



MONTANA
COMMUNITY
CHOICE SCHOOLS

Commission Member Handbook

2025

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Legislative Findings and Intent
Full Law: [Community Choice Schools Act](#)

20-11-102. Community choice schools -- legislative findings and intent. (1) The legislature finds, pursuant to the authority and duties provided in Article X, section 1(3), of the Montana constitution, that:

- (a) parents desire education options for their children;
- (b) expanding educational opportunities for K-12 education within the state is a valid public purpose; and
- (c) creating options that empower parents, encourage students to develop their full educational potential, provide a variety of professional opportunities for teachers, and encourage educational entrepreneurship is vital to the economic competitiveness of the state.

(2) It is the legislature's intent, pursuant to the authority and duties provided in Article X, section 1(3), of the Montana constitution, to create other public educational programs and institutions through choice schools. The purposes are to:

- (a) enable parents to make decisions on how best to educate their children;
- (b) provide other public educational opportunities for all students, especially those at risk of academic failure or academic disengagement;
- (c) encourage the use of different models of teaching, governing, scheduling, and providing instruction to meet a wide variety of student and community needs; and
- (d) advance Montana's commitment to the preservation of American Indian cultural identity, pursuant to Article X, section 1(2), of the Montana constitution, and to eliminate the American Indian achievement gap by encouraging participation in the choice school program by students, parents, and school districts in Indian country.



Vision, Purpose and Values

The vision of the Commission is to develop the full educational potential of each student by fostering a diverse and dynamic public education landscape.

The Commission has two primary purposes:

1. To authorize, oversee, and hold accountable public community choice schools for fulfilling the terms of their contracts.
2. To approve, oversee, and evaluate the effectiveness of public community choice school authorizers.

Commission Values (TBD Fall 2025)



COMMUNITY CHOICE SCHOOLS COMMISSION ORGANIZATIONAL STRUCTURE



BOARD OF PUBLIC EDUCATION

General Supervision and Allocation for Administrative Purposes

2-15-121(2) The department to which an agency is allocated for administrative purposes only in this title shall:

- (a) direct and supervise the budgeting, recordkeeping, reporting, and related administrative and clerical functions of the agency;
- (b) include the agency's budgetary requests in the departmental budget;
- (c) collect all revenues for the agency and deposit them in the proper fund or account. Except as provided in 37-1-101, the department may not use or divert the revenues from the fund or account for purposes other than provided by law.
- (d) provide staff for the agency. Unless otherwise indicated in this chapter, the agency may not hire its own personnel. Per **20-11-106 (9)** The commission may hire staff.
- (e) print and disseminate for the agency any required notices, rules, or orders adopted, amended, or repealed by the agency.

20-11-106. Community choice school commission -- appointments.

(1) There is an autonomous state community choice school commission with statewide authorizing jurisdiction and authority. The commission is attached to the Board of Public Education for administrative purposes, as prescribed in **2-15-121(2)**, except as provided in this section, and is under the general supervision of the Board of Public Education as set forth in this section.

BPE EXECUTIVE DIRECTOR McCall Flynn

COMMUNITY CHOICE SCHOOLS COMMISSION

20-11-106. Community choice school commission -- appointments. (2) The commission is responsible for approving authorizers for choice schools throughout the state. (3) The commission consists of seven members who are appointed as follows: (a) two members appointed by the governor; (b) one member appointed by the superintendent of public instruction; (c) one member appointed by the president of the senate; (d) one member appointed by the speaker of the house; (e) one member appointed by the minority leader of the senate; and (f) one member appointed by the minority leader of the house of representatives. (4) Members appointed to the commission must collectively possess substantial experience and expertise in board governance, business, finance, education, management, and philanthropy. All members of the commission must have a demonstrated understanding of and commitment to choice schools as a strategy for strengthening public education.

COMMISSIONERS	Trish Schreiber (Chair)	Taylor Ramos	Jon Rutt (Treasurer)	Chip Lindenlaub	Dr. Katey Franklin	Mark Hufstetler	Katy Wright (Vice Chair)
APPOINTING OFFICIALS	Governor	Governor	Superintendent of Public Instruction	Senate President	Senate Minority Leader	Speaker of the House	House Minority Leader

DIRECTOR OF PLANNING Cathy Kincheloe

OFFICE OF PUBLIC INSTRUCTION

Funding of Choice Schools

20-11-124(2)(a) By March 1, prior to a choice school's first year of operation, the authorizer shall provide an estimate of a choice school's enrollment broken down by resident school districts to the Superintendent of Public Instruction for review and possible adjustment.

20-11-124(2)(b) Not later than February 1, the authorizer of the choice school shall determine the choice school's need for a basic entitlement, communicate to the Superintendent of Public Instruction the percentage to be included in the located school district's general fund budget for the ensuing school fiscal year.



**MONTANA
COMMUNITY
CHOICE SCHOOLS**

Commission Members

8/31/27	Trish Schreiber (Chairperson) Trish.Commish@gmail.com	2047 Last Chance Gulch #175 Helena, MT 59601	C 406-422-9693 H 406-793-5638
8/31/26	Katy Wright (Vice Chair) Wright.SchoolCommission@gmail.com	510 State Street Helena, MT 59601	C 406-475-2931 W 406-324-1539
8/31/26	Jon Rutt (Treasurer) Jrutts1@gmail.com	1231 1st Avenue Laurel, MT 59044	C 406-861-7169 H 406-628-7507
8/31/28	Mark Hufstetler mark@northernplastics.com	432 E Idaho St C-210 Kalispell, MT 59901	C 406-694-1800
8/31/26	Katey Franklin Katey.franklin@gmail.com	P.O. Box 971 Bozeman, MT 59771	C 406-570-6056
8/31/28	Chip Lindenlaub montanafish@icloud.com	P.O. Box 154 Conner, MT 59827	C 406-370-2108
8/31/27	Taylor Ramos taylorramosmt@gmail.com	10400 US Highway 10 E Missoula MT 59802	C 701-440-0526

Commission Staff

Director of Planning	Cathy Kincheloe cathy.kincheloe@mt.gov	159 Glades Crescent Whitefish, MT 59937	C 406-407-0727
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Commission Committees and Members

(Committee purpose and membership shall be revisited annually at the Commission's December meeting)

Commission Bylaws Article VII. Committees

An Executive Committee composed of the Chairperson, Vice Chairperson and Treasurer. The duties of the Executive Committee shall include facilitation of decision making between board meetings or in urgent and crisis circumstances. The Executive Committee shall also act as the communication link to any employees or vendors and shall perform performance evaluations of any hired staff.

Executive Committee Members

- Trish Schreiber, Chair
- Katy Wright, Vice Chair
- Jon Rutt, Treasurer

Commission Bylaws Article VII. Committees

The Choice Commission may create special committees as deemed necessary to carry out the responsibilities of its work. The Choice Commission shall prescribe the duties, duration, and scope of work of any special committees. Members of the special committees shall be appointed by the Chairperson.

Fundraising Sub-Committee Members

- Trish Schreiber
- Jon Rutt

Policymaking Sub-Committee Members

- Trish Schreiber
- Jon Rutt

Special Education Consideration Sub-Committee Members

- Trish Schreiber
- Katey Franklin



2025 Commission Meeting Dates and Locations

January 14, 2025 Special Meeting Zoom

March 4, 2025 Zoom

June 17, 2025 Helena, MT

September 9, 2025 Zoom

October 10 - 11, 2025 Fall Advance (retreat) Helena, MT

December 9, 2025 Helena, MT



Montana Community Choice Schools Commission

Application Review and Approval Process Policy for Initial Community Choice Schools Applications

(Irrelevant to the renewal process of existing charter contracts.)

February

1. The Montana Community Choice School Application will be issued and posted by February 15th of each year on the Board of Public Education's website under the Community Choice Schools tab. The application will be broadly publicized statewide.

May

2. Applications can be submitted to the Montana Community Choice School Commission (Commission) on (XX/XX/XX--date) during the first week of May at 5:00 p.m. The precise due date will be announced yearly by February 15th. All Applications will be submitted electronically.
3. The Commission will notify each applicant by email upon receipt of the Application.
4. Each Community Choice School Application will be published on the Board of Public Education's website under the Community Choice Schools tab, allowing the public to read through each Application before the Commission takes action.
5. Each Application must pass a sufficiency review conducted by the Commission's Application Subcommittee. Any insufficient Applications will be identified within 3 business days of receipt, and the applicants will have the opportunity to remedy the insufficient status within 3 business days.
6. The Commission will thoroughly evaluate each complete Application and schedule an interview, in-person or by webinar, with each applicant team including but not limited to: Governing Board, Charter Management Organization, Education Service Provider, proposed school leader or legal counsel. These interviews will also be open to the public and provide local residents, along with all members of the public, the opportunity to provide input on each complete Application before Applications are considered for approval or denial by the Commission.
7. The Commission will evaluate each complete Application and interview based on the Community Choice Schools Application Evaluation Criteria, a policy that will guide the Commission's decision to approve or deny a choice school Application.

July

8. Within 45 business days of the Application deadline, the Commission will send a condensed packet of a review of each Application to the Montana Board of Public Education's Charter Committee for presentation at the Board's regularly scheduled July meeting. The Board Charter Committee will have 15 calendar days to review the information, share it with the full Board, and provide the Commission with input e.g., questions or concerns to inform the Commission's final communications with the applicants before the Commission convenes for action. These 45 business days may be extended and adjusted with the Board of Public Education if the Commission receives more than three Applications.



Montana Community Choice Schools Commission

Application Review and Approval Process Policy for Initial Community Choice Schools Applications

(Irrelevant to the renewal process of existing charter contracts.)

July (cont)

9. The Commission will convene within 60 business days of the Application deadline. This timeframe may extend to 120 business days if more than 3 Applications have been received. Each Application will be deliberated individually in an open meeting. The Board's Charter Committee members, the Chair of the Board, or the Board's Executive Director may join the Commission in formal deliberations about each Application.

September

10. Approved Applications will advance to the contracting stage. Contracts will be signed within 45 business days of approval, provided the applicant agrees to the terms of the Commission's proposed contract.
11. Denied Applications will be provided with a written explanation as to why their application was denied, and applicants may re-apply in the next Application Cycle or any future Application Cycles.

This Application Cycle is for Community Choice Schools opening not before (XX—date).

**STATE OF MONTANA
COMMUNITY CHOICE SCHOOLS COMMISSION**

BYLAWS

Article I. Name

The legal name of the Commission is the Community Choice Schools Commission (“Choice Commission”).

Article II. Objective

The objective of the Commission is to carry out its statutory responsibilities under the Community Choice Schools Act, 20-11-101 et seq., MCA, including performing the functions of a community choice school authorizer and authorizing other authorizers (20-11-105 and 106, MCA) and overseeing the performance and effectiveness of all other authorizers established in the state (20-11-107, MCA). The overall goal of the Choice Commission is to foster other public educational institutions open to all K-12 students, especially to those students at risk of academic failure or academic disengagement and to advance Montana’s commitment to the preservation of American Indian cultural identity. The Choice Commission is an autonomous entity and operates under the general supervision of the Board of Public Education in accordance with 20-11-104, MCA.

