

IN THE SENATE

SENATE BILL NO. 1116

BY EDUCATION COMMITTEE

AN ACT

1 RELATING TO EDUCATION; AMENDING SECTION 33-205, IDAHO CODE, TO REVISE PRO-  
2 VISIONS REGARDING EXPULSION OF OR DENIAL OF ENROLLMENT TO STUDENTS WHO  
3 POSSESS CERTAIN WEAPONS ON SCHOOL PROPERTY, TO DEFINE TERMS, AND TO MAKE  
4 TECHNICAL CORRECTIONS.  
5

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

7 SECTION 1. That Section 33-205, Idaho Code, be, and the same is hereby  
8 amended to read as follows:

9 33-205. DENIAL OF SCHOOL ATTENDANCE. (1) The board of trustees may  
10 deny enrollment, or may deny attendance at any of its schools by expulsion,  
11 to any pupil who is ~~an~~ a habitual truant, or who is incorrigible, or whose  
12 conduct, in the judgment of the board, is such as to be continuously dis-  
13 ruptive of school discipline, or of the instructional effectiveness of the  
14 school, or whose presence in a public school is detrimental to the health and  
15 safety of other pupils, or who has possessed a deadly or dangerous weapon  
16 or firearm on school property, or who has been expelled from another school  
17 district in this state or any other state. Any pupil having been denied  
18 enrollment or expelled may be enrolled or readmitted to the school by the  
19 board of trustees upon such reasonable conditions as may be prescribed by the  
20 board; but such enrollment or readmission shall not prevent the board from  
21 again expelling such pupil for cause.

22 (2) Provided however, the board shall expel from school for a period of  
23 not less than one (1) year, twelve (12) calendar months, or may deny enroll-  
24 ment to, ~~a student who has been found to have carried a~~ possessed a deadly  
25 or dangerous weapon or firearm on school property in this state or any other  
26 state, ~~except that the~~. The board may modify the such expulsion or denial of  
27 enrollment ~~order~~ requirement on a case-by-case basis when the board deter-  
28 mines reasonable conditions apply and the student's presence is not detri-  
29 mental to the health and safety of other students. Discipline of students  
30 with disabilities shall be in accordance with the requirements of federal  
31 law part B of the individuals with disabilities education act and section 504  
32 of the rehabilitation act. An authorized representative of the board shall  
33 report such student and incident to the appropriate law enforcement agency.

34 (3) No pupil shall be expelled ~~nor~~ or denied enrollment without the  
35 board of trustees having first given written notice to the parent or guardian  
36 of the pupil, which notice shall state the grounds for the proposed expulsion  
37 or denial of enrollment and the time and place where such parent or guardian  
38 may appear to contest the action of the board to deny school attendance, and  
39 which notice shall ~~also~~ state the rights of the pupil to be represented by  
40 counsel, to produce witnesses and submit evidence on his own behalf, and  
41 to cross-examine any adult witnesses who may appear against him. Within a  
42 reasonable period of time following such notification, the board of trustees

1 shall grant the pupil and his parents or guardian a full and fair hearing on  
2 the proposed expulsion or denial of enrollment. However, the board shall  
3 allow a reasonable period of time between such notification and the holding  
4 of such hearing to allow the pupil and his parents or guardian to prepare  
5 their response to the charge. Any pupil ~~who is~~ within the age of compulsory  
6 attendance, ~~who is expelled or denied enrollment as herein provided,~~ shall  
7 come under the purview of the juvenile corrections act, and an authorized  
8 representative of the board shall, within five (5) days, give written notice  
9 of the pupil's expulsion to the prosecuting attorney of the county of the  
10 pupil's residence.

11 (4) The superintendent of any district or the principal of any school  
12 may temporarily suspend any pupil for disciplinary reasons, including stu-  
13 dent harassment, intimidation or bullying, or for other conduct disruptive  
14 of good order or of the instructional effectiveness of the school. A tem-  
15 porary suspension by the principal shall not exceed five (5) school days in  
16 length; and the school superintendent may extend the temporary suspension an  
17 additional ten (10) school days. Provided, that on a finding by the board  
18 of trustees that immediate return to school attendance by the temporarily  
19 suspended student would be detrimental to other pupils' health, welfare or  
20 safety, the board of trustees may extend the temporary suspension for an ad-  
21 ditional five (5) school days. Prior to suspending any student, the super-  
22 intendent or principal shall grant an informal hearing on the reasons for the  
23 suspension and the opportunity to challenge those reasons. Any pupil who has  
24 been suspended may be readmitted to the school by the superintendent or prin-  
25 cipal who suspended him upon such reasonable conditions as said superinten-  
26 dent or principal may prescribe. The board of trustees shall be notified of  
27 any temporary suspensions, the reasons therefor, and the response, if any,  
28 thereto.

29 (5) The board of trustees of each school district shall establish the  
30 procedure to be followed by the superintendent and principals under its ju-  
31 risdiction for the purpose of effecting a temporary suspension, which proce-  
32 dure must conform to the minimal requirements of due process.

33 (6) As used in this section, "possess," "deadly or dangerous weapon,"  
34 and "firearm" have the same meanings as provided in section 18-3302D, Idaho  
35 Code.