

MINUTES OF THE REGULAR BOARD AND EXECUTIVE MEETING  
BOARD OF TRUSTEES OF JT. SCHOOL DISTRICT NO. 151  
SCHOOL CENTRAL OFFICE ON TUESDAY, SEPTEMBER 23, 2014 AT 7:00 P.M.

<b>BOARD MEMBERS:</b>	Steve Lynch	Zone 2, Chairman
	Ryan Cranney	Zone 1, Vice-Chairman
	Linda Petersen	Zone 3
	Kathy Millar	Zone 4,
	Heber Loughmiller	Zone 5

<b>ADMINISTRATORS:</b>	Gaylen Smyer	Superintendent
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<b>LEGAL ADVISOR:</b>	Doug Whipple
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<b>TREASURER:</b>	Chris James
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<b>CLERK:</b>	Pam Teeter
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Meeting called to order for open session by Steve Lynch, Board Chairman (6:00 p.m.)

**EXECUTIVE SESSION:** (6:00 p.m.) Motion by Ryan Cranney and seconded by Kathy Millar to go into executive session in accordance with Section 67-2345 (1) (b) Personnel. The purpose of this session is to discuss personnel and student discipline issues within the district. Voting Aye: Ryan Cranney, Linda Petersen, Kathy Millar, Heber Loughmiller, Steve Lynch; motion carried.

Present: Steve Lynch, Ryan Cranney, Linda Petersen; Kathy Millar, Heber Loughmiller, Superintendent Gaylen Smyer, Attorney Doug Whipple, Fiscal Manager/Treasurer Chris James, Clerk Pam Teeter

Motion by Kathy Millar and seconded by Linda Petersen to go into open session. Voting Aye: Linda Petersen, Ryan Cranney, Heber Loughmiller, Kathy Millar, Steve Lynch; motion carried (6:59 p.m.).

The Regular Meeting was called to order by Steve Lynch, Board Chairman (7:02 p.m.)

**GUESTS:** Mandy Baker, Krista Gammon, Tyler Gammon, Keegan Ward, Joseph DeTemple, Rick Robinson, Kevin Bushman, Grace Campos, Sandra Miller, Susie Macias, Adam Boehler, Pam Mills

**PLEDGE OF ALLEGIANCE:** The Pledge of Allegiance was led by Steve Lynch.

**APPROVAL OF MINUTES:** Motion by Ryan Cranney and seconded by Kathy Millar to approve the minutes of the previous meetings; motion carried. Minutes approved were August 26, 2014 Regular Board Meeting.

**APPROVAL OF BILLS:** Motion by Ryan Cranney and seconded by Heber Loughmiller to approve the monthly bills for last month; motion carried.

**POLICIES:**

**POLICY 228 BOARD MEMBER CONFLICT OF INTEREST:** Motion by Linda Petersen and seconded by Kathy Millar to approve Policy 228 as presented; motion carried. Policy 228 will read as follows:

**DEFINITION**

“Conflict of interest” means any official action or any decision or recommendation by a person acting in a capacity of a board member, the effect of which would be the private pecuniary benefit of the board member, a member of his or her household, a relative, or a business with which the board member, a member of his or her household, or a relative is associated.

“Relative” means as a person related to the board member by blood or marriage within the second degree.

“Spouse” means a board member’s husband or wife by lawful marriage.

**GENERAL PROHIBITION**

It will be unlawful for any member of the Cassia County Joint School District No. 151 Board of Trustees to have a 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.

**DISCLOSURE**

Board members must disclose any actual or potential conflict of interest before taking official action in any matters in which the effect would be the private pecuniary gain of the board member, a spouse, a relative, a dependent, or any person the board member is obligated to support or a business association of any such person.

**CONTRACTS WITH BOARD MEMBERS OR THEIR SPOUSES OR RELATIVES**

It is unlawful for the board to enter into or execute any contract with a board member, or his or her spouse or relative, where the terms of said contract requires or will require the payment or delivery of any district funds, money, or property to such board member, or his or her spouse or relative, unless the contract meets the requirements set forth in Section 18-1361 or 18-1361A, Idaho Code, and this policy.

**NON-COMPENSATED BOARD MEMBER**

The board may accept and award district contracts in which a board member, or his/her spouse or relative, has a direct or indirect interest if the board member receives no salary or fee as compensation for his/her service on the board and if the following procedures are strictly observed:

1. The contract is competitively bid and the board member, or his/her spouse or relative submits the low bid;
2. Neither the board member nor his/her spouse or 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/ her interest, or the interest of his/her spouse or relative, and sets forth his/her intention, or the intention of his/her spouse or relative, to bid on the contract; and
4. Neither the board member nor his/her spouse or relative has violated any provisions of Idaho law pertaining to competitive bidding or improper solicitation of business.

**COMPENSATED BOARD MEMBER**

In the event a board member is the clerk or treasurer of the board and is compensated for his or her service, the board may accept and award district contracts in which that board member, or his or her spouse or relative, has a direct or indirect interest if:

1. 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; or
2. 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 following procedures are strictly observed:
  - a. The contract is competitively bid and the board member, or his or her spouse or relative, submits the low bid;
  - b. Neither the board member nor his or her spouse or 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;
  - c. 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 spouse or relative, and sets forth his or her intention, or the intention of his or her spouse or relative, to bid on the contract; and
  - d. Neither the board member nor his or her spouse or relative has violated any provisions of Idaho law pertaining to competitive bidding or improper solicitation of business.

#### **EMPLOYMENT OF SPOUSES OF BOARD MEMBERS**

No spouse of any board member may be employed by a school district with a fall student enrollment of greater than one thousand two hundred (1,200) in the prior school year. For school districts with a fall student enrollment of one thousand two hundred (1,200) or less in the prior school year and for schools funded as separate schools pursuant to the provisions of Section 33-1003(2), Idaho Code, such spouse may be employed in a non-administrative position for a school year if each of the following conditions have been met:

1. The position has been listed as open for application on the school district 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 will be so listed for at least fifteen (15) days. If the position is listed in a newspaper, the listing will be made in a manner consistent with the provisions of Section 60-106, Idaho Code;
2. No applications were received that met the minimum certification, endorsement, education, or experience requirements of the position other than such spouse; and
3. The board member abstained from voting in the employment of the spouse and was absent from the meeting while such employment was being considered and determined.

