

PHILIPSBURG SCHOOL DISTRICT

1000 SERIES THE BOARD OF TRUSTEES

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1 **Philipsburg School District**

2
3 **THE BOARD OF TRUSTEES**

4
5 Legal Status and Organization

6
7 The Board of Trustees of Philipsburg School District No. 1 is the governmental entity
8 established by the State of Montana to plan and direct all aspects of the District’s operations.

9
10 Policies of the Board define its organization and the manner of conducting its official business.
11 The operating policies of the Board are those that it adopts from time to time to facilitate the
12 performance of its responsibilities.

13
14 *Membership*

15
16 The District is governed by a Board of Trustees consisting of five (5) members. The District is
17 classified as a Class 2 district and is operated according to the laws and regulations pertaining to
18 Class 2 districts.

19
20 All trustees shall participate on an equal basis with other members in all business transactions
21 pertaining to the District.

22	23		
24	Legal Reference:	§ 20-3-323, MCA	District policy and record of acts
25		§ 20-3-324, MCA	Powers and duties
26		§ 20-3-341, MCA	Number of trustee positions in elementary school
27			districts
28		§ 20-3-351, MCA	Number of trustee positions in high school district
29			

30
31 Policy History:

32 Adopted on:

33 Reviewed on:

34 Revised on:

1 **Philipsburg School District**

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1110

4
5 Taking Office

6
7 A newly elected trustee shall take office as soon as election results have been certified and the
8 newly elected trustee has taken and subscribed to an oath to faithfully and impartially discharge
9 the duties of the office to the best of his/her ability. The person shall qualify by taking an oath of
10 office administered by the county superintendent, the superintendent's designee, or any officer
11 provided for by law. Such oath must be filed with the county superintendent not more than
12 fifteen (15) days after the receipt of the certificate of election or the appointment.

13
14 Except as otherwise provided by law, trustees shall hold office for terms of three (3) years, or
15 until successors are elected and qualified. Terms of trustees are staggered as provided by law.

16
17 Cross Reference: Policy 1113 Vacancies

18
19
20 Legal References: § 1-6-101, MCA Officers who may administer oaths
21 § 2-16-116, MCA Power to administer oaths
22 § 20-1-202, MCA Oath of office
23 § 20-3-301, MCA Election and term of office
24 § 20-3-307, MCA Qualification and oath

25
26 Policy History:

27 Adopted on:

28 Reviewed on:

29 Revised on:

1 **Philipsburg School District**

2
3 **THE BOARD OF TRUSTEES**

4
5 Election

6
7 Elections conducted by the District are nonpartisan and are governed by applicable election laws
8 as found in Titles 13 and 20 of the Montana Code. The ballot at such elections may include
9 candidates for trustee positions, various public policy propositions, and advisor questions.

10
11 Board elections shall take place on the first (1st) Tuesday after the first (1st) Monday in May of
12 each year. Any person who is a qualified voter of the District is legally qualified to become a
13 trustee. A declaration of intent to be a candidate must be submitted to the District Clerk at least
14 forty (40) days before the regular school election day. If different terms are to be filled, the term
15 for the position for which the candidate is filing must also be indicated. Any person seeking to
16 become a write-in candidate for a trustee position shall file a declaration of intent no later than
17 5:00 p.m. on the day before the ballot certification deadline. If the number of candidates filing
18 for vacant positions or filing a declaration of intent to be a write-in candidate is equal to or less
19 than the number of positions to be elected, the trustees may cancel the election and shall give
20 notice no later than thirty (30) days before the election that a trustee election will not take place.
21 If a trustee election is not held, the trustees shall declare the candidates elected by acclamation
22 and shall issue a “certificate of election” to each candidate.

23
24 A candidate intending to withdraw from the election shall send a statement of withdrawal to the
25 clerk of the district containing all information necessary to identify the candidate and the office
26 for which the candidate filed. The statement of withdrawal must be acknowledged by the clerk
27 of the district. A candidate may not withdraw after 5:00 p.m. the day before the ballot
28 certification deadline.

29
30 In the event of an unforeseen emergency occurring on the date scheduled for the funding
31 election, the district will be allowed to reschedule the election for a different day of the calendar
32 year.

33
34 In years when the Legislature meets in regular session or in a special session that affects school
35 funding, the trustees may order the election on a date other than the regular school election day
36 in order for the electors to consider a proposition requesting additional funding under § 20-9-
37 353, MCA.

38		
39	Legal Reference:	§ 13-10-211, MCA Declaration of intent for write-in candidates
40		§ 20-3-304, MCA Annual election
41		§ 20-3-305, MCA Candidate qualification, nomination and withdrawal
42		§ 20-3-313, MCA Election by acclamation – notice
43		§ 20-3-322, MCA Meetings and quorum
44		
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- § 20-3-324(4), MCA Powers and duties
- § 20-3-344, MCA Nomination of candidates by petition in first-class elementary district
- § 20-9-353, MCA Additional financing for general fund – election for authorization to impose
- § 20-20-105, MCA Regular school election day and special school elections – limitation – exception
- § 20-20-204, MCA Election Notice
- § 20-20-301, MCA Qualifications of elector

Policy History:
Adopted on:
Reviewed on:
Revised on:

1 **Philipsburg School District**

2
3 **THE BOARD OF TRUSTEES**

1130

4
5 Committees

6
7 ***Board Member Committees***

8
9 The Board may create Board member committees as deemed necessary. The Board Chair will
10 make all appointments to Board member committees. Notice of Board member committee
11 meetings shall be given in the same manner as notice for special meetings, and Board member
12 committee meetings shall be open to the public.

13
14 ***Citizen Committees***

15
16 The Board or the Superintendent may create committees that involve community members as
17 deemed necessary, either on an *ad hoc* or regular basis. The Board Chair or the Superintendent
18 will make all appointments to citizen committees and will establish the parameters and duties for
19 the citizen committees. Notice of citizen committee meetings shall be given in the same manner
20 as notice for special meetings, and citizen committee meetings shall be open to the public.

21
22 ***Administrative Committees***

23
24 The Superintendent may create administrative committees as deemed necessary. The
25 Superintendent will make all appointments to the administrative committees. In determining
26 whether an administrative committee meeting shall be open to the public, the following factors,
27 although not exhaustive in nature, should be considered: (1) the frequency with which the
28 committee meets; (2) whether the committee is deliberating or just gathering facts; (3) whether
29 the deliberations concern a matter of policy rather than ministerial or administrative functions;
30 (4) whether the committee members have executive authority and experience; and (5) the results
31 of the meeting. If the presiding officer determines that the administrative committee should be
32 held in compliance with the Open Meeting Act, he shall provide notice of the meeting in the
33 same manner as notice for a special meeting, and the administrative meeting shall be open to the
34 public.

35
36 Legal Reference: § 2-3-203, MCA Meetings of public agencies and certain associations of
37 public agencies to be open to public - exceptions

38
39 **Crofts v. Associated Press** (2004), 2004 MT 120

40
41
42 Policy History:

43 Adopted on:

44 Reviewed on:

45 Revised on:

1 **Philipsburg School District**

2
3 **THE BOARD OF TRUSTEES**

4
5 Qualifications, Terms, and Duties of Board Officers

6
7 The Board officers are the Chair and Vice Chair. These officers are elected at the annual
8 organizational meeting for a one (1) year term.

9
10 ***Chair***

11
12 The Chair may be any trustee of the Board. The duties of the Chair include the following:

- 13
- 14 • Preside at all meetings and conduct meetings in the manner prescribed by the Board’s
- 15 policies;
- 16 • Make all Board committee appointments;
- 17 • Sign all papers and documents as required by law and as authorized by action of the
- 18 Board;
- 19 • Close Board meetings as authorized by Montana law; and
- 20 • Act as spokesperson for the Board.

21
22 The Chair is permitted to participate in all Board meetings in a manner equal to all other Board
23 members, including the right to participate in debate and to vote.

24
25 ***Vice Chair***

26
27 The Vice Chair shall preside at all Board meetings in the absence of the Chair and shall perform
28 all the duties of the Chair during the Chair’s absence or unavailability. The Vice Chair shall
29 work closely with the Chair and shall assume whatever duties the Chairperson may delegate.

30	31 Cross Reference:	Policy 1400	Board Meetings
32	33 Legal References:	§ 2-3-203, MCA	Meetings of public agencies and certain
34			associations of public agencies to be open to
35			public – exceptions
36		§ 20-3-321(2), MCA	Organization and officers
37			
38			

39 Policy History:

40 Adopted on:

41 Reviewed on:

42 Revised on:

1 **Philipsburg School District**

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3 **THE BOARD OF TRUSTEES**

4
5 Duties of Individual Trustees

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

12
13 Each trustee shall review the agenda and attendant materials in advance of a meeting and shall be
14 prepared to participate in discussion and decision making for each agenda item. Each trustee
15 shall visit every school building at least once per year to examine its management, conditions,
16 and needs.

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

24
25
26
27 Cross Reference: 1112 Resignations and Other Vacancies

28
29 Legal References: § 20-3-301, MCA Election and term of office
30 § 20-3-308, MCA Vacancy of trustee position
31 § 20-3-324(21), MCA Powers and duties
32 § 20-3-332, MCA Personal immunity and liability of trustees
33

34 Policy History:

35 Adopted on:

36 Reviewed on:

37 Revised on:

1 **Philipsburg School District**

2
3 **THE BOARD OF TRUSTEES**

1401

4
5 Records Available to Public

6
7 The District is committed to effective records management including meeting legal standards for
8 record retention and protection of privacy, optimizing the use of space, minimizing the cost of
9 record retention, and properly destroying outdated records. This policy applies to all records,
10 regardless of whether they are maintained in hard copy, electronically, or in some other fashion.

11
12 The District requires that its records be maintained in a consistent manner and be managed so
13 that the District:

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

19
20 The Superintendent shall establish appropriate records management procedures and practices,
21 which shall be provided to staff members who manage records within the District. The Board
22 acknowledges the public's right to inspect and copy the District's public records, with certain
23 exceptions. Unless otherwise provided by law, a public record shall be accessible for inspection
24 and duplication either by written or oral request. The District shall respond to all such requests
25 within a reasonable period of time, generally not to exceed 10 business days. If the District
26 cannot respond to the request within 10 business days, the records custodian shall notify the
27 requestor in writing and provide a timeline for response to the request. If an oral request is not
28 responded to within 10 business days, the requestor must put the request in writing.

29
30 The Superintendent shall designate essential records immediately necessary to:

- 31
32 • Respond to an emergency or disaster;
- 33 • Begin recovery or reestablishment of operations during and after an emergency or
34 disaster;
- 35 • Protect the health, safety, and property of District students and employees; or
- 36 • Protect the assets, obligations, rights, history and resources of the District, its employees,
37 and students.

38
39 The District will provide copies of all documents, including electronic communications, in the
40 medium in which those documents exists. Reasonable fees shall be charged for copies as
41 follows:

- 42
43 • Copies of Board minutes at 15¢ per page;
- 44 • Copies of other materials at 25¢ per page;

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1 **Philipsburg School District**

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7 • The actual costs directly incident to fulfilling a records request in the most cost-efficient
8 and timely manner possible, including but not limited to the time required to gather the
9 requested information; and
10 • Actual cost of purchasing the electronic media used for transferring data, if the person
11 requesting the information does not provide the media.
12

13 The District shall comply with Montana law in addressing any unauthorized breaches of its
14 computer data security system, including but not limited to complying with all disclosure and
15 investigation requirements.
16

17
18 Legal References: § 2-6-110, MCA Electronic Information and non-print records
19 § 20-3-323, MCA District policy and record of acts
20 § 20-9-213, MCA Duties of trustees
21 § 30-14-1704, MCA Computer Security Breach
22

23 Policy History:
24 Adopted on: 08/14/19
25 Reviewed on:
26 Revised on:

1 **Philipsburg School District**

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3 **THE BOARD OF TRUSTEES**

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4
5 Audience Participation and Public Comment

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

14
15 Board meetings are held in public but are not public meetings. Members of the public shall be
16 recognized and allowed input during the meeting, at the discretion of the Chair. Following
17 recognition by the Chair, individuals must identify themselves and then make comments as the
18 subject permits. The Chair may interrupt or terminate an individual’s statement when
19 appropriate, including when statements are out of order, too lengthy, personally directed,
20 abusive, obscene, or irrelevant. The Board as a whole shall have the final decision in
21 determining the appropriateness of all such rulings.

22
23
24
25 Cross Reference: 1420 School Board Meeting Procedure

26
27 Legal Reference: Article II, Section 8, Montana Constitution – Right of participation
28 Article II, Section 10, Montana Constitution – Right of privacy
29 §§ 2-3-101, et seq., MCA Notice and Opportunity to Be Heard

30
31 Policy History:

32 Adopted on:

33 Reviewed on:

34 Revised on:

1 **Philipsburg School District**

2
3 **THE BOARD OF TRUSTEES**

1511

4
5 Code of Ethics for School Board Members

6
7 AS A MEMBER OF MY LOCAL BOARD OF TRUSTEES, I WILL STRIVE TO IMPROVE
8 PUBLIC EDUCATION, AND TO THAT END I WILL:

9
10 Attend all regularly scheduled Board meetings insofar as possible and become informed
11 concerning the issues to be considered at those meetings;

12
13 Recognize that I should endeavor to make policy decisions only after full discussion at public
14 Board meetings;

15
16 Make all decisions based on available facts and my independent judgment and refuse to
17 surrender that judgment to individuals or special interest groups;

18
19 Encourage the free expression of opinion by all Board members and seek systematic
20 communications between the Board and students, staff, and all elements of the community;

21
22 Work with other Board members to establish effective Board policies and to delegate authority
23 for administration to the Superintendent;

24
25 Recognize and respect the responsibilities that properly are delegated to the Superintendent;

26
27 Communicate to the Superintendent expression of public reaction to Board policies, school
28 programs, or staff;

29
30 Support the employment of those persons best qualified to serve as school staff and insist on
31 regular and impartial evaluation of staff;

32
33 Avoid being placed in a position of conflict of interest and refrain from using my Board position
34 for personal or partisan gain;

35
36 Avoid compromising the Board or administration by inappropriate individual action or
37 comments and respect the confidentiality of information that is privileged under applicable law;

38
39 Remember always that my first and greatest concern must be the educational welfare of students
40 attending public schools.

41
42 Policy History:

43 Adopted on:

44 Reviewed on:

45 Revised on:

4
5 Conflict of Interest

6
7 A trustee may not:

- 8
- 9 1. Engage in a substantial financial transaction for the trustee’s private business purpose,
10 with a person whom the trustee inspects or supervises in the course of official duties.
 - 11 2. Perform an official act directly and substantially affecting, to its economic benefit, a
12 business or other undertaking in which the trustee either has a substantial financial
13 interest or is engaged as counsel, consultant, representative, or agent.
 - 14 3. Perform an official act directly and substantially affecting a business or undertaking to its
15 economic detriment a business or other undertaking in which the trustee has a substantial
16 personal interest in a competing firm or undertaking.
 - 17 4. Act as an agent or solicitor in the sale or supply of goods or services to a district.
 - 18 5. Have a pecuniary interest, directly or indirectly, in any contract made by the Board, when
19 the trustee has more than a ten percent (10%) interest in the corporation. A contract does
20 not include: 1) merchandise sold to the highest bidder at public auctions; 2) investments
21 or deposits in financial institutions that are in the business of loaning or receiving money,
22 when such investments or deposits are made on a rotating or ratable basis among
23 financial institutions in the community or when there is only one (1) financial institution
24 in the community; or 3) contracts for professional services other than salaried services or
25 for maintenance or repair services or supplies when the services or supplies are not
26 reasonably available from other sources, if the interest of any Board member and a
27 determination of such lack of availability are entered in the minutes of the Board meeting
28 at which the contract is considered.
 - 29 6. Be employed in any capacity by the District, with the exception of officiating at athletic
30 competitions under the auspices of the Montana Officials Association.
 - 31 7. Appoint to a position of trust or emolument any person related or connected by
32 consanguinity within the fourth (4th) degree or by affinity within the second (2nd) degree.
 - 33 a. This prohibition does not apply to the issuance of an employment contract to a
34 person as a substitute teacher who is not employed as a substitute teacher for more
35 than thirty five (35) consecutive school days.
 - 36 b. This prohibition does not apply to the renewal of an employment contract of a
37 person related to a Board member, who was initially hired before the Board
38 member assumed the trustee position.
 - 39 c. This prohibition does not apply if trustees comply with the following
40 requirements: 1) All trustees, except the trustee related to the person to be
41 employed or appointed, vote to employ the related person; 2) the trustee related to
42 the person to be employed abstains from voting; and 3) the trustees give fifteen
43 (15) days written notice of the time and place of their intended action in a
44 newspaper of general circulation in the county where the school is located.

45
46 Policy History:

1 Adopted on:
2 Reviewed on:
3 Revised on:

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Legal References:	§ 2-2-105, MCA	Ethical Requirements for Public Officers and Public Employees
	§ 2-2-121, MCA	Rules of Conduct for Public Officers and Public Employees
	§ 20-9-204, MCA	Conflict of interest
	§ 20-1-201, MCA	School officers not to act as agents
	§ 2-2-302, MCA	Appointment of relative to office of trust or emolument unlawful -- exceptions -- publication of notice.

1 **Philipsburg School District**

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3 **THE BOARD OF TRUSTEES**

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4
5 Management Rights

6
7 The Board retains the right to operate and manage its affairs in such areas as but not limited to:

- 8
9 1. Direct employees;
- 10
11 2. Employ, dismiss, promote, transfer, assign, and retain employees;
- 12
13 3. Relieve employees from duties because of lack of work or funds under conditions where
14 continuation of such work would be inefficient and nonproductive;
- 15
16 4. Maintain the efficiency of District operations;
- 17
18 5. Determine the methods, means, job classifications, and personnel by which District
19 operations are to be conducted;
- 20
21 6. Take whatever actions may be necessary to carry out the missions of the District in
22 situations of emergency;
- 23
24 7. Establish the methods and processes by which work is performed.

25
26 The Board reserves all other rights, statutory and inherent, as provided by state law.

27
28 The Board also reserves the right to delegate authority to the Superintendent for the ongoing
29 direction of all District programs.

30
31
32
33 Cross Reference: 6110 Superintendent

34
35 Legal Reference: § 20-3-324, MCA Powers and duties
36 § 39-31-303, MCA Management rights of public employers

37
38
39 Policy History:

40 Adopted on:

41 Reviewed on:

42 Revised on:

1 **Philipsburg School District**

2
3 **THE BOARD OF TRUSTEES**

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4
5 Board/Staff Communications

6
7 Every reasonable means of communication is encouraged throughout the education community.
8 Nevertheless, an organization must maintain some order and structure to promote efficient and
9 effective communications.

10
11 ***Staff Communications to the Board***

12
13 All official communications or reports to the Board, from principals, supervisors, teachers, or
14 other staff members, shall be submitted through the Superintendent. This procedure shall not
15 deny any staff member the right to appeal to the Board from administrative decisions, provided
16 that the Superintendent shall have been notified of the forthcoming appeal and that it is
17 processed according to the applicable procedures for complaints and grievances.

18
19 ***Board Communications to Staff***

20
21 All official communications, policies, and directives of staff interest and concern will be
22 communicated to staff members through the Superintendent. The Superintendent will employ all
23 such media as are appropriate to keep staff fully informed of Board concerns and actions.

24
25 ***Visits to Schools***

26
27 In accordance with Montana statutes, each trustee shall visit every school of the District at least
28 once each school fiscal year to examine its condition and needs. As a courtesy, individual Board
29 members interested in visiting schools should make arrangements for visitations through the
30 principals of the various schools. Such visits shall be regarded as informal expressions of
31 interest in school affairs and not as “inspections” or visits for supervisory or administrative
32 purposes.

33
34
35 Legal Reference: § 20-3-324(21), MCA Powers and duties

36
37 Policy History:

38 Adopted on:

39 Reviewed on:

40 Revised on:

1 **Philipsburg School District**

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3 **THE BOARD OF TRUSTEES**

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4
5 Trustee Expenses

6
7 ***In-District***

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

14
15 ***Out-of-District***

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

- 19
20 1. Transportation as approved by the Board;
21 2. On-site transportation during the course of the meeting, i.e., bus, taxi, or rental car;
22 3. Hotel or motel costs for trustee, as necessary;
23 4. Food costs as necessary;
24 5. Telephone services for necessary communications with business or family, resulting from
25 the trustee being away from Kalispell;
26 6. Incidental expenditures for tips and other necessary costs attributable to the trustee's
27 attendance at a meeting; however, the District will not reimburse or pay for such items as
28 liquor, expenses of a spouse, separate entertainment, or other unnecessary expenditures.

29
30
31
32 Cross Reference: 7336 Travel Allowances and Expenses

33
34 Policy History:

35 Adopted on:

36 Reviewed on:

37 Revised on:

1 **Philipsburg School District**

2

3 **THE BOARD OF TRUSTEES**

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4

5 Trustee Insurance

6

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

10

11

12

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

15

16

17

18 Policy History:

19 Adopted on:

20 Reviewed on:

21 Revised on:

1 **Philipsburg School District**

2
3 **THE BOARD OF TRUSTEES**

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page 1 of 3

4
5 Uniform Complaint Procedure

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

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

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

23
24 The Superintendent has the authority to contract with an investigator at any time during the
25 complaint procedure process. Within fifteen (15) calendar days of the Superintendent's receipt
26 of the independent investigator's report and recommendation, the Superintendent will respond to
27 the complaint and take such administrative steps as the Superintendent deems appropriate and
28 necessary.

29
30 Level 1: Informal

31
32 An individual with a complaint is first encouraged to discuss it with the appropriate teacher,
33 counselor, or building administrator, with the objective of resolving the matter promptly and
34 informally. An exception is that a complaint of sexual harassment should be discussed directly
35 with an administrator not involved in the alleged harassment.

36
37 Level 2: Building Administrator

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

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4 When a complaint alleges violation of Board policy or procedure, the building administrator will
5 investigate and attempt to resolve the complaint. The administrator will respond in writing to the
6 complaint, within thirty (30) calendar days of the administrator's receipt of the complaint.
7

8 If either the complainant or the person against whom the complaint is filed is dissatisfied with
9 the administrator's decision, either may request, in writing, that the Superintendent review the
10 administrator's decision. (See Level 3.) This request must be submitted to the Superintendent
11 within fifteen (15) calendar days of the administrator's decision.
12

13 When a complaint alleges sexual harassment or a violation of Title IX of the Education
14 Amendments of 1972 (the Civil Rights Act), Title II of the Americans with Disabilities Act of
15 1990, or Section 504 of the Rehabilitation Act of 1973, the building administrator will turn the
16 complaint over to a District nondiscrimination coordinator. The coordinator will complete an
17 investigation and file a report and recommendation with the Superintendent pursuant to the
18 District's Title IX and Section 504 Grievance Process. A coordinator may hire, with the
19 approval of the Superintendent, an investigator to conduct the investigation. Within fifteen (15)
20 calendar days of the Superintendent's receipt of the coordinator's or independent investigator's
21 report and recommendation, the Superintendent will respond to the complaint and take such
22 administrative steps as the Superintendent deems appropriate and necessary. If either the
23 complainant or the person against whom the complaint is filed is dissatisfied with the
24 Superintendent's decision, either may request, in writing, that the Board consider an appeal of
25 the Superintendent's decision. (See Level 4.) This request must be submitted in writing to the
26 Superintendent, within fifteen (15) calendar days of the Superintendent's written response to the
27 complaint, for transmission to the Board.
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29 Level 3: Superintendent

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31 If either the complainant or the person against whom the complaint is filed appeals the
32 administrator's decision provided for in Level 2, the Superintendent will review the complaint
33 and the administrator's decision. The Superintendent will respond in writing to the appeal,
34 within thirty (30) calendar days of the Superintendent's receipt of the written appeal. In
35 responding to the appeal, the Superintendent may: (1) meet with the parties involved in the
36 complaint; (2) conduct a separate or supplementary investigation; (3) engage an investigator or
37 other District employees to assist with the appeal; and/or (4) take other steps appropriate or
38 helpful in resolving the complaint.
39

40 If either the complainant or the person against whom the complaint is filed is dissatisfied with
41 the Superintendent's decision, either may request, in writing, that the Board consider an appeal
42 of the Superintendent's decision. (See Level 4.) This request must be submitted in writing to the
43 Superintendent, within fifteen (15) calendar days of the Superintendent's written response to the
44 complaint, for transmission to the Board.
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5 Level 4: The Board

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7 Upon written appeal, the Board will consider the Superintendent's decision in Level 2 or 3.
8 Upon receipt of written request for appeal, the Chair will place the appeal on the agenda of a
9 regular or special Board meeting. The Board will report its decision on the appeal, in writing, to
10 all parties, within thirty (30) calendar days of the Board meeting at which the Board considered
11 the appeal. A decision of the Board is final, unless it is appealed pursuant to Montana law within
12 the period provided by law.

13
14 Level 5: County Superintendent

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16 When a matter falls within the jurisdiction of a County Superintendent, the decision of the Board
17 may be appealed to the County Superintendent by filing written appeal within thirty (30)
18 calendar days of the Board's decision, pursuant to Montana law.

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22 Legal Reference: Title IX of the Education Amendments of 1972 (Civil Rights Act)
23 Title II of the Americans with Disabilities Act of 1990
24 § 504 of the Rehabilitation Act of 1973

25
26 Policy History:

27 Adopted on:
28 Reviewed on:
29 Revised on: