

TITLE 33
EDUCATION

CHAPTER 3
SCHOOL DISTRICTS

33-301. SCHOOL DISTRICTS BODIES CORPORATE. Each school district, now or hereafter established, when validly organized and existing, is declared to be a body corporate and politic, and in its corporate capacity may sue and be sued and may acquire, hold and convey real and personal property necessary to its establishment, extension and existence. It shall have authority to issue negotiable coupon bonds and incur such other debt, in the amounts and manner, as provided by law.

[33-301, added 1963, ch. 13, sec. 31, p. 27.]

33-302. CLASSIFICATION OF SCHOOL DISTRICTS. Elementary school districts shall give instruction only to pupils in grades one (1) through eight (8), and may give instruction in kindergarten. All other school districts shall give instruction to pupils in grades one (1) through twelve (12), and may give instruction in kindergarten, and shall maintain secondary schools giving instruction to pupils in grades seven (7) through twelve (12), or any combination of such grades.

Any school district maintaining its only secondary school building situate not less than twenty-five (25) miles from the nearest Idaho secondary school, and which employs not less than six (6) teachers within its district, may be authorized by the state board of education to instruct pupils in two (2) or more grades above grade seven (7).

Whenever any district lies, or shall lie, in more than one (1) county it shall be designated as a joint district of its class.

[33-302, added 1963, ch. 13, sec. 32, p. 27; am. 1975, ch. 42, sec. 4, p. 73.]

33-303. RECLASSIFICATION OF SCHOOL DISTRICTS. a. Whenever the board of trustees of an elementary school district shall propose to submit to the qualified electors of the district the question of issuance of bonds for the purpose of acquiring or building any secondary school building, or whenever the board of trustees of an elementary school district shall propose to otherwise establish, or to re-establish, a secondary school, said board of trustees shall first petition the state board of education to reclassify the district. Any such petition shall be in writing and shall contain such information as will enable the state board of education to determine the feasibility of maintaining an accredited secondary school by the petitioning district.

If the state board of education shall determine that the maintenance of an accredited secondary school by the petitioning elementary school district is feasible, it shall reclassify such district but such reclassification shall be for a period of not more than three (3) years, at the end of which period the state board of education shall review its action. If, at the time of review, the district is maintaining an accredited secondary school, its reclassification shall be made permanent, subject only to the provisions of subsection (b) of this section. If, at the time of review, the district is not maintaining an accredited secondary school, the state board of education

shall revoke the temporary reclassification and the district shall revert to the classification of an elementary school district.

b. If any school district, other than an elementary school district, shall have maintained no secondary school within its area for a period of five (5) successive years, the state board of education may, at any time thereafter and while such district continues to maintain no secondary school, reclassify such district as an elementary school district.

c. Whenever the state board of education shall reclassify any district, as in this section provided, written notice thereof shall be given to the board of trustees of such district and to the board of county commissioners of any county in which the district may lie.

[33-303, added 1963, ch. 13, sec. 33, p. 27.]

33-304. JOINT SCHOOL DISTRICTS. In any joint district, the duties imposed upon, and the records required to be kept by, the county commissioners or any other county officer, in respect to school districts, including the assessment of taxable property and the levying of and collection of taxes, shall be performed or kept by the commissioners and other county officers in each county in which the district lies as though the portion of the district in each county were a separate district therein.

One (1) of the counties in which a joint district lies shall be the home county of the district.

When a joint district is created by the division of a county, or through the annexation of any territory by the state board of education, the board of trustees of such district shall designate its home county and give notice thereof to the state board of education and to the board of county commissioners in each county in which the district lies.

[33-304, added 1963, ch. 13, sec. 34, p. 27.]

33-305. NAMING AND NUMBERING SCHOOL DISTRICTS. Each school district as the same is organized on the effective date of this act shall bear the same number as theretofore. Excepting specially chartered school districts, each school district operating a secondary school, or secondary schools, on said date shall be designated by number and county, after the following style:

School District No. . . , County, State of Idaho, or Joint School District No. . . , , , (and) Counties, State of Idaho.

Each school district which, on the effective date of this act, is maintaining only an elementary school, or elementary schools, shall be designated after the following style:

Elementary School District No. . . , County, State of Idaho, or Joint Elementary School District No. . . , , , (and) Counties, State of Idaho.

Joint districts shall be designated by the same number in each county in which the district lies, or shall lie.

Wherever the term "school district" appears in this act, it shall mean and include any school district, joint school district, elementary school district, joint elementary school district or specially chartered school district, unless a more limited meaning is clearly expressed and intended, or unless any provision of a charter is contrary thereto.

[33-305, added 1963, ch. 13, sec. 35, p. 27.]

33-306. BOUNDARIES OF SCHOOL DISTRICTS. There shall be no part of the area of the state of Idaho not included in the area of some school district.

A legal description of the boundaries of each school district, as now or hereafter established, shall be kept by the state board of education and by the board of county commissioners in each county in which any school district, or any part thereof, shall lie.

[33-306, added 1963, ch. 13, sec. 36, p. 27.]

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

(a) Any part of the area of the state is not included within the area of a school district; or

(b) Is included in more than one (1) school district; or

(c) The approval in any school election involving the excision and annexation of territory, or the consolidation of school districts, the division of a school district, or the lapse of a school district;

then the superintendent of public instruction shall make an appropriate order including an omitted area into any school district, or districts, or correcting or altering the boundaries of the districts, in such manner as, in his judgment, is just and proper.

(2) A copy of any such order shall be sent by the state department of education to the board of trustees of any school district affected by the order, which shall notify the state tax commission and the county assessor and county recorder in accordance with the provisions of section [63-215](#), Idaho Code.

(3) Within thirty (30) days of receipt of the order, the state tax commission and the county assessor shall correct or alter the legal description of the school district or districts, as the same may appear in their respective records. The state tax commission shall notify the board of trustees of the affected school district and the state department of education that the county records have been corrected as ordered effective upon such notification. In the case of either the consolidation or division of a school district, the proposal shall become effective the first day of July next following the date of the order.

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

[33-307, added 1963, ch. 13, sec. 37, p. 27; am. 1973, ch. 9, sec. 1, p. 21; am. 1980, ch. 38, sec. 1, p. 65; am. 1998, ch. 244, sec. 1, p. 803; am. 2009, ch. 107, sec. 1, p. 339.]

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

(2) Such petition shall be in duplicate, one (1) copy of which shall be presented to the board of trustees of the district from which the area is pro-

posed to be excised, and the other to the board of trustees of the district to which the area is proposed to be annexed. The petition shall contain:

- (a) The names and addresses of the petitioners;
 - (b) A legal description of the area proposed to be excised from one district and annexed to another contiguous district. Such legal description shall be prepared by a licensed attorney, licensed professional land surveyor, or licensed professional engineer professionally trained and experienced in legal descriptions of real property;
 - (c) Maps showing the boundaries of the districts as they presently appear and as they would appear should the excision and annexation be approved;
 - (d) The names of the school districts from and to which the area is proposed to be excised and annexed;
 - (e) A description of reasons for which the petition is being submitted; and
 - (f) An estimate of the number of children residing in the area described in the petition.
- (3) The board of trustees of each school district, no later than thirty (30) calendar days after its first regular meeting held subsequent to receipt of the petition, shall transmit the petition, with recommendations, to the state board of education.
- (4) The state board of education shall approve the proposal, provided:
- (a) The excision and annexation is in the best interests of the children residing in the area described in the petition; and
 - (b) The excision of the territory, as proposed, would not leave a school district with a bonded debt in excess of the limit then prescribed by law.

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

(5) If the state board of education approves the proposal, it shall be submitted to the school district electors residing in the district from which the area is proposed to be excised and in the district to which the area is proposed to be annexed, at an election held in the manner provided in [chapter 14, title 34](#), Idaho Code. Such election shall be held on the date authorized in section [34-106](#), Idaho Code, that is nearest to sixty (60) days after the state board approves the proposal.

(6) At the election, there shall be submitted to the electors having the qualifications of electors in a school district bond election:

- (a) The question of whether the area described in the petition shall be excised from school district no. () and annexed to contiguous school district no. (); and
- (b) The question of assumption of the appropriate proportion of any bonded debt, and the interest thereon, of the proposed annexing school district.

(7) In order for a proposal to excise and annex an area to be approved:

- (a) The proposal must be approved by a majority of electors voting in the election in both:
 - (i) The district from which the area is proposed to be excised; and
 - (ii) The district to which the area is proposed to be annexed; and
- (b) The electors voting on the question of the assumption of bonded debt and interest have approved such assumption by the proportion of votes

cast as is required by section 3, article VIII, of the constitution of the state of Idaho.

(8) If the proposal is approved by the electors in the manner prescribed, the board of canvassers shall promptly notify the state department of education and the affected school districts of such results. The superintendent of public instruction shall make an appropriate order for the boundaries of the affected school districts to be altered, and the legal descriptions of the school districts shall be altered as prescribed in section [33-307](#), Idaho Code.

[33-308, added 1963, ch. 13, sec. 38, p. 27; am. 1998, ch. 244, sec. 2, p. 804; am. 2009, ch. 107, sec. 2, p. 340; am. 2009, ch. 341, sec. 24, p. 1008; am. 2010, ch. 215, sec. 1, p. 482; am. 2020, ch. 288, sec. 1, p. 833.]

33-309. LAPSED DISTRICTS -- ANNEXATION. (1) If the state board of education shall find any school district:

- (a) Has not operated its school for a period of one (1) school year;
- (b) In which the average daily attendance during each term of not less than seven (7) months in the two (2) school years last past has been less than five (5) pupils; or
- (c) For a period of not less than one (1) year last past has had an insufficient number of members on its board of trustees lawfully to conduct the business of the district;

the state board may enter its order declaring any such district to be lapsed, and which district shall lapse as of the first day of July next following the date of said order.

(2) Upon entering its order declaring a school district lapsed pursuant to subsection (1) of this section, the state board shall designate some proper person a hearing officer to conduct a public hearing or hearings on the matter of annexing the lapsed district to a school district or districts contiguous thereto. The state board shall cause notice of such hearing or hearings to be published in a newspaper of general circulation in the area and the notice shall state the time and place of the hearing or hearings and the subject matter involved.

(3) Upon concluding any hearing or hearings the hearing officer shall make his report and recommendation to the state board, and the state board shall thereafter order the lapsed area annexed to such contiguous district or districts as in the judgment of the state board seems equitable and just. Any such annexation shall be effective as of the fifteenth day of August next following the date of the order of annexation.

(4) Whenever there is any outstanding unpaid bonded debt owed by the lapsed district, the state board shall, in its order of annexation, require the district, or one (1) of the districts, to which the lapsed area is annexed, to keep and maintain the bond register and to pay the principal and interest, when the same are due, out of the proceeds of any levy made for that purpose. The said order of annexation shall also provide for the transfer, or apportionment, to the annexing district or districts of the property and current liabilities of the lapsed district as in the judgment of the state board is equitable and just; provided however, that if the lapsed district shall have excess of liquid assets over current liabilities, and if such lapsed district shall have any outstanding unpaid bonded debt, then and in that event such excess shall be ordered transferred to a fund for the payment of the principal of and interest on such debt.

(5) When annexation has been completed, as hereinabove authorized, the state board shall give notice of such annexation to the officers of the lapsed district, if any there be, and to the board of county commissioners of any county in which shall lie any district, the boundaries of which have been changed by the annexation of the lapsed area. The notice to any board of county commissioners shall be accompanied by a legal description of the boundaries of the district or districts as changed by the annexation.

[33-309, added 1963, ch. 13, sec. 39, p. 27; am. 2009, ch. 88, sec. 1, p. 257.]

33-310. CONSOLIDATION OF SCHOOL DISTRICTS. The boards of trustees of two (2) or more contiguous school districts may submit to the state board of education a plan for the consolidation of their districts into a single new district.

The plan shall contain as a minimum the following, and in addition any other information required by the state board of education:

(1) A map or maps showing the boundaries of the proposed new district, the boundaries of the component consolidating districts, the location of existing schoolhouses or other facilities of the component districts, the proposed trustee zones, and the proposed transportation routes if any;

(2) A legal description of the boundaries of the proposed new school district and of the trustee zones proposed, with estimates of the population in each such zone;

(3) The assessed value of taxable property of each component consolidating district and of the entire proposed new district;

(4) Outstanding general obligation bonds of any component consolidating district, sinking funds accumulated, and estimated proceeds of sinking fund levies in process of collection;

(5) Whether any component district has established a plant facilities reserve fund, and if so the amount on hand in such fund, the obligations against the fund, and the levy being made for such fund together with estimate of the proceeds of such levy in process of collection;

(6) The amount of any outstanding and unpaid bonds that will become the obligation of the subdistricts, pursuant to section [33-311](#), Idaho Code, after the application of any plant facility reserve funds, pursuant to section [33-901](#), Idaho Code. The plan shall also show for each subdistrict the estimated amount of state subsidies to be received, the estimated bond levy rate and the year in which the last levy will be made;

(7) If a joint district, the designation of the home county;

(8) The official name and number of the proposed new district; and

(9) How the property, real and personal, of former districts shall vest in the new district.

Before submitting any proposal for consolidating school districts to the state board of education, the board of trustees of each proposing district shall first call and cause to be held, within said district, a hearing on the proposal. Notice of the time and place of such hearing shall be given, by each such district, by two (2) publications in a newspaper of general circulation in the district, the first and last publications being not less than six (6) days apart.

At such hearings, any school district elector or taxpayer of the district may appear and be heard, and may request any information from the board of trustees, concerning the proposed consolidation. Records of the hearings shall be entered in the minutes of each board of trustees and shall be in-

cluded with the plan of proposed consolidation if and when it is submitted to the state board of education.

Following any hearing, it shall be within the discretion of the board of trustees of any proposing district whether it shall further proceed in the plan for consolidating the districts.

[33-310, added 1963, ch. 13, sec. 40, p. 27; am. 2007, ch. 79, sec. 1, p. 209.]

33-310A. CONSOLIDATION OF CONTIGUOUS SCHOOL DISTRICTS. In addition to the procedure contained in section [33-310](#), Idaho Code:

A. five per cent (5%) or more of the registered voters from each of two (2) or more contiguous school districts, when such districts coincide with election precincts, or,

B. a number of registered voters equal to fifteen per cent (15%) or more of the aggregate number of votes cast at the last three (3) elections for school trustees in each of the school districts, may petition in writing proposing the consolidation of their districts into a single new district. One (1) copy of such petition shall be presented to the board of trustees of each district included in the proposed consolidation. The petition shall contain:

1. The names and addresses of the petitioners;
2. A map or maps showing the boundaries of the proposed new district, the boundaries of the component consolidating districts, the location of existing schoolhouses or other facilities of the component districts, the proposed trustee zones, and the proposed transportation routes, if any.

When the petitions are received by the boards of trustees, the provisions of section [33-310](#), Idaho Code, shall become mandatory upon the boards so affected. The petitioners shall have the right to cooperate in the formulation of the proposed consolidated school district with the board of trustees of each school district affected thereby. The provisions of section [33-310](#), Idaho Code, shall be complied with and the proposed consolidation together with the testimony given at the public hearings shall be submitted to the state board of education within three (3) months after the first meeting of the combined boards and the petitioners. The first meeting of the combined boards and the petitioners shall be within fifteen (15) days after the petitions are submitted by the petitioners.

[I.C., sec. 33-310A, as added by 1970, ch. 86, sec. 1, p. 210.]

33-310B. FEASIBILITY STUDY AND PLAN FOR CONSOLIDATION. All school districts operating one (1) or more high schools may conduct a feasibility study and prepare a plan for school consolidation, which may also include school district consolidation. The cost of such feasibility studies and plans shall be reimbursed at an amount not to exceed ten thousand dollars (\$10,000) per each school district that proposes to consolidate, in accordance with rules promulgated by the state board of education. The state board of education shall review and act upon all plans for school consolidation.

[33-310B, added 1989, ch. 296, sec. 1, p. 724; am. 1998, ch. 88, sec. 3, p. 299; am. 2007, ch. 79, sec. 2, p. 210.]

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

Not more than ten (10) days after receiving the notice from the state department of education, each board of county commissioners receiving such notice shall enter the order calling for an election on the question of approving or disapproving, and shall cause notice of such election to be published. The notice shall be published, the election shall be held and conducted and its results canvassed, in the manner and form of [title 34](#), Idaho Code.

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

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

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

When a consolidation is approved, as hereinabove prescribed, a new school district is thereby created. The board of canvassers shall thereupon promptly notify the state department of education and the affected school districts of such result. The superintendent of public instruction shall make an appropriate order showing the creation of the district, a legal description of its boundaries, and the legal descriptions of the boundaries of the affected school districts as prescribed in section [33-308](#), Idaho Code.

[33-311, added 1963, ch. 13, sec. 41, p. 27; am. 1985, ch. 237, sec. 1, p. 562; am. 1989, ch. 296, sec. 2, p. 725; am. 2009, ch. 107, sec. 3, p. 341; am. 2009, ch. 341, sec. 25, p. 1009.]

33-312. DIVISION OF SCHOOL DISTRICT. A school district may be divided so as to form not more than two (2) districts each of which must have contiguous boundaries, in the manner hereinafter provided, except that any district

which operates and maintains a secondary school or schools shall not be divided unless the two (2) districts created out of the division shall each operate and maintain a secondary school or schools immediately following such division.

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

Before submitting any proposal to divide a school district, the board of trustees shall hold a hearing or hearings on the proposal within the district. Notice of such hearing or hearings shall be posted by the clerk of the board of trustees in not less than three (3) public places within the district, one (1) of which places shall be at or near the main door of the administrative offices of the school district, for not less than ten (10) days before the date of such hearing or hearings.

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

If the state board of education shall approve the proposal to divide the district, notice of the election shall be published and the election shall be held subject to the provisions of section [34-106](#), Idaho Code. The election shall be conducted, and the ballots shall be canvassed, according to the provisions of [title 34](#), Idaho Code. The division shall be approved only if a majority of all votes cast at said special election by the school district electors residing within the entire existing school district and voting in the election are in favor of the division of such district, and a majority of all votes cast at said special election by the qualified voters within that portion of the proposed new district having a minority of the number of qualified voters, such portion to be determined by the number of votes cast in each area which is a contemplated new district, are in favor of the division of the district, and upon such approval two (2) new school districts shall be thereby created. The organization and division of all school districts which have divided since June 30, 1963, are hereby validated.

If the division is approved, as herein provided, two (2) new school districts are thereby created. The board of canvassers shall thereupon promptly notify the state department of education and the affected school districts of such result. The superintendent of public instruction shall make an appropriate order showing the creation of the districts and a legal description of the boundaries, and the legal descriptions of the affected school districts shall be altered, as prescribed in section [33-307](#), Idaho Code.

[33-312, added 1963, ch. 13, sec. 42, p. 27; am. 1963, ch. 175, sec. 1, p. 501; am. 1965, ch. 272, sec. 1, p. 699; am. 1969, ch. 152, sec. 1,

p. 478; am. 2009, ch. 107, sec. 4, p. 342; am. 2009, ch. 341, sec. 26, p. 1010; am. 2011, ch. 151, sec. 14, p. 425.]

33-313. TRUSTEE ZONES. (1) Each elementary school district shall be divided into three (3) trustee zones and each other school district shall be divided into no fewer than five (5) nor more than nine (9) trustee zones according to the provisions of section [33-501](#), Idaho Code. A school district that has had a change in its district boundaries because of consolidation on and after January 1, 2008, shall divide trustee zones so that each former district in the new district shall not be split into different trustee zones, unless the provisions of subsection (2) of this section cannot be satisfied.

(2) Any proposal to define the boundaries of the several trustee zones in each such school district shall include the determination, where appropriate, of the number of trustee zones in such district, and the date of expiration of the term of office for each trustee. The boundaries of the several trustee zones in each such school district shall be defined and drawn so that, as reasonably as may be, each such zone shall have approximately the same population.

(3) Whenever the area of any district has been enlarged by the annexation of all or any part of another district, or by the correction of errors in the legal description of school district boundaries, any such additional territory shall be included in the trustee zone or zones contiguous to such additional territory until such time as the trustee zones may be redefined and changed. Trustee zones may be redefined and changed not more than once every five (5) years in the manner hereinafter provided.

(4) A proposal to redefine and change trustee zones of any district may be initiated by its board of trustees and shall be initiated by its board of trustees at the first meeting following the report of the decennial census, and submitted to the state board of education, or by petition signed by not less than fifty (50) school electors residing in the district, and presented to the board of trustees of the district. Within one hundred twenty (120) days following the decennial census or the receipt of a petition to redefine and change the trustee zones of a district the board of trustees shall prepare a proposal for a change which will equalize the population in each zone in the district and shall submit the proposal to the state board of education. Any proposal shall include a legal description of each trustee zone as the same would appear as proposed, a map of the district showing how each trustee zone would then appear, and the approximate population each would then have, should the proposal to change any trustee zones become effective.

(5) Within sixty (60) days after it has received the said proposal the state board of education may approve or disapprove the proposal to redefine and change trustee zones and shall give notice thereof in writing to the board of trustees of the district wherein the change is proposed. Should the state board of education disapprove a proposal, the board of trustees shall, within forty-five (45) days, submit a revised proposal to the state board of education. Should the state board of education approve the proposal, it shall notify the school district, the trustee zones shall be changed in accordance with the proposal and a copy of the legal description of each trustee zone and map of the district showing how each trustee zone will appear shall be filed by the school district with the county clerk.

(6) At the next regular meeting of the board of trustees following the approval of the proposal the board shall appoint from its membership a trustee for each new zone to serve as trustee until that incumbent trustee's

term expires. If the current board membership includes two (2) incumbent trustees from the same new trustee zone, the board will select the incumbent trustee with the most seniority as a trustee to serve the remainder of his term. If both incumbent trustees have equal seniority, the board will choose one (1) of the trustees by the drawing of lots. If there is a trustee vacancy in any of the new zones, the board of trustees shall appoint from the patrons resident in that new trustee zone, a person from that zone to serve as trustee until the next annual meeting. At the annual election a trustee shall be elected to serve during the term specified in the election for the zone. The elected trustee shall assume office at the annual meeting of the school district next following the election.

[33-313, added 1963, ch. 13, sec. 43, p. 27; am. 1967, ch. 403, sec. 1, p. 1214; am. 1969, ch. 412, sec. 1, p. 1143; am. 1973, ch. 125, sec. 1, p. 236; am. 1979, ch. 271, sec. 1, p. 705; am. 1984, ch. 94, sec. 1, p. 218; am. 1989, ch. 121, sec. 1, p. 267; am. 1990, ch. 31, sec. 1, p. 46; am. 1994, ch. 182, sec. 1, p. 599; am. 2001, ch. 163, sec. 1, p. 572; am. 2008, ch. 351, sec. 1, p. 968; am. 2009, ch. 341, sec. 27, p. 1011; am. 2014, ch. 162, sec. 2, p. 455.]

33-314. APPEAL FROM ORDER OF STATE BOARD OF EDUCATION. Any order of the state board of education affecting the organization, consolidation, division, annexation, excision, or change in boundaries of any school district, or districts, may be appealed to the district court of any county in which the district, or proposed district, lies or shall lie. Appeal may be taken by any school elector residing in the area affected by the order, or by any taxpayer on property situate in said area, and shall be tried de novo.

The pleadings and other papers shall be filed not more than sixty (60) days after notice of the order appealed, and service of two (2) copies thereof shall be made upon the state superintendent of public instruction.

[33-314, added 1963, ch. 13, sec. 44, p. 27.]

33-315. COOPERATIVE EDUCATIONAL SERVICES -- LEGISLATIVE INTENT DECLARED. The legislature of the state of Idaho hereby declares its intent to encourage school districts to cooperatively provide those educational services which they are unable to offer singly or which can be provided more economically and/or more efficiently in combination with other districts.

[33-315, added 1967, ch. 362, sec. 1, p. 1042.]

33-316. COOPERATIVE CONTRACT TO EMPLOY SPECIALIZED PERSONNEL AND/OR PURCHASE MATERIALS. The trustees of two (2) or more school districts may cooperatively enter into written contract to employ specialized personnel and/or purchase materials which in the judgment of the contracting school districts are necessary or desirable for the conduct of the business of the school districts.

[33-316, added 1967, ch. 362, sec. 2, p. 1042.]

33-317. COOPERATIVE SERVICE AGENCY -- POWERS -- DUTIES -- LIMITATIONS. (1) Two (2) or more school districts may join together for educational purposes to form a service agency to purchase materials and/or provide services for use individually or in combination. The cooperative service

agency thus formed shall be empowered to adopt bylaws, and act as a body corporate and politic with such powers as are assigned through its bylaws but limited to the powers and duties of local school districts. In its corporate capacity, this agency may sue and be sued and may acquire, hold and convey real and personal property necessary to its existence. The employees of the service agency shall be extended the same general rights, privileges and responsibilities as comparable employees of a school district. The cooperative service agency may elect to be its own fiscal agent for the purposes of providing an alternative school program, with the concurrence of the school districts for which it provides such services. In doing so the educational support program payments made pursuant to section [33-1002](#), Idaho Code, that would have been distributed to the school district acting as the fiscal agent, shall instead be distributed to the cooperative service agency.

(2) A properly constituted cooperative service agency may request from its member school districts funding to be furnished by a tax levy not to exceed one-tenth of one percent (.1%) for a period not to exceed ten (10) years by such member school districts. Such levy must be authorized by an election held subject to the provisions of section [34-106](#), Idaho Code, and be conducted in each of the school districts pursuant to [chapter 14, title 34](#), Idaho Code, and approved by a majority of the district electors voting in such election. Moneys received by the member school districts from this source shall be transferred to the cooperative service agency upon receipt of billing from the agency. Excess revenue over billing must be kept in a designated account by the district, with accrued interest, and may only be spent as budgeted by the agency.

(3) For the purpose of constructing and maintaining facilities of a cooperative service agency, in addition to the levy authorized in subsection (2) of this section, a properly constituted cooperative service agency may request from its member school districts additional funding to be furnished by a tax levy not to exceed four-tenths of one percent (.4%) for a period not to exceed ten (10) years. Such levy must be authorized by an election held subject to the provisions of section [34-106](#), Idaho Code, and be conducted in each of the school districts pursuant to [chapter 14, title 34](#), Idaho Code, and approved by sixty-six and two-thirds percent ($66 \frac{2}{3}\%$) of the district electors voting in such election. If one (1) or more of the member districts fails to approve the tax levy in such election, the cooperative service agency may construct the facility through the support of the member districts approving the levy, but in no event shall the levy limits authorized in this subsection (3) be exceeded. Nothing shall prevent a member district that initially failed to approve the levy from conducting a subsequent election, held pursuant to section [34-106](#), Idaho Code, to authorize that district's participation in construction of the facility. Electors of the districts may approve continuation of such levy for an additional ten (10) years at an election held for that purpose. There is no limit on the number of elections which may be held for the purpose of continuing the levy authorized under this subsection (3) for an additional ten (10) years. The administration and accounting of moneys received by imposition of the levy shall be the same as provided in subsection (2) of this section.

[33-317, added 1967, ch. 362, sec. 3, p. 1042; am. 1972, ch. 105, sec. 1, p. 216; am. 1985, ch. 107, sec. 2, p. 192; am. 1989, ch. 17, sec. 1, p. 19; am. 1991, ch. 111, sec. 1, p. 238; am. 2006, ch. 306, sec. 1, p. 945;

am. 2008, ch. 104, sec. 1, p. 287; am. 2009, ch. 220, sec. 1, p. 684; am. 2009, ch. 227, sec. 1, p. 708; am. 2009, ch. 341, sec. 28, p. 1012.]

33-317A. LEGISLATIVE INTENT -- COOPERATIVE SERVICE AGENCY -- SCHOOL PLANT FACILITY LEVY. (1) For the purpose of constructing and maintaining facilities of a cooperative service agency, a properly constituted cooperative service agency may request from its member school districts additional funding to be furnished by a tax levy not to exceed four-tenths of one percent (.4%) of market value for assessment purposes in each year, as such valuation existed on December 31, of the previous year, for a period not to exceed three (3) years. Such levy shall be authorized by an election held in each of the school districts pursuant to [chapter 4, title 33](#), Idaho Code. The question of a levy to be submitted to the electors of each member school district and the notice of such election shall state the dollar amount proposed to be collected each year during the period of years in each of which the collection is proposed to be made, the percentage of votes in favor of the proposal which are needed to approve the proposed dollar amount to be collected, and the purposes for which such funds shall be used. Said notice shall be given, the election shall be conducted and the returns canvassed as provided in [chapter 4, title 33](#), Idaho Code; and the dollar amount to be collected shall be approved only if:

(a) Fifty-five percent (55%) of the district electors voting in such election are in favor thereof if the levy will result in a total levy for school plant facilities of less than two-tenths of one percent (.2%) of market value for assessment purposes as such valuation existed on December 31 of the year immediately preceding the election;

(b) Sixty percent (60%) of the district electors voting in such election are in favor thereof if the levy will result in a total levy for school plant facilities of two-tenths of one percent (.2%) or more and less than three-tenths of one percent (.3%) of market value for assessment purposes as such valuation existed on December 31 of the year immediately preceding the election; or

(c) Two-thirds ($2/3$) of the district electors voting in such election are in favor thereof if the levy will result in a total levy for school plant facilities of three-tenths of one percent (.3%) or more of market value for assessment purposes as such valuation existed on December 31 of the year immediately preceding the election.

If the question be approved, each member school district of the cooperative service agency may make a levy, not to exceed four-tenths of one percent (.4%) of market value for assessment purposes as such valuation existed on December 31 of the previous year, in each year for which the collection was approved, sufficient to collect the dollar amount approved and may again submit the question at the expiration of the period of such levy, for the dollar amount to be collected during each year, and the number of years which the board may at that time determine. Or, during the period approved at any such election, if such period be less than three (3) years or the levy be less than four-tenths of one percent (.4%) of market value for assessment purposes as such valuation existed on December 31 of the previous year, the cooperative service agency may request that its member school districts submit to the qualified school district electors in the same manner as before, the question whether the number of years, not to exceed three (3), or the levy, or both, be increased, but not to exceed the maximum herein authorized. If such increase or increases be approved by the electors, the terms of such levy

shall be in lieu of those approved in the first instance, but disapproval shall not affect any terms theretofore in effect.

(2) Physical construction may commence once moneys equal to the estimated cost of constructing the facility have been collected by the cooperative service agency, except that the cooperative service agency may commence physical construction before moneys equal to one hundred percent (100%) of the estimated cost of constructing the facility have been collected as long as language is included in the instructions to bidders reflecting the following:

- (a) Providing notice of the funding method and schedule;
- (b) Clearly stating that if all moneys are not collected according to the schedule provided, the contractor may not be paid in a timely manner and such contractor will have to await payment until the necessary moneys are collected, but in no event shall such contractor have to await payment longer than three (3) years from the date of the contractor's last pay request;
- (c) Stating that the cooperative service agency accepts no liability and will pay no interest on unpaid balances;
- (d) Stating that should an inability to pay occur after the fifty percent (50%) completion point of the project, the contractor must complete the project irrespective of payment status; and
- (e) Stating that if an inability to pay occurs before the fifty percent (50%) completion point, the contractor has the option to suspend work, receiving no compensation for delay, and restart the project when funding becomes available.

(3) If one (1) or more of the member districts fails to approve the tax levy in such election, the cooperative service agency may construct the facility through the support of the member districts approving the levy, but in no event shall the levy limits authorized in this section be exceeded.

(4) Nothing shall prevent a member district that initially failed to approve the levy from conducting a subsequent election, held pursuant to [chapter 4, title 33](#), Idaho Code, to authorize that district's participation in construction of the facility.

(5) The administration and accounting of moneys received by imposition of the levy provided for in this section shall be the same as provided in section [33-317](#)(2), Idaho Code.

[33-317A, added 2009, ch. 220, sec. 2, p. 685; am. 2011, ch. 189, sec. 1, p. 540.]

33-318. FAIR SHARE OF EXPENSES -- APPROPRIATION FROM SCHOOL DISTRICT FUNDS. For the services and materials received from a cooperative service agency, boards of trustees may appropriate from school district funds and pay to the service agency an amount determined by the governing body of the agency to be their fair share of the expenses involved.

[33-318, added 1967, ch. 362, sec. 4, p. 1042.]

33-319. RURAL SCHOOL DISTRICTS -- RURAL PUBLIC CHARTER SCHOOLS. (1) A school district shall be considered a rural school district if it meets one (1) of the following two (2) criteria:

- (a) There are fewer than twenty (20) enrolled students per square mile within the area encompassed by the school district's boundaries; or

(b) The county in which a plurality of the school district's market value for assessment purposes is located contains less than twenty-five thousand (25,000) residents, based on the most recent decennial United States census.

(2) A public charter school shall be considered a rural public charter school if the school district in which the public charter school is physically located meets the definition of a rural school district, pursuant to subsection (1) of this section. A public charter school that is also a virtual school shall be considered a rural public charter school if over fifty percent (50%) of its enrolled students reside within school districts that meet the definition of a rural school district pursuant to subsection (1) of this section.

[33-319, added 2009, ch. 239, sec. 1, p. 739.]

33-320. CONTINUOUS IMPROVEMENT PLANS AND TRAINING. (1) Each school district and public charter school in Idaho shall develop an annual plan that is part of a continuous focus on improving the student performance of the district or public charter school.

(2) (a) The board of trustees and the superintendent shall collaborate on the plan and engage students, parents, educators and the community as appropriate. The board of directors and the administrator of a public charter school shall collaborate on the plan and engage students, parents, educators and the community as appropriate.

(b) The annual continuous improvement plan shall:

(i) Be data driven, specifically in student outcomes, and shall include, but not be limited to, analyses of demographic data, student achievement and growth data, graduation rates, and college and career readiness;

(ii) Set clear and measurable targets based on student outcomes;

(iii) Include a clearly developed and articulated vision and mission;

(iv) Include key indicators for monitoring performance;

(v) Include, at a minimum, the student achievement and growth metrics reported on each school and district's report card as required by the state board of education and published by the state department of education; and

(vi) Include a report of progress toward the previous year's improvement goals.

(c) The annual continuous improvement plan must be reviewed and updated annually no later than October 1 each year.

(d) The board of trustees or the board of directors shall continuously monitor progress toward the goals by utilizing relevant data to measure growth. The progress shall be included in evaluations of the district superintendent or administrator of a public charter school.

(3) The plan must be made available to the public and shall be posted on the school district or charter school website.

(4) Of the moneys appropriated in the public schools educational support program, up to six thousand six hundred dollars (\$6,600) shall be distributed to each school district and public charter school to be expended for training purposes for district superintendents and boards of trustees, public charter school administrators and boards of directors. Funds shall be distributed on a reimbursement basis based on a process prescribed by the superintendent of public instruction. Qualified training shall include

training for continuous improvement processes and planning, strategic planning, finance, superintendent evaluations, public charter administrator evaluations, ethics and governance.

(5) The state board of education shall be granted rulemaking authority to establish appropriate procedures, qualifications and guidelines for qualified training providers and shall prepare a list of qualified training providers within the state of Idaho.

[33-320, added 2014, ch. 112, sec. 1, p. 321; am. 2015, ch. 69, sec. 1, p. 187; am. 2016, ch. 239, sec. 1, p. 635; am. 2019, ch. 265, sec. 1, p. 777.]

33-351. SUBDISTRICTS -- AUTHORITY TO ESTABLISH -- ELECTION. The board of trustees of any school district which operates two (2) or more high schools may at any time, on its own motion or upon the filing with the board of trustees of a petition so requesting signed by not less than fifty (50) school electors, call an election to submit to the qualified electors of the school district the question of the creation of one (1) or more school subdistricts. Such election shall be called, the election shall be held subject to the provisions of section [34-106](#), Idaho Code, and shall be conducted pursuant to the provisions of [chapter 14, title 34](#), Idaho Code. The proceedings calling such election shall set forth the boundaries of each proposed school subdistrict and shall provide for the submission of the question of the creation of each such school subdistrict to the qualified electors of the school district and to the qualified electors residing within the proposed boundaries of each such school subdistrict. No proposition for the creation of a school subdistrict shall be determined to have carried unless such proposition shall receive a majority of the votes cast on such proposition by the qualified electors residing within the boundaries of the school district and a majority of the votes cast on such proposition by the qualified electors residing within the boundaries of the proposed school subdistrict. Whenever the creation of more than one (1) school subdistrict is submitted at the same election, separate ballots and separate propositions shall be used in voting on the question of creating each school subdistrict.

[33-351, added 1986, ch. 61, sec. 1, p. 177; am. 2009, ch. 341, sec. 29, p. 1013.]

33-352. ESTABLISHMENT. Whenever a proposition for the creation of a school subdistrict shall have been approved in the manner set forth in section [33-351](#), Idaho Code, the board of trustees of the school district shall enter in its minutes an order providing for the establishment and creation of the school subdistrict setting forth therein the legal description of the boundaries thereof and shall designate therein a name for such school subdistrict. Within ten (10) days after the entry of the order creating such school subdistrict, the board of trustees shall certify the fact of the creation of such school subdistrict to the state board of education and to the board of county commissioners of each county in which any part of the school subdistrict is located, by the filing of a certified copy of the order of the board of trustees creating and establishing the school subdistrict.

[33-352, added 1986, ch. 61, sec. 1, p. 177.]

33-353. NATURE AND POWERS. Each school subdistrict created and established as provided in this act shall be a political subdivision of the state of Idaho. The board of trustees entering the order creating and establishing such school subdistrict shall be the governing body of all school subdistricts created by it, and shall possess the power to order, conduct and hold all elections in such school subdistricts for the purpose of incurring debt and issuing bonds and for the purpose of voting school plant facilities reserve fund levies.

[33-353, added 1986, ch. 61, sec. 1, p. 178.]

33-354. INDEBTEDNESS -- BOND ISSUES. School subdistricts may incur debt and issue bonds for the same purposes as set forth in section [33-1102](#), Idaho Code. The governing body of a school subdistrict may submit to the qualified electors of the school subdistrict the question of whether the governing body of the school subdistrict shall be empowered to issue negotiable bonds of the school subdistrict in an amount and for a period of time to be named in the notice of election. Notice of the bond election shall be given, the election shall be conducted and the returns thereof canvassed and the qualifications of electors voting or offering to vote shall be as provided in [title 34](#), Idaho Code. The question of the issuance of such bonds shall be approved only if the percentage of votes cast at such election were cast in favor thereof as that which is now, or may hereafter be, set by the constitution of the state of Idaho. All such bonds shall be authorized, issued and sold pursuant to the provisions of sections [33-1107](#) through [33-1121](#), Idaho Code. No bonds of a school subdistrict may be issued, however, if the issuance of such bonds would cause the percentage of market value for assessment purposes of taxable property within the boundaries of the school subdistrict represented by the aggregate outstanding indebtedness of the school subdistrict, when added to the percentage of the assessed valuation of taxable property represented by the aggregate outstanding indebtedness of the school district within which the school subdistrict lies, to exceed five percent (5%). As used in the preceding sentence hereof, "market value for assessment purposes," "aggregate outstanding indebtedness" and "issuance" shall have the same meanings as set forth in section [33-1103](#), Idaho Code. Upon the approval of the issuance of such bonds, the same may be issued by the governing body of the school subdistrict on behalf of the school subdistrict at any time within two (2) years from the date of such election. Wherever in [title 34](#), Idaho Code, and in sections [33-1107](#) through [33-1121](#), Idaho Code, reference is made to "school district"; for purposes of this chapter it shall be deemed to refer to school subdistricts.

[33-354, added 1986, ch. 61, sec. 1, p. 178; am. 2009, ch. 341, sec. 30, p. 1013; am. 2013, ch. 183, sec. 12, p. 440; am. 2014, ch. 260, sec. 1, p. 652.]

33-355. LEVY FOR PLANT FACILITIES RESERVE FUND -- ELECTION. The governing body of a school subdistrict may call an election in the school subdistrict, pursuant to the provisions of section [33-804](#), Idaho Code, for the purpose of submitting to the qualified school electors of the school subdistrict the question of a levy by a school subdistrict of a school plant facilities reserve fund tax.

[33-355, added 1986, ch. 61, sec. 1, p. 179.]

33-356. SCHOOL BUILDING DESIGN AND ENERGY EFFICIENCY.

(1) (a) School districts may seek to qualify for a reduction in building replacement value calculation for qualified, newly constructed public school buildings pursuant to section [33-1019](#)(4), Idaho Code.

(b) Each school district that seeks to qualify a newly constructed building for the building replacement value calculation provided for in section [33-1019](#)(4), Idaho Code, shall use integrated design practices and fundamental commissioning in the design and construction of such building.

(c) Following the first year of operations of a building that was certified in accordance with the provisions of subsection (5) (a) of this section, the germane school district shall perform or cause to be performed an annual optimization review of the qualifying building. Such annual optimization review shall be performed in a manner that is consistent with rules promulgated pursuant to this section. Such school district shall thereafter perform or cause to be performed an annual optimization review each year it seeks to qualify such building for the building replacement value calculation provided in section [33-1019](#)(4), Idaho Code.

(2) For purposes of this section, the following terms shall have the following meanings:

(a) "Fundamental commissioning" means the use of a third party to review building design, building system specifications and to specify and monitor preoccupancy system testing to ensure functional integration of specified systems and functional operation of systems at the completion of a project.

(b) "Integrated design" means a process to develop consensus among the project team and owner as to the energy savings and building performance goals of the project and to identify design strategies to achieve those goals, including documentation strategies for design decisions to ensure accurate implementation of design through construction.

(3) It shall be the duty and responsibility of the administrator of the division of building safety to provide assistance to school districts to ensure school districts can access the technical and educational support needed to implement the processes of integrated design and fundamental commissioning. It shall further be the duty and responsibility of the administrator of the division of building safety to compile and cause to be made available to school districts a list of all third party building commissioning agents in Idaho and contiguous states. The administrator shall ensure that all commissioning agents that appear on such list are certified by the building commissioning association or other similar certifying entity. The administrator shall ensure that such list is updated annually.

(4) The administrator of the division of building safety is hereby authorized and directed to promulgate rules in accordance with the provisions of [chapter 52, title 67](#), Idaho Code, that provide the guidance, education and technical information necessary for school districts to implement the processes of integrated design and fundamental commissioning. The administrator is authorized to expand upon the terms defined in subsection (2) of this section, and to provide additional definitions as needed. In addition, the administrator shall promulgate rules governing annual optimization review and evaluation of germane building systems to ensure optimal performance of such systems and maximum energy savings and building performance.

Such rules shall include, but not be limited to, a definition for the minimum scope of work required for annual optimization.

(5) (a) The administrator of the division of building safety shall certify to the state department of education when a building has qualified for school building replacement value calculation exclusions as provided for in section [33-1019](#)(4), Idaho Code. As part of such certification, the administrator shall state specifically the school building(s) and the square footage thereof that shall be excluded from the school building replacement value calculations.

(b) Following the first year of operations of a building that was certified in accordance with the provisions of subsection (5)(a) of this section, the administrator of the division of building safety shall certify to the state department of education when such building has undergone an annual optimization review as provided in subsection (1)(c) of this section. Such certification shall ensure that the qualifying building meets or exceeds the requirements of annual optimization review rules promulgated pursuant to subsection (4) of this section.

[33-356, added 2009, ch. 169, sec. 2, p. 512.]

33-357. CREATION OF INTERNET BASED EXPENDITURE WEBSITE. (1) As used in this section, unless otherwise required:

(a) "Education provider" means:

- (i) A school district, including a specially chartered district organized and existing pursuant to law;
- (ii) A cooperative services agency or intermediate school district;
- (iii) A public charter school authorized pursuant to state law;
- (iv) A publicly funded governmental entity established by the state for the express purpose of providing online courses.

(b) "Entity" means a corporation, association, union, limited liability company, limited liability partnership, grantee, contractor, local government or other legal entity, including a nonprofit corporation or an employee of the education provider.

(c) "Public record" shall have the same meaning as set forth in [chapter 1, title 74](#), Idaho Code.

(2) (a) No later than December 1, 2011, each education provider shall develop and maintain a publicly available website where the education provider's expenditures are posted in a nonsearchable PDF format, a searchable PDF format, a spreadsheet or in a database format.

(b) The internet based website shall include the following data concerning all expenditures made by the education provider:

- (i) The name and location or address of the entity receiving moneys;
- (ii) The amount of expended moneys;
- (iii) The date of the expenditure;
- (iv) A description of the purpose of the expenditure, unless the expenditure is self-describing;
- (v) Supporting contracts and performance reports upon which the expenditure is related when these documents already exist;
- (vi) To the extent possible, a unique identifier for each expenditure;

(vii) The annual budget approved by the education provider's governing board, to be posted within thirty (30) days after its approval; and

(viii) Any current master labor agreements approved by the education provider's governing board.

(c) The expenditure data shall be provided in an open structured data format that may be downloaded by the user.

(d) The internet based website shall contain only information that is a public record or that is not confidential or otherwise exempt from public disclosure pursuant to state or federal law.

(3) The education provider shall:

(a) Update the expenditures contained on the internet based website at least monthly;

(b) Archive all expenditures, which shall remain accessible and on the internet based website for a number of years, consistent with state law regarding keeping and retention of records;

(c) Make the internet based website easily accessible from the main page of the education provider's website; and

(d) The website shall include those records beginning on the effective date of this act on July 1, 2011, and all data prior to that date shall be available by way of a public records request.

[33-357, added 2010, ch. 263, sec. 2, p. 665; am. 2011, ch. 247, sec. 3, p. 669; am. 2013, ch. 94, sec. 1, p. 230; am. 2015, ch. 141, sec. 60, p. 422.]