

# MIDVALE SCHOOL DISTRICT #433 - Policy Manual

## SECTION 200

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##### **211 - Statement of Guiding Principles**

In general the Board of Education will serve as the policy making body for the District. It will

delegate authority to implement and administer policy to the school superintendent.

The Board will provide the financial means to support the educational programs of the district. It will also insure that the public be informed of the needs, purposes, values and status of the schools.

**Last Updated: 13 February 1996**

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## **212 - District Name and Legal Description**

**Name:** The name of the School District is Midvale School District No. 433, Washington County, State of Idaho.<sup>1</sup>

**Legal Description:** The following legal description and any amended descriptions will be filed with the State Board of Education and the Washington County Commissioners.<sup>2</sup>

The following is a legal description of Midvale School District filed in accordance with paragraph 1:

Commencing there for at a point in Sec. 23, T 13N, R1 EBM common to the counties of Adams, Gem & Washington and running thence SW along the E boundary of Washington Co. to the SE corner of said Co. which is midway of the S line of Sec. 32 T 10N, R1 EBM; thence W on S line of Washington Co. to the SW corner of Sec. 35, T 10N, R2 WBM; thence N 6 miles to the NW corner of Sec. 2, T 10N, R2 WBM; thence W 6 miles to the SW corner of Sec. 35, T 11N, R3 WBM; thence N 8 miles to the NW corner of Sec. 26, T 12N, R3 WBM; thence W 9 miles to the SW corner of Sec. 20, T 12N, R4 WBM; thence N 1 $\frac{3}{4}$  miles; thence W  $\frac{1}{4}$  miles; thence N 4  $\frac{1}{4}$  miles, thence E  $\frac{1}{4}$  mile to the NW corner of Sec. 29, T 13N, R4 WBM; thence N 3 miles; thence W 1 mile; thence N 6 miles along the R5 WBM and R4 WBM line to the NW corner of Sec. 7, T 14N, R4 WBM; thence E 2 miles; thence S 1 mile; thence E 6 miles; thence S 1 mile to the SW corner of Sec. 16, T 14N, R3 WBM; thence E to the center of the Weiser River on the S line of Sec. 15, T 14N, R3 WBM; thence S down the center of the Weiser River to its intersection with the S line of Sec. 22, T 14N, R3 WBM; thence E approximately 1  $\frac{1}{4}$  miles to the S Quarter corner of Sec. 23, said T & Range; thence S 1 mile; thence E  $\frac{3}{4}$  mile; thence S 1 mile; thence E on the S line of T 14N, 1 and  $\frac{3}{4}$  miles to the NE corner of Lot 1, Sec. 6, T 13N, R2 WBM; thence S  $\frac{3}{4}$  mile; thence E approximately 5 miles to the NE corner of the SW $\frac{1}{4}$  SE $\frac{1}{4}$  of Sec. 1, T 13N, R2 WBM; thence SE on Co. line to the NE corner of the SW $\frac{1}{4}$  SW $\frac{1}{4}$  Sec. 24, T 13N, R1 WBM; thence E approximately 5 $\frac{1}{2}$  miles to the point of beginning and all in Washington County, Idaho.

**Last Updated: 13 February 1996**

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## **213.1 - Access to Public Records**

The public has the right to access this district's public records. This policy set forth the procedure for accessing public records.

### **Definitions:**

Public Record: These include, but are not limited to, any writing containing information relating to the conduct or administration of the district's business that is prepared, owned, used or retained by the district.

Writing: The information maintained in many forms, including, for example, pictures, maps, tapes, magnets or punched cards and computer disks.

Inspect: This includes the right to listen, view, and make notes of public records, so long as the public record is not altered or damaged.

Copies: This includes transcribing by hand writing, photocopying, duplicating machine, and reproducing by any other means, so long as the public record is not altered or damaged.

Custodian: The district employees who have physical custody and control of the public records, including those employees who respond to requests for information on a routine basis. "Custodian" also includes the person, whether elected or appointed, who is legally responsible for administration of the district, or that person's designee.

Designated Custodians: Those employees authorized to perform specific responsibilities that are described in this policy, including denying requests for information when appropriate to do so.

The following persons are the designated custodians for this district:

1. Superintendent
2. District Clerk/Treasurer

The above-named custodians may delegate responsibility for routine information requests.

### **Exempt Materials from Public Review**

The Idaho Legislature has set forth particular records that are exempt from disclosure to the public. All employees should be aware of the following exemptions that apply to this school district. The following list sets forth some of the designated exempt records:

1. Any public record exempt from disclosure by federal or state law or federal regulations to the extent specifically provided for by such law or regulation. This includes, but is not limited to, student records under the Family Educational Rights and Privacy Act.
2. All personnel records of a current or former public official other than the public official's public service or employment history, classification, pay grade and step,

longevity, gross salary and salary history, status, workplace and employing agency.

3. Retired employees' and retired public officials' home addresses, home telephone numbers and other financial and non-financial membership records.
4. Records relating to the appraisal of real property, timber or mineral rights, prior to its acquisition, sale or lease by the district.
5. Any estimate prepared by the district that details the cost of a public project until such time as disclosed or bids are opened, or upon award of the contract for construction of the public project.
6. The records of a library that, when examined alone or when examined with other public records, would reveal the identity of the library patron checking out, requesting or using an item from the library.
7. Examination, operating or condition reports and all documents relating thereto, prepared by or supplied to the District.
8. Records of any risk retention or self-insurance program prepared in anticipation of litigation or for analysis of or settlement of potential or actual money damage claims against the District and/or its employees except as otherwise discoverable under the Idaho or federal rules of civil procedure. These records shall include, but are not limited to, claims evaluations, investigatory records, computerized reports of losses, case reserves, internal documents and correspondence relating thereto. At the time any claim is concluded, only statistical data and actual amounts paid in settlement shall be deemed a public record unless otherwise ordered to be sealed by a court of competent jurisdiction. Provided however, nothing in this subsection is intended to limit the attorney client privilege or attorney work product privilege otherwise available to any public agency or independent public body corporate and politic.
9. Computer programs developed and purchased by or for the district for its own use. As used in this subsection, "computer program" means a series on instructions or statements which permit the functioning of a computer system in a manner designed to provide storage, retrieval and manipulation of data from the computer system, and any associated documentation and source material that explain how to operate the computer program. However, computer program does not include:
  - a. The original data including, but not limited to, numbers, texts, voice, graphics, and images;
  - b. Analysis, compilation, and other manipulative forms of the original data produced by use of the program;
  - c. The mathematical or statistical formulas that will be used if the manipulative forms of the original data were to be produced manually.

10. Employment security information and unemployment insurance benefit information, except that all interested parties may agree to waive the exemption.
11. Facts contained in any records of a juvenile maintained under the Juvenile Correction Act will be furnished upon request to any district where the juvenile is enrolled or is seeking enrollment. If a juvenile is fourteen (14) years or older and is adjudicated guilty of an offense that would be a felony if committed by an adult, the name, the offense of which the juvenile was adjudicated and the disposition of the court will be disclosed.
12. All personnel records of a current or former employee other than the employee's public service or employment history, classification, pay grade and step, longevity, gross salary and salary history, status, workplace, and employing district.
13. All other personnel information relating to the employee or applicant, including, but not limited to, information regarding sex, race, marital status, birth date, home address and telephone number, applications, testing and scoring materials, grievances, correspondence, and performance evaluations, will not be disclosed to the public without the employee's or applicant's written consent. An employee or authorized representative may inspect and copy his or her personnel records, except for material used to screen and test for employment.
14. Personal information from any file maintained for students. Information from student records shall be disclosed only in accordance with the requirements of the Family Educational Rights and Privacy Act of 1974 and adopted District policy.
15. Test questions, scoring keys, or other examination data used to administer academic tests.
16. Preliminary drafts, notes, recommendations and intra-District memoranda in which opinions are expressed or policies formulated or recommended, except that a specific record shall not be exempt when publicly cited by the District in connection with any District action.
17. Records that are relevant to a controversy to which the District is a party but which records would not be available to another party under the rules of pre-trial discovery for cases pending resolution.
18. Records of buildings, facilities, infrastructures and systems when the disclosure of such information would jeopardize the safety of persons or the public safety. Such records may include emergency evacuation, escape or other emergency response plans, vulnerability assessments, operation and security manuals, plans, blueprints or security codes.

#### **Records Containing a Combination of Both Exempt and Non-Exempt Materials**

When exempt and non-exempt materials are combined, the district is responsible for separating the exempt from the non-exempt information and for supplying the non-exempt record. The Public Records Law prohibits denying access based on the fact that the record contains both types of materials.

Even if an exemption applies to a record, the law allows disclosure of statistical information that does not identify any particular person.

### **Procedures for Requesting Public Records**

Although the Public Records Law allows this district to require written requests for information, it is this district's policy to waive the formal requirement in those cases where the information requested is readily available and routinely provided by this district.

Under some circumstances, however, this district may ask the individual or organization seeking the information to put the request in writing, and to provide the individual's or organization's name, a mailing address and telephone number. Those circumstances include instances when uncertainty exists over what the individual wants, when uncertainty exists over whether the information requested is protected or privileged, or when compiling or copying the information requested is anticipated to be unduly time-consuming or difficult.

The law prohibits asking why the information is needed, except to verify the identity of a person requesting a record to ensure that the requested record or information will not be used for purposes of a mailing or telephone list prohibited by Idaho Code Section 9-348. This district is permitted to explain what records are available and to help identify the material that is desired. This district is also permitted to allow the person to examine non-exempt files in order to select the specific records needed.

Staff must maintain vigilance to see that records are not altered or destroyed, but the law prohibits examination of any copy, photograph or notes in the person's possession.

A request for records, whether submitted informally or in writing, must be granted or denied within three (3) working days. The designated custodians are the individuals in this district who are authorized to determine that a request cannot be fulfilled within three (3) working days. If more than three (3) working days are needed to locate or retrieve the records, the individual seeking the records will be requested to submit a written request. The request must be granted or denied in whole or in part within ten (10) working days. If no answer is provided by this district within ten (10) working days, the request will be deemed to have been denied.

### **Distribution or Sale of Mailing or Telephone Number Lists Prohibited**

This district will not distribute or sell for use as a mailing list or a telephone number list any list of persons, including students and employees, without first securing the permission of those individuals named on the list. This district will verify the identity of a person requesting a record to ensure that the requested record or information will not be used for purposes of a mailing or telephone list.

### **Costs for Providing Public Records**

The Public Records Law permits this district to charge for the actual cost of copying records. The copying fee schedule will be made available to those individuals requesting copies and will be updated from time to time as necessary to reflect the actual copying costs to the district.

The fee charged for providing information in the form of computer tapes, disks, microfilm or similar record media, may not exceed the amount of the direct cost of copying. If the information is also available in publication form, the district may offer the published material to the individual or organization at the standard cost of selling the publication.

This district may also charge, at the discretion of the custodian of the records, the actual labor cost, which will include the hourly wage and cost of benefits of the employee associated with locating and copying documents when:

1. The request is for more than one hundred (100) pages of paper records; or
2. The request includes records from which nonpublic information must be deleted; or
3. The actual labor, as defined above, associated with locating and copying documents for a request exceeds two (2) person hours.

This district may require advance payment of the photocopying charges for major copying work. A decision on whether to require advance payment will be made by a custodian of the records.

When necessary, a designated custodian may authorize an examination of records to be done outside of regular working hours. In this event, the persons designated to represent the custodian during such examination will be entitled to reasonable compensation to be paid to them out of funds provided in advance by the person examining the records.

If there is a request to mail copies of documents to an individual, the custodian may request advanced payment for the copies and a stamped, self-addressed envelope large enough for the number of copies. If the information requested is unusual, or if there is confusion about what is being sought, the individual may be asked to submit the request in writing, along with advance payment for copies and a stamped, self-addressed envelope large enough for the number of copies. If it is deemed unnecessary to receive a written request, advance payment or a self-addressed, stamped envelope, any or all of the requirements may be waived. Any questions should be referred to a custodian of the records.

### **Inspection and Correction of an Individual's Records**

An individual may inspect, copy and request correction of public records pertaining to that person, except those portions of records that are exempt from disclosure. Such requests will be referred to a designated custodian immediately. A correction, or a written refusal to make the correction, must be made within ten (10) calendar days.

If a request to correct an individual's record is denied, written notification is required within ten (10) calendar days of the receipt of the request. A notice of refusal to amend a record must state the reasons for the refusal, and provide the statement of appeals right and certificate of mailing as set forth below.

### **Denial of Requests**

If there is any doubt about whether information should be disclosed, the person who is making the request will be asked to submit that request in writing. The written request will immediately

be directed to a designated custodian.

If a request for a record is denied in whole or in part, the person making the request must be notified in writing. This notice must include:

1. A statement that an attorney for the district has reviewed the request, or that the district had the opportunity to consult with an attorney and has chosen not to do so;
2. The statutory basis for the denial;
3. A simple statement of the right to appeal and the time limit for an appeal.

A certificate of mailing must accompany the notice.

The time limit for filing an appeal is one hundred eighty (180) days from the date the notice of denial is mailed. The sole remedy for protesting the district's decision is to file a petition in the district court of the county where the records or some part of them are located, requesting the court to compel the district to make the information available or to correct the record.

When a request is denied, the requested records must be retained until the end of the appeal period, until there has been a decision on an appeal, or as otherwise provided by the Public Records Law, whichever is longer. Whenever a request is denied, there must be some indication made on the record that it must not be purged without the approval of a designated custodian.

### **Penalty and Immunity**

The Public Records Law provides a penalty of up to one thousand dollars (\$1,000) for deliberate, bad faith denial of information that should be disclosed. The Public Records Law also provides immunity from liability for the release of records as long as there is a good-faith attempt to comply with the law's requirements. Therefore, it is important that any questions or any requests that seem doubtful be immediately referred to a designated custodian.

**Last Updated: 16 October 2006**

### **222 - LEGAL DESCRIPTION OF TRUSTEE ZONES**

**General:** The Midvale School District has 5 trustee zones. Each zone will consist of approximately the same population and will be subject to change in accordance with Idaho Code Provision.<sup>1</sup>

#### **Legal Description:**

Zone #1-

**BEGINNING** at the intersection of the Weiser River and the North District Boundary, thence

South along said Weiser River to Shoepeg Road, thence

West along said Shoepeg Road to US Hwy 95, thence

Southwest along said US Hwy 95 to Canary Street, thence

Southeast along said Canary Street to River Street, thence

Southwest along said River Street to Bridge Street, thence

Southeasterly along said Bridge Street turning into Old Highway Road, thence

East along said Old Highway Road turning into Knob Hill Road, thence

Southeasterly along said Knob Hill Road to the junction with Dobie Road and Heinrich Road, thence

Southeast then East along said Dobie Road approximately 1.2 miles to an unnamed road, thence

Northerly along said unnamed road approximately 2.1 miles to Dixie Road, thence

Easterly along said Dixie Road to Hog Creek Road, thence

North along said Hog Creek Road to the North District Boundary, thence

West and North along said North District Boundary to said Weiser River and the **POINT OF BEGINNING**.

Zone #2-

All of the portion of the Midvale School District South and East of the following described line:

**BEGINNING** at the intersection of the Weiser River and the Southwest District Boundary, thence

Northeasterly meandering along said Weiser River to Deep Creek, thence

Southeasterly meandering along said Deep Creek to Batter Shell Lane, thence

Northeasterly along said Batter Shell Lane to Widner Road, thence

East and North along said Widner Road to Farm to Market Road, thence

Southeasterly along said Farm to Market Road to Pete Kriger Road, thence

North along said Pete Kriger Road to Dobie Road, thence

Northwesterly along said Dobie Road to Knob Hill Road, thence

Southeasterly along said Knob Hill Road to the junction with Dobie Road and Heinrich Road, thence

Southeast then East along said Dobie Road approximately 1.2 miles to an unnamed road, thence

Northerly along said unnamed road approximately 2.1 miles to Dixie Road, thence

Easterly along said Dixie Road to Hog Creek Road, thence

North along said Hog Creek Road to the North District Boundary and the **POINT OF ENDING**.

Zone #3-

**BEGINNING** at the intersection of School Road and Bridge Street, thence

Southeasterly along said School Road to Bonner Road, thence

South along said Bonner Road to Widner Road, thence

Southerly, then Easterly, then North and East to Farm to Market Road, thence

Southeasterly along said Farm to Market Road to Pete Kriger Road, thence

North along said Pete Kriger Road to Dobie Road, thence

Northwesterly along said Dobie Road to Knob Hill Road, thence

West along said Knob Hill road turning into Old Hwy Road and said Bridge Street to the **POINT OF BEGINNING**.

Zone #4-

**BEGINNING** at the intersection of the Weiser River and the Southwest District Boundary, thence

Northeasterly meandering along said Weiser River to Deep Creek, thence

Southeasterly meandering along said Deep Creek to Batter Shell Lane, thence

Northeasterly along said Batter Shell Lane to Widner Road, thence

North along said Widner Road turning into Bonner Road, thence

North, then East, then North along said Bonner Road to School Road, thence

Northwesterly along said School Road to Bridge Street, thence

Northwesterly along said Bridge Street to River Street, thence

Northeast along said River Street to Canary Street, thence

Northwest along said Canary Street to Keithly Creek Road, thence

South then Southeast along said Keithly Creek Road to US Hwy 95, thence

Southwest along said US Hwy 95 to Airport Road, thence  
West along said Airport Road to Sage Creek Road, thence  
South along said Sage Creek Road to said US Hwy 95, thence  
Southwesterly along said US Hwy 95 to the West District Boundary, thence  
South and East along the District Boundary to said Weiser River and the **POINT OF BEGINNING**.

Zone #5-

All of the portion of the Midvale School District North and West of the following described line:

**BEGINNING** at the intersection of the Weiser River and the North District Boundary, thence

South along said Weiser River to Shoepeg Road, thence

West along said Shoepeg Road to US Hwy 95, thence

Southwest along said US Hwy 95 to Canary Street, thence

Northwest along said Canary Street to Keithly Creek Road, thence

South then Southeast along said Keithly Creek Road to US Hwy 95, thence

Southwest along said US Hwy 95 to Airport Road, thence

West along said Airport Road to Sage Creek Road, thence

South along said Sage Creek Road to said US Hwy 95, thence

Southwesterly along said US Hwy 95 to the West District Boundary and the **POINT OF ENDING**.

**Last Updated: 8 July 2011**

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### **223.1 - Composition of the Board**

The Midvale School Board consists of five (5) trustees.<sup>1</sup> Each trustee represents a specific zone. Each zone will consist of approximately the same population and will be subject to change in accordance with Idaho Code provisions.<sup>2</sup>

**Last Updated: 13 February 1996**

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### **223.2 - Organization of Board**

**When to Organize:** The Board as newly constituted will organize at its annual meeting in July and elect officers.<sup>1</sup>

**Board Officers:** Officers of the Midvale Board will consist of the following:<sup>2</sup>

1. **Chairman** who will be a member of the Board.
2. **Vice-Chairman** who will be a member of the Board.
3. **Clerk-Treasurer** who will be elected from outside of the Board.

**Where to file list of Board Members and Officers:**

The Clerk will file a list of Board members and officers with the State Board of Education and the Idaho School Boards Association within 10 days of organization of the Board.

**Bonding of Officers:** The Clerk-Treasurer and Chairperson will be bonded in the amount of \$5,000.00 each.

**Last Updated: 13 February 1996**

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## **224.1 - TERM OF OFFICE**

**Election:** When elected to a full term the length of that term is four (4) years, following the transition of school trustee terms as established in Idaho Code 33-503A. If elected to fulfill an unexpired term, the term will be for the duration of the unexpired term.<sup>2</sup>

**Appointment:** When appointed to fill an unexpired term the appointed person will serve until the next annual election of trustees.<sup>3</sup>

**Terms by Zone:**

*Zone No. 1* -- 2013 and every fourth year thereafter

*Zone No. 2* -- 2013 and every fourth year thereafter

*Zone No. 3* -- 2011 and every fourth year thereafter

*Zone No. 4* -- 2011 and every fourth year thereafter

*Zone No. 5* -- 2013 and every fourth year thereafter

**Last Updated: 21 September 2009**

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## **224.2 - QUALIFICATIONS FOR MEMBERSHIP**

Each person seeking election to the Board of Trustees of the Midvale School District must be a school district elector and a resident of the trustee zone he or she seeks to represent at the time of nomination and election or appointment.<sup>1</sup>

**Last Updated: 13 February 1996**

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### **224.3 - ELECTION<sup>1</sup>**

**Date:** The election of trustees will be held on the third Tuesday in May, each year.<sup>2</sup>

*Zone No. 1* -- 2013 and every fourth year thereafter

*Zone No. 2* -- 2013 and every fourth year thereafter

*Zone No. 3* -- 2011 and every fourth year thereafter

*Zone No. 4* -- 2011 and every fourth year thereafter

*Zone No. 5* -- 2013 and every fourth year thereafter

Effective January 1, 2001, all school elections shall be administered by the clerk of the county wherein the district lies. This change is in accordance with the provisions of Title 18, Idaho Code, and Title 34, Idaho Code.

**Last Updated: 21 September 2009**

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### **224.4 - BOARD VACANCIES AND APPOINTMENT TO BOARD**

**Vacancies:** If the Board of Trustees determines in any regular or special meeting that a nominee has been elected as a Trustee but does not qualify for office, or that a sitting Trustee has died or otherwise becomes ineligible under Idaho law, to continue in office, the Board shall declare the position held by the Trustee to be vacant, and the position shall be filled according to law.<sup>1,2</sup>

**Appointment to vacant positions:** When a vacancy has been properly declared, and if at least three (3) Trustees remain on the Board, the Board shall appoint a qualified person to fill the vacant position. When less than three (3) Trustees remain on the Board or for any reason, the Board may refer the matter to the County Commissioners for an appointment.<sup>1,2,3</sup> Such appointments will be reported to the State Board of Education and the Idaho School Boards Association by the District Clerk.

**Assumption of Office:** Any person appointed to fill a vacancy shall assume office at the next regular meeting after appointment and shall serve the remainder of the four-year term.

**Election:** The position thus filled shall stand for election at the regularly scheduled election year for that zone.

#### **Procedure for Appointment of Trustee:**

1. Each Trustee, including the Chairperson, will have an opportunity to nominate one person. After each Trustee has had a chance to make a nomination, the Chairperson will declare nominations closed.

2. Nomination and voting by Trustees will be in alphabetical order.
3. Nominations will be made by stating the name of the person. A brief presentation of qualifications will be permitted.
4. After nominations are closed voting will begin. No discussion will be permitted after voting starts.
5. The Clerk will keep track of voting and announce the results of each ballot.
6. Nominees not receiving at least one vote will be eliminated.
7. Voting will continue until a nominee receives a majority of the votes cast, at which time the Chairperson shall declare the nominee elected and appointed.
8. If three (3) identical and consecutive ballots are cast, the Chairperson shall declare an election impasse and declare the floor open to nominations following the same procedures.
9. Once a nominee is elected and appointed, the Clerk will notify the appointee by certified mail with a return receipt. The notification will include information on when the appointee can appear to assume the position and be sworn in.

**Last Updated: 17 December 2009**

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#### **224.5 - ASSUMPTION OF OFFICE AND OATH**

**Assumption of Office:**<sup>1</sup> A person elected to the Board must qualify for and assume office at the next annual meeting of the Board following the election. If appointed, the person must qualify for and assume office at the next regular meeting of the Board following the appointment.

**Oath of Office:** Each trustee elected, appointed or re-elected will take an oath of office. The oath will be administered by the Clerk of the Board or in the Clerk's absence, by a trustee designated by the chairperson.<sup>2,3,4</sup> The oath shall take the form as shown in Appendix A - Form 224.5.

**Filing of Oath:** The oath must be signed by the trustee, witnessed by the chairman or vice-chairman and filed by the clerk in the minutes of the Board and in the trustee's personnel folder.<sup>3,4,5</sup>

The minutes will reflect the fact that the oath was administered to the trustee and will identify the person who administered the oath.<sup>3</sup>

**Last Updated: 18 August 2008**

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#### **225 - CONFLICT OF INTEREST STATEMENT**

In accordance with the Conflict of Interest policy adopted by the Board of Trustees, during the

period in which an individual serves as aboard member, officer, or employee of this district, the board member will:

1. Remain loyal to the district and act in the district's best interest at such times when
  - a) they participate in or vote upon any matter involving the business activities of the district, and
  - b) they represent the district among persons or entities doing or interested in doing business with the district.
2. Avoid investing or participating in business opportunities and avoid purchasing property or other assets which are of interest to the district without first offering the business opportunity or the asset purchase opportunity to the district.
3. Avoid investing or participating in businesses which compete with or are in the same business as the district.
4. Not accept or seek from any person or entity doing or interested in doing business with the district a gratuity, favor, benefit, loan or gift of greater than nominal value beyond the common courtesies usually associated with accepted business practice, nor accept any commission or payment of any kind in connection with work performed, services rendered or supplies provided to the organization.
5. Not use my position, nor any information acquired through or from the district, for my personal profit or advantage or for the advantage of other businesses which compete with or are in the same business as the district.
6. Not enter into a financial or loan transaction with the district without first obtaining the necessary approvals specified in applicable law.
7. Notify the district if they acquire or maintain an ownership interest in or serve in a position of responsibility for
  - a) an entity doing, or interested in doing, business with the district, or
  - b) an entity which is superior, subordinate or related to this district through ownership or control.
8. Notify the district immediately of any circumstances which are or may appear to others to be a conflict of interest.
9. Ensure that members of any immediate family or close personal relatives are not engaged in any of the activities contemplated by Paragraphs 1-7 above, and report to the district any actual or potential conflict of interest involving any family members or relatives.
10. Refrain from appointing or voting for the appointment of any person related to him by blood or marriage within the second degree to any clerkship, office, position, employment or duty, when the salary, wages, pay or compensation of such appointee is to be paid out of public funds or fees of office. Relation by blood within the second degree includes grandparents and grandchildren and also includes brothers and sisters.
11. Not use public funds or property to obtain a pecuniary benefit for him or herself.

12. Not solicit, accept or receive a pecuniary benefit as payment for services, advice, assistance or conduct customarily exercised in the course of the trustee's official business.
13. Not use or disclose confidential information gained in the course of or by reason of the trustee's official position or activities in any manner with the intent to obtain a pecuniary benefit for the trustee or any other person or entity in whose welfare the trustee is interested or with the intent to harm the District.

### **Idaho Code 33-507 - Limitation upon authority of trustees**

It shall be unlawful for any trustee to have pecuniary interest directly or indirectly (except a remote interest) in any contract or other transaction pertaining to the maintenance or conduct of the school district, or to accept any reward or compensation for services rendered as a trustee except as may be otherwise provided in this section. A "remote interest" means:

- A. The trustee is a non-salaried employee of a nonprofit corporation; or
- B. The trustee is an employee or agent of a contracting party where the compensation of the trustee as an employee or agent consists entirely of fixed wages or salary; or
- C. The trustee is a landlord or tenant of a contracting party; or
- D. The trustee is a holder of less than one percent (1%) of the shares of a corporation or cooperative of a contracting party; AND
- E. The trustee discloses such remote interest to the Board of Trustees.

The board of trustees of a school district may accept and award contracts involving the school district to businesses in which a trustee has a direct or indirect interest provided that the procedures set forth in section 18-1361A, Idaho Code, are followed. The receiving, soliciting or acceptance of moneys of a school district for deposit in any bank or trust company, or the lending of money by any bank or trust company to any school district, shall not be deemed to be a contract pertaining to the maintenance or conduct of a school district within the meaning of this section; nor shall the payment by any company for services rendered in the transaction of any banking business with such district board of trustees, be deemed the payment of any reward or compensation to any officer or director of any such bank or trust company within the meaning of this section.

It shall be unlawful for the board of trustees of any class of school district to enter into or execute any contract with the spouse of any member of such board, the terms of which said contract requires, or will require, the payment or delivery of any school district funds, money or property to such spouse.

When any relative of any trustee or relative of the spouse of a trustee related by affinity or consanguinity within the second degree is considered for employment in a school district, such trustee shall abstain from voting in the election of such relative, and shall be absent from the meeting while such employment is being considered and determined.

### **Idaho Code 18-1361A - Non-compensated appointed public servant - Exception**

When a person is a public servant by reason of his appointment to a governmental entity board for which the person receives no salary or fees for his service on said board, it shall not constitute a violation of the provisions of subsection (1)(d) of section 18-1359, Idaho Code, for a public servant to contract with the public body of which he is a member if he strictly observes the following procedure:

- 1) The contract is competitively bid and the public servant submits the low bid; and

- 2) The public servant takes no part in the preparation of the contract or bid specifications, or voting on or approval of the contract or bid specifications; and
- 3) The public servant makes full disclosure, in writing, to all members of the governing body, council or board of said public body of his interest and intention to bid on the contract; and
- 4) The public servant has not violated any provision of Idaho Law pertaining to competitive bidding or improper solicitation of business.

**Last Updated: 18 August 2008**

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## **226 - LEGAL STATUS OF BOARD**

**Purpose:** To establish a Board position in relationship to the Federal and State constitution, codes and regulations.

**Legal Status of Education:** The Idaho Constitution directs the state legislature to establish and maintain a system of public schools.<sup>1</sup>

**Legal Status of Board of Trustees:** The Idaho Code, Title 33, generally enumerates the powers of trustees.<sup>2,3</sup> Those powers are derived from legislation both mandatory and permissive and from various regulations.<sup>4</sup>

**Policy:** The Board of Trustees will endeavor to fulfill the intent of the law and will rely heavily on the Law of Education in Idaho, published by the Idaho School Boards Association, Inc., for guidance.

**Last Updated: 13 February 1996**

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## **227.1 – BOARD AUTHORITY**

The board of trustees has the powers and duties attributed to it by the Constitution and laws of the State of Idaho.

Individual members of the board have no power separate from the board as a whole. Members of the board have authority only when acting as a board legally in session.

The board is not bound by any action or statement on the part of an individual board member except when such statement or action is in pursuance to specific instructions from the board.

No board member, by virtue of his or her office, may exercise any administrative responsibilities with respect to the schools or, as an individual, command the services of any district employee.

**Adopted: 16 November 1998**

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## **228.1 - Board Responsibilities**

The Board shall:

1. Select the Superintendent and delegate to him/her all necessary administrative powers.
2. Adopt policies for the operations of the school system and review administrative procedures.
3. Formulate a statement of goals reflecting the philosophy of the District.
4. Adopt annual objectives for the improvement of the District.
5. Approve courses of study.
6. Approve textbooks.
7. Approve the annual budget and any amendments to the budget.
8. Employ certified and classified staff; in its discretion, upon recommendation of the Superintendent.
9. Authorize the allocation of certificated and classified staff.
10. Approve contracts for construction, remodeling, or major maintenance.
11. Approve payment of vouchers and payroll.
12. Approve proposed major changes of school plant and facilities.
13. Assure that appropriate criteria and processes for evaluating staff are in place.
14. Appoint citizens and staff to serve on special Board committees, if necessary.
15. Conduct regular and special meetings.
16. Serve as final arbitrator for staff, citizens and students.
17. Promptly refer all criticisms, complaints, and suggestions called to its attention to the Superintendent.
18. Authorize the ongoing professional enrichment of its administrative leader as feasible.
19. Approve appropriate District expenditures recommended by the Superintendent for the purpose of ongoing District operations.

