

2025 Legislative Resolution

Title: Schools as polling places

Sponsor(s): Kristina Glascock

Statutes Affected: 33-512

County Offices Affected (Must affect at least 2): County Clerk and County Commissioners

Counties Affected (Must affect at least 2): Potentially all 44 counties

Explain the Issue or Problem: It is becoming increasingly difficult to find polling places that are ADA compliant. Schools are required to be a polling place if the clerk requests. With lockdowns, evacuations and security issues, some counties are reluctant to use schools. A lockdown or evacuation in a school being used as a polling place during election day would create major issues for schools, law enforcement, poll workers, students and county clerks.

Background & Data: In 2019, I.C. 34-302 was updated to include a phrase that public school facilities shall be made available to the board as precinct polling places. As schools are almost always ADA compliant, this has been helpful for counties. However, some jurisdictions are not willing to use schools because of the increased security concerns with having students in the building during voting.

Proposed Policy: TITLE 33

EDUCATION

CHAPTER 5

DISTRICT TRUSTEES

33-512. GOVERNANCE OF SCHOOLS. The board of trustees of each school district shall have the following powers and duties:

(1) To fix the days of the year and the hours of the day when schools shall be in session. However:

(a) Each school district shall annually adopt and implement a school calendar that provides its students at each grade level with the following minimum number of instructional hours:

Grades	Hours
9-12	990
4-8	900
1-3	810
K	450
Alternative schools (any grades)	900

(b) School assemblies, testing and other instructionally related activities involving students directly may be included in the required instructional hours.

(c) When approved by a local school board, annual instructional hour requirements stated in paragraph (a) of this subsection may be reduced as follows:

(i) Up to a total of twenty-two (22) hours to accommodate staff development activities conducted on such days as the local school board deems appropriate.

(ii) Up to a total of eleven (11) hours of emergency school closures due to adverse weather conditions and facility failures.

However, transportation to and from school, passing times between classes, recess and lunch periods shall not be included.

(d) Student and staff activities related to the opening and closing of the school year, grade reporting, program planning, staff meetings, and other classroom and building management activities shall not be counted as instructional time or in the reductions provided in paragraph (c)(i) of this subsection.

(e) For multiple shift programs, this rule applies to each shift (i.e., each student must have access to the minimum annual required hours of instruction).

(f) The instructional time requirement for grade 12 students may be reduced by action of a local school board for an amount of time not to exceed eleven (11) hours of instructional time.

(g) The state superintendent of public instruction may grant an exemption from the provisions of this section for an individual building within a district, when the closure of that building, for unforeseen circumstances, does not affect the attendance of other buildings within the district.

(h) The state board of education may grant a waiver of the minimum number of instructional hours for a school district when districtwide school closures are necessary as a result of natural occurrences creating unsafe conditions for students. A county or state disaster declaration must have been issued for one (1) or more of the counties in which the school district is located. A waiver request to the state board of education must describe the efforts by the school district to make up lost instructional hours, the range of grades impacted, and the number of hours the school district is requesting be waived.

(i) The reduction of instructional hours allowed in paragraphs (f) through (h) of this subsection may not be combined in a single school year.

(j) To ensure student safety and to provide suitable polling locations for elections, in any school building that is used as a polling place there shall be no in-person student instruction on election days taking place on the third Tuesday in May of each year and on the Tuesday following the first Monday in November of each year. The board of trustees of each school district may determine the instruction or activities, if any, to be held on such days as long as such instruction or activities do not require or encourage students to be present in any building being used as a polling place. For the purpose of this paragraph, "activities" includes professional developments, personnel training, and teacher in-service.

(2) To adopt and carry on and to provide for the financing of a total educational program for the district. Such programs in other than elementary school districts may include education programs for out-of-school youth and adults, and such districts may provide classes in kindergarten;

- (3) To provide, or require pupils to be provided with, suitable textbooks and supplies and, for advice on textbook selections, may appoint a curricular materials adoption committee as provided in section 33-512A, Idaho Code;
- (4) To protect the morals and health of the pupils;
- (5) To exclude from school children not of school age;
- (6) To prescribe rules for the disciplining of unruly or insubordinate pupils, including rules on student harassment, intimidation and bullying, such rules to be included in a district discipline code adopted by the board of trustees and a summarized version thereof to be provided in writing at the beginning of each school year to the teachers and students in the district in a manner consistent with the student's age, grade and level of academic achievement;
- (7) To exclude from school pupils with contagious or infectious diseases who are diagnosed or suspected as having a contagious or infectious disease or those who are not immune and have been exposed to a contagious or infectious disease; and to close school if the board determines that conditions warrant such closure, based on consultation with the district health department of the public health district in which the school district is located;
- (8) To equip and maintain a suitable library or libraries in the school or schools and to exclude therefrom, and from the schools, all books, tracts, papers, and catechisms of sectarian nature;
- (9) To determine school holidays. Any listing of school holidays shall include not less than the following: New Year's Day, Memorial Day, Independence Day, Thanksgiving Day, and Christmas Day. Other days listed in section 73-108, Idaho Code, if the same shall fall on a school day, shall be observed with appropriate ceremonies; and any days the state board of education may designate, following the proclamation by the governor, shall be school holidays;
- (10) To erect and maintain on each schoolhouse or school grounds a suitable flagstaff or flagpole and display thereon the flag of the United States of America on all days, except during inclement weather, when the school is in session; and for each Veterans Day, each school in session shall conduct and observe an appropriate program of at least one (1) class period remembering and honoring American veterans;
- (11) To prohibit entrance to each schoolhouse or school grounds, to prohibit loitering in schoolhouses or on school grounds and to provide for the removal from each schoolhouse or school grounds of any individual or individuals who disrupt the educational processes or whose presence is detrimental to the morals, health, safety, academic learning or discipline of the pupils. A person who disrupts the educational process or whose presence is detrimental to the morals, health, safety, academic learning or discipline of the pupils, or who loiters in schoolhouses or on school grounds, is guilty of a misdemeanor;
- (12) To supervise and regulate, including by contract with established entities, those extracurricular activities that are by definition outside of or in addition to the regular academic courses or curriculum of a public school, and which extracurricular activities shall not be considered to be a property, liberty or contract right of any student, and such extracurricular activities shall not be deemed a necessary element of a public school education but shall be considered to be a privilege. For the purposes of extracurricular activities, any secondary school located in this state that is accredited by

an organization approved through a process defined by the state department of education shall be able to fully participate in all extracurricular activities described in and governed by the provisions of this subsection;

(13) To govern the school district in compliance with state law and rules of the state board of education;

(14) To submit to the superintendent of public instruction not later than July 1 of each year documentation that meets the reporting requirements of the federal gun-free schools act of 1994 as contained within the federal improving America's schools act of 1994;

(15) To require that all certificated and noncertificated employees hired on or after July 1, 2008, and other individuals who are required by the provisions of section 33-130, Idaho Code, to undergo a criminal history check shall submit a completed ten (10) finger fingerprint card or scan to the department of education no later than five (5) days following the first day of employment or unsupervised contact with students in a K-12 setting, whichever is sooner. Such employees and other individuals shall pay the cost of the criminal history check. If the criminal history check shows that the employee has been convicted of a felony crime enumerated in section 33-1208, Idaho Code, it shall be grounds for immediate termination, dismissal or other personnel action of the district, except that it shall be the right of the school district to evaluate whether an individual convicted of one of these crimes and having been incarcerated for that crime shall be hired. Provided however, that any individual convicted of any felony offense listed in section 33-1208(2), Idaho Code, shall not be hired. For the purposes of criminal history checks, a substitute teacher is any individual who temporarily replaces a certificated classroom educator and is paid a substitute teacher wage for one (1) day or more during a school year. A substitute teacher who has undergone a criminal history check at the request of one (1) district in which he has been employed as a substitute shall not be required to undergo an additional criminal history check at the request of any other district in which he is employed as a substitute if the teacher has obtained a criminal history check within the previous five (5) years. If the district next employing the substitute still elects to require another criminal history check within the five (5) year period, that district shall pay the cost of the criminal history check or reimburse the substitute teacher for such cost. To remain on the statewide substitute teacher list maintained by the state department of education, the substitute teacher shall undergo a criminal history check every five (5) years;

(16) To maintain a safe environment for students by developing a system that cross-checks all contractors or other persons who have irregular contact with students against the statewide sex offender registry by developing a school safety plan for each school and by meeting annually with emergency first responders to update the plans and discuss emergency exercises and operations;

(17) To provide support for teachers in their first two (2) years in the profession in the areas of: administrative and supervisory support, mentoring, peer assistance and professional development.

Arguments & Entities in Support: County Clerks would like to continue using schools as polling places because they are great spaces to conduct elections for multiple reasons. There is ample parking. The facilities are ADA compliant. There is room to

accommodate large election turnouts. There are concerns with using school facilities as polling places such as the safety and security of the students. We have no control over who is coming into the building. This is concerning for school staff. In a time where every visitor has to check in to be in the school, now we are allowing every eligible voter to come into the space without checking in. There is also a concern with a lockdown situation occurring during an election. If the facility is locked down during an election, it would create additional people to account for as well as logistical issues for County Clerks; trying to redirect voters, setting up an alternate polling place, how to retrieve ballots and election supplies when the lockdown was over. It would also cause questions as to whether or not the voted ballots were kept secure and if ballot supplies were tampered with during the lockdown if election staff was evacuated.

Arguments & Entities Against:

Feasibility:

Other Stakeholders Affected & Nature of Impact:

Fiscal Impact:

Will Proposed Policy Create an Unfunded County Mandate: