

IN THE SENATE

SENATE BILL NO. 1280

BY EDUCATION COMMITTEE

AN ACT

1 RELATING TO SCHOOL DISTRICTS; AMENDING SECTION 33-501, IDAHO CODE, TO REVISE  
2 PROVISIONS REGARDING SCHOOL DISTRICT BOARDS OF TRUSTEES; AMENDING SEC-  
3 TION 33-503, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE ELECTION OF  
4 SCHOOL DISTRICT TRUSTEES; AMENDING SECTION 33-505, IDAHO CODE, TO RE-  
5 VISE A CERTAIN DATE AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION  
6 33-506, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE ORGANIZATION  
7 AND GOVERNMENT OF A SCHOOL DISTRICT BOARD OF TRUSTEES; AMENDING SECTION  
8 33-510, IDAHO CODE, TO REVISE A CERTAIN DATE AND TO MAKE TECHNICAL COR-  
9 RECTIONS; AMENDING SECTION 33-801, IDAHO CODE, TO REVISE A REFERENCE TO  
10 A MEETING DATE; AND AMENDING SECTION 33-1003, IDAHO CODE, TO REVISE A  
11 MEETING DATE.  
12

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

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

16 33-501. BOARD OF TRUSTEES. (1) Each school district shall be governed  
17 by a board of trustees. The board of trustees of each elementary school dis-  
18 trict shall consist of three (3) members, and the board of trustees of each  
19 other school district shall consist of five (5) members. Provided, however,  
20 that the board of trustees of any district which has had a change in its dis-  
21 trict boundaries subsequent to June 30, 1973, may consist of no fewer than  
22 five (5) nor more than nine (9) members if such provisions are included as  
23 part of an approved proposal to redefine and change trustee zones as provided  
24 in section 33-313, Idaho Code. The board of trustees of any district that has  
25 had a change in its district boundaries because of district consolidation on  
26 and after January 1, 2008, shall consist of five (5) members if two (2) dis-  
27 tricts consolidated or seven (7) members if three (3) or more districts con-  
28 solidated. Commencing in 2014~~8~~, a school district trustee shall be elected  
29 for a term of four (4) years beginning at twelve o'clock noon on ~~July~~ January  
30 1 next succeeding his election.

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

39 (3) Each trustee shall qualify for and assume office on ~~July~~ January  
40 1 next following his election, or, if appointed, at the regular meeting of  
41 the board of trustees next following such appointment. At the first meeting  
42 after a trustee assumes office, aAn oath of office shall be administered to

1 each the trustee, whether elected, reelected or appointed. Said oath may be  
 2 administered by the clerk, or by a another trustee, of the district, and the  
 3 records of the district shall show such oath of office to have been taken, and  
 4 by whom administered and shall be filed with the official records of the dis-  
 5 trict.

6 SECTION 2. That Section 33-503, Idaho Code, be, and the same is hereby  
 7 amended to read as follows:

8 33-503. ELECTION OF TRUSTEES -- UNIFORM DATE. (1) The election of  
 9 school district trustees including those in charter districts shall be on  
 10 the ~~third~~ Tuesday in May following the first Monday in November in odd-num-  
 11 bered years. Notice and conduct of the election, and the canvassing of the  
 12 returns shall be as provided in chapter 14, title 34, Idaho Code. In each  
 13 trustee zone, the person receiving the greatest number of votes cast within  
 14 his zone shall be declared by the board of trustees as the trustee elected  
 15 from that person's zone.

16 (2) If any two (2) or more persons residing in the same trustee zone have  
 17 an equal number of votes ~~in any trustee zone~~ and a greater number than any  
 18 other nominee residing in that zone, then the board of trustees shall deter-  
 19 mine the winner by a toss of a coin.

20 (3) The provisions of sections 67-6601 through 67-6616, Idaho Code, and  
 21 sections 67-6623 through 67-6630, Idaho Code, shall apply to all elections  
 22 of school district trustees, except for elections of trustees in a school  
 23 district that has fewer than five hundred (500) students. Provided however,  
 24 the county clerk shall stand in place of the secretary of state and the county  
 25 prosecutor shall stand in place of the attorney general. Any report or fil-  
 26 ing required to be filed by or for a candidate by such Idaho Code sections  
 27 shall be filed with the county clerk of the county wherein the district lies  
 28 or, in the case of a joint district, with the county clerk of the home county  
 29 as designated pursuant to section 33-304, Idaho Code.

30 (4) Incumbent trustees as of the effective date of this act shall have  
 31 their terms expire on January 1 following the November election of their suc-  
 32 cessors.

33 SECTION 3. That Section 33-505, Idaho Code, be, and the same is hereby  
 34 amended to read as follows:

35 33-505. BOARD OF TRUSTEES, DISTRICT NEWLY CREATED. (1) Within ten (10)  
 36 days after the entry of any order creating a new school district by the con-  
 37 solidation of districts or parts thereof, the trustees of all school dis-  
 38 tricts involved in the consolidation shall meet at the call of the state su-  
 39 perintendent of public instruction or his designee and, from their number,  
 40 shall select a board of trustees of the new district representing each of the  
 41 merged districts in an equal number to serve as follows: if two (2) districts  
 42 consolidated, one (1) member representing the board of trustees of each dis-  
 43 trict shall serve until the annual election of trustees next following; one  
 44 (1) member representing the board of trustees of each district shall serve  
 45 until the annual election the following year; and one (1) member appointed  
 46 by the other four (4) members shall serve until the annual election in the  
 47 year after that. If three (3) or more districts consolidated, three (3) mem-

1   bers shall serve until the annual election of trustees next following; three  
 2   (3) members shall serve until the annual election the following year; and  
 3   one (1) member appointed by the other six (6) members shall serve until the  
 4   annual election in the year after that. If the number of merged districts  
 5   is greater than three (3), the superintendent of public instruction shall  
 6   appoint as equally as possible from trustees of the previous districts so  
 7   that each district, if possible, has representation on the consolidated dis-  
 8   trict's board of trustees. The superintendent shall stagger the terms of  
 9   his appointments so that an equal number of appointees' terms expire annu-  
 10   ally and those trustees shall sit for election. Thereafter, all trustees who  
 11   are elected shall serve terms as provided in section 33-501, Idaho Code, for  
 12   a board of trustees of a school district. The board of trustees shall re-  
 13   port the names of said trustees to the state board of education. The board of  
 14   trustees of the newly consolidated school district shall expeditiously re-  
 15   draw the trustee zones pursuant to section 33-313, Idaho Code.

16       (2) The state board of education, at its first meeting next following  
 17   receipt of notice of the creation of new school districts by the division of  
 18   a district, shall appoint a board of trustees for each such new district, to  
 19   serve until ~~July~~ January 1 next following the next election for school dis-  
 20   trict trustees.

21       (3) Boards of trustees selected or appointed as in this section pro-  
 22   vided shall forthwith meet and organize as provided in section 33-506, Idaho  
 23   Code, and thereupon the board of trustees of any district, the whole of which  
 24   has been incorporated within the new district, or which was divided as the  
 25   case may be, shall be dissolved and its powers and duties shall cease. Prior  
 26   to the notice of annual election of trustees next following, the board of  
 27   trustees of each school district created by consolidation or by division of  
 28   districts shall determine by lot or by agreement from which of the trustee  
 29   zones the trustees therefor shall be elected. Thereafter each trustee shall  
 30   be elected for a term of four (4) years.

31       SECTION 4. That Section 33-506, Idaho Code, be, and the same is hereby  
 32   amended to read as follows:

33       33-506. ORGANIZATION AND GOVERNMENT OF BOARD OF TRUSTEES. (1) Each  
 34   board of school district trustees shall organize at its ~~annual~~ first regular  
 35   meeting after the January 1 directly following an election and elect a chair-  
 36   man, a vice-chairman, a clerk, and a treasurer. The clerk and the treasurer  
 37   may be members of the board of trustees; or, in the discretion of the board,  
 38   either or both may be selected from among competent and responsible persons  
 39   outside the membership of the board. The board in its discretion may allow  
 40   compensation for the clerk, and for the treasurer if other than the county  
 41   treasurer.

42       (2) Each member of the board not otherwise compensated by public moneys  
 43   shall be compensated for actual expenses incurred for travel to, from, and  
 44   attending meetings of the board. Such compensation shall be paid from the  
 45   district school funds.

46       (3) It shall be the duty of each member of the board of trustees to at-  
 47   tend all meetings, both regular and special; and the board shall have the  
 48   following powers and duties:

- 1        ~~1.~~(a) To make by-laws, rules and regulations for its government and  
 2        that of the district, consistent with the laws of the state of Idaho and  
 3        the rules and regulations of the state board of education;  
 4        ~~2.~~(b) To call special meetings or elections for such purpose as may be  
 5        necessary for the proper conduct and management of the school or schools  
 6        of the district;  
 7        ~~3.~~(c) To employ an attorney or attorneys when deemed for the best in-  
 8        terests of the district, or for the purpose of defending the district  
 9        against any suit or for bringing action deemed necessary to be commenced  
 10       by the board.

11       SECTION 5. That Section 33-510, Idaho Code, be, and the same is hereby  
 12       amended to read as follows:

13       33-510. ANNUAL MEETINGS -- REGULAR MEETINGS -- BOARDS OF TRUSTEES. (1)  
 14       The annual meeting of each school district shall be on the date of its regu-  
 15       lar ~~July~~ January meeting in each year. Notice of the annual meeting of ele-  
 16       mentary school districts shall be given as provided in section 33-402, Idaho  
 17       Code, but one (1) publication shall suffice.

18       (2) Regular meetings of each board of school district trustees shall  
 19       be held monthly, on a uniform day of a uniform week as determined at the an-  
 20       nual meeting. Special meetings may be called by the chairman or by any two  
 21       (2) members of the board and held at any time. If the time and place of spe-  
 22       cial meetings shall not have been determined at a meeting of the board with  
 23       all members being present, then notice of the time and place shall be given  
 24       to each member and announced by written notice conspicuously posted at the  
 25       school district office and at least two (2) or more public buildings within  
 26       the school district not less than twenty-four (24) hours before such special  
 27       meeting is to be convened.

28       (3) A quorum for the transaction of business of the board of trustees  
 29       shall consist of a majority of the members of the board. Unless otherwise  
 30       provided by law, all questions shall be determined by a majority of the vote  
 31       cast. The chairman of the board may vote in all cases.

32       (4) All meetings shall conform to the provisions of chapter 2, title 74,  
 33       Idaho Code.

34       SECTION 6. That Section 33-801, Idaho Code, be, and the same is hereby  
 35       amended to read as follows:

36       33-801. SCHOOL DISTRICT BUDGET. No later than twenty-eight (28) days  
 37       or, if the conditions provided for in section 33-804(4), Idaho Code, have  
 38       been met, fourteen (14) days prior to its ~~annual~~ regular July meeting, the  
 39       board of trustees of each school district shall have prepared a budget, in  
 40       form prescribed by the state superintendent of public instruction, and shall  
 41       have called and caused to be held a public hearing thereon, and at such pub-  
 42       lic hearing, or at a special meeting held no later than fourteen (14) days af-  
 43       ter the public hearing, shall adopt a budget for the ensuing year. Notice of  
 44       the hearing shall be posted, and published as prescribed in section 33-402,  
 45       Idaho Code, and a record of the hearing shall be kept by the clerk of the board  
 46       of trustees. At the time said notice is given and until the date of the hear-  
 47       ing, a copy of the budget shall be available for public inspection at all rea-

1 sonable times at the administrative offices of the school district, or at the  
2 office of the clerk of the district. The board of trustees of each school  
3 district shall also prepare and publish, as a part of such notice, a summary  
4 statement of the budget for the current and ensuing years. Such statement  
5 shall be prepared in a manner consistent with standard accounting practices  
6 and in such form as the state superintendent of public instruction shall pre-  
7 scribe, and, among other things, said statement shall show amounts budgeted  
8 for all major classifications of income and expenditures, with total amounts  
9 budgeted for salary and wage expenditures in each such classification shown  
10 separately. Such statement shall show amounts actually expended for the two  
11 (2) previous years for the same classification for purposes of comparison.  
12 The budgeted dollar amounts of revenue in those categories included within  
13 the provisions of section 33-802, Idaho Code, as approved within the adopted  
14 budget shall be the same as presented to the respective county commissioners  
15 for tax levy purposes.

16 SECTION 7. That Section 33-1003, Idaho Code, be, and the same is hereby  
17 amended to read as follows:

18 33-1003. SPECIAL APPLICATION OF EDUCATIONAL SUPPORT PROGRAM. (1) De-  
19 crease in Average Daily Attendance. -- For any school district that has a  
20 decrease in total average daily attendance of three percent (3%) or more of  
21 its average daily attendance in the current school year from the total aver-  
22 age daily attendance used for determining the allowance in the educational  
23 support program for the prior school year, the allowance of funds from the  
24 educational support program may be based on the average daily attendance  
25 of the prior school year, less three percent (3%). When this provision is  
26 applied, the decrease in average daily attendance shall be proportionately  
27 distributed among the various categories of support units that are appropri-  
28 ate for the district. After applying the provisions of this subsection, the  
29 state department of education shall calculate the percentage of additional  
30 statewide support units to total statewide support units and shall then re-  
31 duce each school district's support units by this uniform percentage. The  
32 provisions of this subsection shall not apply to public charter schools.

33 (2) Application of Support Program to Separate Schools/Attendance  
34 Units in District.

35 (a) Separate Elementary School. -- Any separate elementary school  
36 shall be allowed to participate in the educational support program as  
37 though the school were the only elementary school operated by the dis-  
38 trict.

39 (b) Hardship Elementary School. -- Upon application of the board of  
40 trustees of a school district, the state board of education is empow-  
41 ered to determine that a given elementary school or elementary schools  
42 within the school district, not otherwise qualifying, are entitled  
43 to be counted as a separate elementary school as defined in section  
44 33-1001, Idaho Code, when, in the discretion of the state board of edu-  
45 cation, special conditions exist warranting the retention of the school  
46 as a separate attendance unit and the retention results in a substantial  
47 increase in cost per pupil in average daily attendance above the average  
48 cost per pupil in average daily attendance of the remainder of the dis-  
49 trict's elementary grade school pupils. An elementary school operating

1 as a previously approved hardship elementary school shall continue to  
2 be considered as a separate attendance unit, unless the hardship status  
3 of the elementary school is rescinded by the state board of education.

4 (c) Separate Secondary School. -- Any separate secondary school shall  
5 be allowed to participate in the educational support program as though  
6 the school were the only secondary school operated by the district.

7 (d) Elementary/Secondary School Attendance Units. -- Elementary  
8 grades in an elementary/secondary school will be funded as a separate  
9 attendance unit if all elementary grades served are located more than  
10 ten (10) miles distance by an all-weather road from both the nearest  
11 like elementary grades within the same school district and from the lo-  
12 cation of the office of the superintendent of schools of such district,  
13 or from the office of the chief administrative officer of such district  
14 if the district employs no superintendent of schools. Secondary grades  
15 in an elementary/secondary school will be funded as a separate atten-  
16 dance unit if all secondary grades served are located more than fifteen  
17 (15) miles by an all-weather road from the nearest like secondary grades  
18 operated by the district.

19 (e) Hardship Secondary School. -- Any district that operated two (2)  
20 secondary schools separated by less than fifteen (15) miles, but which  
21 district was created through consolidation subsequent to legislative  
22 action pursuant to chapter 111, laws of 1947, and which school buildings  
23 were constructed prior to 1935, shall be entitled to count the schools  
24 as separate attendance units.

25 (f) Minimum Pupils Required. -- Any elementary school having less than  
26 ten (10) pupils in average daily attendance shall not be allowed to par-  
27 ticipate in the state or county support program unless the school has  
28 been approved for operation by the state board of education.

29 (3) Remote Schools. -- The board of trustees of any Idaho school dis-  
30 trict that operates and maintains a school that is remote and isolated from  
31 the other schools of the state because of geographical or topographical  
32 conditions may petition the state board of education to recognize and ap-  
33 prove the school as a remote and necessary school. The petition shall be in  
34 form and content approved by the state board of education and shall provide  
35 such information as the state board of education may require. Petitions for  
36 the recognition of a school as a remote and necessary school shall be filed  
37 annually at least ninety (90) days prior to the date of the annual regular  
38 June meeting of the board of trustees ~~as established in section 33-510, Idaho~~  
39 ~~Code.~~

40 Within forty-five (45) days after the receipt of a petition for the  
41 recognition of a remote and necessary school, the state board of education  
42 shall either approve or disapprove the petition and notify the board of  
43 trustees of its decision. Schools that the state board of education approves  
44 as being necessary and remote shall be allowed adequate funding within the  
45 support program for an acceptable educational program for the students of  
46 the school. In the case of a remote and necessary secondary school, grades  
47 7-12, the educational program shall be deemed acceptable when, in the opin-  
48 ion of the state board of education, the accreditation standard relating to  
49 staff size, established in accordance with the provisions of section 33-119,  
50 Idaho Code, has been met. The final determination of an acceptable program

1 and adequate funding in the case of a remote and necessary elementary school  
2 shall be made by the state board of education.

3 (4) Support Program When District Boundaries are Changed.

4 (a) In new districts formed by the division of a district, the support  
5 program computed for the district, divided in its last year of opera-  
6 tion, shall be apportioned to the new districts created by the division  
7 in the proportion that the average daily attendance of pupils, elemen-  
8 tary and secondary combined, residing in the area of each new district  
9 so created, is to the average daily attendance of all pupils, elementary  
10 and secondary combined, in the district divided in its last year of op-  
11 eration before the division.

12 (b) When boundaries of districts are changed by excision or annexation  
13 of territory, the support program of any district from which territory  
14 is excised for the last year of operation before such excision shall be  
15 divided, and apportioned among the districts involved, as prescribed in  
16 paragraph (a) of this subsection.

17 (c) In new districts formed by consolidation of former districts after  
18 January 1, 2007, the support program allowance, for a seven (7) year pe-  
19 riod following the formation of the new district, shall not be less than  
20 the combined support program allowances of the component districts in  
21 the last year of operation before consolidation. After the expiration  
22 of this period, the state department of education shall annually cal-  
23 culate the number of support units that would have been generated had  
24 the previous school districts not consolidated. All applicable state  
25 funding to the consolidated district shall then be provided based on a  
26 support unit number that is halfway between this figure and the actual  
27 support units, provided that it cannot be less than the actual support  
28 units.