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BOARD OF TRUSTEES SECTION 200

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It is the policy of the Board of Trustees to organize and maintain the distinction between those activities which are appropriate to the Board of Trustees as the legislative governing body of the School District, and those administrative activities which are to be performed by the Superintendent of Schools and the Superintendent's staff in the exercise of delegated administrative authority.

The Board of Trustees shall have the further duty of providing the financial means by which the educational program is conducted. It shall also insure that the community be informed of the needs, purposes, values and status of the schools.

LEGAL REFERENCE:

33-506

ADOPTED:

6-13-1977

AMENDED:

1994

The official name of the School District is Weiser School District 431.

LEGAL REFERENCE:

Idaho Code Sections
33-305

ADOPTED:

6-13-1977

AMENDED:

1994

- A. Legal Status: The Constitution of Idaho places the duty of establishing and maintaining a general, uniform and thorough system of public free common schools on the State Legislature. The Legislature has implemented this Constitution responsibility, in part, by the establishment of school districts to be governed by elected school boards. Legally, then, local school districts and school boards are creations of the Legislature, created under the authority of the Constitution of Idaho and governed by the statutes of the State. By virtue of the election process, the local school board has responsibility to the local citizenry it serves and has statutorily imposed duties governing its relationship with the professional personnel it employs.

The Board of Trustees shall establish and maintain in said District a system of public schools for both elementary and secondary education.

- B. Authority:

1. The Board of Trustees is a legal body created by the Legislative Assembly.

Members of the Board shall have authority only when acting as a Board legally in session. The Board shall not be bound in any way by any statement or action on the part of an individual member, except when such statement or action is in pursuance of specific instructions of the Board.

LEGAL REFERENCE:

Idaho Code Sections

33-401

33-1201 et seq.

33-501 et seq.

ADOPTED:

5-18-1982

AMENDED:

1994

The Board of Trustees shall have such duties and powers as prescribed by the laws of the State and the United States of America.

LEGAL REFERENCE

Idaho Code Sections

33-511

33-512

33-513

33-601 et seq.

33-701

33-705

33-801 et seq.

ADOPTED:

5-18-1982

AMENDED:

1994

Board members shall be elected at the annual election held on the third Tuesday in May of each year. The terms of Board members are so arranged that two (2) Trustees are elected in each of two (2) successive years and one Board member is elected in the third year. Qualified electors of the State who are residents of the District are entitled to vote for Board members.

LEGAL REFERENCE:

Idaho Code Sections

33-503

ADOPTED:

6-13-1977

AMENDED:

1994

A. Membership: The Board of Trustees of Weiser School District 431 shall consist of five (5) members. One member shall be elected from each of the trustee zones.

B. Zones: The trustee zones are as described below:

1. *Trustee Zone No. 1:*

Beginning at the northwestern boundary of the district at the Snake River and the district boundary.

East on the district boundary then south on the district boundary to its intersection with U.S. Highway 95.

South on U.S. Highway 95 to a point intersecting Indianhead East extended from Jenkins Creek.

West on Indianhead East extended to Institute Canal that runs north-south at about Ali Lane.

North and west along Institute Canal to its intersection with West 9th Street.

South on West 9th Street and West 9th Street extended to the Snake River.

2. *Trustee Zone No. 2:*

Beginning at the intersection of U.S. Highway 95 and the northern district boundary east of the Mann Creek Reservoir.

South along the district boundary, then east at Thousand Springs, then south, then east, then south, then east through the Paddock Valley Reservoir, then south to the Washington/Payette County line.

West along the County line, following the district boundary.

North on the district boundary where it departs the County line, then west on the district boundary.

Following the district boundary when it turns south, then west again to railroad tracks west of Highway 95.

South along railroad tracks to the district boundary.

West a short distance along the district boundary to the Snake River.

Northwesterly following the Snake River to the Weiser River.

East on the Weiser River to Highway 95.

North on Highway 95 a short distance to the Weiser City limits.

Following Weiser City limits east to its intersection with Washington Street.

Follow Washington Street to East 12th Street.

North on East 12th Street to East Commercial Street.

East on East Commercial Street to East 13th Street.

North on East 13th Street following East 13th Street extended to East Park Street.

West on East Park Street to East 9th Street.

North on East 9th Street to the Galloway Canal.

North and westerly on the Galloway Canal to East 6th Street.

North on East 6th to U.S. Highway 95 Business.

