

ARLEE PUBLIC SCHOOLS

1000 SERIES THE BOARD OF TRUSTEES

TABLE OF CONTENTS

1000	Legal Status and Operation
1110	Taking Office
1111	Elections
1112	Resignation and Other Vacancies
1120	Annual Organization Meeting
1130	Committees
1210	Qualifications, Terms, and Duties of Board Officers
1230	Clerk
1240	Duties of Individual Trustees
1310	District Policy and Procedures
1400	Board Meetings
1401	Records Available to Public
1402	School Board Use of Electronic Mail
1420	School Board Meeting Procedure
1425	Abstentions from Voting
1441	Audience Participation
1511	Code of Ethics for School Board Members
1512	Conflict of Interest
1513	Management Rights
1520	Board-Staff Communications
1531	Trustee Expense
1532	Trustee Insurance
1610	Annual Goals and Objectives
1650	Public Charter Schools
1700	Uniform Complaint Procedure

1 **Arlee Public Schools**

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2
3 **THE BOARD OF TRUSTEES**

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4
5 Legal Status and Organization

6
7 The Board of Trustees of Arlee Public Schools, Joint District #8, is the governmental entity
8 established by the state of Montana to plan and direct all aspects of the District's operations.

9
10 Policies of the Board define its organization and the manner of conducting its official business.
11 The operating policies of the Board are those that it adopts from time to time to facilitate the
12 performance of its responsibilities.

13
14 *Membership*

15
16 The District is governed by a Board of Trustees consisting of five (5) members. The District is classified
17 as a Class 2 district and is operated according to the laws and regulations pertaining to Class 2 districts.

18
19 All trustees shall participate on an equal basis with other members in all business transactions pertaining
20 to the District.

21
22
23 Legal Reference: § 20-3-323, MCA District policy and record of acts
24 § 20-3-324, MCA Powers and duties
25 § 20-3-341, MCA Number of trustee positions in elementary school
26 districts
27 § 20-3-351, MCA Number of trustee positions in high school district
28
29

30 Policy History:

31 Adopted on: 3/10/09

32 Reviewed on: 7/29/19

33 Revised on:

1 **Arlee Public Schools**

2
3 **THE BOARD OF TRUSTEES**

1110

4
5 Taking Office

6
7 A newly elected trustee shall take office as soon as election results have been certified and the
8 newly elected trustee has taken and subscribed to an oath to faithfully and impartially discharge
9 the duties of the office to the best of his/her ability. The person shall qualify by taking an oath of
10 office administered by the county superintendent, the superintendent's designee, or any officer
11 provided for by law. Such oath must be filed with the county superintendent not more than
12 fifteen (15) days after the receipt of the certificate of election or the appointment.

13
14 Except as otherwise provided by law, trustees shall hold office for terms of three (3) years, or
15 until successors are elected and qualified. Terms of trustees are staggered as provided by law.

16
17 Cross Reference: Policy 1113 Vacancies

18
19
20 Legal References: § 1-6-101, MCA Officers who may administer oaths
21 § 2-16-116, MCA Power to administer oaths
22 § 20-1-202, MCA Oath of office
23 § 20-3-301, MCA Election and term of office
24 § 20-3-307, MCA Qualification and oath
25

26 Policy History:

27 Adopted on: 3/10/09

28 Reviewed on: 7/29/2019

29 Revised on: 7/12/11, 3/17/2014

1 **Arlee Public Schools**

2
3 **THE BOARD OF TRUSTEES**

1111

page 1 of 2

4
5 Election

6
7 Elections conducted by the District are nonpartisan and are governed by applicable election laws
8 as found in Titles 13 and 20 of the Montana Code. The ballot at such elections may include
9 candidates for trustee positions, various public policy propositions, and advisor questions.

10
11 Board elections shall take place on the first (1st) Tuesday after the first (1st) Monday in May of
12 each year. Any person who is a qualified voter of the District is legally qualified to become a
13 trustee. A declaration of intent to be a candidate must be submitted to the District Clerk at least
14 forty (40) days before the regular school election day. If different terms are to be filled, the term
15 for the position for which the candidate is filing must also be indicated. Any person seeking to
16 become a write-in candidate for a trustee position shall file a declaration of intent no later than
17 5:00 p.m. on the day before the ballot certification deadline. If the number of candidates filing
18 for vacant positions or filing a declaration of intent to be a write-in candidate is equal to or less
19 than the number of positions to be elected, the trustees may cancel the election and shall give
20 notice no later than thirty (30) days before the election that a trustee election will not take place.
21 If a trustee election is not held, the trustees shall declare the candidates elected by acclamation
22 and shall issue a “certificate of election” to each candidate.

23
24 A candidate intending to withdraw from the election shall send a statement of withdrawal to the
25 clerk of the district containing all information necessary to identify the candidate and the office
26 for which the candidate filed. The statement of withdrawal must be acknowledged by the clerk
27 of the district. A candidate may not withdraw after 5:00 p.m. the day before the ballot
28 certification deadline.

29
30 In the event of an unforeseen emergency occurring on the date scheduled for the funding
31 election, the district will be allowed to reschedule the election for a different day of the calendar
32 year.

33
34 In years when the Legislature meets in regular session or in a special session that affects school
35 funding, the trustees may order the election on a date other than the regular school election day
36 in order for the electors to consider a proposition requesting additional funding under § 20-9-
37 353, MCA.

38
39 Legal Reference: § 13-10-211, MCA Declaration of intent for write-in candidates
40 § 20-3-304, MCA Annual election
41 § 20-3-305, MCA Candidate qualification, nomination and withdrawal
42 § 20-3-313, MCA Election by acclamation – notice
43 § 20-3-322, MCA Meetings and quorum
44
45
46

§ 20-3-324(4), MCA	Powers and duties
§ 20-3-344, MCA	Nomination of candidates by petition in first-class elementary district
§ 20-9-353, MCA	Additional financing for general fund – election for authorization to impose
§ 20-20-105, MCA	Regular school election day and special school elections – limitation – exception
§ 20-20-204, MCA	Election Notice
§ 20-20-301, MCA	Qualifications of elector

Policy History:

Adopted on: 12/13/01

Reviewed on: 7/29/2019

Revised on: 3/10/09, 7/12/11, 07/14/15

1 **Arlee Public Schools**

2
3 **THE BOARD OF TRUSTEES**

1112

4
5 Resignations and Other Vacancies

6
7 A Trustee position becomes vacant before the expiration of a term, when any of the following
8 occurs:

- 9
- 10 • Death;
 - 11 • Resignation, in writing with an effective date, filed with the Clerk;
 - 12 • Trustee moves out of the district, establishing residence elsewhere;
 - 13 • Trustee is no longer a registered elector of the District under the provisions of §20-20-
14 301, MCA;
 - 15 • Trustee is absent from the District for sixty (60) consecutive days;
 - 16 • Trustee fails to attend three (3) consecutive meetings of the trustees without good reason;
 - 17 • Trustee has been removed under the provisions of § 20-3-310, MCA; or
 - 18 • Trustee ceases to have the capacity to hold office under any other provision of law.
- 19

20 A Trustee position also shall be vacant when an elected candidate fails to qualify. A resignation
21 of a trustee, for whatever reason, must be submitted in writing to the Clerk of the District and
22 shall specify an effective date.

23

24 When a Trustee vacancy occurs, the remaining trustees shall declare such position vacant and fill
25 such vacancy by appointment. The Board will receive applications from any qualified persons
26 seeking to fill the position after such notices as determined by the board to be appropriate. The
27 Board will appoint one (1) candidate to fill the position. Should the Board fail to fill a vacancy
28 within sixty (60) days from the creation of a vacancy, the county superintendent shall appoint, in
29 writing, a competent person to fill such vacancy. An appointee shall qualify by completing and
30 filing an oath of office with the county superintendent within fifteen (15) days after receiving
31 notice of the appointment and shall serve until the next regularly scheduled school election and a
32 successor has qualified.

33

34
35 The Board will ratify the resignation at its next regularly scheduled meeting and will proceed to
36 fill the vacancy as provided by statute and Board policy.

37

38 Legal References:	§ 2-16-502, MCA	Resignations
39	§ 20-3-308, MCA	Vacancy of trustee position
40	§ 20-3-309, MCA	Filling vacated trustee position – appointee
41		qualification and term of office

42

43 Policy History:

44 Adopted on: 3/10/09

45 Reviewed on:

46 Revised on: 3/17/2014, 7/29/2019

1 **Arlee Public Schools**

2
3 **THE BOARD OF TRUSTEES**

1122

4
5 Annual Organization Meeting

6
7 After issuance of election certificates to newly elected trustees, but no later than 15 days after the
8 election, the Board shall elect from among its members a Chairperson and a Vice Chairperson to
9 serve until the next annual organizational meeting. If a Board member is unable to continue to
10 serve as an officer, a replacement shall be elected at the earliest opportunity to serve the
11 remainder of the term. In the absence of both the Chairperson and the Vice Chairperson, the
12 Board shall elect a Chairperson *pro tempore*, who shall perform the functions of the Chairperson
13 during the latter's absence. The Clerk shall act as Board secretary.

14
15 The normal order of business shall be modified for the annual organizational meeting by
16 considering the following matters after the approval of the minutes of the previous meeting:

- 17
18 1. Welcome and introduction of newly elected Board members by the current Chairperson
19
20 2. Swearing in of newly elected trustees
21
22 3. Call for nominations for Chairperson to serve during the ensuing year
23
24 4. Election of a Chairperson
25
26 5. Assumption of office by the new Chairperson
27
28 6. Call for nominations for Vice Chairperson to serve during the ensuing year
29
30 7. Election of a Vice Chairperson
31
32 8. Appointment of a Clerk
33
34
35
36

37 Legal References: § 20-3-321, MCA Organization and officers
38 § 20-3-322(a), MCA Meetings and quorum
39 § 1-5-416(1)(b), MCA Powers and duties of Notary Public
40

41 Policy History:

42 Adopted on: 3/10/09
43 Reviewed on: 7/29/19
44 Revised on: 7/12/11, 3/17/2014

1 **Arlee Public Schools**

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3 **THE BOARD OF TRUSTEES**

1132

4
5 Committees

6
7 ***Board Member Committees***

8
9 The Board may create Board member committees as deemed necessary. The Board Chair will
10 make all appointments to Board member committees. Notice of Board member committee
11 meetings shall be given in the same manner as notice for special meetings, and Board member
12 committee meetings shall be open to the public.

13
14 ***Citizen Committees***

15
16 The Board or the Superintendent may create committees that involve community members as
17 deemed necessary, either on an *ad hoc* or regular basis. The Board Chair or the Superintendent
18 will make all appointments to citizen committees and will establish the parameters and duties for
19 the citizen committees. Notice of citizen committee meetings shall be given in the same manner
20 as notice for special meetings, and citizen committee meetings shall be open to the public.

21
22 ***Administrative Committees***

23
24 The Superintendent may create administrative committees as deemed necessary. The
25 Superintendent will make all appointments to the administrative committees. In determining
26 whether an administrative committee meeting shall be open to the public, the following factors,
27 although not exhaustive in nature, should be considered: (1) the frequency with which the
28 committee meets; (2) whether the committee is deliberating or just gathering facts; (3) whether
29 the deliberations concern a matter of policy rather than ministerial or administrative functions;
30 (4) whether the committee members have executive authority and experience; and (5) the results
31 of the meeting. If the presiding officer determines that the administrative committee should be
32 held in compliance with the Open Meeting Act, he shall provide notice of the meeting in the
33 same manner as notice for a special meeting, and the administrative meeting shall be open to the
34 public.

35
36 Legal Reference: § 2-3-203, MCA Meetings of public agencies and certain associations of
37 public agencies to be open to public - exceptions

38
39 **Crofts v. Associated Press** (2004), 2004 MT 120

40
41
42 Policy History:

43 Adopted on: 3/10/09

44 Reviewed on: 7/29/2019

45 Revised on: 3/17/2014

1 **Arlee Public Schools**

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3 **THE BOARD OF TRUSTEES**

1210

4
5 Qualifications, Terms, and Duties of Board Officers

6
7 The Board officers are the Chair and Vice Chair. These officers are elected at the annual organizational
8 meeting for a one (1) year term.

9
10 ***Chair***

11
12 The Chair may be any trustee of the board, including an additional trustee as provided for in 20-3-352(2).
13 The duties of the Chair include the following:

- 14
15 • Preside at all meetings and conduct meetings in the manner prescribed by the Board's policies;
16 • Make all Board committee appointments;
17 • Sign all papers and documents as required by law and as authorized by action of the Board;
18 • Close Board meetings as authorized by Montana law; and
19 • Act as spokesperson for the Board.

20
21 The Chair is permitted to participate in all Board meetings in a manner equal to all other Board members,
22 including the right to participate in debate and to vote.

23
24 ***Vice Chair***

25
26 The Vice Chair shall preside at all Board meetings in the absence of the Chair and shall perform all the
27 duties of the Chair during the Chair's absence or unavailability. The Vice Chair shall work closely with
28 the Chair and shall assume whatever duties the Chairperson may delegate.

29

30 Cross Reference:	Policy 1400	Board Meetings
31		
32 Legal References:	§ 2-3-203, MCA	Meetings of public agencies and certain
33		associations of public agencies to be open to
34		public – exceptions
35	§ 20-3-321(2), MCA	Organization and officers
36	§ 20-3-351(1)(a), MCA	Number of trustee positions in high school
37		districts
38	§ 20-3-352(2), MCA	Request and determination of number of high
39		school district additional trustee positions –
40		nonvoting trustee
41		

42 Policy History:

43 Adopted on: 3/10/09
44 Reviewed on: 7/29/2019
45 Revised on: 7/12/11, 3/17/2014

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The Clerk of the Board shall attend all meetings of the Board, unless excused by the Chair, 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. The minutes from the meeting will be supplied to the Clerk.

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 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	Procedure for issuance of warrants
	§ 20-20-401, MCA	Trustees' election duties – ballot certification

Adopted on:
Reviewed on: 7/29/2019
Revised on: 12/14/95, 3/10/09

THE BOARD OF TRUSTEES

1240

Duties of Individual Trustees

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.

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. Each trustee shall visit every school building at least once per year to examine its management, conditions, and needs.

All trustees are obligated to attend Board meetings regularly. Whenever possible, a trustee shall give advance notice to the Chair 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 Board shall declare a position vacant after three (3) consecutive unexcused absences from regular Board meetings, or when a trustee has been absent from the District for sixty (60) consecutive days.

Cross Reference: 1112 Resignations and Other 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

Policy History:

Adopted on:

Reviewed on: 7/29/2019

Revised on: 12/14/95, 3/10/09

THE BOARD OF TRUSTEES

1310

District Policy and Procedures*Adoption and Amendment of Policies*

It is the intent of the Board to develop written policies to serve as guidelines and goals for the successful and efficient functioning of the District. The policies are framed and are meant to be interpreted in terms of state statute, administrative rules, and all other regulatory agencies within our local, county, state, and federal levels of government. The policies are also framed and are meant to be interpreted in terms of those educational objectives, procedures, and practices that are broadly accepted by leaders and authorities in the public education field.

Changes in needs, conditions, purposes, and objectives will require revisions, deletions, and additions to the policies of the current Board and those of the future. The Board welcomes suggestions for ongoing policy development.

Policy proposals and suggested amendments to or revisions of existing policies shall be submitted in writing prior to a regularly scheduled board meeting. All new or amended policies become effective upon adoption, unless a specific effective date is provided in the motion for adoption. Minutes of each meeting shall reflect any readings and action taken.

Administrative Procedures

The Superintendent shall develop administrative procedures as are necessary to ensure consistent implementation of policies adopted by the Board.

When a new written procedure is developed, the Superintendent shall submit it to the Board as an information item.

Legal References:	§ 20-3-323, MCA	District policy and record of acts
	10.55.701, ARM	Board of Trustees

Policy History:

Adopted on:

Reviewed on: 7/29/2019

Revised on: 12/14/95, 3/10/09, 3/17/2014, 11/11/2014

THE BOARD OF TRUSTEES

1400

page 1 of 2

Board Meetings

For all meetings of the Board and its committees, the Clerk or designee shall satisfy all notice and posting requirements contained herein, as well as the Open Meetings Act. This shall include providing meeting notification to news media that have officially requested it. Except for an unforeseen emergency or as described below, all meetings must be held in a District building or, by unanimous consent of the Board, in a publicly accessible building located within the District. The Trustees may meet outside the boundaries of the District for collaboration or cooperation on educational issues with other school boards, educational agencies, or cooperatives. Adequate notice of the meeting as well as an agenda will be provided to the public in advance, and decision making must still occur only at properly noticed meetings held within the District's boundaries.

Regular Meetings

Unless otherwise specified by the Board, all regular meetings are held on second Tuesday of the month at 6:30 pm, in the High School Library. If the time or place of a Board meeting is changed, notice shall be given in the same manner as provided for special meetings. The Board may choose to not convene a meeting in the month of July if there is no pressing business to attend to at that time.

Special Meetings

Special meetings may be called by the Board Chair or by any two (2) members of the Trustees. A written notice of a special meeting, stating the purpose of the meeting, must be provided to each Trustee not less than forty-eight (48) hours prior to the time of the meeting. The forty-eight (48) hour written notice is waived in the event of an unforeseen emergency or to consider a violation of the student code of conduct within a week of graduation. Written notice shall also 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.

Committee Meetings

Committee meetings may be called by the Committee Chair, and are subject to the requirements of the Open Meetings Act, including notice and posting requirements.

Budget Meetings

On or before August 20 of each year, the Board shall meet to consider all budget information and any attachments required by law. The Board may continue the meeting from day to day but shall adopt the final budget for the District and determine the amounts to be raised by tax levies for the

District not later than August 25, and before the computation of the general fund net levy requirement by the county superintendent and the fixing of the tax levies for each district.

Between July 1 and August 10 of each year, the Clerk shall publish one notice, in the *Missoulian and Lake County Leader*, stating the date, time, and place that the Board will meet for the purpose of considering and adopting the final budget. The notice must also state that the meeting may continue from day to day until the final adoption of the budget, and that any taxpayer may appear at the meeting and be heard for or against any part of the budget.

Organizational Meeting

After the issuance of the election certificates to the newly elected trustees in May, but not later than fifteen (15) days after the election, the Board shall convene and elect from among its members a Chair and a Vice-Chair to serve one (1) year terms. The Chair shall serve until the next organization meeting and shall preside at all the meetings of the Board. In addition, the Board shall employ and appoint a competent person as the Clerk of the District at this meeting.

Emergency Meetings

In the event of a storm, fire, explosion, community disaster, insurrection, act of God, or other unforeseen destruction or impairment of school district property that affects the health and safety of the Trustees, students, District employees, or the educational functions of the district, the Board may meet immediately and take official action without prior notification.

Executive Session of Any Meeting

The Board or any committee may hold executive sessions to consider matters of individual privacy or 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. Prior to closing the meeting to consider matters of individual privacy, the presiding officer must determine that the demands of individual privacy exceed the merits of public disclosure. The litigation strategy exception is not available if the litigation involves only public bodies or associations as parties.

Legal References:	§ 2-3-103, MCA	Public participation – governor to ensure guidelines adopted
	§ 2-3-104, MCA	Requirements for compliance with notice provisions
	§ 2-3-105, MCA	Supplemental notice by radio or television
	§ 2-3-201, MCA	Legislative intent – liberal construction
	§ 2-3-202, MCA	Meeting defined
	§ 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
	§ 20-9-115, MCA	Notice of final budget meeting
	§ 20-9-131, MCA	Final budget meeting

3 Policy History:

4 Adopted on:

5 Reviewed on:

6 Revised on: 7/1/05, 9/14/05, 3/10/09, 7/12/11, 01/10/2012, 3/17/2014, 7/12/16, 7/29/2019

1 **Arlee Public Schools**

2
3 **THE BOARD OF TRUSTEES**

1401

4
5 Records Available to Public

6
7 The District is committed to effective records management including meeting legal standards for
8 record retention and protection of privacy, optimizing the use of space, minimizing the cost of
9 record retention, and properly destroying outdated records. This policy applies to all records,
10 regardless of whether they are maintained in hard copy, electronically, or in some other fashion.

11
12 The District requires that its records be maintained in a consistent manner and be managed so
13 that the District:

- 14 • Meets legal standards for protection, storage and retrieval;
15 • Protects the privacy of students and employees of the District;
16 • Optimizes the use of space;
17 • Minimizes the cost of record retention; and
18 • Destroys outdated records in an appropriate manner.

19
20 The Superintendent shall establish appropriate records management procedures and practices,
21 which shall be provided to staff members who manage records within the District. The Board
22 acknowledges the public's right to inspect and copy the District's public records, with certain
23 exceptions. Unless otherwise provided by law, a public record shall be accessible for inspection
24 and duplication either by written or oral request. The District shall respond to all such requests
25 within a reasonable period of time, generally not to exceed 10 business days. If the District
26 cannot respond to the request within 10 business days, the records custodian shall notify the
27 requestor in writing and provide a timeline for response to the request. If an oral request is not
28 responded to within 10 business days, the requestor must put the request in writing.

