

IN THE SENATE

SENATE BILL NO. 1148

BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO EDUCATION; AMENDING SECTION 33-514, IDAHO CODE, TO REVISE A DATE AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 33-515, IDAHO CODE, TO REMOVE LANGUAGE RELATING TO A NOTICE CONCERNING RENEWAL OF A CONTRACT, TO REVISE A DATE, TO REVISE PROVISIONS RELATING TO CONTRACTS AUTOMATICALLY RENEWED, TO ESTABLISH PROVISIONS RELATING TO AN INFORMAL REVIEW IF THE BOARD DETERMINES TO CHANGE CERTAIN TERMS OF A CONTRACT, TO MAKE A CODIFIER'S CORRECTION, TO PROVIDE A CORRECT CODE REFERENCE AND TO MAKE TECHNICAL CORRECTIONS; REPEALING SECTION 33-514, IDAHO CODE, RELATING TO ISSUANCE OF ANNUAL CONTRACTS, SUPPORT PROGRAMS, CATEGORIES OF CONTRACTS AND OPTIONAL PLACEMENT; REPEALING SECTION 33-515, IDAHO CODE, RELATING TO ISSUANCE OF RENEWABLE CONTRACTS; AMENDING CHAPTER 5, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-514, IDAHO CODE, TO ESTABLISH PROVISIONS RELATING TO THE ISSUANCE OF ANNUAL CONTRACTS, TO ESTABLISH PROVISIONS RELATING TO CATEGORIES OF CONTRACTS, TO ESTABLISH PROVISIONS RELATING TO SCHOOL DISTRICT OPTIONS IN HIRING CERTAIN EMPLOYEES AND TO ESTABLISH PROVISIONS RELATING TO EVALUATIONS; AMENDING CHAPTER 5, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-515, IDAHO CODE, TO ESTABLISH PROVISIONS RELATING TO THE ISSUANCE OF RENEWABLE CONTRACTS, TO ESTABLISH PROVISIONS RELATING TO CERTAIN EVALUATIONS, TO ESTABLISH PROVISIONS RELATING TO CERTAIN CONTRACTS AUTOMATICALLY RENEWED, TO ESTABLISH PROVISIONS RELATING TO INCREASING OR DECREASING THE SALARY OF CERTAIN PERSONS, TO ESTABLISH PROVISIONS RELATING TO A REASONABLE PERIOD OF PROBATION, TO ESTABLISH PROVISIONS RELATING TO DISCHARGE OR TO REDUCE A SALARY, TO ESTABLISH PROVISIONS RELATING TO A FINANCIAL EMERGENCY AND TO ESTABLISH PROVISIONS RELATING TO CERTAIN BOARD ACTION BASED UPON REASONS OTHER THAN UNSATISFACTORY SERVICE; PROVIDING SEVERABILITY; DECLARING AN EMERGENCY AND PROVIDING EFFECTIVE DATES.

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

SECTION 1. That Section 33-514, Idaho Code, be, and the same is hereby amended to read as follows:

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

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

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

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

(c) A category 3 contract is for certificated personnel during the third year of continuous employment by the same school district. District procedures shall require at least one (1) evaluation prior to the beginning of the second semester of the school year and the results of any such evaluation shall be made a matter of record in the employee's personnel file. When any such employee's work is found to be unsatisfactory, a defined period of probation shall be established by the board, but in no case shall a probationary period be less than eight (8) weeks. After the probationary period, action shall be taken by the board as to whether the employee is to be retained, immediately discharged, discharged upon termination of the current contract or reemployed at the end of the contract term under a continued probationary status. Notwithstanding the provisions of sections 67-2344 and 67-2345, Idaho Code, a decision to place certificated personnel on probationary status may be made in executive session and the employee shall not be named in the minutes of the meeting. A record of the decision shall be placed in the employee's personnel file. This procedure shall not preclude recognition of unsatisfactory work at a subsequent evaluation and the establishment of a reasonable period of probation. In all instances, the employee shall be duly notified in writing of the areas of work which are deficient, including the conditions of probation. Each such certificated employee on a category 3 contract shall be given notice, in writing, whether he or she will be reemployed for the next ensuing year. Such notice shall be given by the board of trustees no later than the ~~twenty-fifth day of May~~ first day of July of each such year. If the board of trustees has decided not to reemploy the certificated employee, then the notice must contain a statement of reasons for such decision and the employee shall, upon request, be given the opportunity for an informal review of such decision by the board of trustees. The parameters of an informal review shall be determined by the local board.

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

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

SECTION 2. That Section 33-515, Idaho Code, be, and the same is hereby amended to read as follows:

33-515. ISSUANCE OF RENEWABLE CONTRACTS. (1) During the third full year of continuous employment by the same school district, including any specially chartered district, each certificated employee named in subsection (16) of section 33-1001, Idaho Code, and each school nurse and school librarian shall be evaluated for a renewable contract and shall, upon having been offered a contract for the next ensuing year, ~~having given notice of acceptance of renewal~~ and upon signing and timely returning a contract for a fourth full year, be placed on a renewable contract status with said school district, entitling such individual to the right to automatic renewal of contract, subject to the provisions included in this chapter.

(2) ~~After the third full year of employment and a~~At least once annually, the performance of each such renewable contract certificated employee, school nurse, or school librarian shall be evaluated according to criteria and procedures established by the board of trustees in accordance with general guidelines approved by the state board of education. ~~Except as otherwise provided, that person shall have the right to automatic renewal of contract by giving notice, in writing, of acceptance of renewal. Such notice shall be given to the board of trustees of the school district then employing such person not later than the first day of June preceding the expiration of the term of the current contract. Except as otherwise provided by this paragraph, the board of trustees shall notify each person entitled to be employed on a renewable contract of the requirement that such person must give the notice hereinabove and that failure to do so may be interpreted by the board as a declination of the right to automatic renewal or the offer of another contract. Such notification shall be made, in writing, not later than the fifteenth day of May, in each year, except to those persons to whom the board, prior to said date, has sent proposed contracts for the next ensuing year, or to whom the board has given the notice required by this section.~~

(3) Any contract automatically renewed under the provisions of this section shall be ~~for the same length as the term stated in the current contract and at a salary no lower than that specified therein, to which shall be added such increments as may be determined by the statutory or regulatory rights of such employee by reason of training, service, or performance, except where a board of trustees has declared a financial emergency pursuant to section 33-522, Idaho Code~~ may be renewed for a shorter term, longer term or the same length of term as stated in the current contract and at a greater, lesser or equal salary as that stated in the current contract. Absent the board's application of a formal reduction in force, renewals for a shorter term, longer term or the same length of term as stated in the current contract and at a greater, lesser or equal salary, shall be uniformly applied to all employees to the extent allowable in section 33-1004E, Idaho Code.

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

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

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

3 (4) Nothing in this section shall prevent the board of trustees from of-
 4 fering a renewed contract increasing the salary of any certificated person,
 5 or from reassigning an administrative employee to a nonadministrative posi-
 6 tion with appropriate reduction of salary from the preexisting salary level.
 7 In the event the board of trustees reassigns an administrative employee to a
 8 nonadministrative position, the board shall give written notice to the em-
 9 ployee which contains a statement of the reasons for the reassignment. The
 10 employee, upon written request to the board, shall be entitled to an informal
 11 review of that decision. The process and procedure for the informal review
 12 shall be determined by the local board of trustees.

13 (5) Before a board of trustees can determine not to renew for reasons of
 14 an unsatisfactory report of the performance of any certificated person whose
 15 contract would otherwise be automatically renewed, ~~or to renew the contract~~
 16 ~~of any such person at a reduced salary,~~ such person shall be entitled to a
 17 reasonable period of probation. This period of probation shall be preceded
 18 by a written notice from the board of trustees with reasons for such pro-
 19 bationary period and with provisions for adequate supervision and evalua-
 20 tion of the person's performance during the probationary period. Such pe-
 21 riod of probation shall not affect the person's renewable contract status.
 22 Consideration of probationary status for certificated personnel is consid-
 23 eration of the status of an employee within the meaning of section 67-2345,
 24 Idaho Code, and may be held in executive session. If the consideration re-
 25 sults in probationary status, the individual on probation shall not be named
 26 in the minutes of the meeting. A record of the decision shall be placed in the
 27 teacher's personnel file.

28 (6) If the board of trustees takes action to immediately discharge or
 29 discharge upon termination of the current contract a certificated person
 30 whose contract would otherwise be automatically renewed, ~~or to renew the~~
 31 ~~contract of any such person at a reduced salary,~~ the action of the board
 32 shall be consistent with the procedures specified in section 33-513(5.),
 33 Idaho Code, and furthermore, the board shall notify the employee in writing
 34 whether there is just and reasonable cause not to renew the contract or to
 35 reduce the salary of the affected employee, and if so, what reasons it relied
 36 upon in that determination.

37 (7) If the board of trustees takes action after the declaration of a fi-
 38 nancial emergency pursuant to section 33-522, Idaho Code, and such action is
 39 directed at more than one (1) certificated employee and, if mutually agreed
 40 to by both parties, a single informal review shall be conducted. Without
 41 mutual consent of both parties, the board of trustees shall use the follow-
 42 ing procedure to conduct a single due process hearing within sixty-seven
 43 (67) days of the declaration of financial emergency pursuant to section
 44 33-522(2), Idaho Code, or on or before June 22, whichever shall occur first:

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

1 (b) Upon receipt of such notice, the board of trustees, acting through
2 its duly authorized administrative official, shall give the affected
3 employees written notice of the reductions and the recommendation of
4 the change in the length of the term stated in the current contract or
5 the reduction of salary, along with written notice of a hearing be-
6 fore the board of trustees prior to any determination by the board of
7 trustees.

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

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

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

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

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

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

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

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

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

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

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

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

49 (9) If the board of trustees, for reasons other than unsatisfactory
50 service, for the ensuing contract year, determines to change the length

1 of the term stated in the current contract or reduce the salary of a cer-
 2 tificated person whose contract would otherwise be automatically renewed,
 3 nothing herein shall require any individualized due process proceeding. In
 4 such circumstance, the board shall hold a single informal review as detailed
 5 in section 33-522A, Idaho Code. The process and procedure for the single
 6 informal review shall be determined by the local board of trustees.

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

9 SECTION 4. That Chapter 5, Title 33, Idaho Code, be, and the same is
 10 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
 11 ignated as Section 33-514, Idaho Code, and to read as follows:

12 33-514. ISSUANCE OF ANNUAL CONTRACTS -- SUPPORT PROGRAMS -- CATE-
 13 GORIES OF CONTRACTS -- OPTIONAL PLACEMENT. (1) The board of trustees shall
 14 establish criteria and procedures for the supervision and evaluation of
 15 certificated employees who are not employed on a renewable contract, as pro-
 16 vided for in section 33-515, Idaho Code.

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

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

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

29 (c) A category 3 contract is for certificated personnel during the
 30 third year of continuous employment by the same school district. Dis-
 31 trict procedures shall require at least one (1) evaluation prior to the
 32 beginning of the second semester of the school year and the results of
 33 any such evaluation shall be made a matter of record in the employee's
 34 personnel file. When any such employee's work is found to be unsatis-
 35 factory a defined period of probation shall be established by the board,
 36 but in no case shall a probationary period be less than eight (8) weeks.
 37 After the probationary period, action shall be taken by the board as
 38 to whether the employee is to be retained, immediately discharged,
 39 discharged upon termination of the current contract or reemployed at
 40 the end of the contract term under a continued probationary status.
 41 Notwithstanding the provisions of sections 67-2344 and 67-2345, Idaho
 42 Code, a decision to place certificated personnel on probationary status
 43 may be made in executive session and the employee shall not be named in
 44 the minutes of the meeting. A record of the decision shall be placed
 45 in the employee's personnel file. This procedure shall not preclude
 46 recognition of unsatisfactory work at a subsequent evaluation and the
 47 establishment of a reasonable period of probation. In all instances,
 48 the employee shall be duly notified in writing of the areas of work which

are deficient, including the conditions of probation. Each such certificated employee on a category 3 contract shall be given notice, in writing, whether he or she will be reemployed for the next ensuing year. Such notice shall be given by the board of trustees no later than the twenty-fifth day of May of each such year. If the board of trustees has decided not to reemploy the certificated employee, then the notice must contain a statement of reasons for such decision and the employee shall, upon request, be given the opportunity for an informal review of such decision by the board of trustees. The parameters of an informal review shall be determined by the local board.

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

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

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

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

(2) After the third full year of employment and at least once annually, the performance of each such certificated employee, school nurse, or school librarian shall be evaluated according to criteria and procedures established by the board of trustees in accordance with general guidelines approved by the state board of education. Except as otherwise provided, that person shall have the right to automatic renewal of contract by giving notice, in writing, of acceptance of renewal. Such notice shall be given to the board of trustees of the school district then employing such person not later than the first day of June preceding the expiration of the term of the current contract. Except as otherwise provided by this paragraph, the board of trustees shall notify each person entitled to be employed on a renewable contract of the requirement that such person must give the notice hereinabove and that failure to do so may be interpreted by the board as a declination of the right to automatic renewal or the offer of another contract. Such notification shall be made, in writing, not later than the fifteenth day of May, in each year, except to those persons to whom the board, prior to said date,

1 has sent proposed contracts for the next ensuing year, or to whom the board
2 has given the notice required by this section.

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

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

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

35 (6) If the board of trustees takes action to immediately discharge or
36 discharge upon termination of the current contract a certificated person
37 whose contract would otherwise be automatically renewed, or to renew the
38 contract of any such person at a reduced salary, the action of the board
39 shall be consistent with the procedures specified in section 33-513 5.,
40 Idaho Code, and furthermore, the board shall notify the employee in writing
41 whether there is just and reasonable cause not to renew the contract or to
42 reduce the salary of the affected employee, and if so, what reasons it relied
43 upon in that determination.

44 (7) If the board of trustees takes action after the declaration of a fi-
45 nancial emergency pursuant to section 33-522, Idaho Code, and such action is
46 directed at more than one (1) certificated employee and, if mutually agreed
47 to by both parties, a single informal review shall be conducted. Without
48 mutual consent of both parties, the board of trustees shall use the follow-
49 ing procedure to conduct a single due process hearing within sixty-seven

1 (67) days of the declaration of financial emergency pursuant to section
2 33-522(2), Idaho Code, or on or before June 22, whichever shall occur first:

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

8 (b) Upon receipt of such notice, the board of trustees, acting through
9 its duly authorized administrative official, shall give the affected
10 employees written notice of the reductions and the recommendation of
11 the change in the length of the term stated in the current contract or
12 the reduction of salary, along with written notice of a hearing be-
13 fore the board of trustees prior to any determination by the board of
14 trustees.

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

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

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

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

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

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

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

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

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

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

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

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

6 SECTION 6. SEVERABILITY. The provisions of this act are hereby declared
7 to be severable and if any provision of this act or the application of such
8 provision to any person or circumstance is declared invalid for any reason,
9 such declaration shall not affect the validity of the remaining portions of
10 this act.

11 SECTION 7. An emergency existing therefor, which emergency is hereby
12 declared to exist, Sections 1, 2 and 6 of this act shall be in full force and
13 effect on and after passage and approval. Sections 3, 4 and 5 of this act
14 shall be in full force and effect on and after July 1, 2014.