

DEFINITIONS

For the purposes of this policy, the following definitions apply:

“Business” means any undertaking operated for economic gain, including, but not limited to, a corporation, partnership, trust proprietorship, firm, association or joint venture.

“Business with which a public official is associated” means any business of which the public official or member of his household is a director, officer, owner, partner, employee or holder of stock over five thousand dollars (\$5,000) or more at fair market value.

“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.

“Members of a household” means the spouse and dependent children of the board member and/or persons whom the board member is legally obligated to support.

“Official action” means any decision on, or proposal, consideration, enactment, defeat, or making of any rule, regulation, rate-making proceeding or policy action or non-action by the board or any other policy matter which is within the official jurisdiction of the board.

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

“Remote interest” means an interest of a board member in a contract that is of: (i) a non-salaried officer of a non-profit corporation; (ii) an employee or agent of a contracting party where the compensation of such employee or agent consists entirely of fixed wages or salary; (iii) a landlord or tenant of a contracting party; or (iv) a holder of less than one percent (1%) of the shares of a corporation or cooperative which is a contracting party.

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

GENERAL PROHIBITIONS

It is unlawful for any board member to have 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. It is also unlawful for any board member to be a purchaser at any sale or a vendor at any purchase made by the board member in his/her official capacity.

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, or making a formal decision or formal recommendation 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. Disclosure of a conflict by a board member does not affect the board member's authority to be counted for purposes of determining a quorum and to debate and to vote on the matter, unless the board member requests to be excused from debate and voting at his or her discretion.

CONTRACTS WITH BOARD MEMBERS OR THEIR SPOUSES OR RELATIVES

It is unlawful for a board member to be interested in any contract made by him/her in his/her official capacity, or 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 Idaho Code §§18-1361, 18-1361A or 74-502, and this policy.

Non-Compensated Board Member

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

1. The contract is competitively bid and the board member, or his or her spouse or relative, submits the low bid;
2. 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;
3. 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
4. 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.

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.

Remote Interests

A board member will not be deemed to be interested in a contract if he has only a remote interest in the contract, as defined herein, and if the fact and extent of such interest is disclosed to the board and noted in the official minutes or similar records prior to the formation of the contract, and thereafter the board authorizes, approves, or ratifies the contract in good faith by a vote of its membership sufficient for the purpose without counting the vote of the board member having the remote interest. A board member who has a remote interest in a contract must not influence or attempt to influence any other board member to enter into the contract. Any contract entered into in violation of this policy shall be void.

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 Idaho Code

§33-1003(2), such spouse may be employed in a nonadministrative 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 Idaho Code §60-106;
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.

A board member may accept an award of five hundred dollars (\$500) or less given to the board member by a nonprofit organization whose membership is limited to public servants as part of a public servant recognition program that is designed to recognize innovation and achievement in the workplace, provided that the organization awarding the funds discloses in advance on its website the nature of the program, the amount of the award, the names of any persons or entities that contributed to the award and the recipient of the award.

In addition to the provisions of this policy, any purchase of property and services with funds from a Federal award shall follow the provisions set forth in Policy 850 *and the District's Policies and Procedures Manual for the Administration of Federal Education Programs ("Federal Programs Manual")*.

VIOLATIONS

A board member who violates any of the conflict of interest policies set forth herein may be guilty of a civil offense as provided in Idaho Code §74-406(1) or a misdemeanor as provided in Idaho Code §§18-1360 and 74-509.



LEGAL REFERENCE:

Idaho Code Sections

- 18-1351 – Bribery and Corrupt Practices -- Definitions
- 18-1356 – Gifts to Public Servants by Persons Subject to Their Jurisdiction
- 18-1359 – Using Public Position for Personal Gain
- 18-1360 - Penalties
- 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
- 33-5204(6)-(7) – *Nonprofit Corporation – Liability - Insurance*
- 33-507 – Limitation Upon Authority of Trustees
- 33-1003 – Special Application of Educational Support Units
- 74-401 *et seq.* – Idaho Ethics in Government Act

Federal Regulations References

- Education Department General Administrative Regulations (EDGAR), 2 CFR Part 200*
- 2 CFR 200.318 – Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards

Black's Law Dictionary (9th ed. 2009)

ADOPTED:

AMENDED:

Note: This policy establishes a ground floor for conduct by board members and is not to be read or interpreted so as to provide “loopholes” or “technicalities” by which one can take advantage of government, the public, or other interested parties. The Idaho Ethics in Government Manual advises that when determining the proper answer to any ethical question, board members should be mindful of the impact a decision may have both legally and publicly.

Public employees are held to a high standard and are expected to avoid any conflict of interest, especially when public funds are at issue. No employee or his/her relative, will make any purchase or incur any obligations for or on behalf of the district from any private business or venture in which or with which the employee or relative has a direct or indirect financial or ownership interest except as allowed by law.

DEFINITIONS

For the purposes of this policy the following definitions apply:

“Disaster” is an occurrence or imminent threat of widespread or severe damage, injury, or loss of life or property resulting from any natural or man-made cause, including but not limited to fire, flood, earthquake, windstorm, wave action, volcanic activity, explosion, riot, or hostile military or paramilitary action and including acts of terrorism.

“Employee” includes any individual employed directly by the school district or employed on a consultative basis.

“Relative” is any person related to an employee by blood or marriage within the second degree.

GENERAL PROVISIONS

The board may accept and award district contracts in which an employee, 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 employee, or his or her spouse or relative, submits the low bid;
 - b. Neither the employee nor his or her spouse or relative takes part in the preparation of the contract or bid specifications, and the employee takes no part in voting on or approving the contract or bid specification;
 - c. The employee 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 employee nor his or her spouse or relative has violated any provisions of Idaho law pertaining to competitive bidding or improper solicitation of business.

No employee will accept any gifts, prizes, awards, or merchandise, or commission as a result of ordering any items with a vendor on behalf of the district. This prohibition does not include trivial benefits not to exceed a value of fifty dollars (\$50) incidental to personal, professional or business contacts and involves no substantial risk of undermining official impartiality.

An employee may accept an award of five hundred dollars (\$500) or less given to the employee by a nonprofit organization whose membership is limited to public servants as part of a public servant recognition program that is designed to recognize innovation and achievement in the workplace, provided that the organization awarding the funds discloses in advance on its website the nature of the program, the amount of the award, the names of any persons or entities that contributed to the award and the recipient of the award.

CONFLICTS IN PROCUREMENTS USING FEDERAL FUNDS

It is the intent of the district for all employees, officers, and agents to conduct all activities associated with procurements in compliance with the highest ethical standards, including avoidance of any real or perceived conflict of interest. Therefore, in addition to the provisions of this policy, any purchase of property and services with funds from a Federal award shall follow the provisions set forth in Policy 850 and the District’s Policies and Procedures Manual for the Administration of Federal Education Programs (“Federal Programs Manual.”)

The district will impose appropriate sanctions or disciplinary actions, including but not limited to termination of employment and/or prosecution, for any employee or officer who violates any requirements related to standards of conduct and conflicts of interest.



LEGAL REFERENCE:

Idaho Code Sections

- 18-1351, *et seq.* – Bribery and Corrupt Influence Act
- 46-1002 – State Disaster Preparedness Act - Definitions
- 74-401, *et seq.* – Ethics in Government Act

Education Department General Administrative Regulations (EDGAR), 2 CFR Part 200

ADOPTED:

AMENDED:

Paraprofessionals are non-certificated individuals who are employed by this district to support educational programming. Paraprofessionals employed by this school district must work under the direct supervision of a properly certificated staff member for the areas in which they are providing support. Paraprofessionals cannot serve as the teacher of record and may not provide direct instruction to a student unless the paraprofessional is working under the direct supervision of a teacher. In order to serve as an instructional paraprofessional in this school district, individuals must meet the requirements set forth below. Individuals who do not meet the qualification requirements will be considered school or classroom aides.

Duties of paraprofessionals include, but are not limited to, one-on-one tutoring; assisting in classroom management; assisting in computer instruction; conducting parent involvement activities; providing instructional support in a library or media center; acting as a translator in instructional matters; and providing instructional support services.

