

IN THE SENATE

SENATE BILL NO. 1078

BY EDUCATION COMMITTEE

AN ACT

1 RELATING TO THE STATE BOARD OF EDUCATION; AMENDING SECTION 33-307,
 2 IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE CORRECTION
 3 OR ALTERATION OF SCHOOL DISTRICT BOUNDARIES, TO AUTHORIZE THE
 4 STATE BOARD OF EDUCATION TO PROMULGATE CERTAIN RULES AND
 5 TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 33-308, IDAHO
 6 CODE, TO REVISE PROVISIONS RELATING TO SCHOOL DISTRICTS AND THE
 7 EXCISION AND ANNEXATION OF TERRITORY AND TO MAKE TECHNICAL
 8 CORRECTIONS; AMENDING SECTION 33-311, IDAHO CODE, TO PROVIDE
 9 THAT THE DEPARTMENT OF EDUCATION SHALL GIVE CERTAIN NOTICE
 10 RELATING TO PROPOSED CONSOLIDATION, TO PROVIDE FOR CERTAIN
 11 NOTIFICATION BY THE BOARD OF CANVASSERS UPON APPROVAL OF
 12 CONSOLIDATION AND CREATION OF A NEW SCHOOL DISTRICT AND TO
 13 PROVIDE THAT THE SUPERINTENDENT OF PUBLIC INSTRUCTION SHALL
 14 MAKE CERTAIN ORDERS; AMENDING SECTION 33-312, IDAHO CODE, TO
 15 REVISE PROVISIONS RELATING TO DIVISION OF SCHOOL DISTRICTS AND TO
 16 MAKE TECHNICAL CORRECTIONS; AND AMENDING SECTION 33-407, IDAHO
 17 CODE, TO REVISE PROVISIONS RELATING TO CERTAIN SCHOOL ELECTIONS
 18 AND THE REVISION OF SCHOOL DISTRICT BOUNDARIES.
 19

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

21 SECTION 1. That Section 33-307, Idaho Code, be, and the same is hereby amended to
 22 read as follows:

23 33-307. CORRECTING OR ALTERING SCHOOL DISTRICT BOUNDARIES. (1)
 24 Whenever the state board of education shall find that school district boundaries should be
 25 corrected or altered, because of error in the legal description of the boundaries of any school
 26 district, or for any other reason, including, but not limited to:

- 27 (a) ~~Any part of the area of the state is not included within the area of a school district;~~
- 28 or
- 29 (b) ~~is included in more than one (1) school district;~~ or
- 30 (c) ~~that any area of less than fifty (50) square miles in which no school is operated~~
 31 ~~should be excised from the school district in which it lies and annexed to a contiguous~~
 32 ~~school district when the interests of the school children residing in each of the affected~~
 33 ~~districts of such areas will be served thereby; The approval in any school election~~
 34 involving the excision and annexation of territory, or the consolidation of school districts,
 35 the division of a school district, or the lapse of a school district; then
 36 the ~~said state board of education~~ superintendent of public instruction shall make an appropriate
 37 order including an omitted area into any school district, or districts, or correcting or altering the
 38 boundaries of the districts, in such manner as, in ~~his~~ his judgment, is just and proper.

1 (2) A copy of any such order shall be sent by the state ~~board~~ department of education
 2 to the board of trustees of any school district affected by the order, ~~and to the board of county~~
 3 ~~commissioners of any county in which any such district, or part thereof, shall lie~~ which shall
 4 notify the state tax commission and the county assessor and county recorder in accordance with
 5 the provisions of section 63-215, Idaho Code.

6 (3) Within thirty (30) days of receipt of the order, the ~~board of county commissioners~~
 7 state tax commission and the county assessor shall correct or alter the legal description of
 8 the school district or districts, as the same may appear in ~~its~~ their respective records, ~~and~~
 9 ~~immediately thereafter shall notify the state board of education that the county records have~~
 10 ~~been corrected in accordance with the order of the said state board of education. The state tax~~
 11 ~~commission shall also be notified in accordance with the provisions of section 63-215, Idaho~~
 12 ~~Code. The proposal shall become effective at the same time~~ state tax commission shall notify
 13 the board of trustees of the affected school district and the state ~~board~~ department of education
 14 ~~and the state tax commission have been notified by the county commissioners that the county~~
 15 ~~records have been corrected as ordered~~ effective upon such notification. In the case of either
 16 the consolidation or division of a school district, the proposal shall become effective the first
 17 day of July next following the date of the order.

18 (4) The state board of education may promulgate rules to govern the procedures for
 19 correcting or altering school district boundaries.

20 SECTION 2. That Section 33-308, Idaho Code, be, and the same is hereby amended to
 21 read as follows:

22 33-308. EXCISION AND ANNEXATION OF TERRITORY. (1) A board of trustees of
 23 any school district including a specially chartered school district, or one-fourth (1/4) or more
 24 of the school district electors, residing in an area of not more than fifty (50) square miles
 25 within which there is no schoolhouse or facility necessary for the operation of a school district,
 26 may petition in writing proposing the annexation of the area to another and contiguous school
 27 district.

28 (2) Such petition shall be in duplicate, one (1) copy of which shall be presented to the
 29 board of trustees of the district from which the area is proposed to be excised, and the other to
 30 the board of trustees of the district to which the area is proposed to be annexed. The petition
 31 shall contain:

- 32 (a) The names and addresses of the petitioners;
 33 (b) A legal description of the area proposed to be excised from one (1) district and
 34 annexed to another contiguous district;
 35 (c) Maps showing the boundaries of the districts as they presently appear and as they
 36 would appear should the excision and annexation be approved;
 37 (d) The names of the school districts from and to which the area is proposed to be
 38 excised, and annexed;
 39 (e) A description of reasons for which the petition is being submitted; and
 40 (f) An estimate of the number of children residing in the area described in the petition.

41 (3) The board of trustees of each school district, no later than ten (10) days after its
 42 first regular meeting held subsequent to receipt of the petition, shall transmit the petition, with
 43 recommendations, to the state ~~board~~ department of education.

- 44 (4) The state board of education shall approve the proposal provided:

1 (a) The excision and annexation is in the best interests of the children residing in the area
2 described in the petition; and

3 (b) The excision of the territory, as proposed, would not leave a school district with a
4 bonded debt in excess of the limit then prescribed by law.

5 If either condition is not met, the state board shall disapprove the proposal. The approval or
6 disapproval shall be expressed in writing to the board of trustees of each school district named
7 in the petition.

8 (5) If the state board of education shall approve the proposal, it shall be submitted to the
9 school district electors residing in the area described in the petition, at an election held in the
10 manner provided in chapter 4, title 33, Idaho Code. Such election shall be held within sixty
11 (60) days after the state board approves the proposal.

12 (6) At the election there shall be submitted to the electors having the qualifications of
13 electors in a school district bond election and residing in the area proposed to be annexed:

14 (a) The question of whether the area described in the petition shall be excised from
15 school district no. () and annexed to contiguous school district no. (); and

16 (b) The question of assumption of the appropriate proportion of any bonded debt, and the
17 interest thereon, of the proposed annexing school district.

18 (7) If a majority of the school district electors in the area described in the petition, voting
19 in the election, shall vote in favor of the proposal to excise and annex the said area, and if
20 in the area the electors voting on the question of the assumption of bonded debt and interest
21 have approved such assumption by the proportion of votes cast as is required by section 3,
22 article VIII, of the constitution of the state of Idaho, the proposal shall carry and be approved.
23 Otherwise, it shall fail.

24 (8) If the proposal shall be approved by the electors in the manner prescribed, the
25 board of canvassers shall thereupon promptly notify the state department of education and the
26 affected school districts of such results. The state board of education superintendent of public
27 instruction shall make an appropriate order for the boundaries of the affected school districts
28 to be altered, and the legal descriptions of the school districts shall be ~~corrected~~ altered, as
29 prescribed in section 33-307(2), Idaho Code.

30 SECTION 3. That Section 33-311, Idaho Code, be, and the same is hereby amended to
31 read as follows:

32 33-311. PLAN OF CONSOLIDATION SUBMITTED TO ELECTORS. The state board
33 of education may approve or disapprove any plan proposing consolidation, and if it approves
34 the same ~~the~~ the department of education shall give notice thereof to the board of trustees of
35 each school district proposing to consolidate and to the board of county commissioners in
36 each county in which the proposed consolidated district would lie. Notice to the board of
37 county commissioners shall include the legal description of the boundaries of the proposed
38 consolidated district and a brief statement of the approved proposal, and shall be accompanied
39 by a map of the proposed consolidated district.

