

COLUMBUS PUBLIC SCHOOLS

1000 SERIES THE BOARD OF TRUSTEES

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THE BOARD OF TRUSTEES

Legal Status and Operation

The Board of Trustees of the Columbus Public Schools 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: 01/12/98

Reviewed on: 02/10/10

Revised on:

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THE BOARD OF TRUSTEES

Organization

The legal name of this District is Columbus Public Schools, Stillwater County, State of Montana. The District is classified as a class II district and is operated according to the laws and regulations pertaining to a class II 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.

The District Constitutes the taxable basis for purposes of construction, operation, and maintenance of Columbus Elementary, Columbus Middle, and Columbus High School.

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: 01/12/98

Reviewed on:

Revised on: 02/10/10

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, operations and governance of the District. Except as otherwise provided by law, trustees shall hold office for terms of three 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 elementary, middle school, and high school maintained by the District

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 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: 01/12/98

Reviewed on: 02/10/10

Revised on: 04/08/14

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Oath of 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.

A newly appointed trustee shall take office, after the 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.

The person shall qualify by taking an oath of office administered by the county superintendent, the superintendent's designee, or any officer provided for in 1-6-101, MCA or 2-16-116, MCA. Such oath must be filed with the county superintendent not more than fifteen (15) days after the receipt of the certificate of election or the appointment.

Cross Reference: Policy 1113 Vacancies

Legal References: § 1-6-101, MCA Officers who may administer oaths
 § 2-16-116, MCA Power to administer oaths
 § 20-1-202, MCA Oath of office
 § 20-3-307, MCA Qualification and oath

Policy History:

Adopted on: 01/12/98

Reviewed on: 02/10/10

Revised on: 04/08/14

Election

Elections conducted by the District are nonpartisan and are governed by applicable election laws as found in Titles 13 & 20 of the Montana Code Annotated. 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 five (5) 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.

A candidate intending to withdraw from the election shall send a statement of withdrawal to the clerk of the district containing all information necessary to identify the candidate and the office for which the candidate was nominated. The statement of withdrawal must be acknowledged by the clerk of the district. A candidate may not withdraw less than thirty-eight (38) days before the school election.

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

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

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 , nomination and withdrawal
	§ 20-3-313, MCA	Election by acclamation – notice
	§ 20-3-322, MCA	Meetings and quorum
	§ 20-3-322(5), MCA	Meetings and quorum (unforeseen emergency definition)
	§ 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
	§ 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: 01/12/98

Reviewed on:

Revised on: 02/10/10, 12/13/2011, 04/08/14

Resignation

The resignation of a trustee-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 trustee through written notification of withdrawal made to the Clerk.

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: 01/12/98
Reviewed on: 02/10/10
Revised on: 04/08/14

Vacancies

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

1. Death of the trustee;
2. Resignation, in writing, filed with the Clerk;
3. Trustee moves out of the nominating district, establishing residence elsewhere;
4. Trustee is no longer a registered elector of the District under the provisions of § 20-20-301, MCA;
5. Trustee is absent from the District for sixty (60) consecutive days;
6. Trustee fails to attend three (3) consecutive meetings of the trustees without good excuse;
7. Trustee has been removed under the provisions of § 20-3-310, MCA; or
8. Trustee ceases to have the capacity to hold office under any other provision of law.
9. 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
 1112 Resignations

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

Policy History:

Adopted on: 01/12/98
Reviewed on: 02/10/10
Revised on: 04/08/14

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THE BOARD OF TRUSTEES

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Annual Organization Meeting

After issuance of election certificates to newly elected trustees, but no later than 15 days after the election, the Board shall elect from among its members a Chairperson and a Vice Chairperson to serve until the next annual organizational meeting. If a Board member is unable to continue to serve as an officer, a replacement shall be elected at the earliest opportunity to serve the remainder of the term. 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 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.

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

Policy History:

Adopted on: 01/12/98
Reviewed on: 02/10/10
Revised on: 12/13/2011, 04/08/14

Columbus Public Schools

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 Chairperson may be any trustee of the board, including an additional trustee as provided for in 20-3-352(2). If an additional trustee is chosen to serve as the Chairperson of an elementary district described in 20-3-351(1)(a), the additional trustee may not vote on issues pertaining only to the elementary district. 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;
- . 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.
- . Act as spokesperson for the Board.

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 Chairperson 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 his or her absence or disability. The Vice Chairperson shall work closely with the Chairperson and shall assume whatever duties the Chairperson may delegate.

Cross Reference:	Policy 1120	Annual Organizational Meeting
Legal Reference:	§ 20-3-321(2), MCA § 2-3-203, MCA § 20-3-351(1)(a), MCA § 20-3-352(2), MCA	Organization and officers Meetings of public agencies to be open to the public- exceptions. Number of trustee positions in high school districts Request and determination of number of high school district additional trustee positions – nonvoting trustee

Policy History:

Adopted on: 01/12/98

Reviewed on: 02/10/10, 12/13/2011, 04/08/14

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Clerk

The Clerk of the Board shall attend all meetings of the Board, unless excused by the Chair, and keep an accurate and permanent record of all. 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 trustees will have one (1) of their members or a District employee act as clerk for the meeting, and said person will supply the Clerk with a certified copy of the proceedings.

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

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 and Superintendent 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 all functions pertaining to the preparation of school elections. The Clerk shall perform other duties as prescribed by state law or as directed by the Board or 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(2), MCA	Trustees' election duties

Policy History:

Adopted on: 01/12/98

Reviewed on: 02/10/10

Revised on: 12/13/05, 04/08/14

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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 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 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.

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

Cross Reference: 1113 Vacancies

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

Policy History:

Adopted on: 01/12/98
Reviewed on: 02/10/10
Revised on: 04/08/14

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THE BOARD OF TRUSTEES

District Policy and Procedures

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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, except as specified below.

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 on a regular basis.

The Board of Trustees recognizes and appreciates the stability created through policy adoption criteria, which includes a waiting period prior to such adoption. However, it also recognizes that there may be situations of such extreme nature that it is necessary to act immediately in the best interest of the district. Therefore, the following authority is reserved by the Trustees:

The policy adoption procedure immediately preceding may be waived and policy immediately adopted without two readings under, and only under, the following conditions:

- That under no circumstances shall this process be invoked except by the unanimous vote of the Trustees with all Trustees present and voting, and
- That every vote of the Trustees in this emergency process is unanimous with all Trustees present and voting.

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.

Suspension of Policies

Under circumstances that require waiver of a policy, the policy may be suspended by a majority vote of the trustees present. To suspend a policy, however, all trustees must have received written notice of the

meeting, which includes the proposal to suspend a policy and an explanation of the purpose of such proposed suspension.

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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.

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

Policy History:

Adopted on: 01/12/98

Reviewed on:

Revised on: 02/10/10, 04/08/14

Columbus Public Schools

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 of sign certain documents on behalf of the District.

Warrants: The Chair and Clerk are authorized to sign all District warrants 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, up to the amount listed:

Athletic Director
Maintenance Supervisor
Food Services Supervisor
Principals
Superintendent

Checks: The school principal 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 designated positions, such as the Athletic Director, 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 \$10,000 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.

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

Procedure History:

Promulgated on:

Reviewed on: 02/10/10

Revised on:

Columbus Public Schools

THE BOARD OF TRUSTEES

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Board Meetings

Meetings of the Board and/or committees 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 be held in the Columbus High School library. Regular meetings shall be held at 7:00 p.m. on the second 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 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 1st and August 10^h 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 *Stillwater County News*.

On the date and at the time and place stated in the published notice (on or before August 20th), 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 August 25.

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 and the superintendent not less than forty-eight (48) hours prior to 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 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.**

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.

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 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
	§ 2-3-202, MCA	Meeting defined
	§ 2-3-203, MCA	Meetings of public agencies to be open to public – exceptions
	§ 20-1-305, MCA	School Holidays
	§ 20-9-115, MCA	Notice of final budget meeting
	§ 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: 01/12/98

Reviewed on: 02/10/10

Revised on: 12/13/05, 11/12/2012, 04/08/14

Columbus Public Schools

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 the request.

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

Fees will be charged as follows:

- a) Copy of Board of Trustee 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:	§ 2-6-110, MCA	Electronic Information and nonprint records
	§ 20-9-213, MCA	Duties of Trustees
	§ 20-3-323, MCA	District Policy and Record of Acts

Policy History:

Adopted on: 01/12/98

Reviewed on:

Revised on: 02/10/10

Columbus Public Schools

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

Policy History:
Adopted on: 12/13/05
Reviewed on: 02/10/10
Revised on:

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 4 business days or 6 calendar days before a regular Board meeting or 2 calendar days before a special 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, that complaint must be in writing, signed by the complainant, and presented to the Superintendent at least 6 calendar days prior to the Board meeting. School personnel are required to follow the complaint procedure established specifically for their use. 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.

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 Chairman 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.

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 seventy-two (72) 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

Appropriate minutes of all meetings required to be open must be kept and must be available for inspection by the public. If an audio recording of a meeting is made and designated as official, the recording constitutes the office record of the meeting. If an official recording is made, a written record of the meeting must also be made and must also include:

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

If the minutes are recorded and designated as the official record, a log or time stamp for each main agenda item is required for the purpose of providing assistance to the public in accessing that portion of the meeting.

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.

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.

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.

Rescind a Motion

A motion to rescind (cancel previous action) may be made anytime by any trustee. A motion to rescind must be properly noticed on the Board's agenda for the meeting. It is in order any time prior to accomplishment of the underlying action addressed by the motion.

Cross Reference: 1441 Audience Participation

Legal References: adopted	§ 2-3-103, MCA	Public participation - governor to ensure guidelines
	§ 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
	<i>Jones and Nash v. Missoula Co., 2006 MT2, 330 Mont 2005</i>	

Policy History:

Adopted on: 01/12/98

Reviewed on:

Revised on: 02/10/10, 01/11/2011, 12/13/2011

Columbus Public Schools

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 located in the board room 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.

Columbus Public Schools

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 of thumb, trustees should vote on all issues, unless casting a vote would be a violation of law. In accordance with Montana law, there are instances in which it would be unlawful or inappropriate for a trustee to cast a vote on a particular issue, including, but 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;
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 in order 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 Reference:§ 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:

Reviewed on: 02/10/10

Revised on:

THE BOARD OF TRUSTEES

Audience Participation

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.

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.

Individuals wishing to be heard by the Chairperson shall first be recognized by the Chairperson. Individuals, after identifying themselves, will proceed to make comments as briefly as the subject permits. The Chairperson may interrupt or terminate an individual’s statement when appropriate, including when statements are out of order, too lengthy, personally directed, abusive, obscene, or irrelevant. The Board as a whole shall have the final decision in determining the appropriateness of all such rulings.

Cross Reference: 1420 School Board Meeting Procedure

Legal Reference: Article II, Section 8, Montana Constitution – Right of participation
Article II, Section 10, Montana Constitution – Right of privacy
§§ 2-3-101, et seq., MCA Notice and Opportunity to Be Heard

Policy History:
Adopted on: 01/12/98
Reviewed on:
Revised on: 02/10/10

Columbus Public Schools

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: 01/12/98

Reviewed on: 02/10/10

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 which are in the business of loaning or receiving money when such investments or deposits are made on a rotating or ratable basis among financial institutions in the community or when there is only one financial institution in the community; or 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 degree or by affinity within the second degree.
 - a. This prohibition does not apply to the issuance of an employment contract of a person as a substitute teacher who is not employed as a substitute teacher for more than 30 consecutive school days.
 - b. This prohibition does not apply to the renewal of an employment contract of a person who was initially hired before the Board member to whom he/she is related assumed the position.
 - c. This prohibition does not apply if the 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 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 or marriage except when the marriage has resulted in issue still living.

Below is a list of the various relationships by affinity that fall within the category prohibited. Any other relationship would be allowed. If the appointing power is a woman instead of a man, substitute the word "husband" where "wife" appears.

Relationship to Appointing Power

1st Degree

Father-in-law
Mother-in-law
Daughter-in-law
Son-in-law

2nd Degree

Grandparents-in-law
Brother-in-law (wife's brother)
Sister-in-law (wife's sister)
Brother-in-law (sister's husband)
Sister-in-law (brother's wife)
Husband or wife of grandchildren

Legal Reference	§ 2-2-125, MCA	Rules of conduct for local government officers
	§ 2-2-201, MCA	Public officers, employees of former employees not to have interest in contracts
	§ 2-2-302, MCA	Appointment of relative to office of trust - employment unlawful
	§ 2-2-303, MCA	Agreement to appoint relative to office unlawful
	§ 20-1-201, MCA	School officers not to act as agent
	§ 20-9-204, MCA	Conflicts of interest, letting contracts and calling for bids

Policy History:

Adopted on: 01/12/98
Reviewed on: 02/10/10
Revised on:

THE BOARD OF TRUSTEES

Management Rights

The Board retains the right to operate and manage their 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: 01/12/98

Reviewed on: 02/10/10

Revised on:

Columbus Public Schools

THE BOARD OF TRUSTEES

1520

Board/Staff Communications

In order to perform their responsibilities, Board members must be familiar with the operations within the schools. The superintendent shall establish procedures which can enhance the Board member's understanding of school operations.

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: 01/12/98

Reviewed on: 02/10/10

Revised on:

Trustee Expenses

Expenses for Board Members - In-District

A trustee shall not receive remuneration for service as a trustee. Trustees living more than three 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. The purpose of this policy is to provide expenditure guidelines and define what is considered legitimate expenses of attendance at Out-of-District meetings. The District will pay the cost for:

1. Transportation from Columbus to the meeting site and back at the state per mile rate approved for the District.
2. On-site transportation: For necessary transportation by bus, taxi or rental car during the course of the meeting.
3. Hotel or motel cost for trustee room accommodations at the meeting or convention headquarters facility or other as necessary. If at a convention, the headquarters hotel cannot accommodate all of the participants and a trustee must stay at an alternative facility, the cost of the alternative facility will be paid.
4. Food costs as necessary: Since food costs vary significantly from one location to another, a specific dollar allowance for meals per day is not possible to establish. Trustees are requested to be modest in their meal expenditures.
5. Telephone services: Necessary telephone communications with business or family resulting from the trustee being away from Columbus.
6. Incidental expenditures for tips and other necessary costs attributable to the trustee's attendance at the meeting.
7. Registration and materials which are a part of the meeting agenda and/or requirements.

The District will not reimburse or pay for such items as:

1. Liquor
2. Expenses of a spouse or other family members
3. Separate entertainment
4. Any other unnecessary expenditures

In any instance where a trustee would choose to accept a flat fee reimbursement for expenditures as opposed to the itemized approach outlined above, the amount of the flat fee will be the sum of the following:

1. Quoted airline ticket or calculated mileage price
2. Quoted single room lodging price at the convention headquarter hotel
3. \$35.00 per day for food
4. A modest estimate of all other expenses

The trustee may either request a flat fee advance prior to attending the meeting or may use the itemized approach outlined above. In the latter case, the trustee may receive a partial advance prior to the meeting and then submit a Claim for Travel Expenses for the remainder of the costs upon return from the meeting.

Legal References:	§ 2-18-503, MCA	Mileage allowance
	§ 20-1-211, MCA	Expenses of officers attending conventions
	§ 20-3-311, MCA	Trustee travel reimbursement

Policy History:

Adopted on: 01/12/98
Reviewed on: 02/10/10
Revised on:

Columbus Public Schools

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.

An additional trustee, as provided for in 20-3-352(2), who is chosen as a nonvoting chairperson of the board of an elementary district is entitled to all of the immunization, defenses, and indemnifications as described in 20-3-322, MCA.

Legal References:	§ 20-3-331, MCA	Purchase of insurance – self-insurance plan
	§ 20-3-332, MCA	Personal immunity and liability of trustees
	§ 20-3-352(2), MCA	Request and determination of number of high school district additional trustee positions – nonvoting trustee

Policy History:

Adopted on: 01/12/98

Reviewed on: 02/10/10

Revised on: 12/13/2011

Columbus School District

THE BOARD OF TRUSTEES

R
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: 01/12/98

Reviewed on: 02/10/10

Revised on:

Columbus Public Schools

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: 01/12/98

Reviewed on: 02/10/10

Revised on:

Columbus Public Schools

THE BOARD OF TRUSTEES

1621

In-Service Conference for Trustees

In keeping with the need for continued boardmanship 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: 01/12/98

Reviewed on: 02/10/10

Revised on:

Columbus Public Schools

BOARD OF TRUSTEES

1635

Internships

Internship means an agreement between a fully licensed Class 1, 2, or 3 educator, the school district, and a Montana accredited educator preparation program. Internships are permitted in endorsement areas approved by the Board of Public Education.

The Board recognizes the need to provide training opportunities for prospective teachers and administrators. Internships for those in the process of acquiring teaching endorsements and/or administrative credentials shall be considered and approved on an individual basis. The Superintendent or designee involved will review the internship proposal with the candidate and the university representative, much in the same manner as student teachers are assigned.

As part of an internship agreement, the parties must agree to the following:

- (a) the intern will complete the requirements for the appropriate endorsement within three years;
- (b) the school district will provide local supervision and support of the intern; and
- (c) the accredited educator preparation program will approve the coursework and provide support and periodic supervision.

A superintendent intern shall be supervised throughout the year by a licensed and endorsed superintendent contracted by the district, including participation in, and review of, and written concurrence in all performance evaluations of licensed staff completed by the intern.

An emergency authorization of employment granted by the Superintendent of Public Instruction pursuant to §20-4-111, MCA is not a license; therefore is not eligible for an internship.

Legal Reference:	§ 20-4-111, MCA	Emergency authorization of employment
	ARM 10.55.602	Definitions
	ARM 10.55.607	Internships
	ARM 10.55.702	Licensure and duties of District
		Administrator – District Superintendent
	ARM 10.57.412	Class 1 and 2 Endorsements
	ARM 10.57.413	Class 3 Administrative License

Policy History:

Adopted on:

Reviewed on: 02/10/10

Revised on: 04/08/14

Columbus Public Schools

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: 01/12/98

Reviewed on: 02/10/10

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 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: 02/10/10

Reviewed on:

Revised on: