

STATE OF MONTANA
BOARD OF PUBLIC EDUCATION
BYLAWS

Article I. Name

The legal name of the Board is the Board of Public Education.

Article II. Objective

The objective of the Board is to carry out its constitutional and statutory responsibility to exercise general supervision, in cooperation with the Superintendent of Public Instruction, over the public school system and other such public educational institutions as may be assigned by law.

Article III. Membership

The Board consists of seven members appointed by the Governor and confirmed by the Senate. Not more than four may be from each of the two commission districts per MCA 5-1-102 (2) (a) (b), and not more than four may be affiliated with the same political party. The Governor, Superintendent of Public Instruction and Commissioner of Higher Education are ex officio, non-voting members of the Board. There is also a non-voting student member. The terms of members appointed to the Board shall be seven years. When a vacancy occurs, the Governor shall appoint a member for the remainder of the term of the incumbent. Members appointed to the Board, before discharging their duties, shall take and subscribe to the constitutional oath of office.

Article IV. Officers

The officers of the Board shall consist of a Chairperson and Vice Chairperson. The Chairperson and Vice Chairperson shall be elected among the appointed membership for the period of one year; annual reelection is permissible. Election of the Chairperson and Vice Chairperson shall be conducted by voice vote. The Chairperson and Vice Chairperson elect shall assume their respective office upon adjournment of the meeting at which they were elected. If the office of the Chairperson or Vice Chairperson is vacated prior to the expiration of the term, the Board will hold an election to fill the vacated office; the newly elected officer will serve for the remainder of the unexpired term and assume the gavel immediately. The duties of the Chairperson shall include presiding at meetings, participation in the construction of meeting agendas and appointing all committees. The Chairperson shall vote on all matters. In the absence of the

Chairperson, the Vice Chairperson shall preside and shall perform such duties as are prescribed for the Chairperson.

Article V. Executive Director

The Board shall appoint, prescribe the term and duties, and establish the salary of the Executive Director. The Executive Director shall serve as administrator to the Board and also as liaison between the Board and the Superintendent of Public Instruction, the Commissioner of Higher Education, the Legislature and the Governor's office.

Article VI. Meetings

According to law, the Board shall meet at least quarterly. Special meetings may be called by the Governor, the chairperson of the Board, the Executive Director, or a request in writing of four regular appointed members. When necessary, the Board may hold meetings for resolution of specific agenda items either by a meeting in person, by conference call or by a combination of both. In the case of a special meeting, the Executive Director shall notify each regular and ex officio member either by e-mail, mail, or by telephone sufficiently in advance of the meeting to allow all Board members to travel to the meeting site from their principal Montana residence.

In case of a conference call, twenty-four hours prior to the meeting shall be deemed adequate notice.

The Board of Public Education and the Board of Regents shall meet at least twice yearly as the State Board of Education per MCA 20-2-101.

Article VII. Quorum

A majority of the appointed members shall constitute a quorum for the transaction of business.

Article VIII. Committees

Standing committees shall be as follows:

1. An Executive Committee: composed of the Chairperson, Vice Chairperson and the Executive Director;
2. An Accreditation Committee;
3. A Licensure Committee;
4. A School for the Deaf and Blind Committee;

5. A Legislative Committee.
6. An Assessment Committee.
7. An Education and Local Government Committee.

Special committees may be appointed by the Chairperson of the Board as the Board shall deem necessary to carry out the responsibilities of the Board.

Duties of the committees shall be to review, report on, and make recommendations concerning any item referred to them and to alert the Board Chairperson and Executive Director on any matters which should be placed on the agenda for Board discussion action. The Chairperson and the Executive Director shall serve as ex officio, non-voting members of all committees.

The Board shall establish a School for the Deaf and Blind Committee. The committee is responsible for the general supervision and control over the school, subject to the powers of the Board set forth by this by-law. The committee shall meet on a regular basis, not less than six times annually. Meetings may be in person at the school, or via conference call. The Chairperson of the committee shall report on the activities of the committee to the full Board of Public Education at each regular Board meeting. The Board retains the power to overrule or amend any decision of the committee by majority vote of the Board at a duly convened Board meeting. Any member of the Board may by motion bring before the Board any matter on which the committee has acted.

Members of the MSDB Foundation Board are appointed by the MSDB Foundation Board of Directors.

Article IX. Sessions

All committee meetings, telephone conference calls, and regular sessions of the Board shall be open to the public. The Chairperson may close the meeting to the public if he or she determines:

- a. That the demand of individual privacy clearly exceeds the merits of public disclosure, or
- b. That an open meeting would have a detrimental effect on the bargaining or the litigating position of the Board.

This action will be taken by a decision of the Chairperson or a vote of the Board. The Chairperson shall read for the minutes the reason for the closing, or the minutes will show that the person in question requested a closed session. A record will be made of business conducted during a closed session and will be kept in a sealed file subject to opening only by a court order.

Telephone, video conference action, or a combination of the two, providing a quorum is participating in the call, shall be legitimate for transaction of business necessary in between meetings. The minutes of all telephone conference meetings shall be approved at the next regular meeting of the Board.

Article X. Order of Business

The regular order of business shall be as follows:

1. Call to Order
2. Pledge of Allegiance
3. Roll Call
4. Statement of Public Participation
5. Welcome Visitors
6. Items Pulled from Consent Agenda
7. Consent Agenda Adoption
8. Agenda Adoption
9. Agenda
10. Date and Place of Next Meeting
11. Adjournment

Article XI. Communications

All official communications should come to the attention of the Board through the Executive Director of the Board.

Article XII. Parliamentary Procedure

The current edition of ***Robert's Rules of Order*** shall prevail on questions of parliamentary procedure.

Article XIII. Amendments

These bylaws may be added to or amended by a majority vote at any meeting of the Board of Public Education provided that a quorum is present and provided that the proposed amendment is sent in writing to members of the Board of Public Education at least seven days in advance.