The school district or school may employ such spouse for additional school years provided that the above conditions are met for each school year in which such spouse is employed. Any spouse of a board member employed as a certificated employee will be employed under a Category 1 contract.

The board member will abstain from voting in any decisions affecting the compensation, benefits, individual performance evaluation, or disciplinary action related to the spouse and must be absent from the meeting while such issues are being considered and determined. Such limitation includes, but is not limited to, any matters relating to negotiations regarding compensation and benefits; discussion and negotiation with district benefits providers; and any matter relating to the spouse and letters of reprimand, direction, probation, or termination. Such limitations will not prohibit the board member from participating in deliberation and voting upon the district's annual fiscal budget or annual audit report.

#### **EMPLOYMENT OF RELATIVES OF BOARD MEMBERS**

When a relative of a board member or relative of a board member's spouse 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.

#### **GIFTS TO BOARD MEMBERS**

Board members may not solicit, accept, or agree to accept any pecuniary benefit from any person known to be or likely to be interested in such contract, purchase, payment, claim, or transaction with the district. Nor may board members solicit, accept, or receive a pecuniary benefit as payment for services, advice, assistance, or conduct customarily exercised in the course of his or her official duties. This prohibition does not apply to trivial benefits not to exceed the value of fifty dollars (\$50) incidental to personal, professional, or business contracts and involving no substantial risk of undermining official impartiality.



**LEGAL REFERENCE:**

Idaho Code Sections

*18-1356 – Gifts to Public Servants by Persons Subject to Their Jurisdiction*

*18-1359 – Using Public Position for Personal Gain*

*18-1361 – Self-Interested Contracts – Exception*

*18-1361A – Non-compensated Appointed Public Servant – Relatives of Public Servant*

*33-506 – Organization and Government of Board of Trustees*

*33-507 – Limitation Upon Authority of Trustees*

*33-1003 – Special Application of Educational Support Units*

*59-701, et seq. – Idaho Ethics in Government Act*

**ADOPTED:** May 8, 2000

**AMENDED:** September 23, 2014

**POLICY 304 SUPERINTENDENT APPOINTMENT:** Motion by Kathy Millar and seconded by Heber Loughmiller to approve Policy 304 as amended; motion carried. Policy 304 will read as follows:

The Cassia County Joint School District No. 151 Board of Trustees will employ a superintendent of schools for a term not to exceed three (3) years. The superintendent will be the executive officer of the board with such powers and duties as the board may prescribe to him or her. The superintendent acts as the authorized representative of the district whenever it is required, unless some other person is named by the board to act as its authorized representative.

The board will enter into a written contract with the superintendent using the Superintendent's Teacher Contract form approved by the State Superintendent of Public Instruction. With the exception of initial appointment, the superintendent's contract will be reviewed at the regular board meeting each January and, if approved, may be extended for not less than one (1) additional year beyond the established expiration date of the contract. The superintendent does not acquire renewable contract rights.

If the superintendent and board determine that another contract will be used, prior approval for another contract form must be received from the State Superintendent of Public Instruction.

The superintendent will hold not less than a Masters Degree and will be properly certified pursuant to State Board of Education rules for the position.

The superintendent will be employed for a twelve-month period and will be paid as determined by the board. The superintendent will be entitled to paid vacation as determined by the board. The superintendent will receive the same insurance and other benefits as received by other certificated personnel.



**LEGAL REFERENCE:**

Idaho Code Sections

33-513

33-515

33-1201

**ADOPTED:** May 8, 2000

**AMENDED:** May 10, 2005

**AMENDED:** June 26, 2012

**AMENDED:** September 23, 2014

**POLICY 305 SUPERINTENDENT EVALUATION:** Motion by Heber Loughmiller and seconded by Ryan Cranney to approve Policy 305 as amended; motion carried. Policy 305 will read as follows:

The Cassia School District Board of Trustees will conduct an annual, written formal evaluation of the work of the superintendent. The evaluation will indicate the strengths and weaknesses of the superintendent's job performance in the year immediately preceding the evaluation and set forth areas for improvement in the superintendent's job performance, if called for.

At least thirty-three percent (33%) of the evaluation results must be based on multiple objective measures of growth in student achievement as determined by the board of trustees and based upon research. Growth in student achievement as measured by Idaho's statewide assessment for federal accountability purposes must be included. This portion of the evaluation may be calculated using current and/or past year's data and may use one (1) or multiple years of data.

Progress toward the goals outlined in the district's strategic plan will be included in the superintendent's evaluation.

In addition to the criteria specified above, the board will utilize the same standards and criteria used to evaluate principals to the extent possible to ensure that the superintendent is fairly and consistently evaluated.



**LEGAL REFERENCE:**

Idaho Code Sections

33-320 – Strategic Planning and Training

33-513 – Professional Personnel

IDAPA 08.02.02.121 – Local District Evaluation Policy – School Principal

**ADOPTED:** September 23, 2014

**POLICY 310 PRINCIPAL EVALUATIONS:** Motion by Ryan Cranney and seconded by Linda Petersen to table Policy 310; motion carried.

**POLICY 409.50 ADMINISTRATIVE LEAVE FOR CERTIFICATED EMPLOYEES:** Motion by Kathy Millar and seconded by Ryan Cranney to approve Policy 409.50; motion carried. Policy 409.50 will read as follows:

Recognizing the need for administrators to make personnel management decisions in a timely manner, and to provide for the efficient operation of this district, the Board of Trustees of Cassia County Joint School District No. 151 delegates to the superintendent or his or her designee the authority to temporarily place district employees on administrative leave.

## **VOLUNTARY LEAVE**

Upon the superintendent or designee's decision granting an employee's request for voluntary leave of absence, the board will ratify or nullify the action at the next regularly scheduled board meeting.

