



# **Idaho Compilation of School Discipline Laws and Regulations**

Prepared: January 31, 2020

## ***Introduction***

This compilation presents school discipline-related laws and regulations for U.S. states, U.S. territories, and the District of Columbia, and, where available, links to education agency websites or resources related to school discipline and student conduct. The discipline laws and regulations presented in this compilation have been categorized by type of specific discipline issue covered, according to an organizational framework developed by the National Center for Safe and Supportive Learning Environments (NCSSE). For example, one major category encompasses all laws or regulations governing states or territories that mandate specific disciplinary sanctions (such as suspension) for specific offenses (such as drug possession on school grounds). The school discipline laws and regulations were compiled through exhaustive searches of legislative websites that identified all laws and regulations relevant to each specific category. Compiled materials were subsequently reviewed by state education agency (SEA) representatives in the 50 states, Washington D.C., and the U.S. territories.

Discipline categories were not mutually exclusive. Laws and regulations often appeared across multiple categories. For jurisdictions with more extensive laws covering a breadth of topical areas, relevant sections were excerpted from the larger legislative text for inclusion in the appropriate discipline category. Laws, ordered by chapter and section number, appear first within each category followed by regulations. All laws and regulations listed within categories in the compilation also appear in the sources cited section of the document, which lists laws by chapter and section number and title, and where available, includes active hyperlinks to source websites supported or maintained by state legislatures. Additional links to government websites or resources are provided at the end of this document.

## ***Notes & Disclaimers***

To the best of the preparer's knowledge, this Compilation of School Discipline Laws and Regulations is complete and current as of January 2020. Readers should also note that the information in this document was compiled from individual sources that are created by each jurisdiction and which are maintained and updated with varying frequencies. Readers should consult the source information provided directly in order to check for updates to laws and regulations reported in this document or to conduct further research.

For further information, including definitions of the different policy categories, please refer to the [Discipline Laws and Regulations Compendium](#) posted on the Center's website.

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#### **Title 18. Crimes and Punishments**

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## **Chapter 20. Education of Exceptional Children**

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## **Chapter 59. Idaho School Safety and Security Act**

- [33-5901.](#) Short title
- [33-5902.](#) Legislative intent
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- [33-5906.](#) Powers and duties of the Idaho school safety and security advisory board

## **Chapter 60. Parental Rights in Education**

- [33-6001.](#) Parental rights
- [33-6002.](#) Annual notice of parental rights

## **Idaho Regulations**

### **Idaho Administrative Code**

#### **Education, Board of and Department of (08)**

##### **08.02.02. Rules Governing Uniformity**

- 08.02.02.111. Bullying, harassment and intimidation prevention and response

##### **08.02.03. Rules Governing Thoroughness**

- 08.02.03.110. Alternative secondary programs
- 08.02.03.160. Safe environment and discipline

## **General Provisions**

### **Authority to develop and establish rules of conduct**

#### **LAWS**

##### **33-133. Definitions - Student data - Use and limitations - Penalties.**

(4) The state board of education shall adopt rules to implement the provisions of this act.

##### **33-205. Denial of school attendance.**

The board of trustees of each school district shall establish the procedure to be followed by the superintendent and principals under its jurisdiction for the purpose of effecting a temporary suspension, which procedure must conform to the minimal requirements of due process.

##### **33-512. Governance of schools.**

The board of trustees of each school district shall have the following powers and duties:

(6) To prescribe rules for the disciplining of unruly or insubordinate pupils, including rules on student harassment, intimidation and bullying, such rules to be included in a district discipline code adopted by the board of trustees and a summarized version thereof to be provided in writing at the beginning of each school year to the teachers and students in the district in a manner consistent with the student's age, grade and level of academic achievement;

##### **33-1224. Powers and duties of teachers.**

In the absence of any statute or rule or regulation of the board of trustees, any teacher employed by a school district shall have the right to direct how and when each pupil shall attend to his appropriate duties, and the manner in which a pupil shall demean himself while in attendance at the school. It is the duty of a teacher to carry out the rules and regulations of the board of trustees in controlling and maintaining discipline, and a teacher shall have the power to adopt any reasonable rule or regulation to control and maintain discipline in, and otherwise govern, the classroom, not inconsistent with any statute or rule or regulation of the board of trustees.

##### **33-1612. Thorough system of public schools.**

The constitution of the state of Idaho, section 1, article IX, charges the legislature with the duty to establish and maintain a general, uniform and thorough system of public, free common schools. In fulfillment of this duty, the people of the state of Idaho have long enjoyed the benefits of a public school system, supported by the legislature, which has recognized the value of education to the children of this state.

In continuing recognition of the fundamental duty established by the constitution, the legislature finds it in the public interest to define thoroughness and thereby establish the basic assumptions which govern provision of a thorough system of public schools.

A thorough system of public schools in Idaho is one in which:

1. A safe environment conducive to learning is provided;
2. Educators are empowered to maintain classroom discipline;
3. The basic values of honesty, self-discipline, unselfishness, respect for authority and the central importance of work are emphasized;
4. The skills necessary to communicate effectively are taught;

5. A basic curriculum necessary to enable students to enter academic or professional-technical postsecondary educational programs is provided;
6. The skills necessary for students to enter the work force are taught;
7. The students are introduced to current technology; and
8. The importance of students acquiring the skills to enable them to be responsible citizens of their homes, schools and communities is emphasized.

The state board shall adopt rules, pursuant to the provisions of chapter 52, title 67, Idaho Code, and section 33-105(3), Idaho Code, to establish a thorough system of public schools with uniformity as required by the constitution, but shall not otherwise impinge upon the authority of the board of trustees of the school districts. Authority to govern the school district, vested in the board of trustees of the school district, not delegated to the state board, is reserved to the board of trustees. Fulfillment of the expectations of a thorough system of public schools will continue to depend upon the vigilance of district patrons, the dedication of school trustees and educators, the responsiveness of state rules, and meaningful oversight by the legislature.

## **REGULATIONS**

No relevant regulations found.

## **Scope**

### **LAWS**

No relevant laws found.

### **REGULATIONS**

No relevant regulations found.

## **Communication of policy**

### **LAWS**

#### **33-512. Governance of schools.**

The board of trustees of each school district shall have the following powers and duties:

- (6) To prescribe rules for the disciplining of unruly or insubordinate pupils, including rules on student harassment, intimidation and bullying, such rules to be included in a district discipline code adopted by the board of trustees and a summarized version thereof to be provided in writing at the beginning of each school year to the teachers and students in the district in a manner consistent with the student's age, grade and level of academic achievement;

#### **33-1631. Requirements for harassment, intimidation and bullying information and professional development.**

- (1) School districts and charter schools shall undertake reasonable efforts to ensure that information on harassment, intimidation and bullying of students is disseminated annually to all school personnel, parents and students, including an affirmation that school personnel are authorized and expected to intervene or facilitate intervention on behalf of students facing harassment, intimidation or bullying.

**33-6002. Annual notice of parental rights.**

School districts and the boards of directors of public charter schools shall annually notify a parent or guardian of a student enrolled in the school district or public charter school of the parent's or guardian's rights as specified in this chapter.

**REGULATIONS**

No relevant regulations found.

## ***In-School Discipline***

### **Use of multi-tiered discipline approaches**

#### **LAWS**

#### **33-1631. Requirements for harassment, intimidation and bullying information and professional development.**

(3) District policies shall include a series of graduated consequences that may include, but are not limited to, referral to counseling, diversion, use of juvenile specialty courts, restorative practices, on-site suspension and expulsion for any student who commits an act of bullying, intimidation, harassment, violence or threats of violence. Guidelines for such policies will be set forth in the rules of the state board.

#### **REGULATIONS**

No relevant regulations found.

### **Teacher authority to remove students from classrooms**

#### **LAWS**

No relevant laws found.

#### **REGULATIONS**

No relevant regulations found.

### **Alternatives to suspension**

#### **LAWS**

No relevant laws found.

#### **REGULATIONS**

No relevant regulations found.

### **Use of corporal punishment**

#### **LAWS**

No relevant laws found.

#### **REGULATIONS**

No relevant regulations found.

## **Use of student and locker searches**

### **LAWS**

#### **18-3302D. Possessing weapons or firearms on school property.**

(3) Right to search students or minors. For purposes of enforcing the provisions of this section, employees of a school district shall have the right to search all students or minors, including their belongings and lockers, that are reasonably believed to be in violation of the provisions of this section, or applicable school rule or district policy, regarding the possessing of a firearm or other deadly or dangerous weapon.

### **REGULATIONS**

No relevant regulations found.

## **Other in-school disciplinary approaches**

### **LAWS**

No relevant laws found.

### **REGULATIONS**

No relevant regulations found.

## ***Out-of-School and Exclusionary Discipline: Suspensions, Expulsion, Restraint and Seclusion, and Alternative Placements***

### **Grounds for possible suspension or expulsion**

#### **LAWS**

##### **33-205. Denial of school attendance.**

The board of trustees may deny enrollment, or may deny attendance at any of its schools by expulsion, to any pupil who is an habitual truant (see 33-206), or who is incorrigible, or whose conduct, in the judgment of the board, is such as to be continuously disruptive of school discipline, or of the instructional effectiveness of the school, or whose presence in a public school is detrimental to the health and safety of other pupils, or who has been expelled from another school district in this state or any other state.

#### **REGULATIONS**

No relevant regulations found.

### **Grounds for mandatory suspension or expulsion**

#### **LAWS**

No relevant laws found.

#### **REGULATIONS**

No relevant regulations found.

### **Limitations, conditions or exclusions for use of suspension and expulsion**

#### **LAWS**

##### **33-205. Denial of school attendance.**

Any pupil having been denied enrollment or expelled may be enrolled or readmitted to the school by the board of trustees upon such reasonable conditions as may be prescribed by the board; but such enrollment or readmission shall not prevent the board from again expelling such pupil for cause.

No pupil shall be expelled nor denied enrollment without the board of trustees having first given written notice to the parent or guardian of the pupil, which notice shall state the grounds for the proposed expulsion or denial of enrollment and the time and place where such parent or guardian may appear to contest the action of the board to deny school attendance, and which notice shall also state the rights of the pupil to be represented by counsel, to produce witnesses and submit evidence on his own behalf, and to cross-examine any adult witnesses who may appear against him. Within a reasonable period of time following such notification, the board of trustees shall grant the pupil and his parents or guardian a full and fair hearing on the proposed expulsion or denial of enrollment. However, the board shall allow a reasonable period of time between such notification and the holding of such hearing to allow the pupil and his parents or guardian to prepare their response to the charge.

