

CHARLO SCHOOL DISTRICT

R = required

1000 SERIES THE BOARD OF TRUSTEES

TABLE OF CONTENTS

R 1000	Legal Status and Operation
R 1100	Organization
R 1105	Membership
1110	Taking Office
1111	Election
1112	Resignation
1113 - 1113P	Vacancies
1120	Annual Organization Meeting
1130	Committees/Meetings
1210	Qualifications, Terms, and Duties of Board Officers
1230	Clerk
R 1240	Duties of Individual Trustees
R 1310	District Policy
1332	Authorization of Signatures
R 1400	Board Meetings
1401	Records Available to Public
1402	School Board Use of Electronic Mail
R 1420	School Board Meeting Procedure
1420F	Notice Regarding Public Comment
1425	Abstentions From Voting
R 1441	Audience Participation
1511	Code of Ethics for School Board Members
1512	Conflict of Interest
R 1513	Management Rights
R 1521	Board-Superintendent Relationship
1531	Trustee Expenses
1532	Trustee Insurance
R 1610	Annual Goals and Objectives
1621	In-Service Conference for Trustees
R 1700	Uniform Complaint Procedure

1 **Charlo Public School District** **R**

2

3 **THE BOARD OF TRUSTEES** 1000

4

5 Legal Status and Operation

6

7 The Board of Trustees of Charlo Public School District # 7J is the governmental entity

8 established by the State of Montana to plan and direct all aspects of the District ' s operations, to

9 the end that students shall have ample opportunity to achieve their individual and collective

10 learning potentials.

11

12 Policies of the Board define its organization and the manner of conducting its official business.

13 The operating policies of the Board are those that it adopts from time to time to facilitate the

14 performance of its responsibilities.

15

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

19 § 20-3-324, MCA Powers and duties

20

21 Policy History:

22 Adopted on:

23 Revised on:

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5 Organization

6

7 The legal name of this District is Charlo Public School District No. 7J, Lake County, State of
8 Montana. The District is classified as a class two (2) district and is operated according to the
9 laws and regulations pertaining to a class two (2) district.

10

11 To achieve its primary goal of providing each child with the necessary skills and attitudes
12 necessary to become an effective citizen, the Board shall exercise the full authority granted to it
13 by the laws of the state. Its legal powers, duties, and responsibilities are derived from the
14 Montana Constitution and state statutes and regulations. *School Laws of Montana* and the
15 administrative rules of the Board of Public Education and the Office of Superintendent of Public
16 Instruction delineate the legal powers, duties, and responsibilities of the Board.

17

18

19

20	Legal References:	§ 20-3-324, MCA	Powers and duties
21		§ 20-6-101, MCA	Definition of elementary and high school districts
22		§ 20-6-201, MCA	Elementary district classification
23		§ 20-6-301, MCA	High school district classification

24

25 Policy History:

26 Adopted on:

27 Revised on:

2
3 **THE BOARD OF TRUSTEES**

4
5 Membership

6
7 The District is governed by a Board of Trustees consisting of seven (7) members. The powers
8 and duties of the Board include the broad authority to adopt and enforce all policies necessary for
9 the management and government of the public schools. Except as otherwise provided by law,
10 trustees shall hold office for terms of three (3) years, or until their successors are elected and
11 qualified. Terms of trustees shall be staggered as provided by law.

12
13 All trustees shall participate on an equal basis with other members in all business transactions
14 pertaining to the high school maintained by the District. Only those trustees elected from the
15 high school district may participate in business transactions pertaining to the elementary schools
16 maintained by the District. Official action by Board members must occur at a duly called and
17 legally conducted meeting. "Meeting" is defined as the convening of a quorum of the constituent
18 membership of the Board, whether in person or by means of electronic equipment, to hear,
19 discuss, or act upon a matter over which the Board has supervision, control, jurisdiction, or
20 advisory power.

21
22 **Board members, as individuals, have no authority over school affairs, except as provided**
23 **by law or as authorized by the Board.**

24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	
		Legal References:	§ 20-3-301, MCA	Election and term of office															
			§ 20-3-302, MCA	Legislative intent to elect less than majority of trustees															
			§ 20-3-305, MCA	Candidate qualification and nomination															
			§ 20-3-306, MCA	Conduct of election															
			§ 20-3-307, MCA	Qualification and oath															
			§ 20-3-341, MCA	Number of trustee positions in elementary districts															
				B transition															
			§ 20-3-344, MCA	Nominating of candidates by petition in first-class elementary district															
			§ 20-3-351, MCA	Number of trustee positions in high school districts															
			§ 20-3-352, MCA	Request and determination of number of high school district additional trustee positions															
				B nonvoting trustee															
			§ 20-3-361, MCA	Joint board of trustees organization and voting membership															

43 Policy History:

44 Adopted on:

45 Revised on:

1 **Charlo Public School District**

2

3 **THE BOARD OF TRUSTEES**

1110

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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. A newly appointed trustee shall take office
10 after the trustee has taken and subscribed to an oath to faithfully and impartially discharge the
11 duties of the office to the best of his/her ability. Such oath will be filed with the county
12 superintendent within fifteen (15) days after the receipt of the certificate of election or the
13 appointment.

14

15

16

17 Legal References: § 20-1-202, MCA Oath of office
18 § 20-3-307, MCA Qualification and oath

19

20 Policy History:

21 Adopted on:

22 Revised on: 11/20/07, 1/15/2008

1 **Charlo Public School District**

2
3 **THE BOARD OF TRUSTEES**

4
5 Election

6
7 Elections conducted by the District are nonpartisan and are governed by general election laws of
8 the state of Montana. The ballot at such elections may include candidates for trustee positions,
9 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. Any five (5) qualified electors may nominate as many trustee candidates as there are
14 trustee positions subject to election at the ensuing election. The name of each person nominated
15 for candidacy shall be submitted to the District Clerk not less than forty (40) days before the
16 regular school election day. If different terms are to be filled, the term for which each candidate
17 is nominated also shall be indicated. Any person seeking to become a write-in candidate must
18 file a declaration of intent on the 26th day before the election. If there are no contested seats, and
19 there is no other reason for the election, the trustees may declare an election by acclamation and
20 give notice no later than twenty-five (25) days before the election that an election will not take
21 place. If no election takes place, the trustees shall declare the candidates elected by acclamation
22 and issue a "certificate of election" to each candidate.

23
24 Except in the event of an unforeseen emergency occurring on the date scheduled for the election,
25 a proposition requesting additional funding pursuant to § 20-9-353, MCA, may be submitted to
26 electors only once each calendar year, on the regular school election day.

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28		
29		
30	Legal Reference:	
31	§ 13-10-211, MCA	Declaration of intent for write-in candidates
32	§ 20-3-304, MCA	Annual election
33	§ 20-3-305, MCA	Candidate qualification and nomination
34	§ 20-3-313, MCA	Election by acclamation B notice
35	§ 20-3-322, MCA	Meetings and quorum
36	§ 20-3-324(4), MCA	Powers and duties
37	§ 20-3-344, MCA	Nomination of candidates by petition in first-class elementary district
38	§ 20-20-105, MCA	Regular school election day and special school elections
39		
40	§ 20-20-301, MCA	Qualifications of elector
41		

42 Policy History:

43 Adopted on:

44 Revised on:

1 **Charlo Public School District**

2

3 **THE BOARD OF TRUSTEES**

1112

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5 Resignation

6

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

10

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

13

14 Trustees retiring from the Board may be recognized for their service to the District by
15 presentation of a service plaque or other appropriate activities.

16

17

18

19

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

20

21

22 Policy History:

23 Adopted on:

24 Revised on:

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1 **Charlo Public School District**

2
3 **THE BOARD OF TRUSTEES**

1113

4
5 Vacancies

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

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

21
22 A trustee position also shall be vacant when an elected candidate fails to qualify.
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 suitable public notice. The Board will appoint one (1) candidate
27 to fill the position.
28

29 Should the Board fail to fill a vacancy within sixty (60) days from the creation of a vacancy, the
30 county superintendent shall appoint, in writing, a competent person to fill such vacancy. An
31 appointee shall qualify by completing and filing an oath of office with the county superintendent
32 within fifteen (15) days after receiving notice of the appointment and shall serve until the next
33 regularly scheduled school election and a successor has qualified.
34

35
36
37 Cross Reference: 1240 Duties of Individual Trustees

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

43 Policy History:

44 Adopted on:

45 Revised on:

1 **Charlo Public School District**

2
3 **THE BOARD OF TRUSTEES**

1113P

4
5 Vacancies

6
7 When a vacancy occurs on the Board, it is in the best interest of the District to encourage as
8 many able citizens as possible to consider becoming a trustee. To that end, the following
9 procedures shall be used to identify and appoint citizens to fill Board vacancies:

- 10
11 1. Announcement of the vacancy and the procedure for filling it shall be made in the general
12 news media as well as District publications to patrons.
13
14 2. All citizens shall be invited to nominate candidates for the position, provided that the
15 nominees shall be residents of the District. A letter of application will be required of
16 interested candidates.
17
18 3. The Board shall individually interview the finalists in a regular or special meeting and
19 appoint the candidate who, in the judgment of the Board, is most likely to contribute to
20 the growth and development of the District's education programs and operations. All
21 trustees shall vote on the candidate of their choice.
22
23 5. The Board Clerk shall prepare, for the signatures of all trustees, a letter thanking all
24 candidates for the position and commending them for their interest in the District.
25
26
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28 Procedure History:

29 Promulgated on:

30 Revised on:

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1 **Charlo Public School District**

2
3 **THE BOARD OF TRUSTEES**

1120

4
5 Annual Organization Meeting

6
7 After issuance of election certificates to newly elected trustees in May, and on or before the third
8 (3rd) Saturday in May, the Board shall elect from among its members a Chairperson and a Vice-
9 Chairperson to serve one (1) year terms. If a Board member is unable to continue to serve as an
10 officer, a replacement shall be elected immediately. In the absence of both the Chairperson and
11 the Vice-Chairperson, the Board shall elect a Chairperson *pro tempore*, who shall perform the
12 functions of the Chairperson during the latter's absence. The Clerk shall act as Board secretary.

13
14 The normal order of business shall be modified for the annual organizational meeting by
15 considering the following matters after the approval of the minutes of the previous meeting:

- 16
17 1. Welcome and introduction of newly elected Board members by the current Chairperson
18
19 2. Swearing in of newly elected trustees
20
21 3. Call for nominations for Chairperson to serve during the ensuing year
22
23 4. Election of a Chairperson
24
25 5. Assumption of office by the new Chairperson
26
27 6. Call for nominations for Vice Chairperson to serve during the ensuing year
28
29 7. Election of a Vice Chairperson
30
31 8. Appointment of a Clerk

32
33 Policies and bylaws remain in effect until and unless changed by the Board.
34
35
36

37 Legal References: § 20-3-321, MCA Organization and officers
38 § 20-3-322(a), MCA Meetings and quorum
39

40 Policy History:

41 Adopted on:

42 Revised on:
43

1 **Charlo Public School District**

2
3 **THE BOARD OF TRUSTEES**

1130

4
5 Committees/Meetings

6
7 Generally, trustees will function as a whole and will not form committees of the Board.
8 Nevertheless the Board may create Board committees as deemed necessary or useful. All
9 committees created by the Board to serve a clear public and governmental purpose shall comply
10 with the open meeting laws and all other laws applicable to school board meetings.
11

12 Standing committees of the Board may be created and their purposes defined by a majority of the
13 Board. The Board Chairperson shall appoint trustees to serve on such committees. Trustees
14 serving on committees shall be limited to fewer than one-half (2) of the Board.
15

16 In determining whether any meeting within the school system should be held in compliance with
17 the Open Meeting Act, the following factors, although not exhaustive or dispositive in nature,
18 should be considered:
19

- 20 • Frequency of the meetings being held;
21 • Whether the committee is deliberating or simply gathering facts;
22 • Whether the deliberations concern matter of policy rather than merely ministerial or
23 administrative functions;
24 • Whether the committee members have executive authority and experience; and
25 • Results of the meeting.
26
27
28

29 Legal Reference: § 2-3-203, MCA Meetings of public agencies and certain associations
30 of public agencies to be open to public B exceptions
31 *Bryan v. Yellowstone* (2002), 2002 MT 264
32 *Crofts v. Associated Press* (2004), 2004 MT 120
33

34 Policy History:

35 Adopted on:

36 Revised on:
37

1 **Charlo Public School District**

2
3 **THE BOARD OF TRUSTEES**

1210

4
5 Qualifications, Terms, and Duties of Board Officers

6
7 The Board officers are the Chairperson and Vice Chairperson. These officers are elected at the
8 annual organizational meeting.

9
10 Chairperson

11
12 The Board elects a Chairperson from its members for a one-(1)-year term. The duties of the
13 Chairperson include the following:

- 14
15 • Preside at all meetings and conduct meetings in the manner prescribed by the
- 16 Board’s policies;
- 17 • Make all Board committee appointments, subject to Board approval;
- 18 Sign all papers and documents as required by law and as authorized by action of
- 19 the Board;
- 20 • Close Board meetings as authorized by Montana law; and

21
22 The Chairperson is permitted to participate in all Board meetings in a manner equal to all other
23 Board members, including the right to participate in debate and to vote. The Chairperson may
24 not make a motion, but may second motions.

25
26 The Chairperson must be able to perform the functions of a trustee in all matters over which he/
27 she presides.

28
29 *NOTE: For those Districts with joint high school/elementary Boards, the Board can either:*
30 *(1) limit chairpersonship to those trustees qualified to vote on all matters before the Board, both*
31 *elementary and high school; or (2) select a separate Chairperson to preside over issues*
32 *involving only the elementary District.*

33
34 Vice Chairperson

35
36 The Vice Chairperson shall preside at all Board meetings in the absence of the Chairperson and
37 shall perform all the duties of the Chairperson during the Chairperson’s absence or
38 unavailability. The Vice Chairperson shall work closely with the Chairperson and shall assume
39 whatever duties the Chairperson may delegate.

40
41 Legal References: § 2-3-203, MCA Meetings of public agencies and certain associations
42 of public agencies to be open to public – exceptions
43 § 20-3-321(2), MCA Organization and officers

44
45 Policy History:

46 Adopted on:

47 Revised on:

1 **Charlo Public School District**

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 Chairperson,
8 and shall keep an accurate journal of its proceedings. The Clerk shall have custody of the
9 records, books, and documents of the Board. In the absence or inability of the Clerk to attend a
10 Board meeting, the Chairperson will designate a person to serve as Clerk for the meeting.

11
12 The Clerk will keep accurate and detailed accounts of all receipts and disbursements made by the
13 District. The Clerk shall draw and countersign all warrants for expenditures that have been
14 approved by the Board.

15
16 The Clerk will make the preparations legally required for the notice and conduct of all District
17 elections.

18
19 The Clerk shall prepare and submit to the Board a financial report of receipts and disbursements
20 of all school funds on an annual basis unless the Board requests such reports on a more frequent
21 basis. The Clerk shall perform other duties as prescribed by state law or as directed by the Board
22 and the Superintendent.

23		
24		
25		
26	Legal references:	§ 20-3-321, MCA Organization and officers
27		§ 20-3-325, MCA Clerk of the district
28		§ 20-4-201, MCA Employment of teachers and specialists by contract
29		§ 20-9-133, MCA Adoption and expenditure limitations of final
30		budget
31		§ 20-9-165, MCA Budget amendment limitation, preparation, and
32		adoption procedures
33		§ 20-9-221, MCA Procedure for issuance of warrants
34		§ 20-20-401, MCA Trustees' election duties - ballot certification
35		

36 Policy History:

37 Adopted on:

38 Revised on:

4
5 Duties of Individual Trustees

6
7 The authority of individual trustees is limited to participating in actions taken by the Board as a
8 whole when legally in session. Trustees shall not assume responsibilities of administrators or
9 other staff members. The Board or staff shall not be bound by an action taken or statement made
10 by an individual trustee, except when such statement or action is pursuant to specific instructions
11 and official action taken by the Board.
12

13 Each trustee shall review the agenda and attendant materials in advance of a meeting and shall be
14 prepared to participate in discussion and decision making for each agenda item. Each trustee
15 shall visit every school at least once per year to examine its management, conditions, and needs.
16

17 All trustees are obligated to attend Board meetings regularly. Whenever possible, a trustee shall
18 give advance notice to the Chairperson or Superintendent, of the trustee’s inability to attend a
19 Board meeting. A majority of the Board may excuse a trustee’s absence from a meeting if
20 requested to do so. The Board shall declare a position vacant after three (3) consecutive
21 unexcused absences from regular Board meetings, or when a trustee has been absent from the
22 District for sixty (60) consecutive days.
23
24
25

26 Cross Reference: 1113 Vacancies

28	Legal References:	§ 20-3-301, MCA	Election and term of office
29		§ 20-3-308, MCA	Vacancy of trustee position
30		§ 20-3-324(21), MCA	Powers and duties
31		§ 20-3-332, MCA	Personal immunity and liability of trustees

32
33 Policy History:

34 Adopted on:

35 Revised on:

36

4
5 District Policy

6
7 Adoption and Amendment of Policies

8
9 Proposed new policies and proposed changes to existing policies shall be presented in writing for
10 reading and discussion at a regular or special Board meeting. Interested parties may submit
11 views, present data or arguments, orally or in writing, in support of or in opposition to proposed
12 policy. Any written statement by a person, relative to a proposed policy or amendment, should
13 be directed to the District Clerk prior to the second (2nd) reading. The final vote for adoption
14 shall take place not earlier than at the second (2nd) reading of the particular policy.
15

16 All new or amended policies shall become effective on adoption, unless a specific effective date
17 is stated in the motion for adoption.
18

19 Policies, as adopted or amended, shall be made a part of the minutes of the meeting at which
20 action was taken and also shall be included in the District’s policy manual. Policies of the
21 District shall be reviewed annually by the Board.
22

23 Policy Manuals

24
25 The Superintendent shall develop and maintain a current policy manual which includes all
26 policies of the District. Every administrator, as well as staff, students, and other residents, shall
27 have ready access to District policies. All policy manuals distributed to anyone shall remain the
28 property of the District and shall be subject to recall at any time.
29

30 Suspension of Policies

31
32 Under circumstances that require waiver of a policy, the policy may be suspended by a majority
33 vote of the trustees present. To suspend a policy, however, all trustees must have received
34 written notice of the meeting, which includes the proposal to suspend a policy and an explanation
35 of the purpose of such proposed suspension.
36
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38

39 Legal References: § 20-3-323, MCA District policy and record of acts
40 10.55.701, ARM Board of Trustees

41
42 Policy History:

43 Adopted on:

44 Revised on:

1 **Charlo Public School District**

2
3 **THE BOARD OF TRUSTEES**

1332

4
5 Authorization of Signatures

6
7 For the conduct of the business of the District, the Board may grant authority to specific staff to
8 sign certain documents on behalf of the District. The Chairperson and Clerk are authorized to
9 use a facsimile signature plate or stamp.

10
11 Warrants: The Chairperson and Clerk are authorized to sign all District warrants by facsimile
12 signature on behalf of the Board.

13
14 Claim Forms: Staff employed by the District in the following designated positions are
15 authorized to certify voucher or invoice claims against or for the District:

- 16 • Superintendent
- 17 • Principal
- 18 • Clerk

19 Checks: The school principal is designated as the custodian of each school building
20 extracurricular fund account. The Superintendent is designated as the custodian of all District
21 petty cash accounts. Staff employed by the District in the following designated positions are
22 authorized to sign, on behalf of the Board, checks drawn on any specific petty cash account:

- 23 • Superintendent
- 24 • Clerk

25
26 Contracts for Goods and Services and Leases: The Superintendent is authorized to sign, on
27 behalf of the Board, contracts, leases, and/or contracts for goods and services for amounts under
28 Five Thousand Dollars (\$5,000) without prior approval of the Board.

29 Personnel Contracts: The Board Chairperson and Clerk are authorized to sign personnel
30 contracts and agreements of employment on behalf of the Board, by facsimile signature.

31
32 Negotiated Agreements: Negotiated agreements shall be signed for the District by the Board
33 Chairperson and the Clerk.

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37 Policy History:

38 Adopted on:

39 Revised on:

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2
3 **THE BOARD OF TRUSTEES**

4
5 Board Meetings

6
7 Regular Meetings

8
9 Unless otherwise specified, all meetings will take place in the Board Room. Regular meetings
10 shall take place at 7:30 p.m. on the third (3rd) Tuesday of each month, or at other times and
11 places determined by a majority vote. Except for an unforeseen emergency, meetings must be
12 held in a school building or in a publicly owned building located within the District. If regular
13 meetings are scheduled at places other than as stated above or are adjourned to times other than
14 the regular meeting time, notice of the meeting shall be made in the same manner as provided for
15 special meetings. When a meeting date falls on a legal holiday, the meeting shall take place the
16 next business day.

17
18 Emergency Meetings

19
20 In the event of an emergency involving possible personal injury or property damage, the Board
21 may meet immediately and take official action without prior notification.

22
23 Budget Meetings

24
25 Between July 1 and August 4 of each year, the Clerk shall publish a notice stating the date, time,
26 and place trustees will meet for the purpose of considering and adopting a final budget for the
27 District, stating that the meeting of the trustees may be continued from day to day until final
28 adoption of a District budget and that any taxpayer in the District may appear at the meeting and
29 be heard for or against any part of the budget. This notice shall be published in the *local*
30 *newspaper*.

31
32 On the date and at the time and place stated in the published notice (on or before August 15),
33 trustees shall meet to consider all budget information and any attachments required by law. The
34 meeting may continue from day to day; however, the Board must adopt a final budget not later
35 than the fourth (4th) Monday in August.

36
37 Special Meetings

38
39 Special meetings may be called by the Chairperson or by any two (2) trustees. A written notice of
40 a special meeting, stating the purpose of the meeting, shall be delivered to every trustee not less
41 than forty-eight (48) hours before the time of the meeting. Such written notice shall be posted
42 conspicuously within the District in a manner that will receive public attention. Written notice
43 also shall be sent not less than twenty-four (24) hours prior to the meeting, to each newspaper
44 and radio or television station that has filed a written request for such notices. **Business**
45 **transacted at a special meeting will be limited to that stated in the notice of the meeting.**

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Closed Sessions

Under Montana law, the Board may meet in closed sessions to consider matters of individual privacy. Before closing a meeting, the presiding officer must determine that the demands of individual privacy exceed the merits of public disclosure and so state publicly before going into closed session. The Board also may go into closed session to discuss a strategy to be followed with respect to litigation, when an open meeting would have a detrimental effect on the litigating position of the District. This exception does not apply if the litigation involves only public bodies or associations as parties. Before closing a meeting for litigation purposes, the District may wish to consult legal counsel on the appropriateness of this action. No formal action shall take place during any closed session.

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

Policy History:
Adopted on:
Revised on:

1 **Charlo Public School District**

2

3 **THE BOARD OF TRUSTEES**

1401

4

5 Records Available to Public

6

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

9

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

13

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

17

18 Fees will be charged as follows:

19

20 a) Copy of Board minutes – 15¢ per page

21

22 b) Copy of other materials – 25¢ per page

23

24 c) Time spent researching a copy project will be charged at the employee's hourly
25 rate of pay.

26

27

28

29 Legal References: § 20-3-323, MCA District policy and record of acts

30 § 20-9-213, MCA Duties of trustees

31

32 Policy History:

33 Adopted on:

34 Revised on:

1 **Charlo Public School District**

2
3 **THE BOARD OF TRUSTEES**

1402

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 insure 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:

39 Revised on:

40

2
3 **THE BOARD OF TRUSTEES**

4
5 School Board Meeting Procedure

6
7 Agenda

8
9 The agenda for any Board meeting shall be prepared by the Superintendent and Board
10 Chairperson. Items submitted by Board members to the Superintendent shall be placed on the
11 agenda. Citizens may also suggest inclusions on the agenda. Such suggestions must be received
12 by the Superintendent at least five (5) business days before the Board meeting, unless of
13 immediate importance. Individuals who wish to be placed on the Board agenda must also notify
14 the Superintendent, in writing, of the request. The request must include the reason for the
15 appearance. If the reason for the appearance is a complaint against any District employee, the
16 individual filing the complaint must demonstrate the Uniform Complaint Procedure has been
17 followed. Citizens wishing to make brief comments about school programs or procedures or
18 items on the agenda need not request placement on the agenda, and may ask for recognition by
19 the Chairperson at the appropriate time.
20

21 The agenda also must include a "public comment" portion to allow members of the general
22 public to comment on any public matter under the jurisdiction of the District which is not
23 specifically listed on the agenda, except that no member of the public will be allowed to
24 comment on contested cases, other adjudicative proceedings, or personnel matters. The Board
25 Chairperson may place reasonable time limits on any "public comment" period to maintain and
26 ensure effective and efficient operations of the Board. The Board shall not take any action on
27 any matter discussed, unless the matter is specifically noticed on the agenda, and the public has
28 been allowed opportunity to comment.
29

30 With consent of a majority of members present, the order of business at any meeting may be
31 changed. Copies of the agenda for the current Board meeting, minutes of the previous Board
32 meeting, and relevant supplementary information will be prepared and distributed to each trustee
33 at least forty-eight (48) hours in advance of a Board meeting and will be available to any
34 interested citizen at the Superintendent ' s office forty-eight (48) hours before a Board meeting.
35 An agenda for other types of Board meetings will be prepared, if circumstances require an
36 agenda.
37

38
39 Minutes

40
41 The Clerk shall keep written minutes of all open Board meetings, which shall be signed by the
42 Chairperson and the Clerk. The minutes shall include:
43
44
45

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

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

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

Quorum

No business shall be transacted at any meeting of the Board unless a quorum of its members is present. A majority of the full membership of the Board shall constitute a quorum, whether the individuals are present physically or via a speaker telephone. 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 show of hands.

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Cross Reference: 1441 Audience Participation

Legal References: § 2-3-103, MCA Public participation - governor to ensure guidelines adopted
§ 2-3-212, MCA Minutes of meetings B 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:

Revised on:

1 **Charlo Public School District**

2
3 **THE BOARD OF TRUSTEES**

1420F

4
5 Notice Regarding Public Comment

6
7 ***MTSBA recommends that you attach the following notice to your agendas for your regular***
8 ***Board meetings and/or have the Board Chairperson read it aloud at the beginning of the***
9 ***Board meeting, until the public becomes educated about the process:***

10
11 Montana law requires school districts and other public agencies to include on the agenda for
12 public meetings an item allowing public comment on any ***public matter not otherwise***
13 ***specifically listed on the agenda*** that is within the jurisdiction of the agency. As has also been
14 the practice of the District, and in accordance with Montana law, if any member desires to speak
15 to an item that is ***specifically listed/identified on the agenda***, you will be allowed to do so when
16 the item comes up for discussion and action. The public comment portion of the agenda is not
17 the time designated to hear items that are specifically listed/identified on the agenda.

18
19 The Board Chairperson will call individuals to speak. The Board would like to remind everyone
20 in attendance that to avoid violations of individual rights of privacy, a member of the public
21 wishing to address the Board during this time will not be allowed to make comments about any
22 student, staff member, or member of the general public during his/her designated time to speak.
23 In addition the Board will not hear comments on contested cases or other adjudicative
24 proceedings.

25
26 Depending on the number of persons who wish to address the Board, the Board Chairperson may
27 place reasonable time limits on comments, in order to maintain and ensure effective and efficient
28 operations of the Board.

29
30 By law the District cannot take any action on any matter discussed during the "public comment"
31 portion of the meeting, until such time as the matter is specifically noticed on the agenda, and the
32 public has been allowed the opportunity to comment.

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1 **Charlo Public School District**

2
3 **THE BOARD OF TRUSTEES**

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
- 15 2. When casting a vote would directly and substantially affect, to its economic benefit, a
16 business or other undertaking in which the trustee either has a substantial financial
17 interest or in which the trustee is engaged as counsel, consultant, representative, or agent;
- 18
- 19 3. When casting a vote would directly and substantially affect a business or other
20 undertaking to its economic detriment, where a trustee has a substantial personal interest
21 in a competing firm or undertaking;
- 22
- 23 4. When casting a vote would cause a trustee to have a pecuniary interest, either directly or
24 indirectly, in a contract made by the trustee (while acting in the trustee’s official capacity)
25 or by the Board; and
- 26
- 27 5. When casting a vote would put the trustee in the position of an agent or solicitor in the
28 sale or supply of goods or services to the District.
- 29

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

35	Legal References:	§ 2-2-302, MCA	Appointment of relative to office of trust or
36			emolument unlawful - exceptions - publication of
37			notice
38			
39		§ 20-3-323, MCA	District policy and record of acts
40		§ 2-2-121, MCA	Rules of conduct for public officers and public
41			employees
42		§ 2-2-105, MCA	Ethical requirements for public officers and public
43			employees
44		§ 20-9-204, MCA	Conflicts of interests, letting contracts, and calling
45			for bids
46		§ 20-1-201, MCA	School officers not to act as agents

47 Policy History:

48 Adopted on:

49 Revised on:

4
5 Audience Participation

6
7 The Board recognizes the value of public comment on educational issues and the importance of
8 involving members of the public in its meetings. The Board also recognizes the statutory and
9 constitutional rights of the public to participate in governmental operations. To allow fair and
10 orderly expression of public comments, the Board will permit public participation through oral or
11 written comments during the “public comment” section of the Board agenda and prior to a final
12 decision on a matter of significant interest to the public. The Chairperson may control such
13 comment to ensure an orderly progression of the meeting.

14
15 Individuals wishing to be heard by the Chairperson shall first be recognized by the Chairperson.
16 Individuals, after identifying themselves, will proceed to make comments as briefly as the subject
17 permits. The Chairperson may interrupt or terminate an individual’s statement when appropriate,
18 including when statements are out of order, too lengthy, personally directed, abusive, obscene, or
19 irrelevant. The Board as a whole shall have the final decision in determining the appropriateness
20 of all such rulings. **It is important for all participants to remember that Board meetings are**
21 **held in public, but are not public meetings. Members of the public shall be recognized and**
22 **allowed input during the meeting, at the discretion of the Chairperson.**

23
24
25
26 Cross Reference: 1420 School Board Meeting Procedure

27
28 Legal Reference: Article II, Section 8, Montana Constitution B Right of participation
29 Article II, Section 10, Montana Constitution B Right of Privacy
30 §§ 2-3-101, et seq., MCA Right of participation

31
32 Policy History:

33 Adopted on:

34 Revised on:

1 **Charlo Public School District**

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 surrender
17 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:

48 Revised on:

1 **Charlo School District**

2
3 **THE BOARD OF TRUSTEES**

1512
page 1 of 3

4
5 Conflict of Interest

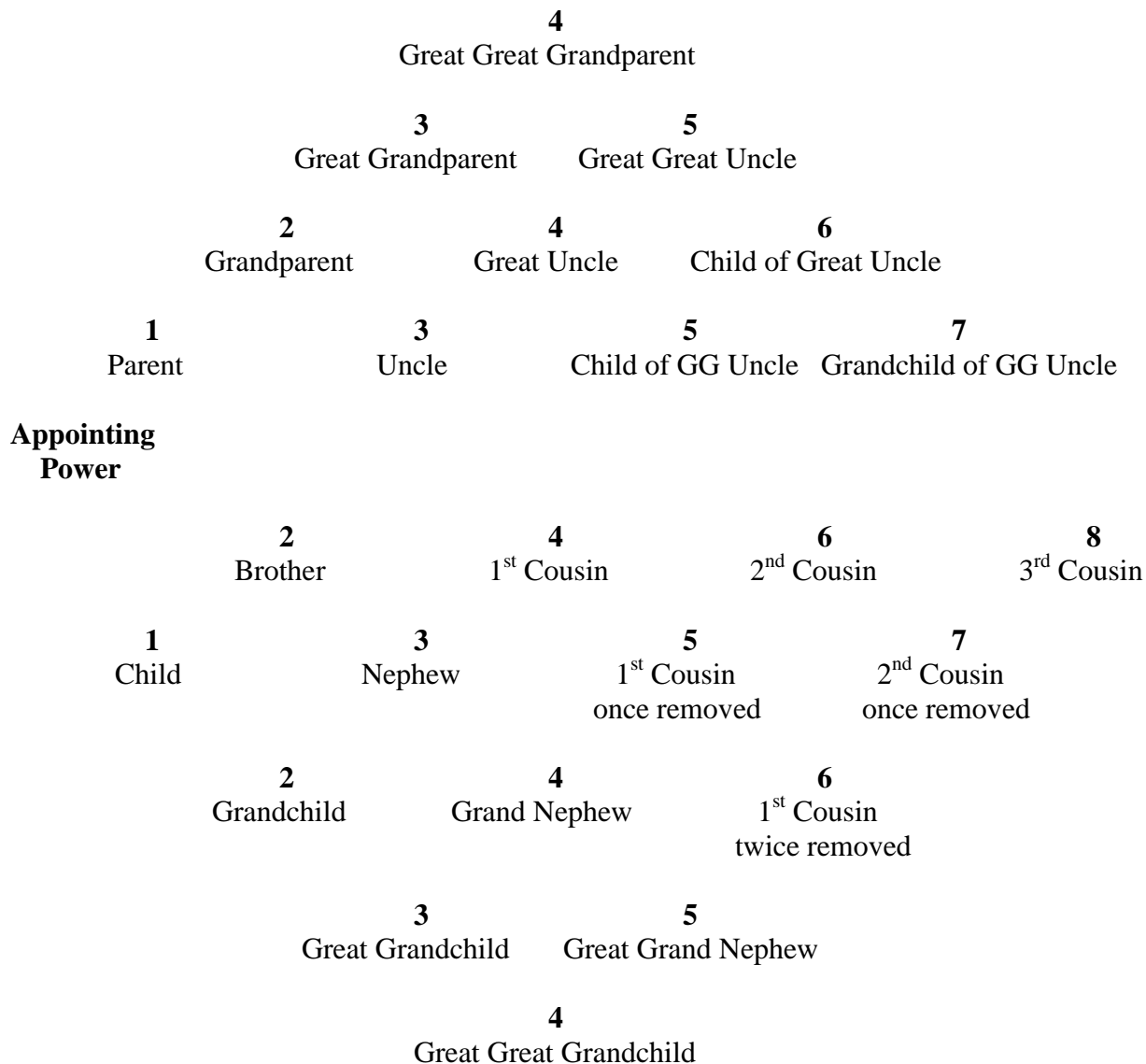
6
7 A trustee may not:

- 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. Act as an agent or solicitor in the sale or supply of goods or services to a district.
17
 - 18 4. Have a pecuniary interest, directly or indirectly, in any contract made by the Board, when
19 the trustee has more than a ten percent (10%) interest in the corporation. A contract does
20 not include: 1) merchandise sold to the highest bidder at public auctions; 2) investments
21 or deposits in financial institutions that are in the business of loaning or receiving money,
22 when such investments or deposits are made on a rotating or ratable basis among
23 financial institutions in the community or when there is only one (1) financial institution
24 in the community; or 3) contracts for professional services other than salaried services or
25 for maintenance or repair services or supplies when the services or supplies are not
26 reasonably available from other sources, if the interest of any Board member and a
27 determination of such lack of availability are entered in the minutes of the Board meeting
28 at which the contract is considered.
29
 - 30 5. Be employed in any capacity by the District.
31
 - 32 6. Appoint to a position of trust or emolument any person related or connected by
33 consanguinity within the fourth (4th) degree or by affinity within the second (2nd) degree.
34
 - 35 a. This prohibition does not apply to the issuance of an employment contract to a
36 person as a substitute teacher who is not employed as a substitute teacher for more
37 than thirty (30) consecutive school days.
 - 38 b. This prohibition does not apply to the renewal of an employment contract of a
39 person related to a Board member, who was initially hired before the Board
40 member assumed the trustee position.
 - 41 c. This prohibition does not apply if trustees comply with the following
42 requirements: 1) All trustees, except the trustee related to the person to be
43 employed or appointed, vote to employ the related person; 2) the trustee related to
44 the person to be employed abstains from voting; and 3) the trustees give fifteen
45 (15) days written notice of the time and place of their intended action in a
46 newspaper of general circulation in the county where the school is located.

Degrees of Affinity

Affinity is the legal relationship arising as the result of marriage. Relationship by affinity terminates upon the death of one of the spouses or other dissolution of marriage, except when the marriage has resulted in issue still living.

Degrees of Consanguinity



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Degrees of Affinity

3
Great Grandfather-in-law

2
Grandfather-in-law

1
Father-in-law

3
Uncle-in-law

**Spouse of
Appointing
Power**

2
Brother-in-law

1
Step Child

3
Nephew-in-law

2
Step Grandchild

3
Step Great Grandchild

Policy History:
Adopted on:
Revised on:

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 Policy History:

39 Adopted on:

40 Revised on:

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5 Board-Superintendent Relationship

6

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

10

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

16

17

18

19 Cross Reference: 6110 Superintendent

20

21 Legal Reference: § 20-4-401, MCA Appointment and dismissal of district
22 superintendent or county high school principal
23 § 20-4-402, MCA Duties of district superintendent or county high
24 school principal

25

26 Policy History:

27 Adopted on:

28 Revised on:

1 **Charlo Public School District**

2
3 **THE BOARD OF TRUSTEES**

1531

4
5 Trustee Expenses

6
7 Expenses for Board Members - In-District

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

15
16 Expenses for Board Members at Out-of-District Meetings

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

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

31
32
33
34 Cross Reference: 7336 Travel Allowances and Expenses

35
36 Policy History:

37 Adopted on:

38 Revised on:

1 **Charlo Public School District**

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3 **THE BOARD OF TRUSTEES**

1532

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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 authority.

10

11

12

13 Legal References: § 20-3-331, MCA Purchase of insurance B self-insurance plan
14 § 20-3-332, MCA Personal immunity and liability of trustees

15

16 Policy History:

17 Adopted on:

18 Revised on:

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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 At the conclusion of the year, the Superintendent shall submit a report to the Board which
13 reflects the degree to which annual objectives have been accomplished.

14

15

16

17 Legal Reference: 10.55.701, ARM Board of Trustees

18

19 Policy History:

20 Adopted on:

21 Revised on:

1 **Charlo Public School District**

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3 **THE BOARD OF TRUSTEES**

1621

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5 In-Service Conference for Trustees

6

7 In keeping with the need for continued boardmanship development, the Board encourages the
8 participation of its members at appropriate Board conferences, workshops, conventions, and
9 District-sponsored in-service training sessions. Funds for participation at such meetings will be
10 budgeted on an annual basis.

11

12

13

14 Policy History:

15 Adopted on:

16 Revised on:

5 Uniform Complaint Procedure

6
7 The Board establishes this Uniform Complaint Procedure as a means to address complaints
8 arising within the District. This Uniform Complaint Procedure is intended to be used for all
9 complaints except those involving challenges to educational material and those governed by a
10 collective bargaining agreement.

11
12 The District requests all individuals to use this complaint procedure, when the individual
13 believes the Board or its employees or agents have violated the individual's rights under: (1)
14 Montana constitutional, statutory, or administrative law; (2) United States constitutional,
15 statutory, or regulatory law; or (3) Board policy.

16
17 The District will endeavor to respond to and resolve complaints without resorting to this formal
18 complaint procedure and, when a complaint is filed, to address the complaint promptly and
19 equitably. The right of a person to prompt and equitable resolution of a complaint filed
20 hereunder will not be impaired by a person's pursuit of other remedies. Use of this complaint
21 procedure is not a prerequisite to pursuit of other remedies, and use of this complaint procedure
22 does not extend any filing deadline related to pursuit of other remedies.

23
24 Level 1: Informal

25
26 An individual with a complaint is first encouraged to discuss it with the appropriate teacher,
27 counselor, or building administrator, with the objective of resolving the matter promptly and
28 informally. An exception is that a complaint of sexual harassment should be discussed directly
29 with an administrator not involved in the alleged harassment.

30
31 Level 2: Building Administrator

32
33 When a complaint has not been or cannot be resolved at Level 1, an individual may file a signed
34 and dated written complaint stating: (1) the nature of the complaint; (2) a description of the
35 event or incident giving rise to the complaint, including any school personnel involved; and (3)
36 the remedy or resolution requested. This written complaint must be filed within thirty (30) days
37 of the event or incident or from the date an individual could reasonably become aware of such
38 event or incident.

39
40 When a complaint alleges violation of Board policy or procedure, the building administrator will
41 investigate and attempt to resolve the complaint. The administrator will respond in writing to the
42 complaint, within thirty (30) days of the administrator's receipt of the complaint.

43
44 If either the complainant or the person against whom the complaint is filed is dissatisfied with the
45 administrator's decision, either may request, in writing, that the Superintendent review the

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administrator's decision. (See Level 3.) This request must be submitted to the Superintendent within fifteen (15) 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, within thirty (30) days of the nondiscrimination coordinator's receipt of the written complaint. A coordinator may hire an outside investigator to conduct the investigation. Within fifteen (15) days of the Superintendent's receipt of the coordinator's report and recommendation, the Superintendent will respond to the complaint and take such administrative steps as the Superintendent deems appropriate and necessary. If either the complainant or the person against whom the complaint is filed is dissatisfied with the Superintendent's decision, either may request, in writing, that the Board consider an appeal of the Superintendent's decision. (See Level 4.) This request must be submitted in writing to the Superintendent, within fifteen (15) days of the Superintendent's written response to the complaint, for transmission to the Board.

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) 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) 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

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94 written recommendation to the full Board. The Board will report its decision on the appeal, in
95 writing, to all parties, within thirty (30) days of the Board meeting at which the Board considered
96 the appeal or the recommendation of the panel. A decision of the Board is final, unless it is
97 appealed pursuant to Montana law within the period provided by law.

98
99 Level 5: County Superintendent

100
101 When a matter falls within the jurisdiction of a county superintendent of schools, the decision of
102 the Board may be appealed to the county superintendent by filing written appeal within thirty
103 (30) days of the Board's decision, pursuant to Montana law.

104
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106
107 Legal Reference: Title IX of the Education Amendments of 1972 (Civil Rights Act)
108 Title II of the Americans with Disabilities Act of 1990
109 § 504 of the Rehabilitation Act of 1973

110
111 Policy History:

112 Adoption on:

113 Revised on: