

district where perhaps you don't even have a superintendent?

SENATOR KOCH: Well I suppose the county superintendent would have to help out a little bit or the president of the school board or whoever makes that determination.

SENATOR NICHOL: Then if one of those people didn't do it, that teacher would be home free for that semester, right?

SENATOR KOCH: Well because obviously they didn't evaluate her, how can they advise her that she is deficient?

SENATOR NICHOL: So that if a year and a half goes...say two and a half years go by and nothing is done but in the last half of the third year they decide something is wrong simply because they didn't evaluate that teacher the first two and a half years, that is out the window and....?

SENATOR KOCH: I think it would be the supervisors who would be challenged to the fact that they hadn't performed the law, didn't carry out the intent of the law. How can you dismiss someone, Senator Nichol, if they've never been evaluated?

SENATOR NICHOL: Well my problem with this amendment is that when we include Class I, II, III, IV, some of those won't have people to evaluate them every semester. I don't think it is....excuse me, excuse me. (Both talking at once.)

SENATOR KOCH: Senator Nichol, if it gets to the last semester of the sixth semester, let me answer one question.

SENATOR NICHOL: I asked a question but go ahead. The problem is that when we include all of these school districts they won't have somebody to evaluate them and without an evaluation that means that they haven't been doing their part and the teacher has no criticism even though there may have been some but the board or whoever is hiring the teacher won't even know about it until the particular time. I don't know, I have a serious problem about this amendment.

SENATOR CLARK: Senator Koch.

SENATOR KOCH: Mr. Chairman, members of the body, I'll make one statement in reply to Senator Nichol. Assume that the issue is exactly as he stated. The last semester of the last year, there has never been an evaluation nor have any deficiencies ever been noted. Senator Nichol, in that case, that would immediately go into a formal hearing under due process and just cause. That is when you would have to prove it.