

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 111

BY EDUCATION COMMITTEE

AN ACT

RELATING TO ELECTIONS; AMENDING SECTION 33-512, IDAHO CODE, TO PROVIDE THAT
NO IN-PERSON STUDENT INSTRUCTION SHALL TAKE PLACE ON CERTAIN ELECTION
DAYS; AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 33-512, Idaho Code, be, and the same is hereby
amended to read as follows:

33-512. GOVERNANCE OF SCHOOLS. The board of trustees of each school
district shall have the following powers and duties:

(1) To fix the days of the year and the hours of the day when schools
shall be in session. However:

(a) Each school district shall annually adopt and implement a school
calendar that provides its students at each grade level with the follow-
ing minimum number of instructional hours:

Grades	Hours
9-12	990
4-8	900
1-3	810
K	450
Alternative schools (any grades)	900

(b) School assemblies, testing and other instructionally related ac-
tivities involving students directly may be included in the required
instructional hours.

(c) When approved by a local school board, annual instructional hour
requirements stated in paragraph (a) of this subsection may be reduced
as follows:

(i) Up to a total of twenty-two (22) hours to accommodate staff
development activities conducted on such days as the local school
board deems appropriate.

(ii) Up to a total of eleven (11) hours of emergency school clo-
sures due to adverse weather conditions and facility failures.

However, transportation to and from school, passing times between
classes, recess and lunch periods shall not be included.

(d) Student and staff activities related to the opening and closing of
the school year, grade reporting, program planning, staff meetings, and
other classroom and building management activities shall not be counted
as instructional time or in the reductions provided in paragraph (c) (i)
of this subsection.

1 (e) For multiple shift programs, this rule applies to each shift (i.e.,
2 each student must have access to the minimum annual required hours of
3 instruction).

4 (f) The instructional time requirement for grade 12 students may be re-
5 duced by action of a local school board for an amount of time not to ex-
6 ceed eleven (11) hours of instructional time.

7 (g) The state superintendent of public instruction may grant an ex-
8 emption from the provisions of this section for an individual building
9 within a district, when the closure of that building, for unforeseen
10 circumstances, does not affect the attendance of other buildings within
11 the district.

12 (h) The state board of education may grant a waiver of the minimum
13 number of instructional hours for a school district when districtwide
14 school closures are necessary as a result of natural occurrences cre-
15 ating unsafe conditions for students. A county or state disaster
16 declaration must have been issued for one (1) or more of the counties
17 in which the school district is located. A waiver request to the state
18 board of education must describe the efforts by the school district to
19 make up lost instructional hours, the range of grades impacted, and the
20 number of hours the school district is requesting be waived.

21 (i) The reduction of instructional hours allowed in paragraphs (f)
22 through (h) of this subsection may not be combined in a single school
23 year.

24 (j) To ensure student safety and to provide suitable polling locations
25 for elections, there shall be no in-person student instruction on elec-
26 tion days taking place on the third Tuesday in May of each year and on the
27 Tuesday following the first Monday in November of each year. The board
28 of trustees of each school district may determine the instruction or ac-
29 tivities, if any, to be held on such days as long as such instruction or
30 activities do not require or encourage students to be present in school
31 facilities or on school grounds. If an election is scheduled to be held
32 in March or August at a public school designated as a polling place, the
33 board of trustees of such school district may determine the instruction
34 and activities, if any, to be held on such election days at such schools.
35 For the purpose of this paragraph, "activities" includes professional
36 development, personnel training, and teacher in-service.

37 (2) To adopt and carry on and to provide for the financing of a total ed-
38 ucational program for the district. Such programs in other than elementary
39 school districts may include education programs for out-of-school youth and
40 adults, and such districts may provide classes in kindergarten;

41 (3) To provide, or require pupils to be provided with, suitable text-
42 books and supplies and, for advice on textbook selections, may appoint a cur-
43 ricular materials adoption committee as provided in section 33-512A, Idaho
44 Code;

45 (4) To protect the morals and health of the pupils;

46 (5) To exclude from school children not of school age;

47 (6) To prescribe rules for the disciplining of unruly or insubordinate
48 pupils, including rules on student harassment, intimidation and bullying,
49 such rules to be included in a district discipline code adopted by the board
50 of trustees and a summarized version thereof to be provided in writing at the

1 beginning of each school year to the teachers and students in the district
2 in a manner consistent with the student's age, grade and level of academic
3 achievement;

4 (7) To exclude from school pupils with contagious or infectious dis-
5 eases who are diagnosed or suspected as having a contagious or infectious
6 disease or those who are not immune and have been exposed to a contagious or
7 infectious disease; and to close school if the board determines that condi-
8 tions warrant such closure, based on consultation with the district health
9 department of the public health district in which the school district is lo-
10 cated;

11 (8) To equip and maintain a suitable library or libraries in the school
12 or schools and to exclude therefrom, and from the schools, all books, tracts,
13 papers, and catechisms of sectarian nature;

14 (9) To determine school holidays. Any listing of school holidays shall
15 include not less than the following: New Year's Day, Memorial Day, Indepen-
16 dence Day, Thanksgiving Day, and Christmas Day. Other days listed in section
17 73-108, Idaho Code, if the same shall fall on a school day, shall be observed
18 with appropriate ceremonies; and any days the state board of education may
19 designate, following the proclamation by the governor, shall be school holi-
20 days;

21 (10) To erect and maintain on each schoolhouse or school grounds a suit-
22 able flagstaff or flagpole and display thereon the flag of the United States
23 of America on all days, except during inclement weather, when the school is
24 in session; and for each Veterans Day, each school in session shall conduct
25 and observe an appropriate program of at least one (1) class period remember-
26 ing and honoring American veterans;

27 (11) To prohibit entrance to each schoolhouse or school grounds, to pro-
28 hibit loitering in schoolhouses or on school grounds and to provide for the
29 removal from each schoolhouse or school grounds of any individual or indi-
30 viduals who disrupt the educational processes or whose presence is detrimen-
31 tal to the morals, health, safety, academic learning or discipline of the
32 pupils. A person who disrupts the educational process or whose presence is
33 detrimental to the morals, health, safety, academic learning or discipline
34 of the pupils, or who loiters in schoolhouses or on school grounds, is guilty
35 of a misdemeanor;

36 (12) To supervise and regulate, including by contract with established
37 entities, those extracurricular activities that are by definition outside
38 of or in addition to the regular academic courses or curriculum of a public
39 school, and which extracurricular activities shall not be considered to be a
40 property, liberty or contract right of any student, and such extracurricular
41 activities shall not be deemed a necessary element of a public school educa-
42 tion but shall be considered to be a privilege. For the purposes of extracur-
43 ricular activities, any secondary school located in this state that is ac-
44 credited by an organization approved through a process defined by the state
45 department of education shall be able to fully participate in all extracur-
46 ricular activities described in and governed by the provisions of this sub-
47 section;

48 (13) To govern the school district in compliance with state law and
49 rules of the state board of education;

1 (14) To submit to the superintendent of public instruction not later
2 than July 1 of each year documentation that meets the reporting requirements
3 of the federal gun-free schools act of 1994 as contained within the federal
4 improving America's schools act of 1994;

5 (15) To require that all certificated and noncertificated employees
6 hired on or after July 1, 2008, and other individuals who are required by
7 the provisions of section 33-130, Idaho Code, to undergo a criminal history
8 check shall submit a completed ten (10) finger fingerprint card or scan to
9 the department of education no later than five (5) days following the first
10 day of employment or unsupervised contact with students in a K-12 setting,
11 whichever is sooner. Such employees and other individuals shall pay the cost
12 of the criminal history check. If the criminal history check shows that the
13 employee has been convicted of a felony crime enumerated in section 33-1208,
14 Idaho Code, it shall be grounds for immediate termination, dismissal or
15 other personnel action of the district, except that it shall be the right
16 of the school district to evaluate whether an individual convicted of one
17 of these crimes and having been incarcerated for that crime shall be hired.
18 Provided however, that any individual convicted of any felony offense listed
19 in section 33-1208(2), Idaho Code, shall not be hired. For the purposes of
20 criminal history checks, a substitute teacher is any individual who tem-
21 porarily replaces a certificated classroom educator and is paid a substitute
22 teacher wage for one (1) day or more during a school year. A substitute
23 teacher who has undergone a criminal history check at the request of one (1)
24 district in which he has been employed as a substitute shall not be required
25 to undergo an additional criminal history check at the request of any other
26 district in which he is employed as a substitute if the teacher has obtained
27 a criminal history check within the previous five (5) years. If the district
28 next employing the substitute still elects to require another criminal his-
29 tory check within the five (5) year period, that district shall pay the cost
30 of the criminal history check or reimburse the substitute teacher for such
31 cost. To remain on the statewide substitute teacher list maintained by the
32 state department of education, the substitute teacher shall undergo a crimi-
33 nal history check every five (5) years;

34 (16) To maintain a safe environment for students by developing a system
35 that cross-checks all contractors or other persons who have irregular con-
36 tact with students against the statewide sex offender registry by developing
37 a school safety plan for each school and by meeting annually with emergency
38 first responders to update the plans and discuss emergency exercises and op-
39 erations;

40 (17) To provide support for teachers in their first two (2) years in the
41 profession in the areas of: administrative and supervisory support, mentor-
42 ing, peer assistance and professional development.

43 SECTION 2. This act shall be in full force and effect on and after July
44 1, 2024.