

## BOARD OF DIRECTORS

Hayden Canyon Charter School

### **1120 Taking Office**

An oath of office shall be administered to each Director, whether designated, elected, re-elected, or appointed.

The Director shall not enter upon any of the duties of the office until they have been administered the oath of office, even if they have been designated, elected, or appointed to the office.

The oath may be administered by the clerk, or by a Director of Hayden Canyon Charter School. If appointed mid-term, the oath shall be administered at a regular meeting of the Board; it may not be administered at a special meeting. The records of the Charter School shall show such oath of office to have been taken, by whom the oath was administered and shall be filed with the official records of the Charter School.

Legal References:	I.C. § 59-401 I.C. § 59-402	Oath of Office - Loyalty Oath — Form Oath of Office - Time of Taking Oath
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Policy History:

Adopted on: 7/6/2022

Revised on:

Reviewed on:

Hayden Canyon Charter School

## **1260 Signatures**

### Authorization of Signatures

For the conduct of the business of the Charter School, the Board may grant authority to specific staff to sign certain documents on behalf of the Charter School. The Chair, Administrator, Business Manager, and Clerk are authorized to use a facsimile signature plate or stamp or other electronic signature as addressed herein.

Staff employed by the Charter School in the following designated positions are authorized to certify invoices for the Charter School:

*Administrator      Special Education Director      Business Manager      School Secretary*

Checks: The Administrator is designated as the custodian of the school building activity fund. The Administrator is designated as the custodian of all Charter School petty cash accounts. Staff employed by the Charter School in the following designated positions are authorized to sign on behalf of the Board checks drawn on any specific petty cash account:

*Administrator*

Contracts for Goods and Services and Leases: The Administrator is authorized to sign on behalf of the Board, contracts, leases, and/or contracts for goods and services for amounts under \$2,500.00 without prior approval of the Board. The types of goods and services contracted for must be preapproved by the Board.

Personnel Contracts: The Board Chair and clerk are authorized to sign personnel contracts and agreements of employment on behalf of the Board by facsimile signature or via electronic signature.

Negotiated Agreements: Negotiated agreements shall be signed for the Charter School by the Board Chair and the clerk.

### Electronic Signatures

Electronic signatures or digital signatures can take many forms and can be created using many different types of technology. For the purpose of this policy an electronic signature means any electronic identifier intended by the person using it to have the same force and effect as a manual signature.

### Use of Electronic Signatures

When not practical or possible to have an approved individual physically sign a document, and not otherwise prohibited by applicable laws, electronic signatures may satisfy the requirement

of a written signature when transacting business with and/or for the Charter School and/or with parents/guardians when the authenticity and reliability of such electronic signature(s) meets the provisions of this policy. In such instances, the electronic signature shall have the full force and effect of a manual signature.

In order to qualify for acceptance of an electronic signature the following additional requirements are applicable:

1. The electronic signature identifies the individual signing the document by his/her name and title;
2. The identity of the individual signing the document with an electronic signature is capable of being validated through the use of an audit trail;
3. The electronic signature, as well as the documents to which it is affixed, cannot be altered once the electronic signature is affixed. If the document needs to be altered, a new electronic signature must be obtained; and
4. The electronic signature conforms to all other provisions of this policy.

The Charter School shall maintain electronically signed records in a manner consistent with the Charter School's document retention policies yet also capable of accurate and complete reproduction of the electronic records and signatures in their original form. Such retention should include a process whereby the Charter School can verify the attribution of a signature to a specific individual, detect changes or errors in the information contained in the record submitted electronically and protect and prevent access and/or manipulation or access/use by an unauthorized person.

The Charter School shall maintain a hardcopy of the actual signature of any Charter School employee authorized to provide an electronic signature in connection with school business.

Abuse of the electronic signature protocols by any Charter School employee serves as grounds for disciplinary action up to and including termination.

#### Parent/Student Use of Electronic Signatures

With regard to documentation received by the Charter School with an electronic signature from a parent/legal guardian, so long as the following provisions are met, the Charter School may receive and accept such electronic signature as an original document:

1. Such communication with signature, on its face, appears to be authentic and unique to the person using such signature;
2. The Charter School is unaware of any specific reason to believe that the signature has been forged;

3. The Charter School is unaware of any specific reason to believe the document has been altered subsequent to the electronic signature; and
4. The signature is capable of verification.

The Administrator or designee may, at their discretion, request that an original of the electronic communication, signed manually by hand, be forwarded to the Charter School in a timely manner.

Charter School personnel may periodically audit the authenticity of such signature via a security procedure including such acts as making follow-up inquiry to the individual/entity who has submitted an electronic signature.

Should it be discovered that a student has falsified a parent's electronic signature on an official Charter School document, the student may be subjected to discipline and the Charter School Administration is authorized, at their discretion, to thereafter only accept manual signatures associated with any submitted school document.

Legal Reference: I.C. § 33-705 Activity Funds

Policy History:

Adopted on: March 14, 2019

Revised on:

Hayden Canyon Charter School

### **1300 Charter School Policy**

The adoption of new policies and the revision and amending of existing policies shall be the sole responsibility of the Board.

All policies shall conform to local, state, and federal laws as well as to the rules and regulations of the Idaho State Board of Education and Idaho Department of Education.

#### Adoption and Amendment of Policies

Proposed new policies and proposed changes in existing policies shall be presented in writing for reading and discussion at a regular or special Board meeting. Such proposals may be referred to the Administrator for detailed study as needed prior to Board action on the proposal. The Board encourages the Administrator to contact other experts to have potential Board policy researched. Interested parties, including any Board member, citizen, or employee of the Board may submit views, present data or arguments, orally or in writing, in support of or in opposition to proposed policy.

Proposed new policies and proposed changes in existing policies shall undergo a minimum of one (1) reading in the following manner:

1. At a regular or special Board meeting the proposed new or amended policy shall be presented in writing for reading and discussion.
2. The final vote for adoption shall take place not earlier than at the first reading of the particular policy.

All new or amended policies shall become effective upon adoption unless a specific effective date is provided in the motion for adoption.

Policies as adopted or amended shall be made a part of the minutes of the meeting at which action was taken, and shall also be included in the Charter School's policy manual. Policies of the Charter School shall be reviewed at least every five (5) years from the date of adoption or revision by the Board.

The Administrator or designee will be responsible for initiating policy review, which will be carried out administratively, with suggestions for substantial revisions presented to the Board for consideration. Board-approved organizational changes and/or other actions of substance will authorize editorial changes in existing policies. Policies amended in this manner will be presented to the Board where comments will be invited. Editorial changes will then be reviewed by the Board and either accepted or rejected.

#### Policy History:

Adopted on: March 14, 2019

Revised on:

Hayden Canyon Charter School

## **1500 Board Meetings**

### Meeting Defined

A meeting is defined as the convening of the Board of Directors to make a decision or to deliberate toward a decision on any matter. Directors may participate in Board meetings via electronic means, including telephonic or video conferencing devices, provided at least one (1) Directors or the Administrator is physically present at the meeting location.

### Regular Meetings

Unless otherwise specified, all meetings will be held at Hayden Canyon Charter School. Regular meetings shall be held on the day and time as set by the School Board membership at the annual meeting or at the beginning of each new school year.

### Emergency Meetings

In the event of an emergency involving possible personal injury or property damage, immediate financial loss, or the likelihood of injury, damage, or loss, the Board may meet immediately and take official action without prior notification when the notice requirements would make such notice impracticable, or increase the likelihood or severity of such injury, damage, or loss, and the reason for the emergency is stated at the outset of the meeting.

### Budget Meetings

No later than twenty-eight (28) days prior to its annual meeting, the Board shall have prepared a budget, in the form prescribed by the State Superintendent of Public Instruction and shall hold a public hearing. At such public hearing or at a special meeting held no later than fourteen (14) days after the public hearing, the Board shall adopt a budget for the ensuing year. Notice of the budget hearing shall be posted and published as prescribed in Idaho Code. From the time noticed, a copy of the budget shall be available for public inspection during regular business hours.

### Special Meetings

Special meetings may be called by the Chair or by any two (2) Directors. If the time and place of special meetings has not been determined at a meeting of the Board with all members present, then written notice of a special meeting, stating the purpose of the meeting, shall be delivered to each Director not less than twenty-four (24) hours prior to the time of the meeting. Such written notice shall be posted conspicuously at the Charter School office. Business transacted at a special meeting will be limited to that stated in the notice of the meeting.

### Executive Sessions

Pursuant to Idaho Code, upon a two-thirds (2/3's) roll call vote recorded in the minutes of the meeting, the Board may hold an executive session after the Board Chair has expressly identified the specified legal authorization for holding an executive session and provided sufficient detail to identify the general purpose and topic of the executive session. However, the information provided shall not compromise the purpose of going into an executive session.

An executive session may be held for, and only for, the following purposes:

1. To consider hiring a public officer, employee, staff member, or individual agent wherein the respective qualities of individuals are to be evaluated in order to fill a particular vacancy or need. Please note this does not apply to filling a vacancy on the Board, or among Board officers, or deliberations about staffing needs in general;
2. To consider the evaluation, dismissal or disciplining of, or to hear complaint or charges brought against, a public officer, employee, staff member or individual agent, or a student;
3. To conduct deliberations regarding labor negotiations (Note: The Board may still deliberate regarding labor negotiations and may caucus regarding negotiations in Executive Session. However, all actual negotiations between the parties, i.e. the exchange of offers, counteroffers, and exchange of documents, must be conducted in open session);
4. To acquire an interest in real property which is not owned by a public agency;
5. To consider records exempt from public disclosure;
6. To consider preliminary negotiations involving matters of trade or commerce in which the Board is in competition with other governing bodies in other states or nations;
7. To communicate with legal counsel and to discuss any legal ramifications and/or legal options for pending litigation or possible legal controversies not yet being litigated. The presence of legal counsel at executive session does not satisfy this requirement; and
8. To communicate with a representative of the Charter School's risk management or insurance provider to discuss a pending claim or prevention of a possible claim to be filed. The mere presence of a risk management or insurance provider at executive session does not satisfy this requirement.

Except for making a determination to place a certified professional employee on probation, no final action may be held for the purpose of taking any final action or making any final decisions.

If an executive session will be held, a twenty-four (24) hour meeting and agenda notice shall include the date, time, place, items to be discussed, and include the specific provision of law authorizing the executive session. The Board will not change the subject within the executive session to one not identified within the motion to enter executive session or to any topic for which an executive session is not provided.

Legal Reference:

I.C. 33-510    Annual Meetings — Regular Meetings — Board of Trustees



- I.C. 74-202
- I.C. 74-203 Governing Bodies—Requirement for Open Public Meetings
- I.C. 74-204 Notice of Meetings
- I.C. 74-205 Written Minutes of Meetings
- I.C. 74—206 Executive Sessions — When Authorized
- I.C. 74-206A Negotiations in Open Session

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Hayden Canyon Charter School

## **1510 Open Meeting Law Compliance and Cure**

### Formation of Public Policy at Open Meetings

The Charter School recognizes that the formation of public policy is public business and shall not be conducted in secret. The Charter School further recognizes the goal of the Open Meeting Law is compliance, and that in order to achieve compliance, the Charter School must have the ability to correct any errors.

### Violations

If an action, or any deliberation or decision-making that leads to an action, occurs at any meeting which fails to comply with the guidelines set forth in Idaho's Open Meeting laws, such action shall be null and void.

The Board may self-recognize an open meeting violation or receive written notice to the Clerk of the Board of an alleged violation. A civil complaint filed and served upon the Board may serve as written notice.

An individual Board member who conducts or participates in a meeting which violates the Open Meeting Law is subject to a civil penalty of up to two hundred fifty dollars (\$250.00). A knowing violation is subject to a civil penalty of up to one thousand five hundred dollars (\$1,500.00). A second knowing violation within a twelve month time period is subject to a civil penalty of up to two thousand five hundred dollars (\$2,500).

### Cure Provision

A violation may be cured by the Board upon:

1. The Board's self-recognition of a violation; or
2. Receipt by the Clerk of a written notice of an alleged violation.

A civil complaint filed and served upon the Board may be substituted for other forms of written notice. Upon notice of an alleged open meeting violation, the Board shall have 14 days to respond publicly and either acknowledge the open meeting violation and state an intent to cure the violation or state that Board has determined that no violation has occurred and that no cure is necessary. Failure to respond shall be treated as a denial of any violation.

Following the Board's acknowledgment of a violation, the Board shall have 14 days to cure the violation by declaring as void all actions taken at or resulting from the meeting in violation of the Open Meeting Law.

Within 14 days of acknowledging the violation, and stating an intent to cure, the Board shall cure the violation by holding a properly noticed meeting to address the voided actions. The

Board may then address the voided actions and lawfully take the desired action in accordance with the Open Meeting Law. Curing the violation in this manner bars any civil penalty for an unintentional violation. Private enforcement actions are stayed during the cure period.

### Ratification

Any suit brought for the purpose of having an action or decision declared null and void must be commenced within 30 days of the decision or action that results from an open meeting violation. Actions taken in violation of the Open Meeting Law are not void unless they are challenged within 30 days. Even where an action is not challenged within 30 days, it is the best practice to cure any known violation by holding a meeting in accordance with the law to ratify a decision or action that results from an open meeting violation.

### Legal Reference:

- I.C. 74-201 Formation of Public Policy at Open Meetings
- I.C. 74-202 Open Public Meetings — Definitions
- I.C. 74-203 Governing Bodies—Requirement for Open Public Meetings
- I.C. 74-204 Notice of Meetings
- I.C. 74-208 Violations
- City of McCall v. Buxton, 146 Idaho 656 (2009)

### Policy History

Adopted on: March 14, 2019

Hayden Canyon Charter School

### **1610 Conflict of Interest**

A Director may not:

1. Use the Director's official power to further the Director's own interests;
2. Have a pecuniary interest directly or indirectly, except a remote interest, in any contract or other transaction pertaining to the maintenance or conduct of the Charter School. A "remote interest" means:
  - A. The Director is a non-salaried employee of a nonprofit corporation that is the contracting party;
  - B. The Director is an employee or agent of a contracting party where the compensation of the Director as an employee or agent consists entirely of fixed wages or salary;
  - C. The Director is a landlord or tenant of a contracting party; or
  - D. The Director is a holder of less than one percent of the shares of a corporation or cooperative a contracting party and the Director discloses such remote interest to the Board of Directors. The Director may not, under any circumstances, be employed by the School;
3. Accept any reward or compensation for services rendered as a Director except as expressly provided by law;
4. Accept and award contracts involving the Charter School to businesses in which a Director or person related to him or her by blood or marriage within the second degree has a direct or indirect interest except when the procedures set forth in I.C. §§ 18-1361 or 18-1361A are followed;
5. Enter into or execute any contract with the spouse of any Director, the terms of which require the payment or delivery of any public charter school funds, moneys, or property to such spouse, except as provided in Idaho Code § 18-1361 and 18-1361A;
6. Employ the spouse of a Director when such employment requires or will require the payment or delivery of any Charter School funds, money, or property to such spouse except when the procedures set forth in I. C. § 33-5204(5)(c) are followed;

7. Be involved in the employment decision of a relative related by affinity or consanguinity within the second degree. The Director shall be absent from the meeting while such employment is being considered and/or determined;
8. Vote on any decision affecting the compensation, benefits, individual performance evaluation or disciplinary action related to a Director's spouse.
9. Enter into a contract in the Director's individual capacity, the effect of which is to create a personal interest which may conflict with the officer's public duty;
10. Be a purchaser or vendor at any sale or purchase made by the Director in the Director's official capacity;
11. Use public funds or property to obtain a pecuniary benefit for himself or herself;
12. Solicit, accept, or receive a pecuniary benefit as payment for services, advice, assistance, or conduct customarily exercised in the course of the Director's official business;
13. Use or disclose confidential information gained in the course of or by reason of the Director's official position or activities in any manner with the intent to obtain a pecuniary benefit for the Director or any other person or entity in whose welfare the Director is interested or with the intent to harm the District;
14. Appoint or vote for the appointment of any person related to him or her by blood or marriage within the second degree to any clerkship, office, position, employment or duty, when the salary, wages, pay, or compensation of such appointee is to be paid out of public funds or fees of office; or appoint or furnish employment to any person whose salary, wages, pay, or compensation is to be paid out of public funds or fees of office, and who is related by either blood or marriage within the second degree to any other public servant making or voting for such appointment.

Relation by blood within the second degree includes grandparents and grandchildren. Laterally, it includes brothers and sisters.

#### Cross Reference:

Legal References:	I.C. § 18-1359	Using Public Position for Personal Gain
	I.C. § 18-1361	Self-Interested Contracts — Exception
	I.C. § 18-1361A	Non-compensated Appointed Public Servant — Relatives of Public Servant — Exception
	I.C. § 33-5204	Nonprofit Corporation—Liability—Insurance
	I.C. § 33-5204A	Applicability of Professional Codes and Standards – Limitations upon Authority
	I.C. § 74-501	Officers Not to be Interested in Contracts
	I.C. § 74-502	Remote Interests

I.C. § 74-503  
I.C. § 33-5206

Officers Not to be Interested in Sales  
Requirements and Prohibitions of a Public  
Charter School

Policy History:

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Hayden Canyon Charter School

### **1645 Board Development Opportunities**

The Hayden Canyon Public Charter School Board of Directors realizes that proper board training is important. Decisions about school policy, personnel, finance, curriculum, and communications can be overwhelming and may require training. Training Directors to be effective leaders and decision makers is an educational investment that benefits the entire community. The Board believes that with proper training, it can create a positive and productive atmosphere for decision-making. There needs to be strong leadership among Directors demonstrated by teamwork, effective communication, problem-solving skills and positive relationships between the Board and the Administrator.

The Board places a high priority on the importance of a planned and continuing program of inservice education for its Directors. The central purpose of the program is to enhance the quality and effectiveness of public school governance in our community. The Board shall plan specific in-service activities designed to assist Board members in their efforts to improve their skills as members of the policy-making body; to expand their knowledge about trends, issues, and new ideas affecting the continued welfare of the Charter School; and to deepen their insights into the nature of leadership in a modern democratic society.

Funds may be budgeted annually to support the program. Qualified training in continuous improvement planning, finance, administrator evaluation, ethics, and governance may be reimbursable by the State through the process outlined in Idaho State Board of Education rule. Individual Directors shall be reimbursed for out-of-pocket expenses, as prescribed in Policy 1420 Director Expenses, incurred through participation in approved activities.

The Board, as a whole, shall retain the authority to approve or disapprove the participation of Directors in planned activities. The public shall be kept informed through the news media about the Board's continuing in-service education and about the programs anticipated for short-and long-range benefits to our schools.

The Board regards the following as examples of activities and services appropriate for implementing this policy:

1. Participation in school board conferences, workshops, and conventions held by the state and national school boards associations;
2. District-sponsored training sessions for Board members; and
3. Subscriptions to publications addressed to the concerns of Directors.

In order to control both the investment of time and funds necessary to implement this policy, the Board establishes these principles and procedures for its guidelines:

1. A calendar of school board conferences, conventions, and workshops shall be maintained by the Administrator. The Board will periodically decide which meetings

appear to be most promising in terms of producing direct and indirect benefits to the Charter School;

2. Funds for participation at such meetings will be budgeted on an annual basis. When funds are limited, the Board will designate which of its members would be the most appropriate to participate at a given meeting;
3. When a conference, convention or workshop is not attended by the full Board, those who do participate will be requested to share information, recommendations, and materials acquired at the meeting.

Directors are encouraged to attend workshops presented by the state and national school boards associations.

Legal Reference:

I.C. 33-320 Continuous Improvement Plans and Training  
IDAPA 08.02.01.801 Planning and Training

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