

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 262

BY EDUCATION COMMITTEE

AN ACT

1 RELATING TO EDUCATION; AMENDING SECTION 33-521, IDAHO CODE, TO
 2 REVISE PROVISIONS RELATING TO CERTAIN SEVERANCE PAYMENTS;
 3 AMENDING SECTION 33-1004A, IDAHO CODE, TO REVISE PROVISIONS
 4 RELATING TO THE DETERMINATION OF CERTAIN ALLOWANCES; AMENDING
 5 SECTION 33-1004G, IDAHO CODE, TO REVISE PROVISIONS RELATING TO
 6 AN EARLY RETIREMENT INCENTIVE; REPEALING SECTION 33-1004G, IDAHO
 7 CODE, RELATING TO AN EARLY RETIREMENT INCENTIVE; AMENDING
 8 SECTION 33-1004H, IDAHO CODE, TO REVISE PROVISIONS RELATING TO
 9 EMPLOYING RETIRED TEACHERS AND ADMINISTRATORS; DECLARING THAT
 10 THE LEGISLATURE RECOGNIZES THAT SCHOOL DISTRICTS AND PUBLIC
 11 CHARTER SCHOOLS WILL RECEIVE REDUCED FUNDING AND ENCOURAGES
 12 THE DISTRICTS AND PUBLIC CHARTER SCHOOLS TO ACCOMMODATE SUCH
 13 REDUCTIONS; DECLARING AN EMERGENCY, PROVIDING A RETROACTIVE
 14 EFFECTIVE DATE AND PROVIDING EFFECTIVE DATES.
 15

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

17 SECTION 1. That Section 33-521, Idaho Code, be, and the same is hereby amended to
 18 read as follows:

19 33-521. EMPLOYEE SEVERANCE IN CONSOLIDATED DISTRICT. The board of
 20 trustees of any school district newly formed within the last twelve (12) months through the
 21 consolidation of two (2) or more school districts may offer a one (1) time severance payment
 22 to a maximum of ten percent (10%) of the employees that were previously employed by the
 23 separate school districts. Such severance offers shall be made entirely at the discretion of
 24 the board of trustees, and shall not be bound by custom, seniority or contractual commitment.
 25 Employees are under no obligation to accept a severance offer. Any employee accepting a
 26 severance payment shall not be eligible for reemployment by the school district for a one (1)
 27 year period thereafter.

28 The severance payment shall consist of fifty-five percent (55%) of the salary-based
 29 apportionment funds allocated for the employee in the last year, plus any applicable state paid
 30 employee benefits. ~~Such severance shall be reduced by one-half (1/2) for any employee who is~~
 31 ~~simultaneously receiving a disbursement of early retirement incentive funds, pursuant to section~~
 32 ~~33-1004G, Idaho Code.~~ The state department of education shall reimburse eligible school
 33 districts for one hundred percent (100%) of such costs, upon application by the school district.

34 SECTION 2. That Section 33-1004A, Idaho Code, be, and the same is hereby amended
 35 to read as follows:

33-1004A. EXPERIENCE AND EDUCATION MULTIPLIER. Each instructional and administrative staff position shall be assigned an appropriate multiplier based upon the following table:

EXPERIENCE AND EDUCATION								
Years	BA	BA + 12	BA + 24	BA + 36	BA + 48	BA + 60	ES/DR	
				MA	MA + 12	MA + 24	MA + 36	
0	1.00000	1.03750	1.07640	1.11680	1.15870	1.20220	1.24730	
1	1.03750	1.07640	1.11680	1.15870	1.20220	1.24730	1.29410	
2	1.07640	1.11680	1.15870	1.20220	1.24730	1.29410	1.34260	
3	1.11680	1.15870	1.20220	1.24730	1.29410	1.34260	1.39290	
4	1.15870	1.20220	1.24730	1.29410	1.34260	1.39290	1.44510	
5	1.20220	1.24730	1.29410	1.34260	1.39290	1.44510	1.49930	
6	1.24730	1.29410	1.34260	1.39290	1.44510	1.49930	1.55550	
7	1.29410	1.34260	1.39290	1.44510	1.49930	1.55550	1.61380	
8	1.34260	1.39290	1.44510	1.49930	1.55550	1.61380	1.67430	
9	1.39290	1.44510	1.49930	1.55550	1.61380	1.67430	1.73710	
10	1.39290	1.49930	1.55550	1.61380	1.67430	1.73710	1.80220	
11	1.39290	1.49930	1.55550	1.61380	1.73710	1.80220	1.86980	
12	1.39290	1.49930	1.55550	1.61380	1.73710	1.86980	1.93990	
13 or more	1.39290	1.49930	1.55550	1.61380	1.73710	1.86980	2.01260	

In determining the experience factor, the actual years of teaching or administrative service in a public school, in an accredited private or parochial school, or beginning in the 2005-06 school year and thereafter in an accredited college or university shall be credited, minus one (1); provided however, that the experience factor cannot be less than zero (0).

In determining the education factor, only credits earned after initial certification, based upon a transcript on file with the teacher certification office of the state department of education, earned at an institution of higher education accredited by the state board of education or a regional accrediting association, shall be allowed. Instructional staff whose initial certificate is an occupational specialist certificate shall be treated as BA degree prepared instructional staff. Credits earned by such occupational specialist instructional staff after initial certification shall be credited toward the education factor.

In determining the statewide average multiplier for instructional staff, no multiplier in excess of 1.59092 shall be used. If the actual statewide average multiplier for instructional staff, as determined by this section, exceeds 1.59092, then each school district's instructional staff multiplier shall be multiplied by the result of 1.59092 divided by the actual statewide average multiplier for instructional staff.

In determining the statewide average multiplier for administrative staff, no multiplier in excess of 1.86643 shall be used. If the actual statewide average multiplier for administrative staff, as determined by this section, exceeds 1.86643, then each school district's administrative staff multiplier shall be multiplied by the result of 1.86643 divided by the actual statewide average multiplier for administrative staff.

1 SECTION 3. That Section 33-1004G, Idaho Code, be, and the same is hereby amended
2 to read as follows:

3 33-1004G. EARLY RETIREMENT INCENTIVE – ADMINISTRATIVE STAFF
4 EXCLUDED. (1) Except as provided in subsection (8) of this section, each certificated
5 employee of an Idaho public school district as defined in section 33-1001(16), Idaho Code, is
6 eligible for an early retirement incentive, provided they meet the following criteria:

7 (a) The employee has completed a minimum of ten (10) years of continuous full-time
8 certified employment, which may include time spent on a sabbatical leave, in Idaho public
9 school districts at the time of application.

10 (b) The employee is not eligible for unreduced service, early or disability retirement from
11 the public employee retirement system of Idaho at the time of application.

12 (c) The employee is fifty-five (55) years old before September 1 of the year the
13 application is made; provided that persons turning fifty-six (56) years old or greater
14 between August 15 and 31, 2000, will be eligible to receive the retirement incentive
15 option percentage provided in this section that reflects their age on August 15, 2000.

16 (d) The employee submits his/her application to the state superintendent of public
17 instruction on or before April 1 of the year of application.

18 (e) The employee is contracted with an Idaho public school district for the entire school
19 year during the year of application and has not been terminated or on a leave of absence
20 for the current or upcoming school year.

21 (2) (a) Full-time qualifying applicants shall receive as a one (1) time incentive one-half
22 of the following amount of the employee's qualifying salary allocation as provided in
23 section 33-1004E, Idaho Code:

24 at 55 years of age	55% of allocation
25 at 56 years of age	50% of allocation
26 at 57 years of age	45% of allocation
27 at 58 years of age	40% of allocation
28 at 59 years of age	30% of allocation
29 at 60 years of age	30% of allocation
30 at 61 years of age	20% of allocation
31 at 62 years of age	20% of allocation
32 at 63 years of age and over	0% of allocation

33 (b) Certified employees working less than full-time in the application year will have the
34 incentive payment prorated according to their full-time equivalent (FTE) percentage.

