

WHITEWATER SCHOOL DISTRICT

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1000 SERIES THE BOARD OF TRUSTEES

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Whitewater School District

THE BOARD OF TRUSTEES

1000

Legal Status and Operation

The Board of Trustees of the Whitewater School District #20D is the governmental entity established by the State of Montana to plan and direct all aspects of the District's operations to the end that students shall have ample opportunity to achieve their individual and collective learning needs.

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

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

Policy History:

Adopted on: November 14, 2000

Reviewed on: February 13, 2012

Revised on:

Whitewater School District

THE BOARD OF TRUSTEES

1100

Organization

The legal name of this District is Whitewater K12 School District No. 20D, Phillips County, State of Montana. The District is classified as a class three district and is operated according to the laws and regulations pertaining to a class three district.

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

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

Policy History:

Adopted on: November 14, 2000

Reviewed on: February 13, 2012

Revised on:

Whitewater School District

THE BOARD OF TRUSTEES

1105

Membership

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

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

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

Legal References:	§ 20-3-301, MCA	Election and term of office
	§ 20-3-302, MCA	Legislative intent to elect less than majority of trustees
	§ 20-3-305, MCA	Candidates and qualifications
	§ 20-3-307, MCA	Qualification and oath
	§ 20-3-341, MCA	Number of trustee positions in elementary school districts
	§ 20-3-351, MCA	Number of trustee positions in a high school district
	§ 20-3-352, MCA	Request and determination of number of high school district additional trustee positions
	§ 20-3-361, MCA	Joint board of trustees organization and voting membership
	§ 20-3-376, MCA	Conduct of election
	§ 20-7-344, MCA	Nominating of candidates

Policy History:

Adopted on: November 14, 2000

Reviewed on: February 13, 2012

Revised on:

Whitewater School District

THE BOARD OF TRUSTEES

1110

Taking Office

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

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

Policy History:

Adopted on: November 14, 2000

Reviewed on: February 13, 2012

Revised on:

Whitewater School District

THE BOARD OF TRUSTEES

1111

Election

Elections conducted by the District are non-partisan elections governed by the general election laws of the State and include the election of Board members, various public policy propositions and advisory questions.

Board elections shall be held on the first (1st) Tuesday after the first (1st) Monday in May of each year. Any person who is a qualified voter of the District is legally qualified to become a trustee. Any (5-second class and third-class or H.S. 20-first class) qualified electors may nominate as many trustee candidates as there are trustee positions subject to election at the ensuing election. The name of each person nominated for candidacy shall be submitted to the Clerk not less than forty (40) days before the regular school election day at which the person is to be a candidate. If there are different terms to be filled, the term for which each candidate is nominated shall also be indicated. Any person seeking to become a write-in candidate must file a declaration of intent on the 26th day before the election. The District may declare the election by acclamation no fewer than twenty-five (25) days before the election. If there are no contested seats and there is no other reason for the election, the trustees may give notice that an election will not be held. Notice of the cancellation must be given no later than fourteen (14) days before the election date. If the election is not held, the trustees shall declare the candidates elected by acclamation and issue a “certificate of election” to each candidate.

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

Legal Reference:	§ 20-3-304, MCA	Annual election
	§ 20-3-305, MCA	Candidate qualification and nomination
	§ 20-3-324(4), MCA	Powers and duties
	§ 20-20-301, MCA	Qualifications of elector
	§ 20-3-344, MCA	Nomination of candidates by petition in first-class elementary districts
	§ 20-3-313, MCA	Election by acclamation – notice

Policy History:

Adopted on: November 14, 2000

Reviewed on: February 13, 2012

Revised on: January 8, 2002

Whitewater School District

THE BOARD OF TRUSTEES

1111P

Candidate Orientation

Candidates for appointment or election to the Board shall be urged to attend public meetings of the Board. All public information about the school system shall be made available to them. Additionally, the Board directs the Superintendent to cooperate impartially with all candidates in providing them with information about school governance, Board operations and school programs.

