

**SIDNEY SCHOOL DISTRICT**  
**1000 Series**  
**THE BOARD OF TRUSTEES**

# SIDNEY SCHOOL DISTRICT

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## Sidney School District

### THE BOARD OF TRUSTEES

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#### Legal Status and Operation

The legal name of this District is School District Nos. 1 and 5, Richland County, State of Montana. The District is classified as a second-class district and is operated according to the laws and administrative rules pertaining to elementary and high school districts.

The Board of Trustees of School District Nos. 1 and 5, Richland County, is the governmental entity established by the state of Montana and constitutionally charged of the supervision and control of all aspects of the District's operations.

To achieve its primary goal of providing each child with a basic system of free quality education as required by Montana Law, the Board shall exercise the full authority granted to it by the laws of the state. Its legal powers, duties, and responsibilities are derived from the Montana Constitution and state statutes and administrative rules.

Policies of the District define and frame the manner via which the District conducts its official business. The policies of the District are modified/updated from time to time to reflect the operation of the District.

All handbooks approved by the Board are regarded as and given the same significance as District policy.

Legal Reference:	§ 20-3-323, MCA	District policy and record of acts
	§ 20-3-324, MCA	Powers and duties
	§ 20-6-101, MCA	Definition of elementary and high school districts
	§ 20-6-201, MCA	Elementary district classification
	§ 20-6-301, MCA	High school district classification
	§ 20-9-309, MCA	Basic system of free quality public elementary and secondary schools defined – identifying educationally relevant factors – establishment of funding formula and budgetary structure – legislative review

Article X, Section 8, MT Constitution

#### Policy History:

Adopted on: 11/9/98

Reviewed on: 5/2/17

Revised on: 7/1/14, 7/1/17

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Proficiency-Based ANB

It is the policy of the District to increase the flexibility and efficiency of the District's resource by utilizing the provision of law allowing proficiency-based ANB.

The school district has a definition of proficiency within the meaning of that term as used in 20-14 9-311(4) (d) and Section 20-7-1601, MCA. The definition must not require seat time as a condition or other element of determining proficiency. The definition must be incorporated in the district's policies and must be used for purposes of determining content and course mastery and other progress, promotion from grade to grade, grades, and graduation for pupils enrolled in the district's transformational learning program.

Definition of Proficiency

For purposes of this policy, the term "proficiency" means a degree of mastery of the underlying content through application in a performance assessment for a course that is reflective of a final grade, in the professional opinion of the teacher of record, of not less than a "B". The determination of proficiency by a teacher must not require seat time as a condition or other element of determining proficiency.

The determination of proficiency for a pupil enrolled in a course shall be made no earlier than the deadline for submitting the final grade for the course. The determination of proficiency for a pupil not enrolled in a course shall be based on the pupil's mastery of the underlying content of the course, demonstrated through completion of a final exam designed by the teacher of record for the applicable course with a minimum grade of a "B".

Teachers of record have full professional discretion in determining proficiency of pupils in courses taught. Teachers of record are encouraged to integrate trial and error into the learning process and to incorporate continued opportunity for practice and revision of assignments until a pupil reaches a performance level that demonstrates to the teacher's satisfaction that mastery of learning expectations has been attained.

The District may include in its calculation of ANB a pupil who is enrolled in a program providing fewer than the required aggregate hours of pupil instruction required under Montana law if the pupil has demonstrated proficiency in the content ordinarily covered by the instruction as determined by the school board using district assessments. The ANB of a pupil who demonstrates proficiency in any content/subject matter will be converted to an hourly equivalent based on the hours of instruction ordinarily provided for the content over which the student has demonstrated proficiency.

At the discretion of the District, a student may be given credit for a course satisfactorily completed in a period of time shorter or longer than normally required and, provided that the course meets the District's curriculum and assessment requirements, which are aligned with the content standards stated in the education program. Examples of acceptable course work include, but are not necessarily limited to, those delivered through correspondence, extension, and distance learning courses, adult education, alternative education, summer school, work study, specially designed courses, and challenges to current courses.

Legal Reference:	20-1-301, MCA	School fiscal year
	20-9-311(4) (a) (b) (d), MCA	Calculation of average number belonging (ANB) – 3-year averaging
	20-3-324, MCA	Powers and duties
	10.55.906 ARM	High School Credit
	20-7-1601, MCA	Personalized learning
	Chapter 307 (2023)	Revise transformational learning program

Policy History:

Adopted on: 12/11/17

Reviewed on: 8/7/23

Revised on: 12/9/19, 8/21/23

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Transfers for School Safety

It is the policy of the District to increase the flexibility and efficiency of the District's resources by utilizing the provision of law allowing transfers of funds to improve school safety and security. The District may transfer state or local revenue from any budgeted or non-budgeted fund, other than the debt service fund or retirement fund, to its building reserve fund in an amount not to exceed the school district's estimated costs of improvements to school and student safety and security

The transfer of such funds can be for:

1. Planning for improvements to and maintenance of school and student safety, including but not limited to the cost of services provided by architects, engineers, school resource officers, counselors, and other staff or consultants assisting with improvements to school and student safety and security;
2. Programs and training for school employees, students, parents, and community 20 members approved by the trustees to support school and student safety and security, including but not limited to active shooter training, threat assessments practices outlined in Policy 8130 and restorative justice;
3. Installing or updating locking mechanisms and ingress and egress systems at public school access points, including but not limited to systems for exterior egress doors and interior passageways and rooms, using contemporary technologies;
4. Installing or updating bullet-resistant windows and barriers; and
5. Installing or updating emergency response systems using contemporary technologies

Any transfers made under this policy and Montana law are not considered expenditures to be applied against budget authority. Any revenue transfers that are not encumbered for expenditures in compliance with the four reasons stated above, within 2 full school fiscal years after the funds are transferred, must be transferred back to the originating fund from which the revenue was transferred. If transfers of funds are made from a District fund supported by a non-voted levy, the District may not increase its non-voted levy for the purpose of restoring the transferred funds.

Legal Reference: 20-9-503, MCA Budgeting, tax levy, and use of building reserve fund.  
20-9-236, MCA Transfer of funds – improvements to school safety and security  
Chapter 348 (2023) School Safety Teams

Policy History:

Adopted on: 12/11/17

Reviewed on: 8/7/23

Revised on: 12/9/19, 8/21/23

Multidistrict Agreements

It is the policy of the District to increase the flexibility and efficiency of the District's resources by utilizing multidistrict agreements whenever possible.

Montana law (20-3-363, MCA) allows the boards of trustees of any two or more school districts to enter into a multidistrict agreement to create a multidistrict cooperative to perform any services, activities, and undertakings of the participating districts in support of the schools of the districts and to provide for the joint funding and operation and maintenance of all participating districts upon the terms and conditions as may be mutually agreed to by the districts

A multidistrict agreement may include an agreement through which one district provides culturally rooted 16 instruction aligned to a learning environment for English language learners or an Indian language 17 immersion program to pupils of a district participating in the multidistrict agreement. The costs and other 18 terms of service must be reflected in the multidistrict agreement.

The agreement must be approved by the boards of trustees of all participating districts and must include a provision specifying terms upon which a district may exit the multidistrict cooperative. The agreement may be for a period of up to 3 years.

All expenditures in support of the multidistrict agreement may be made from the interlocal cooperative fund as specified in 20-9-703 and 20-9-704. Each participating district of the multidistrict cooperative may transfer funds into the interlocal cooperative fund from the district's general fund, budgeted funds other than the retirement fund or debt service fund, or non-budgeted funds other than the compensated absence liability fund. Transfers to the interlocal cooperative fund from each participating school district's general fund are limited to an amount not to exceed the direct state aid in support of the respective school district's general fund. Transfers from the retirement fund and debt service fund are prohibited. Transfers may not be made with funds restricted by federal law unless the transfer is in compliance with any restrictions or conditions imposed by federal law.

Expenditures from the interlocal cooperative fund are limited to those expenditures that are permitted by law and that are within the final budget for the budgeted fund from which the transfer was made.

If transfers of funds are made from a District fund supported by a non-voted levy, the District may not increase its non-voted levy for the purpose of restoring the amount of funds transferred.

Examples of flexibility under this policy and Montana Law include but are not limited to:

- A district with a separate high school and elementary budget can enter into an agreement within the district;
- A district may enter into an agreement with any other school district(s) for the sharing of resources, including supplies, services, personnel, etc.

Legal Reference:      20-3-363, MCA      Multidistrict agreements – fund transfers  
                                 20-9-703, MCA      District as prime agency  
                                 2-9-704, MCA      District as cooperating agency  
                                 Chapter 580 (2023)      Remote Instruction

**Policy History:**

Adopted on: 12/9/19

Reviewed on: 8/7/23

Revised on: 8/21/23

**Sidney School District**

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# THE BOARD OF TRUSTEES

FLEXIBILITY AND EFFICIENCY

1007FE-F1

## Model Multidistrict Agreement

### Model Multidistrict Agreement

This Multidistrict Agreement (hereinafter "Agreement") is entered into this \_\_\_\_ day of \_\_\_\_\_, 20\_\_ by and between identify participating school districts (collectively hereinafter "Participating District" or "Participating Districts").

WHEREAS, pursuant to section 20-3-363, MCA, the boards of trustees of any two or more school districts may enter into an Multidistrict Agreement to create a multidistrict cooperative to perform any services, activities, and undertakings of the Participating Districts and to provide for the joint funding and operation and maintenance of all Participating Districts upon the terms and conditions as may be mutually agreed to by the districts subject to the conditions of section 20-3-363, MCA;

WHEREAS, an Agreement made pursuant to section 20-3-363, MCA, must be approved by the board of trustees of all Participating Districts;

WHEREAS, all expenditures in support of the Multidistrict Agreement may be made from the interlocal cooperative fund in accordance with sections 20-9-703 and 20-9-704, MCA. Each Participating District of the multidistrict cooperative may transfer funds into the interlocal cooperative fund from the general fund, any budgeted fund, or any non-budgeted fund of the Participating Districts, except as limited/prohibited law as follows:

1. transfers to the interlocal cooperative fund from each Participating District's general fund are limited to an amount not to exceed the direct state aid in support of the respective school district's general fund;
2. transfers from the retirement fund, the debt service fund or the compensated absence liability fund are prohibited; and
3. transfers may not be made with funds restricted by federal law unless such transfer is in compliance with any restrictions or conditions imposed by federal law.

