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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

General organization of the Weiser School District is contained within this chapter.

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 shall concern itself primarily with broad questions of policy rather than with administrative details. The application of policies is an administrative task to be performed by the superintendent and district staff and who shall be held responsible for the effective administration and supervision of the entire school system.

The board, functioning within the framework of laws, court decisions, attorney general's opinions, State Department of Education regulations and similar mandates from the state and national levels of government, and recognizing the authority of the state, fulfills its mission as the governing body of a political subdivision by acting as follows in the execution of its duties:

1. Enacts policy.
2. Adopts courses of study and provides instruction aides.
3. Employs all staff members and fixes and prescribes their duties.
4. Approves the budget, financial reports, audits, major expenditures, payment of obligations and policies whereby the administration may formulate procedures, regulations and other guides for the orderly accomplishment of business.
5. Estimates and seeks to provide funds for the operation, support, maintenance, improvement and extension of the school system.
6. Provides for the planning, expansion, improvement, financing, construction, maintenance, use and disposition of physical plants of the school system.
7. Prescribes the minimum standards needed for the efficient operation and improvements of the school system.
8. Evaluates the education program to determine the effectiveness with which the schools are achieving the educational purpose of the school system.
9. Requires the establishment and maintenance of records, accounts, archives, management methods and procedures considered essential to the efficient conduct of school business.
10. Provides for the dissemination of information relating to the schools necessary for creating a well-informed public.

**LEGAL REFERENCE**

Idaho Code Sections

- 33-313 Trustee Zones
- 33-501 Board of Trustees
- 67-2341 Open Public Meetings - Definitions

**ADOPTED:**

5-18-1982

**AMENDED:**

2011

Elections conducted on behalf of the District are non-partisan elections governed by the election laws of the State of Idaho and include the election of Board members, various public policy propositions, and advisory questions.

Board elections shall be held on the third (3<sup>rd</sup>) Tuesday in May in odd-numbered years. Any person legally qualified to hold the position of school trustee may file a declaration of candidacy for the office. The declaration must include the name of the candidate, the term for which declaration of candidacy is made, and include the signatures of not less than five (5) school district electors residing in the trustee zone of which the candidate seeks election.

Such declaration must be filed with the Clerk of the school district not later than 5:00 PM on the ninth Friday preceding the day of the election for the subject trustee position. Any person seeking to become a write-in candidate must file a declaration of intent with the County Clerk not later than forty-five (45) days before the election date.

If, after expiration of the date for filing written nominations, it appears that only one (1) qualified candidate has been nominated for a position or if only one (1) candidate has filed a write-in declaration of intent, no election shall be held for that position, and the Board or the Clerk with the written permission of the Board, shall declare such candidate elected as a trustee. The Clerk shall immediately prepare and deliver to the person a certificate of election signed by him bearing the seal of the District. All other scheduled trustee elections will move forward under the regular procedures.

In each trustee zone, the person receiving the greatest number of votes cast within his zone shall be declared by the Board of Trustees as the trustee elected from that 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 zone, the Board of Trustees shall determine the winner by a toss of a coin.

**LEGAL REFERENCE:**

## Idaho Code Sections

- 33-401 Legislative Intent
- 33-501 Board of Trustees
- 33-502 Declaration of candidacy for trustees
- 33-502B Board of Trustees – One nomination – No election
- 33-503 Election of Trustees – Uniform Date
- 34-1404 Declaration of Candidacy
- 34-1407 Write-in Candidates

**ADOPTED:**

6-13-1977

**AMENDED:**

2011

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. School District Boundary Perimeter:

BEGINNING at the point of intersection of the north line of Township 15 North with the boundary line between the states of Idaho and Oregon, said line being the middle of the center channel of the Snake River, which point is approximately the NW corner of Section 4, Township 15 North, Range 6 West, Boise Meridian;

East along the North line of Township 15 North 10 miles to the NE corner of Section 1 Township 15 North Range 5 West;

