

**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~~ 72, 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** file 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 ~~or trustees~~ 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* ~~including~~ MHEA members, students, parents, and the

30 community be it verbal, social, electronic or digital, or through written, email, or text messages,  
31 *or phone calls* to prevent any potential violation of open meeting laws *and transparency and*  
32 *ethics in government* and to prevent any potential compromise of a School Board Trustee *and*  
33 *their ability and/or responsibility to discuss, debate, or decide on a school district matter or*  
34 *interfere in school district business.*

35  
36 The MHSD Board of Trustees has established *this document as* a protocol regarding **how** the  
37 School Board **or individual School Board** Trustees engages with the public, with **school district**  
38 employees, with students, and patrons of MHSD in social settings, the handling of emails, the use  
39 of social media, and any other form or method of communication/conversation to prevent  
40 violations of open meeting laws, *Transparency & Ethics in Government*, AG Idaho Open Meeting  
41 Laws Manual, and FERPA laws. (Idaho Code 74-201 through 74-208)

42  
43 **Definitions:**

44  
45 **Communication/Conversations** – includes, but not limited to written documents, *phone calls*,  
46 emails, texts, direct conversion/verbal, via chat rooms, social media, electronic or digital means,  
47 etc.

48  
49 **Casual Communications/Conversations** – *casual communications/conversations about the*  
50 *school district that don't require a decision from a Trustee, or the School Board are acceptable*  
51 *as long as the conversation doesn't compromise the trustee's ability and/or responsibility to*  
52 *discuss, debate, or decide on a school district matter or interfere in school district business*  
53 *whether immediately or in the future.*

54  
55 **Community** – include but is not limited to private citizens, patrons of the school district,  
56 parents/guardians, and students, etc.

57  
58 **Employee** – *The School Board has only one employee, the Superintendent. As such, the School*  
59 *Board may communicate in any manner with the Superintendent on a regular basis about all*  
60 *school district matters no matter the subject matter individually or as the School Board.*

61  
62 **School District Employee** – hereinafter designated as the “Employee” include but is not limited  
63 to MHSD employees, *with the exception of the Superintendent*, in all categories of employment  
64 including the Mountain Home Education Association (MHEA) and their members, substitute  
65 teachers, part-time employees, summer hire employees, etc.

66  
67 **School District Matters** – include all things school district related no matter the subject matter  
68 and all things affecting the school district no matter the subject matter.

69  
70 **NOTE: Casual communications/conversations about the school district that don’t require a**  
71 **decision from a trustee, or the School Board are acceptable as long as the conversation doesn’t**  
72 **compromise the trustee’s ability and/or responsibility to discuss, debate, or decide on a school**  
73 **district matter or interfere in school district business whether immediately or in the future.**

74  
75 **School Board Trustee** – the elected official of one of the five School District Zones who  
76 individually may not make any decisions or give any input regarding school district matters, but  
77 collectively as the School Board during open meetings make all decisions.

78  
79 **Social Settings or Gatherings** – include, but is not limited to, **informal events or** social events or  
80 functions, parties, BBQs, coffees and such similar gatherings, public gatherings, holiday  
81 gatherings, public and official functions, etc. **(Attorney General’s Idaho Open Meeting Law**  
82 **Manual)**

83  
84 Board Protocols are as follows:

- 85 1. School Board Trustees may not act as an individual, but only as a group and as such must  
86 refrain from discussing school *district matters* outside of a school board meeting.  
87  
88 2. School Board Trustees ~~may~~ **must** inform the public person or employee that he/she may not  
89 discuss school ~~district related~~ *district matters* outside of a school board meeting.  
90  
91 3. Communication/Conversation – All communications/conversations *regarding school district*

92 *matters that don't require a decision from a Trustee, or the School Board are acceptable as*  
93 *long as the communication/conversation doesn't compromise the Trustee's ability and/or*  
94 *responsibility to discuss, debate, or decide on a school district matter or interfere in school*  
95 *district business whether immediately or in the future* received by a School Board Trustee  
96 *need* to be reported at the next regular board meeting including the person/employee's name  
97 and the reason for the communication/conversation, *as required. (Attorney General – Idaho*  
98 *Open Meeting Law Manual)*

99  
100 *The Board encourages ~~welcomes~~ the MHEA to regularly request to be a delegation at the*  
101 *convenience of the association in the regular monthly board meetings by submitting in*  
102 *writing a request to be placed on the agenda and by giving a brief explanation for requesting*  
103 *to be a delegation, and with the caveat that the MHEA first approach the Superintendent to*  
104 *keep him abreast of the request and to possibly receive guidance. (MHSD Board Meeting*  
105 *Policy – Agenda Preparation)*

106  
107 The School Board Trustee will forward all communications/conversations involving school  
108 *district related* matters to the Superintendent or *if necessary, the* Board Clerk for public record  
109 and retention according to the Records Retention Schedule Policy and Procedure.

110  
111 *NOTE: Casual communications/conversations about the school district that don't require a*  
112 *decision from a Trustee, or the School Board are acceptable as long as the conversation*  
113 *doesn't compromise the trustee's ability and/or responsibility to discuss, debate, or decide*  
114 *on a school district matter or interfere in school district business whether immediately or in*  
115 *the future.*

- 116  
117 4. Social Settings & Gatherings – Any trustee who is approached or contacted in a social setting,  
118 event, activity, or gathering and the conversations turns into a conversation on school *district*  
119 *related* matters, whether intentional or not, *that could compromise the trustee's ability and/or*  
120 *responsibility to discuss, debate, or decide on a school district matter or interfere in school*  
121 *district business* must immediately and politely terminate that conversation and politely tell  
122 the individual(s) that it is an open meeting violation for him/her to discuss school *district*

- 123 matters outside of a board meeting.  
124
- 125 a. The trustee should refer the individual(s) to the building administrator or the  
126 Superintendent for assistance. *(MHSD Board Authority Policy - School Board Protocol*  
127 *Regarding Complaints & Grievances)*  
128
- 129 b. The trustee **may** ~~could~~ invite the individual to attend a board meeting to give public input  
130 as long as student or employee names are not used, or to contact the Board Clerk or  
131 Superintendent and request to be placed on the next board agenda as a delegate **with proof**  
132 **that the school board protocol was followed.** The person wishing to comment should be  
133 informed of the procedures to be a delegate or to give public input. **(Board Meeting Policy**  
134 **– Agenda Preparation)**  
135
- 136 c. School Board Trustees are **permitted** ~~allowed~~ to attend social functions, events, activities,  
137 and gatherings, etc.; however, they may not discuss school district matters that would  
138 **compromise the trustee’s ability and/or responsibility to discuss, debate, or decide on a**  
139 **school district matter or interfere in school district business** under any circumstance  
140 **including** ~~and not even~~ among themselves in a social setting.
- 141 ● The perception again could be the Trustee(s) attending a function or event is attending  
142 as the School Board or School Trustee.
  - 143 ● It is not advisable for School Board Trustees to attend **any** local union social functions,  
144 events, activities, gatherings, etc., including the MHEA’s social functions, events,  
145 activities, gatherings, etc., due to the possibility of violating open meeting laws **and**  
146 **transparency and ethics in government.**
- 147
- 148 d. Trustees may attend all State, County, City, ISBA, NSBA forums, conventions, trainings,  
149 etc., as an individual Trustee or as the, but may not discuss school district matters and no  
150 decisions of the school district will be made. **If more than two trustees attend, a Notice of**  
151 **a Quorum should be published ahead of time.**  
152

153 **5. Public Input – any member of the community has the right to attend meetings and hear the**

154 *decisions of the Board in open meetings. Patrons, staff, and parents are welcome to give*  
155 *public input by following the Board Meeting Policy – Agenda Preparation and the District*  
156 *Website information ([www.mtnhomesd.org](http://www.mtnhomesd.org)) addressing public input.*

157  
158 *a. Public input may be provided to the Board by attending the board meeting in person,*  
159 *sign up on the Public Input Signup Sheet, and submit to the Board Chair or Board Clerk*  
160 *the [Public Input Form](#) located next to the signup sheet prior to the start of the board*  
161 *meeting. **The form is also located on the School District Website ([www.mtnhomesd.org](http://www.mtnhomesd.org)).***  
162 *If called upon by the Board, the individual(s) will be allowed a maximum of three*  
163 *minutes to present their views. Please do not include the names of students or staff due*  
164 *to FERPA Laws and privacy protection. There will be no action taken at this time, but*  
165 *action on a problem area could be scheduled for a subsequent meeting of the board.*  
166 *Safety and healthcare measures such as the wearing of face masks and social distancing*  
167 *will be ~~must be~~ followed **during a CDC or State or School Board recognized pandemic.***  
168 *Those individuals refusing to follow the safety mitigations set in place will immediately*  
169 *be escorted out of the building. There is limited seating in the boardroom so patrons*  
170 *might have to sit in the foyer or the overflow room. If you have a complaint against*  
171 *personnel or students by name, you need to schedule an appointment with the*  
172 *Superintendent.*

173  
174 *b. Those wishing to submit public input but do not plan to attend the board meeting may*  
175 *still provide input to the Board as long as the [Public Input Form](#) has been submitted **by***  
176 ***noon the day of the board meeting.** All public input forms received will be forwarded to*  
177 *the Board of Trustees but might not be read aloud. Please do not include the names of*  
178 *students or staff due to FERPA Laws and privacy protection. There will be no action*  
179 *taken at this time. There will be no public input via zoom. If you have a complaint against*  
180 *personnel or students by name, you need to schedule an appointment with the*  
181 *Superintendent.*

