



Uniform and Equipment Contracts

09.16.2013

Question:

ISBA staff has heard that some school uniform and equipment providers are attempting to initiate contracts in Idaho that have been found to be illegal in Utah. For example, such contracts have included money going directly to coaches to use at their individual discretion and we have received a question as to the legality of these contracts. ISBA wants to ensure that school districts, principals, and coaches are aware of the requirements in Idaho before they enter into any such contracts.

Answer:

Although each contract would depend on the specific facts or issues of each individual situation, here are some considerations to keep in mind when entering into contracts with uniform and equipment providers:

1. Bidding laws – depending upon the amount of money at issue.
2. If the coach is also a teacher – Code of Ethics concerns –
 - a. Principle VI.a - Unauthorized solicitation of students or parents of students to purchase equipment or supplies from an educator who will directly benefit.
 - b. Principle VI.b - Acceptance of gifts from vendors or potential vendors for personal use or gain where there may be the appearance of a conflict of interest.
 - c. Principle VI.d - Soliciting, accepting or receiving a pecuniary benefit greater than fifty dollars (\$50) as defined in section 18-1359(b), Idaho Code.
3. Title IX issues if this is just for football for males only
4. Section 18-1359, Idaho Code – Using public position for personal gain. Specifically look at subsection (a) which prohibits any public servant (which by definition in 18-1351 –includes any officer or employee of government . . .) without the specific authorization of the governmental entity for which he serves, using public funds or property to obtain pecuniary benefit for himself. And (b) to solicit, accept, or receive pecuniary benefits as payment for services, advice, assistance, or conduct customarily exercised in the course of his official duties. This prohibition shall not include trivial benefits not to exceed a value of fifty dollars (\$50.00) incidental to personal, professional or business contacts and involving no substantial risk of undermining official impartiality.

contact us with your question:



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Ask ISBA is a service of the Idaho School Boards Association. Questions may be published online at www.idsba.org or in ISBA's quarterly magazine, the SLATE.

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