

So,

***you
want to be
a school
board
member?***



A Guide for Candidates.

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DEFINITIONS:

1. **School Board, Board of Trustees, or Board of Directors** - A local board or authority responsible for the governance and oversight of schools.
2. **School/Trustee Zones** – School districts are divided into zones, and board members are elected by zone. Typically, there can be no more than one member of the board per zone. According to Idaho Code 33-313, elementary school districts should have no fewer than three school zones and three trustees, and all other school districts/charters should have no fewer than five board members/zones. Charter board members are not elected by zone but rather according to the bylaws of their charter school. Charter schools function according to nonprofit law, Idaho Code 30-30-603. This states that there shall be no fewer than three board members on the board of directors.
3. **Quorum** – A quorum means more than half of the board members. A board must have a quorum present to conduct business and make decisions.

SECTION I: The School Board

What is the school board?

A school board is an elected body that governs and oversees public schools and is elected by district residents or, in the case of a charter school, according to charter bylaws. In essence, the school board is a direct connection from and to the community and its hopes and vision for their schools. While the ultimate role of a school board is to focus on improving student outcomes, school boards also have other responsibilities. For example, they create and adopt policies, hire and evaluate the district superintendent or charter administrator, set the budget and school calendar, and are the ultimate decision-maker on many issues. School boards are responsible for setting the goals of the district/charter and are accountable for how schools – and their students – perform.

What factors must a school board consider in making decisions?

When making decisions, a school board considers a variety of factors, such as the needs of the students, the available budget, the interests of the community, and the qualifications of potential staff members. The board must ensure that decisions align with the district's/charter's mission, goals, and strategic plan, and comply with state

and federal laws. Ultimately, the board's priority is to provide the best possible education for students while being fiscally responsible and transparent in their decision-making.

How are decisions made by a school board?

School board decisions are voted on in an open meeting, with very few exceptions, and typically pass on a simple majority of the voting members. These items are called action items on the agenda. Idaho law requires school boards to vote on action items in an open meeting unless it directly relates to personnel or student expulsions, although some other issues may be discussed in a closed executive session. Each board member brings their unique perspective and experiences to the table, which allows for a thorough discussion and thoughtful decision-making process. Ultimately, the goal is to make decisions that benefit all students, the community, and the families impacted. Good decisions require collaboration, open communication, and a willingness to listen to all voices affected by the decisions.

What are the rules for a school board?

School boards need clear operating protocols and typically use parliamentary procedures, but each school board meeting may look a little different. School boards must comply with Idaho's Open Meeting Law. You can

learn more about Idaho's Open Meeting Law by visiting the Idaho Attorney General's website or reading below. Information regarding a school board's powers can be found in Idaho Code §33-512.

When does my school board meet, and how often?

According to Idaho Code, school boards are required to meet at least once a month and typically determine their regular meeting date and time at their Annual Meeting in January. However, a special meeting of the board may be called by the board chair or any two members of the board, and that meeting may be held at any time with at least 24 hours notice. The school board should have their annual and monthly meeting calendar posted on their website and placed prominently at the district office. Agendas for a regularly scheduled meeting must be posted no later than 48 hours before the scheduled meeting. Agendas for special meetings or executive sessions must be posted no later than 24 hours before the scheduled meeting.

What is an executive session, and when can a school board hold one?

A school board can only lawfully be in executive session to discuss certain confidential or sensitive information specified in state law. This includes personnel matters, legal issues, negotiations, and other sensitive topics that require privacy and discretion. It is important for school boards to follow proper procedures when entering executive sessions, including notifying the public of the reason for the closed meeting and limiting the discussion to only the authorized agenda items.

What is ISBA, and what is its role?

The Idaho School Boards Association (ISBA) is a membership organization that provides quality, educational, and cost-effective services to its members – such as board and leadership development, policy services, monthly education opportunities, an annual convention, and advocacy. Our vision is to Empower Local Boards for Student Success. Any public school board (charter schools & traditional public schools) in Idaho is invited and welcome to be an ISBA member.

SECTION 2: **What is the Role of a School Board Member**

What is the role of a school board member?

A school board member, sometimes known as a trustee or director, is responsible for representing their community. A charter board member is elected/selected according to their charter bylaws. School board members – as a board -- oversee the school system by adopting policies, creating continuous improvement plan goals, adopting a budget and approving school finances, and evaluating superintendent/charter administrator performance. Individual board members have no authority. The board as a whole has authority, which it exercises during a duly called and posted meeting.

What is a Code of Ethics, and are my school board members required to sign it?

A Code of Ethics helps board members understand the responsibilities and standards that come with serving as a board member. Your board members are not required to sign a code of ethics. However, ISBA highly encourages them to do so. It is important for a successful board to hold themselves accountable for ethical practices.

What is the role of the board chair, and how is it different from other members of the board?

The board chair plays a crucial role in the oversight of a school system. The chair is responsible for leading the board in their governance duties. The board chair works closely with other board members, school administrators, and community members to ensure that the needs of students, teachers, and staff are being met. The chair also serves as a liaison between the board and the public, ensuring that information is communicated effectively and transparently. Like the other board members, board chairs have only one vote.

What are the qualifications of a good school board member?

- The board member should have a broad background of experience and knowledge — or be ready, willing, and able to learn quickly. The complexity of every area of school operation — whether finance, student-employee-community relationships, or curriculum — demand intelligence, awareness, and sensitivity.
- Board members should be able to tackle problems and be innovative in their solutions.
- The board member should be visionary — able to understand the forces of change and to foresee, at least to some extent, the shape of the future in order to plan wisely.
- The board member should be tolerant and avoid prejudice. The diversity in the ethnic, racial, and socioeconomic composition of the student populations in many of our schools, as well as the changing mores of our society, make it imperative that the board member be understanding of all children and patrons.

- The board member should understand that education today is extremely complex, and that simplistic approaches will not meet today's challenges.
- The board member should be able to defend the board's philosophy and goals and withstand criticisms from people with opposing views.
- The board member should be willing to invest the many hours necessary to discharge their responsibilities.
- The board member should serve out of sincere desire to serve the community and its children, rather than for personal glory or to carry out personal objectives or a hidden agenda.
- The board member should bear in mind that their responsibility is to all the children in the State, not solely to those in their own district.

SECTION 3: Becoming a School Board Member

Who is eligible to serve on a school board?

School boards are nonpartisan. Candidates are not required to belong to a political party. The legal requirements to become a school board member are found in Idaho Code 33-501. The requirements include:

- Be a citizen of the United States
- Be at least 18 years old
- Be a school district elector of their district
- Be a resident of the trustee zone from which they were nominated or appointed
- Be a resident in Idaho and the county for at least 30 days prior to where they are registered to vote

How long are school board terms?

School board members serve for terms of four years beginning at noon on January 1 next following their election. Terms are usually staggered, so there will be openings every two years.

For charter school boards, the number of board members, board member terms, and how they are selected are typically outlined in the charter school's bylaws.

When are elections held?

Since 2018, school district trustee elections are held the first Tuesday following the first Monday in November in odd numbered years. Specially chartered districts, which are Boise, Lewiston, and Emmett, which existed before Idaho became a state, may differ. (Idaho Code 33-503)

How does someone become a candidate for a school board?

According to Idaho Code 33-502, candidates must file a "Declaration of Candidacy" form. That form must bear the name of the candidate, state the term for which the declaration of candidacy is made, and bear the signature of not less than five school district electors who reside in the same trustee zone as the candidate. The declaration must be filed with the school district clerk.

SECTION 4:

Questions & Answers for School Board Candidates

What are the legal qualifications to be a school board member?

A member of any board must be a citizen and (with certain exceptions) a resident of the zone they are to represent, except in specially chartered districts where trustees are elected at-large.

Do school board members get paid for their services?

A board member does not receive compensation for services and is prevented by Idaho law from receiving payment, other than recovering incurred expenses allowed by Idaho law. They are also prohibited from having a direct interest in any contract with or claim against the board.

How many people serve on a board? What is their term of office?

In most traditional school districts, the board consists of five members. Any district that changes its boundaries can increase its membership to a maximum of nine, at local option. Specially chartered districts have either six or seven members while elementary districts (those without a high school) have three members. The term of office is four years on a staggered basis, though specially chartered districts' terms may differ.

For charter school boards, the number of board members, board member terms, and how they are selected are typically outlined in the charter school's bylaws.

Who votes for a school board member?

Any person of voting age residing in the same trustee zone as the person running for the board may vote in that school board election. There are three independent charter districts that use different methods. Boise and Lewiston both nominate and elect on a district-wide basis. Emmett nominates and elects by zone.

Are board members protected from civil suits?

Generally, a district carries insurance which entitles a board member to be indemnified against the cost of defending any civil or criminal action arising out of the performance of their duties. This protection only extends to criminal actions if the final disposition favors the board member.

What happens when a school board member moves to another community?

Whenever a board member ceases to be a bona fide resident of the zone they represent, their membership on the board ends. The board then appoints someone to serve until the next election.

When are school board elections held?

School district trustee elections are held the first Tuesday following the first Monday in November in odd numbered years. Again, specially chartered districts may differ. (Idaho Code 33-503)

Is attendance at board meetings mandatory?

The board member has been elected to bring their voice to the governance of the school district. It is important for all the trustees to take an active role in the board meetings. As such, while there is no requirement to attend, any board member who fails to attend four consecutive public meetings without good cause may be removed by the board. Furthermore, if a board member must, they can attend remotely by phone and their attendance shall be recorded as present.

Who serves as Chair of the Board?

The board is required to reorganize every year at the annual meeting, which occurs during the regular meeting in January. At that time, the board selects a chair, vice chair, clerk, and treasurer. Some boards keep the same chair for several years, others change periodically, and some rotate it so that everyone has an opportunity to serve; all are acceptable methods.

May an employee of a school district serve as a board member?

No. A school board member may not have any pecuniary interest in the school district or charter school in which they serve.

May a spouse of an employee serve on the school district board?

Only under certain circumstances. For school districts with a fall student enrollment of 1,200 or less in the prior school year, the spouse of a school board member may be employed in a non-administrative position under certain conditions; the position must have been listed as open for application on the school district's website or a local newspaper for at least 60 days (15 days in the case of a mid-year opening). If, at that time, the spouse of the board member is the only applicant who meets the minimum certification, endorsement, education, or experience requirements of the position, the district can consider hiring the spouse. To actually hire the spouse, the board member must abstain from voting on the employment of the spouse and be absent from the meeting while such employment is being considered. The board member must also abstain from voting on any decisions affecting compensation, benefits, individual performance evaluation, or disciplinary action related to the spouse and be absent when such decisions are made. The board member is also prohibited from participating in negotiations. Additionally, a certificated spouse must be employed on a Category I contract only. The school district may employ the spouse for further school years provided these same conditions are met each school year.

What is the Idaho Open Meeting Law?

The Idaho Open Meeting Law establishes ground rules to assure the public's right to be informed, and to protect the public's right to observe and participate in public meetings. The statute is designed to ensure transparency and accountability in the state's governance. Enacted to safeguard the public's right to participate in governmental decisions, it mandates that meetings of public agencies be accessible to citizens with few exceptions. This law aims to foster openness, allowing citizens to observe and engage in the democratic process, ultimately promoting trust between government entities and the communities they serve.

The Idaho Open Meeting Law does not guarantee the public the right to participate in government. That is something that can be overlooked sometimes because

the public's expectation is if they go to an open meeting, they automatically have the right to say their piece to the governing body. Think of it this way, there is a concert that is open to the public. The public watches the performance, they do not go onstage and perform. The exception to this is that school boards are now required to accept in-person public comment during their regular board meetings. However, there are still limitations; read below for more information.

Does the school board need to provide the opportunity for in-person public comment?

Yes, at their regular meetings. The school board must adopt rules of order and procedure to govern its regular meetings. The school board will provide the opportunity for members of the public residing in the school district to comment on school and education matters at regular meetings of the school board. Each school board will hear public comment, if offered by a member of the public, prior to taking action on agenda items. Public comment will be limited to items listed on the meeting agenda. The board can establish reasonable standards for the public comment, including time limits and conduct standards.

Any public comment related to subject matter that would authorize the board to enter an executive session pursuant to Idaho Code 74-206(1), is not permitted.

Members of the public residing in the school district are permitted to request the addition of an item directly related to school district business to the agenda of a regular meeting. The decision to add an item to the agenda will be made pursuant to the rules of order and procedure as adopted by the board.

Below is a summary of some of the statutes contained in the Idaho Open Meeting Law.

74-201 Formation of public policy at open meetings

- It is the policy of the state that the formation of public policy is public business and shall not be conducted in secret.

74-202 Open Public Meeting Definitions

- Decision means: any determination, action, vote or final disposition upon a motion, proposal, resolution, order, or ordinance.
- Deliberation means: the receipt or exchange of information or opinion relating to a decision.
- Executive Session means: any meeting or part of a meeting of a governing body that is closed to any persons.
- Public Agency means: any state board, committee council, commission, authority, or education institution created by or pursuant to statute.
- Governing body means: the members of any public agency that consists of two or more members, with the authority to make decisions for or recommendations to a public agency regarding a matter.
- Meeting means: the convening of a governing body of a public agency to make a decision or to deliberate toward a decision on a matter.

74-203 Governing Bodies – Requirement for Open Public Meetings

- All meetings of a governing body of a public agency shall be open to the public and all persons shall be permitted to attend any meeting.

74-204 Notice of Meetings - to learn more about the requirements of meeting notices, visit the Attorney General's website.

74-205 Written Minutes – to learn more about the requirements of written minutes, visit the Attorney General's website.

74-206 Executive Session

- Allows executive session for specified purposes. When the board makes a motion to go into executive session, they must identify the section of code that authorizes the executive session. 2/3 of the board must also approve going into executive session by a roll call vote.
- An executive session may be held if the topic includes reasons in Idaho Code 74-206(1) a-j.
- No executive session may be held for the purpose of taking any final action or making any final decision. There are very few exceptions to this, which relate to decisions on student expulsions or placing an employee on a plan of improvement.

What happens if a board violates the Idaho Open Meeting Law?

If a board realizes they violated the open meeting law – or, if a complaint is filed and a court determines a violation occurred – a few things can happen. First, all decisions which failed to comply with the open meeting law are null and void. The district, and individual board members, may face civil penalties up to \$2,500. Luckily, the board can cure and self-correct an open meeting violation to avoid penalty. Upon notification or realization that a violation occurred, the board has 14 days to correct its violation.

