

**BOARD AUTHORITY POLICY - SCHOOL BOARD PROTOCOL ON ENGAGING
WITH THE PUBLIC & BOARD OF TRUSTEES EMPLOYEES**

The MHSD School Board of Trustees collectively is one governing body of elected officials that as a whole is authorized by Idaho Code Title 33, to advocate for, organize and govern, make by-laws, rules, and regulations, maintain facilities, make policies, make decisions, etc., for the entire school district. No individual School Board Trustee will act on his/her own. All school district related matters including, but not limited to, school district business decisions, school district accounting and finances, school district policies, school district personnel and student matters, school district contracts and agreements, etc., may only be discussed and decided upon in an official school board meeting in open session in which the public may attend and witness all School Board decisions and plans.

MHSD Board of Trustees welcomes input from the public, but finds it important to inform the public, parents, patrons, and school district employees including MHEA members that it is a violation of Idaho Code Title 74, Chapter 2 – Open Meeting Laws, Transparency and Ethics in Government, and the Attorney General’s Idaho Open Meeting Law Manual for an individual School Board Trustee to discuss school district related matters outside of a school board meeting. The School Board is in no way trying to prevent access to the Board, it is that the Board must follow Open Meeting laws and Transparency and Ethics in Government.

The MHSD Board of Trustee encourages the public to attend board meetings, to give public input, to submit a public input form, or to request to be a delegation on the next regular board meeting agenda, but please refrain from contacting an individual School Board Trustee to prevent violating open meeting laws and disruption of school district business.

MHSD Board of Trustees also finds it important to establish protocol regarding how to engage with the public, with employees, and with MHEA members, students, parents, and the community be it verbal, social, electronic or digital, or through written, email, or text messages, or phone calls to prevent any potential violation of open meeting laws and transparency and ethics in government and to prevent any potential compromise of a School Board Trustee and their ability and/or responsibility to discuss, debate, or decide on a school district matter or interfere in school district business.

The MHSD Board of Trustees has established this document as a protocol regarding how the School Board or individual School Board Trustees engages with the public, with school district employees, with students, and patrons of MHSD in social settings, the handling of emails, the use of social media, and any other form or method of communication/conversation to prevent violations of open meeting laws, Transparency & Ethics in Government, AG Idaho Open Meeting Laws Manual, and FERPA laws. (Idaho Code 74-201 through 74-208)

Definitions:

Communication/Conversations – includes, but not limited to written documents, phone calls, emails, texts, direct conversation/verbal, via chat rooms, social media, electronic or digital means, etc.

Casual Communications/Conversations – casual communications/conversations about the school district that don't require a decision from a Trustee, or the School Board are acceptable as long as the conversation doesn't compromise the trustee's ability and/or responsibility to discuss, debate, or decide on a school district matter or interfere in school district business whether immediately or in the future.

Community – include but is not limited to private citizens, patrons of the school district, parents/guardians, and students, etc.

Employee – The School Board has only one employee, the Superintendent. As such, the School Board may communicate in any manner with the Superintendent on a regular basis about all school district matters no matter the subject matter individually or as the School Board.

School District Employee – hereinafter designated as the "Employee" include but is not limited to MHSD employees, with the exception of the Superintendent, in all categories of employment including the Mountain Home Education Association (MHEA) and their members, substitute teachers, part-time employees, summer hire employees, etc.

School District Matters – include all things school district related no matter the subject matter and all things affecting the school district no matter the subject matter.

School Board Trustee – the elected official of one of the five School District Zones who individually may not make any decisions or give any input regarding school district matters, but collectively as the School Board during open meetings make all decisions.