Southwesterly along U.S. Highway 95 to State Street Business.

North on State Street to Indianhead Road.

West on Indianhead Road a short distance to the Institute Canal.

Northwesterly on the Institute Canal to a point intersecting Indianhead Road extended east from Jenkins Creek.

East on Indianhead East extended to Highway 95.

North and easterly along Highway 95 to the district boundary and the point of beginning.

3. *Trustee Zone No. 3:*

Beginning at West 9th and the Institute Canal southeasterly along the Institute Canal to its intersection with Indianhead Road.

East on Indianhead Road a short distance to State Street.

South on State Street to the Galloway Canal.

West on the Galloway Canal to West 2nd Street.

South on West 2nd Street to West Galloway Street.

West on West Galloway Street to West 9th Street.

North on West 9th Street to the point of beginning.

4. Trustee Zone No. 4:

Beginning at the Galloway Canal and West 2nd Street.

East 2 blocks along Galloway Canal to State Street.

South on State Street to Park Street.

East on Park Street to East 4th Street.

South on East 4th Street to Main Street.

East on Main Street to East 7th Street.

South on East 7th Street to Weiser River.

West on Weiser River to Snake River.

Northerly along Snake River to West 9th Street extended.

North on West 9th Street extended and West 9th Street to West Galloway Street.

East on West Galloway Street to West 2nd Street.

North on West 2nd Street to beginning.

5. Trustee Zone No. 5:

Beginning at State Street where Business Highway 95 turns easterly at about Short Street.

East and north on U.S. Highway 95 to East 6th Street.

South and East on East 6th Street to Galloway Canal.

East along the Galloway Canal to East 9th Street.

South on East 9th Street to East Park Street.

East on East Park Street to East 13th Street extended.

South on East 13th Street extended to East Commercial Street.

West on East Commercial to East 12th Street.

South on East 12th Street to Washington Street.

West on Washington Street to the current City of Weiser boundary north of Weiser River.

Follow City of Weiser boundary to its intersection with U.S. Highway 95 a short distance north of the Weiser River.

North on U.S. Highway 95 to East Main Street.

West on East Main Street to East 4th Street.

North on East 4th Street to East Park Street.

West on East Park Street to State Street.

North on State Street to the beginning.

LEGAL REFERENCE:

Idaho Code Sections

33-313

33-501

59-401

ADOPTED:

6-13-1977

AMENDED:

1994; 2001; 2003

Each Board member shall serve a term of office of three (3) years unless disqualified or unable to serve out the term. Trustees appointed to replace a disqualified trustee shall serve until the next annual election following appointment. At such annual election a trustee shall be elected to serve out the unexpired term of the office which was declared vacant and filled by appointment.

LEGAL REFERENCE:

Idaho Code Sections
33-501

ADOPTED:

6-13-1977

AMENDED:

1994

- A. **Officers:** The officers of the Board of Trustees of the Weiser School District 431 shall consist of Chairperson and Vice Chairperson. The Clerk and the Treasurer may be members of the Board of Trustees; or, in the discretion of the Board, either or both may be selected from among competent and responsible persons outside the membership of the Board. Other officers shall be appointed as needed. These officers shall be elected annually at the meeting held in July.
- B. **Filing Of Roster:** Within ten (10) days after the organization of the Board of Trustees, the Clerk shall file the names of all duly-elected officers and members with the State Board of Education and the State Trustees Association.
- C. **Bond Of Office:** The Clerk, Deputy Clerk, Chairperson, Vice Chairperson and Treasurer shall each be bonded in the amount of twenty five thousand dollars (\$25,000.00).

LEGAL REFERENCE:

Idaho Code Sections
33-506

ADOPTED:

5-18-1982

AMENDED:

1994

- A. Vacancy: If any Trustee shall die, resign or move from his trustee zone of residency, or refuse to act as Trustee, or shall fail, without just excuse, to attend four (4) successive regular meetings of the Board, a majority of the Board shall declare said Trustee's office vacant.

- B. Unexpired Term Fulfillment: In the event of a vacancy in the membership of the Board of Trustees of School District 431, it shall be the duty of said Board immediately to appoint a successor to such Trustee. An appointee shall qualify by taking and subscribing to the oath and shall serve until the qualification of a successor to be elected for the unexpired term of the appointee's predecessor, or for a regular term, as the case may be, at the regular election of Trustees next following the appointment.

