

IN THE SENATE

SENATE BILL NO. 1056

BY EDUCATION COMMITTEE

AN ACT

1 RELATING TO SCHOOL ATTENDANCE; AMENDING SECTION 33-205, IDAHO CODE, TO
2 PROVIDE THAT THE BOARD OF TRUSTEES SHALL DENY ENROLLMENT TO ANY PUPIL
3 FOUND GUILTY OF A CRIME OF VIOLENCE OR WHO WAS IMPRISONED FOR ONE YEAR OR
4 LONGER.
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6 Be It Enacted by the Legislature of the State of Idaho:

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

9 33-205. DENIAL OF SCHOOL ATTENDANCE. The board of trustees may deny
10 enrollment, or may deny attendance at any of its schools by expulsion, to any
11 pupil who is an habitual truant, or who is incorrigible, or whose conduct, in
12 the judgment of the board, is such as to be continuously disruptive of school
13 discipline, or of the instructional effectiveness of the school, or whose
14 presence in a public school is detrimental to the health and safety of other
15 pupils, or who has been expelled from another school district in this state
16 or any other state. Any pupil having been denied enrollment or expelled may
17 be enrolled or readmitted to the school by the board of trustees upon such
18 reasonable conditions as may be prescribed by the board; but such enrollment
19 or readmission shall not prevent the board from again expelling such pupil
20 for cause.

21 Provided however, the board shall expel from school for a period of not
22 less than one (1) year, twelve (12) calendar months, or may deny enrollment
23 to, a student who has been found to have carried a weapon or firearm on school
24 property in this state or any other state, except that the board may modify
25 the expulsion or denial of enrollment order on a case-by-case basis. Disci-
26 pline of students with disabilities shall be in accordance with the require-
27 ments of federal law part B of the individuals with disabilities education
28 act and section 504 of the rehabilitation act. An authorized representative
29 of the board shall report such student and incident to the appropriate law
30 enforcement agency.

31 The board shall deny enrollment or attendance, by expulsion, at any of
32 its schools to any pupil who has been adjudicated guilty of or who has re-
33 ceived a withheld judgment or suspended sentence for one (1) or more crimes
34 of violence, constituting a misdemeanor or felony, or of any crime that re-
35 sulted in imprisonment for one (1) year or longer, unless five (5) years have
36 elapsed since disposition or pardon has occurred.

37 No pupil shall be expelled nor denied enrollment without the board of
38 trustees having first given written notice to the parent or guardian of the
39 pupil, which notice shall state the grounds for the proposed expulsion or
40 denial of enrollment and the time and place where such parent or guardian
41 may appear to contest the action of the board to deny school attendance, and
42 which notice shall also state the rights of the pupil to be represented by

1 counsel, to produce witnesses and submit evidence on his own behalf, and to
2 cross-examine any adult witnesses who may appear against him. Within a rea-
3 sonable period of time following such notification, the board of trustees
4 shall grant the pupil and his parents or guardian a full and fair hearing on
5 the proposed expulsion or denial of enrollment. However, the board shall al-
6 low a reasonable period of time between such notification and the holding of
7 such hearing to allow the pupil and his parents or guardian to prepare their
8 response to the charge. Any pupil who is within the age of compulsory atten-
9 dance, who is expelled or denied enrollment as herein provided, shall come
10 under the purview of the juvenile corrections act, and an authorized rep-
11 resentative of the board shall, within five (5) days, give written notice
12 of the pupil's expulsion to the prosecuting attorney of the county of the
13 pupil's residence.

14 The superintendent of any district or the principal of any school may
15 temporarily suspend any pupil for disciplinary reasons, including student
16 harassment, intimidation or bullying, or for other conduct disruptive of
17 good order or of the instructional effectiveness of the school. A tempo-
18 rary suspension by the principal shall not exceed five (5) school days in
19 length; and the school superintendent may extend the temporary suspension
20 an additional ten (10) school days. Provided, that on a finding by the board
21 of trustees that immediate return to school attendance by the temporarily
22 suspended student would be detrimental to other pupils' health, welfare or
23 safety, the board of trustees may extend the temporary suspension for an
24 additional five (5) school days. Prior to suspending any student, the su-
25 perintendent or principal shall grant an informal hearing on the reasons for
26 the suspension and the opportunity to challenge those reasons. Any pupil who
27 has been suspended may be readmitted to the school by the superintendent or
28 principal who suspended him upon such reasonable conditions as said superin-
29 tendent or principal may prescribe. The board of trustees shall be notified
30 of any temporary suspensions, the reasons therefor, and the response, if
31 any, thereto.

32 The board of trustees of each school district shall establish the pro-
33 cedure to be followed by the superintendent and principals under its juris-
34 diction for the purpose of effecting a temporary suspension, which procedure
35 must conform to the minimal requirements of due process.