

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 196

BY EDUCATION COMMITTEE

AN ACT

RELATING TO EDUCATION; AMENDING SECTION 33-512, IDAHO CODE, TO PROVIDE THAT THE BOARD OF TRUSTEES OF A SCHOOL DISTRICT SHALL HAVE THE AUTHORITY TO ADOPT CERTAIN POLICIES AND PROCEDURES REGARDING SCHOOL CLUBS AND ORGANIZATIONS; AND DECLARING AN EMERGENCY 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 following 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 activities 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 closures 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 (2) To adopt and carry on and to provide for the financing of a total ed-
25 ucational program for the district. Such programs in other than elementary
26 school districts may include education programs for out-of-school youth and
27 adults, and such districts may provide classes in kindergarten;

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

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

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

34 (6) To prescribe rules for the disciplining of unruly or insubordinate
35 pupils, including rules on student harassment, intimidation and bullying,
36 such rules to be included in a district discipline code adopted by the board
37 of trustees and a summarized version thereof to be provided in writing at the
38 beginning of each school year to the teachers and students in the district
39 in a manner consistent with the student's age, grade and level of academic
40 achievement;

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

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

1 (9) To determine school holidays. Any listing of school holidays shall
2 include not less than the following: New Year's Day, Memorial Day, Indepen-
3 dence Day, Thanksgiving Day, and Christmas Day. Other days listed in section
4 73-108, Idaho Code, if the same shall fall on a school day, shall be observed
5 with appropriate ceremonies; and any days the state board of education may
6 designate, following the proclamation by the governor, shall be school holi-
7 days;

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

14 (11) To prohibit entrance to each schoolhouse or school grounds, to pro-
15 hibit loitering in schoolhouses or on school grounds and to provide for the
16 removal from each schoolhouse or school grounds of any individual or indi-
17 viduals who disrupt the educational processes or whose presence is detrimen-
18 tal to the morals, health, safety, academic learning or discipline of the
19 pupils. A person who disrupts the educational process or whose presence is
20 detrimental to the morals, health, safety, academic learning or discipline
21 of the pupils, or who loiters in schoolhouses or on school grounds, is guilty
22 of a misdemeanor;

23 (12) To supervise and regulate, including by contract with established
24 entities, those extracurricular activities that are by definition outside
25 of or in addition to the regular academic courses or curriculum of a public
26 school, and which extracurricular activities shall not be considered to be a
27 property, liberty or contract right of any student, and such extracurricular
28 activities shall not be deemed a necessary element of a public school educa-
29 tion but shall be considered to be a privilege. For the purposes of extracur-
30 ricular activities, any secondary school located in this state that is ac-
31 credited by an organization approved through a process defined by the state
32 department of education shall be able to fully participate in all extracur-
33 ricular activities described in and governed by the provisions of this sub-
34 section;

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

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

41 (15) To require that all certificated and noncertificated employees
42 hired on or after July 1, 2008, and other individuals who are required by
43 the provisions of section 33-130, Idaho Code, to undergo a criminal history
44 check shall submit a completed ten (10) finger fingerprint card or scan to
45 the department of education no later than five (5) days following the first
46 day of employment or unsupervised contact with students in a K-12 setting,
47 whichever is sooner. Such employees and other individuals shall pay the cost
48 of the criminal history check. If the criminal history check shows that the
49 employee has been convicted of a felony crime enumerated in section 33-1208,
50 Idaho Code, it shall be grounds for immediate termination, dismissal or

1 other personnel action of the district, except that it shall be the right
2 of the school district to evaluate whether an individual convicted of one
3 of these crimes and having been incarcerated for that crime shall be hired.
4 Provided however, that any individual convicted of any felony offense listed
5 in section 33-1208(2), Idaho Code, shall not be hired. For the purposes of
6 criminal history checks, a substitute teacher is any individual who tem-
7 porarily replaces a certificated classroom educator and is paid a substitute
8 teacher wage for one (1) day or more during a school year. A substitute
9 teacher who has undergone a criminal history check at the request of one (1)
10 district in which he has been employed as a substitute shall not be required
11 to undergo an additional criminal history check at the request of any other
12 district in which he is employed as a substitute if the teacher has obtained
13 a criminal history check within the previous five (5) years. If the district
14 next employing the substitute still elects to require another criminal his-
15 tory check within the five (5) year period, that district shall pay the cost
16 of the criminal history check or reimburse the substitute teacher for such
17 cost. To remain on the statewide substitute teacher list maintained by the
18 state department of education, the substitute teacher shall undergo a crimi-
19 nal history check every five (5) years;

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

26 (17) To provide support for teachers in their first two (2) years in the
27 profession in the areas of: administrative and supervisory support, mentor-
28 ing, peer assistance and professional development-; and

29 (18) To adopt policies and procedures for approving school clubs and or-
30 ganizations, for notifying parents or legal guardians of students regard-
31 ing school clubs and organizations in which a student may participate, and
32 for obtaining permission from a parent or legal guardian before the student
33 joins or participates in a school club or organization. In adopting such
34 policies and procedures, the board shall:

35 (a) Require that all school clubs and organizations be approved by the
36 board, provided that the board may not deny a religious, political, or
37 ideological student club or organization official recognition or any
38 benefit or privilege available to any other school club or organization
39 or otherwise discriminate against such a club or organization based on
40 the expression of the club or organization, including any requirement
41 that the leaders or members of such club or organization:

42 (i) Affirm and adhere to the club or organization's sincerely
43 held beliefs;

44 (ii) Comply with the club or organization's standards of conduct;
45 or

46 (iii) Further the club or organization's mission or purpose, as
47 defined by the club or organization;

48 (b) Provide annual notification, using the student handbook or other
49 appropriate method, of the name of all school clubs and organizations,
50 the mission or purpose of the club or organization, the name of the club

1 or organization's faculty adviser, and a description of the club or or-
2 ganization's past and planned activities. Similar notification shall
3 also be provided for clubs and organizations created or started during
4 the school year; and
5 (c) Prepare a form by which parents or legal guardians may give or with-
6 hold permission for the student to participate in a school club or or-
7 ganization. Such form shall be completed and signed by the parent or
8 legal guardian and returned to the faculty adviser of the appropriate
9 school club or organization. A student may not join a club or an organi-
10 zation without permission from the student's parent or legal guardian.

11 SECTION 2. An emergency existing therefor, which emergency is hereby
12 declared to exist, this act shall be in full force and effect on and after
13 July 1, 2023.