40 Not more than ten (10) days after receiving the notice from the state ~~board~~ department
41 of education, each board of county commissioners receiving such notice shall enter the order
42 calling for an election on the question of approving or disapproving, and shall cause notice of
43 such election to be posted and published. The notice shall be posted and published, the election
44 shall be held and conducted and its results canvassed, in the manner and form of sections
45 33-401 through 33-406, Idaho Code.

1 If the qualified school electors of any one (1) district proposing to consolidate, and voting
 2 in the election, shall constitute a majority of all such electors voting in the entire area of
 3 the proposed consolidated district, the proposed consolidation shall not be approved unless
 4 a majority of such electors in such district, voting in the election, and a majority of such
 5 electors in each of the remaining districts, voting in the election, shall approve the proposed
 6 consolidation.

7 If the qualified school electors in no one (1) of the districts proposing to consolidate, and
 8 voting in the election, constitute a majority of all such electors voting in the entire area of
 9 the proposed consolidated district, the proposed consolidation shall not be approved unless a
 10 majority of all such electors in each district, voting in the election, shall approve the proposed
 11 consolidation.

12 In any plan of consolidation the existing bonded debt of any district or districts proposing
 13 to consolidate, shall not become the obligation of the proposed consolidated school district.
 14 The debt or debts shall remain an obligation of the property within the districts proposing the
 15 consolidation. Upon voter approval of the proposed consolidation, the districts proposing to
 16 consolidate shall become subdistricts of the new district as if they had been created under the
 17 provisions of section 33-351, Idaho Code. The subdistricts shall be called bond redemption
 18 subdistricts. The powers and duties of such bond redemption subdistricts shall not include
 19 authority to incur new indebtedness within the subdistricts.

20 When a consolidation is approved, as hereinabove prescribed, a new school district
 21 is thereby created, ~~and the board of county commissioners of any county in which the~~
 22 ~~consolidated district lies.~~ The board of canvassers shall thereupon promptly notify the state
 23 department of education and the affected school districts of such result. The superintendent of
 24 public instruction shall enter its make an appropriate order showing the creation of the district,
 25 and a legal description of its boundaries, and the legal descriptions of the boundaries of the
 26 affected school districts as prescribed in section 33-308, Idaho Code.

27 SECTION 4. That Section 33-312, Idaho Code, be, and the same is hereby amended to
 28 read as follows:

29 33-312. DIVISION OF SCHOOL DISTRICT. A school district may be divided so as to
 30 form not more than two (2) districts each of which must have continuous boundaries, in the
 31 manner hereinafter provided, except that any district which operates and maintains a secondary
 32 school or schools shall not be divided unless the two (2) districts created out of the division
 33 shall each operate and maintain a secondary school or schools immediately following such
 34 division.

35 A proposal to divide a school district may be initiated by its board of trustees and
 36 submitted to the state ~~board~~ department of education. Such proposal shall contain all of the
 37 information required in a proposal to consolidate school districts as may be relevant to a
 38 proposal to divide a school district. It shall also show the manner in which it is proposed to
 39 divide or apportion the property and liabilities of the district, the names and numbers of the
 40 proposed new districts, and legal description of the proposed trustee zones.

41 Before submitting any proposal to divide a school district, the board of trustees shall
 42 hold a hearing or hearings on the proposal within the district. Notice of such hearing or
 43 hearings shall be posted by the clerk of the board of trustees in not less than three (3) public
 44 places within the district, one (1) of which places shall be at or near the main door of the

1 administrative offices of the school district, for not less than ten (10) days before the date of
2 such hearing or hearings.

3 The department of education shall present any such proposal to the state board of
4 education, which may approve or disapprove any such the proposal submitted to it, and the
5 department of education shall give notice thereof in the manner of a proposal to consolidate
6 school districts; except, that the state board of education shall not approve any proposal which
7 would result in a district to be created by the division having or assuming a bonded debt in an
8 amount exceeding the limitations imposed by law, or which would leave the area of any city
9 or village in more than one (1) school district.

10 If the state board of education shall approve the proposal to divide the district, notice of
11 the election shall be published, the election shall be held and conducted, and the ballots shall
12 be canvassed, according to the provisions of sections 33-401- through 33-406, Idaho Code.
13 The division shall be approved only if a majority of all votes cast at said special election by
14 the school district electors residing within the entire existing school district and voting in the
15 election are in favor of the division of such district, and a majority of all votes cast at said
16 special election by the qualified voters within that portion of the proposed new district having
17 a minority of the number of qualified voters, such portion to be determined by the number of
18 votes cast in each area which is a contemplated new district, are in favor of the division of
19 the district, and upon such approval two (2) new school districts shall be thereby created. The
20 organization and division of all school districts which have divided since June 30, 1963, are
21 hereby validated.

22 If the division be approved, as herein provided, ~~the board of canvassers shall thereupon~~
23 ~~notify the state board of education and the trustees of the district which has been divided. The~~
24 ~~state board shall give notice to the board of county commissioners of any county in which~~
25 ~~the newly created districts may lie~~ two (2) new school districts are thereby created. The
26 board of canvassers shall thereupon promptly notify the state department of education and the
27 affected school districts of such result. The superintendent of public instruction shall make an
28 appropriate order showing the creation of the districts and a legal description of the boundaries,
29 and the legal descriptions of the affected school districts shall be altered, as prescribed in
30 section 33-307, Idaho Code.

31 SECTION 5. That Section 33-407, Idaho Code, be, and the same is hereby amended to
32 read as follows:

33 33-407. RETURN AND CANVASS OF ELECTIONS. In any school election involving
34 the excision and annexation of territory, or the consolidation of school districts, or the division
35 of a school district, the board of county commissioners of the county in which the election
36 is held, or, in the case of a joint school district, the board of county commissioners of the
37 home county of the school district, shall constitute the board of canvassers. In all other school
38 elections, the board of trustees of each school district shall act as the board of canvassers.

39 Following the close of the polls at the time stated in the notice of election, each board of
40 election shall open the ballot boxes and compute the results in public view. Any ballot or part
41 of a ballot from which it is impossible to determine the elector's choice shall be void and shall
42 not be counted. In the event of a bond election or any other election requiring more than a
43 simple majority conducted by a school district, any qualified elector casting such ballot or part
44 of a ballot shall be deemed not to have voted at or participated in such bond election and the
45 ballot or part of a ballot shall not be counted in determining the number of qualified electors

1 voting at or participating in such elections. Within not more than three (3) days thereafter each
2 board of election shall make return to the chairman of the board of canvassers. Said return
3 shall include the computation of the results of the election and all ballots cast at the election,
4 both those counted and those rejected.

5 At its next meeting after receiving all returns from the board or boards of election, the
6 board of trustees or the board of county commissioners, when acting as a board of canvassers
7 shall canvass all returns of the election. The board of canvassers shall examine and make
8 a statement of the total number of votes cast for all candidates or questions that shall have
9 been voted upon at the election. The statement shall set forth the names of the candidates or
10 questions for which the votes have been cast. It shall also include the total number of votes
11 cast for each candidate and/or the total number of affirmative and negative votes cast for any
12 question voted upon at the election. The board of trustees of the school district, when acting as
13 a board of canvassers, shall enter the results of the election as reflected in such a statement in
14 the minutes of the board of trustees.

15 The board of county commissioners, when acting as a board of canvassers, shall canvass
16 the returns and shall ~~give notice of the result of the election as reflected in such statement to~~
17 ~~the board of trustees of any school district involved in the election. If the proposals have been~~
18 ~~approved by the majority or majorities required by law, the board of county commissioners~~
19 ~~shall thereupon enter its order showing the proposals as having been approved, and shall also~~
20 ~~give notice of such approval to the board of county commissioners of any other county in~~
21 ~~which shall lie any part of the territory of any school district affected by the result of the~~
22 ~~election. The board of county commissioners of each county shall thereupon make appropriate~~
23 ~~corrections in the legal descriptions of any school district boundaries, within its county~~
24 ~~whenever the result of the election requires such correction~~ thereupon promptly notify the state
25 department of education and the affected school districts of such results. Whenever the results
26 require the alteration of school district boundaries, the superintendent of public instruction shall
27 make an appropriate order for the boundaries of the affected school districts to be altered, and
28 the legal descriptions of the school districts shall be altered, as prescribed in section 33-307,
29 Idaho Code.

30 All returns of elections, including ballots cast thereat, shall be kept and retained by the
31 clerk of the board of trustees, or by the clerk of the board of county commissioners, as the case
32 may be, for not less than eight (8) months after the date of the election.