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Compilation of Laws

PERTAINING TO THE

STATE BOARD OF EDUCATION

AND THE

EDUCATIONAL INSTITUTIONS

OF THE

STATE OF IDAHO

STATE BOARD OF EDUCATION
UNIVERSITY OF IDAHO
LEWISTON STATE NORMAL SCHOOL
ALBION STATE NORMAL SCHOOL
IDAHO TECHNICAL INSTITUTE
IDAHO INDUSTRIAL TRAINING SCHOOL
IDAHO SCHOOL FOR THE DEAF AND THE BLIND

EFFECTIVE 1 APRIL, 1919

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ARTICLE I.

STATE BOARD OF EDUCATION.

A. Constitutional.

Sec. 1. Creation—General Empowerment. The general supervision of the State educational institutions and public school system of the State of Idaho shall be vested in a State Board of Education, the membership, powers and duties of which shall be prescribed by law. The State Superintendent of Public Instruction shall be ex-officio member of said board.

(Const. Idaho, Art. IX, Sec. 2.)

(Amendment No. 21 effective Nov. 25, 1912.)

(1911 L. 791; 1913 L. 677.)

Note: (1) **Original:** "The general supervision of the public schools of the State shall be vested in a Board of Education, whose powers and duties shall be prescribed by law; the Superintendent of Public Instruction, the Secretary of State, and Attorney General, shall constitute the Board, of which the Superintendent of Public Instruction shall be president."

(Pike vs. S. B. of L. C. 19 I, 26; 113 P. 447, to the effect that original Section 2 of Article IX applied only to **public schools** as distinguished from higher educational institutions.)

(2) **Control of Public Schools.**

(a) Original Draft, as proposed in Constitutional Convention placed control of public schools in a Board of Education.

(1 Con. Conv. Pro. 638.)

(b) Objection made to proposed section on ground that the said control was taken out of the hands of the Superintendent of Public Instruction and placed in a Board of Education.

(1 Con. Conv. Pro. 638.)

(c) Adopted as proposed.

(1 Con. Conv. Pro. 827.)

(2 Con. Conv. Pro. 1437.)

(3) **Reference:** See Note (4) to Art. X-VII, post.

B. Statutory.

Sec. 1. Creation—General Powers. That for the general supervision, government and control of all State educational institutions of this State, to-wit: The University of Idaho, Lewiston State Normal School, Albion State Normal School, the Academy of Idaho, the Industrial Training School, and the School for the Deaf and Blind, and for the general supervision, government and control of any other such State educational institutions as may now or hereafter be founded, and, further, for the general supervision, government and control of the public schools of the State, a State Board of Education, which shall also constitute the Board of Regents of the University of Idaho, is hereby created and established, to be known as the State Board of Education and Board of Regents of the University of Idaho.

(1913 L. 328; C. L. 38:1.)

Cited: Bank vs. Regents, 26 I. 15, 140 P. 771.)

Sec. 2. Membership—Tenure—Qualifications. Said State Board of Education and Board of Regents of the Uni-

versity of Idaho shall consist of five (5) appointive members and, in addition thereto the State Superintendent shall be ex-officio member of such board.

The Governor of Idaho is hereby empowered, and it is hereby made his duty, not later than the first Monday of April, 1913, to appoint, as members of said State Board of Education and Board of Regents of the University of Idaho, five members, one to hold office for one year, one for two years, one for three years, one for four years, and one for five years.

Annually thereafter, commencing on the first Monday of April, 1914, he shall appoint one member of said board to serve for a period of five years.

The Governor shall fill, by appointment, all vacancies which may occur on the board, such appointment to be made within thirty days after such vacancy occurs, and to be for the unexpired term of the retiring member.

Provided, That all such members of said board shall be appointed solely upon consideration of their ability to efficiently serve the interests of the people and of education in this State, without reference to locality, to occupation, to party affiliation or to religion.

Provided further, That any member so appointed shall not heretofore have been connected with any of the State educational institutions of this State, either as regent, member of board, instructor or student, and shall have been a qualified elector and taxpayer in this State for at least three years prior to the date of his appointment.

Said members of said board, appointed as above provided, shall qualify for office and assume their duties in accordance with existing laws governing similar appointments to and qualifications for office on other State boards of this State.

(1913 L. 328; C. L. 38:2.)

Note: C. L. 38:2 does not include above in full; full report made here since tenure of present members rests on terms of original appointees.

Sec. 3. Transfer of Control of Institutions—Headquarters. Said State Board of Education and Board of Regents of the University of Idaho shall, upon its being established as provided in this Act, assume all powers and perform all duties now held by the Board of Regents of the University of Idaho and by the Boards of Trustees of the other State educational institutions enumerated in Section 1 of this act.

The existing Board of Regents and Boards of Trustees of said educational institutions shall, upon the passage and approval of this act, surrender and transfer to the State Board of Education and Board of Regents of the University of Idaho, all duties, rights, powers and immunities granted

them under existing laws of this State, together with all property, deeds, records, reports and appurtenances of any and all kinds now held by said Board of Regents under existing laws; and, thereupon, shall cease to exist as provided by existing laws; and said State Board of Education and Board of Regents of the University of Idaho shall accept and assume all such rights, duties, powers, immunities, property, deeds, records, reports and appurtenances aforesaid and hold the same until the provisions of this act shall have been amended or repealed.

Said board shall have and maintain its office at the State Capitol.

(1913 L. 329; C. L. 38:3.)

Note: (1) **Control of University Grant.**

(a) When the Constitution of Idaho was framed the only existing grant to the State for university purposes was contained in the Act of 2 February, 1881 (21 S. 326) under the terms of which the Federal Government retained full control of the sale of land and of the custody and the investment of the proceeds thereof, the State acquiring only the income therefrom.

(b) The Constitutional Convention in drafting Sections 10 and 11 of Article IX recognized the complete control of the Federal Government in relation to the university grant of 72 sections (re-affirmed by Idaho Admission Bill, Sec. 8 of 26 S. 215) and therefore excepted university land grants from Section 11 of Article IX and in section 10 of Article IX granted the Regents control of the university lands "under such regulations as may be prescribed by law," evidently referring thereby to Federal law.

(Sec. 10, Art. IX: 1 Con. Conv. Pro. 766 and 849; 2 Con. Conv. Pro. 1450.)

(Sec. 11, Art. IX: 1 Con. Conv. Pro. 773 and 861; 2 Con. Conv. Pro. 1287, 1331 and 1451.)

(2) **Successor to Board of Regents of University.**

(a) First National Bank vs. Regents, 26 I. 18, 140 P. 771.

(See Art. X-I-15, supra.)

(3) **Corporate Existence.**

(a) University of Idaho: (See Art. X-I, supra.)

(b) Albion Normal: (See Art. X-IV, supra.)

Sec. 4. Headquarters. The office of the Superintendent of Public Instruction shall be the office of the State Board of Education.

(1911 L. 489, Sec. 16.)

Sec. 5. Place of Meeting. The regular place of meeting of the State Board of Education shall be in the State Capitol, but the board may meet elsewhere when it is deemed necessary to do so.

(1911 L. 489, Sec. 17.)

Sec. 6. Removal of Members. The Governor of Idaho is hereby empowered to remove from membership on said Board of Education and Board of Regents of the University of Idaho, any member who shall have proven himself to be guilty of gross immorality, malfeasance in office, or incompetency; but no removal for personal or political reasons shall be valid without the concurrence of at least two-thirds of the members of the Senate of this State.

(1913 L. Ch. 77, p. 329, Sec. 4; C. L. 38:4.)

Sec. 7. Meetings—Regular and Special. Said Board of Education and Board of Regents of the University of Idaho shall hold two regular meetings annually at such time and place as may be directed by said board, but special meetings may be called at any time and at a place designated in such call by the president.

(1913 L. Ch. 77, p. 330, Sec. 5; C. L. 38:5.)

Sec. 8. Honorarium and Expenses. The members of said board shall be paid all necessary personal and traveling expenses in carrying out the provisions of this act, and shall also be entitled to receive an honorarium of one hundred dollars (\$100.00) per year. Said remuneration shall be allowed and paid in accordance with law and from any funds appropriated by the Legislature for the maintenance of said board.

(1913 L. Ch. 77, p. 330, Sec. 5; C. L. 38:6.)

Sec. 9. Powers and Duties of Board. In addition to the powers and duties provided in Section 3 of this act, the State Board of Education and Board of Regents of the University of Idaho shall have the following special duties, powers and responsibilities, to-wit:

(1913 L. Ch. 77, p. 330, Sec. 6; C. L. 38:7.)

Sec. 10. Commissioner — Qualifications, Tenure, Removal. It shall have power and it shall be its duty to appoint, for such term and at such salary as it may designate, a Commissioner of Education, and, upon recommendation of said Commissioner of Education may appoint such other specialists, assistants, clerks or other executive officers or employees as in its judgment the execution of the work of the board may demand, and fix the salaries of the same.

Said Commissioner of Education shall be chosen upon merit and because of his special fitness to propose and execute beneficial educational policies for the general supervision, government and control of the State educational institutions and public schools of this State.

The State Board of Education and Board of Regents of the University of Idaho shall have power, upon a two-thirds vote of its membership, to dismiss the Commissioner of Education for cause as defined in Section 4 of this act.

(1913 L. Ch. 77, p. 330, Sec. 6 (1); C. L. 38:8.)

Sec. 11. Rules and Regulations. Make rules and regulations for its own government and for the government of its executive officers. It shall assign them their functions and duties, direct them as to their work and be free to change such assignments and directions to meet the necessities of the work under their direction.

(1913 L. Ch. 77, p. 330, Sec. 6 (2); C. L. 38:9.)

Note: See Art. I-C, post; Sec. 28, post.