**Adopted: 15 September 2008**

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## **231 - AGENDA AND ORDER OF BUSINESS**

**Agenda:** The agenda for meetings of the Board of Trustees shall be prepared by the Superintendent.

Items may be placed on the agenda by delivering the request in writing, to the Superintendent by Noon on Monday, 7 days prior to the scheduled meeting date. Agenda items will be publicized as required in Policy No. 236.

Agenda items will be acted on in accordance with Policy No. 233.

**Order of Business:** The order of business for regular meetings shall be as follows:<sup>1</sup>

1. Call to order
2. Establishment of Quorum
3. Approval of Agenda
4. Consent Agenda
  - Approval of minutes from previous meetings.
  - Treasurer's report.
  - Ratify the prior months salaries and benefits.
  - Ratify the payment of bills.
5. New Business
  - Hearing from scheduled delegations or individuals.
  - Communications and announcements.
  - Administrative reports.
  - New Business items for approval or discussion.
  - Other.
  - Unscheduled items (**see Policy No. 233**).
6. Executive Session (as needed)
7. Policies and Procedures
8. Adjourn.

**Last Updated: 12 December 2009**

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## **232 - PUBLIC PARTICIPATION IN BOARD MEETINGS**

**General:** The public is entitled to attend all school board meetings other than executive session.<sup>1</sup> The privilege of addressing the board is limited as outlined below.

**Philosophy:** It is the intent of the Board of Trustees to encourage patron participation at board meetings under conditions that will insure an orderly and productive meeting with all patrons having an equal opportunity to participate.

**Rules for receiving Patron input:** Meetings will be conducted informally except when it is determined by the chairman or by the board action, that a formal procedure should be used to facilitate the receiving of comments or testimony, or to insure an orderly meeting.

**Formal Procedure for receiving comments:** The following procedures shall be used in all formally structured meetings:

1. A time limit shall be set on the receiving of comments or testimony.
2. An individual may address the Board only once, and
3. A time limit shall be set on the length of an individual's comments or testimony.
4. Comments shall be alternately received from proponents and opponents of the issue

under consideration as long as there are opposing views.

**Enforcement of Rules of Order:** The chairman may exclude persons from the meeting when they are disruptive of the orderly process of the meeting.

The Board may direct the Superintendent to pursue legal remedies if there is a serious disruption of the meeting.<sup>2</sup>

**Last Updated: 13 February 1996**

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## **233 - BOARD ACTIONS**

**Quorum for conducting meetings:** In general the presence of three (3) members of the Board shall constitute a quorum for the transaction of business. Unless otherwise provided by law, all questions shall be determined by the majority of votes cast.<sup>1,2</sup>

**Rules of Order:** Robert's Rules of Order - Revised shall be the official basis for conducting the business of the Midvale School District Board of Trustees.<sup>3</sup>

### **Definitions:**

***Routine Item:*** A routine item is an item requiring board action that is temporary in nature, does not establish a continuing district position or procedure, and is not reduced to writing for placement in the policy section of the district policy manual.

***Policy Item:*** A policy item is an item requiring board action that establishes a long term district position or procedure and is reduced to writing for inclusion in the policy section of the district policy manual.

**Action on Routine Items:** Action on routine items may be taken the first time the item appears on the agenda of a board meeting. In addition the Board of Trustees may take action on a routine item the first time it is presented at a board meeting, provided the board, by unanimous vote, declares an emergency or cites special circumstances.

**Action on Policy Items:** The first time a policy item appears on the agenda of a board meeting it may be considered. However, action on a policy item will normally occur the second time the policy item appears on the agenda of a board meeting. The Board of Trustees may take action on a policy item the first time it is presented at a board meeting, provided the board by unanimous vote, declares an emergency or cites special circumstances requiring expedited action.

**Action on other Items:** All other items requiring board action, that come before the board without being on the agenda, shall be placed on the agenda of a future board meeting.<sup>4</sup>

**Last Updated: 13 February 1996**

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## **234 - NOTICE OF MEETINGS**

**Regular Meetings:** The Superintendent will summarize the agenda items to be considered by the Board at their regular meeting and will submit agenda items to the District Clerk to be placed in an agenda format and cause to be posted in three public places within the district boundaries.

**Special Meetings:** When a special meeting has been called<sup>1</sup> and time and law permits, the Superintendent will release agenda information as he would for a regular meeting.

**Last Updated: 21 August 2006**

### **235 - REGULAR MEETINGS**

**Date:** The Board shall meet on the third Monday of each month, unless a meeting date is changed or canceled by a majority of the Board. If the regular meeting falls on a national holiday, the meeting will be held on the Tuesday following the third Monday of the month.

**Time:** Regular Board meetings shall be scheduled to begin at 7:00 p.m.

**Place:** Meetings will normally be held in the Conference Room.

**Meeting Changes:** If the date or time of a meeting is changed, it shall be announced as prescribed in District Policy No. 234.

**Last Updated: 18 February 2014**

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### **236 - RELEASE OF INFORMATION ON BOARD ACTIONS**

Unless prohibited by law<sup>1</sup>, minutes of the regular and special board meetings will be summarized and published in the district newsletter.

