

IN THE SENATE

SENATE BILL NO. 1066

BY EDUCATION COMMITTEE

AN ACT

1 RELATING TO DISCONTINUING A SCHOOL; AMENDING SECTION 33-511, IDAHO CODE, TO  
2 SPECIFY PROCEDURES, TO PROVIDE FOR AN EXCEPTION AND TO MAKE TECHNICAL  
3 CORRECTIONS.  
4

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

6 SECTION 1. That Section 33-511, Idaho Code, be, and the same is hereby  
7 amended to read as follows:

8 33-511. MAINTENANCE OF SCHOOLS. The board of trustees of each school  
9 district shall have the following powers and duties:

10 (1-) Each elementary school district shall maintain at least one (1)  
11 elementary school, and each other school district shall maintain at least  
12 one (1) elementary school and one (1) secondary school;

13 (2-) To employ necessary help and labor to maintain and operate the  
14 schools of the district;

15 (3-) To discontinue any school within the district whenever it shall  
16 find such discontinuance to be in the best interests of the district and of  
17 the pupils therein. For the purposes of this section, discontinuing a school  
18 shall mean no longer maintaining a school of any kind, at the same location,  
19 except in the case of secondary units as herein provided.

20 (a) When any school proposed to be discontinued is one which was oper-  
21 ated and maintained by a former district now wholly incorporated within  
22 the boundaries of the district operated by said board of trustees, and,  
23 immediately following reorganization and the dissolution of said for-  
24 mer district, such school has been continuously operated and maintained  
25 at the same location by the presently organized district, the following  
26 procedures shall apply before discontinuing a school:

27 (i) The board of trustees must first give notice of such pro-  
28 posal not later than the first day of July next preceding the date  
29 of the proposed discontinuance. Such notice shall be posted, and  
30 published once, in the manner provided in section 33-40~~±~~2, Idaho  
31 Code, and shall identify the school proposed to be discontinued.

32 (ii) If, not later than the first day of August following the  
33 posting and publishing of the notice of discontinuance, five  
34 (5) or more qualified school district electors residing within  
35 the school district shall petition the board of trustees for an  
36 election to be held within the school district on the question of  
37 discontinuance of that school, the board of trustees shall forth-  
38 with order an election to be held within fourteen (14) days of the  
39 date of said order~~7~~ and shall give notice of the election.

40 (iii) Notice of such election shall be posted at or near the main  
41 door of the school proposed to be discontinued and at or near the  
42 main door of the administrative offices of the school district~~7~~

1 and shall also be published in one (1) issue of a newspaper printed  
 2 in the county in which is situate the school proposed to be dis-  
 3 continued. The notice shall state the date the election is to be  
 4 held, the place of voting, and the hours between which the polls  
 5 shall be open. In addition, the notice of election shall describe  
 6 the area of the particular attendance unit of the school district  
 7 and shall identify the school proposed to be discontinued; and it  
 8 shall state that only qualified school district electors residing  
 9 within the school district may vote on the question of discontinu-  
 10 ing the school.

11 (iv) The election shall be held within the school district and  
 12 there shall be submitted to the electors a ballot containing the  
 13 proposal:

14 1. For discontinuing the school located at . . . . ,

15 2. Against discontinuing the school located at . . . . .

16 (v) If a majority of the qualified electors, ~~hereinabove as~~  
 17 defined in this section and voting in the election, shall vote  
 18 against discontinuing that school, then said school shall not be  
 19 discontinued; and no proposal to discontinue the same school shall  
 20 be made by the board of trustees of the district within nine (9)  
 21 months after the date of the election.

22 (vi) If a secondary unit which the trustees of a district pro-  
 23 pose to close is more than thirty (30) miles by all-weather road  
 24 from the attendance unit to which it is proposed to transfer such  
 25 students, then, notwithstanding other provisions of this section,  
 26 five (5) electors residing within the attendance area of the unit  
 27 proposed to be closed may, as provided by this section, petition  
 28 the board of trustees requesting an election to determine whether  
 29 or not such attendance unit, or any portion of it, shall be closed.  
 30 The board shall forthwith call and hold an election as herein pro-  
 31 vided. However, for the purpose of this section relating to the  
 32 secondary attendance unit thirty (30) miles or more distant from  
 33 another secondary attendance unit, only the patrons resident in  
 34 this attendance area shall be eligible to vote, except for atten-  
 35 dance units, or portions of them, created after January 1, 2002,  
 36 in which case qualified school district electors throughout the  
 37 school district shall be eligible to vote. The election shall be  
 38 deemed passed and the unit shall not be closed if a majority of  
 39 those voting in the election vote in favor of retaining the atten-  
 40 dance unit.

41 (b) The provisions of paragraph (a) of this subsection shall not apply  
 42 when:

43 (i) The administrator of the division of building safety has  
 44 determined that the school constitutes an imminent public safety  
 45 hazard and has issued an order or notice requiring the school dis-  
 46 trict superintendent, principal, board member or other person in  
 47 charge to cause all persons, except those necessary to eliminate  
 48 the condition, to be withdrawn from, and to be restrained from en-  
 49 tering the school, pursuant to section 39-8008, Idaho Code; and

1                    (ii) The school district board of trustees have voted at a public  
2                    meeting to discontinue the school.