

Columbia Falls School District

THE BOARD OF TRUSTEES

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Legal Status and Organization

The Board of Trustees of the Columbia Falls School District No. 6, Flathead County, is the governmental entity established by the State of Montana to plan and direct all aspects of the District's operations. The District is classified as a first class district and is operated according to the laws and regulations pertaining to a first class district.

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 eight (8) members: seven (7) members who are residents of and elected by qualified electors of the Columbia Falls Elementary School District and one (1) member who is a resident of and elected by qualified electors of West Glacier Elementary School District. The seven (7) members of the Columbia Falls Elementary School District and the one (1) member of the West Glacier Elementary School District shall make up the Columbia Falls High School District.

The trustees of the District shall participate on an equal basis with other members in all transactions pertaining to the high school maintained by the District. Only the trustees elected from Columbia Falls Elementary School District may participate in decisions pertaining to the elementary schools maintained by 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:7-24-17
Revised on:

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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:7-24-17

Revised on:

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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 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
	§ 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

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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: 7-24-17

Revised on:

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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 the Board is 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 Board majority 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: 7-24-17

Revised on:

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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 the second Monday of the month at 6:00 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 forty-eight (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 *Hungry Horse News*, 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 of 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: 7-24-17

Revised on:

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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.

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Adopted on:7-24-17

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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 his 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.
- Perform an official act directly and substantially affecting a business or undertaking to its economic detriment a business or other undertaking in which the trustee has a substantial personal interest in a competing firm or undertaking;
- 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.