## **INVOLUNTARY LEAVE WITH PAY**

The superintendent or designee will have ongoing authority to place any certificated employee on a period of involuntary leave of absence should he or she believe that such action is in the best interest of the district. Circumstances in which it may be determined to be in the best interest of the district include, but are not limited to, those in which the employee has or is alleged to have (1) violated the Idaho Code of Ethics; (2) created an immediate or imminent threat to the safety and wellbeing of a student or other district employee; (3) violated a district policy or policies; or (4) when such leave is necessary to conduct an investigation involving alleged misconduct by the employee.

The board will ratify or nullify the superintendent or designee's action of placing the employee on involuntary administrative leave at the next regularly scheduled board meeting, or at a special meeting if the regularly scheduled meeting will not occur within twenty-one (21) days from the date of the action.

The involuntary leave of absence for certificated employees will be paid leave, unless there is a criminal court order that effectively prevents the employee from performing the essential functions of the employee's position as detailed below. The district will also continue to pay the district's portion of monthly costs associated with the certificated employee's health insurance benefits.

## **INVOLUNTARY LEAVE WITHOUT PAY DUE TO COURT ORDER**

The certificated employee's involuntary leave of absence will be without pay where there is a criminal court order preventing the certificated employee from being in the presence of minors or students, preventing the employee from being in the presence of any other adult individual employed at the school, or detaining the employee in prison or jail due to the certificated employee's inability to perform the essential functions of the employee's position. If there are dual court orders preventing more than one (1) employee from being in the presence of one (1) or more other employees, all employees subject to the court order will be excluded from the school.

During the period of unpaid leave, the district will continue to pay the district's portion of monthly costs associated with the certificated employee's health insurance benefits and maintain the certificated employee's salary in a district account. Should the certificated employee return to the district for active employment subsequent to the removal or dismissal of the court order, acquittal or adjudication of innocence, the district will remit the salary funds, less the cost incurred by the district for the substitute hired to replace the employee, and will arrange to have the employee credited with the public employee retirement system of Idaho (PERSI) for the employee's time away from work during the period of leave of absence.

## **TIMELINE FOR INVESTIGATION**

In the event an employee is placed on involuntary leave of absence based on the district's need to conduct an investigation into the employee's conduct, and no related criminal investigation or charges are pending, the investigation will be completed by the superintendent or designee within sixty (60) working days. On or before the sixtieth (60th) working day, the administrative leave will either cease and the employee will be returned to his position of employment or the superintendent or designee will advance a personnel recommendation to the board. If a recommendation is advanced, the involuntary leave of absence will continue until the board has made its decision in regard to the personnel recommendation with the decision effectively concluding the involuntary leave of absence.

No timeline for involuntary leave will apply if a criminal investigation is ongoing and/or criminal charges are pending, or if waived by mutual agreement.



**LEGAL REFERENCE:**

Idaho Code Section 33-513 – Professional Personnel

**ADOPTED:** August 27, 2013

**AMENDED:** September 23, 2014

**POLICY 442 CODE OF ETHICS FOR CERTIFIED EMPLOYEES:** Motion by Heber Loughmiller and seconded Linda Petersen to approve Policy 442; motion carried. Policy 442 will read as follows: It is the policy of Cassia County Joint School District No. 151 that all certificated employees adhere to the Code of Ethics for Idaho Professional Educators, as adopted by the Idaho State Board of Education (SBOE), effective March 20, 2004, and any amendments thereto.

**DEFINITIONS**

1. Administrative Complaint. A document issued by the State Department of Education (SDE) outlining the specific purported violations of Idaho Code Section 33-1208 or the Code of Ethics for Idaho Professional Educators.
2. Allegation. A purported violation of the Code of Ethics for Idaho Professional Educators or Idaho Code.
3. Certificate. A document issued by the Department of Education under the authority of the State Board of Education allowing a person to serve in any elementary or secondary school in the capacity of teacher, supervisor, administrator, education specialist, school nurse, or school librarian (Section 33-1201, Idaho Code).
4. Certificate Denial. The refusal of the state to grant a certificate for an initial or reinstatement application.
5. Certificate Suspension. A time-certain invalidation of any Idaho certificate as determined by a stipulated agreement or a due process hearing panel as set forth in Idaho Code Section 33-1209.
6. Complaint. A signed document defining the allegation that states the specific ground or grounds for revocation, suspension, denial, or placement of reasonable conditions on a certificate, or issuance of a letter of reprimand (Section 33-1209(1), Idaho Code). The State Department of Education may initiate a complaint.
7. Conditional Certificate. Allows an educator to retain licensure under certain stated certificate conditions as determined by the Professional Standards Commission (Section 33-1209(10), Idaho Code).
8. Contract. Any signed agreement between the school district and a certificated educator pursuant to Section 33-513(1), Idaho Code.
9. Conviction. Refers to all instances regarding a finding of guilt by a judge or jury; a plea of guilt by Nolo Contendere or Alford plea; or all proceedings in which a sentence has been suspended, deferred, or withheld.
10. Educator. A person who holds or applies for an Idaho certificate (Section 33-1001(16) and Section 33-1201, Idaho Code).
11. Education Official. An individual identified by local school board policy, including, but not limited to, a superintendent, principal, assistant principal, or school resource officer (SRO).
12. Executive Committee. A decision-making body comprised of members of the Professional Standards Commission, including the chair and vice-chair of the Commission. A prime duty of the Committee is to review purported violations of the Code of Ethics for Idaho Professional Educators to determine probable cause and direction for possible action to be taken against a certificate holder.
13. Hearing. A formal review proceeding that ensures the respondent due process. The request for a hearing is initiated by the respondent and is conducted by a panel of peers.
14. Hearing Panel. A minimum of three (3) educators appointed by the chair of the Professional Standards Commission and charged with the responsibility to make a final determination regarding the charges specifically defined in the administrative complaint.
15. Investigation. The process of gathering factual information concerning a valid, written complaint in preparation for review by the Professional Standards Commission Executive Committee, or following review by the Executive Committee at the request of the deputy attorney general assigned to the Department of Education.
16. Minor. Any individual who is under eighteen (18) years of age.

17. Not-Sufficient Grounds. A determination by the Executive Committee that there is not-sufficient evidence to take action against an educator's certificate.
18. Principles. Guiding behaviors that reflect what is expected of professional educators in the state of Idaho while performing duties as educators in both the private and public sectors.
19. Reprimand. A written letter admonishing the certificate holder for his/her conduct. The reprimand cautions that further unethical conduct may lead to consideration of a more severe action against the holder's certificate.
20. Respondent. The legal term for the professional educator who is under investigation for a purported violation of the Code of Ethics for Idaho Professional Educators.
21. Revocation. The invalidation of any certificate held by the educator.
22. Stipulated Agreement. A written agreement between the respondent and the Professional Standards Commission to resolve matters arising from an allegation of unethical conduct following a complaint or an investigation. The stipulated agreement is binding to both parties and is enforceable under its own terms, or by subsequent action by the Professional Standards Commission.
23. Student. Any individual enrolled in any Idaho Public or private school from preschool through grade twelve (12).
24. Sufficient Grounds. A determination by the Executive Committee that sufficient evidence exists to issue an administrative complaint.
25. Teacher. Any individual required to hold a certificate pursuant to Section 33-1201, Idaho Code.

## **CODE OF ETHICS FOR IDAHO PROFESSIONAL EDUCATORS**

### **Preamble:**

Believing in the worth and dignity of each human being, the professional educator recognizes the supreme importance of pursuing truth, striving toward excellence, nurturing democratic citizenship and safeguarding the freedom to learn and to teach, while guaranteeing equal educational opportunity for all. The professional educator accepts the responsibility to practice the profession according to the highest ethical principles. The Code of Ethics for Idaho Professional Educators symbolizes the commitment of all Idaho educators and provides principles by which to judge conduct.

### **ASPIRATIONS AND COMMITMENTS OF PROFESSIONAL EDUCATORS:**

- a. The professional educator aspires to stimulate the spirit of inquiry in students and to provide opportunities in the school setting that will help them acquire viable knowledge, skills, and understanding that will meet their needs now and in the future.
- b. The professional educator provides an environment that is safe to the cognitive, physical, and psychological well-being of students, and provides opportunities for each student to move toward the realization of his/her goals and potential as an effective citizen.
- c. The professional educator, recognizing that students need role models, will act, speak, and teach in such a manner as to exemplify nondiscriminatory behavior, and encourage respect for other cultures and beliefs.
- d. The professional educator is committed to the public good and will help preserve and promote the principles of democracy. He/she will provide input to the local school board to assist in the board's mission of developing and implementing sound educational policy while promoting a climate in which the exercise of professional judgment is encouraged.
- e. The professional educator believes the quality of services rendered by the education profession directly influences the nation and its citizens. He/she strives, therefore, to establish and maintain the highest set of professional principles of behavior, to improve educational practice, and to achieve conditions that attract highly qualified persons to the profession.
- f. The professional educator regards the employment agreement as a pledge to be executed in a manner consistent with the highest ideals of professional service. He/she believes that sound professional personal relationships with colleagues, governing boards, and community members are built upon integrity, dignity, and mutual respect. The professional educator encourages the practice of the profession only by qualified persons.



**PRINCIPLE I – Professional Conduct:**

A professional educator abides by all federal, state, and local laws and statutes. Unethical conduct may include the conviction of any felony or misdemeanor offense as set forth in Section 33-1208, Idaho Code.

**PRINCIPLE II – Educator/Student Relationship:**

A professional educator maintains a professional relationship with all students, both inside and outside the classroom. Unethical conduct includes but is not limited to:

- a. Committing any act of child abuse, including physical and/or emotional abuse;
- b. Committing any act of cruelty to children or any act of child endangerment;
- c. Committing or soliciting any sexual act from any minor or any student regardless of age;
- d. Committing any act of harassment (e.g., sexual harassment) as defined by district policy;
- e. Soliciting, encouraging, or consummating a romantic or inappropriate relationship (whether written, verbal, or physical) with a student, regardless of age;
- f. Using inappropriate language including, but not limited to, swearing and improper sexual comments (e.g., sexual innuendoes or sexual idiomatic phrases);
- g. Taking inappropriate pictures (digital, photographic or video) of students;
- h. Inappropriate contact with any minor or any student regardless of age using electronic media;
- i. Furnishing alcohol or illegal/unauthorized drugs to any student or allowing or encouraging a student to consume alcohol/unauthorized drugs except in a medical emergency;;
- j. Conduct that is detrimental to the health and welfare of students; and
- k. Deliberately falsifying information presented to students.

**PRINCIPLE III – Alcohol and Drugs Use or Possession:**

A professional educator refrains from the abuse of alcohol or drugs during the course of professional practice.

Unethical conduct includes but is not limited to:

- a. Being on school premises or at any school sponsored activity, home or away, involving students while possessing, using or consuming illegal or unauthorized drugs;
- b. Being on school premises or at any school sponsored activity, home or away, involving students while possessing, using, or consuming alcohol.
- c. Inappropriate/illegal use of prescription medications on school premises or at school sponsored events, home or away;
- d. Inappropriate or illegal use of drugs or alcohol that impairs the individual's ability to function; and
- e. Possession of an illegal drug as defined in Idaho Code, Chapter 27, Uniform Controlled Substances.

**PRINCIPLE IV – Professional Integrity:**

A professional educator exemplifies honesty and integrity in the course of professional practice.

Unethical conduct includes but is not limited to:

- a. Fraudulently altering or preparing materials for licensure or employment;
- b. Falsifying or deliberately misrepresenting professional qualifications, degrees, academic awards, and related employment history when applying for employment and/or licensure;
- c. Failure to notify the state at the time of application for licensure of past revocations or suspensions of a certificate/license from another state;
- d. Failure to notify the state at the time of application for licensure of past criminal convictions of any crime violating the statutes or rules governing teacher certification;
- e. Falsifying, deliberately misrepresenting, or deliberately omitting information regarding the evaluation of students and/or personnel, including improper administration of any standardized tests (changing test answers; copying or teaching identified test items; unauthorized reading of the test to students, etc.);

- f. Falsifying, deliberately misrepresenting, or deliberately omitting reasons for absences or leaves;
- g. Falsifying, deliberately misrepresenting, or deliberately omitting information submitted in the course of an official inquiry and/or investigation;
- h. Falsifying, deliberately misrepresenting, or deliberately omitting material information on an official evaluation of colleagues, and
- i. Failure to notify the state of any criminal conviction of a crime violating the statutes or rules governing teacher certification.

**PRINCIPLE V – Funds and Property:**

A professional educator entrusted with public funds and property honors that trust with a high level of honesty, accuracy, and responsibility. Unethical conduct includes but is not limited to:

- a. Misusing, or unauthorized use of, public or school-related funds or property;
- b. Failing to account for school funds collected from students, parents or patrons;
- c. Submitting fraudulent requests for reimbursement of expenses or for pay;
- d. Co-mingling of public or school-related funds in personal bank account(s);
- e. Using school property for private financial gain;
- f. Using school computers to deliberately view or print pornography; and,
- g. Deliberate use of poor budgeting/ accounting practices.

**PRINCIPLE VI – Compensation**

A professional educator maintains integrity with students, colleagues, parents, patrons, or business personnel when accepting gifts, gratuities, favors, and additional compensation. Unethical conduct includes but is not limited to:

- a. Unauthorized soliciting of students and/or parents of students to purchase equipment, supplies, or services from the educator who will directly benefit;
- b. Accepting gifts from vendors or potential vendors for personal use or gain where there may be the appearance of a conflict of interest;
- c. Tutoring students assigned to the educator for remuneration unless approved by the local board of education; and,
- d. Soliciting, accepting or receiving a pecuniary benefit greater than fifty (\$50.00) dollars as defined in Idaho Code §18-1359(b).

**PRINCIPLE VII – Confidentiality**

A professional educator complies with state and federal laws and local school board policies relating to the confidentiality of student and employee records, unless disclosure is required or permitted by law. Unethical conduct includes but is not limited to:

- a. Sharing of confidential information concerning student academic and disciplinary records, personal confidences, health and medical information, family status and/or income, and assessment/testing results with inappropriate individuals or entities; and,
- b. Sharing of confidential information about colleagues obtained through employment practices with inappropriate individuals or entities.

**PRINCIPLE VIII – Breach of Contract or Abandonment of Employment:**

A professional educator fulfills all terms and obligations detailed in the contract with the local board of education or education agency for the duration of the contract. Unethical conduct includes but is not limited to:

- a. Abandoning any contract for professional services without the prior written release from the contract by the employing school district or agency;
- b. Willfully refusing to perform the services required by a contract; and,
- c. Abandonment of classroom or failure to provide appropriate supervision of students at school or school-sponsored activities to ensure the safety and well-being of students.

**PRINCIPLE IX – Duty to Report:**

A professional educator reports breaches of the Code of Ethics for Idaho Professional Educators and submits reports as required by Idaho Code. Unethical conduct includes but is not limited to:

- a. Failure to comply with Section 33-1208A, Idaho Code, (reporting requirements and immunity);
- b. Failure to comply with Section 16-1605, Idaho Code, (reporting of child abuse, abandonment or neglect);
- c. Failure to comply with Section 33-512B, Idaho Code, (suicidal tendencies and duty to warn); and,
- d. Having knowledge of a violation of the Code of Ethics for Idaho Professional Educators and failing to report the violation to an appropriate education official.

**PRINCIPLE X – Professionalism:**

A professional educator ensures just and equitable treatment for all members of the profession in the exercise of academic freedom, professional rights and responsibilities while following generally recognized professional principles. Unethical conduct includes but is not limited to:

- a. Any conduct that seriously impairs the certificate holder's ability to teach or perform his or her professional duties;
- b. Committing any act of harassment toward a colleague;
- d. Failure to cooperate with the Professional Standards Commission in inquiries and/or investigations or hearings;
- e. Using institutional privileges for the promotion of political candidates or for political activities, except for local, state or national education association elections;
- f. Deliberately falsifying information presented to students.
- g. Willfully interfering with the free participation of colleagues in professional associations; and,
- h. Taking inappropriate pictures (digital, photographic or video) of colleagues.

**VIOLATION OF THE CODE OF ETHICS FOR IDAHO PROFESSIONAL EDUCATORS**

A violation of the Code of Ethics for Idaho Professional Educators is grounds to deny, suspend, revoke, or place reasonable conditions on one's teaching certificate. An allegation of ethical misconduct may be brought by the board of trustees or by any individual-other than a student of an Idaho public school-who has substantial interest in the matter.

The board of trustees will report to the chief officer of teacher certification the circumstances and the name of any educator who is dismissed, resigns, or is otherwise severed from employment for reasons that could constitute grounds for revocation, suspension or denial of a certificate within ten (10) days of the date employment is severed. Upon receipt of written and signed allegation, the Executive Committee of the Professional Standards commission reviews the circumstances of the case and determines whether sufficient grounds exist to warrant filing a complaint against the individual accused of misconduct. If sufficient grounds are determined to exist, the chief certification officer of the Professional Standards Commission files a formal complaint against the accused. Upon request, a hearing shall be held, and a recommendation shall be made to the Professional Standards Commission. The final decision of the Profession Standards Commission shall be subject to judicial review. Such hearings are held in compliance with Idaho Code, 33-1209.

**LEGAL REFERENCE:**

Idaho Code Sections

33-513 – *Professional Personnel*

33-1208(1)(j) - *Revocation, Suspension, Denial or Place Reasonable Conditions on Certificate – Grounds*

33-1208A – *Reporting Requirements and Immunity*

33-1209 – *Proceeding to Revoke, Suspend, Deny or Place Reasonable Conditions on a Certificate – Letters of Reprimand – Complaint – Subpoena Power - Hearing*

**IDAPA**

08.02.02.076 – Code of Ethics for Idaho Professional Educators

08.02.02.077 – Definitions for Use with the Code of Ethics for Idaho Professional Educators

**ADOPTED:** May 8, 2000

**AMENDED:** July 28, 2009  
**AMENDED:** December 15, 2009  
**AMENDED:** September 23, 2014

**POLICY 448 REDUCTION IN FORCE REGARDING CERTIFICATED EMPLOYEES:** Policy 448 will be treated as a first reading.

**POLICY 681F1 STUDENT RECORDS: FERPA ANNUAL NOTICE OF RIGHTS:** Motion by Heber Loughmiller and seconded by Ryan Cranney to approve Policy 681F1; motion carried. Policy 681F1 will read as follows:

Cassia County School District No. 151  
Family Educational Rights and Privacy Act (FERPA)  
Annual Notice of Rights

The Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. § 1232g; 34 CFR Part 99) is a Federal law that protects the privacy of student education records. The law applies to all schools that receive funds under an applicable program of the U.S. Department of Education. The FERPA Annual Notice of Rights is to be posted on the school district's website.

FERPA gives parents certain rights with respect to their children's education records. These rights transfer to the student when he or she reaches the age of 18 or attends a school beyond the high school level. Students to whom the rights have transferred are "eligible students."

These rights are:

1. Parents or eligible students have the right to inspect and review the student's education records maintained by the school. Schools are not required to provide copies of records unless, for reasons such as great distance, it is impossible for parents or eligible students to review the records. Schools may charge a fee for copies.

Parents or eligible students should submit to the building principal or designee a written request that identifies the record(s) they wish to inspect. The school official will make arrangements for access and notify the parent or eligible student of the time and place where the records may be inspected. The request of the parent or student should be handled in a reasonable time frame and should not exceed 45 days from the date of the request.

2. The right to request the amendment of the student's education records that the parent or eligible student believes are inaccurate, misleading, or otherwise in violation of the student's privacy rights under FERPA. If the school decides not to amend the record, the parent or eligible student then has the right to a formal hearing. After the hearing, if the school still decides not to amend the record, the parent or eligible student has the right to place a statement with the record setting forth his or her view about the contested information.

Parents or eligible students who wish to ask the district to amend a record should submit a written request to the building principal or designee, clearly identify the part of the record they want changed, and specify why it should be changed. If the district decides not to amend the record as requested by the parent or eligible student, the district will notify the parent or eligible student of the decision and advise them of their right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the parent or eligible student when notified of the right to a hearing.

3. The right to privacy of personally identifiable information (PII) in the student's education records, except to the extent that FERPA authorizes disclosure without consent. FERPA allows schools to disclose those records, without consent, to the following parties or under the following conditions (34 CFR § 99.31):

- School officials within Cassia Jt. School District with legitimate educational interest. Including, but not limited to, teachers, administrators, school board members, contractors, consultants, volunteers, or other parties to whom the school has outsourced institutional services or functions. A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility.
  - To officials of another school, school system or institution of postsecondary education where the student seeks or intends to enroll, or where the student is already enrolled if the disclosure is for purposes related to the student's enrollment or transfer.
  - To authorized representatives of the U. S. Comptroller General, the U. S. Attorney General, the U.S. Secretary of Education, or state and local educational authorities, such as the Idaho State Department of Education. Disclosures under this provision may be made in connection with an audit or evaluation of federal- or state-supported education programs, or for the enforcement of or compliance with federal legal requirements that relate to those programs.
  - In connection with financial aid for which the student has applied or, which the student has received, if the information is necessary to determine eligibility for the aid, determine the amount of the aid, determine the conditions of the aid, or enforce the terms and conditions of the aid.
  - To state and local officials or authorities to whom information is specifically allowed to be reported or disclosed by state law that concerns the juvenile justice system and the system's ability to effectively serve, prior to adjudication, the student whose records were released.
  - To organizations conducting studies for, or on behalf of, the school, in order to: (a) develop, validate, or administer predictive tests; (b) administer student aid programs; or (c) improve instruction.
  - To accrediting organizations to carry out their accrediting functions.
  - To parents of an eligible student if the student is a dependent for IRS tax purposes.
  - To comply with a judicial order or lawfully issued subpoena.
  - To appropriate officials in connection with a health or safety emergency.
  - Information the school has designated as "directory information".
4. The right to file a complaint with the U.S. Department of Education concerning alleged failures by the district to comply with the requirements of FERPA. The name and address of the office that administers FERPA:  
Family Policy Compliance Office  
U.S. Department of Education  
400 Maryland Avenue, SW  
Washington, DC 20202



**LEGAL REFERENCE:**

Section 9528 of the Elementary and Secondary Education Act (20 USC § 7908) and 10 USC § 503(c)

**ADOPTED:** September 23, 2014

**POLICY 681F2 STUDENT RECORDS: FERPA ANNUAL NOTICE OF DIRECTORY**

**INFORMATION:** Motion by Ryan Cranney and seconded by Linda Petersen to approve Policy 681F2; motion carried. Policy 681F2 will read as follows:

Cassia County School District No.151  
Family Educational Rights and Privacy Act (FERPA)  
Annual Notice of Directory Information

The Family Educational Rights and Privacy Act (FERPA), a Federal law, requires that Cassia County School District No. 151, with certain exceptions, obtain your written consent prior to the disclosure of personally

identifiable information (PII) from your child's education records. However, the district may disclose appropriately designated "directory information" without written consent, unless you have advised the district to the contrary in accordance with district procedures (see Policy No. 681, Student Records, and Policy No. 681F3, FERPA Directory Information Opt-Out Form). The primary purpose of directory information is to allow the district to include this type of information from your child's education records in certain school publications. Examples include but are not limited to:

- A playbill, showing your student's role in a drama production;
- The annual yearbook;
- Honor roll or other recognition lists;
- Graduation programs;
- Digital or printed school newsletter; and
- Sports activity sheets, such as for wrestling, showing weight and height of team members.

Directory information, which is information that is generally not considered harmful or an invasion of privacy if released, can also be disclosed to outside organizations without a parent's prior written consent. Outside organizations include, but are not limited to, companies that manufacture class rings or publish yearbooks. In addition, two federal laws require local educational agencies (LEAs) receiving assistance under the Elementary and Secondary Education Act of 1965 (ESEA) to provide military recruiters, upon request, with the following information – names, addresses and telephone listings – unless parents have advised the district that they do not want their student's information disclosed without their prior written consent.

If you do not want Cassia County School District No. 151 to disclose directory information from your child's education records without your prior written consent, you must notify the district in writing within ten (10) days from the first day of school, or date of enrollment, whichever occurs first. This district has designated the following information as directory information: [PLEASE NOTE: The district may, but does not have to, include all the information listed below.]

- |  |  |
|--|--|
| • Student's name   | • Photograph   |
| • Address  | • Grade level  |
| • Telephone number   | • Dates of attendance  |
| • E-mail address   | • Participation in officially recognized activities and sports   |
| • Degrees, honors, and awards received                       | • Student ID number, user ID, or other unique personal identifier used to communicate in electronic systems that cannot be used to access education records without a PIN, password, etc. (A student's SSN, in whole or in part, cannot be used for this purpose.) |
| • Weight and height of members of athletic teams             |  |
| • The most recent educational agency or institution attended |  |



**LEGAL REFERENCE:**

Section 9528 of the Elementary and Secondary Education Act (20 USC § 7908) and 10 USC § 503(c)

**ADOPTED:** September 23, 2014

**POLICY 681F3 STUDENT RECORDS: FERPA DIRECTORY INFORMATION OPT-OUT**

**FORM:** Motion by Ryan Cranney and seconded by Heber Loughmiller to approve Policy 681F3; motion carried. Policy 681F3 will read as follows:

Cassia County School District No. 151  
Family Educational Rights and Privacy Act (FERPA)  
Directory Information Opt-Out Form

Pursuant to the Family Educational Rights and Privacy Act (FERPA), directory information listed in district Policy No. 681, Student Records, may be released to anyone, including but not limited to, the media, sporting events, colleges and universities, and the military. To prevent the release of this information, you must inform the district that you do not want this information released.

☐ By checking this box and signing below, I am requesting that the school district withhold the release of all types of Directory Information to any third parties until such a time as I choose to rescind this opt-out request.

Student's Name:		Birth Date:
School:		Grade:
Address:		
City, State, Zip:		
Person making request: <input type="checkbox"/> ELIGIBLE STUDENT <input type="checkbox"/> PARENT <div style="text-align: right;">Printed Parent/Guardian</div>		
Name _____		
Home Telephone:		Work Telephone:
Email:		

By signing and returning this form, I am requesting that directory information for the above-named student not be released to any person or organization, or published by the school district for any purpose. I understand that by not signing and returning this form to the school district, I am granting permission for directory information to be released or published. THE SCHOOL DISTRICT ASSUMES NO LIABILITY FOR HONORING A REQUEST TO WITHHOLD DIRECTORY INFORMATION.

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

OFFICE USE ONLY: Date Received \_\_\_\_\_ Date Records Coded \_\_\_\_\_

By (initial) \_\_\_\_\_

#### RESCISSION OF OPT-OUT REQUEST

I, the above-named parent/eligible student, hereby rescind my request to opt-out from the release of directory information.

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

OFFICE USE ONLY: Date Received \_\_\_\_\_ Date Records Coded \_\_\_\_\_

By (initial) \_\_\_\_\_



**ADOPTED:**    September 23, 2014

**POLICY 681F4 STUDENT RECORDS: FERPA DIRECTORY INFORMATION OPT-OUT FORM:** Motion by Linda Petersen and seconded by Ryan Cranney to approve Policy 681F4; motion carried. Policy 681F4 will read as follows:

**CASSIA JT. SCHOOL DISTRICT #151  
DISTRICT PUBLICATION AND NEWS MEDIA OPT-OUT FORM**

Joint School District No. 151 policy allows the release of the names and images of its students to promote school district programs and events. Examples would include local television stories on school events, videos and print material produced by district staff, pictures and videos of student activities posted on school websites, school newsletters, and school social media pages, and photographs in local print publications. In order to ensure that such videos or publications are appropriate, approval of district or school-level administration is required prior to the program or publication being produced.

If you would prefer that your child not be shown in promotional materials, please fill out the following form and turn it into your school office prior to the start of the second week of school. This form will be kept on file to ensure that your child is not included in any promotional materials produced at his or her school. If you have more than one child at an elementary, middle, or high school in our district please include each of the students' names below. If you have children at more than one school, please turn in one form per school.

Parent/Legal Guardian Name	<input type="text"/>
Student Name	<input type="text"/>
Student Name	<input type="text"/>
Student Name	<input type="text"/>
Home Address	<input type="text"/>
City/State/Zip	<input type="text"/>
Phone	<input type="text"/>
Parent Signature	<input type="text"/>

For more information about the school district policy regarding release of information, please refer to school district policy 681 on the school district's website [www.cassiaschools.org](http://www.cassiaschools.org)



**ADOPTED:** September 23, 2014



## **ITEMS FROM SUPERINTENDENT:**

**CERTIFIED PROFESSIONAL DEVELOPMENT:** Sandra Miller, Kevin Bushman and Grace Campos reported to the Board of the success of the professional development day. The amount of monies spent on the Professional Development Day was \$90,040.00.

**WATER TREATMENT PROPOSAL:** Dr. Smyer discussed the bid from Sweet's Plumbing to treat the water system at the Raft River schools and reported that another plumbing company and possibly two companies will offer bid on Friday to Steve Bennett, Maintenance Supervisor.

**LEADERSHIP PREMIUMS:** Motion by Heber Loughmiller and seconded by Kathy Millar to table the Leadership Premium payment schedule revisions submitted by the building principals; motion carried.

**TRIP REQUESTS:** Motion by Ryan Cranney and seconded by Kathy Millar to approve a trip request from the Federal Programs director, Kevin Bushman for students and staff to attend the Idaho Commission on Hispanic Affairs (ICHA) at Boise State University on Friday, October 24, 2014; motion carried.

Motion by Ryan Cranney and seconded by Linda Petersen to approve Annual Trip Requests from the schools listed below; motion carried. The schools approved are as follows:

Burley Jr. High School  
Cassia Regional Tech Center  
Dworshak Elementary School  
Raft River High School

**AMERICAN RED CROSS SHELTER AGREEMENT:** Motion by Heber Loughmiller and seconded by Kathy Millar to approve the use of schools with kitchen facilities and gyms to the Red Cross in order to provide shelters in the event of an emergency; motion carried.

**COPIER PROPOSALS:** Motion by Kathy Millar and seconded by Heber Loughmiller to continue with Fenton's per Chris James' recommendation for upgrading four (4) copiers within the district for the amount of \$28,817; motion carried.

**INVESTMENT BOND PROPOSAL:** Motion by Heber Loughmiller and seconded by Kathy Millar to approve Chris James opening up an account with Total Value Investments with the possibility of investing district funds in government bonds which will be subject to board approval; motion carried.

**SEPARATIONS:** Motion by Kathy Millar and seconded by Heber Loughmiller to approve separations from the district; motion carried. The separations are as follows:

Classified: Daniel Piquet, Burley High School Asst Boys Soccer Coach; Melissa F. Bedke, Oakley High School Jr. High Girls Basketball Coach; Janet Gorringer, Oakley Elementary Para Educator; Heather Grace, Burley Jr. High School Para Educator; Mark Moosman, Maintenance; Tegan Durfee, Burley High School KFAC Student Aide; Joseph Greener, Burley High School KFAC Student Aide; Morgan Hunt, Burley High School KFAC Student Aide; Jerico Jaramillo, Burley High School KFAC Student Aide; Robert Owens, Burley High School KFAC Student Aide; Amanda Posyluzny, Burley High School KFAC Student Aide; Ricardo Reyes-Melena, Burley High School KFAC Student Aide; Verda Palomarez, Mountain View Elementary Head Custodian

**NEW HIRES:** Motion by Ryan Cranney and seconded by Heber Loughmiller to approve the New Hires; motion carried. The New Hires are as follows:

Certified: Claudia Garner, Declo Jr. High School ½ time Social Studies teacher; Carol Malone, White Pine Special Education; Melanie Knowles, Declo High School Head Cross Country Coach

Classified: Uriel Anguiano, Burley High School Asst. Boys Soccer Coach; Debra Fenton, White Pine Para Educator; Joseph Clark, Burley High School/Cassia Regional Tech Center Custodian; Amanda Pitchford, Declo Food Service; Karen Thomander, Declo Migrant/ESL Para Educator; Jamy Corbett, Oakley Elementary part time Para Educator; Terri Alcocer, Dworshak IRI Testor; Anna Allen, Burley Jr. High Para Educator; Andrea Ramirez, Burley Jr. High Para Educator; Holly Ottley, Declo Jr. High Rural Initiative Math Coach; Austin Schaffer, Burley High School KFAC Student Aide; Shailey Woodward, Burley High School KFAC Student Aide; Josue Victorino, Burley High School KFAC Student Aide; Roberto Vasquez, Burley High School KFAC Student Aide; Wyatt Ogden, Burley High School KFAC Student Aide; Quinn Devine, Burley High School KFAC Student Aide; Jasmine Cedillo, Burley High School KFAC Student Aide; David Carver, Burley High School KFAC Student Aide; Austin Campbell, Burley High School KFAC Student Aide; Scott Draper, Burley High School Head Golf Coach

**EMERGENCY SCHOOL CLOSURES:** Motion by Kathy Millar and seconded by Heber Loughmiller to approve the emergency closure of Burley Jr. High School on September 17<sup>th</sup> and 18<sup>th</sup>, 2014 due to power outages.

**LEAVE OF ABSENCE:** Motion by Steve Lynch and seconded by Kathy Millar to approve Teacher A's Leave of absence; motion carried.

**ITEMS FROM TRUSTEES:** Mrs. Petersen discussed a professional dress code and expressed a desire to gather input from the Cassia County Education Association (CCEA). She would also like to open up a discussion between the union and the teachers.

Mrs. Petersen discussed the increase in the garbage pick-up cost. She stated she visited with Pacific Steel with hopes of saving the district money.

Mrs. Petersen discussed the voice mail on school and district phones need to be updated. Mrs. Teeter will inquire with Project Mutual to get this handled.

Mrs. Petersen voiced concerns for children with special needs who may not be starting the school year with their home room teachers aware of their issues and therefore, are not able to give them the specialized help they require in class.

Mrs. Petersen is voiced a desire that an enrichment help or aids be given to students who excel in the core subjects such as math and not more worksheets handed out to complete.

**EXECUTIVE SESSION:** Motion by Ryan Cranney and seconded by Heber Loughmiller to go into Executive Session in accordance with Idaho Code § 67-2345 (1) (b). The purpose of this session is to revisit personnel issues within the district. Voting Aye: Ryan Cranney, Linda Petersen, Kathy Millar, Heber Loughmiller, Steve Lynch; motion carried. (9:45 p.m.)

**OPEN SESSION:** Motion by Heber Loughmiller and seconded by Kathy Millar to go into Open Session. Voting Aye: Ryan Cranney, Linda Petersen; Kathy Millar; Heber Loughmiller; Steve Lynch; motion carried. (11:00 p.m.)

Motion by Kathy Millar and seconded by Heber Loughmiller to approve the recommendations of the school administrator after his thorough investigation in regards to an anonymous letter written and delivered to several entities regarding Teacher A.

Motion by Heber Loughmiller and seconded by Kathy Millar to approve the Leadership Premiums with the exception of Cassia Regional Tech Center and as amended for Declo and Raft River High Schools; motion carried.

Motion by Kathy Millar and seconded by Heber Loughmiller to adjourn; motion carried. Voting Aye: Ryan Cranney, Linda Petersen, Kathy Millar, Heber Loughmiller, Steve Lynch; motion carried. (11:15 p.m.)

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Steve Lynch, Board Chairman

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Pamela Teeter, Board Clerk

