

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 514

BY EDUCATION COMMITTEE

AN ACT

1 RELATING TO EDUCATION; AMENDING TITLE 33, IDAHO CODE, BY THE ADDITION OF A
2 NEW CHAPTER 58, TITLE 33, IDAHO CODE, TO PROVIDE THE IDAHO SCHOOL SAFETY
3 AND SECURITY ACT, TO PROVIDE A SHORT TITLE, TO PROVIDE LEGISLATIVE IN-
4 TENT, TO DEFINE A TERM, TO PROVIDE THE OFFICE OF SCHOOL SAFETY AND SE-
5 CURITY, TO PROVIDE THE IDAHO SCHOOL SAFETY AND SECURITY ADVISORY BOARD
6 AND TO PROVIDE POWERS AND DUTIES OF THE IDAHO SCHOOL SAFETY AND SECURITY
7 ADVISORY BOARD; AND AMENDING SECTION 67-2601A, IDAHO CODE, TO PROVIDE A
8 CODE REFERENCE.
9

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

11 SECTION 1. That Title 33, Idaho Code, be, and the same is hereby amended
12 by the addition thereto of a NEW CHAPTER, to be known and designated as Chap-
13 ter 58, Title 33, Idaho Code, and to read as follows:

14 CHAPTER 58
15 IDAHO SCHOOL SAFETY AND SECURITY ACT

16 33-5801. SHORT TITLE. This chapter shall be known and may be cited as
17 the "Idaho School Safety and Security Act."

18 33-5802. LEGISLATIVE INTENT. It is the intent of the legislature that
19 the purpose of this chapter is to:

20 (1) Promote the safety and security of the students attending the pub-
21 lic educational institutions of the state;

22 (2) Provide recommendations, systems and training to assist public
23 educational institutions at all levels for the safety and security of stu-
24 dents;

25 (3) Enhance the safety and security resources available to public edu-
26 cational institutions;

27 (4) Ensure that periodic security assessments of statewide public edu-
28 cational institutions are conducted and reported;

29 (5) Ensure that surveys are conducted and research information is re-
30 ported to appropriate parties;

31 (6) Promote the use of technical methods, devices and improvements to
32 address school security;

33 (7) Encourage the recognition of security design to be incorporated in
34 future construction or renovation of public educational institutions; and

35 (8) Provide written reports of security assessments to appropriate
36 school administrative authorities.

37 33-5803. DEFINITION. For the purposes of this chapter, "public edu-
38 cational facility" means all structures and buildings existing now or con-
39 structed in the future that are owned, leased or used by public educational

1 institutions, which include public colleges, public community colleges,
2 public universities, public school districts, public charter schools, or a
3 school for children in any grades kindergarten through 12 that is operated by
4 the state of Idaho receiving state funding.

5 33-5804. OFFICE OF SCHOOL SAFETY AND SECURITY. (1) There is hereby
6 established in the Idaho division of building safety the office of school
7 safety and security. The administrator of the division of building safety
8 may hire a manager of the office of school safety and security who shall be
9 responsible for the performance of the regular administrative functions of
10 the office and other duties as the administrator may direct. The manager of
11 the office of school safety and security shall be a nonclassified employee.
12 The administrator of the division of building safety may employ persons in
13 addition to the manager in other positions or capacities as he or she deems
14 necessary to fulfill the responsibilities of the office of school safety and
15 security as set forth in this section. The administrator shall provide an
16 office, office equipment and facilities as may be reasonably necessary for
17 the proper performance of the duties of the office manager and other office
18 personnel.

19 (2) The administrator of the division of building safety and the man-
20 ager and other personnel of the office of school safety and security may en-
21 ter all public educational facilities in this state at reasonable times to
22 conduct annual assessments for consistency with the school safety and secu-
23 rity guidelines developed by the Idaho school safety and security advisory
24 board. To the extent possible, such assessments should occur simultaneously
25 with inspections conducted pursuant to section 39-8008, Idaho Code. The of-
26 fice of school safety and security shall prepare a written report for each
27 security assessment it conducts. At a minimum, such reports shall include
28 any safety or security vulnerabilities found in the subject school and rec-
29 ommendations for remedying such vulnerabilities. The office shall provide a
30 copy of the report to the local education agency and to the school principal
31 or president. The office shall also prepare an annual report, a copy of which
32 shall be submitted to the state board of education and to the Idaho school
33 safety and security advisory board each year.

34 (3) Upon request of any public educational institution, the office of
35 school safety and security shall provide training and technical assistance
36 on best practices and resources for school safety and security as set forth
37 in the guidelines established by the Idaho school safety and security advi-
38 sory board.

39 (4) The Idaho division of building safety may receive grant moneys on
40 behalf of the office of school safety and security to carry out the responsi-
41 bilities of the office.

42 (5) On July 1 of each year, or as soon as practicable, the state con-
43 troller shall transfer three hundred thousand dollars (\$300,000) from the
44 public school income fund to the division of building safety's miscellaneous
45 revenue fund 0349 for the purposes of this section.

46 33-5805. IDAHO SCHOOL SAFETY AND SECURITY ADVISORY BOARD. (1) There is
47 hereby established in the Idaho division of building safety the Idaho school

1 safety and security advisory board. The advisory board shall consist of
2 thirteen (13) members as follows:

3 (a) Four (4) members appointed by the governor as follows:

4 (i) One (1) parent of a student who attends an Idaho public
5 school;

6 (ii) One (1) teacher who teaches in an Idaho public school;

7 (iii) One (1) representative of a local school board; and

8 (iv) One (1) representative of school superintendents;

9 (b) One (1) representative from the office of the state superintendent
10 of public instruction;

11 (c) One (1) representative from the state board of education;

12 (d) One (1) representative from the Idaho state police;

13 (e) One (1) representative from the Idaho chiefs of police association;

14 (f) One (1) representative from the Idaho sheriffs' association;

15 (g) One (1) representative from the Idaho bureau of homeland security;

16 (h) One (1) representative from the Idaho fire chiefs association; and

17 (i) Two (2) representatives from the state legislature that shall in-
18 clude one (1) member from the senate appointed by the president pro tem-
19 pore of the senate and one (1) member from the house of representatives
20 appointed by the speaker of the house of representatives.

21 (2) The members of the advisory board shall serve the following terms:

22 (a) The gubernatorial appointees shall serve terms of three (3) years.

23 (b) All other members shall serve terms of two (2) years.

24 (3) A vacancy on the advisory board shall be filled in the same manner as
25 the original appointment and for the balance of the unexpired term.

26 (4) The advisory board shall appoint a chairperson from among its mem-
27 bers for a term certain.

28 (5) The members of the advisory board shall be compensated as provided
29 in section 59-509(b), Idaho Code.

30 (6) The advisory board shall meet at least annually, but may meet more
31 frequently subject to the call of the chairperson.

32 33-5806. POWERS AND DUTIES OF THE IDAHO SCHOOL SAFETY AND SECURITY AD-
33 VISORY BOARD. The Idaho school safety and security advisory board shall:

34 (1) Develop, annually review and modify, if necessary, school safety
35 and security guidelines for the office of school safety and security to use
36 in conducting its annual assessments, training and technical assistance
37 pursuant to section 33-5804, Idaho Code;

38 (2) Regularly assess safety and security resources that may be used in
39 public educational facilities; and

40 (3) On or before February 1 of each year, report to the legislature and
41 to the governor on the status of school safety and security in the Idaho pub-
42 lic educational facilities.

43 SECTION 2. That Section 67-2601A, Idaho Code, be, and the same is hereby
44 amended to read as follows:

45 67-2601A. DIVISION OF BUILDING SAFETY. (1) The division of building
46 safety will be headed by an administrator appointed by and serving at the
47 will of the governor. The division administrator, deputy administrators and

1 regional managers shall be nonclassified employees exempt from the provi-
2 sions of chapter 53, title 67, Idaho Code.

3 (2) The administrator shall administer the following provisions and
4 shall perform such additional duties as are imposed on him by law: chapter
5 43, title 39, Idaho Code, relating to the building code board; chapter 40,
6 title 39, Idaho Code, relating to manufactured homes; chapter 43, title 39,
7 Idaho Code, relating to modular buildings; chapter 21, title 44, Idaho Code,
8 relating to manufactured home dealer and installer licensing; chapter 25,
9 title 44, Idaho Code, relating to mobile home rehabilitation; chapter 10,
10 title 54, Idaho Code, relating to electrical contractors and journeymen;
11 chapter 19, title 54, Idaho Code, relating to licensing of public works
12 contractors; chapter 26, title 54, Idaho Code, relating to plumbing and
13 plumbers; chapter 45, title 54, Idaho Code, relating to public works con-
14 struction management licensing; chapter 50, title 54, Idaho Code, relating
15 to heating, ventilation and air conditioning systems; chapter 80, title 39,
16 Idaho Code, relating to school building safety; chapter 58, title 33, Idaho
17 Code, relating to Idaho school safety and security; and chapter 86, title 39,
18 Idaho Code, relating to elevator safety.

19 (3) The administrator shall also have the authority to perform safety
20 inspections and safety training programs for logging operations in Idaho.

21 (a) When an inspection reveals evidence of a condition that poses an im-
22 mediate threat of serious bodily harm or loss of life to any person, the
23 administrator may issue an order to immediately stop the work or close
24 the facility or site where the threat exists. The safety order shall not
25 be rescinded until after the threat has been corrected or removed.

26 (b) The safety order may be enforced by the attorney general in a civil
27 action brought in the district court for the county wherein the haz-
28 arduous work site or facility is located.

29 (c) Any person who knowingly fails or refuses to comply with such an or-
30 der is guilty of a misdemeanor.

31 (d) The administrator shall promulgate rules adopting minimum logging
32 safety standards and procedures for conducting inspections and safety
33 training.

34 (4) In addition to safety inspections of state-owned public buildings
35 conducted under chapter 23, title 67, Idaho Code, the administrator may con-
36 duct safety inspections of buildings owned or maintained by political sub-
37 divisions of the state upon receipt of a written request from the governing
38 body of that political subdivision, subject to the availability of division
39 resources and the requesting entity's agreement to pay the division's cur-
40 rent fees for such an inspection.

41 (a) The findings of the inspection shall be reported to the governing
42 body of the political subdivision.

43 (b) The administrator may promulgate rules adopting minimum safety
44 standards and procedures for conducting such inspections, as well as
45 fees for performing the same.

46 (c) For purposes of this section, "political subdivision" means any
47 governmental unit or special district of the state of Idaho other than
48 public school districts.

49 (5) In administering the laws regulating professions, trades and occu-
50 pations that are devolved for administration upon the division, and in addi-

1 tion to the authority granted to the administrator by the laws and rules of
2 the agencies and entities within the division, the administrator may:

3 (a) Revise the operating structure of the division as needed to provide
4 efficient and appropriate services to the various professions, trades,
5 occupations and programs administered within the division;

6 (b) Conduct examinations to ascertain the qualifications and fitness
7 of applicants to exercise the profession, trade or occupation for which
8 an examination is held; pass upon the qualifications of applicants for
9 reciprocal licenses, certificates and authorities; prescribe rules for
10 a fair and impartial method of examination of candidates to exercise the
11 respective professions, trades or occupations; issue registrations,
12 licenses and certificates; and until fees are established in rule, the
13 administrator shall charge a fee of seventy-five dollars (\$75.00) for
14 each examination administered;

15 (c) Conduct hearings on proceedings to discipline, renew or reinstate
16 licenses, certificates or authorities of persons exercising the re-
17 spective professions, trades or occupations; appoint hearing officers,
18 administer oaths, issue subpoenas, and compel the attendance of wit-
19 nesses; revoke, suspend, refuse to renew, or take other disciplinary
20 action against such licenses, certifications or authorities; and pre-
21 scribe rules to recover costs and fees incurred in the investigation and
22 prosecution of any certificate holder, licensee or registrant of the
23 division, its boards, bureaus and programs, in accordance with the con-
24 tested case provisions of chapter 52, title 67, Idaho Code, and the laws
25 and rules of the boards, bureaus and programs the division administers;

26 (d) Assess civil penalties as authorized;

27 (e) Promulgate rules establishing: a coordinated system for the
28 issuance, renewal, cancellation and reinstatement of licenses, cer-
29 tificates, registrations and permits; assessment of all related fees;
30 the terms by which fees may be prorated, if any; and procedures for the
31 replacement of lost or destroyed licenses, certificates or registra-
32 tions; and

33 (f) Promulgate other rules as may be necessary for the orderly admin-
34 istration of the chapters specified in subsection (2) of this section
35 and such rules as may otherwise be required by those chapters as well as
36 rules for the standardization of operating procedures.

37 (6) Notwithstanding any law governing any specific board, bureau or
38 program comprising the division of building safety, each board member shall
39 hold office until a successor has been duly appointed and qualified.

40 (7) The administrator shall have the authority to employ individuals,
41 make expenditures, enter into contracts, require reports, make investiga-
42 tions, travel, and take other actions deemed necessary.