

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 382

BY EDUCATION COMMITTEE

AN ACT

RELATING TO EDUCATION; AMENDING TITLE 33, IDAHO CODE, BY THE ADDITION OF A
NEW CHAPTER 68, TITLE 33, IDAHO CODE, TO ESTABLISH PROVISIONS REGARD-
ING STUDENT IMMIGRATION STATUS AND NATIONALITY IN IDAHO PUBLIC EDUCA-
TIONAL INSTITUTIONS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFEC-
TIVE DATE.

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

SECTION 1. That Title 33, Idaho Code, be, and the same is hereby amended
by the addition thereto of a NEW CHAPTER, to be known and designated as Chap-
ter 68, Title 33, Idaho Code, and to read as follows:

CHAPTER 68

STUDENT IMMIGRATION STATUS AND NATIONALITY IN IDAHO PUBLIC EDUCATIONAL
INSTITUTIONS

33-6801. STUDENT IMMIGRATION STATUS AND NATIONALITY IN IDAHO PUBLIC
EDUCATIONAL INSTITUTIONS. (1) As used in this chapter:

(a) "Accredited institution of higher education" means any public or
private university, college, or community college in Idaho accredited
by the northwest commission on colleges and universities or any public
career technical school operated by the state of Idaho or any political
subdivision of the state.

(b) "Elementary and secondary schools" means schools that serve
kindergarten through grade 12, inclusive, or any combination of such
grades.

(c) "Immigration status" means a person's legal status in the United
States as governed by the immigration and nationality act. It includes
the following groups:

(i) Individuals with citizenship who are born within the terri-
torial limits of the United States or who have successfully com-
pleted the naturalization process after living as permanent resi-
dents for a specified period;

(ii) Permanent residents, including lawful permanent residents
who are granted authorization to live and work in the United States
indefinitely and conditional permanent residents who gained sta-
tus through marriage or certain investor programs, which status is
contingent on fulfilling specific conditions;

(iii) Non-immigrants who are authorized to enter the United States
only temporarily for specific purposes;

(iv) Undocumented immigrants who are living in the United States
without proper authorization, including individuals who entered
the country without inspection or who overstayed a visa, lacking

1 the legal documentation required for authorized residence or em-
2 ployment; and

3 (v) Refugees who are individuals with a form of protection that
4 is granted to individuals who meet the definition of refugee and
5 who are of special humanitarian concern to the United States and
6 asylees who are individuals with a form of protection granted to
7 individuals who meet the definition of refugee, are living in the
8 United States, and are seeking admission at a port of entry.

9 (d) "Public school district" or "school district" or "district" means
10 any public school district organized under the laws of this state, in-
11 cluding specially chartered school districts.

12 (2) Idaho public educational institutions, including elementary and
13 secondary schools and accredited institutions of higher education, shall
14 record the immigration status and nationality of all enrolled students.

15 (3) Idaho public school districts and accredited institutions of
16 higher education shall publish aggregated demographic student data as pro-
17 vided in section 33-133(1)(j), Idaho Code, of enrolled students, including
18 immigration status and nationality each year and report such information to
19 the superintendent of public instruction who shall publish it on the state
20 department of education's website.

21 SECTION 2. An emergency existing therefor, which emergency is hereby
22 declared to exist, this act shall be in full force and effect on and after
23 July 1, 2025.