

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 252

BY EDUCATION COMMITTEE

AN ACT

1 RELATING TO SCHOOL DISTRICT FINANCIAL EMERGENCIES; AMENDING SECTION  
2 33-402, IDAHO CODE, TO PROVIDE FOR NOTICE REQUIREMENTS IN THE  
3 EVENT A FINANCIAL EMERGENCY HAS BEEN DECLARED AND TO MAKE  
4 TECHNICAL CORRECTIONS; AMENDING SECTION 33-515, IDAHO CODE, TO  
5 PROVIDE AN EXCEPTION TO THE ISSUANCE OF CERTAIN CONTRACTS, TO  
6 CLARIFY LANGUAGE, TO PROVIDE FOR AN INFORMAL REVIEW UNDER  
7 CERTAIN CIRCUMSTANCES, TO PROVIDE FOR A DUE PROCESS HEARING  
8 AND PROCEDURE UNDER CERTAIN CIRCUMSTANCES, TO PROVIDE THE  
9 TIME IN WHICH THE DUE PROCESS HEARING IS TO BE HELD AND TO  
10 PROVIDE THAT A DUE PROCESS HEARING IS NOT REQUIRED UNDER  
11 CERTAIN CIRCUMSTANCES; AMENDING CHAPTER 5, TITLE 33, IDAHO CODE,  
12 BY THE ADDITION OF A NEW SECTION 33-522, IDAHO CODE, TO PROVIDE  
13 FOR FINANCIAL EMERGENCIES; AMENDING SECTION 33-601, IDAHO CODE,  
14 TO PROVIDE CORRECT CODE REFERENCES AND TO MAKE TECHNICAL  
15 CORRECTIONS; AMENDING SECTION 33-801, IDAHO CODE, TO PROVIDE A  
16 TIME REQUIREMENT FOR PREPARATION OF A BUDGET IF A FINANCIAL  
17 EMERGENCY HAS BEEN DECLARED; AMENDING SECTION 33-1510, IDAHO  
18 CODE, TO PROVIDE A CORRECT CODE REFERENCE; AND DECLARING AN  
19 EMERGENCY.  
20

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

22 SECTION 1. That Section 33-402, Idaho Code, be, and the same is hereby amended to  
23 read as follows:

24 33-402. NOTICE REQUIREMENTS. ~~a-~~(1) Notice of all school elections must be given  
25 by posting and publishing notice of said elections and such notice shall state:

26 ~~1-~~(a) The date of holding the election;

27 ~~2-~~(b) The hours ~~between which~~ the polls will be open;

28 ~~3-~~(c) The definite place or places of holding the election;

29 ~~4-~~(d) In the case of election of trustees, the offices to be filled, the trustee zones, and a  
30 statement that declarations of candidacy must be filed not later than 5:00 p.m. on the fifth  
31 Friday prior to the day of the election;

32 ~~5-~~(e) In the case of bond election, the amount of the issue, the purpose and period of the  
33 issue;

34 ~~6-~~(f) In the case of the assumption of a debt, the amount of any such debt to be assumed  
35 by each district, or part of a district; and

36 ~~7-~~(g) In all other elections, a brief statement of the question being submitted to the  
37 electors.

38 ~~b-~~(2) In school elections involving;

- 1           ~~(i)~~ (a) ~~The~~ incurring or increasing of a debt;<sub>2</sub>  
 2           ~~(ii)~~ (b) ~~Approving~~ a levy for a plant facilities reserve fund and term thereof;<sub>2</sub>  
 3           ~~(iii)~~ (c) ~~Excising~~ and annexing territory;<sub>2</sub>  
 4           ~~(iv)~~ (d) ~~Consolidating~~ districts;<sub>2</sub> or  
 5           ~~(v)~~ (e) ~~Dividing~~ a district;<sub>2</sub>

6 ~~h~~ Notice of the election shall be posted not less than twenty-one (21) days prior to the day  
 7 of the election in at least three (3) places in each district participating in or affected by such  
 8 election, one (1) of which places shall be at or near the main door of the administrative offices  
 9 of each such district, and by publishing at least once each week for three (3) consecutive weeks  
 10 prior to the day of the election in a newspaper as provided in section 60-106, Idaho Code,  
 11 published in the county or in any county in which such district may lie and having general  
 12 circulation within such district.

13           ~~e~~ (3) Notice of all other school elections shall be given in the same manner, except that  
 14 the posting shall be for not less than ten (10) days, and publishing shall be at least once each  
 15 week for two (2) consecutive weeks prior to the day of the election.

16           ~~d~~ (4) Notice of the deadline for filing declaration of candidacy for election of trustees  
 17 shall be posted for not less than ten (10) days and published at least once each week for two  
 18 (2) consecutive weeks prior to the last day for filing nominating petitions as required by section  
 19 33-502, Idaho Code.

20           ~~e~~ (5) In elections for excising and annexing the territory of school districts, or to  
 21 create new school districts by consolidation or division, the clerk of the board of county  
 22 commissioners of the county in which the district lies, or of the home county if the district be a  
 23 joint district, shall prepare, post, sign and arrange for the publishing of, the notice of election.  
 24 In all other elections it shall be the duty of the clerk of the board of trustees so to do.

25           ~~f~~ (6) Notice of annual meeting of elementary school districts as provided for in section  
 26 33-510, Idaho Code, and of intent to discontinue a school, as provided for in section 33-511,  
 27 Idaho Code, and annual budget hearing as provided for in section 33-801, Idaho Code, shall  
 28 be given by posting and publishing as outlined in subsection ~~b~~ (2) of this section except that  
 29 posting shall be for not less than ten (10) days, and publishing shall be once in a newspaper as  
 30 provided in section 60-106, Idaho Code, published within the district, or, if there be none, then  
 31 in a newspaper as provided in section 60-106, Idaho Code, published in the county in which  
 32 such district lies. If more than one (1) newspaper is printed and published in said district or  
 33 county, then in the newspaper most likely to give best general notice of the election within  
 34 said district; provided that if no newspaper is published in the said district or county, then in a  
 35 newspaper as provided in section 60-106, Idaho Code, most likely to give best general notice of  
 36 the election within the district. If a financial emergency has been declared pursuant to section  
 37 33-522, Idaho Code, the notice of annual meeting and the notice of the annual budget hearing  
 38 shall be posted pursuant to subsection (2) of this section, for not less than five (5) days, and  
 39 by such further notice as shall provide reasonable notice to the patrons of the school district if  
 40 publication in a newspaper is not feasible.

41           ~~g~~ (7) Notices calling for bids for the acquisition, use, or disposal of real and personal  
 42 property as provided for in section 33-601, Idaho Code, and contracting for transportation  
 43 services as provided for in section 33-1510, Idaho Code, shall be given in a newspaper of  
 44 general circulation as required by chapter 1, title 60, Idaho Code, except that the notice for  
 45 contracting for transportation services shall be made not less than four (4) weeks before the  
 46 date of opening bids.

1        ~~h-~~(8) Proof of posting notice shall be upon the affidavit of the person posting the same;  
 2 and proof of publication shall be upon the affidavit of the publisher of the newspaper or  
 3 newspapers respectively. Such affidavits shall be filed with his board by the clerk responsible  
 4 for the posting and the publishing of said notice, before the day of the election named in the  
 5 notice.

6        SECTION 2. That Section 33-515, Idaho Code, be, and the same is hereby amended to  
 7 read as follows:

8        33-515. ISSUANCE OF RENEWABLE CONTRACTS. (1) During the third full year of  
 9 continuous employment by the same school district, including any specially chartered district,  
 10 each certificated employee named in subsection (16) of section 33-1001, Idaho Code, and each  
 11 school nurse and school librarian shall be evaluated for a renewable contract and shall, upon  
 12 having been offered a contract for the next ensuing year, having given notice of acceptance of  
 13 renewal and upon signing a contract for a fourth full year, be placed on a renewable contract  
 14 status with said school district subject to the provisions included in this chapter.

15        (2) After the third full year of employment and at least once annually, the performance of  
 16 each such certificated employee, school nurse, or school librarian shall be evaluated according  
 17 to criteria and procedures established by the board of trustees in accordance with general  
 18 guidelines approved by the state board of education. Except as otherwise provided, that person  
 19 shall have the right to automatic renewal of contract by giving notice, in writing, of acceptance  
 20 of renewal. Such notice shall be given to the board of trustees of the school district then  
 21 employing such person not later than the first day of June preceding the expiration of the term  
 22 of the current contract. Except as otherwise provided by this paragraph, the board of trustees  
 23 shall notify each person entitled to be employed on a renewable contract of the requirement  
 24 that such person must give the notice hereinabove and that failure to do so may be interpreted  
 25 by the board as a declination of the right to automatic renewal or the offer of another contract.  
 26 Such notification shall be made, in writing, not later than the fifteenth day of May, in each year,  
 27 except to those persons to whom the board, prior to said date, has sent proposed contracts for  
 28 the next ensuing year, or to whom the board has given the notice required by this section.

29        (3) Any contract automatically renewed under the provisions of this section shall be  
 30 for the same length as the term stated in the current contract and at a salary no lower than  
 31 that specified therein, to which shall be added such increments as may be determined by the  
 32 statutory or regulatory rights of such employee by reason of training, service, or performance,  
 33 except where a board of trustees has declared a financial emergency pursuant to section 33-522,  
 34 Idaho Code.

35        (4) Nothing ~~herein~~ in this section shall prevent the board of trustees from offering  
 36 a renewed contract increasing the salary of any certificated person, or from reassigning an  
 37 administrative employee to a nonadministrative position with appropriate reduction of salary  
 38 from the preexisting salary level. In the event the board of trustees reassigns an administrative  
 39 employee to a nonadministrative position, the board shall give written notice to the employee  
 40 which contains a statement of the reasons for the reassignment. The employee, upon written  
 41 request to the board, shall be entitled to an informal review of that decision. The process and  
 42 procedure for the informal review shall be determined by the local board of trustees.

43        (5) Before a board of trustees can determine not to renew for reasons of an unsatisfactory  
 44 report of the performance of any certificated person whose contract would otherwise be  
 45 automatically renewed, or to renew the contract of any such person at a reduced salary, such

1 person shall be entitled to a reasonable period of probation. This period of probation shall  
2 be preceded by a written notice from the board of trustees with reasons for such probationary  
3 period and with provisions for adequate supervision and evaluation of the person's performance  
4 during the probationary period. Such period of probation shall not affect the person's  
5 renewable contract status. Consideration of probationary status for certificated personnel is  
6 consideration of the status of an employee within the meaning of section 67-2345, Idaho Code,  
7 and may be held in executive session. If the consideration results in probationary status, the  
8 individual on probation shall not be named in the minutes of the meeting. A record of the  
9 decision shall be placed in the teacher's personnel file.

10 (6) If the board of trustees takes action to immediately discharge or discharge upon  
11 termination of the current contract a certificated person whose contract would otherwise be  
12 automatically renewed, or to renew the contract of any such person at a reduced salary, the  
13 action of the board shall be consistent with the procedures specified in section 33-513(5), Idaho  
14 Code, and furthermore, the board shall notify the employee in writing whether there is just and  
15 reasonable cause not to renew the contract or to reduce the salary of the affected employee, and  
16 if so, what reasons it relied upon in that determination.

17 (7) If the board of trustees takes action after the declaration of a financial emergency  
18 pursuant to section 33-522, Idaho Code, and such action is directed at more than one (1)  
19 certificated employee and, if mutually agreed to by both parties, a single informal review shall  
20 be conducted. Without mutual consent of both parties, the board of trustees shall use the  
21 following procedure to conduct a single due process hearing within sixty-seven (67) days of the  
22 declaration of financial emergency pursuant to section 33-522(2), Idaho Code, or on or before  
23 June 22, whichever shall occur first:

24 (a) The superintendent or any other duly authorized administrative officer of the school  
25 district may recommend the change in the length of the term stated in the current contract  
26 or reduce the salary of any certificated employee by filing with the board of trustees  
27 written notice specifying the purported reasons for such changes.

28 (b) Upon receipt of such notice, the board of trustees, acting through its duly authorized  
29 administrative official, shall give the affected employees written notice of the reductions  
30 and the recommendation of the change in the length of the term stated in the current  
31 contract or the reduction of salary, along with written notice of a hearing before the board  
32 of trustees prior to any determination by the board of trustees.

33 (c) The hearing shall be scheduled to take place not less than six (6) days nor more than  
34 fourteen (14) days after receipt of the notice by the employees. The date provided for the  
35 hearing may be changed by mutual consent.

36 (d) The hearing shall be open to the public.

37 (e) All testimony at the hearing shall be given under oath or affirmation. Any member  
38 of the board, or the clerk of the board of trustees, may administer oaths to witnesses or  
39 affirmations by witnesses.

40 (f) The employees may be represented by legal counsel and/or by a representative of a  
41 local or state education association.

42 (g) The chairman of the board of trustees or the designee of the chairman shall conduct  
43 the hearing.

44 (h) The board of trustees shall cause an electronic record of the hearing to be made  
45 or shall employ a competent reporter to take stenographic or stenotype notes of all the

1 testimony at the hearing. A transcript of the hearing shall be provided at cost by the  
 2 board of trustees upon request of the employee.

3 (i) At the hearing the superintendent or other duly authorized administrative officer shall  
 4 present evidence to substantiate the reduction contained in such notice.

5 (j) The employees may produce evidence to refute the reduction. Any witness presented  
 6 by the superintendent or by the employees shall be subject to cross-examination. The  
 7 board of trustees may also examine witnesses and be represented by counsel.

8 (k) The affected employees may file written briefs and arguments with the board of  
 9 trustees within three (3) days after the close of the hearing or such other time as may be  
 10 agreed upon by the affected employees and the board of trustees.

11 (l) Within seven (7) days following the close of the hearing, the board of trustees shall  
 12 determine and, acting through its duly authorized administrative official, shall notify the  
 13 employees in writing whether the evidence presented at the hearing established the need  
 14 for the action taken.

15 The due process hearing pursuant to this subsection (7) shall not be required if the board of  
 16 trustees and the local education association reach an agreement on issues agreed upon pursuant  
 17 to section 33-522(3), Idaho Code.

18 (8) If the board of trustees, for reasons other than unsatisfactory service, for the ensuing  
 19 contract year, determines to change the length of the term stated in the current contract, reduce  
 20 the salary or not renew the contract of a certificated person whose contract would otherwise be  
 21 automatically renewed, nothing herein shall require a probationary period.

22 SECTION 3. That Chapter 5, Title 33, Idaho Code, be, and the same is hereby amended  
 23 by the addition thereto of a NEW SECTION, to be known and designated as Section 33-522,  
 24 Idaho Code, and to read as follows:

25 33-522. FINANCIAL EMERGENCY. (1) Prior to declaring a financial emergency, the  
 26 board of trustees shall hold a public meeting for the purpose of receiving input concerning  
 27 possible solutions to the financial problems facing the school district.

28 (2) If the state department of education certifies that one (1) or more of the conditions  
 29 in paragraph (a), (b) or (c) of this subsection are met, then the board of trustees may declare  
 30 a financial emergency if it determines that the condition in paragraph (f) of this subsection is  
 31 also met. Alternatively, the board of trustees may declare a financial emergency if it determines  
 32 that either of the conditions in paragraph (d) or (e) of this subsection are met and the state  
 33 department of education certifies that the condition set forth in paragraph (f) of this subsection  
 34 is also met.

35 (a) Any of the base salary multipliers in section 33-1004E, Idaho Code, are reduced by  
 36 one and one-half percent (1 1/2%) or more from any prior fiscal year.

37 (b) The minimum instructional salary provision in section 33-1004E, Idaho Code, is  
 38 reduced by one and one-half percent (1 1/2%) or more from any prior fiscal year.

39 (c) The amount of total general fund money appropriated per support unit is reduced by  
 40 greater than three percent (3%) from the original general fund appropriation per support  
 41 unit of any prior fiscal year.

42 (d) The amount of property tax revenue to be collected by the school district that may  
 43 be used for any general fund purpose, with the exception of any emergency levy funds, is  
 44 reduced from the prior fiscal year, and the amount of said reduction represents more than

1 five percent (5%) of the school district's general fund budget for combined state and local  
2 revenues from the prior fiscal year.

3 (e) The school district's general fund has decreased by at least three percent (3%) from  
4 the previous year's level due to a decrease in funding or natural disaster, but not as a  
5 result of a drop in the number of support units or the index multiplier calculated pursuant  
6 to section 33-1004A, Idaho Code, or a change in the emergency levy.