A temporary suspension by the principal shall not exceed five (5) school days in length; and the school superintendent may extend the temporary suspension an additional ten (10) school days. Provided, that

on a finding by the board of trustees that immediate return to school attendance by the temporarily suspended student would be detrimental to other pupils' health, welfare or safety, the board of trustees may extend the temporary suspension for an additional five (5) school days. Prior to suspending any student, the superintendent or principal shall grant an informal hearing on the reasons for the suspension and the opportunity to challenge those reasons. Any pupil who has been suspended may be readmitted to the school by the superintendent or principal who suspended him upon such reasonable conditions as said superintendent or principal may prescribe. The board of trustees shall be notified of any temporary suspensions, the reasons therefor, and the response, if any, thereto.

See School Violence/ Safety Policies/ Procedures Manual (2006) for additional information, including procedures related to "Disciplining Students with Disabilities" (Policy Nos. 545 and 546).

## **REGULATIONS**

No relevant regulations found.

## **Administrative procedures related to suspension and expulsion**

## **LAWS**

### **33-205. Denial of school attendance.**

Any pupil having been denied enrollment or expelled may be enrolled or readmitted to the school by the board of trustees upon such reasonable conditions as may be prescribed by the board; but such enrollment or readmission shall not prevent the board from again expelling such pupil for cause.

No pupil shall be expelled nor denied enrollment without the board of trustees having first given written notice to the parent or guardian of the pupil, which notice shall state the grounds for the proposed expulsion or denial of enrollment and the time and place where such parent or guardian may appear to contest the action of the board to deny school attendance, and which notice shall also state the rights of the pupil to be represented by counsel, to produce witnesses and submit evidence on his own behalf, and to cross-examine any adult witnesses who may appear against him. Within a reasonable period of time following such notification, the board of trustees shall grant the pupil and his parents or guardian a full and fair hearing on the proposed expulsion or denial of enrollment. However, the board shall allow a reasonable period of time between such notification and the holding of such hearing to allow the pupil and his parents or guardian to prepare their response to the charge.

A temporary suspension by the principal shall not exceed five (5) school days in length; and the school superintendent may extend the temporary suspension an additional ten (10) school days. Provided, that on a finding by the board of trustees that immediate return to school attendance by the temporarily suspended student would be detrimental to other pupils' health, welfare or safety, the board of trustees may extend the temporary suspension for an additional five (5) school days. Prior to suspending any student, the superintendent or principal shall grant an informal hearing on the reasons for the suspension and the opportunity to challenge those reasons. Any pupil who has been suspended may be readmitted to the school by the superintendent or principal who suspended him upon such reasonable conditions as said superintendent or principal may prescribe. The board of trustees shall be notified of any temporary suspensions, the reasons therefor, and the response, if any, thereto.

See School Violence/ Safety Policies/ Procedures Manual (2006) for additional information, including procedures related to "Disciplining Students with Disabilities" (Policy Nos. 545 and 546).

## **REGULATIONS**

No relevant regulations found.

## **In-school suspension**

### **LAWS**

No relevant laws found.

### **REGULATIONS**

No relevant regulations found.

## **Return to school following removal**

### **LAWS**

#### **33-205. Denial of school attendance.**

Any pupil who has been suspended may be readmitted to the school by the superintendent or principal who suspended him upon such reasonable conditions as said superintendent or principal may prescribe.

### **REGULATIONS**

No relevant regulations found.

## **Use of restraint and seclusion**

### **LAWS**

No relevant laws found.

### **REGULATIONS**

No relevant regulations found.

## **Alternative placements**

### **LAWS**

#### **18-3302D. Possessing weapons or firearms on school property.**

(5) Penalties. Persons who are found guilty of violating the provisions of this section may be sentenced to a jail term of not more than one (1) year or fined an amount not in excess of one thousand dollars (\$1,000) or both. If a violator is a student and under the age of eighteen (18) years, the court may place the violator on probation and suspend the juvenile detention or fine or both as long as the violator is enrolled in a program of study recognized by the court that, upon successful completion, will grant the violator a general equivalency diploma (GED) or a high school diploma or other educational program authorized by the court. Upon successful completion of the terms imposed by the court, the court shall discharge the offender from serving the remainder of the sentence. If the violator does not complete, is suspended from, or otherwise withdraws from the program of study imposed by the court, the court, upon receiving such information, shall order the violator to commence serving the sentence provided for in this section.

#### **33-2009. Education of children housed in juvenile detention facilities.**

Every public school district in this state within which is located a detention facility housing juvenile offenders pursuant to court order shall provide, subject to rules of the state board of education, instruction

in accredited courses, by a certified instructor, for the juvenile offenders under twenty-one (21) years of age who are housed in the detention facility for juvenile offenders, and shall upon satisfactory completion of required public school courses or correspondence course from a state institution of higher learning in Idaho, issue credits or a diploma evidencing such achievement. Every student served by a public school district pursuant to this section shall be counted as an exceptional child by the district for purposes of state reimbursement.

## **REGULATIONS**

### **08.02.03.110. Alternative secondary programs.**

Alternative secondary programs are those that provide special instructional courses and offer special services to eligible at-risk youth to enable them to earn a high school diploma. Designated differences must be established between the alternative school programs and the regular secondary school programs. Alternative secondary school programs will include course offerings, teacher/pupil ratios and evidence of teaching strategies that are clearly designed to serve at-risk youth as defined in this section. Alternative high school programs conducted during the regular school year will be located on a separate site from the regular high school facility or be scheduled at a time different from the regular school hours.

01. Student Qualifications. An at-risk youth is any secondary student grade six through twelve (6-12) who meets any three (3) of the following criteria, Subsections 110.01.a. through 110.01.g., or any one (1) of criteria in Subsections 110.01.h. through 110.01.n.

- a. Has repeated at least one (1) grade.
- b. Has absenteeism that is greater than ten percent (10%) during the preceding semester.
- c. Has an overall grade point average that is less than 1.5 (4.0 scale) prior to enrolling in an alternative secondary program.
- d. Has failed one (1) or more academic subjects in the past year.
- e. Is below proficient, based on local criteria or standardized tests, or both.
- f. Is two (2) or more credits per year behind the rate required to graduate or for grade promotion.
- g. Has attended three (3) or more schools within the previous two (2) years, not including dual enrollment.
- h. Has documented or pattern of substance abuse.
- i. Is pregnant or a parent.
- j. Is an emancipated youth or unaccompanied youth.
- k. Is a previous dropout.
- l. Has serious personal, emotional, or medical issue(s).
- m. Has a court or agency referral.
- n. Demonstrates behavior that is detrimental to their academic progress.

02. Instruction. Special instruction courses for at-risk youth enrolled in an alternative secondary program will include:

- a. Core academic content that meets or exceeds minimum state standards;
- b. A physical fitness and personal health component;
- c. Career and technical education component approved by the state division of career technical education;
- d. A personal finance, parenting, and child care component; and
- e. A personal and career counseling component.

03. Graduation Credit. Graduation credit may be earned in the following areas: academic subjects, electives, and approved work-based learning experiences. Nonacademic courses, i.e., classroom and office aides do not qualify for credit unless they are approved work-based learning experiences.

04. Special Services. Special services for at-risk youth enrolled in alternative secondary programs include the following where appropriate:

- a. A day care center when enrollees are also parents. This center should be staffed by a qualified child care provider.
- b. Direct social services that may include officers of the court, social workers, counselors/psychologists.
- c. All services in accordance with the student's Individualized Education Program.

## ***Disciplinary Approaches Addressing Specific Infractions and Conditions***

### **Firearms (as required by the Gun-Free Schools Act)**

#### **LAWS**

##### **18-3302D. Possessing weapons or firearms on school property.**

(1)(a) It shall be unlawful and is a misdemeanor for any person to possess a firearm or other deadly or dangerous weapon while on the property of a school or in those portions of any building, stadium or other structure on school grounds which, at the time of the violation, were being used for an activity sponsored by or through a school in this state or while riding school provided transportation.

(b) The provisions of this section regarding the possession of a firearm or other deadly or dangerous weapon on school property shall also apply to students of schools while attending or participating in any school-sponsored activity, program or event regardless of location.

(2) Definitions. As used in this section:

(a) "Deadly or dangerous weapon" means any weapon as defined in 18 U.S.C. 930;

(b) "Firearm" means any firearm as defined in 18 U.S.C. 921;

(c) "Minor" means a person under the age of eighteen (18) years;

(d) "Possess" means to bring an object, or to cause it to be brought, onto the property of a public or private elementary or secondary school, or onto a vehicle being used for school-provided transportation, or to exercise dominion and control over an object located anywhere on such property or vehicle. For purposes of subsection (1)(b) of this section, "possess" shall also mean to bring an object onto the site of a school-sponsored activity, program or event, regardless of location, or to exercise dominion and control over an object located anywhere on such a site;

(e) "School" means a private or public elementary or secondary school.

(3) Right to search students or minors. For purposes of enforcing the provisions of this section, employees of a school district shall have the right to search all students or minors, including their belongings and lockers, that are reasonably believed to be in violation of the provisions of this section, or applicable school rule or district policy, regarding the possessing of a firearm or other deadly or dangerous weapon.

(4) The provisions of this section shall not apply to the following persons:

(a) A peace officer;

(b) A qualified retired law enforcement officer licensed under section 18-3302H, Idaho Code;

(c) A person who lawfully possesses a firearm or deadly or dangerous weapon as an appropriate part of a program, an event, activity or other circumstance approved by the board of trustees or governing board;

(d) A person or persons complying with the provisions of section 19-202A, Idaho Code;

(e) Any adult over eighteen (18) years of age and not enrolled in a public or private elementary or secondary school who has lawful possession of a firearm or other deadly or dangerous weapon, secured and locked in his vehicle in an unobtrusive, nonthreatening manner;

(f) A person who lawfully possesses a firearm or other deadly or dangerous weapon in a private vehicle while delivering minor children, students or school employees to and from school or a school activity; or

(g) Notwithstanding the provisions of section 18-3302C, Idaho Code, a person or an employee of the school or school district who is authorized to carry a firearm with the permission of the board of trustees of the school district or the governing board.

(5) Penalties. Persons who are found guilty of violating the provisions of this section may be sentenced to a jail term of not more than one (1) year or fined an amount not in excess of one thousand dollars (\$1,000) or both. If a violator is a student and under the age of eighteen (18) years, the court may place the violator on probation and suspend the juvenile detention or fine or both as long as the violator is enrolled in a program of study recognized by the court that, upon successful completion, will grant the violator a general equivalency diploma (GED) or a high school diploma or other educational program authorized by the court. Upon successful completion of the terms imposed by the court, the court shall discharge the offender from serving the remainder of the sentence. If the violator does not complete, is suspended from, or otherwise withdraws from the program of study imposed by the court, the court, upon receiving such information, shall order the violator to commence serving the sentence provided for in this section.

### **33-205. Denial of school attendance.**

Provided however, the board shall expel from school for a period of not less than one (1) year, twelve (12) calendar months, or may deny enrollment to, a student who has been found to have carried a weapon or firearm on school property in this state or any other state, except that the board may modify the expulsion or denial of enrollment order on a case-by-case basis.

## **REGULATIONS**

No relevant regulations found.

## **Other weapons**

## **LAWS**

### **18-3302I. Threatening violence upon school grounds - Firearms and other deadly or dangerous weapons.**

(1)(a) Any person, including a student, who willfully threatens by word, electronic means or act to use a firearm or other deadly or dangerous weapon to do violence to any person on school grounds or to disrupt the normal operations of an educational institution by making a threat of violence is guilty of a misdemeanor.

(b) Any person, including a student, who knowingly has in his possession a firearm or other deadly or dangerous weapon, or who makes, alters or repairs any firearm or other deadly or dangerous weapon, in the furtherance of carrying out a threat made by word, electronic means or act to do violence to any person on school grounds or to disrupt the normal operations of an educational institution by making a threat of violence is guilty of a felony.

(2) Definitions. As used in this section:

- (a) "Deadly or dangerous weapon" means a weapon, device, instrument, material or substance that is used for, or is readily capable of, causing death or serious bodily injury;
- (b) "On school grounds" means in or on property owned or operated by a school district, public charter school or private school.

## **REGULATIONS**

No relevant regulations found.

## Students with chronic disciplinary issues

### LAWS

#### **33-205. Denial of school attendance.**

The board of trustees may deny enrollment, or may deny attendance at any of its schools by expulsion, to any pupil [...] who is incorrigible, or whose conduct, in the judgment of the board, is such as to be continuously disruptive of school discipline, or of the instructional effectiveness of the school, or whose presence in a public school is detrimental to the health and safety of other pupils [...]

### REGULATIONS

No relevant regulations found.

## Attendance and truancy

### LAWS

#### **33-201. School age.**

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

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

#### **33-205. Denial of school attendance.**

The board of trustees may deny enrollment, or may deny attendance at any of its schools by expulsion, to any pupil who is an habitual truant [...]

#### **33-206. Habitual truant defined.**

(1) An habitual truant is:

- (a) Any public school pupil who, in the judgment of the board of trustees, or the board's designee, repeatedly has violated the attendance regulations established by the board; or
- (b) Any child whose parents or guardians, or any of them, have failed or refused to cause such child to be instructed as provided in section 33-202, Idaho Code.

(2) A child who is an habitual truant shall come under the purview of the juvenile corrections act if he or she was within the age of compulsory attendance at the time of the violations.

## REGULATIONS

No relevant regulations found.

## Substance use

### LAWS

#### **33-210. Students using or under the influence of alcohol or controlled substances.**

(2) In addition to policies adopted pursuant to this section, students may, at the discretion of the district board of trustees or governing board of a charter school, be subject to other disciplinary or safety policies, regardless whether the student voluntarily discloses or is reasonably suspected of using or being under the influence of alcohol or a controlled substance in violation of district or charter school policy or section 37-2732C, Idaho Code.

(5) For the purposes of this section, the following definitions shall apply:

(a) "Reasonable suspicion" means an act of judgment by a school employee or independent contractor of an educational institution which leads to a reasonable and prudent belief that a student is in violation of school board or charter school governing board policy regarding alcohol or controlled substance use, or the "use" or "under the influence" provisions of section 37-2732C, Idaho Code. Said judgment shall be based on training in recognizing the signs and symptoms of alcohol and controlled substance use.

(b) "Intentionally harass" means a knowing and willful course of conduct directed at a specific student which seriously alarms, annoys, threatens or intimidates the student and which serves no legitimate purpose. The course of conduct must be such as would cause a reasonable person to suffer substantial emotional distress.

(c) "Course of conduct" means a pattern or series of acts over a period of time, however short, evidencing a continuity of purpose. Constitutionally and statutorily protected activity is not included within the meaning of "course of conduct."

See also "Scope" and "Parental notification" for policy guidance relating to "Students using or under the influence of alcohol or controlled substances."

## REGULATIONS

No relevant regulations found.

## Bullying, harassment, or hazing

### LAWS

#### **18-917. Hazing.**

(1) No student or member of a fraternity, sorority or other living or social student group or organization organized or operating on or near a school or college or university campus, shall intentionally haze or conspire to haze any member, potential member or person pledged to be a member of the group or organization, as a condition or precondition of attaining membership in the group or organization or of attaining any office or status therein.

(2) As used in this section, "haze" means to subject a person to bodily danger or physical harm or a likelihood of bodily danger or physical harm, or to require, encourage, authorize or permit that the person be subjected to any of the following:

(a) Total or substantial nudity on the part of the person;

- (b) Compelled ingestion of any substance by the person;
- (c) Wearing or carrying of any obscene or physically burdensome article by the person;
- (d) Physical assaults upon or offensive physical contact with the person;
- (e) Participation by the person in boxing matches, excessive number of calisthenics, or other physical contests;
- (f) Transportation and abandonment of the person;
- (g) Confinement of the person to unreasonably small, unventilated, unsanitary or unlighted areas;
- (h) Sleep deprivation; or
- (i) Assignment of pranks to be performed by the person.

(3) The term "hazing," as defined in this section, does not include customary athletic events or similar contests or competitions, and is limited to those actions taken and situations created in connection with initiation into or affiliation with any group or organization. The term "hazing" does not include corporal punishment administered by officials or employees of public schools when in accordance with policies adopted by local boards of education.

(4) A student or member of a fraternity, sorority or other student organization, who personally violates any provision of this section shall be guilty of a misdemeanor.

**18-917A. Student harassment - Intimidation - Bullying.**

(1) No student or minor present on school property or at school activities shall intentionally commit, or conspire to commit, an act of harassment, intimidation or bullying against another student.

(2) As used in this section, "harassment, intimidation or bullying" means any intentional gesture, or any intentional written, verbal or physical act or threat by a student that:

- (a) A reasonable person under the circumstances should know will have the effect of:
  - (i) Harming a student; or
  - (ii) Damaging a student's property; or
  - (iii) Placing a student in reasonable fear of harm to his or her person; or
  - (iv) Placing a student in reasonable fear of damage to his or her property; or
- (b) Is sufficiently severe, persistent or pervasive that it creates an intimidating, threatening or abusive educational environment for a student.

An act of harassment, intimidation or bullying may also be committed through the use of a landline, car phone or wireless telephone or through the use of data or computer software that is accessed through a computer, computer system, or computer network.

(3) A student who personally violates any provision of this section may be guilty of an infraction.

**33-512. Governance of schools.**

The board of trustees of each school district shall have the following powers and duties:

- (6) To prescribe rules for the disciplining of unruly or insubordinate pupils, including rules on student harassment, intimidation and bullying, such rules to be included in a district discipline code adopted by the board of trustees and a summarized version thereof to be provided in writing at the beginning of each school year to the teachers and students in the district in a manner consistent with the student's age, grade and level of academic achievement;

**33-1631. Requirements for harassment, intimidation and bullying information and professional development.**

- (1) School districts and charter schools shall undertake reasonable efforts to ensure that information on harassment, intimidation and bullying of students is disseminated annually to all school personnel, parents and students, including an affirmation that school personnel are authorized and expected to intervene or facilitate intervention on behalf of students facing harassment, intimidation or bullying.
- (2) School districts and charter schools shall provide ongoing professional development to build skills of all school staff members to prevent, identify and respond to harassment, intimidation and bullying. The state board shall promulgate rules regarding the content of the professional development required by this subsection.
- (3) District policies shall include a series of graduated consequences that may include, but are not limited to, referral to counseling, diversion, use of juvenile specialty courts, restorative practices, on-site suspension and expulsion for any student who commits an act of bullying, intimidation, harassment, violence or threats of violence. Guidelines for such policies will be set forth in the rules of the state board.
- (4) Annually school districts shall report bullying incidents to the state department of education in a format set forth in rule by the state board. District policy shall designate persons to whom bullying reports are to be made and a procedure for a teacher or other school employee, student, parent, guardian or other person to report or otherwise provide information on bullying activity.

**REGULATIONS**

**08.02.02.111. Bullying, Harassment and Intimidation Prevention and Response.**

01. Dissemination of Information. School districts and charter schools shall make reasonable efforts to ensure that information on harassment, intimidation and bullying of students is disseminated annually to all school personnel, parents and students. Effective date (3-29-17)
02. Professional Development. The content of ongoing professional development for school staff related to bullying, harassment and intimidation shall include: Effective date (3-29-17)
  - a. School philosophy regarding school climate and student behavior expectations; Effective date (3-29-17)
  - b. Definitions of bullying, harassment, and intimidation; Effective date (3-29-17)
  - c. School prevention strategies or programs including the identification of materials to be distributed annually to students and parents; Effective date (3-29-17)
  - d. Expectations of staff intervention for bullying, harassment, and intimidation; Effective date (3-29-17)
  - e. School process for responding to bullying, harassment, and intimidation including the reporting process for students and staff, investigation protocol, the involvement of law enforcement, related student support services and parental involvement; and Effective date (3-29-17)
  - f. Other topics as determined appropriate by the school district or charter school. Effective date (3-29-17)
03. Graduated Consequences. Graduated consequences for a student who commits acts of bullying, harassment, and intimidation shall include a series of measures proportional to the act(s) committed and appropriate to the severity of the violation as determined by the school board of trustees, school administrators, or designated personnel depending upon the level of discipline. Graduated consequences should be in accordance with the nature of the behavior, the developmental age of the student, and the student's history of problem behaviors and performance. Effective date (3-29-17)
  - a. Graduated consequences may include, but are not limited to: Effective date (3-29-17)
    - i. Meeting with the school counselor; Effective date (3-29-17)

ii. Meeting with the school principal and student's parents or guardian; Effective date (3-29-17)

iii. Detention, suspension or special programs; and Effective date (3-29-17)

iv. Expulsion. Effective date (3-29-17)

b. The graduated consequences are not intended to prevent or prohibit the referral of a student who commits acts of harassment, intimidation or bullying to available outside counseling services or to law enforcement, or both, pursuant to Section 18-917A, Idaho Code. Effective date (3-29-17)

c. Students with disabilities may be afforded additional protections under the Individuals with Disabilities Education Act (IDEA) and Section 504 of the Rehabilitation Act; school districts and charter schools shall comply with applicable state and federal law when disciplining students with individualized education programs (IEPs) or 504 plans for committing acts of bullying, harassment, and intimidation. Effective date (3-29-17)

04. Intervention. School district and charter school employees are authorized and expected to intervene or facilitate intervention on behalf of students facing harassment, intimidation, and bullying. Intervention shall be reasonably calculated to: Effective date (3-29-17)

a. Correct the problem behavior; Effective date (3-29-17)

b. Prevent another occurrence of the problem; Effective date (3-29-17)

c. Protect and provide support for the victim of the act; and Effective date (3-29-17)

d. Take corrective action for documented systemic problems related to harassment, intimidation, or bullying. Effective date (3-29-17)

05. Reporting. Annual reporting will occur at the end of the school year through an aggregate report identifying the total number of bullying incidents by school districts and charter schools, grade level, gender, and repeat offenders. The State Department of Education shall provide school districts and charter schools with the guidelines and forms for reporting. Effective date (3-29-17)

## **Other special infractions or conditions**

### **LAWS**

#### **20-509. Violent offenses, controlled substances violations near schools and offenders.**

(1) Any juvenile, age fourteen (14) years to age eighteen (18) years, who is alleged to have committed any of the following crimes or any person under age fourteen (14) years who is alleged to have committed any of the following crimes and, pursuant to section 20-508, Idaho Code, has been ordered by the court to be held for adult criminal proceedings:

(a) Murder of any degree or attempted murder;

(b) Robbery;

(c) Rape as defined in section 18-6101, Idaho Code;

(d) Male rape as defined in section 18-6108, Idaho Code;

(e) Forcible sexual penetration by the use of a foreign object;

(f) Infamous crimes against nature, committed by force or violence;

(g) Mayhem;

(h) Assault or battery with the intent to commit any of the above serious felonies;

(i) A violation of the provisions of section 37-2732(a)(1)(A), (B) or (C), Idaho Code, when the violation occurred on or within one thousand (1,000) feet of the property of any public or private primary or

secondary school, or in those portions of any building, park, stadium or other structure or grounds which were, at the time of the violation, being used for an activity sponsored by or through such a school;

(j) Arson in the first degree and aggravated arson; shall be charged, arrested and proceeded against by complaint, indictment or information as an adult. All other felonies or misdemeanors charged in the complaint, indictment or information, which are based on the same act or transaction or on one (1) or more acts or transactions as the violent or controlled substances offense shall similarly be charged, arrested and proceeded against as an adult. Any juvenile proceeded against pursuant to this section shall be accorded all constitutional rights, including bail and trial by jury, and procedural safeguards as if that juvenile were an adult defendant.

(2) Once a juvenile has been formally charged or indicted pursuant to this section or has been transferred for criminal prosecution as an adult pursuant to the waiver provisions of section 20-508, Idaho Code, or this section, the juvenile shall be held in a county jail or other adult prison facility unless the court, after finding good cause, orders otherwise.

(3) Except as otherwise allowed by subsection (4) of this section, once a juvenile offender has been found to have committed the offense for which the juvenile offender was charged, indicted or transferred pursuant to this section or section 20-508, Idaho Code, or has been found guilty or pled guilty to a lesser offense or amended charge growing out of or included within the original charge, whether or not such lesser offense or amended charge is included within the acts enumerated in subsection (1) of this section, the juvenile offender shall thereafter be handled in every respect as an adult. For any subsequent violation of Idaho law, the juvenile offender shall be handled in every respect as an adult.

(4) Upon the conviction of a juvenile offender pursuant to this section, the sentencing judge may, if a finding is made that adult sentencing measures would be inappropriate:

(a) Sentence the convicted person in accordance with the juvenile sentencing options set forth in this chapter; or

(b) Sentence the convicted person to the county jail or to the custody of the state board of correction but suspend the sentence pursuant to section 19-2601A, Idaho Code, and commit the defendant to the dual custody of the department of juvenile corrections and the state board of correction.

### **33-512. Governance of schools.**

The board of trustees of each school district shall have the following powers and duties:

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

### **REGULATIONS**

No relevant regulations found.

## ***Prevention and Behavioral Interventions (Non-Punitive)***

### **Prevention**

#### **LAWS**

##### **33-1605. Health and physical fitness - Effects of alcohol, tobacco, stimulants, and narcotics.**

In all school districts there shall be instruction in health and physical fitness, including effects of alcohol, stimulants, tobacco and narcotics on the human system. The state board of education shall cause to be prepared such study guides, materials and reference lists as it may deem necessary to make effective the provisions of this section.

#### **REGULATIONS**

No relevant regulations found.

### **Behavioral interventions and student support services**

#### **LAWS**

##### **16-2404A. Teen early intervention mental health and substance abuse specialist program.**

- (1) The department of health and welfare shall be authorized to contract for teen early intervention specialists to work with teens at risk and their families in school districts.
- (2) The teen early intervention specialist shall be a certified counselor or a social worker with a clinical background in mental health or substance abuse as prescribed by the department of health and welfare by rule.
- (3) The salary paid to the teen early intervention specialist shall be equivalent to the salary paid to comparably trained and experienced individuals employed by the school district in the region in which the community resource is employed.
- (4) Teen early intervention specialists shall work with individual teens at risk to offer group counseling, recovery support, suicide prevention and other mental health and substance abuse counseling services to teens as needed, regardless of mental health diagnosis.
- (5) By permission of school administrators, as prescribed in rule, teens at risk not currently enrolled in a public school may, if assigned by a judge, participate in group or individual teen early intervention specialist counseling sessions or services for teens at risk as appropriate.
- (6) School districts seeking to have one (1) or more teen early intervention specialists placed within its district may apply to the department of health and welfare for such placement. The department of health and welfare shall establish by rule a simple application process and criteria for placement of teen early intervention specialists in districts. The number of teen early intervention specialists placed in school districts in any given year shall be limited by the funds appropriated to the teen early intervention specialist program in that fiscal year. In evaluating applications for the three (3) year pilot project, the department of health and welfare shall give special consideration to rural districts and shall consider:
  - (a) The demonstrated need for mental health and substance abuse counseling and treatment for teens at risk in the school district;
  - (b) The resources and cooperation which the school district has proposed to contribute to the support of the teen early intervention specialist program for teens at risk; and
  - (c) The funding appropriated to the teen early intervention specialist program for teens at risk.

(7) Through an initial three (3) year period beginning at the start of the 2008 school year, the department of health and welfare shall work with local school districts where teen early intervention specialists have been placed to gather data on the effectiveness of this program. This data may be gathered and tracked through cooperative projects with Idaho colleges and universities and may include, but not be limited to:

- (a) Impacts on the number and nature of teen arrests;
- (b) Reductions in the number of teen suicides and suicide attempts;
- (c) Changes in patterns of teen incarceration or involvement with Idaho's juvenile justice system;
- (d) Impacts on local caseloads of practitioners in the department of health and welfare;
- (e) Where applicable, impacts to juvenile mental health or drug courts;
- (f) Changes in academic achievement by teens at risk and by those participating in the teen early intervention specialist program; and
- (g) Changes in the number and nature of student disciplinary actions in schools where teen early intervention specialists have been placed.

**33-1631. Requirements for harassment, intimidation and bullying information and professional development.**

- (1) School districts and charter schools shall undertake reasonable efforts to ensure that information on harassment, intimidation and bullying of students is disseminated annually to all school personnel, parents and students, including an affirmation that school personnel are authorized and expected to intervene or facilitate intervention on behalf of students facing harassment, intimidation or bullying.
- (2) School districts and charter schools shall provide ongoing professional development to build skills of all school staff members to prevent, identify and respond to harassment, intimidation and bullying. The state board shall promulgate rules regarding the content of the professional development required by this subsection.
- (3) District policies shall include a series of graduated consequences that may include, but are not limited to, referral to counseling, diversion, use of juvenile specialty courts, restorative practices, on-site suspension and expulsion for any student who commits an act of bullying, intimidation, harassment, violence or threats of violence. Guidelines for such policies will be set forth in the rules of the state board.

**REGULATIONS**

**08.02.02.111. Bullying, Harassment and Intimidation Prevention and Response.**

03. Graduated Consequences. Graduated consequences for a student who commits acts of bullying, harassment, and intimidation shall include a series of measures proportional to the act(s) committed and appropriate to the severity of the violation as determined by the school board of trustees, school administrators, or designated personnel depending upon the level of discipline. Graduated consequences should be in accordance with the nature of the behavior, the developmental age of the student, and the student's history of problem behaviors and performance. Effective date (3-29-17)

- a. Graduated consequences may include, but are not limited to: Effective date (3-29-17)
  - i. Meeting with the school counselor; Effective date (3-29-17)
  - ii. Meeting with the school principal and student's parents or guardian; Effective date (3-29-17)
  - iii. Detention, suspension or special programs; and Effective date (3-29-17)
  - iv. Expulsion. Effective date (3-29-17)

- b. The graduated consequences are not intended to prevent or prohibit the referral of a student who commits acts of harassment, intimidation or bullying to available outside counseling services or to law enforcement, or both, pursuant to Section 18-917A, Idaho Code. Effective date (3-29-17)
- c. Students with disabilities may be afforded additional protections under the Individuals with Disabilities Education Act (IDEA) and Section 504 of the Rehabilitation Act; school districts and charter schools shall comply with applicable state and federal law when disciplining students with individualized education programs (IEPs) or 504 plans for committing acts of bullying, harassment, and intimidation. Effective date (3-29-17)

04. Intervention. School district and charter school employees are authorized and expected to intervene or facilitate intervention on behalf of students facing harassment, intimidation, and bullying. Intervention shall be reasonably calculated to: Effective date (3-29-17)

- a. Correct the problem behavior; Effective date (3-29-17)
- b. Prevent another occurrence of the problem; Effective date (3-29-17)
- c. Protect and provide support for the victim of the act; and Effective date (3-29-17)
- d. Take corrective action for documented systemic problems related to harassment, intimidation, or bullying. Effective date (3-29-17)

## **Professional development**

### **LAWS**

#### **33-1631. Requirements for harassment, intimidation and bullying information and professional development.**

- (1) School districts and charter schools shall undertake reasonable efforts to ensure that information on harassment, intimidation and bullying of students is disseminated annually to all school personnel, parents and students, including an affirmation that school personnel are authorized and expected to intervene or facilitate intervention on behalf of students facing harassment, intimidation or bullying.
- (2) School districts and charter schools shall provide ongoing professional development to build skills of all school staff members to prevent, identify and respond to harassment, intimidation and bullying. The state board shall promulgate rules regarding the content of the professional development required by this subsection.

### **REGULATIONS**

#### **08.02.02.111. Bullying, Harassment and Intimidation Prevention and Response.**

- 02. Professional Development. The content of ongoing professional development for school staff related to bullying, harassment and intimidation shall include: Effective date (3-29-17)
  - a. School philosophy regarding school climate and student behavior expectations; Effective date (3-29-17)
  - b. Definitions of bullying, harassment, and intimidation; Effective date (3-29-17)
  - c. School prevention strategies or programs including the identification of materials to be distributed annually to students and parents; Effective date (3-29-17)
  - d. Expectations of staff intervention for bullying, harassment, and intimidation; Effective date (3-29-17)
  - e. School process for responding to bullying, harassment, and intimidation including the reporting process for students and staff, investigation protocol, the involvement of law enforcement, related student support services and parental involvement; and Effective date (3-29-17)

f. Other topics as determined appropriate by the school district or charter school. Effective date (3-29-17)

## ***Monitoring and Accountability***

### **Formal incident reporting of conduct violations**

#### **LAWS**

No relevant laws found.

#### **REGULATIONS**

No relevant regulations found.

### **Parental notification**

#### **LAWS**

##### **33-210. Students using or under the influence of alcohol or controlled substances.**

(1) It is legislative intent that parental involvement in all aspects of a child's education in the public school system remain a priority...Notification of the disclosure and availability of counseling for students shall be provided to parents, the legal guardian or child's custodian. However, once a student is reasonably suspected of using or being under the influence of alcohol or a controlled substance in violation of section 37-2732C, Idaho Code, regardless of any previous voluntary disclosure, the school administrator or designee shall contact the student's parent, legal guardian or custodian, and report the incident to law enforcement. The fact that a student has previously disclosed use of alcohol or a controlled substance shall not be deemed a factor in determining reasonable suspicion at a later date.

(3) The district board of trustees or the governing board of the charter school shall ensure that procedures are developed for contacting law enforcement and the student's parents, legal guardian or custodian regarding a student reasonably suspected of using or being under the influence of alcohol or a controlled substance. District and charter school policies formulated to meet the provisions of section 37-2732C, Idaho Code, and this section shall be made available to each student, parent, guardian or custodian by August 31, 2002, and thereafter as provided by section 33-512(6), Idaho Code.

##### **33-6001. Parental rights.**

(1) A student's parent or guardian has the right to reasonable academic accommodation from the child's public school. "Reasonable accommodation" means the school shall make its best effort to enable a parent or guardian to exercise their rights without substantial impact to staff and resources, including employee working conditions, safety and supervision on school premises for school activities and the efficient allocation of expenditures, while balancing the parental rights of parents and guardians, the educational needs of other students, the academic and behavioral impacts to a classroom, a teacher's workload and the assurance of the safe and efficient operations of the school.

(2) School districts and the boards of directors of public charter schools, in consultation with parents, teachers and administrators, shall develop and adopt a policy to promote the involvement of parents and guardians of children enrolled in the schools within the school district or the charter school, including:

- (a) A plan for parent participation in the schools that is designed to improve parent and teacher cooperation in such areas as homework, attendance and discipline;
- (b) A process by which parents may learn about the course of study for their children and review learning materials, including the source of any supplemental educational materials; and

(c) A process by which parents who object to any learning material or activity on the basis that it harms the child or impairs the parents' firmly held beliefs, values or principles may withdraw their child from the activity, class or program in which the material is used.

### **33-6002. Annual notice of parental rights.**

School districts and the boards of directors of public charter schools shall annually notify a parent or guardian of a student enrolled in the school district or public charter school of the parent's or guardian's rights as specified in this chapter.

## **REGULATIONS**

No relevant regulations found.

## **Reporting and referrals between schools and law enforcement**

## **LAWS**

### **20-509. Violent offenses, controlled substances violations near schools and offenders.**

(1) Any juvenile, age fourteen (14) years to age eighteen (18) years, who is alleged to have committed any of the following crimes or any person under age fourteen (14) years who is alleged to have committed any of the following crimes and, pursuant to section 20-508, Idaho Code, has been ordered by the court to be held for adult criminal proceedings:

- (a) Murder of any degree or attempted murder;
- (b) Robbery;
- (c) Rape as defined in section 18-6101, Idaho Code;
- (d) Forcible sexual penetration by the use of a foreign object;
- (e) Infamous crimes against nature, committed by force or violence;
- (f) Mayhem;
- (g) Assault or battery with the intent to commit any of the above serious felonies;
- (h) A violation of the provisions of section 37-2732(a)(1)(A), (B) or (C), Idaho Code, when the violation occurred on or within one thousand (1,000) feet of the property of any public or private primary or secondary school, or in those portions of any building, park, stadium or other structure or grounds which were, at the time of the violation, being used for an activity sponsored by or through such a school;
- (i) Arson in the first degree and aggravated arson;

shall be charged, arrested and proceeded against by complaint, indictment or information as an adult. All other felonies or misdemeanors charged in the complaint, indictment or information, which are based on the same act or transaction or on one (1) or more acts or transactions as the violent or controlled substances offense shall similarly be charged, arrested and proceeded against as an adult. Any juvenile proceeded against pursuant to this section shall be accorded all constitutional rights, including bail and trial by jury, and procedural safeguards as if that juvenile were an adult defendant.

(2) Once a juvenile has been formally charged or indicted pursuant to this section or has been transferred for criminal prosecution as an adult pursuant to the waiver provisions of section 20-508, Idaho Code, or this section, the juvenile shall be held in a county jail or other adult prison facility unless the court, after finding good cause, orders otherwise.

(3) Except as otherwise allowed by subsection (4) of this section, once a juvenile offender has been found to have committed the offense for which the juvenile offender was charged, indicted or transferred pursuant to this section or section 20-508, Idaho Code, or has been found guilty or pled guilty to a lesser

offense or amended charge growing out of or included within the original charge, whether or not such lesser offense or amended charge is included within the acts enumerated in subsection (1) of this section, the juvenile offender shall thereafter be handled in every respect as an adult. For any subsequent violation of Idaho law, the juvenile offender shall be handled in every respect as an adult.

(4) Upon the conviction of a juvenile offender pursuant to this section, the sentencing judge may, if a finding is made that adult sentencing measures would be inappropriate:

- (a) Sentence the convicted person in accordance with the juvenile sentencing options set forth in this chapter; or
- (b) Sentence the convicted person to the county jail or to the custody of the state board of correction but suspend the sentence pursuant to section 19-2601A, Idaho Code, and commit the defendant to the dual custody of the department of juvenile corrections and the state board of correction.

### **33-205. Denial of school attendance.**

Any pupil who is within the age of compulsory attendance, who is expelled or denied enrollment as herein provided, shall come under the purview of the juvenile corrections act, and an authorized representative of the board shall, within five (5) days, give written notice of the pupil's expulsion to the prosecuting attorney of the county of the pupil's residence.

### **33-210. Students using or under the influence of alcohol or controlled substances.**

(1) It is legislative intent that parental involvement in all aspects of a child's education in the public school system remain a priority[...] Notification of the disclosure and availability of counseling for students shall be provided to parents, the legal guardian or child's custodian. However, once a student is reasonably suspected of using or being under the influence of alcohol or a controlled substance in violation of section 37-2732C, Idaho Code, regardless of any previous voluntary disclosure, the school administrator or designee shall contact the student's parent, legal guardian or custodian, and report the incident to law enforcement. The fact that a student has previously disclosed use of alcohol or a controlled substance shall not be deemed a factor in determining reasonable suspicion at a later date.

(3) The district board of trustees or the governing board of the charter school shall ensure that procedures are developed for contacting law enforcement and the student's parents, legal guardian or custodian regarding a student reasonably suspected of using or being under the influence of alcohol or a controlled substance. District and charter school policies formulated to meet the provisions of section 37-2732C, Idaho Code, and this section shall be made available to each student, parent, guardian or custodian by August 31, 2002, and thereafter as provided by section 33-512(6), Idaho Code.

## **REGULATIONS**

No relevant regulations found.

## **Disclosure of school records**

## **LAWS**

### **33-133. Definitions - Student data - Use and limitations - Penalties.**

(1) As used in this act, the following terms shall have the following meanings:

- (a) "Agency" means each state board, commission, department, office or institution, educational or otherwise, of the state of Idaho. State agency shall also mean any city, county, district or other political subdivision of the state.

- (b) "Aggregate data" means data collected and/or reported at the group, cohort or institutional level. Aggregate data shall not include personally identifiable information. The minimum number of students shall be determined by the state board of education.
- (c) "Board" means the state board of education.
- (d) "Data system" means the state's elementary, secondary and postsecondary longitudinal data systems.
- (e) "Department" means the state department of education.
- (f) "District" or "school district" means an Idaho public school district and shall also include Idaho public charter schools.
- (g) "Parent" means parent, parents, legal guardian or legal guardians.
- (h) "Personally identifiable data," "personally identifiable student data" or "personally identifiable information" includes, but is not limited to: the student's name; the name of the student's parent or other family members; the address of the student or student's family; a personal identifier, such as the student's social security number, student education unique identification number or biometric record; other indirect identifiers, such as the student's date of birth, place of birth and mother's maiden name; and other information that, alone or in combination, is linked or linkable to a specific student that would allow a reasonable person in the school community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty or information requested by a person who the educational agency or institution reasonably believes knows the identity of the student to whom the education record relates.
- (i) "Provisional student data" means new student data proposed for inclusion in the data system.
- (j) "Student data" means data collected and/or reported at the individual student level included in a student's educational record.
- (i) "Student data" includes: (1) state and national assessment results, including information on untested public school students; (2) course taking and completion, credits earned and other transcript information; (3) course grades and grade point average; (4) date of birth, grade level and expected graduation date/graduation cohort; (5) degree, diploma, credential attainment and other school exit information such as general educational development and drop-out data; (6) attendance and mobility; (7) data required to calculate the federal four (4) year adjusted secondary cohort graduation rate, including sufficient exit information; (8) discipline reports limited to objective information sufficient to produce the federal annual incident reports, children with disabilities disciplinary reports and discipline reports including students involved with firearms; (9) remediation; (10) special education data; (11) demographic data and program participation information; and (12) files, documents, images or data containing a student's educational record that are stored in or transmitted through a cloud computing service.
- (ii) A student's educational record shall not include: (1) juvenile delinquency records and criminal records unless required in paragraph (k) of this subsection; (2) medical and health records; (3) student social security number; (4) student biometric information; (5) gun ownership records; (6) sexual orientation; (7) religious affiliation; (8) except for special needs and exceptional students, any data collected pursuant to a statewide assessment via affective computing, including analysis of facial expressions, EEG brain wave patterns, skin conductance, galvanic skin response, heart rate variability, pulse, blood volume, posture and eye tracking, any data that measures psychological resources, mind sets, effortful control, attributes, dispositions, social skills, attitudes or intrapersonal resources.
- (k) "Student educational record" means all information directly related to a student and recorded and kept in the data system as that term is defined in this section. Provided however, that the following shall

not be kept as part of a student's permanent educational record: daily assignments, homework, reports, chapter tests or similar assessments or other schoolwork that may be considered daily or weekly work. A student educational record may include information considered to be personally identifiable.

(l) "Student education unique identification number" means the unique student identifier assigned by the state to each student that shall not be or include the social security number of a student in whole or in part.

(m) "Violation" means an act contrary to the provisions of this section that materially compromises the security, confidentiality or integrity of personally identifiable data of one (1) or more students and that results in the unauthorized release or disclosure of such data.

(2) Unless otherwise provided for in this act, the executive office of the state board of education shall be the entity responsible for implementing the provisions of this act. All decisions relating to the collection and safeguarding of student data shall be the responsibility of the executive office of the state board of education.

(3) The state board of education shall:

(a) Create, publish and make publicly available a data inventory and dictionary or index of data elements with definitions of individual student data fields currently in the student data system including:

(i) Any individual student data required to be reported by state and federal education mandates;

(ii) Any individual student data that has been proposed for inclusion in the student data system with a statement regarding the purpose or reason for the proposed collection; and

(iii) Any individual student data collected or maintained with no current purpose or reason.

No less frequently than annually, the state board of education shall update the data inventory and index of data elements provided for in this subsection.

(b) Develop, publish and make publicly available policies and procedures to comply with the federal family educational rights and privacy act (FERPA) and other relevant privacy laws and policies including, but not limited to the following:

(i) Access to student data in the student data system shall be restricted to: (1) the authorized staff of the state board of education and the state department of education and the board's and the department's vendors who require such access to perform their assigned duties; (2) the district and the district's private vendors who require access to perform their assigned duties and public postsecondary staff who require such access to perform their assigned duties; (3) students and their parents or legal guardians; and (4) the authorized staff of other state agencies in this state as required by law and/or defined by interagency data-sharing agreements. All such data-sharing agreements shall be summarized in a report compiled by the state board of education and submitted no later than January 15 of each year to the senate education committee and the house of representatives education committee;

(ii) Provide that public reports or responses to record requests shall include aggregate data only as that term is defined in subsection (1) of this section;

(iii) Develop criteria for the approval of research and data requests from state and local agencies, the state legislature, researchers and the public: (1) unless otherwise approved by the state board of education, student data maintained shall remain confidential; (2) unless otherwise approved by the state board of education, released student data in response to research and data requests may include only aggregate data; and (3) any approval of the board to release personally identifiable student data shall be subject to legislative approval prior to the release of such information;

(iv) Ensure that any contract entered into by the state board of education or the state department of education includes provisions requiring and governing data destruction dates and specific restrictions on the use of data;

(v) Provide for notification to students and parents regarding their rights under federal and state law; and

(vi) Ensure that all school districts, primary schools, secondary schools and other similar institutions entering into contracts that govern databases, online services, assessments, special education or instructional supports with private vendors shall include in each such contract a provision that private vendors are permitted to use aggregated data; or an individual student's data for secondary uses, but only if the vendor discloses in clear detail the secondary uses and receives written permission from the student's parent or legal guardian. The contract shall also include either of the following: (1) a prohibition on any secondary uses of student data by the private vendor including, but not limited to, sales, marketing or advertising, but permitting the private vendor to process or monitor such data solely to provide and maintain the integrity of the service; or (2) a requirement that the private vendor disclose in detail any secondary uses of student data including, but not limited to, sales, marketing or advertising, and the board shall obtain express parental consent for those secondary uses prior to deployment of the private vendor's services under the contract.

The state board of education and the state department of education shall ensure that any and all private vendors employed or otherwise engaged by the board or the department shall comply with the provisions of this section. Any person determined, in either a civil enforcement action initiated by the board or initiated by the department or in a court action initiated by an injured party, to have violated a provision of this section or any rule promulgated pursuant to this section shall be liable for a civil penalty not to exceed fifty thousand dollars (\$50,000) per violation. In the case of an unauthorized release of student data, the state board of education or the state department of education shall notify the parent or student of the unauthorized release of student data that includes personally identifiable information in a manner consistent with the provisions of section 28-51-105, Idaho Code.

(c) Unless otherwise approved by the state board of education, any data deemed confidential pursuant to this act shall not be transferred to any federal, state or local agency or other organization or entity outside of the state of Idaho, with the following exceptions:

(i) A student transfers out of state or a school or district seeks help with locating an out-of-state transfer;

(ii) A student leaves the state to attend an out-of-state institution of higher education or training program;

(iii) A student voluntarily participates in a program for which such a data transfer is a condition or requirement of participation;

(iv) The state board of education or the state department of education may share such data with a vendor to the extent it is necessary as part of a contract that governs databases, online services, assessments, special education or instructional supports with a vendor;

(v) Pursuant to a written agreement between the two (2) school districts, where a student transfers from an Idaho district abutting upon another state to the nearest appropriate district in such neighboring state in accordance with the provisions of section 33-1403, Idaho Code; or

(vi) A student is classified as "migrant" for reporting purposes as required by the federal government in order to assure linkage between the various states of migrant students educational records;

(d) Develop a detailed data security plan that includes:

(i) Guidelines for authorizing access to the student data system and to individual student data including guidelines for authentication of authorized access;

- (ii) Guidelines relating to administrative safeguards providing for the security of electronic and physical data; such guidelines should include provisions relating to data encryption as well as staff training to better ensure the safety and security of data;
  - (iii) Privacy compliance standards;
  - (iv) Privacy and security audits;
  - (v) Breach planning, notification and procedures; and
  - (vi) Data retention and disposition policies;
- (e) Ensure routine and ongoing compliance with FERPA, other relevant privacy laws and policies, and the privacy and security policies and procedures developed under the authority of this act, including the performance of compliance audits;
- (f) Ensure that any contracts that govern databases, online services, assessments or instructional supports that include student data and are outsourced to private vendors, include express provisions that safeguard privacy and security, contain the restrictions on secondary uses of student data described in subsection (3)(b)(vi) of this section, provides for data destruction, including a time frame for data destruction, and includes penalties for noncompliance with this paragraph; and
- (g) Notify the governor and the legislature annually of the following:
- (i) New student data proposed for inclusion in the state student data system: (1) any new student data collection proposed by the state board of education becomes a provisional requirement to allow districts and their local data system vendors the opportunity to meet the new requirement; and (2) the state board of education must submit any new provisional student data collection to the governor and the legislature for their approval within one (1) year in order to make the new student data a permanent requirement through the administrative rules process. Any provisional student data collection not approved by the governor and the legislature by the end of the next legislative session expires and must be deleted and no longer collected;
  - (ii) Changes to existing data collections required for any reason, including changes to federal reporting requirements made by the U.S. department of education;
  - (iii) An explanation of any exceptions granted by the state board of education in the past year regarding the release or out-of-state transfer of student data;
  - (iv) The results of any and all privacy compliance and security audits completed in the past year. Notifications regarding privacy compliance and security audits shall not include any information that would pose a security threat to the state or local student information systems or to the secure transmission of data between state and local systems by exposing vulnerabilities; and
  - (v) Data collected specific to a grant program where such data is not otherwise included in student data.
- (4) The state board of education shall adopt rules to implement the provisions of this act.
- (5) Upon the effective date of this act, any existing collection of student data in the data system shall not be considered a new student data collection in accordance with this section.
- (6) Unless otherwise prohibited by law or court order, school districts must provide parents or guardians with copies of all of their child's educational records, upon request, if such child has not attained the age of eighteen (18) years.
- (7) The state board of education shall develop a model policy for school districts and public charter schools that will govern data collection, access, security and use of such data. The model policy shall be consistent with the provisions of this act. In order to assure that student educational information is treated safely and securely and in a consistent manner throughout the state, each district and public charter school shall adopt and implement the model policy. The state department of education shall provide

outreach and training to the districts and public charter schools to help implement the policy. A current copy of such policy shall be posted to the school district's website. Any district or public charter school that fails to adopt, implement and post the policy where any inappropriate release of data occurs shall be liable for a civil penalty not to exceed fifty thousand dollars (\$50,000). Such civil penalty may be imposed per violation. The method of recovery of the penalty shall be by a civil enforcement action brought by the state board of education, with the assistance of the office of the state attorney general, in the district court in and for the county where the violation occurred. All civil penalties collected under this section shall be paid into the general fund of the state.

### **33-209. Transfer of student records - Duties.**

Whenever a student transfers from one (1) school to another, within the district, within the state, or elsewhere, and the sending school is requested to forward student records, the sending school shall respond by forwarding a certified copy of the transferred student's record within ten (10) days, except as provided in section 18-4511, Idaho Code. When the school record contains information concerning violent or disruptive behavior or disciplinary action involving the student, this information shall be included in the transfer of records but shall be contained in a sealed envelope, marked to indicate the confidential nature of the contents, and addressed to the principal or other administrative officer of the school.

The parent or guardian of a student transferring from out-of-state to a school within the state of Idaho is required, if requested, to furnish the school within this state accurate copies of the student's school records, including records containing information concerning violent or disruptive behavior or disciplinary action involving the student. This information shall be contained in a sealed envelope, marked to indicate the confidential nature of the contents, and addressed to the principal or other administrative officer of the school.

Failure of the parent or guardian to furnish the required records, or failure to request of the administration of the previous school to provide the required records, shall constitute adequate grounds to deny enrollment to the transferring student or to suspend or expel the student if already enrolled.

## **REGULATIONS**

No relevant regulations found.

## **Data collection, review, and reporting of disciplinary policies and actions**

## **LAWS**

### **16-2404A. Teen early intervention mental health and substance abuse specialist program.**

(1) The department of health and welfare shall be authorized to contract for teen early intervention specialists to work with teens at risk and their families in school districts.

(2) The teen early intervention specialist shall be a certified counselor or a social worker with a clinical background in mental health or substance abuse as prescribed by the department of health and welfare by rule.

(3) The salary paid to the teen early intervention specialist shall be equivalent to the salary paid to comparably trained and experienced individuals employed by the school district in the region in which the community resource is employed.

(4) Teen early intervention specialists shall work with individual teens at risk to offer group counseling, recovery support, suicide prevention and other mental health and substance abuse counseling services to teens as needed, regardless of mental health diagnosis.

(5) By permission of school administrators, as prescribed in rule, teens at risk not currently enrolled in a public school may, if assigned by a judge, participate in group or individual teen early intervention specialist counseling sessions or services for teens at risk as appropriate.

(6) School districts seeking to have one (1) or more teen early intervention specialists placed within its district may apply to the department of health and welfare for such placement. The department of health and welfare shall establish by rule a simple application process and criteria for placement of teen early intervention specialists in districts. The number of teen early intervention specialists placed in school districts in any given year shall be limited by the funds appropriated to the teen early intervention specialist program in that fiscal year. In evaluating applications for the three (3) year pilot project, the department of health and welfare shall give special consideration to rural districts and shall consider:

- (a) The demonstrated need for mental health and substance abuse counseling and treatment for teens at risk in the school district;
- (b) The resources and cooperation which the school district has proposed to contribute to the support of the teen early intervention specialist program for teens at risk; and
- (c) The funding appropriated to the teen early intervention specialist program for teens at risk.

(7) Through an initial three (3) year period beginning at the start of the 2008 school year, the department of health and welfare shall work with local school districts where teen early intervention specialists have been placed to gather data on the effectiveness of this program. This data may be gathered and tracked through cooperative projects with Idaho colleges and universities and may include, but not be limited to:

- (a) Impacts on the number and nature of teen arrests;
- (b) Reductions in the number of teen suicides and suicide attempts;
- (c) Changes in patterns of teen incarceration or involvement with Idaho's juvenile justice system;
- (d) Impacts on local caseloads of practitioners in the department of health and welfare;
- (e) Where applicable, impacts to juvenile mental health or drug courts;
- (f) Changes in academic achievement by teens at risk and by those participating in the teen early intervention specialist program; and
- (g) Changes in the number and nature of student disciplinary actions in schools where teen early intervention specialists have been placed.

### **33-512. Governance of schools.**

The board of trustees of each school district shall have the following powers and duties:

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

### **33-1002F. Alternative school report.**

Annually, prior to the tenth legislative day, the department of education shall file with the legislature a report detailing the alternative school programs within the state. On July 1 of each year, or as soon thereafter as feasible, each school district receiving moneys pursuant to the alternative school support units factor in section 33-1002, Idaho Code, or section 33-1002C, Idaho Code, shall file with the state department a comprehensive report of the amount of money received in the district, the expenditure on alternative school programs, and the programs provided. This information shall be compiled by the department for transmission to the legislature.

**33-1631. Requirements for harassment, intimidation and bullying information and professional development.**

(4) Annually school districts shall report bullying incidents to the state department of education in a format set forth in rule by the state board. District policy shall designate persons to whom bullying reports are to be made and a procedure for a teacher or other school employee, student, parent, guardian or other person to report or otherwise provide information on bullying activity.

**REGULATIONS**

**08.02.02.111. Bullying, Harassment and Intimidation Prevention and Response.**

05. Reporting. Annual reporting will occur at the end of the school year through an aggregate report identifying the total number of bullying incidents by school districts and charter schools, grade level, gender, and repeat offenders. The State Department of Education shall provide school districts and charter schools with the guidelines and forms for reporting. Effective date (3-29-17)

**08.02.03.160. Safe environment and discipline.**

Each school district will have a comprehensive districtwide policy and procedure encompassing the following:

- School Climate
- Discipline
- Student Health
- Violence Prevention
- Possessing Weapons on Campus
- Substance Abuse - Tobacco, Alcohol, and Other Drugs
- Suicide Prevention
- Student Harassment
- Drug-free School Zones
- Building Safety including Evacuation Drills
- Relationship Abuse and Sexual Assault Prevention and Response

Districts will conduct an annual review of these policies and procedures. (See Section 33-1612)

**School Resource and Safety Officers (SROs/SSOs) and Truant/Attendance Officers**

**Authority and power to implement school arrest**

**LAWS**

No relevant laws found.

**REGULATIONS**

No relevant regulations found.

**Certification or training**

**LAWS**

No relevant laws found.

**REGULATIONS**

No relevant regulations found.

**MOUs, authorization, and/or funding**

**LAWS**

**33-1004H. Employing retired teachers and administrators.**

(1) Notwithstanding the provisions of section 33-514, 33-1271 or 33-1273, Idaho Code, school districts may employ school resource officers, certificated schoolteachers, and administrators who are receiving retirement benefits from the public employee retirement system of Idaho, except those who received benefits under the early retirement program previously provided by the state in positions requiring such certification, as at-will employees. Any employment contract between the retiree and the school district shall be separate and apart from the collective bargaining agreement of the school district.

(2) Retirees employed under this section shall accrue one (1) day per month of sick leave, with no annual sick leave accumulation unless additional sick leave is negotiated between the candidate and the school district at the time of employment. No sick leave accrued under this section qualifies for unused sick leave benefits under section 33-1228, Idaho Code.

(3) School districts are not required to provide health insurance or life insurance benefits to persons employed under this section. Post-termination benefits may be negotiated between the school district and the certificated employee at the time of rehiring but in no event can the parties affect or attempt to affect the provisions governing the public employee retirement system.

**REGULATIONS**

No relevant regulations found.

## **State Education Agency Support**

### **State model policies and implementation support**

#### **LAWS**

##### **33-133. Definitions - Student data - Use and limitations - Penalties.**

(7) The state board of education shall develop a model policy for school districts and public charter schools that will govern data collection, access, security and use of such data. The model policy shall be consistent with the provisions of this act. In order to assure that student educational information is treated safely and securely and in a consistent manner throughout the state, each district and public charter school shall adopt and implement the model policy. The state department of education shall provide outreach and training to the districts and public charter schools to help implement the policy. A current copy of such policy shall be posted to the school district's website. Any district or public charter school that fails to adopt, implement and post the policy where any inappropriate release of data occurs shall be liable for a civil penalty not to exceed fifty thousand dollars (\$50,000). Such civil penalty may be imposed per violation. The method of recovery of the penalty shall be by a civil enforcement action brought by the state board of education, with the assistance of the office of the state attorney general, in the district court in and for the county where the violation occurred. All civil penalties collected under this section shall be paid into the general fund of the state.

##### **33-1605. Health and physical fitness - Effects of alcohol, tobacco, stimulants, and narcotics.**

In all school districts there shall be instruction in health and physical fitness, including effects of alcohol, stimulants, tobacco and narcotics on the human system. The state board of education shall cause to be prepared such study guides, materials and reference lists as it may deem necessary to make effective the provisions of this section.

#### **REGULATIONS**

No relevant regulations found.

### **Funding appropriations**

#### **LAWS**

##### **33-1002. Educational support program.**

(2) From the total state funds subtract the following amounts needed for state support of special programs provided by a school district:

- (p) For the support of provisions that provide a safe environment conducive to student learning and maintain classroom discipline, an allocation of three hundred dollars (\$300) per support unit;

#### **REGULATIONS**

No relevant regulations found.

## ***Other or Uncategorized***

### **Professional immunity or liability**

#### **LAWS**

##### **33-210. Students using or under the influence of alcohol or controlled substances.**

(4) Any school district employee or independent contractor of an educational institution who has a reasonable suspicion that a student is using or is under the influence of alcohol or a controlled substance and, acting upon that suspicion, reports that suspicion to a school administrator or initiates procedures adopted by the board of trustees or governing board of the charter school pursuant to this section, shall have immunity from any liability, civil or criminal, that might otherwise be incurred or imposed. Any such participant shall have the same immunity with respect to participation in any judicial proceeding resulting from such report. Any person who reports in bad faith or with malice shall not be protected by this section. Employees and independent contractors of educational institutions who intentionally harass a student through the misuse of the authority provided in this section shall not be immune from civil liability arising from the wrongful exercise of that authority and shall be guilty of a misdemeanor punishable by a fine not to exceed three hundred dollars (\$300).

##### **33-512B. Suicidal tendencies - Duty to warn.**

(1) Notwithstanding the provisions of section 33-512(4), Idaho Code, neither a teacher nor a school district shall have a duty to warn of the suicidal tendencies of a student absent the teacher's knowledge of direct evidence of such suicidal tendencies.

(2) "Direct evidence" means evidence which directly proves a fact without inference and which in itself, if true, conclusively establishes that fact. Direct evidence would include unequivocal and unambiguous oral or written statements by a student which would not cause a reasonable teacher to speculate regarding the existence of the fact in question; it would not include equivocal or ambiguous oral or written statements by a student which would cause a reasonable teacher to speculate regarding the existence of the fact in question.

(3) The existence of the teacher's knowledge of the direct evidence referred to in subsections (1) and (2) of this section shall be determined by the court as a matter of law.

##### **33-1225. Threats of violence - Limitation on liability.**

(1) A communication by any person to a school principal, or designee, or a communication by a student attending the school to the student's teacher, school counselor or school nurse, and any report of that communication to the school principal stating that a specific person has made a threat to commit violence on school grounds by use of a firearm, explosive, or deadly weapon defined in chapter 33, title 18, Idaho Code, is a communication on a matter of public concern. Such communication or report shall only be subject to liability in defamation by clear and convincing evidence that the communication or report was made with knowledge of its falsity or with reckless disregard for the truth or falsity of the communication or report. This section shall not be interpreted to change or eliminate other elements of defamation required by law.

(2) As used in this section, "school" means any public or private school providing instruction in kindergarten or any grades from grade one (1) through grade twelve (12) which is the subject of a threat.

#### **REGULATIONS**

No relevant regulations found.

## Community input or involvement

### LAWS

No relevant laws found.

### REGULATIONS

No relevant regulations found.

## Other or Uncategorized

### LAWS

#### **33-132. Local school boards - Internet use policy required.**

(1) As a condition for receiving moneys from the state general fund, each local school district shall file an acceptable internet use policy with the state superintendent of public instruction no later than August 1, 2011, or within one (1) year after the creation of a new district, whichever is later, and every five (5) years thereafter. Such policy shall be approved by the district's board of trustees and shall contain, but not be limited to, provisions that:

- (a) Prohibit and prevent the use of school computers and other school owned technology-related services from sending, receiving, viewing or downloading materials that are deemed to be harmful to minors, as defined by section 18-1514, Idaho Code; and
- (b) Provide for the selection of technology for the local district's computers to filter or block internet access to obscene materials, materials harmful to minors and materials that depict the sexual exploitation of a minor, as defined in chapter 15, title 18, Idaho Code; and
- (c) Establish appropriate disciplinary measures to be taken against persons violating the policy provided for in this section; and
- (d) Include a component of internet safety for students that is integrated into the district's instructional program; and
- (e) Inform the public that administrative procedures have been adopted to enforce the policy provided for in this section and to handle complaints about such enforcement, and that such procedures are available for review at the district office.

(2) The policy provided for in subsection (1) of this section may include terms, conditions and requirements deemed appropriate by the district's board of trustees including, but not limited to, requiring written parental authorization for internet use by minors or differentiating acceptable uses among elementary, middle and high school students.

(3) The district's superintendent is hereby authorized to take reasonable measures to implement and enforce the provisions of this section.

#### **33-5901. Short title.**

This chapter shall be known and may be cited as the "Idaho School Safety and Security Act."

#### **33-5902. Legislative intent.**

It is the intent of the legislature that the purpose of this chapter is to:

- (1) Promote the safety and security of the students attending the public educational institutions of the state;

- (2) Provide recommendations, systems and training to assist public educational institutions at all levels for the safety and security of students;
- (3) Enhance the safety and security resources available to public educational institutions;
- (4) Ensure that periodic security assessments of statewide public educational institutions are conducted and reported;
- (5) Ensure that surveys are conducted and research information is reported to appropriate parties;
- (6) Promote the use of technical methods, devices and improvements to address school security;
- (7) Encourage the recognition of security design to be incorporated in future construction or renovation of public educational institutions; and
- (8) Provide written reports of security assessments to appropriate school administrative authorities.

**33-5903. Definition.**

For the purposes of this chapter, "public educational facility" means all structures and buildings existing now or constructed in the future that are owned, leased or used by public educational institutions, which include public colleges, public community colleges, public universities, public school districts, public charter schools, or a school for children in any grade kindergarten through 12 that is operated by the state of Idaho receiving state funding.

**33-5904. Office of school safety and security.**

- (1) There is hereby established in the Idaho division of building safety the office of school safety and security. The administrator of the division of building safety may hire a manager of the office of school safety and security who shall be responsible for the performance of the regular administrative functions of the office and other duties as the administrator may direct. The manager of the office of school safety and security shall be a nonclassified employee. The administrator of the division of building safety may employ persons in addition to the manager in other positions or capacities as he or she deems necessary to fulfill the responsibilities of the office of school safety and security as set forth in this section. The administrator shall provide an office, office equipment and facilities as may be reasonably necessary for the proper performance of the duties of the office manager and other office personnel.
- (2) The administrator of the division of building safety and the manager and other personnel of the office of school safety and security may enter all public educational facilities in this state at reasonable times to conduct annual assessments for consistency with the school safety and security guidelines developed by the Idaho school safety and security advisory board. To the extent possible, such assessments should occur simultaneously with inspections conducted pursuant to section 39-8008, Idaho Code. The office of school safety and security shall prepare a written report for each security assessment it conducts. At a minimum, such reports shall include any safety or security vulnerabilities found in the subject school and recommendations for remedying such vulnerabilities. The office shall provide a copy of the report to the local education agency and to the school principal or president. The office shall also prepare an annual report, a copy of which shall be submitted to the state board of education and to the Idaho school safety and security advisory board each year.
- (3) Upon request of any public educational institution, the office of school safety and security shall provide training and technical assistance on best practices and resources for school safety and security as set forth in the guidelines established by the Idaho school safety and security advisory board.
- (4) The Idaho division of building safety may receive grant moneys on behalf of the office of school safety and security to carry out the responsibilities of the office.

(5) On July 1 of each year, or as soon as practicable, the state controller shall transfer three hundred thousand dollars (\$300,000) from the public school income fund to the division of building safety's miscellaneous revenue fund 0349 for the purposes of this section.

**33-5905. Idaho school safety and security advisory board.**

(1) There is hereby established in the Idaho division of building safety the Idaho school safety and security advisory board. The advisory board shall consist of thirteen (13) members as follows:

(a) Four (4) members appointed by the governor as follows:

- (i) One (1) parent of a student who attends an Idaho public school;
- (ii) One (1) teacher who teaches in an Idaho public school;
- (iii) One (1) representative of a local school board; and
- (iv) One (1) representative of school superintendents;

(b) One (1) representative from the office of the state superintendent of public instruction;

(c) One (1) representative from the state board of education;

(d) One (1) representative from the Idaho state police;

(e) One (1) representative from the Idaho chiefs of police association;

(f) One (1) representative from the Idaho sheriffs' association;

(g) One (1) representative from the Idaho office of emergency management;

(h) One (1) representative from the Idaho fire chief's association; and

- (i) Two (2) representatives from the state legislature that shall include one (1) member from the senate appointed by the president pro tempore of the senate and one (1) member from the house of representatives appointed by the speaker of the house of representatives.

(2) The members of the advisory board shall serve the following terms:

(a) The gubernatorial appointees shall serve terms of three (3) years.

(b) All other members shall serve terms of two (2) years.

(3) A vacancy on the advisory board shall be filled in the same manner as the original appointment and for the balance of the unexpired term.

(4) The advisory board shall appoint a chairperson from among its members for a term certain.

(5) The members of the advisory board shall be compensated as provided in section 59-509(b), Idaho Code.

(6) The advisory board shall meet at least annually but may meet more frequently subject to the call of the chairperson.

**33-5906. Powers and duties of the Idaho school safety and security advisory board.**

The Idaho school safety and security advisory board shall:

(1) Develop, annually review and modify, if necessary, school safety and security guidelines for the office of school safety and security to use in conducting its annual assessments, training and technical assistance pursuant to section 33-5904, Idaho Code;

(2) Regularly assess safety and security resources that may be used in public educational facilities; and

(3) On or before February 1 of each year, report to the legislature and to the governor on the status of school safety and security in the Idaho public educational facilities.

## **REGULATIONS**

No relevant regulations found.

## State-Sponsored, Publicly Available Websites or Other Resources on School Discipline

Safe, supportive learning environments use disciplinary policies and practices that help students stay out of the justice system, while ensuring academic engagement and success for all students. The following resources provided by Idaho provide additional context to state policy and regulations and, in some cases, may support the readers' efforts to provide a positive disciplinary school climate.

Title	Description	Website address (if applicable)
<i>Website</i>		
Safe and Drug Free Schools, Idaho State Department of Education (ISDE)	Provides comprehensive resources and materials addressing bullying prevention and school safety, including links to documents, Frequently Asked Questions (FAQs), training conference information, and other resources.	<a href="http://www.sde.idaho.gov/student-engagement/sdfs/">http://www.sde.idaho.gov/student-engagement/sdfs/</a>
<i>Documents</i>		
HB 750 Schools Bullying, Penalties (Amended 2016), Idaho Legislature	Idaho anti-bullying law that builds on the original law. This bill describes penalties given to those found guilty of bullying.	<a href="https://legislature.search.idaho.gov/search?IW_FIELD_TEXT=bullying&amp;IW_DATABASE=*">https://legislature.search.idaho.gov/search?IW_FIELD_TEXT=bullying&amp;IW_DATABASE=*</a>
Statute 18-917A. Student Harassment, Intimidation, and Bullying (2006), Idaho Legislature	Idaho anti-bullying law stating that no student or minor shall harass, intimidate, or bully another student or minor. Defines harassment, bullying, and intimidation.	<a href="https://legislature.idaho.gov/statutesrules/idstat/title18/t18ch9/sect18-917a/">https://legislature.idaho.gov/statutesrules/idstat/title18/t18ch9/sect18-917a/</a>
The Educator's Guide to Student Discipline and Supports A Practical Legal Guide for School Personnel in Idaho (August 2018), ISDE	Legal guide for school personnel addressing general discipline and discipline for students with disabilities, including discipline options, discipline of students for misconduct occurring off school grounds, weapons violations, threats of harm or violence, free-speech issues, search and seizure, constitutional due process, and procedures for suspension and expulsion.	<a href="https://www.sde.idaho.gov/sped/sped-manual/files/chapters/chapter-12-discipline/The-Educators-Guide-to-Student-Discipline-August-2018.pdf">https://www.sde.idaho.gov/sped/sped-manual/files/chapters/chapter-12-discipline/The-Educators-Guide-to-Student-Discipline-August-2018.pdf</a>
<i>Other Resources</i>		

Title	Description	Website address (if applicable)
2019 Idaho Youth Risk Behavior Survey Results, ISDE	Survey results of Idaho's Youth Risk Behavior Survey (YRBS) conducted by the State Department of Education (SDE) every two years to help guide school districts, educators, and numerous other organizations in their efforts to meet students needs, secure funding and assess trends over time.	<a href="https://www.sde.idaho.gov/student-engagement/school-health/files/youth/Youth-Risk-Behavior-Survey-Results-2019.pdf">https://www.sde.idaho.gov/student-engagement/school-health/files/youth/Youth-Risk-Behavior-Survey-Results-2019.pdf</a>
Bullying Reporting Instructions, ISDE	Instructions to report bullying incidents required by <a href="#">Idaho Code 33-1631</a> . The reporting of bullying incidents is imbedded within the <a href="#">Safe and Drug Free Schools application</a> which includes definitions and reporting parameters. The form is designed to satisfy reporting requirements.	<a href="https://www.sde.idaho.gov/student-engagement/sdfs/files/application/Bully-Data-Guidance.pdf">https://www.sde.idaho.gov/student-engagement/sdfs/files/application/Bully-Data-Guidance.pdf</a>