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LEGISLATURE OF THE STATE OF IDAHO
Sixty-fifth Legislature First Extraordinary Session - 2020

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1 AN ACT
2 RELATING TO SCHOOLS; AMENDING SECTION 33-512, IDAHO CODE, TO PROVIDE THAT
3 THE BOARD OF SCHOOL DISTRICT TRUSTEES MAY CLOSE SCHOOLS UNDER CERTAIN
4 CIRCUMSTANCES; AMENDING CHAPTER 2, TITLE 33, IDAHO CODE, BY THE ADDI-
5 TION OF A NEW SECTION 33-212, IDAHO CODE, TO ESTABLISH PROVISIONS RE-
6 GARDING THE AUTHORITY TO CLOSE SCHOOLS, LIMIT SCHOOL PROGRAMS OR ACTIV-
7 ITIES, OR REQUIRE MEASURES TO PREVENT THE SPREAD OF CONTAGIOUS OR INFEC-
8 TIOUS DISEASE; AND DECLARING AN EMERGENCY.

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

10 SECTION 1. That Section 33-512, Idaho Code, be, and the same is hereby
11 amended to read as follows:

12 33-512. GOVERNANCE OF SCHOOLS. The board of trustees of each school
13 district shall have the following powers and duties:

14 (1) To fix the days of the year and the hours of the day when schools
15 shall be in session. However:

16 (a) Each school district shall annually adopt and implement a school
17 calendar which provides its students at each grade level with the fol-
18 lowing minimum number of instructional hours:

19	Grades	Hours
20	9-12	990
21	4-8	900
22	1-3	810
23	K	450
24	Alternative schools	
25	(any grades)	900

26 (b) School assemblies, testing and other instructionally related ac-
27 tivities involving students directly may be included in the required
28 instructional hours.

29 (c) When approved by a local school board, annual instructional hour
30 requirements stated in paragraph (a) of this subsection may be reduced
31 as follows:

32 (i) Up to a total of twenty-two (22) hours to accommodate staff
33 development activities conducted on such days as the local school
34 board deems appropriate.

35 (ii) Up to a total of eleven (11) hours of emergency school clo-
36 sures due to adverse weather conditions and facility failures.

37 However, transportation to and from school, passing times between
38 classes, recess and lunch periods shall not be included.

39 (d) Student and staff activities related to the opening and closing of
40 the school year, grade reporting, program planning, staff meetings, and

1 other classroom and building management activities shall not be counted
2 as instructional time or in the reductions provided in paragraph (c) (i)
3 of this subsection.

4 (e) For multiple shift programs, this rule applies to each shift (i.e.,
5 each student must have access to the minimum annual required hours of
6 instruction).

7 (f) The instructional time requirement for grade 12 students may be re-
8 duced by action of a local school board for an amount of time not to ex-
9 ceed eleven (11) hours of instructional time.

10 (g) The state superintendent of public instruction may grant an ex-
11 emption from the provisions of this section for an individual building
12 within a district, when the closure of that building, for unforeseen
13 circumstances, does not affect the attendance of other buildings within
14 the district.

15 (h) The state board of education may grant a waiver of the minimum
16 number of instructional hours for a school district when districtwide
17 school closures are necessary as a result of natural occurrences cre-
18 ating unsafe conditions for students. A county or state disaster
19 declaration must have been issued for one (1) or more of the counties
20 in which the school district is located. A waiver request to the state
21 board of education must describe the efforts by the school district to
22 make up lost instructional hours, the range of grades impacted, and the
23 number of hours the school district is requesting be waived.

24 (i) The reduction of instructional hours allowed in paragraphs (f)
25 through (h) of this subsection may not be combined in a single school
26 year.

27 (2) To adopt and carry on and to provide for the financing of a total ed-
28 ucational program for the district. Such programs in other than elementary
29 school districts may include education programs for out-of-school youth and
30 adults, and such districts may provide classes in kindergarten;

31 (3) To provide, or require pupils to be provided with, suitable text-
32 books and supplies, and for advice on textbook selections may appoint a cur-
33 ricular materials adoption committee as provided in section 33-512A, Idaho
34 Code;

35 (4) To protect the morals and health of the pupils;

36 (5) To exclude from school, children not of school age;

37 (6) To prescribe rules for the disciplining of unruly or insubordinate
38 pupils, including rules on student harassment, intimidation and bullying,
39 such rules to be included in a district discipline code adopted by the board
40 of trustees and a summarized version thereof to be provided in writing at the
41 beginning of each school year to the teachers and students in the district
42 in a manner consistent with the student's age, grade and level of academic
43 achievement;

44 (7) To exclude from school, pupils with contagious or infectious dis-
45 eases who are diagnosed or suspected as having a contagious or infectious
46 disease or those who are not immune and have been exposed to a contagious or
47 infectious disease; and to close school ~~on order of the state board of health~~
48 and welfare or local health authorities if the board determines that condi-
49 tions warrant such closure, based on consultation with the district health

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1 department of the public health district in which the school district is lo-
2 cated;

3 (8) To equip and maintain a suitable library or libraries in the school
4 or schools and to exclude therefrom, and from the schools, all books, tracts,
5 papers, and catechisms of sectarian nature;

6 (9) To determine school holidays. Any listing of school holidays shall
7 include not less than the following: New Year's Day, Memorial Day, Indepen-
8 dence Day, Thanksgiving Day, and Christmas Day. Other days listed in section
9 73-108, Idaho Code, if the same shall fall on a school day, shall be observed
10 with appropriate ceremonies; and any days the state board of education may
11 designate, following the proclamation by the governor, shall be school holi-
12 days;

13 (10) To erect and maintain on each schoolhouse or school grounds a suit-
14 able flagstaff or flagpole, and display thereon the flag of the United States
15 of America on all days, except during inclement weather, when the school is
16 in session; and for each Veterans Day, each school in session shall conduct
17 and observe an appropriate program of at least one (1) class period remember-
18 ing and honoring American veterans;

19 (11) To prohibit entrance to each schoolhouse or school grounds, to pro-
20 hibit loitering in schoolhouses or on school grounds and to provide for the
21 removal from each schoolhouse or school grounds of any individual or indi-
22 viduals who disrupt the educational processes or whose presence is detrimen-
23 tal to the morals, health, safety, academic learning or discipline of the
24 pupils. A person who disrupts the educational process or whose presence is
25 detrimental to the morals, health, safety, academic learning or discipline
26 of the pupils or who loiters in schoolhouses or on school grounds, is guilty
27 of a misdemeanor;

28 (12) To supervise and regulate, including by contract with established
29 entities, those extracurricular activities which are by definition outside
30 of or in addition to the regular academic courses or curriculum of a public
31 school, and which extracurricular activities shall not be considered to be
32 a property, liberty or contract right of any student, and such extracurric-
33 ular activities shall not be deemed a necessary element of a public school
34 education, but shall be considered to be a privilege. For the purposes of
35 extracurricular activities, any secondary school located in this state that
36 is accredited by an organization approved through a process defined by the
37 state department of education shall be able to fully participate in all ex-
38 tracurricular activities described in and governed by the provisions of this
39 subsection;

40 (13) To govern the school district in compliance with state law and
41 rules of the state board of education;

42 (14) To submit to the superintendent of public instruction not later
43 than July 1 of each year documentation which meets the reporting require-
44 ments of the federal gun-free schools act of 1994 as contained within the
45 federal improving America's schools act of 1994;

46 (15) To require that all certificated and noncertificated employees
47 hired on or after July 1, 2008, and other individuals who are required by
48 the provisions of section 33-130, Idaho Code, to undergo a criminal history
49 check shall submit a completed ten (10) finger fingerprint card or scan to
50 the department of education no later than five (5) days following the first

1 day of employment or unsupervised contact with students in a K-12 setting,
2 whichever is sooner. Such employees and other individuals shall pay the cost
3 of the criminal history check. If the criminal history check shows that the
4 employee has been convicted of a felony crime enumerated in section 33-1208,
5 Idaho Code, it shall be grounds for immediate termination, dismissal or
6 other personnel action of the district, except that it shall be the right
7 of the school district to evaluate whether an individual convicted of one
8 of these crimes and having been incarcerated for that crime shall be hired.
9 Provided however, that any individual convicted of any felony offense listed
10 in section 33-1208(2), Idaho Code, shall not be hired. For the purposes of
11 criminal history checks, a substitute teacher is any individual who tem-
12 porarily replaces a certificated classroom educator and is paid a substitute
13 teacher wage for one (1) day or more during a school year. A substitute
14 teacher who has undergone a criminal history check at the request of one (1)
15 district in which he has been employed as a substitute shall not be required
16 to undergo an additional criminal history check at the request of any other
17 district in which he is employed as a substitute if the teacher has obtained
18 a criminal history check within the previous five (5) years. If the district
19 next employing the substitute still elects to require another criminal his-
20 tory check within the five (5) year period, that district shall pay the cost
21 of the criminal history check or reimburse the substitute teacher for such
22 cost. To remain on the statewide substitute teacher list maintained by the
23 state department of education, the substitute teacher shall undergo a crimi-
24 nal history check every five (5) years;

25 (16) To maintain a safe environment for students by developing a system
26 that cross-checks all contractors or other persons who have irregular con-
27 tact with students against the statewide sex offender registry, by develop-
28 ing a school safety plan for each school and by meeting annually with emer-
29 gency first responders to update the plans and discuss emergency exercises
30 and operations;

31 (17) To provide support for teachers in their first two (2) years in the
32 profession in the areas of: administrative and supervisory support, mentor-
33 ing, peer assistance and professional development.

34 SECTION 2. That Chapter 2, Title 33, Idaho Code, be, and the same is
35 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
36 ignated as Section 33-212, Idaho Code, and to read as follows:

37 33-212. AUTHORITY TO CLOSE SCHOOLS TO PREVENT THE SPREAD OF INFECTIOUS
38 DISEASE. (1) Notwithstanding any provision of law or rule to the contrary,
39 only the following shall have the authority to close schools or otherwise
40 limit any aspect of school programs or activities to prevent the spread of
41 contagious or infectious disease:

42 (a) The governor or state board of education, whose authority may apply
43 statewide or to any area of the state; or

44 (b) A board of school district trustees as provided in section 33-512,
45 Idaho Code.

46 (2) Only a person or an entity listed in subsection (1) of this section
47 shall have the authority to require, in schools or during school programs or

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1 activities, measures intended to prevent the spread of contagious or infec-
2 tious disease.

3 (3) A decision by a person or an entity listed in subsection (1) of this
4 section for schools to remain open or to reopen, or to require or not require
5 measures in schools or during school programs or activities to prevent the
6 spread of contagious or infectious disease, shall not constitute a violation
7 of any order issued by the department of health and welfare pursuant to sec-
8 tion 56-1003(7), Idaho Code; a district board of health pursuant to section
9 39-414(2), Idaho Code; or a city pursuant to section 50-304, Idaho Code.

10 SECTION 3. An emergency existing therefor, which emergency is hereby
11 declared to exist, this act shall be in full force and effect on and after its
12 passage and approval.