7 (f) The school district's unrestricted general fund balance, which excludes funds  
8 restricted by state or federal law and considering both anticipated expenditures and  
9 revenue, is less than five and one-half percent (5 1/2%) of the school district's  
10 unrestricted general fund budget at the time the financial emergency is declared or for the  
11 fiscal year for which the financial emergency is declared.

12 (3) Upon its declaration of a financial emergency, the board of trustees shall:

13 (a) Have the power to reopen the salary and benefits compensation aspects of the  
14 negotiated agreement, including the length of the certificated employee contracts and the  
15 amount of compensation and benefits; and

16 (b) If the parties to the negotiated agreement mutually agree, reopen other matters  
17 contained within the negotiated agreement directly affecting the financial circumstances in  
18 the school district.

19 If the board of trustees exercises the power provided in this subsection consistent with the  
20 requirements of subsection (2) of this section, both the board of trustees and the local education  
21 association shall meet and confer in good faith for the purpose of reaching an agreement on  
22 such issues.

23 (4) If, after the declaration of a financial emergency pursuant to subsection (2) of this  
24 section, both parties have met and conferred in good faith and an agreement has not been  
25 reached, the board of trustees may impose its last, best offer, following the outcome of the due  
26 process hearing held pursuant to section 33-515(7), Idaho Code.

27 (5) A financial emergency declared pursuant to subsection (2) of this section shall be  
28 effective for only one (1) fiscal year at a time and shall not be declared by the board of  
29 trustees for a second consecutive year, unless so qualified by additional reductions pursuant  
30 to the conditions listed in subsection (2) of this section.

31 (6) The time requirements of sections 33-514(2) and 33-515(2), Idaho Code, shall not  
32 apply in the event a financial emergency is declared pursuant to subsection (2) of this section.

33 SECTION 4. That Section 33-601, Idaho Code, be, and the same is hereby amended to  
34 read as follows:

35 33-601. REAL AND PERSONAL PROPERTY – ACQUISITION, USE OR  
36 DISPOSAL OF SAME. The board of trustees of each school district shall have the following  
37 powers and duties:

38 (1) To rent to or from others, school buildings or other property used, or to be used, for  
39 school purposes.

40 (2) To contract for the construction, repair, or improvement of any real property, or the  
41 acquisition, purchase or repair of any equipment, or other personal property necessary for the  
42 operation of the school district.

43 Except for the purchase of curricular materials as defined in section 33-118A, Idaho Code,  
44 such contract shall be executed in accordance with the provisions of chapter 28, title 67, Idaho  
45 Code.

1 (3) To designate and purchase any real property necessary for school purposes or in the  
2 operation of the district, or remove any building, or dispose of any real property. Prior to, but  
3 not more than one (1) year prior to, any purchase or disposal of real property, the board shall  
4 have such property appraised by an appraiser certified in the state of Idaho, which appraisal  
5 shall be entered in the records of the board of trustees, and shall be used to establish the value  
6 of the real property. The board of trustees shall determine the size of the site necessary for  
7 school purposes. The site shall be located within the incorporated limits of any city within  
8 the district; provided, however, that if the board finds that it is not in the best interests of the  
9 electors and the students of the district to locate the site within the incorporated limits of a city,  
10 the board, by duly adopted resolution setting forth the reasons for its finding, may designate a  
11 site located elsewhere within the district. In elementary school districts, except upon removal  
12 for highway purposes, a site may be designated or changed only after approval of two-thirds  
13 (2/3) or more of the electors voting at the annual meeting.

14 (4) (a) To convey, except as provided by paragraph (b) of this subsection, by deed, bill  
15 of sale, or other appropriate instrument, all of the estate and interest of the district in  
16 any property, real or personal. In elementary school districts, except such conveyance  
17 as is authorized by subsection (6) of this section, any of the transactions authorized in  
18 this subsection shall be subject to the approval of two-thirds (2/3) or more of the electors  
19 voting at the annual meeting.

20 Prior to such sale or conveyance, the board shall have the property appraised pursuant  
21 to this section, which appraisal shall be entered in the records of the board of trustees.  
22 The property may be sold at public auction or by sealed bids, as the board of trustees  
23 shall determine, to the highest bidder. Such property may be sold for cash or for such  
24 terms and conditions as the board of trustees shall determine for a period not exceeding  
25 ten (10) years, with the annual rate of interest on all deferred payments not less than  
26 seven percent (7%) per annum. The title to all property sold on contract shall be retained  
27 in the name of the school district until full payment has been made by the purchaser, and  
28 title to all property sold under a note and mortgage or deed of trust shall be transferred  
29 to the purchaser at the point of sale under the terms and conditions of the mortgage  
30 or deed of trust as the board of trustees shall determine. Notice of the time and the  
31 conditions of such sale shall be published twice, and proof thereof made, in accordance  
32 with subsections ~~g~~ (7) and ~~h~~ (8) of section 33-402, Idaho Code, except that when the  
33 appraised value of the property is less than one thousand dollars (\$1,000), one (1) single  
34 notice by publication shall be sufficient and the property shall be sold by sealed bids or at  
35 public auction.

36 The board of trustees may accept the highest bid, may reject any bid, or reject all  
37 bids. If the real property was donated to the school district the board may, within a  
38 period of one (1) year from the time of the appraisal, sell the property without additional  
39 advertising or bidding. Otherwise, the board of trustees must have new appraisals made  
40 and again publish notice for bids, as before. If, thereafter, no satisfactory bid is made and  
41 received, the board may proceed under its own direction to sell and convey the property.  
42 In no case shall any real property of the school district be sold for less than its appraisal.

43 The board of trustees may sell personal property, with an estimated value of less  
44 than one thousand dollars (\$1,000), without appraisal, by sealed bid or at public auction,  
45 provided that there has been not less than one (1) published advertisement prior to the  
46 sale of said property. If the property has an estimated value of less than five hundred

1 dollars (\$500), the property may be disposed of in the most cost-effective and expedient  
 2 manner by an employee of the district empowered for that purpose by the board, provided  
 3 however, such employee shall notify the board prior to disposal of said property.

4 (b) Real and personal property may be exchanged hereunder for other property.  
 5 Provided, however, that aside from the provisions of this paragraph, any school district  
 6 may by a vote of one-half (1/2) plus one (1) of the members of the full board of trustees,  
 7 by resolution duly adopted, authorize the transfer or conveyance of any real or personal  
 8 property owned by such school district to the government of the United States, any city,  
 9 county, the state of Idaho, any hospital district organized under chapter 13, title 39, Idaho  
 10 Code, any other school district, the Idaho housing and finance association, any public  
 11 charter school, any library district, any community college district, or any recreation  
 12 district, with or without any consideration accruing to the school district, when in the  
 13 judgment of the board of trustees it is for the interest of such school district that said  
 14 transfer or conveyance be made. Prior to any transfer or conveyance of any real or  
 15 personal property pursuant to this paragraph (4)(b), the board shall have the property  
 16 appraised by an appraiser certified in the state of Idaho, which appraisal shall be entered  
 17 in the records of the board of trustees, and shall be used to establish the value of the real  
 18 or personal property.

19 (5) To enter into contracts with any city located within the boundaries of the school  
 20 district for the joint purchase, construction, development, maintenance and equipping of  
 21 playgrounds, ball parks, swimming pools, and other recreational facilities upon property owned  
 22 either by the school district or the city.

23 (6) To convey rights-of-way and easements for highway, public utility, and other  
 24 purposes over, upon or across any school property and, when necessary to the use of such  
 25 property for any such purpose, to authorize the removal of school buildings to such new  
 26 location, or locations, as shall be determined by the board of trustees, and such removal shall  
 27 be made at no cost or expense to the school district.

28 (7) To authorize the use of any school building of the district as a community center, or  
 29 for any public purpose, and to establish a policy of charges, if any, to be made for such use.

30 (8) To exercise the right of eminent domain under the provisions of chapter 7, title 7,  
 31 Idaho Code, for any of the uses and purposes provided in section 7-701, Idaho Code.

32 (9) If there is a great public calamity, such as an extraordinary fire, flood, storm,  
 33 epidemic, or other disaster, or if it is necessary to do emergency work to prepare for national  
 34 or local defense, or it is necessary to do emergency work to safeguard life, health or property,  
 35 the board of trustees may pass a resolution declaring that the public interest and necessity  
 36 demand the immediate expenditure of public money to safeguard life, health or property. Upon  
 37 adoption of the resolution, the board may expend any sum required in the emergency without  
 38 compliance with this section.

39 SECTION 5. That Section 33-801, Idaho Code, be, and the same is hereby amended to  
 40 read as follows:

41 33-801. SCHOOL DISTRICT BUDGET. No later than twenty-eight (28) days or, if  
 42 a financial emergency has been declared pursuant to section 33-522, Idaho Code, fourteen  
 43 (14) days prior to its annual meeting, the board of trustees of each school district shall have  
 44 prepared a budget, in form prescribed by the state superintendent of public instruction, and  
 45 shall have called and caused to be held a public hearing thereon, and at such public hearing,

1 or at a special meeting held no later than fourteen (14) days after the public hearing, shall  
 2 adopt a budget for the ensuing year. Notice of the hearing shall be posted, and published  
 3 as prescribed in section 33-402, Idaho Code, and a record of the hearing shall be kept by  
 4 the clerk of the board of trustees. At the time said notice is given and until the date of  
 5 the hearing, a copy of the budget shall be available for public inspection at all reasonable  
 6 times at the administrative offices of the school district, or at the office of the clerk of the  
 7 district. The board of trustees of each school district shall also prepare and publish, as a  
 8 part of such notice, a summary statement of the budget for the current and ensuing years.  
 9 Such statement shall be prepared in a manner consistent with standard accounting practices  
 10 and in such form as the state superintendent of public instruction shall prescribe, and, among  
 11 other things, said statement shall show amounts budgeted for all major classifications of income  
 12 and expenditures, with total amounts budgeted for salary and wage expenditures in each such  
 13 classification shown separately. Such statement shall show amounts actually expended for the  
 14 two (2) previous years for the same classification for purposes of comparison. The budgeted  
 15 dollar amounts of revenue in those categories included within the provisions of section 33-802,  
 16 Idaho Code, as approved within the adopted budget shall be the same as presented to the  
 17 respective county commissioners for tax levy purposes.

18 SECTION 6. That Section 33-1510, Idaho Code, be, and the same is hereby amended to  
 19 read as follows:

20 33-1510. CONTRACTS FOR TRANSPORTATION SERVICE. (1) All contracts entered  
 21 into by boards of trustees for the transportation of pupils shall be in writing using the current  
 22 pupil transportation model contract developed by the state department of education. School  
 23 districts may attach to the model contract addenda to meet local requirements. School districts  
 24 shall submit to the state superintendent of public instruction a copy of the pupil transportation  
 25 contract prior to both parties signing it, for a review of legal requirements and appropriate  
 26 costs and for final approval. The state superintendent of public instruction shall respond to the  
 27 school district within twenty-one (21) calendar days of the postmarked receipt of the contract  
 28 by notifying the school district of contract approval or of recommended or required changes. A  
 29 school district may appeal to the state board of education any changes the state superintendent  
 30 requires, in which case the state board may, upon review, approve the contract without such  
 31 changes.

32 (2) No contract shall be executed covering a period of time exceeding five (5) years.  
 33 School districts shall advertise, bid and contract for all bus transportation service routes  
 34 at a single time, and contract with the lowest responsible bidder or bidders meeting the  
 35 specifications; provided that, one (1) time only, a school district may renew a contract with the  
 36 current contractor if the board of trustees, after renegotiation with the contractor, determines  
 37 that the terms are satisfactory to the district. The board of trustees may renew the contract for  
 38 a term not to exceed five (5) years. Renewal of any contract pursuant to this section shall not  
 39 be granted unless the provisions of this section were included, in a substantially conforming  
 40 summary, within the bidding notice, published pursuant to section 33-601, Idaho Code, of the  
 41 contract.

42 (3) Before entering into such contracts, the board of trustees shall invite bids by twice  
 43 giving notice as provided in section 33-402~~g~~(7), Idaho Code, and shall award the contract to  
 44 the lowest responsible bidder.

1           SECTION 7. An emergency existing therefor, which emergency is hereby declared to  
2 exist, this act shall be in full force and effect on and after its passage and approval.