

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 410

BY EDUCATION COMMITTEE

AN ACT

1 RELATING TO EDUCATION; AMENDING SECTION 33-130, IDAHO CODE, TO REVISE PROVI-
2 SIONS REGARDING CRIMINAL HISTORY CHECKS FOR SCHOOL DISTRICT EMPLOYEES
3 AND TO MAKE TECHNICAL CORRECTIONS; AMENDING CHAPTER 12, TITLE 33, IDAHO
4 CODE, BY THE ADDITION OF A NEW SECTION 33-1212B, IDAHO CODE, TO ESTAB-
5 LISH PROVISIONS REGARDING CHAPLAINS IN PUBLIC SCHOOL DISTRICTS AND PUB-
6 LIC CHARTER SCHOOLS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFEC-
7 TIVE DATE.
8

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

10 SECTION 1. That Section 33-130, Idaho Code, be, and the same is hereby
11 amended to read as follows:

12 33-130. CRIMINAL HISTORY CHECKS FOR SCHOOL DISTRICT EMPLOYEES, ~~OR AP-~~
13 ~~PLICANTS FOR CERTIFICATES, OR INDIVIDUALS HAVING CONTACT WITH STUDENTS, AND~~
14 SCHOOL CHAPLAINS -- STATEWIDE LIST OF SUBSTITUTE TEACHERS. (1) The depart-
15 ment of education, through the cooperation of the Idaho state police, shall
16 establish a system to obtain a criminal history check on individuals ~~to in-~~
17 ~~clude, but is, including~~ but not limited to, certificated and noncertifi-
18 cated employees, all applicants for certificates pursuant to chapter 12, ti-
19 tle 33, Idaho Code, substitute staff, individuals involved in other types
20 of student training such as practicums and internships, ~~and on~~ all individu-
21 als who have unsupervised contact with students in a K-12 setting, or school
22 chaplains pursuant to section 33-1212B, Idaho Code. The criminal history
23 check shall be based on a completed ten (10) finger fingerprint card or scan
24 and shall include, at a minimum, the following state and national databases:

- 25 (a) Idaho bureau of criminal identification;
26 (b) Federal bureau of investigation ~~(FBI)~~ criminal history check; and
27 (c) Statewide sex offender ~~register~~ registry.

28 (2) The state department of education shall charge all such individu-
29 als a fee necessary to cover the cost of undergoing a criminal history check
30 pursuant to this section. The total fee shall be sufficient to cover the net
31 costs charged by the federal bureau of investigation and the state police. A
32 record of all background checks shall be maintained at the state department
33 of education in a data bank for all employees of a school district with a copy
34 going to the employing school district, when requested at the time of the ap-
35 plication or within six (6) months following the performance of the criminal
36 history check. A copy shall also be provided to the applicant upon request.

37 (3) The state department of education shall maintain a statewide list
38 of substitute teachers. The term "substitute teacher" shall have the mean-
39 ing as provided in section 33-512(15), Idaho Code.

40 (4) The Idaho state police and the department of education shall im-
41 plement a joint exercise of powers agreement pursuant to sections 67-2328

1 through 67-2333, Idaho Code, necessary to implement the provisions of this
2 section.

3 SECTION 2. That Chapter 12, Title 33, Idaho Code, be, and the same is
4 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
5 ignated as Section 33-1212B, Idaho Code, and to read as follows:

6 33-1212B. SCHOOL CHAPLAINS. (1) Any school district or public charter
7 school may adopt a policy authorizing employing or accepting as a volunteer a
8 school chaplain to provide support, services, and programs for enrolled stu-
9 dents, staff employed by the school, and parents of enrolled students. Any
10 school district or public charter school that chooses to employ or accept as
11 a volunteer a school chaplain under this section shall determine the selec-
12 tion criteria for the school chaplain in school policy. The school district
13 or public charter school shall decide which support, services, or programs
14 that the school chaplains may offer.

15 (2) School districts and public charter schools adopting a policy pur-
16 suant to this section may employ or accept as a volunteer more than one (1)
17 school chaplain. A school chaplain employed by or volunteering at a public
18 school under this section is not required to be certificated or credentialed
19 by the state department of education. School chaplains under this section
20 shall meet the requirements of section 33-130, Idaho Code, regarding crimi-
21 nal history checks.

22 SECTION 3. An emergency existing therefor, which emergency is hereby
23 declared to exist, this act shall be in full force and effect on and after
24 July 1, 2025.