



Idaho Education Code for Districts, Charters, and Innovation Schools: Fall 2016

(All codes listed here apply to District schools)

TITLE 33, CHAPTER 1, STATE BOARD OF EDUCATION			Mandatory for:	
Statute	Description	Statute Summary	Charter Schools	Innovation Schools
33-119	Accreditation of Secondary Schools - Standards for Elementary Schools	The State Board of Education establishes standards for accreditation, and may withdraw accreditation if it is determined that the school has neglected to comply with the standards. Sets forth the definition of a secondary school and an elementary school.	Yes, for secondary schools (9-12). Optional for K-8.	*
33-122	Sanitation - Safety - Cooperation with Other State Agencies	The state board, in cooperation with the Board of Health and Welfare, will establish regulations concerning public health. If the board has a reason to believe that a building is structurally unsound causing a hazard to pupils it has the authority to conduct an exam of the building and transmit a copy to the board of trustees of the school district.		*
33-130	Criminal History Checks for School District Employees or Applicants for Certificates or Individuals Having Contact with Students - Statewide List of Substitute Teachers	The DOE in cooperation with the Idaho State Police will establish a criminal history check on certified and noncertified employees, substitute staff, individuals involved in student training, and individuals who have unsupervised contact with pupils in a K-12 setting. This check at the minimum includes checking fingerprints with the Idaho Bureau of criminal identification, the FBI criminal history check, and the statewide sex offender register.	*	*

Blum would like to thank the many people who made this work possible, including Chris Yorgason of Yorgason Law PLLC, who oversaw the project, Professor Sarah Haan of the University of Idaho College of Law for facilitating the project, and Jordan Harshfield, law student at the University of Idaho College of Law for conducting the research reported herein.

33-133	Definitions - Student Data - Use and Limitations - Penalties	Defines: agency, aggregate data, board, data system, department, district, personally identifiable data, provisional student, student data, student educational record, student education unique identification number, violation. The executive office of the state board of education is the entity responsible for implementing the provisions.	*	
--------	--	--	---	--

TITLE 33, CHAPTER 2, ATTENDANCE AT SCHOOLS

Mandatory for:

Charter Schools Innovation Schools

Statute	Description	Statute Summary	Charter Schools	Innovation Schools
33-201	School Age	All residents of the state between the ages of 5 and 21. For children with disabilities who qualify for special education the school age begins at age 3 and continues until age 21.		
33-202	School Attendance Compulsory	When a child is between the ages of 7-16 they must be instructed in subjects commonly and usually taught in public schools of the state of Idaho. This can be accomplished through private, public, charter, or homeschooling.	*	
33-203	Dual Enrollment	A student of a non-public school is allowed to enroll in a public school, pursuant to the board of trustees' procedures.	*	
33-204	Exemption for Cause	If a licensed physician/psychiatrist states in writing to the board of trustees of a school district that the physical, mental, or emotional state of a child does not permit attendance at school and the parents/guardian of the child files a petition with the board, it is at the board's discretion whether to grant the petition.		
33-205	Denial of School Attendance	The board of trustees may deny enrollment, by expulsion, to a pupil who is a habitual truant, incorrigible, or has disruptive conduct. The board must expel for a period of not less than 1 year. Written notice must be given to the parent/guardian stating the grounds for expulsion. A pupil may also be suspended for disciplinary reasons not exceeding 5 days.	*	
33-206	Habitual Truant Defined	Habitual truant is any public school pupil who has repeatedly violated attendance regulations by the board. A habitual truant pupil will come under purview of the juvenile corrections act.	*	
33-207	Proceedings Against Parents or Guardians	If a parent/guardian of any child between the ages of 7 and 16 has neglected/refused to place child in school or knowingly allowed the pupil to become a habitual truant proceedings will be brought against the parent/guardian. If it is determined by the board of trustees that a pupil is a habitual truant they will notify a prosecuting attorney of the pupil's residence.		

33-208	Kindergartens and Child Attendance Not Compulsory	It is not mandatory for a child who is eligible by age for attendance to enroll in an established public kindergarten.		
33-209	Transfer of Student Records - Duties	A transferring student's previous school will be requested to forward the pupil's previous school records including violent, disruptive behavior, or disciplinary action (in sealed envelope marked confidential) or the parent/guardian can furnish this information. If the parents fail to do so, this is adequate grounds to deny enrollment or suspend or expel pupil if already enrolled.		
33-210	Students Using or Under the Influence of Alcohol or Controlled Substances	It is the duty of the board of trustees to implement policies specifying how to respond when a student discloses/reasonably suspected of being under the influence. These policies must include: anonymity. Students may be disciplined, and law enforcement may be contacted, along with the student's parents/guardians. Administration who reports a student will have immunity from liability. Defines: reasonable suspicion, intentionally harass, and course of conduct.	*	
33-211	Student Driver's Licenses	The board of trustees of a school district are authorized to administer the district's portion relating to driver's licenses and school attendance.		

TITLE 33, CHAPTER 3, SCHOOL DISTRICTS

Mandatory for:

Charter Schools Innovation Schools

Statute	Description	Statute Summary		
33-301	School District Bodies Corporate	Each school district is declared to be a body corporate and politic and in its corporate capacity may sue and be sued.		
33-302	Classification of School Districts	Elementary school districts: grades 1-8 (and may have kindergarten). All other school districts: grades 1-12 (and may have kindergarten) and maintain secondary schools (grades 7-12) or combo.		
33-303	Reclassification of School Districts	If the board of trustees of an elementary district proposes to submit a re-establishment shall first petition the state board of education to reclassify the district. The petition must be in writing and contain information necessary for the board to determine the feasibility of the re-classification.		

33-304	Joint School Districts	In joint districts, the duties and records are to be performed or kept by the commissioners and other county officers in each county. One of the counties where a joint district lies is the home county of the district and gives notice of this designation to the board of county commissioners in each county where the district lies.		
33-305	Naming and Numbering School Districts	Use the following format: "School District No., County, State of Idaho"		
33-306	Boundaries of School Districts	No part of the area in the state shall not be included in the area of a school district. The state board of education will keep the descriptions of the boundaries.		
33-307	Correcting or Altering School District Boundaries	If the state board of education determines that the boundaries need to be altered they shall make and order to the board of trustees affected by the change. Within 30 days of this order the state tax commissioner and county assessor will correct the boundaries.		
33-308	Excision and Annexation of Territory	A board of trustees in a district that resides in an area of not more than 50 miles within there is no schoolhouse may petition in writing proposing an annexation of the area to another school district. The petition must follow all the requirements in this chapter.		
33-309	Lapsed Districts - Annexation	If the state board of education finds that any school district has not operated for a period of 1 year, the average attendance is less than 5 pupils, and has an insufficient number of members on the board, they can declare the district to be lapsed. A public hearing will be held in this matter.		
33-310	Consolidation of School Districts	The board of trustees of 2 or more districts may submit to the state board a plan for consolidation of their districts into a single district. This plan must include the provisions set forth in this section.		
33-310A	Consolidation of Contiguous School Districts	Additions to procedures in 33-310.		
33-310B	Feasibility Study and Plan for Consolidation	Districts that have 1+ high schools can conduct a feasibility study and prepare a plan for consolidation. The cost of the plans will be reimbursed if not exceeding \$10,000 per school district. The state board of education reviews the plans for consolidation.		

33-311	Plan of Consolidation Submitted to State Board of Education	The state board may approve or disapprove the plan proposing consolidation and give notice of this decision. Not more than 10 days after receiving a notice of approval the county commissioners shall enter an order calling for an election or approving or disapproving consolidation.		
33-312	Division of School District	A district may be divided to form no more than 2 districts. This proposal is initiated by the board of trustees to the state department of education. A hearing must be held before the proposal is submitted. The state department will notify the state board of education who will approve or deny such request.		
33-313	Trustee Zones	Each elementary district are divided into 3 trustee zones with no less than 5, but no more than 9 trustee zones.		
33-314	Appeal from Order of State Board of Education	Any order of the state board of education may be appealed to the district court of any county where the district lies. Pleadings and papers must be filed not more than 60 days after notice of the order appealed, and 2 copies must be made upon the state superintendent of public instruction.		
33-315	Cooperative Educational Services - Legislative Intent Declared	The state legislature encourages school districts to cooperatively provide education services that they are unable to offer on their own or which can be provided more economically/efficiently in combo with other districts.	*	
33-316	Cooperative Contract to Employ Specialized Personnel and/or Purchase Materials	Trustees of 2+ districts may cooperatively enter into contracts to employ specialized personnel/ purchase materials that are necessary/desirable for the conduct of business.	*	
33-317	Cooperative Service Agency - Powers - Duties - Limitations	2 or more districts may join together for educational purposes to form a service agency to purchase materials/provide services. This agency can have by-laws and may sue and be sued.		
33-317A	Legislative Intent - Cooperative Service Agency - School Plant Facility Levy	Cooperative service agency may request from its districts additional funding.		