QUALIFICATIONS OF INSTRUCTIONAL PARAPROFESSIONALS

Every instructional paraprofessional hired by the district must have a high school diploma or general equivalency diploma (GED) and:

1. Demonstrate through a state board approved academic assessment knowledge of and the ability to assist in instructing or preparing students to be instructed as applicable to the academic areas they are providing support in; or
2. Have completed at least two (2) years of study at an accredited postsecondary educational institution; or
3. Obtained an associate's or higher postsecondary degree and demonstrate through a state board approved academic assessment knowledge of and the ability to assist in instructing or preparing students to be instructed as applicable to the academic areas they are providing support in.

The district will train all paraprofessionals based on Idaho paraprofessional standards adopted by the State Department of Education.

EXCEPTION FOR NON-INSTRUCTIONAL PARAPROFESSIONALS

The requirements set forth in this policy do not apply to paraprofessionals performing non-instructional ~~paraprofessionals~~ duties, including, but not limited to, providing technical support for computers, providing personal care services or clerical duties. ~~Additionally, the qualifications do not apply to staff members who primarily work as translators and are proficient in English and another language, or have instructional support duties that consist solely of conducting parental involvement activities.~~



LEGAL REFERENCE:

34 CFR 200.58

IDAPA 08.02.02.007.11~~0~~

ADOPTED:

AMENDED:

**Language in text set forth in italics is optional.*

The Blackfoot school district regards student clubs and organizations as an important part of the education and development of students.

DEFINITIONS

As used in this policy:

“Academic clubs” shall mean clubs associated with a particular academic course or subject area offered in the high school. Such clubs are open to all students wishing to participate, and are held at times outside the regular classroom day on a voluntary basis for those wishing participation. Such clubs may sponsor activities to supplement the existing class course work. Such activities will be held at times when school is not regularly in session. Participation in such clubs is voluntary and is not permitted to take time out of the regular classroom for organization or implementation of any activities.

“Club” shall mean a sponsored club or a non-sponsored or non-curriculum group of students of the school who wish to organize and meet to form common goals, objectives, or purposes, but do not include school activities.

“Fraternities, sororities and secret societies” shall mean those organizations whose active memberships are comprised in whole or in part of enrolled students, who are selected on the basis of the decision of the organizations’ membership rather than on the basis of the right of any qualified student to be a member.

“Limited open forum” shall mean a public secondary school that grants an offering to or opportunity for one or more non-curriculum related student groups to meet on school premises during non-instructional time.

“Non-sponsored or non-curriculum club” shall mean a student initiated club which is not under the sponsorship, direction or control of the school or any student initiated club that does not directly relate to the body of courses offered by the school.

“Non-participating capacity” shall mean a person, including a sponsor or monitor, who does not promote, lead or participate in any meeting.

“School” shall mean any school in the [name] school district.

“Sponsored club” shall mean a club which is directly under the sponsorship, direction and control of the school.

“Sports club” shall mean a club comprised of students within the school who participate in non-Idaho High School Activities Association (IHSAA) competitions or activities. Students are not permitted to miss school to participate as may be accorded IHSAA sponsored activities.

“Vocational club” shall mean a club associated with a district vocational program.

LIMITED OPEN FORUM

The board of trustees of this district has established a limited open forum. ~~Accordingly, A limited open forum is defined as a public secondary school that grants an offering to or opportunity for one (1) or more noncurriculum related student groups to meet on school premises during noninstructional time.~~ school officials will not deny equal access or a fair opportunity to, or discriminate against, any students who wish to conduct a meeting on the basis of the religious, political, philosophical, or other content of the speech at such meetings.

~~The~~ School officials shall uniformly enforce the following ~~parameters for such students meetings~~ general guidelines in approving, establishing and operating student clubs:

1. All student organizations and clubs in the district’s schools must receive prior approval upon petition signed by the proposed club officers, staff sponsor or monitor, and administration of the representative school to the board.
2. The district may sponsor academic or vocational clubs.
3. The district shall not sponsor clubs which advocate particular religious or political beliefs or ideas, but may approve them. Any such clubs shall be non-sponsored or non-curriculum. The school and the district shall not be identified or associated with the goals, policies, objectives, activities, beliefs or opinions of any non-sponsored or non-curriculum clubs or its members except approved sports clubs.
4. The district shall not sponsor sports clubs, but may approve them. Any such clubs shall be non-sponsored. Such clubs are permitted to use the school name, mascot and logo as part of their program.
5. No fraternities, sororities or secret societies are allowed in the district’s schools.
- 1-6. ~~The meeting must be voluntary and student initiated.~~ Student participation in club activities and attendance at club meetings shall be voluntary and shall be limited to those students who are currently enrolled in the district;. All student groups meeting on school premises are required to open membership to all interested and/or eligible students. Clubs shall be allowed to meet on school premises from 7:00 am to 8:00 am, during the noon hour, and from 3:30 pm to 5:00 pm on days when school is in session. The time and place of all club meetings shall be subject to available space, conflicting activities and programs, and the availability of the faculty sponsor or monitor. Students shall be responsible for ensuring the presence of a faculty sponsor or monitor prior to every meeting. Clubs will be allowed to meet on school premises during other times of the day only in extraordinary or exceptional circumstances as may be determined by the principal or designee.
7. All clubs must comply with provisions of the schools’ student constitution, if applicable.

8. No hazing of students shall be permitted.
 9. Approved student organizations or clubs will have the right, within established guidelines set forth in this policy, to use available school facilities; to share available bulletin board space in order to publicize activities; and to distribute notices to publicize approved activities. Club flags and mascots may be displayed only during approved club meetings and activities, unless otherwise approved by the principal or designee.
 10. The principal or designee may deny the opportunity of any club to meet on school premises, and may deny permission of any non-school person to meet with or speak to a club on school premises, where there exists a substantial likelihood of material and substantial interference with the orderly conduct of educational activities within the school, or if the meeting or activities in the meeting are, or will be, in violation of any law or ordinance.
 11. The principal or designee may temporarily or permanently terminate the opportunity of any club to meet on school premises in the future if the club has materially or substantially interfered with the orderly conduct of educational activities within the school, if the activities of the club have violated any law or ordinance, or if the club has violated any provision of this policy.
- ~~2. The school, government, or its agents or employees will not sponsor the meeting;~~
 - ~~3. Employees or agents of the school or government will be present at meetings only in a nonparticipatory capacity;~~
 - ~~4. The meeting must not materially and substantially interfere with the orderly conduct of educational activities within the school; and~~
 - ~~5. Nonschool individuals may not direct, conduct, control, or regularly attend activities of student groups.~~

For sponsored clubs, the following guidelines will apply:

1. Each sponsored club will have a faculty or staff member appointed as a sponsor. The sponsorship must be approved by the principal or designee.
2. All activities of the club must have prior approval of the sponsor.
3. Club funds shall be subject to deposit, audit and disbursement in accordance with the regulations of the school district.
4. The content and placement of club posters or advertisements shall be approved by the club sponsor.

For non-sponsored or non-curriculum clubs, the following guidelines will apply:

1. The formation of non-sponsored or non-curriculum clubs shall be student initiated. Non-school persons may not direct, conduct, control, or regularly attend activities.
2. Recognition by the school district of a non-sponsored or non-curriculum club is not an endorsement of the aims, policies, or opinions of the student organization or its members.
3. The school or district's name will not be identified with the aims, policies, or opinions of the student organization or its members.
4. Notices of meetings of non-curricular student organizations may be posted only on a designated bulletin board used by non-school sponsored organizations. No announcements shall be made over the public address system or in any school-sponsored publications.
5. No funds will be expended by the school for any such meeting beyond the incidental cost associated with providing a meeting place.
6. Every club must have a district employee volunteer as a monitor to the club. The monitor shall be responsible for monitoring the meetings to assure that attendance at the meetings is voluntary, to assure that the meetings do not materially and substantially interfere with the orderly conduct of educational activities within the school, and to assure that order and discipline are maintained. Monitors shall attend the meetings of non-sponsored or non-curriculum clubs that are political or religious in nature in a non-participating capacity.
7. No school employee shall be compelled to be a monitor of a non-sponsored or non-curriculum club.
8. Club posters or flyers need to have a disclaimer, and poster content and placement shall be approved by the principal or designee. Club flags and mascots may be displayed only during approved meetings and activities, unless otherwise approved by the principal or designee.
9. The school district shall not be identified or associated in any way with the goals, objectives, activities, or opinions of any non-sponsored or non-curriculum clubs to raise money.



