

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 522

BY EDUCATION COMMITTEE

AN ACT

1 RELATING TO EDUCATION; AMENDING CHAPTER 1, TITLE 33, IDAHO CODE, BY THE AD-
2 DITION OF A NEW SECTION 33-137, IDAHO CODE, TO ESTABLISH PROVISIONS RE-
3 GARDING DIGITAL AND ONLINE LIBRARY RESOURCES FOR CERTAIN STUDENTS; AND
4 AMENDING CHAPTER 25, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SEC-
5 TION 33-2508, IDAHO CODE, TO ESTABLISH PROVISIONS REGARDING DIGITAL AND
6 ONLINE LIBRARY RESOURCES FOR CERTAIN STUDENTS.
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8 Be It Enacted by the Legislature of the State of Idaho:

9 SECTION 1. That Chapter 1, Title 33, Idaho Code, be, and the same is
10 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
11 ignated as Section 33-137, Idaho Code, and to read as follows:

12 33-137. DIGITAL AND ONLINE LIBRARY RESOURCES FOR K-12 STUDENTS. (1) A
13 school district or public charter school may offer digital or online library
14 resources to students in kindergarten through grade 12 only if the vendor
15 or other person or entity providing the resources verifies that all the re-
16 sources will comply with the provisions of subsection (2) of this section.

17 (2) Digital or online library resources offered by school districts
18 or public charter schools to students in kindergarten through grade 12 must
19 have safety policies and technology protection measures that:

20 (a) Prohibit and prevent a user of the resource from sending, receiv-
21 ing, viewing, or downloading materials that are deemed to be harmful to
22 minors, as defined by section 18-1514, Idaho Code; and

23 (b) Filter or block access to obscene materials, materials harmful to
24 minors, and materials that depict the sexual exploitation of a minor, as
25 defined in chapter 15, title 18, Idaho Code.

26 (3) Notwithstanding any contract provision to the contrary, if a
27 provider of digital or online library resources fails to comply with the re-
28 quirements of subsection (2) of this section, the school district or public
29 charter school may withhold further payments, if any, to the provider pend-
30 ing verification of compliance with that subsection.

31 (4) If a provider of digital or online library resources fails to timely
32 verify that the provider is in compliance with the requirements of subsec-
33 tion (1) of this section, the school district or public charter school may
34 consider the provider's act of noncompliance a breach of contract.

35 (5) No later than December 1 of each year, the Idaho commission for li-
36 braries shall submit to the governor and the senate and house of representa-
37 tives education committees an aggregate written report on any issues related
38 to provider compliance with technology protection measures required by sub-
39 section (2) of this section.

1 SECTION 2. That Chapter 25, Title 33, Idaho Code, be, and the same is
2 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
3 ignated as Section 33-2508, Idaho Code, and to read as follows:

4 33-2508. DIGITAL AND ONLINE LIBRARY RESOURCES FOR K-12 STUDENTS. If
5 the commission for libraries provides digital or online library resources
6 for the use of students in kindergarten through grade 12, the commission
7 shall comply with all provisions of section 33-137, Idaho Code.