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1 **Bigfork School District #38**

R

2
3 **THE BOARD OF TRUSTEES**

1000

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 operation
22 of the District.

23
24 The Bigfork School District #38 maintains the Bigfork Elementary and Bigfork High School(s).
25 **Policy overrides handbooks if conflicts arise.**

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 District
31 policy.

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

43
44 Policy History:

45 Adopted on: 7/21/1994

46 Revised on: 11/20/2003

47 **Adopted 1st reading on: 10/13/21**

48 **Adopted 2nd reading on:**

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.
17

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

24	Legal References:	§ 20-3-301, MCA	Election and term of office
25		§ 20-3-302, MCA	Legislative intent to elect less than majority of
26			trustees
27		§ 20-3-305, MCA	Candidate qualification, filing deadline, and
28			withdrawal
29		§ 20-3-306, MCA	Conduct of election
30		§ 20-3-307, MCA	Qualification and oath
31		§ 20-3-341, MCA	Number of trustee positions in elementary districts
32			– transition
33		§ 20-3-351, MCA	Number of trustee positions in high school districts
34		§ 20-3-352, MCA	Request and determination of number of high
35			school district additional trustee positions –
36			nonvoting trustee
37		§ 20-3-361, MCA	Joint board of trustees organization and voting
38			membership

39 Policy History:

40 Adopted on: 12/04/2003

41 **Adopted 1st reading on: 10/13/21**

42 **Adopted 2nd reading on:**

2
3 **THE BOARD OF TRUSTEES**

4
5 Duties of Individual Trustees

6
7 The authority of individual trustees is limited to participating in actions taken by the Board as a
8 whole when legally in session. Trustees shall not assume responsibilities of administrators or
9 other staff members. The Board or staff shall not be bound by an action taken or statement made
10 by an individual trustee, except when such statement or action is pursuant to specific instructions
11 and official action taken by the Board.
12

13 Each trustee shall review the agenda and attendant materials in advance of a meeting and shall be
14 prepared to participate in discussion and decision making for each agenda item. Each trustee
15 shall visit every school (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

2
3 **THE BOARD OF TRUSTEES**

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 1st reading: 10/13/21**

48 **Adopted 2nd reading:**

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. "Meeting" is
8 defined as the convening of a quorum of the constituent membership of the Board, whether in
9 person or by means of electronic equipment, to hear, discuss, or act upon a matter over which the
10 Board has supervision, control, jurisdiction, or advisory power.

11
12 Regular Meetings

13
14 Unless otherwise specified, all meetings will take place in the ~~Elementary Cafeteria~~ **High**
15 **School**. Regular meetings shall take place at 5:00 p.m. on the second (2nd) Wednesday of each
16 month, or at other times and places determined by a majority vote. Except for an unforeseen
17 emergency, meetings must be held in school buildings or, upon the unanimous vote of the
18 trustees, in a publicly accessible building located within the District. If regular meetings are
19 scheduled at places other than as stated above or are adjourned to times other than the regular
20 meeting time, notice of the meeting shall be made in the same manner as provided for special
21 meetings. The trustees may meet outside the boundaries of the District for collaboration or
22 cooperation on educational issues with other school boards, educational agencies, or
23 cooperatives. Adequate notice of the meeting, as well as an agenda, must be provided to the
24 public in advance. Decision making may only occur at a properly noticed meeting held within
25 the District's boundaries. When a meeting date falls on a legal school holiday, the meeting may
26 take place the next business day. Meeting duration will be no more than two (2) hours in length
27 unless a majority of the Board agrees through formal action to extend the meeting.

28
29 Emergency Meetings

30
31 In the event of an emergency involving possible personal injury or property damage, the Board
32 may meet immediately and take official action without prior notification.

33
34 Budget Meetings

35
36 Between July 1 and August 10 of each year, the Clerk shall publish a notice stating the date,
37 time, and place trustees will meet for the purpose of considering and adopting a final budget for
38 the District, stating that the meeting of the trustees may be continued from day to day until final
39 adoption of a District budget and that any taxpayer in the District may appear at the meeting and
40 be heard for or against any part of the budget. This notice shall be published ~~in the Big Fork~~
41 **Eagle, at the Bigfork School District Office, Bigfork Elementary/Middle School, Bigfork High**
42 **School and the Bigfork School District website.**

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
46

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

Special Meetings

Special 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 not less than forty-eight (48) hours before the time of the meeting, except that the forty-eight-(48)-hour notice is waived in an unforeseen emergency as stated in § 20-3-322(5), MCA. Such written notice shall be posted conspicuously within the District in a manner that will receive public attention. Written notice also shall be sent not less than twenty-four (24) hours prior to the meeting, to each newspaper and radio or television station that has filed a written request for such notices. Business transacted at a special meeting will be limited to that stated in the notice of the meeting.

Executive Sessions

Under Montana law, the Board may meet in executive sessions to consider matters of individual privacy. 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 executive session. The Board also may go into executive 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 wish to consult legal counsel on the appropriateness of this action. No formal action shall take place during any executive 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

- 1 Policy History:
- 2 Adopted on: 09/20/2001
- 3 Revised on: 10/02/2003, 04/29/2009, 11/12/2014
- 4 **Adopted 1st on: 10/13/21**
- 5 **Adopted 2nd on:**

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

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

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

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

27 Quorum

28

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

34 Electronic Participation

35

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

42 If the Board allows a member to participate electronically, the member will be considered present
43 and will have his or her actual physical presence excused. The member shall be counted present for
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4 purposes of convening a quorum. The Clerk will document it in the minutes, when members
5 participate in the meeting electronically.
6

7 Any Board member wishing to participate in a meeting electronically will notify the Chairperson and
8 Superintendent as early as possible. The Superintendent will arrange for the meeting to take place in
9 a location with the appropriate equipment so that Board members participating in the meeting
10 electronically may interact, and the public may observe or hear the comments made. The
11 Superintendent will take measures to verify the identity of any remotely located participants.
12

13 Meeting Conduct and Order of Business

14
15 General rules of parliamentary procedure are used for every Board meeting. *Robert's Rules of Order*
16 may be used as a guide at any meeting. The order of business shall be reflected on the agenda. The
17 use of proxy votes shall not be permitted. Voting rights are reserved to those trustees in attendance.
18 Voting shall be by acclamation or show of hands.
19

20 Rescind a Motion

21
22 A motion to rescind (cancel previous action) may be made anytime by any trustee. A motion to
23 rescind must be properly noticed on the Board's agenda for the meeting. It is in order any time prior
24 to accomplishment of the underlying action addressed by the motion.
25

26 Cross Reference: 1441 Audience Participation

27
28 Legal References: § 2-3-103, MCA Public participation - governor to ensure guidelines
29 adopted
30 § 2-3-202, MCA Meeting defined
31 § 2-3-212, MCA Minutes of meetings – public inspection
32 § 20-1-212, MCA Destruction of records by school officer
33 § 20-3-322, MCA Meetings and quorum
34 § 20-3-323, MCA District policy and record of acts
35 *Jones and Nash v. Missoula Co., 2006 MT2, 330 Mont 2005*
36

37 Policy History:

38 **Adopted 1st reading on:10/13/21**

39 **Adopted 2nd reading on:**

40 Revised on:

2
3 **THE BOARD OF TRUSTEES**

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 1st reading on: 10/13/21**

24 **Adopted 2nd reading on:**

2
3 **THE BOARD OF TRUSTEES**

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

44 **Adopted 1st reading on: 10/13/21**

45 **Adopted 2nd reading on:**

2
3 **THE BOARD OF TRUSTEES**

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.

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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 **Adopted 1st reading on: 10/13/21**

29 **Adopted 2nd reading on:**

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

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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~~
14 ~~of 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~~
16 ~~shall ensure an investigation is completed in accordance with the applicable procedure.~~ In
17 the case of a sexual harassment or Title IX complaint the applicable investigation and appeal
18 procedure is Policy 3225P or 5012P. In the case of a disability complaint, the coordinator shall
19 complete an investigation and file a report and recommendation with the Administrator for
20 decision. Appeal of a decision in a disability complaint will be handled in accordance with this
21 policy.
22

23 Level 3: Superintendent

24

25 If the complainant appeals the administrator's decision provided for in Level 2, the
26 Superintendent will review the complaint and the administrator's decision. The Superintendent
27 will respond in writing to the appeal, within thirty (30) calendar days of the Superintendent's
28 receipt of the written appeal. In responding to the appeal, the Superintendent may: (1) meet with
29 the parties involved in the complaint; (2) conduct a separate or supplementary investigation; (3)
30 engage an outside investigator or other District employees to assist with the appeal; and/or (4)
31 take other steps appropriate or helpful in resolving the complaint.
32

33 If the complainant has reason to believe the Superintendent's decision was made in error, the
34 complainant may request, in writing, that the Board consider an appeal of the Superintendent's
35 decision. (See Level 4.) This request must be submitted in writing to the Superintendent, within
36 fifteen (15) calendar days of the Superintendent's written response to the complaint, for
37 transmission to the Board.
38

39 Level 4: The Board

40

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

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4 appeal will not be heard by the Board of Trustees in accordance with this policy. If the Chair
5 appoints a panel to consider the appeal, the panel will meet to consider the appeal and then make
6 written recommendation to the full Board. The Board will report its decision on the appeal, in
7 writing, to all parties, within thirty (30) calendar days of the Board meeting at which the Board
8 considered the appeal or the recommendation of the panel. A decision of the Board is final,
9 unless it is appealed pursuant to Montana law within the period provided by law.

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

15
16 Legal Reference: Title IX of the Education Amendments of 1972 (Civil Rights Act)
17 Title II of the Americans with Disabilities Act of 1990
18 § 504 of the Rehabilitation Act of 1973
19

20 Policy History:

21 **Adopted 1st reading on: 10/13/21**

22 **Adopted 2nd reading on:**