

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 78

BY EDUCATION COMMITTEE

AN ACT

RELATING TO EDUCATION AND DISTRICT TRUSTEES; AMENDING SECTION 33-501, IDAHO CODE, TO PROVIDE FOR APPOINTMENT OF A PERSON AT-LARGE AND TO MAKE A TECHNICAL CORRECTION; AND AMENDING SECTION 33-504, IDAHO CODE, TO PROVIDE FOR APPOINTMENT OF A PERSON AT-LARGE, AND TO PROVIDE THAT CERTAIN APPOINTMENTS SHALL BE MADE BY THE BOARD OF COUNTY COMMISSIONERS AFTER A CERTAIN PERIOD.

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

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

33-501. BOARD OF TRUSTEES. Each school district shall be governed by a board of trustees. The board of trustees of each elementary school district shall consist of three (3) members, and the board of trustees of each other school district shall consist of five (5) members. Provided, however, that the board of trustees of any district which has had a change in its district boundaries subsequent to June 30, 1973, may consist of no fewer than five (5) nor more than nine (9) members if such provisions are included as part of an approved proposal to redefine and change trustee zones as provided in section 33-313, Idaho Code. The board of trustees of any district that has had a change in its district boundaries because of district consolidation on and after January 1, 2008, shall consist of five (5) members if two (2) districts consolidated or seven (7) members if three (3) or more districts consolidated. Except as otherwise provided by law, a school district trustee shall be elected for a term of three (3) years or until the annual meeting of his district held during the year in which his term expires.

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

Each trustee shall qualify for and assume office at the annual meeting of his school district next following his election, or, if appointed, at the regular meeting of the board of trustees next following such appointment. An oath of office shall be administered to each trustee, whether elected, ~~re-elected~~ reelected or appointed. Said oath may be administered by the clerk, or by a trustee, of the district, and the records of the district shall show such oath of office to have been taken, and by whom administered and shall be filed with the official records of the district.

SECTION 2. That Section 33-504, Idaho Code, be, and the same is hereby amended to read as follows:

1           33-504. VACANCIES ON BOARDS OF TRUSTEES. A vacancy shall be declared by  
2 the board of trustees when any nominee has been elected but has failed to qualify for office,  
3 or within thirty (30) days of when any trustee shall (a) die; (b) resign as trustee; (c) remove  
4 himself from his trustee zone of residence; (d) no longer be a resident or school district elector  
5 of the district; (e) refuse to serve as trustee; (f) without excuse acceptable to the board of  
6 trustees, fail to attend four (4) consecutive regular meetings of the board; or (g) be recalled and  
7 discharged from office as provided in section 33-439, Idaho Code.

8           Such declaration of vacancy shall be made at any regular or special meeting of the board  
9 of trustees, at which any of the above-mentioned conditions are determined to exist.

10           The board of trustees shall appoint to such vacancy a person qualified to serve as trustee  
11 of the school district provided there remains in membership on the board of trustees a majority  
12 of the membership thereof, and the board shall notify the state superintendent of public  
13 instruction of the appointment. Such appointment shall be made within ninety (90) days of the  
14 declaration of vacancy. After ninety (90) days, if the board of trustees is unable to appoint a  
15 trustee from the zone vacated, the board of trustees may appoint a person at-large from within  
16 the boundaries of the school district to serve as the trustee from the zone where the vacancy  
17 occurred. Otherwise, after one hundred twenty (120) days from the declaration of vacancy,  
18 appointments shall be made by the board of county commissioners of the county in which the  
19 district is situate, or of the home county if the district be a joint district.

20           Any person appointed as herein provided shall serve until the annual meeting of school  
21 district trustees next following such appointment. At the annual election a trustee shall be  
22 elected to complete the unexpired term of the office which was declared vacant and filled by  
23 appointment.

24           The elected trustee shall assume office at the annual meeting of the school district next  
25 following the election.