

LEGAL STATUS & OPERATION OF THE BOARD

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The Board of Trustees of Canyon Creek School District # 4 is the governmental entity established by the State of Montana to plan and direct all aspects of the District's operations to the end that students shall have ample opportunity to achieve their individual and collective learning potentials.

Policies of the Board define its organization and the manner of conducting its official business. The operating policies of the Board are those that it adopts from time to time to facilitate the performance of its responsibilities.

Legal Reference: § 20-3-323, MCA District policy and record of acts
 § 20-3-324, MCA Powers and duties

Adopted:
Revised: July 17, 2006

ORGANIZATION

1100

The legal name of this District is Canyon Creek School District No. 4, Yellowstone County, State of Montana. The District is classified as a class 2 district and is operated according to the laws and regulations pertaining to a class 2 district.

In order to achieve its primary goal of providing each child with the necessary skills and attitudes to become an effective citizen, the Board shall exercise the full authority granted to it by the laws of the state. Its legal powers, duties and responsibilities are derived from the Montana Constitution and state statutes and regulations. Sources such as the school laws of Montana and the administrative rules of the Board of Public Education and the Office of Superintendent of Public Instruction delineate the legal powers, duties, and responsibilities of the Board.

Legal References:	§ 20-3-324, MCA	Powers and duties
	§ 20-6-101, MCA	Definition of elementary and high school districts
	§ 20-6-201, MCA	Elementary district classification
	§ 20-6-301, MCA	High school district classification

Adopted: January 20, 2003

Revised:

MEMBERSHIP

1105

The Canyon Creek School District is governed by a Board of Trustees consisting of five (5) members, elected by ballot by the registered voters of the District. The powers and duties of the Board include the broad authority to adopt and enforce all policies necessary for the management and government of the public schools. Except as otherwise provided by law, trustees shall hold office for terms of three (3) years, or until their successors are elected and qualified. Terms of trustees shall be staggered as provided by law.

Official action by Board members must occur at a duly called and legally conducted meeting. A Meeting is defined as the convening of a quorum of the constituent membership of the Board, whether in person or by means of electronic equipment, to hear, discuss or act upon a matter over which the Board has supervision, control, jurisdiction, or advisory power.

Board members, as individuals, have no authority over school affairs, except as provided by law or as authorized by the Board.

Legal References:	§ 20-3-301, MCA	Election and term of office
	§ 20-3-302, MCA	Legislative intent to elect less than majority of trustees
	§ 20-3-305, MCA	Candidate qualification and nomination
	§ 20-3-306, MCA	Conduct of election
	§ 20-3-307, MCA	Qualification and oath
	§ 20-3-341, MCA	Number of trustee positions in elementary districts B transition
	§ 20-3-344, MCA	Nominating of candidates by petition in first-class elementary district
	§ 20-3-361, MCA	Joint board of trustees organization and voting membership
	§ 2-3-202, MCA	Meeting defined

Adopted: July 17, 2006
Revised: October 15, 2007

TAKING OFFICE

1110

A newly elected trustee shall take office as soon as election results have been certified and the newly elected trustee has taken and subscribed to an oath to faithfully and impartially discharge the duties of the office to the best of his/her ability. Such oath will be filed with the county superintendent within fifteen (15) days after the receipt of the certificate of election.

Legal References: § 20-1-202, MCA Oath of office
§ 20-3-307, MCA Qualification and oath

Adopted: July 17, 2006

Revised:

ELECTION

1111

Elections conducted by the Canyon Creek School District are nonpartisan and are governed by general election laws of the state of Montana. The ballot at such elections may include candidates for trustee positions, various public policy propositions, and advisor questions.

Board elections shall take place on the first (1st) Tuesday after the first (1st) Monday in May of each year. Any person who is a qualified voter of the District is legally qualified to become a trustee. Any qualified electors may nominate as many trustee candidates as there are trustee positions subject to election at the ensuing election. The name of each person nominated for candidacy shall be submitted to the District Clerk not less than forty (40) days before the regular school election day. If different terms are to be filled, the term for which each candidate is nominated also shall be indicated. Any person seeking to become a write-in candidate must file a declaration of intent no later than 5:00 p.m. on the 26th day before the election. If there are no contested seats, and there is no other reason for the election, the trustees may declare an election by acclamation and give notice no later than twenty-five (25) days before the election that an election will not take place. If no election takes place, the trustees shall declare the candidates elected by acclamation and issue a certificate of election to each candidate.

Except in the event of an unforeseen emergency occurring on the date scheduled for the election, a proposition requesting additional funding pursuant to §20-9-353, MCA, may be submitted to electors only once each calendar year, on the regular school election day.

In years when the Legislature meets in regular session or in a special session that affects school funding, the trustees may order the election on a date other than the regular school election day in order for the electors to consider a proposition requesting additional funding under § 20-9-353, MCA.

