

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 589, As Amended in the Senate

BY EDUCATION COMMITTEE

AN ACT

RELATING TO SCHOOL SAFETY AND THE PUBLIC SCHOOL INCOME FUND; AMENDING SECTION 33-512, IDAHO CODE, TO ESTABLISH PROVISIONS RELATING TO A SCHOOL SAFETY PLAN; AND AMENDING SECTION 63-2552A, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE PUBLIC SCHOOL INCOME FUND AND THE USE OF CERTAIN MONEYS AND TO REVISE PROVISIONS RELATING TO USES OF AN APPROPRIATION.

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 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

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

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

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

4 (g) The state superintendent of public instruction may grant an ex-  
5 emption from the provisions of this section for an individual building  
6 within a district, when the closure of that building, for unforeseen  
7 circumstances, does not affect the attendance of other buildings within  
8 the district.

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

13 (3) To provide, or require pupils to be provided with, suitable text-  
14 books and supplies, and for advice on textbook selections may appoint a cur-  
15 ricular materials adoption committee as provided in section 33-512A, Idaho  
16 Code;

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

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

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

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

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

34 (9) To determine school holidays. Any listing of school holidays shall  
35 include not less than the following: New Year's Day, Memorial Day, Indepen-  
36 dence Day, Thanksgiving Day, and Christmas Day. Other days listed in section  
37 73-108, Idaho Code, if the same shall fall on a school day, shall be observed  
38 with appropriate ceremonies; and any days the state board of education may  
39 designate, following the proclamation by the governor, shall be school holi-  
40 days;

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

47 (11) To prohibit entrance to each schoolhouse or school grounds, to pro-  
48 hibit loitering in schoolhouses or on school grounds and to provide for the  
49 removal from each schoolhouse or school grounds of any individual or indi-  
50 viduals who disrupt the educational processes or whose presence is detrimen-

1 tal to the morals, health, safety, academic learning or discipline of the  
2 pupils. A person who disrupts the educational process or whose presence is  
3 detrimental to the morals, health, safety, academic learning or discipline  
4 of the pupils or who loiters in schoolhouses or on school grounds, is guilty  
5 of a misdemeanor;

6 (12) To supervise and regulate, including by contract with established  
7 entities, those extracurricular activities which are by definition outside  
8 of or in addition to the regular academic courses or curriculum of a public  
9 school, and which extracurricular activities shall not be considered to be  
10 a property, liberty or contract right of any student, and such extracurric-  
11 ular activities shall not be deemed a necessary element of a public school  
12 education, but shall be considered to be a privilege. For the purposes of  
13 extracurricular activities, any secondary school located in this state that  
14 is accredited by an organization approved through a process defined by the  
15 state department of education shall be able to fully participate in all ex-  
16 tracurricular activities described in and governed by the provisions of this  
17 subsection;

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

20 (14) To submit to the superintendent of public instruction not later  
21 than July 1 of each year documentation which meets the reporting require-  
22 ments of the federal gun-free schools act of 1994 as contained within the  
23 federal improving America's schools act of 1994;

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

1 state department of education, the substitute teacher shall undergo a criminal history check every five (5) years;

2  
3 (16) To maintain a safe environment for students by developing a system  
4 that cross-checks all contractors or other persons who have irregular contact  
5 with students against the statewide sex offender register, by developing  
6 a school safety plan for each school and by meeting annually with emergency  
7 first responders to update the plans and discuss emergency exercises  
8 and operations;

9 (17) To provide support for teachers in their first two (2) years in the  
10 profession in the areas of: administrative and supervisory support, mentoring,  
11 peer assistance and professional development.

12 SECTION 2. That Section 63-2552A, Idaho Code, be, and the same is hereby  
13 amended to read as follows:

14 63-2552A. ADDITIONAL TAX IMPOSED -- RATE. (1) In addition to the tax  
15 imposed in section 63-2552, Idaho Code, from and after July 1, 1994, there  
16 is levied and there shall be collected an additional tax upon the sale, use,  
17 consumption, handling, or distribution of all tobacco products in this state  
18 at the rate of five percent (5%) of the wholesale sales price of such tobacco  
19 products. Such tax shall be imposed at the time the distributor:

20 (a) Brings, or causes to be brought, into this state from without the  
21 state tobacco products for sale;

22 (b) Makes, manufactures, or fabricates tobacco products in this state  
23 for sale in this state; or

24 (c) Ships or transports tobacco products to retailers in this state to  
25 be sold by those retailers.

26 (2) Each distributor, within twenty (20) days after July 1, 1994, shall  
27 file a report with the commission, in such form as the commission may pre-  
28 scribe, showing the tobacco products on hand on July 1, 1994, and the amount  
29 of tax due thereon. The tax imposed in this subsection shall be due and  
30 payable within twenty (20) days after July 1, 1994, and thereafter shall bear  
31 interest at the rate of one percent (1%) per month.

32 (3) Fifty percent (50%) of the tax collected pursuant to this section  
33 shall be subject to appropriation to the public school income fund to be uti-  
34 lized to develop and implement school safety improvements and to facilitate  
35 and provide substance abuse prevention programs in the public school system,  
36 of which amount less two hundred fifty thousand dollars (\$250,000) that  
37 shall be remitted annually to the Idaho state police to increase toxicology  
38 lab capacity in the bureau of forensic services for drug testing of juve-  
39 niles, and less eighty thousand dollars (\$80,000) that shall be remitted to  
40 the commission on Hispanic affairs to be used for substance abuse prevention  
41 efforts in collaboration with the state department of education. Fifty  
42 percent (50%) of the tax collected pursuant to this section shall be subject  
43 to appropriation to the department of juvenile corrections for distribu-  
44 tion quarterly to the counties to be utilized for county juvenile probation  
45 services, based upon the percentage the population of the county bears to  
46 the population of the state as a whole. The moneys remitted to the Idaho  
47 state police shall be reviewed annually and any money excess to the opera-  
48 tions needs of the laboratory for juvenile drug testing will be returned to  
49 deposited in the public school income fund for substance abuse prevention

1 programs in the public school system. The laboratory may utilize this in-  
2 creased toxicology capacity for adult drug testing to the extent that timely  
3 testing for juveniles is not adversely impacted.