Notices of candidate's meetings that are sponsored by impartial, non-partisan organizations may be announced in District publications and/or be sent home with students. The following procedures shall be followed:

1. If a candidate is scheduled to appear or speak as a part of a school-sponsored program, all candidates for that position shall be invited to attend or to send representatives;
2. The school will not send home partisan materials through the students; and
3. The Superintendent shall invite all candidates to an information session. Each candidate will be given the same materials and information at these sessions.

Procedure History:

Adopted on: November 14, 2000

Reviewed on: February 13, 2012

Revised on:

Whitewater School District

THE BOARD OF TRUSTEES

1112

Resignation

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

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

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

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

Policy History:

Adopted on: November 14, 2000

Reviewed on: February 13, 2012

Revised on:

Whitewater School District

THE BOARD OF TRUSTEES

1113

Vacancies

Elective office of a Board member becomes vacant before the term's expiration when any of the following occurs:

1. death of the incumbent;
2. resignation in writing filed with the Clerk;
3. the incumbent moves his/her residence from the District, or from the nominating district in the case of an additional trustee in a high school district;
4. the incumbent is no longer a registered elector of the District under the provisions of § 20-20-301, MCA;
5. the incumbent is absent from the District for sixty (60) consecutive days;
6. the incumbent fails to attend three (3) consecutive meetings of the trustees without a good excuse;
7. the incumbent has been removed under the provisions of § 20-3-310, MCA; or
8. the incumbent ceases to have the capacity to hold office under any other provision of the law.

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

In the case of a trustee vacancy, the remaining trustees shall fill such vacancy by appointment. The Board will receive applications from any qualified persons seeking to fill the position after suitable public notice. The Board will appoint one (1) candidate to serve until the next regularly scheduled election. Should the Board fail to fill a vacancy within sixty (60) days from the creation of such vacancy, the county superintendent shall appoint, in writing, a competent person to fill such vacancy. An appointee shall meet the requirements provided by law and shall serve until the next regularly scheduled school election and his/her successor has qualified.

Cross Reference: 1240 Duties of Individual Trustees

Legal Reference: § 20-3-308, MCA Vacancy of trustee position
§ 20-3-309, MCA Filling vacated trustee position

Policy History:

Adopted on: November 14, 2000

Reviewed on: February 13, 2012

Revised on:

Whitewater School District

THE BOARD OF TRUSTEES

1113P

Vacancies

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

1. Announcement of the vacancy and the procedure for filling it shall be made in the general news media as well as District publications to patrons.
2. All citizens shall be invited to nominate candidates for the position, provided that the nominees shall be residents of the District. A letter of application will be required of interested candidates.
3. The Board shall individually interview the finalists in a regular or special meeting and appoint the candidate who, in the judgment of the Board, is most likely to contribute to the growth and development of the District's education programs and operations. All trustees shall vote on the candidate of their choice.
4. If no one candidate receives a majority of the votes, the Board may:
 - a. discuss all candidates and vote again;
 - b. discuss all candidates and vote only on those candidates with the most votes; or
 - c. continue voting until one candidate receives a majority vote.
5. The Board Clerk shall prepare for the signatures of all trustees a letter thanking all candidates for the position and commending them for their interest in the District.

Procedure History:

Adopted on: November 14, 2000

Reviewed on: February 13, 2012

Revised on:

Whitewater School District

THE BOARD OF TRUSTEES

1120

Annual Organization Meeting

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

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

1. Welcome and introduction of newly-elected Board Members by the current Chair.
2. Swearing in of newly-elected trustees.
3. Call for nominations for Chairman to serve during the ensuing year.
4. Election of a Chair.
5. Assumption of office by the new Chair.
6. Call for nominations for Vice-Chairman to serve during the ensuing year.
7. Election of a Vice-Chair.
8. Appointment of a Clerk.

Policies and Bylaws shall continue from year to year until and unless the Board changes them.

Legal Reference: § 20-3-321, MCA Organization and officers
 § 20-3-322(a), MCA Meetings and quorum

Policy History:

Adopted on: November 14, 2000

Reviewed on: February 13, 2012

Revised on:

Whitewater School District

THE BOARD OF TRUSTEES

1130

Committees

Generally, the Trustees will function as a committee of the whole and will not form subcommittees of the Board. Nevertheless, the Board may create Board committees as deemed necessary.

Standing committees of the Board may be created and their purpose defined by a majority of the Board. The Board Chair shall appoint trustees to serve on such committees. Board committees shall be limited to less than one-half (1/2) of the Board.

Policy History:

Adopted on: November 14, 2000

Reviewed on: February 13, 2012

Revised on:

Whitewater School District

THE BOARD OF TRUSTEES

1135

School Board Advocacy

The Board of Trustees of Whitewater School District believes it has a responsibility to the students, parents, and community to advocate for student achievement and quality education. In order to meet these responsibilities, the District will work vigorously for the passage of new laws designed to advance the cause of good schools and for the repeal or modification of existing laws that impede this cause.

As Trustees, we must keep ourselves informed of pending legislation and actively communicate board positions and concerns to elected representatives at both the state and national level. We must work with legislative representatives (both state and federal), with the Montana School Boards Association, the National School Boards Association, and other concerned groups in developing an annual as well as long-range legislative program.

We will encourage each Trustee to participate in the MTSBA Delegate Assembly and the MTSBA Board Legislative Contact Program. We also encourage each board and trustee to be aware of the importance of building a relationship with the community, to be used to increase student success.

In doing so, the Board will:

1. At its annual organizational meeting appoint a member as its Board Legislative Contact (BLC) to the Montana School Boards Association (MTSBA). This person will:
 - a. Serve as the Board's liaison to MTSBA;
 - b. Attend the Day of Advocacy during each legislative session;
 - c. Attend other state and regional association meetings as approved by the Board; and
 - d. Advise MTSBA of the Board's views regarding MTSBA's legislative positions and activities.
2. At least once each month, the Board meeting agenda will include an opportunity for the BLC to report on educational issues pending on the state and federal levels.
3. Work with the BLC, MTSBA, the National School Boards Association (NSBA), and other concerned groups and organizations on matters of mutual interest.

Policy History:

Adopted on: February 13, 2012

Reviewed on:

Revised on:
Whitewater School District

THE BOARD OF TRUSTEES

1210

Qualifications, Terms and Duties of Board Officers

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

Chairman

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

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

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

Vice-Chairman

The Vice-Chairman shall preside at all Board meetings in the absence of the Chair, and shall perform all of the duties of the Chair in case of the Chair's absence or disability.

Legal Reference: § 20-3-321(2), MCA Organization and officers
 § 2-3-203, MCA Meetings of public agencies to be open to the public
 - exceptions.

Policy History:

Adopted on: November 14, 2000

Reviewed on: February 13, 2012

Revised on:

Whitewater School District

THE BOARD OF TRUSTEES

1230

Clerk

The Clerk of the Board shall attend all meetings of the Board, unless excused by the Chair, and 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 Board will designate a person to serve as Clerk for the meeting.

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

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

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

Legal references:	§ 20-3-321, MCA	Organization and officers
	§ 20-3-325, MCA	Clerk of the district
	§ 20-4-201, MCA	Employment of teachers and specialist by contract
	§ 20-9-133, MCA	Adoption and expenditure limitations of final budget
	§ 20-9-165, MCA	Emergency budget limitation, preparation, and adoption procedures
	§ 20-9-221, MCA	Procedure for issuance of warrants
	§ 20-20-401, MCA	Trustees' election duties

Policy History:

Adopted on: November 14, 2000

Reviewed on: February 13, 2012

Revised on:

Whitewater School District

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 any study materials distributed prior to the meeting and be prepared to participate in the discussion and decision-making for each agenda item. Each trustee shall visit each school (except in 1st class districts) not less than once per year to examine its management, conditions and needs.

Each member is obligated to attend Board meetings regularly. Whenever possible, each 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 if the trustee has been absent from the District for sixty (60) consecutive days.

Cross Reference: 1113 Vacancies

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

Policy History:

Adopted on: November 14, 2000

Reviewed on: February 13, 2012

Revised on:

Whitewater School District

THE BOARD OF TRUSTEES

1310

District Policy

Adoption and Amendment of Policies

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

All new or amended policies shall become effective upon adoption, unless a specific effective date is provided in the motion for adoption.

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

Policy Manuals

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

Suspension of Policies

Under circumstances which require a waiver of a policy, the policy may be suspended by a majority vote of the members present. In order to suspend a policy, all trustees must have received written notice of the meeting which included a proposal to suspend the policies with an explanation of the purpose of such proposed suspension. If such a proposal is not made in writing in advance of the meeting, the policies may only be suspended by a unanimous vote of all trustees present.

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

District policy and record of acts
Board of trustees

Policy History:

Adopted on: November 14, 2000

Reviewed on: February 13, 2012

Revised on:

Whitewater School District

THE BOARD OF TRUSTEES

1312

Administrative Procedures

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

When a written procedure is developed, the Superintendent shall submit it to the Board as an information item. Such procedures need not be approved by the Board, though they may be revised when it appears that they are not consistent with the Board's intentions as expressed in its policies. On controversial topics, the Superintendent may request prior Board approval.

Policy History:

Adopted on: November 14, 2000

Reviewed on: February 13, 2012

Revised on:

Whitewater School District

THE BOARD OF TRUSTEES

1332

Authorization of Signatures

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

Warrants: In addition to the Clerk, the Chair and Trustee shall cosign all District warrants. The Chair, Trustee, and Clerk are authorized to sign all District warrants by facsimile signature on behalf of the Board.

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

Checks: The Superintendent is designated as the custodian of each school building extra-curricular fund account. The Superintendent is designated as the custodian of all District petty cash accounts. Staff employed by the District in the following designated positions are authorized to sign on behalf of the Board checks drawn on any specific petty cash account:

Contracts for Goods and Services and Leases: The Superintendent is authorized to sign on behalf of the Board, contracts, leases, and/or contracts for goods and services for amounts under \$5,000 without prior approval of the Board. The types of goods and services contracted for must be pre-approved by the Board.

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

Negotiated Agreements: Negotiated agreements shall be signed for the District by the Board Chair and the Clerk.

Policy History:

Adopted on: November 14, 2000

Reviewed on: February 13, 2012

Revised on:

Whitewater School District

THE BOARD OF TRUSTEES

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Board Meetings

Regular Meetings

Unless otherwise specified, all meetings will be held in the Superintendent/Board Room. Regular meetings shall be held at 7p.m. on the 2nd Tuesday of each month, or at other times and places determined by a majority vote. Except for an unforeseen emergency, meetings must be held in a school building or in a publicly owned building located within the District. If regular meetings are to be held at places other than the place stated above, or are adjourned to times other than the regular meeting time, notice of the meeting shall be made in the same manner as provided for special meetings. When a meeting date falls on a legal holiday, the meeting shall be held on the next business day.

Emergency Meetings

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

Budget Meetings

Between July 1st and August 4th of each year, the Clerk shall publish a notice stating the date, time and place the trustees will meet for the purpose of considering and adopting the final budget of the District, stating that the meeting of the trustees may be continued from day to day until the final adoption of the District's budget, and stating that any taxpayer in the District may appear at the meeting and be heard for or against any part of the budget. This notice shall be published in the Phillips County Newspaper.

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

Special Meetings

Special meetings may be called by the Chairperson or by any two (2) members of the trustees. A written notice of a special meeting, stating the purpose of the meeting, shall be delivered to each trustee not less than forty-eight (48) hours prior to the time of the meeting. Such written notice shall be posted conspicuously within the District in a manner that will receive public attention. Written notice 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.

Business transacted at a special meeting will be limited to that stated in the notice of the meeting.

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Executive Sessions

Under Montana law, the Board may hold closed or executive sessions to consider matters of individual privacy. Prior to closing the meeting, the presiding officer must determine that the demands of individual privacy exceed the merits of public disclosure. The Board may also close a meeting 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. Prior to closing a meeting for this purpose, it is recommended that the District obtain legal advice on the appropriateness of this action. No formal action shall take place during executive session.

Legal Reference:	§ 2-3-103, MCA	Public parties portion
	§ 2-3-104, MCA	Requirements with compliance with notice
	provisions	
	§ 2-3-105, MCA	Supplemental notice by radio or television
	§ 2-3-201, MCA	Legislative intent
	§ 2-3-203, MCA	Meetings of public agencies to be open to public -
	exceptions	
	§ 20-9-131, MCA	Final budget meeting
	§ 20-3-322, MCA	Meeting and quorum
	10.55.701, ARM	Board of Trustees

Policy History:

Adopted on: November 14, 2000

Reviewed on: February 13, 2012

Revised on:

Whitewater School District

THE BOARD OF TRUSTEES

1401

Records Available to Public

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

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

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

Fees will be charged as follows:

- a) Copy of Board minutes - 15¢ per page
- b) Copy of other materials - 25¢ per page
- c) Time spent researching a copy project will be charged at the employee's hourly rate of pay.

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

Policy History:

Adopted on: November 14, 2000

Reviewed on: February 13, 2012

Revised on:

Whitewater School District

THE BOARD OF TRUSTEES

1402

School Board Use of Electronic Mail

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

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

Cross Reference: 1400 Board Meetings
 1401 Records Available to Public

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

Policy History:

Adopted on: February 13, 2012

Reviewed on:

Revised on:

Whitewater School District

THE BOARD OF TRUSTEES

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School Board Meeting Procedure Agenda

The agenda for any Board meeting shall be prepared by the Superintendent. Items submitted by Board members to the Superintendent shall be placed on the agenda. Citizens may also suggest inclusions on the agenda. Such suggestions must be received by the Superintendent at least (7) days before the Board meeting, unless of immediate importance. Individuals who wish to be placed on the Board meeting 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 Grievance Procedure step process 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 may ask for recognition by the Chair at the appropriate time.

Non-action items may be added to the agenda at the beginning of a regular meeting upon unanimous approval of those Board members present. Upon consent of the majority of the 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 Board member at least forty-eight (48) hours in advance of the Board meeting, and will be available to any interested citizen at the Superintendent's office twenty-four (24) hours prior to the Board meeting. An agenda for other types of Board meetings will be prepared if the circumstance necessitate an agenda.

Consent Agenda

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

Minutes

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

- The date, time and place of the meeting;
- The presiding officer;
- Board members recorded as absent or present;

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page 2 of 2

- A summary of discussion on all matters proposed, deliberated, or decided, and a record of any votes taken;
- A detailed statement of all expenditures;
- Purpose of recessing to executive 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 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 the 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 the members is present. A majority of the full membership of the Board shall constitute a quorum, whether the individuals are present physically or present 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 acclamation or show of hands.

Legal Reference:	§ 2-3-212, MCA	Minutes of meetings
	§ 20-1-212, MCA	Destruction of old records by an officer
	§ 20-3-323, MCA	District policy and record of acts
	§ 20-3-323, MCA	Meetings and quorum

Policy History:

Adopted on: November 14, 2000

Reviewed on: February 13, 2012

Revised on:

Whitewater School District

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THE BOARD OF TRUSTEES

1420F

Notice Regarding Public Comment

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

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

For those individuals who desire to address the Board during the “public comment” portion of the meeting, if you haven’t already done so, please sign your name to the sheet located the front entrance and indicate the general topic on which you will be commenting. The Board Chairperson will call individuals to speak in the order listed on the sheet provided. The Board would like to remind everyone in attendance that to avoid violations of individual rights of privacy, a member of the public wishing to address the Board during this time will not be allowed to make comments about any student, staff member, or member of the general public during his/her designated time to speak. In addition the Board will not hear comments on contested cases or other adjudicative proceedings.

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

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

Policy History:

Adopted on: February 13, 2012

Reviewed on:

Revised on:

Whitewater School District

THE BOARD OF TRUSTEES

1425

Abstentions From Voting

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

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

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

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

Policy History:

Adopted on: February 13, 2012

Reviewed on:

Revised on:

Whitewater School District

THE BOARD OF TRUSTEES

1441

Audience Participation

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 public's statutory and constitutional rights to participate in governmental operations. In order to permit fair and orderly expression of such comment, the Board will provide a period at the beginning of the meeting, during which visitors may make presentations. The Chair may control such comment to ensure an orderly progression of the meeting and allow for public comment.

The Board will also allow individuals to express an opinion prior to Board action on agenda items. Individuals wishing to be heard by the Chair shall first be recognized by the Chair. Individuals, after identifying themselves, will proceed to make comments as briefly 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. **It is important for all participants to remember that Board meetings are held in public, but are not public meetings. Members of the public shall be recognized and allowed input during the meeting, at the discretion of the Chair.**

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

Policy History:

Adopted on: November 8, 2000

Reviewed on: February 13, 2012

Revised on: June 2001

Whitewater School District
THE BOARD OF TRUSTEES

1511

Code of Ethics for School Board Members

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

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

Recognize that I should endeavor to make policy decisions only after full discussion at publicly held Board meetings;

Render all decisions based on the available facts and my independent judgment, and refuse to surrender that judgment to individuals or special interest groups;

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

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

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

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

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

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

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

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

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

Policy History:

Adopted on: November 14, 2000

Reviewed on: February 13, 2012

Revised on:

Whitewater School District

THE BOARD OF TRUSTEES

1512

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Conflict of Interest

A trustee may not:

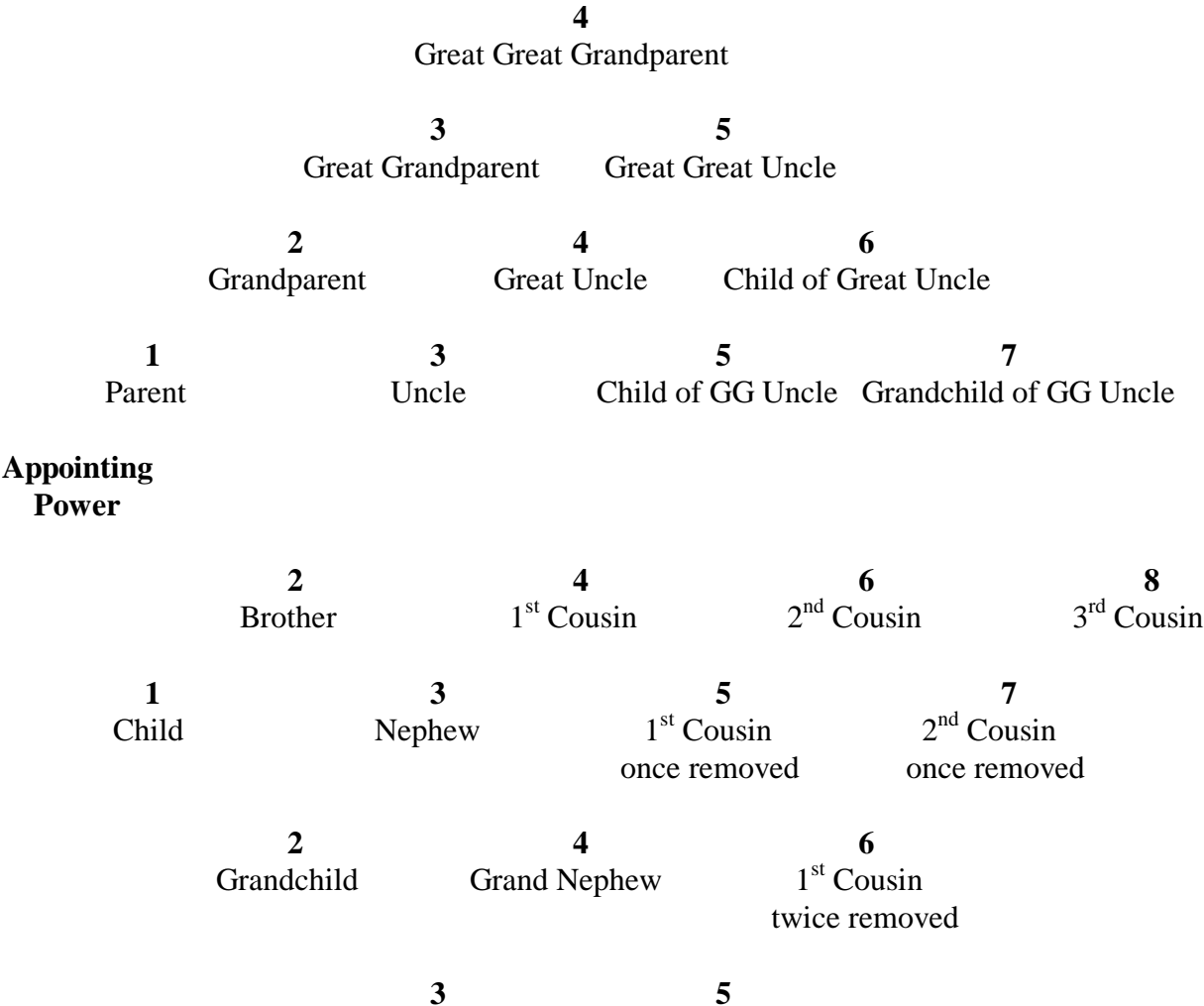
1. Engage in a substantial financial transaction for the trustee's private business purpose, with a person whom the trustee inspects or supervises in the course of official duties.
2. Perform an official act directly and substantially affecting, to its economic benefit, a business or other undertaking in which the trustee either has a substantial financial interest or is engaged as counsel, consultant, representative, or agent.
3. Act as an agent or solicitor in the sale or supply of goods or services to a district.
4. Have a pecuniary interest, directly or indirectly, in any contract made by the Board, when the trustee has more than a ten percent (10%) interest in the corporation. A contract does not include: 1) merchandise sold to the highest bidder at public auctions; 2) investments or deposits in financial institutions that are in the business of loaning or receiving money, when such investments or deposits are made on a rotating or ratable basis among financial institutions in the community or when there is only one (1) financial institution in the community; or 3) contracts for professional services other than salaried services or for maintenance or repair services or supplies when the services or supplies are not reasonably available from other sources, if the interest of any Board member and a determination of such lack of availability are entered in the minutes of the Board meeting at which the contract is considered.
5. Be employed in any capacity by the District.
6. Appoint to a position of trust or emolument any person related or connected by consanguinity within the fourth (4th) degree or by affinity within the second (2nd) degree.
 - a. This prohibition does not apply to the issuance of an employment contract to a person as a substitute teacher who is not employed as a substitute teacher for more than thirty (30) consecutive school days.
 - b. This prohibition does not apply to the renewal of an employment contract of a person related to a Board member, who was initially hired before the Board member assumed the trustee position.
 - c. This prohibition does not apply if trustees comply with the following requirements: 1) **All trustees**, except the trustee related to the person to be

employed or appointed, vote to employ the related person; 2) the trustee related to the person to be employed abstains from voting; and 3) the trustees give fifteen (15) days written notice of the time and place of their intended action in a 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



Great Grandchild Great Grand Nephew

4

Great Great Grandchild

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: November 14, 2000

Reviewed on: February 13, 2012

Revised on:

Whitewater School District

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 non-productive;
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 on-going direction of all District programs.

Cross Reference: 6110 Superintendent-Board Relations

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

Policy History:

Adopted on: November 14, 2000

Reviewed on: February 13, 2012

Revised on:

Whitewater School District

THE BOARD OF TRUSTEES

1520

Board/Staff Communications

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

Staff Communications to the Board

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

Board Communications to Staff

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

Visits to Schools

In accordance with Montana statutes, each trustee shall visit each school of the District not less than once each school fiscal year to examine its condition and needs. Individual Board members interested in visiting schools should, out of courtesy, make arrangements for visitations through the principals of the various schools. Such visits shall be regarded as informal expressions of interest in school affairs and not as "inspections" or visits for supervisory or administrative purposes.

Social Interaction

Staff and Board members share a keen interest in the schools and education. When they meet at social affairs and other functions, informal discussion on such matters as educational trends, issues, and innovations and general District problems can be anticipated. **Discussions of personalities or staff grievances are not appropriate.**

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

Policy History:

Adopted on: November 14, 2000

Reviewed on: February 13, 2012

Revised on:

Whitewater School District

THE BOARD OF TRUSTEES

1521

Board-Superintendent Relationship

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

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

Cross Reference: 6110 Superintendent

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

Policy History:

Adopted on: November 14, 2000

Reviewed on: February 13, 2012

Revised on:

Whitewater School District

THE BOARD OF TRUSTEES

1531

Trustee Expenses

Expenses for Board Members - In-District

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

Expenses for Board Members at Out-of-District Meetings

Trustees normally attend workshops, training institutes, and conferences at both the state and national level. It is appropriate that trustee expenditures at these out-of-District meetings be paid by the District. It is the intent of the District to pay all legitimate costs for trustees to attend out-of-District meetings, at the established rates for reimbursement set by the District:

1. Transportation as approved by the Board.
2. On-site transportation during the course of the meeting, i.e., bus, taxi, or rental car.
3. Hotel or motel costs for trustee, as necessary.
4. Food costs as necessary.
5. Incidental expenditures for tips and other necessary costs attributable to the trustee's attendance at the meeting. The Districts will not reimburse or pay for such items as liquor, expenses of a spouse, separate entertainment, or other unnecessary expenditures.

Cross Reference: 7336 Travel Allowances and Expenses

Policy History:

Adopted on: November 14, 2000

Reviewed on: February 13, 2012

Revised on:

Whitewater School District

THE BOARD OF TRUSTEES

1532

Trustee Insurance

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

Legal Reference	§ 20-3-331, MCA	Purchase of liability insurance
	§ 20-3-332, MCA	Personal immunity and liability of trustees

Policy History:

Adopted on: November 14, 2000

Reviewed on: February 13, 2012

Revised on:

Whitewater School District

THE BOARD OF TRUSTEES

1610

Annual Goals and Objectives

Each year, the Board will formulate annual objectives for the District and have available a written comprehensive philosophy of education with goals which reflect the District's philosophy of education. The philosophy of education and goals shall be in writing and shall be available to the staff and to the public.

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

Legal Reference: 10.55.701, ARM Board of Trustees

Policy History:

Adopted on: November 14, 2000

Reviewed on: February 13, 2012

Revised on:

Whitewater School District

THE BOARD OF TRUSTEES

1620

Evaluation of Board

At the conclusion of each year, the Board may evaluate its own performance in terms of generally accepted principles of successful Board operations.

The Board may choose to evaluate the effectiveness of the processes that it employs in carrying out the responsibilities of the District. Those processes include, but are not limited to: team building, decision making, functions planning, communications, motivation, influence and policy.

Policy History:

Adopted on: November 14, 2000

Reviewed on: February 13, 2012

Revised on:

Whitewater School District

THE BOARD OF TRUSTEES

1621

In-Service Conference for Trustees

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

Policy History:

Adopted on: November 14, 2000

Reviewed on: February 13, 2012

Revised on:

Whitewater School District

THE BOARD OF TRUSTEES

1640

Board Participation in Activities

Members of the Board, collectively and individually, are encouraged to attend school activities, social functions and instructional programs at no cost to the trustees in order to view and observe such functions in operation. Attendance at such programs as musical presentations, speech activities, clubs, dramatic productions and athletic events, indicates interest in school affairs and provides opportunity for more comprehensive understanding of the total school program. Administration will provide appropriate communications to trustees to keep them informed about activities they may wish to attend.

Policy History:

Adopted on: November 14, 2000

Reviewed on: February 13, 2012

Revised on:

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 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 has the authority to contract with an independent investigator 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

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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 investigator'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) 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

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page 3 of 3

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: February 13, 2012

Reviewed on:

Revised on: