

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 635

BY EDUCATION COMMITTEE

AN ACT

RELATING TO SCHOOL DISTRICTS; AMENDING SECTION 33-512, IDAHO CODE, TO REVISE  
A PROVISION REGARDING A POWER OF SCHOOL BOARDS OF TRUSTEES; AND DECLAR-  
ING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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 that provides its students at each grade level with the follow-  
ing 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 ac-  
tivities 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 clo-  
sures 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.

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

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

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

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

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

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

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

41 (7) To exclude from school pupils with contagious or infectious dis-  
42 eases who are diagnosed or suspected as having a contagious or infectious  
43 disease or those who are not immune and have been exposed to a contagious or  
44 infectious disease; and to close school if the board determines that condi-  
45 tions warrant such closure, based on consultation with the district health  
46 department of the public health district in which the school district is lo-  
47 cated;

48 (8) To equip and maintain a suitable library or libraries in the school  
49 or schools and to exclude therefrom, and from the schools, all books, tracts,  
50 papers, and catechisms of sectarian nature; except that it shall be in the

1 discretion of the board of trustees of each school district to determine  
2 whether to equip and maintain such a library or libraries in any school or  
3 schools, and such board may authorize any school under its authority to de-  
4 commission any library that such board determines is not necessary;

5 (9) To determine school holidays. Any listing of school holidays shall  
6 include not less than the following: New Year's Day, Memorial Day, Indepen-  
7 dence Day, Thanksgiving Day, and Christmas Day. Other days listed in section  
8 73-108, Idaho Code, if the same shall fall on a school day, shall be observed  
9 with appropriate ceremonies; and any days the state board of education may  
10 designate, following the proclamation by the governor, shall be school holi-  
11 days;

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

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

27 (12) To supervise and regulate, including by contract with established  
28 entities, those extracurricular activities that are by definition outside  
29 of or in addition to the regular academic courses or curriculum of a public  
30 school, and which extracurricular activities shall not be considered to be a  
31 property, liberty or contract right of any student, and such extracurricular  
32 activities shall not be deemed a necessary element of a public school educa-  
33 tion but shall be considered to be a privilege. For the purposes of extracur-  
34 ricular activities, any secondary school located in this state that is ac-  
35 credited by an organization approved through a process defined by the state  
36 department of education shall be able to fully participate in all extracur-  
37 ricular activities described in and governed by the provisions of this sub-  
38 section;

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

41 (14) To submit to the superintendent of public instruction not later  
42 than July 1 of each year documentation that meets the reporting requirements  
43 of the federal gun-free schools act of 1994 as contained within the federal  
44 improving America's schools act of 1994;

45 (15) To require that all certificated and noncertificated employees  
46 hired on or after July 1, 2008, and other individuals who are required by  
47 the provisions of section 33-130, Idaho Code, to undergo a criminal history  
48 check shall submit a completed ten (10) finger fingerprint card or scan to  
49 the department of education no later than five (5) days following the first  
50 day of employment or unsupervised contact with students in a K-12 setting,

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

24 (16) To maintain a safe environment for students by developing a system  
25 that cross-checks all contractors or other persons who have irregular con-  
26 tact with students against the statewide sex offender registry by developing  
27 a school safety plan for each school and by meeting annually with emergency  
28 first responders to update the plans and discuss emergency exercises and op-  
29 erations;

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

33 SECTION 2. An emergency existing therefor, which emergency is hereby  
34 declared to exist, this act shall be in full force and effect on and after  
35 July 1, 2024.