

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 645

BY STATE AFFAIRS COMMITTEE

AN ACT

1 RELATING TO SCHOOL DISTRICT TRUSTEES; AMENDING SECTION 33-504, IDAHO CODE,
2 TO REVISE PROVISIONS REGARDING VACANCIES ON SCHOOL DISTRICT BOARDS OF
3 TRUSTEES AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 33-510,
4 IDAHO CODE, TO REVISE PROVISIONS REGARDING THE TRANSACTION OF BUSINESS
5 BY SCHOOL BOARDS OF TRUSTEES WHEN VACANCIES OCCUR AND TO MAKE TECHNICAL
6 CORRECTIONS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE
7 DATE.
8

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

10 SECTION 1. That Section 33-504, Idaho Code, be, and the same is hereby
11 amended to read as follows:

12 33-504. VACANCIES ON BOARDS OF TRUSTEES.

13 (1) (a) A vacancy shall be declared by the board of trustees when any
14 nominee has been elected but has failed to qualify for office, or within
15 thirty (30) days of when any trustee shall:

16 ~~(a) die (i) Dies;~~

17 ~~(b) resign (ii) Resigns as trustee;~~

18 ~~(c) remove (iii) Removes himself from his trustee zone of resi-~~
19 ~~dence;~~

20 ~~(d) (iv) Is no longer be a resident or school district elector of~~
21 ~~the district;~~

22 ~~(e) refuse (v) Refuses to serve as trustee; or~~

23 ~~(f) without (vi) Without excuse acceptable to the board of~~
24 ~~trustees, fail fails to attend four (4) consecutive regular meet-~~
25 ~~ings of the board; or.~~

26 ~~(g) be recalled and discharged from office as provided in law.~~
27 ~~Such~~

28 (b) A vacancy shall exist when any trustee is recalled and discharged
29 from office in accordance with section 34-1712, Idaho Code. Such va-
30 cancy shall occur at the time of certification of the special recall
31 election and does not require the board of trustees to declare that a
32 vacancy exists. Notwithstanding sections 34-1709 and 34-1712, Idaho
33 Code, between the time of the special recall election and when the
34 results of the special recall election are proclaimed, the trustee
35 subject to the special recall election shall not be permitted to par-
36 ticipate in any actions that would alter the structure of the board of
37 trustees or create new contractual or financial obligations for the
38 school district.

39 (2) With the exception of recall, any declaration of vacancy shall be
40 made at any regular or special meeting of the board of trustees, at which any
41 of the above-mentioned conditions provided in subsection (1) (a) of this sec-
42 tion are determined to exist.

1 (3) The board of trustees shall appoint to such vacancy a person qual-
 2 ified to serve as trustee of the school district provided there remains in
 3 membership on the board of trustees a majority of the membership thereof, and
 4 the board shall notify the state superintendent of public instruction of the
 5 appointment. Such appointment shall be made within ninety (90) days of the
 6 declaration of vacancy. After ninety (90) days, if the board of trustees is
 7 unable to appoint a trustee from the zone vacated, the board of trustees may
 8 appoint a person ~~at-large~~ at large from within the boundaries of the school
 9 district to serve as the trustee from the zone where the vacancy occurred.
 10 Otherwise, after one hundred twenty (120) days from the declaration of va-
 11 cancy, appointments shall be made by the board of county commissioners of the
 12 county in which the district is situated, or of the home county if the dis-
 13 trict be a joint district.

14 (4) Any person appointed as ~~herein~~ provided in subsection (3) of this
 15 section shall serve for the balance of the unexpired term of the office ~~which~~
 16 that was declared vacant and filled by appointment.

17 SECTION 2. That Section 33-510, Idaho Code, be, and the same is hereby
 18 amended to read as follows:

19 33-510. ANNUAL MEETINGS -- REGULAR MEETINGS -- BOARDS OF TRUSTEES. (1)
 20 The annual meeting of each school district shall be on the date of its regu-
 21 lar January meeting in each year. Notice of the annual meeting of elementary
 22 school districts shall be given as provided in section 33-402, Idaho Code,
 23 but one (1) publication shall suffice.

24 (2) Regular meetings of each board of school district trustees shall
 25 be held monthly, on a uniform day of a uniform week as determined at the an-
 26 nual meeting. Special meetings may be called by the chairman or by any two
 27 (2) members of the board and held at any time. If the time and place of spe-
 28 cial meetings shall not have been determined at a meeting of the board with
 29 all members being present, then notice of the time and place shall be given
 30 to each member and announced by written notice conspicuously posted at the
 31 school district office and at least two (2) or more public buildings within
 32 the school district ~~not~~ no less than twenty-four (24) hours before such spe-
 33 cial meeting is to be convened.

34 (3) A quorum for the transaction of business of the board of trustees
 35 shall consist of a majority of the members of the board. In the event of one
 36 (1) or more vacancies on the board of trustees pursuant to section 33-504,
 37 Idaho Code, the transaction of business shall be permitted if a majority of
 38 the remaining members of the board are present. Unless otherwise provided by
 39 law, all questions shall be determined by a majority of the votes cast. The
 40 chairman of the board may vote in all cases.

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

43 SECTION 3. An emergency existing therefor, which emergency is hereby
 44 declared to exist, this act shall be in full force and effect on and after
 45 July 1, 2024.