

TITLE 33
EDUCATION

CHAPTER 16
COURSES OF INSTRUCTION

33-1601. INSTRUCTION IN ENGLISH LANGUAGE. Instruction in all subjects in the public schools, except that required for the teaching of foreign languages, shall be conducted in the English language. Provided, however, that for students where the language spoken in their home is not English, instruction may be given in a language other than English as necessary to allow for the transition of the students to the English language.

[33-1601, added 1963, ch. 13, sec. 176, p. 27; am. 1980, ch. 140, sec. 1, p. 306.]

33-1602. UNITED STATES CONSTITUTION -- NATIONAL FLAG AND COLORS -- NATIONAL ANTHEM -- "AMERICA" -- CITIZENSHIP -- CIVICS TEST. (1) Instruction in the Constitution of the United States shall be given in all elementary and secondary schools. The state board of education shall adopt such materials as may be deemed necessary for said purpose, and shall also determine the grades in which such instruction shall be given.

(2) Instruction in the proper use, display and history of and respect for the American flag and the national colors shall be given in all elementary and secondary schools. Such instruction shall include the pledge of allegiance to the flag, the words and music of the national anthem, and of "America."

(3) Every school board of trustees shall cause the United States flag to be displayed in every classroom during the school hours of each school day.

(4) Every public school shall offer the pledge of allegiance or the national anthem in grades 1 through 12 at the beginning of each school day.

(5) No pupil shall be compelled, against the pupil's objections or those of the pupil's parent or guardian, to recite the pledge of allegiance or to sing the national anthem.

(6) Instruction in citizenship shall be given in all elementary and secondary schools. Citizenship instruction shall include lessons on the role of a citizen in a constitutional republic, how laws are made, how officials are elected, and the importance of voting and of participating in government. Such instruction shall also include the importance of respecting and obeying statutes which are validly and lawfully enacted by the Idaho legislature and the congress of the United States.

(7) Starting with the 2016-2017 school year, all secondary pupils must show they have met the state civics and government standards for such instruction through the successful completion of the civics test or alternate path established by the local school district or charter school that shows the student has met the standards. Assessment of standards shall be included as part of the course at the secondary level. A school district or public charter school shall document on the pupil's transcript that the pupil has passed the civics test pursuant to this subsection. The school district or governing body of the charter school may determine the method and manner in which to administer the civics test. A pupil may take the civics test, in whole or in part, at any time after enrolling in grade 7 and may repeat the test as often as necessary to pass the test. The applicability of this subsection to a pupil who receives special education services shall be governed

by such pupil's individualized education plan. For the purposes of this subsection, "civics test" means the one hundred (100) questions used by officers of the United States citizenship and immigration services as a basis for selecting the questions posed to applicants for naturalization, in order that the applicants can demonstrate a knowledge and understanding of the fundamentals of United States history and the principles and form of United States government, as required by 8 U.S.C. section 1423. The state board of education may promulgate rules implementing the provisions of this subsection.

[33-1602, added 1963, ch. 13, sec. 177, p. 27; am. 1991, ch. 287, sec. 1, p. 738; am. 2000, ch. 341, sec. 1, p. 1146; am. 2000, ch. 468, sec. 1, p. 1450; am. 2014, ch. 97, sec. 22, p. 285; am. 2015, ch. 293, sec. 1, p. 1171; am. 2016, ch. 98, sec. 1, p. 295.]

33-1603. SECTARIAN INSTRUCTION FORBIDDEN. No sectarian or denominational doctrine shall be taught in the public schools, nor shall any books, tracts, papers or documents of sectarian or denominational character be used therein.

[33-1603, added 1963, ch. 13, sec. 178, p. 27.]

33-1604. BIBLE READING IN PUBLIC SCHOOLS. Selections from the Bible, to be chosen from a list prepared from time to time by the state board of education, shall be read daily to each occupied classroom in each school district. Such reading shall be without comment or interpretation. Any question by any pupil shall be referred for answer to the pupil's parent or guardian.

[33-1604, added 1963, ch. 13, sec. 179, p. 27.]

33-1605. HEALTH AND PHYSICAL FITNESS -- EFFECTS OF ALCOHOL, TOBACCO, STIMULANTS AND NARCOTICS. In all school districts there shall be instruction in health and physical fitness, including effects of alcohol, stimulants, tobacco and narcotics on the human system. The state board of education shall cause to be prepared such study guides, materials and reference lists as it may deem necessary to make effective the provisions of this section.

[33-1605, added 1963, ch. 13, sec. 180, p. 27.]

33-1606. ARBOR DAY. A day during the month of April in each year, designated as Arbor Day, shall be observed by such exercises as will encourage the planting, preservation and protection of trees and shrubs.

[33-1606, added 1963, ch. 13, sec. 181, p. 27.]

33-1607. AMERICANIZATION EDUCATION OF ADULTS. The board of trustees of any school district is authorized to provide instruction for Americanization of adult residents of the state, including classes in reading, writing and speaking the English language; the principles of the Constitution of the United States, American history, and such other subjects as deemed desirable for making, of such adults, better American citizens. The expense of such instruction shall be a lawful charge against the maintenance and operation funds of the district.

[33-1607, added 1963, ch. 13, sec. 182, p. 27.]

33-1608. FAMILY LIFE AND SEX EDUCATION -- LEGISLATIVE POLICY. The legislature of the state of Idaho believes that the primary responsibility for family life and sex education, including moral responsibility, rests upon the home and the church and the schools can only complement and supplement those standards which are established in the family. The decision as to whether or not any program in family life and sex education is to be introduced in the schools is a matter for determination at the local district level by the local school board of duly selected representatives of the people of the community. If such program is adopted, the legislature believes that:

a. Major emphasis in such a program should be to assist the home in giving them the knowledge and appreciation of the important place the family home holds in the social system of our culture, its place in the family and the responsibility which will be there much later when they establish their own families.

b. The program should supplement the work in the home and the church in giving youth the scientific, physiological information for understanding sex and its relation to the miracle of life, including knowledge of the power of the sex drive and the necessity of controlling that drive by self-discipline.

c. The program should focus upon helping youth acquire a background of ideals and standards and attitudes which will be of value to him now and later when he chooses a mate and establishes his own family.

[33-1608, added 1970, ch. 119, sec. 1, p. 282.]

33-1609. "SEX EDUCATION" DEFINED. Sex education for the purpose of this act is defined as the study of the anatomy and the physiology of human reproduction.

[33-1609, added 1970, ch. 119, sec. 2, p. 282.]

33-1610. INVOLVEMENT OF PARENTS AND COMMUNITY GROUPS. School districts shall involve parents and school district community groups in the planning, development, evaluation and revision of any instruction in sex education offered as a part of this new program.

[33-1610, added 1970, ch. 119, sec. 3, p. 282.]

33-1611. EXCUSING CHILDREN FROM INSTRUCTION IN SEX EDUCATION. Any parent or legal guardian who wishes to have his child excused from any planned instruction in sex education may do so upon filing a written request to the school district board of trustees and the board of trustees shall make available the appropriate forms for such request. Alternative educational endeavors shall be provided for those excused.

[33-1611, added 1970, ch. 119, sec. 4, p. 282.]

33-1612. THOROUGH SYSTEM OF PUBLIC SCHOOLS. The constitution of the state of Idaho, section 1, article IX, charges the legislature with the duty to establish and maintain a general, uniform and thorough system of public, free common schools. In fulfillment of this duty, the people of the state of

Idaho have long enjoyed the benefits of a public school system, supported by the legislature, which has recognized the value of education to the children of this state.

In continuing recognition of the fundamental duty established by the constitution, the legislature finds it in the public interest to define thoroughness and thereby establish the basic assumptions which govern provision of a thorough system of public schools.

A thorough system of public schools in Idaho is one in which:

1. A safe environment conducive to learning is provided;
2. Educators are empowered to maintain classroom discipline;
3. The basic values of honesty, self-discipline, unselfishness, respect for authority and the central importance of work are emphasized;
4. The skills necessary to communicate effectively are taught;
5. A basic curriculum necessary to enable students to enter academic or professional-technical postsecondary educational programs is provided;
6. The skills necessary for students to enter the work force are taught;
7. The students are introduced to current technology; and
8. The importance of students acquiring the skills to enable them to be responsible citizens of their homes, schools and communities is emphasized.

The state board shall adopt rules, pursuant to the provisions of [chapter 52, title 67](#), Idaho Code, and section [33-105](#)(3), Idaho Code, to establish a thorough system of public schools with uniformity as required by the constitution, but shall not otherwise impinge upon the authority of the board of trustees of the school districts. Authority to govern the school district, vested in the board of trustees of the school district, not delegated to the state board, is reserved to the board of trustees. Fulfillment of the expectations of a thorough system of public schools will continue to depend upon the vigilance of district patrons, the dedication of school trustees and educators, the responsiveness of state rules, and meaningful oversight by the legislature.

[33-1612, added 1994, ch. 25, sec. 1, p. 39; am. 1999, ch. 329, sec. 4, p. 856.]

33-1613. SAFE PUBLIC SCHOOL FACILITIES REQUIRED. (1) Definition. As used in this section, "public school facilities" means the physical plant of improved or unimproved real property owned or operated by a school district, a charter school, or a school for children in any grades kindergarten through twelve (12) that is operated by the state of Idaho, including school buildings, administration buildings, playgrounds, athletic fields, etc., used by schoolchildren or school personnel in the normal course of providing a general, uniform and thorough system of public, free common schools, but does not include areas, buildings or parts of buildings closed from or not used in the normal course of providing a general, uniform and thorough system of public, free common schools. The aspects of a safe environment conducive to learning as provided by section [33-1612](#), Idaho Code, that pertain to the physical plant used to provide a general, uniform and thorough system of public, free common schools are hereby defined as those necessary to comply with the safety and health requirements set forth in this section.

(2) Inspection. It is the duty of the board of trustees of every school district and the governing body for other schools described in subsection (1) of this section at least once in every school year to require an independent inspection of the school district's or other entity's school facilities to determine whether those school facilities comply with codes addressing

safety and health standards for facilities, including electrical, plumbing, mechanical, elevator, fire safety, boiler safety, life safety, structural, snow loading, and sanitary codes, adopted by or pursuant to the Idaho uniform school building safety act, [chapter 80, title 39](#), Idaho Code, adopted by the state fire marshal, adopted by generally applicable local ordinances, or adopted by rule of the state board of education and applicable to school facilities. The inspection shall be done pursuant to [chapter 80, title 39](#), Idaho Code, or by an independent inspector professionally qualified to conduct inspections under the applicable code. The results of the inspection shall be presented to the administrator of the division of building safety and the board of trustees or other governing body for its review and consideration.

(3) Abatement required -- Reporting. The board of trustees or other governing body shall require that the unsafe or unhealthy conditions be abated and shall instruct the school district's or other entity's personnel to take necessary steps to abate unsafe or unhealthy conditions. The board of trustees or other governing body must issue a report in the same school year in which the inspections are made declaring whether any unsafe or unhealthy conditions identified have not been abated. The state board of education shall, by rule, provide for uniform reporting of unsafe and unhealthy conditions and for uniform reporting of abatement or absence of abatement of unsafe and unhealthy conditions. Copies of such reports shall be provided to the administrator of the division of building safety and the board of trustees of the school district.

(4) Costs of and plan of abatement. If the school district or other entity described in subsection (1) of this section can abate all unsafe or unhealthy conditions identified with the funds available to the school district or other entity, it shall do so, and it need not separately account for the costs of abatement nor segregate funds expended for abatement. If the school district or other entity cannot abate all unsafe or unhealthy conditions identified with the funds available to it, the board of trustees or other governing body shall direct that a plan of abatement be prepared. The plan of abatement shall provide a timetable that shall begin no later than the following school year and that shall provide for abatement with all deliberate speed of unsafe and unhealthy conditions identified. The abatement plan shall be submitted to the administrator of the division of building safety. The school district or other entity shall immediately begin to implement its plan of abatement and must separately account for its costs of abatement of unsafe and unhealthy conditions and separately segregate funds for the abatement of unsafe and unhealthy conditions as required by subsection (5) of this section.

(5) Special provisions for implementation of plan of abatement.

(a) Notwithstanding any other provisions of law concerning expenditure of lottery moneys distributed to the school district or other entity, all lottery moneys provided to the school district or other entity for a school year in which the school district cannot abate unsafe or unhealthy conditions identified and not legally encumbered to other uses at the time and all lottery moneys for following school years shall be segregated and expended exclusively for abatement of unsafe and unhealthy conditions identified until all of the unhealthy and unsafe conditions identified are abated, provided, if the school district has obtained a loan from the [school] safety and health revolving loan and grant fund, the provisions of section [33-1017](#), Idaho Code, and the

conditions of the loan shall determine the use of the school district's lottery moneys during the term of the loan.

(b) If the lottery moneys referred to in paragraph (a) of this subsection will, in the board of trustees' or other governing bodies' estimation, be insufficient to abate the unsafe and unhealthy conditions identified, the plan of abatement shall identify additional sources of funds to complete the abatement of the unsafe and unhealthy conditions. The board of trustees may choose from among the following sources, or from other sources of its own identification, but the plan of abatement must identify sufficient sources of funds for abatement.

(i) If the school district is not levying under [chapter 8, title 33](#), Idaho Code, at the maximum levies allowed by law for levies that may be imposed by a board of trustees without an election, the board of trustees may increase any of those levies as allowed by law for the school year following the school year in which it was unable to abate unsafe or unhealthy conditions identified.

(ii) If the school district is levying under [chapter 8, title 33](#), Idaho Code, at the maximum levies allowed by law for levies that may be imposed by the board of trustees without an election; or, if after increasing those levies to the maximum levies allowed by law for levies that may be imposed by the board of trustees without an election, there will still be insufficient funds to abate unsafe or unhealthy conditions identified, the school district, after giving notice and conducting a hearing, may declare a financial emergency and/or may apply for a loan or, if eligible, an interest grant from the [school] safety and health revolving loan and grant fund as provided in section [33-1017](#), Idaho Code, to obtain funds to abate the unsafe or unhealthy conditions identified.

(iii) Upon the declaration of a financial emergency, the board of trustees shall have the power to impose a reduction in force, to freeze some or all salaries in the school district, and/or to suspend some or all contracts that may be legally suspended upon the declaration of a financial emergency; provided, that when a board of trustees declares a financial emergency, or when a declaration of a financial emergency is imposed by the state treasurer pursuant to section [33-1017](#), Idaho Code, and there is a reduction in force, some or all salaries are frozen, or some contracts are suspended, the payments to the school district under the foundation program of [chapter 10, title 33](#), Idaho Code, and in particular the staff allowances under that chapter, shall not be reduced during the duration of the financial emergency as a result of a reduction in force, frozen salaries, or suspended salaries from what the staff allowance would be without the reduction in force, frozen salaries or suspended contracts.

(c) All costs of abatement for a program implementing plans of abatement under subsection (5) of this section must be separately accounted for and documented with regard to abatement of each unsafe or unhealthy condition identified. Funds obtained under section [33-1017](#), Idaho Code, must be used exclusively to abate unsafe or unhealthy conditions identified. Funds obtained pursuant to section [33-1017](#), Idaho Code, in excess of funds necessary to abate unsafe or unhealthy conditions identified must be returned as provided in section [33-1017](#), Idaho Code.

Return of these funds shall be judicially enforceable as provided in section [33-1017](#), Idaho Code.

[33-1613, added 2000, ch. 219, sec. 1, p. 607; am. 2001, ch. 326, sec. 3, p. 1148; am. 2002, ch. 158, sec. 1, p. 458.]

33-1613A. EXPENDITURES TO ABATE UNSAFE OR UNHEALTHY CONDITIONS. Expenditures to abate unsafe or unhealthy conditions in public school facilities are ordinary and necessary expenses authorized by the general laws of this section within the meaning of section 3, article VIII, of the constitution of the state of Idaho. The general laws of this state authorizing such expenditures include, but are not limited to: the laws relating to expenditures of proceeds of a school district's sale of real or personal property pursuant to [chapter 6, title 33](#), Idaho Code; a school district's collection and expenditure of levies provided by [chapter 9, title 33](#), Idaho Code; a school district's expenditures of state funds provided under the foundation program of [chapter 10, title 33](#), Idaho Code; a school district's expenditures of bond proceeds under [chapter 11, title 33](#), Idaho Code; a school district's expenditures for providing safe transportation pursuant to [chapter 15, title 33](#), Idaho Code; a school district's expenditures of proceeds of loans or grants procured pursuant to section [33-1613](#), Idaho Code, including previous amendments of section [33-1613](#), Idaho Code; and a school district's expenditures of forest reserve and mining impact funds pursuant to [chapter 13, title 57](#), Idaho Code. The definitions contained in section [33-1613](#), Idaho Code, apply to this section.

[33-1613A, added 2003, ch. 270, sec. 2, p. 721.]

33-1614. READING INSTRUCTION AND INTERVENTION. (1) It is the ultimate goal of the legislature that every student read at or above grade level by the end of grade 3. School districts shall offer a reading intervention program pursuant to section [33-1616](#), Idaho Code, to each kindergarten through grade 3 student who exhibits a reading deficiency on the statewide reading assessment pursuant to section [33-1615](#), Idaho Code, to ensure students can read at or above grade level at the end of grade 3. The reading intervention program shall be provided in addition to core reading instruction that is provided to all students in the general education classroom and must be in alignment with the Idaho comprehensive literacy plan. The reading intervention program shall:

- (a) Be provided to all grade K-3 students identified with a reading deficiency as determined by the statewide reading assessments;
- (b) Provide intensive development in phonemic awareness, phonics, fluency, vocabulary and text comprehension, as applicable to the grade level; and
- (c) Monitor the reading progress of each student's reading skills throughout the school year and adjust instruction according to student needs. Monitoring may include both local and statewide assessments.

(2) Reading Improvement Plan. Any student in kindergarten through grade 3 who exhibits a deficiency in reading at any time based upon the statewide assessment shall receive an individual reading improvement plan no later than thirty (30) days after the identification of the reading deficiency. The reading improvement plan shall be created by the teacher, principal, other pertinent school personnel, including staff-assigned library duties if applicable, and the parent(s) or guardian(s) and shall

describe the reading intervention services the student will receive to remedy the reading deficit. Each student must receive intensive reading intervention until the student is determined to be proficient in reading for their grade level.

(a) Having made a good faith effort, should the school be unable to engage the parent or guardian in the development of the student's reading improvement plan within fifteen (15) days of notifying the parent, the school may move forward with the creation of the student's reading improvement plan without parental participation.

(b) Any student who has been identified as not proficient through a local literacy assessment may also be put on a reading improvement plan.

(c) Students who are on a reading improvement plan and have been identified through the statewide assessment to be at grade level may be transitioned off of the reading improvement plan. Schools must notify the parents or guardians in advance of transitioning students off of their reading improvement plan.

(3) Parent Notification. The parent of any student in kindergarten through grade 3 who exhibits a deficiency in reading at any time during the school year must be notified in writing of the reading deficiency. The school district shall assist schools with providing written notification to the parent of any student who has not met grade-level proficiency.

(a) The initial notification must include the following:

(i) A statement that his or her student has been identified as having a deficiency in reading and a reading improvement plan will be established by the teacher, principal, other applicable school personnel and the parent(s) or guardian(s);

(ii) A description of the current services that are provided to the student; and

(iii) A description of the available reading intervention and supplemental instructional services and supports that could be provided to the student that are designed to address the identified areas of reading deficiency.

(b) Following development of the plan, the parent will be provided with:

(i) A description of the reading intervention and supplemental instructional services and support that will be provided to the student that are designed to address the identified areas of reading deficiency; and

(ii) Strategies for parents to use at home in helping their student to succeed in reading.

(c) At the conclusion of each school year, or earlier if it has been determined that the student is proficient and is no longer in need of intervention, the parent or guardian will be updated on the student's progress, including any recommendation for placement.

(4) District Annual Reporting. Each school district shall report to the state department of education by October 1 of each year. The report shall contain the following information on the prior school year:

(a) By grade, the number and percentage of all students in grades K-3 performing at the basic or below basic level on local and statewide assessments in reading; and

(b) By grade, the number and percentage of all students in grades K-3 performing at the proficient or higher level on local and statewide assessments in reading.

(5) Department Responsibilities. The state department of education shall annually compile the information required along with state-level summary information and annually report such information to the state board of education, the public, the governor and the legislature. The department shall provide technical assistance as needed to aid school districts in implementing the provisions of this section.

(6) The state board of education may promulgate rules for the administration and implementation of this section.

[33-1614, added 2016, ch. 187, sec. 3, p. 509.]

33-1615. READING ASSESSMENT. The state department of education shall be responsible for administration of all assessment efforts and shall train assessment personnel and report results.

(1) In continuing recognition of the critical importance of reading skills, all public school students in kindergarten and grades 1, 2 and 3 shall have their reading skills assessed. For purposes of this assessment, the state board approved research-based "Idaho Comprehensive Literacy Plan" shall be the reference document. The kindergarten assessment shall include reading readiness and phonological awareness. Grades 1, 2 and 3 shall test for fluency, comprehension and accuracy of the student's reading. The assessment shall be by a single statewide test specified by the state board of education, and the state department of education shall ensure that testing shall take place not less than two (2) times per year in the relevant grades. Additional assessments may be administered to students who are identified for reading interventions as set forth in section [33-1616](#), Idaho Code. The state K-3 assessment test results shall be reviewed by school personnel for the purpose of providing necessary interventions to sustain or improve the students' reading skills. Reports shall be submitted by the school districts in such a manner that it is possible to determine for each school building with kindergarten through grade 3 in each school district the percentage of students who are achieving proficiency on the reading assessment. Results shall be maintained and compiled by the state department of education and shall be reported annually to the state board, legislature and governor and made available to the public in a consistent manner, by school and by district.

(2) The assessment scores and interventions recommended and implemented shall be maintained in the permanent record of each student.

(3) The administration of the state K-3 assessments is to be done in the local school districts by individuals chosen by the district other than the regular classroom teacher. All those who administer the assessments shall be trained by the state department of education.

(4) It is legislative intent that curricular materials utilized by school districts for kindergarten through grade 3 shall align with the "Idaho Comprehensive Literacy Plan."

[33-1615, added 2016, ch. 186, sec. 5, p. 507.]

33-1616. LITERACY INTERVENTION. (1) Each school district and public charter school shall establish an extended time literacy intervention program for students who score basic or below basic on the fall reading screening assessments or alternate reading screening assessment in kindergarten through grade 3 and submit it to the state board of education.

(2) The program shall provide:

(a) Proven effective research based substantial intervention and shall include phonemic awareness, decoding intervention, vocabulary, comprehension and fluency as applicable to the student based on a formative assessment designed to, at a minimum, identify such weaknesses;

(b) May include online or digital instructional materials or programs or library resources and must include parent input and be in alignment with the Idaho comprehensive literacy plan;

(c) A minimum of sixty (60) hours of supplemental instruction for students in kindergarten through grade 3 who score below basic on the reading screening assessment; and

(d) A minimum of thirty (30) hours of supplemental instruction for students in kindergarten through grade 3 who score basic on the reading screening assessment.

(3) Of the funds appropriated for the purpose of this section, no more than one hundred dollars (\$100) per student may be used for transportation costs.

(4) For the purpose of program reimbursement, the state department of education shall adopt reporting forms, establish reporting dates, and adopt such additional guidelines and standards as necessary to accomplish the program goals that every child will read fluently and comprehend printed text on grade level by the end of the third grade.

(5) To ensure students receive high quality literacy instruction and intervention, the state department of education shall provide professional development to districts and schools on best practices supporting literacy instruction as outlined in the state board of education approved "Idaho Comprehensive Literacy Plan." Intervention program participation and effectiveness by school and district shall be presented annually to the state board, the legislature and the governor.

(6) The state board of education shall promulgate rules implementing the provisions of this section. At a minimum, such rules shall include student trajectory growth to proficiency benchmarks and a timeline for reaching such benchmarks.

[33-1616, added 2016, ch. 186, sec. 7, p. 508.]

33-1617. ENGLISH LANGUAGE LEARNERS -- PROGRAM REQUIREMENTS. It is legislative intent that the state board of education and state department of education develop statewide, research-based goals for students in Idaho who are English language learners. Goals shall specifically address compliance with applicable state and federal law and court decisions.

The board of trustees of each school district shall formulate a plan in sufficient detail that measurable objectives can be identified and addressed which will accomplish English language acquisition and improved academic performance. Moneys distributed to school districts based upon the population of limited-English proficiency students and distributed to school districts to support programs for students with non-English or limited-English proficiency shall be utilized in support of the district plan.

The district plan and allocation of funds shall be part of a report made annually to the state board of education and state department of education. The state board of education shall provide a summary of these reports to the legislature. Recommendations for program enhancements needed to reach the statewide goals are to be brought to the legislature after review and approval by the state board of education.

[33-1617, added 2004, ch. 349, sec. 1, p. 1042.]

33-1618. ASSESSMENT EXCEPTION. A student who has not been enrolled for two (2) full school years in an elementary or secondary school in the United States and who scores less than a level four (4) on the state assessment used to determine English language proficiency may be excluded from requirements to participate in Idaho's direct writing assessment and in Idaho's direct mathematics assessment if the parent or guardian of such student and the student's teacher agree that such an exclusion is educationally appropriate for the student.

[33-1618, added 2006, ch. 357, sec. 1, p. 1090.]

33-1619. VIRTUAL EDUCATION PROGRAMS. School districts may offer instruction in the manner described for a virtual school in section [33-5202A](#), Idaho Code. For programs meeting such definition, the school district may count and report the average daily attendance of the program's students in the manner prescribed in section [33-5208](#)(10), Idaho Code. School districts may also offer instruction that is a blend of virtual and traditional instruction. For such blended programs, the school district may count and report the average daily attendance of the program's students in the manner prescribed in section [33-5208](#)(10), Idaho Code. Alternatively, the school district may count and report the average daily attendance of the blended program's students in the same manner as provided for traditional programs of instruction, for the days or portions of days in which such students attend a physical public school. For the balance of days or portions of days, average daily attendance may be counted in the manner prescribed in section [33-5208](#)(10), Idaho Code.

[33-1619, added 2009, ch. 340, sec. 2, p. 984; am. 2012, ch. 188, sec. 10, p. 508; am. 2013, ch. 342, sec. 4, p. 906.]

33-1624. RULES. The state department of education is hereby directed to promulgate rules to implement the provisions of this act. Such rules may include a requirement that students successfully complete one (1) or more standardized assessments approved by the state department of education. The department shall work with school districts and public charter schools in developing the rules authorized by this section.

[33-1624, added 2010, ch. 275, sec. 6, p. 715.]

33-1625. YOUTH ATHLETES -- CONCUSSION AND HEAD INJURY GUIDELINES AND REQUIREMENTS. (1) The state board of education and the Idaho high school activities association shall provide access to appropriate guidelines and information that identify the signs and symptoms of a concussion and head injury and describe the nature and risk of concussion and head injury in accordance with standards of the centers for disease control and prevention through a link on the internet website of the board and the Idaho high school activities association.

(2) This section shall apply to any middle school, junior high school and high school in the state participating in or administering an organized athletic league or sport. For the purposes of this section, "youth athlete" or "athlete" means an individual who is eighteen (18) years of age or younger

and who is a participant in any middle school, junior high school or high school athletic league or sport.

(3) At the beginning of each sports season before a youth athlete participates in any organized practice or game, the youth athlete and the youth athlete's parent or guardian shall receive the guidelines and information described in subsection (1) of this section from the school for which the athlete plays, and shall review the guidelines and information. Coaches, referees, game officials, game judges and athletic trainers shall review such guidelines and information upon employment and biennially thereafter.

(4) Schools shall obtain written consent from the youth athlete's parent or guardian on an annual basis attesting to the fact that the youth athlete's parent or guardian has received a copy of the concussion information and guidelines as outlined in subsection (3) of this section, acknowledges the inherent risk and authorizes the youth athlete to participate in athletic activity.

(5) If during a practice or game or competition, it is reasonably suspected that a youth athlete has sustained a concussion or head injury and exhibits outward signs or symptoms of such, as defined by the centers for disease control and prevention, then the youth athlete shall be removed from play. Every Idaho middle school, junior high school and high school that participates in or offers an organized athletic league shall develop protocol to be followed for removing such athletes from play. Such protocol shall be consistent with concussion and head injury guidelines of the centers for disease control and prevention.

(6) An athlete may be returned to play once the athlete is evaluated and authorized to return by a qualified health care professional who is trained in the evaluation and management of concussions. For the purposes of this section, "qualified health care professional" means and includes any one (1) of the following who is trained in the evaluation and management of concussions:

(a) A physician or physician assistant licensed under [chapter 18, title 54](#), Idaho Code;

(b) An advanced practice nurse licensed under section [54-1409](#), Idaho Code; or

(c) A licensed health care professional trained in the evaluation and management of concussions who is supervised by a directing physician who is licensed under [chapter 18, title 54](#), Idaho Code.

(7) Students who have sustained a concussion and return to school may need informal or formal accommodations, modifications of curriculum, and monitoring by medical or academic staff until the student is fully recovered. A student athlete should be able to resume all normally scheduled academic activities without restrictions or the need for accommodation prior to receiving authorization to return to play by a qualified health care professional as defined in subsection (6) of this section.

(8) If an individual reasonably acts in accordance with the protocol developed pursuant to subsection (5) of this section, then acting upon such protocol shall not form the basis of a claim for negligence in a civil action.

(9) Any youth sport organization or association in this state may comply with this section. If a youth sport organization or association is in full compliance with this section, then the youth sport organization or association shall be afforded the same protections from liability in a civil action pursuant to subsection (8) of this section.

[33-1625, added 2012, ch. 299, sec. 2, p. 820; am. 2016, ch. 293, sec. 1, p. 822.]

33-1627. MATH INITIATIVE. (1) The legislature finds that mathematical skills are increasingly important to the future academic and career success of students. The legislature further finds that student mathematical skills are not currently meeting the needs of Idaho's economy and must be improved. To this end, the state department of education shall promote the improvement of mathematical instruction and student achievement through one (1) or more of the following activities:

(a) Provide high quality professional development for teachers that is intensive, ongoing and connected to classroom practice, that focuses on student learning, aligns with school improvement priorities and goals, and builds strong working relationships among teachers;

(b) Provide statewide online mathematical instruction programs that furnish mathematical tutoring, remedial instruction and advanced instruction;

(c) Provide formative assessments to assist teachers in identifying student mathematical skill levels, areas of deficiency and areas of advancement.

(2) The cost of math initiative activities provided for in this section shall be paid by the state department of education from moneys appropriated for this program in the educational support program budget.

[33-1627, added 2014, ch. 255, sec. 1, p. 645.]

33-1628. FIREARMS SAFETY EDUCATION IN PRIMARY AND SECONDARY SCHOOLS. The board of trustees of a school district is encouraged to establish and maintain a firearms safety education course for primary and secondary school students. The trustees may adopt an elective course of instruction developed by the department of fish and game, a law enforcement agency, or a national firearms association as its firearms safety education course. Instructors from the department of fish and game, a law enforcement agency or a national firearms association, or a person recognized by the trustees as having expertise in firearms safety education may provide the course instruction.

[33-1628, added 2018, ch. 250, sec. 1, p. 580.]

33-1629. AGRICULTURAL AND NATURAL RESOURCE EDUCATION PROGRAMS. (1) Idaho Quality Program Standards Incentive Grants.

(a) The board for career technical education shall adopt and implement Idaho quality program standards for agricultural and natural resource education programs offered in any grade 9 through 12. Such standards shall apply to the areas of instruction, curriculum development, advisory committees, student development and community development. Such standards shall be used to assess the quality of local programs and to set goals for continued program improvement.

(b) The board for career technical education shall establish and administer an incentive grant program for instructors of agricultural and natural resource education programs offered in any grade 9 through 12 where such programs meet or exceed the applicable Idaho quality program standards as determined by the board. A district may apply to the board, on behalf of an instructor, for a grant provided for in this subsection.

The board shall develop an application form and criteria to judge each application for the grant program. Grant awards shall be made by the board to instructors of programs that meet or exceed the criteria established by the board. The maximum amount of an incentive grant as provided for in this section shall be ten thousand dollars (\$10,000).

(c) There is hereby created in the state treasury the quality program standards incentive grant fund, to which shall be credited all moneys both public and private that may be appropriated, allocated, donated, distributed to or otherwise provided for by law. Moneys in the fund shall be used exclusively for incentive grants as provided for in this subsection. Moneys in the fund shall be continuously appropriated for the purposes of this incentive grant program. All idle moneys in the fund shall be invested by the state treasurer in a like manner as provided for in section [67-1210](#), Idaho Code, with respect to other surplus or idle moneys in the state treasury. Interest earned on the investments shall be returned to the fund.

(d) The board for career technical education shall in its annual budget request to the legislature request funding for the grant program provided for in this section.

(e) The board for career technical education shall adopt rules to implement the grant program established by this subsection.

(2) Agricultural Education Program Start-Up Grants.

(a) The board for career technical education shall establish and administer a start-up grant program for school districts and public charter schools to begin or to re-establish an agricultural and natural resource education program in any grade 9 through 12.

(b) The board shall develop an application form and criteria to judge each application for a start-up grant. Any school district or public charter school may apply for a start-up grant.

(c) There shall be no more than four (4) start-up grants awarded per school year. The maximum award for any one (1) start-up grant shall be twenty-five thousand dollars (\$25,000).

(d) There is hereby created in the state treasury the agricultural and natural resource education program start-up grant fund, to which shall be credited all moneys both public and private that may be appropriated, allocated, donated, distributed to or otherwise provided for by law. Moneys in the fund shall be used exclusively for start-up grants as provided for in this subsection. Moneys in the fund shall be continuously appropriated for the purposes of this start-up grant program. All idle moneys in the fund shall be invested by the state treasurer in a like manner as provided for in section [67-1210](#), Idaho Code, with respect to other surplus or idle moneys in the state treasury. Interest earned on the investments shall be returned to the fund.

(e) The board for career technical education shall in its annual budget request to the legislature request funding for the grant program provided for in this subsection.

(f) The board for career technical education shall adopt rules to implement the grant program established by this subsection.

(3) The provisions of this section shall apply to agricultural and natural resource education programs provided for in grades 9 through 12.

[33-1629, added 2014, ch. 124, sec. 1, p. 354; am. 2015, ch. 244, sec. 20, p. 1018; am. 2016, ch. 25, sec. 9, p. 41.]

33-1630. ELEMENTARY AND SECONDARY EDUCATION ACT FLEXIBILITY DOCUMENT -- STATE BOARD OF AND STATE DEPARTMENT OF EDUCATION DUTIES. (1) The state board of education shall promulgate rules setting forth the provisions of the flexibility document associated with the federal elementary and secondary education act (ESEA). The purpose of the document is to achieve flexibility for state and local education agencies (LEA). Such document shall include testing for grades 3 through 8 and once in high school at the minimum. Such document shall include the following:

- (a) A testing schedule for pupils in grade 11 who shall take a college or career ready assessment;
- (b) A provision stating that LEAs may conduct additional formative or pre- and post-testing as needed;
- (c) A provision stating that federal testing requirements may be used as graduation criteria;
- (d) A provision stating that the state education agency will select an appropriate statewide test based on, at a minimum, such elements as adherence to Idaho's content standards for learning, cost and duration or type, i.e., written or computer adaptive; and
- (e) A provision for maintenance of a statewide learning management system of reporting for the support of LEAs that maximizes communication, collaboration and mastery of academic content. Reporting in this section is intended to satisfy the minimum federal requirements of the consolidated state performance report (CSPR) and serve as a tool for LEAs to measure individual growth or achievement and system accountability.

(2) The state department of education shall begin to review the Idaho's standards for learning of math and English language arts (ELA) in 2015. Idaho's content standards of learning are intended to reinforce our commitment to maintaining a college and career ready standard.

[33-1630, added 2015, ch. 315, sec. 1, p. 1231.]

33-1631. REQUIREMENTS FOR HARASSMENT, INTIMIDATION AND BULLYING INFORMATION AND PROFESSIONAL DEVELOPMENT. (1) School districts and charter schools shall undertake reasonable efforts to ensure that information on harassment, intimidation and bullying of students is disseminated annually to all school personnel, parents and students, including an affirmation that school personnel are authorized and expected to intervene or facilitate intervention on behalf of students facing harassment, intimidation or bullying.

(2) School districts and charter schools shall provide ongoing professional development to build skills of all school staff members to prevent, identify and respond to harassment, intimidation and bullying. The state board shall promulgate rules regarding the content of the professional development required by this subsection.

(3) District policies shall include a series of graduated consequences that may include, but are not limited to, referral to counseling, diversion, use of juvenile specialty courts, restorative practices, on-site suspension and expulsion for any student who commits an act of bullying, intimidation, harassment, violence or threats of violence. Guidelines for such policies will be set forth in the rules of the state board.

(4) Annually school districts shall report bullying incidents to the state department of education in a format set forth in rule by the state board. District policy shall designate persons to whom bullying reports are to be made and a procedure for a teacher or other school employee, student,

parent, guardian or other person to report or otherwise provide information on bullying activity.

[(33-1631) 33-1630, added 2015, ch. 289, sec. 2, p. 1161; am. and redesign. 2016, ch. 47, sec. 16, p. 110.]

33-1632. MASTERY-BASED EDUCATION. (1) The legislature finds that moving toward mastery-based education where students progress as they demonstrate mastery of a subject or grade level is in the best interest of Idaho students. The legislature further finds that moving from the current time-based system to a mastery-based approach will allow for more personalized and differentiated learning; create a focus on explicit, measurable, transferable learning objectives that empower students; and emphasize competencies that include application and knowledge along with skill development.

(2) The state department of education shall perform the following activities to move Idaho toward mastery-based education:

(a) Provide ongoing statewide outreach and communications to increase awareness and understanding of and promote interest in mastery-based education for teachers, administrators, parents, students, business leaders, and policymakers;

(b) Facilitate and maintain the Idaho mastery education network composed of Idaho public school districts and charter schools that collaborate to transition Idaho to mastery-based education. The network shall:

(i) Advise the superintendent of public instruction and the state board of education on the progress of the transition to mastery-based education;

(ii) Develop evidence-based recommendations for continued implementation;

(iii) Implement the policies of the legislature and the state board of education for the transition to mastery-based education; and

(iv) Provide network resources, including professional development, coaching, and best practices, to Idaho public school districts and charter schools; and

(c) Create a sustainability plan for statewide scaling of mastery-based education and ensure that all public school districts and charter schools participating in the Idaho mastery education network develop plans that describe how the public school district or charter school will maintain a mastery-based approach to education. Plans must include a process to develop the rubrics and assessments necessary to determine mastery and award credit.

(3) The state department of education may expend or distribute moneys appropriated for purposes identified in subsection (2) of this section directly to public school districts and charter schools that are participating in the mastery education network and have applied and been selected to receive mastery-based education grants. The cost of activities provided for in this section shall be paid by the state department of education from moneys appropriated for this program in the educational support program budget as provided for in section [33-1002](#), Idaho Code.

(4) Any public school district or charter school may participate in the mastery education network by applying to the state department of education, even if such district or school is not selected to receive mastery-based education grants.

(5) No later than January 31 of each year, the state department of education shall report annually to the state board of education and the education committees of the senate and the house of representatives regarding the progress toward implementing mastery-based education.

(6) For purposes of this section:

(a) "Mastery-based education " means an education system where student progress is based on a student's demonstration of mastery of competencies and content, not seat time or the age or grade level of the student.

(b) "Network" means the Idaho mastery education network.

[(33-1632) 33-1630 , added 2015, ch. 68, sec. 1, p. 183; am. and redesign. 2016, ch. 45, sec. 1, p. 95; am. and redesign. 2016, ch. 47, sec. 17, p. 111; am. 2019, ch. 189, sec. 1, p. 600.]

33-1633. COMPUTER SCIENCE INITIATIVE FOR PUBLIC SCHOOLS. (1) As used in this section:

(a) "Blended professional development" means to deliver content and training to teachers and administrators in a combination of online and face-to-face.

(b) "Computer science" means the study of principles, applications and technologies of computing and computers.

(2) The STEM action center, the state board of education and the state department of education shall collaborate to develop and implement a computer science initiative for public schools by:

(a) Adopting computer science content standards in 2016 aligned with nationally recognized computer science education standards with input from Idaho educators and industries for implementation in the 2017-2018 school year;

(b) Providing for professional development in teaching computer science by:

(i) Developing resources for teachers and administrators relating to teaching computational thinking;

(ii) Providing statewide, regional, online and blended professional development opportunities for school district staff;

(iii) Partnering with entities such as the Idaho digital learning academy, public higher education institutions and industry to develop, deliver and provide professional development in computer science for teachers; and

(iv) Distributing grants to school districts and charter schools that may be used to provide incentives for teachers to pursue training in computer science or earn a computer science endorsement;

(c) Maintaining, using and enhancing access to an online portal or repository of instructional resources that:

(i) Is available for public school districts and public charter schools to use as a resource;

(ii) Includes high-quality computer science instructional resources that are designed to teach K-12 students computational thinking skills and are in alignment with the state computer science content standards;

(iii) Leverages existing online resources and portals developed by state and governmental entities; and

(iv) Allows for collaborative contribution and sharing of resources by teachers, administrators, parents and students;

(d) Ensuring that the state department of education and the Idaho digital learning academy evaluate providers of comprehensive computer science instructional solutions and provide research, support and guidance on implementing solutions for computer science courses or programs aligned with the state computer science content standards;

(e) Creating opportunities for schools to partner with local companies to provide for student and teacher mentoring and internships in the computer science field;

(f) Communicating and supporting computer science initiatives, programs, events, training and other promotions throughout the state for the benefit of school districts, students, parents and local communities; and

(g) Creating equitable access to computer science resources and programs aligned with the state computer science content standards for teachers, administrators and students throughout the state.

(3) The STEM action center, the state board of education and the state department of education shall, when economical and beneficial, leverage existing state resources and systems to effectively and efficiently carry out the directives of this computer science initiative for public schools.

(4) The STEM action center board may select one (1) or more providers through a request for proposals process to provide a comprehensive computer science solution for public school districts and public charter schools to implement.

(5) The STEM action center, the division of career technical education and industry shall collaborate to create technical secondary and postsecondary courses of study in areas related to computer science that meet workforce needs.

(6) The STEM action center shall collaborate with the state board of education, division of career technical education, the state department of education, public higher education institutions and industry to develop a communication plan related to the computer science initiative.

(7) The STEM action center and the state board of education shall provide an annual report to the legislature on the status of this initiative.

[33-1633, added 2016, ch. 156, sec. 2, p. 427.]

33-1634. COMPUTER SCIENCE. Starting in fiscal year 2020, each school district, specially chartered district and public charter school serving students in grades 9 through 12 inclusive, or any combination thereof, shall make available to all students in grades 9 through 12 one (1) or more courses in computer science. Students must have the option of taking the course as part of their course schedule during normal instructional hours at the school in which the student is enrolled. Such courses may be offered through virtual education programs and online courses, traditional in-person courses or hybrid courses consisting of a combination of online and in-person instruction. Computer science courses must be aligned with the Idaho content standards for computer science.

[33-1634, added 2018, ch. 239, sec. 1, p. 562.]

33-1635. CAREER TECHNICAL EDUCATION PROGRAM QUALITY AND WORKFORCE READINESS INCENTIVE PROGRAM. (1) It is the ultimate goal of the legislature that every student have access to career technical education courses and programs that lead to workforce readiness certification.

(2) The state board for career technical education shall establish and administer a quality program funding mechanism for high-quality career technical education secondary programs and program technical assistance offered in grades 9 through 12.

(a) Quality program incentive funding will be available to high-performing approved career technical education programs in the areas of business management and marketing, engineering and technology, family and consumer sciences, health sciences, and skilled and technical sciences.

(b) Technical assistance funding will be available to approved career technical education programs in the areas of agriculture and natural resources, business management and marketing, engineering and technology, family and consumer sciences, health sciences, and skilled and technical sciences.

(c) The division of career technical education will develop criteria to evaluate each program and will award funding to those programs that meet or exceed the criteria established by the division for quality program funding and technical assistance funding. Specific criteria will be developed for each type of program. Types of programs will be defined by the state board for career technical education. All eligible career technical programs will be considered for funding. Eligible programs may not be career technical schools and must meet all eligibility criteria developed by the division of career technical education. The amount of each award will be determined each award cycle by the division of career technical education and will be contingent upon the availability of appropriated funds.

(3) Workforce readiness incentive funding.

(a) Eligible career technical education pathway programs in any career technical education program area may receive workforce readiness incentive funds. Workforce readiness incentive funds will be distributed based on the number of secondary career technical concentrators who have demonstrated workforce readiness at the completion of the career technical education program.

(b) The division of career technical education will develop criteria to evaluate each program and will award funding to those programs that meet or exceed the criteria established by the division for quality program funding and technical assistance funding. Specific criteria will be developed for each type of program. Types of programs will be defined by the state board for career technical education. All eligible career technical programs will be considered for funding. Eligible programs may not be career technical schools and must meet all eligibility criteria developed by the division of career technical education. The amount of each award will be determined each award cycle by the division of career technical education and will be contingent upon the availability of appropriated funds.

(4) The state board for career technical education may adopt rules to implement the provisions of this section.

[(33-1635) 33-1634; added 2018, ch. 16, sec. 3, p. 21; am. and re-desig. 2019, ch. 161, sec. 3, p. 527.]