

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 476

BY TRANSPORTATION AND DEFENSE COMMITTEE

AN ACT

RELATING TO THE YOUTH CHALLENGE PROGRAM; AMENDING SECTION 46-805, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE GOVERNING BOARD, TO REMOVE PROVISIONS REGARDING CERTAIN ADMINISTRATIVE RULES, TO PROVIDE FOR ELIGIBILITY REQUIREMENTS, AND TO MAKE TECHNICAL CORRECTIONS; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 46-805, Idaho Code, be, and the same is hereby amended to read as follows:

46-805. YOUTH CHALLENGE PROGRAM.

(1) (a) There is hereby established the Idaho youth challenge program, a ~~multi-phased~~ multiphased youth intervention program. The program will provide, among other things, a structured, disciplined residential phase of at least twenty-two (22) weeks focusing on education and practical life skills and a post-residential phase of at least twelve (12) months involving skilled and trained mentors supporting graduates and engaged in positive and durable placement of graduates. The youth challenge program shall be focused on assisting participants in achieving a high school diploma or obtaining a general equivalency diploma (GED) and helping to ensure that participants become productive members of society.

(b) The program shall be eligible to receive and expend any moneys provided to the program including, but not limited to, private contributions, federal funds and state alternative school funding. In the event that moneys for any fiscal year are inadequate to fund the youth challenge program, the program shall be discontinued. The decision to discontinue the program due to inadequate funding shall be made by the legislature and the governor in a joint letter provided to the adjutant general and signed by the governor, the president pro tempore of the senate and the speaker of the house of representatives.

(2) The youth challenge program shall be administered by the state adjutant general in conjunction with:

(a) The board of trustees of an appropriate school district of this state; or

(b) A governing board, the members of which shall be nominated by the adjutant general and appointed by the governor. ~~The size of such governing board and qualifications and terms of board members shall be provided for in rule authorized by this section.~~

(3) The program and all program participants shall be governed by all applicable laws, regulations, and guidelines, including, but not limited to, 32 U.S.C. section 509.

1 (4) (a) In order to be eligible to participate in the program, appli-  
2 cants shall ~~meet the criteria established by the adjutant general in ad-~~  
3 ~~ministrative rule.:~~

4 (i) Be between the ages of sixteen (16) and eighteen (18) years on  
5 the first day of the residential phase. Applicants who are fifteen  
6 (15) years old and who will turn sixteen (16) years old during the  
7 residential phase may attend if approved by the program director,  
8 but such applicants must be enrolled in a high school credit recov-  
9 ery track to allow for their eventual return to high school;

10 (ii) Be a citizen or legal resident of the United States;

11 (iii) Be a resident of the state of Idaho;

12 (iv) Be physically and mentally capable to participate in the pro-  
13 gram in which enrolled with reasonable accommodation for physical  
14 and other disabilities;

15 (v) Receive a physical examination in conjunction with their en-  
16 rollment into the program. Such examination must be sufficient to  
17 reach a conclusion as to the participant's ability to complete the  
18 program with reasonable accommodation only for physical and other  
19 disabilities. The examination may also include testing for sub-  
20 stance abuse and pregnancy insofar as directed by department of  
21 defense instructions and insofar as such testing does not conflict  
22 with state law;

23 (vi) Be a high school dropout. A high school dropout is an indi-  
24 vidual who is no longer attending any school and who has not yet re-  
25 ceived a secondary school diploma or certificate from a program of  
26 equivalency for such diploma;

27 (vii) Be unemployed or underemployed at the time an application is  
28 submitted;

29 (viii) Not be currently on parole or probation for anything other  
30 than juvenile status offenses or misdemeanors;

31 (ix) Not be under indictment or charged with or convicted of a  
32 crime that is considered a felony when charged as an adult;

33 (x) Be free from use of illegal substances and the illegal use of  
34 substances; and

35 (xi) Meet any other criteria applicable to the program as estab-  
36 lished by federal law, regulation, or agency instruction.

37 (b) Applicants shall be selected for the program by the youth challenge  
38 program board of admissions. Such board shall be appointed by the ad-  
39 jutant general. ~~Qualifications for board membership, length of board~~  
40 ~~terms, size of the board and other necessary provisions shall be estab-~~  
41 ~~lished by the adjutant general in administrative rule.~~

42 (5) The adjutant general is authorized to enter into contracts and to  
43 promulgate rules to implement the provisions of this section.

44 (6) The school district where the youth challenge program is located  
45 may take steps to have the youth challenge program be considered and desig-  
46 nated as an alternative school.

47 SECTION 2. An emergency existing therefor, which emergency is hereby  
48 declared to exist, this act shall be in full force and effect on and after its  
49 passage and approval.