182  
183 *c. **Patrons/groups wishing to be placed on the board agenda as a delegation to comment or***  
184 ***present ~~matters relating to school district matters~~ to the Board must submit in writing***

185 ***a letter to the Superintendent’s Office or Superintendent Administrative Assistant/Clerk***  
186 ***of the Board their reason for wanting to be a delegation, ~~or their comments,~~ or desire***  
187 ***to present to the Board no later than the Tuesday prior to the next regular ~~scheduled~~***  
188 ***board meeting to allow sufficient time for the matter to be placed as a Delegation on the***  
189 ***agenda. There will be no action taken at this time. The Board may decline to hear any***  
190 ***matter at its discretion. . If you have a complaint against personnel or students by name,***  
191 ***you need to schedule an appointment with the Superintendent.***

192  
193 ***d. The Board encourages the MHEA to regularly request to be delegation at the***  
194 ***convenience of the association, to discuss topics of their choosing with the caveat that***  
195 ***they first approach the Superintendent to keep him abreast and to receive guidance or***  
196 ***suggestions.***

197  
198 ***e. Public Input may be on any topic ~~that is school district related~~ as long as no students’ or***  
199 ***employees’ names are used.***

200  
201 6. Communications/Conversations – Any trustee who has received some sort of  
202 communications/conversation regarding school district matters by written documents, ***by***  
203 ***phone***, by email, by text messages, by direct conversation, in chat rooms, via social media, by  
204 digital and electronic methods, etc., and the communications/conversations and the topic or  
205 subject matter leads into a communication/conversation on school ***district related*** matters,  
206 whether intentional or not, ***that could compromise the trustee’s ability and/or responsibility***  
207 ***to discuss, debate, or decide on a school district matter or interfere in school district business***  
208 must immediately and politely terminate that communication/conversation and politely tell the  
209 individual(s) that it is an open meeting ***and transparency and ethics in government*** violation  
210 for him/her to discuss school ***district*** matters outside of a board meeting, and report the  
211 communication/conversation at the next school board meeting.

212  
213 a. Public Persons or Groups (Non-School District Employees)  
214 • The trustee should refer the individual(s) to the building administrator or school  
215 Superintendent for assistance.



- 216           • The trustee should inform the individual(s) that there is a **Board Authority Policy –**  
217           **School Board Protocol Regarding Complaints & Grievances** ~~chain of command~~  
218           ~~protocol~~ that must be followed before the Board would hear the matter.
- 219           • The trustee **may could** invite the individual(s) to attend a board meeting to give public  
220           input as long as student or employee names are not used, **and they met the Board**  
221           **Authority Policy – School Board Protocol Regarding Complaints & Grievances &**  
222           **Board Meeting Policy – Agenda Preparation** requirements or they could contact the  
223           Board Clerk or Superintendent and request to be placed on the next board agenda.  
224
- 225       b. MHSD Employees – Trustees who receive communications/conversation/conversations  
226           from employees regarding school district matters **that could compromise the trustee’s**  
227           **ability and/or responsibility to discuss, debate, or decide on a school district matter or**  
228           **interfere in school district business** need to direct the employee(s) to the building  
229           administrator or Superintendent for assistance. Politely explain that as a School Board  
230           Trustee, it would be violating open meeting laws **and transparency and ethics in**  
231           **government** if the communication/conversation continued and should the employee have  
232           to go before the Board, as a School Board Trustee he/she might have to recuse him/herself  
233           due to the employee compromising their position as a trustee.
- 234           • The trustee should inform the employee(s) that there is a **Board Authority Policy –**  
235           **School Board Protocol Regarding Complaints & Grievances** ~~chain of command~~  
236           ~~protocol~~ that must be followed before the Board would hear the matter.
- 237           • The trustee should **first** refer the employee(s) to the building administrator or  
238           Superintendent for assistance.
- 239           • The trustee **may could** invite the employee(s) to attend a board meeting to give public  
240           input, as long as no student or employee names are mentioned **and as long as the**  
241           **employee followed the protocol as defined in this policy and the Board Meeting Policy**  
242           **– Agenda Preparation.**
- 243
- 244       c. School Board Trustees must forward all school **district** related matters emails sent to their  
245           private email accounts **that might potentially compromise a School Board Trustee and**  
246           **their ability and/or responsibility to discuss, debate, or decide on a school district matter**



247 ***or interfere in school district business*** to their school district email account to ensure their  
248 private email account isn't *compromised* as a public record *IAW Idaho Code, Title 74 –*  
249 *Transparency and Ethics in Government.*

250  
251 ***Casual communications/conversations about the school district that don't require a***  
252 ***decision from a Trustee, or the School Board are acceptable as long as the conversation***  
253 ***doesn't compromise the trustee's ability and/or responsibility to discuss, debate, or***  
254 ***decide on a school district matter or interfere in school district business whether***  
255 ***immediately or in the future.***

256 ● All school *district* related matters emails sent from a patron or community person, or  
257 from employees or from parents and students are considered public record and as such  
258 may qualify the **person's** private email account as a public record and open to *the Idaho*  
259 *Public Records Act* and requests.

260 ● Trustees must not respond, *with the exception of affirmation of receiving the email*  
261 *and possible links to assist the person*, to any school *district* related matters emails,  
262 sent to their personal email address; instead, trustees must forward the email to the  
263 trustee's school district email account.

264 ● All *school district related matters* emails received on the School Board Trustees'  
265 school district email must be *reported at the next board meeting as required* and  
266 *should be* forwarded to the Superintendent and *if necessary, to the Board Clerk for*  
267 *archival purposes.*

268 \* *The Board Chair or the Superintendent should respond with an affirmation of*  
269 *receiving the email and a link(s) to assist the individual, but no other response is*  
270 *required.*

271 ● All emails received *regarding school district related matters that might potentially*  
272 *compromise a School Board Trustee and their ability and/or responsibility to discuss,*  
273 *debate, or decide on a school district matter or interfere in school district business*  
274 *must will be reported mentioned* during the next regular board meeting including the  
275 name of the person sending the email to the trustee and the subject matter.

276  
277 *d. School Board Trustees must refrain from responding to text messages, chats, IM, and*

278 *social media, etc., regarding school district matters, with the exception of affirmation of*  
279 *receiving the communication/conversation or to include possible links to assist the*  
280 *person, and then must report the communication/conversation at the next school board*  
281 *meeting.*

282 • *Explain that the conversation could compromise the trustee’s ability and/or*  
283 *responsibility to discuss, debate, or decide on a school district matter or interfere in*  
284 *school district business.*

285 • *Direct them to the public input form, or email the entire Board, or attend a board*  
286 *meeting.*

287 • *Ensure your devices or accounts aren’t compromised as a public record IAW Idaho*  
288 *Code, Title 74 – Transparency and Ethics in Government.*

289  
290 7. The School Board **of Trustees** directs all employees, *parents, patrons, and students* to follow  
291 the *Board Authority Policy – School Board Chain of Command Protocol Regarding for All*  
292 *Complaints & Grievances Policy* and not go directly to a School Board Trustee, which could  
293 compromise the trustee’s *ability and/or responsibility to discuss, debate, or decide on a school*  
294 *district matter or* ~~and~~ *interfere in school district business.*

295  
296 8. All *school district related matters* communications/conversations between the public and/or  
297 employee with a School District Trustee or with the School Board may be considered public  
298 record and *open to the Idaho Public Records Act and* may be requested as such. The individual  
299 or employee including, but not limited to any private citizen or community member, parents  
300 and students, and school employees, etc., risk subjecting their private information from their  
301 private cell phone, private email accounts, etc., *to Idaho Public Records Act and therefore*  
302 *subject to* being publicly requested and released.

303  
304 a. Private emails, pictures, texts, etc., that were on *any type* device ~~that was~~ used to  
305 communicate with a School Board Trustee or School Board may now be considered public  
306 record information and *are subject to* ~~may have to abide by~~ Idaho Code Title 74 –  
307 Transparent and Ethical Government.

308

309 b. Individual(s) or employee(s) could risk having their private information compromised and  
310 released publicly. There is no guarantee that private information would remain private.

311  
312 The MHSD Board of Trustees will review this ***policy*** protocol ~~procedure~~ annually during the  
313 regular board meeting in July.



314  
315  
316  
317 **LEGAL REFERENCE:**

318 Idaho Code Sections

319 33-506 – Organization & Government of Board of Trustees

320 33-510 – Annual Meetings, Regular Meetings; Boards of Trustees

321 33-511 – Maintenance of Schools

322 33-512 – Governance of Schools

323 33-513 – Professional Personnel

324 33-701 – Fiscal Year – Payment & Accounting of Funds

325 33-801 – School District Budget

326 Title 74 *et seq.* – Transparent and Ethical Government

327 Title 74, Chapter 1 *et seq.* – Public Records Act

328 Title 74, Chapter 2 *et seq.* – Open Meeting Laws

329 Idaho Attorney General Open Meeting Laws

330 Idaho Attorney General Public Records Act

331 Idaho Attorney General Idaho Open Meeting Law Manual

332 Idaho Attorney General Idaho Ethics in Government Manual

333 Moore, Smith, Buxton & Turcke, Chtd. (Eberharther-Maki & Tappen. LLC) (212, 214, 215, 216,  
334 226, 260, 262, 264, 266, 268, 270, 446)

335

336 **ADOPTED:**