

Idaho Compulsory Education Overview

Year	Source	Description
1887	Revised Statutes of Idaho	The first record our office could find with language regarding compulsory education. Language includes: <ul style="list-style-type: none"> • Ages 8 to 14 • Required to send to public school • Period of 12 weeks in each school year (8 weeks consecutive) • Unless excused from attendance by Board of Trustees <ol style="list-style-type: none"> 1) if bodily or mental condition prevents attendance 2) if privately taught 3) have already acquired the ordinary branches of learning taught in public school • Not liable if public school shall not be taught for the period of 12 weeks within two miles by the nearest traveled road of the residence of any such parent/guardian within the school district
1891	1891 Session Laws	Codified compulsory education after statehood, same language as 1887 statute
1893	1893 Session Laws	Part of overall amendment to education code, same language as 1887 statute
1908	Idaho Revised Code	Included to show history line, codified version of 1893 session law
1911	1911 Session Laws, Chapter 159	Recodification of education laws. Changes include: <ul style="list-style-type: none"> • Parents/guardians shall instruct or cause to instruct children in reading, writing, spelling, English grammar, geography and arithmetic • Ages 8 to 18 • Public, private or parochial school • Entire school year • Provisions do not apply if <ol style="list-style-type: none"> 1) children over 14 that have completed 8th grade 2) eligible to enter high school 3) its help is necessary for its own use or its parents' support 4) best interest of child to be relieved of provisions of this chapter 5) if reputable physician certifies that the child's bodily or mental condition does not permit its attendance at school • Duty of superintendent of district or county superintendent to determined exemptions of the provisions of this chapter • Superintendent shall issue written permit stating reason for exemption • If superintendent refuses application for exemption, an appeal may be taken to the probate court of the county within 10 days of refusal with a fee of no more than \$1, decision of court shall be final • Application for exemption shall not be renewed more than once in three months

This section does not prohibit original purchaser from selling or assigning his interest, even though it be to one who has already purchased other lands equaling or exceeding that acreage. Webster-Soule Farm v. Woodmansee's Adm'r, 36 Idaho 520, 211 P. 1090 (1922).

—Standing to challenge.

Because the direct beneficiaries of the school endowment lands trust are the schools or school districts, environmental groups, challenging timber sales on school endowment trust lands approved by the State Board of Land Commissioners and the Idaho Department of Lands, lacked the required legally protected interest to establish standing as neither environmental group represented a single school or school district. Sellkirk-Priest Basin Ass'n v. State ex rel. Andrus, 127 Idaho 239, 899 P.2d 949 (1995).

School Lands Defined.

Phrase "school lands" as used in the proviso of the next-to-last sentence, has reference only to sections 16 and 36 in each township, and does not include or embrace lands granted by congress to the state for specific educational purposes such as university, normal school, agricultural college, and scientific and other institutions of higher learning. Pike v. State Bd. of Land Comm'rs, 19 Idaho 268, 113 P. 447, 1912B Ann. Cas. 1344 (1911).

Statute of Limitations.

State cannot enact a limitation statute that results in impairing the efficacy of the grant of school lands by barring its right and duty to recover money loaned out of the school fund which was derived from the sale of school land. United States v. Fenton, 27 F. Supp. 816 (D. Idaho 1939).

Water Conservation Board.

The legislature could not, by act creating the state water conservation board, deprive the state board of land commissioners of the

right of protection, sale or rental of public lands conferred on that body by this section. State Water Conservation Bd. v. Enking, 56 Idaho 722, 58 P.2d 779 (1936), overruled on other grounds, State, Dep't of Parks v. Idaho Dep't of Water Admin., 96 Idaho 440, 530 P.2d 924 (1974) Idaho Water Resource Bd. v. Kramer, 97 Idaho 535, 548 P.2d 35 (1976).

Opinions of Attorney General. Except where the Constitution limits the authority of the legislature with respect to the sale of state property as with respect to endowment and trust property, the legislature may authorize the sale of state buildings and may place the proceeds thereof in the general fund. OAG 83-2.

Since the repeal of § 57-804, effective July 1, 1985, the state auditor is authorized to classify accounts within the funds established by § 57-803 (repealed); to avoid violation of constitutional and land grant provisions, the special fund provided by § 58-140 should be consolidated in the agency asset fund so that interest will be accounted for separately for the benefit of the account. OAG 85-3.

The Idaho State Land Board need not abide by the county zoning ordinance in managing state lands for school trust purposes, as the constitutional endowment mandate has precedence; but the board, in its discretion, may look to the land use restrictions specified by the county ordinance for advice and recommendation in determining the future use and administering of these lands. OAG 91-3.

This section applies to lands granted to the state by the federal government upon admission to the union (endowment lands) and lands acquired by the state from the federal government after 1982; however, other lands acquired or owned by the state are not subject to the section. OAG 01-2.

Collateral References. Discussion of this section in constitutional convention. Constitutional Convention Proceedings, Vol. I, pp. 703, 730, 830; Vol. II, p. 1450.

§ 9. Compulsory attendance at schools. — The legislature may require by law that every child shall attend the public schools of the state, throughout the period between the ages of six and eighteen years, unless educated by other means, as provided by law.

Compiler's notes. As originally adopted this section provided as follows:

"§ 9. **Compulsory attendance at schools.** — The legislature may require by law that every child of sufficient mental and physical ability shall attend the public school throughout the period between the ages of six and eighteen years, for a time equivalent to three (3) years, unless educated by other means."

It was amended as proposed by S.J.R. No.

124 (S.L. 1972, p. 1244) and ratified at the general election on November 7, 1972 to read as it now appears.

Cited in: Pike v. State Bd. of Land Comm'rs, 19 Idaho 268, 113 P. 447, 1912B Ann. Cas. 1344 (1911); Fenton v. Board of Comm'rs, 20 Idaho 392, 119 P. 41 (1911).

Collateral References. Discussion of this section in constitutional convention. Constitutional Convention Proceedings, Vol. I, pp. 765, 849; Vol. II, p. 1450.

1972
Const.
Amendment
SJR 124

ORib constitution

Current Law



Idaho Statutes

Idaho Statutes are updated to the website July 1 following the legislative session.

TITLE 33
EDUCATION
CHAPTER 2

ATTENDANCE AT SCHOOLS

33-202. SCHOOL ATTENDANCE COMPULSORY. The parent or guardian of any child resident in this state who has attained the age of seven (7) years at the time of the commencement of school in his district, but not the age of sixteen (16) years, shall cause the child to be instructed in subjects commonly and usually taught in the public schools of the state of Idaho. To accomplish this, a parent or guardian shall either cause the child to be privately instructed by, or at the direction of, his parent or guardian; or enrolled in a public school or public charter school, including an on-line or virtual charter school or private or parochial school during a period in each year equal to that in which the public schools are in session; there to conform to the attendance policies and regulations established by the board of trustees, or other governing body, operating the school attended.

History:

[33-202, added 1963, ch. 13, sec. 25, p. 27; am. 1992, ch. 243, sec. 1, p. 721; am. 2009, ch. 103, sec. 2, p. 318.]

How current is this law?

2009 Final Bill Status

33-202 Passage

Bell, Bilbao, Black, Block, Boe, Bolz, Boyle, Burgoyne, Chadderdon, Chavez, Chew, Clark, Collins, Crane, Cronin, Durst, Eskridge, Gibbs, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, Jarvis, Killen, King, Kren, Labrador, Lake, Loertscher, Luker, Marriott, Mathews, McGeachin, Moyle, Nielsen, Nonini, Palmex, Pasley-Stuart, Patrick, Pence, Raybould, Ringo, Roberts, Ruchti, Rusche, Sayler, Schaefer, Shepherd(02), Shepherd(08), Shirley, Simpson, Smith(30), Smith(24), Stevenson, Takasugi, Thayn, Thompson, Trail, Wills, Wood(27), Wood(35), Mr. Speaker

NAYS -- None

Absent and excused -- None

Floor Sponsor - Bolz

Title apvd - to Senate

- 02/04 To enrol
- 02/05 Rpt enrol - Pres signed
- 02/06 Sp signed
- To Governor
- 02/10 Governor signed

Session Law Chapter 1
Effective: 02/10/09

S1017aa,aaby EDUCATION
SCHOOL ATTENDANCE - Amends existing law relating to attendance at schools to further define a term; to revise a provision relating to school attendance requirements; and to revise a provision relating to proceedings against parents or guardians.

- 01/22 Senate intro - 1st rdg - to printing
- 01/23 Rpt prt - to Educ
- 02/04 Rpt out - rec d/p - to 2nd rdg
- 02/05 2nd rdg - to 3rd rdg
- 02/10 3rd rdg
- 02/16 To 14th Ord
- 02/23 Rpt out amen - to engros
- 02/24 Rpt engros - 1st rdg - to 2nd rdg as amen
- To 14th Ord
- 02/25 Rpt out amen - to engros
- 02/26 Rpt engros - 1st rdg - to 2nd rdg as amen
- 02/27 2nd rdg - to 3rd rdg as amen
- 03/03 3rd rdg as amen - PASSED - 34-0-1

AYES -- Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, LeFavour, Lodge, McGee, McKague, Mortimer, Pearce, Sagness(Malepeai), Schroeder, Siddoway, Smyser, Stegner, Thorson(Stennett), Werk, Winder

NAYS -- None

Absent and excused -- McKenzie

Floor Sponsor - Fulcher

Title apvd - to House

- 03/04 House intro - 1st rdg - to Educ
- 03/12 Rpt out - rec d/p - to 2nd rdg
- 03/13 2nd rdg - to 3rd rdg
- 03/26 3rd rdg - PASSED - 67-0-3

AYES -- Barrett, Bayer, Bedke, Bell, Bilbao, Black, Block, Boe, Bolz, Boyle, Burgoyne, Chadderdon, Chavez, Chew, Clark, Collins, Crane, Durst, Eskridge, Gibbs, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Jarvis, Killen, King, Kren, Labrador, Lake, Loertscher, Luker, Marriott, Mathews, McGeachin, Moyle, Nielsen, Nonini, Palmer, Pasley-Stuart, Patrick, Pence, Raybould, Ringo, Roberts, Ruchti, Rusche, Sayler, Schaefer, Shepherd(02), Shepherd(08), Shirley, Simpson, Smith(30), Smith(24), Stevenson, Takasugi, Thayn, Thompson, Trail, Wills, Wood(27), Wood(35), Mr. Speaker

NAYS -- None

Absent and excused -- Anderson, Andrus, Jaquet

Floor Sponsor - Nonini

Title apvd - to Senate

- 03/27 To enrol
- 03/30 Rpt enrol - Pres signed
- 03/31 Sp signed
- 04/01 To Governor
- 04/03 Governor signed

Session Law Chapter 103
Effective: 07/01/09

S1018by EDUCATION
PRISONER EDUCATION - Amends existing law relating to education to provide that the State Board for Professional-Technical Education shall prepare certain courses for prisoners held under the jurisdiction of the Department of Correction.

- 01/22 Senate intro - 1st rdg - to printing
 - 01/23 Rpt prt - to Educ
 - 02/03 Rpt out - rec d/p - to 2nd rdg
 - 02/04 2nd rdg - to 3rd rdg
 - 02/05 3rd rdg - PASSED - 32-0-3
- AYES -- Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Lodge, Sagness(Malepeai), McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Thorson(Stennett), Winder

NAYS -- None

Absent and excused -- Davis, LeFavour, Werk

Floor Sponsor - Pearce

Title apvd - to House

- 02/06 House intro - 1st rdg - to Educ
- 02/19 Rpt out - rec d/p - to 2nd rdg
- 02/20 2nd rdg - to 3rd rdg
- 02/24 3rd rdg - PASSED - 70-0-0

AYES -- Anderson, Andrus, Barrett, Bayer, Bedke, Bell, Bilbao, Black, Block, Boe, Bolz, Boyle, Burgoyne, Chadderdon, Chavez, Chew, Clark, Collins, Crane, Cronin, Durst, Eskridge, Gibbs, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, Jarvis, Killen, King, Kren, Labrador, Lake, Loertscher, Luker, Marriott, Mathews, McGeachin, Moyle, Nielsen, Nonini, Palmer, Pasley-Stuart, Patrick, Pence, Raybould, Ringo, Roberts, Ruchti, Rusche, Sayler, Schaefer, Shepherd(02), Shepherd(08), Shirley, Simpson, Smith(30), Smith(24), Stevenson, Takasugi, Thayn, Thompson, Trail, Wills, Wood(27), Wood(35), Mr. Speaker

NAYS -- None

Absent and excused -- None

Floor Sponsor - Nielsen

Title apvd - to Senate

- 02/25 To enrol
 - 02/26 Rpt enrol - Pres signed
 - 02/27 Sp signed
 - 03/02 To Governor
 - 03/03 Governor signed
- Session Law Chapter 28
Effective: 07/01/09

S1019by EDUCATION
IDAHO EDUCATIONAL TECHNOLOGY INITIATIVE - Amends and repeals existing law relating to the Idaho Educational Technology Initiative and the State Council for Technology providing that the Public School Technology Grant Program shall be implemented by the State Department of Education; and to provide for a report from the State Department of Education to the Legislature and the Governor.

- 01/22 Senate intro - 1st rdg - to printing
 - 01/23 Rpt prt - to Educ
 - 02/03 Rpt out - rec d/p - to 2nd rdg
 - 02/04 2nd rdg - to 3rd rdg
 - 02/05 3rd rdg - PASSED - 32-0-3
- AYES -- Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Lodge, Sagness(Malepeai), McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Thorson(Stennett), Winder

NAYS -- None

Absent and excused -- Davis, LeFavour, Werk

Floor Sponsor - Mortimer

Title apvd - to House

- 02/06 House intro - 1st rdg - to Educ
- 02/19 Rpt out - rec d/p - to 2nd rdg
- 02/20 2nd rdg - to 3rd rdg
- 02/23 3rd rdg - PASSED - 66-0-4

AYES -- Anderson, Andrus, Barrett, Bell, Bilbao, Black, Block, Boe, Bolz, Boyle, Burgoyne, Chadderdon, Chavez, Chew, Clark, Collins, Crane, Chadderdon, Chavez, Chew, Clark, Collins, Crane, Cronin, Durst, Eskridge, Gibbs, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, Jarvis, Killen, King, Kren, Labrador, Loertscher, Luker, Marriott, Mathews, McGeachin, Moyle, Nielsen,

1963 LAW

school if it not be a public school, and the same shall be kept in the administrative office of such school district, or school, there to be available for public inspection. The state board shall also order and cause to be published a summary of such engineer's report in at least one issue of a newspaper having general circulation in the same school district, or in the area of the same school if it not be a public school.

SECTION 23. EDUCATION FOR INMATES OF PENITENTIARY.—The state board, in cooperation with the state board of correction, shall have prepared suitable courses of study, including vocational training, for all prisoners held under the jurisdiction of the warden of the state penitentiary, and the state board of correction shall make arrangements carrying into effect all provisions for the education of prisoners who are under the jurisdiction of said warden.

SECTION 24. SCHOOL AGE.—The services of the public schools of this state are extended to any acceptable person of school age. "School age" is defined as including all persons resident of the state, between the ages of six and twenty-one years. For the purposes of this section, the age of six years shall be attained when the sixth anniversary of birth occurs anytime before the beginning of the sixteenth day of October.

→ **SECTION 25. SCHOOL ATTENDANCE COMPULSORY.**
—The parent or guardian of any child resident in this state who has attained the age of seven years at the time of the commencement of school in his district, but not the age of sixteen years, shall cause the child to be instructed in subjects commonly and usually taught in the public schools of the state of Idaho. Unless the child is otherwise comparably instructed, as may be determined by the board of trustees of the school district in which the child resides, the parent or guardian shall cause the child to attend a public, private or parochial school during a period in each year equal to that in which the public schools are in session; there to conform to the attendance policies and regulations established by the board of trustees, or other governing body, operating the school attended.

SECTION 26. NOTICE TO PARENTS OR GUARDIANS.
—The county auditor of each county shall give notice annually of the provisions of section 25 by causing a summary of the provisions thereof to be published in each newspaper printed in the county, as follows: In the last two

required by the Superintendent of Public Instruction or by County Superintendents.

Sec. 668. It is the duty of Trustees of the respective districts on receiving a report from any teacher, of the disorderly or bad conduct of large pupils, to decide how such insubordinate pupils be punished, or whether they be dismissed from school, and the teacher must enforce the decision so made.

Bad conduct of pupils, 18 sec., 190.

Sec. 669. Said Trustees must, on the first Monday of July of each year, which is hereby declared a day for a regular meeting of said Board, appoint a Census Marshal who must immediately qualify by taking an oath faithfully to discharge the duties of his office to the best of his ability and the Clerk of the Board or either of the Trustees is hereby authorized to administer such oath or affirmation; said Census Marshal must proceed immediately after his appointment and qualification to take a correct enumeration of the children in his district between the ages of five and twenty-one years; provided, that the Census Marshal must not enumerate any children in his district who are not bona fide residents of the same. After the Census Marshal has finished his enumeration he must forthwith report the same to the Trustees of his district, who must hold a meeting to receive the same, and said Trustees must cause a true and certified copy of said Census, together with a certificate of the Marshal having performed his duties, which census or enumeration and certificate must be forthwith transmitted to the County Superintendent of his county.

Meeting of trustees, 12 sec., 27.

Census, Marshal.

Enumeration of children.

Sec. 670. For such services well and faithfully performed said Census Marshal is allowed, as full compensation, ten cents for each child so enumerated, and the Clerk of the Board of Trustees must furnish said Census Marshal a certificate of the performance of his duty; and upon presenting such certificate, the County Superintendent must draw his requisition upon the County Auditor for the amount so allowed in favor of said Census Marshal, and must charge the same against his district.

Compensation, 12 sec., 27.

13 sec., 190.

Sec. 671. Trustees must qualify within fifteen days after their election by taking the official oath and an oath faithfully to perform the duties of their office to the best of their ability, and to promote the interest of education in the district, which oath may be administered by either of the retiring Trustees, or any civil officer authorized to administer oaths, and filed in the office of the County Superintendent.

Oath of trustees, 18 sec., 191.

→ Sec. 672. Every present guardian or other person in the Territory of Idaho, having control and charge of a child or children between the ages of eight and fourteen years, shall be required to send such child or children to a public school for a period of twelve weeks in each school year, at least eight weeks of which shall be consecutive, unless such child or children are excused from such attendance by the Board of School Trustees of the School District in which such parents or guardians reside, upon its being shown to their satisfaction that the bodily or mental condition of such child or children has been such as to prevent his, or her, or their attendance at school; or application to study for the period required, or that such child or children, are taught in a private school or at home in such branches as are usu-

Compulsory education.

Excuses.

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