35 (c) Incentive payments for certified employees not placed on the experience and
36 education multiplier table as provided in section 33-1004A, Idaho Code, will be
37 calculated using the BA column of the table.

38 (3) Incentives and the employer's share of FICA benefits shall be paid by the state
39 department of education to the Idaho public school district with which the applicant was last
40 contracted on or before July 31 of the year of application and acceptance.

41 (4) Incentives shall be considered additional compensation flowing from the employment
42 relationship and subject to federal and state tax laws. Incentives shall not be considered salary
43 for purposes of the public employee retirement system.

1 (5) Any employee receiving an early retirement incentive as provided in this section shall
 2 not be eligible for future employment with an Idaho school district where such employment
 3 would again qualify him/her for participation in the state retirement system.

4 (6) Any applicant choosing to withdraw their application must notify the state
 5 superintendent of public instruction in writing no later than June 20 in the year of application.

6 (7) A special application of the early retirement incentive shall supersede the limitations
 7 of this section to the extent necessary to comply with this subsection. An otherwise qualified
 8 certificated employee who becomes medically unable to work prior to July 1 of any year shall
 9 be eligible to apply for the early retirement incentive for which the employee would have been
 10 eligible retroactive to April 1.

11 (8) Administrative staff shall not be allowed to participate in the early retirement
 12 incentive program as provided in this section and such staff are hereby excluded from
 13 participation in the program.

14 SECTION 4. That Section [33-1004G](#), Idaho Code, be, and the same is hereby repealed.

15 SECTION 5. That Section 33-1004H, Idaho Code, be, and the same is hereby amended
 16 to read as follows:

17 33-1004H. EMPLOYING RETIRED TEACHERS AND ADMINISTRATORS. (1)
 18 Notwithstanding the provisions of section 33-514, 33-1271 or 33-1273, Idaho Code, school
 19 districts may employ certificated school teachers and administrators who are receiving
 20 retirement benefits from the public employee retirement system of Idaho, except those who
 21 received benefits under the early retirement program previously provided in section 33-1004G,
 22 Idaho Code, by the state in positions requiring such certification, as at-will employees. Any
 23 employment contract between the retiree and the school district shall be separate and apart from
 24 the collective bargaining agreement of the school district.

25 (2) Retirees employed under this section shall accrue one (1) day per month of sick
 26 leave, with no annual sick leave accumulation unless additional sick leave is negotiated
 27 between the candidate and the school district at the time of employment. No sick leave accrued
 28 under this section qualifies for unused sick leave benefits under section 33-1228, Idaho Code.

29 (3) School districts are not required to provide health insurance or life insurance benefits
 30 to persons employed under this section. Post-termination benefits may be negotiated between
 31 the school district and the certificated employee at the time of rehiring but in no event can
 32 the parties affect or attempt to affect the provisions governing the public employee retirement
 33 system.

34 SECTION 6. The Legislature recognizes that school districts and public charter schools
 35 will receive reduced funding for salaries in Fiscal Year 2010, and encourages school districts
 36 and public charter schools to accommodate such reductions by either reducing the amount
 37 paid per employee, reducing the number of contract days, or both. Those choosing to reduce
 38 contract days shall make such reductions without impacting student-teacher contact time.

39 SECTION 7. An emergency existing therefor, which emergency is hereby declared to
 40 exist, Section 3 of this act shall be in full force and effect on and after passage and approval
 41 and retroactively to March 1, 2009. Sections 1, 4 and 5 of this act shall be in full force and

1 effect on and after January 1, 2010. Section 2 of this act shall be in full force and effect on and
2 after July 1, 2009.