

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 651

BY EDUCATION COMMITTEE

AN ACT

RELATING TO EDUCATION; AMENDING SECTION 33-512, IDAHO CODE, TO REQUIRE DRUG TESTING FOR CERTAIN EMPLOYEES AND TO REQUIRE CERTAIN CRIMINAL BACKGROUND CHECKS FOR SUBSTITUTE TEACHERS; AND DECLARING AN EMERGENCY.

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 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.

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;

1 (9) To determine school holidays. Any listing of school holidays shall
2 include not less than the following: New Year's Day, Memorial Day, Indepen-
3 dence Day, Thanksgiving Day, and Christmas Day. Other days listed in section
4 73-108, Idaho Code, if the same shall fall on a school day, shall be observed
5 with appropriate ceremonies; and any days the state board of education may
6 designate, following the proclamation by the governor, shall be school holi-
7 days;

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

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

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

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

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

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

1 other personnel action of the district, except that it shall be the right
 2 of the school district to evaluate whether an individual convicted of one
 3 of these crimes and having been incarcerated for that crime shall be hired.
 4 Provided however, that any individual convicted of any felony offense listed
 5 in section 33-1208(2), Idaho Code, shall not be hired. For the purposes of
 6 ~~criminal history checks~~ this subsection, a substitute teacher is any indi-
 7 vidual who temporarily replaces a certificated classroom educator and is
 8 paid a substitute teacher wage for one (1) day or more during a school year. A
 9 ~~substitute teacher who has undergone~~ Substitute teachers must:

10 (a) Undergo a criminal history check at the request of one (1) district
 11 in which he has been employed as a substitute before working as a sub-
 12 stitute teacher in any district. A substitute shall not be required
 13 to undergo an additional criminal history check at the request of any
 14 other district in which he is employed as a substitute if the teacher has
 15 obtained a criminal history check within the previous ~~five (5)~~ two (2)
 16 years. If the district next employing the substitute still elects to
 17 require another criminal history check within the five (5) year period,
 18 that district shall pay the cost of the criminal history check or reim-
 19 burse the substitute teacher for such cost. To remain on the statewide
 20 substitute teacher list maintained by the state department of educa-
 21 tion, the substitute teacher shall undergo a criminal history check
 22 every ~~five (5)~~ two (2) years; and

23 (b) Test negative for drugs in accordance with chapter 17, title 72,
 24 Idaho Code. A substitute teacher who has passed a drug test during em-
 25 ployment in one (1) district shall not be required to pass an additional
 26 drug test within thirty (30) days to work in another district. If a
 27 substitute teacher fails a drug test, he shall be prohibited from being
 28 employed as a substitute for one (1) calendar year in any district in
 29 Idaho. If a substitute teacher fails a drug test three (3) times within
 30 three (3) years, he shall be barred from any Idaho district employment
 31 of any type for five (5) years;

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

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

41 SECTION 2. An emergency existing therefor, which emergency is hereby
 42 declared to exist, this act shall be in full force and effect on and after its
 43 passage and approval.