

## **Report Regarding the Education Working Group**

By: Co-chairs Mortimer and Clow

August 13, 2020

### **Charge**

The working group, composed of membership from the Senate and House of Representatives Education Committees, was convened to consider the following:

- Statutory changes that may be advisable to better assist public school districts in providing educational services in the event of economic holdbacks and/or budget reductions, particularly in times of emergency such as the current pandemic, taking into account:
  - The health and safety of the public;
  - The educational needs of students;
  - Flexibility to adjust to budget changes; and
  - The Legislature's role in the process; and
- Whether an extraordinary session of the Legislature is needed to consider the working group's recommendations.

### **Membership**

Senator Dean Mortimer, Co-chair  
Senator Steven Thayn  
Senator Chuck Winder  
Senator Lori Den Hartog  
Senator Jim Woodward  
Senator Dave Lent  
Senator Cherie Buckner-Webb  
Senator Janie Ward-Engelking

Representative Lance Clow, Co-chair  
Representative Ryan Kerby  
Representative Paul Shepherd  
Representative Ron Mendive  
Representative Gayann DeMordaunt  
Representative Dorothy Moon  
Representative Barbara Ehardt  
Representative Bill Goesling  
Representative Gary Marshall  
Representative Jerald Raymond  
Representative Tony Wisniewski  
Representative John McCrostie  
Representative Chris Abernathy  
Representative Steve Berch

### **Staff**

Elizabeth Bowen, Principal Legislative Drafting Attorney  
Shelley Sheridan, Secretary

## Meetings

- July 21, 2020, via video teleconference
- July 30, 2020, via video teleconference
- August 10, 2020, via video teleconference

At its meetings, the working group discussed its charge and considered information, comments, and recommendations from:

- The Office of the Governor;
- The State Board of Education;
- The State Department of Education;
- The Idaho School Boards Association;
- The Idaho Association of School Administrators;
- The Idaho Education Association; and
- The Legislative Services Office.

The working group also considered draft legislation addressing issues of concern raised in the meetings.

## Recommendations

It is the belief of the Education Working Group that budgetary reductions and other problems associated with the COVID-19 pandemic have created hardships for public schools that require an immediate response involving statutory changes. Therefore, the working group recommends that the Governor convene an Extraordinary Session of the Legislature as soon as possible, during which the following legislation may be considered:

- **RS28047**, allowing school districts, during fiscal year 2021, to: (1) use payments from the school district building account, composed of lottery dividends, for any purpose supported by discretionary funds; and (2) use appropriations for certain line items (public school technology program, additional math and science courses, leadership premiums, safe environment conducive to learning/classroom discipline, and counseling support) for any purpose supported by state funds; and
- **RS28048**, clarifying the authority to close schools, community colleges, and state institutions of higher education and to require other school-based measures to prevent the spread of contagious or infectious disease.



LEGISLATURE OF THE STATE OF IDAHO



Sixty-fifth Legislature

First Extraordinary Session - 2020

IN THE \_\_\_\_\_

BILL NO. \_\_\_\_\_

BY \_\_\_\_\_

AN ACT

RELATING TO PUBLIC SCHOOL FUNDING; AMENDING SECTION 33-905, IDAHO CODE, TO PROVIDE THAT CERTAIN PAYMENTS MAY BE USED BY A SCHOOL DISTRICT FOR ANY PURPOSE SUPPORTED BY DISCRETIONARY FUNDS DURING FISCAL YEAR 2021; AMENDING SECTION 33-1002, IDAHO CODE, TO PROVIDE THAT FUNDS APPROPRIATED FOR CERTAIN PURPOSES MAY BE USED FOR OTHER PURPOSES DURING FISCAL YEAR 2021; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 33-905, Idaho Code, be, and the same is hereby amended to read as follows:

33-905. SCHOOL DISTRICT BUILDING ACCOUNT -- PAYMENTS TO ACCOUNT -- MONEYS APPROPRIATED TO STATE BOARD -- APPLICATION FOR MONEYS -- PAYMENTS TO DISTRICTS -- REPORTS ON APPLICATIONS -- USES OF MONEYS. (1) The state of Idaho, in order to fulfill its responsibility to establish and maintain a general, uniform and thorough system of public, free common schools, hereby creates and establishes the school district building account in the state treasury. The school district building account shall have paid into it such appropriations or revenues as may be provided by law.

