26 clusive, or any combination thereof.
- 27 (25) "Separate elementary school" means an elementary school located
28 more than ten (10) miles on an all-weather road from both the nearest elemen-
29 tary school and elementary/secondary school serving like grades within the
30 same school district and from the location of the office of the superinten-
31 dent of schools of such district, or from the office of the chief administra-
32 tive officer of such district if the district employs no superintendent of
33 schools.
- 34 (26) "Separate kindergarten" means a kindergarten located more than ten
35 (10) miles on an all-weather road from both the nearest kindergarten school
36 within the same school district and from the location of the office of the su-
37 perintendent of schools of such district, or from the office of the chief ad-
38 ministrative officer of such district if the district employs no superinten-
39 dent of schools.
- 40 (27) "Separate secondary school" means any secondary school located
41 more than fifteen (15) miles on an all-weather road from any other secondary
42 school and elementary/secondary school serving like grades operated by the
43 district.
- 44 (28) "Special education" means specially designed instruction or
45 speech/language therapy at no cost to the parent to meet the unique needs
46 of a student who is a child with a disability, including instruction in the
47 classroom, the home, hospitals, institutions, and other settings; instruc-
48 tion in physical education; speech therapy and language therapy; transition
49 services; travel training; assistive technology services; and vocational
50 education.

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

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

9 (b) Quantifiable goals stated in a student's behavior improvement
 10 plan.

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

13 (30) "Support program" means the educational support program as de-
 14 scribed in section 33-1002, Idaho Code, the transportation support program
 15 described in section 33-1006, Idaho Code, and the exceptional education
 16 support program as described in section 33-1007, Idaho Code.

17 (31) "Support unit" means a function of average daily attendance used
 18 in the calculations to determine financial support provided to the public
 19 school districts.

20 (32) "Teacher" means any person employed in a teaching, instructional,
 21 supervisory, educational administrative or educational and scientific ca-
 22 pacity in any school district. In case of doubt, the state board of educa-
 23 tion shall determine whether any person employed requires certification as a
 24 teacher.

25 SECTION 2. That Section 33-1201A, Idaho Code, be, and the same is hereby
 26 amended to read as follows:

27 33-1201A. IDAHO PROFESSIONAL ENDORSEMENT -- ELIGIBILITY. (1) Any in-
 28 structional staff employee or any pupil service staff employee will receive
 29 mentoring as outlined in such employee's individualized professional learn-
 30 ing plan during the initial three (3) years of holding such certificate.
 31 Upon holding a certificate for three (3) years, any such instructional staff
 32 or pupil service staff employee may apply for an Idaho professional endorse-
 33 ment. Upon holding a professional endorsement for five (5) years or more,
 34 any such instructional staff or pupil service staff employee may apply for an
 35 Idaho advanced professional endorsement. Individuals who hold an instruc-
 36 tional staff certificate and a pupil service staff certificate shall have
 37 their experience based on the overall years of experience if held consec-
 38 tively or the certificate they have held the longest if dually certificated.

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

41 (a) Have held a certificate and been employed in a public school for at
 42 least three (3) years, or have completed a state board of education-ap-
 43 proved interim certificate of three (3) years or longer;

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

46 (c) Have a written recommendation from the employing school district;
 47 and

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

1 Instructional staff employees may provide additional evidence demonstrat-
 2 ing effective teaching that may be considered in exceptional cases for
 3 purposes of determining proficiency and student achievement in the event
 4 required standards for professional endorsement are not met. Pupil service
 5 staff employees may provide additional evidence demonstrating effective
 6 student achievement or success that may be considered in exceptional cases
 7 for purposes of determining proficiency and student achievement or success
 8 in the event required standards for professional endorsement are not met.

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

11 (a) Have held a renewable certificate and been employed in a public
 12 school for at least eight (8) years or more, or have completed a state
 13 board of education-approved interim certificate of three (3) years or
 14 longer and held a renewable certificate and been employed in a public
 15 school for five (5) years or more;

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

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

22 (i) Instructional specialist or instructional coach;

23 (ii) Mentor;

24 (iii) Curriculum or assessment committee member;

25 (iv) Team or committee leadership position;

26 (v) Data coach; or

27 (vi) Other leadership positions identified by the school dis-
 28 trict;

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

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

33 (f) (i) Effective July 1, 2020, through June 30, 2021, show they
 34 have met the advanced professional compensation rung performance
 35 criteria for three (3) of the five (5) previous years or the fifth
 36 year;

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

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

44 Instructional staff employees may provide additional evidence demon-
 45 strating effective teaching that may be considered in exceptional cases
 46 for purposes of determining proficiency and student achievement in the
 47 event required standards for the advanced professional endorsement are not
 48 met. Pupil service staff employees may provide additional evidence demon-
 49 strating effective student achievement or success that may be considered
 50 in exceptional cases for purposes of determining proficiency and student

1 achievement or success in the event required standards for the advanced pro-
2 fessional endorsement are not met.

3 (4) Instructional staff and pupil service staff who have been certified
4 in another state and have not previously held certification in the state of
5 Idaho shall be eligible for the professional endorsement if they:

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

7 (b) Have worked in a certificated position in a compact-member state
8 other than Idaho pursuant to section 33-41014, Idaho Code; and

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

12 (5) Instructional staff and pupil service staff who have been certified
13 in another state and have not previously held certification in the state of
14 Idaho shall be eligible for the advanced professional endorsement if they:

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

16 (b) Have worked in a certificated position in a compact-member state
17 other than Idaho pursuant to section 33-41014, Idaho Code; and

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

21 (6) Instructional staff and pupil service staff who have worked in
22 an accredited private school and maintained their instructional or pupil
23 service staff certification may use their years of private school work ex-
24 perience to meet the years of experience requirements for the professional
25 and advanced professional endorsement. Such staff may provide additional
26 evidence demonstrating effective teaching that may be considered in excep-
27 tional cases for purposes of determining proficiency and student achieve-
28 ment requirements for professional and advanced professional eligibility
29 criteria.

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

32 (78) For the purposes of this section:

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

37 (b) In conjunction with the Idaho evaluation framework, "individual-
38 ized professional learning plan" means an individualized professional
39 development plan based on the Idaho framework for teaching evaluation
40 and includes, at a minimum, identified interventions based on the indi-
41 vidual's strengths and areas of needed growth, how the individual will
42 set student achievement and growth goals, areas of identified profes-
43 sional development and mentoring that target continuous improvement in
44 professional areas, future student achievement, and school building or
45 district culture;

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

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

4 (e) "School district" means a school district or a public charter
5 school.

6 SECTION 3. An emergency existing therefor, which emergency is hereby
7 declared to exist, this act shall be in full force and effect on and after its
8 passage and approval.