







# Idaho

<b>Law Analyzed</b>	SB 73SB 1108, SB 1110
<b>Date Passed</b>	2011
<b>Overall Rating</b>	7





In 2011, Idaho's Republican controlled legislature passed, and Governor Butch Otter (R) signed, two pieces of legislation addressing teacher employment, collective bargaining, evaluation, and compensation. SB 1108 eliminates teacher tenure for all teachers who do not currently hold it, limits subjects that may be negotiated in collective bargaining to salary and benefits, requires annual recertification of collective bargaining units for teachers, ends "last in, first out" layoffs, and requires annual teacher evaluations of which at least 50 percent of the teacher's evaluation is based on objective measures of growth in student achievement. SB 1110 establishes a new performance-based compensation program within state funds appropriated for teacher salaries.

Although SB 1108 requires annual teacher evaluations based on student performance, and establishes a state-defined growth measure, it does not prescribe other components of those evaluations or guidelines for local districts in developing them, and the state only defines two levels of teacher performance—proficient and unsatisfactory. In addition, the law does not require transparent reporting on teacher effectiveness to parents and the public or hold higher education institutions accountable for the performance of their graduates. Although the law prohibits use of seniority and contract status in layoff decisions, it leaves the selection of other criteria on which to make such decisions at the pure discretion of local boards, who could select biased or weaker criteria. The law contains provisions designed to ensure teachers are not placed in a school without the principal's consent, but allows a major loophole for transfers in case of a shift in student population. And the law does not protect students from being consecutively taught by ineffective teachers. All of these are areas for potential improvement in future versions of the law.



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Criteria	Explanation	Score
Are teachers evaluated at least annually?	Yes. The law requires a minimum of one evaluation in each annual contract year of employment.	
Are principals, as well as teachers, evaluated?	Yes. For superintendents, assistant superintendents, directors, and principals, 50 percent of evaluations conducted after June 30, 2012 must be based on objective measures of growth in student achievement.	
Is evidence of student learning a factor in teacher evaluations?	Yes. After June 20, 2012, all evaluations must include a portion, comprising at least 50 percent of the evaluation, that is based on objective measures of growth in student achievement. Evaluations must also include parent/guardian input as a factor.	
Do evaluations differentiate between multiple levels of educator performance?	No. The state only requires a minimum of two performance levels: proficient and unsatisfactory.	
Are parents and the public provided clear information about teacher effectiveness?	The law neither requires nor precludes districts from informing parents and the public of teachers' effectiveness.	
Are educator preparation programs accountable for graduates' effectiveness?	The law does not address.	

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Is tenure linked to effectiveness?	Not applicable. The law eliminates tenure for all new contracts entered into after January 30, 2011. Instead, there are two types of contracts. A Type A contract is a limited one-year contract for teachers in their 1 <sup>st</sup> or greater year of employment. The district may choose not to extend an additional contract, but may not make such a decision until the employee has had a written evaluation (except in case of reduction in force). A Type B contract is a two-year contract that may be offered to teachers in the 4 <sup>th</sup> or greater year of employment and may be extended an additional year after the first year. Teachers who are currently on renewable contracts are grandfathered.	
Does state provide clear authority to dismiss ineffective teachers and a reasonable process for doing so?	Teachers on a grandfathered renewable contract may be dismissed based on unsatisfactory performance, but must be given at least notice and six-week probationary period to improve. The law also streamlines the process for appeal of dismissal decisions to district court and constrains factors that may be considered to overturn the decision. No property rights attach to either a Type A or Type B contract. If a board chooses not to extend a Type B contract, the employee is entitled to an informal review by the board trustees, and such decision may not be made until the employee has had a written review (does not apply to reduction in force). A teacher on a Type A contract is not entitled to an informal review.	
Is effectiveness, rather than seniority, the primary consideration in reductions in force?	Reduction in force decisions are at the sole discretion of the district board of trustees, but seniority and contract status may not be considered as a factor.	
In cases of teacher excessing, is there a process for teachers to secure new positions through mutual consent, and for those who cannot do so to eventually be discharged from employment?	The law does not address, and allows for transfer of teachers to a principal's school without the principal's consent in cases of shifting student population levels.	

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Do principals have authority to decide who teaches in their schools?	Yes, but with limitations. The law states that a teacher may not be hired or transferred to a school without the principal's permission, but allows for an exemption when a transfer is made due to shifting student population levels. In cases of transfer due to shifting population levels, the principal must be offered a choice between at least two candidates, unless only one candidate has the certificates or endorsements required for the position. The law does not specify a process for dismissal of teachers who fail to gain placements through mutual consent, but other provisions of the law give districts the ability not to extend the contract of a teacher not on a grandfathered renewable contract.	
Does the law protect students from being consecutively assigned to ineffective teachers?	No.	
Are effective teachers rewarded with increased compensation?	Yes. Idaho's school finance formula funds teacher salaries/positions. SB 1110 requires an increasing portion of the appropriation for teacher salaries to be devoted to teacher bonuses for school-level growth or achievement, group performance (locally-designed), hard-to-fill positions, and individual leadership, until 15 percent of total funds for teacher salaries are used for this purpose. Three-quarters of these funds go to bonuses based on school/group performance, 7.4 percent for hard-to-fill bonuses, and the rest for individual leadership. School districts have discretion in designing the criteria for group performance, hard-to-fill position designation, and leadership bonuses. The total pool available for bonuses is generated by formula every year and divided among qualifying staff.	