South 13 miles to the SW corner of Section 6, Township 13 North Range 4 West;

East 1 mile;

South 3 miles to the SE corner of Section 19, Township 13 North, Range 4 West;

West  $\frac{1}{4}$  mile;

South  $4\frac{1}{4}$  miles;

East  $\frac{1}{4}$  mile;

South  $1\frac{3}{4}$  miles to the SE corner of Section 19, Township 12 North, Range 4 West;

East 9 miles to the NE corner of Section 27, Township 12 North, Range 3 West;

South 8 miles to the SE corner of Section 34, Township 11 North, Range 3 West;

East 6 miles to the NE corner of Section 3, Township 10 North, Range 2 West;

South 6 miles to the Washington County boundary;

West on the county line to the SE corner of Section 35, Township 10 North, Range 4 West;

North  $1\frac{3}{4}$  miles to the NE corner of the SENE of Section 26, Township 10 North Range 4 West;

W to the NE corner of the SWNW of Section 25, Township 10 North, Range 5 West;

South  $\frac{1}{4}$  mile; thence west to the east side of the Union Pacific Railway right-of-way;



Southeast and south along the east side of the right-of-way to the intersection with the north boundary of Section 36, Township 10 North, Range 5 West;

West across the Union Pacific Railway right-of-way to the middle of the center channel of the Snake River, the same being the state boundary line;

Thence down the main channel of the Snake River to the point of beginning.

1. *Trustee Zone No. 1:*

Beginning at the northwestern boundary of the Weiser School District at the Snake River, which is approximately the NW corner of Section 4, Township 15, North Range 6 West, Boise Meridian;

East on the district boundary to the NE corner of Section 1, Township 15 North, Range 5 West; then southerly on the district boundary to its intersection with US Highway 95.

Southerly on US Highway 95 to a point intersecting the north line of Section 28 Township 11 North Range 5 West.

West on the north line of Sections 28, 29 & 30 in Township 11 North, Range 5 West to the Institute Canal that runs north-south at about Ali Lane.

North and west along Institute Canal to its intersection with West 9<sup>th</sup> Street extended.

South on West 9<sup>th</sup> Street and West 9<sup>th</sup> Street extended to the center line of the Snake River.

Westerly and northerly along the center line of the Snake River to the Point of beginning.

2. *Trustee Zone No. 2*

The point of beginning is at the intersection of US Highway 95 and the eastern district boundary in Section 6, Township 12 North, Range 4 West;

Proceed from the beginning point south along the district boundary to the SE corner of Section 19 Township 12 North Range 4 West (Thousand Springs);

East to the NE corner of Section 27 Township 12 North Range 3 West;

South to the SE corner of Section 34 Township 11 North Range 3 West;

East to the NE corner of Section 3 Township 10 North Range 2 West;

South to the SE corner of Section 34 Township 10 North Range 2 West.

West along the Washington – Payette County Line to the SW corner of Section 36, Township 10 North, Range 4 West.

North to the NE corner of SENE Section 26 Township 10 North, Range 4 West;

West to the Northwest corner of the SENW of Section 25, Township 10 North, Range 5 West;

South to the SE corner of SWNW of Section 25, Township 10 North, Range 5 West;

West to the East side of the Union Pacific Railroad right-of-way.

Southeasterly along the East side of the Union Pacific Railroad right of way to the North boundary of Section 36, Township 10 North, Range 5 West;

West to the middle channel of the Snake River;

Proceed northerly along the center channel of the Snake River to the confluence of the Weiser River and the Snake River.

Easterly on the Weiser River to the Weiser Slough located East 12<sup>th</sup> Street extended; then Northeasterly along the slough to Cove Rd;

Then northwesterly to the South line of the Weiser River Trail northeasterly along the southern boundary of the trail to the East line of the SENW of Section 33, Township 11 North, Range 5 West;

North to East Park Street;

West to East 9<sup>th</sup> Street;

North along East 9<sup>th</sup> Street to the Galloway Canal.