Legal Reference:	§ 13-10-211, MCA	Declaration of intent for write-in candidates
	§ 20-3-304, MCA	Annual election
	§ 20-3-305, MCA	Candidate qualification and nomination
	§ 20-3-313, MCA	Election by acclamation notice
	§ 20-3-322, MCA	Meetings and quorum
	§ 20-3-324(4), MCA	Powers and duties
	§ 20-3-344, MCA	Nomination of candidates by petition in first class elementary district
	§ 20-20-301, MCA	Qualifications of elector
	§ 20-9-353, MCA	Additional financing for general fund – election for authorization to impose

Adopted: July 17, 2006
Revised: November 19, 2007

RESIGNATION

1112

Resignation of a trustee, for whatever reason, must be submitted in writing to the Clerk. A resignation is effective seventy-two (72) hours after its submission, unless withdrawn during that period by the resigner through written notification of withdrawal made to the Clerk.

The Board will ratify the resignation at its next regularly scheduled meeting and will proceed to fill the vacancy as provided by statute and Board policy.

Legal Reference: § 2-16-502, MCA Resignations
 § 20-3-308, MCA Vacancy of trustee position

Adopted:
Revised: July 17, 2006

Any elected trustee position shall be vacant whenever the incumbent:

- a. dies;
- b. resigns;
- c. moves his residence from the applicable district or from the nominating district in the case of an additional trustee in a high school district;
- d. is no longer a registered elector of the district under the provisions of MCA 20-20-301;
- e. is absent from the district for sixty (60) consecutive days;
- f. fails to attend three (3) consecutive meetings of the trustees without a valid excuse;
- g. has been removed under the provisions of MCA 20-3-310; or
- h. ceases to have the capacity to hold office under any other provision of the law.

A trustee position also shall be vacant when an elected candidate fails to qualify.

The remaining trustees shall fill such vacancy by appointment. The board will receive applications from any qualified persons seeking to fill the position after the suitable public notice. The board will appoint one (1) of the candidates to serve until the next regularly scheduled election.

A poll will be made by each trustee ranking a list of all qualified candidates from first to last preference. Ranking scores will be totaled by the clerk and the highest ranked candidate will be recommended for appointment. Should there be a tie between the top two candidates; a second ranking of those two candidates will be conducted. If a tie still exists after the second ranking, the chairperson will break the tie by selecting one of the two top candidates to fill the vacancy. The appointment shall then be confirmed by a public vote of the board. The appointee shall serve until the next regularly scheduled election.

Should the board fail to fill a vacancy within sixty (60) days from the creation of such vacancy, the county superintendent shall appoint, in writing, a competent person to fill such vacancy. An appointee shall meet the requirements provided by law and shall serve until the next regularly scheduled school election and his/her successor has qualified.

ANNUAL ORGANIZATIONAL MEETING

1120

After the district election in May and on or before the third Saturday in May, the board shall elect from among its members a chairperson and a vice chairperson to serve one (1) year terms. If a board member is unable to continue to serve as an officer, a replacement shall be elected immediately. In the absence of both the chairperson and the vice chairperson, the board shall elect a chairperson pro tempore who shall perform the functions of the chairperson during the latter's absence. The clerk shall act as board secretary.

Adopted:

Revised: November 20, 2004

COMMITTEES/MEETINGS

1130

Committees of the Board may be created by a majority of the Board. All committees created by the Board to serve a clear public and governmental purpose shall comply with the open meeting laws and all other laws applicable to school board meetings. The Board Chairman shall appoint trustees to serve on such committees. Trustees serving on committees shall be limited to fewer than one-half (1/2) of the Board.

In determining whether any meeting within the school system should be held in compliance with the Open Meeting Act, the following factors, although not exhaustive, should be considered:

- Frequency of the meetings being held;
- Whether the committee is deliberating or simply gathering facts;
- Whether the deliberations concern matters of policy rather than merely ministerial or administrative functions;
- Whether the committee members have executive authority and experience; and
- Results of the meeting.

Legal Reference: §2-3-203, MCA Meetings of public agencies and certain associations of public agencies to be open to public exceptions
Bryan v. Yellowstone (2002), 2002 MT 264
Crofts v. Associated Press (2004), 2004 MT 120

Adopted:
Revised: July 17, 2006

QUALIFICATIONS, TERMS, AND DUTIES OF BOARD OFFICERS

1210

The Board officers are the Chairperson and Vice Chairperson. These officers are elected at the annual organizational meeting.

Chairperson

The Board elects a Chairperson from its members for a one-(1)-year term. The duties of the Chairperson include the following:

- Preside at all meetings and conduct meetings in the manner prescribed by the Board's policies;
- Make all Board committee appointments, subject to Board approval;
- Sign all papers and documents as required by law and as authorized by action of the Board;
- Close Board meetings as authorized by Montana law; and
- Act as spokesperson for the Board.

The Chairperson is permitted to participate in all Board meetings in a manner equal to all other Board members, including the right to participate in debate and to vote. The Chairperson may not make a motion, but may second motions.