- C. Rules Governing Selection Of Trustee:
 - 1. Each Trustee, including the Chairperson, may nominate a candidate. After all Trustees, including the Chairperson, have had an opportunity to nominate a candidate, then each Trustee, including the Chairperson, may make additional nominations.

 - 2. Nominations and voting shall be done by the Trustees in alphabetical order.

 - 3. Nominations shall be made by stating the name of the nominee.

 - 4. Election shall begin following close of nominations. No discussion shall be allowed after voting begins.

 - 5. The Clerk shall report the results of each ballot.

 - 6. Candidates not receiving at least one vote shall be eliminated.

 - 7. Voting shall continue until one nominee receives a majority. As soon as one nominee receives a majority, the Chairperson shall declare that nominee elected.

LEGAL REFERENCE:

Idaho Code Sections
33-504

ADOPTED:

5-18-1982

AMENDED:

1994

- A. Trustee Qualifications: At the time of the nomination and election, or appointment, to the board of trustees, each trustee must be eighteen (18) years of age, a United States citizen, and a resident of the trustee zone from which he or she is nominated and elected, or appointed, for a period of at least thirty (30) days prior to the nomination and election, or appointment.

Each trustee will qualify for and assume office at the annual meeting of the school district next following the election, or, if appointed, at the regular meeting of the board next following such appointment.

An oath of office will be administered to each trustee, whether elected, re-elected, or appointed. The oath may be administered by the clerk, or by a trustee of the district, and the records of the district will show such oath of office to have been taken, and by who administered, and will be filed with the official records of the district.

- B. Nomination of Trustees: Any person legally qualified to hold the office of school trustee may file a declaration of candidacy for the office. The declaration must bear the name of the candidate, state the term for which declaration of candidacy is made, and bear the signature of not less than five (5) school district electors resident of the trustee zone of which the candidate is resident. The declaration of candidacy must be filed with the clerk of the board not later than five o'clock (5:00) p.m. on the fifth Friday preceding the day of election of trustees.

Any person interested in being a write-in candidate for a school trustee position must file a declaration of intent indicating that the person desires the trustee office and is legally qualified to assume the duties of school trustee if elected. The declaration of intent for write-in candidates must be filed with the school district clerk not later than fourteen (14) days before the day of election. No write-in vote will be counted unless a declaration of intent has been properly filed.

Any person who filed a declaration of candidacy may withdraw from the election by filing a notarized statement of withdrawal with the clerk of the board. The notarized statement must contain all the information necessary to identify the person and the office sought. The withdrawal of candidacy may occur at any time prior to the day of the election.

- C. Election of Trustees: If the date for filing written nominations for the office of trustees has expired, and it appears that only one qualified candidate has been nominated for a trustee position, or if only one candidate has filed a write-in declaration of intent, no election will be held for that position, and the board, or the school district clerk with the written permission of the board, will declare such candidate elected as trustee within four (4) days before the scheduled day of the election. A certificate of election bearing the seal of the district will be prepared by the school district clerk and be delivered to the person declared as elected.

Trustee elections will be held on the third (3rd) Tuesday in May. In each trustee zone, the person receiving the greatest number of votes cast in his or her trustee zone will be declared by the board as the trustee elected from that trustee zone.

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

LEGAL REFERENCE:

Idaho Code Sections:

- 33-405
- 33-501
- 33-502
- 33-502A
- 33-502B
- 33-502C
- 33-503

ADOPTED:

2003

AMENDED:

The Board of Trustees, as duly-elected representatives of the people, govern and have policy-making and legislative authority over the schools in accordance with and subject to the laws of the State and the United States of America. The Board will select a competent superintendent to carry out the policies of the Board.

LEGAL REFERENCE:

Idaho Code Sections

33-506

33-507

33-511

33-512

33-513

33-601 et seq.

33-701

33-705

33-801 et seq.

ADOPTED:

6-13-1977

AMENDED:

1994

It shall be the duty of each Trustee:

- A. To devote time, thought and study to the duties and responsibilities of a School Board member, so that said Trustee may render effective and creditable service.
- B. To work with other Board members in a spirit of harmony and cooperation in spite of differences of opinion that arise during vigorous debate of points at issue.
- C. To base said Trustee's decisions upon all available facts in each situation; to vote based on honest conviction in every case, unswayed by partisan bias of any kind; thereafter to abide by and uphold the final majority decision of the Board.
- D. To remember, at all times, that, as an individual, the Trustee has no legal authority outside the meetings of the Board and to conduct said Trustee relationship with the school staffs, patrons and communications media on this basis.
- E. To resist every temptation and outside pressure to use said Trustee's position as a School Board member to benefit either said Trustee or any other individual or agency apart from the total interest of the School District.
- F. To recognize that it is as important for each Board member to understand and evaluate the educational program which prevails in each of the schools as it is to plan for the business of school operation.
- G. To bear in mind, under all circumstances, that the primary function of the Board is to establish the policies by which the schools are to be administered and to entrust the administration of the educational program and the general conduct of school business to the Superintendent of Schools and his designees.
- H. To welcome and encourage active cooperation by citizens, organizations and the communications media in establishing policy on current school operation and proposed future developments.

- I. To support the State and National School Board Associations.
- J. To strive for the most ideal conditions for the most effective School Board service to the patrons of the School District in a spirit of teamwork and devotion to public education, as the greatest instrument for the preservation and perpetuation of the system of representative democracy.

LEGAL REFERENCE:

Idaho Code Sections
33-506

ADOPTED:

6-13-1977

AMENDED:

1994

- A. **Preside At And Conduct Meetings:** The Chairperson shall preside at all meetings of the Board of Trustees and shall conduct all meetings in accordance with policies, regulations and bylaws adopted by the Board. The Chairperson shall appoint committees of study when directed by the Board and shall have the right, as do all other members of the Board, to discuss questions and vote on all matters.
- B. **Alter Agenda:** It shall be the prerogative of the Chairperson to alter the order of the agenda or to move an agenda item to a different position during the course of any meeting, if there is no objection from any Board member present consistent with Idaho's open meeting agenda requirements.
- C. **Sign Documents:** The Chairperson shall have the authority to sign all necessary documents on behalf of the Weiser School District 431 Board of Trustees consistent with Board action and approval.
- D. **Term Of Office:** The Chairperson shall hold office until the next annual meeting of the Board.

LEGAL REFERENCE:

Idaho Code Sections
33-506

ADOPTED:

6-13-1977

AMENDED:

1994

- A. Duties: In the absence of the Chairperson, the Vice Chairperson shall perform the duties and the obligations of the Chairperson.
- B. Term Of Office: The Vice Chairperson shall hold office until the next annual meeting of the Board.

LEGAL REFERENCE:

Idaho Code Sections
33-506

ADOPTED:

6-13-1977

AMENDED:

1994

- A. Record Of Minutes: The Clerk shall keep the minutes of all meetings and transactions of the Board of Trustees and shall sign on behalf of the District Board of Trustees all necessary documents consistent with the Clerk's authority.
- B. Assignment Of Duties: The duties of the Clerk may be assigned to a competent person who is or is not a Trustee of Weiser School District 431.
- C. Term Of Office: The Clerk shall hold office until the next annual meeting of the Board of Trustees.
- D. Assistants: The Board may appoint assistant clerks with such duties and responsibilities as prescribed by the Board.

LEGAL REFERENCE:

Idaho Code Sections

33-506

33-508

ADOPTED:

6-13-1977

AMENDED:

1994

- A. Appointment: The Treasurer shall be appointed by the Board and shall conduct the Treasurer's duties as prescribed by law, including but not limited for the deposit of moneys of the District in accordance with the provisions of the Public Depository Law.
- B. Term Of Office: The Treasurer shall serve for one year until the next annual meeting of the Board of Trustees.

LEGAL REFERENCE:

Idaho Code Sections

33-506

33-509

ADOPTED:

6-13-1977

AMENDED:

1994

- A. **Limitation Upon Authority Of Trustees:** It shall be unlawful for any Trustee to have pecuniary interest directly or indirectly 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. 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 school district board of trustees of compensation to any bank or trust 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.
- B. **Spousal Contracts:** 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.
- C. **Nepotism:** When any relative of any trustee or relative to 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.

LEGAL REFERENCE:

Idaho Code Sections

33-507

18-1361

18-1361A

ADOPTED:

1994

Revision of existing policies may be proposed at any meeting of the Board; however, unless approved by a two-thirds ($\frac{2}{3}$) majority of the Board members present, no action on the proposed amendment shall be taken until the next regular meeting or special meeting of the Board (if called for that purpose). A majority vote in favor of the amendment shall result in the indicated change in Board policy.

ADOPTED:

6-13-1977

AMENDED:

1994

- A. The Board of Trustees delegates to the Superintendent the function of formulating administrative rules and regulations designed to interpret and carry out the policies of the Board. These rules and regulations will specify required actions and details essential for the operation and conduct of the schools and must be consistent with policies adopted by the Board and must be approved by the Board.
- B. Copies on File: Administrative rules and regulations shall be on file in the Superintendent's office and shall be available to the public.

ADOPTED:

6-13-1977

AMENDED:

1994

- A. Any committees appointed by the Board shall be fact-finding, deliberative or advisory, but shall not be legislative, policy-making or administrative in nature.
- B. No such committee shall be legally or morally entitled to take any official action on behalf of the Board of Trustees or be vested with any powers or prerogatives of the Board of Trustees.
- C. Said committees shall be discharged upon completion of their assignments. A Trustee may be an ex officio member of any such committee.

ADOPTED:

6-13-1977

AMENDED:

1994

In order to assist the Board in the formulation of policies to improve the scope and quality of education in the Weiser School District 431, representative patrons from the School District may be chosen to constitute a committee or committees for this purpose. Selection or approval of the members, tenure of office and projects to be undertaken shall be determined by the Board.

ADOPTED:

6-13-1977

AMENDED:

1994

- A. The Board of Trustees may employ legal counsel, when deemed necessary, and pay for such counsel from School District funds.
- B. It shall be the duty of the counsel to render all necessary legal opinions for the Board of Trustees and to represent the Board in specific problems which require the services of legal counsel.

LEGAL REFERENCE:

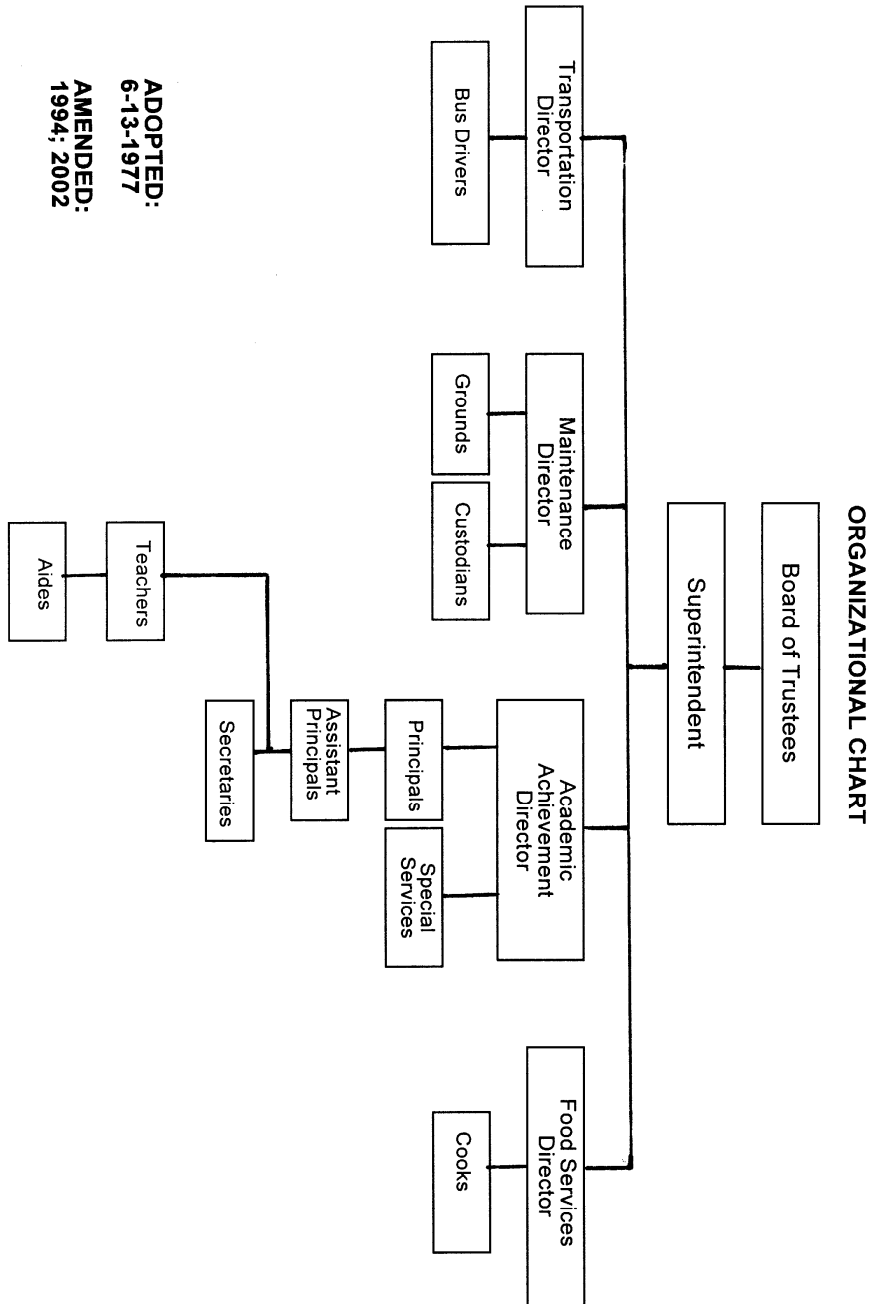
Idaho Code Sections
33-506

ADOPTED:

6-13-1977

AMENDED:

1994



All regular and special meetings of the Board of Trustees shall be noticed and conducted according to the laws of the State and the policies of the Weiser School District 431, as delineated by the Policy Manual of the District.

LEGAL REFERENCE:

Idaho Code Sections
Title 33
33-510

ADOPTED:

6-13-1977

AMENDED:

1994

- A. The Board shall meet on the scheduled date and time established at the July board meetings unless a meeting date is changed or cancelled by a majority vote of the Board.
- B. Normally, all meetings shall be held in the Superintendent's office, 925 Pioneer Road, Weiser, Idaho.
- C. All agendas for regular board meetings shall be posted as required by law for at least forty eight (48) hours prior to the scheduled regular meeting.

LEGAL REFERENCE:

Idaho Code Sections
33-510

ADOPTED:

5-18-1982

AMENDED:

1994

Special meetings may be called by the Chairperson or by any two (2) members of the Board and held at any time. If the time and place of special meetings shall not have been determined at a meeting of the Board with all members being present, then notice of the time and place shall be personally received by each member and announced by written notice conspicuously posted at the School District office and at least two (2) or more public buildings within the School District not less than twenty four (24) hours before such special meeting is to be convened. All agendas for special Board meetings shall be posted as required by law at least twenty four (24) hours prior to the scheduled special meeting.

LEGAL REFERENCE:

Idaho Code Sections

33-510

67-2343

ADOPTED:

5-18-1982

AMENDED:

1994

Nothing contained in these policies shall be construed to prevent, upon a two-thirds ($\frac{2}{3}$) vote recorded in the minutes of the meeting by individual vote, the Board of Trustees from holding an executive session during any meeting, after the presiding officer has specifically identified the legal authorization for the holding of such executive session as set forth in section 67-2345, Idaho Code. An executive session may be held:

- A. To consider hiring an administrator, employee, staff member or individual agent. This subsection does not apply to filling a vacancy on the Board of Trustees;
- B. To consider the evaluation, dismissal or disciplining of, or to hear complaints or charges brought against, an administrator, employee, staff member or individual agent, or public school student;
- C. To conduct deliberations concerning labor negotiations or to acquire an interest in real property which is not owned by a public agency;
- D. To consider records that are exempt by law from public inspection;
- E. To consider preliminary negotiations involving matters of trade or commerce in which the governing body is in competition with governing bodies in other states or nations;
- F. To consider and advise its legal representatives in pending litigation or where there is a general public awareness of probable litigation;
- G. Labor negotiations may be conducted in executive session if either side requests closed meetings. Notwithstanding the provisions of section 67-2343, Idaho Code, subsequent sessions of the negotiations may continue without further public notice.

No executive session may be held for the purpose of taking any final action or making any final decision except as provided by law.

LEGAL REFERENCE:

Idaho Code Sections
67-2340 et seq.
33-514
33-515

ADOPTED:

5-18-1982

AMENDED:

1994

The annual meeting of the Weiser School District Board of Trustees shall be on the date of its regular monthly July meeting. The oath of office for all new Board members will be administered at this meeting as well as other business required to be transacted at the annual meeting by law.

LEGAL REFERENCE:

Idaho Code Sections

33-506

33-510

ADOPTED:

5-18-1982

AMENDED:

1994

- A. Definition: A "grievance" shall be defined as a written allegation of unfair treatment or a violation of a School District policy by a non-certified employee of the School District. For this policy, "employee" refers to non-certificated employees of the Weiser School District.
- B. Resolution Discussions: The Board encourages employees to informally discuss the allegations and issues of concern directly with the involved party(ies) as the issues arise in an attempt to resolve matters in a timely manner at the lowest level possible. However, such informal resolution discussions are not a prerequisite to filing a grievance pursuant to this policy.
- C. Employee Grievances:
1. A non-certificated employee of the District may file a grievance about any matter related to his/her employment; provided, that neither the rate of salary or wage of the employee nor the decision to terminate an employee for cause during the initial one hundred eighty (180) days of employment shall be a proper subject for consideration under the grievance procedure provided in this Section.
 2. If a non-certificated employee files a grievance, the employee shall submit the grievance in writing to his or her immediate supervisor within six (6) working days of the incident giving rise to the grievance. The grievance shall state the nature of the grievance and the remedy sought. Within six (6) working days of receipt of the grievance, the immediate supervisor shall provide a written response to the employee.
 3. If the non-certificated employee is not satisfied with the response of the immediate supervisor or if there is no response within the time lines, the employee may appeal the grievance to the Superintendent of the District or the Superintendent's designee within five (5) working days of the receipt of the response or within five (5) working days from the date the supervisor last had to respond if that non-certificated employee received no written response. Within six (6) working days of an appeal, the Superintendent or his designee shall communicate with the non-certificated employee in an effort to resolve the appeal. Within five (5) working days of the communication, the Superintendent or his designee shall provide a written response to the non-certificated employee.
 4. If the non-certificated employee is not satisfied with the response of the Superintendent or his designee, or if there is no response by the Superintendent or his designee within the time frame provided, the non-certificated employee may request a review of the grievance by a hearing panel within five (5) working days

from receipt of the response if the employee received a written response, or five (5) working days from the date the Superintendent last had to respond if the non-certificated employee received no written response. Within ten (10) working days of receipt of an appeal, the Board of Trustees shall convene a panel consisting of three (3) persons; one designated by the Board of Trustees, one designated by the employee and one agreed upon by the two (2) appointed members for the purpose of reviewing the appeal.

The panel will meet for an informal proceeding within ten (10) working days from the date it is appointed. Both the non-certificated employee and the Superintendent or designee will be given an opportunity to present information and arguments, oral or written, relevant to the grievance filed in the matter. The panel may establish time limits for the parties' presentation of information and argument. The parties do not have the right to present evidence or cross-examine witnesses. The rules of civil procedure and evidence do not apply.

Within five (5) working days following completion of the review, the panel shall submit its decision in writing to the non-certificated employee, the Superintendent, and the Board of Trustees.

5. The panel's decision shall be the final and conclusive resolution of the grievance unless the Board of Trustees overturns the panel's decision by resolution at the Board of Trustees' next regularly scheduled public meeting or unless within forty two (42) calendar days of the filing of the Board's decision, either party appeals to the district court in the county where the school district is located. Upon appeal of a decision of the Board of Trustees, the district court may affirm or set aside and remand the matter to the Board of Trustees upon the following grounds, and shall not set the same aside on any other grounds:

- a. That the findings of fact are not based on any substantial, competent evidence.
- b. That the Board of Trustees has acted without jurisdiction or in excess of its powers.
- c. That the findings by the Board of Trustees as a matter of law do not support the decision.

6. A non-certificated employee filing a grievance pursuant to this policy shall be entitled to a representative of the employee's choice at each step of the grievance procedure. The supervisor, Superintendent or the Superintendent's designee shall be entitled to a representative at each step of the grievance procedure.

7. The time lines of the grievance procedure established in this Section may be waived or modified by mutual agreement.

8. Utilization of the grievance procedure established pursuant to this policy shall not consist a waiver of any right of appeal available pursuant to law or regulation.

9. Neither the Board nor any member of the administration shall take reprisals affecting the employment status of any party in interest.

10. A non-certificated employee of the School District shall be required to review and sign any entries made to his/her personnel file. At reasonable times and places, in the presence of an appropriate District official, a non-certificated employee may inspect documents contained in his official personnel file.

