

IN THE SENATE

SENATE BILL NO. 1094

BY EDUCATION COMMITTEE

AN ACT

RELATING TO CRIMINAL HISTORY CHECKS; AMENDING SECTION 33-130, IDAHO CODE,
TO AUTHORIZE THE PROVISION OF A CRIMINAL HISTORY CHECK TO THE EMPLOYING
SCHOOL DISTRICT OF CERTAIN INDIVIDUALS; AND DECLARING AN EMERGENCY.

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

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

33-130. CRIMINAL HISTORY CHECKS FOR SCHOOL DISTRICT EMPLOYEES OR APPLICANTS FOR CERTIFICATES OR INDIVIDUALS HAVING CONTACT WITH STUDENTS -- STATEWIDE LIST OF SUBSTITUTE TEACHERS. (1) The department of education, through the cooperation of the Idaho state police, shall establish a system to obtain a criminal history check on individuals to include, but is not limited to, certificated and noncertificated employees, all applicants for certificates pursuant to chapter 12, title 33, Idaho Code, substitute staff, individuals involved in other types of student training such as practicums and internships, and on all individuals who have unsupervised contact with students in a K-12 setting. The criminal history check shall be based on a completed ten (10) finger fingerprint card or scan and shall include, at a minimum, the following state and national databases:

- (a) Idaho bureau of criminal identification;
- (b) Federal bureau of investigation (FBI) criminal history check; and
- (c) Statewide sex offender register.

(2) The state department of education shall charge all such individuals a fee necessary to cover the cost of undergoing a criminal history check pursuant to this section. The total fee shall be sufficient to cover the net costs charged by the federal bureau of investigation and the state police. A record of all background checks shall be maintained at the state department of education in a data bank for all employees of a school district with a copy going to the employing school district, when requested at the time of the application or within six (6) months following the performance of the criminal history check. A copy shall also be provided to the applicant upon request.

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

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

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