LEGAL REFERENCE:

~~Elementary and Secondary Education Act (2001)~~

Equal Access Act, 20 U.S.C. §§4071 – 4074

Idaho Code §33-1901 *et seq.* (Fraternities, Sororities and Secret Societies Prohibited in Elementary and Secondary Schools)

ADOPTED:

AMENDED:

The district recognizes that the school library is the principal location for students to inquire, to study and evaluate, and to gain new maturity and understanding. The board delegates to the superintendent or designee the authority to select library and resource materials in accordance with this policy. Selection of materials for school libraries will generally be made in consultation with librarians, administrators and educators, and may allow for input from students, parents/guardians, and patrons of the district, consistent with ~~This district is granted discretion to regulate education and has the authority to determine the initial selection of the library collection. However, the board also recognizes the~~ students' First Amendment constitutional rights. ~~It is the policy of this district that:~~

OBJECTIVES

1. The district will maintain a comprehensive district-wide media program that will provide access to large and varied collections of materials on all levels of difficulty with a diversity of appeal and the presentation of different points of view that will also enrich and support the curriculum and personal needs of the users;
2. *Selection of library materials will be made by school librarians, taking into account the needs of teachers and students, and will follow the accreditation standards and procedures set forth by the Idaho State Board of Education;*
3. *Gifts of materials, or funds for the media program, if accepted, will be used with no commitment regarding their use. Such materials will be evaluated by the librarian, using the same criteria as materials selected with school district funds. Final disposition of a gift is the responsibility of the librarian in accordance with the needs and best interest of the schools.*

SELECTION CRITERIA

Persons responsible for selecting library materials and resources will make decisions based on the following criteria:

1. *The authenticity will be reviewed, taking into account the accuracy and timeliness of the material. The qualifications of the author or producer will also be taken into account.*
2. *The appropriateness of the material will be reviewed regarding whether the medium is appropriate to the subject matter and whether the vocabulary, content, concepts, and themes are suited to the intended audience.*
3. *The context will be reviewed regarding whether the organization and presentation relate to the needs of the student and are helpful to the user.*

4. *The interest regarding the message contained and the ability to hold the attention of the user should also be taken into account.*
5. *The technical quality such as the format, audiovisual qualities, and ease of handling should be considered.*

REQUEST FOR RECONSIDERATION OF BOOKS OR OTHER MATERIALS

The following procedure will be followed whenever this district's books, materials, or resources are questioned **or if a person wishes to request reconsideration of books, materials or other library resources:**

1. *An effort will be made to resolve the issue informally.*
 2. *If an individual complaining of the books or materials wishes to file a formal complaint, he or she will fill out the appropriate forms.*
 3. *The forms will be submitted to the principal and/or librarian for review by a media advisory committee selected by the building principal. The media advisory committee will consist of a teacher, the librarian, an administrator, a student, and a community member. The committee will review the complaint within ten (10) days of receipt.*
 4. *The findings of the committee may be appealed within five (5) days of the issuance of its decision to the superintendent for his or her review.*
 5. *The determination of the superintendent may be appealed to the board of trustees within five (5) days of the superintendent's decision. **The board of trustees' decision is final.***
- ~~5.~~ *During the review and appeal process, the challenged material will not be removed from student use.*

REMOVAL PROCEDURE

Any decision to remove a book, material, or resource from a school library will be content neutral **and**, based on a legitimate exercise of control over pedagogical matters (**i.e. educational suitability**). **In all cases** neutrality will be demonstrated. Censorship based on the content of a book or resource is considered an extreme measure; prior to removing a book or resource from a school library, other less restrictive measures will be considered, such as placing the item in question on reserved or restricted status.

School staff will be informed of the removal of any book, material, or resource from the district's libraries or classrooms and will no longer use those items.



LEGAL REFERENCE:

Idaho Code §33-512(8)

Board of Educ., Island Trees ~~Union Free, Etc.~~ v. Pico, 102 S. Ct. 2799 (1982)

ADOPTED:

AMENDED:

ATTACHMENT: Library and Resource Center Materials Comment/Complaint Form

**Language in text set forth in italics is optional.*

**LIBRARY AND RESOURCE CENTER MATERIALS
COMMENT/COMPLAINT FORM**

Please return this completed form to your building administrator.

Name _____ Date _____

Address _____ Phone _____

City _____ State _____ Zip _____

1. Resource on which you are commenting:

- | | |
|-----------------|----------------------------------|
| _____ Book | _____ Audiovisual Resource |
| _____ Magazine | _____ Content of Library Program |
| _____ Newspaper | _____ Other |

Title _____

Author/Producer _____

2. What brought this title to your attention? _____

3. Please comment on the resource as a whole as well as being specific on those matters that concern you. (Use other side if needed.) _____

Optional:

4. What resource(s) do you suggest to provide additional information on the topic?

5. Additional Comments:

Recommendation by School Media Advisory Committee

NAME OF TEXT _____

EDITION _____

AUTHOR(S) _____

PUBLISHER _____

SCHOOLS _____

In review of the complaint filed on _____ by _____
(date) (name of person)

The committee by a vote of _____ to _____ recommends:

- A. retaining the material for use in its present location
- B. retaining the material for use on reserved or restricted status
- C. retaining the material under the following conditions:

- D. withdrawing the material from use

Rationale for recommendation:

Additional comments:

COMMITTEE SIGNATURES

DATE _____

This school district recognizes the importance of providing a positive, productive and engaging learning environment that prepares all students to be career and college ready. Accessing and using technology such as computers and mobile computing devices is a significant component of achieving this goal. This policy, in conjunction with the district's Acceptable Use of Internet, Computer, Mobile Computing Devices, and Network Resources for Students Policy (Policy 698), describes acceptable rules of use by students of district-issued mobile computing devices.

DISTRIBUTION OF MOBILE COMPUTING DEVICES

Prior to issuance of a mobile computing device, each student will be required to sign the district's Acceptable Use of Internet, Computer, Mobile Computing Devices, and Network Resources for Students User Agreement (Policy 698F1). Parents/guardians will also be required to sign the Agreement, regardless of whether the student is over age 18. The Agreement is valid for each school year and must be signed each time a device is issued to a student.

Devices must be returned at the end of each school year, provided that the district may issue devices to support summer school programs. The Superintendent will establish procedures for issuance and return of devices, including maintenance of records to track device inventory and which device is issued to which student.

CARE AND SAFETY

Students are responsible for the general care of the device issued by the district and are expected to observe precautions including, but not limited to:

1. No food or drink is allowed next to a device while it is in use;
2. The device should be shut down when it is not in use to conserve battery life;
3. Devices should not be left in any unsupervised area, such as computer labs, locker rooms, library, hallways, cafeteria, or unlocked classrooms;
4. Students may not place stickers or drawings on the device;
5. Devices should be kept free of anything that could put pressure on the screen;
6. Screens should be cleaned periodically with an anti-static cloth or other soft, dry cloth;
7. Devices should not be stored in areas subject to extreme temperatures;
8. Cables, cords and removable storage devices should be inserted and stored carefully.

The Superintendent will designate an individual or office at the school level where devices must be taken if they break or fail to work properly. Students are expected to report all device problems to the designated individual or office. Students are responsible for any damage to the device caused by negligent acts. Students and parents/guardians will be notified of their responsibility for lost and damaged devices.

Students are expected to password protect their devices and to keep their password confidential.

USE AT SCHOOL

Students are expected to bring their device to class each day, unless specifically advised not to do so by their teacher. Devices should be fully charged each day and power cords must stay with the device at all times. Students who repeatedly fail to bring their device, fail to keep the power cord with the device or fail to bring their device in a fully charged condition will be subject to disciplinary action.

Students who leave their device at home may use a school computer or, if available, a device from a lending pool, at the administrator's discretion. This includes students whose devices are undergoing repair.

During class, sound must be muted or headsets must be used, unless the teacher directs otherwise.