(2) By not later than August 31, moneys in the account pursuant to distribution from section 67-7434, Idaho Code, the lottery dividends and interest earned thereon, shall be distributed to each of the several school districts, in the proportion that the average daily attendance of that district for the previous school year bears to the total average daily attendance of the state during the previous school year. For the purposes of this subsection (2) only, the Idaho school for the deaf and the blind shall be considered a school district, and shall receive a distribution based upon the average daily attendance of the school. Average daily attendance shall be calculated as provided in section 33-1002(3), Idaho Code. For the purposes of this subsection (2) only, any school for the deaf and the blind operated by the Idaho bureau of educational services for the deaf and the blind shall be considered a school district, and shall receive a distribution based upon the average daily attendance of the school.

(3) Any other state moneys that may be made available shall be distributed to meet the requirements of section 33-1019, Idaho Code. If the amount of such funds exceeds the amount needed to meet the provisions of section 33-1019, Idaho Code, then the excess balance shall be transferred to the public education stabilization fund.

(4) All payments from the school district building account shall be paid out directly to the school district in warrants drawn by the state controller upon presentation of proper vouchers from the state board of education. Pending payments out of the school district building account, the moneys in the account shall be invested by the state treasurer in the same

1 manner as provided under section 67-1210, Idaho Code, with respect to other  
2 idle moneys in the state treasury. Interest earned on the investments shall  
3 be returned to the school district building account.

4 (5) Payments from the school district building account received by a  
5 school district shall be used by the school district for the purposes autho-  
6 rized in section 33-1019, Idaho Code, up to the level of the state match so  
7 required. Any payments from the school district building account received  
8 by a school district that are in excess of the state match requirements of  
9 section 33-1019, Idaho Code, may be used by the school district for the pur-  
10 poses authorized in section 33-1102, Idaho Code. During fiscal year 2021  
11 only, a school district may use payments distributed pursuant to this sec-  
12 tion for any purpose supported by discretionary funds.

13 SECTION 2. That Section 33-1002, Idaho Code, be, and the same is hereby  
14 amended to read as follows:

15 33-1002. EDUCATIONAL SUPPORT PROGRAM. The educational support pro-  
16 gram is calculated as follows:

17 (1) State Educational Support Funds. Add the state appropriation, in-  
18 cluding the moneys available in the public school income fund, together with  
19 all miscellaneous revenues to determine the total state funds.

20 (2) From the total state funds subtract the following amounts needed  
21 for state support of special programs provided by a school district:

22 (a) Pupil tuition-equivalency allowances as provided in section  
23 33-1002B, Idaho Code;

24 (b) Transportation support program as provided in section 33-1006,  
25 Idaho Code;

26 (c) Feasibility studies allowance as provided in section 33-1007A,  
27 Idaho Code;

28 (d) The approved costs for border district allowance, provided in sec-  
29 tion 33-1403, Idaho Code, as determined by the state superintendent of  
30 public instruction;

31 (e) The approved costs for exceptional child approved contract al-  
32 lowance, provided in subsection 2. of section 33-2004, Idaho Code, as  
33 determined by the state superintendent of public instruction;

34 (f) Salary-based apportionment calculated as provided in sections  
35 33-1004 through 33-1004F, Idaho Code;

36 (g) Unemployment insurance benefit payments according to the provi-  
37 sions of section 72-1349A, Idaho Code;

38 (h) For expenditure as provided by the public school technology pro-  
39 gram;

40 (i) For employee severance payments as provided in section 33-521,  
41 Idaho Code;

42 (j) For distributions to the Idaho digital learning academy as provided  
43 in section 33-1020, Idaho Code;

44 (k) For charter school facilities funds and reimbursements paid pur-  
45 suant to section 33-5208(5), Idaho Code;

46 (l) For an online course portal as provided for in section 33-1024,  
47 Idaho Code;

48 (m) For advanced opportunities as provided for in chapter 46, title 33,  
49 Idaho Code;



1 (n) For additional math and science courses for high school students as  
2 provided in section 33-1021, Idaho Code;

3 (o) For leadership premiums as provided in section 33-1004J, Idaho  
4 Code;

