

MALTA SCHOOL DISTRICT

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1000 SERIES THE BOARD OF TRUSTEES

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MALTA SCHOOL DISTRICT BOARD POLICIES

The following policies have been written and approved by the Board to be used in administration of the District. The policies will be used as a guide in making decisions consistent with the philosophy stated herein. Nothing in these policies is meant to conflict with state or federal laws or Office of Public Instruction guidelines.

By this reference all administrative handbooks and guides developed yearly are made a part of adopted policy. Handbooks and guides will be reviewed, yearly. By this reference, and upon ratification, the collective bargaining agreement is also made a part of policy.

THE BOARD OF TRUSTEES

Legal Status and Operation

The Board of Trustees of Malta School District # 14A is the governmental entity established by the State of Montana to plan and direct all aspects of the District's operations, to the end that students shall have ample opportunity to achieve their individual and collective learning potentials.

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

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

Policy History:

Adopted on: August 2, 2005

Revised on:

THE BOARD OF TRUSTEES

Organization

The legal name of this District is Malta Public School District No. 14A, Phillips County, State of Montana. The District is classified as a class two (2) district and is operated according to the laws and regulations pertaining to a class two (2) district.

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

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

Policy History:

Adopted on: August 2, 2005

Revised on:

THE BOARD OF TRUSTEES

Membership

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

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 schools 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.

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

Legal References:	§ 2-3-202, MCA	Meeting defined
	§ 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 – 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 – nonvoting trustee
	§ 20-3-361, MCA	Joint board of trustees organization and voting membership

Policy History:

Adopted on: August 2, 2005

Reviewed on:

Revised on: July 9, 2007

Malta School District

THE BOARD OF TRUSTEES

1110

Taking Office

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

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

Policy History:

Adopted on: August 2, 2005

Revised on:

Malta School District

THE BOARD OF TRUSTEES

Election

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

Board elections shall take place on the first (1st) Tuesday after the first (1st) Monday in May of each year. Any person who is a qualified voter of the District is legally qualified to become a trustee. Any (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 District Clerk not less than forty (40) days before the regular school election day. If different terms are to be filled, the term for which each candidate is nominated also shall be indicated. Any person seeking to become a write-in candidate in a mail ballot election or for a trustee position in a school board election shall file a declaration of intent no later than 5:00 p.m. on the twenty-sixth (26th) day before the election. If the number of candidates filing for vacant positions or filing a declaration of intent to be a write-in candidate is equal to or less than the number of positions to be elected, the trustees may give notice no later than twenty-five (25) days before the election that a trustee election will not take place. If a trustee election is not held, the trustees shall declare the candidates elected by acclamation and shall issue a “certificate of election” to each candidate.

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

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

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

§ 20-20-105, MCA	Regular school election day and special school elections – limitation – exception
§ 20-20-204, MCA	Election Notice
§ 20-20-301, MCA	Qualifications of elector

Policy History:

Adopted on: August 2, 2005

Reviewed on:

Revised on: July 8, 2009

Malta 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 will ratify the resignation at its next regularly scheduled meeting and will 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: § 2-16-502, MCA Resignations
 § 20-3-308, MCA Vacancy of trustee position

Policy History:

Adopted on: August 2, 2005

Revised on:

Malta School District

THE BOARD OF TRUSTEES

1113

Vacancies

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

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

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

When a trustee vacancy occurs, the remaining trustees shall declare such position vacant and fill such vacancy by appointment. The Board will receive a letter of application from any qualified person seeking to fill the position after suitable public notice. The Board will appoint one (1) candidate to fill the position.

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

Cross Reference: 1240 Duties of Individual Trustees

Legal References: § 20-3-308, MCA Vacancy of trustee position
§ 20-3-309, MCA Filling vacated trustee position – appointee qualification and term of office

Policy History:

Adopted on: August 2, 2005

Revised on:

Malta 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 may 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 (1) 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:

Promulgated on: August 2, 2005

Revised on:

Malta School District

THE BOARD OF TRUSTEES

1120

Annual Organization Meeting

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

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 Chairperson
2. Swearing in of newly elected trustees
3. Call for nominations for Chairperson to serve during the ensuing year
4. Election of a Chairperson
5. Assumption of office by the new Chairperson
6. Call for nominations for Vice Chairperson to serve during the ensuing year
7. Election of a Vice Chairperson
8. Appointment of a Clerk

Policies and bylaws remain in effect until and unless changed by the Board.

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

Policy History:

Adopted on: August 2, 2005

Revised on:

Malta School District

THE BOARD OF TRUSTEES

1130

Committees

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

Standing committees of the Board may be created and their purposes defined by a majority of the Board. The Board Chairperson shall appoint trustees to serve on such committees, subject to Board Approval. Trustees serving on committees shall be limited to fewer than one-half (½) of the Board.

Two (2) trustees will serve on each of the following committees, with areas of concern for the committees listed following their title:

1. **Personnel:** Board Policy, Contracts, Public Relations, Morale, Student Policy, Morals, Interviewing, and Retentions.
2. **Transportation:** Bus Routes, Bus Contracts, Bus Safety, Bus Drivers.
3. **Curriculum:** Subjects (academic and vocational), Extracurricular Activities, and Technology.
4. **Building:** Repairs, Additions, New Buildings.
5. **Finance:** Salaries, Budgets, Student Funds, Collective Bargaining, and Insurance.

The Superintendent and principals are eligible to serve on all committees.

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

Policy History:

Adopted on: August 2, 2005

Revised on: August 8, 2007

Malta School District

THE BOARD OF TRUSTEES

1210

Qualifications, Terms, and Duties of Board Officers

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

Chairperson

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

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

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

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

Vice Chairperson

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

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

Policy History:

Adopted On: August 2, 2005

Revised on:

THE BOARD OF TRUSTEES

Duties of Individual Trustees

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

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

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

Cross Reference: 1113 Vacancies

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

Policy History:

Adopted on: August 2, 2005

Revised on:

THE BOARD OF TRUSTEES

District Policy

Adoption and Amendment of Policies

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

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

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

Policy Manuals

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

Suspension of Policies

Policies may be suspended by: 1) a majority vote of the entire Board at any regular or special meeting for which thirty (30) days notice has been given; or 2) a unanimous vote of all Board members, when thirty (30) days notice has not been given. No policy will be operative, if it is found to be in conflict with any law of the state of Montana.

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

Policy History:

Adopted on: August 2, 2005

Revised on:

Malta 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 usually need not be approved by the Board, although the Board may revise them, when it appears they are not consistent with Board intentions as expressed in its policies. On controversial matters the Superintendent shall submit proposed procedures to the Board for review prior to their adoption.

Policy History:

Adopted on: August 2, 2005

Revised on:

THE BOARD OF TRUSTEES

Board Meetings

Meetings of the Board 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.

Regular Meetings

Unless otherwise specified, all meetings will take place in the Teacher's Workroom of the Malta Middle/High School. Regular meetings shall take place at 7:00 p.m. on the Second Wednesday of each month, or at other times and places determined by a majority vote. Except for an unforeseen emergency, meetings must be held in school buildings or, upon the unanimous vote of the trustees, in a publicly accessible building located within the District. If regular meetings are scheduled at places other than as stated above or are adjourned to times other than the regular meeting time, notice of the meeting shall be made in the same manner as provided for special meetings. The trustees may meet outside the boundaries of the District for collaboration or cooperation on educational issues with other school boards, educational agencies, or cooperatives. Adequate notice of the meeting, as well as an agenda, must be provided to the public in advance. Decision making may only occur at a properly noticed meeting held within the District's boundaries. When a meeting date falls on a school holiday, the meeting may take place the next business day.

Emergency Meetings

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

Budget Meetings

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

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

Special Meetings

Special meetings may be called by the Chairperson or by any two (2) trustees. A written notice of a special meeting, stating the purpose of the meeting, shall be delivered to every trustee not less than forty-eight (48) hours before the time of the meeting, except that the forty-eight-(48)-hour notice is waived in an unforeseen emergency as stated in § 20-3-322(5), MCA. Such written notice shall be posted conspicuously within the District in a manner that will receive public attention. Written notice also shall be sent not less than twenty-four (24) hours prior to the meeting, to each newspaper and radio or television station that has filed a written request for such notices. Business transacted at a special meeting will be limited to that stated in the notice of the meeting.

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 ensure guidelines adopted
	§ 2-3-104, MCA	Requirements for compliance with notice provisions
	§ 2-3-105, MCA	Supplemental notice by radio or television
	§ 2-3-201, MCA	Legislative intent – liberal construction
	§ 2-3-202, MCA	Meeting defined
	§ 2-3-203, MCA	Meetings of public agencies and certain associations of public agencies to be open to public – exceptions
	§ 20-3-322, MCA	Meeting and quorum
	§ 20-9-115, MCA	Notice of final budget meeting
	§ 20-9-131, MCA	Final budget meeting
	10.55.701, ARM	Board of Trustees

Policy History:

Adopted on: August 2, 2005

Reviewed on: July 8, 2009

Revised on: July 13, 2016

Malta 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.

An individual wishing public information that is in electronic format or other nonprint media must submit a detailed description, to the Superintendent, of the information requested. The District will provide the public information as required under § 2-6-110, MCA.

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

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

Fees will be charged as follows:

- a) Copy of Board minutes - 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 References:	§ 2-6-110, MCA	<u>Electronic Information and non-print records</u>
	§ 20-3-323, MCA	District policy and record of acts
	§ 20-9-213, MCA	Duties of trustees

Policy History:

Adopted on: August 2, 2005

Reviewed on:

Revised on: July 7, 2010

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

Policy History:

Adopted on: August 2, 2005

Revised on:

THE BOARD OF TRUSTEES

School Board Meeting Procedure

Agenda

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

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

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

Consent Agenda

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

Minutes

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

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

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

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

Quorum

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

Electronic Participation

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

If the Board allows a member to participate electronically, the member will be considered present and will have his or her actual physical presence excused. The member shall be counted

present for purposes of convening a quorum. The Clerk will document it in the minutes, when members participate in the meeting electronically.

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

Meeting Conduct and Order of Business

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

Cross Reference: 1441 Audience Participation

Legal References: § 2-3-103, MCA Public participation - governor to ensure guidelines adopted
§ 2-3-202, MCA Meeting defined
§ 2-3-212, MCA Minutes of meetings – public inspection
§ 20-1-212, MCA Destruction of records by school officer
§ 20-3-322, MCA Meetings and quorum
§ 20-3-323, MCA District policy and record of acts
Jones and Nash v. Missoula Co., 2006 MT2, 330 Mont 2005

Policy History:

Adopted on: August 2, 2005

Reviewed on:

Revised on: July 9, 2007

Malta School District

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 Chairman 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 and indicate the general topic on which you will be commenting. The Board Chairman 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 Chairman 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.

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

Policy History:

Adopted on: August 2, 2005

Revised on:

THE BOARD OF TRUSTEES

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

Anyone wishing to speak before the Board, either as an individual or as a member of a group, should inform the Superintendent of the desire to do so and of the topic to be discussed, as early as possible but at least twenty-four (24) hours before the meeting. This will permit orderly scheduling of public remarks on the meeting agenda. In case of an emergency, the Board may, at the time of agenda approval, give unscheduled visitors an opportunity to speak to the Board.

Individuals wishing to be heard by the Chairperson shall first be recognized by the Chairperson. Individuals, after identifying themselves, will proceed to make comments as briefly as the subject permits. Unless an extension of time is granted, a speaker will be limited to five (5) minutes. The Chairperson may interrupt or terminate an individual’s statement when appropriate, including when statements are out of order, too lengthy, personally directed, abusive, obscene, or irrelevant. The Board as a whole shall have the final decision in determining the appropriateness of all such rulings. **It is important for all participants to remember that Board meetings are held in public, but are not public meetings. Members of the public shall be recognized and allowed input during the meeting, at the discretion of the Chairperson.**

Cross Reference: 1420 School Board Meeting Procedure

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

Policy History:

Adopted on: August 2, 2005

Revised on:

Malta School District

THE BOARD OF TRUSTEES

1500

Mission Statement/Philosophy and Objectives

The mission of Malta Public Schools is to:

Ensure an alliance of school, family, and community, developing lifelong learners who value themselves, contribute to their society, and succeed in a changing world.

The Board holds, as its educational philosophy, that the public school is a tool of American democracy, through which each individual is provided opportunities for learning experiences which promote educational growth consistent with the individual's needs and society's expectations. These objectives or goals are necessary in order that the individual may develop their capacities to:

1. Learn and correctly and effectively apply basic skills in communication (speaking, listening, reading, writing), mathematics, science and its processes.
2. Develop sound moral and ethical values, with a sense of responsibility for the property, privacy, and individual rights of others.
3. Formulate and be motivated to persist in achieving attainable goals.
4. Learn about and assume responsibility for living in harmony with and improving the natural environment.
5. Learn the functions of society and contribute to the community in a constructive manner.
6. Learn about, develop, and maintain a healthy body and mind.
7. Foster and promote ideals of democratic citizenship through knowledge of political and governmental systems.
8. Develop and maintain a positive attitude toward vocation-orientated activities.

Policy History:

Adopted on: August 2, 2005

Revised on:

Malta 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 public Board meetings;

Make all decisions based on 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 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 students attending public schools.

Policy History:

Adopted on: August 2, 2005

Revised on:

Conflict of Interest

A trustee may not:

