

POPLAR SCHOOL DISTRICT

THE BOARD OF TRUSTEES

1000 SERIES

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Legal Status and Organization

The Board of Trustees of the Poplar Elementary and High School Districts No. 9 and 9B, Roosevelt County, is the governmental entity established by the State of Montana to plan and direct all aspects of the District's operations.

The policies of the Board define the organization of the Board and the manner of conducting its official business. The Board's powers and duties include the broad authority to adopt and enforce all powers and duties of the Board that are derived from the Montana Constitution, state statutes, and regulations.

Membership

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

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

Legal Reference

§ 20-3-323, MCA
§ 20-3-324, MCA
§ 20-3-341, MCA

District policy and record of acts
Powers and Duties
Number of trustee positions in elementary school districts

Policy History

Adopted on:

Revised on: July 11, 2016

Poplar School District

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1110

Taking Office

A newly elected or appointed Trustee shall take office as soon as election results have been certified and the newly elected or appointed 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 by law. 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.

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 are staggered as provided by law.

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
	§ 20-3-301, MCA	Election and term of office

Policy History

Adopted on:

Revised on: July 11, 2016

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Election

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

Board elections shall take place on the first (1st) Tuesday after the first (1st) Monday in May of each year. Any person who is a qualified voter of the District is legally qualified to become a Trustee. A declaration of intent to be a candidate must be submitted to the District Clerk at least forty (40) days before the regular school election day. If different terms are to be filled, the term for the position for which each candidate is filing also shall be indicated. Any person seeking to become a write-in candidate for a trustee position shall file a declaration of intent no later than 5:00 p.m. on the day before the ballot certification deadline in Section 20-20-401, MCA. If the number of candidates filing for vacant positions or filing a declaration of intent to be a write-in candidate is equal to or less than the number of positions to be elected, the Trustees may give notice no later than thirty (30) days before the election that a Trustee election will not take place. If a Trustee election is not held, the Trustees shall declare the candidates elected by acclamation and shall issue a “certificate of election” to each candidate.

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

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

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

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
	§ 20-3-324(4), MCA	Powers and duties

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§ 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:

Revised on: July 11, 2016

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Resignation and Other Vacancies

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

- Death of the incumbent;
- Resignation, in writing, filed with the Clerk;
- Incumbent moves out of the district, establishing residence elsewhere;
- Incumbent is no longer a registered elector of the District under the provisions of §20-20-301, MCA;
- Incumbent is absent from the District for sixty (60) consecutive days;
- Incumbent fails to attend three (3) consecutive meetings of the trustees without good reason;
- Incumbent has been removed under the provisions of § 20-3-310, MCA; or
- 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 applications from any qualified persons seeking to fill the position after such notices as determined by the board to be appropriate. 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.

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 register 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.

Legal References:

- § 2-16-502, MCA
- § 20-3-308, MCA
- § 20-3-309, MCA

Registrations

- Vacancy of trustee position
- Filling vacated trustee position – appointee qualification and term of office

Policy History

Adopted on:

Revised on: July 11, 2016

Poplar School District

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1130

Committees

Board Member Committees

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

Citizen Committees

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

Administrative Committees

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

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

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

Policy History

Adopted on:

Revised on: July 11, 2016

Poplar School District

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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 Chairperson may be any trustee of the board, including an additional trustee as provided for in 20-3-352(2). 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;
- Keep Board members informed;
- 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
- 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 debate and to vote. The Chairperson may not make a motion, but may second motions.

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),(3), MCA	Organization and officers
	§ 20-3-351(1)(a), MCA	Number of trustee positions in high school district
	§ 20-3-352(2), MCA	Request and determination of number of high school district additional trustee positions – nonvoting trustee

Policy History

Adopted on:

Revised on: July 11, 2016

Poplar School District

THE BOARD OF TRUSTEES

1230

Clerk

The Clerk of the Board shall attend all meetings of the Board, unless excused by the Chair, and keep an accurate journal of its proceedings. The Clerk shall have custody of the records, books, and documents of the Board. In the absence or inability of the Clerk to attend a Board meeting, the Board will designate 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 a financial report of receipts and disbursements of all school funds on an annual basis unless the Board requests such reports on a more frequent basis. The Clerk shall perform other duties as prescribed by state law or as directed by the Board.

Legal References:

§ 20-3-321, MCA
§ 20-3-325, MCA
10.55.701, ARM

Organization and officers
Clerk of the district
Board of Trustees

Policy History

Adopted on:

Revised on: July 11, 2016

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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 notice to the Chair or Superintendent of the Trustee’s inability to attend a Board meeting. A majority of the Board may excuse a Trustee’s absence from a meeting if requested to do so. The Board shall declare a position vacant after three (3) consecutive unexcused absences from regular Board meetings or if the Trustee has been absent from the District for sixty (60) consecutive days.

Cross Reference:	1112	Resignations and Other Vacancies
Legal References:	§ 20-3-201, 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:

Revised on: July 11, 2016

Poplar School District

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District Policy

Adoption and Amendment of Policies

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

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

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

Legal References:

§ 20-3-323, MCA
10.55.701, ARM

District policy and record of acts
Board of Trustees

Policy History

Adopted on:

Revised on: July 11, 2016

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Board Meetings

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

Regular Meetings

Unless otherwise specified by the Board, all regular meetings are held on second Monday of the month at 7:00 pm, in the District Board Room. If the time or place of a Board meeting is changed, notice shall be given in the same manner as provided for special meetings. The Board may choose to not convene a meeting in the month of July if there is no pressing business to attend to at that time.

Special Meetings

Special meetings may be called by the Board Chair or by any two (2) members of the Trustees. A written notice of a special meeting, stating the purpose of the meeting, must be provided to each Trustee not less than forty-eight (48) hours prior to the time of the meeting. The 48 hour written notice is waived in the event of an unforeseen emergency or to consider a violation of the student code of conduct within a week of graduation. Written notice shall also be sent not less than twenty-four (24) hours prior to the meeting to each newspaper and radio or television station that has filed a written request for such notices.

Committee Meetings

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

Budget Meetings

On or before August 20 of each year, the Board shall meet to consider all budget information and any attachments required by law. The Board may continue the meeting from day to day but shall adopt the final budget for the District and determine the amounts to be raised by tax levies for the District not later than August 25, and before the computation of the general fund net levy requirement by the county superintendent and the fixing of the tax levies for each district.

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

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Organizational Meeting

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

Emergency Meetings

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

Executive Session of Any Meeting

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

Legal References:	§ 2-3-103, MCA	Public participation – governor to ensure guidelines adopted
	§ 2-3-104, MCA	Requirements for compliance with notice provisions
	§ 2-3-105, MCA	Supplemental notice by radio or television
	§ 2-3-201, MCA	Legislative intent – liberal construction
	§ 2-3-203, 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:

Revised on: July 11, 2016

Poplar School District

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Records Available to Public

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

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

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

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

The Superintendent shall designate essential records immediately necessary to:

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

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

- Copies of Board minutes at 15¢ per page;
- Copies of other materials at 25¢ per page;

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

Legal Reference:	§ 2-6-102, MCA	Citizen entitled to inspect and copy public writings
	§ 20-3-323, MCA	District Policy and Record of Acts
	§ 20-9-213, MCA	Duties of Trustees

Policy History
Adopted on:
Revised:

Poplar School District

THE BOARD OF TRUSTEES

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School Board Meeting Protocol

Agenda

The agenda for any Board meeting shall be prepared by the Superintendent in consultation with the Board Chair. Items submitted by Board members and citizens may be placed on the agenda, though such requests are not required to be placed on the agenda. Such suggestions must be received by the Superintendent at least five (5) days before the Board meeting, unless of immediate importance as determined by the Superintendent. 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 that the Uniform Complaint Protocol 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 or other adjudicative proceedings. 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 may not take immediate action on any matter discussed in the public comment section at that time.

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

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

- The date, time and place of the meeting;
- The name of the presiding officer;
- A record of Board members present and absent;

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- A summary of the discussion on all matters discussed, proposed, deliberated or decided, and a record of any motions made and votes taken;
- A detailed statement of all expenditures;
- The purpose of recessing into closed session; and
- The time of adjournment.

The Clerk shall keep minutes of student disciplinary actions that are educationally related that are taken by the Board, including those portions held in closed session. The Board shall keep minutes during all closed sessions. Minutes taken during executive sessions shall be sealed.

The Board may direct the Clerk to make an audio recording of any meeting. Any audio recording may be destroyed after the minutes are approved. A file of permanent minutes of all meetings shall be maintained in the office of the Clerk. A written copy of the minutes shall be made available to the public within five (5) days following approval by the Board. Sealed minutes taken during any closed session of the Board shall not be made available to the public without a court order.

If the meeting is audio recorded and designated by the Board as the official record, a written record of the meeting must also be made and must include the information specified above. In addition, a log or time stamp for each main agenda item is required for the purpose of providing assistance to the public in accessing that portion of the meeting.

Quorum

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

Meeting Conduct and Order of Business

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

Cross Reference:	1441	Audience Participation
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
	<i>Jones and Nash v. Missoula Co., 2006 M T2, 330 Mont 2005</i>	

Policy History

Adopted on:

Revised on: July 11, 2016

Poplar School District

THE BOARD OF TRUSTEES

1425

Abstentions from Voting

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

- When hiring the relative of a Trustee;
- 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;
- 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;
- 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
- 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. 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:

Revised on: July 11, 2016

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1441

Audience Participation and Public Comment

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.

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. 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 District.

To allow fair and orderly expression of public comments, the Board will permit general comment public participation pertaining to Poplar School District issues that are NOT specifically listed on the agenda through oral or written comments during the District’s General Purpose “public comment” section of the Board agenda. The Board will not engage in dialogue on public comment for items not specifically listed on the agenda. The Board will permit public comment specific to an agenda item prior to a final decision on a matter of significant interest to the public. The Chairperson shall control such comment to ensure an orderly progression of the meeting, placing further reasonable time limits on comments in order to maintain and ensure effective and efficient operations of the Board meeting.

Cross Reference: 1420 School Board Meeting Protocol

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:

Revised on: July 11, 2016

Poplar School District

THE BOARD OF TRUSTEES

1511

Code of Ethics for School Board Members

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

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

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

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

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

Work with other Board members to establish effective Board policies; delegate authority for the administration of the district 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 application law;

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

Policy History

Adopted on:

Revised on: July 11, 2016

Poplar School District

THE BOARD OF TRUSTEES

1512

Conflict of Interest

A Trustee may not:

- 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.
- 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.
- Act as an agent or solicitor in the sale or supply of goods or services to a district.
- 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.
- Be employed in any capacity by the District, with the exception of officiating at athletic competitions under the auspices of the Montana Officials Association.
- 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.
 - 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 five (35) consecutive school days.
 - 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.
 - 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.

Policy History:

Adopted on:

Revised on: July 11, 2016

Poplar School District

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1513

Management Rights

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

- Direct employees;
- Employ, dismiss, promote, transfer, assign and retain employees;
- Relieve employees from duties because of lack of work or funds under conditions where continuation of such work would be inefficient and non-productive;
- Maintain the efficiency of District operations;
- Determine the methods, means, job classifications and personnel by which District operations are to be conducted;
- Take whatever actions may be necessary to carry out the missions of the District in situations of emergency;
- 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 § 39-31-303, MCA	Powers and Duties Management Rights of Public Employers

Policy History:

Adopted on:

Revised on: July 11, 2016

Poplar School District

THE BOARD OF TRUSTEES

1520

Board/Staff Communications

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

Staff Communications to the Board

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

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

Policy History:

Adopted on:

Revised on: July 11, 2016

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1531

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.

Out-of District Meetings

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

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

Policy History:

Adopted on:

Revised on: July 11, 2016 July 11, 2016

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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:

Revised on: July 11, 2016

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Indemnification and Defense of Trustees and Employees

The District shall defend and indemnify each of its current and former Trustees and employees whenever such Trustees or employees are civilly sued for their actions taken within the course and scope of their service to or employment by the Board, as a result of an alleged violation of Article VII, Section 17, of the Montana Constitution, except as otherwise provided herein.

In any noncriminal action brought against any current and former Trustee or employee of the District for a negligent act, error or omission, or other actionable conduct of the Trustee or employee committed while acting within the course and scope of the Trustee's office or employee's employment, resulting in an increase in taxes in violation of Article VII, Section 17, of the Montana Constitution, the District shall, except as otherwise provided herein, defend the action on behalf of the Trustee or employee and indemnify the Trustee or employee. Indemnification shall be provided for any money judgments or legal expenses, including attorney fees either incurred by the Trustee or employee or awarded to the claimant, or both, to which the Trustee may be subject as a result of a suit covered under this policy.

Upon receiving service of a summons and complaint in a noncriminal action against him or her alleging a violation of Article VII, Section 17, of the Montana Constitution, the Trustee or employee shall give written notice to the District, requesting that a defense to the action be provided by the District. Except as otherwise provided herein, the District shall offer a defense to the action on behalf of the Trustee or employee. The defense may consist of a defense provided directly by the District. The District shall notify the Trustee or employee, within 15 days after receipt of notice, whether a direct defense will be provided.

In a noncriminal action in which a Trustee or employee is a party defendant, the Trustee or employee shall not be defended or indemnified by the District for any money judgments or legal expenses, including attorney fees, to which the Trustee or employee may be subject as a result of the suit, if it is determined that:

- The conduct on which the claim is based constitutes oppression, fraud, or malice or for any other reason does not arise out of the course and scope of the Trustee's office or the employee's employment;
- The conduct of the Trustee or employee constitutes a criminal offense as defined in Title 45, chapters 4 through 7;
- The Trustee or employee compromised or settled the claim without the consent of the District; or
- The employee failed or refused to cooperate reasonably in the defense of the case.

If no judicial determination has been made applying the exclusions provide herein, the District may independently determine whether those exclusions apply. However, if there is a dispute as to whether the exclusions herein apply and the District concludes it should clarify its obligation to the Trustee or employee arising under this section by commencing a declaratory judgment action or other legal action, the District shall provide a defense or assume the cost of the defense of the Trustee or employee until judgment is rendered in such action holding that the District had no obligation to defend the Trustee or employee.

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The District has no obligation to provide a defense to the Trustee or employee in a declaratory judgment action or other legal action brought against the Trustee or employee by the District under this policy.

Legal References: § 2-9-305, MCA Immunization, Defense and Indemnification of Employees

Policy History:

Adopted on:

Revised on: July 11, 2016 July 11, 2016

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1610

Annual Goals and Objectives

Each year the Board may receive from and have the opportunity to review, and propose/make adjustments, if desired, to the Poplar School District's collaboratively established Mission and Vision statements and superintendent-proposed annual objectives.

Additionally, usually during the summer months, the Superintendent shall provide the Board with a report relating to the District's progress in achieving its Mission, Visions and previous year's objectives.

Legal Reference: 10.55.701, ARM Board of Trustees

Policy History:

Adopted on:

Revised on: July 11, 2016

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Uniform Complaint Protocol

The Board establishes this Uniform Complaint Protocol as a means to address complaints arising within the District. This Uniform Complaint Protocol is intended to be used for all complaints except those involving challenges to educational material and those governed by a collective bargaining agreement, and complaints alleging violations of Title IX or discrimination under Section 504.

Except as noted above, the District requests all individuals to use this complaint Protocol, 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 Protocol 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 Protocol is not a prerequisite to pursuit of other remedies, and use of this complaint Protocol 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 Protocol 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 Protocol, 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

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decision. (See Level 3.) This request must be submitted to the Superintendent within fifteen (15) calendar days of the administrator’s decision.

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:

Revised on: July 11, 2016