

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 528

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, TO REVISE PROVISIONS RELATING TO USES OF AN APPROPRIATION AND TO PROVIDE FOR A DEPOSIT TO THE FUND.

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.

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

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

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

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

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

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

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

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

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

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

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

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

1 (11) To prohibit entrance to each schoolhouse or school grounds, to pro-
2 hibit loitering in schoolhouses or on school grounds and to provide for the
3 removal from each schoolhouse or school grounds of any individual or indi-
4 viduals who disrupt the educational processes or whose presence is detrimen-
5 tal to the morals, health, safety, academic learning or discipline of the
6 pupils. A person who disrupts the educational process or whose presence is
7 detrimental to the morals, health, safety, academic learning or discipline
8 of the pupils or who loiters in schoolhouses or on school grounds, is guilty
9 of a misdemeanor;

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

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

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

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

1 next employing the substitute still elects to require another criminal his-
 2 tory check within the five (5) year period, that district shall pay the cost
 3 of the criminal history check or reimburse the substitute teacher for such
 4 cost. To remain on the statewide substitute teacher list maintained by the
 5 state department of education, the substitute teacher shall undergo a crimi-
 6 nal history check every five (5) years;

7 (16) To maintain a safe environment for students by developing a system
 8 that cross-checks all contractors or other persons who have irregular con-
 9 tact with students against the statewide sex offender register, by develop-
 10 ing a school safety plan for each school and by meeting annually with emer-
 11 gency first responders to update the plans and discuss emergency exercises
 12 and operations;

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

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

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

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

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

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

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

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

1 the population of the state as a whole. The moneys remitted to the Idaho
2 state police shall be reviewed annually and any money excess to the opera-
3 tions needs of the laboratory for juvenile drug testing will be ~~returned to~~
4 deposited in the public school income fund for substance abuse programs in
5 the public school system. The laboratory may utilize this increased toxi-
6 cology capacity for adult drug testing to the extent that timely testing for
7 juveniles is not adversely impacted.