

Policy Title: Legal Status of the Board of Trustees

Policy No: 201.02

All of the authority which resides in the Board of Trustees has been given it by the State of Idaho. Constitutionally, education is a State responsibility. Trustees are agents of the State of Idaho, who legally must look to the State for authorization to act.

The Board of Trustees has certain powers as set forth in the Idaho Session Laws, 1963.

Emissive Law - provides that the Board of Trustees may do such and such, e.g., employ an attorney, compensate a clerk, etc.

Mandatory Law - provides that the Board of Trustees shall do such and such, e.g., employ certified teachers.

Legislative Law - provides that the Board of Trustees may make rules and regulations, e.g., attendance policy.

Judicial Law - provides that the Board of Trustees sit in judgment, e.g., the expulsion of a student.

Managerial Law - provides that Board of Trustees receive and hold in trust real estate and property.

Individual members of the Board of Trustees have no powers separate from the Board as a whole. The Board of Trustees is only in existence when sitting in legal session.

Policy Cross Reference:

Legal Reference:

Idaho Code §33-501 Board of Trustees

Policy History:

Adopted: 04/25/1974
Reviewed: 07/28/2008