

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 237

BY EDUCATION COMMITTEE

AN ACT

1 RELATING TO EDUCATION; AMENDING SECTION 33-1402, IDAHO CODE, TO REVISE
2 PROVISIONS REGARDING SCHOOL ENROLLMENT OPTIONS; AND DECLARING AN EMER-
3 GENCY AND PROVIDING AN EFFECTIVE DATE.
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5 Be It Enacted by the Legislature of the State of Idaho:

6 SECTION 1. 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 guardian of any Idaho pupil determines that
18 it is in the best interest of the pupil to attend a school within another dis-
19 trict, or to attend another school within the home district, such pupil may
20 be transferred to and attend the selected school, subject to the provisions
21 of this section and section 33-1404, Idaho Code.

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

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

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

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

3 (a) The pupil was expelled by the pupil's previous district;

4 (b) The pupil has a documented history of significant disciplinary is-
5 sues;

6 (c) The pupil has a documented history of chronic absenteeism; or

7 (d) The receiving district does not have space available pursuant to
8 section 33-1409, Idaho Code. Where applicable, a denial may include in-
9 formation about other schools that are below maximum enrollment.

10 (7) For a pupil accepted by the receiving school or district, the par-
11 ent or guardian does not need to reapply to regain acceptance the next school
12 year. However, the parent or guardian must provide notice to the receiving
13 school or district of intent for the pupil to reenroll. The district may pre-
14 scribe the form of notice. Once a pupil has been enrolled at the same school
15 for a second consecutive year, the pupil may complete his education at such
16 school, unless the pupil's approved transfer has been revoked pursuant to
17 this section.

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

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

31 (a) The pupil is chronically absent;

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

33 (c) The pupil commits disciplinary infractions that result in expul-
34 sion; or

35 (d) The school in which the student is enrolled exceeds maximum enroll-
36 ment of resident pupils due to growth. However, pursuant to subsection

37 (7) of this section, the receiving district may not revoke a transfer
38 approval to a school after two (2) consecutive years of attendance. If a
39 transfer approval is revoked under this subsection, the receiving dis-
40 trict must offer the pupil information about other schools within the
41 district that are below maximum enrollment.

42 (10) A receiving school shall inform the parent or guardian of the cir-
43 cumstances that jeopardize the student's status at a transfer school.

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

47 (12) No pupil who has transferred to and enrolled in any Idaho public or
48 private school may be prevented from immediate participation in extracur-
49 ricular activities, as defined in section 33-5701, Idaho Code, due solely to
50 the pupil's status as a transfer student; provided, however, that pupils who

1 have transferred to another school after the commencement of a sports sea-
2 son may be prevented from immediate participation in that sport, unless the
3 transfer is the result of a bona fide move to a different residence in a dif-
4 ferent school attendance area or a different school district. A "bona fide
5 move" means the actual physical relocation of the parents or legal guardians
6 of a student to a new residence and termination of all occupancy at the previ-
7 ous residence. No public school shall be a member of any Idaho school activ-
8 ities association that maintains a restriction prohibited by this subsec-
9 tion.

10 SECTION 2. An emergency existing therefor, which emergency is hereby
11 declared to exist, this act shall be in full force and effect on and after
12 July 1, 2025.