

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 69

BY EDUCATION COMMITTEE

AN ACT

1 RELATING TO EDUCATION; AMENDING SECTION 33-320, IDAHO CODE, TO REVISE PRO-
2 VISIONS REGARDING CONTINUOUS IMPROVEMENT PLANS AND TO ESTABLISH AN AD-
3 VISORY COUNCIL; AMENDING SECTION 33-1001, IDAHO CODE, TO DEFINE TERMS,
4 TO REVISE DEFINITIONS, AND TO MAKE TECHNICAL CORRECTIONS; AMENDING
5 SECTION 33-1201A, IDAHO CODE, TO PROVIDE REQUIREMENTS FOR CERTAIN EVAL-
6 UATIONS AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 33-1212A,
7 IDAHO CODE, TO REMOVE PROVISIONS REGARDING COLLEGE AND CAREER ADVIS-
8 ING PLANS AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 33-1616,
9 IDAHO CODE, TO REMOVE REPORTING AND SUBMISSION REQUIREMENTS FOR LITER-
10 ACY INTERVENTION PLANS AND TO MAKE TECHNICAL CORRECTIONS; AND AMENDING
11 SECTION 33-515, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE AND TO
12 MAKE TECHNICAL CORRECTIONS.
13

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

15 SECTION 1. That Section 33-320, Idaho Code, be, and the same is hereby
16 amended to read as follows:

17 33-320. CONTINUOUS IMPROVEMENT PLANS AND TRAINING. (1) Each school
18 district and public charter school in Idaho shall develop an annual plan
19 that is part of a continuous focus on improving the student performance of
20 the district or public charter school. A public charter school may use its
21 performance certificate in lieu of a separate continuous improvement plan.

22 (2) (a) The board of trustees and the superintendent shall collaborate
23 on the plan and engage students, parents, educators and the community as
24 appropriate. The board of directors and the administrator of a public
25 charter school shall collaborate on the plan and engage students, par-
26 ents, educators and the community as appropriate. All continuous im-
27 provement plans must be approved by the local governing board.

28 (b) The annual continuous improvement plan shall:

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

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

34 (iii) Include a clearly developed and articulated vision and mis-
35 sion;

36 (iv) Include key indicators for monitoring performance;

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

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

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

4 (viii) Include the individual staff performance on each of the
5 performance criteria as defined in section 33-1001, Idaho Code,
6 including measurable student achievement and student success
7 indicator targets and the percentage of students meeting those
8 targets. Data will be aggregated at the grade range, subject, or
9 performance indicator, as determined by the advisory council and
10 allowed pursuant to section 33-133, Idaho Code;

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

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

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

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

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

26 (4) Of the moneys appropriated in the public schools educational sup-
27 port program, up to six thousand six hundred dollars (\$6,600) shall be
28 distributed to each school district and public charter school to be expended
29 for training purposes for district superintendents and boards of trustees,
30 public charter school administrators and boards of directors. Funds shall
31 be distributed on a reimbursement basis based on a process prescribed by the
32 superintendent of public instruction. Qualified training shall include
33 training for continuous improvement processes and planning, strategic plan-
34 ning, finance, superintendent evaluations, public charter administrator
35 evaluations, ethics and governance.

36 (5) The state board of education shall be granted rulemaking author-
37 ity to establish appropriate procedures, qualifications and guidelines for
38 qualified training providers and shall prepare a list of qualified training
39 providers within the state of Idaho.

40 (6) (a) There is hereby established in the office of the state board of
41 education an advisory council, the purpose of which will be to study
42 and discuss continuous improvement plans established pursuant to this
43 section and measurable student achievement and student success indica-
44 tors described in section 33-1001, Idaho Code, that have been submitted
45 to the state. The members of the council must represent different ge-
46 ographic regions of Idaho, large and small schools, and traditional
47 and charter schools and must include at a minimum teachers, school ad-
48 ministrators, parents, school board members, members of the house of
49 representatives and senate education committees from both the majority
50 and minority caucuses, members of the joint finance-appropriations

1 committee from both the majority and minority caucuses, a member of the
 2 governor's staff, and representatives of business interests in Idaho.

