

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 329

BY EDUCATION COMMITTEE

AN ACT

RELATING TO SCHOOL DISTRICTS; AMENDING SECTION 33-512, IDAHO CODE, TO PROVIDE THAT THE BOARD OF TRUSTEES OF A SCHOOL DISTRICT SHALL HAVE THE AUTHORITY TO ADOPT POLICIES AND PROCEDURES REGARDING SCHOOL CLUBS AND ORGANIZATIONS AND TO MAKE TECHNICAL CORRECTIONS.

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~~ that 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
Alternative schools (any grades)	900

(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) of this subsection 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 subsection.

(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).

(f) The instructional time requirement for grade 12 students may be reduced by action of a local school board for an amount of time not to exceed eleven (11) hours of instructional time.

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

(h) The state board of education may grant a waiver of the minimum number of instructional hours for a school district when districtwide school closures are necessary as a result of natural occurrences creating unsafe conditions for students. A county or state disaster declaration must have been issued for one (1) or more of the counties in which the school district is located. A waiver request to the state board of education must describe the efforts by the school district to make up lost instructional hours, the range of grades impacted, and the number of hours the school district is requesting be waived.

(i) The reduction of instructional hours allowed in paragraphs (f) through (h) of this subsection may not be combined in a single school year.

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

(3) To provide, or require pupils to be provided with, suitable textbooks and supplies, and, for advice on textbook selections, may appoint a curricular materials adoption committee as provided in section 33-512A, Idaho Code;

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

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

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

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

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

(9) To determine school holidays. Any listing of school holidays shall include not less than the following: New Year's Day, Memorial Day, Indepen-

1 dence Day, Thanksgiving Day, and Christmas Day. Other days listed in section
 2 73-108, Idaho Code, if the same shall fall on a school day, shall be observed
 3 with appropriate ceremonies; and any days the state board of education may
 4 designate, following the proclamation by the governor, shall be school holi-
 5 days;

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

12 (11) To prohibit entrance to each schoolhouse or school grounds, to pro-
 13 hibit loitering in schoolhouses or on school grounds and to provide for the
 14 removal from each schoolhouse or school grounds of any individual or indi-
 15 viduals who disrupt the educational processes or whose presence is detrimen-
 16 tal to the morals, health, safety, academic learning or discipline of the
 17 pupils. A person who disrupts the educational process or whose presence is
 18 detrimental to the morals, health, safety, academic learning or discipline
 19 of the pupils, or who loiters in schoolhouses or on school grounds, is guilty
 20 of a misdemeanor;

21 (12) To supervise and regulate, including by contract with established
 22 entities, those extracurricular activities ~~which~~ that are by definition
 23 outside of or in addition to the regular academic courses or curriculum of
 24 a public school, and which extracurricular activities shall not be consid-
 25 ered to be a property, liberty or contract right of any student, and such
 26 extracurricular activities shall not be deemed a necessary element of a
 27 public school education, but shall be considered to be a privilege. For the
 28 purposes of extracurricular activities, any secondary school located in
 29 this state that is accredited by an organization approved through a process
 30 defined by the state department of education shall be able to fully partic-
 31 ipate in all extracurricular activities described in and governed by the
 32 provisions of this subsection;

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

35 (14) To submit to the superintendent of public instruction not later
 36 than July 1 of each year documentation ~~which~~ that meets the reporting re-
 37 quirements of the federal gun-free schools act of 1994 as contained within
 38 the federal improving America's schools act of 1994;

39 (15) To require that all certificated and noncertificated employees
 40 hired on or after July 1, 2008, and other individuals who are required by
 41 the provisions of section 33-130, Idaho Code, to undergo a criminal history
 42 check shall submit a completed ten (10) finger fingerprint card or scan to
 43 the department of education no later than five (5) days following the first
 44 day of employment or unsupervised contact with students in a K-12 setting,
 45 whichever is sooner. Such employees and other individuals shall pay the cost
 46 of the criminal history check. If the criminal history check shows that the
 47 employee has been convicted of a felony crime enumerated in section 33-1208,
 48 Idaho Code, it shall be grounds for immediate termination, dismissal or
 49 other personnel action of the district, except that it shall be the right
 50 of the school district to evaluate whether an individual convicted of one

1 of these crimes and having been incarcerated for that crime shall be hired.
 2 Provided however, that any individual convicted of any felony offense listed
 3 in section 33-1208(2), Idaho Code, shall not be hired. For the purposes of
 4 criminal history checks, a substitute teacher is any individual who tem-
 5 porarily replaces a certificated classroom educator and is paid a substitute
 6 teacher wage for one (1) day or more during a school year. A substitute
 7 teacher who has undergone a criminal history check at the request of one (1)
 8 district in which he has been employed as a substitute shall not be required
 9 to undergo an additional criminal history check at the request of any other
 10 district in which he is employed as a substitute if the teacher has obtained
 11 a criminal history check within the previous five (5) years. If the district
 12 next employing the substitute still elects to require another criminal his-
 13 tory check within the five (5) year period, that district shall pay the cost
 14 of the criminal history check or reimburse the substitute teacher for such
 15 cost. To remain on the statewide substitute teacher list maintained by the
 16 state department of education, the substitute teacher shall undergo a crimi-
 17 nal history check every five (5) years;

18 (16) To maintain a safe environment for students by developing a system
 19 that cross-checks all contractors or other persons who have irregular con-
 20 tact with students against the statewide sex offender registry, by develop-
 21 ing a school safety plan for each school and by meeting annually with emer-
 22 gency first responders to update the plans and discuss emergency exercises
 23 and operations;

24 (17) To provide support for teachers in their first two (2) years in the
 25 profession in the areas of: administrative and supervisory support, mentor-
 26 ing, peer assistance and professional development.

27 (18) To adopt policies and procedures for approving school clubs and
 28 organizations, for notifying parents or legal guardians of students regard-
 29 ing school clubs and organizations in which a student may participate, and
 30 for obtaining permission from a parent or legal guardian before the student
 31 joins or participates in a school club or organization. In adopting such
 32 policies and procedures, the board shall:

33 (a) Require that all school clubs and organizations be approved by the
 34 board;

35 (b) Provide annual notification, using the student handbook or other
 36 appropriate method, of the name of all school clubs and organizations,
 37 the mission or purpose of the club or organization, the name of the club
 38 or organization's faculty adviser, and a description of the club or or-
 39 ganization's past and planned activities. Similar notification shall
 40 also be provided for clubs and organizations created or started during
 41 the school year; and

42 (c) Prepare a form by which parents or legal guardians may give or with-
 43 hold permission for the student to participate in a school club or or-
 44 ganization. Such form shall be completed and signed by the parent or
 45 legal guardian and returned to the faculty adviser of the appropriate
 46 school club or organization. A student may not join a club or an organi-
 47 zation without permission from the student's parent or legal guardian.