

IN THE SENATE

SENATE BILL NO. 1323, As Amended

BY EDUCATION COMMITTEE

AN ACT

1 RELATING TO EDUCATION; AMENDING SECTION 33-1208, IDAHO CODE, TO REVISE  
2 PROVISIONS REGARDING PERMANENT REVOCATION AND DENIAL OF CERTAIN CER-  
3 TIFICATES, TO PROVIDE A CORRECT CODE REFERENCE, TO PROVIDE FOR A HEARING  
4 AND AN EXCEPTION UNDER CERTAIN CIRCUMSTANCES, AND TO MAKE TECHNICAL  
5 CORRECTIONS; AMENDING SECTION 33-512, IDAHO CODE, TO PROVIDE A CORRECT  
6 CODE REFERENCE AND TO MAKE TECHNICAL CORRECTIONS; AND AMENDING SECTION  
7 33-1209, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE.  
8

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

10 SECTION 1. That Section 33-1208, Idaho Code, be, and the same is hereby  
11 amended to read as follows:

12 33-1208. REVOCATION, SUSPENSION, DENIAL, OR PLACE REASONABLE CONDI-  
13 TIONS ON CERTIFICATE -- GROUNDS. (1-) The professional standards commission  
14 may deny, revoke, suspend, or place reasonable conditions on any certificate  
15 issued or authorized under the provisions of section 33-1201, Idaho Code,  
16 upon any of the following grounds:

17 (a-) Gross neglect of duty;

18 (b-) Incompetency;

19 (c-) Breach of the teaching contract;

20 (d-) Making any material statement of fact in the application for a cer-  
21 tificate, ~~which~~ that the applicant knows to be false;

22 (e-) Revocation, suspension, denial, or surrender of a certificate in  
23 another state for any reason constituting grounds for revocation in  
24 this state;

25 (f-) Conviction, finding of guilt, withheld judgment, or suspended  
26 sentence, ~~in~~ in this or any other state of a crime involving moral turpi-  
27 tude;

28 (g-) Conviction, finding of guilt, withheld judgment, or suspended  
29 sentence in this state or any other state for the delivery, manufacture,  
30 or production of controlled substances or simulated controlled sub-  
31 stances as those terms are defined in section 37-2701, Idaho Code;

32 (h-) A guilty plea or a finding of guilt, notwithstanding the form  
33 of the judgment or withheld judgment, in this or any other state, ~~of~~  
34 the crime of involuntary manslaughter, section 18-4006 2. ~~or section~~  
35 ~~18-4006 3.~~ (2) or (3), Idaho Code;

36 (i-) Any disqualification ~~which~~ that would have been sufficient  
37 grounds for refusing to issue or authorize a certificate, if the dis-  
38 qualification existed or had been known at the time of its issuance or  
39 authorization;

40 (j-) Willful violation of any professional code or standard of ethics  
41 or conduct, ~~adopted~~ adopted by the state board of education;

42 (k-) The kidnapping of a child, section 18-4503, Idaho Code;

1       ~~(1-)~~ Conviction, finding of guilt, withheld judgment, or suspended  
2 sentence, in this state or any other state of any felony, the commission  
3 of which renders the certificated person unfit to teach or otherwise  
4 perform the duties of the certificated person's position.

5       ~~(2-)~~ The professional standards commission shall permanently re-  
6 voke any certificate issued or authorized under the provisions of section  
7 33-1201, Idaho Code, and shall deny the application for issuance of a  
8 certificate of a person who pleads guilty to or is found guilty of, notwith-  
9 standing the form of the judgment or withheld judgment, any of the following  
10 felony offenses ~~against a child~~:

11       ~~(a-)~~ ~~The a~~Aggravated assault of a child, section 18-905, Idaho Code,  
12 or ~~the~~ assault with intent to commit a serious felony ~~against a child~~,  
13 section 18-909, Idaho Code.

14       ~~(b-)~~ ~~The a~~Aggravated battery of a child, section 18-907, Idaho Code,  
15 or ~~the~~ battery with intent to commit a serious felony ~~against a child~~,  
16 section 18-911, Idaho Code.

17       ~~(c-)~~ The injury or death of a child, section 18-1501, Idaho Code.

18       ~~(d-)~~ The sexual abuse of a child under sixteen (16) years of age, sec-  
19 tion 18-1506, Idaho Code.

20       ~~(e-)~~ The ritualized abuse of a child under eighteen (18) years of age,  
21 section 18-1506A, Idaho Code.

22       ~~(f-)~~ The sexual exploitation of a child, section 18-1507, Idaho Code.

23       ~~(g-)~~ Lewd conduct with a child under the age of sixteen (16) years, sec-  
24 tion 18-1508, Idaho Code.

25       ~~(h-)~~ The sexual battery of a minor child sixteen (16) or seventeen (17)  
26 years of age, section 18-1508A, Idaho Code.

27       ~~(i-)~~ The sale or barter of a child for adoption or other purposes, sec-  
28 tion 18-1511, Idaho Code.

29       ~~(j-)~~ ~~The m~~Murder of a child, section 18-4003, Idaho Code, or ~~the~~ volun-  
30 tary manslaughter of a child, section 18-4006~~(1-)~~, Idaho Code.

31       ~~(k-)~~ ~~The k~~Kidnapping of a child, section 18-4502, Idaho Code.

32       ~~(l-)~~ ~~The importation or exportation of a juvenile for immoral purposes~~  
33 Interstate trafficking in prostitution, section 18-5601, Idaho Code.

34       ~~(m-)~~ ~~The abduction of~~ Utilizing a person under eighteen (18) years of  
35 age for prostitution, section 18-5610, Idaho Code.

36       ~~(n-)~~ ~~The r~~Rape of a child, section 18-6101, Idaho Code.

37 The general classes of felonies listed in this subsection ~~2- of this section~~  
38 shall include equivalent laws of federal or other state jurisdictions. For  
39 the purpose of this subsection, "child" means a minor or juvenile as defined  
40 by the applicable state or federal law.

41       ~~(3-)~~ The professional standards commission may investigate and follow  
42 the procedures set forth in section 33-1209, Idaho Code, for any allegation  
43 of inappropriate conduct as defined in this section, by a holder of a cer-  
44 tificate whether or not the holder has surrendered his certificate without a  
45 hearing or failed to renew his certificate. In those cases where the holder  
46 of a certificate has surrendered or failed to renew his certificate and it  
47 was found that inappropriate conduct occurred, the commission shall record  
48 such findings in the permanent record of the individual and shall deny the  
49 issuance of a teaching certificate.

1        (4-) Any person whose certificate may be or has been revoked, suspended  
 2 or denied under the provisions of this section shall be afforded a hearing  
 3 according to the provisions of section 33-1209, Idaho Code. Any person hold-  
 4 ing a certificate on or before July 1, 2020, who would not be eligible for a  
 5 certificate by virtue of the provisions of this section shall be afforded a  
 6 hearing according to the provisions of section 33-1209, Idaho Code, prior to  
 7 revocation or denial of the individual's certificate. Upon a showing of just  
 8 and reasonable cause, the hearing panel shall have authority to grant an ex-  
 9 ception to the provisions of this section for such person.

10        (5-) The professional standards commission may deny the issuance of a  
 11 certificate for any reason that would be a ground for revocation or suspen-  
 12 sion.

13        SECTION 2. That Section 33-512, Idaho Code, be, and the same is hereby  
 14 amended to read as follows:

15        33-512. GOVERNANCE OF SCHOOLS. The board of trustees of each school  
 16 district shall have the following powers and duties:

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

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

Grades	Hours
9-12	990
4-8	900
1-3	810
K	450
Alternative schools (any grades)	900

22        (b) School assemblies, testing and other instructionally related ac-  
 23 tivities involving students directly may be included in the required  
 24 instructional hours.  
 25

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

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

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

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

36        (d) Student and staff activities related to the opening and closing of  
 37 the school year, grade reporting, program planning, staff meetings, and  
 38 other classroom and building management activities shall not be counted  
 39 as instructional time or in the reductions provided in paragraph (c) (i)  
 40 of this subsection.  
 41  
 42  
 43  
 44  
 45  
 46

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

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

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

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

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

24 (2) To adopt and carry on, and to provide for the financing of, a to-  
25 tal educational program for the district. Such programs in other than el-  
26 elementary school districts may include education programs for out-of-school  
27 youth and adults, and such districts may provide classes in kindergarten;

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

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

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

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

41 (7) To exclude from school, pupils with contagious or infectious dis-  
42 eases who are diagnosed or suspected as having a contagious or infectious  
43 disease or those who are not immune and have been exposed to a contagious or  
44 infectious disease; and to close school on order of the state board of health  
45 and welfare or local health authorities;

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

49 (9) To determine school holidays. Any listing of school holidays shall  
50 include not less than the following: New Year's Day, Memorial Day, Indepen-

1 dence Day, Thanksgiving Day, and Christmas Day. Other days listed in section  
2 73-108, Idaho Code, if the same shall fall on a school day, shall be observed  
3 with appropriate ceremonies; and any days the state board of education may  
4 designate, following the proclamation by the governor, shall be school holi-  
5 days;

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

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

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

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

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

39 (15) To require that all certificated and noncertificated employees  
40 hired on or after July 1, 2008, and other individuals who are required by  
41 the provisions of section 33-130, Idaho Code, to undergo a criminal history  
42 check shall submit a completed ten (10) finger fingerprint card or scan to  
43 the department of education no later than five (5) days following the first  
44 day of employment or unsupervised contact with students in a K-12 setting,  
45 whichever is sooner. Such employees and other individuals shall pay the cost  
46 of the criminal history check. If the criminal history check shows that the  
47 employee has been convicted of a felony crime enumerated in section 33-1208,  
48 Idaho Code, it shall be grounds for immediate termination, dismissal or  
49 other personnel action of the district, except that it shall be the right of  
50 the school district to evaluate whether an individual convicted of one ~~(1)~~

1 of these crimes and having been incarcerated for that crime shall be hired.  
 2 Provided however, that any individual convicted of any felony offense listed  
 3 in section 33-1208(2-), Idaho Code, shall not be hired. For the purposes  
 4 of criminal history checks, a substitute teacher is any individual who tem-  
 5 porarily replaces a certificated classroom educator and is paid a substitute  
 6 teacher wage for one (1) day or more during a school year. A substitute  
 7 teacher who has undergone a criminal history check at the request of one (1)  
 8 district in which he has been employed as a substitute shall not be required  
 9 to undergo an additional criminal history check at the request of any other  
 10 district in which he is employed as a substitute if the teacher has obtained  
 11 a criminal history check within the previous five (5) years. If the district  
 12 next employing the substitute still elects to require another criminal his-  
 13 tory check within the five (5) year period, that district shall pay the cost  
 14 of the criminal history check or reimburse the substitute teacher for such  
 15 cost. To remain on the statewide substitute teacher list maintained by the  
 16 state department of education, the substitute teacher shall undergo a crimi-  
 17 nal history check every five (5) years;

18 (16) To maintain a safe environment for students by developing a system  
 19 that cross-checks all contractors or other persons who have irregular con-  
 20 tact with students against the statewide sex offender ~~register~~ registry, by  
 21 developing a school safety plan for each school and by meeting annually with  
 22 emergency first responders to update the plans and discuss emergency exer-  
 23 cises and operations;

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

27 SECTION 3. That Section 33-1209, Idaho Code, be, and the same is hereby  
 28 amended to read as follows:

29 33-1209. PROCEEDINGS TO REVOKE, SUSPEND, DENY OR PLACE REASONABLE  
 30 CONDITIONS ON A CERTIFICATE -- LETTERS OF REPRIMAND -- COMPLAINT -- SUBPOENA  
 31 POWER -- HEARING. (1) The professional standards commission may conduct  
 32 investigations on any signed allegation of unethical conduct of any teacher  
 33 brought by:

- 34 (a) An individual with a substantial interest in the matter, except a
- 35 student in an Idaho public school; or
- 36 (b) A local board of trustees.

37 The allegation shall state the specific ground or grounds for the allegation  
 38 of unethical conduct that could lead to a possible revocation, suspension,  
 39 placing reasonable conditions on the certificate, or issuance of a letter of  
 40 reprimand. Upon receipt of a written and signed allegation of unethical con-  
 41 duct, the chief certification officer, in conjunction with the attorney gen-  
 42 eral and the professional standards commission investigator, shall conduct  
 43 a review of the allegation using established guidelines to determine whether  
 44 to remand the issue to the school district to be resolved locally or to open  
 45 an investigation and forward the case to the professional standards commis-  
 46 sion. Within fourteen (14) days of the decision to forward the case, the  
 47 chief certification officer shall notify the complainant and the teacher, in  
 48 writing, that an investigation will be conducted and the teacher shall be af-  
 49 forded an opportunity to respond to the allegation verbally and in writing

1 prior to the issuance of the complaint. The executive committee of the pro-  
2 fessional standards commission shall review the circumstances of the for-  
3 forwarded case at one (1) of the two (2) next regularly scheduled meetings, and  
4 determine whether probable cause exists to warrant the filing of a complaint  
5 and the requesting of a hearing.

6 (2) Proceedings to revoke or suspend any certificate issued under sec-  
7 tion 33-1201, Idaho Code, or to issue a letter of reprimand or place reason-  
8 able conditions on the certificate shall be commenced by a written complaint  
9 against the holder thereof. Such complaint shall be made by the chief certi-  
10 fication officer stating the ground or grounds for issuing a letter of rep-  
11 rimand, placing reasonable conditions on the certificate, or for revocation  
12 or suspension and proposing that a letter of reprimand be issued, reason-  
13 able conditions be placed on the certificate, or the certificate be revoked  
14 or suspended. A copy of the complaint shall be served upon the certificate  
15 holder, either by personal service or by certified mail, within thirty (30)  
16 days of determination by the executive committee or such other time agreed to  
17 by the teacher and the chief certification officer.

18 (3) Not more than thirty (30) days after the date of service of any  
19 complaint, the person complained against may request, in writing, a hearing  
20 upon the complaint. Any such request shall be made and addressed to the state  
21 superintendent of public instruction; and if no request for hearing is made,  
22 the grounds for suspension, revocation, placing reasonable conditions on  
23 the certificate, or issuing a letter of reprimand stated in the complaint  
24 shall be deemed admitted. Upon a request for hearing, the chief certifi-  
25 cation officer shall give notice, in writing, to the person requesting the  
26 hearing, which notice shall state the time and place of the hearing and which  
27 shall occur not more than ninety (90) days from the request for hearing or  
28 such other time agreed to by the teacher and the chief certification officer.  
29 The time of such hearing shall not be less than five (5) days from the date of  
30 notice thereof. Any such hearing shall be informal and shall conform with  
31 chapter 52, title 67, Idaho Code. The hearing will be held within the school  
32 district in which any teacher complained of shall teach, or at such other  
33 place deemed most convenient for all parties.

34 (4) Any such hearing shall be conducted by three (3) or more panel mem-  
35 bers appointed by the chairman of the professional standards commission, a  
36 majority of whom shall hold a position of employment the same as the person  
37 complained against. One (1) of the panel members shall serve as the panel  
38 chair. The panel chair shall be selected by the chairman of the professional  
39 standards commission from a list of former members of the professional stan-  
40 dards commission who shall be instructed in conducting administrative hear-  
41 ings. No commission member who participated in the probable cause determi-  
42 nation process in a given case shall serve on the hearing panel. All hear-  
43 ings shall be held with the object of ascertaining the truth. Any person com-  
44 plained against may appear in person and may be represented by legal counsel,  
45 and may produce, examine and cross-examine witnesses, and, if he chooses to  
46 do so, may submit for the consideration of the hearing panel a statement, in  
47 writing, in lieu of oral testimony, but any such statement shall be under  
48 oath and the affiant shall be subject to cross-examination.

49 (5) The state superintendent of public instruction, as authorized by  
50 the state board of education, has the power to issue subpoenas and compel

1 the attendance of witnesses and compel the production of pertinent papers,  
2 books, documents, records, accounts and testimony. The state board or its  
3 authorized representative may, if a witness refuses to attend or testify or  
4 to produce any papers required by such subpoena, report to the district court  
5 in and for the county in which the proceeding is pending, by petition, set-  
6 ting forth that a due notice has been given of the time and place of atten-  
7 dance of the witnesses, or the production of the papers, that the witness has  
8 been properly summoned, and that the witness has failed and refused to at-  
9 tend or produce the papers required by this subpoena before the board, or its  
10 representative, or has refused to answer questions propounded to him in the  
11 course of the proceedings, and ask for an order of the court compelling the  
12 witness to attend and testify and produce the papers before the board. The  
13 court, upon the petition of the board, shall enter an order directing the  
14 witness to appear before the court at a time and place to be fixed by the court  
15 in the order, the time to be not more than ten (10) days from the date of the  
16 order, and then and there shall show cause why he has not attended and testi-  
17 fied or produced the papers before the board or its representative. A copy of  
18 the order shall be served upon the witness. If it shall appear to the court  
19 that the subpoena was regularly issued by the board and regularly served, the  
20 court shall thereupon order that the witness appear before the board at the  
21 time and place fixed in the order and testify or produce the required papers.  
22 Upon failure to obey the order, the witness shall be dealt with for contempt  
23 of court. The subpoenas shall be served and witness fees and mileage paid as  
24 allowed in civil cases in the district courts of this state.

25 (6) Within twenty-one (21) days of the conclusion of any hearing  
26 dealing with the revocation, suspension, denial of a certificate, placing  
27 reasonable conditions on the certificate, or issuing a letter of reprimand,  
28 the hearing panel shall submit to the chief certification officer, to the  
29 person complained against and to the chief administrative officer of the  
30 public school employing the certificate holder, if any, a concise statement  
31 of the proceedings, a summary of the testimony, and any documentary evidence  
32 offered, together with the findings of fact and a decision. The hearing  
33 panel may determine to suspend or revoke the certificate, or the panel may  
34 order that reasonable conditions be placed on the certificate or a letter of  
35 reprimand be sent to the certificate holder, or if there are not sufficient  
36 grounds, the allegation against the certificate holder is dismissed and is  
37 so recorded.

38 (7) Within three (3) days of issuance, the hearing panel's decision  
39 shall be made a permanent part of the record of the certificate holder.  
40 Should the final decision be to place reasonable conditions upon the cer-  
41 tificate holder or a suspension or revocation of the teaching certificate,  
42 the professional standards commission must notify the employing public  
43 school of the hearing panel's decision and to provide notice that such may  
44 negatively impact upon the employment status of the certificated employee.

45 (8) The final decision of the hearing panel shall be subject to judicial  
46 review in accordance with the provisions of chapter 52, title 67, Idaho Code,  
47 in the district court of the county in which the holder of a revoked certifi-  
48 cate has been last employed as a teacher.

49 (9) Whenever any certificate has been revoked, suspended or has had  
50 reasonable conditions placed upon it, or an application has been denied, the



1 professional standards commission may, upon a clear showing that the cause  
2 constituting grounds for the listed actions no longer exists, issue a valid  
3 certificate. Provided however, that no certificate shall be issued to any  
4 person who has been convicted of any crime listed in subsection (2-) of sec-  
5 tion 33-1208, Idaho Code.

6 (10) For any person certified in another state and applying for certifi-  
7 cation in Idaho, and for any person previously certified in this state who is  
8 applying for certification in the event their certification has lapsed or is  
9 seeking renewal of a current certification, the chief certification officer  
10 shall deny an application for a new certificate or for a renewal of a cer-  
11 tificate, regardless of the jurisdiction where such certificate was issued,  
12 if there are any unsatisfied conditions on such current or previously is-  
13 sued certificate or if there is any form of pending investigation by a state  
14 agency concerning the applicant's teaching license or certificate. Pro-  
15 vided however, the chief certification officer shall not automatically deny  
16 the application if such person authorized in writing that the chief certi-  
17 fication officer and the professional standards commission shall have full  
18 access to the investigative files concerning the conditions on, or investi-  
19 gation concerning, such certificate in Idaho or any other state or province.  
20 Upon review of the information authorized for release by the applicant, the  
21 chief certification officer shall either grant or deny such application or,  
22 upon denial and upon written request made by the applicant within thirty  
23 (30) days of such denial, shall afford the applicant with the procedures set  
24 forth in subsections (3) through (9) of this section. If the applicant does  
25 not execute the written authorization discussed herein, reapplication may  
26 be made once all investigations have been completed and all conditions have  
27 been satisfied, resulting in a clear certificate from the issuing state or  
28 province.

29 (11) For the purposes of this section, the term "teacher" shall include  
30 any individual required to hold a certificate pursuant to section 33-1201,  
31 Idaho Code.