

IN THE SENATE

SENATE BILL NO. 1045

BY EDUCATION COMMITTEE

AN ACT

1 RELATING TO EDUCATION; AMENDING SECTION 33-507, IDAHO CODE, TO REVISE PROVI-
2 SIONS REGARDING LIMITATIONS ON THE AUTHORITY OF DISTRICT TRUSTEES; AND
3 DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.
4

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

6 SECTION 1. That Section 33-507, Idaho Code, be, and the same is hereby
7 amended to read as follows:

8 33-507. LIMITATION UPON AUTHORITY OF TRUSTEES. (1) It shall be unlaw-
9 ful for any trustee to have pecuniary interest, directly or indirectly, in
10 any contract or other transaction pertaining to the maintenance or conduct
11 of the school district or to accept any reward or compensation for services
12 rendered as a trustee except as may be otherwise provided in this section.
13 The board of trustees of a school district may accept and award contracts in-
14 volving the school district to businesses in which a trustee or a person re-
15 lated to him by blood or marriage within the second degree has a direct or
16 indirect interest provided that the procedures set forth in section 18-1361
17 or 18-1361A, Idaho Code, are followed. The receiving, soliciting, or accep-
18 tance of moneys of a school district for deposit in any bank or trust company,
19 or the lending of money by any bank or trust company to any school district,
20 shall not be deemed to be a contract pertaining to the maintenance or conduct
21 of a school district within the meaning of this section; nor shall the pay-
22 ment by any school district board of trustees of compensation to any bank or
23 trust company, for services rendered in the transaction of any banking busi-
24 ness with such district board of trustees, be deemed the payment of any re-
25 ward or compensation to any officer or director of any such bank or trust com-
26 pany within the meaning of this section.

27 (2) It shall be unlawful for the board of trustees of any class of school
28 district to enter into or execute any contract with the spouse of any member
29 of such board, the terms of which said contract requires or will require the
30 payment or delivery of any school district funds, money, or property to such
31 spouse, except as provided in subsection (3) of this section or in section
32 18-1361 or 18-1361A, Idaho Code.

33 (3) No spouse of any trustee may be employed by a school district with a
34 fall student enrollment population of greater than one thousand two hundred
35 (1,200) in the prior school year. For school districts and public charter
36 schools with a fall student enrollment population of one thousand two hun-
37 dred (1,200) or less in the prior school year and for schools funded pursuant
38 to the provisions of section 33-1003(2), Idaho Code, such spouse may be em-
39 ployed in a nonadministrative position for a school year if each of the fol-
40 lowing conditions has been met:

41 (a) The position has been listed as open for application on the school
42 district website or in a local newspaper, whichever is consistent with

1 the district's current practice, and the position shall be listed for
 2 at least sixty (60) days, unless the opening occurred during the school
 3 year, in which case the position shall be so listed for at least fifteen
 4 (15) days. If the position is listed in a newspaper, the listing shall
 5 be made in a manner consistent with the provisions of section 60-106,
 6 Idaho Code;

7 (b) No applications were received that met the minimum certification,
 8 endorsement, education or experience requirements of the position
 9 other than such spouse; and

10 (c) The trustee abstained from voting in the employment of the spouse
 11 and was absent from the meeting while such employment was being consid-
 12 ered and determined.

13 The school district or school may employ such spouse for further school
 14 years, provided that the conditions contained in this subsection are met for
 15 each school year in which such spouse is employed.

16 (4) Until June 30, 2030, for school districts with a fall student en-
 17 rollment of four hundred (400) or less, a spouse may be employed if selected
 18 through a school district's approved hiring process as long as the trustee
 19 abstains from being involved in any part of the hiring, employment, or com-
 20 penetration processes and as long as the spouse is employed in a nonadministra-
 21 tive position.

22 (5) The trustee shall abstain from voting in any decisions affecting
 23 the compensation, benefits, individual performance evaluation or disci-
 24 plinary action related to the spouse and shall be absent from the meeting
 25 while such issues are being considered and determined. Such limitation
 26 shall include, but not be limited to: any matters relating to negotiations
 27 regarding compensation and benefits; discussion and negotiation with dis-
 28 trict benefits providers; and any matter relating to the spouse and letters
 29 of reprimand, direction, probation or termination. Such limitations shall
 30 not prohibit the trustee spouse from participating in deliberation and vot-
 31 ing upon the district's annual fiscal budget or annual audit report.

32 (6) Any spouse of a trustee employed as a certificated employee pur-
 33 suant to this subsection section, except spouses employed pursuant to sub-
 34 section (4) of this section prior to June 30, 2030, shall be employed under
 35 a category 1 contract pursuant to section 33-514A, Idaho Code. Any spouse
 36 employed in a noncertificated position pursuant to this section shall be em-
 37 ployed as an at-will employee with no contract status and no rights to con-
 38 tinue employment.

39 ~~(4)~~ (7) When any relative of any trustee or relative of the spouse of
 40 a trustee related by affinity or consanguinity within the second degree is
 41 considered for employment in a school district, such trustee shall abstain
 42 from voting in the election of such relative and shall be absent from the
 43 meeting while such employment is being considered and determined.

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