

IN THE SENATE

SENATE BILL NO. 1221

BY STATE AFFAIRS COMMITTEE

AN ACT

1 RELATING TO SCHOOL LIBRARIES; AMENDING CHAPTER 5, TITLE 33, IDAHO CODE, BY
2 THE ADDITION OF A NEW SECTION 33-512E, IDAHO CODE, TO ESTABLISH PROVI-
3 SIONS REGARDING THE SELECTION, REVIEW, AND RECONSIDERATION OF SCHOOL
4 LIBRARY MATERIALS; AMENDING SECTION 33-512, IDAHO CODE, TO REVISE PRO-
5 VISIONS REGARDING SCHOOL LIBRARIES; AND DECLARING AN EMERGENCY AND PRO-
6 VIDING AN EFFECTIVE DATE.
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8 Be It Enacted by the Legislature of the State of Idaho:

9 SECTION 1. That Chapter 5, Title 33, Idaho Code, be, and the same is
10 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
11 ignated as Section 33-512E, Idaho Code, and to read as follows:

12 33-512E. SELECTION, REVIEW, AND RECONSIDERATION OF SCHOOL LIBRARY MA-
13 TERIALS. (1) Definitions. For the purposes of this section:

14 (a) "School librarian" means a school staff member who provides in-
15 structional or other support in a school library or media center.

16 (b) "School library materials" means electronic or print resources
17 housed in the school library or a classroom, excluding textbooks, for
18 independent use by students outside of the local education agency's
19 core curriculum.

20 (2) School library policies. Local education agencies shall develop
21 and adopt policies addressing the use of, access to, and operation of school
22 libraries. The policies shall, at a minimum:

23 (a) Provide the method for selection of school library materials as
24 provided in subsection (3) of this section;

25 (b) Require periodic curation, review, and revision of school library
26 materials;

27 (c) Ensure the complete inventory of school library materials is avail-
28 able to parents and legal guardians of students enrolled at the relevant
29 school; and

30 (d) Specify the process for the reconsideration of school library mate-
31 rials pursuant to subsection (5) of this section.

32 (3) Library materials selection policy. The school library material
33 selection policy shall provide:

34 (a) That determinations pertaining to school library materials shall
35 be made using the local education agency's adopted selection criteria
36 and procedures;

37 (b) For a process by which gifts and donations shall be reviewed us-
38 ing the local education agency's adopted selection criteria and proce-
39 dures; and

40 (c) For a plan to maintain and edit the inventory of the school library
41 materials.

1 (4) Selection criteria and procedures. The local education agency's
2 adopted selection criteria and procedures shall ensure that school library
3 materials:

4 (a) Are suitable to appropriate levels of maturity, difficulty, and in-
5 terest to promote the enlightenment of each student served by the school
6 library;

7 (b) Are of sufficient scope to stimulate growth in knowledge, liter-
8 ary appreciation, and ethical standards in each student served by the
9 school library;

10 (c) Are comprehensive resources that enable students to make intelli-
11 gent judgments on a range of topics and issues;

12 (d) Assist teachers in providing student instruction; and

13 (e) Contain factual content that is accurate, current, reliable, and
14 authoritative.

15 (5) Library materials review committee. The local education agency
16 board of trustees shall establish a library materials review committee to
17 review formal requests for reconsideration of selected school library ma-
18 terials and to review school library procedures on an annual basis. Such
19 library materials review committee shall be comprised of the members of the
20 local education agency board of trustees, or, at the option of the local ed-
21 ucation agency board of trustees, it may appoint a library materials review
22 committee as follows:

23 (a) The committee shall be comprised of an equal number of parents or
24 guardians of students enrolled in the local education agency and educa-
25 tors employed by the local education agency, as well as at least one (1)
26 administrator employed by the local education agency.

27 (b) In the event a committee member is unable to participate in the re-
28 view of a request for reconsideration, the local education agency board
29 of trustees shall appoint a designee to participate in the review.

