

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 349

BY EDUCATION COMMITTEE

AN ACT

RELATING TO EDUCATION; AMENDING CHAPTER 5, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-512E, IDAHO CODE, TO ESTABLISH PROVISIONS REGARDING INAPPROPRIATE ONLINE BEHAVIOR BY STUDENTS AND PRESCRIBING A PROCESS FOR STUDENT DISCIPLINE BY THE SCHOOL DISTRICT OR PUBLIC CHARTER SCHOOL; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Chapter 5, Title 33, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 33-512E, Idaho Code, and to read as follows:

33-512E. INAPPROPRIATE ONLINE BEHAVIOR -- DISCIPLINARY MEASURES. (1) Any student who engages in inappropriate online behavior as defined in this section toward a public school employee or other person as defined in this section shall be reported to the school district board of trustees or the public charter school governing board for investigation and, if applicable, for imposition of disciplinary measures.

(2) For purposes of this section:

(a) "Inappropriate online behavior" means any communication through the internet, a mobile electronic device as defined in section 49-1401A, Idaho Code, or any other online means, including social media platforms, that harasses, threatens, or bullies any public school employee or other person, whether it occurs during or outside of school hours or on or off school property. The term includes but is not limited to any online communication that:

(i) Contains obscene or discriminatory content directed at public school employees or other persons; or

(ii) Harms the reputation, dignity, or safety of public school employees or other persons.

(b) "Person" means any student enrolled in any school district or public charter school, any parent or legal guardian of a student enrolled in any school district or public charter school, or any volunteer at any school district or public charter school.

(c) "Public school employee" means a person directly employed by a school district or public charter school, including administrators, instructional staff, and pupil service staff.

(3) Upon receipt of a report regarding inappropriate online behavior toward a public school employee or other person, the school district board of trustees or the board's designee or the public charter school governing board or the board's designee shall investigate the matter to determine the veracity of the claims contained in the report. The investigation may include conducting interviews and gathering any relevant evidence. The school district board of trustees or the public charter school governing board

1 shall notify the parents or legal guardians of the student about such report
2 and, if appropriate, notify law enforcement.

3 (4) If the school district board of trustees or the public charter
4 school governing board determines that the student engaged in inappropriate
5 online behavior as described in this section, the student and the parents or
6 legal guardians of such student shall meet with the school district board
7 of trustees or the public charter school governing board regarding dis-
8 ciplinary measures. The school district board of trustees or the public
9 charter school governing board shall impose appropriate and proportional
10 disciplinary measures, including but not limited to warning or reprimand,
11 required participation in an online behavior awareness program, temporary
12 suspension, or expulsion.

13 (5) Nothing in this section prohibits or prevents an adversely affected
14 public school employee or other person from pursuing any other available le-
15 gal remedies.

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