Board Policy 1615: Trustee Spouse Employment

Status: ADOPTED

Original Adopted Date: 08/19/2014 | Last Revised Date: 07/15/2025 | Last Reviewed Date: 07/15/2025

[RECOMMENDED POLICY: This item addresses practices districts are required to comply with by law, administrative rule, or other guidance, or which are strongly recommended by one of the attorneys we consult on policy matters.]

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

Districts with 400 or Fewer Students

However, if the District had a fall enrollment of 400 or fewer students in the prior school the Board may employ the spouse of a Trustee if the following conditions are met:

1. **The spouse will be employed in a nonadministrative position;**
2. **The spouse is selected through the District's approved hiring process.**

Districts with 401 to 1,200 Students

If the District had a fall enrollment of more than 400, but fewer than 1,200 students in the prior school, the Board may employ the spouse of a Trustee if the following conditions are met each year:

1. **The spouse will be employed in a nonadministrative position;**
2. **The position has been listed as open for application on the District's website or in a local newspaper for at least 60 days unless the opening occurred during the school year, in which case the position must have been listed as open for at least 15 days on the District's website or in a local newspaper;**
3. **No applications were received that met the minimum certification, endorsement, education, or experience requirements of the position except the Trustee's spouse;**
4. **The Trustee abstained from voting in the employment of the spouse and was absent from the meeting while such employment was being considered and determined; and**
5. **Notwithstanding any other policy or law to the contrary, the Trustee's spouse may only be employed under a Category 1 annual contract pursuant to section 33-514A, Idaho Code, and so long as the status of Trustee and spouse employee remains, shall not progress to subsequent contract stages with the District.**

All Districts with 1,200 or Fewer Students

In any case where the Board hires a Trustee's spouse, throughout the course of the spouse's employment, the Trustee shall abstain from voting in any decision that affects the compensation, benefits, individual

performance evaluation, or disciplinary action relating to the spouse and shall be absent from the meeting while such issues are being considered. Such limitation shall include a prohibition on voting and attendance with regard to the following subject matters:

1. **Negotiations regarding compensation and benefits;**
2. **Discussion and negotiation with District benefits providers; and**
3. **Any matters relating to the spouse and letters of reprimand, direction, probation, or termination.**
4. **Regardless of spouse employment status, the Trustee may participate in deliberations and vote upon the District's annual fiscal budget and annual audit report;**

If a Trustee's spouse is hired in a classified position, they shall be employed as an at-will employee with no contract status and no right to continue employment.

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Legal References	Description
IC § 33-507	Limitation Upon Authority of Trustees

Other References	Description
ISBA Policy Services	https://www.idsba.org/member-services/policy/