3 (b) It is the intent of the legislature that the advisory council study
 4 the growth of measurable student achievement data and continuous im-
 5 provement plans in the various districts and public charter schools
 6 in Idaho and then discuss and consider changes in statute or rule that
 7 could enhance outcomes. The council must meet at least twice annually.
 8 One (1) meeting must be held in the fall for the purpose of studying
 9 and discussing the continuous improvement plans' performance measures
 10 and benchmarks, and one (1) meeting must be held in the summer, after
 11 data for the prior academic year have been compiled and submitted to
 12 the council, to review reports on statewide student success indicator
 13 achievement metrics submitted to the council by the state department
 14 of education and to discuss possible ways to improve desired student
 15 outcomes. All such data and related statewide reports must also be pro-
 16 vided to all legislators in Idaho not serving on the advisory council.
 17 A school district's or public charter school's continuous improvement
 18 plan must show how the measurable student achievement and student suc-
 19 cess indicator targets are aligned with the continuous improvement plan
 20 described in this section. The continuous improvement plan must be sub-
 21 mitted to the state board of education or the board's designee no later
 22 than October 1 of each year.

23 SECTION 2. That Section 33-1001, Idaho Code, be, and the same is hereby
 24 amended to read as follows:

25 33-1001. DEFINITIONS. As used in this chapter:

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

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

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

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

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

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

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

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

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

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

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

- 1 (b) Meets any of the following criteria:
 2 (i) Has documented substance abuse or a pattern of substance
 3 abuse;
 4 (ii) Is pregnant or a parent;
 5 (iii) Is an emancipated youth or unaccompanied youth;
 6 (iv) Is a previous dropout;
 7 (v) Has a serious personal, emotional, or medical issue or is-
 8 sues;
 9 (vi) Has a court or agency referral; or
 10 (vii) Demonstrates behavior detrimental to the student's academic
 11 progress.
- 12 (4) "Average daily attendance" or "pupils in average daily attendance"
 13 means the aggregate number of days enrolled students are present, divided by
 14 the number of days of school in the reporting period; provided, however, that
 15 students for whom no Idaho school district is a home district shall not be
 16 considered in such computation.
- 17 (5) "Career ladder" means the compensation table used for determining
 18 the allocations districts receive for instructional staff and pupil service
 19 staff based on specific performance criteria and is made up of a residency
 20 compensation rung and a professional compensation rung.
- 21 (6) "Child with a disability" means a child evaluated as having an
 22 intellectual disability, a hearing loss including deafness, a speech or
 23 language impairment, a visual impairment including blindness, an emo-
 24 tional behavioral disorder, an orthopedic impairment, autism, a traumatic
 25 brain injury, another health impairment, a specific learning disability,
 26 deaf-blindness, or multiple disabilities, and who, by reason thereof, needs
 27 special education and related services.
- 28 (7) "Compensation rung" means the rung on the career ladder that corre-
 29 sponds with the compensation level performance criteria.
- 30 (8) "Economically disadvantaged student" means a student who:
 31 (a) Is eligible for a free or reduced-price lunch under the Richard B.
 32 Russell national school lunch act, 42 U.S.C. 1751 et seq., excluding
 33 students who are ~~only~~ eligible only through a school's community eligi-
 34 bility program;
 35 (b) Resides with a family receiving assistance under the program of
 36 block grants to states for temporary assistance for needy families
 37 (TANF) established under part A of title IV of the social security act,
 38 42 U.S.C. 601 et seq.;
- 39 (c) Is eligible to receive medical assistance under the medicaid pro-
 40 gram under title XIX of the social security act, 42 U.S.C. 1396 et seq.;
- 41 or
- 42 (d) Is considered homeless for purposes of the federal McKinney-Vento
 43 homeless assistance act, 42 U.S.C. 11301 et seq.
- 44 (9) "Elementary grades" or "elementary average daily attendance" means
 45 and applies to students enrolled in grades 1 through 6, inclusive, or any
 46 combination thereof.
- 47 (10) "Elementary schools" are schools that serve grades 1 through 6, in-
 48 clusive, or any combination thereof.
- 49 (11) "Elementary/secondary schools" are schools that serve grades 1
 50 through 12, inclusive, or any combination thereof.

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

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

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

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

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

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

24 (18) "Measurable student achievement" means the measurement of student
 25 academic achievement or growth within a given interval of instruction for
 26 those students who have been enrolled in and attended eighty percent (80%)
 27 of the interval of instruction. Measures and targets shall be chosen at the
 28 school level in collaboration with the staff member impacted by the measures
 29 and applicable district staff and approved at the district level by the
 30 school board. Measures and targets must also align with the performance mea-
 31 asures and benchmarks in the continuous improvement plan described in section
 32 33-320, Idaho Code. The most effective measures and targets are those gener-
 33 ated as close to the actual work as possible. Targets may be based on grade-
 34 or department-level achievement or growth goals that create collaboration
 35 within groups. Individual measurable student achievement targets and the
 36 percentage of students meeting individual targets must be reported annu-
 37 ally to the state. Assessment tools that may be used for measuring student
 38 achievement and growth include:

39 (a) Idaho standards achievement test (ISAT), including interim ISAT
 40 assessments;

41 (b) Student learning objectives;

42 (c) ~~Formative assessments;~~

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

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

45 (f) Performance-based assessments;

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

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

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

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

2 (~~kg~~) Advanced placement exams; and

3 (~~lh~~) Career technical exams;

4 (i) Number of business or industry certificates or credentials earned
5 by students in an approved career technical education program;

6 (j) Number of students completing career technical education capstone
7 courses; and

8 (k) Number of students enrolled in career technical education courses
9 that are part of a program that culminates with business or industry
10 certificates or credentials.

11 (19) "Performance criteria" means the standards specified for instruc-
12 tional staff and pupil service staff to demonstrate teaching proficiency for
13 a given compensation rung. Each element of the professional compensation
14 rung and advanced professional compensation rung performance criteria, as
15 identified in this section and as applicable to a staff member's position,
16 shall be documented, reported, and subject to review for determining move-
17 ment on the career ladder.

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

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

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

24 (b) "Advanced professional compensation rung performance criteria"
25 means:

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

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

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

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

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

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

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

47 (256) "Separate elementary school" means an elementary school located
48 more than ten (10) miles on an all-weather road from both the nearest elemen-
49 tary school and elementary/secondary school serving like grades within the
50 same school district and from the location of the office of the superinten-

1 dent of schools of such district, or from the office of the chief administra-
 2 tive officer of such district if the district employs no superintendent of
 3 schools.

4 (267) "Separate kindergarten" means a kindergarten located more than
 5 ten (10) miles on an all-weather road from both the nearest kindergarten
 6 school within the same school district and from the location of the office
 7 of the superintendent of schools of such district, or from the office of the
 8 chief administrative officer of such district if the district employs no
 9 superintendent of schools.

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

14 (289) "Special education" means specially designed instruction or
 15 speech/language therapy at no cost to the parent to meet the unique needs
 16 of a student who is a child with a disability, including instruction in the
 17 classroom, the home, hospitals, institutions, and other settings; instruc-
 18 tion in physical education; speech therapy and language therapy; transition
 19 services; travel training; assistive technology services; and vocational
 20 education.

21 (2930) "Student learning plan" means a plan that outlines a student's
 22 program of study, which should include a rigorous academic core and a related
 23 sequence of electives in academic, career technical education, or humani-
 24 ties aligned with the student's post-graduation goals.

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

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

35 (b) Quantifiable goals stated in a student's behavior improvement
 36 plan.

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

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

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

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

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

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

9 SECTION 3. That Section 33-1201A, Idaho Code, be, and the same is hereby
10 amended to read as follows:

11 33-1201A. IDAHO PROFESSIONAL ENDORSEMENT -- ELIGIBILITY. (1) Any in-
12 structural staff employee or any pupil service staff employee will receive
13 mentoring as outlined in such employee's individualized professional learn-
14 ing plan during the initial three (3) years of holding such certificate.
15 Upon holding a certificate for three (3) years, any such instructional staff
16 or pupil service staff employee may apply for an Idaho professional endorse-
17 ment. Upon holding a professional endorsement for five (5) years or more,
18 any such instructional staff or pupil service staff employee may apply for an
19 Idaho advanced professional endorsement.

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

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

24 (3) years or longer;

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

27 (c) Have a written recommendation from the employing school district;
28 and

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

31 Instructional staff employees may provide additional evidence demonstrat-
32 ing effective teaching that may be considered in exceptional cases for
33 purposes of determining proficiency and student achievement in the event
34 required standards for professional endorsement are not met. Pupil service
35 staff employees may provide additional evidence demonstrating effective
36 student achievement or success that may be considered in exceptional cases
37 for purposes of determining proficiency and student achievement or success
38 in the event required standards for professional endorsement are not met.

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

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

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

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

4 (i) Instructional specialist or instructional coach;

5 (ii) Mentor;

6 (iii) Curriculum or assessment committee member;

7 (iv) Team or committee leadership position;

8 (v) Data coach; or

9 (vi) Other leadership positions identified by the school dis-
 10 trict;

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

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

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

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

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

26 Instructional staff employees may provide additional evidence demon-
 27 strating effective teaching that may be considered in exceptional cases
 28 for purposes of determining proficiency and student achievement in the
 29 event required standards for the advanced professional endorsement are not
 30 met. Pupil service staff employees may provide additional evidence demon-
 31 strating effective student achievement or success that may be considered
 32 in exceptional cases for purposes of determining proficiency and student
 33 achievement or success in the event required standards for the advanced pro-
 34 fessional endorsement are not met.

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

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

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

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

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

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

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

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

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

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

10 (78) For the purposes of this section:

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

15 (b) In conjunction with the Idaho evaluation framework, "individual-
 16 ized professional learning plan" means an individualized professional
 17 development plan based on the Idaho framework for teaching evaluation
 18 and includes, at a minimum, identified interventions based on the indi-
 19 vidual's strengths and areas of needed growth, how the individual will
 20 set student achievement and growth goals, and areas of identified pro-
 21 fessional development and mentoring that target continuous improvement
 22 in professional areas, future student achievement, and school building
 23 or district culture;

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

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

30 (e) "School district" means a school district or a public charter
 31 school.

32 SECTION 4. That Section 33-1212A, Idaho Code, be, and the same is hereby
 33 amended to read as follows:

34 33-1212A. COLLEGE AND CAREER ADVISORS AND STUDENT MENTORS. (1) Col-
 35 lege and career advising and student mentoring ~~is an~~ are essential compo-
 36 nents of students' educational experience. Such advising and mentoring pro-
 37 vide all students with an early opportunity to identify academic strengths,
 38 areas in need of improvement and areas of interest for the purpose of making
 39 informed choices and setting postsecondary education and career goals. The
 40 focus of college and career planning is to help students acquire the knowl-
 41 edge and skills necessary to achieve academic success and to be college and
 42 career ready upon high school graduation.

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

47 (a) High contact programs such as:

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

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

- 1 (b) Collaborative programs such as:
 2 (i) Student ambassadors; and
 3 (ii) Cooperative agreements with other school districts or post-
 4 secondary institutions; and
 5 (c) Virtual coach or mentor programs.
- 6 (3) School districts and charter schools shall provide professional
 7 development in the area of college and career advising to all staff serving
 8 in the role of student mentors or advisors. All individuals providing ser-
 9 vices in the role of a college and career advisor must have a basic level of
 10 training or experience in the area of advising or mentoring to provide such
 11 services.
- 12 ~~(4) School districts and charter schools shall develop a plan to de-~~
 13 ~~liver college and career advising to students in grades 8 through 12.~~
- 14 ~~(5) School districts and charter schools shall notify parents or~~
 15 ~~guardians of all students in grades 8 through 12 of the availability of~~
 16 ~~college and career advising provided by the district and how to access such~~
 17 ~~services.~~
- 18 ~~(6) School districts and charter schools shall report annually on the~~
 19 ~~effectiveness of their college and career advising programs as part of their~~
 20 ~~annual continuous improvement plan. Reports shall include:~~
- 21 ~~(a) The type of program being implemented; and~~
 22 ~~(b) Student outcomes indicating the effectiveness of the program.~~
- 23 (75) The state board of education shall promulgate rules to specify
 24 those student outcomes that can be used to satisfy the reporting require-
 25 ment, as well as other rules necessary for the administration of this
 26 section.

27 SECTION 5. That Section 33-1616, Idaho Code, be, and the same is hereby
 28 amended to read as follows:

- 29 33-1616. LITERACY INTERVENTION. (1) Each school district and public
 30 charter school shall establish an extended time literacy intervention pro-
 31 gram for students who score basic or below basic on the fall reading assess-
 32 ments or alternate reading assessment in kindergarten through grade 3 ~~and~~
 33 ~~submit it to the state board of education.~~
- 34 (2) The program:
- 35 (a) Shall provide proven effective research-based substantial inter-
 36 vention and shall include phonemic awareness, decoding intervention,
 37 vocabulary, comprehension, and fluency as applicable to the student
 38 based on a formative assessment designed to, at a minimum, identify such
 39 weaknesses;
- 40 (b) May include online or digital instructional materials or programs
 41 or library resources and must include parent input and be in alignment
 42 with the Idaho comprehensive literacy plan. Online or digital materi-
 43 als that are part of a core literacy program are not required to be ap-
 44 proved as described in subsection (3) of this section;
- 45 (c) Shall include a minimum of sixty (60) hours of supplemental in-
 46 struction for students in kindergarten through grade 3 who score below
 47 basic on the reading screening assessment; and

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

4 (3) (a) The state board of education shall select and approve adaptive
5 learning technology literacy intervention providers through a request
6 for proposals process to provide literacy intervention tools that are
7 adaptive to a child's personalized learning needs for school districts
8 and public charter schools to use as part of their literacy interven-
9 tion programs for students in kindergarten through grade 3. Such a tool
10 shall:

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

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

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

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

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

29 ~~(5) For the purpose of program reimbursement, the state department of~~
30 ~~education shall adopt reporting forms, establish reporting dates, and adopt~~
31 ~~such additional guidelines and standards as necessary to accomplish the pro-~~
32 ~~gram goals that every child will read fluently and comprehend printed text at~~
33 ~~grade level by the end of the third grade.~~

34 ~~(6) To ensure students receive high-quality literacy instruction and~~
35 ~~intervention, the state department of education shall provide professional~~
36 ~~development to districts and schools on best practices supporting literacy~~
37 ~~instruction as outlined in the state board of education-approved "Idaho~~
38 ~~Comprehensive Literacy Plan." Intervention program participation and~~
39 ~~effectiveness by school and district shall be presented annually to the~~
40 ~~state board, the legislature, and the governor.~~

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

48 SECTION 6. That Section 33-515, Idaho Code, be, and the same is hereby
49 amended to read as follows:

1 33-515. ISSUANCE OF RENEWABLE CONTRACTS. (1) During the third full
2 year of continuous employment by the same school district, including any
3 specially chartered district, each certificated employee named in subsec-
4 tion (324) of section 33-1001, Idaho Code, and each school nurse and school
5 librarian shall be evaluated for a renewable contract and shall, upon hav-
6 ing been offered a contract for the next ensuing year, and upon signing and
7 timely returning a contract for a fourth full year, be placed on a renewable
8 contract status with said school district entitling such individual to the
9 right to automatic renewal of contract, subject to the provisions included
10 in this chapter, provided that instructional staff who have not obtained
11 a professional endorsement under section 33-1201A, Idaho Code, may not
12 be placed on a renewable contract status, provided however, if the career
13 ladder pursuant to section 33-1004B, Idaho Code, is not funded, then a pro-
14 fessional endorsement shall not be required.

15 (2) At least once annually, the performance of each renewable contract
16 certificated employee, school nurse, or school librarian shall be evaluated
17 according to criteria and procedures established by the board of trustees in
18 accordance with general guidelines approved by the state board of education.
19 Such an evaluation shall be completed no later than June 1 of each year. The
20 evaluation shall include a minimum of two (2) documented observations, one
21 (1) of which shall be completed prior to January 1 of each year.

22 (3) Any contract automatically renewed under the provisions of this
23 section may be renewed for a shorter term, longer term or the same length
24 of term as stated in the current contract and at a greater, lesser or equal
25 salary as that stated in the current contract. Absent the board's applica-
26 tion of a formal reduction in force, renewals of standard teacher contracts
27 may be for a shorter term, longer term or the same length of term as stated
28 in the current standard teacher contract and at a greater, lesser or equal
29 salary, and shall be uniformly applied to all employees based upon the dis-
30 trict's adopted salary schedule to the extent allowable in section 33-1004E,
31 Idaho Code.

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

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

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

47 (4) Nothing in this section shall prevent the board of trustees from of-
48 fering a renewed contract increasing the salary of any certificated person,
49 or from reassigning an administrative employee to a nonadministrative posi-
50 tion with appropriate reduction of salary from the preexisting salary level.

1 In the event the board of trustees reassigns an administrative employee to a
2 nonadministrative position, the board shall give written notice to the em-
3 ployee that contains a statement of the reasons for the reassignment. The
4 employee, upon written request to the board, shall be entitled to an informal
5 review of that decision. The process and procedure for the informal review
6 shall be determined by the local board of trustees.

7 (5) Before a board of trustees can determine not to renew for reasons of
8 an unsatisfactory report of the performance of any certificated person whose
9 contract would otherwise be automatically renewed, such person shall be en-
10 titled to a reasonable period of probation. This period of probation shall
11 be preceded by a written notice from the board of trustees with reasons for
12 such probationary period and with provisions for adequate supervision and
13 evaluation of the person's performance during the probationary period. Such
14 period of probation shall not affect the person's renewable contract status.
15 Consideration of probationary status for certificated personnel is consid-
16 eration of the status of an employee within the meaning of section 74-206,
17 Idaho Code, and may be held in executive session. If the consideration re-
18 sults in probationary status, the individual on probation shall not be named
19 in the minutes of the meeting. A record of the decision shall be placed in the
20 teacher's personnel file.

21 (6) If the board of trustees takes action to immediately discharge
22 or discharge upon termination of the current contract a certificated per-
23 son whose contract would otherwise be automatically renewed, the action
24 of the board shall be consistent with the procedures specified in section
25 33-513(5), Idaho Code, and furthermore, the board shall notify the employee
26 in writing whether there is just and reasonable cause not to renew the con-
27 tract or to reduce the salary of the affected employee, and if so, what
28 reasons it relied upon in that determination.

29 (7) If the board of trustees takes action after the declaration of a fi-
30 nancial emergency pursuant to section 33-522, Idaho Code, and such action is
31 directed at more than one (1) certificated employee, and if mutually agreed
32 to by both parties, a single informal review shall be conducted. Without
33 mutual consent of both parties, the board of trustees shall use the follow-
34 ing procedure to conduct a single due process hearing within sixty-seven
35 (67) days of the declaration of financial emergency pursuant to section
36 33-522(2), Idaho Code, or on or before June 22, whichever shall occur first:

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

42 (b) Upon receipt of such notice, the board of trustees, acting through
43 its duly authorized administrative official, shall give the affected
44 employees written notice of the reductions and the recommendation of
45 the change in the length of the term stated in the current contract or
46 the reduction of salary, along with written notice of a hearing be-
47 fore the board of trustees prior to any determination by the board of
48 trustees.

49 (c) The hearing shall be scheduled to take place not less than six (6)
50 days nor more than fourteen (14) days after receipt of the notice by the

1 employees. The date provided for the hearing may be changed by mutual
2 consent.

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

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

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

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

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

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

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

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

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

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

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

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