Following the Galloway canal northerly to East 6<sup>th</sup> Street; then North on East 6<sup>th</sup> Street to Hillcrest Avenue (Highway 95 Business Spur)

Southwesterly along Hillcrest Avenue to State Street.

North on State Street to West Indianhead Road

West on West Indianhead Road to Ali Lane.

North along Ali Lane to the Institute Canal.

Then Following the Institute Canal to the North Line of Section 30, Township 11 North, Range 5 West.

East to US Highway 95; Then Northeasterly along US Hwy 95 to the point of beginning.

3. *Trustee Zone No. 3:*

Beginning at West 9<sup>th</sup> Street extended at the Institute Canal, and proceed southeasterly along the Institute Canal to its intersection with Ali Lane;

South along Ali Lane to West Indianhead Road;

East on West Indianhead Road a short distance to State Street

South on State Street to the Galloway Canal.

West on the Galloway Canal to West 2<sup>nd</sup> Street

South on West 2<sup>nd</sup> St to West Galloway Street

West on West Galloway Street to West 7<sup>th</sup> Street

North on West 7<sup>th</sup> Street to West Butterfield Street

West on West Butterfield to West 9<sup>th</sup> Street

North on West 9<sup>th</sup> Street to the place 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 Butterfield Street.

East on Butterfield Street to West 7<sup>th</sup> Street

South on West 7<sup>th</sup> to Galloway

East on West Galloway Street to West 2nd Street.

North on West 2nd Street to beginning.

5. *Trustee Zone No. 5:*

Beginning at the intersection of State Street and Hillcrest Avenue

East and North on Hillcrest Avenue to East 6<sup>th</sup> Street

South on East 6<sup>th</sup> Street to Galloway Canal

East along the Galloway Canal to East 9<sup>th</sup> Street

South on East 9<sup>th</sup> Street to East Park Street

East on East Park Street to the East line of the SENW of Section 33, Township 11 North, Range 5 West

South on the East line of said SENW to the South line of the Weiser River Trail

Southwesterly along South line of Weiser River Train to East Cove Rd

Southeasterly along Cove Road to the Weiser Slough

Then southwesterly along the slough to the Weiser River

West on the Weiser River to its intersection with US Highway 95

North on US Highway 95 to East Main Street

West on East Main Street to East 4<sup>th</sup> Street

North on East 4<sup>th</sup> Street to East Park Street

West on East Park Street to State Street

North on State Street to the point of beginning

**LEGAL REFERENCE:**

Idaho Code Sections

33-313

33-501

59-401

**ADOPTED:**

2011

**AMENDED:**

1994; 2001; 2003; 2011

Each Board member shall serve a term of office of four (4) years unless disqualified or unable to serve out the term. Trustees appointed to replace a disqualified trustee shall serve until the next election following appointment. At such 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, 2011

After the issuance of the election certificates to the newly elected trustees in May, and on the date of its regular July meeting, the Board shall elect from among its members a Chairman and a Vice-Chairman to serve one-(1)-year terms. The Board shall also elect a Clerk and a Treasurer, who may be members of the Board of Trustees or, in the discretion of the Board, either or both positions may be selected from among competent and responsible persons outside the membership of the Board. The Board, in its discretion, may allow compensation for the Clerk and for the Treasurer if other than the County Treasurer. If a Board Member is unable to continue to serve as an officer, a replacement shall be elected immediately. In the absence of both the Chair and the Vice-Chair, the Board shall elect a Chairman pro tempore, who shall perform the functions of the Chair during the latter's absence. The Clerk shall act as Board secretary.

The normal order of business shall be modified for the annual organizational meeting by considering the following matters after the approval of the minutes of the previous meeting:

1. Welcome and introduction of newly-elected Board Members by the current Chair.
2. Swearing in of newly-elected trustees.
3. Call for nominations for Chairman to serve during the ensuing year.
4. Election of a Chair.
5. Assumption of office by the new Chair.
6. Call for nominations for Vice-Chairman to serve during the ensuing year.
7. Election of a Vice-Chair.
8. Election of a Clerk.
9. Election of a Treasurer.

Policies and Bylaws shall continue from year to year until and unless the Board changes them.

**LEGAL REFERENCE:**

Idaho Code Sections

33-506 Organization and government of board of trustees

33-510 Annual meetings – Regular meetings – Board of Trustees

**ADOPTED:**

5-18-1982

**AMENDED:**

2011

A vacancy shall be declared by the board of trustees within thirty (30) days of when any of the following occurs:

1. a trustee dies;
2. a trustee resigns;
3. a trustee removes him/herself from the trustee's zone of residence;
4. a trustee no longer is a resident or school district elector of the district;
5. a trustee refuses to serve as trustee;
6. a trustee, without excuse acceptable to the board of trustees fails to attend four (4) consecutive regular meetings of the board; or
7. a trustee is recalled and discharged from office.

A trustee position also shall be vacant when an elected candidate fails to qualify.

A declaration of vacancy shall be made at any regular or special meeting of the board of trustees, when any of the above-mentioned conditions are determined to exist.

In the case of a trustee vacancy, the remaining trustees shall fill the vacancy by appointment. The Board will receive applications from any qualified persons seeking to fill the position after suitable public notice. The Board will consider all applications from qualified persons seeking to fill the position in open session. The Board will appoint one (1) candidate to serve for the balance of the unexpired term of office which was declared vacant. In the event the board of trustees is unable to appoint a trustee from the zone vacated after ninety (90) days from the date the board declared the vacancy, the board of trustees may appoint a person at-large from within the boundaries of the school district to serve as the trustee from the zone where the vacancy occurred. Otherwise, after one hundred and twenty (120) days of the declaration of vacancy, the county commissioners of the county in which the district is situated (or of the home county if the district is a joint school district) shall appoint a qualified person to fill such vacancy.

**AL REFERENCE:**

Idaho Code Sections

- |               |                                    |
|---------------|------------------------------------|
| 33-501        | Board of trustees                  |
| 33-504        | Vacancies on boards of trustees    |
| 67-2345(1)(a) | Executive Sessions when authorized |

**ADOPTED:**

5-18-1982

**AMENDED:**

2011

The authority of individual trustees is limited to participating in actions taken by the Board as a whole when legally in session. Trustees shall not assume responsibilities of administrators or other staff members. The Board of staff shall not be bound by an action taken or statement made by an individual trustee except when such statement or action is pursuant to specific instructions and official action taken by the Board.

Each trustee shall review the agenda and any study materials distributed prior to the meeting and be prepared to participate in the discussion and decision-making for each agenda item.

Each member is obligated to attend both regular and special board meetings. Whenever possible, each trustee shall give advance notice to the Chair or Superintendent of the trustee's inability to attend a Board meeting. A majority of the Board may excuse a trustee's absence from a meeting if requested to do so.

**CROSS REFERENCE:** 1140 Vacancies

**LEGAL REFERENCE:**

Idaho Code Sections 33-506 Organization and government of board of trustees

**ADOPTED:**

6-13-1977

**AMENDED:**

2011



- 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

The Clerk of the Board shall have such duties as prescribed by the Board and the Superintendent. The Clerk of the Board shall attend all meetings of the Board, unless excused by the Chair, and keep an accurate record of the proceedings, and shall enter in said record all matters required by law, or by the Board, so to be entered. The Clerk shall have custody of the records, books and documents of the Board. In the absence or inability of the Clerk to attend a Board meeting, the Board will designate a person to serve as temporary Clerk for the meeting. The temporary clerk shall keep the record of the proceedings of the Board and certify the same to the Clerk.

The Clerk will make the preparations legally required for the notice and conduct of all District elections.

**LEGAL REFERENCE:**

Idaho Code Sections

33-506 Organization and government of board of trustees

33-508 Duties of clerk

**ADOPTED:**

6-13-1977

**AMENDED:**

2011

The Treasurer shall have such duties as prescribed by the Board. The Treasurer shall be placed under a fidelity bond issued by a surety company authorized to do business in the State of Idaho in such amount as determined by the Board or under personal bond equal to twice such determined amount with at least two (2) sureties who each shall qualify as in the case of sureties on the bond of county officers.

The Treasurer shall account for the deposit of all moneys of the District in accordance with the provisions of the public depository law (Chapter 1, Title 57, Idaho Code).

The Board may elect one (1) or more assistant treasurers who shall have such duties as prescribed by the Board. Assistant treasurers shall act at and under the control, supervision and direction of the Treasurer.

**LEGAL REFERENCE:**

Idaho Code Sections

- 33-506 Organization and government of board of trustees
- 33-509 Duties of the treasurer
- 33-509(a) Assistant treasurers

**ADOPTED:**

6-13-1977

**AMENDED:**

2011

A trustee may not:

1. use the trustee's official power to further the trustee's own interests;
2. have a 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. A "remote interest" means:
  - a. The trustee is a nonsalaried 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.
3. accept any reward or compensation for services rendered as a trustee except as expressly provided by law;
4. accept and award contracts involving the school district to businesses in which a trustee or person related to him by blood or marriage within the second degree has a direct or indirect interest except when the procedures set forth in I.C. §§ 18-1361 or 1861A are followed;
5. be involved in the election of a relative related by affinity or consanguinity within the second degree and shall be absent from the meeting while such employment is being considered and/or determined;
6. enter into a contract in the trustee's individual capacity, the effect of which is to create a personal interest which may conflict with the officer's public duty;
7. enter into a contract with the trustee's district;
8. accept a bribe in the way for money, a promise, gift or any other form of personal advantage or engage in a substantial financial transaction for the trustee's private business purpose with a person whom the trustee inspects or supervises in the course of official duties;
9. be a purchaser or vendor at any sale or purchase made by the trustee in the trustee's official capacity;
10. use public funds or property to obtain a pecuniary benefit for himself;
11. 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;

- 12. 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;
  
- 13. appoint or vote for the appointment of any person related to him by blood or marriage with 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, or appointment or furnish employment to any person whose salary, wages, pay or compensation is to be paid out of public funds or fees of office, and who is related by either blood or marriage within the second degree to any other public servant making or voting for such appointment.

Relation by blood within the second degree includes grandparents and grandchildren. Laterally, it includes brothers and sisters.

**LEGAL REFERENCE:**

Idaho Code Sections

- 33-507           Limitation upon authority of trustees
- 18-1359        Use public position for personal gain
- 18-1361        Self-Interest Contracts - Exception
- 18-1361A       Noncompensated Appointed Public Servant – Relative of Public Servant – Exceptions
  
- 59-201         Officers not to be interested in contracts
- 59-202         Officers not to be interested in sales

**ADOPTED:**

2011

Procedures of Operation are contained herein this policy chapter.

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

### Committees

Generally, the Trustees will function as a committee of the whole. Nevertheless, the Board may create Board committees as deemed necessary.

Standing committees of the Board may be created and their purpose defined by a majority of the Board. The Board Chair shall appoint trustees to serve on such committees. Board committees shall be limited to less than one-half (1/2) of the Board.

### Advisory Committees

Advisory committees may be organized when appropriate. Both district-wide and at the school level, advisory committees shall function within the organizational frameworks approved by the Board. A staff member or members will be assigned to each group to help it carry out its functions. The composition of the advisory committees shall be broadly representative and shall take into consideration the specific task assigned to the committee. Only the Board shall have the authority to dissolve the committees it has created.

The board will instruct each committee as to:

- a. the length of time each member is invited to service;
- b. the service the Board wishes the committee to render;
- c. the resources the Board will provide;
- d. the approximate dates on which the Board wishes to receive major reports;
- e. board policies governing citizens' committees and the relationship of these committees to the Board as a whole, individual Board members, the superintendent, and other members of the professional staff; and
- f. responsibilities for the release of information to the press.

**ADOPTED:**

6-13-1977

**AMENDED:**

2011



- 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

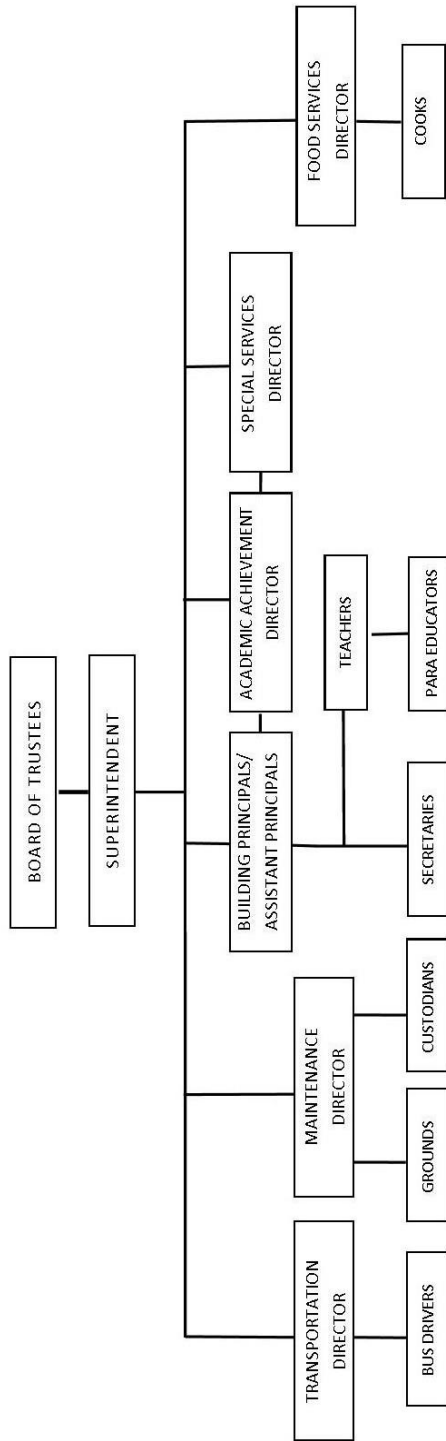
**ADOPTED:**

6-13-1977

**AMENDED:**

1994

**ORGANIZATIONAL CHART**



**ADOPTED:  
6-13-1977**

**AMENDED:  
1994; 2002; 2014**

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

### Public Participation in Board Meeting

All regular and special meetings of the Board shall be open to the public. The Board of Trustees encourages all citizens of the District to express their ideas and concerns. The comments of the community will be given careful consideration. In the evaluation of such comments, first priority will be District students and their education program.

Any complaint about the District, including instruction, discipline, District personnel policy, procedure or curriculum, should be referred through proper administrative channels before it is presented to the board for consideration and action. All complaints should be resolved at the lowest level possible using proper channels in the following order:

1. Teacher or Staff Member
2. Principal or Supervisor
3. Director of Administration
4. Superintendent
5. Board of Trustees

Members of the public will not be recognized by the Chairman as the Board conducts its official business except when the Board schedules a public discussion period for a particular agenda item.

At each Regular and Special Meeting of the Board the agenda may provide time for public comment before the Board. Persons wishing to address the Board will be required to submit a "REQUEST TO APPEAR BEFORE THE BOARD" form. Forms are available from the Board of Secretary and will be available at each meeting.

Total time allotted for public comment on any particular agenda item will not exceed 45 minutes. Public participation will be limited to the time allotted on the agenda. Each speaker will be limited to three (3) minutes. All speakers will be allowed to speak at least once before a speaker is allowed to address the board a second time. Public comment will be taken from the public only on matters scheduled on the agenda for which public comment has been scheduled.

Should a large number of the public wish to speak on the same issue or topic., members of the public will be encouraged to select a representative(s) to summarize their position. Additionally, the Board Secretary will accept written comments for distribution to the Board.

Written materials for Board Members must be submitted to the Board Secretary. The written material must include the name, address and telephone number of the person submitting it. A copy of the materials that meet these requirements will be forwarded to Board Members if received by noon the Friday preceding the Board Meeting. Materials should not be sent directly to Board Members. Materials may be presented or mailed to the Board Secretary at the District Office at 925 Pioneer Road, Weiser, Idaho 83672.

If a topic is being considered by a committee established for that purpose, the Chairman may refer the public comment to that committee.

Because of the diversity of issues, members of the Board will not respond to public comment. Instead, issues may be recorded and referred to the proper staff person for follow-up. The Chairman may interrupt or terminate an individual's statement when it is too lengthy, personally directed, abusive, obscene, repetitive or irrelevant. Defamatory or abusive remarks are always out of order. The presiding officer may terminate the speaker's privilege of address if, after being called to order, the speaker persists in improper conduct or remarks. The Board of Trustees as a whole shall have the final decision in determining the appropriateness of all such rulings.

Nothing in this policy shall prohibit the removal of any person who willfully disrupts a meeting to the extent that orderly conduct is seriously compromised.

NOTICE

DUE TO THEIR SENSITIVE NATURE, COMMENTS OR COMPLAINTS ABOUT PERSONNEL OR INDIVIDUAL STUDENTS WILL ONLY BE HEARD IN EXECUTIVE SESSION.

“A PERSON WHO DISRUPTS THE EDUCATION PROCESS OR WHOSE PRESENCE IS DETRIMENTAL TO THE MORALS, HEALTH, SAFETY, ACADEMIC LEARNING OR DISCIPLINE OF THE PUPILS OR WHO LOITERS IN SCHOOLHOUSES OR ON SCHOOL GROUNDS, IS GUILTY OF A MISDEMEANOR.” Idaho Code §33-512(11).

Legal Reference: I.C. §33-512 (11)  
I.C. §67-2345

**ADOPTED:**  
2012



**REQUEST TO APPEAR BEFORE THE BOARD**

The Board of Trustees encourages input from the public. If you want the Board to receive more information than time permits, please reduce your concerns to written form and send them to the Board Secretary. Written Comments must include name, address and telephone number.

All individuals appearing before the Board are expected to follow these guidelines:

1. Address the Board only at the appropriate time as indicated on the Agenda and when recognized by the Board Chairman.
2. Identify yourself and be brief. Comments shall be limited to three (3) minutes.
3. The Board Chairman may shorten or lengthen an individual’s opportunity to speak. The Chairman may also deny an individual the opportunity if the individual has previously addressed the Board on the same subject within the past month.
4. The Board Chairman shall have the authority to determine procedural matters  
Regarding public participation not otherwise defined in board policy.

**REQUEST TO APPEAR BEFORE THE BOARD**

NAME \_\_\_\_\_

ADDRESS \_\_\_\_\_

PHONE NO. \_\_\_\_\_

REPRESENTING \_\_\_\_\_

\_\_\_\_\_

Brief Description of Reason to Appear Before the Board \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Date: \_\_\_\_\_

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:**  
2011

<b>POLICY TITLE: Miscellaneous</b>	<b>POLICY NO. 205</b>
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<b>POLICY TITLE: Compensation for Expenses</b>	<b>POLICY NO. 205.1</b>
	<b>PAGE 1 of 1</b>

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

<b>POLICY TITLE: Membership in State and National School Boards Associations</b>	<b>POLICY NO. 205.2</b>
	<b>PAGE 1 of 1</b>

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 Boards Association.

Weiser School District 431 shall pay membership dues and all duly authorized expenditures for participation of Board members in the Idaho School Boards Association.

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

**ADOPTED:**  
6-13-1977

**AMENDED:**  
1994, 2014