

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 309

BY EDUCATION COMMITTEE

AN ACT

RELATING TO ELECTIONS; AMENDING SECTION 33-512, IDAHO CODE, TO PROVIDE THAT NO IN-PERSON STUDENT INSTRUCTION SHALL TAKE PLACE ON CERTAIN ELECTION DAYS; 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 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 (j) To ensure student safety and to provide suitable polling locations,  
25 there shall be no in-person student instruction on election days taking  
26 place in May and November each year, and there shall be no in-person  
27 student instruction in any school district holding an election pursuant  
28 to section 34-106(7), Idaho Code. The board of trustees of each school  
29 district shall determine the instruction and activities to be held on  
30 such election days, which shall not require or encourage students to be  
31 present in school buildings. However, in-person student instruction  
32 may occur upon a joint resolution between the county clerk and school  
33 district that student-occupied buildings will not be designated as  
34 polling places. For the purposes of this paragraph, "instruction" in-  
35 cludes virtual instruction and "activities" includes professional de-  
36 velopment, personnel training, teacher in-service, and parent-teacher  
37 conferences.

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

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

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

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

48 (6) To prescribe rules for the disciplining of unruly or insubordinate  
49 pupils, including rules on student harassment, intimidation and bullying,  
50 such rules to be included in a district discipline code adopted by the board

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

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

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

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

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

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

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

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

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

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

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

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

43 SECTION 2. This act shall be in full force and effect on and after July  
44 1, 2024.