Article III. Membership

- A. The Choice Commission consists of seven members. Per 20-11-104, MCA two members are appointed by the Governor, one member by the State Superintendent of Public Instruction, one member by the Senate President, one member by the Senate Minority Leader, one member by the Speaker of the House, and one member by the House Minority Leader. Members of the Choice Commission must collectively possess substantial experience and expertise in board governance, business, finance, education, management, and philanthropy. All members of the Choice Commission must have a demonstrated understanding of and commitment to Choice Schools as a strategy for strengthening public education.
- B. The Choice Commission members will serve staggered three-year terms to ensure the orderly succession of officers and members. To initiate staggering, the terms of initial members are as prescribed at 20-11-104, MCA.
- C. When a vacancy occurs, the appointing authority of the vacant seat shall appoint a new member for the remainder of the term of the incumbent.
- D. If any appointing authority fails to make an appointment within 60 days of the expiration of a term or the occurrence of a vacancy, the remaining appointing authorities may make the appointment (20-11-104, MCA). Members appointed to the Choice Commission, before discharging their duties, shall take and subscribe to the constitutional oath of office.
- E. A member of the Choice Commission may be removed by a majority vote of the Commission for any cause that renders the member unable or unfit to discharge the duties of the office, as

prescribed at 10-11-104(7), MCA.

- F. The Choice Commission shall establish a conflict-of-interest policy. If a member of the Choice Commission has a conflict of interest regarding a matter that comes before the Commission, the member shall recuse himself or herself from the Commission's deliberations and voting on the matter.

Article IV. Officers

- A. The officers of the Choice Commission shall consist of a Chairperson, Vice Chairperson and Treasurer. The officers must be members of the Choice Commission.
- B. The initial presiding officer, the Chairperson, shall be designated by the governor for a two year period (20-11-104(5)). The other officers shall be elected to serve a term of one year. Officers may serve up to three consecutive terms. After the Chairperson's initial two-year term, subsequent Chairpersons shall be elected for a term of one year. Elections of the officers shall be conducted by voice vote or roll call. The Chairperson, Vice Chairperson and Treasurer elect shall assume their respective offices upon adjournment of the meeting at which they were elected.
- C. If an office is vacated prior to the expiration of the term, the Choice Commission will hold an election to fill the vacated office. The newly elected officer will serve for the remainder of the unexpired term.
- D. The duties of the Chairperson shall include presiding at meetings, participation in the construction of meeting agendas and appointing all committees. The Chairperson may vote on all matters and may make motions. In the absence of the Chairperson, the Vice Chairperson shall preside and shall perform such duties as are prescribed for the Chairperson.
- E. The duties of the Vice Chairperson shall include substituting for the Chairperson as needed and carrying out additional leadership duties related to the functioning, responsibilities, and effectiveness of the Commission.
- F. The duties of the Treasurer shall include acting as the general liaison for the Choice Commission in working with other agencies and support staff on matters regarding budget planning, financial reporting, record-keeping, and managing incoming and outgoing funds.

Article V. Meetings

- A. The Choice Commission shall meet at least quarterly. Special meetings may be called by the Governor, the Chairperson of the Board of Public Education, the Chairperson of the Choice Commission, or by a written request to the Chairperson submitted by four members. The purpose of a special meeting must be described in any call or request for a meeting.
- B. At the discretion of the Chairperson, meetings may be conducted in-person or electronically, including by telephone or by using an internet meeting service.
- C. The Chairperson shall notify each member either by email, by mail or by telephone sufficiently in

advance of any regular or special meetings of the Choice Commission to allow all members to arrange for travel or for electronic means of attendance. The purpose of any special meeting shall be provided with notice of the meeting.

D. Meetings of the Commission shall be open to the public in accordance with Montana law. The Chairperson may close the meeting to the public in accordance with Montana law if he or she determines:

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

The Chairperson shall briefly state the reason for the closing.

Article VI. Quorum; Voting

A majority of the members of the Choice Commission shall constitute a quorum for the transaction of business. A vote of a majority of members present and casting a vote is required to approve any action of the Choice Commission.

Article VII. Committees

A. Standing Committees shall be as follows:

1. An Executive Committee composed of the Chairperson, Vice Chairperson and Treasurer. The duties of the Executive Committee shall include facilitation of decision making between board meetings or in urgent and crisis circumstances. The Executive Committee shall also act as the communication link to any employees or vendors and shall perform performance evaluations of any hired staff.

B. The Choice Commission may create special committees as deemed necessary to carry out the responsibilities of its work. The Choice Commission shall prescribe the duties, duration, and scope of work of any special committees. Members of the special committees shall be appointed by the Chairperson.

C. Committee meetings may be scheduled and held as necessary to execute committee assignments.

D. Committees may not take action on behalf of the Choice Commission. Committees shall review, report on, and make recommendations concerning any item referred to them and alert the Chairperson on any matters which should be placed on the agenda for Choice Commission discussion or action.

E. Upon request of the Board of Public Education, the Chairperson of the Commission may appoint a designated member of the Board to contribute on special committees of the Choice Commission.

Article VIII. 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. Public Comment
11. Date and Place of Next Meeting
12. Adjournment

Article IX. Communications

All official communications should come to the attention of the Commission through the Chairperson. The Chairperson shall serve as the official spokesperson for the Choice Commission.

Article X. Parliamentary Procedure

The Commission will use Robert's Rules of Order as a guide on questions of parliamentary procedure to the extent those Rules are not inconsistent with these bylaws.

Article XI. Amendments

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

Article XII. Professional Development

The Choice Commission may offer professional development opportunities for Commission members, subject to funding. Members may attend at least one professional development conference each year when funding is available. All requests must be submitted to the Chairperson and Treasurer at least one month prior to the conference on a form developed by the Choice Commission. All requests shall be considered by and subject to approval of the Executive Committee based upon criteria developed by the Executive Committee and approved by the Choice Commission.

Article XIII. Member Compensation and Expense Reimbursement

A. Members shall not receive compensation for serving on the Choice Commission.

- B. Subject to funding, members shall be entitled to reimbursement of travel expenses as provided for in 2-18-501 through 2-18-503, MCA. Members shall submit requests for travel expenses to the Treasurer on a form developed and approved by the Choice Commission. If funding is available and the Treasurer determines that the travel expense reimbursement is adequately documented and allowable under 2-18-501 through 2-18-503, MCA, the Treasurer shall authorize reimbursement.
- C. Subject to funding, members may receive reimbursement for other expenses incurred by them in performance of their duties and responsibilities as a member of the Choice Commission under criteria and procedures developed and approved by the Choice Commission.



Conflict of Interest

The Community Choice Schools Commission acts in accordance with the Montana Code Annotated Title 2 chapter 2: Standards of Conduct in whole and specifically as it pertains to the work of the Commission as outlined in the sections below.

2-2-101. Statement of Purpose. The purpose of this part is to set forth a code of ethics prohibiting conflict between public duty and private interest as required by the constitution of Montana. This code recognizes distinctions between judges, legislators, judicial officers, other officers and employees of state government, and officers and employees of local government and prescribes some standards of conduct common to all categories and some standards of conduct adapted to each category. The provisions of this part recognize that some actions are conflicts per se between public duty and private interest while other actions may or may not pose such conflicts depending upon the surrounding circumstances.

2-2-102. Definitions. As used in this part, the following definitions apply to the Community Choice Schools Commission:

(8) "Public employee" means:

(c) a member of a quasi-judicial board or commission or of a board, commission, or committee with rulemaking authority;

2-15-102(10) "Quasi-judicial function" means an adjudicatory function exercised by an agency, involving the exercise of judgment and discretion in making determinations in controversies. The term includes but is not limited to the functions of:

(a) interpreting, applying, and enforcing existing rules and laws;

2-2-103. Public trust -- Public Duty.

(1) The holding of public office or employment is a public trust, created by the confidence that the electorate reposes in the integrity of public officers, legislators, and public employees. A public officer, legislator, or public employee shall carry out the individual's duties for the benefit of the people of the state.

(2) A public officer, legislator, or public employee whose conduct departs from the person's public duty is liable to the people of the state and is subject to the penalties provided in this part for abuse of the public's trust.

(3) This part sets forth various rules of conduct, the transgression of any of which is a violation of public duty, and various ethical principles, the transgression of any of which must be avoided.

2-2-104. Rules of conduct for public officers, legislators, and public employees.

(1) Proof of commission of any act enumerated in this section is proof that the actor has breached the actor's public duty. A public officer, legislator, or public employee may not:

(a) disclose or use confidential information acquired in the course of official duties in order to further substantially the individual's personal economic interests; or

(b) accept a gift of substantial value or a substantial economic benefit tantamount to a gift:

(i) that would tend improperly to influence a reasonable person in the person's position to depart from the faithful and impartial discharge of the person's public duties; or

(ii) that the person knows or that a reasonable person in that position should know under the circumstances is primarily for the purpose of rewarding the person for official action taken.



Conflict of Interest

2-2-105. Ethical Requirements for Public Officers and Public Employees.

(1) The requirements in this section are intended as rules of conduct, and violations constitute a breach of the public trust and public duty of office or employment in state or local government.

(2) Except as provided in subsection (4), a public officer or public employee may not acquire an interest in any business or undertaking that the officer or employee has reason to believe may be directly and substantially affected to its economic benefit by official action to be taken by the officer's or employee's agency.

(3) A public officer or public employee may not, within 12 months following the voluntary termination of office or employment, obtain employment in which the officer or employee will take direct advantage, unavailable to others, of matters with which the officer or employee was directly involved during a term of office or during employment. These matters are rules, other than rules of general application, that the officer or employee actively helped to formulate and applications, claims, or contested cases in the consideration of which the officer or employee was an active participant.

(4) When a public employee who is a member of a quasi-judicial board or commission or of a board, commission, or committee with rulemaking authority is required to take official action on a matter as to which the public employee has a conflict created by a personal or private interest that would directly give rise to an appearance of impropriety as to the public employee's influence, benefit, or detriment in regard to the matter, the public employee shall disclose the interest creating the conflict prior to participating in the official action.

(5) A public officer or public employee may not 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.

Ethical Requirements Adopted by the Community Choice Schools Commission

(1) A Member may not hold a paid position with a Choice School or any entity in which the Choice School holds a contract for services.

(2) A Member voluntarily leaving the Commission may not obtain employment that would not be available to others with a Choice School or Authorizer in which the member was involved in approving a contract within 12 months of leaving the Commission. This also applies to any entities in which the member has approved a contract for services directly with the Commission.

(3) A Member who is an employee or governing board member of a Choice School or Authorizer, has a relative who serves as an employee or governing board member at a Choice School or Authorizer, including a child enrolled in or seeking enrollment in a Choice School, has a direct financial interest in a company that may profit from a Choice School or Authorizer, the Member shall disclose the interest prior to participating in a vote to approve or deny a charter or authorizer contract. This also applies to any entities seeking to contract directly with the Commission.

(4) A Member who is an employee or governing board member of a Choice School or Authorizer, has a relative who serves as an employee or governing board member at a Choice School or Authorizer, including a child enrolled in or seeking enrollment in a Choice School, has a direct financial interest in a company that may profit from a Choice School or Authorizer, the Member shall recuse themselves from voting on any contract approvals and renewals including Choice Schools, Authorizers, or contracts for service directly with the Commission.



Conflict of Interest

Procedures Adopted by the Community Choice Schools Commission

(1) Duty to Disclose

(a) In connection with any actual or possible conflict of interest, an interested Member must disclose the existence of the interest in a public Commission meeting and be given the opportunity to disclose all material facts to the Commission considering the proposed transaction or arrangement.

(b) At this time the Member may voluntarily recuse him or herself from any discussion and/or subsequent Commission vote regarding the subject of the potential conflict of interest.

(c) If there is need of further determination whether a conflict exists, after disclosure of the interest and all material facts, and after any discussion with the interested Member, he/she shall leave the Commission meeting while the determination of a conflict of interest is discussed and voted upon. The remaining Commission Members shall decide if a conflict of interest exists.

(2) Violations of the Conflicts of Interest Policy

(a) If the Commission has reasonable cause to believe a Member has failed to disclose actual or possible conflicts of interest, it shall inform the Member of the basis for such belief and afford the Member an opportunity to explain the alleged failure to disclose.

(3) Enforcement

(a) If, after hearing the Member's response and after making further investigation as warranted by the circumstances, the Commission determines by majority vote the Member has failed to disclose an actual or possible conflict of interest, it shall take appropriate disciplinary and corrective action as pursuant to **2-2-136. Enforcement for judicial officers, state officers, legislators, and state employees -- referral of complaint involving county attorney.**

Annual Statement

Each Commission Member shall receive a copy of this policy on an annual basis and affirm in a public meeting of the Commission for public record that such Member:

- 1) Has received a copy of the conflicts of interest policy,
- 2) Has read and understands the policy, and
- 3) Has agreed to comply with the policy.

Montana Open Meeting Laws

Part One – Notice and Opportunity to Be Heard

Montana Code Annotated 2023

2-3-101. Legislative intent. The legislature finds and declares pursuant to the mandate of Article II, section 8, of the 1972 Montana constitution that legislative guidelines should be established to secure to the people of Montana their constitutional right to be afforded reasonable opportunity to participate in the operation of governmental agencies prior to the final decision of the agency.

History: En. 82-4226 by Sec. 1, Ch. 491, L. 1975; R.C.M. 1947, 82-4226.

2-3-102. Definitions. As used in this part, the following definitions apply:

(1) "Agency" means any board, bureau, commission, department, authority, or officer of the state or local government authorized by law to make rules, determine contested cases, or enter into contracts except:

- (a) the legislature and any branch, committee, or officer thereof;
- (b) the judicial branches and any committee or officer thereof;
- (c) the governor, except that an agency is not exempt because the governor has been designated as a member thereof; or
- (d) the state military establishment and agencies concerned with civil defense and recovery from hostile attack.

(2) "Agency action" means the whole or a part of the adoption of an agency rule, the issuance of a license or order, the award of a contract, or the equivalent or denial thereof.

(3) "Rule" means any agency regulation, standard, or statement of general applicability that implements, interprets, or prescribes law or policy or describes the organization, procedures, or practice requirements of any agency. The term includes the amendment or repeal of a prior rule but does not include:

- (a) statements concerning only the internal management of an agency and not affecting private rights or procedures available to the public; or
- (b) declaratory rulings as to the applicability of any statutory provision or of any rule.

History: En. 82-4227 by Sec. 2, Ch. 491, L. 1975; amd. Sec. 23, Ch. 285, L. 1977; amd. Sec. 1, Ch. 452, L. 1977; R.C.M. 1947, 82-4227(part); amd. Sec. 1, Ch. 243, L. 1979.

2-3-103. Public participation -- governor to ensure guidelines adopted -- procedures for publishing notice. (1) (a) Each agency shall develop procedures for permitting and encouraging the public to participate in agency decisions that are of significant interest to the public. The procedures must ensure adequate notice and assist public participation before a final agency action is taken that is of significant interest to the public.

(b) The agency shall publish an agenda for a meeting, as defined in **2-3-202**, as follows: (i) if a newspaper of general circulation in the county where the agency is located publishes electronic notices and links to meeting agendas free of charge to the agency on the newspaper's website, the agency shall provide the notice and agenda to the newspaper to post on the newspaper's website; (ii) if the agency does not have an option to post notices and links to meeting agendas free of charge, the agency shall provide adequate notice of a meeting by doing at least one of the following: (A) posting a link to the meeting agenda on the agency's primary website; or

(B) posting the agenda on the social media site of the agency.

(c) The agenda must include an item allowing public comment on any public matter that is not on the agenda of the meeting and that is within the jurisdiction of the agency conducting the meeting.

However,
the agency may not take action on any matter discussed unless specific notice of that matter is included on an agenda and public comment has been allowed on that matter.

(d) Public comment received at a meeting must be incorporated into the official minutes of the meeting, as provided in **2-3-212**.

(e) For purposes of this section, "public matter" does not include contested case and other adjudicative proceedings.

(2) The governor shall ensure that each board, bureau, commission, department, authority, agency, or officer of the executive branch of the state adopts coordinated rules for its programs. The guidelines must provide policies and procedures to facilitate public participation in those programs, consistent with subsection (1). These guidelines must be adopted as rules and published in a manner so that the rules may be provided to a member of the public upon request.

History: En. 82-4228 by Sec. 3, Ch. 491, L. 1975; amd. Sec. 24, Ch. 285, L. 1977; amd. Sec. 2, Ch. 452, L. 1977; R.C.M. 1947, 82-4228(1), (5); amd. Sec. 1, Ch. 425, L. 2003; amd. Sec. 1, Ch. 396, L. 2023.

2-3-104. Requirements for compliance with notice provisions. An agency shall be considered to have complied with the notice provisions of **2-3-103** if:

(1) an environmental impact statement is prepared and distributed as required by the Montana Environmental Policy Act, Title 75, chapter 1;

(2) a proceeding is held as required by the Montana Administrative Procedure Act; (3) a public hearing, after appropriate notice is given, is held pursuant to any other provision of state law or a local ordinance or resolution; or

(4) a newspaper of general circulation within the area to be affected by a decision of significant interest to the public has carried a news story or advertisement concerning the decision sufficiently prior to a final decision to permit public comment on the matter.

History: En. 82-4228 by Sec. 3, Ch. 491, L. 1975; amd. Sec. 24, Ch. 285, L. 1977; amd. Sec. 2, Ch. 452, L. 1977; R.C.M. 1947, 82-4228(2).

2-3-105. Supplemental notice by radio or television. (1) An official of the state or any of its political subdivisions who is required by law to publish a notice required by law may supplement the publication by a radio or television broadcast of a summary of the notice or by both when in the official's judgment the public interest will be served.

(2) The summary of the notice must be read without a reference to any person by name who is then a candidate for political office.

(3) The announcements may be made only by duly employed personnel of the station from which the broadcast emanates.

(4) Announcements by political subdivisions may be made only by stations situated within the county of origin of the legal notice unless a broadcast station does not exist in that county, in which case announcements may be made by a station or stations situated in any county other than the county of origin of the legal notice.

History: En. Sec. 1, Ch. 149, L. 1963; R.C.M. 1947, 19-201; amd. Sec. 38, Ch. 61, L. 2007.

2-3-106. Period for which copy retained. Each radio or television station broadcasting any summary of a legal notice shall for a period of 6 months subsequent to such broadcast retain at its office a copy or transcription of the text of the summary as actually broadcast, which shall be available for public inspection.

History: En. Sec. 2, Ch. 149, L. 1963; R.C.M. 1947, 19-202.

2-3-107. Proof of publication by broadcast. Proof of publication of a summary of any notice by radio or television broadcast shall be by affidavit of the manager, an assistant manager, or a

program director of the radio or television station broadcasting the same.

History: En. Sec. 3, Ch. 149, L. 1963; R.C.M. 1947, 19-203.

2-3-111. Opportunity to submit views -- public hearings. (1) Procedures for assisting public participation must include a method of affording interested persons reasonable opportunity to submit data, views, or arguments, orally or in written form, prior to making a final decision that is of significant interest to the public.

(2) When a state agency other than the board of regents proposes to take an action that directly impacts a specific community or area and a public hearing is held, the hearing must be held in an accessible facility in the impacted community or area or in the nearest community or area with an accessible facility.

History: En. 82-4228 by Sec. 3, Ch. 491, L. 1975; amd. Sec. 24, Ch. 285, L. 1977; amd. Sec. 2, Ch. 452, L. 1977; R.C.M. 1947, 82-4228(3); amd. Sec. 1, Ch. 487, L. 1997.

2-3-112. Exceptions. The provisions of 2-3-103 and 2-3-111 do not apply to: (1) an agency decision that must be made to deal with an emergency situation affecting the public health, welfare, or safety;

(2) an agency decision that must be made to maintain or protect the interests of the agency, including but not limited to the filing of a lawsuit in a court of law or becoming a party to an administrative proceeding; or

(3) a decision involving no more than a ministerial act.

History: En. 82-4228 by Sec. 3, Ch. 491, L. 1975; amd. Sec. 24, Ch. 285, L. 1977; amd. Sec. 2, Ch. 452, L. 1977; R.C.M. 1947, 82-4228(4).

2-3-113. Declaratory rulings to be published. The declaratory rulings of any board, bureau, commission, department, authority, agency, or officer of the state which is not subject to the Montana Administrative Procedure Act shall be published and be subject to judicial review as provided under 2-4-623(6) and 2-4-501, respectively.

History: En. 82-4227 by Sec. 2, Ch. 491, L. 1975; amd. Sec. 23, Ch. 285, L. 1977; amd. Sec. 1, Ch. 452, L. 1977; R.C.M. 1947, 82-4227(part); amd. Sec. 3, Ch. 184, L. 1979.

2-3-114. Enforcement -- attorney fees. (1) The district courts of the state have jurisdiction to set aside an agency decision under this part upon petition of any person whose rights have been prejudiced. A petition pursuant to this section must be filed within 30 days of the date on which the person learns, or reasonably should have learned, of the agency's decision.

(2) A person alleging a deprivation of rights who prevails in an action brought in district court to enforce the person's rights under Article II, section 8, of the Montana constitution may be awarded costs and reasonable attorney fees.

History: En. 82-4229 by Sec. 4, Ch. 491, L. 1975; amd. Sec. 25, Ch. 285, L. 1977; R.C.M. 1947, 82-4229; amd. Sec. 1, Ch. 211, L. 2007; amd. Sec. 1, Ch. 266, L. 2015.

Part Two – Open Meetings

Montana Code Annotated 2023

2-3-201. Legislative intent -- liberal construction. The legislature finds and declares that public boards, commissions, councils, and other public agencies in this state exist to aid in the conduct of the peoples' business. It is the intent of this part that actions and deliberations of all public agencies shall be conducted openly. The people of the state do not wish to abdicate their

sovereignty to the agencies which serve them. Toward these ends, the provisions of the part shall be liberally construed.

History: En. Sec. 1, Ch. 159, L. 1963; R.C.M. 1947, 82-3401.

2-3-202. Meeting defined. As used in this part, "meeting" means the convening of a quorum of the constituent membership of a public agency or association described in **2-3-203**, whether corporal or by means of electronic equipment, to hear, discuss, or act upon a matter over which the agency has supervision, control, jurisdiction, or advisory power.

History: En. 82-3404 by Sec. 2, Ch. 567, L. 1977; R.C.M. 1947, 82-3404; amd. Sec. 2, Ch. 183, L. 1987

2-3-203. Meetings of public agencies and certain associations of public agencies to be open to public -- exceptions. (1) All meetings of public or governmental bodies, boards, bureaus, commissions, agencies of the state, or any political subdivision of the state or organizations or agencies supported in whole or in part by public funds or expending public funds, including the supreme court, must be open to the public.

(2) All meetings of associations that are composed of public or governmental bodies referred to in subsection (1) and that regulate the rights, duties, or privileges of any individual must be open to the public.

(3) The presiding officer of any meeting may close the meeting during the time the discussion relates to a matter of individual privacy and then if and only if the presiding officer determines that the demands of individual privacy clearly exceed the merits of public disclosure. The right of individual privacy may be waived by the individual about whom the discussion pertains and, in that event, the meeting must be open.

(4) (a) Except as provided in subsection (4)(b), a meeting may be closed 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 public agency.

(b) A meeting may not be closed to discuss strategy to be followed in litigation in which the only parties are public bodies or associations described in subsections (1) and (2). (5) The supreme court may close a meeting that involves judicial deliberations in an adversarial proceeding.

(6) Any committee or subcommittee appointed by a public body or an association described in subsection (2) for the purpose of conducting business that is within the jurisdiction of that agency is subject to the requirements of this section.

History: En. Sec. 2, Ch. 159, L. 1963; amd. Sec. 1, Ch. 474, L. 1975; amd. Sec. 1, Ch. 567, L. 1977; R.C.M. 1947, 82-3402; amd. Sec. 1, Ch. 380, L. 1979; amd. Sec. 1, Ch. 183, L. 1987; amd. Sec. 1, Ch. 123, L. 1993; amd. Sec. 1, Ch. 218, L. 2005.

2-3-211. Recording. A person may not be excluded from any open meeting under this part and may not be prohibited from photographing, televising, transmitting images or audio by electronic or digital means, or recording open meetings. The presiding officer may ensure that these activities do not interfere with the conduct of the meeting.

History: En. 82-3405 by Sec. 4, Ch. 567, L. 1977; R.C.M. 1947, 82-3405; amd. Sec. 1, Ch. 138, L. 2017.

2-3-212. Minutes of meetings -- public inspection. (1) Appropriate minutes of all meetings required by **2-3-203** 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 official record of the meeting. If an official recording is made, a written record of the meeting must also be made and must include the information specified in subsection (2).

- (2) Minutes must include without limitation:
 - (a) the date, time, and place of the meeting;
 - (b) a list of the individual members of the public body, agency, or organization who were in attendance;
 - (c) the substance of all matters proposed, discussed, or decided; and
 - (d) at the request of any member, a record of votes by individual members for any votes taken.
- (3) 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.
- (4) Any time a presiding officer closes a public meeting pursuant to **2-3-203**, the presiding officer shall ensure that minutes taken in compliance with subsection (2) are kept of the closed portion of the meeting. The minutes from the closed portion of the meeting may not be made available for inspection except pursuant to a court order.

History: En. Sec. 3, Ch. 159, L. 1963; amd. Sec. 3, Ch. 567, L. 1977; R.C.M. 1947, 82-3403; amd. Sec. 1, Ch. 65, L. 2011; amd. Sec. 29, Ch. 348, L. 2015.

2-3-213. Voidability. Any decision made in violation of **2-3-203** may be declared void by a district court having jurisdiction. A suit to void a decision must be commenced within 30 days of the date on which the plaintiff or petitioner learns, or reasonably should have learned, of the agency's decision. **History: En. 82-3406 by Sec. 5, Ch. 567, L. 1977; R.C.M. 1947, 82-3406; amd. Sec. 2, Ch. 211, L. 2007.**

2-3-214. Recording of meetings for certain boards. (1) Except as provided in **2-3-203** and subsection (6) of this section, the following boards shall record their public meetings in an audio and video format: (a) the board of investments provided for in **2-15-1808**;

- (b) the public employees' retirement board provided for in **2-15-1009**;
- (c) the teachers' retirement board provided for in **2-15-1010**;
- (d) the board of public education provided for in Article X, section 9, of the Montana constitution; (e) the board of regents of higher education provided for in Article X, section 9, of the Montana constitution;
- (f) except as provided in subsection (7)(a), the governing board of a county provided for in Title 7, chapter 1, part 21;
- (g) except as provided in subsection (7)(b), the governing board of a first-class and second-class city provided for in Title 7, chapter 1, part 41;
- (h) a first-class or second-class school district board of trustees provided for in Article X, section 8, of the Montana constitution, **20-6-201**, and **20-6-301**; and
- (i) a local board of health provided for in Title 50, chapter 2, part 1.

(2) (a) The boards listed in subsections (1)(a) through (1)(e) shall make the audio and video recordings of meetings under subsection (1) publicly available within 1 business day after the meeting through broadcast on the state government broadcasting service as provided in **5-11-1111** or through publication of streaming audio and video content on the respective board's website.

(b) The boards listed in subsections (1)(f) through (1)(i) shall make the audio and video recordings publicly available within 5 business days after the meeting with a link to the recording on the respective board's website. If the board does not maintain a website, it shall maintain a social media page and provide a link to the recording on the social media page.

(c) The department of administration may develop a memorandum of understanding with the legislative services division for broadcasting executive branch content on the state government broadcasting service or live-streaming audio or video executive branch content over the internet.

(3) For the boards listed in subsections (1)(f) through (1)(i) that maintain minutes as required by

2-3-212, the audio and video recordings created pursuant to this section are not required to be the official record of the meeting. If a recording is not designated as the official record, the recording may be destroyed after being retained online for 1 year and is not subject to the requirements of Title 2, chapter 6, for public information requests.

(4) A board is not required to disrupt or reschedule a meeting if there is a technological failure of the meeting recording. If the recording is not able to be made available online, the board shall prominently post a notice in the same manner as a notice of a public meeting and shall post a notice at all locations where the meeting recording links are available. The notice must explain the reason the meeting was not recorded and describe the steps taken to remedy the failure prior to the next meeting.

(5) The requirements of this section apply only when a board is acting on a matter over which the board has supervision, control, jurisdiction, or advisory power at a public meeting as defined in **2-3-202** that has been publicly noticed as required by **2-3-103**.

(6) The requirements of this section do not apply to a board listed in subsection (1)(f) when a quorum is incidentally established as described in **7-5-2122**(4) and (5) solely on the basis of sharing a common office space.

(7) The following boards must meet the requirements of this section, except that meetings may be recorded, retained, and made available in audio format only:

- (a) the governing board of a county with a population of less than 4,500; and
- (b) the governing board of a third-class city.

(8) Expenditures by a school district on staff, consultants, equipment, software licenses, storage, or security made to fulfill the requirements of this section qualify as a school facility project under **20-9-525**. **History: En. Sec. 1, Ch. 133, L. 2015; amd. Sec. 1, Ch. 741, L. 2023.**

2-3-221. Costs to prevailing party in certain actions to enforce constitutional right to know. A person alleging a deprivation of rights who prevails in an action brought in district court to enforce the person's rights under Article II, section 9, of the Montana constitution may be awarded costs and reasonable attorney fees.

History: En. 93-8632 by Sec. 1, Ch. 493, L. 1975; R.C.M. 1947, 93-8632; amd. Sec. 39, Ch. 61, L. 2007; amd. Sec. 30, Ch. 348, L. 2015.

Part Three – Use of Electronic Mail Systems

Montana Code Annotated 2019

2-3-301. Agency to accept public comment electronically -- dissemination of electronic mail address and documents required -- fees prohibited. (1) An agency that accepts public comment pursuant to a statute, administrative rule, or policy, including an agency adopting rules pursuant to the Montana Administrative Procedure Act or an agency to which **2-3-111** applies, shall provide for the receipt of public comment by the agency by use of an electronic mail system. (2) As part of the agency action required by subsection (1), an agency shall disseminate by appropriate media its electronic mail address to which public comment may be made, including dissemination in:

(a) rulemaking notices published pursuant to the Montana Administrative Procedure Act; (b) the telephone directory of state agencies published by the department of administration; (c) any notice of agency existence, purpose, and operations published on the internet; or (d) any combination of the methods of dissemination provided in subsections (2)(a) through (2)(c).

(3) An agency shall, at the request of another agency or person and subject to **2-6-1003**, disseminate the electronic documents to that agency or person by electronic mail in place of surface mail. Notification of the availability of an electronic notice of proposed rulemaking may be

sent to an interested person as provided in **2-4-302(2)(a)(ii)**. An agency may not charge a fee for providing documents by electronic mail in accordance with this subsection.

(4) An agency that receives electronic mail pursuant to subsection (1) shall retain the electronic mail as either an electronic or a paper copy to the same extent that other comments are retained.

(5) As used in this section, "agency" means a department, division, bureau, office, board, commission, authority, or other agency of the executive branch of state government. **History: En. Sec. 1, Ch. 484, L. 1999; amd. Sec. 1, Ch. 77, L. 2001; amd. Sec. 19, Ch. 313, L. 2001; amd. Sec. 1, Ch. 41, L. 2011; amd. Sec. 31, Ch. 348, L. 2015.**



Request for Non-Travel Related Expenses Community Choice Schools Commission

1) Name of Person Requesting Reimbursement

2) Amount Requested

3) Description of Expenditure

4) Submitted By Signature and Date

5) Authorized By Signature and Date



Request for Professional Development Community Choice Schools Commission

1) Name of Person Requesting Professional Development Reimbursement

2) Amount Requested

Conference Fee:

Travel:

Lodging:

Meals:

Other:

TOTAL:

3) Conference Location & Travel Dates

4) Description of Conference

5) Submitted By Signature and Date

6) Authorized By Signature and Date