

IN THE SENATE

SENATE BILL NO. 1307

BY EDUCATION COMMITTEE

AN ACT

1 RELATING TO EDUCATION; AMENDING SECTION 33-501, IDAHO CODE, TO REVISE CER-  
2 TAIN DATES AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 33-503,  
3 IDAHO CODE, TO REVISE THE ELECTION DATE FOR SCHOOL DISTRICT TRUSTEES AND  
4 TO PROVIDE A TERM EXPIRATION DATE FOR INCUMBENT TRUSTEES; AMENDING SEC-  
5 TION 33-505, IDAHO CODE, TO REVISE A CERTAIN DATE AND TO MAKE TECHNICAL  
6 CORRECTIONS; AND AMENDING SECTION 33-510, IDAHO CODE, TO REVISE A CER-  
7 TAIN DATE AND TO MAKE TECHNICAL CORRECTIONS.  
8

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

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

12 33-501. BOARD OF TRUSTEES. (1) Each school district shall be governed  
13 by a board of trustees. The board of trustees of each elementary school dis-  
14 trict shall consist of three (3) members, and the board of trustees of each  
15 other school district shall consist of five (5) members. Provided, however,  
16 that the board of trustees of any district which has had a change in its dis-  
17 trict boundaries subsequent to June 30, 1973, may consist of no fewer than  
18 five (5) nor more than nine (9) members if such provisions are included as  
19 part of an approved proposal to redefine and change trustee zones as provided  
20 in section 33-313, Idaho Code. The board of trustees of any district that has  
21 had a change in its district boundaries because of district consolidation on  
22 and after January 1, 2008, shall consist of five (5) members if two (2) dis-  
23 tricts consolidated or seven (7) members if three (3) or more districts con-  
24 solidated. Commencing in 2014~~6~~, a school district trustee shall be elected  
25 for a term of four (4) years beginning at twelve o'clock noon on ~~July~~ January  
26 1 next succeeding his election.

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

35 (3) Each trustee shall qualify for and assume office on ~~July~~ January 1  
36 next following his election, or, if appointed, at the regular meeting of the  
37 board of trustees next following such appointment. An oath of office shall  
38 be administered to each trustee, whether elected, reelected or appointed.  
39 Said oath may be administered by the clerk, or by a trustee, of the district,  
40 and the records of the district shall show such oath of office to have been  
41 taken, and by whom administered and shall be filed with the official records  
42 of the district.

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

3 33-503. ELECTION OF TRUSTEES -- UNIFORM DATE. (1) The election of  
4 school district trustees including those in charter districts shall be  
5 on the ~~third Tuesday in May~~ following the first Monday in November in ~~odd~~  
6 even-numbered years. Notice and conduct of the election, and the canvassing  
7 of the returns shall be as provided in chapter 14, title 34, Idaho Code. In  
8 each trustee zone, the person receiving the greatest number of votes cast  
9 within his zone shall be declared by the board of trustees as the trustee  
10 elected from that zone.

11 (2) If any two (2) or more persons have an equal number of votes in any  
12 trustee zone and a greater number than any other nominee in that zone, the  
13 board of trustees shall determine the winner by a toss of a coin.

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

24 (4) Incumbent trustees as of the effective date of this act shall have  
25 their terms expire on January 1 following the November election of their suc-  
26 cessor. For instance, an incumbent trustee's term that, prior to this act,  
27 would have expired on July 1, 2017, shall have his or her term expire on Jan-  
28 uary 1, 2017.

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

31 33-505. BOARD OF TRUSTEES, DISTRICT NEWLY CREATED. (1) Within ten (10)  
32 days after the entry of any order creating a new school district by the con-  
33 solidation of districts or parts thereof, the trustees of all school dis-  
34 tricts involved in the consolidation shall meet at the call of the state su-  
35 perintendent of public instruction or his designee and, from their number,  
36 shall select a board of trustees of the new district representing each of the  
37 merged districts in an equal number to serve as follows: if two (2) districts  
38 consolidated, one (1) member representing the board of trustees of each dis-  
39 trict shall serve until the annual election of trustees next following; one  
40 (1) member representing the board of trustees of each district shall serve  
41 until the annual election the following year; and one (1) member appointed  
42 by the other four (4) members shall serve until the annual election in the  
43 year after that. If three (3) or more districts consolidated, three (3) mem-  
44 bers shall serve until the annual election of trustees next following; three  
45 (3) members shall serve until the annual election the following year; and  
46 one (1) member appointed by the other six (6) members shall serve until the  
47 annual election in the year after that. If the number of merged districts  
48 is greater than three (3), the superintendent of public instruction shall

1 appoint as equally as possible from trustees of the previous districts so  
 2 that each district, if possible, has representation on the consolidated dis-  
 3 trict's board of trustees. The superintendent shall stagger the terms of  
 4 his appointments so that an equal number of appointees' terms expire annu-  
 5 ally and those trustees shall sit for election. Thereafter, all trustees who  
 6 are elected shall serve terms as provided in section 33-501, Idaho Code, for  
 7 a board of trustees of a school district. The board of trustees shall re-  
 8 port the names of said trustees to the state board of education. The board of  
 9 trustees of the newly consolidated school district shall expeditiously re-  
 10 draw the trustee zones pursuant to section 33-313, Idaho Code.

11 (2) The state board of education, at its first meeting next following  
 12 receipt of notice of the creation of new school districts by the division of  
 13 a district, shall appoint a board of trustees for each such new district, to  
 14 serve until ~~July~~ January 1 next following.

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

25 SECTION 4. That Section 33-510, Idaho Code, be, and the same is hereby  
 26 amended to read as follows:

27 33-510. ANNUAL MEETINGS -- REGULAR MEETINGS -- BOARDS OF TRUSTEES. (1)  
 28 The annual meeting of each school district shall be on the date of its regu-  
 29 lar ~~July~~ February meeting in each year. Notice of the annual meeting of ele-  
 30 mentary school districts shall be given as provided in section 33-402, Idaho  
 31 Code, but one (1) publication shall suffice.

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

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

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