PERSONALIZATION

While the device at all times remains the property of the district, students may place individualized items on the device, such as music, pictures or other items that do not hinder the network or device functionality.

Students may be permitted to select their own screen savers and backgrounds, provided they do not violate district policy against use of guns, weapons, pornographic materials, inappropriate or obscene language, alcohol, drugs, or gang related symbols or pictures. Student passwords or other items deemed inappropriate by administration will result in disciplinary action. Students should also keep in mind that as district property, the district reserves the right to access or view any personal items placed on the device at any time, for any reason, including randomly selected device reviews. Students and parents/guardians have no expectation of privacy in any material placed on the device and any such material is not privileged or confidential.

FILE MANAGEMENT

Students are expected to back up their work using removable file storage, saving to school-provided accounts, or by emailing documents to themselves. Device malfunctions will not be considered an acceptable excuse for failing to submit work in a timely manner.

SOFTWARE

Prior to issuance to students, the district will install software on the device that has been approved for use by the district. This software must remain in working condition and accessible at all times while in the student's possession. The district reserves the right to update, delete or otherwise modify software in accordance with software licenses and district policy. All devices will also be equipped with anti-virus protection software which will be upgraded regularly.

Students are not permitted to upload additional software to the device without first receiving written permission to do so from authorized district staff. Any additional software must be appropriate for the school environment and comply with Policy 698, Acceptable Use of Internet, Computers, Mobile Computing Devices and Network Resources for Students. Games and device images containing obscene or pornographic material will not be approved and, if found on a student's device will subject the student to disciplinary action.

INSPECTION AND FILTERING

In accordance with Policy 698, filtering software will be used to prevent access to material considered inappropriate or harmful to minors. Internet filtering software or other technology-based protection systems may be disabled by a supervising teacher or school administrator, as necessary, for purposes of bona fide research or other educational projects being conducted by students age 18 and older.

Students may be selected at random or for cause to provide their device for inspection to ensure compliance with district policies regarding student use of technology. The district reserves the right to monitor, inspect, copy, review, delete, and/or store at any time and without prior notice any and all results of usage of the Internet, computers, mobile computing devices, network resources, and any and all information transmitted or received in connection with such usage, including electronic mail, network usage and all stored files on any mobile computing device. All such information will be and remains the property of the district and users have no expectation of privacy regarding such materials. The district has the right to place restrictions on the use of the district's Internet, computers, mobile computing devices, and network resources and may also deny access to staff and students who violate related policies and procedures.

Devices may be equipped with the ability to be accessed remotely. A student does not need to be asked for permission prior to remote access for software maintenance or other inspection.

The district may report violations of this policy to law enforcement and will cooperate fully with all local, state and federal officials in any investigation concerning or relating to violations of law.

**LEGAL REFERENCE:**

Children's Internet Protection Act (CIPA)(Pub. L. 106-554)(47 U.S.C. §254)

Idaho Code Sections:

- 6-210 – Recovery of Damages for Economic Loss Willfully Caused by a Minor
- 18-1514 – Obscene Materials – Definitions
- 18-2201 – Computer Crime – Definitions
- 18-2202 – Computer Crime
- 33-512 – Governance of Schools

CROSS-REFERENCE:

Policy 698 – Acceptable Use of Internet, Computers, Mobile Computing Devices, and Network Resources for Students

Policy 698F1 – Acceptable Use of Internet, Computers, Mobile Computing Devices, and Network Resources for Students User Agreement

ADOPTED: February 18, 2021

AMENDED:

Blackfoot School District No. 55 recognizes the importance of providing positive, productive educational experiences through the district's Internet, computer, **mobile computing devices**, and network services. To promote this objective and protect its staff and students, the board authorizes the superintendent or designee to:

1. Prohibit and prevent school computers, **mobile computing devices** and other school owned technology-related services from sending, receiving, viewing or downloading materials that are deemed to be harmful to minors, as defined by Idaho Code ~~§Section~~ 18-1514.
2. Prohibit and prevent unauthorized online disclosure, use, or dissemination of personally identifiable information of students.
3. Select and employ technology protection measures on the district's computers, **including mobile computing devices**, to filter or block Internet access to obscene materials, materials harmful to minors, and materials that depict the sexual exploitation of a minor, or other information that is determined to be in violation of district policies.
4. Establish and enforce appropriate disciplinary measures to be taken against persons violating this policy.
5. Handle complaints regarding the enforcement of the district's Internet use policies and procedures.
6. *Establish procedures to remove a user's files without prior notice after an account has been inactive for a specified period of time.*

The district will limit Internet access to materials that enrich and support the curriculum and educational needs of users, contribute to the delivery of efficient and effective business or educational functions, and expedite professional district communications.

PRIVACY

*Use of the district's technology resources is a privilege and not a right. Access has not been established as a public access service or a public forum. The district reserves the right to monitor, inspect, copy, review, delete, and/or store at any time and without prior notice any and all results of usage of the Internet, computers, **mobile computing devices**, network resources, and any and all information transmitted or received in connection with such usage. All such information will be and remains the property of the district and users have no expectation of privacy regarding such materials. The district has the right to place restrictions on the use of the district's Internet, computers, **mobile computing devices**, and network resources and may also deny access to staff and students who violate related policies and procedures.*

INTERNET SAFETY FOR STUDENTS

The district's instructional program will include a component of Internet safety for students, *including interaction on social networking sites and cyberbullying awareness and response.*

The district will take appropriate steps to protect all students from access, through the district's computers, **including mobile computing devices**, to visual depictions that are obscene, contain child pornography, are harmful to minors, or depicting the sexual exploitation of a minor, as defined in Idaho Code ~~§Section~~ 18-1507, by installing and utilizing specific technology that blocks or filters Internet access to such visual depictions.

The building principal or designee may authorize the disabling of the Internet filter system only for the purpose of enabling access for bona fide research or other lawful purpose. Disabling of the Internet filter system by any other staff member or student will result in disciplinary action.

As required by the Children's Internet Protection Act, this district will hold annual public meetings to receive input from parents and other patrons regarding the district's Internet safety plan, including the use of an Internet filtering service.

Any staff member, student, parent, or patron may file a complaint regarding enforcement of this policy or request that the district either block, or disable a block of, a particular website. The individual must file a *written* complaint with the superintendent. *The superintendent will appoint a five (5) member committee, including three (3) staff members and two (2) patrons. The committee will meet with the individual who filed the request in a timely manner, allow that individual to make oral or written arguments to support the request, and make a written recommendation to the superintendent regarding whether the district should block, or disable a block of, a particular website. Upon reviewing the request and the committee's recommendation, the superintendent will render a written decision and notify the individual who made the request.* The superintendent's decision will be final.

PROHIBITED USES

The district's Internet, computers, mobile computing devices, and network resources may only be used for approved district activities and educational purposes. All users must fully comply with this policy and immediately report any violations or suspicious activities to the classroom teacher or building principal. Prohibited uses of district technology include, but are not limited to:

- 1. Causing Harm to Individuals or to Property.*
 - a. Use of obscene, profane, vulgar, inflammatory, abusive, threatening, disrespectful language or images.*
 - b. Making offensive, damaging, or false statements about others.*

- c. *Posting or printing information that could cause danger or disruption.*
 - d. *Bullying, hazing or harassing another person.*
 - e. *Deleting, copying, modifying, or forging other users' names, e-mails, files, or data.*
 - f. *Disguising one's identity, impersonating other users, or sending an anonymous email.*
 - g. *Posting personal information (e.g. phone number, address) about oneself or any other person, except to responsible agencies.*
2. *Engaging in Illegal Activities.*
- a. *Participating in the sale, purchase or promotion of illegal items or substances.*
 - b. *Accessing or transmitting:*
 - i. *Pornography of any kind.*
 - ii. *Obscene depictions.*
 - iii. *Harmful materials.*
 - iv. *Materials that encourage others to violate the law.*
 - v. *Confidential information.*
 - vi. *Copyrighted materials without authorization or as provided by fair use regulations.*
 - c. *Attempting to disrupt the computer system or destroy data by any means.*
3. *Breaching System Security.*
- a. *Sharing one's or another person's password with others.*
 - b. *Entering another person's account or accessing another person's files without authorization.*
 - c. *Allowing others to gain access to one's individual account.*
 - d. *Interfering with other users' ability to access their accounts.*
 - e. *Allowing student access to sensitive data.*

- f. Attempting to gain unauthorized access to another computer.*
 - g. Using software or hardware tools designed to interfere with or bypass security mechanisms.*
 - h. Utilizing software or hardware applications that are not approved for business use.*
 - i. Attempting to evade the district's computer filtering software.*
4. *Improper Use or Care of Technology.*
- a. Accessing, transmitting or downloading large files, including posting chain letters or engaging in spamming.*
 - b. Attempting to harm or damage district technology, files or data in any way.*
 - c. Alteration of configured equipment, including the addition of unauthorized passwords and user accounts.*
 - d. Leaving an account open or unattended.*
 - e. Attempting to remedy a security problem and not informing a school official.*
 - f. Failing to report the abuse of district technology.*
 - g. Installing, uploading or downloading unauthorized programs.*
 - h. Copying district software for personal use.*
 - i. Using district technology for:*
 - i. Personal financial gain.*
 - ii. Personal advertising or promotion.*
 - iii. For-profit business activities.*
 - iv. Unapproved fundraising.*
 - v. Inappropriate public relations activities such as solicitation for religious purposes.*
 - vi. Inappropriate political purposes.*

CONSEQUENCES FOR INAPPROPRIATE USE

Failure to comply with this policy or inappropriate use of the district’s Internet, computers, mobile computing devices, or network resources may result in usage restrictions, loss of access privileges, and/or disciplinary action up to and including expulsion. The superintendent or designee may also report the violation to law enforcement where appropriate.

Users are responsible for damages to the equipment, systems, and software resulting from deliberate or willful acts.

NOTICE

The district will inform staff, students, parents/guardians, and other users about this policy through posting on the district website and by publishing in the student handbook. A copy of this policy will be available for review at the district office and will be provided in writing to parents/guardians upon request. The district will also file this policy with the state superintendent of public instruction every five years.

By accessing the district’s Internet, computers, mobile computing devices,—and network resources, users acknowledge awareness of the provisions of this policy and awareness that the district uses monitoring systems to monitor and detect inappropriate use.

All students and staff are required to sign a technology user agreement (see Policy No. 698519F1, Internet, Computer, Mobile Computing Devices, and Network Services User Agreement) that signifies their understanding and agreement to follow these regulations.



LEGAL REFERENCE:

Idaho Code Sections

6-210 – Recovery of Damages for Economic Loss Willfully Caused by a Minor

18-917A – Student Harassment – Intimidation – Bullying

18-1507 – Definitions – Sexual Exploitation of a Child – Penalties

18-1514 – Obscene Materials - Definitions

18-2201 – Computer Crime – Definitions

18-2202 – Computer Crime

33-132 – Local School Boards – Internet Use Policy Required

Children’s Internet Protection Act, Sections 1703 to 1721, USC Section 254(h)(1)

Cowles Publishing Co. v. Kootenai County Board of Commissioners, 144 Idaho 259 (2007)

ADOPTED:

AMENDED:

**Language in text set forth in italics is optional.*

**Blackfoot School District No. 55
Internet, Computer, Mobile Computing Device
and Network Service User Agreement**

Blackfoot School District No. 55 recognizes the importance of providing positive, productive educational experiences through the district's Internet, computer, and network services. To promote this objective and protect its staff and students, each student ("user") must agree to abide by the terms and provisions as set forth in *Policy No. 698, Acceptable Use of Internet, Computer, Mobile Computing Devices and Network Resources for Students*. This Agreement applies to all district-provided Internet, computers and network resources, including district-issued mobile computing devices used on and off district premises.

Every student, regardless of age, must read and sign below:

I have read, understand and agree to abide by the terms and conditions of the Kellogg[~~name~~] School District's policies regarding student use of District-provided Internet, computers, mobile computing devices and network resources (Policy No. 698). By signing this Agreement, ~~the user~~I takes full responsibility for usage and agrees to indemnify and hold the school, the school district, or internet service provider (ISP) harmless from any and all loss, costs, claims, or damages resulting from user access to its Internet, computer, mobile computing devices, and network resources, including but not limited to any fees or charges incurred through purchases of goods or services by the user. Further, ~~the user~~I understand and agree that I am-is responsible for damages to the district's equipment, systems, and software resulting from deliberate or willful acts.

The district makes no warranties of any kind, either express or implied, in connection with its provision of access to and use of its Internet, computer, mobile computing devices, and network resources.

I am aware that the district uses monitoring systems to monitor and detect inappropriate use. I agree to cooperate with the school in the event of an investigation into a user's use or access of the district's Internet, computer, and network resources.

I understand that failure to comply with the policy or inappropriate use of the district's Internet, computers, mobile computing devices, or network resources may result in usage restrictions, loss of access privileges, forfeiture of any fees paid for the use of any mobile computing device, and/or disciplinary action up to and including expulsion, regardless of whether the misuse was committed by me or another person. The superintendent or designee may also report the violation to law enforcement where appropriate.

I accept full responsibility for the safe and secure handling of mobile computing devices issued to me for this school year. I accept full responsibility for the proper use and safeguarding of the device under all applicable policies. I understand that it is my responsibility to immediately report any damage, theft, or problems with the device to a teacher or administrator.

Student Signature

Date

Student's Printed Name

Address: _____

Phone Number: _____

As the parent/guardian of the above student, I understand my child's responsibility in the use and care of the mobile computing device issued by the district, and my financial responsibility in the event my student loses the device or is found to be the cause of deliberate or negligent damage to it. I understand that if he or she is found to be responsible for deliberate or negligent damage or for the loss of the device, I will be financially responsible for reasonable repair and/or replacement cost.

I have read Policy 698 and explained it to my child. I understand that my child's failure to comply with the policy or inappropriate use of the district's Internet, computers, mobile computing devices, or network resources may result in usage restrictions, loss of access privileges, forfeiture of any fees paid for the use of any mobile computing device, and/or disciplinary action up to and including expulsion, regardless of whether the misuse was committed by my child or another person.

I also understand that I will be responsible for monitoring my child's use of district-provided Internet, computers, mobile computing devices and network resources outside of the school setting.

_____ I do not wish my student to take a mobile computing device at this time.

Parent/Guardian Name (Please Print)

Parent/Guardian Signature

Date

It is the policy of this district to make purchases of goods, services and public works construction by way of a publicly accountable process that respects the shared goals of economy and quality. Further, it is the policy of this district to make purchases in such a manner as to assure the best utilization of district funds. The board, or its designee, reserves the right to determine what is in the best interest of the district. The district will endeavor to purchase goods and services from vendors with a significant Idaho economic presence where required or allowed by federal or state purchasing laws.

The superintendent is authorized to direct expenditures and purchases within the limits of the detailed annual budget for the school year. The superintendent shall establish requisition and purchase order procedures as a means of monitoring the expenditures of funds. Personnel are prohibited from obligating the district relative to a purchase without prior authorization. Staff who obligate the district without proper prior authorization may be held personally responsible for payment of such obligations. Open purchase orders may be used (with a maximum total amount specified) if such procedure will simplify repetitive small purchases.

The board may purchase real property, personal property, services or public works construction as necessary for the operation of the district. The board will comply with the requirements of Idaho law relative to competitive bidding for personal property (*Policy 850.30*), services (*Policy 850.60*) and public works construction (*Policy 850.90*), as well as this district's *Policy 8540P1*, "*Supplemental ~~Bidding-Purchasing~~ Procedures.*" Where federal funds are used for purchases of goods, services or public works construction, the district will also follow procurement requirements set forth in 2 CFR Part 200.

PURCHASES EXCLUDED FROM THE STATUTORY PROCUREMENT PROCESSES UNDER IDAHO CODE ~~§SECTION 67-2803~~

The board will comply with all statutory procurement (bid) requirements unless the expenditure is exempted as provided by law. The following are exempted from the bidding requirements pursuant to Idaho Code §67-2803:

1. The acquisition of personal property when the procurement duplicates the price and substance of a contract for like goods or services that has been competitively bid by the State of Idaho, one of its political subdivisions, or an agency of the federal government.
2. Contracts or purchases of less than fifty thousand dollars (\$50,000), provided such contracts and purchases shall be guided by the best interests of the district, as determined by the board. The board may, when practical, call for competitive price quotations for such purchases.
3. Disbursement of wages or compensation to any employee, official, or agent of the district for performance of personal services.

4. Procurement of personal or professional services to be performed by an independent contractor.
5. Procurement of an interest in real property.
6. Procurement of insurance.
7. Costs of participation in a joint powers agreement with other units of government.
8. Procurement of used personal property.
9. Procurement from federal government general services administration (GSA) schedules or federal multiple award schedules (MAS).
10. Procurement of personal property or services through contracts entered into by the division of purchasing of the department of administration of the state of Idaho.
11. Procurement of goods for direct resale.
12. Procurement of travel and training.
13. Procurement of goods and services from Idaho correctional industries.
14. Procurement of repair for heavy equipment.
15. Procurement of software maintenance, support and licenses of an existing system or platform that was bid in compliance with state law.
16. Procurement of public utilities.
17. Procurement of used equipment at an auction if authorized by the Board of Trustees.
18. The purchase of curricular materials, regardless of the purchase price. “Curricular materials” is defined as textbook and instructional media, including software, audio/visual media, and Internet resources.

LEGAL REVIEW OF CONTRACTS

Before entering into a contract that entails the expenditure of fifty thousand dollars (\$50,000) or more, the board or its designee will have the contract reviewed by legal counsel to ensure that the district’s interests are adequately protected.

BUS TRANSPORTATION SERVICES

In the event the district anticipates expending over fifty thousand dollars (\$50,000) through a contract for bus transportation services, Idaho Code §33-1510 will be followed.

EMERGENCY EXPENDITURES

If there is a great public calamity, such as an extraordinary fire, flood, storm, epidemic, or other disaster, or it is necessary to do emergency work to prepare for national or local defense, or it is necessary to do emergency work to safeguard life, health, or property, the board may pass a resolution declaring that the public interest and necessity demand the immediate expenditure of public money to safeguard life, health, or property. Upon adoption of the resolution, the board may expend any sum required in the emergency without compliance with the bidding requirements pursuant to Idaho Code §§33-601(9) and 67-2808(1).

COMPLIANCE WITH FEDERAL PURCHASING GUIDELINES

Where the district seeks to purchase goods, services or public works construction using federal funds, the district will use the following guidelines:

1. District purchases will conform to applicable federal law (provided, however, that where state purchasing procedures are more restrictive, the District will follow state law requirements).
2. The board or its designee will maintain oversight of contracts to ensure performance in accordance with the terms, conditions and specifications of their contracts or purchase orders.
3. The district will maintain written standards of conduct covering conflicts of interest and governing the performance of its employees engaged in the selection, award and administration of contracts as more fully set forth in *Policy 228 (Board Member Conflict of Interest)* and *Policy 418 (Employee Conflict of Interest)*, and in the *District's Policies and Procedures Manual for the Administration of Federal Education Programs ("Federal Programs Manual")*. Upon discovery of any potential conflict of interest, the district will disclose in writing the potential conflict to the State Department of Education (SDE) and/or federal awarding agency in accordance with applicable SDE or federal awarding agency policy. In addition, the district will disclose, in a timely manner, in writing to the SDE and/or the federal awarding agency, all violations of federal criminal law involving fraud, bribery, or gratuity violations potentially affecting the federal award. *The superintendent or his/her designee will conduct any necessary investigation and submit it in writing to the SDE.*
4. The district will avoid acquisition of unnecessary or duplicative items by giving consideration to consolidating or breaking out procurements to obtain a more economical purchase. Where appropriate, the board or its designee will analyze lease versus purchase alternatives, and any other appropriate analysis to determine the most economical approach to purchases.

5. Where practical or appropriate, the district will enter into state and local inter-governmental agreements or inter-entity agreements for procurement or use of common or shared goods and services.
6. Where feasible or appropriate to reduce project costs, the district will use federal excess and surplus property in lieu of purchasing new equipment and property.
7. Where practical or appropriate, the district will use value engineering clauses in contracts for public works construction of sufficient size to offer reasonable opportunities for cost reductions. “Value engineering” is a systematic and creative analysis of each contract item or task to ensure that its essential function is provided at the overall lower cost.
8. The district will only award contracts to responsible contractors possessing the ability to perform successfully under the terms and conditions of a proposed procurement. Consideration will be given to such matters as contractor integrity, compliance with public policy, record of past performance, and financial and technical resources.
9. The district will maintain records sufficient to detail the history of each procurement. These records will include, but are not limited to: rationale for the method of procurement; selection of contract type; contractor selection or rejection; and the basis for the contract price.
10. The district will use time and material type contracts only after a determination that no other contract is suitable and if the contract includes a ceiling price that the contractor exceeds at its own risk.
 - a. “Time and material type contract” means a contract whose cost to the district is the sum of:
 - i. The actual cost of materials; and
 - ii. Direct labor hours charged at fixed hourly rates that reflect wages, general and administrative expenses, and profit.
 - b. If the board selects a time and materials type contract, the board or its designee will ensure a high degree of oversight of the contract to obtain reasonable assurance that the contractor is using efficient methods and effective cost controls.
11. The district will be responsible, in accordance with good administrative practice and sound business judgment, for the settlement of all contractual and administrative issues arising out of its procurements. These include, but are not limited to: source evaluation; protests; disputes; and claims.
12. All procurement transactions will be conducted in a manner providing full and open competition consistent with state law and the standards set forth in this Policy 850, *Policy 850.30 (Purchasing or Leasing Personal Property)*, *Policy 850.60 (Service Contracts)*

and Policy 850.90 (Public Works Construction) and Policy 850P1 (Supplemental Purchasing Procedures).

13. In order to ensure objective contractor performance and eliminate unfair competitive advantage, contractors that develop or draft specifications, requirements, statements of work, and invitations for bids or requests for proposals will be excluded from competing for such procurements.
14. Some of the situations considered to be restrictive of competition include but are not limited to:
 - a. Placing unreasonable requirements on firms in order for them to qualify to do business;
 - b. Requiring unnecessary experienced and excessive bonding;
 - c. Non-competitive pricing practices between firms or between affiliated companies;
 - d. Organizational conflicts of interest;
 - e. Specifying only a “brand name” product instead of allowing “an equal” product to be offered and describing the performance or other relevant requirements of the procurement; and
 - f. Any arbitrary action in the procurement process.
15. The district will conduct procurements in a manner that prohibits the use of statutorily or administratively imposed state or local geographical preferences in the evaluation of bids or proposals, except in cases where applicable federal statutes expressly mandate or encourage geographic preference. This requirement does not preempt any applicable state licensing laws. When contracting for architectural and engineering services, geographic location may be a selection criterion provided its application leaves an appropriate number of qualified firms, given the nature and size of the project, to compete for the contract.
16. In its procurements, the district will incorporate a clear and accurate description of the technical requirements for the material, product or service to be procured using the following guidelines:
 - a. In competitive procurements, such descriptions will not contain features which unduly restrict competition.
 - b. The description may include a statement of the qualitative nature of the material, product or service to be procured and, when necessary, must set forth those minimum

- essential characteristics and standards to which it must conform if it is to satisfy its intended use.
- c. Detailed product specifications will be avoided if at all possible.
 - d. When it is impractical or uneconomical to make a clear and accurate description of the technical requirements, a “brand name or equivalent” description may be used as a means to define the performance or other salient requirements of procurement. The specific features of the named brand which must be met by offerors will be clearly stated.
 - e. The district will identify all requirements which the offerors must fulfill and all other factors to be used in evaluating bids or proposals.
17. The district will ensure that all prequalified lists of persons, firms, or products which are used in acquiring goods and services are current and include enough qualified sources to ensure maximum open competition. In addition, the district will not preclude potential bidders from qualifying during the solicitation period.
18. The district will take all affirmative steps to assure that minority businesses, women’s business enterprises, and labor surplus area firms are used when possible. For purposes of this policy, affirmative steps include:
- a. Placing qualified small and minority businesses and women’s business enterprises on solicitation lists;
 - b. Assuring that small and minority businesses, and women’s business enterprises, are solicited whenever they are potential sources;
 - c. Dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small, minority and women’s businesses;
 - d. Establishing delivery schedules, where the requirement permits, which encourage participation by small, minority and women’s businesses;
 - e. Using the services and assistance, as appropriate, of such organizations as the Small Business Administration and the Minority Business Development Agency of the U.S. Department of Commerce; and
 - f. Requiring the prime contractor, if subcontracts are to be let, to take the affirmative steps listed in paragraphs a – e of this section.
19. The district will perform a cost or price analysis in connection with every procurement action in excess of the Simplified Acquisition Threshold as defined in 2 CFR §200.88

(currently \$150,000). The method and degree of analysis will be dependent on the facts surrounding the particular procurement situation, but as a starting point the district will make independent estimates before receiving bids or proposals.

20. The district will negotiate profit as a separate element of the price for each contract in which there is no price competition and in all cases where cost analysis is performed. To establish a fair and reasonable profit, consideration will be given to the complexity of the work to be performed, the risk borne by the contractor, the contractor's investment, the amount of subcontracting, the quality of its record of past performance, and industry profit rates in the surrounding geographical area for similar work.
21. The cost plus a percentage of cost and percentage of construction cost methods of contracting will not be used.
22. For public works construction or facility improvement contracts or subcontracts exceeding the Simplified Acquisition Threshold as defined in 2 CFR §200.88 (currently \$150,000), the district will adhere to state bonding requirements (set forth in Idaho Code §54-1926) provided a determination has been made by a federal awarding agency or pass through entity that the federal interest is adequately protected. Where such a determination has not been made, the minimum bonding requirements will be as follows:
 - a. A bid guarantee from each bidder equal to five percent (5%) of the bid price, which must consist of a firm commitment such as a bid bond, certified check, or other negotiable instrument accompanying a bid as assurance that the bidder will, upon acceptance of the bid, execute such contractual documents as may be required within the time specified.
 - b. A performance bond on the part of the contractor for ~~100~~ one hundred percent (100%) of the contract price. The performance bond is one executed in connection with a contract to secure fulfillment of all the contractor's obligations under the contract.
 - c. A payment bond on the part of the contractor for ~~100~~ one hundred percent (100%) of the contract price. The payment bond is one executed in connection with a contract to assure payment as required by law of all persons supplying labor and materials in the execution of the work provided for in the contract.
23. In addition to other provisions required by the district or state law, all contracts made by the district under a federal award must contain provisions covering the requirements set forth in Appendix II to 2 CFR Part 200, a copy of which is attached to this policy.

METHODS OF PROCUREMENT TO BE FOLLOWED FOR PURCHASES USING FEDERAL FUNDS

Where the district seeks to purchase goods, services or public works construction using federal funds, the district will use one of the following methods of procurement (*see also the District's Federal Programs Manual*):

1. **Micro-Purchases**. Procurement by micro-purchase is the acquisition of supplies or services, the aggregate dollar amount of which does not exceed \$3,000 (or \$2,000 in the case of acquisitions for construction subject to the Davis-Bacon Act). To the extent practicable, the district will distribute micro-purchases equitably among qualified suppliers. Micro-purchases may be awarded without soliciting competitive quotations if the district considers the price to be reasonable.
2. **Small Purchase Procedures**. Small purchase procedures are those relatively simple and informal procurement methods for securing services, supplies, or other property that do not cost more than the simplified acquisition threshold as defined by 2 CFR §200.88 (~~currently \$150,000~~). If these procedures are used, price or rate quotations must be obtained from an adequate number of qualified sources.
3. **Sealed Bid/Formal Advertising**. Under this method of procurement, bids are publicly solicited and a firm fixed price contract (lump sum or unit price) is awarded to the responsible bidder whose bid conforms with all the material terms and conditions of the invitation for bids and is the lowest in price.
 - a. This method of procurement is preferred if the following conditions exist:
 - i. A complete, adequate, and realistic specification or purchase description is available;
 - ii. Two (2) or more responsible bidders are willing and able to compete effectively for the business; and
 - iii. The procurement lends itself to a firm fixed price contract and the selection of a successful bidder can be made principally on the basis of price.
 - b. If sealed bids are used, the following requirements apply:
 - i. The invitation for bids will be publicly advertised and bids must be solicited from an adequate number of known suppliers, providing them sufficient response time prior to the date set for opening bids;
 - ii. The invitation for bids, which will include any specifications and pertinent attachments, must define items or services in order for the bidder to properly respond;

- iii. All bids will be publicly opened at the time and place prescribed in the invitation for bids;
 - iv. A firm fixed price contract award will be made in writing to the lowest responsive and responsible bidder. Where specified in the bidding documents, factors such as discounts, transportation cost, and life cycle costs must be considered in determining which bid is lowest. Payment discounts will only be used to determine the low bid when prior experience indicates that such discounts are usually taken advantage of; and
 - v. Any or all bids may be rejected if there is a sound documented reason.
4. **Competitive Proposals.** This procurement method is normally conducted with more than one source submitting an offer, and either a fixed price or cost-reimbursement type contract is awarded. This method will be used when conditions are not appropriate for the use of sealed bids. If this method is used, the following requirements apply:
- a. Requests for proposals must be publicized and identify all evaluation factors and their relative importance. Any response to publicized requests for proposals must be considered to the maximum extent practical;
 - b. Proposals must be solicited from an adequate number of qualified sources;
 - c. The district will provide a written method for conducting technical evaluations of the proposals received and for selecting recipients;
 - d. Contracts will be awarded to the responsible firm whose proposal is most advantageous to the program, with price and other factors considered; and
 - e. This district may use competitive proposal procedures for qualifications-based procurement of architectural and engineering professional services whereby competitors' qualifications are evaluated and the most qualified competitor is selected, subject to negotiation of fair and reasonable compensation. The method, where price is not used as a selection factor, may only be used in procurement of architectural and engineering professional services. It cannot be used to purchase other types of services though architectural and engineering firms are a potential source to perform the proposed effort.
5. **Non-Competitive/Sole Source Proposals.** This method seeks solicitation of goods or services from only one source and may be used only when one or more of the following circumstances applies:
- a. The item is available only from a single source;

- b. The public exigency or emergency for the procurement will not permit a delay resulting from competitive solicitation;
- c. The federal agency or pass-through entity for use of the federal funds expressly authorizes non-competitive proposals in response to a written request from the district; or
- d. After solicitation of a number of sources, competition is determined to be inadequate.

SCHOOL BUILDING PLAN REVIEWS AND INSPECTION

For purchases involving public works construction, the district will not advertise for bids for any school building construction project until the plans for such building(s) have been approved in accordance with Idaho Code §39-4113. All school construction or remodeling projects requiring plan review will be inspected by building inspectors certified in accordance with Idaho Code §39-4108, or by Idaho licensed architects or engineers to determine compliance with title 39, chapter 41 and the Idaho Uniform School Building Safety Act (title 39, chapter 80, Idaho Code).

[Choose A or B below:]

Option A:

The district elects to utilize the plan review services of [identify name of city or county that is eligible to provide building code enforcement/plan review services] for review of all public school building plans. The district will provide a written certification of its election for plan review services to the [identify local jurisdiction building department] and the Idaho Division of Building Safety (DBS)

Option B:

The district elects to utilize the plan review services of the Idaho Division of Building Safety (DBS) for review of all public school building plans. The district will provide a written certification of its election for plan review services to the [identify local jurisdiction building department] and the DBS.



LEGAL REFERENCE:

- Idaho Code Sections
- 33-118A
- 33-601
- 33-1510
- 39-4108
- 39-4113
- 39-8001 *et seq.*

44-1001 *et seq.*

54-1900 *et seq.*

67-2800 *et seq.*

Federal Regulations

2 CFR Part 200, including Appendix II, “Contract Provisions for Non-Federal entity
Contracts Under Federal Awards” (EDGAR)

ADOPTED:

AMENDED:

**Language in text set forth in italics is optional.*

The board of trustees will at all times comply with Idaho statutes regarding the efficient and cost-effective purchasing of goods, services, and public works construction by competitive bidding, as appropriate. Further, the district shall purchase goods and services from vendors with a significant Idaho economic presence when possible.

Before entering into a contract which requires competitive bidding pursuant to Idaho Code §§33-601 and 67-2800 *et seq.*, the board may utilize the following supplemental procedures in addition to specific procedures outlined in Idaho Code §§67-2805 or 67-2806. Nothing herein is intended to conflict with statutory requirements and other district policies.

DEFINITIONS

For purposes of this policy, the following definitions apply:

“Bid” means a written offer to perform a contract to sell or otherwise supply property, services or public works construction in response to a solicitation.

“Bid Closing” -means the date and time advertised, after which no further bids will be accepted by the district. Any bid received after the bid closing will be returned, unopened, to the bidder.

“Bidder” means an individual or entity that has submitted a bid in response to a specific solicitation on a specific item or items of property to be acquired by this district or for work services to be performed on behalf of the district.

“Contractor” means a bidder who has been awarded a contract by the district under this procedure.

“Lowest Responsible Bidder” means the responsible bidder whose bid reflects the lowest acquisition price to be paid by this district, except that when specifications are valued or comparative performance examinations are conducted, the results of such examinations and relative score of valued specifications will be weighed, as set out in the specifications, in determining the lowest acquisition price.

“Request for Proposal (RFP)” means the written specifications setting forth the goods or services to be purchased upon which a bid can be submitted and the procedures for submitting such bid.

“Solicitation” means an invitation to bid, a RFP or a request for quote issued by the district for the purpose of procuring goods, services or public works construction.

PREPARATION OF RFP

A RFP setting forth the specific needs and requirements for the construction, repair, or improvement of real property, purchase of services, or purchase or repair of any equipment or

other personal property for which the bid is sought will be drafted and approved by the board. A rating sheet setting forth the weight, calculated as a percentage, to be given each of the elements in the RFP will be included in the RFP.

In those instances when this district issues a RFP for the construction, repair or improvement of public works, public buildings, public places, or other work, the following will be provided:

1. Written plans and specifications of the work to be performed or materials furnished will be available for review by all interested and prospective bidders.
2. The plans and specifications, when applicable, will include the number, size, kind, and quality of materials and service required for the contract.
3. The plans and specifications shall not specify or provide the use of any articles of a specific brand or mark, or any patented apparatus or appliances when other materials are available for such purposes and when such requirements would prevent competitive bidding. *In the event that brand names or other identifying information is included in the plans and specifications, such identification shall be used solely for the purpose of communicating the expectation of a quality level and shall not be interpreted as requiring use of a particular item.*

LOWEST RESPONSIBLE BIDDER

The following factors will be considered in determining the lowest responsible bidder:

1. *The bid amount;*
2. *Compliance with administrative requirements of the bidding process;*
3. *Requisite licensure of the bidder;*
4. *Meeting prequalification standards, if applicable; and*
5. *For public works contracts, verification that the bidder holds a current Idaho public works license, or will hold such license at the time of award of the contract; and verification of the bidder's previous and existing compliance with all other laws relating to public works, including employment practices set forth in Idaho Code §44-1001 et seq.*

Unless precluded by statute, the district may also consider any of the following factors in determining the lowest responsible bidder:

1. *Specific needs and requirements identified in the RFP;*
2. *Project costs;*
3. *Financial solvency of the individual or corporation bidding;*

4. *Prior work experience, if any, between the individual or entity and the district, including the quality of performance of previous contract or services;*
5. *Demonstration of the ability, capacity, and skill of bidder to perform the work required;*
6. *The character, integrity, reputation, judgment, experience, and efficiency of the bidder;*
7. *Listing of the names and addresses of all subcontractors and providing assurance of appropriate licenses or certificates;*
8. *Posting and verification of a bid bond, including a payment and performance bond, if required;*
9. *Unique product features, warranties, product performance records, future product maintenance or service requirements;*
10. *An innovative solution offered for purchases of goods or services; and*
11. *Such other information related to the performance of the contract as deemed appropriate.*

REVIEW OF BIDS

All bids received will be date and time stamped to ensure they were received prior to the bid closing. All bids received after the bid closing will be returned, unopened, to the bidder and will not be considered for award of the contract. After the bid closing, at the time and place stated in the advertisement for bids, bids will be opened, recorded, and made available for inspection. Any interested person may attend the bid opening.

For purchases of public works construction, only those bids submitted by bidders with a current Idaho public works license at the time of bid closing will be considered.

The superintendent or designee may appoint an individual or panel, with appropriate expertise, to review and evaluate, pursuant to the rating sheet, all accepted bids. The rating sheet will designate the weight, calculated as a percentage, to be attached to each element set forth in the RFP, which will be applied by the reviewing panel in evaluating each bid.

AWARD OF THE CONTRACT

Based on the rating of the bids, the superintendent will make a recommendation to the board at the next regularly scheduled board meeting after the rating has been completed, unless it is determined a special board meeting to review the bids is appropriate. Such recommendation may include:

1. A recommendation that the board contract with the lowest responsible bidder, as determined by the rating sheet;

2. A recommendation to reject all bids;
3. A recommendation to reject all bids and re-bid; or
4. After finding it to be a fact, a recommendation to adopt a resolution declaring that the goods can be procured more economically on the open market; or
5. If two (2) or more bids are the same and the lowest responsive bids, a recommendation to accept the one the board deems in the best interest of the district.

Upon a majority vote of the board, the contract will be awarded to the lowest responsible bidder, as determined by the board. The district will enter into a contract and the terms set forth in the RFP and the successful bid response shall be incorporated into therein. Written contracts shall be prepared for all major construction and repair projects, signed by the board chairman on behalf of the district.

An acceptable bid or offer and a district purchase order may constitute the only contract necessary for the purchase of supplies, equipment, and minor repairs of construction projects, except that the successful bidder must meet all conditions included in the RFP.

The security of unsuccessful bidders shall be returned in a reasonable period of time, in no event any later than sixty (60) days after the bid is awarded.

BIDDING RELIEF

In the event a bidder made a mistake on a bid, this district will determine if the bidder is entitled to relief from the bid. Bidders will be granted relief from the bid if the bidder established to the satisfaction of the district that the following occurred:

1. A clerical or mathematical mistake was made;
2. The bidder gave this district written notice within five (5) calendar days after the opening of the bid of the mistake, specifying in the notice in detail how the mistake occurred; and
3. The mistake was material.

The district will document the receipt of the request for relief, its review of the bid, and any action taken by the district. The report will be filed with the superintendent and will be available for inspection as a public record.

In the event the district determines that relief is to be granted as set forth above, it will return any bid security filed with the district or agent thereof. Bidders who did not satisfy the conditions for relief shall forfeit any bid security. Additionally, any bidders failing to execute a contract, and not satisfying the conditions of a mistake shall forfeit any bid security.

Any bidder claiming a mistake, or who forfeits a bid security, is prohibited from participating in any re-bidding of the same project on which the mistake was claimed, or security forfeited.

NON-MATERIAL BID IRREGULARITIES

Non-material irregularities in the bid will be waived by this district, and the bid will not be rendered non-responsive. The following will apply in determining whether non-material irregularities exist:

1. Clerical errors, such as obvious arithmetic errors, must be discernible from the bid documents. If the errors can be corrected, the bid will be considered responsive. The revised bid amount will be used in evaluating the bid.
2. Both the error and the bidder’s intent must be readily discernible from the bid documents.
3. The correction or waiver of non-material irregularities must not affect the relative standing of, or be otherwise prejudicial to other bidders.

PROHIBITION AGAINST BID SPLITTING

Neither this district, nor any of its employees, will split or separate purchases or work projects for the purpose of evading any laws of the State of Idaho, which require competitive bidding.



LEGAL REFERENCE:

- Idaho Code Sections
 - 33-601
 - 44-1001 *et seq.*
 - 54-1901 *et seq.*
 - 54-4501 *et seq.*
 - 59-1026
 - 67-2326 through 67-2333
 - 67-2800 *et seq.*

Education Department General Administrative Regulations, 2 CFR 200.319(c)

ADOPTED:

AMENDED:

**Language in text set forth in italics is optional.*