

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 236

BY EDUCATION COMMITTEE

AN ACT

1 RELATING TO EDUCATION; AMENDING SECTION 33-205, IDAHO CODE, TO REVISE PROVI-  
2 SIONS REGARDING DENIAL OF SCHOOL ATTENDANCE AND TO MAKE TECHNICAL COR-  
3 RECTIONS; AMENDING SECTION 33-1402, IDAHO CODE, TO REVISE PROVISIONS  
4 REGARDING DENIAL OF TRANSFER ENROLLMENT APPLICATIONS AND TO MAKE TECH-  
5 NICAL CORRECTIONS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFEC-  
6 TIVE DATE.  
7

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

9 SECTION 1. That Section 33-205, Idaho Code, be, and the same is hereby  
10 amended to read as follows:

11 33-205. DENIAL OF SCHOOL ATTENDANCE. (1) The board of trustees may  
12 deny enrollment, ~~or may deny or~~ attendance at any of its schools by expul-  
13 sion, to any pupil ~~who is a habitual truant, or who is incorrigible, or whose:~~

14 (a) Who is habitually truant;

15 (b) Whose conduct, in the judgment of the board, is such as to be contin-  
16 uously disruptive of school discipline or of the instructional effec-  
17 tiveness of the school, ~~or whose;~~

18 (c) Whose presence in a public school is detrimental to the health and  
19 safety of other pupils, ~~or who;~~

20 (d) Who has possessed a deadly or dangerous weapon or firearm on school  
21 property, ~~or who has been;~~

22 (e) Who has been denied enrollment due to behavior detrimental to the  
23 health and safety of other pupils, disenrolled in lieu of discipline, or  
24 expelled from another school district in this state or any other state;  
25 or

26 (f) Who has a conviction or adjudication for any of the offenses under  
27 section 20-525A(5), Idaho Code, or chapter 9, 61, or 66, title 18, Idaho  
28 Code. Such convictions or adjudications shall be disclosed by a par-  
29 ent or legal guardian of a pupil to any school district where the pupil  
30 is seeking enrollment or is enrolled. The parent's or legal guardian's  
31 failure to disclose such convictions shall constitute adequate grounds  
32 to deny enrollment or attendance to such pupil.

33 (2) Any pupil having been denied enrollment or expelled may be enrolled  
34 or readmitted to the school by the board of trustees upon such reasonable  
35 conditions as may be prescribed by the board; but such enrollment or readmis-  
36 sion shall not prevent the board from again expelling such pupil for cause.

37 ~~(2)~~ (3) Provided however, the board shall expel from school for a pe-  
38 riod of ~~not~~ no less than one (1) year, twelve (12) calendar months, or may  
39 deny enrollment to a student who has been found to have possessed a firearm on  
40 school property in this state or any other state. The board may modify such  
41 expulsion or denial of enrollment requirement on a case-by-case basis when  
42 the board determines reasonable conditions apply and the student's presence

1 is not detrimental to the health and safety of other students. Discipline  
2 of students with disabilities shall be in accordance with the requirements  
3 of federal law part B of the individuals with disabilities education act and  
4 section 504 of the rehabilitation act. An authorized representative of the  
5 board shall report such student and incident to the appropriate law enforce-  
6 ment agency.

7 ~~(3)~~ (4) No pupil shall be expelled or denied enrollment without the  
8 board of trustees having first given written notice to the parent or legal  
9 guardian of the pupil, which notice shall state the grounds for the proposed  
10 expulsion or denial of enrollment and the time and place where such parent or  
11 legal guardian may appear to contest the action of the board to deny school  
12 attendance and which notice shall state the rights of the pupil to be rep-  
13 resented by counsel, to produce witnesses and submit evidence on his own  
14 behalf, and to cross-examine any adult witnesses who may appear against him.  
15 Within a reasonable period of time following such notification, the board of  
16 trustees shall grant the pupil and his parents or legal guardian a full and  
17 fair hearing on the proposed expulsion or denial of enrollment. However,  
18 the board shall allow a reasonable period of time between such notification  
19 and the holding of such hearing to allow the pupil and his parents or legal  
20 guardian to prepare their response to the charge. Notwithstanding the pro-  
21 visions of sections 74-205 and 74-206, Idaho Code, a decision to expel or  
22 to deny enrollment of a student may be made in executive session, and the  
23 student shall not be named in the minutes of the meeting. A record of the  
24 decision shall be placed in the student's educational record and in the offi-  
25 cial records of the board. Any pupil within the age of compulsory attendance  
26 who is expelled or denied enrollment as herein provided shall come under the  
27 purview of the juvenile corrections act, and an authorized representative of  
28 the board shall, within five (5) days, give written notice of the pupil's ex-  
29 pulsion to the prosecuting attorney of the county of the pupil's residence.

30 ~~(4)~~ (5) The superintendent of any district or the principal of any  
31 school may temporarily suspend any pupil for disciplinary reasons, includ-  
32 ing student harassment, intimidation or bullying, or for other conduct dis-  
33 ruptive of good order or of the instructional effectiveness of the school.  
34 A temporary suspension by the principal shall not exceed five (5) school  
35 days, and the school superintendent may extend the temporary suspension an  
36 additional ten (10) school days. Provided, that on a finding by the board  
37 of trustees, which finding ~~must~~ shall be made in executive session, that  
38 immediate return to school attendance by the temporarily suspended student  
39 would be detrimental to other pupils' health, welfare, or safety, the board  
40 of trustees may extend the temporary suspension for an additional five (5)  
41 school days. Prior to suspending any student, the superintendent or princi-  
42 pal shall grant an informal hearing on the reasons for the suspension and the  
43 opportunity to challenge those reasons. Any pupil who has been suspended may  
44 be readmitted to the school by the superintendent or principal who suspended  
45 him upon such reasonable conditions as said superintendent or principal may  
46 prescribe. The board of trustees shall be notified of any temporary suspen-  
47 sions, the reasons therefor, and the response, if any, thereto.

48 ~~(5)~~ (6) The board of trustees of each school district shall establish  
49 the procedure to be followed by the superintendent and principals under its  
50 jurisdiction for the purpose of effecting a temporary suspension, which pro-

1 cedure ~~must shall~~ conform to the minimal requirements of due process and af-  
 2 ford the pupil privacy.

3 ~~(6)~~ (7) As used in this section, "possess," "deadly or dangerous  
 4 weapon," and "firearm" have the same meanings as provided in section  
 5 18-3302D, Idaho Code.

6 SECTION 2. That Section 33-1402, Idaho Code, be, and the same is hereby  
 7 amended to read as follows:

8 33-1402. ENROLLMENT OPTIONS. (1) Each school district shall implement  
 9 an enrollment options program as provided in this section. School districts  
 10 shall adopt policies to govern the process for enrollment options pursuant  
 11 to this chapter, including in-district transfers. The policies shall pro-  
 12 hibit discrimination against any pupil on the basis of his residential ad-  
 13 dress, ability, disability, race, ethnicity, sex, or socioeconomic status.  
 14 Such policies shall be posted to the school district's website. Schools of  
 15 choice within a district that have lottery enrollment policies are not sub-  
 16 ject to the provisions of this chapter.

17 (2) Whenever the parent or legal guardian of any Idaho pupil determines  
 18 that it is in the best interest of the pupil to attend a school within another  
 19 district, or to attend another school within the home district, such pupil  
 20 may be transferred to and attend the selected school, subject to the provi-  
 21 sions of this section and section 33-1404, Idaho Code.

22 (3) The pupil's parent or legal guardian ~~must shall~~ apply for admis-  
 23 sion to a school within another district, or to another school within the  
 24 home district, on a form provided by the state department of education or a  
 25 district-provided form that is substantially similar. The application ~~must~~  
 26 shall be submitted to the receiving school district by February 1 for enroll-  
 27 ment during the following school year, and notice of such application ~~must~~  
 28 shall be given to the home district. At the time of application, the parent  
 29 or legal guardian ~~must shall~~ request that the home district or school for-  
 30 ward the pupil's student record. The home district or school shall respond  
 31 by forwarding a certified copy of the transferred student's record within  
 32 ten (10) days, unless the provisions of section 18-4511, Idaho Code, apply.  
 33 The receiving school district, or the receiving school within the home dis-  
 34 trict, shall notify the applicant within sixty (60) days and, if denied, ~~must~~  
 35 shall include written explanation of the denial.

36 (4) There may be times during the school year when a parent or legal  
 37 guardian believes it is in the best interest of the pupil to transfer  
 38 schools. Open enrollment applications shall be accepted at any time  
 39 throughout the year. However, those applications received after the Febru-  
 40 ary 1 deadline will be considered based on capacity stated in policy at the  
 41 receiving district.

42 (5) Priority for enrollment under this section shall be given to pupils  
 43 applying to attend another school within the home district.

44 (6) A district may deny a transfer application for the following rea-  
 45 sons:

- 46 (a) The pupil was expelled by the pupil's previous district;
- 47 (b) The pupil has a documented history of significant disciplinary is-  
 48 sues;

1        (c) The pupil has a conviction or adjudication for any of the offenses  
 2        under section 20-525A(5), Idaho Code, or chapter 9, 61, or 66, title 18,  
 3        Idaho Code;

4        ~~(e)~~ (d) The pupil has a documented history of chronic absenteeism; or  
 5        ~~(d)~~ (e) The receiving district does not have space available pursuant  
 6        to section 33-1409, Idaho Code. Where applicable, a denial may include  
 7        information about other schools that are below maximum enrollment.

8        (7) For a pupil accepted by the receiving school or district, the par-  
 9        ent or legal guardian does not need to reapply to regain acceptance the next  
 10       school year. However, the parent or legal guardian ~~must~~ shall provide no-  
 11       tice to the receiving school or district of intent for the pupil to reenroll.  
 12       The district may prescribe the form of notice. Once a pupil has been enrolled  
 13       at the same school for a second consecutive year, the pupil may complete his  
 14       education at such school, unless the pupil's approved transfer has been re-  
 15       voked pursuant to this section.

16       (8) Whenever any pupil enrolls in and attends a school outside the dis-  
 17       trict within which the parent or legal guardian resides, the parent or legal  
 18       guardian shall be responsible for transporting the pupil to and from the  
 19       school or to an appropriate bus stop within the receiving district. For stu-  
 20       dents attending another school within the home district, the parent or legal  
 21       guardian is responsible for transporting the pupil to and from an appropri-  
 22       ate bus stop. Tuition shall be waived for parents or legal guardians of any  
 23       Idaho pupils allowed under the provisions of this section. Tuition charged  
 24       to the debtor district may be waived by the creditor district.

25       (9) A pupil who applies and is accepted in a nonresident school district  
 26       is subject to the policy of the receiving school district and shall be ineli-  
 27       gible to again apply for an enrollment option or the transfer approval may be  
 28       revoked in that nonresident district if:

29       (a) The pupil is chronically absent;

30       (b) The pupil commits repeated, serious disciplinary infractions;

31       (c) The pupil commits disciplinary infractions that result in expul-  
 32       sion; ~~or~~

33       (d) The pupil has a conviction or adjudication for any of the offenses  
 34       under section 20-525A(5), Idaho Code, or chapter 9, 61, or 66, title 18,  
 35       Idaho Code; or

36       ~~(d)~~ (e) The school in which the student is enrolled exceeds maximum  
 37       enrollment of resident pupils due to growth. However, pursuant to sub-  
 38       section (7) of this section, the receiving district may not revoke a  
 39       transfer approval to a school after two (2) consecutive years of atten-  
 40       dance. If a transfer approval is revoked under this subsection, the  
 41       receiving district ~~must~~ shall offer the pupil information about other  
 42       schools within the district that are below maximum enrollment.

43       (10) A receiving school shall inform the parent or legal guardian of the  
 44       circumstances that jeopardize the student's status at a transfer school.

45       (11) No district shall take any action to prohibit or prevent applica-  
 46       tion by resident pupils to attend school in another school district or to at-  
 47       tend another school within the home district.

48       SECTION 3. An emergency existing therefor, which emergency is hereby  
 49       declared to exist, this act shall be in full force and effect on and after  
 50       July 1, 2025.