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## SCHOOL BOARD

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It is the policy of the board of trustees to recognize 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 his or her staff in the exercise of administrative authority. The functions of the board can be described as policy making, appraisal, and evaluation.

The board of trustees will have the further duty of providing the financial means by which the educational program is conducted. The board will also ensure that the community is informed of the needs, purposes, values, and status of the schools.



**LEGAL REFERENCE:**

Idaho Code Section 33-506

**ADOPTED: 11/27/2007**

**AMENDED:**

The legal name of the school district will be School District No. 72, Boise County, State of Idaho. The administrative offices of the school district are located at 100 Centerville Road, Idaho City, Idaho, 83631.



**LEGAL REFERENCE:**

Idaho Code Section 33-305

**ADOPTED: 11/27/2007**

**AMENDED:**

The board is authorized by law to adopt policy for its governance. In matters involving policy, the board will look to the superintendent and his or her administration for advice and guidance regarding how the policies being discussed would affect the schools in the district.

The adopting of new policies and the revision and amending of existing policies is the duty and responsibility of the board of trustees. All adopted policies must conform to local, state, and federal laws and regulations.

Proposals for new policies or changes to existing policies may be initiated in writing by any board member or any administrative employee of the board. Such proposals will be referred to the superintendent for review prior to board action on the proposal.

Policies and policy revisions will be reviewed by the board, but will not be adopted until a subsequent meeting. However, temporary approval may be granted by the board to meet emergency conditions or special events which may occur before formal action can be taken by the board. The board, at its discretion, may receive public input prior to adopting policy.

The superintendent and his or her staff will draft the policy for the board, and will make changes as designated by the board, prior to final adoption.

Policies adopted or amended will be made a part of the minutes of the meeting in which the action occurred and will also be included in the district's policy manual.

The board will be informed by the superintendent or his or her designee when policies are determined to be needed.



**LEGAL REFERENCE:**

Idaho Code Section 33-506

**ADOPTED: 11/27/2007**

**AMENDED:**

## **PHILOSOPHY**

Public charter schools provide opportunities for teachers, parents, students, and community members to establish and maintain public schools that operate independently from the existing district structure but within the existing public school system in Idaho. Public charter schools also provide a method to accomplish any of the following:

1. Improved student learning;
2. Increased learning opportunities for all students, with special emphasis on expanded learning experiences for students;
3. The use of different and innovative teaching methods;
4. Utilize virtual distance learning and on-line learning;
5. New professional opportunities for teachers, including the opportunity to be responsible for the learning program at the school site;
6. Expanded choices regarding the types of educational opportunities that are available within the public school system.
7. Meeting measurable student educational standards.

## **DEFINITIONS**

**Attendance area:** The geographical area designated in the petition from which the proposed new public charter school or converted public charter school will accept students. The charter petition shall describe the attendance area which shall be composed of a compact and contiguous area. For purposes of the petition, if services are available to students throughout the state, the state of Idaho is considered a compact and contiguous area.

**Authorized chartering entity:** The local board of trustees of a school district in this state, or the public charter school commission.

**Charter:** The grant of authority to the board of directors of the public charter school is approved by the authorized chartering entity and is the operating plan of a public charter school. An approved petition becomes the charter of a public charter school and has the force and effect of a legal agreement between the nonprofit corporation and this district granting authority to the board of directors of the public charter school.

**Converted public charter school:** An existing school building in this district that is approved to become a public charter school.

**Educational classification region:** The regions designated by the State Board of Education for the purpose of determining the geographic distribution of public charter schools within the state of Idaho.

**Founder:** A person, including employees or staff of a public charter school, who makes a material contribution toward the establishment of a public charter school in accordance with criteria determined by the board of directors of the public charter school, and who is designated as such at the time the board of directors acknowledges and accepts such contribution. The criteria for determining when a person is a founder shall not discriminate against any person on any basis prohibited by the federal or state constitutions, or any federal, state, or local law. The designation of a person as a founder, and the admission preferences available to the children of a founder, shall not constitute pecuniary benefits.

**New public charter school:** A public charter school at a location other than an existing school within the district.

**Nonprofit corporation:** The operating entity of a public charter school, comprised of a board of directors, incorporated under the Idaho Nonprofit Corporation Act.

**Petition:** The documentation that must be submitted to the board of trustees of this district for approval of a proposed public charter school. Once the petition is approved, it is the charter of the school and has the force and effect of a legal agreement between the nonprofit corporation and this district.

**Public charter school:** A charter school that is authorized to deliver public education in Idaho.

**Student educational standards:** The extent to which all students of the public charter school demonstrate they have attained the skills and knowledge specified as goals in the public charter school's educational program.

**Traditional public school:** Any school existing or to be built that is operated and controlled by a school district in this state.

**Virtual school:** A school that delivers a full-time, sequential program of synchronous and/or asynchronous instruction primarily through use of technology via the Internet in a distributed environment. Schools classified as virtual must have an online component to their school with lessons and tools for student and data management.

## **NUMBER OF PUBLIC CHARTER SCHOOLS ALLOWED**

The creation of public charter schools is authorized as follows: (1) Public charter schools shall be part of the state's program of public education; and (2) The number of new public charter schools which may begin educational instruction in any one (1) school year shall be limited in number in accordance with the following:

- (a) Not more than six (6) new public charter schools may begin educational instruction in any one (1) school year. The transfer of a charter for a school already authorized

pursuant to Idaho Code Section 33-5205A, to the charter school commission from the district where the charter school is physically located when the board of directors, board of trustees, and the commission so agree, is not included from the limit on the annual number of public charter schools approved to begin educational instruction in any given school year.

- (b) Not more than one (1) new public charter school may begin educational instruction that is physically located within any one (1) district in any one (1) school year. Public virtual charter schools approved by the public charter school commission are not excluded from the per-district limitation.
- (c) No whole school district may be converted to a charter district or any configuration which includes all schools as public charter schools.

A charter must be received by the initial authorized chartering entity no later than September 1 to be eligible to begin instruction the first complete school year following receipt of the petition.

In the event this district has approved a petition for a charter this school year, and subsequent petitions are received during the same year, the subsequent petitions will be considered for approval, but if approved, cannot begin instruction until the subsequent school year based on the provisions of this policy and Idaho Code Section 33-5203. Upon approval by the district of any petition, it is the responsibility of the petitioner to submit the petition and written notice that the petition has been approved to the state board of education. The state board of education will assign a number to each petition it receives. Petitions will be numbered based on the chronological order in which notice of the approved petition is received by the State Board of Education.

This district shall be responsible to assure that all public charter schools it approves operate at all times in compliance with the terms of the approved charter and the general education laws of Idaho, and operates in accordance with the state educational standards of thoroughness as defined in Idaho Code Section 33-1612, as well as other applicable requirements of Idaho Code and rules promulgated by the State Board of Education.

### **FUNDING FOR PUBLIC CHARTER SCHOOLS**

Public charter schools will receive funding based on Average Daily Attendance (ADA), salary-based apportionment, and other state and federal funding as calculated by the State Department of Education. A public charter school may qualify as an alternative school, provided all statutory and regulatory provisions are met. In addition, an approved public charter school may accept funds from private persons or organizations, and may make application for federal grant moneys.

The board of directors of a public charter school operating as a nonprofit corporation may borrow money to finance the purchase or lease of school building facilities, equipment, or furniture, and may use such facilities, equipment, and furniture as collateral for the loan, subject to the agreement between the board and the lender.

The public charter school is prohibited from charging tuition, levying taxes, or issuing bonds.



## **NONPROFIT CORPORATION**

A public charter school must be organized and managed under the Idaho Nonprofit Corporation Act. The board of trustees will not grant a charter to a for-profit entity nor allow a charter to be operated by a for-profit entity, but a public charter school may contract with a for-profit entity for the provision of goods or services that aid in the operation of the school.

The board of directors is required to cause to be made a full and complete audit of the financial statements of the public charter school as required in Section 67-540B, Idaho Code. The auditor for the public charter school must be employed on a written contract. The board of directors is required to file one (1) copy of the audit report with the State Department of Education, after acceptance by the board of directors, but not later than October 15. The board of directors must also file annually with the State Department of Education such financial and statistical reports as said state superintendent of public instruction may require. Copies of any such financial and statistical reports, including the audit, must be simultaneously filed with this district.

## **LEGAL RESPONSIBILITIES OF PUBLIC CHARTER SCHOOLS**

The board of directors will be deemed public agents authorized by this district or the State Board of Education to control the public charter school, but shall function independently of the board of trustees, except as provided in the charter.

Public charter schools approved by this district must be nonsectarian in their programs, affiliations, admission policies, employment practices, and all other operations. Public charter schools are prohibited from discriminating against any student on any basis prohibited by federal or state constitutions, or any federal, state, or local law.

The public charter school and the board of directors thereof are subject to the provisions of:

1. Idaho Code Sections 18-1351 to 18-1362, bribery and corrupt influence, except as provided in Section 33-5204A(2), Idaho Code;
2. Idaho Code Section 59-201, *et seq.*, prohibitions against contracts with officers;
3. Idaho Code Section 59-701, *et seq.*, ethics in government;
4. Idaho Code Section 67-2301, *et seq.*, open public meetings;
5. Idaho Code Section 9-301, *et seq.*, public records act; and
6. Idaho Code Section 6-901, *et seq.*, Idaho Tort Claims Act.

Public charter schools will be held accountable for meeting measurable student educational standards identified in the petition.

Each public charter school is exempt from State Board of Education rules governing school districts in Idaho, with the exception of state rules relating to waiver of teacher certification and accreditation.

Sales to or purchases by a public charter school are exempt from payment of sales and use taxes.

### **LIABILITY AND INSURANCE**

A public charter school may sue or be sued, purchase, receive, hold and convey real and personal property for school purposes, and borrow money for such purposes, to the same extent and on the same conditions as a public school district; further, a public charter school's employees, directors, and officers have the same immunities as employees, directors, and officers of public school districts.

This district will not be responsible or be liable for any acts, omissions, debts, or other obligations of a public charter school, except as may be provided in a charter approved by this district.

A public charter school must secure insurance for liability and property loss.

### **PETITION TO ESTABLISH A CHARTER SCHOOL**

An approved public school charter will be valid until revoked upon a determination that the charter school is not being operated in compliance with the approved charter, or the non-profit corporation is dissolved or otherwise terminates its existence. The charter may not be revoked until after the charter school is provided notice, an opportunity to cure any defect, and a due process hearing pursuant to Idaho Code Section 33-5209.

A public charter school may not be created by the conversion of any private or parochial school.

Public charter schools may be established as follows:

1. A new public charter school may be established at a location other than an existing school within the district. The petition must be signed by not less than thirty (30) qualified electors of the district. Proof of such elector qualification shall be provided with the petition.
2. A new public charter school may be established by converting an existing school within the district to charter status.
  - a. The petition must be signed by not less than sixty percent (60%) of the teachers currently employed by this district at the school proposed to be converted; and
  - b. The petition must be signed by one (1) or more parent or guardian of not less than sixty percent (60%) of the students currently attending the school proposed to be converted.
3. The petitioner must submit seven (7) copies of the petition to the superintendent or designee for the purpose of verifying that the required number of authorized signatures is present. If the petition lacks the required number of authorized signatures, the petition may be returned to the petitioner. If the signature review process is not completed after fourteen (14) days, or if the petition has met the signature requirements, the

superintendent or designee will automatically forward the petition to the board of trustees. Within fourteen (14) days of receiving the petition, the superintendent or designee will notify the petitioner in writing of the following:

- a. Whether the signature review process was completed, and if so, whether the petition contained the required number of authorized signatures.
  - b. The date the petition was forwarded to the board of trustees or returned to the petitioner.
4. The board of trustees will review all petitions forwarded by the superintendent or designee as follows:
- a. Not later than thirty (30) days after receiving a petition, the board of trustees will hold a public hearing for the purpose of discussing the provisions of the charter.
  - b. The board of trustees will review the petition, and take into account the merits of the petition and the level of employee and parental support for the petition.
  - c. Following a review of the petition and a public hearing, which shall include an opportunity for public participation and oral presentation by the public, the board of trustees will either grant or deny the charter within sixty (60) days of receipt of the petition. The deadline for granting or denying the charter may be extended by an additional sixty (60) days if the petition fails to contain all the required information, or if the petitioner and the district agree to the extension. *The board of trustees will notify the petitioner in writing of its decision to grant or deny a petition, and its reasons for denying a petition, if necessary.*

## ADMISSION REQUIREMENTS

A public charter school must adopt and maintain a policy regarding admission practices whereby students are selected by a random or lottery method. If capacity is limited, the policy may include preferences, as follows: 1) to children of founders, provided that this admission preference shall be limited to not more than ten percent (10%) of the capacity of the public charter school; 2) to siblings of students already enrolled in the charter school; and 3) an equitable selection process such as by lottery or other random method. If stated in the petition, the public charter school may include the children of full-time employees of the public charter school within the first priority group subject to the ten (10) percent limitation. Absent such specific stated inclusion, such students shall be included in the third priority group.

If capacity is insufficient to enroll all students for subsequent school terms, who submit a timely application, preference must be given in the following order: 1) to students returning to the charter school in the second or any subsequent year of the school's operation; 2) to children of founders, provided that this admission preference shall be limited to not more than ten percent (10%) of the capacity of the public charter school; 3) to siblings of students already enrolled in the charter school; and 4) an equitable selection process such as by lottery or other random method. The charter may expressly state that the second priority group shall include, subject to

the stated limitation of ten (10) percent, the children of full-time employees of the public charter school and children who previously attended the public charter school within the previous three (3) years, but who withdrew as a result of the relocation of a parent or guardian due to an academic sabbatical, employer or military transfer or reassignment. Without such express statement, such children shall be included in the fourth priority group.

### **EMPLOYMENT REQUIREMENTS**

The following provisions apply to any charter school approved by the board of trustees:

1. No employee of this district will be involuntarily assigned to work in a charter school.
2. All certificated teachers in a charter school approved by this district will be considered public school teachers, but will not be considered employees of this district.
3. All charter school teachers and administrators shall be employed on a written contract approved by the state superintendent of public instruction, conditioned upon such professional personnel holding a valid certificate at the time of entering upon the duties there under.
4. Educational experience of certificated teachers will accrue for service in a charter school. The experience in a charter school will be counted by this district if the certificated teacher returns to a traditional public school in this district.
5. A certificated teacher who was employed by the district just prior to working at the charter school may be allowed to return to the district's employment if positions for which the teacher is certificated are available. However, the district will not create a new position, nor enact its Reduction-In-Force policy solely for the purpose of employing a certificated teacher who desires to return to district employment.

### **PETITION AMENDMENT**

Anytime it comes to the attention of this district or the charter school that the approved petition should be amended to address particular needs of the charter school or the district, or to come into compliance with federal or state laws, the district or charter school will ask for a meeting to discuss the proposed changes. If this district and the charter school cannot agree on amendments to the petition, and the amendments impact the mandates of federal or state law, this district may begin the process to revoke the charter school status, as set forth in the Revocation of Charter School Status section of this policy.

### **NOTICE TO STATE BOARD OF EDUCATION**

Upon approval of the charter school petition by this board of trustees, or upon amendments to the charter school petition being approved, the petitioner must provide written notice of the approval, including a copy of the petition, to the State Board of Education.

**APPEAL TO THE STATE SUPERINTENDENT OF PUBLIC INSTRUCTION**

An appeal may be made to the superintendent of public instruction under the following circumstances:

1. Thirty (30) or more persons or employees of this district object to this district's granting of a petition to convert an existing school to a charter school; or
2. This district denies a petition for the establishment of a new charter school for any reason, including, but not limited to, the following:
  - a. Failure by the petition to follow procedures; or
  - b. Failure to provide the required information set forth in this policy.

Upon receipt of an appeal, the state superintendent of public instruction will select a hearing officer to review the action of this board of trustees. The hearing officer must, within thirty (30) days of the request, review the charter petition and convene a public hearing regarding the charter request. The hearing officer must submit a written recommendation within ten (10) days of the public hearing to this board of trustees and to the persons requesting the review.

Within thirty (30) days of receiving the hearing officer's written recommendation, this board of trustees will hold a public hearing. Within ten (10) days of the public hearing this board of trustees will either affirm or reverse its initial decision. The decision of this board of trustees will be in writing and contain findings explaining the reason(s) for its decision. This board of trustees may take the following actions:

1. Affirm its initial decision to authorize the conversion of an existing school to a charter school; in this event, the charter is granted and there is no further appeal process.
2. Affirm its initial decision to deny the formation of a new charter school; in this event, the decision may be appealed to the State Board of Education.
3. Reverse its initial decision and deny the conversion of an existing school to a charter school; in this event, the decision is final and there is no further appeal process.
4. Reverse its initial decision and approve the formation of a new charter school; in this event, the charter will be granted and there is no further appeal process.

**APPEAL TO THE STATE BOARD OF EDUCATION**

In the event this board of trustees affirms its initial decision denying the formation of a new charter school or revokes or non-renews an existing charter, or does not approve a revision of the charter, the petitioner may appeal this board of trustees' decision to the State Board of Education. On appeal to the State Board of Education, the following procedure will be used:

1. The State Board of Education will hold a public hearing at its next regular board meeting.

2. The State Board of Education will approve the petition for the establishment of a new charter under either of these circumstances:
  - a. The State Board of Education determines that this district failed to appropriately consider the charter request; or
  - b. The State Board of Education determines that this board of trustees acted in an arbitrary manner in denying the request.
3. The decision of the State Board of Education may be appealed in accord with the Idaho Administrative Procedures Act (see “Motion to Reconsider and Judicial Review”). Either the petitioner or the district may appeal the State Board of Education’s decision to grant or deny a charter.

A charter school approved by the State Board of Education will qualify for all funding available to other charter schools. The State Board of Education will assume the role of the chartering entity. Employees of a charter school authorized by the State Board of Education will not be considered employees of this school district.

**MOTION TO RECONSIDER AND JUDICIAL REVIEW**

The petitioner or the district may file a motion with the State Board of Education for reconsideration of the State Board of Education’s decision to grant or deny a charter. A motion for reconsideration must be filed within fourteen (14) days after the State Board of Education has issued its decision to grant or deny the charter. If the State Board of Education has not issued a decision within twenty-one (21) days of when the motion for reconsideration was filed, the motion is automatically denied.

A motion for judicial review must be filed in district court within twenty-eight (28) days of the issuance of the State Board of Education’s decision to grant or deny a charter.

**REVOCAION OF CHARTER SCHOOL STATUS**

This district is responsible for ensuring that each charter school it approves meets the terms of the charter, and operates in accordance with the state educational standards of thoroughness. Complaints against the charter school by parents, patrons, and students will be investigated by the district, as appropriate. A charter approved by this district may be revoked if it is determined by this district that any of the following has occurred:

1. The charter school committed a material violation of any condition, standard or procedure set forth in the approved charter.
2. The charter school failed to substantially meet any of the student educational standards identified in the approved charter.
3. The charter school failed to meet generally accepted accounting standards of fiscal management.

- 4. The charter school failed to submit required reports to this district.
- 5. The charter school has violated any provision of law.

Generally, the board of trustees will not determine whether a charter should be revoked prior to notifying the charter school of the defect(s), giving the charter school an opportunity to cure the defect(s), and following a public hearing on the matter. The public hearing shall be conducted by the board of trustees, or designated hearing officer, in accordance with Idaho Code Section 67-5242 on contested cases. Reasonable notice and opportunity to reply shall include, at a minimum, written notice setting forth the basis for considering revocation, a period of not less than thirty (30) days of the receipt of the written reply. The board of trustees will issue a written decision within thirty (30) days of the public hearing regarding whether the charter will be revoked, and the decision will set forth the reasons for the revocation.

However, if the district reasonably determines that the continued operation of the public charter school presents an imminent public safety issue, the board of trustees can immediately revoke the charter.

A decision by this district to revoke a charter may be appealed to the State Board of Education. The procedure set forth under the section “Appeal to the State Board of Education” will be used.



**LEGAL REFERENCE:**

Idaho Code Sections

- 30-3-1, *et seq.*
- 33-203
- 33-310
- 33-509
- 33-512(6)
- 33-1401, *et seq.*
- 33-1612
- 33-5101, *et seq.*
- 33-5201, *et seq.*
- 59-1302(15)
- 63-3622(o)
- 67-5201, *et seq.*

Idaho Special Education Manual, 2007

**ADOPTED: 4/21/09**

**AMENDED:**

The board of trustees of this district may grant a charter for the operation of a charter school if it determines that the petition contains the following:

1. The number of verified electors' signatures required.
2. Information regarding the proposed operation and potential effects of the school, including, but not limited to, the following:
  - a. The facilities to be used by the school.
  - b. The manner in which administrative services of the school are to be provided.
  - c. The potential civil liability effects upon the school and upon the district.
3. Verification that the person or entity making application for a charter school has been properly incorporated under the Idaho Nonprofit Corporation Act pursuant to Idaho Code Section 30-3-1, *et seq.*
4. A copy of the non-profit corporation's articles of incorporation.
5. A plan for termination of the charter by the board of directors, to include:
  - a. Identification of who is responsible for dissolution of the charter school;
  - b. A description of how payment to creditors will be handled;
  - c. A procedure for transferring all student records, with notice to parents of how to request a transfer of student records to a specific school; and
  - d. A plan for the disposal of the public charter school's assets, including a statement specifying that the district will be the primary recipient of any and all assets remaining after the non-profit corporation is dissolved.
6. Verification that the treasurer of the board of directors for the non-profit corporation submitting the petition has been bonded as required by Idaho Code Section 33-509.
7. A description of the attendance area from which a new charter school or a converted charter school will accept students.
8. A statement acknowledging that the charter school will give enrollment preference to students who reside within the charter school's attendance area.
9. When applicable, information relating to the site of a converted charter school, including the following:



- a. A five-year (5-year) maintenance schedule for upkeep and repairs to the buildings and grounds.
  - b. A statement acknowledging that an annual buildings and grounds report will be submitted to the board of trustees in writing no later than June 30 of each year. The report will detail what repairs and upkeep to the buildings and grounds have taken place, and what repairs and upkeep are anticipated to take place the following year.
  - c. A statement acknowledging that the structure of the charter school site will not be altered without the written approval from the board of trustees.
  - d. A statement acknowledging that district personnel have the right to inspect the charter school buildings and grounds with or without notice.
  - e. A statement acknowledging that the converted charter school will be returned to the district in as good a condition as when it was received from the district to be converted to a charter school; this includes situations where the charter has expired or has been revoked or voluntarily relinquished.
10. A statement acknowledging that, with regard to a converted charter school, the non-profit corporation will provide the district with a damage deposit in the form of a percentage of the insurable replacement value, as determined by the board of trustees.
  11. A statement acknowledging that the charter school's fiscal year will end June 30 of each year.
  12. A statement acknowledging that the charter school will comply with all requirements of the Idaho open meeting (Idaho Code § 67-2300, *et seq.*) and public records (Idaho Code § 9-300, *et seq.*).
  13. The following statements:
    - a. The petition, if approved, becomes the charter which constitutes the mutual agreement of the district and the non-profit corporation in whole. No alteration or variation of the terms of the charter and no oral understandings or agreements not incorporated herein, unless made in writing between the parties, will be binding.
    - b. The failure of the district or of the non-profit corporation to insist upon strict performance of any of the terms or conditions of the charter will not be construed to be a waiver or relinquishment of any such right or responsibility, unless such waiver is agreed to in writing by both parties.
    - c. The non-profit corporation will not, without the written consent of the district, assign the charter in whole or in part. The non-profit corporation may contract for related services as necessary.

- d. The non-profit corporation will not discriminate on the basis of race, color, creed, national origin, religion, age, disability, or sex in its educational programs or employment practices.
14. Statement acknowledging that fees, if any, will be charged only for voluntary extracurricular activities and/or for items or services that exceed program and/or class requirements.
15. Descriptions of all of the following:
- a. The educational program of the charter school, designed, among other things, to identify what it means to be an “educated person” in the twenty-first century and how learning best occurs.
  - b. The goals of the charter school’s educational program, which must include how all educational thoroughness standards will be fulfilled. The thoroughness standards include the following:
    - i. Providing a safe environment conducive to learning.
    - ii. Empowering educators to maintain classroom discipline.
    - iii. Emphasizing the basic values of honesty, self-discipline, unselfishness, respect for authority, and the central importance of work.
    - iv. Teaching the skills necessary to communicate effectively.
    - v. Providing a basic curriculum necessary to enable students to enter academic or vocational post-secondary educational programs.
    - vi. Teaching the skills necessary for students to enter the work force.
    - vii. Introducing students to current technology.
    - viii. Emphasizing the importance of students acquiring the skills to enable them to be responsible citizens of their homes, schools, and communities.

In addition, this district requires a petition to include a mission statement and a statement of purpose to assist the board of trustees in determining how the charter school will fit into the district’s philosophy for strengthening public school education in this district.

- c. The measurable student educational standards identified for use by the charter school.

In addition, this district requires a petition to include an assessment of how the charter school's student performance standards will meet or exceed this district's exiting standards required of all students in the traditional public school system.

- d. The method by which student progress in meeting student educational standards is to be measured.
- e. An annual report to the board of trustees provided not later than June 30 of each year, that sets forth student progress based on the charter school's student educational standards.
- f. A provision by which students of the charter school will be tested with the same standardized tests as other Idaho public school students.

In addition, a petition must address how the statewide mandated testing program of this district will be coordinated, as well as any additional testing program used by this district.

- g. A provision which ensures that the charter school shall be state accredited as provided by State Board of Education rules.
- h. The governance structure of the charter school including, but not limited to:
  - i. The person or entity who will be legally accountable for the operation of the school.
  - ii. The process to be followed by the charter school to ensure parental involvement.
  - iii. The following governance and operational support provisions:
    - (a) School-wide governance, including the school calendar and how the charter school will operate on a day-to-day basis.
    - (b) Fiscal affairs, including a proposed budget for the first year of operation.
    - (c) Food services.
    - (d) Ancillary personnel support, including clerical and custodial.
    - (e) The method by which public relations will be handled.
- i. The qualifications to be met by individuals employed by the charter school. All instructional staff must be certificated teachers, or may apply for a waiver or any of the limited certification options provided by state board of education rules.

In addition, this district requires that a petition address the following personnel matters:

- i. Qualifications of non-certificated staff.
  - ii. Method by which staff criminal background checks will occur.
  - iii. Hiring practices for both certificated and non-certificated employees.
  - iv. Supervision, evaluation, probation, and dismissal for both certificated and non-certificated employees.
  - v. State and federal mandates prohibiting discrimination.
  - vi. Confidentiality of and access to personnel records.
  - vii. Grievance procedures.
  - viii. Use of state-approved contracts for certificated employees.
- j. The procedures that the charter school will follow to ensure the health and safety of students and staff as required by federal and state laws.
- k. Admission procedures, including a provision for over enrollment which specifies that admission will be determined by lottery or other random method. The petition will describe the random method to be used and set forth procedures for its use.

In addition, this district requires that a petition address enrollment caps for grade levels and programs, as well as admission of students under the following statutory provisions; taking into account this district's established policies:

- i. Open enrollment pursuant to Idaho Code Section 33-1401, et seq.
  - ii. Dual enrollment pursuant to Idaho Code Section 33-203.
  - iii. Postsecondary enrollment options pursuant to Idaho Code Section 33-5101, et seq.
- l. The manner in which an annual audit of the financial and programmatic operations of the charter school is to be *conducted*, including the following:
- i. A provision requiring the charter school to annually submit a *written* report to the board of trustees setting forth the results of the audit.
  - ii. The deadline for submitting the report to the board of trustees, to be not later than June 30.

- iii. The method by which any deficiencies found by the annual audit will be addressed.
- iv. A statement acknowledging that the financial portion of the audit will be conducted by an independent source.
- v. A report on student progress based on the charter school's student educational standards.
- vi. A copy of the charter school's *annual* accreditation report.
- m. The procedures by which students can be suspended, expelled, and re-enrolled, including a plan for denying school attendance to any student: (1) who is habitually truant; (2) who is incorrigible; (3) whose conduct, in the judgment of the board of directors is continuously disruptive of school discipline, or the instructional effectiveness of the school; (4) whose presence is detrimental to the health and safety of other pupils; or (5) who was expelled from another district in this state or another state.

In addition, this district requires that a petition address the following student discipline issues:

- i. Procedures for disciplining students with disabilities.
- ii. Procedure by which the students and parents/guardians will be notified annually of the disciplinary rules, which must be set forth in an age-appropriate manner, as required by Idaho Code Section 33-512(6).
- iii. Procedures for suspension, expulsion, and denial of enrollment for disciplinary reasons.
- iv. Procedures required by Idaho Code Section 33-210, relative to students using or under the influence of alcohol or controlled substances.
- n. A provision which ensures all staff members of the charter school will be covered by the public employee retirement system, federal social security, unemployment insurance, health insurance, and worker's compensation insurance.
- o. The public school attendance alternative for students residing within the district who choose not to attend the charter school; this provision applies to the conversion of a traditional public school to a public charter school.

In addition, this district requires that a petition address the following student placement issues:

- i. Transportation for students.

- ii. Transfer procedure for students attending the charter school who wish to enroll in traditional public schools in this district.
- iii. Transfer procedure for students attending traditional public schools in this district who wish to enroll in the charter school.
- p. The transfer rights of any employee choosing to work in a charter school and the rights of such employees to return to any non-charter school in this district after employment at a charter school as approved by the board (see “Employment Requirements”).
- q. A provision which ensures that the staff of the charter school will be considered a separate unit for purposes of collective bargaining.

In addition, this district requires that a petition address the method by which the local education organization will be selected.

- r. The procedures to be followed by the charter school and this district to resolve disputes relating to provisions of the charter.

In addition, this district requires that a petition address the procedure for amending a charter, including this district’s right to review the charter any time the board of trustees determines that such a review is necessary.

- s. The manner by which eligible students from the charter school will be allowed to participate in dual enrollment in non-charter public schools within the district.
- t. Proof of liability and property loss insurance for either a newly established or converted charter school, as well as a provision for notifying the board of trustees if such insurance is canceled, or is at risk of being canceled, for any reason. The liability and property loss insurance must list this school district as an additional insured.
- u. Procedure for handling student records, including, but not limited to, special education records and disciplinary records, that addresses the following:
  - i. Confidentiality of student records.
  - ii. Access to student records.
  - iii. Requesting records for students transferring to the charter school.
  - iv. Responding to a request for a transfer of student records for a student transferring out of the charter school.

- v. Transfer of student and personnel records upon expiration, revocation or voluntary relinquishment of the charter, including the following:
    - i. Procedure for transferring all student records to the traditional public school serving the attendance area of the charter school within three (3) workdays after a charter has expired or has been revoked or voluntarily relinquished.
    - ii. Procedure for transferring personnel records of all charter school personnel who were employed by the district on either an annual or a renewable contract immediately prior to employment at the charter school. The procedure must describe how such records will be provided to the district administration office within three (3) workdays after a charter has expired or has been revoked or voluntarily relinquished.
16. A description of adequate plans, policies, procedures, contractual or other arrangements, and budget to ensure that students with disabilities attending the charter school will receive special education and related services that meet all the requirements of the IDEA.

In addition, the petition shall describe how the charter school or district will:

- a. Conduct Child Find activities and evaluations;
  - i. Develop, review, and revise IEPs;
  - ii. Provide special education and related services identified on student IEPs using qualified personnel;
  - iii. Meet Least Restrictive Environment requirements;
  - iv. Implement IDEA discipline procedures; and
  - vi. Protect student and parent rights.
- b. Provisions to employ special education and related services professionals who are appropriately licensed and/or certificated for the duties they are assigned. This could include any combination of the following:
  - i. Full- or part-time professionals employee by the charter school to serve special education students;
  - ii. Contracts with private individuals or agencies; or
  - iii. A contract or other arrangement to have the district provide special education services.

- c. A professional development plan for training needs of special education personnel as well as general education teachers in order to meet the needs of students with disabilities who are enrolled in the charter school.
  - d. A plan that ensures access to charter school programs, as required under the ADA. This plan may include the actual location of the school, classrooms, and settings within the classrooms to permit access by students with disabilities.
  - e. A transportation plan for special education students who may, because of the nature of their disabilities, be entitled to specialized transportation as a related service, even if the charter school does not provide transportation to other students.
  - f. Provisions for notifying the district in the event that a formal complaint or due process hearing request is filed by or on behalf of a charter school student.
  - g. A provision of whether funding or services of comparable value will be provided to the charter school by the district.
  - h. In addition, this district requires that a petition address the following:
    - i. Gifted and talented services; and
    - ii. Services for students with disabilities pursuant to Section 504 of the 1973 Rehabilitation Act (Section 504) and the Americans with Disabilities Act (ADA).
17. For charter schools in the initial year of operation, the petition shall include a proposal for transportation services with an estimated first year cost.



**LEGAL REFERENCE:**

Idaho Code Sections  
33-506  
33-5205

**ADOPTED: 11/27/2007**

**AMENDED:**



The school district will be governed by a five (5) member board. The members are elected for three-year (3-year) terms. Each member must be a qualified voter in the school district and a resident of the zone he or she represents.



**LEGAL REFERENCE:**

Idaho Code Section 33-501

**ADOPTED: 11/27/2007**

**AMENDED:**

This board 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 school employee.



**LEGAL REFERENCE:**

Idaho Code Section 33-506

**ADOPTED: 11/27/2007**

**AMENDED:**

The board as a whole has the power to adopt policies. Policies established by the board will be carried out by the superintendent of schools or others as may be determined by the board.

The board will establish the educational policies for the district and will determine the personnel policies of the school system. The board will employ professional school administrators to manage the school system and employ necessary personnel.

The board will have the responsibility of dispersing and accounting for funds to support the school system, including the physical plant and necessary equipment. The board will be responsible for having the books audited annually.



**LEGAL REFERENCE:**

Idaho Code Sections

33-506

33-513

33-701

33-801

**ADOPTED: 1/27/2007**

**AMENDED:**

Each member of the board shall attend all meetings, both regular and special. The powers and duties of the board include, but are not limited to, the following:

1. Make by-laws, rules, and regulations for its government, and that of the district, consistent with the laws of the State of Idaho and the rules of the State Board of Education.
2. Call special meetings or elections for such purpose as may be necessary for the proper conduct and management of the schools within the district.
3. Employ attorneys when deemed in the best interest of the district, or for the purpose of defending the district against any suit or for bringing action deemed necessary to be commenced by the board. Where it is not feasible for the board to meet and appoint an attorney to advise on a matter, the superintendent shall be authorized to contact an attorney of his or her choice for legal advice.
4. Maintain at least one (1) elementary school and one (1) secondary school.
5. Employ necessary help and labor to maintain and operate the schools of the district.
6. Discontinue any school within the district whenever such discontinuance is found to be in the best interest of the district and of the students.
7. Set the days of the year and the hours of day when schools shall be in session. The amount of hours will conform with state law and regulation.
8. Adopt and carry on, and provide for the financing of, a total educational program for this district.
9. Provide, or require students to be provided with, suitable textbooks and supplies.
10. Protect the morals and health of the students.
11. Exclude from school children not of school age.
12. Prescribe rules for the disciplining of unruly and insubordinate students.
13. Exclude from school students with contagious or infectious diseases, or who are diagnosed or are suspected of having a contagious or infectious disease, or those who are not immune and have been exposed to a contagious disease; and close school on order of the State Board of Health or local health authorities.

14. Equip and maintain a suitable library in the schools and to exclude from the libraries all books, tracts, papers, and catechisms of sectarian natures.
15. Determine school holidays.
16. Erect and maintain at each school a suitable flagstaff or flagpole and display a flag of the United States of America on all days when school is in session, except during inclement weather.
17. On each Veteran’s Day that school is in session, conduct and observe an appropriate program of at least one class period remembering and honoring American veterans.
18. Prohibit entrance to each schoolhouse or school grounds; prohibit loitering in schoolhouses or on school grounds; and provide the removal from such schoolhouses or school grounds of any individuals who disrupt the educational processes or whose presence is detrimental to the morals, health, safety, academic learning, or discipline of the students.
19. Supervise and regulate those extracurricular activities which are outside the regular academic courses or curriculum of the public schools.
20. Govern the district in compliance with state laws and rules of the State Board of Education.
21. Submit to the superintendent of public instruction by July 1 of each year, documentation which meets the reporting requirements of the Federal Gun Free Schools Act of 1994, as contained within the Federal Improving America’s Schools Act of 1994.



**LEGAL REFERENCE:**

Idaho Code Sections  
33-506  
33-511  
33-512

**ADOPTED: 11/27/2007**

**AMENDED:**

District Planning

Each year, the Board of Trustees shall create a collaborative continuous improvement plan designed to improve student achievement in the District, assess and prioritize needs, and measure outcomes.

The Board shall work with the Superintendent to engage students, parents, teachers, administrators, and community members as appropriate in the strategic planning process.

The annual continuous improvement plan shall:

1. Be data driven, specifically in student outcomes, and shall include but not be limited to analysis of demographic data, student achievement and growth data, graduation rates, and college and career readiness;
2. Set clear and measurable targets based on student outcomes;
3. Include a clearly developed and articulated vision and mission; ~~and~~
4. Include key indicators for monitoring performance; and
5. Include a report of progress toward the previous year’s improvement goals.

The Board may engage in planning training to assist in the process and the development of the plan. Qualified planning training may be reimbursable by the State through the process outlined in Idaho State Board of Education rule.

The Board shall continuously monitor progress towards the targets for student outcomes included in the plan by using relevant data to measure growth. Such progress shall be included in the Board’s annual evaluation of the Superintendent.

The District plan shall be made available to the public by being posted on the District’s website. The plan must be reviewed, updated annually, and posted no later than October 1 each year.

Cross Reference:	1645	Board Development Opportunities
	4130	Public Access to District Website

Legal Reference: I.C. § 33-320 Continuous Improvement Plans and Training  
IDAPA 08.02.01.801 Planning and Training

Policy History:

Adopted on: 1/19/2016

Revised on:

Each board will organize itself at its annual meeting in July and elect a chairman, a vice-chairman, a clerk, and a treasurer. The clerk and the treasurer may be members of the board or, at the discretion of the board, either or both may be selected among competent and responsible persons outside the membership of the board. The board, at its discretion, may allow compensation for the clerk and for the treasurer if other than the county treasurer.

### **DUTIES OF BOARD CHAIRMAN**

The chairman of the board will serve as president of the board and is authorized to vote on all issues before the board. The chairman's duties and rights will include:

1. Presiding at all meetings of the board and enforcing the usual parliamentary rules;
2. Offering resolutions and discussing questions;
3. Calling special meetings of the board whenever there is sufficient business to conduct, or upon written request of other members of the board;
4. Advising the Superintendent on the preparation of the agenda for meetings;
5. Exercising such other powers as may be delegated to him/her by the board;
6. Appointing an assistant clerk in the absence of the clerk;
7. Affixing his/her signature to such documents as the annual financial statement, master agreements, board transcript, and all other instruments as deemed necessary by the board for accurate and official board records.
8. Advising the Superintendent so that all regular and special meetings of the board comply with the Idaho Open Meeting Law.

### **DUTIES OF BOARD VICE-CHAIRMAN**

In the absence of the chairman, the vice-chairman will perform the duties and obligations of the chairman.

### **DUTIES OF TREASURER**

The treasurer will be placed under fidelity bond issued under a surety company authorized to do business with the State of Idaho, in such amount as the board may from time to time determine, or under personal bond equal to twice such determined amount, with at least two sureties who each will qualify as in the case of sureties on the bonds of county officials.



The treasurer will account for the deposit of all monies of the district in accordance with the provisions of the public depository laws, Chapter 1, Title 57, Idaho Code.

The treasurer elected by the board will have such duties as the board may prescribe. Such duties include:

1. Keeping a full and accurate record of the financial transactions of the School district; and
2. Depositing the monies of the School District in accordance with the provisions of the Public Depository Law revised statutes.

### **DUTIES OF AN ASSISTANT TREASURER**

The board may elect one or more assistant treasurers who will have such duties as the board may prescribe. Assistant treasurers will be subject to the control, supervision, and direction of the treasurer of the district. An assistant treasurer may perform the statutory duties prescribed by law for the treasurer to the extent authorized by the board.

### **DUTIES OF THE CLERK**

The clerk of the board will attend all meetings of the board, will keep the records of the proceedings, and will enter into the record all matters required by law, or by the board. The record will be open for inspection at all reasonable times.

When the clerk is unable to attend a meeting of the board, the board will appoint another person who will act as a temporary clerk and who will keep a record of the proceedings. That person will certify the record to the clerk, who will then enter the record.

When it is deemed prudent by the board, the clerk may be placed under a fidelity bond, in the manner specified in Section 33-509, Idaho Code, in an amount determined by the board.

Additional duties of the clerk prescribed by the board will include:

1. Keeping a full and accurate record of the proceedings of the board. Such minutes will be available to the public;
2. Being responsible to the board for all matters pertaining to the care of the board's records and documents;
3. Notifying all board members of meetings and ensuring that all special meetings are called in conformance with the Open Meeting Law;



**LEGAL REFERENCE:**

Idaho Code Sections

9-340, *et seq.*

33-506

33-508

33-509

33-509A

**ADOPTED: 11/27/2007**

**AMENDED:**

Basin 72 trustees will sign and abide by the code of ethics for school board trustees as cited below.

As a member of my local board of trustees, I will strive to improve student achievement in public education, and to that end I will:

1. Attend all regularly scheduled board meetings insofar as possible, having read my packet ensuring that I am informed about the issues to be considered at the meetings;
2. Recognize that the board must comply with Open Meeting Law and only has authority to make decisions at official board meetings;
3. Make all decisions based on the available facts and my independent judgment, and refuse to surrender that judgement to individuals or special interest groups;
4. Understand that the board makes decisions as a team. Individual board members may not commit the board to any action unless so authorized by official board action;
5. Recognize that decisions are made by a majority vote and the outcome should be supported by all board members;
6. Acknowledge that policy decisions are a primary function of the board and should be made after full discussion at publicly held board meetings, recognizing that authority to administer policy rests with the superintendent or administrator of the charter school;
7. Be open, fair and honest—no hidden agendas, and respect the right of the board members to have opinions and ideas which differ from mine;
8. Recognize that the superintendent or the administrator is the board's advisor and should be present at all meetings, except when the board is considering the superintendent's evaluation, contract or salary;
9. Understand the chain of command and refer problems or complaints to the proper administrative office while refraining from communications that may create conditions of bias should a concern ever rise to the attention of the board as a hearings panel;
10. Keep abreast of important developments in educational trends, research and practices by individual study and through participation in programs providing such information;
11. Respect the right of the public to be informed about district decisions and school operations;
12. Understand that I will receive information that is confidential and cannot be shared;
13. Give staff the respect and consideration due skilled, professional employees and support the employment of those best qualified to serve as district staff, while insisting on regular and impartial evaluation of all staff;
14. Present personal criticism of district operations to the superintendent or administrator, not to district staff or to a board meeting;
15. Refuse to use my board position for personal or family gain or prestige. I will announce any conflicts of interest before board action is taken,
16. Remember always that my first and greatest concern must be the educational welfare of the students attending the public schools; and
17. Always conduct myself in a professional manner refraining from conduct that disrespects my colleagues or deliberately hinders the progress of board business.

## Code of Ethics for School Board Members

As a member of my local board of trustees, I will strive to improve student achievement in public education, and to that end I will:

1. Attend all regularly scheduled board meetings insofar as possible, having read my packet ensuring that I am informed about the issues to be considered at the meetings;
2. Recognize that the board must comply with Open Meeting Law and only has authority to make decisions at official board meetings;
3. Make all decisions based on the available facts and my independent judgment, and refuse to surrender that judgement to individuals or special interest groups;
4. Understand that the board makes decisions as a team. Individual board members may not commit the board to any action unless so authorized by official board action;
5. Recognize that decisions are made by a majority vote and the outcome should be supported by all board members;
6. Acknowledge that policy decisions are a primary function of the board and should be made after full discussion at publicly held board meetings, recognizing that authority to administer policy rests with the superintendent or administrator of the charter school;
7. Be open, fair and honest - no hidden agendas, and respect the right of the board members to have opinions and ideas which differ from mine;
8. Recognize that the superintendent or the administrator is the board's advisor and should be present at all meetings, except when the board is considering the superintendent's evaluation, contract or salary;
9. Understand the chain of command and refer problems or complaints to the proper administrative office while refraining from communications that may create conditions of bias should a concern ever rise to the attention of the board as a hearings panel;
10. Keep abreast of important developments in educational trends, research and practices by individual study and through participation in programs providing such information;
11. Respect the right of the public to be informed about district decisions and school operations;
12. Understand that I will receive information that is confidential and cannot be shared;
13. Give staff the respect and consideration due skilled, professional employees and support the employment of those best qualified to serve as district staff, while insisting on regular and impartial evaluation of all staff;
14. Present personal criticism of district operations to the superintendent or administrator, not to district staff or to a board meeting;
15. Refuse to use my board position for personal or family gain or prestige. I will announce any conflicts of interest before board action is taken,
16. Remember always that my first and greatest concern must be the educational welfare of the students attending the public schools; and
17. Always conduct myself in a professional manner refraining from conduct that disrespects my colleagues or deliberately hinders the progress of board business.

Trustee Signature: \_\_\_\_\_

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



**SOURCE:** National School Boards Association

**ADOPTED:** 11/27/2007

**AMENDED:**

The board of trustees reserves the right to create or establish the rules and regulations for creation and appointment of membership to any committee. The board encourages patron participation and input. Advisory committees may be appointed by the board when appropriate and will function in those areas assigned to it by the board. A staff member or members will be assigned to each committee to help it carry out its functions. Only the board has the authority to dissolve advisory committees it has created.



**LEGAL REFERENCE:**

Idaho Code Section 33-506

**ADOPTED: 11/27/2007**

**AMENDED:**

Board Development Opportunities

The Basin School District Board of Trustees realizes that proper board training is important. Decisions about school policy, personnel, finance, curriculum, and communications can be overwhelming and may require training. Training board members to be effective leaders and decision makers is an educational investment that benefits the entire community. The Board believes that with proper training, it can create a positive and productive atmosphere for decision-making. There needs to be strong leadership among board members demonstrated by teamwork, effective communication, problem-solving skills, and positive relationships between the Board and the Superintendent.

The Board places a high priority on the importance of a planned and continuing program of inservice education for its members. The central purpose of the program is to enhance the quality and effectiveness of public school governance in our community. The Board shall plan specific inservice activities designed to assist members in their efforts to improve their skills as members of the policy-making body; to expand their knowledge about trends, issues, and new ideas affecting the continued welfare of our local schools; and to deepen their insights into the nature of leadership in a modern democratic society.

Funds may be budgeted annually to support the program. Qualified training in continuous improvement planning, finance, superintendent evaluation, ethics, and governance may be reimbursable by the State through the process outlined in Idaho State Board of Education rule. Individual board members shall be reimbursed for out-of-pocket expenses, as prescribed in Policy 1420 Trustee Expenses, incurred through participation in approved activities.

The Board, as a whole, shall retain the authority to approve or disapprove the participation of members in planned activities. The public shall be kept informed about the Board's continuing inservice education and about the programs anticipated for short and long-range benefits to our schools.

The Board regards the following as examples of activities and services appropriate for implementing this policy:

1. Participation in school board conferences, workshops, and conventions held by the state and national school boards associations;
2. District-sponsored training sessions for board members; and
3. Subscriptions to publications addressed to the concerns of board members.

In order to control both the investment of time and funds necessary to implement this policy, the Board establishes these principles and procedures for its guidelines:

1. A calendar of board conferences, conventions, and workshops shall be maintained. The Board will periodically decide which meetings appear to be most promising in terms of producing direct and indirect benefits to the District.
2. Funds for participation at such meetings will be budgeted on an annual basis. When funds are limited, the Board will designate which of its members would be the most appropriate to participate at a given meeting.
3. When a conference, convention, or workshop is not attended by the full Board, those who do participate will be requested to share information, recommendations, and materials acquired at the meeting.

Board members are encouraged to attend workshops presented by the state and national school boards associations.

Legal Reference: I.C. § 33-320 Continuous Improvement Plans and Training  
IDAPA 08.02.01.801 Planning and Training

Policy History:

Adopted on: 1/19/2016

Revised on:



Board members may listen to the problems brought to their attention by a patron of the district, and should encourage patrons and employees to review particular problems with the building principal or superintendent. A board member may bring any matter for review to the attention of any member of the administration and/or to the attention of the board sitting as a whole.



**LEGAL REFERENCE:**

Idaho Code Sections

33-506

33-511

33-512

**ADOPTED: 11/27/2007**

**AMENDED:**

The board of trustees will hold membership in the regional and Idaho State Trustee's Association, and membership dues may be authorized annually by the board's action. Affiliation with the National School Boards Association and attendant expenses may be authorized by the board.



**LEGAL REFERENCE:**

Idaho Code Section 33-506

**ADOPTED: 11/27/2007**

**AMENDED:**

Members of the board, not otherwise compensated from public monies, will be compensated for actual expenses incurred for travel to, from, and attending meetings of the board. Such compensation will be paid from district funds.

Expenses of any board member incurred while traveling on the business of the board, or attending a meeting called by the State Board of Education or the State Superintendent of Public Instruction, or attending any annual or special meeting of the State School Trustees Association, will be paid from the general fund of the district.

Whenever any member of the board resides at such distance from the meeting place of the board as to require, in the judgment of the board, such member to incur extraordinary expense in travel from his or her home to and from said meeting place, the board may approve payment to such member of the extraordinary expense incurred in attending any meeting of the board.



**LEGAL REFERENCE:**

Idaho Code Sections

33-506

33-701

**ADOPTED: 11/27/2007**

**AMENDED:**

**GENERAL PROHIBITION**

It is unlawful for any board member to have pecuniary interest directly or indirectly in any contract or other transaction pertaining to the maintenance or conduct of the district, or to accept any reward or compensation for services rendered as a board member except as otherwise provided by law.

The receiving, soliciting, or acceptance of district monies for deposit in any bank or trust company, or the lending of money by any bank or trust company to any district, will not be deemed to be a contract pertaining to the maintenance or conduct of the district. The board's payment of compensation to any bank or trust company for services rendered in the transaction of any banking business with the board will also not be deemed the payment of any reward or compensation to any officer or director of any such bank or trust company.

"Relative" is defined as a person related to the board member by blood or marriage within the second degree.

**EXCEPTIONS TO GENERAL PROHIBITION**

The board may accept and award district contracts to businesses in which a trustee, or his or her relative, has a direct or indirect interest if less than three (3) suppliers of a good or service exist within a fifteen (15) mile radius of where the good or service is to be provided and the contract is necessary to respond to a disaster.

If no disaster exists the following procedures must be followed:

1. The contract is competitively bid and the board member or his or her relative submits the low bid;
2. Neither the board member nor his or her relative takes part in the preparation of the contract or bid specifications, and the board member takes no part in voting on or approving the contract or bid specification;
3. The board member makes full disclosure, in writing, to all members of the board of his or her interest, or the interest of his or her relative, and sets forth his or her intention, or the intention of his or her relative, to bid on the contract; and
4. Neither the board member nor his or her relative has violated any provisions of Idaho law pertaining to competitive bidding or improper solicitation of business.

**CONTRACTS WITH A BOARD MEMBER’S SPOUSE**

It is unlawful for the board to enter into or execute any contract with the spouse of any member of the board, the terms of which said contract requires, or will require, the payment or delivery of any district funds, money, or property to such spouse, unless the contract meets the exception to the prohibition as set forth above.

**EMPLOYMENT OF OTHER RELATIVES OF BOARD MEMBERS**

The board will not employ any board member’s spouse. When any other relative of any board member, or relative of the spouse of a board member, related by blood or marriage within the second degree, is considered for employment by the district, such board member will abstain from voting in the election of such relative, and will be absent from the meeting while such employment is being considered and determined.



**LEGAL REFERENCE:**

- Idaho Code Sections
- 18-1361
- 18-1361A
- 33-506
- 33-507

**ADOPTED: 11/27/2007**

**AMENDED:**

The five (5) trustee zones for Basin School District 72 will be as follows:

**Trustee Zone No.1 (Idaho City Area)**

Beginning at the intersection of the centerline of Highway 21 and the west boundary line of Sec. 26, Twp. 6 N, R 5 EBM; thence north on the section line to the intersection with Airport Road; thence east on the centerline of Airport Road and continuing on Wall Street to its intersection with Montgomery Street; thence north two blocks on the centerline of Montgomery Street to its intersection with Centerville Road; thence in a northeasterly direction along the middle of the channel of Elk Creek to the junction of Elk Creek and Elk Creek Road; thence south to the centerline of Elk Creek Road to its intersection with Bear Run Road; thence east on the centerline of Bear Run Road to the east boundary line of Sec. 26, Twp. 6 N, R 5 EBM; thence south to Highway 21; thence westerly along the centerline of Highway 21 to its intersection with the west boundary line of Sec. 26, Twp. 6 N, R 5 EBM, the point of beginning.

**Trustee Zone No.2 (Duquette Pines Subdivision, Centerville and Placerville Area)**

Beginning at the intersection of Highway 21 and the east boundary line of Sec. 27, Twp. 6 N, R 5 EBM; thence west approximately 10 miles to the southwest corner of Sec. 30, Twp. 6 N, R 4 EBM; thence north 11 miles to the northwest corner of Sec. 6, Twp. 7 N, R 4 EBM; thence east 4 miles to the northwest corner of Sec. 2, Twp. 7 N, R 4 EBM; thence north 1 mile to the northwest corner of Sec. 35, Twp. 8 N, R 4 EBM; thence east 3 miles to the northwest corner of Sec. 32, Twp. 8 N, R 5 EBM; thence north 3 miles to the northwest corner of Sec. 17, Twp. 8 N, R 5 EBM; thence east 5 miles to the northwest corner of Sec. 18, Twp. 8 N, R 6 EBM; thence north 2 miles to the northwest corner of Sec. 6, Twp. 8 N, R 6 EBM; thence east approximately 14 miles along the township line between Twp. 8 N and 9 N, to the northeast corner of Sec. 5 Twp. 8 N, R 8 EBM; thence south 1 mile; thence east 1 mile; thence north 1 mile to the northwest corner of Sec. 3, Twp. 8 N, R 8 EBM; thence east 15  $\frac{1}{2}$  miles, more or less, to the North Fork of the Boise River, which is also the Boise/Elmore County line; thence in a southwesterly direction along the North Fork of the Boise River and Boise/Elmore County line to the south boundary line of Sec. 29, Twp. 6 N, R 8 EBM; thence west 15  $\frac{1}{2}$  miles to the point of beginning; then exclude Zone 1 boundary description.

**Trustee Zone No.3 (Clear Creek/Highway 21 Area)**

Beginning at the northwest corner of Sec. 31, Twp. 6 N, R 4 EBM; thence east 26 miles to the northeast boundary of Sec. 32, Twp. 6 N, R 8 EBM intersection with Boise River and Boise/Elmore County line; thence south approximately 6 miles along Boise River to southeast intersection of Sec. 28, Twp. 5 N, R 7 EBM; thence west 15  $\frac{1}{2}$  miles to Highway 21, Sec. 26, Twp. 5 N, R 4 EBM; thence south on Highway 21 to the south boundary of Sec. 10, Twp. 4 N,

R 4 EBM; thence west approximately  $\frac{1}{2}$  mile to the southwest corner of said Sec. 10, thence north 1 mile to the northwest corner of said Sec. 10; thence west 3 miles to the southwest corner of Sec. 6, Twp. 4 N, R 4 EBM; thence north 8 miles to the northwest corner of Sec. 31, Twp. 6 N, R 4 EBM, the point of beginning.

**Trustee Zone No.4 (Wilderness Ranch Area)**

Beginning at the northwest corner of Sec. 7, Twp. 4 N, R 4 EBM; thence east 3 miles to the northeast corner of Sec. 9, said township and range; thence south 1 mile to the northeast corner of Sec. 16, Twp. 4 N, R 4 EBM; thence east approximately  $\frac{1}{2}$  mile to the intersection with Highway 21; thence in a southwesterly direction along the centerline of Highway 21 to the south boundary line of Sec. 22, Twp. 4 N, R 4 EBM; thence west approximately  $2\frac{1}{4}$  miles to the southwest corner of Sec. 20, said township and range; thence north 1 mile to the southeast corner of Sec. 18, said township and range; thence west 1 mile to the southeast corner of Sec. 13, Twp. 4 N, R 3 EBM; thence north 2 miles to the northwest corner of Sec. 7, Twp. 4 N, R 4 EBM, the point of beginning.

**Trustee Zone No.5 (Robie Creek/Mores Creek Rim Area)**

Beginning at the northwest corner of Sec. 7 and Boise/Ada County lines; thence east approximately 5 miles to the northeast corner of Sec. 12, Twp. 4 N, R 3 EBM; thence south 2 miles to the southeast corner of Sec. 13, Twp. 4 N, R 3 EBM; thence east 1 mile to the northeast corner of Sec. 19, Twp. 4 N, R 4 EBM; thence south 1 mile to the southeast corner of said Sec. 19; thence east approximately  $2\frac{1}{4}$  miles to Highway 21; thence in a northeasterly direction along Highway 21 to the southeast section line of Sec. 26, Twp. 5 N, R 4 EBM; thence east approximately 16 miles to the intersection of Sec. 33, Twp. 5 N, R 7 EBM Boise River and Boise/Elmore County line; thence follow the Boise River and Boise/Elmore County line southwesterly to intersection Sec. 17, Twp. 3 N, R 5 EBM; thence north approximately  $2\frac{1}{4}$  miles to the northeast corner of Sec. 6, Twp. 3 N, R 5 EBM; thence west 4 miles to the northwest corner of Sec. 3, Twp. 3 N, R 4 EBM; thence 1 mile south to the northwest corner of Sec. 10, 3 N, R 4 EBM; thence west approximately  $2\frac{1}{2}$  miles to the Boise/Ada County intersection of Sec. 7, Twp. 3 N, R 4 EBM; thence northwest approximately 6 miles to the point of beginning.

**REDEFINING TRUSTEE ZONES**

The boundaries of the trustee zones in this district are to be defined and drawn so that, as reasonably as may be, each such zone shall have approximately the same population. The board of trustees will initiate a proposal to redefine and change trustee zones at the first meeting following the report of the decennial census. In addition, the board or a patron may propose that a trustee zone be redefined at any time. Within one hundred twenty (120) days following the report of the decennial census or the receipt of a petition to redefine and change the trustee zones, the board will prepare a proposal for a change which will equalize the population

in each trustee zone. The proposal will include a legal description of each trustee zone as the same would appear pursuant to the proposal, a map of the district showing how each trustee zone would appear, and the approximate population each trustee zone would have, should the proposal become effective.

The superintendent or designee will be authorized to review the decennial census, or any proposal to change trustee zone boundaries, and determine whether there has been a shift in population which causes the current trustee zones to not contain approximately the same populations. If it is determined that the population has changed so that the trustee zones are not of approximately the same population, the board will appoint a committee, composed of interested parties, to review the matter. The committee will propose to the board modifications to the trustee zone boundaries which are intended to equalize the population in the various trustee zones.

The proposal will be submitted to the State Board of Education for approval. The State Board of Education will approve or disapprove of the proposal within sixty (60) days and give notice of its decision to the board in writing. If approved, the trustee zones will change pursuant to the proposal. If disapproved, the board must submit a revised proposal to the State Board of Education within forty-five (45) days.

**IMPLEMENTATION OF PROPOSAL TO REDEFINE TRUSTEE ZONES**

At the next regular meeting of the board following the approval of the proposal, the board will appoint from its membership a trustee for each new trustee zone to serve as trustee until that incumbent trustee's three (3) year term expires. If the current board membership includes two (2) incumbent trustees from the same new trustee zone, the board will select the incumbent trustee with the most seniority as the trustee to serve the remainder of his or her three (3) year term. If both incumbent trustees have equal seniority, the board will choose one (1) of the trustees by the drawing of lots. If there is a trustee vacancy in any trustee zone, the board will appoint an individual residing in the trustee zone to serve as trustee until the next annual meeting.



**LEGAL REFERENCE:**

Idaho Code Section 33-501

**ADOPTED: Dec 17, 1996**

**AMENDED: May 22, 2003**

**AMENDED:**



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.



**LEGAL REFERENCE:**

Idaho Code Sections

33-405

33-501

**ADOPTED: 11/27/2007**

**AMENDED:**

## **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 (5) o'clock p.m. on the fifth (5<sup>th</sup>) 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 county 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 county clerk. The notarized statement must contain all the information necessary to identify the person and the office sought, and the reason for the withdrawal. The candidate may not withdraw later than 45 days prior to the day of the election. The board is prohibited from appointing any candidate who filed a statement of withdrawal, unless the vacancy occurs because of the death of a previous candidate.

## **ELECTION OF TRUSTEES**

The election of the trustees shall be conducted by the county clerk in which the district is located, in compliance with Title 34 of the Idaho Code.

If the date for filing written nominations for the office of trustees has expired, and it appears that only one (1) qualified candidate has been nominated for a trustee position, or if only one (1) 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. A certificate of election bearing the seal of the district will be prepared by the school district clerk and delivered to the person declared as elected.

Trustee elections will be held on the third (3<sup>rd</sup>) Tuesday in May in odd-numbered years. 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. The elected trustee will assume office on July 1, next following the election.

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

- 33-401
- 33-501
- 33-502
- 33-502B
- 33-503
- 34-702A
- 34-717

**ADOPTED: 11/27/07**

**AMENDED: 1/19/09**

A vacancy will be declared by the board when any nominee has been elected but failed to qualify for office, or within thirty (30) days of when any trustee will:

1. Die;
2. Resign as trustee;
3. Remove himself/herself from his or her trustee zone of residence;
4. No longer be a resident or school district elector of the district;
5. Refuse to serve as a trustee;
6. Without excuse acceptable to the board, fail to attend four consecutive regular meetings of the board; or
7. Be recalled and be discharged from office as provided in Section 33-439, Idaho Code.

The declaration of vacancy will be made at any regular or special meeting of the board, at which any of the above-mentioned conditions are determined to exist.

The board will appoint to the vacancy a person qualified to serve as a trustee of the school district provided there remains in membership on the board a majority of the membership thereof, and the board will notify the State Superintendent of Public Instruction of the appointment. The appointment must be made within ninety (90) days of the declaration of vacancy. Otherwise, appointments will be made by the board of county commissioners.

Any person appointed as herein provided will serve until the annual meeting of the board next following the appointment. At the annual election a trustee will be elected to complete the unexpired term of the office which was declared vacant and filled by appointment.

The elected trustee will assume office at the annual meeting of the school district next following the election period.



**LEGAL REFERENCE:**

Idaho Code Sections

33-439

33-504

**ADOPTED: 1/27/2007**

**AMENDED:**

The agenda of the board will be prepared by the superintendent in consultation with the members of the board. The agenda and supportive information will be provided to each board member prior to each scheduled board meeting.

The order of business will be determined by the superintendent with input from the board. The board may alter the order of business at any time.

Patrons wishing to present matters to the board must contact the superintendent's office at least five (5) days prior to the scheduled board meeting to allow sufficient time for the matter to be placed on the agenda. The board may decline to hear any matter at its discretion.

Unscheduled matters may be heard at the conclusion of the regular agenda items, but decisions on such matters may be tabled until the next meeting of the board. However, the board may advance such items on the agenda and/or make decisions on unscheduled items or matters when it appears in the best interest of the district to do so.

The proceedings of the board may follow Roberts Rules of Order when appropriate.



**LEGAL REFERENCE:**

Idaho Code Section 33-506

**ADOPTED: 11/27/2007**

**AMENDED:**

# Board Meetings

POLICY 262

Page 1 of 3

## Meeting Defined

A meeting is defined as the convening of a quorum of the Board of Trustees to make a decision or to deliberate toward a decision on any matter. Trustees may participate in school board meetings via electronic means (including telephonic or video conferencing devices) provided at least one (1) member of the Board of Trustees or Superintendent is physically present at the meeting location.

## Public Attendance/Participation

All meetings of the board are open to the public and all persons are permitted to attend any regular, special, or emergency meeting of the board. The right to attend a meeting of the board does not grant any individual the right to provide public input to the board during its meeting.

## Regular Meetings

Unless otherwise specified, all meetings will be held in the high school library. Regular meetings shall be held at 7:00 p.m. on the third Tuesday of each month.

## Emergency Meetings

In the event of an emergency involving possible personal injury or property damage, immediate financial loss, or the likelihood of injury, damage or loss, the Board may meet immediately and take official action without prior notification when the notice requirements would make such notice impracticable, or increase the likelihood or severity of such injury, damage or loss, and the reason for the emergency is stated at the outset of the meeting.

## Budget Meetings

No later than twenty-eight (28) days prior to its annual meeting, the Board shall have prepared a budget, in the form prescribed by the State Superintendent of Public Instruction, and shall hold a public hearing. At such public hearing or at a special meeting held no later than fourteen (14) days after the public hearing, the Board shall adopt a budget for the ensuing year. Notice of the budget hearing shall be posted and published as prescribed in I.C. § 33-402. From the time noticed, a copy of the budget shall be available for public inspection during regular business hours.

## Special Meetings

Special meetings may be called by the Chair or by any two (2) members of the trustees. If the time and place of special meetings has not been determined at a meeting of the Board with all members present, then written notice of a special meeting, stating the purpose of the meeting, shall be delivered to each trustee not less than twenty-four (24) hours prior to the time of the

meeting. Such written notice shall be posted conspicuously at the District Office and at least two (2) or more public buildings within the District. Business transacted at a special meeting will be limited to that stated in the notice of the meeting.

### Executive Sessions

Under Idaho law, upon a two-thirds (2/3's) roll call vote recorded in the minutes of the meeting, the Board may hold an executive session after the Board Chair has expressly identified the specific legal authorization for holding an executive session and provided sufficient detail to identify the general purpose and topic of the executive session. However, the information provided shall not compromise the purpose of going into an executive session.

An executive session may be held for, and only for, the following purposes:

1. To consider hiring a public officer, employee, staff member or individual agent wherein the respective qualities of individuals are to be evaluated in order to fill a particular vacancy or need. Please note this does not apply to filling a vacancy in an elective office or deliberations about staffing needs in general.
2. To consider the evaluation, dismissal or disciplining of, or to hear complaint or charges brought against, a public officer, employee, staff member or individual agent, or a student;
3. To conduct deliberations regarding labor negotiations (Note: The Board may still deliberate regarding labor negotiations and may caucus regarding negotiations in Executive Session. However, all actual negotiations between the parties i.e. the exchange of offers, counteroffers, and exchange of documents must be conducted in open session.);
4. To acquire an interest in real property which is not owned by a public agency;
5. To consider records that are exempt from public disclosure;
6. To consider preliminary negotiations involving matters of trade or commerce in which the Board is in competition with other governing bodies in other states or nations;
7. To communicate with legal counsel and to discuss any legal ramifications and/or legal options for pending litigation or possible legal controversies not yet being litigated. The presence of legal counsel at executive session does not satisfy this requirement.
8. To communicate with a representative of the District's risk management or insurance provider to discuss a pending claim or prevention of a possible claim to be filed. The presence of a risk management or insurance provider at executive session does not satisfy this requirement.

Except for making a determination to place a certified professional employee on probation, no final action may be held for the purpose of taking any final action or making any final decisions.



If an executive session only will be held, a twenty-four (24) hour meeting and agenda notice shall include the date, time, place, items to be discussed, and include the specific provision of law authorizing the executive session. The Board will not change the subject within the executive session to one not identified within the motion to enter executive session or to any topic for which an executive session is not provided.

Legal Reference: I.C. § 33-510	Annual meetings – Regular Meetings – Board of Trustees
I.C. § 33-514	Issuance of annual contracts – Support programs – Categories of contracts – Optional placement [Effective April 1, 2001.]
I.C. § 67-2341	Open Public Meetings – Definitions
I.C. § 67-2342	Governing Bodies—Requirement for Open Public Meetings
I.C. § 67-2343	Notice of Meetings
I.C. § 67-2344	Written Minutes of Meetings
I.C. § 67-2345	Executive Sessions – When Authorized

Policy History:

Adopted on: 11/27/07

Revised on: 12/17/13

The annual meeting of the board will be held at its regular July meeting each year. The board, at its annual meeting, will establish the regular monthly school board meetings date, time, and location for the year.

At the annual meeting, the board will organize itself and elect a chairman, a vice-chairman, a clerk, and a treasurer. The clerk and the treasurer may be members of the board or, at the discretion of the board, either or both may be selected from among competent and responsible persons outside the membership of the board.



**LEGAL REFERENCE:**

Idaho Code Sections  
33-506  
33-510

**ADOPTED: 11/27/2007**

**AMENDED:**

At its annual meeting in July, the board will set its monthly meetings at regular intervals and direct the clerk to post notice of the regular meeting schedule at least once each year. The clerk will post the notice of the regular meeting schedule and the agendas for such meetings at a prominent place in the administrative office of the district.

The clerk of the board will prepare and post an agenda notice forty-eight (48) hours in advance of each regular meeting. The board may amend the agenda, provided that a good faith effort is made to include in the original agenda notice all items known to be probable items of discussion. The agenda may be amended in the following manner:

1. If the agenda is amended after it has been posted but there exists forty-eight (48) hours or more prior to the start of the meeting, the agenda may be amended by posting a new agenda.
2. If an amendment to the agenda is proposed less than forty-eight (48) hours prior to a regular meeting but prior to the start of the meeting, the clerk will post the proposed amended agenda but it will not become effective until a motion is made at the meeting and the board votes to amend the agenda.
3. The board may amend the agenda after the start of the meeting upon a motion that states the reason for the amendment and the good faith reason the agenda item was not included in the posted agenda.



**LEGAL REFERENCE:**

Idaho Code Sections  
33-510  
67-2343

**ADOPTED: 11/27/07**

**AMENDED: 1/19/09**

Special meetings may be called by the chairman or by any two members of the board. The board will not hold a special meeting without at least a twenty-four (24) hour meeting and agenda notice, unless an emergency exists. An emergency is a situation involving injury or damage to persons or property, or immediate financial loss, or the likelihood of such injury, damage, or loss, when the notice requirements of the Open Meeting Law would make such notice impracticable, or increase the likelihood or severity of such injury, damage, or loss, and the reason for the emergency is stated at the outset of the meeting.

### **NOTICE OF SPECIAL MEETING**

The notice for a special meeting will include the following:

1. Meeting date;
2. Time;
3. Place; and
4. Name of the school district calling for the meeting.

If the time and place of a special meeting has not been determined at a meeting of the board with all members present, then the notice of the time and place will be given to each member and announced by a written notice in at least two (2) or more public buildings within the school district not less than twenty-four (24) hours before the special meeting is to be convened.

If the time and place of a special meeting was determined at a meeting of the board with all members present, the notice requirement for meetings and agendas will be satisfied by posting such notices and agendas in a prominent place at the administrative office of the school district.

The clerk will maintain a list of the news media requesting notification of meetings and will make a good faith effort to provide advanced notification to them of the time and place of each special meeting.

### **AGENDA**

The clerk will post the agenda in the same manner as the notice of special meeting. The board may amend the agenda, provided that a good faith effort is made to include in the original agenda notice, all items known to be probable items of discussion. The agenda may be amended in the following manner:

1. If the agenda is amended after it has been posted but there exists twenty-four (24) hours or more prior to the start of the special meeting, the agenda may be amended by posting a new agenda.

2. If an amendment to the agenda is proposed less than twenty-four (24) hours prior to a special meeting but prior to the start of the meeting, the clerk will post the proposed amended agenda but it will not become effective until a motion is made at the meeting and the board votes to amend the agenda.
  
3. The board may amend the agenda after the start of the meeting upon a motion that states the reason for the amendment and the good faith reason the agenda item was not included in the posted agenda.



**LEGAL REFERENCE:**

Idaho Code Sections

33-510

67-2343

**ADOPTED: 11/27/07**

**AMENDED: 1/19/09**

An executive session, at which members of the public are excluded, may be held upon a two-thirds (2/3) vote recorded in the minutes of the open meeting by roll call vote. The motion to go into executive session must identify the specific subsection(s) of Idaho Code Section 67-2345 authorizing the executive session. The roll call vote will be recorded in the meeting minutes.

Notice of an executive session will be set forth in the agenda notice of a regular or special meeting, and may be amended in the same manner as open meeting agenda items. If only an executive session will be held by the board, a twenty-four (24) hour meeting and agenda notice will be given and will state the reason and specific subsection of Idaho Code Section 67-2345 authorizing the executive session.

### **MATTERS ADDRESSED IN EXECUTIVE SESSION**

The board may hold an executive session for the following purposes:

1. To consider hiring a public officer, employee, staff member, or individual agent, wherein the respective qualities of individuals are to be evaluated in order to fill a particular vacancy or need (this section does not apply to filling a vacancy in an elective office or deliberations about staffing needs in general);
2. To consider the evaluation, dismissal, or disciplining of, or to hear complaints or charges brought against a public officer, employee, staff member, or individual agent, or public school student;
3. To conduct deliberations concerning labor negotiations or to acquire an interest in real property which is not owned by the school district;
4. To consider records that are exempt from disclosure as provided by the Public Records Law, Chapter 3, Title 9, Idaho Code;
5. To communicate with legal counsel for the district to discuss the legal ramifications of and legal options for pending litigation or controversies not yet being litigated but imminently likely to be litigated. The mere presence of legal counsel at an executive session does not satisfy this requirement.
6. To engage in communications with a representative of the district's risk manager or insurance provider to discuss the adjustment of a pending claim or prevention of a claim imminently likely to be filed. The mere presence of a representative of the district's risk manager or insurance provider at an executive session does not satisfy this requirement.

Labor negotiations with the local education organization representing professional employees may be conducted in executive session if either side requests closed meetings. Subsequent sessions of the negotiations may continue without further public notice. Adequate records or

minutes of the negotiation procedures will be kept, and will be available for public inspection at the offices of the board during normal business hours. Joint ratification of all final offers of settlement will be made in an open meeting.

**PROHIBITION AGAINST DISCUSSING UNIDENTIFIED SUBJECTS**

The board is prohibited from changing the subject within the executive session to one not identified within the motion to enter the executive session or to any topic not authorized for an executive session by the open meeting law.

**PROHIBITION AGAINST VOTING**

No final action or final decision may be made in an executive session except a decision to place a certificated employee on probationary status. If a decision is made in executive session to place a certificated employee on probationary status, the employee will not be named in the minutes of the meeting.

**MINUTES OF EXECUTIVE SESSION**

The board will record written minutes of all executive session meetings. The minutes must specify the specific subsection of Idaho Code Section 67-2345 authorizing the executive session, and provide sufficient detail to identify the purpose and topic of the executive session. Executive session minutes may be recorded in the body of the written minutes of the open session and are a public record.



**LEGAL REFERENCE:**

Idaho Code Sections

33-514

33-515

67-2340, *et seq.*

*State of Idaho v. Rick Yzaguirre, et al.*, Idaho S. Ct. Op. 2007-85 (May. 25, 2007)

**ADOPTED: 10/18/06**

**AMENDED: 1/19/09**

A complete and accurate set of minutes will be kept of each board meeting. All minutes will be available to the public within a reasonable amount of time after the meeting and will include at least the following information:

1. All members of the board present;
2. All motions, resolutions, orders, or policies proposed and their dispositions; and
3. The result of all votes and, at the request of a member, the vote of each member by name.

Minutes of executive sessions will reference the specific subsection of Idaho Code Section 67-2345 authorizing the executive session, and provide sufficient detail to identify the purpose and topic of the executive session without compromising the purpose of going into executive session.

If the designated clerk is not available to attend a meeting of the board, the board will appoint a person to act as the temporary clerk. That person will keep the record of the proceedings of the board and certify the same to the clerk, to be entered by him or her.

Following a meeting of the board, the clerk will prepare the typed copy of the minutes from the record of the meeting. A copy of the minutes will be given to each board member prior to the next regular meeting. At the next regular meeting of the board, the minutes will be approved and signed by the clerk and the chairman of the board. The approved and signed minutes will become part of the official ledger of minutes maintained in the district office.



**LEGAL REFERENCE:**

Idaho Code Sections  
33-508  
67-2344

**ADOPTED: 11/27/07**

**AMENDED: 1/19/09**



The quorum for the transaction of business by the board will consist of a majority of the members of the board. Unless otherwise provided by law, all questions will be determined by a majority of the votes cast. The chairman of the board may vote in all cases.



**LEGAL REFERENCE:**

Idaho Code Section 33-510

**ADOPTED: 11/27/2007**

**AMENDED:**

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

## **DEFINITIONS**

**Public Records:** 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 handwriting, 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. Treasurer
3. Clerk

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. Records relating to the appraisal of real property, timber, or mineral rights, prior to its acquisition, sale, or lease by the district.
3. 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.
4. 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.
5. Computer programs developed and purchased by or for the district for its own use. 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.
6. Employment security information and unemployment insurance benefit information, except that all interested parties may agree to waive the exemption.
7. 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.
8. 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.
9. 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.

**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, 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.

No cost or fees for copies or labor will be charged by this district when the requester demonstrates:

1. The inability to pay; or
2. That the public's interest or the public's understanding of the operations or activities of government or its records would suffer by the assessment or collection of any fee.

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 appeal rights 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.



**LEGAL REFERENCE:**

Idaho Code Section 9-337, *et seq.*  
34 CFR Part 99

**ADOPTED: 11/27/2007**

**AMENDED:**

The State Board of Education may grant a waiver of any rule not required by state or federal law to any school district upon written request. The Board will not grant waivers of any rule required by state or federal law. State and federal law includes case law (including consent decrees), statutes, constitutions, and federal regulations.

This district will seek waivers from the State Board of Education when extenuating circumstances preclude compliance with any rule governing Administration, Uniformity or Thoroughness. The superintendent or designee will prepare and submit any waiver requests to the board of trustees. The board of trustees will review waiver requests on a case-by-case basis, and, if approved, will submit the waiver request to the State Board of Education.



**LEGAL REFERENCE:**

IDAPA 08.02.01.001

**ADOPTED: 11/27/2007**

**AMENDED:**



**BASIN SCHOOL DISTRICT 72**

It is the policy of this board not to discriminate on the basis of race, color, creed, national origin, religion, age, disability or sex in its educational programs or employment practices.



**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 Vocational Rehabilitation Act 1973,  
29 USC Section 794
- Idaho Commission on Human Rights,  
Idaho Code Section 67-5901, *et seq.*

**ADOPTED: 11/27/2007**

**AMENDED:**

This district makes a good faith effort to provide reasonable accommodations for persons with disabilities, whether they are employees or non-employees. If a district employee receives a request for an accommodation he or she believes is unreasonable, the employee will contact the 504/ADA Coordinator. The 504/ADA Coordinator for this district will be the superintendent or his or her designee.

A committee designated by the superintendent to oversee 504/ADA compliance will then determine whether the accommodation is reasonable or unreasonable, requesting expert assistance from the community if needed. The 504/ADA Coordinator will discuss the determination with the employee or other person, and will respond to any request deemed unreasonable in writing. The person requesting the accommodation may use the civil rights grievance procedures to file a complaint. District employees may appeal committee determinations to the board.

All public meetings, workshops, and conferences sponsored by the district will meet the following provisions:

### **MEETING LOCATIONS**

Meetings are to be held in wheelchair accessible locations. The district employee responsible for meeting arrangements must check with the facilities management to determine the accessibility status of a site prior to scheduling the meeting. The 504/ADA Coordinator will be notified when (a) no accessible locations are available for a meeting, and there is reason to believe mobility impaired persons may wish to attend or (b) whenever particular facilities are found not to be accessible.

### **SAFETY PROCEDURES**

An emergency evacuation is required for each meeting. The recommended procedure should be obtained from the meeting site management and announced to the group at the beginning of the meeting, as well as the location of restrooms and other amenities. Any special procedures for persons with disabilities, such as fire-safe areas, should also be announced.

### **PRINTED MEETING NOTICES**

The following clause should be included in all printed meeting notices:

**NOTE:** If any auxiliary aids or services are needed for individuals with disabilities, please contact the Elementary School Counselor (208-392-6631) or Middle School/High School Counselor (208-392-4183) no later than three working days before the meeting.

The name and phone number of the district staff person in charge of the meeting should be inserted as the “contact person.”

**REASONABLE ACCOMMODATIONS**

This district is required to provide reasonable accommodations for persons with disabilities who wish to attend district-sponsored meetings. Accommodations may include interpreters for the deaf, written text in large print or braille, information recorded on audio tape, amplified hearing devices, and assistance with reading instructions or filling out forms. The associated cost, if any, becomes a part of the cost of sponsoring the meeting. Reasonable accommodations should be requested at least three (3) working days before the meeting. Contact persons may request assistance from the 504/ADA Coordinator in providing the necessary accommodations.

The 504/ADA Coordinators for the School District 72 are:

Name: Secondary School Counselor  
Address: Idaho City High School, PO Box 127, Idaho City, Idaho 83631  
Phone Number: 406-392-4183 ext 272  
Fax Number: 406-392-9954

Name: Elementary Counselor  
Address: Basin Elementary School, PO Box 127, Idaho City, ID 83631  
Phone Number: 406-392-6631  
Fax Number: 406-392-4198



**LEGAL REFERENCE:**

Americans with Disabilities Act,  
42 USC 12101  
Section 504 of the 1973 Rehabilitative Act  
29 USC 794

**ADOPTED: 11/27/2007**

**AMENDED:**

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: 11/27/2007**

**AMENDED:**

## **SECTION 504 HEARING PROCEDURE--PURPOSE AND SCOPE**

An impartial hearing procedure is available to students and their parents to resolve differences dealing with educational services available under Section 504 of the Rehabilitation Act (hereinafter "Section 504") when such differences cannot be resolved by means of a less formal procedure. Students and their parents are encouraged to use this school district's Civil Rights Grievance Procedure for resolution of differences whenever possible.

The hearing procedures and procedural safeguards set forth in this policy apply to the identification, evaluation, or educational placement of a student, as set forth in 34 CFR 104.36. A student qualifies for a free appropriate public education, including related services, under Section 504 if he/she has a physical or mental impairment which substantially limits one or more major life activities.

The following definitions will apply to all related hearing matters:

1. "Days" means calendar days;
2. "Parents" means parents or legal guardians;
3. "Placement" means the program concerning the educational placement of the student.

## **HEARING PROCEDURES**

A Section 504 impartial hearing may be requested by the school district or a parent of an affected student on matters directly related to the school district's decisions or actions regarding the following:

1. The identification or eligibility of a student as disabled under Section 504;
2. The evaluation procedures utilized with the student, including a decision not to evaluate a student; or
3. The educational placement and/or related aids and services recommended for or provided to the student, including any change in placement as a result of disciplinary action.

All requests for a hearing under this policy must be submitted in writing addressed to the Superintendent of Schools. The written request for a hearing must contain:

1. The specific nature of the dispute;
2. The specific relief or remedy requested; and

3. Any other information the school district or parents believe is important to understanding the dispute.

The hearing procedure will be presided over and decided by an impartial hearing officer. The Superintendent of Schools, or his/her designee, will select an impartial hearing officer within fifteen (15) days of receipt of the request for a Section 504 hearing. The selected hearing officer will:

1. Be qualified to review school district decisions relating to Section 504;
2. Be impartial and unbiased; and
3. Not be an employee of the school district.

The selected hearing officer, prior to the hearing, will review the school district's actions and notify the parties in writing of the date of the hearing. The parents and the school district will be given at least ten (10) days' notice of the date of the hearing. The notice from the appointed hearing officer will contain:

1. A statement of the time, place, and nature of the hearing;
2. A statement of the legal authority and jurisdiction under which the hearing is being held;
3. A statement of the availability of relevant records for examination;
4. A concise statement of the issues in dispute;
5. A statement setting forth the right of the student's parents or guardian to participate in the hearing procedure; and
6. A statement of the right to be represented by counsel.

All written correspondence will be provided in English and/or interpreted in the parents' primary language.

The hearing will be conducted and a written decision will be mailed by the hearing officer to all parties within forty-five (45) days from the date of the hearing assignment, except that either party to the hearing may request a continuance. The continuance may be granted by the hearing officer upon a showing of good cause. Any continuance(s) granted by the hearing officer will extend the time for rendering a final hearing decision for a period equal to the length of the continuance(s).

The appointed hearing officer will preside at the hearing and will conduct the hearing proceedings in a manner that allows all parties the following rights:

1. The right to be represented by counsel;



2. The right to present evidence and oral arguments;
3. The right to an electronic verbatim record of the hearing; and
4. The right to written findings of fact and a decision on the matter.

Parents involved in the hearing process will have the right to:

1. Have the student present at the hearing; and
2. Open the hearing to the public.

In cases where there are language differences, an interpreter will be provided by the school district.

The appointed hearing officer will review all relevant facts presented at the hearing and will determine whether the student's rights have been fully observed. The hearing officer will have the authority to uphold, reverse, or modify the school district's decisions or actions with regard to the:

1. Identification of the student as disabled;
2. Evaluation procedures utilized with the student, including a decision not to evaluate a student; and
3. Educational placement and/or services and accommodations recommended for or provided to the student.

#### **DECISION OF THE HEARING OFFICER**

A copy of the hearing officer's findings of fact and decision will be delivered to the school district and the parents within forty-five (45) days from the date of the assignment of the hearing officer, unless a continuance was granted.

The decision of the hearing officer is binding on all parties concerned and may be appealed to a court of competent jurisdiction.

#### **RECORD OF THE HEARING**

An electronic verbatim recording of the Section 504 hearing will be on file at the school district administration office and will be available for review upon request by the parents and/or any of the involved parties.

**REVIEW PROCEDURE**

The decision of the hearing officer may be appealed to a court of competent jurisdiction.



**LEGAL REFERENCE:**

29 USC Chapter 16

34 CFR Part 104

**ADOPTED: 11/27/2007**

**AMENDED: 1/18/2011**