LEGISLATURE OF THE STATE OF IDAHO
Sixty-eighth Legislature Second Regular Session - 2026

IN THE SENATE

SENATE BILL NO. 1371

BY JUDICIARY AND RULES COMMITTEE

AN ACT

RELATING TO EDUCATION; AMENDING CHAPTER 1, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-145, IDAHO CODE, TO ESTABLISH THE IDAHO STUDENT SAFETY AND EDUCATOR DISCLOSURE ACT; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Chapter 1, Title 33, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 33-145, Idaho Code, and to read as follows:

33-145. IDAHO STUDENT SAFETY AND EDUCATOR DISCLOSURE ACT. (1) The legislature finds that student safety is a paramount responsibility of the state and that uniform statewide reporting and disclosure requirements in the hiring of school employees is necessary to protect good faith disclosures and prevent concealment of misconduct against a student.

(2) For the purposes of this section:

(a) "Covered individual" means any school personnel.

(b) "Educational entity" means any public school district, public charter school, private school, the state department of education, or any other entity that provides K-12 education and receives public funds, including any program, school, or activity operated by or under the authority of such entity.

(c) "Misconduct" means any conduct by a covered individual that violates the code of ethics for Idaho professional educators relating to educator-student relationships.

(d) "Pending investigation" means any internal, administrative, regulatory, or criminal investigation that has been initiated and has not reached a final disposition.

(3) An educational entity shall not conduct an internal review or investigation of alleged abuse, abandonment, or neglect of a child in lieu of reporting to law enforcement as required by section 16-1605, Idaho Code. Nothing in this subsection shall be construed to prohibit an educational entity from taking administrative action or conducting an internal review or investigation after a report has been made in compliance with section 16-1605, Idaho Code.

(4) Prior to hiring an employee, an educational entity shall obtain disclosure statements from applicants and all educational employers or educational contractors with the applicant for the prior ten (10) years and shall specifically request information about any pending investigations, resignations during investigations, and disciplinary actions involving the applicant. Any applicant who makes a material misrepresentation or willful omission regarding such disclosure statements or information required by

this subsection shall be subject to immediate termination of employment or recission of such applicant's employment contract.

(5) An educational entity or administrator that knowingly withholds or falsifies a disclosure statement required under this section shall be subject to administrative penalties, civil liability, and professional discipline.

(6) Educational entities and administrators have immunity from civil liability for disclosures made in good faith under this section.

(7) Any resignation, termination, or administrative leave during an investigation of misconduct by a covered individual shall be referred to the Idaho professional standards commission. Upon referral, the educational entity shall confirm that the covered individual's certification status is accurately reflected in the state department of education's certification lookup application.

SECTION 2. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2026.