

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 368

BY WAYS AND MEANS COMMITTEE

AN ACT

RELATING TO EDUCATION; AMENDING SECTION 33-512, IDAHO CODE, TO PROHIBIT THE SUPERVISION AND REGULATION OF PUBLIC SCHOOL EXTRACURRICULAR ACTIVITIES BY CERTAIN ENTITIES UNLESS SUCH ENTITIES ESTABLISH A REVIEW BOARD, TO PROVIDE REQUIREMENTS FOR AND DUTIES OF A REVIEW BOARD, AND TO MAKE TECHNICAL CORRECTIONS.

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

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

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

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

(a) Each school district shall annually adopt and implement a school calendar ~~which~~ that provides its students at each grade level with the following minimum number of instructional hours:

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

Alternative schools
(any grades) 900

(b) School assemblies, testing and other instructionally related activities involving students directly may be included in the required instructional hours.

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

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

(ii) Up to a total of eleven (11) hours of emergency school closures due to adverse weather conditions and facility failures.

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

(d) Student and staff activities related to the opening and closing of the school year, grade reporting, program planning, staff meetings, and other classroom and building management activities shall not be counted

1 as instructional time or in the reductions provided in paragraph (c) (i)
2 of this subsection.

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

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

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

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

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

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

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

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

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

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

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

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

1 (9) To determine school holidays. Any listing of school holidays shall
2 include not less than the following: New Year's Day, Memorial Day, Indepen-
3 dence Day, Thanksgiving Day, and Christmas Day. Other days listed in section
4 73-108, Idaho Code, if the same shall fall on a school day, shall be observed
5 with appropriate ceremonies; and any days the state board of education may
6 designate, following the proclamation by the governor, shall be school holi-
7 days;

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

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

23 (12) To supervise and regulate, including by contract with established
24 entities, those extracurricular activities ~~which~~ that are by definition
25 outside of or in addition to the regular academic courses or curriculum of
26 a public school, and which extracurricular activities shall not be consid-
27 ered to be a property, liberty, or contract right of any student, and such
28 extracurricular activities shall not be deemed a necessary element of a
29 public school education, but shall be considered to be a privilege. For the
30 purposes of extracurricular activities, any secondary school located in
31 this state that is accredited by an organization approved through a process
32 defined by the state department of education shall be able to fully par-
33 ticipate in all extracurricular activities described in and governed by
34 the provisions of this subsection. However, no school district board of
35 trustees or public charter school board of directors shall enter into or
36 renew a contract with, or otherwise allow for the supervision and regulation
37 of any school district or public charter school extracurricular activities
38 by, an entity unless such entity establishes a review board that consists
39 of three (3) members. Such members shall include a member of the entity's
40 governing board or administration, as determined by the entity; a member of
41 the senate as designated by the senate president pro tempore; and a member
42 of the house of representatives as designated by the speaker of the house of
43 representatives. Upon request by the governing board or an administrator of
44 a school whose students participate in extracurricular activities regulated
45 by the entity, or by a parent, guardian, coach, or teacher-advisor of a stu-
46 dent participating in an extracurricular activity regulated by the entity,
47 the review board shall review and may overturn or modify, by a majority vote,
48 any rules for extracurricular activities established by the entity or other
49 decisions of the entity that affect participation by or competition among
50 students in extracurricular activities;

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

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

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

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

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