

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 605

BY EDUCATION COMMITTEE

AN ACT

1 RELATING TO EDUCATION; AMENDING SECTION 33-130, IDAHO CODE, TO REVISE PRO-
2 VISIONS RELATING TO A FEE FOR A CRIMINAL HISTORY CHECK; AND AMENDING
3 SECTION 33-1204, IDAHO CODE, TO PROVIDE THAT THE SCHOOL DISTRICTS SHALL
4 PROVIDE THE STATE DEPARTMENT OF EDUCATION CERTAIN ELECTRONIC MAIL
5 ADDRESSES OF ALL CERTIFICATED EMPLOYEES AND TO PROVIDE FOR A NOTIFICA-
6 TION.
7

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

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

11 33-130. CRIMINAL HISTORY CHECKS FOR SCHOOL DISTRICT EMPLOYEES OR AP-
12 PPLICANTS FOR CERTIFICATES OR INDIVIDUALS HAVING CONTACT WITH STUDENTS --
13 STATEWIDE LIST OF SUBSTITUTE TEACHERS. The department of education, through
14 the cooperation of the Idaho state police, shall establish a system to ob-
15 tain a criminal history check on individuals to include, but is not limited
16 to, certificated and noncertificated employees, all applicants for cer-
17 tificates pursuant to chapter 12, title 33, Idaho Code, substitute staff,
18 individuals involved in other types of student training such as practicums
19 and internships, and on all individuals who have unsupervised contact with
20 students in a K-12 setting. The criminal history check shall be based on a
21 completed ten (10) finger fingerprint card or scan and shall include, at a
22 minimum, the following state and national databases:

- 23 (1) Idaho bureau of criminal identification;
- 24 (2) Federal bureau of investigation (FBI) criminal history check; and
- 25 (3) Statewide sex offender register.

26 The state department of education shall charge all such individuals a
27 fee of ~~forty dollars (\$40.00)~~ for undergoing a criminal history check pur-
28 suant to this section. The fee shall be ~~sufficient equal to cover the costs~~
29 charged by the federal bureau of investigation, and the state police and,
30 plus ten dollars and seventy-five cents (\$10.75) for the state department
31 of education. A record of all background checks shall be maintained at the
32 state department of education in a data bank for all employees of a school
33 district with a copy going to the applicant upon request.

34 The state department of education shall maintain a statewide list of
35 substitute teachers. The term "substitute teacher" shall have the meaning
36 as provided in section 33-512(15), Idaho Code.

37 The Idaho state police and the department of education shall implement
38 a joint exercise of powers agreement pursuant to sections 67-2328 through
39 67-2333, Idaho Code, necessary to implement the provisions of this section.

40 SECTION 2. That Section 33-1204, Idaho Code, be, and the same is hereby
41 amended to read as follows:

1 33-1204. VALIDITY, DURATION, RENEWAL AND LAPSE OF CERTIFICATES. The
2 state board of education shall by rule provide for the validity, duration,
3 renewal and lapse of certificates. School districts shall provide the state
4 department of education with the workplace electronic mail addresses of
5 all certificated employees, and the department shall send notification of
6 a pending lapse of an employee's certificate to the employee's electronic
7 mail address provided by the district at least ninety (90) days prior to such
8 lapse.

9 If the holder of a certificate who has undergone a criminal history
10 check pursuant to district policy as provided in subsection (15) of section
11 33-512, Idaho Code, is found to have been convicted of any felony crime enu-
12 merated in section 33-1208, Idaho Code, the certificate shall be revoked or
13 suspended as provided in this chapter.