**Last Updated: 21 August 2006**

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### **241 – Role and Responsibility of the Superintendent of Schools**

#### **Duties and Authorities**

The Superintendent is the District's executive officer and is responsible for the administration and management of the District schools, in accordance with Board policies and directives and state and federal law. The Superintendent is authorized to develop administrative procedures to implement Board policy and to delegate duties and responsibilities. Delegation of power or duty, however, shall not relieve the Superintendent of responsibility for the action which was delegated.

#### **Qualifications and Appointment**

The Superintendent must be of good character and of unquestionable morals and integrity. The Superintendent shall have the experience and the skills necessary to work effectively with the Board, District employees, students, and the community. The Superintendent shall have a valid superintendent's endorsement.

When the office of the Superintendent becomes vacant, the Board will conduct a search to find the most capable person for the position. Qualified staff members who apply for the position will be considered for the vacancy.

### **Evaluation**

The Board will evaluate, at least annually, the performance of the Superintendent, using standards and objectives developed by the Superintendent and Board, which are consistent with the District's mission and goal statements. A specific time shall be designated for a formal evaluation session. The evaluation should include a discussion of strengths and weaknesses, as well as performance areas needing improvement.

### **Compensation and Benefits**

The Board and the Superintendent shall enter into a contract approved by the State Superintendent of Public Instruction. This contract shall govern the employment relationship between the Board and the Superintendent.

In the performance of this role, the Superintendent of Schools has obligations to the Board of Trustees.

The Board can expect:

1. That the Superintendent serve as its chief executive officer and that he/she serve the Board in all matters as its professional advisor.
2. That the Superintendent recommend appropriate policies or policy changes for the Board's consideration and that he/she implement and execute all policies adopted by the Board.
3. That the Superintendent keep the Board fully informed about the school program and future operational changes.
4. That the Superintendent interpret the needs of the school system and that he/she present his/her professional recommendations on all problems and issues considered by the Board.
5. That the Superintendent devote a large share of his/her thought and time to the improvement of instruction and that he/she be alert to advances and improvements in educational programs and inform the Board of such items and recommendations.
6. That the Superintendent lead the development of public relations and participate in school and community activities for the purpose of connecting schools and community in meaningful ways.
7. That the Superintendent represent the district at state, regional and national meetings and that he/she serve on appropriate committees when the needs of the district will permit.
8. That the Superintendent consult with and recommend to the Board regarding the hiring, promotion, transfer, suspension or dismissal of personnel. The Superintendent shall recommend staff needs based on student enrollment, direct and assign teachers and other employees of the schools under his/her supervision; shall organize, reorganize and arrange the administrative and supervisory staff, including instruction and business affairs, as best serves the District, subject

to the approval of the Board.

9. That the Superintendent approve the purchase of equipment, books and supplies that are appropriate to the educational needs, and the maintenance of equipment and buildings within the limitations of the budget approved by the Board of Trustees.
10. That the Superintendent shall recommend formation of ad hoc citizens' committees.
11. That the Superintendent shall inform the Board of appeals and implement any such forthcoming Board decisions.
12. That the Superintendent present for consideration an annual budget based upon reasonable estimate of anticipated revenues that is designed to serve the needs of the school system and that he/she establish and operate the financial operations of the school district consistent with Idaho law and to ensure adherence to budget and to the money received.
13. That the Superintendent attend all meetings of the Board, except when his/her employment is under consideration or when he/she has been excused by the Board.
14. That the Superintendent be aware of the needs of the district as well as the community.
15. That the Superintendent be responsible for the direction of the safety program components and for the guidance of personnel and the safety board in completing the tasks inherent to a successful safety program.
16. That the Superintendent shall consult with the Board chairman when preparing the board meeting agenda.

**Last Updated: 21 July 2008**

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## **242 - REASSIGNMENT OF ADMINISTRATIVE EMPLOYEES**

The Board may reassign an administrative Certificated Professional Employee (CPE) to a non-administrative position with or without an appropriate reduction in salary.

If the Board determines to so reassign a CPE, the Board shall provide the CPE with a written notice of the reassignment containing a statement of the reasons for such action not less than fifteen (15) days prior to the effective date of the reassignment.

The CPE may within five (5) days after receipt of said Notice request, in writing, an Informal Review before the Board. The Board shall hold the Informal Review no more than thirty (30) days after receipt of such request and shall inform the CPE, in writing, of the date, time and place of the Informal Review.

The procedures for the Informal Review shall be as follows:

1. The Informal Review shall be held in executive session;
2. The Board, or its appointed Hearing Officer, shall preside over the Informal Review;
3. The Informal Review shall be orderly;

4. The purposes of the Informal Review are to provide the CPE an opportunity to address the Board informally and to present to the Board the reasons why the CPE should not be reassigned to a nonadministrative position and for the Board to deliberate and reevaluate its previous decision;
5. The CPE may be represented by legal counsel;
6. The CPE may have other persons address the Board on the CPE's behalf and/or submit documentation for the Board's review;
7. The Administrative Staff may, but is not required to, present witnesses, submit documentation and/or make rebuttal statements during the Informal Review;
8. The Board or the Administrative Staff may question the CPE about matters relating to the reassignment;
9. Within fifteen (15) days following the Informal Review, the Board shall notify the CPE in writing of its final decision in the matter.

**Adopted: 19 July 1999**