

IN THE SENATE

SENATE BILL NO. 1280

BY SCHROEDER

AN ACT

1 RELATING TO EDUCATION; AMENDING SECTION 33-201, IDAHO CODE, TO PROVIDE A
2 SCHOOL AGE FOR ENGLISH LANGUAGE LEARNERS; AMENDING SECTION 33-512,
3 IDAHO CODE, TO ALLOW SCHOOL DISTRICTS TO PROVIDE PREKINDERGARTEN
4 COURSES FOR ENGLISH LANGUAGE LEARNERS AND TO MAKE TECHNICAL
5 CORRECTIONS; AND AMENDING SECTION 33-1617, IDAHO CODE, TO REQUIRE THE
6 BOARD OF TRUSTEES OF EACH SCHOOL DISTRICT TO IDENTIFY ENGLISH LANGUAGE
7 LEARNERS WITHIN THE DISTRICT AND TO AUTHORIZE USE OF DISCRETIONARY
8 STATE MONEYS TO FUND PREKINDERGARTEN PROGRAMS FOR SUCH LEARNERS.
9

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

11 SECTION 1. That Section 33-201, Idaho Code, be, and the same is hereby
12 amended to read as follows:

13 33-201. SCHOOL AGE. (1) The services of the public schools of this
14 state are extended to any acceptable person of school age. "School age" is
15 defined as including all persons resident of the state, between the ages of
16 five (5) and twenty-one (21) years. For the purposes of this section, the
17 age of five (5) years shall be attained when the fifth anniversary of birth
18 occurs on or before the first day of September of the school year in which
19 the child is to enroll in kindergarten. For a child enrolling in the first
20 grade, the age of six (6) years must be reached on or before the first day of
21 September of the school year in which the child is to enroll. Any child of
22 the age of five (5) years who has completed a private or public out-of-state
23 kindergarten for the required four hundred fifty (450) hours but has not
24 reached the "school age" requirement in Idaho shall be allowed to enter the
25 first grade.

26 (2) For resident children with disabilities who qualify for special
27 education and related services under the federal individuals with
28 disabilities education act (IDEA) and subsequent amendments thereto,
29 and applicable state and federal regulations, "school age" shall begin at
30 the attainment of age three (3) and shall continue through the semester of
31 school in which the student attains the age of twenty-one (21) years.

32 (3) For students who have been identified as English language learners
33 pursuant to section 33-1617, Idaho Code, "school age" shall begin at the
34 attainment of age four (4) years.

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

37 33-512. GOVERNANCE OF SCHOOLS. The board of trustees of each school
38 district shall have the following powers and duties:

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

1 (a) Each school district shall annually adopt and implement a school
2 calendar which provides its students at each grade level with the
3 following minimum number of instructional hours:

4 Grades	Hours
5 9-12	990
6 4-8	900
7 1-3	810
8 K	450

9 (b) School assemblies, testing and other instructionally related
10 activities involving students directly may be included in the required
11 instructional hours.

12 (c) When approved by a local school board, annual instructional hour
13 requirements stated in paragraph (a) may be reduced as follows:

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

17 (ii) Up to a total of eleven (11) hours of emergency school
18 closures due to adverse weather conditions and facility failures.

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

21 (d) Student and staff activities related to the opening and closing of
22 the school year, grade reporting, program planning, staff meetings, and
23 other classroom and building management activities shall not be counted
24 as instructional time or in the reductions provided in paragraph (c) (i)
25 of this section.

26 (e) For multiple shift programs, this rule applies to each shift (i.e.,
27 each student must have access to the minimum annual required hours of
28 instructions).

29 (f) The instructional time requirement for grade 12 students may be
30 reduced by action of a local school board for an amount of time not to
31 exceed eleven (11) hours of instructional time.

32 (g) The state superintendent of public instruction may grant an
33 exemption from the provisions of this section for an individual
34 building within a district, when the closure of that building, for
35 unforeseen circumstances, does not affect the attendance of other
36 buildings within the district.