The Chairperson must be able to perform the functions of a trustee in all matters over which he/ she presides.

Vice Chairperson

The Vice Chairperson shall preside at all Board meetings in the absence of the Chairperson and shall perform all the duties of the Chairperson during the Chairperson's absence or unavailability including signing of warrants. The Vice Chairperson shall work closely with the Chairperson and shall assume whatever duties the Chairperson may delegate.

Legal References: § 2-3-203, MCA

Meetings of public agencies and certain associations of public agencies to be open to public exceptions
Organization and officers

§ 20-3-321(2), MCA

Adopted: July 17, 2006

Revised:

CLERK

1230

The Clerk of the Board shall attend all meetings of the Board, unless excused by the Chairperson, and shall keep an accurate journal of its proceedings. The Clerk shall have custody of the records, books, and documents of the Board. In the absence or inability of the Clerk to attend a Board meeting, the trustees will have one (1) of their members or a District employee act as clerk for the meeting, and said person will supply the Clerk with a certified copy of the proceedings.

The Clerk will keep accurate and detailed accounts of all receipts and disbursements made by the District. The Clerk shall draw and countersign all warrants for expenditures that have been approved by the Board.

The Clerk will make the preparations legally required for the notice and conduct of all District elections.

The Clerk shall prepare and submit to the Board a financial report of receipts and disbursements of all school funds on an annual basis unless the Board requests such reports on a more frequent basis. The Clerk shall perform other duties as prescribed by state law or as directed by the Board and the Superintendent.

Legal references:	§ 20-3-321, MCA	Organization and officers
	§ 20-3-325, MCA	Clerk of the district
	§ 20-4-201, MCA	Employment of teachers and specialists by contract
	§ 20-9-133, MCA	Adoption and expenditure limitations of final budget
	§ 20-9-165, MCA	Budget amendment limitation, preparation, and adoption procedures
	§ 20-9-221, MCA	Trustees' election duties – ballot certification

Adopted:

Revised: July 17, 2006

DUTIES OF INDIVIDUAL TRUSTEES

1240

The Board of Trustees is responsible for the educational programs and related services of School District #4. In the event there is a need for interpretation of Board policies, the Board reserves the right to interpret. All duties of the Board are prescribed by law §20-3-324, MCA.

Each trustee shall review the agenda and attendant materials in advance of a meeting and shall be prepared to participate in discussion and decision making for each agenda item. All trustees are obligated to attend Board meetings regularly. Whenever possible, a trustee shall give advance notice to the Chairman or Superintendent, of the trustee's inability to attend a Board meeting. A majority of the Board may excuse a trustee's absence from a meeting if requested to do so.

The authority of individual trustees is limited to participating in actions taken by the Board as a whole when legally in session. Trustees shall not assume responsibilities of administrators or other staff members. The Board or staff shall not be bound by an action taken or statement made by an individual trustee, except when such statement or action is pursuant to specific instructions and official action taken by the Board.

Cross Reference: 1113 Vacancies

Legal References:	§ 20-3-301, MCA	Election and term of office
	§ 20-3-308, MCA	Vacancy of trustee position
	§ 20-3-324(21), MCA	Powers and duties
	§ 20-3-332, MCA	Personal immunity and liability of trustees

Adopted:
Revised: July 17, 2006

Adoption and Amendment of Policies

Proposed new policies and proposed changes to existing policies shall be presented in writing for reading and discussion at a regular or special Board meeting. Interested parties may submit views, present data or arguments, orally or in writing, in support of or in opposition to proposed policy. Any written statement by a person, relative to a proposed policy or amendment, should be directed to the District Clerk prior to the second (2nd) reading. All new or amended policies shall become effective upon adoption after a first and second reading unless a specific effective date is stated in the motion for adoption.

Policies, as adopted or amended, shall be made a part of the minutes of the meeting at which action was taken and also shall be included in the District's policy manual. Policies of the District shall be reviewed annually by the Board.

Policy Manuals

The Superintendent shall develop and maintain a current policy manual which includes all policies of the District. Management, as well as staff, students, and other residents, shall have ready access to District policies. All policy manuals distributed to anyone shall remain the property of the District and shall be subject to recall at any time.

Suspension of Policies

Under circumstances that require waiver of a policy, the policy may be suspended by a majority vote of the trustees present. To suspend a policy, however, all trustees must have received written notice of the meeting, which includes the proposal to suspend a policy and an explanation of the purpose of such proposed suspension.

Legal References: § 20-3-323, MCA
10.55.701, ARM

District policy and record of acts
Board of Trustees

Adopted:
Revised: July 17, 2006

ADMINISTRATIVE PROCEDURES

1312

The superintendent shall develop such administrative procedures as are necessary to ensure consistent implementation of the policies adopted by the board.

Written procedures related to policy implementation developed by the superintendent shall be submitted to the board as an information item. Such procedures need not be approved by the board, through it may revise them when it appears that they are not consistent with the board's intentions as expressed in its policies. The superintendent may request prior board approval of implementing actions that he/she believes may be sensitive or controversial.

BOARD MEETINGS

Regular Meetings

Unless otherwise specified, all regular Board meetings will take place at Canyon Creek School. Regular meetings shall take place at 6:30 p.m. on the 3rd Monday of each month, or at other times and places determined by a majority vote. Except for an unforeseen emergency, meetings must be held in school buildings or, upon the unanimous vote of the Trustees, in a publicly accessible building located within the District. If regular meetings are scheduled at places other than as stated above or are adjourned to times other than the regular meeting time, notice of the meeting shall be made in the same manner as provided for special meetings. When a meeting date falls on a school holiday, the meeting may take place the next business day.

Emergency Meetings

In the event of an emergency involving possible personal injury or property damage, the Board may meet immediately and take official action without prior notification.

Budget Meetings

Between July 1 and August 10th of each year, the Clerk shall publish a notice stating the date, time, and place trustees will meet for the purpose of considering and adopting a final budget for the District, stating that the meeting of the trustees may be continued from day to day until final adoption of a District budget and that any taxpayer in the District may appear at the meeting and be heard for or against any part of the budget.

On the date and at the time and place stated in the published notice (on or before August 20th), trustees shall meet to consider all budget information and any attachments required by law. The meeting may continue from day to day; however, the Board must adopt a final budget not later than August 25.

Special Meetings

Special meetings may be called by the Chairperson or by any two (2) trustees. A written notice of a special meeting, stating the purpose of the meeting, shall be delivered to every trustee not less than forty-eight (48) hours before the time of the meeting. Such written notice shall be posted conspicuously within the District in a manner that will receive public attention. Written notice also shall be sent not less than twenty-four (24) hours prior to the meeting, to each newspaper and radio or television station that has filed a written request for such notices. **Business transacted at a special meeting will be limited to that stated in the notice of the meeting.**

Executive Sessions

Under Montana law, the Board may meet in closed sessions to consider matters of individual privacy. Before closing a meeting, the presiding officer must determine that the demands of individual privacy exceed the merits of public disclosure and so state

publicly before going into closed session. The Board also may go into closed session to discuss a strategy to be followed with respect to litigation, when an open meeting would have a detrimental effect on the litigating position of the District. This exception does not apply if the litigation involves only public bodies or associations as parties. Before closing a meeting for litigation purposes, the District may wish to consult legal counsel on the appropriateness of this action. No formal action shall take place during any closed session.

Legal References:	§ 2-3-103, MCA	Public participation – governor to insure guidelines adopted
	§ 2-3-104, MCA provisions	Requirements for compliance with notice
	§ 2-3-105, MCA	Supplemental notice by radio or television
	§ 2-3-201, MCA	Legislative intent – liberal construction
	§ 2-3-203, MCA	Meetings of public agencies and certain associations of public agencies to be open to public – exceptions
	§ 20-3-322, MCA	Meeting and quorum
	§ 20-9-131, MCA	Final budget meeting
	10.55.701, ARM	Board of Trustees

Policy History:

Adopted on: July 17, 2006

Revised on: April 23, 2012

All District records, except those restricted by state and federal law, shall be available to citizens for inspection at the Clerk's office.

In accordance with § 20-9-213(1), MCA, the record of the accounting of school funds shall be open to public inspection at any meeting of the trustees. A fee may be charged for any copies requested. Copies will be available within a reasonable amount of time following a request.

A written copy of Board minutes shall be available to the general public within five (5) working days following approval of the minutes by the Board. If requested, one (1) free copy of minutes shall be provided to local media within five (5) working days following approval by the Board.

Fees will be charged as follows:

- a) Copy of Board minutes - \$0.15 per page
- b) Copy of other materials – \$0.25 per page
- c) Time spent researching a copy project will be charged at the employee's hourly rate of pay.

Legal References: § 20-3-323, MCA District policy and record of acts
 § 20-9-213, MCA Duties of trustees

Adopted: July 17, 2006

Revised:

Use of electronic mail (e-mail) by members of the Canyon Creek School Board will conform to the same standards of judgment, propriety, and ethics as other forms of school board-related communication. Board members will comply with the following guidelines when using e-mail in the conduct of Board responsibilities:

1. The Board will not use e-mail as a substitute for deliberations at Board meetings or for other communications or business properly confined to Board meetings.
2. Board members will be aware that e-mail and e-mail attachments received or prepared for use in Board business or containing information relating to Board business may be regarded as public records, which may be inspected by any person upon request, unless otherwise made confidential by law.
3. Board members will avoid reference to confidential information about employees, students, or other matters in e-mail communications, because of the risk of improper disclosure. Board members will comply with the same standards as school employees, with regard to confidential information.

