

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 190

BY EDUCATION COMMITTEE

AN ACT

1 RELATING TO THE STATE BOARD OF EDUCATION; AMENDING SECTION 33-130, IDAHO  
2 CODE, TO REVISE PROVISIONS RELATING TO A FEE FOR UNDERGOING A CRIMINAL  
3 HISTORY CHECK AND TO MAKE TECHNICAL CORRECTIONS.  
4

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. (1) The department of education,  
11 through the cooperation of the Idaho state police, shall establish a system  
12 to obtain a criminal history check on individuals to include, but is not  
13 limited to, certificated and noncertificated employees, all applicants for  
14 certificates 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 (1a) Idaho bureau of criminal identification;

21 (2b) Federal bureau of investigation (FBI) criminal history check; and

22 (3c) Statewide sex offender register.

23 (2) The state department of education shall charge all such individuals  
24 a fee of ~~forty dollars (\$40.00)~~ for necessary to cover the cost of undergo-  
25 ing a criminal history check pursuant to this section. The total fee shall be  
26 sufficient to cover the net costs charged by the federal bureau of investiga-  
27 tion, ~~and the state police and the state department of education~~. A record of  
28 all background checks shall be maintained at the state department of educa-  
29 tion in a data bank for all employees of a school district with a copy going to  
30 the applicant upon request.

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

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