30 (c) In the event a committee member submits a request for reconsidera-
31 tion, the local education agency board of trustees shall appoint a de-
32 signee to participate in the review as a substitute.

33 (6) Requests for reconsideration -- procedure.

34 (a) Any employee, student, or parent or guardian of a student of the lo-
35 cal education agency may make a formal request for reconsideration of
36 library materials.

37 (b) Requests for reconsideration of library materials shall be submit-
38 ted in writing using a local trustee-approved reconsideration form. If
39 the reconsideration form is not filled out, the request shall be denied
40 without review.

41 (c) Challenged materials shall be pulled from circulation during the
42 reconsideration process.

43 (d) A request for reconsideration must be initially submitted to the
44 school principal or administrator. Within twenty-one (21) calen-
45 dar days from the receipt of the request, the school librarian or the
46 school's designee shall provide a written report to the library mate-
47 rials review committee describing the material subject to the request
48 for reconsideration and the relationship of the material to the library
49 materials selection policy.

1 (e) Each committee member shall have access to a copy of the reconsideration form, the challenged material, and the school librarian's report
2 prior to the committee meeting.
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4 (f) Within forty-five (45) calendar days of the receipt of the request,
5 the review committee shall discuss the request for reconsideration in a
6 meeting open to the public pursuant to chapter 2, title 74, Idaho Code.
7 The committee may combine separate requests for reconsideration of the
8 same material into one public meeting.

9 (g) The committee shall come to a decision on the request for reconsid-
10 eration by majority vote. The review committee shall provide written
11 findings and a decision regarding the library material being reconsid-
12 ered to the local education agency administrator. The findings and de-
13 cision must be based on the local education agency's library materials
14 selection policy.

15 (h) The school principal or administrator shall notify the requester of
16 the review committee's decision within three (3) school days.

17 (i) The requester may appeal the review committee's decision to the lo-
18 cal education agency's board of trustees within five (5) business days
19 of the review committee's decision. The board of trustees shall review
20 the findings and decision of the review committee and, after discussion
21 at an open meeting, shall provide a final decision and its written find-
22 ings.

23 (7) If a school does not comply with the provisions of this section, the
24 school library may not be open to students until the school is in compliance
25 with the provisions of this section.

26 SECTION 2. That Section 33-512, Idaho Code, be, and the same is hereby
27 amended to read as follows:

28 33-512. GOVERNANCE OF SCHOOLS. The board of trustees of each school
29 district shall have the following powers and duties:

30 (1) To fix the days of the year and the hours of the day when schools
31 shall be in session. However:

32 (a) Each school district shall annually adopt and implement a school
33 calendar that provides its students at each grade level with the follow-
34 ing minimum number of instructional hours:

Grades	Hours
9-12	990
4-8	900
1-3	810
K	450
Alternative schools (any grades)	900

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42 (b) School assemblies, testing and other instructionally related ac-
43 tivities involving students directly may be included in the required
44 instructional hours.

1 (c) When approved by a local school board, annual instructional hour
2 requirements stated in paragraph (a) of this subsection may be reduced
3 as follows:

4 (i) Up to a total of twenty-two (22) hours to accommodate staff
5 development activities conducted on such days as the local school
6 board deems appropriate.

7 (ii) Up to a total of eleven (11) hours of emergency school clo-
8 sures due to adverse weather conditions and facility failures.

9 However, transportation to and from school, passing times between
10 classes, recess and lunch periods shall not be included.

11 (d) Student and staff activities related to the opening and closing of
12 the school year, grade reporting, program planning, staff meetings, and
13 other classroom and building management activities shall not be counted
14 as instructional time or in the reductions provided in paragraph (c) (i)
15 of this subsection.

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

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

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

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

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

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

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

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

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

49 (6) To prescribe rules for the disciplining of unruly or insubordinate
50 pupils, including rules on student harassment, intimidation and bullying,

1 such rules to be included in a district discipline code adopted by the board
2 of trustees and a summarized version thereof to be provided in writing at the
3 beginning of each school year to the teachers and students in the district
4 in a manner consistent with the student's age, grade and level of academic
5 achievement;

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

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

16 (b) To develop and adopt policies to select, review, and reconsider
17 school library materials as provided in section 33-512E, Idaho Code;
18 and

19 (c) To appoint a library materials review committee as provided in sec-
20 tion 33-512E, Idaho Code;

21 (9) To determine school holidays. Any listing of school holidays shall
22 include not less than the following: New Year's Day, Memorial Day, Indepen-
23 dence Day, Thanksgiving Day, and Christmas Day. Other days listed in section
24 73-108, Idaho Code, if the same shall fall on a school day, shall be observed
25 with appropriate ceremonies; and any days the state board of education may
26 designate, following the proclamation by the governor, shall be school holi-
27 days;

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

34 (11) To prohibit entrance to each schoolhouse or school grounds, to pro-
35 hibit loitering in schoolhouses or on school grounds and to provide for the
36 removal from each schoolhouse or school grounds of any individual or indi-
37 viduals who disrupt the educational processes or whose presence is detrimen-
38 tal to the morals, health, safety, academic learning or discipline of the
39 pupils. A person who disrupts the educational process or whose presence is
40 detrimental to the morals, health, safety, academic learning or discipline
41 of the pupils, or who loiters in schoolhouses or on school grounds, is guilty
42 of a misdemeanor;

43 (12) To supervise and regulate, including by contract with established
44 entities, those extracurricular activities that are by definition outside
45 of or in addition to the regular academic courses or curriculum of a public
46 school, and which extracurricular activities shall not be considered to be a
47 property, liberty or contract right of any student, and such extracurricular
48 activities shall not be deemed a necessary element of a public school educa-
49 tion but shall be considered to be a privilege. For the purposes of extracur-
50 ricular activities, any secondary school located in this state that is ac-

1 credited by an organization approved through a process defined by the state
2 department of education shall be able to fully participate in all extracur-
3 ricular activities described in and governed by the provisions of this sub-
4 section;

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

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

11 (15) To require that all certificated and noncertificated employees
12 hired on or after July 1, 2008, and other individuals who are required by
13 the provisions of section 33-130, Idaho Code, to undergo a criminal history
14 check shall submit a completed ten (10) finger fingerprint card or scan to
15 the department of education no later than five (5) days following the first
16 day of employment or unsupervised contact with students in a K-12 setting,
17 whichever is sooner. Such employees and other individuals shall pay the cost
18 of the criminal history check. If the criminal history check shows that the
19 employee has been convicted of a felony crime enumerated in section 33-1208,
20 Idaho Code, it shall be grounds for immediate termination, dismissal or
21 other personnel action of the district, except that it shall be the right
22 of the school district to evaluate whether an individual convicted of one
23 of these crimes and having been incarcerated for that crime shall be hired.
24 Provided however, that any individual convicted of any felony offense listed
25 in section 33-1208(2), Idaho Code, shall not be hired. For the purposes of
26 criminal history checks, a substitute teacher is any individual who tem-
27 porarily replaces a certificated classroom educator and is paid a substitute
28 teacher wage for one (1) day or more during a school year. A substitute
29 teacher who has undergone a criminal history check at the request of one (1)
30 district in which he has been employed as a substitute shall not be required
31 to undergo an additional criminal history check at the request of any other
32 district in which he is employed as a substitute if the teacher has obtained
33 a criminal history check within the previous five (5) years. If the district
34 next employing the substitute still elects to require another criminal his-
35 tory check within the five (5) year period, that district shall pay the cost
36 of the criminal history check or reimburse the substitute teacher for such
37 cost. To remain on the statewide substitute teacher list maintained by the
38 state department of education, the substitute teacher shall undergo a crimi-
39 nal history check every five (5) years;

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

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

1 SECTION 3. An emergency existing therefor, which emergency is hereby
2 declared to exist, this act shall be in full force and effect on and after
3 July 1, 2024.