

IN THE SENATE

SENATE BILL NO. 1280

BY EDUCATION COMMITTEE

AN ACT

1 RELATING TO SCHOOL DISTRICTS; AMENDING SECTION 33-501, IDAHO CODE, TO REVISE
2 PROVISIONS REGARDING SCHOOL DISTRICT BOARDS OF TRUSTEES; AMENDING SEC-
3 TION 33-503, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE ELECTION OF
4 SCHOOL DISTRICT TRUSTEES; AMENDING SECTION 33-505, IDAHO CODE, TO RE-
5 VISE A CERTAIN DATE AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION
6 33-506, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE ORGANIZATION
7 AND GOVERNMENT OF A SCHOOL DISTRICT BOARD OF TRUSTEES; AMENDING SECTION
8 33-510, IDAHO CODE, TO REVISE A CERTAIN DATE AND TO MAKE TECHNICAL COR-
9 RECTIONS; AMENDING SECTION 33-801, IDAHO CODE, TO REVISE A REFERENCE TO
10 A MEETING DATE; AND AMENDING SECTION 33-1003, IDAHO CODE, TO REVISE A
11 MEETING DATE.
12

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

14 SECTION 1. That Section 33-501, Idaho Code, be, and the same is hereby
15 amended to read as follows:

16 33-501. BOARD OF TRUSTEES. (1) Each school district shall be governed
17 by a board of trustees. The board of trustees of each elementary school dis-
18 trict shall consist of three (3) members, and the board of trustees of each
19 other school district shall consist of five (5) members. Provided, however,
20 that the board of trustees of any district which has had a change in its dis-
21 trict boundaries subsequent to June 30, 1973, may consist of no fewer than
22 five (5) nor more than nine (9) members if such provisions are included as
23 part of an approved proposal to redefine and change trustee zones as provided
24 in section 33-313, Idaho Code. The board of trustees of any district that has
25 had a change in its district boundaries because of district consolidation on
26 and after January 1, 2008, shall consist of five (5) members if two (2) dis-
27 tricts consolidated or seven (7) members if three (3) or more districts con-
28 solidated. Commencing in 2014~~8~~, a school district trustee shall be elected
29 for a term of four (4) years beginning at twelve o'clock noon on July January
30 1 next succeeding his election.

31 (2) Each trustee shall at the time of his nomination and election, or
32 appointment, be a school district elector of his district and a resident
33 of the trustee zone from which nominated ~~and elected~~, or appointed. In the
34 event that a vacancy shall be declared as provided in section 33-504, Idaho
35 Code, and the board of trustees is unable to appoint a trustee from the zone
36 vacated after ninety (90) days, the board of trustees may appoint a person
37 at-large from within the boundaries of the school district to serve as the
38 trustee from the zone where the vacancy occurred.

39 (3) Each trustee shall qualify for and assume office on July January
40 1 next following his election, or, if appointed, at the regular meeting of
41 the board of trustees next following such appointment. At the first meeting
42 after a trustee assumes office, aAn oath of office shall be administered to

1 ~~each~~ the trustee, whether elected, reelected or appointed. Said oath may be
 2 administered by the clerk, or by ~~a~~ another trustee, of the district, and the
 3 records of the district shall show such oath of office to have been taken, and
 4 by whom administered and shall be filed with the official records of the dis-
 5 trict.

6 SECTION 2. That Section 33-503, Idaho Code, be, and the same is hereby
 7 amended to read as follows:

8 33-503. ELECTION OF TRUSTEES -- UNIFORM DATE. (1) The election of
 9 school district trustees including those in charter districts shall be on
 10 the ~~third~~ Tuesday in May following the first Monday in November in odd-num-
 11 bered years. Notice and conduct of the election, and the canvassing of the
 12 returns shall be as provided in chapter 14, title 34, Idaho Code. In each
 13 trustee zone, the person receiving the greatest number of votes cast within
 14 his zone shall be declared by the board of trustees as the trustee elected
 15 from that person's zone.

16 (2) If any two (2) or more persons residing in the same trustee zone have
 17 an equal number of votes ~~in any trustee zone~~ and a greater number than any
 18 other nominee residing in that zone, then the board of trustees shall deter-
 19 mine the winner by a toss of a coin.

20 (3) The provisions of sections 67-6601 through 67-6616, Idaho Code, and
 21 sections 67-6623 through 67-6630, Idaho Code, shall apply to all elections
 22 of school district trustees, except for elections of trustees in a school
 23 district that has fewer than five hundred (500) students. Provided however,
 24 the county clerk shall stand in place of the secretary of state and the county
 25 prosecutor shall stand in place of the attorney general. Any report or fil-
 26 ing required to be filed by or for a candidate by such Idaho Code sections
 27 shall be filed with the county clerk of the county wherein the district lies
 28 or, in the case of a joint district, with the county clerk of the home county
 29 as designated pursuant to section 33-304, Idaho Code.

30 (4) Incumbent trustees as of the effective date of this act shall have
 31 their terms expire on January 1 following the November election of their suc-
 32 cessors.

33 SECTION 3. That Section 33-505, Idaho Code, be, and the same is hereby
 34 amended to read as follows:

35 33-505. BOARD OF TRUSTEES, DISTRICT NEWLY CREATED. (1) Within ten (10)
 36 days after the entry of any order creating a new school district by the con-
 37 solidation of districts or parts thereof, the trustees of all school dis-
 38 tricts involved in the consolidation shall meet at the call of the state su-
 39 perintendent of public instruction or his designee and, from their number,
 40 shall select a board of trustees of the new district representing each of the
 41 merged districts in an equal number to serve as follows: if two (2) districts
 42 consolidated, one (1) member representing the board of trustees of each dis-
 43 trict shall serve until the annual election of trustees next following; one
 44 (1) member representing the board of trustees of each district shall serve
 45 until the annual election the following year; and one (1) member appointed
 46 by the other four (4) members shall serve until the annual election in the
 47 year after that. If three (3) or more districts consolidated, three (3) mem-

1 bers shall serve until the annual election of trustees next following; three
 2 (3) members shall serve until the annual election the following year; and
 3 one (1) member appointed by the other six (6) members shall serve until the
 4 annual election in the year after that. If the number of merged districts
 5 is greater than three (3), the superintendent of public instruction shall
 6 appoint as equally as possible from trustees of the previous districts so
 7 that each district, if possible, has representation on the consolidated dis-
 8 trict's board of trustees. The superintendent shall stagger the terms of
 9 his appointments so that an equal number of appointees' terms expire annu-
 10 ally and those trustees shall sit for election. Thereafter, all trustees who
 11 are elected shall serve terms as provided in section 33-501, Idaho Code, for
 12 a board of trustees of a school district. The board of trustees shall re-
 13 port the names of said trustees to the state board of education. The board of
 14 trustees of the newly consolidated school district shall expeditiously re-
 15 draw the trustee zones pursuant to section 33-313, Idaho Code.

16 (2) The state board of education, at its first meeting next following
 17 receipt of notice of the creation of new school districts by the division of
 18 a district, shall appoint a board of trustees for each such new district, to
 19 serve until ~~July~~ January 1 next following the next election for school dis-
 20 trict trustees.

21 (3) Boards of trustees selected or appointed as in this section pro-
 22 vided shall forthwith meet and organize as provided in section 33-506, Idaho
 23 Code, and thereupon the board of trustees of any district, the whole of which
 24 has been incorporated within the new district, or which was divided as the
 25 case may be, shall be dissolved and its powers and duties shall cease. Prior
 26 to the notice of annual election of trustees next following, the board of
 27 trustees of each school district created by consolidation or by division of
 28 districts shall determine by lot or by agreement from which of the trustee
 29 zones the trustees therefor shall be elected. Thereafter each trustee shall
 30 be elected for a term of four (4) years.

31 SECTION 4. That Section 33-506, Idaho Code, be, and the same is hereby
 32 amended to read as follows:

33 33-506. ORGANIZATION AND GOVERNMENT OF BOARD OF TRUSTEES. (1) Each
 34 board of school district trustees shall organize at its ~~annual~~ first regular
 35 meeting after the January 1 directly following an election and elect a chair-
 36 man, a vice-chairman, a clerk, and a treasurer. The clerk and the treasurer
 37 may be members of the board of trustees; or, in the discretion of the board,
 38 either or both may be selected from among competent and responsible persons
 39 outside the membership of the board. The board in its discretion may allow
 40 compensation for the clerk, and for the treasurer if other than the county
 41 treasurer.

42 (2) Each member of the board not otherwise compensated by public moneys
 43 shall be compensated for actual expenses incurred for travel to, from, and
 44 attending meetings of the board. Such compensation shall be paid from the
 45 district school funds.

46 (3) It shall be the duty of each member of the board of trustees to at-
 47 tend all meetings, both regular and special; and the board shall have the
 48 following powers and duties:

- 1 ~~1.~~(a) To make by-laws, rules and regulations for its government and
 2 that of the district, consistent with the laws of the state of Idaho and
 3 the rules and regulations of the state board of education;
 4 ~~2.~~(b) To call special meetings or elections for such purpose as may be
 5 necessary for the proper conduct and management of the school or schools
 6 of the district;
 7 ~~3.~~(c) To employ an attorney or attorneys when deemed for the best in-
 8 terests of the district, or for the purpose of defending the district
 9 against any suit or for bringing action deemed necessary to be commenced
 10 by the board.

11 SECTION 5. That Section 33-510, Idaho Code, be, and the same is hereby
 12 amended to read as follows:

13 33-510. ANNUAL MEETINGS -- REGULAR MEETINGS -- BOARDS OF TRUSTEES. (1)
 14 The annual meeting of each school district shall be on the date of its regu-
 15 lar ~~July~~ January meeting in each year. Notice of the annual meeting of ele-
 16 mentary school districts shall be given as provided in section 33-402, Idaho
 17 Code, but one (1) publication shall suffice.

18 (2) Regular meetings of each board of school district trustees shall
 19 be held monthly, on a uniform day of a uniform week as determined at the an-
 20 nual meeting. Special meetings may be called by the chairman or by any two
 21 (2) members of the board and held at any time. If the time and place of spe-
 22 cial meetings shall not have been determined at a meeting of the board with
 23 all members being present, then notice of the time and place shall be given
 24 to each member and announced by written notice conspicuously posted at the
 25 school district office and at least two (2) or more public buildings within
 26 the school district not less than twenty-four (24) hours before such special
 27 meeting is to be convened.

28 (3) A quorum for the transaction of business of the board of trustees
 29 shall consist of a majority of the members of the board. Unless otherwise
 30 provided by law, all questions shall be determined by a majority of the vote
 31 cast. The chairman of the board may vote in all cases.

32 (4) All meetings shall conform to the provisions of chapter 2, title 74,
 33 Idaho Code.

34 SECTION 6. That Section 33-801, Idaho Code, be, and the same is hereby
 35 amended to read as follows:

36 33-801. SCHOOL DISTRICT BUDGET. No later than twenty-eight (28) days
 37 or, if the conditions provided for in section 33-804(4), Idaho Code, have
 38 been met, fourteen (14) days prior to its ~~annual~~ regular July meeting, the
 39 board of trustees of each school district shall have prepared a budget, in
 40 form prescribed by the state superintendent of public instruction, and shall
 41 have called and caused to be held a public hearing thereon, and at such pub-
 42 lic hearing, or at a special meeting held no later than fourteen (14) days af-
 43 ter the public hearing, shall adopt a budget for the ensuing year. Notice of
 44 the hearing shall be posted, and published as prescribed in section 33-402,
 45 Idaho Code, and a record of the hearing shall be kept by the clerk of the board
 46 of trustees. At the time said notice is given and until the date of the hear-
 47 ing, a copy of the budget shall be available for public inspection at all rea-

1 sonable times at the administrative offices of the school district, or at the
2 office of the clerk of the district. The board of trustees of each school
3 district shall also prepare and publish, as a part of such notice, a summary
4 statement of the budget for the current and ensuing years. Such statement
5 shall be prepared in a manner consistent with standard accounting practices
6 and in such form as the state superintendent of public instruction shall pre-
7 scribe, and, among other things, said statement shall show amounts budgeted
8 for all major classifications of income and expenditures, with total amounts
9 budgeted for salary and wage expenditures in each such classification shown
10 separately. Such statement shall show amounts actually expended for the two
11 (2) previous years for the same classification for purposes of comparison.
12 The budgeted dollar amounts of revenue in those categories included within
13 the provisions of section 33-802, Idaho Code, as approved within the adopted
14 budget shall be the same as presented to the respective county commissioners
15 for tax levy purposes.

16 SECTION 7. That Section 33-1003, Idaho Code, be, and the same is hereby
17 amended to read as follows:

18 33-1003. SPECIAL APPLICATION OF EDUCATIONAL SUPPORT PROGRAM. (1) De-
19 crease in Average Daily Attendance. -- For any school district that has a
20 decrease in total average daily attendance of three percent (3%) or more of
21 its average daily attendance in the current school year from the total aver-
22 age daily attendance used for determining the allowance in the educational
23 support program for the prior school year, the allowance of funds from the
24 educational support program may be based on the average daily attendance
25 of the prior school year, less three percent (3%). When this provision is
26 applied, the decrease in average daily attendance shall be proportionately
27 distributed among the various categories of support units that are appropri-
28 ate for the district. After applying the provisions of this subsection, the
29 state department of education shall calculate the percentage of additional
30 statewide support units to total statewide support units and shall then re-
31 duce each school district's support units by this uniform percentage. The
32 provisions of this subsection shall not apply to public charter schools.

33 (2) Application of Support Program to Separate Schools/Attendance
34 Units in District.

35 (a) Separate Elementary School. -- Any separate elementary school
36 shall be allowed to participate in the educational support program as
37 though the school were the only elementary school operated by the dis-
38 trict.

39 (b) Hardship Elementary School. -- Upon application of the board of
40 trustees of a school district, the state board of education is empow-
41 ered to determine that a given elementary school or elementary schools
42 within the school district, not otherwise qualifying, are entitled
43 to be counted as a separate elementary school as defined in section
44 33-1001, Idaho Code, when, in the discretion of the state board of edu-
45 cation, special conditions exist warranting the retention of the school
46 as a separate attendance unit and the retention results in a substantial
47 increase in cost per pupil in average daily attendance above the average
48 cost per pupil in average daily attendance of the remainder of the dis-
49 trict's elementary grade school pupils. An elementary school operating

1 as a previously approved hardship elementary school shall continue to
2 be considered as a separate attendance unit, unless the hardship status
3 of the elementary school is rescinded by the state board of education.

4 (c) Separate Secondary School. -- Any separate secondary school shall
5 be allowed to participate in the educational support program as though
6 the school were the only secondary school operated by the district.

7 (d) Elementary/Secondary School Attendance Units. -- Elementary
8 grades in an elementary/secondary school will be funded as a separate
9 attendance unit if all elementary grades served are located more than
10 ten (10) miles distance by an all-weather road from both the nearest
11 like elementary grades within the same school district and from the lo-
12 cation of the office of the superintendent of schools of such district,
13 or from the office of the chief administrative officer of such district
14 if the district employs no superintendent of schools. Secondary grades
15 in an elementary/secondary school will be funded as a separate atten-
16 dance unit if all secondary grades served are located more than fifteen
17 (15) miles by an all-weather road from the nearest like secondary grades
18 operated by the district.

19 (e) Hardship Secondary School. -- Any district that operated two (2)
20 secondary schools separated by less than fifteen (15) miles, but which
21 district was created through consolidation subsequent to legislative
22 action pursuant to chapter 111, laws of 1947, and which school buildings
23 were constructed prior to 1935, shall be entitled to count the schools
24 as separate attendance units.

25 (f) Minimum Pupils Required. -- Any elementary school having less than
26 ten (10) pupils in average daily attendance shall not be allowed to par-
27 ticipate in the state or county support program unless the school has
28 been approved for operation by the state board of education.

29 (3) Remote Schools. -- The board of trustees of any Idaho school dis-
30 trict that operates and maintains a school that is remote and isolated from
31 the other schools of the state because of geographical or topographical
32 conditions may petition the state board of education to recognize and ap-
33 prove the school as a remote and necessary school. The petition shall be in
34 form and content approved by the state board of education and shall provide
35 such information as the state board of education may require. Petitions for
36 the recognition of a school as a remote and necessary school shall be filed
37 annually at least ninety (90) days prior to the date of the annual regular
38 June meeting of the board of trustees ~~as established in section 33-510, Idaho~~
39 ~~Code.~~

40 Within forty-five (45) days after the receipt of a petition for the
41 recognition of a remote and necessary school, the state board of education
42 shall either approve or disapprove the petition and notify the board of
43 trustees of its decision. Schools that the state board of education approves
44 as being necessary and remote shall be allowed adequate funding within the
45 support program for an acceptable educational program for the students of
46 the school. In the case of a remote and necessary secondary school, grades
47 7-12, the educational program shall be deemed acceptable when, in the opin-
48 ion of the state board of education, the accreditation standard relating to
49 staff size, established in accordance with the provisions of section 33-119,
50 Idaho Code, has been met. The final determination of an acceptable program

1 and adequate funding in the case of a remote and necessary elementary school
2 shall be made by the state board of education.

3 (4) Support Program When District Boundaries are Changed.

4 (a) In new districts formed by the division of a district, the support
5 program computed for the district, divided in its last year of opera-
6 tion, shall be apportioned to the new districts created by the division
7 in the proportion that the average daily attendance of pupils, elemen-
8 tary and secondary combined, residing in the area of each new district
9 so created, is to the average daily attendance of all pupils, elementary
10 and secondary combined, in the district divided in its last year of op-
11 eration before the division.

12 (b) When boundaries of districts are changed by excision or annexation
13 of territory, the support program of any district from which territory
14 is excised for the last year of operation before such excision shall be
15 divided, and apportioned among the districts involved, as prescribed in
16 paragraph (a) of this subsection.

17 (c) In new districts formed by consolidation of former districts after
18 January 1, 2007, the support program allowance, for a seven (7) year pe-
19 riod following the formation of the new district, shall not be less than
20 the combined support program allowances of the component districts in
21 the last year of operation before consolidation. After the expiration
22 of this period, the state department of education shall annually cal-
23 culate the number of support units that would have been generated had
24 the previous school districts not consolidated. All applicable state
25 funding to the consolidated district shall then be provided based on a
26 support unit number that is halfway between this figure and the actual
27 support units, provided that it cannot be less than the actual support
28 units.