29
30 The Superintendent shall designate essential records immediately necessary to:

- 31
32 • Respond to an emergency or disaster;
33 • Begin recovery or reestablishment of operations during and after an emergency or
34 disaster;
35 • Protect the health, safety, and property of District students and employees; or
36 • Protect the assets, obligations, rights, history and resources of the District, its employees,
37 and students.

38
39 The District will provide copies of all documents, including electronic communications, in the
40 medium in which those documents exists. Reasonable fees shall be charged for copies as
41 follows:

- 42
43 • Copies of Board minutes at 15¢ per page;
44 • Copies of other materials at 25¢ per page;
45
46

- 5
6
7
 - The actual costs directly incident to fulfilling a records request in the most cost-efficient and timely manner possible, including but not limited to the time required to gather the requested information; and
 - Actual cost of purchasing the electronic media used for transferring data, if the person requesting the information does not provide the media.

12

13 The District shall comply with Montana law in addressing any unauthorized breaches of its computer data security system, including but not limited to complying with all disclosure and investigation requirements.

16
17

18 Legal References:	§ 2-6-110, MCA	Electronic Information and non-print records
	§ 20-3-323, MCA	District policy and record of acts
	§ 20-9-213, MCA	Duties of trustees
	§ 30-14-1704, MCA	Computer Security Breach

22

23 Policy History:

24 Adopted on: 3/10/09

25 Reviewed on: 7/29/2019

26 Revised on:

4
5 School Board Use of Electronic Mail

6
7 Use of electronic mail (e-mail) by members of the Board will conform to the same standards of
8 judgment, propriety, and ethics as other forms of school board-related communication. Board
9 members will comply with the following guidelines when using e-mail in the conduct of Board
10 responsibilities:

- 11
- 12 1. The Board will not use e-mail as a substitute for deliberations at Board meetings or for
13 other communications or business properly confined to Board meetings.
14
 - 15 2. Board members will be aware that e-mail and e-mail attachments received or prepared for
16 use in Board business or containing information relating to Board business may be
17 regarded as public records, which may be inspected by any person upon request, unless
18 otherwise made confidential by law.
19
 - 20 3. Board members will avoid reference to confidential information about employees,
21 students, or other matters in e-mail communications, because of the risk of improper
22 disclosure. Board members will comply with the same standards as school employees,
23 with regard to confidential information.
24

25
26
27 Cross Reference: 1400 Board Meetings
28 1401 Records Available to Public
29

30 Legal Reference: § 2-3-103, MCA Public participation – governor to ensure guidelines
31 adopted
32 § 2-3-201, MCA Legislative intent – liberal construction
33 § 2-3-203, MCA Meetings of public agencies and certain associations
34 of public agencies to be open to public – exceptions
35 § 20-3-322, MCA Meeting and quorum
36

37 Policy History:

38 Adopted on: 3/10/09

39 Reviewed on: 7/29/19

40 Revised on:

THE BOARD OF TRUSTEES

1420

page 1 of 3

School Board Meeting Procedure*Agenda*

The agenda for any Board meeting shall be prepared by the Superintendent and/or Clerk of the District in consultation with the Chair. Items submitted by Board members and citizens may be placed on the agenda in the discretion of the Chair and Superintendent. Such suggestions must be received by the Superintendent at least seven (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 need not request placement on the agenda, and they may ask for recognition by the Chair at the appropriate time.

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 or other adjudicative proceedings. The Board Chair 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 in the public comment section at that time.

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 by 5 pm on the Thursday before the Tuesday monthly Board meeting. As determined by the Superintendent and Chair, items may be added to the agenda at least forty-eight (48) hours in advance of a Board meeting. The agenda packet will be available to any interested citizen at the Superintendent’s office forty-eight (48) hours before a Board meeting. An agenda for other types of Board meetings will be prepared, if circumstances require an agenda.

Minutes

The Clerk or the Clerk’s designee shall keep written minutes of all meetings that must be open to the public. The approved minutes must be signed by the Chair and the Clerk. The minutes must include:

- The date, time and place of the meeting;
- The name of the presiding officer;
- A record of Board members present and absent;
- Summary of discussion on all matters discussed, 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.

The Board shall keep minutes during all closed sessions. Minutes taken during closed sessions shall be sealed, and will not be released except by court order.

A file of permanent minutes of all meetings shall be maintained by the Clerk. A written copy of the minutes shall be made available to the public within five (5) days following approval by the Board. Sealed minutes taken during any closed session of the Board shall not be made available to the public without a court order.

The Board may direct that an audio recording of a meeting serve as the official record of the meeting. In that case, a written record of the meeting must also be made and must include the information specified above. In addition, a log or time stamp for each agenda item is required for the purpose of providing assistance to the public in accessing that portion of the meeting.

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.

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 and Public Comment

Legal References:	§ 2-3-103, MCA	Public participation - governor to ensure guidelines adopted
	§ 2-3-202, MCA	Meeting defined
	§ 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

Policy History:

Adopted on:

Reviewed on: 7/29/2019

Revised on: 12/10/93, 3/10/09, 7/12/11, 10/10/2017

5 Abstentions From Voting

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

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

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

31 Legal References:	§ 2-2-105, MCA	Ethical requirements for public officers and public employees
32		
33	§ 2-2-121, MCA	Rules of conduct for public officers and public employees
34		
35	§ 2-2-302, MCA	Appointment of relative to office of trust or emolument unlawful – exceptions – publication of notice
36		
37		
38	§ 20-1-201, MCA	School officers not to act as agents
39	§ 20-3-323, MCA	District policy and record of acts
40	§ 20-9-204, MCA	Conflicts of interests, letting contracts, and calling for bids
41		
42		

43 Policy History:

44 Adopted on: 6/13/02

45 Reviewed on: 3/10/09, 7/29/2019

46 Revised on:

THE BOARD OF TRUSTEES

1441

Audience Participation and Public Comment

The Board recognizes the value of public comment on educational issues and the importance of involving members of the public in its meetings. The Board also recognizes the statutory and constitutional rights of the public to participate in governmental operations. 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 Chair will control such comment to ensure an orderly progression of the meeting.

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 Chair. Following recognition by the Chair, individuals must identify themselves and then make comments as the subject permits. The Chair 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. The Board as a whole shall have the final decision in determining the appropriateness of all such rulings.

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 Notice and Opportunity to Be Heard

Policy History:

Adopted on:

Reviewed on: 7/29/2019

Revised on: 3/10/09

1 **Arlee Public Schools**

2
3 **THE BOARD OF TRUSTEES**

1511

4
5 Code of Ethics for School Board Members

6
7 AS A MEMBER OF MY LOCAL BOARD OF TRUSTEES, I WILL STRIVE TO IMPROVE
8 PUBLIC EDUCATION, AND TO THAT END I WILL:

9
10 Attend all regularly scheduled Board meetings insofar as possible and become informed
11 concerning the issues to be considered at those meetings;

12
13 Recognize that I should endeavor to make policy decisions only after full discussion at public
14 Board meetings;

15
16 Make all decisions based on available facts and my independent judgment and refuse to
17 surrender that judgment to individuals or special interest groups;

18
19 Encourage the free expression of opinion by all Board members and seek systematic
20 communications between the Board and students, staff, and all elements of the community;

21
22 Work with other Board members to establish effective Board policies and to delegate authority
23 for administration to the Superintendent;

24
25 Recognize and respect the responsibilities that properly are delegated to the Superintendent;

26
27 Communicate to the Superintendent expression of public reaction to Board policies, school
28 programs, or staff;

29
30 Inform myself about current educational issues, by individual study and through participation in
31 programs providing needed information, such as those sponsored by the Montana and National
32 School Boards Associations;

33
34 Support the employment of those persons best qualified to serve as school staff and insist on
35 regular and impartial evaluation of staff;

36
37 Avoid being placed in a position of conflict of interest and refrain from using my Board position
38 for personal or partisan gain;

39
40 Avoid compromising the Board or administration by inappropriate individual action or
41 comments and respect the confidentiality of information that is privileged under applicable law;

42
43 Remember always that my first and greatest concern must be the educational welfare of students
44 attending public schools.

45
46 Policy History:

47 Adopted on: 3/10/09

48 Reviewed on: 7/29/2019

49 Revised on:

4
5 Conflict of Interest

6
7 A trustee may not:

- 8
- 9 1. Engage in a substantial financial transaction for the trustee's private business purpose,
10 with a person whom the trustee inspects or supervises in the course of official duties.
11
 - 12 2. Perform an official act directly and substantially affecting, to its economic benefit, a
13 business or other undertaking in which the trustee either has a substantial financial
14 interest or is engaged as counsel, consultant, representative, or agent.
15
 - 16 3. Perform an official act directly and substantially affecting a business or undertaking to its
17 economic detriment a business or other undertaking in which the trustee has a substantial
18 personal interest in a competing firm or undertaking.
19
 - 20 4. Act as an agent or solicitor in the sale or supply of goods or services to a district.
21
 - 22 5. Have a pecuniary interest, directly or indirectly, in any contract made by the Board, when
23 the trustee has more than a ten percent (10%) interest in the corporation. A contract does
24 not include: 1) merchandise sold to the highest bidder at public auctions; 2) investments
25 or deposits in financial institutions that are in the business of loaning or receiving money,
26 when such investments or deposits are made on a rotating or ratable basis among
27 financial institutions in the community or when there is only one (1) financial institution
28 in the community; or 3) contracts for professional services other than salaried services or
29 for maintenance or repair services or supplies when the services or supplies are not
30 reasonably available from other sources, if the interest of any Board member and a
31 determination of such lack of availability are entered in the minutes of the Board meeting
32 at which the contract is considered.
33
 - 34 6. Be employed in any capacity by the District, with the exception of officiating at athletic
35 competitions under the auspices of the Montana Officials Association.
36
 - 37 7. Appoint to a position of trust or emolument any person related or connected by
38 consanguinity within the fourth (4th) degree or by affinity within the second (2nd) degree.
39
- 40 a. This prohibition does not apply to the issuance of an employment contract to a
41 person as a substitute teacher who is not employed as a substitute teacher for more
42 than thirty five (35) consecutive school days.
 - 43 b. This prohibition does not apply to the renewal of an employment contract of a
44 person related to a Board member, who was initially hired before the Board
45 member assumed the trustee position.

1 c. This prohibition does not apply if trustees comply with the following
2 requirements: 1) All trustees, except the trustee related to the person to be
3 employed or appointed, vote to employ the related person; 2) the trustee related to
4 the person to be employed abstains from voting; and 3) the trustees give fifteen
5 (15) days written notice of the time and place of their intended action in a
6 newspaper of general circulation in the county where the school is located.Policy
7
8

9 Legal References:	§ 2-2-105, MCA	Ethical Requirements for Public Officers and
		Public Employees
10	§ 2-2-121, MCA	Rules of Conduct for Public Officers and Public
11		Employees
12	§ 20-9-204, MCA	Conflict of interest
13	§ 20-1-201, MCA	School officers not to act as agents
14	§ 2-2-302, MCA	Appointment of relative to office of trust or
15		emolument unlawful -- exceptions -- publication of
16		notice.
17		
18		

19 History:

20 Adopted on: 3/10/09

21 Reviewed on: 7/29/2019

22 Revised on: 9/9/2010

23

2
3 **THE BOARD OF TRUSTEES**

1513

4
5 Management Rights

6
7 The Board retains the right to operate and manage its affairs in such areas as but not limited to:

- 8
9 1. Direct employees;
- 10
11 2. Employ, dismiss, promote, transfer, assign, and retain employees;
- 12
13 3. Relieve employees from duties because of lack of work or funds under conditions where
- 14 continuation of such work would be inefficient and nonproductive;
- 15
16 4. Maintain the efficiency of District operations;
- 17
18 5. Determine the methods, means, job classifications, and personnel by which District
- 19 operations are to be conducted;
- 20
21 6. Take whatever actions may be necessary to carry out the missions of the District in
- 22 situations of emergency;
- 23
24 7. Establish the methods and processes by which work is performed.

25
26 The Board reserves all other rights, statutory and inherent, as provided by state law.

27
28 The Board also reserves the right to delegate authority to the Superintendent for the ongoing

29 direction of all District programs.

30
31
32

33 Cross Reference: 6110 Superintendent

34
35 Legal Reference: § 20-3-324, MCA Powers and duties

36 § 39-31-303, MCA Management rights of public employers

37
38

39 Policy History:

40 Adopted on: 3/10/09

41 Reviewed on: 7/29/2019

42 Revised on:

1 **Arlee Public Schools**

2
3 **THE BOARD OF TRUSTEES**

1520

4
5 Board/Staff Communications

6
7 Every reasonable means of communication is encouraged throughout the education community.
8 Nevertheless, an organization must maintain some order and structure to promote efficient and
9 effective communications.

10
11 ***Staff Communications to the Board***

12
13 All official communications or reports to the Board, from principals, supervisors, teachers, or
14 other staff members, shall be submitted through the Superintendent. This procedure shall not
15 deny any staff member the right to appeal to the Board from administrative decisions, provided
16 that the Superintendent shall have been notified of the forthcoming appeal and that it is
17 processed according to the applicable procedures for complaints and grievances.

18
19 ***Board Communications to Staff***

20
21 All official communications, policies, and directives of staff interest and concern will be
22 communicated to staff members through the Superintendent. The Superintendent will employ all
23 such media as are appropriate to keep staff fully informed of Board concerns and actions.

24
25 ***Visits to Schools***

26
27 In accordance with Montana statutes, each trustee shall visit every school of the District at least
28 once each school fiscal year to examine its condition and needs. As a courtesy, individual Board
29 members interested in visiting schools should make arrangements for visitations through the
30 principals of the various schools. Such visits shall be regarded as informal expressions of
31 interest in school affairs and not as “inspections” or visits for supervisory or administrative
32 purposes.

33
34
35 Legal Reference: § 20-3-324(21), MCA Powers and duties

36
37 Policy History:

38 Adopted on: 3/10/09

39 Reviewed on: 7/29/2019

40 Revised on:

1 **Arlee Public Schools**

2
3 **THE BOARD OF TRUSTEES**

1530

4
5 Trustee Expenses

6
7 ***In-District***

8 A trustee shall not receive compensation for service as a trustee. Trustees living more than three
9 (3) miles from the meeting place shall be entitled to mileage at the rate stipulated in § 2-18-503,
10 MCA, for each mile of travel between their homes and the meeting place for each meeting of the
11 Board or for any meeting called by the County Superintendent. Reimbursement may be paid as
12 the travel is assumed or may accumulate until the end of the fiscal year, at the discretion of the
13 trustee.

14
15 ***Out-of-District***

16 Trustees attend workshops, training institutes, and conferences at both the state and national
17 levels. The District will pay all legitimate costs for trustees to attend out-of-District meetings,
18 with Board approval, at established rates for reimbursement set by the District:

- 19
20 1. Transportation as approved by the Board;
21 2. On-site transportation during the course of the meeting, i.e., bus, taxi, or rental car;
22 3. Hotel or motel costs for trustee, as necessary;
23 4. Food costs as necessary;
24 5. Telephone services for necessary communications with business or family, resulting from
25 the trustee being away from Arlee;
26 6. Incidental expenditures for tips and other necessary costs attributable to the trustee's
27 attendance at a meeting; however, the District will not reimburse or pay for such items as
28 liquor, expenses of a spouse, separate entertainment, or other unnecessary expenditures.
29
30
31

32 Cross Reference: 7336 Travel Allowances and Expenses
33

34 Policy History:

35 Adopted on: 3/10/09

36 Reviewed on: 7/29/2019

37 Revised on:

1 **Arlee Public Schools**

2
3 **THE BOARD OF TRUSTEES**

1532

4
5 Trustee Insurance

6
7 The District shall maintain sufficient insurance to protect the Board and its individual members
8 against liability arising from actions of the Board or its individual members while each is acting
9 on behalf of the District and within the trustee's scope and authority.
10

11
12
13 Legal References: § 20-3-331, MCA Purchase of insurance – self-insurance plan
14 § 20-3-332, MCA Personal immunity and liability of trustees
15
16
17

18 Policy History:

19 Adopted on:

20 Reviewed on: 3/10/09

21 Revised on: 12/14/95, 7/12/11

2
3 **THE BOARD OF TRUSTEES**

1610

4
5 Annual Goals and Objectives

6
7 Each year the Board will formulate annual objectives for the District and will have available a
8 written comprehensive philosophy of education with goals that reflect the District's philosophy
9 of education. The philosophy of education and goals shall be in writing and shall be available to
10 all.

11
12 The District will develop a Strategic Plan to include a Core Purpose, Core Values, Twenty-Year
13 Goal, and Three- to Five-Year Goals with strategic objectives on how those goals will be
14 accomplished. The Strategic Plan will be reviewed each year by the Board and administration.

15
16
17
18 Legal Reference: 10.55.701, ARM Board of Trustees

19
20 Policy History:

21 Adopted on: 3/10/09

22 Reviewed on: 7/29/19

23 Revised on:

THE BOARD OF TRUSTEES

1700

page 1 of 3

Uniform Complaint Procedure

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.

The Superintendent, with school board or with chairperson's approval, has the authority to contract with an independent investigator (approved by the Board) at any time during the complaint procedure process. Within fifteen (15) calendar days of the Superintendent's receipt of the independent investigator's report and recommendation, the Superintendent will respond to the complaint and take such administrative steps as the Superintendent deems appropriate and necessary.

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: Building Administrator

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) calendar 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 building administrator will investigate and attempt to resolve the complaint. The administrator will respond in writing to the complaint, within thirty (30) calendar days of the administrator's receipt of the complaint.

If either the complainant or the person against whom the complaint is filed is dissatisfied with the administrator's decision, either may request, in writing, that the Superintendent review the administrator's decision. (See Level 3.) This request must be submitted to the Superintendent within fifteen (15) calendar days of the administrator's decision.

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 building administrator 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. A coordinator may hire, with the approval of the Superintendent, an independent investigator to conduct the investigation. Within fifteen (15) calendar days of the Superintendent's receipt of the coordinator's or independent investigators 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 4.) This request must be submitted in writing to the Superintendent, within fifteen (15) calendar days of the Superintendent's written response to the complaint, for transmission to the Board.

Level 3: Superintendent

If either the complainant or the person against whom the complaint is filed appeals the administrator's decision provided for in Level 2, the Superintendent will review the complaint and the administrator's decision. The Superintendent will respond in writing to the appeal, within thirty (30) calendar days of the Superintendent's receipt of the written appeal. In responding to the appeal, 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) calendar days of the Superintendent's written response to the complaint, for transmission to the Board.

Level 4: The Board

Upon written appeal, the Board will consider the Superintendent's decision in Level 2 or 3. 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 written recommendation to the full Board. The Board will report its decision on the appeal, in writing, to all parties, within thirty (30) calendar 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 a county superintendent of schools, the decision of the Board may be appealed to the county superintendent by filing written appeal within thirty (30) calendar 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

Policy History:

Adopted on: 09/13/2011
Reviewed on: 7/29/2019
Revised on:

1 **Arlee Public Schools**

R

2
3 **THE BOARD OF TRUSTEES**

1000

4
5 Legal Status and Organization

6
7 The Board of Trustees of Arlee Public Schools, Joint District #8, is the governmental entity
8 established by the state of Montana to plan and direct all aspects of the District's operations.

9
10 Policies of the Board define its organization and the manner of conducting its official business.
11 The operating policies of the Board are those that it adopts from time to time to facilitate the
12 performance of its responsibilities.

13
14 *Membership*

15
16 The District is governed by a Board of Trustees consisting of five (5) members. The District is classified
17 as a Class 2 district and is operated according to the laws and regulations pertaining to Class 2 districts.

18
19 All trustees shall participate on an equal basis with other members in all business transactions pertaining
20 to the District.

21
22
23 Legal Reference: § 20-3-323, MCA District policy and record of acts
24 § 20-3-324, MCA Powers and duties
25 § 20-3-341, MCA Number of trustee positions in elementary school
26 districts
27 § 20-3-351, MCA Number of trustee positions in high school district
28
29

30 Policy History:

31 Adopted on: 3/10/09

32 Reviewed on: 7/29/19

33 Revised on:

1 **Arlee Public Schools**

2
3 **THE BOARD OF TRUSTEES**

1110

4
5 Taking Office

6
7 A newly elected trustee shall take office as soon as election results have been certified and the
8 newly elected trustee has taken and subscribed to an oath to faithfully and impartially discharge
9 the duties of the office to the best of his/her ability. The person shall qualify by taking an oath of
10 office administered by the county superintendent, the superintendent's designee, or any officer
11 provided for by law. Such oath must be filed with the county superintendent not more than
12 fifteen (15) days after the receipt of the certificate of election or the appointment.

13
14 Except as otherwise provided by law, trustees shall hold office for terms of three (3) years, or
15 until successors are elected and qualified. Terms of trustees are staggered as provided by law.

16
17 The District Clerk shall collaborate with the Office of Public Instruction to provide a link to the
18 District website and contact information for trustees and the District Clerk within fourteen (14)
19 days of trustee qualification and oath-taking

20
21 Cross Reference: Policy 1113 Vacancies

22
23
24 Legal References: § 1-6-101, MCA Officers who may administer oaths
25 § 2-16-116, MCA Power to administer oaths
26 § 20-1-202, MCA Oath of office
27 § 20-3-301, MCA Election and term of office
28 § 20-3-307, MCA Qualification and oath
29 House Bill 811 Online Repository for Trustee Information
30

31 Policy History:

32 Adopted on: 3/10/09

33 Reviewed on: 7/29/2019

34 Revised on: 7/12/11, 3/17/2014, 7/18/2023

Arlee Public Schools

SCHOOL DISTRICT ORGANIZATION

School Board Elections

Elections conducted by the District are nonpartisan and are governed by applicable election laws as found in Title 13 and Title 20 of the Montana Code. 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. A declaration of intent to be a candidate must be submitted to the District Clerk at least forty (40) days before the regular school election day. If different terms are to be filled, the term for the position for which each candidate is filing also shall be indicated. Any person seeking to become a write-in candidate for a trustee position shall file a declaration of intent no later than 5:00 p.m. on the day before the ballot certification deadline in Section 20-20-401, MCA. If the number of candidates filing for vacant positions or filing a declaration of intent to be a write-in candidate is equal to or less than the number of positions to be elected, the Trustees may cancel the election and shall give notice no later than thirty (30) days before the election that a Trustee election will not take place. If a Trustee election is not held, the Trustees shall declare the candidates elected by acclamation and shall issue a "certificate of election" to each candidate.

A candidate intending to withdraw from the election shall send a statement of withdrawal to the Clerk of the District containing all information necessary to identify the candidate and the office for which the candidate filed. The statement of withdrawal must be acknowledged by the Clerk of the District. A candidate may not withdraw after 5:00 p.m. the day before the ballot certification deadline in Section 20-20-401, MCA.

In the event of an unforeseen emergency occurring on the date scheduled for the funding election, the District will be allowed to reschedule the election for a different day of the calendar year.

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.

The District will provide access to polling places and accessible voting technology for individuals with disabilities. The District Clerk will be responsible for assessing polling place for accessibility and ensuring reasonable access for individuals with disabilities.

Legal Reference:	§ 13-1-101	Definitions
	§ 13-10-211, MCA	Declaration of intent for write-in candidates
	§ 15-10-425, MCA	Mill levy election (<i>Revised by House Bill 543</i>)
	§ 20-3-304, MCA	Annual election
	§ 20-3-305, MCA	Candidate qualification, nomination and
	§ 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
	§ 20-9-353, MCA	Additional financing for general fund – election for authorization to impose
	§ 20-9-426, MCA	Preparation and form of ballots for bond election (<i>Revised by House Bill 543</i>)
	§ 20-20-105, MCA	Regular school election day and special school elections – limitation – exception

1 § 20-20-204, MCA Election Notice
2 § 20-20-301, MCA Qualifications of elector
3
4
5
6

7 Cross References:

8 Policy History:

9 Adopted on: 12/13/01

10 Reviewed on: 7/29/2019

11 Revised on: 3/10/09, 7/12/11, 07/14/15, 8/17/2021, 7/18/2023

4
5 Resignations and Other Vacancies

6
7 A Trustee position becomes vacant before the expiration of a term, when any of the following
8 occurs:

- 9
10 • Death;
11 • Resignation, in writing with an effective date, filed with the Clerk;
12 • Trustee moves out of the district, establishing residence elsewhere;
13 • Trustee is no longer a registered elector of the District under the provisions of §20-20-
14 301, MCA;
15 • Trustee is absent from the District for sixty (60) consecutive days;
16 • Trustee fails to attend three (3) consecutive meetings of the trustees without good reason;
17 • Trustee has been removed under the provisions of § 20-3-310, MCA; or
18 • Trustee ceases to have the capacity to hold office under any other provision of law.
19

20 A Trustee position also shall be vacant when an elected candidate fails to qualify. A resignation
21 of a trustee, for whatever reason, must be submitted in writing to the Clerk of the District and
22 shall specify an effective date.
23

24 When a Trustee vacancy occurs, the remaining trustees shall declare such position vacant and fill
25 such vacancy by appointment. The Board will receive applications from any qualified persons
26 seeking to fill the position after such notices as determined by the board to be appropriate. The
27 Board will appoint one (1) candidate to fill the position. Should the Board fail to fill a vacancy
28 within sixty (60) days from the creation of a vacancy, the county superintendent shall appoint, in
29 writing, a competent person to fill such vacancy. An appointee shall qualify by completing and
30 filing an oath of office with the county superintendent within fifteen (15) days after receiving
31 notice of the appointment and shall serve until the next regularly scheduled school election and a
32 successor has qualified.
33

34
35 The Board will ratify the resignation at its next regularly scheduled meeting and will proceed to
36 fill the vacancy as provided by statute and Board policy.
37

38 Legal References:	§ 2-16-502, MCA	Resignations
39	§ 20-3-308, MCA	Vacancy of trustee position
40	§ 20-3-309, MCA	Filling vacated trustee position – appointee
41		qualification and term of office
42		

43 Policy History:

44 Adopted on: 3/10/09

45 Reviewed on:

46 Revised on: 3/17/2014, 7/29/2019

1 **Arlee Public Schools**

2
3 **THE BOARD OF TRUSTEES**

1120

4
5 Annual Organization Meeting

6
7 After issuance of election certificates to newly elected trustees, but no later than 15 days after the
8 election, the Board shall elect from among its members a Chairperson and a Vice Chairperson to
9 serve until the next annual organizational meeting. If a Board member is unable to continue to
10 serve as an officer, a replacement shall be elected at the earliest opportunity to serve the
11 remainder of the term. In the absence of both the Chairperson and the Vice Chairperson, the
12 Board shall elect a Chairperson *pro tempore*, who shall perform the functions of the Chairperson
13 during the latter's absence. The Clerk shall act as Board secretary.

14
15 The normal order of business shall be modified for the annual organizational meeting by
16 considering the following matters after the approval of the minutes of the previous meeting:

- 17
18 1. Welcome and introduction of newly elected Board members by the current Chairperson
19
20 2. Swearing in of newly elected trustees
21
22 3. Call for nominations for Chairperson to serve during the ensuing year
23
24 4. Election of a Chairperson
25
26 5. Assumption of office by the new Chairperson
27
28 6. Call for nominations for Vice Chairperson to serve during the ensuing year
29
30 7. Election of a Vice Chairperson
31
32 8. Appointment of a Clerk
33
34
35
36

37 Legal References: § 20-3-321, MCA Organization and officers
38 § 20-3-322(a), MCA Meetings and quorum
39 § 1-5-416(1)(b), MCA Powers and duties of Notary Public
40

41 Policy History:

42 Adopted on: 3/10/09
43 Reviewed on: 7/29/19
44 Revised on: 7/12/11, 3/17/2014

5 Committees

7 *Board Member Committees*

9 The Board may create Board member committees as deemed necessary. The Board Chair will
10 make all appointments to Board member committees. Notice of Board member committee
11 meetings shall be given in the same manner as notice for special meetings, and Board member
12 committee meetings shall be open to the public.

14 *Citizen Committees*

16 The Board or the Superintendent may create committees that involve community members as
17 deemed necessary, either on an *ad hoc* or regular basis. The Board Chair or the Superintendent
18 will make all appointments to citizen committees and will establish the parameters and duties for
19 the citizen committees. Notice of citizen committee meetings shall be given in the same manner
20 as notice for special meetings, and citizen committee meetings shall be open to the public.

22 *Administrative Committees*

24 The Superintendent may create administrative committees as deemed necessary. The
25 Superintendent will make all appointments to the administrative committees. In determining
26 whether an administrative committee meeting shall be open to the public, the following factors,
27 although not exhaustive in nature, should be considered: (1) the frequency with which the
28 committee meets; (2) whether the committee is deliberating or just gathering facts; (3) whether
29 the deliberations concern a matter of policy rather than ministerial or administrative functions;
30 (4) whether the committee members have executive authority and experience; and (5) the results
31 of the meeting. If the presiding officer determines that the administrative committee should be
32 held in compliance with the Open Meeting Act, he shall provide notice of the meeting in the
33 same manner as notice for a special meeting, and the administrative meeting shall be open to the
34 public.

36 Legal Reference: § 2-3-203, MCA Meetings of public agencies and certain associations of
37 public agencies to be open to public - exceptions

39 **Crofts v. Associated Press** (2004), 2004 MT 120

42 Policy History:

43 Adopted on: 3/10/09

44 Reviewed on: 7/29/2019

45 Revised on: 3/17/2014

1 **Arlee Public Schools**

2
3 **THE BOARD OF TRUSTEES**

1210

4
5 Qualifications, Terms, and Duties of Board Officers

6
7 The Board officers are the Chair and Vice Chair. These officers are elected at the annual organizational
8 meeting for a one (1) year term.
9

10 ***Chair***

11
12 The Chair may be any trustee of the board, including an additional trustee as provided for in 20-3-352(2).
13 The duties of the Chair include the following:
14

- 15 • Preside at all meetings and conduct meetings in the manner prescribed by the Board's policies;
16 • Make all Board committee appointments;
17 • Sign all papers and documents as required by law and as authorized by action of the Board;
18 • Close Board meetings as authorized by Montana law; and
19 • Act as spokesperson for the Board.
20

21 The Chair is permitted to participate in all Board meetings in a manner equal to all other Board members,
22 including the right to participate in debate and to vote.
23

24 ***Vice Chair***

25
26 The Vice Chair shall preside at all Board meetings in the absence of the Chair and shall perform all the
27 duties of the Chair during the Chair's absence or unavailability. The Vice Chair shall work closely with
28 the Chair and shall assume whatever duties the Chairperson may delegate.
29

30	Cross Reference:	Policy 1400	Board Meetings
31			
32	Legal References:	§ 2-3-203, MCA	Meetings of public agencies and certain
33			associations of public agencies to be open to
34			public – exceptions
35		§ 20-3-321(2), MCA	Organization and officers
36		§ 20-3-351(1)(a), MCA	Number of trustee positions in high school
37			districts
38		§ 20-3-352(2), MCA	Request and determination of number of high
39			school district additional trustee positions –
40			nonvoting trustee
41			

42 Policy History:

43 Adopted on: 3/10/09
44 Reviewed on: 7/29/2019
45 Revised on: 7/12/11, 3/17/2014

1 **Arlee Public Schools**

2
3 **THE BOARD OF TRUSTEES**

1230

4
5 Clerk

6
7 The Clerk of the Board shall attend all meetings of the Board, unless excused by the Chair, and shall keep an
8 accurate journal of its proceedings. The Clerk shall have custody of the records, books, and documents of the
9 Board. In the absence or inability of the Clerk to attend a Board meeting, the trustees will have one (1) of their
10 members or a District employee act as clerk for the meeting. The minutes from the meeting will be supplied to the
11 Clerk.

12
13 The Clerk will keep accurate and detailed accounts of all receipts and disbursements made by the District. The
14 Clerk shall draw and countersign all warrants for expenditures that have been approved by the Board.

15
16 The Clerk will make the preparations legally required for the notice and conduct of all District elections. The
17 District will provide access to polling places and accessible voting technology for individuals with disabilities. The
18 District Clerk will be responsible for assessing polling place for accessibility and ensuring reasonable access for
19 individuals with disabilities.

20
21 The Clerk shall be evaluated by the Superintendent at least once annually. Such evaluation shall be based on the job
22 description and established evaluative criteria. The Clerk shall prepare and submit to the Board a financial report of
23 receipts and disbursements of all school funds on an annual basis, unless the Board requests such reports on a more
24 frequent basis. The Clerk shall perform other duties as prescribed by state law or as directed by the Board and the
25 Superintendent.

26
27
28
29 Legal references: § 20-3-321, MCA Organization and officers

30 § 20-3-325, MCA Clerk of district

31 § 20-4-201, MCA Employment of teachers and specialists by contract

32 § 20-9-133, MCA Adoption and expenditure limitations of final budget

33 § 20-9-165, MCA Budget amendment limitation, preparation, and adoption procedures

34 § 20-9-221, MCA Procedure for issuance of warrants

35 § 20-20-401, MCA Trustees' election duties – ballot certification

36 Senate Bill 15 Revises election laws related to accessibility for disabled
37 electors

38 § 13-1-101 Definitions (*Revised by Senate Bill 15*)

39
40
41 Policy History:

42 Adopted on:

43 Reviewed on: 7/29/2019

44 Revised on: 12/14/95, 3/10/09, 8/17/2021

THE BOARD OF TRUSTEES

1240

Duties of Individual Trustees

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.

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. Each trustee shall visit every school building at least once per year to examine its management, conditions, and needs.

All trustees are obligated to attend Board meetings regularly. Whenever possible, a trustee shall give advance notice to the Chair 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 Board shall declare a position vacant after three (3) consecutive unexcused absences from regular Board meetings, or when a trustee has been absent from the District for sixty (60) consecutive days.

Cross Reference: 1112 Resignations and Other 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

Policy History:

Adopted on:

Reviewed on: 7/29/2019

Revised on: 12/14/95, 3/10/09

THE BOARD OF TRUSTEES

1310

District Policy and Procedures*Adoption and Amendment of Policies*

It is the intent of the Board to develop written policies to serve as guidelines and goals for the successful and efficient functioning of the District. The policies are framed and are meant to be interpreted in terms of state statute, administrative rules, and all other regulatory agencies within our local, county, state, and federal levels of government. The policies are also framed and are meant to be interpreted in terms of those educational objectives, procedures, and practices that are broadly accepted by leaders and authorities in the public education field.

Changes in needs, conditions, purposes, and objectives will require revisions, deletions, and additions to the policies of the current Board and those of the future. The Board welcomes suggestions for ongoing policy development.

Policy proposals and suggested amendments to or revisions of existing policies shall be submitted in writing prior to a regularly scheduled board meeting. All new or amended policies become effective upon adoption, unless a specific effective date is provided in the motion for adoption. Minutes of each meeting shall reflect any readings and action taken.

Administrative Procedures

The Superintendent shall develop administrative procedures as are necessary to ensure consistent implementation of policies adopted by the Board.

When a new written procedure is developed, the Superintendent shall submit it to the Board as an information item.

Legal References:	Mont. Const. Art. X, § 8	School District Trustees
	§ 20-3-323, MCA	District policy and record of acts
	10.55.701, ARM	Board of Trustees

Policy History:

Adopted on:

Reviewed on: 7/29/2019

Revised on: 12/14/95, 3/10/09, 3/17/2014, 11/11/2014, 8/17/2021

THE BOARD OF TRUSTEES

1400

page 1 of 2

Board Meetings

For all meetings of the Board and its committees, the Clerk or designee shall satisfy all notice and posting requirements contained herein, as well as the Open Meetings Act. This shall include providing meeting notification to news media that have officially requested it. The agenda for the meeting shall be posted through a link on the website or the newspaper of general circulation in the District, if offered free of charge, or through a link on the District's website or posted to the District's social media site(s). A copy of the agenda will also be posted at the entrance of the High School, Elementary and Junior High School buildings.

Except for an unforeseen emergency or as described below, all meetings must be held in a District building or, by unanimous consent of the Board, in a publicly accessible building located within the District. The Trustees may meet outside the boundaries of the District for collaboration or cooperation on educational issues with other school boards, educational agencies, or cooperatives. Decision making must still occur only at properly noticed meetings held within the District's boundaries.

Regular Meetings

Unless otherwise specified by the Board, all regular meetings are held on second Tuesday of the month at 6:30 pm, in the High School Library. If the time or place of a Board meeting is changed, notice shall be given in the same manner as provided for special meetings. The Board may choose to not convene a meeting in the month of July if there is no pressing business to attend to at that time.

Special Meetings

Special meetings may be called by the Board Chair or by any two (2) members of the Trustees. A written notice of a special meeting, stating the purpose of the meeting, must be provided to each Trustee not less than forty-eight (48) hours prior to the time of the meeting. The forty-eight (48) hour written notice is waived in the event of an unforeseen emergency or to consider a violation of the student code of conduct within a week of graduation. Written notice shall also 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.

Committee Meetings

Committee meetings may be called by the Committee Chair, and are subject to the requirements of the Open Meetings Act, including notice and posting requirements.

Budget Meetings

1 On or before August 20 of each year, the Board shall meet to consider all budget information and
2 any attachments required by law. The Board may continue the meeting from day to day but shall
3 adopt the final budget for the District and determine the amounts to be raised by tax levies for the
4

5 1400

6 Page 2 of 2

7
8 District not later than August 25, and before the computation of the general fund net levy
9 requirement by the county superintendent and the fixing of the tax levies for each district.
10

11 Between July 1 and August 10 of each year, the Clerk shall publish one notice, in the *Missoulian*
12 *and Lake County Leader*, stating the date, time, and place that the Board will meet for the
13 purpose of considering and adopting the final budget. The notice must also state that the meeting
14 may continue from day to day until the final adoption of the budget, and that any taxpayer may
15 appear at the meeting and be heard for or against any part of the budget.
16

17 ***Organizational Meeting***

18
19 After the issuance of the election certificates to the newly elected trustees in May, but not later
20 than fifteen (15) days after the election, the Board shall convene and elect from among its
21 members a Chair and a Vice-Chair to serve one (1) year terms. The Chair shall serve until the
22 next organization meeting and shall preside at all the meetings of the Board. In addition, the
23 Board shall employ and appoint a competent person as the Clerk of the District at this meeting.
24

25 ***Emergency Meetings***

26
27 In the event of a storm, fire, explosion, community disaster, insurrection, act of God, or other
28 unforeseen destruction or impairment of school district property that affects the health and safety
29 of the Trustees, students, District employees, or the educational functions of the district, the
30 Board may meet immediately and take official action without prior notification.
31

32 ***Executive Session of Any Meeting***

33
34 The Board or any committee may hold executive sessions to consider matters of individual
35 privacy or to discuss a strategy to be followed with respect to litigation when an open meeting
36 would have a detrimental effect on the litigating position of the District. Prior to closing the
37 meeting to consider matters of individual privacy, the presiding officer must determine that the
38 demands of individual privacy exceed the merits of public disclosure. The litigation strategy
39 exception is not available if the litigation involves only public bodies or associations as parties.
40

41 Legal References:	§ 2-3-103, MCA	Public participation – governor to ensure guidelines
		adopted (<i>Revised by House Bill 724</i>)
	§ 2-3-104, MCA	Requirements for compliance with notice provisions
	§ 2-3-105, MCA	Supplemental notice by radio or television
	§ 2-3-201, MCA	Legislative intent – liberal construction
	§ 2-3-202, MCA	Meeting defined

46

1	§ 2-3-203, MCA	Meetings of public agencies and certain associations
2		of public agencies to be open to public – exceptions
3	§ 20-3-322, MCA	Meeting and quorum (<i>Revised by House Bill 724</i>)
4	§ 20-9-115, MCA	Notice of final budget meeting
5	§ 20-9-131, MCA	Final budget meeting
6	10.55.701, ARM	Board of Trustees

7
8 Policy History:

9 Adopted on:

10 Reviewed on:

11 Revised on: 7/1/05, 9/14/05, 3/10/09, 7/12/11, 01/10/2012, 3/17/2014, 7/12/16, 7/29/2019,
12 7/18/2023

1 **Arlee Public Schools**

2
3 **THE BOARD OF TRUSTEES**

1401

4
5 Records Available to Public

6
7 The District is committed to effective records management including meeting legal standards for
8 record retention and protection of privacy, optimizing the use of space, minimizing the cost of
9 record retention, and properly destroying outdated records. This policy applies to all records,
10 regardless of whether they are maintained in hard copy, electronically, or in some other fashion.

11
12 The District requires that its records be maintained in a consistent manner and be managed so
13 that the District:

- 14 • Meets legal standards for protection, storage and retrieval;
15 • Protects the privacy of students and employees of the District;
16 • Optimizes the use of space;
17 • Minimizes the cost of record retention; and
18 • Destroys outdated records in an appropriate manner.

19
20 The Superintendent shall establish appropriate records management procedures and practices,
21 which shall be provided to staff members who manage records within the District. The Board
22 acknowledges the public's right to inspect and copy the District's public records, with certain
23 exceptions. Unless otherwise provided by law, a public record shall be accessible for inspection
24 and duplication either by written or oral request. The District shall respond to all such requests
25 within a reasonable period of time, generally not to exceed 10 business days. If the District
26 cannot respond to the request within 10 business days, the records custodian shall notify the
27 requestor in writing and provide a timeline for response to the request. If an oral request is not
28 responded to within 10 business days, the requestor must put the request in writing.

29
30 The Superintendent shall designate essential records immediately necessary to:

- 31
32 • Respond to an emergency or disaster;
33 • Begin recovery or reestablishment of operations during and after an emergency or
34 disaster;
35 • Protect the health, safety, and property of District students and employees; or
36 • Protect the assets, obligations, rights, history and resources of the District, its employees,
37 and students.

38
39 The District will provide copies of all documents, including electronic communications, in the
40 medium in which those documents exists. Reasonable fees shall be charged for copies as
41 follows:

- 42
43 • Copies of Board minutes at 15¢ per page;
44 • Copies of other materials at 25¢ per page;
45
46

- 4
5
6
7 • The actual costs directly incident to fulfilling a records request in the most cost-efficient
8 and timely manner possible, including but not limited to the time required to gather the
9 requested information; and
10 • Actual cost of purchasing the electronic media used for transferring data, if the person
11 requesting the information does not provide the media.
12

13 The District shall comply with Montana law in addressing any unauthorized breaches of its computer
14 data security system, including but not limited to complying with all disclosure and investigation
15 requirements.
16

17
18 Legal References: § 2-6-110, MCA Electronic Information and non-print records
19 § 20-3-323, MCA District policy and record of acts
20 § 20-9-213, MCA Duties of trustees
21 § 30-14-1704, MCA Computer Security Breach
22

23 Policy History:

24 Adopted on: 3/10/09

25 Reviewed on: 7/29/2019

26 Revised on:

5 School Board Use of Electronic Mail

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

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

27 Cross Reference: 1400 Board Meetings
28 1401 Records Available to Public

30 Legal Reference: § 2-3-103, MCA Public participation – governor to ensure guidelines
31 adopted
32 § 2-3-201, MCA Legislative intent – liberal construction
33 § 2-3-203, MCA Meetings of public agencies and certain associations
34 of public agencies to be open to public – exceptions
35 § 20-3-322, MCA Meeting and quorum

37 Policy History:

38 Adopted on: 3/10/09

39 Reviewed on: 7/29/19

40 Revised on:

THE BOARD OF TRUSTEES

1420

page 1 of 3

School Board Meeting Procedure***Agenda***

The agenda for any Board meeting shall be prepared by the Superintendent and/or Clerk of the District in consultation with the Chair. Items submitted by Board members and citizens may be placed on the agenda in the discretion of the Chair and Superintendent. Such suggestions must be received by the Superintendent at least seven (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 need not request placement on the agenda, and they may ask for recognition by the Chair at the appropriate time.

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 or other adjudicative proceedings. The Board Chair 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 in the public comment section at that time.

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 by 5 pm on the Thursday before the Tuesday monthly Board meeting. As determined by the Superintendent and Chair, items may be added to the agenda at least forty-eight (48) hours in advance of a Board meeting. The agenda packet will be available to any interested citizen at the Superintendent’s office forty-eight (48) hours before a Board meeting. An agenda for other types of Board meetings will be prepared, if circumstances require an agenda.

Minutes

The Clerk or the Clerk’s designee shall keep written minutes of all meetings that must be open to the public. The approved minutes must be signed by the Chair and the Clerk. The minutes must include:

- The date, time and place of the meeting;
- The name of the presiding officer;
- A record of Board members present and absent;
- Summary of discussion on all matters discussed, 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.

The Board shall keep minutes during all closed sessions. Minutes taken during closed sessions shall be sealed, and will not be released except by court order.

A file of permanent minutes of all meetings shall be maintained by the Clerk. A written copy of the minutes shall be made available to the public within five (5) days following approval by the Board. Sealed minutes taken during any closed session of the Board shall not be made available to the public without a court order.

The Board may direct that an audio recording of a meeting serve as the official record of the meeting. In that case, a written record of the meeting must also be made and must include the information specified above. In addition, a log or time stamp for each agenda item is required for the purpose of providing assistance to the public in accessing that portion of the meeting.

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.

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 and Public Comment

Legal References:	§ 2-3-103, MCA	Public participation - governor to ensure guidelines adopted
	§ 2-3-202, MCA	Meeting defined
	§ 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

Policy History:

Adopted on:

Reviewed on: 7/29/2019

Revised on: 12/10/93, 3/10/09, 7/12/11, 10/10/2017

1 **Arlee Public Schools**

2
3 **THE BOARD OF TRUSTEES**

1425

4
5 Abstentions From Voting

6
7 Section 20-3-323(2), MCA, requires the minutes of each Board meeting to include the voting
8 records of each trustee present. As a general rule trustees should vote on all issues, unless
9 casting a vote would be a violation of law. Under Montana law, instances in which it would be
10 unlawful or inappropriate for a trustee to cast a vote on a particular issue include but are not
11 necessarily limited to the following:

- 12
13 1. When hiring the relative of a trustee;
14 2. When casting a vote would directly and substantially affect, to its economic benefit, a
15 business or other undertaking in which the trustee either has a substantial financial
16 interest or in which the trustee is engaged as counsel, consultant, representative, or agent;
17 3. When casting a vote would directly and substantially affect a business or other
18 undertaking to its economic detriment, where a trustee has a substantial personal interest
19 in a competing firm or undertaking;
20 4. When casting a vote would cause a trustee to have a pecuniary interest, either directly or
21 indirectly, in a contract made by the trustee (while acting in the trustee's official
22 capacity) or by the Board; and
23 5. When casting a vote would put the trustee in the position of an agent or solicitor in the
24 sale or supply of goods or services to the District.
25

26 In addition, a trustee may abstain from voting to avoid the appearance of impropriety or the
27 appearance of a conflict. If a trustee abstains from voting, the abstention should be recorded in
28 the minutes and may include an explanation of the reasons for the abstention. The Board
29 discourages abstentions, unless the reasons are substantiated as provided herein.
30

31	Legal References:	§ 2-2-105, MCA	Ethical requirements for public officers and public
32			employees
33		§ 2-2-121, MCA	Rules of conduct for public officers and public
34			employees
35		§ 2-2-302, MCA	Appointment of relative to office of trust or
36			emolument unlawful – exceptions – publication of
37			notice
38		§ 20-1-201, MCA	School officers not to act as agents
39		§ 20-3-323, MCA	District policy and record of acts
40		§ 20-9-204, MCA	Conflicts of interests, letting contracts, and calling
41			for bids
42			

43 Policy History:

44 Adopted on: 6/13/02

45 Reviewed on: 3/10/09, 7/29/2019

46 Revised on:

THE BOARD OF TRUSTEES

1441

Audience Participation and Public Comment

The Board recognizes the value of public comment on educational issues and the importance of involving members of the public in its meetings. The Board also recognizes the statutory and constitutional rights of the public to participate in governmental operations. 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 Chair will control such comment to ensure an orderly progression of the meeting.

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 Chair. Following recognition by the Chair, individuals must identify themselves and then make comments as the subject permits. The Chair 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. The Board as a whole shall have the final decision in determining the appropriateness of all such rulings.

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 Notice and Opportunity to Be Heard

Policy History:

Adopted on:

Reviewed on: 7/29/2019

Revised on: 3/10/09

1 **Arlee Public Schools**

2
3 **THE BOARD OF TRUSTEES**

1511

4
5 Code of Ethics for School Board Members

6
7 AS A MEMBER OF MY LOCAL BOARD OF TRUSTEES, I WILL STRIVE TO IMPROVE
8 PUBLIC EDUCATION, AND TO THAT END I WILL:

9
10 Attend all regularly scheduled Board meetings insofar as possible and become informed
11 concerning the issues to be considered at those meetings;

12
13 Recognize that I should endeavor to make policy decisions only after full discussion at public
14 Board meetings;

15
16 Make all decisions based on available facts and my independent judgment and refuse to
17 surrender that judgment to individuals or special interest groups;

18
19 Encourage the free expression of opinion by all Board members and seek systematic
20 communications between the Board and students, staff, and all elements of the community;

21
22 Work with other Board members to establish effective Board policies and to delegate authority
23 for administration to the Superintendent;

24
25 Recognize and respect the responsibilities that properly are delegated to the Superintendent;

26
27 Communicate to the Superintendent expression of public reaction to Board policies, school
28 programs, or staff;

29
30 Inform myself about current educational issues, by individual study and through participation in
31 programs providing needed information, such as those sponsored by the Montana and National
32 School Boards Associations;

33
34 Support the employment of those persons best qualified to serve as school staff and insist on
35 regular and impartial evaluation of staff;

36
37 Avoid being placed in a position of conflict of interest and refrain from using my Board position
38 for personal or partisan gain;

39
40 Avoid compromising the Board or administration by inappropriate individual action or
41 comments and respect the confidentiality of information that is privileged under applicable law;

42
43 Remember always that my first and greatest concern must be the educational welfare of students
44 attending public schools.

45
46 Policy History:

47 Adopted on: 3/10/09

48 Reviewed on: 7/29/2019

49 Revised on:

4
5 Conflict of Interest

6
7 A trustee may not:

- 8
- 9 1. Engage in a substantial financial transaction for the trustee's private business purpose,
10 with a person whom the trustee inspects or supervises in the course of official duties.
11
 - 12 2. Perform an official act directly and substantially affecting, to its economic benefit, a
13 business or other undertaking in which the trustee either has a substantial financial
14 interest or is engaged as counsel, consultant, representative, or agent.
15
 - 16 3. Perform an official act directly and substantially affecting a business or undertaking to its
17 economic detriment a business or other undertaking in which the trustee has a substantial
18 personal interest in a competing firm or undertaking.
19
 - 20 4. Act as an agent or solicitor in the sale or supply of goods or services to a district.
21
 - 22 5. Have a pecuniary interest, directly or indirectly, in any contract made by the Board, when
23 the trustee has more than a ten percent (10%) interest in the corporation. A contract does
24 not include: 1) merchandise sold to the highest bidder at public auctions; 2) investments
25 or deposits in financial institutions that are in the business of loaning or receiving money,
26 when such investments or deposits are made on a rotating or ratable basis among
27 financial institutions in the community or when there is only one (1) financial institution
28 in the community; or 3) contracts for professional services other than salaried services or
29 for maintenance or repair services or supplies when the services or supplies are not
30 reasonably available from other sources, if the interest of any Board member and a
31 determination of such lack of availability are entered in the minutes of the Board meeting
32 at which the contract is considered.
33
 - 34 6. Be employed in any capacity by the District, with the exception of officiating at athletic
35 competitions under the auspices of the Montana Officials Association.
36
 - 37 7. Appoint to a position of trust or emolument any person related or connected by
38 consanguinity within the fourth (4th) degree or by affinity within the second (2nd) degree.
39
 - 40 a. This prohibition does not apply to the issuance of an employment contract to a
41 person as a substitute teacher who is not employed as a substitute teacher for more
42 than thirty five (35) consecutive school days.
 - 43 b. This prohibition does not apply to the renewal of an employment contract of a
44 person related to a Board member, who was initially hired before the Board
45 member assumed the trustee position.

1 c. This prohibition does not apply if trustees comply with the following
2 requirements: 1) All trustees, except the trustee related to the person to be
3 employed or appointed, vote to employ the related person; 2) the trustee related to
4 the person to be employed abstains from voting; and 3) the trustees give fifteen
5 (15) days written notice of the time and place of their intended action in a
6 newspaper of general circulation in the county where the school is located.Policy
7
8

9 Legal References:	§ 2-2-105, MCA	Ethical Requirements for Public Officers and
		Public Employees
10	§ 2-2-121, MCA	Rules of Conduct for Public Officers and Public
11		Employees
12	§ 20-9-204, MCA	Conflict of interest
13	§ 20-1-201, MCA	School officers not to act as agents
14	§ 2-2-302, MCA	Appointment of relative to office of trust or
15		emolument unlawful -- exceptions -- publication of
16		notice.
17		
18		

19 History:

20 Adopted on: 3/10/09

21 Reviewed on: 7/29/2019

22 Revised on: 9/9/2010

23

THE BOARD OF TRUSTEES

1513

Management Rights

The Board retains the right to operate and manage its affairs in such areas as but not limited to:

1. Direct employees;
2. Employ, dismiss, 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 District operations;
5. Determine the methods, means, job classifications, and personnel by which District operations are to be conducted;
6. Take whatever actions may be necessary to carry out the missions of the District in situations of emergency;
7. Establish the methods and processes by which work is performed.

The Board reserves all other rights, statutory and inherent, as provided by state law.

The Board also reserves the right to delegate authority to the Superintendent for the ongoing direction of all District programs.

Cross Reference: 6110 Superintendent

Legal Reference: § 20-3-324, MCA Powers and duties
§ 39-31-303, MCA Management rights of public employers

Policy History:

Adopted on: 3/10/09

Reviewed on: 7/29/2019

Revised on:

4
5 Board/Staff Communications

6
7 Every reasonable means of communication is encouraged throughout the education community.
8 Nevertheless, an organization must maintain some order and structure to promote efficient and
9 effective communications.

10
11 ***Staff Communications to the Board***

12
13 All official communications or reports to the Board, from principals, supervisors, teachers, or
14 other staff members, shall be submitted through the Superintendent. This procedure shall not
15 deny any staff member the right to appeal to the Board from administrative decisions, provided
16 that the Superintendent shall have been notified of the forthcoming appeal and that it is
17 processed according to the applicable procedures for complaints and grievances.

18
19 ***Board Communications to Staff***

20
21 All official communications, policies, and directives of staff interest and concern will be
22 communicated to staff members through the Superintendent. The Superintendent will employ all
23 such media as are appropriate to keep staff fully informed of Board concerns and actions.

24
25 ***Visits to Schools***

26
27 In accordance with Montana statutes, each trustee shall visit every school of the District at least
28 once each school fiscal year to examine its condition and needs. As a courtesy, individual Board
29 members interested in visiting schools should make arrangements for visitations through the
30 principals of the various schools. Such visits shall be regarded as informal expressions of
31 interest in school affairs and not as “inspections” or visits for supervisory or administrative
32 purposes.

33
34
35 Legal Reference: § 20-3-324(21), MCA Powers and duties

36
37 Policy History:

38 Adopted on: 3/10/09

39 Reviewed on: 7/29/2019

40 Revised on:

1 **Arlee Public Schools**

2
3 **THE BOARD OF TRUSTEES**

1531

4
5 Trustee Expenses

6
7 ***In-District***

8 A trustee shall not receive compensation for service as a trustee. Trustees living more than three
9 (3) miles from the meeting place shall be entitled to mileage at the rate stipulated in § 2-18-503,
10 MCA, for each mile of travel between their homes and the meeting place for each meeting of the
11 Board or for any meeting called by the County Superintendent. Reimbursement may be paid as
12 the travel is assumed or may accumulate until the end of the fiscal year, at the discretion of the
13 trustee.

14
15 ***Out-of-District***

16 Trustees attend workshops, training institutes, and conferences at both the state and national
17 levels. The District will pay all legitimate costs for trustees to attend out-of-District meetings,
18 with Board approval, at established rates for reimbursement set by the District:

- 19
20 1. Transportation as approved by the Board;
21 2. On-site transportation during the course of the meeting, i.e., bus, taxi, or rental car;
22 3. Hotel or motel costs for trustee, as necessary;
23 4. Food costs as necessary;
24 5. Telephone services for necessary communications with business or family, resulting from
25 the trustee being away from Arlee;
26 6. Incidental expenditures for tips and other necessary costs attributable to the trustee's
27 attendance at a meeting; however, the District will not reimburse or pay for such items as
28 liquor, expenses of a spouse, separate entertainment, or other unnecessary expenditures.

29
30
31
32 Cross Reference: 7336 Travel Allowances and Expenses

33
34 Policy History:

35 Adopted on: 3/10/09

36 Reviewed on: 7/29/2019

37 Revised on:

1 **Arlee Public Schools**

2
3 **THE BOARD OF TRUSTEES**

1532

4
5 Trustee Insurance

6
7 The District shall maintain sufficient insurance to protect the Board and its individual members
8 against liability arising from actions of the Board or its individual members while each is acting
9 on behalf of the District and within the trustee's scope and authority.
10

11
12
13 Legal References: § 20-3-331, MCA Purchase of insurance – self-insurance plan
14 § 20-3-332, MCA Personal immunity and liability of trustees
15
16

17
18 Policy History:

19 Adopted on:

20 Reviewed on: 3/10/09

21 Revised on: 12/14/95, 7/12/11

2
3 **THE BOARD OF TRUSTEES**

1610

4
5 Annual Goals and Objectives

6
7 Each year the Board will formulate annual objectives for the District and will have available a
8 written comprehensive philosophy of education with goals that reflect the District's philosophy
9 of education. The philosophy of education and goals shall be in writing and shall be available to
10 all.

11
12 The District will develop a Strategic Plan to include a Core Purpose, Core Values, Twenty-Year
13 Goal, and Three- to Five-Year Goals with strategic objectives on how those goals will be
14 accomplished. The Strategic Plan will be reviewed each year by the Board and administration.
15

16
17
18 Legal Reference: 10.55.701, ARM Board of Trustees
19

20 Policy History:

21 Adopted on: 3/10/09

22 Reviewed on: 7/29/19

23 Revised on:

Public Charter Schools

The Board of Trustees may submit an application to the Board of Public Education in response to a request for proposal to establish a public charter school in accordance with Montana law. An application for a public charter school must be consistent with the District's mission and vision specified in its strategic plan for continuous improvement adopted.

Requests for Creation of a School or Program

An individual or entity that is not affiliated with the District may request that the Board create a school or program within the District. Upon receipt of such request, the Board, or a designated committee of the Board, shall determine whether the requested school or program is currently addressed by District operations or meets the District's mission and vision specified in its strategic plan for continuous improvement.

The Board shall respond to a request by an individual or entity unaffiliated with the District to create a school or program by granting or denying such request. The Board may grant such a request and shall establish a timeline for implementing the school or program in a manner consistent with District operations. The Board may deny such request on the grounds that the requested school or program is currently offered by the District. In denying a request on this basis, the Board shall explain how the school or program operates and the process for students to access such school or program. The Board may deny a request on the grounds that the requested school or program is not consistent with the District's mission and vision specified in its strategic plan for continuous improvement and shall specify the inconsistencies in making the denial. The Board may reconsider a denial of a request to create a school or program at a future meeting.

Cross Reference: Policy 1400 Board Meetings

Legal References: *House Bill 549*
 § 20-6-510, MCA Public Charter Schools Act

Policy History:

Adopted on: 7/18/2023

Reviewed on:

Revised on:

THE BOARD OF TRUSTEES

1700

page 1 of 3

Uniform Complaint Procedure

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, those governed by a specified procedure in state or federal law that supersedes this grievance process, 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.

The Superintendent, with school board or with chairperson's approval, has the authority to contract with an independent investigator (approved by the Board) at any time during the complaint procedure process. Within fifteen (15) calendar days of the Superintendent's receipt of the independent investigator's report and recommendation, the Superintendent will respond to the complaint and take such administrative steps as the Superintendent deems appropriate and necessary.

Level 1: Informal

An individual with a complaint should discuss it with the appropriate teacher, counselor, or building administrator, with the objective of resolving the matter promptly and informally. In the event that resolution is not achieved, the individual may file a written complaint within thirty (30) days of completion of the informal resolution process. An exception is that a complaint of sexual harassment should be discussed directly with an administrator not involved in the alleged harassment.

Level 2: Building Administrator

When a complaint has not been or cannot be resolved at Level 1, an individual may file a formal 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)

calendar days of the event or incident or from the date an individual could reasonably become aware of such event or incident or completion of the informal resolution process.

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

If either the complainant or the person against whom the complaint is filed is dissatisfied with the administrator's decision, either may request, in writing, that the Superintendent review the administrator's decision. (See Level 3.) This request must be submitted to the Superintendent within fifteen (15) calendar days of the administrator's decision.

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 building administrator may turn the complaint over to the Title IX Coordinator or a District nondiscrimination coordinator. The coordinator will follow the District's Title IX or Section 504 Grievance Process.

Level 3: Superintendent

If either the complainant or the person against whom the complaint is filed appeals the administrator's decision provided for in Level 2, the Superintendent will review the complaint and the administrator's decision. The Superintendent will respond in writing to the appeal, within thirty (30) calendar days of the Superintendent's receipt of the written appeal. In responding to the appeal, 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) calendar days of the Superintendent's written response to the complaint, for transmission to the Board.

Level 4: The Board

Upon written appeal, the Board will consider the Superintendent's decision in Level 2 or 3. Upon receipt of written request for appeal, the Chair will place the appeal on the agenda of a regular or special Board meeting. The Board will report its decision on the appeal, in writing, to all parties, within thirty (30) calendar days of the Board meeting at which the Board considered the appeal. 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 a county superintendent of schools, the decision of the Board may be appealed to the county superintendent by filing written appeal within thirty (30) calendar days of the Board's decision, pursuant to Montana law.

An individual may obtain a written copy of this policy by requesting one through the Superintendent. This procedure is available on the District's website.

Cross References: Title IX Grievance Procedure
Section 504 Grievance Procedure
Board Policy 2158

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
34 C.F.R. Part 106 Nondiscrimination on the Basis of Sex in Education
§ 20-3-323, MCA District policy and record of acts (*revised by House Bill 504*)

Policy History:

Adopted on: 09/13/2011

Reviewed on: 7/29/2019

Revised on: 7/18/2023

District Complaint Form

Name: _____

Address: _____

Telephone: _____

1. Who or what is your complaint against?

School: _____

2. Has this been discussed with him/her?

Yes

No

Dates: _____

DESCRIPTION OF COMPLAINT: Please include all important information such as location, names, dates, who was present, and to whom it was reported. Please use additional paper if more space is needed.

What remedy or action do you suggest?

Signature: _____

Date: _____

Date Received by the District: _____