

**POLICY TITLE: Definition of
Certificated Employee**

POLICY NO: 440

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A certificated employee means any person employed by the district in a teaching, instructional, supervisory, educational administrative, or educational and scientific capacity. Every person who is employed to serve in this district's elementary or secondary schools in the capacity of teacher, supervisor, administrator, education specialist, school nurse or school librarian is required to have and to hold a certificate issued under authority of the Idaho State Board of Education. The certificate must be endorsed for the grade, grades or subjects the employee is hired to teach unless otherwise approved by the Idaho State Board of Education or the Idaho State Department of Education.

Each certificated employee is personally responsible for maintaining and renewing his/her teaching certificate and endorsements.

INTERIM CERTIFICATE HOLDERS

An individual holding an Idaho interim certificate may be employed by this district while pursuing an alternate route or non-traditional route to certification in accordance with Idaho law. The district may take action to terminate or non-renew a teacher with an interim certificate who fails to meet state requirements for alternate or non-traditional route certification. Such termination or non-renewal will be carried out in accordance with state law, administrative rules and district policy.

ANNUAL CONTRACTS

All certificated personnel of the district will be employed pursuant to a written contract on a form approved by the Superintendent of Public Instruction. The district will only enter into employment contracts with individuals who hold a valid certificate for the position they will be assigned on the date employment commences pursuant to the contract unless a waiver has been requested and received from the Idaho State Department of Education (SDE).

No contract will be issued for the next ensuing year until such time as the employee's formal written performance evaluation has been completed.

During the first three (3) years of employment with this district, the following categories of annual contracts will be used.

Category 1: A limited one-year contract for certificated personnel specifically offered for the duration of the ensuing school year to individuals hired after August 1 or the spouse of a board member who meets the criteria set forth in Idaho Code §33-507(3). Such a contract is specifically offered for the limited duration of the ensuing school year and no further notice is required by the district to terminate the contract at the conclusion of the contract year.

Category 2: A contract for certificated personnel in the first or second year of continuous employment with this district. If the board decides not to reemploy the certificated employee for the following school year, the employee will be provided with a written statement of the reasons for the non-reemployment no later than July 1. The employee is not entitled to a review by the board of the reasons or decision not to reemploy the individual.

Category 3: A contract for certificated personnel during the third year of continuous employment with this district, provided that any employee who has not completed non-traditional route program requirements while on a three (3) year interim certificate will be held at category 3 status, regardless of having been continuously employed by this district for more than three years, until such time as the non-traditional route program requirements have been met and a five (5) year renewable certificate has been issued. Each certificated employee on a Category 3 contract will be given written notice on or before July 1 whether he or she will be reemployed for the following school year. If the employee will not be reemployed, the notice must contain a statement of reasons for the decision and, upon submitting a *written* request, the employee will be given the opportunity for an informal review of the board's decision as set forth in Policy No. 460, Informal Review Procedure for Certificated Employees.

RENEWABLE CONTRACTS

Certificated employees, and school nurses, and school librarians who have obtained a professional endorsement under Idaho Code §33-1201A, who have been employed by this district for three (3) or more full years of continuous service will have the right to automatic contract renewal upon signing and timely returning a contract, for a fourth full year. Any employee who has not successfully completed the three (3) year non-traditional route program while on a three (3) year interim certificate and has not yet been issued a five (5) year renewable certificate will not be placed on a renewable contract. Such employee will remain on a category 3 contract, even after serving three (3) continuous years of employment with this district.\

Renewable contracts will be issued on or before July 1 of each year. At the discretion of the board, letters of intent for employment for the next ensuing school year may be issued to renewable contract status employees during May of each school year. A letter of intent will not state a specific duration of the contract or salary/benefits term for the next ensuing school year.

Any contract automatically renewed 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 stated in the current contract. Any changes to a standard teacher contract will be uniformly applied to all employees to the extent allowable in Idaho Code §33-1004E, unless the board enacts its reduction in force policy. Unless otherwise negotiated, standard teacher contract renewals for terms shorter in length than set forth in the existing contract will only occur after the board determines that the estimated salary-based apportionment reimbursement it will receive for the ensuing school year is less than the sum the district would otherwise be paying for salaries for certificated employees.

The board may offer a renewed contract increasing the salary of any certificated person or reassign an administrative employee to a nonadministrative position with appropriate reduction

of salary. In the event of reassignment, the board will give written notice to the employee with a statement of the reasons for the reassignment. The employee, upon written request to the board, will be entitled to an informal review of the decision as set forth in Policy No: 460, Informal Review Procedure for Certificated Employees. If the board, for reasons other than unsatisfactory service, for the following contract year, decides to (1) change the length of the terms stated in the current contract, or (2) reduce the salary of a certificated employee whose contract would otherwise be automatically renewed, an individualized due process proceeding is not required. The board will hold a single informal review for all impacted employees as set forth in Policy No: 460, Informal Review Procedure for Certificated Employees. Furthermore, the board will notify the employee in writing whether there is just and reasonable cause to change the length of the terms stated in the current contract or reduce the salary of the affected employee, and if so, what reasons the board relied upon in making its decision. The board reserves the right to hire a certificated employee who has been on a renewable contract with another Idaho school district, or who has out-of-state experience that would qualify the individual for renewable contract status in Idaho, by immediately granting renewable contract status to the individual or placing the individual on a Category 3 annual contract. If the employee is hired under a Category 3 contract, the board has the discretion to issue a Category 3 contract annually for one (1), two (2) or three (3) years.

DISCHARGE AND NON-RENEWAL PROCEDURES

If the board takes action to (1) immediately discharge any certificated employee (annual or renewable contract) for any reason during the current contract period, or (2) does not renew any renewable contract employee at the end of the current contract period, the board will follow the discharge procedures as set forth in Idaho Code §33-513(5), and Policy No: 454, Discharge of Certificated Employees. Furthermore, the board will notify the employee in writing whether there is just and reasonable cause not to renew the contract, and if so, what reasons the board relied upon in making its decision.

DELIVERY AND RETURN

Delivery of a contract may be made in person, by certified mail, or electronically. When delivery is made in person, delivery of the contract must be acknowledged by a signed receipt. When delivery is made by certified mail or electronically, delivery must be acknowledged by the return of the certified mail receipt or return of the electronic receipt from the person to whom the contract was sent. If the delivery of the contract is made electronically, with return electronic receipt, and the district has not received a return of a signed contract and has not received an electronic read receipt from the employee, the district will resend the original electronically delivered contract to the employee via certified mail, return receipt requested, and provide the individual with a new date for contract return. In the event an individual willfully refuses to acknowledge receipt of the contract or the contract is not signed and returned to the board within the designated or default period of time, the board or its designee may declare the position vacant.

The employee must return the signed contract within the time period set by the board, but in no

event less than ten (10) calendar days from the date of delivery. In the event the board does not notify an individual as to how long he or she has to sign and return the contract, the default time limit will be twenty-one (21) calendar days after the contract is delivered to the person.



LEGAL REFERENCE:

Idaho Code Sections

33-1001(13) – Definition of Teacher

33-1201 – Certificate Required

33-1202 – Eligibility for Certificate

33-1204 – Validity, Duration, Renewal and Lapse of Certificates

IDAPA 08.02.02.015 – Idaho Educator Credential

ADOPTED: September 23, 1998

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