Director Spouse Employment

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

However, Directors at Charter Schools that annually meet the following criteria may have a spouse employed by the Charter School under the following conditions:

1. The school district in which the Charter School is physically located had a fall enrollment of 1,200 or fewer students in the prior school year;

2. The spouse will be employed in a nonadministrative position;

3. The position has been listed as open for application on the Charter School'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;

4. No applications were received that met the minimum certification, endorsement, education, or experience requirements of the position except the Director's spouse; and

5. The Director abstained from voting in the employment of the spouse and was absent from the meeting while such employment was being considered and determined.

The above five criteria must be met in each subsequent school year in which the Director's spouse is employed. Additionally, the following provisions are applicable in such situations:

1. Throughout the course of the spouse's employment, the Director 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:

    A. Negotiations regarding compensation and benefits;
    B. Discussion and negotiation with District benefits providers; and
    C. Any matters relating to the spouse and letters of reprimand, direction, probation, or termination.

2. Regardless of spouse employment status, the Director may participate in deliberations and vote upon the District's annual fiscal budget and annual audit report;

3. Should the spouse of a Director be hired as a certificated teacher, notwithstanding any other policy or law to the contrary, such 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 Director and spouse employee remains, shall not progress to subsequent contract stages with the District.

Legal Reference: I.C. § 33-5204 Nonprofit Corporation – Liability - Insurance

Policy History:
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