Social Settings or Gatherings – include, but is not limited to, informal events or social events or functions, parties, BBQs, coffees and such similar gatherings, public gatherings, holiday gatherings, public and official functions, etc. (Attorney General's Idaho Open Meeting Law Manual)

Board Protocols are as follows:

1. School Board Trustees may not act as an individual, but only as a group and as such must refrain from discussing school district matters outside of a school board meeting.
2. School Board Trustees may inform the public person or employee that he/she may not discuss school district matters outside of a school board meeting.
3. Communication/Conversation – All communications/conversations regarding school district matters that don't require a decision from a Trustee, or the School Board are acceptable as long

as the communication/conversation doesn't compromise the Trustee's ability and/or responsibility to discuss, debate, or decide on a school district matter or interfere in school district business whether immediately or in the future received by a School Board Trustee need to be reported at the next regular board meeting including the person/employee's name and the reason for the communication/conversation, as required. (Attorney General – Idaho Open Meeting Law Manual)

The Board encourages the MHEA to regularly request to be a delegation at the convenience of the association in the regular monthly board meetings by submitting in writing a request to be placed on the agenda and by giving a brief explanation for requesting to be a delegation, and with the caveat that the MHEA first approach the Superintendent to keep him abreast of the request and to possibly receive guidance. (MHSD Board Meeting Policy – Agenda Preparation)

The School Board Trustee will forward all communications/conversations involving school district matters to the Superintendent or if necessary, the Board Clerk for public record and retention according to the Records Retention Schedule Policy and Procedure.

NOTE: Casual communications/conversations about the school district that don't require a decision from a Trustee, or the School Board are acceptable as long as the conversation doesn't compromise the trustee's ability and/or responsibility to discuss, debate, or decide on a school district matter or interfere in school district business whether immediately or in the future.

4. Social Settings & Gatherings – Any trustee who is approached or contacted in a social setting, event, activity, or gathering and the conversations turns into a conversation on school district matters, whether intentional or not, that could compromise the trustee's ability and/or responsibility to discuss, debate, or decide on a school district matter or interfere in school district business must immediately and politely terminate that conversation and politely tell the individual(s) that it is an open meeting violation for him/her to discuss school district matters outside of a board meeting.
 - a. The trustee should refer the individual(s) to the building administrator or the Superintendent for assistance. (MHSD Board Authority Policy – School Board Protocol Regarding Complaints & Grievances)
 - b. The trustee may invite the individual to attend a board meeting to give public input as long as student or employee names are not used, or to contact the Board Clerk or Superintendent and request to be placed on the next board agenda as a delegate with proof that the school board protocol was followed. The person wishing to comment should be informed of the procedures to be a delegate or to give public input. (Board Meeting Policy – Agenda Preparation)
 - c. School Board Trustees are permitted to attend social functions, events, activities, and gatherings, etc.; however, they may not discuss school district matters that would compromise the trustee's ability and/or responsibility to discuss, debate, or decide on a school district matter or interfere in school district business or would violate transparency

and ethics in government requirements under any circumstance including among themselves in a social setting.

- d. Trustees may attend all State, County, City, ISBA, NSBA forums, conventions, trainings, etc., as an individual Trustee or as the, but may not discuss school district matters and no decisions of the school district will be made. If more than two trustees attend, a Notice of a Quorum should be published ahead of time.
5. Public Input – any member of the community has the right to attend meetings and hear the decisions of the Board in open meetings. Patrons, staff, and parents are welcome to give public input by following the Board Meeting Policy – Agenda Preparation and the District Website information (www.mtnhomesd.org) addressing public input.
- a. Public input may be provided to the Board by attending the board meeting in person, sign up on the Public Input Signup Sheet, and submit to the Board Chair or Board Clerk the [Public Input Form](#) located next to the signup sheet prior to the start of the board meeting. The form is also located on the School District Website (www.mtnhomesd.org). If called upon by the Board, the individual(s) will be allowed a maximum of three minutes to present their views. Please do not include the names of students or staff due to FERPA Laws and privacy protection. There will be no action taken at this time, but action on a problem area could be scheduled for a subsequent meeting of the board. Safety and healthcare measures such as the wearing of face masks and social distancing will be ~~must be~~ followed during a CDC or State or School Board recognized pandemic. Those individuals refusing to follow the safety mitigations set in place will immediately be escorted out of the building. There is limited seating in the boardroom so patrons might have to sit in the foyer or the overflow room. If you have a complaint against personnel or students by name, you need to schedule an appointment with the Superintendent.
 - b. Those wishing to submit public input but do not plan to attend the board meeting may still provide input to the Board as long as the [Public Input Form](#) has been submitted **by noon the day of the board meeting**. All public input forms received will be forwarded to the Board of Trustees but might not be read aloud. Please do not include the names of students or staff due to FERPA Laws and privacy protection. There will be no action taken at this time. There will be no public input via zoom. If you have a complaint against personnel or students by name, you need to schedule an appointment with the Superintendent.
 - c. Patrons/groups wishing to be placed on the board agenda as a delegation to comment or present to the Board must submit in writing a letter to the Superintendent’s Office or Superintendent Administrative Assistant/Clerk of the Board their reason for wanting to be a delegation, or desire to present to the Board no later than the Tuesday prior to the next regular board meeting to allow sufficient time for the matter to be placed as a Delegation on the agenda. There will be no action taken at this time. The Board may decline to hear any matter at its discretion. If you have a complaint against personnel or students by name, you need to schedule an appointment with the Superintendent.

- d. The Board encourages the MHEA to regularly request to be delegation at the convenience of the association, to discuss topics of their choosing with the caveat that they first approach the Superintendent to keep him abreast and to receive guidance or suggestions.
 - e. Public Input may be on any topic as long as no students' or employees' names are used.
6. Communications/Conversations – Any trustee who has received some sort of communications/conversation regarding school district matters by written documents, by phone, by email, by text messages, by direct conversation, in chat rooms, via social media, by digital and electronic methods, etc., and the communications/conversations and the topic or subject matter leads into a communication/conversation on school district matters, whether intentional or not, that could compromise the trustee's ability and/or responsibility to discuss, debate, or decide on a school district matter or interfere in school district business must immediately and politely terminate that communication/conversation and politely tell the individual(s) that it is an open meeting and transparency and ethics in government violation for him/her to discuss school district matters outside of a board meeting, and report the communication/conversation at the next school board meeting.
- a. Public Persons or Groups (Non-School District Employees)
 - The trustee should refer the individual(s) to the building administrator or school Superintendent for assistance.
 - The trustee should inform the individual(s) that there is a Board Authority Policy – School Board Protocol Regarding Complaints & Grievances that must be followed before the Board would hear the matter.
 - The trustee may invite the individual(s) to attend a board meeting to give public input as long as student or employee names are not used, and they met the Board Authority Policy – School Board Protocol Regarding Complaints & Grievances & Board Meeting Policy – Agenda Preparation requirements or they could contact the Board Clerk or Superintendent and request to be placed on the next board agenda.
 - b. MHSD Employees – Trustees who receive communications/conversation/conversations from employees regarding school district matters that could compromise the trustee's ability and/or responsibility to discuss, debate, or decide on a school district matter or interfere in school district business need to direct the employee(s) to the building administrator or Superintendent for assistance. Politely explain that as a School Board Trustee, it would be violating open meeting laws and transparency and ethics in government if the communication/conversation continued and should the employee have to go before the Board, as a School Board Trustee he/she might have to recuse him/herself due to the employee compromising their position as a trustee.
 - The trustee should inform the employee(s) that there is a Board Authority Policy – School Board Protocol Regarding Complaints & Grievances that must be followed before the Board would hear the matter.
 - The trustee should first refer the employee(s) to the building administrator or Superintendent for assistance.

- The trustee may invite the employee(s) to attend a board meeting to give public input, as long as no student or employee names are mentioned and as long as the employee followed the protocol as defined in this policy and the Board Meeting Policy – Agenda Preparation.
- c. School Board Trustees must forward all school district related matters emails sent to their private email accounts that might potentially compromise a School Board Trustee and their ability and/or responsibility to discuss, debate, or decide on a school district matter or interfere in school district business to their school district email account to ensure their private email account isn't compromised as a public record IAW Idaho Code, Title 74 – Transparency and Ethics in Government.

Casual communications/conversations about the school district that don't require a decision from a Trustee, or the School Board are acceptable as long as the conversation doesn't compromise the trustee's ability and/or responsibility to discuss, debate, or decide on a school district matter or interfere in school district business whether immediately or in the future.

- All school district related matters emails sent from a patron or community person, or from employees or from parents and students are considered public record and as such may qualify the person's private email account as a public record and open to the Idaho Public Records Act and requests.
 - Trustees must not respond, with the exception of affirmation of receiving the email and possible links to assist the person, to any school district related matters emails, sent to their personal email address; instead, trustees must forward the email to the trustee's school district email account.
 - All school district related matters emails received on the School Board Trustees' school district email must be reported at the next board meeting as required and should be forwarded to the Superintendent and if necessary, to the Board Clerk for archival purposes.
 - * The Board Chair or the Superintendent should respond with an affirmation of receiving the email and a link(s) to assist the individual, but no other response is required.
 - All emails received regarding school district related matters that might potentially compromise a School Board Trustee and their ability and/or responsibility to discuss, debate, or decide on a school district matter or interfere in school district business must be reported during the next regular board meeting including the name of the person sending the email and the subject matter.
- d. School Board Trustees must refrain from responding to text messages, chats, IM, and social media, etc., regarding school district matters, with the exception of affirmation of receiving the communication/conversation or to include possible links to assist the person, and then must report the communication/conversation at the next school board meeting.
- Explain that the conversation could compromise the trustee's ability and/or responsibility to discuss, debate, or decide on a school district matter or interfere in school district business.

- Direct them to the public input form, or email the entire Board, or attend a board meeting.
 - Ensure your devices or accounts aren't compromised as a public record IAW Idaho Code, Title 74 – Transparency and Ethics in Government.
7. The School Board of Trustees directs all employees, parents, patrons, and students to follow the Board Authority Policy – School Board Protocol Regarding Complaints & Grievances and not go directly to a School Board Trustee, which could compromise the trustee's ability and/or responsibility to discuss, debate, or decide on a school district matter or interfere in school district business.
8. All school district related matters communications/conversations between the public and/or employee with a School District Trustee or with the School Board may be considered public record and open to the Idaho Public Records Act and may be requested as such. The individual or employee including, but not limited to any private citizen or community member, parents and students, and school employees, etc., risk subjecting their private information from their private cell phone, private email accounts, etc., to Idaho Public Records Act and therefore subject to being requested and released.
- a. Private emails, pictures, texts, etc., that were on any type device used to communicate with a School Board Trustee or School Board may now be considered public record information and are subject to Idaho Code Title 74 – Transparent and Ethical Government.
 - b. Individual(s) or employee(s) could risk having their private information compromised and released publicly. There is no guarantee that private information would remain private.

The MHSD Board of Trustees will review this policy protocol annually during the regular board meeting in July.



LEGAL REFERENCE:

Idaho Code Sections

- 33-506 – Organization & Government of Board of Trustees
- 33-510 – Annual Meetings, Regular Meetings; Boards of Trustees
- 33-511 – Maintenance of Schools
- 33-512 – Governance of Schools
- 33-513 – Professional Personnel
- 33-701 – Fiscal Year – Payment & Accounting of Funds
- 33-801 – School District Budget
- Title 74 *et seq.* – Transparent and Ethical Government
- Title 74, Chapter 1 *et seq.* – Public Records Act
- Title 74, Chapter 2 *et seq.* – Open Meeting Laws

Idaho Attorney General Open Meeting Laws

Idaho Attorney General Public Records Act

Idaho Attorney General Idaho Open Meeting Law Manual

Idaho Attorney General Idaho Ethics in Government Manual
Moore, Smith, Buxton & Turcke, Chtd. (Eberharter-Maki & Tappen. LLC) (212, 214, 215, 216, 226, 260, 262, 264, 266, 268, 270, 446)

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