

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 477

BY EDUCATION COMMITTEE

AN ACT

1  
2 RELATING TO CRIMINAL HISTORY CHECKS; AMENDING SECTION 33-130, IDAHO CODE, TO  
3 REVISE A FEE THE STATE DEPARTMENT OF EDUCATION SHALL CHARGE TO CERTAIN  
4 INDIVIDUALS.

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

6 SECTION 1. That Section 33-130, Idaho Code, be, and the same is hereby  
7 amended to read as follows:

8 33-130. CRIMINAL HISTORY CHECKS FOR SCHOOL DISTRICT EMPLOYEES OR AP-  
9 PPLICANTS FOR CERTIFICATES OR INDIVIDUALS HAVING CONTACT WITH STUDENTS --  
10 STATEWIDE LIST OF SUBSTITUTE TEACHERS. The department of education, through  
11 the cooperation of the Idaho state police, shall establish a system to ob-  
12 tain a criminal history check on individuals to include, but is not limited  
13 to, certificated and noncertificated employees, all applicants for cer-  
14 tificates pursuant to chapter 12, title 33, Idaho Code, substitute staff,  
15 individuals involved in other types of student training such as practicums  
16 and internships, and on all individuals who have unsupervised contact with  
17 students in a K-12 setting. The criminal history check shall be based on a  
18 completed ten (10) finger fingerprint card or scan and shall include, at a  
19 minimum, the following state and national databases:

- 20 (1) Idaho bureau of criminal identification;  
21 (2) Federal bureau of investigation (FBI) criminal history check; and  
22 (3) Statewide sex offender register.

23 The state department of education shall charge all such individuals a  
24 ~~fee of forty dollars (\$40.00) for undergoing a criminal history check pur-~~  
25 ~~suant to this section. The fee shall be sufficient to cover costs charged~~  
26 ~~equal to any processing fees charged to the state department of education by~~  
27 ~~the federal bureau of investigation, and the Idaho state police and, plus ten~~  
28 ~~dollars and seventy-five cents (\$10.75) to defray the costs of the state de-~~  
29 ~~partment of education. A record of all background checks shall be maintained~~  
30 ~~at the state department of education in a data bank for all employees of a~~  
31 ~~school district with a copy going to the applicant upon request.~~

32 The state department of education shall maintain a statewide list of  
33 substitute teachers. The term "substitute teacher" shall have the meaning  
34 as provided in section 33-512(15), Idaho Code.

35 The Idaho state police and the department of education shall implement  
36 a joint exercise of powers agreement pursuant to sections 67-2328 through  
37 67-2333, Idaho Code, necessary to implement the provisions of this section.