5 (p) For master teacher premiums as provided in section 33-1004I, Idaho  
6 Code;

7 (q) For the support of provisions that provide a safe environment con-  
8 ductive to student learning and maintain classroom discipline, an allo-  
9 cation of three hundred dollars (\$300) per support unit;

10 (r) An amount specified in the appropriation bill for the public  
11 schools educational support program for counseling support as provided  
12 for in section 33-1212A, Idaho Code, shall be distributed for grades 8  
13 through 12 as follows:

14 (i) For school districts and public charter schools with one hun-  
15 dred (100) or more students enrolled in grades 8 through 12, a pro  
16 rata distribution based on students enrolled in grades 8 through  
17 12 or eighteen thousand dollars (\$18,000), whichever is greater;

18 (ii) For school districts and public charter schools with fewer  
19 than one hundred (100) students enrolled in grades 8 through 12,  
20 one hundred eighty dollars (\$180) per student enrolled in grades  
21 8 through 12 or nine thousand dollars (\$9,000), whichever is  
22 greater;

23 (s) An amount specified in the public schools educational support pro-  
24 gram appropriation bill for literacy intervention pursuant to section  
25 33-1616, Idaho Code, the disbursements made to the school districts  
26 and public charter schools in the aggregate shall not exceed the total  
27 amount appropriated for this purpose and shall be based on the actual  
28 costs of such intervention programs. School districts and public char-  
29 ter schools shall be reimbursed in full or in pro rata based on the  
30 average number of students in kindergarten through grade 3 who score ba-  
31 sic or below basic on the fall statewide reading assessment in the prior  
32 three (3) years;

33 (t) For mastery-based education as provided for in section 33-1630,  
34 Idaho Code;

35 (u) For pay for success contracting as provided in section 33-125B,  
36 Idaho Code; and

37 (v) Any additional amounts as required by statute to effect administra-  
38 tive adjustments or as specifically required by the provisions of any  
39 bill of appropriation;

40 to secure the total educational support distribution funds.

41 (3) Average Daily Attendance. The total state average daily attendance  
42 shall be the sum of the average daily attendance of all of the school dis-  
43 tricts of the state. The state board of education shall establish rules set-  
44 ting forth the procedure to determine average daily attendance and the time  
45 for, and method of, submission of such report. Average daily attendance cal-  
46 culation shall be carried out to the nearest hundredth. Computation of av-  
47 erage daily attendance shall also be governed by the provisions of section  
48 33-1003A, Idaho Code.

49 (4) Support Units. The total state support units shall be determined  
50 by using the tables set out hereafter called computation of kindergarten



1 support units, computation of elementary support units, computation of sec-  
 2 ondary support units, computation of exceptional education support units,  
 3 and computation of alternative school support units. The sum of all of the  
 4 total support units of all school districts of the state shall be the total  
 5 state support units.

6 COMPUTATION OF KINDERGARTEN SUPPORT UNITS

7 Average Daily

8 Attendance	Attendance Divisor	Units Allowed
9 41 or more....	40.....	1 or more as computed
10 31 - 40.99 ADA....	-.....	1
11 26 - 30.99 ADA....	-.....	.85
12 21 - 25.99 ADA....	-.....	.75
13 16 - 20.99 ADA....	-.....	.6
14 8 - 15.99 ADA....	-.....	.5
15 1 - 7.99 ADA....	-.....	count as elementary

16 COMPUTATION OF ELEMENTARY SUPPORT UNITS

17 Average Daily

18 Attendance	Attendance Divisor	Minimum Units Allowed
19 300 or more ADA.....	.....	.. 15
20	..23...grades 4, 5 & 6....	
21	..22...grades 1, 2 & 3....1994-95	
22	..21...grades 1, 2 & 3....1995-96	
23	..20...grades 1, 2 & 3....1996-97	
24	and each year thereafter.	
25 160 to 299.99 ADA...	20.....	8.4
26 110 to 159.99 ADA...	19.....	6.8
27 71.1 to 109.99 ADA...	16.....	4.7
28 51.7 to 71.0 ADA...	15.....	4.0
29 33.6 to 51.6 ADA...	13.....	2.8
30 16.6 to 33.5 ADA...	12.....	1.4
31 1.0 to 16.5 ADA...	n/a.....	1.0

