

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 106

BY EDUCATION COMMITTEE

AN ACT

1 RELATING TO RESIDENTIAL SCHOOLS; AMENDING SECTION 39-1207, IDAHO CODE, TO
2 PROVIDE THAT AN ACCREDITED RESIDENTIAL SCHOOL SHALL MAKE REPORTS TO THE
3 DEPARTMENT OF EDUCATION, TO PROVIDE THAT THE DEPARTMENT OF HEALTH AND
4 WELFARE SHALL RETAIN JURISDICTION OVER A RESIDENTIAL SCHOOL, WHETHER
5 ACCREDITED OR NOT, TO PROVIDE THAT SUCH SCHOOLS SHALL MAKE ALL REPORTS
6 REQUIRED BY THE DEPARTMENT OF HEALTH AND WELFARE, AND TO REMOVE A PROVI-
7 SION REGARDING THE DESIGNATION OF NONACCREDITED RESIDENTIAL SCHOOLS.
8

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

10 SECTION 1. That Section 39-1207, Idaho Code, be, and the same is hereby
11 amended to read as follows:

12 39-1207. RESIDENTIAL SCHOOLS. (1) Upon receipt of an initial disclo-
13 sure report from a children's institution that the department categorizes
14 as a residential school, the department shall provide a copy of such initial
15 disclosure report to the Idaho department of education.

16 (2) The Idaho department of education shall ~~certify to~~ notify the de-
17 partment whether each residential school has been accredited according to
18 the accrediting standards promulgated by ~~the Idaho department of education,~~
19 ~~the Idaho state board of education or a secular or religious accrediting as-~~
20 ~~sociation recognized by the Idaho department of education.~~

21 (3) ~~If a residential school has been certified as accredited under sub-~~
22 ~~section (2) of this section, then the department shall exercise no further~~
23 ~~jurisdiction under this chapter over that accredited residential school so~~
24 ~~long as the accreditation for the residential school remains in effect.~~

25 ~~(4) Upon certification~~ Following notification of accreditation to the
26 department, the Idaho department of education shall notify the accredited
27 residential school ~~that all future update disclosure of any reports or other~~
28 ~~reports as that the Idaho department of education may require shall be filed~~
29 ~~with the Idaho department of education so~~ from it as long as the accredita-
30 tion remains in effect.

31 ~~(5) Upon the determination by the Idaho department of education that a~~
32 ~~residential school is no longer accredited, it shall notify the department~~
33 ~~and shall notify the residential school that all future update disclosure~~
34 ~~reports must be filed with the department.~~

35 ~~(64) A All residential schools, that is not certified or accredited~~
36 ~~pursuant to this section or has lost accreditation whether accredited or~~
37 ~~nonaccredited,~~ shall be subject to the jurisdiction of the department as a
38 children's treatment residential care facility pursuant to section 39-1210,
39 Idaho Code, ~~unless and until accreditation is certified by the Idaho de-~~
40 ~~partment of education pursuant to this section and shall make all required~~
41 reports and disclosures to the department.

1 ~~(7) The department has the authority to postpone for up to one (1) year~~
2 ~~the designation of a nonaccredited residential school as a children's treat-~~
3 ~~ment facility upon receipt of an affidavit under oath signed by a legally~~
4 ~~authorized agent of the nonaccredited residential school that application~~
5 ~~for accreditation has been made to the Idaho department of education, the~~
6 ~~Idaho state board of education or an affiliated accrediting association rec-~~
7 ~~ognized by the Idaho department of education; and the department determines~~
8 ~~that the application is being pursued in good faith.~~