

IN THE SENATE

SENATE BILL NO. 1043

BY EDUCATION COMMITTEE

AN ACT

1
2 RELATING TO EDUCATION; AMENDING SECTION 33-205, IDAHO CODE, TO PROVIDE THAT
3 A HEARING ON A PUPIL'S EXPULSION OR DENIAL OF ENROLLMENT SHALL BE HELD
4 IN EXECUTIVE SESSION, TO PROVIDE THAT A CERTAIN FINDING MUST BE MADE IN
5 EXECUTIVE SESSION, TO PROVIDE THAT PROCEDURES ON TEMPORARY SUSPENSION
6 OF A PUPIL MUST AFFORD THE PUPIL PRIVACY, AND TO MAKE TECHNICAL CORREC-
7 TIONS.

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

9 SECTION 1. That Section 33-205, Idaho Code, be, and the same is hereby
10 amended to read as follows:

11 33-205. DENIAL OF SCHOOL ATTENDANCE. (1) The board of trustees may
12 deny enrollment, or may deny attendance at any of its schools by expulsion,
13 to any pupil who is ~~an~~ a habitual truant, or who is incorrigible, or whose
14 conduct, in the judgment of the board, is such as to be continuously dis-
15 ruptive of school discipline, or of the instructional effectiveness of the
16 school, or whose presence in a public school is detrimental to the health and
17 safety of other pupils, or who has been expelled from another school district
18 in this state or any other state. Any pupil having been denied enrollment or
19 expelled may be enrolled or readmitted to the school by the board of trustees
20 upon such reasonable conditions as may be prescribed by the board; but such
21 enrollment or readmission shall not prevent the board from again expelling
22 such pupil for cause. Provided however, the board shall expel from school
23 for a period of not less than one (1) year, twelve (12) calendar months,
24 or may deny enrollment to, a student who has been found to have carried a
25 weapon or firearm on school property in this state or any other state, except
26 that the board may modify the expulsion or denial of enrollment order on a
27 case-by-case basis. Discipline of students with disabilities shall be in
28 accordance with the requirements of federal law part B of the individuals
29 with disabilities education act and section 504 of the rehabilitation act.
30 An authorized representative of the board shall report such student and in-
31 cident to the appropriate law enforcement agency.

32 (2) No pupil shall be expelled ~~nor~~ or denied enrollment without the
33 board of trustees having first given written notice to the parent or guardian
34 of the pupil, which notice shall state the grounds for the proposed expulsion
35 or denial of enrollment and the time and place where such parent or guardian
36 may appear to contest the action of the board to deny school attendance, and
37 which notice shall ~~also~~ state the rights of the pupil to be represented by
38 counsel, to produce witnesses and submit evidence on his own behalf, and
39 to cross-examine any adult witnesses who may appear against him. Within a
40 reasonable period of time following such notification, the board of trustees
41 shall grant the pupil and his parents or guardian a full and fair hearing,
42 in executive session, on the proposed expulsion or denial of enrollment.

1 However, the board shall allow a reasonable period of time between such noti-
2 fication and the holding of such hearing to allow the pupil and his parents or
3 guardian to prepare their response to the charge. Any pupil ~~who is~~ within the
4 age of compulsory attendance, ~~who is expelled or denied enrollment as herein~~
5 provided, shall come under the purview of the juvenile corrections act, and
6 an authorized representative of the board shall, within five (5) days, give
7 written notice of the pupil's expulsion to the prosecuting attorney of the
8 county of the pupil's residence.

9 (3) The superintendent of any district or the principal of any school
10 may temporarily suspend any pupil for disciplinary reasons, including stu-
11 dent harassment, intimidation or bullying, or for other conduct disruptive
12 of good order or of the instructional effectiveness of the school. A tem-
13 porary suspension by the principal shall not exceed five (5) school days
14 ~~in length,~~ and the school superintendent may extend the temporary suspen-
15 sion an additional ten (10) school days. Provided, that on a finding by the
16 board of trustees, which finding must be made in executive session, that
17 immediate return to school attendance by the temporarily suspended student
18 would be detrimental to other pupils' health, welfare, or safety, the board
19 of trustees may extend the temporary suspension for an additional five (5)
20 school days. Prior to suspending any student, the superintendent or princi-
21 pal shall grant an informal hearing on the reasons for the suspension and the
22 opportunity to challenge those reasons. Any pupil who has been suspended may
23 be readmitted to the school by the superintendent or principal who suspended
24 him upon such reasonable conditions as said superintendent or principal
25 may prescribe. The board of trustees shall be notified of any temporary
26 suspensions, the reasons therefor, and the response, if any, thereto. The
27 board of trustees of each school district shall establish the procedure to be
28 followed by the superintendent and principals under its jurisdiction for the
29 purpose of effecting a temporary suspension, which procedure must conform to
30 the minimal requirements of due process and afford the pupil privacy.