



HOPI JUNIOR/SENIOR HIGH SCHOOL

"A Great Place to Learn"

Steven Berbeco, Superintendent
Lynn Fredericks, High School Principal
Alban Naha, Junior High School Principal
"Home of the Bruins"

COMMON LAW SPOUSE

Current policy BBBA Board Member Qualifications provides:

No employee of the Hopi Junior/Senior High School or the spouse of such employee may hold membership on the Governing Board of this School.

Current policy BCB Board Member Conflict of Interest provides:

No dependent of a Governing Board member may be employed in the School, except by consent of the Board.

No employee of the School or the spouse of such employee may hold membership on the Governing Board of the School.

Current policy GBEEA Staff Conflict of Interest provides:

A dependent of a Board member (a person more than half of whose support is obtained from a Board member) cannot be hired in the School except by consent of the Board. The spouse of a Board member cannot be employed by the School.

Based on these three policies:

1. If a person is a legally recognized spouse of a Governing Board member, that person cannot be hired by the School;
2. If a person is the spouse of a school employee, that person cannot hold membership on the Governing Board;
3. If a person derives more than half of their "support" from a Board member, that person cannot be hired by the School absent consent of the Board.

Policy GBEEA Staff Conflict of Interest is amended as follows:

A dependent of a Board member (~~a person more than half of whose support is obtained from a Board member~~ as defined in these policies) cannot be hired in the School except by consent of the Board. The spouse of a Board member cannot be employed by the School.

Spouse and Dependent

1. Spouse: A person who has entered into lawful marriage. A lawful marriage entered into in any jurisdiction is considered a lawful marriage for purposes of these policies. The School may require verification of marital status if a question arises.
2. Dependent:
 - a) Any unmarried child who is an employee or Board member's biological child, step child or legally adopted* child, or a child whom an employee or Board member has legal guardianship and a child for whom an employee or Board member legally claims as a dependent for federal income tax purposes, and who is:
 - i. less than 19 years old; or
 - ii. 19 years old but less than 25 years old, enrolled in school as a full-time student and primarily supported by an employee or Board member; or
 - iii. 19 or more years old and primarily supported by an employee or Board member and incapable of self-sustaining employment by reason of mental or physical disability. Proof of the child's condition and dependence must be submitted to the School's healthcare provider within 120 days after the date the child ceases to qualify above. The School's healthcare provider may, from time to time, require proof of the continuation of such condition and dependence.
 - *A child includes a legally adopted child including: (a) a child who has been placed with an employee or Board member for adoption provided the child is not removed from placement prior to legal adoption; or (b) a child for whom entry of an order granting custody to an employee or Board member has been made.
 - b) Under the following circumstances, an employee or Board member's non-married domestic partner may be considered a dependent (all of the following must apply):
 - i. No one else, such as the partner's parents, can claim the partner as a dependent child on their tax return
 - ii. The partner must be a U.S. citizen, a U.S. national, a U.S. resident alien, or a resident of Canada or Mexico
 - iii. The partner must live with the employee or Board member all year (January 1 to Dec 31)
 - iv. The partner's gross income for the year—meaning income from all sources—cannot exceed the IRS allowed amount
 - v. The employee or Board member must provide more than half of the partner's financial support during the year
 - vi. The partner cannot be married to someone else and file a joint return with that other person except to claim a refund of withheld income tax or estimated income tax paid

The following types of absences will not be considered in determining yearlong cohabitation: Illness, such as time spent in a hospital or rehabilitation facility; Vacations; Business travel or assignments; Education-related absences; Absences for military service.

- c) No one may be considered as a Dependent of more than one employee.

The adoption of this policy does not affect the authority of Hopi tribal law.

The Superintendent may develop procedures to assist in compliance with this policy.



VALERIE KOOYAQUAPTEWA
Governing Board President

October 10, 2018