32 COMPUTATION OF SECONDARY SUPPORT UNITS

33 Average Daily

34 Attendance	Attendance Divisor	Minimum Units Allowed
35 750 or more....	18.5.....	47
36 400 - 749.99 ADA....	16.....	28
37 300 - 399.99 ADA....	14.5.....	22
38 200 - 299.99 ADA....	13.5.....	17



1	100 - 199.99 ADA....	12.....	9
2	99.99 or fewer	Units allowed as follows:	
3	Grades 7-12	.....	8
4	Grades 9-12	.....	6
5	Grades 7- 9	.....	1 per 14 ADA
6	Grades 7- 8	.....	1 per 16 ADA

7 COMPUTATION OF EXCEPTIONAL EDUCATION SUPPORT UNITS

8	Average Daily		Minimum Units
9	Attendance	Attendance Divisor	Allowed
10	14 or more....	14.5.....	1 or more as
11			computed
12	12 - 13.99....	-.....	1
13	8 - 11.99....	-.....	.75
14	4 - 7.99....	-.....	.5
15	1 - 3.99....	-.....	.25

16 COMPUTATION OF ALTERNATIVE SCHOOL SUPPORT UNITS

17 (Computation of alternative school support units shall include  
18 grades 6 through 12)

19	Pupils in Attendance	Attendance Divisor	Minimum Units
20			Allowed
21	12 or more.....	12.....	1 or more as
22			computed

23 In applying these tables to any given separate attendance unit, no  
24 school district shall receive less total money than it would receive if it  
25 had a lesser average daily attendance in such separate attendance unit. In  
26 applying the kindergarten table to a kindergarten program of fewer days  
27 than a full school year, the support unit allowance shall be in ratio to the  
28 number of days of a full school year. The attendance of students attending  
29 an alternative school in a school district reporting fewer than one hundred  
30 (100) secondary students in average daily attendance shall not be assigned  
31 to the alternative table if the student is from a school district reporting  
32 fewer than one hundred (100) secondary students in average daily attendance,  
33 but shall instead be assigned to the secondary table of the school district  
34 in which they are attending the alternative school, unless the alternative  
35 school in question serves students from multiple districts reporting fewer  
36 than one hundred (100) secondary students in average daily attendance. The  
37 tables for exceptional education and alternative school support units shall  
38 be applicable only for programs approved by the state department of educa-  
39 tion following rules established by the state board of education. Moneys  
40 generated from computation of support units for alternative schools shall be  
41 utilized for alternative school programs. School district administrative

1 and facility costs may be included as part of the alternative school expen-  
2 ditures.

3 (5) State Distribution Factor per Support Unit. Divide educational  
4 support program distribution funds, after subtracting the amounts necessary  
5 to pay the obligations specified in subsection (2) of this section, by the  
6 total state support units to secure the state distribution factor per sup-  
7 port unit.

8 (6) District Support Units. The number of support units for each school  
9 district in the state shall be determined as follows:

10 (a) (i) Divide the actual average daily attendance, excluding stu-  
11 dents approved for inclusion in the exceptional child educational  
12 program, for the administrative schools and each of the separate  
13 schools and attendance units by the appropriate divisor from the  
14 tables of support units in this section, then add the quotients  
15 to obtain the district's support units allowance for regular stu-  
16 dents, kindergarten through grade 12 including alternative school  
17 students. Calculations in application of this subsection shall be  
18 carried out to the nearest hundredth.

19 (ii) Divide the combined totals of the average daily attendance  
20 of all preschool, kindergarten, elementary, secondary, juvenile  
21 detention center students and students with disabilities approved  
22 for inclusion in the exceptional child program of the district by  
23 the appropriate divisor from the table for computation of excep-  
24 tional education support units to obtain the number of support  
25 units allowed for the district's approved exceptional child pro-  
26 gram. Calculations for this subsection shall be carried out to the  
27 nearest hundredth when more than one (1) unit is allowed.

28 (iii) The total number of support units of the district shall be  
29 the sum of the total support units for regular students, subpara-  
30 graph (i) of this paragraph, and the support units allowance for  
31 the approved exceptional child program, subparagraph (ii) of this  
32 paragraph.

33 (b) Total District Allowance Educational Program. Multiply the dis-  
34 trict's total number of support units, carried out to the nearest hun-  
35 dredth, by the state distribution factor per support unit and to this  
36 product add the approved amount of programs of the district provided in  
37 subsection (2) of this section to secure the district's total allowance  
38 for the educational support program.

39 (c) District Share. The district's share of state apportionment is the  
40 amount of the total district allowance, paragraph (b) of this subsec-  
41 tion.

42 (d) Adjustment of District Share. The contract salary of every noncer-  
43 tificated teacher shall be subtracted from the district's share as cal-  
44 culated from the provisions of paragraph (c) of this subsection.

45 (7) Property Tax Computation Ratio. In order to receive state funds  
46 pursuant to this section, a charter district shall utilize a school mainte-  
47 nance and operation property tax computation ratio for the purpose of calcu-  
48 lating its maintenance and operation levy that is no greater than that which  
49 it utilized in tax year 1994, less four-tenths of one percent (.4%). As used  
50 herein, the term "property tax computation ratio" shall mean a ratio deter-



1 mined by dividing the district's certified property tax maintenance and op-  
2 eration budget by the actual or adjusted market value for assessment pur-  
3 poses as such values existed on December 31, 1993. Such maintenance and op-  
4 eration levy shall be based on the property tax computation ratio multiplied  
5 by the actual or adjusted market value for assessment purposes as such values  
6 existed on December 31 of the prior calendar year.

7 (8) For fiscal year 2021 only, a school district or public charter  
8 school may use funds appropriated for purposes described in subsection  
9 (2)(h), (n), (o), (q), or (r) of this section for any purpose supported by  
10 state funds.

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



LEGISLATURE OF THE STATE OF IDAHO



Sixty-fifth Legislature

First Extraordinary Session - 2020

IN THE \_\_\_\_\_

BILL NO. \_\_\_\_\_

BY \_\_\_\_\_

AN ACT

1 RELATING TO EDUCATION; AMENDING SECTION 33-512, IDAHO CODE, TO PROVIDE THAT  
 2 THE BOARD OF SCHOOL DISTRICT TRUSTEES MAY CLOSE SCHOOLS UNDER CERTAIN  
 3 CIRCUMSTANCES; AMENDING CHAPTER 2, TITLE 33, IDAHO CODE, BY THE ADDI-  
 4 TION OF A NEW SECTION 33-212, IDAHO CODE, TO ESTABLISH PROVISIONS RE-  
 5 GARDING THE AUTHORITY TO CLOSE SCHOOLS, LIMIT SCHOOL PROGRAMS OR ACTIV-  
 6 TIES, OR REQUIRE MEASURES TO PREVENT THE SPREAD OF CONTAGIOUS OR INFEC-  
 7 TIOUS DISEASE; AMENDING CHAPTER 37, TITLE 33, IDAHO CODE, BY THE ADDI-  
 8 TION OF A NEW SECTION 33-3730, IDAHO CODE, TO ESTABLISH PROVISIONS RE-  
 9 GARDING A POLICY TO PREVENT THE SPREAD OF CONTAGIOUS OR INFECTIOUS DIS-  
 10 EASE AT A STATE INSTITUTION OF HIGHER EDUCATION; AMENDING CHAPTER 21,  
 11 TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-2145, IDAHO  
 12 CODE, TO ESTABLISH PROVISIONS REGARDING A POLICY TO PREVENT THE SPREAD  
 13 OF CONTAGIOUS OR INFECTIOUS DISEASE AT A COMMUNITY COLLEGE; AND DECLAR-  
 14 ING AN EMERGENCY.  
 15

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

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

19 33-512. GOVERNANCE OF SCHOOLS. The board of trustees of each school  
20 district shall have the following powers and duties:

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

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

Grades	Hours
9-12	990
4-8	900
1-3	810
K	450

31 Alternative schools  
 32 (any grades) 900

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

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



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

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

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

8 (d) Student and staff activities related to the opening and closing of  
9 the school year, grade reporting, program planning, staff meetings, and  
10 other classroom and building management activities shall not be counted  
11 as instructional time or in the reductions provided in paragraph (c) (i)  
12 of this subsection.

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

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

19 (g) The state superintendent of public instruction may grant an ex-  
20 emption from the provisions of this section for an individual building  
21 within a district, when the closure of that building, for unforeseen  
22 circumstances, does not affect the attendance of other buildings within  
23 the district.

24 (h) The state board of education may grant a waiver of the minimum  
25 number of instructional hours for a school district when districtwide  
26 school closures are necessary as a result of natural occurrences cre-  
27 ating unsafe conditions for students. A county or state disaster  
28 declaration must have been issued for one (1) or more of the counties  
29 in which the school district is located. A waiver request to the state  
30 board of education must describe the efforts by the school district to  
31 make up lost instructional hours, the range of grades impacted, and the  
32 number of hours the school district is requesting be waived.

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

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

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

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

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

46 (6) To prescribe rules for the disciplining of unruly or insubordinate  
47 pupils, including rules on student harassment, intimidation and bullying,  
48 such rules to be included in a district discipline code adopted by the board  
49 of trustees and a summarized version thereof to be provided in writing at the  
50 beginning of each school year to the teachers and students in the district



1 in a manner consistent with the student's age, grade and level of academic  
2 achievement;

3 (7) To exclude from school, pupils with contagious or infectious dis-  
4 eases who are diagnosed or suspected as having a contagious or infectious  
5 disease or those who are not immune and have been exposed to a contagious or  
6 infectious disease; and to close school ~~on order of the state board of health  
7 and welfare or local health authorities~~ if the board determines that condi-  
8 tions warrant such closure, based on consultation with the district health  
9 department of the public health district in which the school district is lo-  
10 cated;

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

14 (9) To determine school holidays. Any listing of school holidays shall  
15 include not less than the following: New Year's Day, Memorial Day, Indepen-  
16 dence Day, Thanksgiving Day, and Christmas Day. Other days listed in section  
17 73-108, Idaho Code, if the same shall fall on a school day, shall be observed  
18 with appropriate ceremonies; and any days the state board of education may  
19 designate, following the proclamation by the governor, shall be school holi-  
20 days;

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

27 (11) To prohibit entrance to each schoolhouse or school grounds, to pro-  
28 hibit loitering in schoolhouses or on school grounds and to provide for the  
29 removal from each schoolhouse or school grounds of any individual or indi-  
30 viduals who disrupt the educational processes or whose presence is detrimen-  
31 tal to the morals, health, safety, academic learning or discipline of the  
32 pupils. A person who disrupts the educational process or whose presence is  
33 detrimental to the morals, health, safety, academic learning or discipline  
34 of the pupils or who loiters in schoolhouses or on school grounds, is guilty  
35 of a misdemeanor;

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

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

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

5 (15) To require that all certificated and noncertificated employees  
6 hired on or after July 1, 2008, and other individuals who are required by  
7 the provisions of section 33-130, Idaho Code, to undergo a criminal history  
8 check shall submit a completed ten (10) finger fingerprint card or scan to  
9 the department of education no later than five (5) days following the first  
10 day of employment or unsupervised contact with students in a K-12 setting,  
11 whichever is sooner. Such employees and other individuals shall pay the cost  
12 of the criminal history check. If the criminal history check shows that the  
13 employee has been convicted of a felony crime enumerated in section 33-1208,  
14 Idaho Code, it shall be grounds for immediate termination, dismissal or  
15 other personnel action of the district, except that it shall be the right  
16 of the school district to evaluate whether an individual convicted of one  
17 of these crimes and having been incarcerated for that crime shall be hired.  
18 Provided however, that any individual convicted of any felony offense listed  
19 in section 33-1208(2), Idaho Code, shall not be hired. For the purposes of  
20 criminal history checks, a substitute teacher is any individual who tem-  
21 porarily replaces a certificated classroom educator and is paid a substitute  
22 teacher wage for one (1) day or more during a school year. A substitute  
23 teacher who has undergone a criminal history check at the request of one (1)  
24 district in which he has been employed as a substitute shall not be required  
25 to undergo an additional criminal history check at the request of any other  
26 district in which he is employed as a substitute if the teacher has obtained  
27 a criminal history check within the previous five (5) years. If the district  
28 next employing the substitute still elects to require another criminal his-  
29 tory check within the five (5) year period, that district shall pay the cost  
30 of the criminal history check or reimburse the substitute teacher for such  
31 cost. To remain on the statewide substitute teacher list maintained by the  
32 state department of education, the substitute teacher shall undergo a crimi-  
33 nal history check every five (5) years;

