

Trustee Spouse Employment

It is generally unlawful for a trustee to have their spouse employed by the District in any paying position whereby such employment would require the payment or delivery of any District funds, money, or property to their spouse.

However, trustees in districts that annually meet the following criteria may have a spouse employed in the District under the following conditions:

1. The District had a fall student enrollment of 1,200 or less in the prior school year;
2. The spouse will be employed in a non-administrative position;
3. The position has been listed as open for application on the District's website or in a local newspaper for at least sixty (60) days unless the opening occurred during the school year, in which case the position must have been listed as open for at least fifteen (15) days on the District's website or in a local newspaper;
4. No applications were received that met the minimum certification, endorsement, education, or experience requirements of the position except the trustee's spouse; and
5. The trustee abstained from voting in the employment of the spouse and was absent from the meeting while such employment was being considered and determined.

The above five (5) criteria must be met in each subsequent school year in which the trustee's spouse is employed. Additionally, the following provisions are applicable in such situations:

1. Throughout the course of the spouse's employment, the trustee shall abstain from voting in any decision that affects the compensation, benefits, individual performance evaluation, or disciplinary action relating to the spouse and shall be absent from the meeting while such issues are being considered. Such limitation shall include a prohibition on voting and attendance with regard to the following subject matters:
 - a. Negotiations regarding compensation and benefits;
 - b. Discussion and negotiation with district benefits providers; and
 - c. Any matters relating to the spouse and letters of reprimand, direction, probation or termination.
2. Regardless of spouse employment status, the trustee may participate in deliberations and vote upon the District's annual fiscal budget and annual audit report.
3. Should the spouse of a trustee be hired as a certificated teacher, notwithstanding any other policy or law to the contrary, such spouse may only be employed under a Category 1 annual contract pursuant to section 33-514A, Idaho Code, and so long as the status of trustee and spouse employee remains, shall not progress to subsequent contract stages with the District.

Legal Reference: I.C. § 33-507 Limitation upon authority of trustees

Policy History:

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