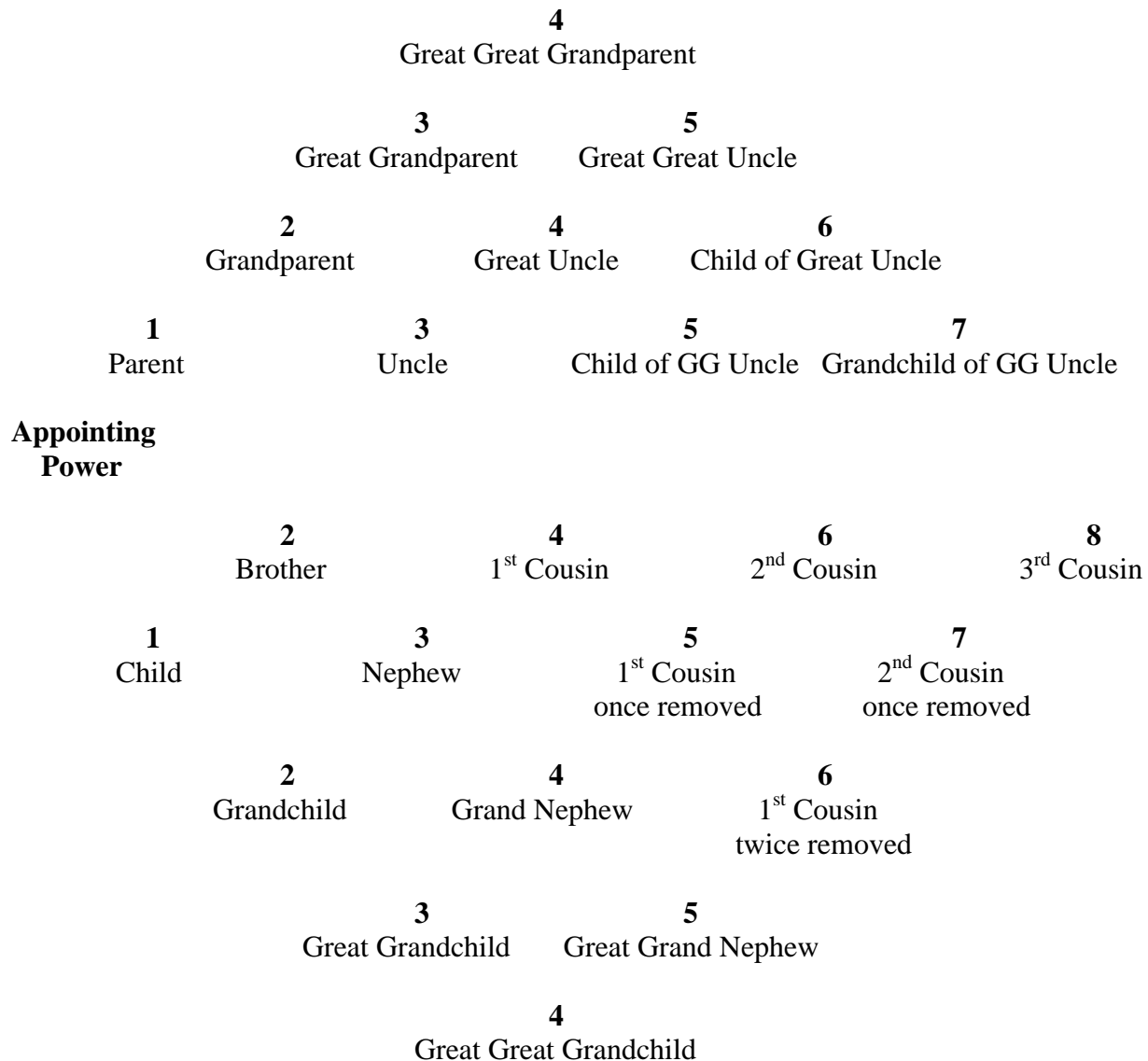
1. Engage in a substantial financial transaction for the trustee's private business purpose, with a person whom the trustee inspects or supervises in the course of official duties.
2. Perform an official act directly and substantially affecting, to its economic benefit, a business or other undertaking 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, with the exception of officiating at athletic competitions under the auspices of the Montana officials association.
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



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: August 2, 2005

Reviewed on:

Revised on: July 8, 2009

THE BOARD OF TRUSTEES

Management Rights

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

1. Direct employees;
2. Employ, dismiss, promote, transfer, assign, and retain employees;
3. Relieve employees from duties because of lack of work or funds under conditions where continuation of such work would be inefficient and nonproductive;
4. Maintain the efficiency of District operations;
5. Determine the methods, means, job classifications, and personnel by which District operations are to be conducted;
6. Take whatever actions may be necessary to carry out the missions of the District in situations of emergency;
7. Establish the methods and processes by which work is performed.

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

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

Cross Reference: 6110 Superintendent

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

Policy History:

Adopted on: August 2, 2005

Revised on:

THE BOARD OF TRUSTEES

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 the Superintendent.

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

Cross Reference: 6110 Superintendent

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

Policy History:

Adopted on: August 2, 2005

Revised on:

Malta 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 be reimbursed for mileage at the rate stipulated in § 2-18-503, MCA, for each mile of travel between their homes and 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 levels. The District will pay all legitimate costs for trustees to attend out-of-District meetings, at 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 a meeting; however, the District 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: August 2, 2005

Revised on:

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

Policy History:

Adopted on: August 2, 2005

Revised on:

THE BOARD OF TRUSTEES

Annual Goals and Objectives

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

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

Legal Reference: 10.55.701, ARM Board of Trustees

Policy History:

Adopted on: August 2, 2005

Revised on:

Malta 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 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: August 2, 2005

Revised on:

Malta 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: August 2, 2005

Revised on:

Malta 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: August 2, 2005

Revised on:

THE BOARD OF TRUSTEES

Uniform Complaint Procedure

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

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

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

The Superintendent 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 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 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: August 2, 2005
Reviewed on:
Revised on: August 13, 2009