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

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

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

46 33-212. AUTHORITY TO CLOSE SCHOOLS TO PREVENT THE SPREAD OF INFECTIOUS  
47 DISEASE. (1) Notwithstanding any provision of law or rule to the contrary,  
48 only the following shall have the authority to close schools or otherwise

1 limit any aspect of school programs or activities to prevent the spread of  
2 contagious or infectious disease:

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

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

7 (2) Only a person or an entity listed in subsection (1) of this section  
8 shall have the authority to require, in schools or during school programs or  
9 activities, measures intended to prevent the spread of contagious or infec-  
10 tious disease.

11 (3) A decision by a person or an entity listed in subsection (1) of this  
12 section for schools to remain open or to reopen, or to require or not require  
13 measures in schools or during school programs or activities to prevent the  
14 spread of contagious or infectious disease, does not constitute a violation  
15 of any order issued by: the department of health and welfare pursuant to sec-  
16 tion 56-1003(7), Idaho Code; a district board of health pursuant to section  
17 39-414(2), Idaho Code; or a city pursuant to section 50-304, Idaho Code.

18 SECTION 3. That Chapter 37, Title 33, Idaho Code, be, and the same is  
19 hereby amended by the addition thereto of a NEW SECTION, to be known and des-  
20 ignated as Section 33-3730, Idaho Code, and to read as follows:

21 33-3730. PROCEDURES TO PREVENT THE SPREAD OF INFECTIOUS DISEASE. (1)  
22 Each state institution of higher education shall adopt a policy for measures  
23 and procedures to prevent the spread of contagious or infectious disease,  
24 including temporary closure of the institution or any of its buildings or  
25 campuses. Such policy shall be adopted in consultation with the state board  
26 of education and the district health department of any public health dis-  
27 trict in which the institution offers in-person classes. Notwithstanding  
28 any law or rule to the contrary, once such policy is adopted, only the state  
29 board of education, acting in accordance with the policy, shall have the au-  
30 thority to close an institution or any of its buildings or campuses, limit  
31 its programs or activities, or require other measures at the institution for  
32 the purpose of preventing the spread of contagious or infectious disease.

33 (2) The state board of education or a state institution of higher edu-  
34 cation acting in accordance with a policy adopted pursuant to this section  
35 shall not be held to violate any order issued by: the department of health  
36 and welfare pursuant to section 56-1003(7), Idaho Code; a district board of  
37 health pursuant to section 39-414(2), Idaho Code; or a city pursuant to sec-  
38 tion 50-304, Idaho Code.

39 SECTION 4. That Chapter 21, Title 33, Idaho Code, be, and the same is  
40 hereby amended by the addition thereto of a NEW SECTION, to be known and des-  
41 ignated as Section 33-2145, Idaho Code, and to read as follows:

42 33-2145. PROCEDURES TO PREVENT THE SPREAD OF INFECTIOUS DISEASE. (1)  
43 The board of trustees of each community college shall adopt a policy for  
44 measures and procedures to prevent the spread of contagious or infectious  
45 disease, including temporary closure of the college or any of its buildings  
46 or campuses. Such policy shall be adopted in consultation with the district  
47 health department of any public health district in which the college offers

1 in-person classes. Notwithstanding any law or rule to the contrary, once  
2 such policy is adopted, only the board of trustees, acting in accordance  
3 with the policy, shall have the authority to close a community college or any  
4 of its buildings or campuses, limit its programs or activities, or require  
5 other measures at the college for the purpose of preventing the spread of  
6 contagious or infectious disease.

7 (2) A community college board of trustees or a community college act-  
8 ing in accordance with a policy adopted pursuant to this section shall not  
9 be held to violate any order issued by: the department of health and welfare  
10 pursuant to section 56-1003(7), Idaho Code; a district board of health pur-  
11 suant to section 39-414(2), Idaho Code; or a city pursuant to section 50-304,  
12 Idaho Code.

13 SECTION 5. An emergency existing therefor, which emergency is hereby  
14 declared to exist, this act shall be in full force and effect on and after its  
15 passage and approval.