33-318	Fair Share of Expenses - Appropriation from School District Funds	Trustees can appropriate funds from school districts and pay to the service agency an amount determined by the governing body of the agency for the services and materials received from a cooperative service agency.		
33-319	Rural School Districts - Rural Public Charter Schools	A district is considered rural if: there are fewer than 20 enrolled students per square miles, or the county contains less than 25,000 residents.	*	
33-320	Continuous Improvement Plans and Training	Each district shall formulate an annual plan of improving student performance. The board of trustees and superintendent will collaborate to create this plan. The plan must be reviewed and updated annually no later than October 1st and must be available for the public.	*	
33-351	Subdistricts - Authority to Establish - Election	If any district that operates 2 or more high schools wishes at anytime, they may petition for a subdistrict that must include the signatures of 50 electors.		
33-352	Establishment	When there is a proposition for the creation of a school subdistrict that has been approved, the board of trustees of the school district must enter in its minutes an order providing for the establishment and creation of the subdistrict.		
33-353	Nature and Powers	Each subdistrict is a political subdivision of the state of Idaho and shall have the power to order, conduct, and hold all elections in school subdistricts.		
33-354	Indebtedness - Bond Issues	School subdistricts may submit to the qualified electors of the subdistrict the question of whether the governing body shall be empowered to issue negotiable bonds in an amount and for a period of time to be named in the election. This shall be approved only if the vote is a majority.		
33-355	Levy for Plant Facilities Reserve Fund - Election	The governing body of a school subdistrict can call an election in the subdistrict for the purpose of submitting to the qualified school electors the question of a levy by a subdistrict of a school plant facilities reserve fund tax.		
33-356	School building Design and Energy Efficiency	School districts may seek to qualify for a reduction in building replacement calculations for qualified, newly constructed buildings (33-1019). In order to do this, an integrated design practice and fundamental commissioning statement must be submitted.		
33-357	Creation of Internet Based Expenditure Website	Each education provider must develop and maintain a publically accessible website where expenditures are posted. The requirements are outlined in this section.	*	

TITLE 33, CHAPTER 4, SCHOOL ELECTIONS			Mandatory for:	
Statute	Description	Statute Summary	Charter Schools	Innovation Schools
33-401	Legislative Intent	Title 18 and 34 are fully applicable to school elections.		
33-402	Notice Requirements	Notice of annual meetings, intent to discontinue schools, and annual budget hearings must be published once in a newspaper of general disbursement for not less than 10 days. Proof of posting notice shall be upon the person posting.		
33-404	Places Elections to be Held	All of the polling places are set forth in 34-302.		
33-405	Qualifications of School Electors	Any person voting or offering to vote must be 18 years old and a US citizen who has resided in the state for at least 30 days. For election of trustees the elector must be a resident of the same trustee zone for at least 30 days. The elector may be required to prove residency.		

TITLE 33, CHAPTER 5, DISTRICT TRUSTEES			Mandatory for:	
Statute	Description	Statute Summary	Charter Schools	Innovation Schools
33-501	Board of Trustees	Each district shall be governed by a board of trustees that consists of 3-5 members. Each trustee must be a district elector and a resident of said district.		
33-502	Declarations of Candidacy for Trustees	Any person legally qualified to be a trustee can file a declaration of candidacy for office and filed it with the clerk of the board of trustees of the school district.		
33-502B	Board of Trustees - One Nomination - No Election	If there is an election for trustees and only one qualified candidate has been nominated and has provided to the district's board clerk the signatures of 5 electors of the specific zone, then no election will be held.		
33-503	Election of Trustees - Uniform Date	The election date for trustees is the third Tuesday in May of odd numbered years. The candidate with the most votes wins, but if there is an equal number of votes it is determined by the toss of a coin. Provisions 67-6601 through 67-6616 and 67-6623 through 66-6630 apply to this section.		

33-504	Vacancies on Boards of Trustees	A vacancy is declared by the board of trustees when an elected nominee has failed to qualify for office, or within 30 days of when a trustee: dies, resigns, removes oneself, is no longer a resident, refuses to serve, etc. This vacancy will be declared at a regular meeting of the board of trustees. A new qualified person will be appointed within 90 days of the declaration of vacancy.		
33-505	Board of Trustees, District Newly Created	Within 10 days after the entry of any order creating a new school district the trustees of all school districts involved will meet at the call of the state superintendent of public instruction and will select a board of trustees for the new district. The state board of education will be notified of the new board of trustees.		
33-506	Organization and Government of Board of Trustees	Each board of trustees will organize its annual meeting and elect officials (chairman, vice-chairman, clerk, and treasurer). Each member of the board will be compensated for travel to and from the meeting from school funds. The board has the duties to: make bylaws, call special meetings, and employ an attorney or attorneys.		
33-507	Limitation upon Authority of Trustees	It is unlawful for any trustee to have pecuniary interest. No spouse of a trustee may be employed by a school district of greater than 1200 students in the prior school year.		
33-508	Duties of Clerk	Clerk duties are prescribed by the board, must attend all meetings of the board, keep record of the proceedings, record all matters required by law (which are open to inspection by any person). When the clerk does not attend meetings a temp clerk will be appointed. The clerk may be placed under a fidelity bond.		
33-509	Duties of the Treasurer	Treasurer is placed under fidelity bond issued by company authorized to do business in Idaho, or under a personal bond with at least two securities on the bonds. If there is less than 6 teachers in the district of an elementary district the treasurer will serve for the district. They account for the deposit of all moneys of the district.		
33-509A	Assistant Treasurers	An assistant treasurer can be elected and will be under the supervision and direction of the treasurer, and may perform the duties of a treasurer if authorized by the board.		
33-510	Annual Meetings - Regular Meetings - Boards of Trustees	Annual meeting are in July. Regular meetings are monthly. Special meetings can be held at any time. All questions are determined by a majority of the vote cast. Must conform with chapter 2 title 74.		
33-511	Maintenance of Schools	Lays out the powers and duties of board of trustees.		

33-512	Governance of Schools	The board can fix days and hours when schools shall be in session so long as they implement a school calendar with the minimum required instructional hours. Continues with more powers and duties of the board of trustees.		
33-512A	District Curricular Materials Adoption Committee	Board of trustees may appoint a curricular materials adoption committee to advise the board on selection of curricular materials. Must contain 1-4 members who are not public educators or trustees. All meeting by the committee are open to the public, and the public has the right to inspect instructional materials except student's tests.		
33-512B	Suicidal Tendencies - Duty to Warn	Neither a teacher nor a school district have the duty to warn of suicidal tendencies of a student absent direct evidence. Direct evidence is conclusive and does not need inference and shall be determined by the court as a matter of law.		
33-512C	Encouragement of Gifted Students	If a student before grade 9 completes a high school course with a C or above, the student shall be given credit which will transfer to the student's high school transcript.		
33-513	Professional Personnel	Board of trustees has the power to employ assistant superintendents and principals for a term that does not exceed 2 years.	33-513(1)¶4	
33-514	Issuance of Annual Contracts - Support Programs - Categories of Contracts - Optional Placement	Board of trustees shall implement supervision and evaluation for employees who are not on a renewable contract. There are three categories of contracts (1, 2, and 3 respectively). Must be one written evaluation in each contract year of employment, completed prior to the 1st of January,		
33-514A	Issuance of Limited Contract - Category 1 Contract	Board of trustees may employ certified personnel to a one-year contract consistent with section 514. No further notice is required terminate. EFFECTIVE UNTIL JULY 1, 2018.		
33-515	Issuance of Renewable Contracts	After 3 years of continuous employment by the same district, employees shall be evaluated for a renewable contract. The terms of the contract may be altered.		
33-515A	Supplemental Contracts	Board of trustees may enter into supplemental contracts to provide extra duty or extra day assignments for certified employees.		
33-516	Right to Renewable Contract when District is Divided, Consolidated or Reorganized	If there is a division or consolidation of a district, the position held by a teacher entitled to a renewable contract will be transferred to the new board of trustees.		

33-517	Noncertificated Personnel	Board of trustees has the power to provide hiring and evaluation procedures, provide grievance procedures for noncertified employees.	*	
33-517A	School Districts - Noncertificated Employees - Group Health Insurance	The board of trustees shall provide the same group health insurance benefits to all noncertified employees who work more than 20 hours a week.		
33-518	Employee Personnel Files	The board of trustees shall provide for establishment/ maintenance of a personnel file for all employees of the district. The file must contain all relevant materials to evaluation.		
33-519	Release for Religious Instruction	With application of parent/guardian, a student in grade 9-12 attending public school may be excused from school up to 165 hours per year for religious or other purpose.		
33-520	Policy Governing Medical inhalers, Epinephrine Auto-Injectors, Insulin and Blood Glucose Monitoring Supplies	The board of trustees permits the self-administration of medication administered by way of metered dose inhaler by a pupil for asthma or other potentially life threatening respiratory illness or by way of Epi pin.		
33-520A	Life-Threatening Allergies in Schools - Guidelines, Stock Supply of Epinephrine Auto-Injectors and Emergency Administration	Defines: administer, designated school personnel, epinephrine auto injector, provide, school, self-administration. The governing authority may authorize the school nurse and designated personnel to provide Epi pen to student in accordance with prescription, administer Epi pen shot. School must maintain a stock supply of Epi pen and submit a report each year.		
33-521	Employee Severance in Consolidated District	Board of trustees newly formed within 12 months through the consolidation of 2 or more districts may offer 1 severance payment to a maximum of 10% of the employees that were previously employed by the separate school districts. This is at the discretion of the board.		
33-522	Financial Emergency	Before a financial emergency is declared the board of trustees must hold a public meeting to find a solution. The state board of education determines if there is a financial emergency.		
33-522A	Reduction in Force Defined	Reduction in force: program changes, decrease in enrollment, staffing limitations.		

TITLE 33, CHAPTER 6, SCHOOL PROPERTY			Mandatory for:	
Statute	Description	Statute Summary	Charter Schools	Innovation Schools
33-601	Real and Personal Property - Acquisition, Use or Disposal of Same	Provides the method for designating and purchasing real property necessary for school purposes or disposing of real property, including appraisal requirements.	33-601(3); 33-5204(3)	
33-601A	Leasing of Goods, Equipment, Buses and Portable Classrooms	No provision in chapter 6 shall be construed to prevent a board from entering into lease agreements for goods, equipment, buses, or portables so long as they meet the requirements.		
33-602	Use of School Property or Buildings for Senior Citizens	A board has the power and ability to authorize use of the school building for the operation of a senior citizen center.		
33-603	Payment of Fees or Returning of Property	The board has the ability to require as a condition of graduation/issuance of a transcript/diploma that all indebtedness by the student be satisfied.		
33-604	Renewable Thermal Energy	The board is empowered to establish and contract for thermal heating and cooling energy generation.		
33-605	Sales of Excess Energy	If the school operates an energy system that is described in 33-604, the board may use, sell, or exchange excess thermal hot water/chilled water so long as the sale will benefit the school district and is in a written contract.		

TITLE 33, CHAPTER 7, FISCAL AFFAIRS OF SCHOOL DISTRICTS			Mandatory for:	
Statute	Description	Statute Summary	Charter Schools	Innovation Schools
33-701	Fiscal Year - Payment and Accounting of Funds	Fiscal year is 12 months starting from the first day of school in July. This section outlines powers of the board of trustees including: determine and pay all lawful expenses for salaries, invest in plant reserve fund, insure any school property, pay from general fund to traveling board members, prepare annual statement of fiscal condition, to cause audit of financial statements of districts, file reports with state board, order to have all canceled checks/warrants destroyed, review budget periodically.	Sections 5 through 10	

33-702	School Warrants -- How Drawn	If the board of trustees has ordered a payment and the payment is not paid by regular bank check the clerk of the board shall issue a district warrant and shall sign. Must be paid within 1 year.		
33-703	Call of Warrants for Payment	The treasurer of each school district shall issue a call for warrants, which sufficient money is available, to pay on the first Monday of every month.		
33-704	Warrants not Presented within Two Years Void	All warrants that are not paid within 2 years after being called are void and constitute no claim against the school, and the treasurer is authorized to transfer monies set aside for the payments of such warrants.		
33-705	Activity Funds	Board of trustees must create a fund for the purpose of controlling and accounting for receipts, deposits, expenditures, and fund balances arising from: interscholastic activities, sale of yearbooks, student fee collections, activities that benefit all students, vending machines. For each fund the board must have policies describing the nature/type of expenditure, requirements.		

TITLE 33, CHAPTER 8, BUDGET AND TAX LEVY

Mandatory for:

Statute	Description	Statute Summary	Charter Schools	Innovation Schools
33-801	School District Budget	The board of trustees must have prepared a budget no later than 28 days, or 14 for limited circumstances (33-804) prior to the annual meeting, and have a public hearing on said budget.		
33-801A	General Fund Contingency Reserve	The board can create a general fund contingency reserve within the annual budget, not exceeding 5% of the total budget.		
33-802	School Levies	If the board determines and makes a levy allowed in 33-802 it shall take into consideration state bond levy funds provided in section 33-906.		
33-802A	Computation of Bond and Bond Interest Levies	When the board of trustees determines to make a levy and incorporates such as part of the budget, it must take into account any state bond levy equalization funds.		
33-803	Levy for Education of Children of Migratory Farm Workers	If there is a school district in which there is any farm labor camps and the children of migratory farm workers housed there attend the schools of that district, the board may make a levy not exceed .1% of the market value on all taxable property within the district.		

33-804	School Plant Facilities Reserve Fund Levy	Cannot exceed .4% of market value for assessment purposes of the previous year. The amount specified is only approved if the specifications are met in this section.		
33-804A	School Plant Facilities Reserve Fund Levy for Safe School Facilities	Public school facility means a physical plant of improved or unimproved real property owned and operated by district. School plant facilities reserve fund levy may be in effect beyond 10 years but not exceeding 20 years.		
33-805	School Emergency Fund Levy	Board of trustees may request a school emergency fund levy upon all taxable property in the district. An algorithm must be followed in this section to determine the amount.		
33-807	Certification of Levies	The board shall no later than the 2nd Monday of September each year certify any levies to the board of county commissioners in each county where the district lies.		
33-808	Notice of Adjustment to Market Value for Assessment Purposes upon Termination of a Revenue Allocation Area	A charter district with an operating levy in the immediately previous year relating to termination of a revenue allocation area must advertise its action by publishing in at least the newspaper.		

TITLE 33, CHAPTER 9, SCHOOL FUNDS

Mandatory for:

Statute	Description	Statute Summary	Mandatory for:	
			Charter Schools	Innovation Schools
33-901	School Plant Facilities Reserve Fund	The board of trustees may create a school plant facilities fund by adopting it at a special meeting. All moneys are appropriated from the general fund and shall be credited to the treasurer to the reserve fund. Disbursements from said fund are determined by the board.		
33-902	Public School Permanent Endowment Fund	Fund is perpetually appropriated for the beneficiaries of the endowment.		
33-902A	Public School Earnings Reserve Fund	Managed and invested by the endowment fund investment board. Consists of: earnings from permanent endowment fund, proceeds from timber of endowment lands, proceeds from leases on endowment lands, etc.		
33-903	Public School Income Fund	Consists of: reserve fund moneys, all state taxes levied for public school purposes, grants to public schools, 90% of moneys received from fed govt. from sales, royalties, bonuses, rentals, legislative appropriations. Funds shall be used to benefit beneficiaries of fund.		

33-904	County School Fund	The proceeds of moneys collected from fines, forfeitures or breaches of penal laws.		
33-905	School District Building Account -- Payments to Account -- Moneys Appropriated to State Board -- Application for Moneys -- Payments to Districts -- Reports on Allocations -- Uses of Moneys	Building account is paid into by appropriations provided by law. If the amount is more than needed, it is transferred to the educational stabilization fund. By no later than August 1st the fund will be distributed.		
33-906	Bond Levy Equalization Support Program	Districts with a value index below 1 are eligible to receive additional state financial assistance. This may not be utilized to refinance existing debt. Districts must report annually the status of all conditions to the state department of education by January 1.		
33-906A	Bond Levy Equalization Fund	Moneys from this fund are exclusive to payments authorized by the bond levy equalization program (33-906).		
33-906B	Value Index Calculation	Based on market value per support unit, the average adjusted unemployment rate, and the per capita income.		
33-907	Public Education Stabilization Fund	Consists of moneys transferred to the funds pursuant 33-905 & 33-1018. Any excess will be transferred to the bond levy equalization fund.		
33-909	Public School Facilities Cooperative Funding Program -- Fund Created	Must provide safe environment conducive to learning. An application must be submitted to participate in the program.		
33-910	Broadband Infrastructure Improvement Grant Fund -- Rulemaking -- Definitions	Moneys made available through legislative transfers or appropriations. There will be a grant application for the fund. Defines E-rate eligible entity.		

TITLE 33, CHAPTER 10, FOUNDATION PROGRAM - STATE AID - APPORTIONMENT			Mandatory for:	
Statute	Description	Statute Summary	Charter Schools	Innovation Schools
33-1001	Definitions	Defines all words/phrases used in this chapter including but not limited to: administrative schools, administrative staff, average daily attendance, career ladder, compensation rung, elementary grades, etc.		
33-1002	Educational Support Program	State educational support funds = state appropriation + moneys available income fund + misc. revenues. From the total state funds subtract appropriate amounts from the list in this section. No district shall receive less total money that it would receive if it had a lesser average daily attendance unit. EFFECTIVE UNTIL JULY 1, 2019.	*	
33-1002B	Pupil Tuition-Equivalency Allowances	Districts which educate pupils placed by Idaho court order in licensed homes, agencies, institutions or juvenile detention facilities shall be eligible for an allowance equivalent to forty-two percent (42%) of the previous year's gross per pupil cost calculated on a daily basis.		
33-1002C	Summer School Program Support Units - Alternative School - Juvenile Detention Facility	Summer programs not less than 225 hours of instruction may be established by the state board of education. Alternative school full term attendance is used to calculate support units. If placed in juvenile detention the facility may establish a summer program.	*	
33-1002E	Pupils Attending School in Another State	If a district abuts the border of another state the resident pupil of the district may attend school in the other state.		
33-1002F	Alternative School Report	The department of Education shall file a report of the alternative school programs prior to the 10th legislative day. If the district is receiving money for the alt. school they shall file with the state department of education on July 1st annually.		
33-1002G	Career Technical School Added Costs Support Program	Districts may establish career technical schools that qualify for funding for the specific purpose of supporting the added cost of the school. Must meet 4 of the 5 criteria listed: serves students from 2 or more zones, majority of class offerings are dual credits, at least 1 supervised field visit, school is administered and funded as separate school, located at a separate site from regular high school.		

33-1003	Special Application of Educational Support Program	For districts that have a decrease in attendance (ADA) of 3%, the allowance in education support program will be based on the previous year - 3%.		
33-1003A	Calculation of Average Daily Attendance	Entire school year used, except the 28 weeks having the highest attendance may also be used.		
33-1003C	Special Application - Technological Instruction	A district may use pupil's documented contact hours on individualized computer education or distance learning to determine average daily attendance. (subject to provisions)		
33-1004	Staff Allowance	Each staff allowance is determined by a series of calculations set forth in this section.		
33-1004A	Experience and Educational Multiplier	Each staff position will be assigned a multiplier based upon a table in this chapter to determine experience.		
33-1004B	Career Ladder	Effective July 1, 2016, all existing pupil service staff shall be placed in a cohort on the career ladder starting with the second cell on the residency/professional compensation rung or the next higher allocation amount than is currently received by the district, or based on the experience and education index pursuant to section 33-1004A, Idaho Code, as applied in fiscal year 2016, whichever is higher.	*	
33-1004C	Base and Minimum Salaries - Leadership Premiums - Education and Experience Index	Paid pursuant to 33-1004(E &J)		
33-1004D	Reporting - Idaho Basic Educational Data System	For each district employee a report will be made to provide individual verification, filed with the state department of education no later than Oct. 15 annually.		
33-1004E	District's Salary-Based Apportionment	Calculations to determine a salary-based apportionment are calculated in this section.		
33-1004F	Obligations to Retirement and Social Security Benefits	The amount allocated is the required amount to meet the employer's obligations to the public employee retirement system and social security.		
33-1004H	Employing Retired Teachers and Administrators	Districts may employ certified teachers/admins who are receiving retirement benefits from a system of Idaho, except those who receive under early retirement plans, and they will be at-will employees. They receive 1 day of sick leave and do not have to be provided with health or life insurance.		

33-1004I	Master Teacher Premiums	A portion of the educational support program will be distributed to full-time staff positions that have earned a master teacher designation.	*	
33-1004J	Leadership Premiums	850 dollars of the educational support program will be distributed to service staff employees for leadership activities. The employee must meet at least one of the many requirements set forth in this section. The state department may require reports of this information.	*	
33-1005	Districts Receiving Federal Funds	Education support programs are computed from average daily attendance.		
33-1006	Transportation Support Program	The state board will determine the costs of transporting pupils. Any costs associated with additional vehicle features that are not part of the basic vehicle are not allowable from this fund.	*	
33-1007	Exceptional Education Program Report	The state department of education will annually report to legislature the status of the exceptional educational support program including information such as: pupils with disabilities/gifted students, the nature of the program, money distributed, students not receiving service. Filed no later than the 15th day of the legislative session.		
33-1007A	Feasibility Study and Plan for School Closures and/or School District Consolidation	The state superintendent of public instruction shall determine reimbursable costs incurred under 33-310B.		
33-1008	Support Program - Elementary District Reclassified	If an elementary district wishes to reclassify as a secondary school district, it can do so and be allowed a support program for the first year of operation. The support program needs to report annually including transportation support program.		
33-1009	Payments From the Public School Income Fund	Payments of general accounts for public school support shall be made each year by the state department of education in 4 payments made no later than: 8/15, 11/15, 2/15, and 5/15.	*	
33-1010	Apportionments when Mines Net Profits Considered	If mine net profits are made in part of the total assessed value of taxable property if they are less than the preceding year equaling 5% or more of total assessed property the state department will subtract the adjusted value for the preceding year and total decrease in mines net profit tax.		

33-1011	Taxes to be Levied by County Commissioners - Determination and Certification	No later than the 2nd of Sept. each year the state superintendent of public instruction determines and certifies the amounts of money as required.		
33-1012	Transmittal of County School Moneys	The county auditor will compute the moneys in the county school fund and be deposited into the public school income fund to be apportioned to the public schools, no later than the 10th day each month.		
33-1013	County Treasurer - County Auditor - Duties	The county treasurer will keep a separate account for each district and place debits and credits into such accounts accordingly giving notice to the clerk of the board, and keep account of the funds arising from tax levies for school purposes.		
33-1015	State Revenue Matching under the National School Lunch Act	If a district employs personnel to operate a lunch program funded under the national school lunch act, all employer paid contributions to the social security admin for the school lunch personnel are paid from funds from public school support.		
33-1017	School Safety and Health Revolving Loan and Grant Fund	A district that does not have financial resources to abate unsafe or unhealthy conditions is eligible to apply for the grant. The repayment method is described in this section as well.		
33-1018	Public School Discretionary Funding Variability	The legislature shall annually state in the appropriation for the educational support program of operations the estimate of the total discretionary funding provided per support unit.		
33-1018A	Other Uses of Public Education Stabilization Fund	If in a fiscal year general fund revenues are inadequate to sustain general fund appropriates for that year then the board of examiners may transfer money from the public education stabilization fund to the general fund.		
33-1018B	School Building Maintenance Matching Funds	If amount of money from the district building account created is insufficient to meet the state matching fund requirements a distribution will be made from the public education stabilization fund.		
33-1019	Allocation for School Building Maintenance Required	Districts shall annually allocate moneys for school building maintenance from any source available to district equal to at least 2% of the replacement value of school building minus the receipt of state funds as provided in this section.	*	
33-1020	Idaho Digital Learning Academy Funding	An amount of the educational support system shall be distributed to support Idaho digital learning academy (33-55).		

33-1021	Math and Science Requirement	In order to meet graduation requirements for math and science moneys shall be distributed to districts to defray the cost of providing additional math and science courses. Money is used to hire additional teachers. This is based on the criteria in this chapter.	*	
33-1023	Moneys Provided from Unanticipated Public Charter School Closure	If a public charter school closes/ceases to instruct during a school year they shall report to the state department of education all newly enrolled pupils and the department will use the report to calculate funding the charter would have received.	*	
33-1024	Online Course Portal	Up to \$150,000 of the educational support program can be used to create an online portal.		
33-1025	Wireless Technology Standards for Funding Purposes	In order to be eligible to receive state funds for wireless technology the district must demonstrate: functionality, validation testing, content filtering and wireless security.	*	

TITLE 33, CHAPTER 11, SCHOOL BONDS

Mandatory for:

Charter Schools Innovation Schools

Statute	Description	Statute Summary	Charter Schools	Innovation Schools
33-1101	Existing Issues Unimpaired	This act shall not impair/disturb bonds, but until they are satisfied in full bonds are entitled to all the support of the law.		
33-1102	Purposes for which Bonds may be Issued	Bonds may be issued to: acquire/improve school sites, build schoolhouses, remove school buildings, remodel buildings, furnish and equip buildings, purchase school buses.		
33-1103	Definitions - Bonds - Limitation on Amount - Elections to Authorize Issuance	Defines: market value for assessment purposes, aggregate outstanding indebtedness, and issue/issued/issuance. The board of trustees can submit a qualified district the questions of whether they shall be empowered to negotiate coupon bonds.		
33-1107	Plan and Form of Bonds	No district bond shall be issued except upon an amortization plan. The first payment shall be payable not more than 2 years from the date of the bonds. Tax levy shall not exceed 10%. Each bond bears the interest from the date issued.		
33-1109	Signature and Recording of Bonds	Each bond must be signed by the chairman of the board of trustees and countersigned by the clerk. All bonds shall be recorded by the treasurer.		

33-1111	Sale of Bonds	School bonds may be sold at private or public sale. Notification needs to be published once in a newspaper of general circulation at least 3 days prior. If at a public sale the bonds need to be described. Payment must be tendered within 10 days of sale.		
33-1112	Payment, Deposit and Use of Funds	All money received from the sale of bonds is to be deposited into the treasury of the district, and immediately available for purposes approved by the electors of the district.		
33-1113	Disposition of Unexpended Balance	If there is a balance of funds from the sale of bonds that is over the amount necessary to meet requirements the balance must be placed in the bond interest and redemption fund.		
33-1114	Levy for Liquidation of Bonded Indebtedness	If it appears that the board of trustees of any district has failed to certify to the board of county commissioners the levy required in 33-802, the board of commissioners will set levies sufficient to meet all accruing bonds.		
33-1115	District Responsible for Bonds	The faith of each district is solemnly pledged for the payment of interest and redemption of principal on all bonds lawfully and validly issued.		
33-1117	Call or Redemption of Bonds - Notice	The board of trustees of a district that has outstanding bonds that are redeemable before final maturity may redeem 1 or more bonds. Notice of redemption must be given in a manner specified.		
33-1118	Compliance with Statute is Notice of Exercise of Option	A compliance with 33-1117 is sufficient notice to the owner of such bonds, and interest shall cease.		
33-1119	Redemption of Bonds held by the State	The treasurer will remit to the department the amount required to pay and redeem. The department of finance shall mark bonds canceled.		
33-1120	Disposition of Money Remaining After Redemption	Money remaining in the bond interest and redemption fund shall be held to apply against the redemption of any other bonds issued by the district, or credited to the school plant facilities reserve fund.		
33-1121	Refunding Bonds and Advance Refunding Bonds	The board of trustees may issue negotiable bonds for refunding any outstanding bond debts. No election is required for this and the maturity of the refunding bonds must not exceed the term of the outstanding bonds exception when there is an extension.		

TITLE 33, CHAPTER 12, TEACHERS

Mandatory for:
 Charter Schools Innovation Schools

Statute	Description	Statute Summary	Charter Schools	Innovation Schools
33-1201	Certificate Required	Teachers, supervisors, admins, education specialist, nurses, librarians must all be certified by the state board of education. Student teachers do not have to be certified. Alternative/limited certification options exist.	*	
33-1201A	Idaho Professional Endorsement - Eligibility	After 3 years of holding a certificate an employee may apply for an Idaho professional endorsement. May provide additional evidence demonstrating effective teaching that may be exceptional for determining proficiency. The state board of education promulgates rules in this section.	*	
33-1202	Eligibility for Certificate	Must be 18+ years old, completed required college training, free from contagious disease, pass criminal history check.		
33-1203	Accredited Teacher Training Requirements	The state board shall not authorize the issuance of any standard certificate premised upon less than 4 years of college training except for specialist certificates including school nurses and librarians.		
33-1204	Validity, Duration, Renewal and Lapse of Certificates	The state board of education shall provide validity, duration, renewal and lapse of certificates. If a certificate holder has found to been convicted of a crime (felony) the certificate will be revoked or suspended.		
33-1205	Certificate Records and Fees	A fee will be charged to each applicant for a certificate, change in certificate or replacement.		
33-1206	Validity of Existing Certificates	All certificates issued on 8/31/1947 are valid		
33-1207	Endorsement and Registration of Certificates	The board of trustees will endorse the certificates prior to the beginning of the first time with district or in the first year of a renewed certificate.		
33-1207A	Teacher Preparation	The state board will review teacher preparation programs and shall assure the course offerings are consistent with the Idaho Comprehensive Literacy Plan. Each school will report to the state board which teachers passed the assessment.		

33-1208	Revocation, Suspension, Denial, or Place Reasonable Conditions on Certificates - Grounds	The professional standards commission may deny, revoke, suspend, or place conditions on certifications based upon: neglect of duty, incompetency, breach of contract, etc. (complete list in section). The professional standards commission may also investigate for allegations of inappropriate conduct.		
33-1209	Proceedings to Revoke, Suspend, Deny or Place Reasonable Conditions on a Certificate - Letters of Reprimand - Complaint - Subpoena Power - Hearing	Professional standards commission may investigate based on a written and signed allegation from an individual or the board of trustees. It must state the specific grounds. To revoke/suspend certification a written complaint will be filed. No more than 30 days after receipt of complaint the revoked certified teacher may request a hearing. No later than 21 days after hearing a decision shall be submitted, this is subject to judicial review.		
33-1210	Information on Past Job Performance	Before hiring, the district shall request the applicant to sign a statement authorizing previous employers, and the applicant will not be hired if they do not do so.		
33-1211	Privileged Communication or Publication	Any publication made by any member of the state board of education shall be subject to disclosure.		
33-1212	School Counselors	Counselor is an individual who meets the requirements from graduate study from a college approved by Idaho state. Social workers meet the requirement.		
33-1212A	College and Career Advisors and Student Mentors	These can be non-certified individuals, but they must have a basic level of training in the area of advising. An annual report of the effectiveness of the program must be submitted.		
33-1216	Sick and Other Leave	Noncertified employees who work more than 20 hours a week and certified employees get one day of sick leave per month. Proof of illness may be required.		
33-1217	Accrued Unused Sick Leave - Transfer	Unused sick leave will accrue from year to year so long as the employee remains in the service of the same district.		
33-1218	Sick Leave in Excess of Statutory Minimum Amounts - Proof of Illness	The board of trustees may establish a period of annual sick leave in excess of the amounts provided herein. This may require proof of illness.		
33-1220	In-Service Training - Halting Service Increments	The board of trustees of any school district may establish for the district, uniform requirements for in-service training of certificated personnel; and the board may upon notice halt teaching service increments otherwise due any such employee upon neglect or failure to fulfill such requirement, until said requirement shall have been met.		

33-1221	Sales of Services or Merchandise Limited	No person employed by a public school shall sell or offer to sell to pupils/parents/guardians any services for use of school connection/activities.		
33-1222	Freedom from Abuse	Certificated employees of every school district shall be free from abuse by parents or other adults, as provided in section 18-916, Idaho Code.		
33-1224	Powers and Duties of Teachers	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 teacher's duty to carry out rules and regulations of the board of trustees.		
33-1225	Threats of Violence - Limitation on Liability	Any threat to commit violence on school grounds is a matter of public concern. Such communication will be subject to liability in defamation by clear and convincing evidence.		
33-1228	Severance Allowance at Retirement	When an employee is separated for retirement, half of the monetary value of the accrued sick leave will be credited to said employee's retirement fund. This is limited to federal tax limits listed in section.		
33-1251	Professional Standards - Title of Act	This act is known as the "public schools professional standards act"		
33-1252	Professional Standards Commission - Members - Appointment - Terms	Professional standards commission consists of 18 members (clarification in section). The state board shall appoint or reappoint members for terms of 3 years.		
33-1253	Chairman and Vice-Chairman - Secretary - Rule Making	At the first meeting a chairman and vice chairman will be named.		
33-1254	Professional Codes and Standards - Adoption - Publication	The commission has the authority to adopt professional codes and standards of ethics, conduct and professional practices. Must be published by the board.		
33-1258	Recommendations to Improve Professional Standard	The commission may make recommendations to the state board in areas as teacher education, certification, and teaching standards to promote professional practices.		

33-1271	School Districts - Professional Employees - Negotiation Agreements	The board of trustees is authorized to enter into a negotiation agreement with the local education organization. Must be negotiated in good faith, may be initiated by either party, must be written evidence, records should be kept, joint ratification made in open meetings.		
33-1272	Definitions	Defines: professional employee, local education organization, negotiations		
33-1273	School Districts - Professional Employees - Negotiations	The local educational organization is the exclusive representative for all professional employees for negotiation purposes.		
33-1274	Appointment of Mediators	If the parties do not come to an agreement one or more mediators can be appointed. The procedures for mediation are determined by the parties.		
33-1275	Terms of Agreements	All agreements have a one-year term from July 1 to June 30. Some can have a non-rolling two-year duration. Compensation means salary and benefits for employees.		
33-1276	Intent of Act	This act is not intended to conflict with the legislature, state board of education or the board of trustees.		
33-1279	Released Time for Service on State Committees and Commission	Each certified employee shall be entitled to release time for service on committees and commissions.		
33-1280	American Indian Languages Teaching Authorization	It is the policy of the state of Idaho to preserve, protect, and promote rights of Indian tribe use, practice, and development of language.		

TITLE 33, CHAPTER 13, EDUCATIONAL INTERPRETERS

Mandatory for:

Charter Schools	Innovation Schools
-----------------	--------------------

Statute	Description	Statute Summary		
33-1301	Short Title	Chapter shall be known at the "Idaho Educational Interpreter Act"		
33-1302	Legislative Findings	The interpreting services in Idaho for students who are deaf, hard of hearing, or deaf/blind needs improvement. Educational interpreters must interpret spoken words, convey concepts and facilitate understanding.		
33-1303	Definitions	Defines: board, bureau, deaf, deaf-blind, educational interpreter, educational interpreter performance assessment, hard of hearing, and interpreting.		

33-1304	Qualification of Educational Interpreters	The person must be qualified to do so by scoring higher than 3.5 on the educational interpreter performance test and is certified.		
---------	---	--	--	--

TITLE 33, CHAPTER 14, TRANSFER OF PUPILS

Mandatory for:

Statute	Schools	Schools	Charter Schools	Innovation Schools
33-1401	Definitions	Defines: districts, residence, home district, creditor district, nonresident, debtor district, elementary pupil, and guardian.		
33-1402	Enrollment Options	If a parent/guardian determines that it is in the best interest of the pupil to attend a school in another district they may be transferred. The parent/guardian must apply annually.		
33-1403	Transfer of Pupils by Initiative of the Board of Trustees	If the board of trustees determines that it is in the best interest of the pupil to transfer to another district the pupil may be transferred upon a mutual decision in writing.		
33-1404	Districts to Receive Pupils	Every school district shall receive and admit pupils transferred thereto, where payment of their tuition is to be paid by the home district, or waived by the receiving district, except when any such transfer would work a hardship on the receiving district.		
33-1405	Rates of Tuition - Tuition Certificates	The state department of education will distribute all forms of a tuition certificate that authorizes the receiving district to charge for the tuition of its nonresident pupils. The state department of education determines the sum of the tuition.		
33-1406	Bills of Tuition	Bills of tuition for nonresidents will be rendered by each creditor district, and shall be submitted to the home districts. It must show the serial number of the tuition certificate.		
33-1407	Payment of Tuition - Suit to Recover Payment	Whenever a district or person liable for payment of tuition fails to pay the district may commence a suit.		
33-1408	Special Levy for Tuition	Districts are authorized to make a levy for the purpose of paying tuition costs.		

Mandatory for:

TITLE 33, CHAPTER 15, TRANSPORTATION OF PUPILS

Statute	Description	Statute Summary	Charter Schools	Innovation Schools
33-1501	Transportation Authorized			

33-1502	Bus Routes - Non-Transportation Zones	The board shall determine bus routes, no later than the regular August meeting, but the routes may be altered due to condition of the roads.		
33-1503	Payments when Transportation not Furnished	If a pupil lives more than 1/2 mile from a bus stop or school of attendance and is driven by a private vehicle, the board may pay the parent up to 10 dollars per month per vehicle.		
33-1504	School Buses	A school bus will have the seating capacity of more than 10 persons, and meets national and state standards.		
33-1505	Seller's Warranty	No contract shall be negotiated for the sale of any school bus which said contract provides for construction not in conformity with those specified by the state board.		
33-1506	Inspection of School Buses	Before each school bus is used for transporting pupils, it shall be inspected by a rep of the state board of education and if it passes inspection it may transport pupils. This is an annual inspection with intervals of 60 days during the school year.		
33-1507	Liability Insurance Related to Transportation	Each bus shall have insurance purchased from companies licensed to operate in this state. This insurance will indemnify the districts.		
33-1508	Operation of School Buses	All school buses must operate in conformity with the law. Buses shall not cross railroads without coming to a complete stop, be operated by anyone without a current commercial driver's license or be operated at any time in excess of maximum occupancy.		
33-1509	School Bus Drivers - Definition - Qualification - Duties - Liability	School bus driver is employed upon written application, must be over the age of 18, good moral character, meet physical exam standards, must have a signed statement from ophthalmologist for vision standards, have a commercial driver's license. School bus drivers while in the course of work shall not be held liable for reasonably acting to aid a rider on the bus who the driver believes is in imminent danger of harm.		
33-1510	Contracts for Transportation Service	All contracts must be in writing executed by the board of trustees and not be in excess of a 5-year term.		
33-1511	State Board of Education - Powers and Duties Related to Transportation	Designate member as supervisor of driver training, adopt minimum standards for construction of buses, approve forms to be used for inspection of buses, authorize transportation conduct, authorize supervision of transportation, withhold transportation funding for noncompliance with requirements.		

33-1512	Leasing of School Buses	The board of trustees may lease school buses only when commercial bus transportation is not reasonably available. All revenue in excess of operating costs will be put in a fund for replacement buses.		
33-1513	Pupil Transportation Support Program Fund	Money in this fund shall only be used for educational transportation safety and awareness.		
33-1514	Fee - Reimbursement for Pupil Transportation Costs	The state board of education will reimburse cost for pupil transportation.		

TITLE 33, CHAPTER 16, COURSES OF INSTRUCTION

Mandatory for:

Charter Schools Innovation Schools

Statute	Description	Statute Summary	Charter Schools	Innovation Schools
33-1601	Instruction in English Language	Instruction of all courses in public schools, except foreign language courses, is to be conducted in English.		
33-1602	United States Constitution - National Flag and Colors - National Anthem - "America" - Citizenship - Civics Test	Instruction of the constitution will be given in all elementary and secondary schools. Proper display of the American flag must be given, and offer the pledge of allegiance or the national anthem in grades 1-12.	*	
33-1603	Sectarian Instruction Forbidden	No sectarian or denominational doctrine shall be taught in public schools.		
33-1604	Bible Reading in Public Schools	Selections from the Bible chosen from a list prepared by the state board of education shall be read daily to each classroom, without comment or interpretation.		
33-1605	Health and Physical Fitness - Effects of Alcohol, Tobacco, Stimulants and Narcotics	In all districts there shall be instruction of health and physical fitness.		
33-1606	Arbor Day	Arbor day is observed by encouraging planting, preservation, and protection of trees and shrubs.		

33-1607	Americanization Education of Adults	The board is authorized to provide instruction for Americanization of adult residents of the state.		
33-1608	Family Life and Sex Education - Legislative Policy	Sex education is to be determined by the local school board of people of the community.		
33-1609	"Sex Education" Defined	Sex education is defined as the study of anatomy and physiology of human reproduction.		
33-1610	Involvement of Parents and Community Groups	Districts shall involve parents and district community groups in the planning, development, evaluation, and revision of sex ed offered as part of this new program.		
33-1611	Excusing Children from Instruction in Sex Education	If a parent wishes to have their child excused from sex ed, they may do so by filing a written request.		
33-1612	Thorough System of Public Schools	A thorough system is: safe environment, educators empowered to maintain classroom discipline, values of honesty unselfishness respect, communication effectively taught, basic curriculum, current technology, skills to become responsible citizens.	*	
33-1613	Safe public School Facilities Required	It is the duty of the board of trustees at least once a school year to require independent inspection of school facilities. Any unsafe conditions shall be reported and abated with funds available to the school district, and all costs must be separately accounted for.	*	
33-1613A	Expenditures to Abate Unsafe or Unhealthy Conditions	Costs for abatement are necessary expenses authorized by the general laws of this section within the constitution of the state of Idaho.		
33-1614	Reading Instruction and Intervention	Goal is to have all students read at or above grade level by 3rd grade. This program provides additional core reading instruction provided to all students. Parents will be notified, but if the parent does not engage in 15 days the school will continue the program.		
33-1615	Reading Assessment	All students from K-3 will have reading assessed. Scores will be maintained on student record.		
33-1616	Literacy Intervention	Students who score basic or below basic on the reading test will establish a literacy intervention. No more than 100 dollars may be expended per student for transportation costs.	*	

33-1617	English Language Learners - Program Requirements	The board of trustees of each school district shall formulate a plan in sufficient detail that measurable objectives can be identified and addressed, which will accomplish English language acquisition and improved academic performance.		
33-1618	Assessment Exception	A student who has not been enrolled for 2 full school years and who scores less than a level 4 on the state assessment may be excluded from requirements to participate in Idaho's direct writing assessment if the parent and the teacher agree it is educationally appropriate.		
33-1619	Virtual Education Programs	Districts may implement virtual education programs that report the daily average attendance, or a blend of traditional and virtual program may be implemented.		
33-1624	Rules	The state department of education is directed to promulgate rules to implement the provisions of this act.		
33-1625	Youth Athletes - Concussion and Head Injury Guidelines and Requirements	State board of education shall provide access to appropriate guidelines that identify the signs and symptoms of a concussion and head injury. This applies to middle, junior high, and high school. Parents/guardians will receive information and must give written consent for child to be an athlete.		
33-1627	Math Initiative	The state department of education shall promote the improvement of mathematical instruction and student achievement through one (1) or more of the activities listed in section.		
33-1629	Agricultural and Natural Resource Education Programs	The board for career technical education shall adopt and implement Idaho quality program standards for agricultural and natural resource education programs offered in any grade 9 through 12. Such standards shall apply to the areas of instruction, curriculum development, advisory committees, student development and community development. Such standards shall be used to assess the quality of local programs and to set goals for continued program improvement.	*	
33-1630	Elementary and Secondary Education Act Flexibility Document - State Board of and State Department of Education Duties	State board of education shall promulgate rules setting forth provisions of the flexibility document. The purpose is to achieve flexibility for state and local education agencies.		

33-1631	Requirements for Harassment, Intimidation and Bullying Information and Professional Development	Districts will undertake reasonable efforts to ensure that information on harassment, intimidation and bullying is given out annually to school personnel, parents, and students. There is a series of graduated consequences for this behavior.		
33-1632	Mastery-Based Education	Student progress as they demonstrate mastery of a subject or grade level is the best interest of Idaho students.		
33-1633	Computer Science Initiative for Public Schools	The STEM action center, the state board of education and the state department of education shall collaborate to develop and implement a computer science initiative for public schools. How they do so is outlined in this section.		

TITLE 33, CHAPTER 17, DRIVER TRAINING COURSES

Mandatory for:

Charter Schools Innovation Schools

Statute	Description	Statute Summary		
33-1701	Driver Training Courses	The Idaho transportation department is directed to cooperate with state board of education in establishment of driver training courses in public schools of the state.		
33-1702	Minimum Standards for Courses	Minimum standards require no less that 30 hours of classroom instruction, 6 hours observation time in car, and 6 hours behind the wheel driving.		
33-1703	Eligible Pupils - Time Courses Offered	Reimbursable programs open to all residents of the state from ages 14.5 - 21 whether or not they are enrolled in the school. Driving school is conducted after school hours.		
33-1704	Authorization to Operate Program	The board proposing to establish a driver training course shall submit to the state department education the plan not less than 30 days of the start of class. The state department shall approve or deny the plan within 10 days after notice.		
33-1705	Two or More Districts Cooperating	2 or more districts may offer a driver training program jointly, by written agreement.		
33-1706	Reports to State Department of Education	Each district that has completed a course in driver training shall submit a report to the state department of education no later than 45 days after completion of the course showing, number of pupils enrolled/completed and total cost of operation.		

33-1707	Reimbursement - Determination - Certification	A per pupil average cost for the driver's ed course for each district will be computed by the state department of education.		
33-1708	Administration - State Supervisor of Driver Training - Employees - Expenses	The state superintendent of public instruction shall administer the driver training fund.		

TITLE 33, CHAPTER 18, SAFETY PATROLS

Statute	Description	Statute Summary	Mandatory for:	
			Charter Schools	Innovation Schools
33-1801	School Safety Patrols	The board may create, maintain and supervise a school safety patrol(s). Students can be appointed shall serve without compensation, wear a badge/identifying insignia marked "school patrol", and may display stop or other traffic directionals at school crossings. Safety patrol students must abide by any peace officer present with jurisdiction.		
33-1802	Purchase of Uniforms, Equipment, Insurance	School districts may purchase necessary materials for safety patrol with the funds of the district. Life, accident and casualty insurance may be purchased as well.		
33-1803	Failure to Obey Safety Patrol Member Unlawful	It is unlawful for an operator of a motor vehicle to fail to stop when directed to by safety patrol. Any school safety patrol may report to any peace officer violations.		

TITLE 33, CHAPTER 20, EDUCATION OF EXCEPTIONAL CHILDREN

Statute	Description	Statute Summary	Mandatory for:	
			Charter Schools	Innovation Schools
33-2001	Definitions	Definitions including: ancillary personnel, children with disabilities, exceptional children, gifted/talented children and special education.		
33-2002	Responsibility of School Districts for Education of Children with Disabilities	Each district shall provide special education services for those students who have disabilities, between the ages of 3 and 21.		

33-2003	Responsibility of School Districts for Education of Gifted/Talented Children	Each public school district is required to provide special instructional needs of gifted/talented pupils enrolled (ages 5-18). The state board of education shall assist school districts in developing flexible approaches for instruction and training.		
33-2004	Contracting by Approved Form for Education by Another School District, Approved Rehabilitation Center of Hospital, or a Corporation	Trustees may contract for the education of exceptional students to be taught in another district, hospital or rehabilitation center.		
33-2005	Additional Disbursement	School districts that identify and provide appropriate services to students with serious emotional disturbances at a high incidence level shall be eligible for an additional disbursement from state general funds.		
33-2006	Education of Certain Expectant or Delivered Mothers	Every public district that provides a state sponsored system of care for expectant or delivered mothers shall provide instruction of accredited courses, and upon satisfaction of requirements issue a diploma.		
33-2007	Cost of Instruction and Postage Subject to Reimbursement	Cost of instruction including transportation of teachers shall be subject to reimbursement by the state department of education from state funds.		
33-2008	Outpatients	As to expectant or delivered mothers who are outpatients of a licensed maternity home, the public school district, in which the home is located, shall provide instruction, pursuant to this chapter, for said outpatients.		
33-2009	Education of Children Housed in Juvenile Detention Facilities	Every public district that includes a detention facility pursuant to court orders shall provide instruction for accredited courses and issue diplomas for graduation fulfillment of requirements.		
33-2010	Education of Disabled Adult Students housed in Adult Correctional Facilities	Any person ages 18-21 who is incarcerated in an adult correctional facility shall not be entitled to special education.		

TITLE 33, CHAPTER 45 SCHOOL ACCOUNTABILITY REPORT CARDS

Statute	Description	Statute Summary	Mandatory for:	
			Charter Schools	Innovation Schools
33-4502	School District Requirements	Boards of Trustees may require each school to make a school accountability report card including input from teachers, parents, and patrons. This could be on an annual basis and publicized, with the option of parents, guardians, and students receiving a copy upon their request.		

TITLE 33, CHAPTER 46, ADVANCED OPPORTUNITIES

Statute	Schools	Schools	Mandatory for:	
			Charter Schools	Charter Schools
33-4601	Definitions	Definitions regarding credits of pupils	*	*
33-4601A	Rulemaking Authority	The state board of education can promulgate rules to implement the provisions of this chapter.	*	
33-4602	Advanced Opportunities	Students attending public schools in Idaho will be eligible for four thousand one hundred twenty-five dollars (\$4,125) to use toward overload courses, dual credits, college credit-bearing examinations and professional certificate examinations. These funds are accessible from grades 7-12.	*	
33-4605	Postsecondary Credit Scholarship	Students that have earned post secondary credits upon graduation shall receive the following scholarships: 10 credits = \$2,000, 20 credits = \$4,000, AA degree = \$8,000.	*	

OTHER STATUTES

Statute	Schools	Schools	Mandatory for:	
			Charter Schools	Innovation Schools
33-4801, et seq.	Idaho Educational Technology Initiative	The legislature hereby finds, determines and declares that the state of Idaho recognizes the importance of applying technology to meet the public need for an improved, thorough and seamless public education system for elementary and secondary education, education of the hearing or visually impaired, postsecondary and higher education and public libraries.		

33-5201, et seq.	Public Charter Schools	It is the intent of the legislature to provide opportunities for teachers, parents, students and community members to establish and maintain public charter schools that operate independently from the existing traditional school district structure.		
33-5801, et seq.	Local Innovation School Act	Participating schools/districts will evaluate existing laws and administrative rules to get flexibility from laws and policies that impede local autonomy allowing them to adapt to local circumstances.	*	
33-6001, et seq.	Parental Rights in Education	A parent/guardian has the right to reasonable academic accommodation from their child's public school. Districts and board of directors will adopt a policy to promote parent involvement. Parents will receive an annual notification of their rights.	*	
6-901, et seq.	Tort Claims Against Governmental Entities	Except as otherwise provided in this act, every governmental entity is subject to liability for money damages arising out of its negligent or otherwise wrongful acts or omissions and those of its employees acting within the course and scope of their employment or duties, whether arising out of a governmental or proprietary function.	*	
6-2201, et seq.	Constitutionally-Based Educational Claims Act	The purpose of this chapter is to provide a mechanism for adjudicating the performance of that duty when there are allegations that public schools do not provide educational services that they are required to provide as part of a general, uniform and thorough system of public, free common schools.		
18-1351-1362	Bribery and Corruption		*	
18-8401, et seq.	Juvenile Sex Offender Registry			
20-527	School Trustees to Report Truants	A prosecuting attorney may file a petition when a juvenile of school age is expelled or reported to have repeatedly violated attendance regulations.		
23-612	Beer, Wine or Other Alcoholic Beverages on Public School Grounds	Any person who consumes alcohol while at any public school function is guilty of a misdemeanor. Persons under age 21 will be punished according to 18-1502.		
34-1401, et seq.	Uniform District Election Law	The county clerk will conduct all elections for political subdivisions and perform all necessary duties. This section includes registration, conduct of elections, declaration of candidacy, notice of election filing deadline, withdrawal, write ins, etc.		

39-4113	Plan Reviews - Maximum Fees and School Inspections	Plan reviews shall be for the provisions of this chapter pertaining to construction, alteration, repair of buildings/structures within the scope of the jurisdiction.		
39-8001, et seq.	Uniform Public School Building Safety	The purpose of this act is to assure the safety of children and others who use Idaho's public schools by providing for a uniform school building safety code to apply to school buildings and by establishing procedures for achieving compliance with the code.		
49-901(8)	Design and operation of school buses	The director in cooperation with the state board of education shall adopt and enforce rules to govern the operation of all school buses and these rules shall be made part of the contract.		
54-1218	Engineers and Surveyors - Public Works	It is unlawful for the district with power to levy taxes to engage in construction of any public works when the public health or safety is involved unless inspected by a professional engineer.		
54-1901, et seq.	Public Works Contractors	To assure that experienced and qualified contractors provide services to public entities in Idaho, the board is charged with licensing as provided in this chapter.		
57-101, et seq.	Public Depository Law	This chapter is designed to safeguard and protect the funds of all political subdivisions and of all municipal and quasi-municipal corporations of the state, having power to levy taxes or assessments, now existing or hereafter created and whether organized under the general laws or any special law of the state.		
59-1301, et seq.	PERSI	A retirement and disability benefit system is created and placed under the management of a retirement board for the purpose of providing a retirement system and other benefits for public employees in the state of Idaho under this chapter.	*	
59-401, et seq.	Oath of Office	"I do solemnly swear (or affirm, as the case may be) that I will support the Constitution of the United States, and the Constitution of the State of Idaho, and that I will faithfully discharge the duties of (insert office) according to the best of my ability."		
59-801, et seq.	Bonds of Officers and Public Employees	With the advice of the head of each agency, and taking into consideration employee duties and responsibilities, the administrator shall designate individually or by class the employees required to give official bond to the state and the amount of the bond required for each individual or class.		
60-109A	Publication by First Class Mail	Any notice required by law to be published may be published by mailing first class to the residents of such jurisdiction.		

63-602E	Property Exempt from Taxation - Property Used for School or Educational Purposes	Exempt from taxation: property used for nonprofit school or educational purposes, property used for charter school, all property from which no profit is derived and used exclusively for endowment, building or maintenance purposes of schools or educational institutions.	*	
63-3622 O	Exempt Private and Public Organizations (Sales Tax)	A list of exempt taxes is listed including but not limited to: sales to or purchase by hospitals, donations to food bank, donations of clothes to charity, etc.	*	
67-1226	Local Government Investment Pool	The state treasurer is hereby authorized to establish and maintain a pooled investment program for the benefit of municipalities, districts, political subdivisions and political or public corporations of the state of Idaho.		
67-2320	Professional Services Contracts with Design Professionals, Construction Managers and Professional Land Surveyors	All public agencies and political subdivisions of the state of Idaho and their agents shall make selections for professional engineering, architectural, landscape architecture, construction management and professional land surveying services, including services by persons licensed pursuant to chapters 3, 12, 30 and 45, title 54, Idaho Code, on the basis of qualifications and demonstrated competence and shall negotiate contracts or agreements for such services on the basis of demonstrated competence and qualifications for the type of services required at fair and reasonable prices.		
67-2348	Preference for Idaho domiciled contractors on Public Works	When the state of Idaho shall let for bid any contract for public works, the contractor domiciled outside of Idaho is required to submit a bid the same percent less than the lowest bid submitted by contractor domiciled in Idaho.		
67-2801, et seq.	Purchasing by Political Subdivisions	Local public agencies should endeavor to buy goods, services and public works construction by way of a publicly accountable process that respects the shared goals of economy and quality. Political subdivisions of the state shall endeavor to purchase goods and services from vendors with a significant Idaho economic presence.		
67-5242	Procedures at Hearing	Must receive notice, agency head be the presiding officer at the hearing, if a party fails to show up a default judgment will be ordered.	*	
67-5301, et seq.	Personnel System	The purpose of said personnel system is to provide a means whereby classified employees of the state of Idaho shall be examined, selected, retained and promoted on the basis of merit and their performance of duties, thus effecting economy and efficiency in the administration of state government.		

67-5742	Delegation of Authority to Acquire Surplus Property	The executive head, of any state department, instrumentality, or agency or of any county, city, school district or other political subdivision may by order or resolution confer upon any officer or employee thereof continuing authority from time to time to secure the transfer to it of surplus property under this act and to obligate the state or political subdivision to the extent necessary to comply with the terms and conditions of such transfers.		
67-5763	Governmental Body Authorized to Make Contracts for Group Insurance for Officers and Employees	Any school district, municipality, county, or the state of Idaho, or other political subdivision of the state of Idaho, is hereby authorized to make contracts of group insurance and arrangements with prepayment plans.		
67-7434	Lottery Dividends	Annually, on July 1, the lottery shall transfer three-eighths (3/8) of its net income to the permanent building account; three-eighths (3/8) of its net income to the school district building account; and one-fourth (1/4) of its net income to the bond levy equalization fund after reserving sufficient moneys to ensure the continuation of the lottery.		
72-101, et seq.	Worker's Compensation	As long as the temp or professional employee has worker's compensation insurance covering an injured worker they shall have: all protections and immunities granted by this title.	*	
74-101, et seq.	Public Records Law	Every person has the right to examine and take a copy of any public record of this state.	*	
74-201, et seq.	Open Meeting Law	The policy of this state that the formation of public policy is public business and shall not be conducted in secret.	*	
74-401, et seq.	Ethics in Government	It is the public interest to protect integrity of government, assure independence, inform citizens of the existence of personal interest, prevent special interest from unduly influencing govt. action, and assure govt. functions and policies reflect the public interest.	*	
74-501, et seq.	Prohibitions Against Contracts with Officers	Members of the legislature, state, county, city, district and precinct officers, must not be interested in any contract made by them in their official capacity, or by any body or board of which they are members.	*	
	ISAT, Content Standards, Graduation			*

RULES OF THE STATE BOARD OF EDUCATION			Mandatory for:	
Statute	Description	Statute Summary	Charter Schools	Innovation Schools
	Meet content standards			33-5804(2)(h)
	Alternative school		33-5208(3)	
	Accreditation		33-5205(3)(e)	
	Instructional Staff Certification		33-5205(3)(g)	
	General Exemption from State Rules Applying to School Districts; except:		33-5210(4)	
	Teacher certification		*	
	Accreditation		*	
	Alternative Schools		*	
	Criminal History Checks		*	
	Thorough System of Public Schools (33-1612)		*	
	Charter School Rules		*	

Print date: 14-Sep-16