

IN THE SENATE

SENATE BILL NO. 1043, As Amended

BY EDUCATION COMMITTEE

AN ACT

1 RELATING TO EDUCATION; AMENDING SECTION 33-205, IDAHO CODE, TO PROVIDE THAT
2 CERTAIN DECISIONS AND FINDINGS SHALL BE MADE IN EXECUTIVE SESSION, TO
3 PROVIDE THAT PROCEDURES ON TEMPORARY SUSPENSION OF A PUPIL MUST AFFORD
4 THE PUPIL PRIVACY, AND TO MAKE 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 been expelled from another school district
16 in this state or any other state. Any pupil having been denied enrollment or
17 expelled may be enrolled or readmitted to the school by the board of trustees
18 upon such reasonable conditions as may be prescribed by the board; but such
19 enrollment or readmission shall not prevent the board from again expelling
20 such pupil for cause. Provided however, the board shall expel from school
21 for a period of not less than one (1) year, twelve (12) calendar months,
22 or may deny enrollment to, a student who has been found to have carried a
23 weapon or firearm on school property in this state or any other state, except
24 that the board may modify the expulsion or denial of enrollment order on a
25 case-by-case basis. Discipline of students with disabilities shall be in
26 accordance with the requirements of federal law part B of the individuals
27 with disabilities education act and section 504 of the rehabilitation act.
28 An authorized representative of the board shall report such student and in-
29 cident to the appropriate law enforcement agency.

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

1 their response to the charge. Notwithstanding the provisions of sections
2 74-205 and 74-206, Idaho Code, a decision to expel or to deny enrollment of a
3 student may be made in executive session, and the student shall not be named
4 in the minutes of the meeting. A record of the decision shall be placed in
5 the student's educational record and in the official records of the board.
6 Any pupil ~~who is~~ within the age of compulsory attendance, who is expelled
7 or denied enrollment as herein provided, shall come under the purview of
8 the juvenile corrections act, and an authorized representative of the board
9 shall, within five (5) days, give written notice of the pupil's expulsion to
10 the prosecuting attorney of the county of the pupil's residence.

11 (3) 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
16 ~~in length,~~ and the school superintendent may extend the temporary suspen-
17 sion an additional ten (10) school days. Provided, that on a finding by the
18 board of trustees, which finding must be made in executive session, that
19 immediate return to school attendance by the temporarily suspended student
20 would be detrimental to other pupils' health, welfare, or safety, the board
21 of trustees may extend the temporary suspension for an additional five (5)
22 school days. Prior to suspending any student, the superintendent or princi-
23 pal shall grant an informal hearing on the reasons for the suspension and the
24 opportunity to challenge those reasons. Any pupil who has been suspended may
25 be readmitted to the school by the superintendent or principal who suspended
26 him upon such reasonable conditions as said superintendent or principal
27 may prescribe. The board of trustees shall be notified of any temporary
28 suspensions, the reasons therefor, and the response, if any, thereto. The
29 board of trustees of each school district shall establish the procedure to be
30 followed by the superintendent and principals under its jurisdiction for the
31 purpose of effecting a temporary suspension, which procedure must conform to
32 the minimal requirements of due process and afford the pupil privacy.