WHEREAS, in accordance with section 20-9-703, MCA, \_\_\_\_\_ shall be designated as the prime agency. All other Participating Districts shall be designated as cooperating agencies;

WHEREAS, expenditures from the interlocal cooperative fund are limited to those expenditures that are permitted by law and that are within the final budget for the budgeted fund from which the transfer was made.

NOW THEREFORE, the districts hereby agree as follows:

1. To create a multidistrict cooperative for the purpose of incorporate purpose(s) here;

2. To create an interlocal cooperative fund for the purpose of transferring funds from the Participating Districts for the purpose(s) stated herein;
3. The identify the district designated as the prime agency is designated as the prime agency and as such shall establish a non-budgeted interlocal cooperative fund for the purpose of the financial administration of this Multidistrict Agreement.
4. 4. All other Participating Districts are designated as the cooperating agencies and in accordance with section 20-9-704, shall transfer its financial support under this Agreement to the prime agency by district warrant.
5. Any and all amounts transferred into the interlocal cooperative fund by any Participating District may come from: (a) the respective district's general fund in an amount not to exceed the direct state aid in support of the respective school district's general fund; or (b) any other budgeted fund of a participating district, except that funds cannot be transferred from the retirement fund or the debt service fund; or (c) any non-budgeted fund of a Participating District, except that funds cannot be transferred from the compensated absence liability fund.
6. Transfers may not be made with funds restricted by federal law unless the transfer is in compliant with any restrictions or conditions imposed by federal law.
7. Any and all amounts transferred into the interlocal cooperative fund by each Participating District must be for the purpose stated herein as mutually agreed upon between the Participating Districts in accordance with the terms of this Agreement.
8. The term of this Agreement shall be from \_\_\_\_\_ to \_\_\_\_\_.\*  
This Agreement may be extended by mutual approval of each Participating District. However, the term of the Agreement may not extend beyond 3 years. Any remaining fund balance in the interlocal cooperative fund at year end may be carried over to the subsequent fiscal year.
9. The terms of this Agreement may be changed upon mutual written approval of the Participating Districts.
10. Each Participating District shall agree how the funds shall be disbursed during the current fiscal year by establishing a budget or guidelines. The prime agency shall adhere to this Agreement. The Participating Districts will be provided with a monthly accounting summary of expenditures from the prime agency.
11. The multidistrict cooperative may be dissolved upon mutual consent of all Participating Districts in writing upon \_\_\_ days written notice to all Participating Districts. In addition, any Participating District may terminate its participation in the multi-district cooperative upon \_\_\_ days written notice to all Participating Districts. In the event that the

multidistrict cooperative is dissolved in its entirety or any Participating District terminates its participation in the multidistrict cooperative, the provisions of Paragraph 12 below shall apply.

12. Upon termination of this Agreement by one or all Participating Districts, the funds of the district or districts that no longer desire to participate in this multidistrict cooperative shall be returned to such District(s) on a pro rata share of the current funds held by the prime agency after all outstanding financial obligations have been paid with said funds to revert back to the original fund(s) from which the money was transferred as a result of said District(s) participation in the multidistrict cooperative.

13. This Agreement shall be interpreted according to and governed by the laws of the State of Montana.

As agreed on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

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Attest:

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*\* Note: The term of the agreement may be for a period of up to 3 years.*

Adopted on: 12/9/19

Reviewed on:

Revised on:

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**Sidney School District**

**THE BOARD OF TRUSTEES**

Increase in Over-Base Levy Authority Without a Vote

It is the policy of the District to increase the flexibility and efficiency of the District's resources by utilizing provisions in law that allow for increases in over-base levy authority without a vote through decreases in other non-voted levies.

Provided that budget limitations otherwise specified in law are not exceeded, the Board of Trustees may in its discretion increase the District's over-base budget levy without a vote if the Board reduces non-voted property tax levies authorized by law to be imposed by action of the Board by at least as much as the amount by which the over-BASE budget levy is increased. The ongoing authority for any non-voted increase in the over-BASE budget levy imposed must be decreased in future years to the extent the Board imposes any increase in other non-voted property tax levies.

Legal Reference:      20-9-308, MCA      BASE budgets and maximum general fund budgets

Adopted on: 12/9/19

Reviewed on:

Revised on:

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### Recruitment and Retention

It is the policy of the District to utilize all resources available to meet the District's objective of recruiting and retaining high quality staff focused on the individual success of each student. To meet this objective the District will utilize the flexible instructor licensure opportunities available to the District.

### Flexible Instructor Licensing

It is the policy of the District to increase the flexibility and efficiency of the District's resources by utilizing the provision of law allowing flexibility in licensure of instructors and as a means of addressing recruitment and retention of staff. Flexibilities in the following areas are available for the District's enhancement of its programs and services with a focus on individual student success:

- Internships
  - Available to anyone with a current license and endorsement in one subject who wants to move to a new licensed role/endorsed area.
  - Requirements must be satisfied within 3 years
  - Must include a plan between the intern, the school district and an accredited preparation program
- Provisionally Certified
  - May be issued to an otherwise qualified applicant who can provide satisfactory evidence of:
    - The intent to qualify in the future for a class 1 or class 2 certificate and
    - Who has completed a 4-year college program or its equivalent, and
    - Holds a bachelor's degree from a unit of the Montana university system or its equivalent.
- Substitutes
  - Must have a GED or high school diploma
  - Will have completed 3 hours of training by the district
  - Will have submitted a fingerprint background check  
(All requirements can be waived by the district if the substitute has prior substitute teaching experience in another public school from November 2002 to earlier)
  - May not substitute more than 35 consecutive days for the same teacher, however the same substitute can be used for successive absences of different staff as long as each regular teacher for whom the substitute is covering is back by 35 consecutive teaching days
- Retired Educators
  - School district must certify to OPI and TRS that the district has been unable to fill the position due to no qualified applications or no acceptance of offer by a non-retired teacher.

- A retired teacher with a date of termination through December 31, 2023, may not be employed under this provision until the retired teacher has a break in service of 6 150 calendar days. A retired teacher with a date of termination of January 1, 2024, 7 or later, may not be employed under this provision until the employee has a break in service of 120 calendar days.
- Limited to employment in a second or third class elementary district or a second or third class high school district.
- Retired teacher must have 27 years of experience in TRS
- There is a 3-year lifetime limit on the retired individual working under this provision
  
- Class 3 Administrative License
  - Valid for a period of 5 years
  - Appropriate administrative areas include: elementary principal, secondary principal, K-12 principal, K-12 superintendent, and supervisor.
  - Must be eligible for an appropriately endorsed Class 1, 2 or 5 license to teach in the school(s) in which the applicant would be an administrator or would supervise, and qualify as set forth in ARM 10.57.414 through 10.57.418
  - An applicant for a Class 3 administrative license who completed an educator preparation program which does not meet the definition in ARM 10.57.102(2), who is currently licensed in another state at the same level of licensure, may be considered for licensure with verification of five years of successful administrative experience as defined in ARM 10.57.102 as documented by a recommendation from a state accredited P-12 school employer on a form prescribed by the Superintendent of Public Instruction and approved by the Board of Public Education. The requirements of ARM 10.57.414(1) (c) (i-iii) must be met by an applicant seeking a superintendent endorsement.
  
- Class 4 for CTE
  - Valid for a period of 5 years
  - Renewable pursuant to the requirements of 10.57.215, ARM and the requirements specific to each type of Class 4 license.
  - 4A – for licensed teachers without a CTE endorsement
  - 4B – for individuals with at least a bachelor’s degree
  - 4C – for individuals with a minimum of a high school diploma or GED
  
- Class 5 alternatives
  - Good for a maximum of 3 years
  - Requirements dependent upon the alternative the district is seeking
  
- Emergency authorization of employment
  - Individual must have previously held a valid teacher or specialist certificate or have met requirements of rule 10.57.107, ARM

- Emergency authorization is valid for one year, but can be renewed from year to year provided conditions of scarcity continue to persist
- Alternative Teacher Credentialing

The District may employ a teacher possessing a Class 2 certificate issued after completing a certification and endorsement program that meets the requirements of alternative teacher credentialing consistent with Montana law and has been approved by the board of public education upon recommendation of the superintendent of public instruction.

#### Teacher Residency Program

In accordance with Montana law, the District may participate in a teacher residency program 15 consistent with the terms established by the Office of Public Instruction, professional educator 16 preparation program, and Board of Trustees in order to recruit and retain high-quality teachers.

#### Loan Repayment Program

The District may assist any quality educator who meets the qualifications for the state's loan repayment program at the discretion of the Board of Trustees. Loan repayment assistance may be provided on behalf of a quality educator who: (1) is employed newly hired in an identified impacted school experiencing a critical quality educator shortage outlined in 20-4-503; and (2) has an educational loan that is not in default and that has a minimum unpaid current balance of at least \$1,000 at the time of application.

A quality educator is eligible for state-funded loan repayment assistance for a lifetime total of no more than 3 years and an additional 1 year of loan repayment assistance voluntarily funded by the impacted school or the district under which the impacted school is operated, with the maximum annual loan repayment assistance not to exceed:

- \$3,000 of state-funded loan repayment assistance after the first complete year of teaching in an impacted school;
- \$4,000 of state-funded loan repayment assistance after the second complete year of teaching in the same impacted school or another impacted school within the same school district;
- \$5,000 of state-funded loan repayment assistance after the third complete year of teaching in the same impacted school or another impacted school within the same school district; and
- up to \$5,000 of loan repayment assistance funded by the impacted school or the district under which the impacted school is operated after the fourth complete year of teaching in the same impacted school or another impacted school within the same school district.

Legal References:      10.55.716, ARM      Substitute Teachers  
                                 10.55.607, ARM      Internships  
                                 28 10.57.107, ARM      Emergency Authorization of Employment

29 10.57.215, ARM	Renewal Requirements
10.57.420, ARM	Class 4 Career and Technical Education License
10.57.424, ARM	Class 5 Provisional License
19-20-732, MCA	Reemployment of certain retired teachers, specialists and administrators – procedure – definitions
20-4-501-20-4-505	Loan Repayment Assistance for Quality Educator
Chapter 232 (2023)	Quality Educator Loan Assistance Program
Chapter 470 (2023)	Alternative Teacher Credentialing
Chapter 135 (2023)	Revise TRS
Chapter 740 (2023)	Revise State Finance

Policy History:

Adopted on: 12/9/19

Reviewed on: 8/7/23

Revised on: 8/21/23

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## FLEXIBILITY AND EFFICIENCY

### Early Enrollment Exceptional Circumstances

It is the policy of the District to provide enhanced educational opportunities to students under the age of 5 when either individual exceptional circumstances exist and/or when Community-Based exceptional circumstances are present.

This policy shall terminate and expire on June 30, 2024, to be replaced in its entirety by a policy governing early intervention programs consistent with Chapter 608 (2023).

***Prohibition:*** *This policy cannot be used to provide what is otherwise characterized or referred to as a pre-school, pursuant to 20-7-117(2), MCA, which specifically prohibits the use of state equalization aid for preschool. This policy is intended for use to enroll students under the age of 5 when statutory criteria are met.*

### Exceptional Circumstances Meriting Waiver of Age Requirements for Pupils

*Note: In order to adopt this policy, the board of trustees must select one or more of the characteristics identified in either Option A or Option B.*

The administration shall ensure admission, enrollment and assignment of all qualifying children referenced in this policy. The administration shall place children enrolled pursuant to this policy in either a half-time or full-time kindergarten program as an integral part of the elementary school program. The administration shall also ensure provision of a free appropriate public education in the least restrictive environment possible, pursuant to terms of each student's individualized education program, for all children enrolled under this policy who are qualified for services under the Individuals with Disabilities Education Act.

The administration shall include children enrolled pursuant to this policy in the district's calculation of average number belonging (ANB) as reported to OPI.

***Option A, Student-Specific Exceptional Circumstances: To be used when the board of trustees wants to define exceptional circumstances specific to the individual characteristics of each student or sub-group of students.***

The Board of Trustees declares the following to be qualifying "exceptional circumstances" within the meaning of that term as used in 20-5-101(3), MCA, that merit waiving the age provisions of 20-5-101(1), MCA for qualifying children under 6 years of age. These qualifying exceptional circumstances are based on the educationally relevant factors to establish a basic system of free quality public elementary and secondary school specified in Section 20-9-309, MCA and as required by Article X, section 1, of the Montana Constitution:

*Note: Each of the below should be considered separately for inclusion or exclusion in the Board's adopted policy. Note: When enrolling on the basis of an individual student's characteristics under this Option A, the District must be sure to document each qualifying student's characteristics to ensure that criteria listed in this portion of the policy can be substantiated.*

1. A child at least 3 years of age with a disability qualifying the child for services under the federal Individuals with Disabilities Education Act.
2. A child who is 4 years of age or older on or before September 10 of the school year in which enrollment is to occur who:
  - a) Meets the income eligibility guidelines for free or reduced-price meals under the National School Lunch Program;
  - b) Is Limited English Proficient within the meaning of Title III of the federal Elementary and Secondary Education Act;
  - c) Is Gifted and Talented within the meaning of that term as used in 20-7-901, MCA;
  - d) Is an enrolled member of a federally recognized American Indian Tribe;
  - e) Is homeless as defined in 42 U.S. Code § 11302, or, as determined by the administration, exhibits other characteristics or lives in circumstances that are uncommon, unusual, atypical, rare or otherwise distinguished from ordinary or typical which place the child at risk of failing to achieve at adequate levels;
  - f) Is an at-risk student as defined in Section 20-1-101(4), MCA.

***Option B, Exceptional Circumstances Present in the Community: To be used only for in-district students or homeless students under the McKinney Homeless Assistance Act when the board of trustees wants to define exceptional circumstances applicable to the community's characteristics, as opposed to the individual characteristics of a particular student or sub-group of students.***

The Board of Trustees declares the following to be qualifying "exceptional circumstances" within the meaning of that term as used in 20-5-101(3), that merit waiving the age provisions of 20-5-101(1), MCA for children under 6 years of age who are either 4 years of age or older on or before September 10 of the school year in which enrollment is to occur or who are at least 3 years of age with a disability qualifying the child for services under Section 504 of the Federal Rehabilitation Act of 1973 or the federal Individuals with Disabilities Education Act. These qualifying exceptional circumstances are based on the educationally relevant factors to establish a basic system of free quality public elementary and secondary school specified in Section 20-9-309, MCA and as required by Article X, section 1, of the Montana Constitution:

*Note: Each of the below should be considered separately for inclusion or exclusion in the Board's adopted policy. When enrolling on the basis of demographic characteristics of the community under this Option B, The District must be sure to research and document all of the criteria incorporated into the school district's policy that is used to enroll on the basis of exceptional circumstances.*

1. Homeless rates of the district's pupils as defined in 42 U.S. Code § 11302 in comparison to statewide averages;
2. Percentage of the district's pupils qualifying for services under The Federal Individuals with Disabilities Education Act in comparison to statewide averages;

3. Percentage of the district's pupils eligible for free or reduced lunch under the National School Lunch Program in comparison to statewide averages;
4. Average performance on standardized tests at the 3rd grade level in comparison to statewide averages;
5. Percentage of the district's pupils who are enrolled members of a federally recognized American Indian Tribe in comparison to statewide averages.
6. Percentage of at-risk student as defined in Section 20-1-101(4), MCA, in comparison to statewide averages.
7. Percentage of gifted and talented pupils as used in 20-7-901, MCA, in comparison to statewide averages.
8. Percentage of Limited English Proficient within the meaning of Title III of the federal Elementary and Secondary Education Act, in comparison to statewide averages.
9. The following circumstances exist within the community affecting student learning identified by the local board of trustees pursuant to Section 20-9-309(2)(h), MCA, and identified within federal law pursuant to Section 20-9-309(4)(a)(v), MCA, including but not limited to educational priorities identified within the Elementary and Secondary School Emergency Relief Fund established by American Rescue Plan Act, Public Law 117-2 and demonstrated by peer reviewed and academic studies on the impacts of community health crises:
  - a. Anticipated learning loss resulting from a public health emergency or other community disaster.
  - b. Proficiency in literacy and numeracy are critical skills needed to advance learning and if not attained prior to grade 3 in the early grades, will put students at lifelong disadvantage in pursuing success in career and life.
  - c. Absence of available early childhood education opportunities in the community results in anticipated learning loss or lack of school readiness.
  - d. Cost prohibitive nature of early childhood education opportunities in the community results in disparity of access that contributes to anticipated learning loss or lack of school readiness.
  - e. Improved access to early childhood education opportunities in the community will encourage or expand parent entry into workforce and allow for further development of the community's economy.

The trustees shall annually review this policy based on changing circumstances pertaining to the criteria used for determination of the program. The administration is authorized to enroll students in a manner consistent with this policy and to develop procedures to implement this policy.

**Student Enrollment, Exceptional Circumstances Meriting Waiver of Age Requirements for Pupils**

When implementing Board Policy 3100, the District shall follow these procedures:

1. The administration shall review the criteria set forth in the Policy 3100 and make the preliminary determination whether an individual student or class of students meets the criteria for exceptional circumstances set forth therein;
2. The administration shall notify the parent(s)/legal guardian(s) of the administration's recommendation to the Board regarding the enrollment of the student(s) under the exceptional circumstances meriting waiving of the age requirements;
3. The administration shall present the information to the Board for approval within **90 days** of making the preliminary determination;
4. In presenting the information to the Board, the administration shall either: (1) remove all identifying information about the student(s) when presenting the information to the Board in order to protect the privacy rights of the student under state and federal law, or (2) provide the name(s) of the students(s) to the Board in a closed session with notice to the parent(s)/legal guardian(s) that he/she/they have the right to attend the closed session; and
5. The Board shall make the final decision on the enrollment of students under the District's exceptional circumstances policy.

The trustees shall annually review this policy and procedure based on changing circumstances pertaining to the criteria used for determination of the program.

Legal Reference:	§ 20-4-101, MCA	Definitions
	§ 20-5-101, MCA	Admittance of child to school
	§ 20-6-501, MCA	Definition of various schools
	§ 20-7-117, MCA	Kindergarten and preschool programs
	§ 20-9-309, MCA	Basic system of free quality public elementary and secondary schools defined

Article X, section 1, of the Montana Constitution  
Individual with Disabilities Act Federal Rehabilitation Act of 1973  
National School Lunch Act (Public Law 396, 79th congress, chapter 281)  
Title III, ESEA (English language Acquisition, language Enhancement, and Academic Achievement Act)  
McKinney-Vento Homeless Assistance Act of 1987 (Pub. L. 100-77, July 22, 1987, 101 Stat. 482, U.S.C. § 11301 et seq.  
Chapter 608 (2023) - Targeted interventions to support 3rd grade reading proficiency

Data/Study Reference:	Engzell, P., Frey, A. & Verhagen, M. D. " <a href="#">Learning loss due to school closures during the COVID-19 pandemic</a> " <i>Proc. Natl Acad. Sci. USA</i> 118, e2022376118(2021).
	Melinda Wenner Moyer, " <a href="#">The COVID generation: how is the pandemic affecting kids' brains?</a> ", <i>Nature</i> , 10.1038/d41586-022-00027-4, 601, 7892, (180-183), (2022).

Policy History:

Adopted on: 12/9/19

Reviewed on: 8/7/23

Revised on: 6/6/22, 8/21/23

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## **Sidney School District**

### **FLEXIBILITY AND EFFICIENCY**

1011FE

#### Cooperative Purchasing

It is the policy of the District to increase the flexibility and efficiency of the District's resources by utilizing provisions in law that allow for cooperative purchasing without the formalities of the bidding process.

The District may enter into a cooperative purchasing contract for the procurement of supplies or services with one or more districts. This allows the District to participate in a cooperative purchasing group to purchase supplies and services through the group without bidding if the cooperative purchasing group has a publicly available master list of items available with pricing included and provides an opportunity at least twice yearly for any vendor, including a Montana vendor, to compete, based on a lowest responsible bidder standard.

An example of flexibility under this policy and Montana Law includes but is not limited to the Montana Cooperative Services (MCS) Program.

Legal Reference: 20-9-204(4), MCA Conflicts of interest, letting contracts, and calling for bids – exceptions

Adopted on: 12/9/19

Reviewed on:

Revised on:

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## Sidney School District

### THE BOARD OF TRUSTEES

#### FLEXIBILITY AND EFFICIENCY

1012FE

#### Non-voted Levy for Excess IDEA Costs

It is the policy of the District to increase the flexibility and efficiency of the District's resources by utilizing provisions in law that allow the District to levy amounts necessary to provide FAPE to resident students with special needs.

In addition to use of a tuition levy to pay tuition for out-of-district attendance of a resident pupil, a school district may also include in its tuition levy an amount necessary to pay for the full costs of providing a free appropriate public education to any child with a disability who lives in the District. The amount of the levy imposed for the costs associated with educating each child with a disability must be limited to the actual cost of service under the child's individualized education program minus:

- (A) The student's state special education payment;
- (B) The student's federal special education payment;
- (C) The student's per-ANB amount;
- (D) The prorated portion of the district's basic entitlement for each qualifying student; and
- (E) The prorated portion of the district's general fund payments in 20-9-327 through 20-9-330 for each qualifying student.

Legal Reference:	20-5-324(5) (a) (iii), MCA	Tuition report and payment provisions
	20-9-327, MCA	Quality Educator Payment
	20-9-328, MCA	At-Risk Student Payment
	20-9-329, MCA	Indian education for all payment
	20-9-330, MCA	American Indian achievement gap payment

Adopted on: 12/9/19

Reviewed on:

Revised on:

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## **Sidney School District**

### **THE BOARD OF TRUSTEES**

#### **FLEXIBILITY AND EFFICIENCY**

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#### Adult Education

The Board of Trustees authorizes the establishment of an adult education program. The course offerings in such program may include but shall not necessarily be limited to instruction in basic skills, such as reading, writing, arithmetic, and other skills required to function in society, and/or any subject normally offered in the basic high school curricula of the school district.

#### Course Offerings:

Course offerings under the district's adult education program shall include and be regularly aligned with and focused on the subjects required for graduation under policy 2410, and further aligned with the district's curriculum and assessment requirements, and the content standards of the Board of Public Education. The Administration shall periodically compile, update and publish a list showing the corresponding course equivalency between adult education courses and the district's high school courses required for graduation.

#### Enrollment Qualifications:

The Board of Trustees authorizes the enrollment of any member of the community who is 16 years of age or older who is not a regularly enrolled, full-time pupil for the purposes of ANB computation as provided in 20-7-701, MCA, including part-time pupils subject to the limitations of this section.

Eligibility for enrollment of any part-time pupil who is 16 years of age or older is subject to the Administration's assurances that the concurrent enrollment in high school and adult education of any part-time pupil claimed as such for ANB computation is, when combined, equal to or less than the equivalent of three-quarter-time enrollment as defined in 20-9-311, MCA.

#### Primary Purpose 1: Credit Recovery/Improvement of Graduation Rates

A preference for enrollment in specific courses in the district's adult education program shall be accorded to any person:

1. Who has been previously enrolled as a pupil of the district in any of the 4 academic years prior to the year for which enrollment in the district's adult basic education program is sought;
2. Who has failed to previously earn a high school diploma; and
3. Who is seeking to enroll in any course required for graduation under policy 2410 that the person has not yet completed.

Upon the successful completion of all missing course work required for graduation by any person enrolled in the district's adult education program under this section, and provided the

person is otherwise qualified; the district shall grant such person a high school diploma in accordance with policy 2410.

Primary Purpose 2: Post-Secondary Success and Readiness

A preference for enrollment in specific courses in the district's adult education program shall be accorded to any person:

1. Who is at least 16 years of age but who is not yet 19 years of age;
2. Who has not yet graduated and is enrolled in the high school district on no more than a part time basis or who has graduated and has been admitted by the trustees as a part time pupil pursuant to 20-5-101(3); and
3. Who is seeking to enroll in any advance placement, dual credit or concurrent credit course offered in collaboration with the Montana university system.

Option 1 on Tuition Cost, Person Pays: Any person enrolled in adult education courses under this section shall be responsible for any third-party supplemental fees charged for participation in such courses, including but not limited to tuition charged by a postsecondary institution for courses granting college credit and advanced placement test fees charged by the College Board.

Option 2 on Tuition Cost, District Pays: The district shall pay for any third-party supplemental fees charged for participation in such courses, including but not limited to tuition charged by a postsecondary institution for courses granting college credit and advanced placement test fees charged by the College Board

Option 3 on Tuition Cost, District Defrays Cost: Any person enrolled in adult education courses under this section shall be responsible for the first \$100 per credit of any third-party supplemental fees charged for participation in such courses, including but not limited to tuition charged by a postsecondary institution for courses granting college credit and advanced placement test fees charged by the College Board. The district shall pay for any third-party costs above the first \$100 per credit.

Primary Purpose 3: Additional Offerings for the Community Aligned with Business and Economic Trends

Additional adult education offerings may be developed in collaboration with community representatives, subject to approval and authorization by the Board. Preference in the development of such additional offerings will be provided to course offerings aligned with and designed to address identified community needs for retraining and/or professional development caused by economic or other circumstances unique to the community.

Cross Reference: Policy 2410 – 2410P High School Graduation Requirements

Legal Reference:           § 20-5-101(3), MCA Admittance of child to school.  
                                  § 20-7-701, MCA Definition of adult basic education and adult  
                                  education.  
                                  § 20-9-311, MCA Calculation of average number belonging  
                                  (ANB) – 3-year averaging  
                                  10.55.906, ARM High School Credit

Adopted on: 12/9/19  
Reviewed on:  
Revised on:

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## Sidney School District

### THE BOARD OF TRUSTEES

1014FE

#### Flexibility and Efficiency

#### Intent to Increase Non-Voted Levy

The trustees shall adopt a resolution no later than March 31 whenever the trustees intend to impose an increase in a non-voted levy in the ensuing school fiscal year for the purposes of funding any of the funds listed below:

- a) Tuition fund under 20-5-324;
- b) Adult education fund under 20-7/705;
- c) Building reserve fund under 20-9-502 and 20-9-503;
- d) Transportation fund under 20-10-143 and 20-10-144;
- e) Bus depreciation reserve fund under 20-10-147; and
- f) Flexibility fund for purposes of transformational learning.

The trustees shall provide notice of intent to impose an increase in a non-voted levy for the ensuing school fiscal year by:

- a) Adopting a resolution of intent to impose an increase in a non-voted levy that includes, at a minimum, the estimated number of increased or decreased mills to be imposed and the estimated increased or decreased revenue to be raised compared to non-voted levies under a-e imposed in the current school fiscal year and, based on the district's taxable valuation most recently certified by the department of revenue under 15-10-202, the estimated impacts of the increase or decrease on a home valued at \$100,000 and a home valued at \$200,000, and
- b) Publish a copy of the resolution in a newspaper that will give notice to the largest number of people of the district as determined by the trustees and posting a copy of the resolution to the school district's website.

The resolution and publication of same must take place no later than March 31.

The Superintendent shall keep the trustees informed of any changes that may have occurred, which may have an effect on the estimated change in the mills and revenue, between the adoption of the resolution and the final adoption of the budget.

Legal Reference: 20-9-116, MCA Resolution of intent to increase nonvoted levy - notice  
Chapter 402 (2019) Transformational Learning Incentives

#### History of Policy:

Adopted on: 12/11/17

Reviewed on:

Revised on: 12/9/19

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**Sidney School District**

**THE BOARD OF TRUSTEES**

Flexibility and Efficiency

1014FE-F1

Notice of Intent to Impose an Increase in Levies Form

As an essential part of its budgeting process, the Sidney Public Schools Board of Trustees is authorized by law to impose levies to support its budget. The Sidney Public Schools Board of Trustees estimates the following increases/decreases in revenues and mills for the funds noted below for the next school fiscal year beginning July 1, \_\_\_\_\_, using certified taxable valuations from the current school fiscal year as provided to the district:

Fund Supported	Estimated Change in Revenues*	Estimated Change in Mills*	Estimated Impact, Home of \$100,000*	Estimated Impact, Home of \$200,000*
Adult Education	\$__increase/decrease	\$__increase/decrease	\$__increase/decrease	\$__increase/decrease
Bus Depreciation	\$__increase/decrease	\$__increase/decrease	\$__increase/decrease	\$__increase/decrease
Transportation	\$__increase/decrease	\$__increase/decrease	\$__increase/decrease	\$__increase/decrease
Tuition	\$__increase/decrease	\$__increase/decrease	\$__increase/decrease	\$__increase/decrease
Building Reserve	\$__increase/decrease	\$__increase/decrease	\$__increase/decrease	\$__increase/decrease
Flexibility	\$__increase/decrease	\$__increase/decrease	\$__increase/decrease	\$__increase/decrease
Total	\$__increase/decrease	\$__increase/decrease	\$__increase/decrease	\$__increase/decrease

**\*Impacts above are based on** current certified taxable valuations from the current school fiscal year

Regarding the increase in the building reserve levy referenced above, the following are school facility maintenance projects anticipated to be completed at this time:

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_

Legal Reference: 209-9-116, MCA

Resolution of intent to increase nonvoted levy - notice

History of Policy:

Adopted on: 12/11/17

Reviewed on:

Revised on: 12/9/19

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## Sidney School District

### THE BOARD OF TRUSTEES

#### FLEXIBILITY AND EFFICIENCY

1015FE

#### Personalized Learning Opportunities

It is the policy of the District to create an environment and culture that supports and meets the individual needs, skills and interests of each student, provides advanced opportunities for students and supports transformational learning. As a result of the collective efforts of Trustees, Administrators, and Educators, the District ensures equality of educational opportunity for each student and have fully developed the potential of each student in District schools. In addition to other initiatives/strategies, the District is committed to the following:

1. Expanding the personalized learning opportunities for each student to accelerate in their career and college readiness, reduce the out-of-pocket costs for families and empower students to actively engage in forming successful post-secondary pathways by:
  - a) developing an advanced opportunity plan for students in grades 6-12 that
    - a. fosters individualized pathways for career and postsecondary educational opportunities and that honors individual interests, passions, strengths, needs, and culture and is supported through relationships among teachers, family, peers, the business community, postsecondary education officials, and other community stakeholders; and
    - b. embeds community-based, experiential, online, and work-based learning opportunities and foster a learning environment that incorporates both face-to-face and virtual connections.
2. Supporting and embracing a culture of transformational learning by:
  - b) developing a transformational learning plan for each participating student that
    - a. honors individual interests, passions, strengths, needs, and culture, and that is rooted in relationships with teachers, family, peers, and community members;
    - b. embeds community-based, experiential, online, and work-based learning opportunities and foster a learning environment that incorporates both face-to-face and virtual connections; and
    - c. provide effective professional development to assist employees in transitioning to a transformational learning model.

#### History of Policy:

Adopted on: 12/9/19

Reviewed on:

Revised on:

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## Sidney School District

### THE BOARD OF TRUSTEES

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#### Organization

The legal name of this District is School District Nos. 1 and 5 Richland County, State of Montana. The District is classified as a second-class District and is operated according to the laws and regulations pertaining to elementary and high school districts.

In order to achieve its primary goal of providing each child with the necessary skills and attitudes to become effective citizens, the Board shall exercise the full authority granted to it by the laws of the state. Its legal powers, duties and responsibilities are derived from the Montana Constitution and state statutes and regulations. Sources such as the school laws of Montana, and the administrative rules of the Board of Public Education and the Office of Superintendent of Public Instruction delineate the legal powers, duties and responsibilities of the Board.

The Sidney School District maintains the Elementary School District No. 5 and the High School District No. 1.

The Districts constitute the taxable basis for purposes of construction, operation, and maintenance of High School.

#### Legal References:

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

#### Policy History

Adopted on: 11/9/98

Revised on:

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Membership

The District is governed by a Board of Trustees consisting of **8** members. The powers and duties of the Board include the broad authority to adopt and enforce all policies necessary for the management, operations and governance of the District. Except as otherwise provided by law, trustees shall hold office for terms of three (3) years, or until their successors are elected and qualified. Terms of trustees shall be staggered as provided by law.

All trustees shall participate on an equal basis with other members in all business transactions pertaining to the high school maintained by the District. Only those trustees elected from the elementary district may participate in business transactions pertaining to the elementary schools maintained by the District.

Legal References:	§ 20-3-301, MCA	Election and term of office
	§ 20-3-302, MCA	Legislative intent to elect less than majority of trustees
	§ 20-3-305, MCA	Candidate qualification and nomination
	§ 20-3-306, MCA	Conduct of election
	§ 20-3-307, MCA	Qualification and oath
	§ 20-3-341, MCA	Number of trustee positions in elementary districts – transition
	§ 20-3-344, MCA	Nomination of candidates by petition in first-class elementary district
	§ 20-3-351, MCA	Number of trustee positions in high school districts
	§ 20-3-352, MCA	Request and determination of number of high school district additional trustee positions – nonvoting trustee
	§ 20-3-361, MCA	Joint board of trustees’ organization and voting membership

Policy History:

Adopted on: 11/9/98

Reviewed on: 3/4/2014

Revised on: 7/1/08, 7/1/09, 7/1/14, 4/10/21

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## Sidney School District

### THE BOARD OF TRUSTEES

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#### Taking Office

A newly elected trustee shall take office as soon as election results have been certified and the newly elected trustee has taken and subscribed to an oath to faithfully and impartially discharge the duties of the office to the best of his/her ability.

A newly appointed trustee shall take office, after the trustee has taken and subscribed to an oath to faithfully and impartially discharge the duties of the office to the best of his/her ability.

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

The District Clerk shall collaborate with the Office of Public Instruction within 14 days of trustee qualification to provide a link to the district website, if applicable, as well as contact information for trustees and clerk

Cross Reference:	Policy 1113	Vacancies
Legal References:	§ 1-6-101, MCA	Officers who may administer oaths
	§ 2-16-116, MCA	Power to administer oaths
	§ 20-1-202, MCA	Oath of office
	§ 20-3-307, MCA	Qualification and oath
	Chapter 276 ( 2023)	Online repository for information on trustees

#### Policy History:

Adopted on: 11/9/98

Reviewed on: 6/29/2011, 3/4/2014, 8/7/23

Revised on: 6/29/2011, 7/1/2014, 2/10/20, 8/21/23

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## Sidney School District

### THE BOARD OF TRUSTEES

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#### Elections

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

Board elections shall take place on the first (1<sup>st</sup>) Tuesday after the first (1<sup>st</sup>) 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 the candidate is filing must also 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 20-20-401. 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 20-20-401.

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
	§ 20-3-305, MCA	Candidate qualification, nomination and withdrawal
	§ 20-3-313, MCA	Election by acclamation – notice
	§ 20-3-322, MCA	Meetings and quorum
	§ 20-3-322(5), MCA	Meetings and quorum (unforeseen emergency definition)

§ 20-3-324(4), MCA	Powers and duties
§ 20-9-353, 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: 11/9/98

Reviewed on: 5/2/17

Revised on: 7/1/02, 7/1/08, 7/1/09, 6/29/11, 7/1/14, 7/1/15, 7/1/17

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## **Sidney School District**

### **THE BOARD OF TRUSTEES**

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#### Resignation

The resignation of a trustee of the District must be in writing, must stipulate an effective date, and must be submitted to the Clerk of the District.

[Trustees retiring from the Board may be recognized for their service to the District by presentation of a service plaque or other appropriate activities.]

Legal Reference:     § 2-16-502, MCA     Resignations  
                          § 20-3-308, MCA     Vacancy of trustee position

#### Policy History:

Adopted on: 11/9/98

Reviewed on: 3/4/2014

Revised on: 6/12/00, 7/1/2014, 9/9/19

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Annual Organization Meeting

After issuance of election certificates to newly elected trustees, but no later than 15 days after the election, the Board shall elect from among its members a Chairperson and a Vice Chairperson to serve until the next annual organizational meeting. If a Board member is unable to continue to serve as an officer, a replacement shall be elected at the earliest opportunity to serve the remainder of the term. In the absence of both the Chairperson and the Vice Chairperson, the Board shall elect a Chairperson *pro tempore*, who shall perform the functions of the Chairperson during the latter's absence. The Clerk shall act as Board secretary.

The normal order of business shall be modified for the annual organizational meeting by considering the following matters after the approval of the minutes of the previous meeting:

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

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

Policy History:

Adopted on: 11/9/98

Reviewed on: 6/29/11, 3/4/2014

Revised on: 6/29/11, 7/1/2014, 2/10/2020

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## Sidney School District

### THE BOARD OF TRUSTEES

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

- Preside at all meetings and conduct meetings in the manner prescribed by the Board's policies;
- Make all Board committee appointments;
- Sign all papers and documents as required by law and as authorized by 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.

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

#### Policy History:

Adopted on: 11/9/98

Reviewed on: 6/29/11, 3/4/2014

Revised on: 7/1/03, 6/29/11, 7/1/14, 12/13/21

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## Sidney School District

### THE BOARD OF TRUSTEES

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#### Clerk

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

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

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 all functions pertaining to the preparation of school elections. The Clerk shall perform other duties as prescribed by state law or as directed by the Board and the Superintendent.

Legal references:	§ 20-3-321, MCA	Organization and officers
	§ 20-3-325, MCA	Clerk of district
	§ 20-4-201, MCA	Employment of teachers and specialists by contract
	§ 20-9-133, MCA	Adoption and expenditure limitations of final budget
	§ 20-9-165, MCA	Budget amendment limitation, preparation, and adoption procedures
	§ 20-9-221, MCA	Procedure for issuance of warrants
	§ 20-20-401(2), MCA	Trustees' election duties – ballot certification

#### Policy History:

Adopted on: 11/9/98

Reviewed on: 3/4/2014

Revised on: 7/1/2014

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## Sidney School District

### THE BOARD OF TRUSTEES

1240

#### Duties of Individual Trustees

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

Each trustee shall review the agenda and attendant materials in advance of a meeting and shall be prepared to participate in discussion and decision making for each agenda item. Each trustee shall visit every school (except in 1st class districts) at least once per year to examine its management, conditions, and needs.

All trustees are obligated to attend Board meetings regularly. Whenever possible, a trustee shall give advance notice to the Chairperson or Superintendent, of the trustee's inability to attend a Board meeting. A majority of the Board may excuse a trustee's absence from a meeting if requested to do so.

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

Cross Reference: 1113 Vacancies

Legal References:	§ 20-3-301, MCA	Election and term of office
	§ 20-3-308, MCA	Vacancy of trustee position
	§ 20-3-324(22), MCA	Powers and duties
	§ 20-3-332, MCA	Personal immunity and liability of trustees

#### Policy History:

Adopted on: 11/9/98

Reviewed on: 3/4/2014

Revised on: 7/1/2014

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## Sidney School District

### THE BOARD OF TRUSTEES

1310

#### District Policy and Procedures

The policies contained in this manual are adopted, implemented, and enforced in accordance with the supervisory authority vested with the Board of Trustees in accordance with Article X, section 8 of the Montana Constitution and related statutes, regulations and court decisions.

#### Adoption and Amendment of Policies

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

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

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

#### Policy Manuals

The Superintendent shall develop and maintain a current policy manual which includes all policies of the District. Every administrator, as well as staff, students, and other residents, shall have ready access to District policies.

#### Suspension of Policies

Under circumstances that require waiver of a policy, the policy may be suspended by a majority vote of the trustees' present. To suspend a policy, however, all trustees must have received written notice of the meeting, which includes the proposal to suspend a policy and an explanation of the purpose of such proposed suspension.

#### Administrative Procedures

The Superintendent shall develop such administrative procedures as are necessary to ensure consistent implementation of policies adopted by the Board.

When a written procedure is developed, the Superintendent shall submit it to the Board as an information item.

Legal References:     Article X, Section 8 Montana Constitution  
§ 20-3-323, MCA     District policy and record of acts  
10.55.701, ARM     Board of Trustees

#### Policy History:

Adopted on: 11/9/98

Reviewed on: 6/7/16

Revised on: 7/1/14, 6/14/21

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## Sidney School District

### THE BOARD OF TRUSTEES

1332

#### Authorization of Signatures

For the conduct of the business of the District, the Board may grant authority to specific staff to sign certain documents on behalf of the District. The Chairperson and clerk are authorized to use a facsimile signature plate or stamp. All such plates must be filed under oath with the Secretary of State. The use and security of a signature stamp for use by the Chairperson and clerk shall be controlled in accordance with §20-9-221(2), MCA.

**Warrants:** The Chairperson and clerk are authorized to sign all District warrants by facsimile signature on behalf of the Board.

**Checks:** The school principal is designated as the custodian of each school building extra-curricular fund account. The Superintendent is designated as the custodian of all District petty cash accounts.

**Contracts for Goods and Services and Leases:** The Superintendent is authorized to sign on behalf of the Board, contracts, leases, and/or contracts for goods and services. The types of goods and services contracted for must be pre-approved by the Board.

**Personnel Contracts:** The Chairperson and clerk are authorized to sign personnel contracts and agreements of employment on behalf of the Board by facsimile signature.

**Negotiated Agreements:** Negotiated agreements shall be signed for the District by the Chairperson and the clerk.

#### Legal Reference:

	§ 2-16-114, MCA	Facsimile signatures
§ 20-9-204, MCA		Conflicts of interest, letting contracts, calling for bids
§ 20-9-213, MCA		Duties of trustees
§ 20-9-221(2), MCA		Procedure for issuance of warrants

#### Policy History:

Adopted on: 11/9/98

Revised on:

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THE BOARD OF TRUSTEES

Board Meetings

Meetings of the Board must occur at a duly called and legally conducted meeting. "Meeting" is defined as the convening of a quorum of the constituent membership of the Board, whether in person or by means of electronic equipment, to hear, discuss, or act upon a matter over which the Board has supervision, control, jurisdiction, or advisory power.

Notice of Meetings

Unless otherwise required by law and policy, the District shall publish an agenda for each type of meeting included in this policy with a minimum of 48 hour's notice to the public as follows:

- A. if a newspaper of general circulation in the county where the District is located publishes electronic notices and links to meeting agendas free of charge to the District on the newspaper's website, the District shall provide the notice and agenda to the newspaper to post on the newspaper's website;
- B. if the District does not have an option to post notices and links to meeting agendas free of charge, the District shall provide adequate notice of a meeting by doing at least one of the following:
  - 1. posting a link to the meeting agenda on the agency's primary website; or
  - 2. posting the agenda on the social media site of the agency.
- C. In addition to the above-noted electronic postings, the District shall post a physical copy of the meeting agenda at the entrance to each school in the district and at the following location in the community: \_\_\_\_\_

Regular Meetings

Unless otherwise specified, all meetings will take place in the designated board room at the administration building unless otherwise posted on the agenda. Regular meetings shall take place at **5:30 PM** p.m. on the **second Monday** of each month, or at other times and places determined by a majority vote. Except for an unforeseen emergency, meetings must be held in school buildings or, upon the unanimous vote of the trustees, in a publicly accessible building located within the District. If regular meetings are scheduled at places other than as stated above or are adjourned to times other than the regular meeting time, notice of the meeting shall be made in the same manner as provided for special meetings. The trustees may meet outside the boundaries of the District for collaboration or cooperation on educational issues with other school boards, educational agencies, or cooperatives. Adequate notice of the meeting, as well as an agenda, must be provided to the public in advance. Decision making may only occur at a properly noticed meeting held within the District's boundaries. When a meeting date falls on a school holiday, the meeting may take place the next business day.

### Emergency Meetings

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

### Budget Meetings

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

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

### Committee Meetings

Each Board committee established under Policy 1130; each District committee with a trustee as a member; and each District committee made up of district employees, administrators, or officials deliberating on matters for report to the Board for final decision shall meet as needed in accordance with the directive issued to the committee or trustees and noticed to the public consistent with the requirements of this policy.

### Special Board Meetings

Special Board meetings may be called by the Chairperson or by any two (2) trustees. A written notice of a special meeting, stating the purpose of the meeting, shall be delivered to every trustee and noticed to the public consistent with the requirements of this policy. The forty-eight-(48)-hour notice is waived in an unforeseen emergency as stated in § 20-3-322(5), MCA. **Business transacted at a special meeting will be limited to that stated in the notice of the meeting.**

### Closed Sessions

Under Montana law, the Board may meet in closed sessions to consider matters of individual privacy. The possibility of a closed session shall be noted on the respective agenda item appearing on the public noticed published in accordance with this policy. The individual whose right of privacy will be considered during the possible closed session shall be notified in writing of the meeting. Before closing a meeting, the presiding officer must determine that the demands of individual privacy exceed the merits of public disclosure and so state publicly before going into closed session. The Board also may go into closed session to discuss a strategy to be

followed with respect to litigation, when an open meeting would have a detrimental effect on the litigating position of the District. This exception does not apply if the litigation involves only public bodies or associations as parties. Before closing a meeting for litigation purposes, the District may consult legal counsel on the appropriateness of this action. No formal action shall take place during any closed session.

Legal References:	§ 2-3-103, MCA	Public participation – governor to ensure guidelines adopted
	§ 2-3-104, MCA	Requirements for compliance with notice provisions
	§ 2-3-105, MCA	Supplemental notice by radio or television
	§ 2-3-201, MCA	Legislative intent – liberal construction
	§ 2-3-202, MCA	Meeting defined
	§ 2-3-203, MCA	Meetings of public agencies and certain associations of public agencies to be open to public – exceptions
	§ 20-3-322, MCA	Meeting and quorum
	§ 20-9-115, MCA	Notice of final budget meeting
	§ 20-9-131, MCA	Final budget meeting
	10.55.701, ARM	Board of Trustees
	Chapter 396 (2023)	Revise public notice requirements

Policy History:

Adopted on: 7/01/98

Reviewed on: 6/7/2016, 8/7/23

Revised on: 7/1/02, 10/7/08, 6/29/11, 4/10/12, 7/1/14, 7/1/16, 4/10/21, 7/1/21, 8/21/23

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## Sidney School District

### THE BOARD OF TRUSTEES

1401

#### Records Available to Public

All District records, except those restricted by state and federal law, shall be available to citizens for inspection at the Clerk's office.

Any individual may request public information from the district. The district shall make the means of requesting public information accessible to all persons.

Upon receiving a request for public information, the district shall respond in a timely manner to the requesting person by:

(a) Making the public information available for inspection and copying by the requesting person; or

(b) Providing the requesting person with an estimate of the time it will take to fulfill the request if the public information cannot be readily identified and gathered and any fees that maybe charged.

The district may charge a fee for fulfilling a public information request. The fee may not exceed the actual costs directly incident to fulfilling the request in the most cost-efficient and timely manner possible. The fee must be documented. The fee may include the time required to gather public information. The district may require the requesting person to pay the estimated fee prior to identifying and gathering the requested public information.

The district is not required to alter or customize public information to provide it in a form specified to meet the needs of the requesting person. If the district agrees to a request to customize a records request response, the cost of the customization may be included in the fees charged by the district.

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

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

Legal Reference:	§ 20-9-213, MCA	Duties of Trustees
	§ 20-3-323, MCA	District Policy and Record of Acts
	§ 2-6-1003, MCA	Access to Public Information
	§ 2-6-1006, MCA	Public Information requests – fees

#### Policy History:

Adopted on: 11/9/98

Revised on: 4/12/2010, 2/11/19

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School Board Use of Electronic Mail

Use of electronic mail (e-mail) by members of the Board will conform to the same standards of judgment, propriety, and ethics as other forms of school board-related communication. Board members will comply with the following guidelines when using e-mail in the conduct of Board responsibilities:

1. The Board will not use e-mail as a substitute for deliberations at Board meetings or for other communications or business properly confined to Board meetings.
2. Board members will be aware that e-mail and e-mail attachments received or prepared for use in Board business or containing information relating to Board business may be regarded as public records, which may be inspected by any person upon request, unless otherwise made confidential by law.
3. Board members will avoid reference to confidential information about employees, students, or other matters in e-mail communications, because of the risk of improper disclosure. Board members will comply with the same standards as school employees, with regard to confidential information.

Cross Reference:    1400   Board Meetings  
                          1401   Records Available to Public

Legal Reference:    § 2-3-103, MCA     Public participation – governor to ensure guidelines adopted  
                          § 2-3-201, MCA     Legislative intent – liberal construction  
                          § 2-3-203, MCA     Meetings of public agencies and certain associations of public agencies to be open to public – exceptions  
                          § 20-3-322, MCA    Meeting and quorum

Policy History:  
Adopted on: 7/1/17  
Reviewed on:  
Revised on: 2/10/2020

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## **Sidney School District**

### **THE BOARD OF TRUSTEES**

1420

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#### School Board Meeting Procedure

##### Agenda

The authority to set the board agenda lies with the Board Chair in consultation with board members and the administration. The act of preparing the board meeting agendas can be delegated to the Superintendent.

Any topics requested by Board members or members of the public must first be approved by the Board Chair before being placed on the agenda. Citizens wishing to make brief comments about school programs or procedures will follow the public comment procedures in district policy.

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

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 removed by a member of the Board. Any Board member who wishes to remove an item from the consent agenda must give advance notice in a timely manner to the Superintendent. Remaining items will be voted on by a single motion. The approved motion will be recorded in the minutes, including a listing of all items appearing on the consent agenda.

##### Minutes

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

- Date, time, and place of the meeting;
- Presiding officer;
- Board members recorded as absent or present;

- Summary of discussion on all matters discussed (including those matters discussed during the “public comment” section), proposed, deliberated, or decided, and a record of any votes taken;
- Detailed statement of all expenditures;
- Purpose of recessing to closed session; and
- Time of adjournment.

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

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

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

### Quorum

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

### Electronic Participation

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

If the Board allows a member to participate electronically, the member will be considered present and will have his or her actual physical presence excused. The member shall be counted present for purposes of convening a quorum. The Clerk will document it in the minutes, when members participate in the meeting electronically.

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

Superintendent will take measures to verify the identity of any remotely located participants.

#### Meeting Conduct and Order of Business

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

#### Rescind a Motion

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

Cross Reference:	1441	Audience Participation
Legal References:	§ 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 MT2, 330 Mont 2005</i>	

#### Policy History:

Adopted on: 11/9/98

Reviewed on: 7/1/2016

Revised on: 7/01/05, 7/01/06, 7/01/08, 7/01/09, 6/29/11, 7/1/2016, 2/11/19, 2/10/20, 12/13/21

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## Sidney School District

### THE BOARD OF TRUSTEES

1420F

Montana law requires school districts and other public agencies to include on the agenda for public meetings an item allowing public comment on any public matter not otherwise specifically listed on the agenda that is within the jurisdiction of the agency. The public comment portion of the agenda is not the time designated to hear items that are specifically listed/identified on the agenda.

For those individuals who desire to address the Board during the public comment portion of the meeting, if you haven't already done so, please sign your name to the sheet and indicate the general topic on which you will be commenting. The Board Chairperson will call individuals to speak in the order listed on the sheet provided. Please state your name prior to beginning your comment. There will be an opportunity for citizens who have not signed in to comment at the conclusion of the comment period. The Board would like to remind everyone in attendance to avoid violations of individual rights of privacy when providing comment. The Board is not authorized to hear comments on contested cases or other adjudicative proceedings.

By law, the District cannot take any action on any matter discussed during the public comment portion of the meeting as those matters are specifically noticed on the agenda. The Board may take a matter raised during the public comment period under consideration for inclusion on a future agenda.

In accordance with Montana law, citizens have the right to comment on an item that is specifically listed on the agenda. Citizens will be permitted to do so when the item comes up for discussion and action. The board chair will indicate when the public has the opportunity to comment prior to board action on a particular agenda item.

The Board Chair has the authority to manage all public comment periods and will do so in accordance with state law and district policy.

#### Policy History:

Adopted on: 2/10/20

Reviewed on:

Revised on:

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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 situations when the Board is considered hiring the relative of a trustee.

In addition, a trustee shall be allowed to abstain from voting to avoid the appearance of impropriety or the appearance of a perceived conflict. If a trustee abstains from voting, the abstention should be recorded in the minutes and may include an explanation of the reasons for the abstention. The Board discourages abstentions, unless the reasons are substantiated as provided herein.

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

Policy History:

Adopted on: 7/1/2014

Reviewed on:

Revised on: 9/9/19

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Audience Participation

The Board recognizes the value of public comment on educational issues and the importance of involving members of the public in its meetings. The Board also recognizes the statutory and constitutional rights of the public to participate in governmental operations. To allow fair and orderly expression of public comments, the Board will permit public participation through oral or written comments during the “public comment” section of the Board agenda and prior to a final decision on a matter of significant interest to the public. The Chairperson may control such comment to ensure an orderly progression of the meeting in the manner described in Policy 1420F.

Cross Reference: 1420 School Board Meeting Procedure

Legal Reference: Article II, Section 8, Montana Constitution – Right of participation  
Article II, Section 10, Montana Constitution -- Right of privacy  
Chapter 2, Part 1, MCA --Notice and Opportunity to Be Heard

Policy History:

Adopted on: 11/9/1998

Reviewed on: 5/2/17

Revised on: 7/1/17, 2/10/20

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## **Sidney School District**

### **THE BOARD OF TRUSTEES**

1511

#### Code of Ethics for School Board Members

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

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

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

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

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

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

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

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

Inform myself about current educational issues, by individual study and through participation in programs providing needed information, such as those sponsored by the Montana and National School Boards Associations;

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

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

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

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

#### Policy History:

Adopted on: 11/9/98

Reviewed on: 4/14/2014

Revised on: 7/1/2014

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Conflict of Interest

A trustee may not:

1. Engage in a substantial financial transaction for the trustee's private business purpose, with a person whom the trustee inspects or supervises in the course of official duties.
2. Perform an official act directly and substantially affecting, to its economic benefit, a business or other undertaking in which the trustee either has a substantial financial interest or is engaged as counsel, consultant, representative, or agent.
3. Act as an agent or solicitor in the sale or supply of goods or services to a district.
4. Have a pecuniary interest, directly or indirectly, in any contract made by the Board, when the trustee has more than a ten percent (10%) interest in the corporation. A contract does not include: 1) merchandise sold to the highest bidder at public auctions; 2) investments or deposits in financial institutions that are in the business of loaning or receiving money, when such investments or deposits are made on a rotating or ratable basis among financial institutions in the community or when there is only one (1) financial institution in the community; or 3) contracts for professional services other than salaried services or for maintenance or repair services or supplies when the services or supplies are not reasonably available from other sources, if the interest of any Board member and a determination of such lack of availability are entered in the minutes of the Board meeting at which the contract is considered.
5. Be employed in any capacity by the District, with the exception of officiating at athletic competitions under the auspices of the Montana Officials Association.
6. Perform an official act directly and substantially affecting a business or other undertaking to its economic detriment when the officer or employee has a substantial personal interest in a competing firm or undertaking.
7. Appoint to a position of trust or emolument any person related or connected by consanguinity within the fourth (4<sup>th</sup>) degree or by affinity within the second (2<sup>nd</sup>) degree.
  - a. This prohibition does not apply to the issuance of an employment contract to a person as a substitute teacher who is not employed as a substitute teacher for more than thirty (30) consecutive school days.
  - b. This prohibition does not apply to the renewal of an employment contract of a person related to a Board member, who was initially hired before the Board member assumed the trustee position.

- c. This prohibition does not apply if trustees comply with the following requirements: 1) All trustees, except the trustee related to the person to be employed or appointed, vote to employ the related person; 2) the trustee related to the person to be employed abstains from voting; and 3) the trustees give fifteen (15) days written notice of the time and place of their intended action in a newspaper of general circulation in the county where the school is located.

Policy History:

Adopted on: 11/9/1998

Reviewed on: 5/9/11

Revised on: 5/9/11, 9/9/19, 2/10/20

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Degrees of Affinity

			<b>3</b> Great Grandparent-in-law
		<b>2</b> Grandparent-in-law	
	<b>1</b> Father/Mother-in-law		<b>3</b> Uncle/Aunt-in-law
<b><u>Trustee</u></b>	<b>1</b> <u>Spouse</u>	<b>2</b> Brother/Sister-in-law	
	<b>1</b> Step Child		<b>3</b> Nephew/Niece-in-law
		<b>2</b> Step Grandchild	
			<b>3</b> Step Great Grandchild

Policy History:

Adopted on: 11/9/1998

Reviewed on: 5/9/11

Revised on: 5/9/11, 9/9/19, 2/10/20

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## Sidney School District

### THE BOARD OF TRUSTEES

1513

#### Management Rights

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

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

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

The Board also reserves the right to delegate authority to the Superintendent for the on-going direction of all District programs. The successful operation of this District requires a close, effective working relationship between the Board and the Superintendent. The relationship must be one of trust, good will, and candor. As the legally designated body, the Board retains final authority within the District. The Superintendent is the Board's professional advisor to whom the Board delegates executive responsibility.

Cross Reference:                   6110 Superintendent-Board Relations

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

#### Policy History:

Adopted on: 11/9/98

Revised on:

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## Sidney 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 procedure shall not deny any staff member the right to appeal to the Board from administrative decisions, provided that the Superintendent shall have been notified of the forthcoming appeal and that it is processed according to the applicable procedures for complaints and grievances. The provision does not limit or restrict employees from engaging in public comment during Board meetings as permitted by Montana law.

#### 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 Board concerns and actions.

#### Visits to Schools

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

#### Social Interaction

Staff and Board members share a keen interest in schools and education. When they meet at social affairs and other functions, informal discussion about such matters as educational trends, issues, and innovations and general District problems can be anticipated. Discussions of personalities or staff grievances are not appropriate.

Legal Reference:      § 20-3-324(22), MCA      Powers and duties  
                                 § 2-3-103(22), MCA      Public Participation

#### Policy History:

Adopted on: 11/9/98

Reviewed on: 5/2/17

Revised on: 7/1/17, 6/6/22

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**THE BOARD OF TRUSTEES**

Board-Superintendent Relationship

The Board-Superintendent relationship is based on mutual respect for their complementary roles. The relationship requires clear communication of expectations regarding the duties and responsibilities of both the Board and the Superintendent.

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

Cross Reference: 6110 Superintendent

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

Policy History:

Adopted on: 11/9/98

Reviewed on: 5/2/17

Revised on: 7/1/17

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## Sidney School District

### THE BOARD OF TRUSTEES

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#### 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: 11/9/98

Reviewed on: 6/29/11

Revised on: 6/29/11

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**Sidney School District**

**THE BOARD OF TRUSTEES**

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Indemnification and Defense of Trustees and Employees

The District shall defend and indemnify each of its 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 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 or employee may be subject as a result of a suit covered under this policy, unless the conduct of the Trustee or employee falls within the exclusions provided herein.

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 of legal expenses, including attorney fee, to which the Trustee or employee may be subject as a result of the suit, if it is determined that:

The conduct upon 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 provided 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 a final judgment is rendered in such action holding that the District had no obligation to defend the Trustee or employee. 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.

Policy History:

Adopted on: 7/12/99

Revised on:

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Annual Goals and Objectives

Each year, during the month of June, the Board will formulate or review the goals of the District that reflect the district's strategic plan of education. At the conclusion of each school year, the Superintendent/Principal shall report to the Board information which reflects the accomplishments towards the goals of the District.

The Chairperson may appoint a committee of the Board, to include the Superintendent/Principal to annually review the goals and report to the Board.

Cross Reference: MTSBA Strategic Governance Policy Series – 1000SG

Legal Reference: 10.55.701 (2) (a), ARM Board of Trustees

Policy History:

Adopted on: 11/9/98

Reviewed on: 3/2/2013

Revised on: 4/8/2013, 9/9/19

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Evaluation of Board

At the conclusion of each year, the Board shall evaluate its own performance in terms of generally accepted principles of successful Board operations.

The Board may choose to evaluate the effectiveness of the processes that it employs in carrying out the responsibilities of the District. Those processes include, but are not limited to: team building, decision making, functions planning, communications, motivation, influence and policy.

Policy History:

Adopted on: 11/9/98

Revised on: 12/11/07

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## **Sidney School District**

### **THE BOARD OF TRUSTEES**

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#### In-Service Conference for Trustees

In keeping with the need for continued boardmanship development, the Board encourages the participation of its members at appropriate Board conferences, workshops, conventions and District-sponsored in-service training sessions. Funds for participation at such meetings will be budgeted on an annual basis.

Funds may be budgeted annually for trustees to travel to the National School Boards Association's education conference. Selections of these trustees shall be on a rotating basis and determined by seniority. Any trustee representing the district at this conference shall:

- Provide a summary to the Board at the following month's committee meeting.

Any trustee whose term expires in the year in which travel is planned is not eligible unless the trustee is running for reelection.

#### Policy History:

Adopted on: 11/9/98

Revised on: 7/1/04

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Internships

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

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

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

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

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

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

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

Policy History:

Adopted on: 11/9/98

Reviewed on: 3/4/2014

Revised on: 7/1/2014

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Board Participation in Activities

Members of the Board, collectively and individually, are encouraged to attend school activities, social functions and instructional programs at no cost to the trustees in order to view and observe such functions in operation. Attendance at such programs as musical presentations, speech activities, clubs, dramatic productions and athletic events, indicates interest in school affairs and provides opportunity for more comprehensive understanding of the total school program. Administration will provide appropriate communications to trustees to keep them informed about activities they may wish to attend.

Policy History:

Adopted on: 11/9/98

Revised on:

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**THE BOARD OF TRUSTEES**

Public Charter Schools

The Board of Trustees may submit an application in response to a request for proposal from the Board of Public Education to establish a public charter school consistent with Montana law. Any application for a public charter school submitted under this provision shall be consistent with the mission and vision of the District as specified in the strategic plan for continuous improvement adopted by the Board of Trustees.

Requests for Creation of School or Program

The Board of Trustees shall review any request from an individual or entity unaffiliated with the District to create a school or program within the District to determine if the requested school or program is currently addressed by District operations or meets the mission and vision of the District as specified in the strategic plan for continuous improvement. The Board is authorized to refer the request to a committee established in accordance with Policy 1130 for hearing and consideration with a report to the full Board. Any meeting conducted for the purposes of considering a request to create a school or program shall be held in open session in accordance with Policy 1400.

The Board is authorized to respond to a request to create a school or program within the District by stating the requested school or program is currently offered by the District or by granting or denying the request. If the requested school or program is currently offered by the District, the Board will outline how the school or program operates and how students may access the school or program. If the Board grants the request, it shall set a documented timeline for implementing the school or program consistent with District operations. If the Board of Trustees declines the request to create the school or program, it shall document for future reference the reasons the request is inconsistent with the mission and vision of the District as specified in the strategic plan for continuous improvement. Any request previously declined by the Board of Trustees may be reconsidered at a future meeting.

Cross Reference: MTSBA Strategic Governance Policy Series – 1000SG

Legal Reference: Title 20, Chapter 6, MCA - Montana Public Charter Schools Act  
Chapter 510 Montana Public Charter Schools Act

Policy History:

Adopted on: 8/21/23

Reviewed on:

Revised on:

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**THE BOARD OF TRUSTEES**

Uniform Complaint Procedure

The Board establishes this Uniform Complaint Procedure as a means to address complaints arising within the District. This Uniform Complaint Procedure is intended to be used for all complaints except those governed by a specific process in state or federal law that supersedes this process or collective bargaining agreement. Matters covered by a collective bargaining agreement will be reviewed in accordance with the terms of the applicable agreement.

The District requests all individuals to use this complaint procedure, when the individual believes the Board or its employees or agents have violated the individual's rights under: state or federal law or Board policy.

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

Deadlines requiring District action in this procedure may be extended for reasons related but not limited to the District's retention of legal counsel and District investigatory procedures.

Level 1: Informal

An individual with a complaint is first encouraged to discuss it with the appropriate employee 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. The applicability of the deadline is subject to review by the Superintendent to ensure the intent of this uniform complaint procedure is honored.

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

If the complainant has reason to believe the administrator's decision was made in error, the complaint may request, in writing, that the Superintendent review the administrator's decision. (See Level 3.) This request must be submitted to the Superintendent within fifteen (15) calendar days of the administrator's decision.

When a complaint alleges sexual harassment or a violation of Title IX of the Education Amendments of 1972 (the Civil Rights Act), Title II of the Americans with Disabilities Act of 1990, or Section 504 of the Rehabilitation Act of 1973, the building administrator shall turn the complaint over to the applicable District nondiscrimination coordinator. The coordinator shall ensure an investigation is completed in accordance with the applicable procedure. In the case of a sexual harassment or Title IX complaint the applicable investigation and appeal procedure is Policy 3225P or 5012P. In the case of a disability complaint, the coordinator shall complete an investigation and file a report and recommendation with the Administrator for decision. Appeal of a decision in a disability complaint will be handled in accordance with this policy.

### Level 3: Superintendent

If the complainant 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 the complainant has reason to believe the Superintendent's decision was made in error, the complaint 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 of a complaint alleging a violation the individual's rights under state or federal law or Board policy upon which the Board of Trustees has authority to remedy, the Board may 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, (2) appoint an appeals panel of not less than three trustees to hear the appeal and make a recommendation to the Board or (3) respond to the complaint with an explanation of why the appeal will not be heard by the Board of Trustees in accordance with this policy. 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.

Cross Reference:     3210 - Equal Educational Opportunity and Nondiscrimination  
                          5010 - Equal Employment Opportunity and Nondiscrimination  
                          3225-3225P – Sexual Harassment of Students  
                          5012-5012P – Sexual Harassment of Employees

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: 7/1/15 (replaced policies 3210P, 3215, 4310P, 5012P and 5240P)

Reviewed on: 6/2/2015

Revised on: 7/1/2015, 9/9/19, 2/10/20, 5/10/21

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**Sidney School District Uniform Complaint Form**

**Policy 1700F**

Name of Person Making Complaint: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Email Address: \_\_\_\_\_ Phone: \_\_\_\_\_

Specific Complaint: (Please Attach Additional Documentation If Necessary To This Cover): \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Date(s) and Places of Occurrence(s): \_\_\_\_\_

Time of Occurrence(s): \_\_\_\_\_

Witness (es): \_\_\_\_\_

Have You Had A Conference With The Employee Involved? (Check One)

Yes: \_\_\_\_\_ Contact Type: Telephone: \_\_\_\_\_ Personal: \_\_\_\_\_

No: \_\_\_\_\_ If No, When Would You Be Available To Have A Conference With The Employee And Administrator?

Time: \_\_\_\_\_ Date: \_\_\_\_\_

What Suggestion(s) Do You Have To Resolve This Situation? (Please attach additional documentation if necessary to this cover): \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

A copy of this complaint shall be provided to all of the parties involved. I acknowledge receipt of the school District Complaint Procedure and this completed form.

\_\_\_\_\_  
Complainant

\_\_\_\_\_  
Employee

\_\_\_\_\_  
Administration

Date: \_\_\_\_\_