

2
3 **THE BOARD OF TRUSTEES**

4
5 Legal Status, Operation and Organization

6
7 The legal name of this District is Big Fork School District No. 38, Flathead County, State of
8 Montana. The District is classified as a class two (II) district and is operated according to the laws
9 and administrative rules pertaining to a class two (II) district.

10
11 The Board of Trustees of Big Fork School District No.38 is the governmental entity established by
12 the state of Montana and constitutionally charged of the supervision and control of all aspects of the
13 District’s operations.

14
15 To achieve its primary goal of providing each child with a basic system of free quality education as
16 required by Montana Law, the Board shall exercise the full authority granted to it by the laws of the
17 state. Its legal powers, duties, and responsibilities are derived from the Montana Constitution and
18 state statutes and administrative rules.

19
20 Policies of the District define and frame the manner via which the District conducts its official
21 business. **The policies of the District are modified/updated from time to time to reflect the**
22 **operation of the District.**

23
24 **The Bigfork School District #38 maintains the Bigfork Elementary and Bigfork High**
25 **School(s).**

26
27 **The District(s) constitute the taxable basis for purposes of construction, operation, and**
28 **maintenance of the Bigfork Elementary and Bigfork High School.**

29
30 **All handbooks approved by the Board are regarded as and given the same significance as**
31 **District policy.**

32		
33		
34		
35	Legal Reference:	§ 20-3-323, MCA District policy and record of acts
36		§ 20-3-324, MCA Powers and duties
37		§ 20-6-101, MCA Definition of elementary and high school districts
38		§ 20-6-201, MCA Elementary district classification
39		§ 20-6-301, MCA High school district classification
40		§ 20-9-309, MCA Basic system of free quality public elementary and
41		secondary schools defined – identifying educationally
42		relevant factors – establishment of funding formula
43		and budgetary structure – legislative review
44		Article X, Section 8, MT Constitution
45		

46
47 Policy History:
48 Adopted on: 7/21/1994

- 1 Reviewed on:
- 2 Revised on: 11/20/2003

2
3 **THE BOARD OF TRUSTEES**

4
5 Membership and Terms of Office

6
7 The District is governed by a Board of Trustees consisting of seven members. The powers and
8 duties of the Board include the broad authority to adopt and enforce all policies necessary for the
9 management, operations and governance of the District. Except as otherwise provided by law,
10 trustees shall hold office for terms of three (3) years, or until their successors are elected and
11 qualified. Terms of trustees shall be staggered as provided by law.
12

13 All trustees shall participate on an equal basis with other members in all business transactions
14 pertaining to the high school maintained by the District. Only those trustees elected from the
15 elementary district may participate in business transactions pertaining to the elementary schools
16 maintained by the District. ~~Official action by Board members must occur at a duly called and
17 legally conducted meeting. "Meeting" is defined as the convening of a quorum of the constituent
18 membership of the Board, whether in person or by means of electronic equipment, to hear,
19 discuss, or act upon a matter over which the Board has supervision, control, jurisdiction, or
20 advisory power.~~
21

22 **The five trustees of Elementary District No. 38, a duly elected trustee from Swan Lake-**
23 **Salmon Elementary District #73, and a duly elected trustee from Swan River Elementary**
24 **District #4 shall comprise the Board of Trustees of Bigfork High School District #38.** All
25 trustees shall participate on an equal basis with other members in all business transactions
26 pertaining to the high school maintained by the District.
27

28	Legal References:	§ 20-3-301, MCA	Election and term of office
29		§ 20-3-302, MCA	Legislative intent to elect less than majority of
30			trustees
31		§ 20-3-305, MCA	Candidate qualification, filing deadline, and
32			withdrawal
33		§ 20-3-306, MCA	Conduct of election
34		§ 20-3-307, MCA	Qualification and oath
35		§ 20-3-341, MCA	Number of trustee positions in elementary districts
36			– transition
37		§ 20-3-351, MCA	Number of trustee positions in high school districts
38		§ 20-3-352, MCA	Request and determination of number of high
39			school district additional trustee positions –
40			nonvoting trustee
41		§ 20-3-361, MCA	Joint board of trustees organization and voting
42			membership

43 Policy History:

44 Adopted on: 12/04/2003

45 Reviewed on:

46 Revised on:

4
5 Duties of Individual Trustees
6

7 The authority of individual trustees is limited to participating in actions taken by the Board as a
8 whole when legally in session. Trustees shall not assume responsibilities of administrators or
9 other staff members. The Board or staff shall not be bound by an action taken or statement made
10 by an individual trustee, except when such statement or action is pursuant to specific instructions
11 and official action taken by the Board.
12

13 Each trustee shall review the agenda and attendant materials in advance of a meeting and shall be
14 prepared to participate in discussion and decision making for each agenda item. Each trustee
15 shall visit every school (except in 1st class districts) at least once per year to examine its
16 management, conditions, and needs.
17

18 All trustees are obligated to attend Board meetings regularly. Whenever possible, a trustee shall
19 give advance notice to the Chairperson or Superintendent, of the trustee’s inability to attend a
20 Board meeting. A majority of the Board may excuse a trustee’s absence from a meeting if
21 requested to do so.
22

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

25
26 Cross Reference: 1113 Vacancies

27
28 Legal References: § 20-3-301, MCA Election and term of office
29 § 20-3-308, MCA Vacancy of trustee position
30 § 20-3-324(22), MCA Powers and duties
31 § 20-3-332, MCA Personal immunity and liability of trustees
32

4
5 District Policy and Procedures

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

9
10 Adoption and Amendment of Policies

11 Proposed new policies and proposed changes to existing policies shall be presented in writing for reading
12 and discussion at a regular or special Board meeting. Interested parties may submit views, present data or
13 arguments, orally or in writing, in support of or in opposition to proposed policy. Any written statement
14 by a person, relative to a proposed policy or amendment, should be directed to the District Clerk prior to
15 the final reading. The final vote for adoption shall take place not earlier than at the second (2nd) reading of
16 the particular policy. New or revised policies that are required, or have required language changes based
17 on State or Federal law, or are required changes by administrative rule, may be adopted after the first (1st)
18 reading if sufficient notice has been given through the board agenda.

19
20 All new or amended policies shall become effective on adoption; unless a specific effective date is stated
21 in the motion for adoption. Policies, as adopted or amended, shall be made a part of the minutes of the
22 meeting at which action was taken and also shall be included in the District’s policy manual. Policies of
23 the District shall be reviewed on a regular basis.

24
25 Policy Manuals

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

29
30 Suspension of Policies

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

35
36 Administrative Procedures

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

39
40 When a written procedure is developed, the Superintendent shall submit it to the Board as an information
41 item.

42	43 Legal References:	Article X, Section 8	Montana Constitution
44		§ 20-3-323, MCA	District policy and record of acts
45		10.55.701, ARM	Board of Trustees

46 Policy History:

47 Adopted on:
48 Reviewed on:
49 Revised on:

2
3 THE BOARD OF TRUSTEES

4
5 Board Meetings

6
7 **Meetings of the Board must occur at a duly called and legally conducted meeting.**
8 **“Meeting” is defined as the convening of a quorum of the constituent membership of the**
9 **Board, whether in person or by means of electronic equipment, to hear, discuss, or act**
10 **upon a matter over which the Board has supervision, control, jurisdiction, or advisory**
11 **power.**

12
13 Regular Meetings

14
15 Unless otherwise specified, all meetings will take place in the Elementary Cafeteria. Regular
16 meetings shall take place at **5:00 p.m. on the second (2nd) Wednesday** of each month, or at
17 other times and places determined by a majority vote. Except for an unforeseen emergency,
18 meetings must be held in school buildings or, **upon the unanimous vote of the trustees,** in a
19 publicly accessible building located within the District. If regular meetings are scheduled at
20 places other than as stated above or are adjourned to times other than the regular meeting time,
21 notice of the meeting shall be made in the same manner as provided for special meetings. **The**
22 **trustees may meet outside the boundaries of the District for collaboration or cooperation**
23 **on educational issues with other school boards, educational agencies, or cooperatives.**
24 **Adequate notice of the meeting, as well as an agenda, must be provided to the public in**
25 **advance. Decision making may only occur at a properly noticed meeting held within the**
26 **District’s boundaries.** When a meeting date falls on a ~~legal~~ **school** holiday, the meeting may
27 take place the next business day. **Meeting duration will be no more than two (2) hours in**
28 **length unless a majority of the Board agrees through formal action to extend the meeting.**

29
30 Emergency Meetings

31
32 In the event of an emergency involving possible personal injury or property damage, the Board
33 may meet immediately and take official action without prior notification.

34
35 Budget Meetings

36
37 Between July 1 and **August 10** of each year, the Clerk shall publish a notice stating the date,
38 time, and place trustees will meet for the purpose of considering and adopting a final budget for
39 the District, stating that the meeting of the trustees may be continued from day to day until final
40 adoption of a District budget and that any taxpayer in the District may appear at the meeting and
41 be heard for or against any part of the budget. This notice shall be published in the *Big Fork*
42 *Eagle*.

43
44 On the date and at the time and place stated in the published notice **(on or before August 20),**
45 trustees shall meet to consider all budget information and any attachments required by law. The

1 meeting may continue from day to day; however, the Board must adopt a final budget not later
2 than August 25.

7 Special Meetings

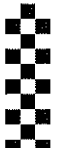
8
9 Special meetings may be called by the Chairperson or by any two (2) trustees. A written notice
10 of a special meeting, stating the purpose of the meeting, shall be delivered to every trustee not
11 less than forty-eight (48) hours before the time of the meeting, **except that the forty-eight-(48)-**
12 **hour notice is waived in an unforeseen emergency as stated in § 20-3-322(5), MCA.** Such
13 written notice shall be posted conspicuously within the District in a manner that will receive
14 public attention. Written notice also shall be sent not less than twenty-four (24) hours prior to
15 the meeting, to each newspaper and radio or television station that has filed a written request for
16 such notices. Business transacted at a special meeting will be limited to that stated in the notice
17 of the meeting.
18

19 Executive Sessions

20
21 Under Montana law, the Board may meet in executive sessions to consider matters of individual
22 privacy. Before closing a meeting, the presiding officer must determine that the demands of
23 individual privacy exceed the merits of public disclosure and so state publicly before going into
24 executive session. The Board also may go into executive session to discuss a strategy to be
25 followed with respect to litigation, when an open meeting would have a detrimental effect on the
26 litigating position of the District. This exception does not apply if the litigation involves only
27 public bodies or associations as parties. Before closing a meeting for litigation purposes, the
28 District may wish to consult legal counsel on the appropriateness of this action. No formal
29 action shall take place during any executive session.
30
31
32

33	Legal References:	§ 2-3-103, MCA	Public participation – governor to ensure guidelines adopted
34		§ 2-3-104, MCA	<u>Requirements for compliance with notice</u>
35		<u>provisions</u>	
36		§ 2-3-105, MCA	<u>Supplemental notice by radio or television</u>
37		§ 2-3-201, MCA	<u>Legislative intent – liberal construction</u>
38		§ 2-3-202, MCA	<u>Meeting defined</u>
39		§ 2-3-203, MCA	<u>Meetings of public agencies and certain</u>
40			<u>associations of public agencies to be open to</u>
41			<u>public – exceptions</u>
42		§ 20-3-322, MCA	<u>Meeting and quorum</u>
43		§ 20-9-115, MCA	<u>Notice of final budget meeting</u>
44		§ 20-9-131, MCA	<u>Final budget meeting</u>
45		10.55.701, ARM	<u>Board of Trustees</u>
46			

- 1
- 2 Policy History:
- 3 Adopted on: 09/20/2001
- 4 Reviewed on:
- 5 Revised on: 10/02/2003, 04/29/2009, 11/12/2014



FAX COVER SHEET

TO: 4068377407

FROM: 4063295991

DATE SENT: 08/16/2021 01:33:32 PM MDT

RE: VOE - R.T.

COVER MESSAGE

Attached is the employment verification form for Roxanne Thurman.

Val Crumbley

HR Supervisor

Missoula County Public Schools

909 South Ave. West, Bldg. A

Missoula, MT 59801

Phone: 406.728.2400 ext. 1037

Fax: 406.329.5991

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2
3 **THE BOARD OF TRUSTEES**

4
5 School Board Meeting Procedure

6
7 Agenda

8
9 The authority to set the board agenda lies with the Board Chair in consultation with board members
10 and the administration. The act of preparing the board meeting agendas can be delegated to the
11 Superintendent.

12
13 The Board Chairperson must approve any items submitted by Board members or members of the
14 public, to be placed on the agenda. Citizens wishing to make brief comments about school programs
15 or procedures will follow the public comment procedures in district policy.

16
17 The agenda also must include a “public comment” portion to allow members of the general public to
18 comment on any public matter under the jurisdiction of the District which is not specifically listed on
19 the agenda, except that no member of the public will be allowed to comment on contested cases,
20 other adjudicative proceedings, or personnel matters. The Board Chairperson may place reasonable
21 time limits on any “public comment” period to maintain and ensure effective and efficient operations
22 of the Board. The Board shall not take any action on any matter discussed, unless the matter is
23 specifically noticed on the agenda, and the public has been allowed opportunity to comment.

24
25 With consent of a majority of members present, the order of business at any meeting may be
26 changed. Copies of the agenda for the current Board meeting, minutes of the previous Board
27 meeting, and relevant supplementary information will be prepared and distributed to each trustee at
28 least twenty-four (24) hours in advance of a Board meeting and will be available to any interested
29 citizen at the Superintendent’s office twenty-four (24) hours before a Board meeting. An agenda for
30 other types of Board meetings will be prepared, if circumstances require an agenda.

31
32 Consent Agenda

33
34 To expedite business at its meetings, the Board approves the use of a consent agenda, which includes
35 those items considered to be routine in nature. Any item that appears on the consent agenda may be
36 removed by a member of the Board. Any Board member who wishes to remove an item from the
37 consent agenda must give advance notice in a timely manner to the Superintendent. Remaining items
38 will be voted on by a single motion. The approved motion will be recorded in the minutes, including
39 a listing of all items appearing on the consent agenda.

40
41 Minutes

42
43 Appropriate minutes of all meetings required to be open must be kept and must be available for
44 inspection by the public. [(Optional) If an audio recording of a meeting is made and designated as
45 official, the

1
2
3
4
5 recording constitutes the office record of the meeting. If an official recording is made, a written
6 record of the meeting must also be made and must also include:

- 7
8 • Date, time, and place of the meeting;
9 • Presiding officer;
10 • Board members recorded as absent or present;
11 • Summary of discussion on all matters discussed (including those matters discussed during the
12 “public comment” section), proposed, deliberated, or decided, and a record of any votes
13 taken;
14 • Detailed statement of all expenditures;
15 • Purpose of recessing to closed session; and
16 • Time of adjournment.

17
18 If the minutes are recorded and designated as the official record, a log or time stamp for each main
19 agenda item is required for the purpose of providing assistance to the public in accessing that portion
20 of the meeting.

21
22 Unofficial minutes shall be delivered to Board members in advance of the next regularly scheduled
23 meeting of the Board. Minutes need not be read publicly, provided that Board members have had an
24 opportunity to review them before adoption. A file of permanent minutes of Board meetings shall be
25 maintained in the office of the Clerk, to be made available for inspection upon request. A written
26 copy shall be made available within five (5) working days following approval by the Board.

27
28 Quorum

29
30 No business shall be transacted at any meeting of the Board unless a quorum of its members is
31 present. A majority of the full membership of the Board shall constitute a quorum, whether the
32 individuals are present physically or electronically. A majority of the quorum may pass a resolution,
33 except as provided in § 20-4-203(1), MCA, and § 20-4-401(4), MCA.

34
35 Electronic Participation

36
37 The Board may allow members to participate in meetings by telephone or other electronic means.
38 Board members may not simply vote electronically but must be connected with the meeting
39 throughout the discussion of business. If a Board member electronically joins the meeting after an
40 item of business has been opened, the remotely located member shall not participate until the next
41 item of business is opened.

42
43 If the Board allows a member to participate electronically, the member will be considered present
44 and will have his or her actual physical presence excused. The member shall be counted present for

1 purposes of convening a quorum. The Clerk will document it in the minutes, when members
2 participate in the meeting electronically.

3
4 Any Board member wishing to participate in a meeting electronically will notify the Chairperson and
5 Superintendent as early as possible. The Superintendent will arrange for the meeting to take place in
6 a location with the appropriate equipment so that Board members participating in the meeting
7 electronically may interact, and the public may observe or hear the comments made. The
8 Superintendent will take measures to verify the identity of any remotely located participants.

9
10 Meeting Conduct and Order of Business

11
12 General rules of parliamentary procedure are used for every Board meeting. *Robert's Rules of Order*
13 may be used as a guide at any meeting. The order of business shall be reflected on the agenda. The
14 use of proxy votes shall not be permitted. Voting rights are reserved to those trustees in attendance.
15 Voting shall be by acclamation or show of hands.

16
17 Rescind a Motion

18
19 A motion to rescind (cancel previous action) may be made anytime by any trustee. A motion to
20 rescind must be properly noticed on the Board's agenda for the meeting. It is in order any time prior
21 to accomplishment of the underlying action addressed by the motion.

22
23 Cross Reference: 1441 Audience Participation

24
25 Legal References: § 2-3-103, MCA Public participation - governor to ensure guidelines
26 adopted
27 § 2-3-202, MCA Meeting defined
28 § 2-3-212, MCA Minutes of meetings – public inspection
29 § 20-1-212, MCA Destruction of records by school officer
30 § 20-3-322, MCA Meetings and quorum
31 § 20-3-323, MCA District policy and record of acts
32 *Jones and Nash v. Missoula Co., 2006 MT2, 330 Mont 2005*

33
34 Policy History:

35 Adopted on:

36 Reviewed on:

37 Revised on:

4
5 Audience Participation

6
7 The Board recognizes the value of public comment on educational issues and the importance of
8 involving members of the public in its meetings. The Board also recognizes the statutory and
9 constitutional rights of the public to participate in governmental operations. To allow fair and
10 orderly expression of public comments, the Board will permit public participation through oral or
11 written comments during the “public comment” section of the Board agenda and prior to a final
12 decision on a matter of significant interest to the public. The Chairperson may control such
13 comment to ensure an orderly progression of the meeting in the manner described in Policy
14 1420F.

15
16 Cross Reference: 1420 School Board Meeting Procedure

17
18 Legal Reference: Article II, Section 8, Montana Constitution – Right of participation
19 Article II, Section 10, Montana Constitution – Right of privacy
20 Chapter 2, Part 1, MCA Notice and Opportunity to Be Heard

21
22 Policy History:
23 Adopted on:
24 Reviewed on:
25 Revised on:

4
5 Management Rights

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

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

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

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

30
31
32
33 Cross Reference: 6110 Superintendent

34
35 Legal Reference: § 20-3-324, MCA Powers and duties
 36 § 39-31-303, MCA Management rights of public employers
 37 *Bonner School District No. 14 v. Bonner Education Association,*
 38 *MEA-MFT, NEA, AFT, AFL-CIO, (2008), 2008 MT 9*

39
40 Policy History:

41 Adopted on: 01/18/1995

42 Reviewed on:

43 Revised on: 02/05/2004

Attention: Val Crumley
400-329-5911

BIGFORK SCHOOL DISTRICT #38

CERTIFIED EDUCATIONAL EXPERIENCE VERIFICATION FORM FOR TEACHING/SERVICE/LEADERSHIP

Employee's Name	Roxanne Thurman		
Social Security Number	539312245		
Date of Birth	08/08/1991		
Street Address	125 Kirby Lane		
City, State	Bigfork, MT		
Zip Code	59911		

AUTHORIZATION IS GRANTED TO RELEASE ALL INFORMATION REQUESTED BELOW TO THE BIGFORK SCHOOL DISTRICT.

Signature of Employee and Date

Roxanne Thurman 8/12/21

Employee: Please complete the above information ONLY and return with your application to Bigfork School District.

Employer: Use one line for each change in status. Please complete EACH section for experience to be considered.

Return completed form to one of the following: Bigfork School District, PO Box 188, Bigfork, MT; gwallen@bigfork.k12.mt.us; or Fax 406-837-7407

*This District/Institution is private public and was fully accredited during date of service by the MT Department of Education and/or (Name of Regional Accrediting Agency)

*Did Employee receive an unsatisfactory, ineffective, or needs development, annual summative performance evaluation for any year since July 1, 2000. Yes No
If yes, indicate school year(s) and rating(s).

School District or Institution	State	From M/D/Y	To M/D/Y	Number of Days in Full Contract Year	Number of Days Employed	Status	Hours Per Day	Position	Grade/Subject	Certification held at time Y/N	Eligible for re-hire? Y/N	
Missoula County Public Schools	MT	9/9/20	6/1/21	187	176	✓	8	REMOTE TEACHER	MISSOULA PUBLIC ACAD.	Gr. 7	Y	Y

I certify that all information listed above is complete and correct according to the official records on file in the school system or institution providing this verification of employment.

Signature of Superintendent or Authorized Official

Val Crumley
Title: *Superintendent*

Date

Street Address

City

State

Zip

Phone Number

909 S. Ave W, Missoula, MT 59801
406-728-2100

4
5 Board-Superintendent Relationship
6

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

10
11 The Board hires, evaluates, and seeks the recommendations of the Superintendent as the District
12 chief executive officer. The Board adopts policies necessary to provide the general direction for
13 the District and to encourage achievement of District goals. The Superintendent develops plans,
14 programs, and procedures needed to implement the policies and directs the District’s day-to-day
15 operations.

16
17
18

19 Cross Reference: 6110 Superintendent

20
21 Legal Reference: § 20-4-401, MCA Appointment and dismissal of district
22 superintendent or county high school principal
23 § 20-4-402, MCA Duties of district superintendent or county high
24 school principal
25

26 Policy History:
27 Adopted on: 02/05/2004
28 Reviewed on:
29 Revised on:

1 _____ **School District**

R

2
3 **THE BOARD OF TRUSTEES**

1610

4
5 Annual Goals and Objectives

6
7 Each year, **during the month of** _____ **(OPTIONAL)**, the Board will formulate or
8 review the goals of the District that reflect the district’s strategic plan of education. At the
9 conclusion of each school year, the [Superintendent] [Principal] shall report to the Board
10 information which reflects the accomplishments towards the goals of the District.

11
12 The Chairperson may appoint a committee of the Board, to include the [**Superintendent**]
13 [**Principal**] (**CHOOSE**) to annually review the goals and report to the Board.

14
15 Cross Reference: MTSBA Strategic Governance Policy Series – 1000SG

16
17 Legal Reference: 10.55.701(2)(a), ARM Board of Trustees

18
19 Policy History:

20 Adopted on:

21 Reviewed on:

22 Revised on:

2
3 **THE BOARD OF TRUSTEES**

4
5 Uniform Complaint Procedure

6
7 The Board establishes this Uniform Complaint Procedure as a means to address complaints
8 arising within the District. This Uniform Complaint Procedure is intended to be used for all
9 complaints except those governed by a specific process in state or federal law that supersedes
10 this process or collective bargaining agreement. Matters covered by a collective bargaining
11 agreement will be reviewed in accordance with the terms of the applicable agreement.
12

13 The District requests all individuals to use this complaint procedure, when the individual
14 believes the Board or its employees or agents have violated the individual’s rights under state or
15 federal law or Board policy. Complaints against a building administrator shall be filed with the
16 Superintendent. Complaints against the Superintendent or District administrator shall be filed
17 with the Board.
18

19 The District will endeavor to respond to and resolve complaints without resorting to this formal
20 complaint procedure and, when a complaint is filed, to address the complaint promptly and
21 equitably. The right of a person to prompt and equitable resolution of a complaint filed hereunder
22 will not be impaired by a person’s pursuit of other remedies. Use of this complaint procedure is
23 not a prerequisite to pursue other remedies and use of this complaint procedure does not extend
24 any filing deadline related to pursuit of other remedies.
25

26 Deadlines requiring District action in this procedure may be extended for reasons related but not
27 limited to the District’s retention of legal counsel and District investigatory procedures.
28

29 Level 1: Informal

30
31 An individual with a complaint is first encouraged to discuss it with the appropriate employee or
32 building administrator with the objective of resolving the matter promptly and informally. An
33 exception is that a complaint of sexual harassment should be discussed directly with an
34 administrator not involved in the alleged harassment.
35

36 Level 2: Building Administrator

37
38 When a complaint has not been or cannot be resolved at Level 1, an individual may file a signed
39 and dated written complaint stating: (1) the nature of the complaint; (2) a description of the event
40 or incident giving rise to the complaint, including any school personnel involved; and (3) the
41 remedy or resolution requested. The written complaint must be filed within thirty (30) calendar
42 days of the event or incident or from the date an individual could reasonably become aware of
43 such event or incident. The applicability of the deadline is subject to review by the
44 Superintendent to ensure the intent of this uniform complaint procedure is honored.
45

46 When a complaint alleges violation of Board policy or procedure, the building administrator will

1
2
3
4 investigate and attempt to resolve the complaint. The administrator will respond in writing to the
5 complaint, within thirty (30) calendar days of the administrator's receipt of the complaint.
6

7 If the complainant has reason to believe the administrator's decision was made in error, the
8 complainant may request, in writing, that the Superintendent review the
9 administrator's decision. (See Level 3.) This request must be submitted to the Superintendent
10 within fifteen (15) calendar days of the administrator's decision.
11

12 When a complaint alleges sexual harassment or a violation of Title IX of the Education
13 Amendments of 1972 (the Civil Rights Act), Title II of the Americans with Disabilities Act of
14 1990, or Section 504 of the Rehabilitation Act of 1973, the Administrator shall turn the
15 complaint over to the applicable District nondiscrimination coordinator. The coordinator shall
16 ensure an investigation is completed in accordance with the applicable procedure. In the case of
17 a sexual harassment or Title IX complaint the applicable investigation and appeal procedure is
18 Policy 3225P or 5012P. In the case of a disability complaint, the coordinator shall complete an
19 investigation and file a report and recommendation with the Administrator for decision. Appeal
20 of a decision in a disability complaint will be handled in accordance with this policy.
21

22 Level 3: Superintendent

23

24 If the complainant appeals the administrator's decision provided for in Level 2, the
25 Superintendent will review the complaint and the administrator's decision. The Superintendent
26 will respond in writing to the appeal, within thirty (30) calendar days of the Superintendent's
27 receipt of the written appeal. In responding to the appeal, the Superintendent may: (1) meet with
28 the parties involved in the complaint; (2) conduct a separate or supplementary investigation; (3)
29 engage an outside investigator or other District employees to assist with the appeal; and/or (4)
30 take other steps appropriate or helpful in resolving the complaint.
31

32 If the complainant has reason to believe the Superintendent's decision was made in error, the
33 complainant may request, in writing, that the Board consider an appeal of the Superintendent's
34 decision. (See Level 4.) This request must be submitted in writing to the Superintendent, within
35 fifteen (15) calendar days of the Superintendent's written response to the complaint, for
36 transmission to the Board.
37

38 Level 4: The Board

39

40 Upon written appeal of a complaint alleging a violation the individual's rights under state or
41 federal law or Board policy upon which the Board of Trustees has authority to remedy, the Board
42 may consider the Superintendent's decision in Level 2 or 3. Upon receipt of written request for
43 appeal, the Chair will either: (1) place the appeal on the agenda of a regular or special Board
44 meeting, (2) appoint an appeals panel of not less than three trustees to hear the appeal and make
45 a recommendation to the Board, or (3) respond to the complaint with an explanation of why the
46 appeal will not be heard by the Board of Trustees in accordance with this policy. If the Chair

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4 appoints a panel to consider the appeal, the panel will meet to consider the appeal and then make
5 written recommendation to the full Board. The Board will report its decision on the appeal, in
6 writing, to all parties, within thirty (30) calendar days of the Board meeting at which the Board
7 considered the appeal or the recommendation of the panel. A decision of the Board is final,
8 unless it is appealed pursuant to Montana law within the period provided by law.
9

10 Cross Reference: 3210 - Equal Educational Opportunity and Nondiscrimination
11 5010 - Equal Employment Opportunity and Nondiscrimination
12 3225-3225P – Sexual Harassment of Students
13 5012-5012P – Sexual Harassment of Employees
14

15 Legal Reference: Title IX of the Education Amendments of 1972 (Civil Rights Act)
16 Title II of the Americans with Disabilities Act of 1990
17 § 504 of the Rehabilitation Act of 1973
18

19 Policy History:

20 Adopted on:

21 Reviewed on:

22 Revised on: