
DESCRIPTOR TERM:

District 370 Policy
File Code: 1.40

School Board Governance and Operations

School Board Powers and Duties

1990

3-12-90

I. Fundamental Powers and Duties of the Board.

A. General. Homedale School District #370 is governed by the Board of Trustees. The Board has the power to make rules and regulations for its own government and that of the District so long as they are consistent with the laws of the State of Idaho, the rules and regulations of the State Board of Education, and the U.S. Constitution or applicable federal laws.

B. Specific Powers. In addition to the general grant of power to govern the School District, the Board has many specific grants of power, some of which are listed below:

- ⇒ To provide for the financing of a total educational program for the District.
- ⇒ To build, equip and maintain schools and other facilities necessary for the educational program.
- ⇒ To employ necessary certificated and non-certificated personnel to operate the schools of the District.
- ⇒ To govern the conduct and performance of the teachers in the District and shall govern the behavior of students while they are on or near school grounds.
- ⇒ To 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 and regulations of the State Board of Education.
- ⇒ To call special meetings or elections for such purpose as may be necessary for the proper conduct and management of the school or schools of the district.
- ⇒ To employ an attorney or attorneys when deemed for the best interests 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.
- ⇒ To hold an annual meeting on the date of its regular July meeting each year.
- ⇒ To set a uniform day of a uniform week for regular monthly meetings.
- ⇒ To call special meetings.
- ⇒ To maintain at least one elementary school and one secondary school in the District.
- ⇒ To discontinue school(s) in the district.
- ⇒ To determine the length of a school term.
- ⇒ To provide educational programs for out-of-school youth and adults.
- ⇒ To provide classes in Kindergarten.
- ⇒ To provide, or require pupils to be provided with suitable textbooks and supplies.
- ⇒ To protect the morals and health of the pupils.
- ⇒ To exclude from school children not of school age.
- ⇒ To prescribe rules for the disciplining of unruly or insubordinate pupils.

- ⇒ To exclude from school pupils who are either diagnosed or suspected of having contagious or infectious diseases.
- ⇒ To close school on order of the State Board of Health or local health authorities.
- ⇒ To equip and maintain suitable libraries.
- ⇒ To determine school holidays.
- ⇒ To erect and maintain at each schoolhouse or school grounds a suitable flagpole and to display thereon a flag of the United States of America.
- ⇒ To prohibit entrance to school grounds and to provide for the removal from each school grounds individuals who disrupt the educational process or whose presence is detrimental to the morals, health, safety, academic learning or discipline of pupils.
- ⇒ To employ a Superintendent.
- ⇒ To employ Principals and Assistant Principals.
- ⇒ To suspend, grant leaves of absence, place on probation or discharge certificated professional personnel.
- ⇒ To issue annual contracts to professional personnel. To establish criteria and procedures for the supervision and evaluation of employees.
- ⇒ To place employees on probation.
- ⇒ To discuss legally allowable matters in executive or "closed" sessions.
- ⇒ To rent to or from others, buildings or other property used or to be used for school purpose.
- ⇒ To contract for construction, repair or improvement of any real property or the acquisition, purchase or repair of any personal property necessary for operation of the School District.
- ⇒ To sell and convey property of the District in a legally prescribed manner.
- ⇒ To convey rights-of-way and easements upon or across any school property.
- ⇒ To authorize the use of any school building of the District as a community center or for any public purpose.
- ⇒ To exercise the right of eminent domain for certain purposes.
- ⇒ To make immediate expenditures of money in emergency situations to safeguard life, health or property.
- ⇒ To pay all lawful expenses for salaries, wages, and purchases.
- ⇒ To invest and deposit school monies and funds in accordance with Idaho statutes including the public depository law.
- ⇒ To establish a School District budget.
- ⇒ To levy taxes.
- ⇒ To provide, where practicable, transportation for public pupils within the District.
- ⇒ To make payments to the parents or guardians of pupils under certain conditions when transportation is not furnished by the District.
- ⇒ To provide an authorized driver training program.
- ⇒ To enter into cooperative agreements with other School Districts.

C. Entity Concept. These powers and duties above enumerated may be exercised and performed only by the Board as a duly convened entity. Individual Trustees cannot, acting alone, make decisions on behalf of the Board. Each Trustee should carefully consider the merits of various propositions placed before the Board, express their views

during deliberation on the issues, vote according to their persuasion and be bound by the prevailing vote.

II. Compensation for Expenses.

A. General. While Trustees cannot be compensated for services performed as a Trustee, each Trustee may be reimbursed from District funds for certain actual expenses incurred.

B. Some specific allowable expenses.

⇒ Transportation, food, lodging and registration expenses incurred to attend Trustee workshops and conventions.

⇒ Publications used by Trustees to become informed and properly carry out the Trustee's duties.

⇒ Supplies used by the Trustee in performance of duties.

III. Duty to Attend Meetings. It is the duty of each Trustee to attend all meetings of the Board. However, absences from meetings may be excused by the Board of Trustees. A Trustee may forfeit the office of Trustee if the Trustee fails to attend four (4) consecutive meetings of the Board and is not excused by the Board.

IV. Voting of Trustees.

A. General. Each Trustee has the right to vote on all issues brought before the Board for a decision except in certain instances described below. Each Trustee, including the Chairperson, is entitled to cast one vote on call for a vote. All decisions of the Board are decided by majority vote.

B. Participation in Voting. While Board members may willfully abstain from voting, and in some cases must abstain, Board members are encouraged to exercise their right to vote whenever possible and to express on the record the reasons for their vote, especially if such vote represents a minority position.

The official minutes of the Board should also reflect the reason for a member abstaining on any issue. These practices may protect an individual from liability if the majority decision precipitates a lawsuit.

C. Disqualification of Member from Voting. A Trustee is disqualified from voting on the question of whether the District should employ any relative of the Trustee or of the Trustee's spouse related by affinity or consanguinity within the second degree. If such condition exists the Trustee must not participate in any deliberation or other consideration of the proposed employment and must be absent from the meeting of the Board during such deliberation or consideration.

In this context the term "affinity" means "by way of marriage" and the word "consanguinity" means "by way of blood relationship".

V. Nepotism.

- A. Spouses. School Boards are specifically prohibited from contracting with the spouse of any member of the Board. The mere fact that the spouse of a candidate for a Trustee position is on contract with the District at the time of the election does not itself disqualify the candidate from running. However, if the candidate wins the election, the Trustee-elect and his or her spouse must choose between continuing the contract or assuming the Trustee position.

A Board of Trustees may not employ the spouse of a Trustee as a substitute teacher or in any position where a payment of District funds is required.