ADOPTED:

6-10-2002

Grievances by employees, students or other persons alleging illegal discrimination by this district, its employees, other students, or third parties in any of the district's public facilities, programs or activities based on race, sex, national origin, color, age (persons forty (40) years of age or older), religion, or disability may be filed as follows:

FILING A CIVIL RIGHTS GRIEVANCE COMPLAINT

A complaint should be filed in writing by the complainant, by the complainant's representative, parent or guardian or both. Any complaints received by this district by telephone or verbally will be recorded by the district in written form. The complaint must be filed with the office of the superintendent within one hundred eighty (180) days of the alleged discriminatory action. The complaint should set forth the date, place, and nature of the discriminatory action and specify the remedy sought by the complainant.

INVESTIGATION AND REPORT

The school district will contact the complainant in writing within ten (10) working days of receipt of the complaint to let him or her know the complaint was received and what action the district has taken or will take in an attempt to resolve the complaint.

Within ninety (90) calendar days after receiving the complaint, the superintendent or designee must investigate the incident and issue a written finding of whether or not discrimination was found. The investigation will include, but not be limited to, interviews with the complainant and school district personnel. The investigator will allow both parties an opportunity to present written statements of witnesses and/or other evidence.

If the complainant does not agree with the findings of the superintendent or designee, he or she will have thirty (30) days to provide additional information to the designee of the superintendent to facilitate further review of the complaint.

The complainant will be notified of his or her right to appeal the findings of the district to the proper state or federal compliance agency. A complainant may at any time file a complaint directly with other agencies listed on page two of this policy.

REMEDY IF DISCRIMINATION IS FOUND

If the superintendent or designee finds that the alleged discrimination occurred, the superintendent will take immediate steps to remedy such discrimination and to prevent the recurrence of discrimination. The superintendent will provide the complainant with a written report of the findings and proposed remedy, if any. The superintendent will report the investigation findings and proposed remedy, if any, to the board at the next special or regular meeting.

FILING OTHER COMPLAINTS

The complainant may also file a complaint with the following state and federal agencies:

1. Idaho Human Rights Commission, 1109 Main Street, P.O. Box 83720, Boise, Idaho 83720-0040.
2. Office for Civil Rights, U.S. Department of Education, 915 2nd Avenue, Room 3310, Seattle, WA 98174-1099.
3. U.S. Department of Justice, Washington, D.C. 20530.

Employment complaints may be filed with the Equal Employment Opportunity Commission, 2815 2nd Avenue, Suite 500, Seattle, Washington 98121.

NO RETALIATORY ACTION

No individual who has filed a complaint, testified, assisted or participated in any manner in the investigation of a complaint will be intimidated, coerced or otherwise discriminated against.

RETENTION OF RECORDS

All records of complaints and investigations filed under this procedure will be retained with the district for a period of three (3) years.

SCHOOL DISTRICT ACTIONS

All employees, students, and third parties of the district will be responsible for acting in accordance with this policy.



LEGAL REFERENCE:

- Title VII of the Civil Rights Act of 1965
42 USC Section 2000e, *et seq.*
- Title VI of the Civil Rights Act of 1964
42 USC Section 2000d, *et seq.*
- Section 1981 of the Civil Rights Act of 1866
42 USC Section 1981
- Section 1983 of the Civil Rights Act of 1871
42 USC Section 1983
- The Equal Pay Act 1963
29 USC Section 206d
- Title IX of the Education Amendments of 1972
20 USC Section 1681
- Age Discrimination and Employment Act of 1967
29 USC Section 621, *et seq.*
- Americans with Disabilities Act of 1990
42 USC Section 12101, *et seq.*
- Section 504 of the Rehabilitation Act 1973
29 USC Section 794

ADOPTED: February 8, 2010

AMENDED:

School Board members shall receive reimbursement for personal expenditures for expenses incurred in the performance of their duty on behalf of the Weiser School District 431; provided, that such expenditures have been duly authorized through official action of the Board of Trustees acting at a regular or special meeting of the Board of Trustees and with a quorum of the members present. It is to be expected that such duly-authorized expenses, as in the case of travel undertaken on behalf of the School District, shall be authorized and paid prior to said travel or other expense, if feasible.

ADOPTED:

5-18-1982

AMENDED:

1994

Members of the Board of Trustees of Weiser School District 431 are encouraged to join and actively participate in the Idaho School Boards Association and the National School Board Association. School District 431 shall pay membership dues and all duly authorized expenditures for participation of Board members in these associations.

LEGAL REFERENCE:Idaho Code Sections
33-701.4**ADOPTED:**

6-13-1977

AMENDED:

1994