

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 522

BY EDUCATION COMMITTEE

AN ACT

RELATING TO EDUCATION; AMENDING CHAPTER 1, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-137, IDAHO CODE, TO ESTABLISH PROVISIONS REGARDING DIGITAL AND ONLINE LIBRARY RESOURCES FOR CERTAIN STUDENTS; AND AMENDING CHAPTER 25, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-2508, IDAHO CODE, TO ESTABLISH PROVISIONS REGARDING DIGITAL AND ONLINE LIBRARY RESOURCES FOR CERTAIN STUDENTS.

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

SECTION 1. That Chapter 1, 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 33-137, Idaho Code, and to read as follows:

33-137. DIGITAL AND ONLINE LIBRARY RESOURCES FOR K-12 STUDENTS. (1) A school district or public charter school may offer digital or online library resources to students in kindergarten through grade 12 only if the vendor or other person or entity providing the resources verifies that all the resources will comply with the provisions of subsection (2) of this section.

(2) Digital or online library resources offered by school districts or public charter schools to students in kindergarten through grade 12 must have safety policies and technology protection measures that:

(a) Prohibit and prevent a user of the resource from sending, receiving, viewing, or downloading materials that are deemed to be harmful to minors, as defined by section 18-1514, Idaho Code; and

(b) Filter or block access to obscene materials, materials harmful to minors, and materials that depict the sexual exploitation of a minor, as defined in chapter 15, title 18, Idaho Code.

(3) Notwithstanding any contract provision to the contrary, if a provider of digital or online library resources fails to comply with the requirements of subsection (2) of this section, the school district or public charter school may withhold further payments, if any, to the provider pending verification of compliance with that subsection.

(4) If a provider of digital or online library resources fails to timely verify that the provider is in compliance with the requirements of subsection (1) of this section, the school district or public charter school may consider the provider's act of noncompliance a breach of contract.

(5) No later than December 1 of each year, the Idaho commission for libraries shall submit to the governor and the senate and house of representatives education committees an aggregate written report on any issues related to provider compliance with technology protection measures required by subsection (2) of this section.

1 SECTION 2. That Chapter 25, Title 33, Idaho Code, be, and the same is
2 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
3 ignated as Section 33-2508, Idaho Code, and to read as follows:

4 33-2508. DIGITAL AND ONLINE LIBRARY RESOURCES FOR K-12 STUDENTS. If
5 the commission for libraries provides digital or online library resources
6 for the use of students in kindergarten through grade 12, the commission
7 shall comply with all provisions of section 33-137, Idaho Code.