37 (2) To adopt and carry on, and provide for the financing of, a
38 total educational program for the district. Such programs in other
39 than elementary school districts may include education programs for
40 out-of-school youth and adults; and ~~such~~ districts may provide classes in
41 kindergarten~~+~~ and for children who have been identified as English language
42 learners pursuant to section 33-1617, Idaho Code, prekindergarten classes.

43 (3) To provide, or require pupils to be provided with, suitable
44 textbooks and supplies, and for advice on textbook selections may appoint
45 a ~~textbook~~ curricular materials adoption committee as provided in section
46 33-512A, Idaho 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
7 diseases 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 on order of the state board of health
10 and welfare or local health authorities†.

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

14 (9) To determine school holidays. Any listing of school holidays
15 shall include not less than the following: New Year's Day, Memorial Day,
16 Independence Day, Thanksgiving Day, and Christmas Day. Other days listed
17 in section 73-108, Idaho Code, if the same shall fall on a school day, shall
18 be observed with appropriate ceremonies; and any days the state board of
19 education may designate, following the proclamation by the governor, shall
20 be school holidays†.

21 (10) To erect and maintain on each schoolhouse or school grounds a
22 suitable flagstaff or flagpole, and display thereon the flag of the United
23 States of America on all days, except during inclement weather, when the
24 school is in session; and for each Veterans Day, each school in session shall
25 conduct and observe an appropriate program of at least one (1) class period
26 remembering and honoring American veterans†.

27 (11) To prohibit entrance to each schoolhouse or school grounds, to
28 prohibit loitering in schoolhouses or on school grounds and to provide for
29 the removal from each schoolhouse or school grounds of any individual or
30 individuals who disrupt the educational processes or whose presence is
31 detrimental to the morals, health, safety, academic learning or discipline
32 of the pupils. A person who disrupts the educational process or whose
33 presence is detrimental to the morals, health, safety, academic learning or
34 discipline of the pupils or who loiters in schoolhouses or on school grounds,
35 is guilty of a misdemeanor.

36 (12) To supervise and regulate, including by contract with established
37 entities, those extracurricular activities which are by definition outside
38 of or in addition to the regular academic courses or curriculum of a public
39 school, and which extracurricular activities shall not be considered to be a
40 property, liberty or contract right of any student, and such extracurricular
41 activities shall not be deemed a necessary element of a public school
42 education, but shall be considered to be a privilege.

43 (13) To govern the school district in compliance with state law and
44 rules of the state board of education.

45 (14) To submit to the superintendent of public instruction not
46 later than July 1 of each year documentation which meets the reporting
47 requirements of the federal gun-free schools act of 1994 as contained within
48 the federal improving America's schools act of 1994.

49 (15) To require that all certificated and noncertificated employees
50 hired on or after July 1, 2008, and other individuals who are required by

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

28 (16) To maintain a safe environment for students by developing a system
 29 that cross-checks all contractors or other persons who have irregular
 30 contact with students against the statewide sex offender register.

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

34 SECTION 3. That Section 33-1617, Idaho Code, be, and the same is hereby
 35 amended to read as follows:

36 33-1617. ENGLISH LANGUAGE LEARNERS -- PROGRAM REQUIREMENTS. It is
 37 legislative intent that the state board of education and state department of
 38 education develop statewide, research-based goals for students in Idaho who
 39 are English language learners. Goals shall specifically address compliance
 40 with applicable state and federal law and court decisions.

41 The board of trustees of each school district shall identify those
 42 students within the school district who are English language learners and
 43 formulate a plan in sufficient detail that measurable objectives can be
 44 identified and addressed which will accomplish English language acquisition
 45 and improved academic performance. Moneys distributed to school districts
 46 based upon the population of limited-English proficiency students and
 47 distributed to school districts to support programs for students with
 48 non-English or limited-English proficiency shall be utilized in support of
 49 the district plan. School districts are authorized to utilize discretionary

1 moneys obtained from the state to fund prekindergarten programs for students
2 who have been identified as English language learners.

3 The district plan and allocation of funds shall be part of a report made
4 annually to the state board of education and state department of education.
5 The state board of education shall provide a summary of these reports to
6 the legislature. Recommendations for program enhancements needed to reach
7 the statewide goals are to be brought to the legislature after review and
8 approval by the state board of education.