Legal Reference:	§ 2-3-103, MCA	Public participation – governor to insure guidelines adopted
	§ 2-3-201, MCA	Legislative intent – liberal construction
	§ 2-3-203, MCA	Meetings of public agencies and certain associations of public agencies to be open to public – exceptions
	§ 20-3-322, MCA	Meeting and quorum

Adopted: January 17, 2005

Revised:

Agenda

The agenda for any Board meeting shall be prepared by the Superintendent. Items submitted by Board members to be placed on the agenda must have prior approval of the Board Chairperson. Citizens may also suggest inclusions on the agenda. Such suggestions must be received by the Superintendent at least 7 days before the Board meeting, unless of immediate importance. Individuals who wish to be placed on the Board agenda must also notify the Superintendent, in writing, of the request. The request must include the reason for the appearance. If the reason for the appearance is a complaint against any District employee, the individual filing the complaint must demonstrate the Uniform Complaint Procedure has been followed. Citizens wishing to make brief comments about school programs or procedures or items on the agenda shall request recognition by the Chairperson using the public comment form.

The agenda also must include a “public comment” portion to allow members of the general public to comment on any public matter under the jurisdiction of the District which is not specifically listed on the agenda, except that no member of the public will be allowed to comment on contested cases, other adjudicative proceedings, or personnel matters. The Board Chairperson may place reasonable time limits on any “public comment” period to maintain and ensure effective and efficient operations of the Board. The Board shall not take any action on any matter discussed, unless the matter is specifically noticed on the agenda, and the public has been allowed opportunity to comment.

With consent of a majority of members present, the order of business at any meeting may be changed. Copies of the agenda for the current Board meeting, minutes of the previous Board meeting, and relevant supplementary information will be prepared and distributed to each trustee at least twenty-four (24) hours in advance of a Board meeting and will be available to any interested citizen at the Superintendent’s office twenty-four (24) hours before a Board meeting. An agenda for other types of Board meetings will be prepared, if circumstances require an agenda.

Consent Agenda

To expedite business at its meetings, the Board approves the use of a consent agenda, which includes those items considered to be routine in nature. Any item that appears on the consent agenda may be removed by a member of the Board. Any Board member who wishes to remove an item from the consent agenda must give advance notice in a timely manner to the Superintendent. Remaining items will be voted on by a single motion. The approved motion will be recorded in the minutes, including a listing of all items appearing on the consent agenda.

Minutes

The Clerk shall keep written minutes of all open Board meetings, which shall be signed by the Chairperson and the Clerk. The minutes shall include:

- Date, time, and place of the meeting;
- Presiding officer;
- Board members recorded as absent or present;
- Summary of discussion on all matters discussed (including those matters discussed during the “public comment” section), proposed, deliberated, or decided, and a record of any votes taken;
- Detailed statement of all expenditures;
- Purpose of recessing to closed session; and
- Time of adjournment.

When issues are discussed that may require a detailed record, the Board may direct the Clerk to record the discussion verbatim. Any verbatim record may be destroyed after the minutes have been approved, pursuant to § 20-1-212, MCA.

Unofficial minutes shall be delivered to Board members in advance of the next regularly scheduled meeting of the Board. Minutes need not be read publicly, provided that Board members have had an opportunity to review them before adoption. A file of permanent minutes of Board meetings shall be maintained in the office of the Clerk, to be made available for inspection upon request. A written copy shall be made available within five (5) working days following approval by the Board.

Quorum

No business shall be transacted at any meeting of the Board unless a quorum of its members is present. A majority of the full membership of the Board shall constitute a quorum, whether the individuals are present physically or electronically. A majority of the quorum may pass a resolution, except as provided in § 20-4-203(1), MCA, and § 20-4-401(4), MCA.

Electronic Participation

The Board may allow members to participate in meetings by telephone or other electronic means. Board members may not simply vote electronically, but must be connected with the meeting throughout the discussion of business. If a Board member electronically joins the meeting after an item of business has been opened, the remotely located member shall not participate until the next item of business is opened.

If the Board allows a member to participate electronically, the member will be considered present and will have his or her actual physical presence excused. The member shall be counted present for purposes of convening a quorum. The Clerk will document it in the minutes when members participate in the meeting electronically.

Any Board member wishing to participate in a meeting electronically will notify the Board chairperson and superintendent as early as possible. The superintendent will arrange for the meeting to take place in a location with the appropriate equipment so that Board members participating in the meeting electronically may interact and the public may observe or hear the comments made. The superintendent will take measures to verify the identity of any remotely located participants.

Meeting Conduct and Order of Business

General rules of parliamentary procedure are used for every Board meeting. *Robert's Rules of Order* may be used as a guide at any meeting. The order of business shall be reflected on the agenda. The use of proxy votes shall not be permitted. Voting rights are reserved to those trustees in attendance. Voting shall be by acclamation or show of hands.

Cross Reference: 1441 Audience Participation

Legal References: § 2-3-103, MCA Public participation - governor to ensure guidelines adopted
§ 2-3-212, MCA Minutes of meetings – public inspection
§ 20-1-212, MCA Destruction of records by school officer
§ 20-3-322, MCA Meetings and quorum
§ 20-3-323, MCA District policy and record of acts
§ 2-3-202, MCA Meeting defined

Jones and Nash v. Missoula Co., 2006 MT2, 330 Mont 2005

Adopted:
Revised: October 15, 2007

ABSTENTIONS FROM VOTING

1425

Section §20-3-323(2), MCA, requires the minutes of each Board meeting to include the voting records of each trustee present. As a general rule trustees should vote on all issues, unless casting a vote would be a violation of law. Under Montana law, instances in which it would be unlawful or inappropriate for a trustee to cast a vote on a particular issue include, but are not necessarily limited to, the following:

1. When hiring the relative of a trustee;
2. When casting a vote would directly and substantially affect, to its economic benefit, a business or other undertaking in which the trustee either has a substantial financial interest or in which the trustee is engaged as counsel, consultant, representative, or agent;
3. When casting a vote would directly and substantially affect a business or other undertaking to its economic detriment, where a trustee has a substantial personal interest in a competing firm or undertaking;
4. When casting a vote would cause a trustee to have a pecuniary interest, either directly or indirectly, in a contract made by the trustee (while acting in the trustee's official capacity) or by the Board; and
5. When casting a vote would put the trustee in the position of an agent or solicitor in the sale or supply of goods or services to the District.

In addition, a trustee shall be allowed to abstain from voting to avoid the appearance of impropriety or the appearance of a perceived conflict. If a trustee abstains from voting, the abstention should be recorded in the minutes and may include an explanation of the reasons for the abstention. The Board discourages abstentions, unless the reasons are substantiated as provided herein.

Legal References:	§ 2-2-302, MCA	Appointment of relative to office of trust or emolument unlawful – exceptions – publication of notice
	§ 20-3-323, MCA	District policy and record of acts
	§ 2-2-121, MCA	Rules of conduct for public officers and public employees
	§ 2-2-105, MCA	Ethical requirements for public officers and public employees
	§ 20-9-204, MCA	Conflicts of interests, letting contracts, and calling for bids
	§ 20-1-201, MCA	School officers not to act as agents

Adopted: July 17, 2006

Revised:

AUDIENCE PARTICIPATION

1441

To allow fair and orderly expression of public comments, the Board will permit public participation through oral or written comments during the public comment section of the Board agenda and prior to a final decision on a matter of significant interest to the public. The Chairperson may control such comment to ensure an orderly progression of the meeting.

Individuals wishing to be heard by the Chairperson shall first be recognized by the Chairperson. Individuals, after identifying themselves, will proceed to make comments as briefly as the subject permits. The Chairperson may interrupt or terminate an individual's statement when appropriate, including when statements are out of order, too lengthy, personally directed, abusive, obscene, or irrelevant. Each speaker will be allotted no more than three minutes of time to address the Board. No more than fifteen minutes per issue will be devoted to public comment during a meeting, except by unanimous consent of the Board. The Board as a whole shall have the final decision in determining the appropriateness of all such rulings. **It is important for all participants to remember that Board meetings are held in public, but are not public meetings. Members of the public shall be recognized and allowed input during the meeting, at the discretion of the Chairperson.**

Cross Reference: 1420 School Board Meeting Procedure

Legal Reference: Article II, Section 8, Montana Constitution Right of Participation
Article II, Section 10, Montana Constitution Right of Privacy
§ 2-3-101, et seq., MCA Right of participation

Adopted: July 17, 2006

Revised:

MINUTES

1450

The clerk shall keep accurate and complete minutes of board transactions (MCA 20-3-325).

A copy of these minutes shall be given to each member of the board on the Wednesday prior to the regular meeting. The agenda shall be given to each member of the board at least twenty-four (24) hours in advance of the regular meeting.

A copy of the minutes of each board meeting will be available to concerned citizens after their approval. The minutes do not become official until approved by the board. (MCA 20-3-323)

THE MISSION OF THE BOARD OF TRUSTEES

1510

As trustee for the community's schools, the board responsibilities are to:

Represent the Community (learn about the concerns and aspirations that all segments of the community have for the schools and attempt to find ways to accommodate them where possible so that the schools will accurately respond to the needs of the community);

Adopt Policy (develop and implement policies that will guide the district towards achievement of educational goals and comply with federal and state statutes, rules and regulations);

Monitor Operations (review district operations to assure compliance with district policy);

The board should review the following areas on a regular basis:

- a. The fiscal status of each fund. Are expenditures within budget parameters? Are revenues flowing to the district in the manner anticipated?
- b. The programs of the district.
- c. The policies of the district. Are the policies being implemented? Are they consistent with existing practice?

Control Expenditures (formulate the district's annual budget and approve expenditures pursuant to that budget);

Resolve Disputes (resolve complaints or grievances brought by students, staff or patrons, except those which by law or contract are assigned elsewhere for resolution).

Policy should specify the desires of the board in order to give direction to the superintendent and staff. In instances where an individual or group feels that the policy is not being administered properly, the individual or group can request a hearing with the board. Where the dispute revolves around a specific situation, the grievant may request that the matter be discussed in open session. If the issue is directed towards a specific staff member, the matter should be discussed in executive session.

CODE OF ETHICS

1511

A trustee has no legal powers or authority unless explicitly granted by formal action of the board. Prior to assuming office, each newly elected or appointed trustee shall affirm that he/she will faithfully perform the duties of trustee in a manner consistent with the approved code of ethics of the school district. Any trustee who behaves in a manner inconsistent with the code of ethics is subject to reprimand by the board. The code provides that the individual trustee:

1. Accepts the responsibility for acquiring the necessary level of knowledge, including training, demanded by the position.
2. Upholds and enforces laws (MCA), rules and regulations (ARM), and policies and procedures pertaining to the operations of the district.
3. Recognizes that a trustee has no authority to act on behalf of the district or board unless authorized by board action.
4. Recognizes and respects the responsibilities that properly are delegated to the school administration.
5. Refers complaints and concerns regarding staff or program to the superintendent or other appropriate staff member.
6. Refrains from making commitments or promises that may compromise the school system, the board or the administration.
7. Reviews all agenda and study materials prior to the board meeting.
8. Maintains confidentiality of privileged information.
9. Listens objectively to constructive criticism.
10. Respects a trustee's right to differ in opinion, focuses on issues rather than personalities, and supports board decisions regardless of how he/she voted.
11. Accepts the responsibility to secure facts before arriving at conclusions.
12. Exercises independent judgment based upon available facts, rather than yielding to pressure of special interest groups.

CONFLICT OF INTEREST

1512

A trustee may not:

1. engage in a substantial financial transaction for his private business purpose with a person whom he inspects or supervises in the course of his official duties;
2. perform an official act directly and substantially contributing to the economic benefit of a business or other undertaking in which he either has a substantial financial interest or is engaged as counsel, consultant, representative or agent;
3. act as an agent or solicitor in the sale or supply of goods or services to a district;
4. have a pecuniary interest, directly or indirectly, in any contract made by the board of trustees when the trustee has more than a ten percent (10%) interest in the corporation. Contract restrictions do not include: merchandise sold to the highest bidder at public auctions; investments or deposits in financial institutions which are in the business of loaning or receiving money when such investments or deposits are made on a rotating or ratable basis among financial institutions in the community or when there is only one financial institution in the community; or contracts for professional services other than salaried services or for maintenance or repair services or supplies when the services or supplies are not reasonably available from other sources if the interest of any board member and a determination of such lack of availability are entered in the minutes of the board meeting at which the contract is considered;
5. be employed in any capacity by the district;
6. appoint any person related or connected by consanguinity within the fourth degree or by affinity within the second degree.

MANAGEMENT RIGHTS

1513

The board of trustees retains the right to operate and manage their affairs in such areas as, but not limited to:

1. direct employees;
2. hire, promote, transfer, assign, and retain employees;
3. relieve employees from duties because of lack of work or funds under conditions where continuation of such work would be inefficient and nonproductive;
4. maintain the efficiency of government operations;
5. determine the methods, means, job classifications, and personnel by which government operations are to be conducted;
6. take whatever actions may be necessary to carry out the missions of the agency in situations of emergency;
7. establish the methods and processes by which work is performed.

BOARD SUPERINTENDENT RELATIONSHIP

1521

The Board-Superintendent relationship is based on mutual respect for their complementary roles. The relationship requires clear communication of expectations regarding the duties and responsibilities of both the Board and the Superintendent.

The Board hires, evaluates, and seeks the recommendations of the Superintendent as the District chief executive officer. The Board adopts policies necessary to provide the general direction for the District and to encourage achievement of District goals. The Superintendent develops plans, programs, and procedures needed to implement the policies and directs the District's day-to-day operations.

Cross Reference: 6110 Superintendent

Legal Reference: §20-4-401, MCA Appointment and dismissal of district superintendent or county high school principal
§20-4-402, MCA Duties of district superintendent or county high school principal

Adopted: July 17, 2006

Revised:

TRUSTEE INSURANCE

1532

The District shall maintain sufficient insurance to protect the Board and its individual members against liability arising from actions of the Board or its individual members while each is acting on behalf of the District and within the trustee's authority.

Legal References: §20-3-331, MCA Purchase of insurance - self-insurance plan
 §20-3-332, MCA Personal immunity and liability of trustees

Adopted: July 17, 2006

Revised:

ANNUAL GOALS AND OBJECTIVES

1610

Each year the board may formulate goals and objectives for the district. The goals and objectives may include, but are not limited to, the board functions of policy development, curriculum and instruction, management, and communication with the public.

At the conclusion of the year the superintendent shall submit a report to the board which shall reflect the degree to which the goals and objectives have been accomplished.

PERFORMANCE EVALUATION OF THE BOARD

1620

At the conclusion of each year, the board shall evaluate its own performance in terms of generally accepted principles of successful board operations. Those principles shall relate to such areas of board operations as policy development, curriculum and instruction, management, and communication with the public.

The Board establishes this Uniform Complaint Procedure as a means to address complaints arising within the District. This Uniform Complaint Procedure is intended to be used for all complaints except those involving challenges to educational material and those governed by a collective bargaining agreement.

The District requests all individuals to use this complaint procedure, when the individual believes the Board or its employees or agents have violated the individual's rights under: (1) Montana constitutional, statutory, or administrative law; (2) United States constitutional, statutory, or regulatory law; or (3) Board policy.

The District will endeavor to respond to and resolve complaints without resorting to this formal complaint procedure and, when a complaint is filed, to address the complaint promptly and equitably. The right of a person to prompt and equitable resolution of a complaint filed hereunder will not be impaired by a person's pursuit of other remedies. Use of this complaint procedure is not a prerequisite to pursuit of other remedies, and use of this complaint procedure does not extend any filing deadline related to pursuit of other remedies.

Level 1: Informal

An individual with a complaint is first encouraged to discuss it with the appropriate teacher, counselor, or building administrator, with the objective of resolving the matter promptly and informally. An exception is that a complaint of sexual harassment should be discussed directly with an administrator not involved in the alleged harassment.

Level 2: Superintendent

When a complaint has not been or cannot be resolved at Level 1, an individual may file a signed and dated written complaint stating: (1) the nature of the complaint; (2) a description of the event or incident giving rise to the complaint, including any school personnel involved; and (3) the remedy or resolution requested. This written complaint must be filed within thirty (30) days of the event or incident or from the date an individual could reasonably become aware of such event or incident.

When a complaint alleges violation of Board policy or procedure, the Superintendent will investigate and attempt to resolve the complaint. The Superintendent will respond in writing to the complaint, within thirty (30) days of the Superintendent's receipt of the complaint.

In responding to the complaint, the Superintendent may: (1) meet with the parties involved in the complaint; (2) conduct a separate or supplementary investigation; (3) engage an outside investigator or other District employees to assist with the appeal; and/or (4) take other steps appropriate or helpful in resolving the complaint.

If either the complainant or the person against whom the complaint is filed is

dissatisfied with the Superintendent's decision, either may request, in writing, that the Board consider an appeal of the Superintendent's decision. (See Level 4.) This request must be submitted in writing to the Superintendent, within fifteen (15) days of the Superintendent's written response to the complaint, for transmission to the Board.

When a complaint alleges sexual harassment or a violation of Title IX of the Education Amendments of 1972 (the Civil Rights Act), Title II of the Americans with Disabilities Act of 1990, or Section 504 of the Rehabilitation Act of 1973, the Superintendent may turn the complaint over to a District nondiscrimination coordinator. The coordinator will complete an investigation and file a report and recommendation with the Superintendent, within thirty (30) days of the nondiscrimination coordinator's receipt of the written complaint. A coordinator may hire an outside investigator to conduct the investigation. Within fifteen (15) days of the Superintendent's receipt of the coordinator's report and recommendation, the Superintendent will respond to the complaint and take such administrative steps as the Superintendent deems appropriate and necessary. If either the complainant or the person against whom the complaint is filed is dissatisfied with the Superintendent's decision, either may request, in writing, that the Board consider an appeal of the Superintendent's decision. (See Level 3.) This request must be submitted in writing to the Superintendent, within fifteen (15) days of the Superintendent's written response to the complaint, for transmission to the Board.

Level 3: The Board

Upon written appeal, the Board will consider the Superintendent's decision in Level 2. Upon receipt of written request for appeal, the Chair will either: (1) place the appeal on the agenda of a regular or special Board meeting; or (2) appoint an appeals panel of not less than three (3) trustees to hear the appeal and make a recommendation to the Board. If the Chair appoints a panel to consider the appeal, the panel will meet to consider the appeal and then make a written recommendation to the full Board. The Board will report its decision on the appeal, in writing, to all parties, within thirty (30) days of the Board meeting at which the Board considered the appeal or the recommendation of the panel. A decision of the Board is final, unless it is appealed pursuant to Montana law within the period provided by law.

Level 5: County Superintendent

When a matter falls within the jurisdiction of the County Superintendent, the decision of the Board may be appealed to the County Superintendent by filing written appeal within thirty (30) days of the Board's decision, pursuant to Montana law.

Legal Reference: Title IX of the Education Amendments of 1972 (Civil Rights Act)
Title II of the Americans with Disabilities Act of 1990
§504 of the Rehabilitation Act of 1973

Adoption: July 17, 2006 Revised: